

## **Serious Incident and Notifiable Event Policy**

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### **1. INTRODUCTION**

The Award in Aotearoa is bound under two primary areas of responsibility:

- National legislation in Aotearoa
- Requirements under the License agreement granted by the International Award Foundation

If a notifiable event takes place associated with the Award, there is a statutory obligation to provide a prompt, full and frank disclosure to the relevant authorities and regulators. These agencies and their respective authority In Aotearoa are listed in the APPENDICES in this Policy.

The Duke of Edinburgh's International Award Foundation (the Foundation) requires all licensed Operators of The Duke of Edinburgh's International Award (the Award) to report, as soon as possible, any serious incident, complaint and possible claim to the Foundation that may provoke significant adverse publicity or financial liability for the Operator or Foundation. Licensed Operators are required to keep the Foundation informed about the progress on any of these matters.

Whilst a Policy is required and necessary all must be taken in account to sit alongside the Accident Compensation Act 2001 In Aotearoa accidents and incidents of any nature are treated on a 'no blame' basis under the Act.

### **2. WHAT IS A NOTIFIABLE EVENT?**

A notifiable event is defined, by WorkSafe New Zealand, as any of the following events that arise from work:

- A death
- A notifiable illness or injury or
- A notifiable incident

The notifiable incident, illness, injury or death must arise out of the conduct of the business of undertaking. It could be due to the condition of the work site, the way the work activity is organised or the way the equipment or substances are used. All injuries or illnesses that require (or would usually require) a person to be admitted to hospital for immediate treatment are notifiable.

### **3. WHAT IS A SERIOUS INCIDENT?**

A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- Harm to the Award's beneficiaries, staff, volunteers, or others who come into contact with a licensed Operator of the Award
- Loss of the Foundation's or a licensed Operator's money or assets
- Damage to the Foundation's property
- Harm to the Foundation, licensed Operator and/or the Award's work or reputation
- Systems failure and technology failure leading to significant business impact

## 4. PRINCIPLES

### 4.1 Notifiable Events

- This policy covers Notifiable Events (as defined by WorkSafe New Zealand) that occur whilst undertaking Award activities and does not cover serious incidents such as Child Protection incidents that are covered under other Award policies such as the Child Protection Policy.
- All Award Units and Accredited Award Providers are required to have, as part of their license condition, a Safety Management System in place. Accredited Award Providers undertaking the Adventurous Journey component of the Award are also required to provide evidence of an appropriate Third-Party audit of their Safety Management Systems. All licenced organisations re-sign the Award's Terms and Conditions annually.
- All Award Units, Accredited Award Providers and other Award operators must notify the National Office of a Notifiable Event that occurs whilst undertaking an Award activity as part of their licence condition. This should occur as soon as possible after the event has occurred, and the relevant authorities and/or regulators have been notified.
- All Notifiable Events will be treated with respect and in the strictest confidence by the Award in accordance with the Privacy Policy.
- Any communications, media interest or other outwardly facing communications related to a Notifiable Event by the Award will be handled solely by the National Director.
- The Award will require a copy of both the WorkSafe New Zealand report on the incident as well the Award Unit or Accredited Award Provider's internal report into the incident to be lodged with it.

### 4.2 Serious Incidents

- The NAO Licensee under the terms of the License must report actual or alleged Serious Incidents.
- This is to be as soon as reasonably possible after it happens, or immediately after becoming aware of the incident.
- The incidents the Foundation outline as 'serious' are those that relate to the NAO operation in Aotearoa:

	<b>Incident</b>	<b>Risk probability</b>
1.	Incidents that have resulted in or risk significant harm to beneficiaries and other people who come into contact with the Operator through its work	Low
2.	Financial crimes – fraud, theft, cyber-crime and money laundering	Low
3.	Financial activity using the Foundation's funds	Low
4.	Significant financial loss	Medium
5.	Major Systems failure or data breach	Low
6.	Significant incidents or breaches involving partners that materially affect the NAO	Low

## 5. NOTIFIABLE EVENTS and SERIOUS INCIDENT PROCEDURES

### 5.1 Receipt and Recording of a Notifiable Event

The Notifiable Event will be lodged with the National Director immediately, logged and recorded on the central Notifiable Events Register. The National Director will send written acknowledgment to the notifier within three working days of receipt.

## **5.2 Notifiable Event Process**

The National Director will discuss all elements of the incident with the appropriate contacts at the Award Unit, Accredited Award Provider and other relevant individuals. If at any stage it appears likely that legal action may arise, the National Director shall advise the Chair and seek an opinion from the Award's legal advisors.

## **5.3 Investigation of a Notifiable Event**

As the Award runs a devolved model, it is the responsibility of the organisation or organisations (PCBUs) involved in the incident to notify WorkSafe New Zealand and/or any other relevant authorities and to investigate the incident. The Award requires copies of both the WorkSafe New Zealand report as well as the internal investigation undertaken by the licensed Award Unit or Accredited Award Provider to be lodged with it.

The Award may seek professional or legal advice around continuing to work with the Award Unit or Accredited Award Provider.

## **5.4 Reporting on a Serious Incident to the Foundation**

It is the responsibility of the National Director to inform the Foundation, once the relevant authorities have been informed, of the incident as soon as reasonably possible upon being informed of the Notifiable Event or serious Incident.

After the investigation, a report addressing all elements of the incident will be prepared by the Award. This report may be shared with the Award Foundation as appropriate.

## **4.5 Reporting when criminal activity occurs**

If a reportable incident involves actual or alleged criminal activity, then a licensed Operator must report it to the relevant agencies these may be:

- Safeguarding incidents; report to the Police
- Fraud and cyber-crime; report allegations or incidents of fraud and cybercrime to the relevant Government agency
- Theft; report allegations or incidents of theft to the policy

## **6. MONITORING OF INCIDENTS**

If the Notifiable Event report from WorkSafe New Zealand indicates that with the appropriate measures put in place similar future incidents could be avoided or mitigated, then the Award will monitor this accordingly and no further measures taken.

If the investigation from WorkSafe New Zealand indicates that there was significant failings on the part of the Award Unit and/or Accredited Award Provider then the Award will seek appropriate advice when deciding whether or not to continue to license the Award Unit and/or Accredited Award Provider.

### **6.1 Accessibility of the Policy**

As part of the sub-license process and the annual re-signing of the Terms and Conditions Award Units, Leaders and Approved Activity Providers are notified of the policy and process.

## **7. COMPLAINTS PROCEDURE**

The Foundation has as part of the licensing agreement complaints procedures as part of their Serious Incident Policy.

- It is expected in the event of a complaint about how Award activities, services, or conduct of Award staff or volunteers are managed within the NAO, in the first instance the complainant, Award Centre or NAO should seek to resolve the issue.
- In the event it is not resolved, the Foundation will designate a staff person to review and assess the issue with a view to reaching resolution.
- This will initially be responded to within five working days, and resolution sought within one-month.
- The outcome will be advised in writing

## **8. FURTHER INFORMATION**

### **8.1 Associated Policies**

- Safeguarding
- Privacy including data protection
- Health and Safety Manual
- Ara Taiohi Code of Ethics
- Delegation of Authority
- HR Manual

### **8.2 Relevant Local legislation and agencies and respective delegations**

- [Accident Compensation Act 2001](#)
- [The Children's Act 2014](#)
- [WorkSafe New Zealand](#)
- [Maritime New Zealand](#)
- [CERT New Zealand](#)
- [New Zealand Police](#)
- [Education Outside the Classroom](#)
- [Oranga Tamariki](#)
- [Clean Slate Scheme](#)

### **8.3 Online Incident Reporting Form**

<https://dofehillary.org.nz/safety-serious-incident-reporting/>