

# Finding Equilibrium:

Taking a collaborative, problem-solving  
approach to risk management  
in home care settings

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*"When you remove the risk you remove the challenge. When you remove the challenge you wither on the vine"*

*Alex Lowe*

*"...the desire for safety stands against every great and noble enterprise"*

Tacitus

# Carers in a risky business

**C**HAD is a border celebrity. You know that he is a ripper celebrity in the local press, the Victorian parliament and in lawyers' letters barking loudly about actions that have flowed from his bite. A beloved family pet, Chad ripped one of the rebel carers who help feed and bathe Joshua Krupjak, 12, and his brother Dylan, 6, who are profoundly disabled.

Their mother, Lisa Krupjak, did not witness the incident, which occurred as the carer was departing the family's small cottage in Victoria's Latrobe Valley. It was not the bite so much as the carer's negative reaction to a statement that she made in her sick leave and a WorkCover claim for compensation.

The Krupjaks were told at the time not to worry because insurance would take care of it. More than a year passed, then last month they received notice of a writ from WorkCover seeking to recover third-party costs of \$13,000 on the grounds that the



Kate Lingg

bathrooms will be judged according to a vast array of occupational health and safety standards?

The agencies employing carers and nurses are responsible for ensuring standards are met. Australia's biggest home care provider, the Royal District Nursing Service, is introducing world-first technology so staff can log details about a client's house and its risks in a central database that is continually updated to minimise workplace accidents. But many other providers of care are smaller not-for-profits on shoestring budgets with scant resources to do so.



Wife Steve, Joshua, Sara, Dylan and Lisa Krupjak with Chad

family had failed to provide a safe workplace. Faced with a politically explosive public relations cocktail of wheelchair-bound children and a struggling single-income family, WorkCover told the Krupjaks they would not lie out of pocket and instead lodged a writ with the company that insures their house and contents.

Few have cottoned on to the importance of the precedent this case sets in an ageing society as elderly householders become increasingly dependent on an army of nurses, cleaners and carers arriving daily to supply a raft of personal services.

More than 700,000 Australians receive government-funded help so they can remain in their own homes and out of institutional care. Many of them are stricken with dementia or physical frailty and disability. Many are isolated from younger family members. Who knows if they wear dogs or worry the carer or rattling floorboards or loose carpet tiles that fit and trip guests unfamiliar with eccentricities that are part of the furniture for inhabitants with forgetful minds and falling vision?

The rule of thumb for health spending stipulates that medical bills are highest in the last year of life but the problem is determining when that period begins. This rule is inverted by the green banana test with elderly shoppers less likely to buy but they may not live to eat. Similar difficulties apply to household maintenance. Why pay for new floor coverings when you won't get to wear them in?

How many elderly or disabled Australians receiving personal care services realise that their house is a workplace and if a carer is injured on the premises, then lounges, kitchens and

reason to believe anyone risk," she says. "No one is to say my place is safe or demanding that someone and legally documented."

Since the incident she has ensured that Chad is not taken into the property. It is legal action against the insurer's policy is worry people and parents of disabled children who rely on home help.

Victoria exempts certain volunteers from personal and home care. The Carers Association, which provides support to families with disabled children, is also a home-based care. NSW also allows WorkCover to pay party costs, which the Victorian has been clawing back with success. The state's Opposition spokesman Bill Forewood is drafting a private member's bill to protect householders from being sued. "I don't think the most vulnerable people in our society are the ones who should be held responsible," he says.

Victoria's WorkCover is awake to the nightmare ahead. A spokeswoman confirms that the authority is preparing kits for the home care industry and householders to warn them of the potential occupational health and safety tips when they visit suburban veneers.

Slips, trips and falls in houses that, like their inhabitants, have seen better days or states from fitting the elderly and disabled without hospital hoists and equipment suggest personal injury claims and pursuit of third-party recovery is an accident waiting to happen.

*“How many elderly or disabled Australians receiving personal care services realise that their house is a workplace and if a carer is injured on the premises, then lounges, kitchens and bathrooms will be judged according to a vast array of occupational health and safety standards?”*



INVESTING TRUTHS:  
Understanding risk

## **Risk always plays a role.**

Naomi Watts is someone who understands that roles with risk have the potential for reward-winning recognition. Her left-of-mainstream choices have resulted in spectacular performances that have not gone unnoticed by the Academy. She understands the risk versus reward equation. When preparing to invest, this same risk assessment is an important consideration. Choose a level that you're comfortable with and accept that the higher the potential for return, the higher the risk you'll need to take.

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# Stories from our experiences

- Sarah's daily swim
- Sam and his many belongings
- Going for a drive?

# Why has risk become such an issue?

- More conscious of personal & business risks
- Increasing individualism
- Devaluation of groups in society
- Protective nature of human services
- "Demand management" based on risk not needs
- Increased regulation & penalties

# Whose risk is it?

## Risk to the human service organisation

- Adverse effect on reputation and standing e.g. adverse media publicity, coronial inquest
- Staff injury Workcover costs, increased premiums affect costs of the program, possible industrial action
- Staff or client injury leading to the potential for litigation
- Risk of losing government funding

# Whose risk is it?

## Risk to the worker

- Staff may be blamed for taking risks
- Risk of injury
- If staff taking risks without adequate support can lead to burn out
- If not allowed to take risks due to restrictive policy then may leave due to frustration and low morale

## Risk to the client

- Risk of injury, illness or death
- Risk of limited/poor quality of life if not allowed to take risks
- Risk of lack of personal growth
- Risk of infringement of rights

# Consequences of a narrow approach to risk management

- Can exclude people considered "hard to serve"
- Risk defined as worst possible scenario
- Governments contract out the risk
- Growth in risk tools detracts from problem-solving within a relationship
- Community care is inherently risky

# Benefits of Risk

For the organisation

- Potential for more positive outcomes
- Improved quality of life for consumers
- Greater creativity and improved staff morale
- Enhance problem-solving skills

# Benefits of risk

## For the worker

- Greater challenge and opportunity for growth
- Greater job satisfaction
- Improved knowledge and skills in problem-solving

# Benefits of risk

For the consumer

- Improved opportunities for personal growth and development
- Improved capacity to assess own risks
- Rights and dignity are respected

# A positive approach to risk

*If risk is defined in a narrow hazard orientated way then risk management can be a mechanism of protecting the agency and its employees from blame and litigation at the cost of restricting users' choice and rights. If on the other hand it is defined in a broader, more creative way, for example as reasonable risk-taking, then it can be used as a way of empowering users.*

(Hazel Kemshall, 2002 )

# The court's view on OH&S

*"The Occupational Health and Safety Act does not require employers to ensure that accidents never happen. It requires them to take such steps as are practicable to provide and maintain a safe working environment. The courts will best assist the attainment of this end by looking at the facts of each case as practical people would look at them; not with the benefit of hindsight nor the wisdom of Solomon but nevertheless remembering that one of the chief responsibilities of all employers is the safety of those who work for them. **Remembering also that, in the main, such responsibility can only be discharged by taking an active, imaginative and flexible approach to potential dangers in the knowledge that human frailty is an ever present reality**".*

Supreme Court of Victoria (Holmes v RE Spence and Co Pty Ltd (1992))

# DeBono's Six Thinking hats

- White Hat – focus on data
- Red Hat – intuition & emotion
- Black Hat – cautious & defensive
- Yellow Hat – optimistic
- Green Hat – creative
- Blue Hat – process control

# 6 thinking hats

If you use all the hats your decisions and plans will mix ambition, skill in execution, public sensitivity, creativity and good contingency planning.

Isn't that what we want from good risk management?

# "On Equilibrium"

John Ralston Saul

6 qualities most effective in society when they are recognised as of equal, universal value

- Common sense
- Ethics
- Intuition
- Memory
- Reason
- Imagination

# Reason

“Reason, unlimited by other qualities of equal value, will become irrational. Like any other quality, it is because it is a limited phenomenon” p 267

# Imagination

*"Imagination protects us from the temptation of premature conclusions; the temptation of certainty and the fantasy of fixed truth. What's more, it seems to draw us forward by using this prolonged uncertainty to alternately leap ahead and then enfold our other qualities – our other means of perception – into a new inclusive vision of the whole. Then, just as we think we understand, it leaps ahead again into more uncertainty. And so imagination appears to be naturally inclusive and inconclusive." p116*



The end of the  
stories.....

# What can we do?

- Be committed to improving people's lives
- Take person-centered approaches to resolving risk issues
- Understand the person and their history
- Understand the consequences of being marginalized in our community
- Make decisions in the context of a right relationship

# What can we do? cont.

- Engage in partnerships and collaboration
- All parties to share the risks
- Use your creativity, imagination and common sense
- Have courage to take reasonable risks
- Have the capacity to manage complexity