**Health and Disability Services (Safety) Act 2001:**

**Section 31 Reporting Guidelines**

Section 31 of the Health and Disability Services (Safety) Act 2001 requires all certified providers to notify the Director-General of sub sections 1, 2, 3, 4, and 5, as detailed below.

**Sub-sections (1) - (4)**

* All changes in name, address, or telephone number of the person who should be contacted about the service/s.
* Any new fixed location at which the services are being provided.
* Any change in the membership of the governing body, partners or trustees of the service provider.

**Sub-section (5)**

* Any incident or situation that puts at risk (or potentially could put at risk) the health or safety of the people for whom the service is being provided.
* Any investigation commenced by a member of the police into any aspects of the service.
* Any death of a person to whom you have provided services, or occurring in any premises in which services are provided, that is required to be reported to a coroner under the Coroners Act 1988.

**Further reporting considerations**

* Consumers and staff must be empowered to report events without fear of retribution.
* Events that are reported must be investigated with a focus on determining the underlying system failures and not blaming or punishing individuals.
* Providers must ensure a just culture prevails so individuals are not held accountable for system failures.
* Incidents that involve a criminal act or substance abuse by the health practitioner, a deliberate unsafe act, or deliberate consumer harm will be managed in a separate process and may involve the relevant regulatory authorities.

**Common themes and examples for reporting a Section 31 are as follows:**

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| --- | --- | --- | --- |
| **Buildings and Governance** | **The Elements** | **People** | **Viral Outbreaks (Ongoing)\*** |
| Changes in the facility contact name, address, or telephone numbers Changes in the governing body, partners or trustees Any new fixed building New clinical manager | Power outageEarthquake damageFlood damageWind damageFire damageCall bell failureNo services available  | Assault of any kindIntruders, trespassers, or harassmentMissing medicationTheft of any kindA missing resident A sudden or suspicious death A police investigationA coroner’s investigation  | Norovirus Gastroenteritis Respiratory (RSV)InfluenzaOther |
| **Note:** \* All viral outbreaks should be reported to Public Health and your Te Whatu Ora contact.  **Exceptions that do not require section 31 notification:*** Fall of a resident that meets the Aged Residential Care Severity Assessment Code (SAC) SAC1 and SAC2 definitions **do** need to be reported to Te Tahu Hauora Health Quality Safety Commission. An ACC treatment injury should also be completed.
* Fall of a resident that meets the Aged residential care Severity Assessment Code (SAC) SAC3 and SAC4 definitions **do not** need to be reported to Te Tahu Hauora Health Quality Safety Commission. These should be reviewed by the provider and system learnings shared with the staff, consumers & whanau. An ACC treatment injury should also be completed.
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