

DUTY OF CARE

Every person owes a duty of care to every other person who is reasonably likely to be injured by the first person's actions or failure to act.

The law requires professionals to take all reasonable care in carrying out their work and ensure that appropriate standards of care are met.

The appropriate standard of care is assessed on what action a reasonable person would take in a **particular situation**.

Workers 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 the Coordinator.

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.

Duty of care must be balanced with dignity of risk, that is, the right of informed individuals to take calculated risks. Everyone has a right to an assumption of competence. Informed decision making involves a general awareness of the consequences of the decision and the decision is made voluntarily and without coercion.

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 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 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 more formally through case planning with other professionals (e.g. GP, community nurse, ACAT).

If there is concern about the ability of a client to make informed decisions, the Coordinator will arrange for assessment by the appropriate health professionals (e.g. mental health or psycho geriatric 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.

Text messages, emails and appointment cards are utilised for reminders of appointments and participants receive these the day before and an hour before.

