

Duty of Care

Policy:

Every person owes a duty of care to every other person who is reasonably likely to be injured by the first person's actions or failure to act.

The law requires professionals to take all reasonable care in carrying out their work and ensure that appropriate standards of care are met.

The Appropriate standard of care is assessed on what action a reasonable person would take in a particular situation.

While the principles of confidentiality remain fundamental to the manner of service delivery, a client's right to confidentiality may need to be breached by the organisation if duty of care issues arise.

Duty of Care situations include:

- Threats to the safety of children, suspected abuse or neglect
- Situations of immediate danger
- Reports of violence to others
- Threats of intended violence to self or others
- Unsafe practices which threaten the safety of other clients.

Procedure:

In the event that Duty of Care issues arise in practice, staff will advise the Co-ordinator who will assess the situation, consulting other staff as necessary.

Duty of Care concerns may need to override other policies, such as Confidentiality.

Duty of Care decisions are by their very nature complex and idiosyncratic. Practice decisions need to be formulated on a case-by-case basis, after careful thought, investigation and discussion. Grounds for resorting to Duty of Care decisions will be explained to those involved in the situation wherever possible.

Where it is necessary to inform appropriate authorities of Duty of Care situations, in particular those involving Child Protection Agencies, the consent of adult clients involved will always be preferred, however in cases, where client consent cannot be obtained and where failure to act is judged to be a possible breach of Duty of Care, a decision to breach confidentiality will be taken.

A decision to breach client confidentiality is extremely serious and requires careful assessment. The decision rests with the Co-ordinator, except in cases where the Co-ordinator is unavailable and prompt action is necessary. In that case, the staff member should consult with at least one other staff member before action is taken.