

# **INCIDENT REPORTS, INVESTIGATION AND NOTIFICATION POLICY AND PROCEDURES**



## **INTRODUCTION**

RECC investigates all incidents or accidents involving the children being cared for in the centre and follows the appropriate procedures for reporting and recording such incidents. RECC also investigates all work safety incidents to identify gaps in the safety systems and apply safety measures or upgrade any existing measures as required. Education, awareness and management of incidents and accidents is a core component of RECC staff induction and on-going training.

The purpose of this policy and procedure document is to ensure that all safety or notifiable incidents are reported and investigated appropriately, with a view to prevention of similar occurrences. This policy will ensure compliance with legal requirements for incident notification required under the *Work Health and Safety Act 2011 (WHS Act)* and the requirements outlined in the *Education and Care Services National Regulations 2011 (National Regulations)* under the *Education and Care Services National Law (ACT) Act 2011*.

## **DEFINITIONS**

### **Incidents (or Accident)**

Is an unplanned event resulting in or having potential for injury, illness or near-miss occurrences in the workplace. A workplace includes any place where RECC activities are carried out, including places of excursions. An Incident as referred to in this policy may involve one or more RECC staff or other people engaged in activities associated with the centre.

### **Serious incident**

Is defined in the National Regulations as the death of a child, an incident involving serious injury or trauma to a child, an incident where the attendance of emergency services at the childcare centre is sought or any circumstance where a child in the care of RECC is missing or unaccounted for, taken from the centre or mistakenly locked out of the centre [Regulation 12].

### **Near-miss**

Is a situation that did not result in an injury or illness, but could have done so, for example, tripping over an obstacle on the floor and not falling over is a near-miss. A near-miss may indicate a hazardous condition or act that needs to be corrected.

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### Notifiable Incident

*WHS Act* defines a Notifiable Incident as:

- (a) the death of a person; or
- (b) a serious injury or illness of a person; or
- (c) a dangerous incident.

The National Regulations define a notifiable incident as any that is considered a serious incident as defined above.

### Serious Injury

The *WHS Act* defines a Serious Injury to include immediate treatment as an in-patient in a hospital, immediate treatment for amputation of any part of his or her body, serious head or eye injury or serious burn, the separation of his/her skin from an underlying tissue, spinal injury, loss of bodily function, serious lacerations or medical treatment within 48 hours of exposure to a substance.

### Dangerous Incident

The *WHS Act* defines a Dangerous Incident as an incident that exposes a worker or any other person (to also cover a child) to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:

- an uncontrolled:
  - escape, spillage or leakage of a substance
  - implosion, explosion or fire
  - .escape of gas or steam
  - escape of a pressurised substance
- electric shock
- the fall or release from a height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations
- the collapse or partial collapse of a structure
- the collapse or failure of an excavation or of any shoring supporting an excavation
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel
- the interruption of the main system of ventilation in an underground excavation or tunnel
- any other event prescribed by a regulation

## **IMMEDIATE NOTIFICATION AND REPORTING REQUIREMENTS - WHS**

After becoming aware that a workplace incident affecting staff or any other person has occurred, RECC (the Centre Director or nominated person in charge) will report Notifiable Incidents to WorkSafe ACT IMMEDIATELY, and by the fastest possible means, either:

- by phone - ring WorkSafe ACT on 02 6207 3000
- by fax or other electronic means - fax WorkSafe ACT on 02 6205 0336;

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- email [worksafe@act.gov.au](mailto:worksafe@act.gov.au) .

WorkSafe ACT requires, in accordance with section 38(4)(b) of the *WHS Act*, that RECC follow up any immediate notification in writing by completing a [Notifiable Incident Report Form](#) and forwarding it to WorkSafe ACT, GPO Box 158, Canberra City, ACT, 2601.

It is the responsibility of the Centre Director to ensure that this is done within 48 hours of the phone call, noting also that the site of the incident must not be disturbed until a WorkSafe inspector either attends the site or agrees to its release.

There are a number of non notifiable incidents that do not require reporting to WorkSafe ACT and these include:

- out-patient treatment provided by the emergency section of a hospital (i.e. not requiring admission as an in-patient) and immediate discharge;
- subsequent corrective surgery such as that required to fix a fractured nose;
- bruising or minor abrasion or laceration to the skin;
- eye exposure to a substance that merely causes irritation;
- burn that merely requires washing the wound and applying a dressing;
- mere fainting; or
- a sprain, strain or fracture.

A **RECC Staff Accident/Incident Report** will be completed for all staff incidents. Internal record of these incidents (both notifiable and non-notifiable) will be kept on file and with all reporting requirements needed for insurance and compensation purposes.

### **IMMEDIATE NOTIFICATION AND REPORTING REQUIREMENTS - CHILD WELLBEING**

RECC will ensure that the Regulatory Authority for the ACT – The Children's Policy and Regulation Unit Education and Training Directorate is notified of any serious incident (as defined above) within 24 hours of a serious incident occurring as required by Regulation 176 of the Education and Care Services National Regulations 2011 under the Education and Care Services Law (ACT) Act 2011. Notification is the responsibility of the Centre Director or nominated person in charge and can be done to the Centre's licensing adviser or via:

- Phone – **6207 1114** or
- Email - [cpru@act.gov.au](mailto:cpru@act.gov.au).

This includes completion of the form 'SI01 Notification of serious incident', available from the ACECQUA website ([www.acecqa.gov.au/notifications](http://www.acecqa.gov.au/notifications)). In the event of a non-serious incident, the form 'NL01 Notification of complaints, non-serious incidents and additional children in an emergency' shall be completed and sent to the CPRU.

In accordance with the National Regulations, RECC will ensure that the parent of a child being cared for who is involved in any incident, injury, trauma or illness will be notified as soon as practicable and no later than 24 hours following the incident.

In addition to the incident requirements mentioned through this policy, if a child attending RECC is involved in a non-serious incident (e.g. biting, blood nose due to fall, bump, fall,

Incident Reports, Investigation and Notification Policy and Procedures etc) a **RECC Child Injury/Accident Report** will be completed, reported and provided to the parents or guardians at the end of the day by the Room Leader. Confirmation of this process is ascertained through a signature by the parent/guardian.

RECC will ensure the details of any incident, injury, trauma or illness affecting a child are recorded and kept in accordance with the Education and Care Services National Law (ACT) Act 2011 and associated National Regulations. Details to be included in the record are name and age of the child, circumstances leading to the incident or illness and the time and date.

In most cases, the incident report will be the primary method of recording all incidents involving children and will be held on file in the office and the parent/guardian may ask to retain a copy.

Where a child attending RECC is seriously injured through work practices, the event will be notified to WorkSafe ACT as per the policy and procedures detailed in this policy.

### **INTERNAL RECC INVESTIGATION AND COMMUNICATION SYSTEM**

Investigation of a workplace incident or near miss may require the RECC Director (or Room Leader depending on the severity) meeting with the injured person and/or any witnesses to assist with the investigation. RECC may also seek staff input into practical ideas to prevent the incident recurring. All incidents are investigated, however the depth of the investigation will vary depending on the cause and outcome of the incident. Minor events (such as resulting in no ill-effects, scratch, cuts or minor bruising) may only require follow-up by the Room Leader or Director with the RECC employee (directly injured or supervisor of the child injured).

Serious incidents will require a formal investigation by the Director into the cause of the incident and proactively improving safety systems. The Director will ensure that appropriate injury management processes are followed through early reporting as well as rehabilitation and return to work strategies (if applicable). These processes will assist the injured person make an early and safe return to RECC.

An investigation may also be undertaken by WorkSafe ACT including the attendance of an inspector at RECC. An inspector should be escorted at all times (in line with the RECC's WHS policy) to ensure the safety and wellbeing of the inspector, employees and children. Further, the escort will be able to provide all requested and relevant information and documentation to the inspector for the purposes of the investigation.

RECC is committed to working with WorkSafe ACT, including during an investigation, to protect the health and safety of all employees, children and visitors in the workplace. Employees are provided access to the internet which they may use to access the WorkSafe ACT website to assist their understanding of workplace safety and incident processes.

The ACT website detailing all communication requirement, processes and procedures required by legislation is <http://www.worksafety.act.gov.au>

Where there has been a death as a result of the injury, refer to the Director and RECC Death on the Premises Policy for further guidance.

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### **RECORD KEEPING**

When notifying WorkSafe ACT of incidents by phone or facsimile, the RECC Director will record the report number advised by WorkCover/WorkSafe ACT. This report number is held on file with other relevant details pertaining to the incident, including the Centre incident report. A copy of any notification submitted to WorkSafe ACT must be kept on file. RECC has a legal obligation to make these records available to WorkSafe ACT inspectors upon formal request.

**Records of serious events must be kept for 5 years after the date notice is given.**

### **RELATED POLICIES:**

Child Protection Policy  
Death on the Premises Policy  
Emergency and Evacuation Policy and Procedures  
Grievances and Complaints Policy  
Safe Environment Policy  
Work Health and Safety Policy

### **SOURCES:**

Education and Care Services National Law (ACT) Act 2011  
Education and Care Services National Regulations 2011  
Work Health and Safety Act 2011  
[www.cecqa.gov.au/notifications](http://www.cecqa.gov.au/notifications)  
[www.worksafety.act.gov.au](http://www.worksafety.act.gov.au)