

Agency Service Coordination Manual

6.2 Incident Reporting

Background

Community Living disABILITY Services (CLDS), along with CLDS-funded service providers, have a responsibility to ensure that participants remain safe and secure and that their well-being is maintained. In keeping with this principle, the department requires any incidents compromising the safety, security or well-being of residents or participants to be documented, reported and followed up on in accordance with CLDS policy. The reporting of incidents is important in maintaining the safety of CLDS participants and residents and for monitoring the quality of care and service delivery. It also ensures appropriate intervention in response to an incident and promotes planning to prevent future occurrences.

Legislative Framework

The Social Services Administration Act, Residential Care Facilities Licensing Regulation 484/88R, requires that all accidents and incidents involving residents be reported.

Section 18(1) of the Regulation states that the operator of a facility shall:

(f) advise the Supervising Agency of any serious change in condition, illness, death, or

unauthorized absence of resident within 24 hours of the occurrence thereof; and

(g) advise the Licensing Authority of, and investigate any accident or incident which jeopardized the health or life of a resident to ascertain the circumstances of the accident or incident and institute appropriate measures to prevent similar occurrences in the future.

Section 20.2 of the Vulnerable Persons Living with a Mental Disability Act (the "VPA") states that:

"a service provider, substitute decision maker or committee has a duty to take all reasonable steps to protect the vulnerable person in respect of whom he or she is a service provider, substitute decision maker or committee from abuse or neglect".

Section 21(1) of the VPA states that:

"a person who believes on reasonable grounds that a vulnerable person is, or is likely to be abused or neglected, shall immediately report the belief and the information on which it is based to the executive director".

Section 160 of the VPA states that:

"[...] any person engaged in the administration of this Act shall maintain confidentiality with respect to all information about a vulnerable person which comes to his or her knowledge in the performance of duties or the exercise of powers under this Act, and shall not disclose such information except:

- a) with the consent of the person to whom the information relates, or, if that person is incapable of providing consent, with the consent of a person authorized to consent on his or her behalf;
- b) in accordance with this Act;
- c) where disclosure is required by another Act;
- d) by order of a court;
- e) where disclosure is necessary to the performance of duties or exercise of powers under this Act; or
- f) where in the opinion of the person requested to disclose information, disclosure is in the best interests of the vulnerable person.

This section describes the procedures for reporting incidents when they occur, as well as the roles and responsibilities of both agency and CLDS staff throughout the Service Coordination Pilot Project.

Note: this procedure applies not only to the agencies providing case management, but to partner agencies providing other support services (e.g., Day Services) to pilot project participants. In addition to department staff as described in section 6.2a, Summary of Incident Reporting Requirements Table, partner agencies will be required to submit all incident reports to the agency designate as the key contact responsible for case management of the individual. The agency designate requires a full picture of a participant's life in order to ensure their well-being, safety and security, including situations that occur under the care and supervision of a partner agency.

Process

All CLDS pilot agencies and partner agencies are required to implement the incident reporting process outlined below in order to ensure appropriate and consistent incident reporting and responses across the pilot project. As the procedure describes below, the Service and Support Navigator (SSN) will not receive every incident report, as is the current practice with Community Service Workers (CSWs). The SSN will continue to only receive incident reports that pose a greater risk to the health and safety of participants. As the agency designate is responsible for case management for an individual, they will receive, review and plan for the individual based on the incident reports that are received.

Reporting Incidents

- The staff person, operator, or contractor who observed the incident takes necessary actions or interventions to ensure the immediate safety of the CLDS participant and/or resident.

- The staff person who observed the incident will report the incident to the agency designate and house manager (where applicable) as soon as is possible but no later than 24 hours following the incident.
 - Agencies must have internal policies detailing the threshold for which incidents should be escalated to managers and/or directors within the organization.
- The agency designate will report the incident verbally or by email within 24 hours or on the next working day to the appropriate department staff (see 6.2a Summary of Incident Reporting Requirements Table).
- The agency staff, operator or contractor who observed the incident will complete the relevant sections of the Residential Incident Report Form or the Day Services Incident Report Form and submits the Incident Report (IR) form to the agency designate within 24 hours of the incident or on the next working day.
 - ***Contractors providing transportation services and not affiliated with a CLDS service provider may submit the IR form directly to the Regional Transportation Coordinator only.
- The agency designate will review the IR form for detail and accuracy, and complete the designated service provider section.
- The agency designate will submit a copy of the completed IR to appropriate department staff (see 6.2a Summary of Incident Reporting Requirements Table) by Secure Email Transfer Service (SETS), facsimile or in a manner approved by the department no later than five days after the incident occurred.
 - Please refer to the Information Sharing procedure in this manual which outlines how emails using SETS should be sent and labelled.
- The agency designate will retain a copy of the IR form in a secure location, based on internal agency policy and the Documentation of Individual Files section of this manual.
- Note: there are some events or incidents that may occur that do not meet the criteria for incident reporting as detailed in the Summary of Incident Reporting Requirements Table. Many of these situations can be addressed within the agency without the submission of an incident report. Other situations may require discussion with appropriate department staff, but still may not require the submission of an incident report. Where agency staff are unsure whether an incident meets the criteria for reporting, they may consult with the SSN, or they may err on the side of caution and submit an incident report.

Upon Receipt of Incident Report

Upon receiving a completed IR form, the agency designate, SSN, RCL Case Manager and Regional Transportation Coordinator will review the IR form thoroughly and determine a course of action, as described below.

I. Agency Designate

- Assesses the information in the IR form to determine if there is potential allegation of abuse or neglect.
 - This may include requesting and obtaining additional information to clarify or validate the authenticity of the report.
- Refers allegations that are likely mistreatment, an act or omission that has caused harm or is likely to cause harm to a vulnerable person, to the Protection Team in Winnipeg or the appropriate RNS Program Manager, by sending an email via SETS to the appropriate mailbox and copying the SSN Mailbox. Please refer to the Protection from Abuse and Neglect procedure of this manual for additional information.
- In situations where safety concerns have been identified, the agency designate is responsible to proceed with safety planning intended to ensure the vulnerable person's safety and well being. The agency designate records all actions and follow up recommendations in a case note on the individual's file.
- Communicates with appropriate department staff (see 6.2a Summary of Incident Reporting Requirements Table) as needed to confirm the submission of the IR, content of the report or any other relevant information relating to the incident. Consults with the SSN as needed when collaboration on problem solving is required.
- Documents the incident, follow-up, planning, and direction provided regarding the incident and maintains documentation on the individual's file.
- Reviews IRs from a quality assurance perspective, considering trends and potential opportunities for further learning and/or training.

II. Service and Support Navigator (SSN)

- Assesses the information in the IR form to determine if there is a potential allegation of abuse or neglect that has not been acted on.
 - Communicates with the agency designate to determine whether potential allegations have been reported and/or further follow-up is required.
- Ensures the actions and follow-up taken to address the incident were appropriate and sufficient.
 - Communicates and collaborates with the agency designate in situations where further action is required.
- Creates a case note regarding incident, follow-up, planning, and direction provided regarding incident in inFACT on the individuals file. Maintains an electronic copy of the IR in the participant folder of the W drive.
- Reviews IRs from a quality assurance perspective, considering trends and potential opportunities for agency capacity building.

- For incidents related to individuals assisted by the PGT, the SSN will assess whether the information is critical for the CSW to be aware of. In those situations, the SSN will forward the IR to the CSW for their information.

IV. RCL Case Managers

- All incidents that occur in a residential care facility or complaints with respect to licensing standards will be reviewed and where appropriate referred to the program or administrative authority.
- RCL Case Managers will:
 - Follow the procedures for investigation outlined in Appendix C, Part L of the RCL Manual – Investigation Policy. Confirm with the service provider or operator that any incidents (or suspected incidents) of abuse or neglect under the VPA are reported to the Protection Team or RNS Program Manager.
 - RCL Case Manager retains a paper copy and/or an electronic copy of the IR form in a secure location as identified by the department.

V. Regional Transportation Coordinator

- In many cases, the regional transportation coordinator will receive incident reports directly from the transportation operator. In these situations, the transportation coordinator will forward to the agency designate for review.
 - In the event there is a potential abuse or neglect that has not been acted on, the agency designate will forward the incident report to the Protection Mailbox and copy the SSN mailbox.
- Reviews incidents and follows up with service provider/contractor to ensure implementation of a plan to ensure participant safety and well-being and to minimize likelihood of reoccurrence of incident.
- The Regional Transportation Coordinator retains a paper copy and/or an electronic copy of the IR form in a secure location as identified by the department.

Monitoring of Incidents

- The agency designate is responsible for monitoring and reviewing the frequency and type of incidents, in order to determine whether a pattern of incidents is occurring. Patterns may be identified related to an individual, a home, a particular program or agency wide. Incidents should also be reviewed to ensure incident reports are being escalated to appropriate department staff.
- There are some incidents that are not reported to the SSN, as detailed in the Summary of Incident Reporting Requirements Table. In the event more than

three incidents of a similar nature, that have not been previously reported to the SSN, occur within a month, the agency designate will inform the SSN. This is to ensure the SSN is aware of any patterns or trends, and can follow-up accordingly.

- The agency designate will include copies of the incident reports and a description of mitigation strategies that have been and/or will be implemented to reduce the number of incidents.

Standards

All service providers shall:

- Develop an internal incident reporting policy and procedures that align with this procedure and department policy.
- Provide adequate training to staff regarding all incident reporting policies, procedures and standards.
 - Training will be provided to each new staff person when they commence employment with the service provider, and annually thereafter.
- Respond to any incidents that may occur to protect the safety, security and well-being of the CLDS participants and to prevent reoccurrence of the incident.
- Document any incident that occurs within scope of this policy and maintain on the individual's file.
- Complete the IR form in its entirety within the timeline set out in this procedure.
- Report incidents to the SSN, RCL Case Manager and/or Regional Transportation Coordinator as outlined in the Summary of Incident Reporting Requirements Table.
- In the event more than three incidents of a similar nature, that have not been previously reported to the SSN, occur within a month, the agency designate will inform the SSN. This is to ensure the SSN is aware of any patterns or trends, and can follow-up accordingly.
- Store the IR form and all information pertaining to the IR in a secure location to protect the confidentiality of the information contained within it in accordance with The Freedom of Information and the Protection of Privacy Act (FIPPA) and The Personal Health Information Act (PHIA).
- For the purposes of this procedure, a secure location for service providers is in a locked filing cabinet for paper copies and/or a password protected file on a computer.