

## 4.4.1 Duty of Care

### **Preamble**

Women's Housing Company (WHC) is a community housing association as part of the social housing system in NSW. WHC provides long term housing for single women and medium term housing through support partnerships.

WHC believes that every person owes a duty of care to every other person who is reasonably likely to be injured and / or disadvantaged by being provided with incorrect information, by an action or a failure to act by another person.

While policies and procedures will generally guide the work of WHC, at times situations may arise which are unforeseen and unexpected. The duty of care policy will aim to provide direction for WHC staff.

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### **POLICY**

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WHC staff will take all reasonable care in carrying out their work. Staff need to use their professional skills and experience to decide on what actions they should take in each situation of potential harm. All decisions need to be discussed with a superior worker before they are actioned.

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. This can be physical harm, economic loss or psychological trauma.

Duty of Care also applies to correct information being given to applicants / tenants.

Duty of care must be balanced with right of risk taking, that is, the right of informed individuals to take calculated risks. Everyone has a right to an assumption of competence.

Informed decision making involves a general awareness of the consequences of the decision and the decision is made voluntarily and without coercion.

The factors to be considered in situations of potential harm are:

- the risk and likelihood of harm
- the sorts of injuries that could occur to the person concerned or others and an assessment of the seriousness of those injuries
- precautions that could be taken to minimise the risk or harm or seriousness of the injury

Avoiding harm or injury involves:

- Determining when harm or injury is foreseeable
- Taking account of the seriousness of the potential harm or injury
- Assessing risks from the other person's perspective
- Recognising that some risks are reasonable
- Not actively harming or injuring the other person
- Avoiding discrimination and overly restrictive options
- Avoiding compromises to the rights of others
- Recognising when people are at risk of injury from others or themselves
- Safeguarding others from harm or injury

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**PROCEDURE**

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All WHC staff involved in service delivery will at all times provide a standard of care that is reasonable and consistent with the policies and procedures outlined in this manual. In providing services staff will not carry out tasks which require qualifications or training that they do not have.

Staff will promptly report concerns about the safety of applicants / tenants (including environmental hazards) to their supervisor so that appropriate action can be taken.

Applicants / tenants will be encouraged to make their own decisions regarding their needs at all times. This may require the support of other significant people (e.g. family or friends) on an informal basis or more formally through case planning with other professionals (e.g. support worker, community nurse).

If there is concern about the ability of an applicant / tenant to make informed decisions, the worker in conjunction with the supervisor will arrange for assessment by the appropriate professionals (e.g. mental health team, Home and Community Care services). It may be necessary to refer to the Office of Protective Services for a Guardianship Order for ongoing formal support in decision making if they are at risk.

In cases where staff are working with applicants/tenants affected by alcohol or other drugs which makes service provision and neighbourhood living arrangements unworkable and unsafe WHC will aim to link up applicants / tenants with appropriate support services. In cases where a tenant's housing becomes unsafe due to another WHC tenant's behaviour Women's Housing Company will pursue termination of such tenant on the basis of disruption to the enjoyment of other tenants' premises.

In cases where a tenant's housing becomes unsafe due to people or circumstances beyond the control of Women's Housing Company, WHC will discuss available options with the tenant. These alternative options may or may not be able to be provided by WHC.

In managing aggressive or threatening behaviour staff will first ensure their own safety and the safety of others.

No physical restraint will be applied unless in self defence.

In cases where staff are observing child abuse, a senior manager must be informed and mandatory reporting guidelines must be followed.

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**Date developed: 1/12/06**

**Date/s policy was ratified and/or changed by Board: 28/8/07**

**Note:** Procedures are designed to guide the implementation of a policy and will be updated on a regular basis as part of ongoing best practice service improvement.