Duty Of Care and Dignity of Risk POLICY

SCOPE

Dignity and Transition Support Services (hereafter referred to as DATSS) has developed this policy to ensure that our service provides Duty of Care and Dignity of Risk. This policy ensures that our organisation adheres to the Legislation surrounding Duty of Care and Dignity of Risk to ensure our participants have the opportunity to live their life to their full potential.

Policy

DATSS will recognize the right of participants to make informed choices and to take calculated risks.

Every person has the right to experience and learn from life, to take advantage of opportunities, develop skills and independence even when these situations may pose a risk to their wellbeing.

DATSS recognizes they have a duty of care to prevent or minimise harm to the participant and their staff. The safety of the participant and the staff are considered in conjunction with risk taking and if required takes priority over risk taking, privacy and confidentiality.

Outcome

DATSS participants will feel well supported when choosing to take risks or not to take risks. Participants who are unable to make informed decisions about risks will be supported by an appropriate person.

The safety of DATSS team members will be maintained through the process of respecting the participants choice.

Definitions

Dignity of Risk: Is the belief that each person that is aged, frail aged or with a disability is entitled to experience and learn from life situations even if these, on occasion, may be a threat to their well-being. Each person experiencing a risk, of which they have been informed, is to receive support in the situation.

Duty of Care: Is the obligation to take reasonable care to avoid injury to a person whom it can be reasonably foreseen might be injured by an act, or omission.

Procedure

Participants will always be supported to make informed choices and decisions about the supports they receive and activities they may wish to undertake. This may require the support of others with the participant's consent (family / friends / advocates or other professionals – refer to DATSS's Rights and Responsibilities and Advocacy Policies and Procedures). Informed decision making involves a general awareness of the consequences of the decision which needs to be made voluntarily and without coercion.

If the DATSS team have serious concerns about the participant's ability to make an informed decision, they may seek an assessment by a qualified health professional / jurisdictional Guardianship Board with prior permission from the participant or the participant's representative. When a participant needs ongoing formal support to make major life choices, a Guardianship Order may be required.

DATSS staff will assess risks and their potential consequences and will balance their duty of care with dignity of risk. Where a dignity of risk issue is in conflict with a Work Health and Safety (WHS) issue, the WHS legislation overrides dignity of risk.

When a privacy issue is in conflict with DATSS duty of care, the duty of care responsibility will take priority e.g. mandatory reporting.

In situations where duty of care obligations outweighs dignity of risk the participant should be informed of the decision and why the decision was made.

When balancing duty of care with dignity of risk DATSS team will work with the participant to:

- Explain the issues of duty of care and dignity of risk which impact on a particular situation
- Identify the consequences of a particular action including the risk/s and likelihood of harm to the participant or others
- Assess the type and seriousness of the possible harm
- Identify what precautions could be taken to minimise the risk/s or harm or the seriousness of the risk/s or harm
- Assess the participant's ability to make informed decisions
- Weigh up the benefits and importance of the activity to the participant against the possible negative consequences
- Generate solutions to achieve the benefits to the participant whilst minimising the potential harm.

Staff are educated on the Dignity of Risk and Duty of Care Policy at induction and then annually or as required.