

Duty of Care and Dignity of Risk

Record of Procedure Development

Version	Date approved	Date of last review	Date for next review
1.0	May 2026	April 2026	March 2029

Policy Context – this procedure relates to:

Organisation related policy	• Service Quality and Continuous Improvement.pdf • Human Rights .pdf
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Policy

CCWA has a duty of care to the people we support, and we are committed to balancing this duty of care with the principle of dignity of risk. We ensure that people with disabilities have the same opportunities to make choices about their lives, have increased independence, and lead a fulfilling life.

It is a legal obligation for CCWA to take reasonable care for those we support and not to cause harm to another person when that harm could be reasonably foreseen. Workers are required to use their judgment to balance their legal duty of care to ensure the safety and well-being of people with disabilities are maintained while ensuring their right to live an autonomous and self-determining life is supported. This right is referred to as the dignity of risk. When the duty of care and dignity of risk are balanced, a positive risk-taking environment occurs, which:

- Improves autonomy, social interaction, and health
- Supports independent living and self-determination
- Enable a person-centered approach

When duty of care and dignity of risk are not appropriately balanced, it can have negative impacts on both people with disabilities (PWDs) and workers. The person may feel patronised, and over-protected and experience a loss of dignity. Employees must uphold their duty of care to those with impairments.

Definitions

Duty of Care - is a legal obligation to act reasonably to prevent harm to others.

Dignity of Risk - acknowledges the right of individuals to make their own choices, even if those choices involve some level of risk, which includes personal sexual choices.

Person with Disability – (PWD) or CCWA client.

Procedures

CCWA has effective emergency and disaster management to limit disruptions to services and reduce associated impacts on the people we support and our staff, including the following:

- A strong risk management approach with risk management plans to reduce or eliminate the risks of emergencies and disasters to the lowest as is reasonably practicable.
- Providing support and services in a safe and competent manner with care and skill.
- Upholding the human rights of PWDs to be consulted and fully included in planning the support and services provided for them. Whenever feasible, PWDs and their support systems are actively involved in the creation and evaluation of emergency management strategies.

Responsibilities of key management personnel

- Develop, implement, and review the Duty of Care and Dignity of Risk policy (DoC and DoR) and associated procedures; ensure staff are trained in the concepts of Duty of Care and Dignity of Risk
- Promote a culture in which PWD are encouraged to make informed decisions
- Promote a culture where the balance between DoC and DoR informs the support delivery

Responsibilities of line supervisors (as above plus)

- Follow the Doc and DoR policy and associated procedures
- Provide supervision and support to staff to meet the requirements of the policies and procedures

Responsibilities of all workers

- Follow the Doc and DoR policy and associated procedures
- Support individuals to exercise choice and control about their lives and the services they receive
- Ensure people have access to relevant information and advice to assist with making informed decisions
- Ensure the balance between DoC and DoR informs the way in which supports and services are delivered

Breach of duty of care

A breach of duty of care is a failure to meet the relevant standard of care. This indicates that a worker either failed to act to protect the PWD when there was a reasonable expectation or foreseeable danger (that it would result in injury) or they put the person with a disability at risk and caused predictable harm. This is known as negligence. All such cases will be fully investigated and appropriate actions taken.