



DUTY OF CARE AND DIGNITY OF RISK POLICY

Policy Statement

Careseekers ensures that support workers using the Careseekers platform understand and implement the principles of Duty of Care and Dignity of Risk, recognising the rights of the people we support to make informed choices and take calculated risks.

When making decisions about services and supports, Careseekers assumes a rights approach this ensures that participants can participate as fully as possible when engaging workers through the Careseekers platform as an expression of self-determination and acknowledges their inherent human rights and valued status within the community.

Dignity of risk

It is essential that each individual's dignity of risk is respected and supported in their decision making processes.

As part of Careseekers' duty of care, we are committed to enhancing each participant's independence and minimises the risk to the individual or others wherever possible.

Except in cases of known platform user diminished capacity, the Service recognises that everyone has a right to an assumption of competence.

- All workers on the Careseekers platform will receive training in Careseekers' of Duty of care and awareness of the basic elements of the law of negligence, during their induction program set out below.
- Careseekers Staff will ensure individuals using the platform to engage workers are provided with all required information to enable an informed decision to be made regarding the benefits and risks associated with activities.
- In the case of an individual making the decision to participate in an activity that could have consequences, even though adequate information has been provided concerning the associated risk(s), support workers will ensure such instances are recorded in the individual support log.

Duty of care

All people by law have a duty to take reasonable care to avoid injury to another person or damage to property because of their action or failure to act and not be careless or negligent.

The appropriate standard of care is assessed on what action could reasonably be foreseen by a reasonable person in any situation.

Support workers on the Careseekers platform owe a duty of care to the individuals they support at all times of their service provision and will use their professional skills and experience to decide on what actions they should take in each situation of potential harm.

However, a support worker's duty of care does not require them to do anything unlawful such as wrongful imprisonment, assault, use of a prohibited practice or inappropriate application of a restricted practice.

A breach or failure of Duty of Care will be managed through Disciplinary Procedures covered by our Code of Conduct.

Duty of Care will take precedence over the right of informed individuals to take calculated risks where that risk may pose a threat to the health and/or safety of the care seeker.

The Law

Duty of Care is a matter of Law. For a civil damage claim against either the Careseekers or a worker on the Careseekers platform, the claimant has to prove negligence by showing that:

- Harm was actually caused;
- The alleged harm resulted from a breach of Duty of Care;
- The resultant harm was foreseeable; and
- Reasonable steps were not taken to avoid harm.