

Reporting Notifiable Incidents

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20 November 2024

Today's webinar

Reporting notifiable incidents to the Social Services Regulator

- Why you need to report
 - How to identify and report **notifiable incidents**
 - Identifying **critical** notifiable incidents and completing the 2-step reporting process
 - How we respond
 - Q&A
- ✓ We won't be covering notifications for the Worker Carer Exclusion Scheme
 - ✓ We have **polls** at the beginning and end of today's session

Please complete the quick poll on your screen, this helps us evaluate today's session

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Introduction to reporting notifiable incidents

Jonathan Kaplan

Social Services Regulator

Acknowledgement of Traditional Owners

I would like to begin by acknowledging the Traditional Owners of the lands on which we are meeting today – I am joining you from the lands of the Wurundjeri Woi Wurrung people – and pay my respects to Elders past and present, as well as to all the Aboriginal and Torres Strait Islander people who are joining us today.

The new regulatory framework creates important requirements

The Social Services Regulator is an independent statutory authority

- a new framework for social services regulation in Victoria began on 1 July, established under the Social Services Regulation Act 2021
- under Section 48, notifiable incidents must be reported
- **Notifiable incident reporting requirements** apply to all registered providers, without exception

This new system means Victorian social service providers have:

- ✓ a common set of social service **standards**
- ✓ a single **independent** regulator.

How incident reporting supports our key objectives

- **Promoting and supporting** our role to **monitor** the delivery of safe, effective social services and intervene when there is opportunity to **prevent harm**
- Giving primary consideration to the **protection of service users** when carrying out our functions
- Building confidence and providing assurance in the **safety and quality** of social services



Getting incident reporting right

Reporting notifiable incidents means:

- You are demonstrating how you are addressing and mitigating risk, so we can be confident that effective controls are in place to prevent further harm and reduce risk of harm to service users
 - We can target resources to where they are needed most and provide further guidance to the sector to address key trends and needs.
- ✓ We know providers report incidents to different regulators.
 - ✓ Through practice and working with you over time we expect requirements may evolve

<https://www.vic.gov.au/ssr-reporting-notifiable-incident>

Compliance
requirements

Notifiable incidents:

- what and how to report
- how we respond

Richard Marks

Director Social Services Regulation

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When reporting requirements apply

Once you have registered, you have requirements to report certain incidents that happen **in the delivery** of a registered social service

- As this requirement begins only once you are registered, some providers will not be required to report these until 2025
- You must **meet timeframes** and **complete forms** when reporting notifiable incidents
- There are no exceptions to reporting a notifiable incident



The staged process of registering

Registration timeframes. Your incident reporting requirements begin once you are registered.

Social service	Group	Registration period
Community-based child and family services registered under the Children Youth and Families Act 2005	1	Automatically registered: 1 July 2024
Secure welfare services and community services provided by DFFH and created under section 44 of the Children, Youth and Families Act 2005	1	Automatically registered: 1 July 2024
Supported residential services	1	Automatically registered: 1 July 2024
Disability services registered under the Disability Act 2006	1	Automatically registered: 1 July 2024
Social services provided by DFFH, other than secure welfare services (such as child protection, forensic disability and Family Safety Victoria's activities)	1	1 to 31 July 2024
Family violence services funded by DFFH	2	1 August to 30 September 2024
Homelessness services funded by DFFH	2	1 October to 31 December 2024
Sexual assault support services funded by DFFH	2	1 January to 31 March 2025
Disability services funded by Transport Accident Commission or Victorian Workcover Authority (WorkSafe)	3	1 April to 30 June 2025

Reporting to the Social Services Regulator

Changes to certain operational and organisational matters

- ✓ Section 47 of the Social Services Regulation Act
- ✓ Guidance and forms being finalised

TODAY - Notifiable incidents

- ✓ Section 48 of the Social Services Regulation Act
- ✓ Notifiable incidents
- ✓ A small sub-set are **critical** notifiable incidents

Key concepts

‘During service delivery’ covers:

- when a service user **receives** a service or attends a provider’s **premises** (eg offices, residential services, respite facilities or day services)
- when using **off-site/outreach** services
- incidents at the location of service delivery (or surrounding area of that location)
- for service users under the care of 24-hour services: *any* incident that happens during service delivery

Notifiable incidents are either:

- ✓ **Serious harm:** a serious incident that has resulted in serious harm or serious injury to a service user
- ✓ **Serious risk:** a serious incident that’s reasonably likely to cause serious harm to a service user

Reporting requirements

- Identifying thresholds for **notifiable incidents**
- Reporting notifiable incidents within three days

Definitions of key thresholds – notifiable incidents

Severe harm and injury: which is likely to cause ongoing trauma

Pattern of incidents causing harm: cumulative effect that causes serious harm or risk of serious harm

Emotional / psychological abuse: actions or behaviours that reject, isolate, intimidate

Financial abuse: misuse of a service user's assets, property, possessions, finances

Self-harm / attempted suicide: intentionally cause harm or injury to self

Sexual exploitation: abuse of a person under 18 or a person with a cognitive disability

Poor quality of care or neglect: Inappropriate or inadequate care that significantly impacts health, wellbeing and development of service users

Go to: <https://www.vic.gov.au/ssr-terms-and-definitions>

Some questions we've heard

- I'm not sure if the incident meets one of the definitions. Should I report it anyway?
- Should I report incidents that happened a few months ago, as I didn't know at the time I needed to report these?
- Why do I need to provide all this information to you, if I am already reporting to other regulators?

If you think an incident has met one of the definitions, fill out a full incident report. If you are not sure, you can email incidents@ssr.vic.gov.au

We take a graduated approach to reviewing incidents as service providers build familiarity with incident reporting requirements

If an incident after 1 July has met a definition for a notifiable incident, registered providers should complete a full incident report for it, even if you were not previously aware of this requirement

The Regulator will not hesitate to act to protect social service users from harm, abuse or neglect.

We review all details in the incident reports, and use this important information you provide to also identify sector trends and needs and target our response to prevent significant harm or risk of harm

How do I report a notifiable incident?

You need to complete a full incident report:

Using CIMS

- The Client Incident Management System (CIMS) is an e-system for incident reporting
- Service providers funded by DFFH use CIMS:
<https://providers.dffh.vic.gov.au/cims>
- When reporting through CIMS, the full incident report is sent to both DFFH and the Regulator, so you're only reporting once

- If you don't use CIMS, you can access an incident report form via our website:

**[Social Services Regulator
incident report form](#)**

- ✓ it's not possible to report notifiable incidents through VHIMS
- ✓ The full incident report must be submitted within three business days, without exception

Completing the incident report correctly saves you time

- Include **details about how you responded** to the incident (not just 'case managed')
 - Give examples about how you are **addressing the risk** going forwards
 - Familiarise yourself with the thresholds in the definitions, even if you are familiar with using CIMS
- ✓ We will ask you for more information if there are gaps in the incident report
 - ✓ We analyse how you are responding to the incident in determining our response
 - ✓ We use the data to identify trends, which inform part of our monitoring program

Guidance available at: <https://www.vic.gov.au/ssr-reporting-notifiable-incident>

Compliance
requirements

Extra step in your reporting requirements

- Reporting critical notifiable incidents by COB next business day



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Identifying critical notifiable incidents and taking action

There is an extra reporting step for some incidents:

- Due to the *critical* nature of harm or risk of harm
- These must be reported by **close of business the next business day**
- Use **a short form on our website** to report these critical notifiable incidents



Reporting notifiable incidents (under section 48)

1. Identify incident:

does it meet criteria to be a **critical** notifiable incident?

2. If yes:

- complete a short form on our website by COB the next business day*
- Then complete a full incident report within three business days

* If the critical notifiable incident occurred on the weekend, you must report it by COB Monday

3. If *no*: check if the incident has met criteria to be a **notifiable incident**

4. ALL notifiable incidents must be reported in three business days. Use CIMS or a form on our website

Downloadable guide available at: <https://www.vic.gov.au/ssr-reporting-notifiable-incident>

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What is a critical notifiable incident?

Unexpected death - of a service user during service delivery where the death is unexpected.

Escape from a secure facility: applied to service users in secure or custodial care, or to disability services where service users are under compulsory treatment / judicial orders

Medication error - where incident results in a service user requiring medical treatment in hospital

Physical abuse - incident results in the service user requiring medical treatment at a hospital

Sexual abuse - where incident required police involvement, and the service user required medical treatment at a hospital

Fire, flood or another emergency event, that results in:

- a service user requiring medical treatment at a hospital; and/or
- the relocation of service users

These must be reported by COB the next business day

Some questions we've heard

We have mandatory requirements to report all allegations of sexual assault to police – does this meet the definition of an incident having ‘police involvement’?

We hear regularly about things like sexual assault or about staff assault of a service user. Do we need to report these to the Regulator every time?

Our work is based in a hospital. Does this meet the definition of a service user receiving medical treatment in a hospital?

Checklist

- ✓ If a sexual assault (that happened during service delivery) required **police involvement and medical treatment at hospital**, it is a critical notifiable incident
- ✓ If medical treatment is received at hospital *and* the incident occurred during service delivery, it meets a definition threshold for some critical notifiable incidents, such as:
 - ✓ medication error,
 - ✓ physical abuse or sexual abuse, or
 - ✓ response to a fire, flood or other emergency event

Download FAQs on Notifying the Regulator:
<https://www.vic.gov.au/ssr-reporting-notifiable-incident>

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Frequently asked questions

Reporting a notifiable incident

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Your obligations to report notifiable incidents

Service providers registered with the Social Services Regulator are responsible for reporting notifiable incidents that occur during the delivery of a registered social service.

The requirement to report starts once a provider is registered. This means some providers will not be required to report until later in 2024 or into 2025.

This fact sheet should be read in conjunction with information about obligations to report notifiable incidents, available at <https://www.vic.gov.au/ssr-reporting-notifiable-incident>

What has changed about reporting a notifiable incident?

Since 1 July 2024, the definitions of *critical* notifiable incident have been updated. Absent service user is no longer a critical notifiable incident. Staff on service user assault or sexual assault is only a critical notifiable incident if the service user required medical treatment.

A snapshot of the updated definitions is outlined in Table 1:

Table 1

Type of critical incident	Description
Unexpected death	Death of a service user during service delivery where the death is unexpected
Escape from a secure facility	Applies only to service users in Secure Care, Custodial care and Disability services (where the relevant service user is subject to compulsory treatment or judicial orders).
Medication error	The incident results in the service user requiring medical treatment at a hospital.

1. How to complete the short form on a critical notifiable incident

You need to provide sufficient details covering:

- **Type** of critical notifiable incident
- Brief **description**
- Name of service user/s most impacted
- Your initial **response** – make sure to include details of how you've managed the incident so far



Critical notifiable incident form

Introduction

This form is for all registered social service providers to flag a critical notifiable incident to the Social Services Regulator. A critical notifiable incident report is required in the following circumstances:

- Unexpected death
- Escape from a secure facility
- Medication error where the incident results in the service user requiring medical treatment at a hospital
- Physical abuse where the incident results in the service user requiring medical treatment at a hospital.
- Sexual abuse where the incident required police involvement and the service user required medical treatment at a hospital.
- Fire, flood or other emergency event that results in a service user requiring treatment at a hospital and/or the relocation of service users.

Access the form at: <https://www.vic.gov.au/ssr-reporting-notifiable-incident>

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2. Why do I also need to complete a full incident report?

All notifiable incidents are reported this way

- The full incident report provides further detail to **inform our response**
- These important details support our core object to ensure the safety of service users in Victoria
- In most cases the Regulator will **wait to review the full incident report** before following up with a service provider

Snapshot: Step 2

- ✓ Complete a **full incident report** within 3 business days
- ✓ This step can be completed via CIMS or by completing a form on our website
- ✓ This report also provides important information that helps us identify sector trends and needs

What if I've not yet established that it's a critical notifiable incident?

Even if you are still investigating the incident, you need to report it by COB the next business day if it has met one of the definitions

- The short form is designed for you to provide a **concise summary** of what you know about the incident, and the actions you've taken
- Definitions are as focused as possible, rather than creating broad urgent reporting requirements
- These definitions were refined in September, in response to service provider feedback



<https://www.vic.gov.au/ssr-terms-and-definitions>

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Why do I have to report by the next business day?

- Ensuring that social service users are safe and building confidence in the sector is a core objective of the Regulator
- Incident reporting helps us to verify that appropriate actions have been taken to respond to incidents and minimise the possibility of serious harm occurring
- We understand that within this initial urgent reporting period, service providers may not yet have confirmed all the details about an incident

Table 3: The Regulator's approach to reviewing information submitted by short form or report

Information submitted		The Regulator's approach
1.	The full incident report has been completed correctly	The Regulator will review and <u>make a decision</u> for follow-up based on the information provided in the incident report. The Regulator will make decisions using an intelligence-led approach proportionate to risk that <u>minimises regulatory burden</u> .
2.	There is insufficient information in the full incident report about a notifiable incident	The Regulator may: <ul style="list-style-type: none">• contact the service provider to urgently provide the necessary information• give the service provider more guidance on appropriate reporting.
3.	The full incident report has been submitted after three business days	From 1 December 2024 the Regulator will likely contact the service provider and initiate a follow-up.
4.	The information in the <i>critical</i> notifiable incident short form meets requirements	In most cases, the Regulator will first review the full incident report before initiating a follow-up. This means that in most cases, the Regulator will follow up after three business days.

<https://www.vic.gov.au/ssr-reporting-notifiable-incident>



**Regulatory
approach**

How we respond to notifiable incident reporting

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Our approach

We review *all* the information you provide in an incident report and critical notifiable incident form, make sure to provide sufficient details:

- For critical notifiable incidents, we review both the short form and the full incident report
- Until December, we take a graduated approach to enforcing these requirements
- Our graduated approach recognises it may take time, effort for some providers to get things right

We make decisions using:

- ✓ an intelligence-led and integrated approach
- ✓ a proportionate approach to risk
- ✓ objectivity and openness in our processes
- ✓ procedural fairness
- ✓ resources where they have the greatest effect

Our response

In reviewing reports, we:

- Confirm if the report is in scope, and which category it falls into
- May ask you for further information to address any gaps
- Assess the risk of the incident and determine a response
- Use privacy principles in handling data
- Record the incident for intelligence purposes and identifying trends

Our response may include:

- Monitoring your response to addressing risk
- Investigate the incident
- Providing further guidance materials
- Taking action for non-compliance
- Close the report with no further action



Getting in touch with the Social Services Regulator

For more information, start with our website:

<https://www.vic.gov.au/ssr-reporting-notifiable-incident>

<https://www.vic.gov.au/social-services-regulator>

For further questions about notifiable incidents not on our website, you can email:
incidents@ssr.vic.gov.au

For other enquiries, you can email:
enquiries@ssr.vic.gov.au



To subscribe to receive the latest updates, go to: <https://www.vic.gov.au/social-services-regulator>

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Questions

Thank you

<https://www.vic.gov.au/ssr-reporting-notifiable-incident>

Appendix

About the Social Services Regulator

Snapshot of the new Social Services Regulatory scheme

Scheme commencement – 1 July 2024		
A single regulator that is independent from the Department of Families, Fairness and Housing		
Registration	Social Services Standards and Child Safe Standards	Worker and carer exclusion scheme
A comprehensive regulatory toolkit and fit-for purpose incident reporting to effectively support compliance and enforcement		
Information sharing and other provisions to reduce regulatory burden		

Social services covered by the new scheme

Services in scope of the Social Services Regulator

Children, youth and family services, including **child protection**

Disability services (provided or funded by DFFH,
or funded by Transport Accident Commission or WorkSafe)

Supported residential services

Homelessness support services

Family violence support services

Sexual assault support services

Out-of-home care and secure welfare services

<https://www.vic.gov.au/services-scope-new-scheme>

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The focus of our work

- **Education and engagement** across the sector
- Managing **registrations**
- **Regulating** six Social Service Standards and the Child Safe Standards

- Monitoring and responding to **incident notifications**
- Acting to ensure the safety of social service users
- Responding to breaches of legislation

- ✓ Replaces the Human Services Regulator
- ✓ Working with co-regulators
- ✓ Making decisions independently (we are not directed by the Minister)

Our co-regulators include: Commission for Children and Young People, Victorian Disability Worker Commission, NDIS Commission

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What has changed?

Previously:

- many service providers were subject to **overlapping** regulatory schemes
- **fragmented** social services system that **created barriers** to effective risk management by government
- some services were **not formally regulated**, and instead had safety standards embedded in funding contracts

Role of the Regulator, from 1 July:

- ✓ A single, independent regulator monitoring and enforcing compliance with the SSR Act and Regulations
- ✓ **Promoting and supporting** delivery of safe and effective social services
- ✓ Putting **service user safety** at the centre of social service delivery

Foundations of the new regulatory regime

- In-scope social services providers must **register**
- Providers must meet **six Social Services Standards** when providing services they are registered for
- Providers must **notify** the Regulator about certain things – such as notifiable incidents and some appointments



**Definitions
and links**

Your reporting requirements

(Under Section 48)

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Links for reporting a notifiable incident

- By completing a full incident report

- Within three business days

Via CIMS:

<https://providers.dffh.vic.gov.au/cims>


Or our website:

[Social Services Regulator incident report form](#)

Download a guide at: <https://www.vic.gov.au/ssr-reporting-notifiable-incident>

Guide to reporting a notifiable incident

For incidents that happen during service delivery



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Reporting requirements

Reporting serious risk and serious harm

To report an incident, you must first identify if it is a **serious risk** or a **serious harm** notifiable incident.

All serious risk and serious harm notifiable incidents must be reported to the Regulator **within 3 business days**. See Table 1 for descriptions and requirements.

Table 1: Reporting notifiable incidents

Introduction

Service providers registered with the Social Services Regulator during the delivery of a registered social service.

The requirement to report starts once a provider is registered to report until later in 2024 or into 2025.

This information does not cover Worker Carer Exclusion (WCE) notifications can be found at [The Worker and Carer Exclusion](#).

This guide is a downloadable version of [this webpage](#).

Here are some [further information on terms and definitions](#).

What is a notifiable incident?

There are two types of notifiable incidents:

1) **serious risk** – a serious incident that is reasonably likely to cause serious harm or death to a service user.

2) **serious harm** – a serious incident that has resulted in serious harm or death to a service user.

Incidents that must be reported

All notifiable incidents must be reported to the Social Services Regulator in Table 1.

These requirements come from section 48 of the Social Services Act 2017.

Your reporting helps to safeguard social service users.

Type	Description	Reporting timeframe	Reporting requirements
1	Severe harm or injury	3 business days	Clear summary of the incident and actions taken
2	Pattern of incidents causing harm	3 business days	Clear summary of the incident and actions taken
3	Emotional/psychological abuse	3 business days	Clear summary of the incident and actions taken

What does reporting a critical notifiable incident look like?

Two-step process:

1. Report it by COB next business day*

You initially report by completing a **short form** on our website

2. AND you still need to report the incident:

- within **three business days**
- by completing a **full incident report**

* If the critical notifiable incident occurred on the weekend, you must report it by COB Monday



Snapshot: links to your reporting requirements

To report a critical notifiable incident:

1. Report it through a short form

By COB next business day

[Social Services Regulator critical notifiable incident short form](#)

2. Report it by completing a full incident report

Within three business days

Via CIMS (for CIMS users):
<https://providers.dffh.vic.gov.au/cims>

Or via a form on our website:
[Social Services Regulator incident report form](#)

<https://www.vic.gov.au/ssr-reporting-notifiable-incident>

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Summary of recent
activities

Education and engagement



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Communications and engagement activity: February – October 2024

Sector engagement

- Visited service providers and key stakeholders in **the regions**, including Gippsland, Latrobe Valley, Ballarat, Warrnambool, Geelong, Bendigo, Wangaratta, Shepparton, Wodonga and Mildura
- More than **70** meetings with key stakeholders
- Held **seven webinars** for external stakeholders:
 - around 700 attendees
 - more than 50 questions answered
 - topics in focus included ‘meet the Regulator’, information on guidance materials available to support the sector, registration

Snapshot of communications

- ✓ Launched our new website on 1 April :
 - **20,000+** total page views for all pages
 - More than **3,500** fact sheet downloads
- ✓ Distributed **6** e-newsletters (**1,557** subscribers) promoting the new scheme, regulations, guidance and our events
- ✓ Launched SSR **LinkedIn** company page (23 June):

More than **20,000** impressions
658 likes, **79** comments
376 followers
40 organic posts

Guidance and information for the sector

Information about what providers need to do:

- Six Social Services Standards information sheets
- How to **register** – Group 1, Group 2 and new
- Demonstrating **suitability** in registration process
- Worker and Carer Exclusion Scheme
- **Reporting** a notifiable incident (section 48)

Information about our approach:

- ✓ Overview of the new scheme and comparison documents
- ✓ Our principles and approach to regulation

All guidance and information is live at www.ssr.vic.gov.au

Consultation

The Social Services Regulator is supported by a Consultative Committee led by Susan Pascoe AM. The first meeting was held on 13 September.

Member	Organisation
Susan Pascoe AM	Independent Chair Social Services Regulator Consultative Committee
Tania Farha	CEO Safe + Equal
DFFH representative	Allison Will, Executive Director Regulation & Reform, and in their capacity as steward of the regulatory scheme
Kathleen Maltzahn	CEO of Sexual Assault Services Victoria (SASVic)
Sarah Fordyce	Victorian State Manager of National Disability Services
VDAC Member	TBC
Deborah Di Natale	CEO, Council to Homeless Persons
Deb Tsorbaris	CEO, Centre for Excellence in Child and Family Welfare
Colleen Pearce	The Public Advocate, Office of the Public Advocate
Juanita Pope	CEO, Victorian Council of Social Service

Reference Groups

The Social Services Regulator will also have **three reference groups** to gain insight into their experiences and perspectives:

Providers

Lived experience

First nations

Membership of the three reference groups is being determined.

