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1. INTRODUCTION

1.1 Purpose

This policy provides guidance on YSAS' duty of care for clients and other stakeholders, such as client's families and/or carers, and its staff who are reasonably likely to be affected by its activities.

1.2 Scope

This policy is mandatory and shall be implemented by YSAS employees, volunteers and contractors when engaging in activity supporting young people.

1.3 Definitions

Term	Definition
<i>Client</i>	Anyone who receives services from YSAS. This will usually be young people though, in some circumstances, YSAS may have a client relationship when delivering services to other stakeholders such as a young person's family and/or carers. Examples of client relationships with other stakeholders can include providing joint care, advice or training to a young person's family.
<i>Duty of care</i>	Legal and moral obligation requiring adherence to a standard of reasonable care when performing any acts that could foreseeably harm others. YSAS has a duty of care for its clients and other stakeholders who are reasonably likely to be affected by its activities.
<i>Breach of duty of care</i>	When staff action towards a client or other stakeholder is unreasonable or they fail to act where action would have been reasonably expected.
<i>Harm</i>	Physical, emotional or psychological injury to a person.
<i>Negligence</i>	Where YSAS or its staff, whether by action or failure to act, fail to take reasonable care to avoid harm a client or other stakeholder. For an act of negligence to occur the following three conditions must be met: <ol style="list-style-type: none"> 1) YSAS or its staff must have a duty of care for the affected person – this duty of care may differ depending on the staff members role or the person's relationship with YSAS (e.g. whether they are a client or other stakeholder) 2) YSAS or its staff must have breached their duty of care for the affected person – a breach occurs when staff do something, either by action or inaction, that a reasonable person would not have done in that situation

	The affected person must experience harm caused by YSAS or a staff member's breach of their duty of care for that person.
<i>Other stakeholder</i>	Any person other than a client that YSAS and its staff have a duty of care for. This includes the family, carers and dependents. YSAS duty of care for these people will differ to its duty of care for clients.
<i>Reasonable action</i>	Degree of caution and concern an ordinarily prudent and rational person would use in similar circumstances. It is a standard used to determine YSAS legal duty of care and whether such duty was fulfilled.
<i>Staff</i>	Anyone who does work for YSAS, whether delivering services or other tasks. This includes paid staff, contractors, volunteers and students.
<i>Young people/person</i>	Actual or potential YSAS clients who are within the age range of YSAS services. Depending on program funding parents, broader family and/or carers may also be considered clients to whom YSAS has a duty of care. Young people are usually 12 to 25 years though some services may be funded for a younger age range.

2. POLICY STATEMENT

This policy is underpinned by the following principles:

<i>Values driven</i>	YSAS' values of safety, collaboration, and client centred practice, relationship-based practice, professional integrity and respect and continuous quality improvement are all reflected in and underpin our duty of care.
<i>Risk minimisation</i>	Clients may engage with a range of programs and services at YSAS potentially increasing their level of vulnerability at times, which can be impacted by factors such as: age, physical or mental health, social circumstances or other factors. This vulnerability affects the level of care that YSAS must provide to minimise the risk of harm to its clients during the delivery of services. Meeting this duty of care will also help mitigate YSAS' risk regarding legal liability for negligence.
<i>Compliance</i>	YSAS' practice must comply with all relevant legislation, contracts, funders' policies, instructions and guidelines, and its own policies and procedures.

3. POLICY APPLICATION

3.1 Guidance – working with clients

YSAS duty of care affects how we work with clients by setting minimum standards for service delivery.

YSAS' duty of care requires staff to act reasonably without imposing unreasonable burdens upon staff or management. Failure to take reasonable actions needed to meet YSAS duty of care may be

considered negligence. If negligent actions lead to harm, YSAS and /or the relevant staff member may be held accountable.

3.2 Determining reasonable action

Staff must consider in their decisions and actions how to reasonably meet YSAS duty of care. What is considered reasonable will depend on all the relevant circumstances. What is reasonable in one situation may not be reasonable in another. There is not a set of readymade answers to all dilemmas and situations that could arise in a service's operations.

When deciding what actions are appropriate and reasonably required to meet YSAS' duty of care staff must use their professional skills, knowledge and experience to consider:

- Foreseeable risks of harm, its likely impact and severity and likelihood of occurrence
- Reasonable measures needed to meet our duty of care.

When making decisions staff should consider:

- Available knowledge about client and/or situations
- Relevant YSAS policies
- Client rights and responsibilities, including dignity of risk (i.e. the right of the client to take considered risk)
- Client's expressed goals
- Whether they are authorised to take or permit the action
- How beneficial it is for the client
- Cost or other burden of measures needed to mitigate the risk of harm
- What another practitioner or manager with the same skills, training and experience would reasonably do in the situation
- Relevant program procedures/guidelines
- Any legal, contractual or organisational requirements
- Their profession's prevailing standards.

No single factor can be relied upon by itself to justify acting in one way or the other. It is vital that staff consult through line management channels. Consultation needs to take place as soon as possible if risk is assessed to be immediate or likely to be imminent.

4. COMPLIANCE, MONITORING AND REVIEW

Not applicable.

5. ROLES AND RESPONSIBILITIES

All employees, volunteers and contractors are responsible for ensuring that YSAS can meet its duty of care by making decisions and taking action consistently with this policy.

6. ASSOCIATED DOCUMENTS

Legislation and Standards

- NA

YSAS Governance Documents

- Client Rights and Responsibilities Statement
- Code of Conduct
- Program Operations Manuals

7. POLICY GOVERNANCE, VERSION CONTROL, CHANGE HISTORY

Document category	Client Care	First adopted	Pre-2016
Document Owner	Deputy CEO	Date most recent version approved	21 May 2021
Document Contact	General Manager Quality and Service Development	Date most recent version published	24 May 2021
Document Recommending Committee	Health & Clinical Governance Committee	Next review	21 May 2024
Document Approver	Board	Version	6
Summary of changes	May 2021: administrative changes approved by Document Owner to reflect new policy template, clarify related documents, and remove out-of-date reference to Department of Health advice.		