

1.0 Duty of Care Policy

2.0 Information Grid

Date first approved: 20/5/2015	Date of effect: 30/04/2019
Date last amended: 30/4/2019	Date of Next Review: 30/4/2021
Policy Owner: GM People, Planning, Performance and Technology	Portfolio: People, Planning, Performance and Technology
Content Owner (Author): Manager Human Resources	

3.0 Purpose

The purpose of this policy is to outline the legal duty of Launch Housing employees, volunteers and contractors to take reasonable care so that others are not harmed.

4.0 Definitions

Duty of Care	<p>A legal duty to take reasonable care so that others are not harmed. A duty of care:</p> <ul style="list-style-type: none"> • Involves a responsibility to do whatever is reasonable to avoid foreseeable injury to clients and ensure neither they, nor any third parties, are harmed by the action or inaction of any employee. • Is balanced with dignity of risk, i.e. the right of informed individuals to take calculated risks.
Breach of Duty of Care	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.
Competence	Everyone has the right to an assumption of competence, that is, they are competent to make informed decisions. Informed decision-making involves a general awareness of the consequences of a decision, and is made voluntarily and without coercion.
Harm	Includes threat to life, threat to emotional or physical wellbeing, physical injury, nervous or emotional shock or financial loss.
Reasonable	<p>An employee is required to do what is reasonable. The “reasonable” standard is determined by the role and qualifications of the employee, the standards of the employee’s profession and the type of service provided. In acting reasonably, employees are not to carry out tasks which require qualifications or training that they do not have.</p> <p>Employees must use their professional skills and experience to decide on what actions they should take in each situation of potential harm, which may include contacting the police or CAT for risk of self-harm or harm to others.</p> <p>Further information: In order to assess ‘reasonableness’ it is necessary to consider what a hypothetical person would have done, or not done in any given situation. Judging how reasonable a person’s behaviour has been depends in part</p>

	<p>on the type of relationship between the people concerned. The closer the relationship between the person and client, and the more knowledge the person has about the client and their situation, the more they will be required to do to ensure the client is not injured by their actions. Also, the more serious the consequences of action/inaction, the more important it is to take reasonable care.</p> <p>The factors to consider in determining whether an action is “reasonable” are:</p> <ul style="list-style-type: none"> • the nature of the relationship; • the risk and likelihood of harm; • the sorts of injuries (both emotional and physical) that could occur and an assessment of the seriousness of these injuries; • the level of training and support provided by the organisation; • the role in which the employee is employed and the employee’s qualifications; • whether precautions could be taken to minimise the risk of harm or the seriousness of injury; • the value of undertaking a particular activity for the person, weighed against the likely risks to the person; • the current professional standards about the issue; • the relevant Launch Housing policies and procedures.
Negligence	<p>For an employee to be found negligent it is to be established that:</p> <ul style="list-style-type: none"> • the person was owed a duty of care; • the employee could reasonably be expected to foresee a potential harm; • the employee failed to take reasonable steps to prevent foreseeable harm; • the person suffered harm as a result of the employee's failure to act.
CAT team	<p>The mental health Crisis Assessment Team is part of the Community Mental Health Service. It is often called the ‘triage’ and operates as the intake and assessment service to inpatient units based in hospitals.</p>

5.0 Policy details

5.1 Scope

This policy applies to all employees, volunteers and contractors working for Launch Housing.

5.2 Policy Principles

The policy will be applied in keeping with the following principles.

5.3 Minimising risk

- 5.3.1 Launch Housing is committed to minimising the risk of harm to staff, clients and tenants and their dependants, and the general public.
- 5.3.2 Employees will promptly report concerns about the safety of clients / tenants (including environmental hazards) to their supervisor, and, when managing aggressive or threatening behaviour, employees will ensure their own safety and the safety of others.

5.4 Applying General Duty of Care

- 5.4.1 Employees, volunteers and contractors will also apply a general duty of care to family members of clients, visitors of clients and members of the public.

5.5 Assuming competence

- 5.5.1 Launch Housing is committed to providing a safe, secure and supportive environment for all clients and their families, and to carrying out practices which support and promote clients' ability to take care of themselves and/or their dependants.
- 5.5.2 Clients will be encouraged to make their own decisions regarding their needs at all times. This may require the support of other significant people such as family or friends on an informal basis or more formally through case planning with other professionals such as a support person or a community nurse.

5.6 Safe tenancies

- 5.6.1 In cases where a tenant's housing becomes unsafe due to people or circumstances beyond the control of Launch Housing, Launch Housing will discuss available options with the tenant and arrange alternative accommodation to the best of our ability.
- 5.6.2 In cases where a tenant's housing becomes unsafe due to another of Launch Housing's tenant's behaviour, Launch Housing will pursue resolution of the behaviour of that tenant. In the most serious cases, this may include eviction.

6.0 Roles & Responsibilities

Chief Executive Officer, General Managers and Senior Leaders	<ul style="list-style-type: none">• Ensuring that all reasonably practicable measures have been taken to control risks of harm to all people in the workplace, including visitors and contractors.
Launch Housing Managers	<ul style="list-style-type: none">• Carrying out Critical Incident Stress Management procedures when necessary.• Ensuring key contact information is visible and easily accessible to all staff.• Ensuring duty of care concerns are documented and reported properly.
Employees (including volunteers and contractors)	<ul style="list-style-type: none">• Taking reasonable duty of care measures at all times• Informing relevant managers/coordinators and all appropriate staff (if not already notified by the relevant

	<p>managers/coordinators) of any duty of care situations of which they have become aware.</p> <ul style="list-style-type: none">• Identifying and managing risk and depending on contact with clients and roles, assessing client's wellbeing when necessary.
--	---

7.0 Relevant Legislation & External Documents:

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- DHHS Service Standards for Registered Agencies
- Housing Act 1983 (Vic)
- Victorian Housing Registrar Performance Standards for Registered Agencies

8.0 Supporting Documents and Implementation Tools

- OHS Management Framework
- Launch Housing Safety Manual
- Launch Housing Child Safe Policy