

# Duty of Care

**POLICY STATEMENT:**

National is committed to maintaining and protecting the rights, dignity and interests of clients, whilst providing a high standard of quality care.

**PURPOSE:**

There are ethical and legal obligations imposed upon both National and Employees concerning duty of care. The purpose of this policy is to ensure all parties are reminded of their obligations

**SCOPE:**

This policy applies to all employees of National

**POLICY:**

Duty of Care refers to the legal obligation to take responsible care to avoid injury to a client whom, it can be reasonably foreseen, might be injured by an act or omission. A duty of care exists when someone's actions could reasonably be expected to affect other people. Failure to exercise care in that situation may lead to foreseeable injury and liability against the employee.

**National and Employee are responsible for the following:**

- Conducting self responsibly by complying with all policies and procedures.
- All National employees have a duty and a responsibility to act in an inclusive and respectful manner towards all employees and clients this includes, people from different cultures, religious backgrounds, people whom are LGBTI and Aboriginal / Torres Strait islanders.
- All employees are to respect each clients legal right to human rights and act as an advocate to safeguard clients human rights.
- All employees are to ensure clients who are capable to make decisions regarding their health and wellbeing are supported and encouraged to make informed decisions, in their best interest and safeguard their wellbeing and safety.
- Inform National of any client changes. This can include but is not limited to the following: The timeframe allocated for service is not substantial, the client has incurred an injury or illness prior to your arrival or during the time of service delivery, medication mishaps, if the client is out of character, if the client or employees are at risk whether it be environmentally, physically, mentally.
- Always be mindful to involve the client and significant others in the decision-making process and to document the action you decide to take, either in case notes or in the form of a report, if appropriate. You are accountable, as a professional worker, for the decisions that you make.
- Documentation is required for all care, to fulfil legal and professional practice requirements it is to be clear and accurate, stating the facts, the date and time, employee signature and designation. E.g. Jane Doe, AIN (or CSW – Community Support Worker/ DSW- Disability Support Worker / RN registered nurse / CC – Clinical Coordinator etc)
- Employees must understand documentation is a permanent record on the interaction between client and carer, this aids in communication between client and families, other service providers, case managers etc and that the employee can be held accountable in a court of law.
- Employees must understand the mandatory reporting requirements they required to adhere to.

**Relevant Legislation and References:**

Freedom of Information Act 1989  
Health Records (Privacy and Access) Act 1997  
Working with Vulnerable People Act 2011  
Human Rights Act 2004  
Disability Services Act 1991  
Aged Care Act 1997  
Human Rights Commission Act 2005 National  
Disability Insurance Scheme Act 2013

Discrimination Act 1991  
Fair Work Act 2009  
Official Visitor Act 2012  
Work Health & Safety Act 2011  
Health Professionals Act 2004  
Territory Records Act 2002  
Information Privacy Act 2014