

Duty of Care Statement  
SD- 8



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| Version Control        | 3                     |
| Approved by/date:      | Anthony Wren/ 26/5/17 |
| Review Due             | 26/5/18               |
| Consultation Mechanism | Policy Review Team    |

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|---------------------------------------|---|
| Relevant Legislation                  | Workplace Health and Safety Act 2011, Disability Services Act 1993, Anti-discrimination Act 1977. |
| Relevant Disability Service Standards | Relevant to all standards   |
| Relevant Home Care Standards          | Relevant to all standards   |
| Relevant Internal Forms               |   |

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## POLICY STATEMENT

Biala Services Inc. and its representatives are compelled morally and by law to behave in such a way as not to cause harm or put at risk any of our clients, staff, volunteers or members of the community.

Biala staff need to use their professional skills and experience to decide on what actions they should take in each situation of potential harm, where possible decisions should be discussed with their colleague or Manager.

'Duty of Care' is breached by failing to do what is reasonable or by doing something unreasonable that results in harm, loss or injury to another. This can be physical harm, economic loss or psychological trauma.

## PURPOSE

This 'Duty of Care' must be balanced with 'Dignity of Risk', that is the right of informed individuals to take calculated risks. Everyone whether they be disabled or aged has a right to an assumption of competence. Informed decision making ensures Biala clients, in particular our Disabled Peer Support clients, have a general awareness of the consequences of their decision and their decision is made voluntarily and without coercion.

It is important for Biala staff to anticipate potential risks and to take all reasonable steps to reduce risk and prevent a negative event occurring. To do this staff must follow 'Standards of Care'. The 'Standard of Care' is referred to as the measure of what is reasonable practice or conduct and is determined by a range of factors:

- The standards that are generally seen as applicable to a situation (ie. Venue safety)
- Other laws/regulation/policies that might apply to the circumstances
- The need to meet the duty of care to all other persons who might be involved
- Current community values about what is acceptable practice
- The level of information and support given to the support worker providing support to the client

The factors to be considered in situations of potential harm are:

- The risk and likelihood of harm
- The sorts of injuries that could occur and an assessment of the seriousness of those injuries
- Precautions that could be taken to minimise the risk or harm or seriousness of the injury
- The usefulness of the activity involving risk
- Current professional standards about the issues

Avoiding harm or injury involves:

- Determining when harm or injury is foreseeable
- Taking account of the seriousness of the potential harm or injury

- Assessing risks from the other person's perspective
- Recognising that some risks are reasonable
- Not actively harming or injuring the other person
- Avoiding discrimination and overly restrictive options
- Avoiding compromises to the rights of others
- Noticing risks that the other person alerts you to
- Recognising when people are at risk of injury from others
- Supporting people to confront risks safely
- Safeguarding others from harm or injury
- Maintaining confidentiality Duty of care will be greatest to those who are relying on the worker the most

### PROCEDURES

All Biala workers, volunteers and contractors involved in client care will at all times provide a standard of care that is reasonable and consistent with the policies and procedures outlined in this manual.

In providing care services, workers, volunteers and contractors will not carry out tasks which require qualification or training that they do not have.

Workers, volunteers and contractors will promptly report concerns about the safety of clients (including environmental hazards) to the Coordinator so that appropriate action can be taken.

Clients will be encouraged to make their own decisions regarding their care at all times. This may require the support of other significant people (e.g. family or friends) on an informal basis or ore formally through case planning with other professionals (e.g. GP, community nurse, ACAT).

If there is a concern about the ability of a client to make informed decisions, the Manager will arrange for assessment by the appropriate health professionals (e.g. mental health or psychogeriatric team). It may be necessary to apply for a Guardianship Order for ongoing formal support in decision making if they are at risk.

In managing aggressive or threatening behaviour workers/volunteers will first ensure their own safety and the safety of others. No punitive action (including restraint) will be taken.

### POLICY REVIEW

This policy will be reviewed on an annual basis in consultation with staff, clients and volunteers.

### AUTHORISED BY

Signed: ***Anthony Wren***

Position: General Manager

Date:

26/05/2017