

Duty of Care Policy & Procedure

Professional Care Supports (NSW) Pty Ltd

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NDIS Provider No. 4050117250

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Next Review: 12 months or following incident, breach, or legislative change

Purpose

To ensure all workers understand and fulfil their duty of care to provide safe, competent, and high-quality supports while minimising risks to participants.

Scope

Applies to all employees, contractors, volunteers, and students.

Policy Statement

All workers have a legal and ethical obligation to take reasonable care to avoid harm to participants and to act in their best interests while respecting their rights, dignity, and choice.

NDIS Practice Standards (Mapped)

1. Provision of Supports
2. Risk Management
3. Incident Management
4. Rights and Responsibilities
5. Governance and Operational Management

Duty of Care Principles

- Provide safe and competent supports
- Act in the best interests of participants

- Balance duty of care with dignity of risk
- Identify and respond to risks
- Prevent harm, abuse, neglect, and exploitation
- Follow policies, procedures, and care plans

Responsibilities

Management:

- Ensure staff are trained in duty of care
- Provide clear policies and procedures
- Monitor compliance and service delivery
- Respond to breaches of duty of care
- Support staff in managing risks appropriately

Staff:

- Deliver supports safely and competently
- Follow participant plans and risk assessments
- Identify and report risks or hazards
- Take reasonable steps to prevent harm
- Report incidents and breaches immediately

Examples of Duty of Care

- Providing supports according to care plans
- Supervising participants where required
- Using equipment safely
- Responding appropriately to risks
- Escalating concerns promptly

Breach of Duty of Care

A breach occurs when a worker fails to take reasonable care, resulting in or risking harm to a participant.

Examples include:

- Neglecting participant needs
- Ignoring risks or hazards

- Failing to follow care plans
- Inadequate supervision
- Not reporting incidents

Procedures

1. Induction:

- All staff receive duty of care training before commencing

2. Risk Identification:

- Identify hazards and risks during service delivery
- Follow risk assessments and management plans

3. Safe Service Delivery:

- Deliver supports in line with participant plans
- Use safe work practices at all times

4. Reporting Incidents or Risks:

- Report immediately to management
- Record within 24 hours

5. Responding to Breaches:

- Investigate breaches within 5 business days
- Maintain fairness and confidentiality

6. Corrective Actions:

- Implement training, supervision, or disciplinary action
- Review and update procedures where required

Disciplinary Actions

- Verbal warning
- Written warning
- Performance management

- Suspension or termination
- Notification to NDIS Commission if required

Training & Acknowledgement

- Mandatory duty of care training on induction
- Annual refresher training
- Staff must acknowledge understanding of duty of care

Monitoring & Audit

- Regular supervision
- Review of incidents and risks
- Audit of service delivery practices
- Continuous improvement actions

Timeframes

- Immediate reporting of risks or incidents
- Documentation within 24 hours
- Investigation within 5 business days

Forms & Registers

- Incident Report Form
- Risk Register
- Continuous Improvement Register
- Training Records

Compliance

Aligned with NDIS Code of Conduct, NDIS Practice Standards, and relevant Commonwealth and NSW legislation.