Duty of care

Dignity of Risk

# Introduction

Nightlife Disability Services (Nightlife) has a duty of care to every service user that accesses support, and to staff as their employer. We have a responsibility to mitigate risk where injury or harm is reasonably foreseeable, including psychological harm. In upholding its duty of care to service users and staff, Nightlife will:

* Protect service users’ rights to safety and wellbeing
* Balance duty of care with service users right to informed decision making and dignity of risk
* Abide by all legal obligations that guide service user and staff safety
* Act in accordance with our policies to prevent Violence, Abuse, Neglect, Exploitation and Discrimination and the NDIS Code of Conduct
* Maintain a robust incident reporting and management system
* Adhere to occupational health and safety requirements
* Encourage a culture of zero tolerance for violence, abuse, neglect, exploitation, and discrimination, and bullying and harassment
* Conduct regular risk assessments and maintain a risk register
* Ensure that all staff are trained in their duty of care responsibilities

## **Scope**

### This policy applies to all services delivered by Nightlife. All staff are required to commit to this Policy.

# Definitions

**Dignity of risk:**the principle of allowing an individual the dignity afforded by risk-taking, which enhances their personal growth and quality of life

**Duty of Care:** A moral or legal obligation to ensure the safety or wellbeing of others.

**Standard of care:** The appropriate standard of care is assessed on what action a reasonable person would take in similar circumstances. The standard of care also varies according to how reliant a person is on your care. The more reliant they are the higher the standard of care.

**Breach of Duty:** A duty of care can be breached by either action or inaction.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 person. This includes Physical, Mental; Emotional; and Financial harm.

**Negligence:** Negligence is when the person who you owe a duty of care suffers harm or loss due to your action or inaction. It means we failed to meet the standard of care expected according to what would be expected of a reasonable person in the same circumstance.

**Least Restrictive Alternative:** Practices that maximise the autonomy, rights, freedom, wellbeing and safe care of the person as much as possible while balancing healthcare needs and safety for all.

# General

**4.1 Relevant Legislation, Regulations, Rules and Guidelines**

Legislation, Rules, Guidelines that apply to this Policy are set out in the Legislation Register.

The application of the above NDIS Practice Standard by Nightlife is supported by our broader Policies and Procedures outlined in the Policy Register.