

Duty of Care vs Dignity of Risk

Resources for CHSP Providers

The Aged Care Quality Standards focus on consumer dignity and choice, but what happens if the choice is an unsafe one? Dignity of risk is the concept of allowing a person the right (dignity) to take reasonable risk, and impeding this right can suffocate personal growth, self-esteem and quality of life (Ibrahim & Davis 2013).

Consumer directed care

<https://www.cota.org.au/information/aged-care-for-providers/home-care-today-providers/consumer-directed-care/what-is-cdc/>

Consumer Directed Care (CDC) is a way of delivering care that gives individuals choice and flexibility.

The six principles of CDC are:

- consumer choice and control
- rights
- respectful and balanced partnerships
- participation
- wellness and reablement
- transparency

Guidance and resources for Standard 1: Consumer dignity and choice

<https://www.agedcarequality.gov.au/providers/standards/standard-1>

Dignity of risk: Dignity of risk is about the right of consumers to make their own decisions about their care and services, as well as their right to take risks. Organisations need to take a balanced approach to managing risk and respecting consumer rights. If a consumer makes a choice that is possibly harmful to them, then the organisation is expected to help the consumer understand the risk and how it could be managed. Together, they should look for solutions that are tailored to help the consumer to live the way they choose. Organisations have other responsibilities for the health and safety of the workforce and others in the service environment. In meeting these obligations, the organisation is expected to show how they involve the consumer and look for solutions that have the least restriction on the consumer's choices and independence (see page 8: Guidance and resources for Standard 1: Consumer dignity and choice).

Intent of this requirement: All adults have an equal right to make decisions about things that affect their lives and to continue to make those decisions as they get older. Making decisions in everyday life involves risks. This requirement is about how the organisation respects a consumer's wishes and preferences relating to the risks they choose to take. Dignity of risk supports a consumer's independence and self-determination to make their own choices, including to take some risks in life. If consumer choices are possibly harmful to

them, organisations are expected to help the consumer understand the risk and how it could be managed to help them live the way they choose.

Organisations have other responsibilities under law to manage risks to the health and safety of the workforce and others in the service environment. In meeting these obligations, the organisation is expected to show how they involve consumers and look for solutions that are the least restrictive of their choice and independence (see page 21: Guidance and resources for Standard 1: Consumer dignity and choice).

https://www.agedcarequality.gov.au/sites/default/files/media/Guidance%26Resources_Standard_1_v4.pdf

Dignity of risk

'Many of our best achievements came the hard way: We took risks, fell flat, suffered, picked ourselves up, and tried again. Sometimes we made it and sometimes we did not. Even so, we were given the chance to try. Persons with special needs need these chances, too.' Perske 1972

<https://www.ausmed.com.au/cpd/articles/dignity-of-risk>

Duty of care

Practice Guidance on legal issues in consumer directed care, September 2015

The have a 10D's decision making model about duty of care (see page 11)

<https://www.cota.org.au/wp-content/uploads/2018/05/150902-Legal-Issues-Practice-Guidance-FINAL-for-web.pdf>

From Imaging Possibilities 2014: While an adviser has a duty of care to ensure a sensible response to a person's needs, they also have a responsibility to think laterally to find ways around issues. They may also need to advocate for the person when unnecessary bureaucratic restraints or rules are inhibiting their ability to meet the person's needs.

<https://www.acsa.asn.au/ACSA/media/General/Documents/Imagining-Possibilities-handbook.pdf>

If you'd like to complete some further training about the Aged Care Quality Standards Aged Care Learning Information Solution (Alis) is an interactive online learning platform which allows you to access educational about the standards.

This training option about the Aged Care Quality Standards available for free until March 2021.

<https://learning.agedcarequality.gov.au/>