



1.0 Policy Statement

Peckys Limited policy ensures that all personnel provide a standard of care and level of supervision to client's that is appropriate to their individual needs while respecting their right to make informed choices and take risks.

1.1 Peckys Limited maintains the belief that people with disabilities have the same rights as other members of the community to take risks and experience the consequences of those risks that are the result of informed choices.

1.2 Peckys Limited recognizes that they are in a profession where care is both an ethical and a legal issue.

1.3 Peckys Limited will support and assist people receiving our services to enjoy the broadest range of life opportunities and experiences in an environment of care, information and education.

2.0 Purpose

The purpose of this document is to ensure that Peckys Limited personnel provide a duty of care to clients with whom they are working to take the steps that a reasonable person would take to avoid foreseeable risks.

2.0 Definitions

2.1 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.

2.2 Negligence

Is not providing the standard of care required by a person's position, qualifications and experience, which results in an injury to the client. It can result in court action against the person and/or Peckys Limited. To establish negligence it must be shown that:

- A duty of care existed;
- There has been a breach of the duty of care, meaning the accident should have reasonably been foreseen, and the person failed to take reasonable steps to prevent the accident from happening;
- Harm has been suffered;
- The harm was a result of the breach of duty of care;



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2.3 Dignity of Risk

The right of each client to make an informed choice to experience and learn from life situations even if these, on occasion, may involve a calculated risk and be a potential threat to the person's wellbeing.

2.4 Supervision

The act of overseeing and directing, mindful of duty of care and dignity of risk. Supervision involves clients, communication, planning, allowing participation and involvement, consistency and willingness to exercise initiative.

Document References

- Peckys Limited Decision Making and Choice Policy
- Occupational Health and Safety Act 2000
- Occupational Health and Safety Regulations 2001
- Peckys Limited Lifestyle Planning Policy
- NSW Disability Service Act 1993

Forms

- Incident Report Form



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1.0 Procedure

All employees of Peckys Limited must ensure that an appropriate level of care is taken to minimize the risk of harm, injury, illness or death of clients.

1.1 The care is balanced against the right of the client to take risks and experience opportunities. Issues relevant to duty of care include:

- An individual's current abilities, patterns, behaviours and history;
- Health and medical conditions;
- Environment including occupational health and safety;
- Privacy and dignity.

1.2 The principle of duty of care applies whenever employees of Peckys Limited are providing support, training or supervision to clients. This includes:

- Training or support in living skills with personal care and hygiene;
- Community based training and access;
- Training and support in decision making and choice, relationships and conflict resolution;
- When implementing behaviour management plans;
- When providing transport to clients;
- Training and assisting clients to manage money.

1.3 Staff will assist clients to make informed choices by providing relevant information about the benefits and risks associated with activities. Information will be provided in a communication format appropriate to the person's needs.

1.4 When a client receiving a service undertakes actions that challenge duty of care, the person, staff and significant others work cooperatively to develop strategies and identify solutions for the problem.

1.5 The process of establishing client's opportunity to exercise their right to dignity of risk involves the following steps:

- Identification of the issues for the client, their family, Peckys Limited and the community;
- Provide information to the client and significant others about the considerations in evaluating the issue;
- Consider all the alternatives in the planning process that outline the outcomes for the person while reducing the risks;



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- Continued support to the client to assist them to meet their goals, whilst providing education about risks associated with their actions and risk minimization;
- Accurate and up to date documentation of the process and outcomes;
- If at the end of the process the client is unable to obtain the skills to carry out the action, then duty of care is paramount and outweighs the dignity of risk.

1.6 When Peckys Limited is unsure of the client's ability to provide informed consent to their actions, they are to seek the advice of the Guardianship Tribunal.

1.7 The following practices are prohibited and against the law. Duty of care is not a defense:

- Corporal punishment;
- Physical abuse;
- Deprivation (of meals, sleep, bedding, clothing, personal hygiene)
- Forfeiture of money or personal property;
- Isolation;
- Verbal abuse;
- Neglect;
- Any unlawful act.

1.8 It is the responsibility of any involved staff to discuss issues that relate to or challenge, duty of care, with their Coordinator, General Manager or CEO.