

# **STANDARD FOUR: PRIVACY, DIGNITY AND CONFIDENTIALITY**

**Each person's right to privacy, dignity and confidentiality in all aspects of his or her life is recognised and respected.**

## **Standard 4.1**

# **PRIVACY, DIGNITY AND CONFIDENTIALITY**

### **4.1.1 Purpose and Scope**

This policy guides staff and volunteers of Samaritans in their actions and attitudes towards respecting the privacy, dignity and confidentiality of people using the service.

### **4.1.2 Definitions**

**Confidentiality:** is the assurance that personal information is protected and not disclosed to people who are unauthorised.

**Dignity:** is treating someone with respect in a way that honours their cultural and community background and positively influences their self-esteem.

**Privacy:** is freedom from intrusion and public attention.

### **4.1.3 Principles**

The services offered by Samaritans are provided in a context upholding the principles of the least restrictive alternative and with least intrusion into the person's life. These practices promote the person's ability to manage their own affairs and increase the levels of privacy, dignity and confidentiality.

### **4.1.4 Policy**

Samaritans recognises that each person using their services has the right to privacy and confidentiality in respect of all aspects of their lives. Further they have the right at all times to be treated with dignity. The service ensures that all support offered to the person respects, endorses, and maintains their right to confidentiality, privacy and dignity.

## 4.1.5 Procedures

- At point of entry to Samaritans services people are informed that the service is required to maintain records on them. The policies regarding these records are provided to the person. People are informed about:
  - a) the nature of the records
  - b) the possible use of information in the records and who may access it
  - c) their right to access information in the records
  - d) the process for consent to release information in the records.
- All staff members and volunteers agree to uphold Samaritans Professional Code of Conduct and recognise that all personal information of people using the service is confidential.
- Decisions to release information to external agencies are made within the individual support planning process and with the consent of the person, person responsible or guardian on each occasion.
- Use of information for the purposes of service planning and review, where possible, includes non-identifying data only. Should personal information be required, consent from the person involved, the person responsible or guardian is obtained on each occasion. Legally appointed adult guardians have limited authority: a guardian can only consent to release of information that informs provision to their clients within the limited 'function' of the guardianship order. Guardians do not have authority to consent to release of information:
  - a) outside of this area of authority;
  - b) between third parties, that is agency A and agency B;
  - c) contained in records of another agency of which they do not have complete knowledge.
- Staff members are required to display appropriate levels of professional respect and sensitivity for the confidentiality, privacy and dignity of the people they support. This includes sharing information with other staff on a need-to-know basis only. Staff members observe the same principles when raising issues in the context of professional supervision and debriefing.
- People receiving a service receive training and appropriate support to understand and practice respect for their own and others' privacy, dignity and confidentiality.
- People receiving a service have the right to enjoy a private life, free from unnecessary staff involvement. Staff members respect the wishes of the person, who provide informed consent, to an agreed level of involvement.

- Staff members assisting with people's care and personal hygiene ensure that the support offered at all times reflects the rights of that person to be treated with dignity and for their privacy to be maintained. This includes:
  - a) providing training to the person to increase their level of independence
  - b) providing information about the assistance to be offered
  - c) ensuring privacy by the closing of doors and curtains and by knocking on doors
  - d) observing the universal standards of infection control
  - e) ensuring privacy and respect in the handling of personal mail, in private meetings with family or friends and in managing telephone conversations.
  
- Staff members support people's lifestyle choices and personal relationships and are to ensure that the privacy of these details are maintained at all times.
  
- People are provided with appropriate support and assistance to conduct their personal relationships in ways that promote their right to privacy and dignity.
  
- Staff members respond positively to requests from people using the service to access their personal information according to the requirements of the Freedom of Information Act 1989.
  
- The informed decision of an adult not to have their family advised on particular information is respected.
  
- Samaritans staff only disclose information against the wishes of the person, person responsible or guardian when:
  - a) legislation requires such information
  - b) information is subpoenaed in a court proceeding
  - c) there is an overriding public interest e.g. sexual assault of other people using the service.

## 4.1.6 References

Human Rights and Equal Opportunity Commission Act 1986 Schedule 4 & 5  
NSW Freedom of Information Act 1989  
Privacy Committee Act 1975 (NSW)  
NSW Independent Commission Against Corruption Act 1988  
NSW Disability Services Act 1993 Objects 3 (bii), Principles and Applications  
of Principles 1 (a & g) & 2 (f & p)  
NSW Disability Services Act 1993 Standard 4  
Samaritans Disability Services Policies and Standards –  
**Individual Files**  
**Consent and Guardianship**  
Samaritans Policy and Procedural Guidelines  
**Confidentiality**  
**General Guidelines for Professional Conduct**

## 4.1.7 Person Responsible

It is the responsibility of support worker to:

- inform people of their rights to privacy, dignity and confidentiality
- maintain privacy of information to a need-to-know basis
- ensure privacy is maintained in all personal care.

It is the responsibility of the Coordinator to:

- monitor personal care support to ensure privacy and dignity is maintained
- supervise support staff observing confidentiality of information
- receive supervision from the Disability Services Manager, observing confidentiality of information
- provide non-identifying data to the Disability Services Manager for data collection purposes.

## 4.1.8 Implementation and Evaluation

Information is shared on a need to know basis and/or with authorisation.

## 4.1.9 Documentation

Approval for shared information is documented in the individual file.

## **Standard 4.2**

# **INDIVIDUAL FILES**

### **4.2.1 Purpose and Scope**

This policy guides staff of Samaritans in their responsibility to maintain accurate and up to date information and records on people using the service.

### **4.2.2 Definitions**

**Individual Files:** are the records and documentation of personal information kept on a person using the service. Records include both paper and computer files.

**Archive:** is the storing of historic information no longer used on a day to day basis or the closing and storage of a file where the person is no longer active in the service.

### **4.2.3 Principles**

Samaritans recognises the importance of ensuring that records are accurate, consistent, effective and objective. Records are required for professional accountability and service operational purposes. Samaritans maintains all personal files consistent with the person's right to privacy and confidentiality.

### **4.2.4 Policy**

Samaritans only keeps information necessary for the provision of that service to the person. The service maintains the quality and accuracy of the records kept. Once recorded, information is maintained in accordance with legal requirements. Samaritans recognises the person's rights to access their own records. The service provides information to people using the service in an accessible format.

## 4.2.5 Procedures

- Staff members keep records on each person receiving a service from them. The record remains the property of Samaritans, although the person receiving a service may access it.
- As people join Samaritans they are advised of the service's policy to maintain records on them. They are provided with advice on the type of information kept, their right to access it, the purposes of information contained in their personal records and their right to consent to release of information.
- Staff members respect the confidentiality of the person's individual file and protect it from being accessed by staff members and others. Access to personal records is limited to staff members currently working with the person and management supervising the staff member.
- Students on work experience or clinical placement and external consultants access records when the specific consent of the person, person responsible or guardian has been obtained. Prior to accessing material of a confidential nature, students and consultants sign a written confidentiality undertaking.
- Where an individual file or information that is contained in it is to be shared with another person or agency the permission of the person or person responsible is obtained.
- People receiving a service are able to access their personal record at any time upon request. They are provided with appropriate assistance to understand the content of their records.
- Where a person of the service requests to access their file the following occurs:
  - a) a quiet, private area is offered to the person
  - b) the key worker or Coordinator remains in the room with the person
  - c) the person may request support from an advocate/friend or key worker
  - d) the person may obtain copies of information in the file
  - e) should the person query the accuracy of the information in the file the service requests supporting evidence prior to adjusting the file
  - f) should the person object to information in the file they are invited to make a formal complaint.



- Information contained on personal records is only be used for the purposes that it was obtained. However non-identifying data may be used for purposes such as planning, review and evaluation.
- Each person has one master file established and maintained by the primary support service. Information is in a standardised format for all Samaritans services.
- It is the responsibility of the Coordinator and key worker to maintain the personal records. This includes ensuring information is accurate, current, up to date and accessible.
- Significant issues and events related to the service being provided are documented on the individual file.
- All personal records are secured in a locked area and appropriate security is observed at all times when files are being used. Personal records are not removed from the premise unless through the process of transferring to another agency.
- Should the person transfer within Samaritans the record is exchanged with the person's consent. In addition a summary of the current situation is provided by the key worker to the receiving service.
- Should the person be receiving a service from or be transferring to an external agency information from their personal record is supplied with the person's consent. This occurs when a written request is provided by the external service that identifies the specific information required from Samaritans. This involves a summary of relevant information and not a transfer of the file.
- Disclosure of personal records for purposes other than those stated in the policy can only occur with the consent of the person, person responsible or guardian or where legal matters require it.
- Samaritans staff follow the procedures for obtaining verbal and written consent in **10.11 Consent and Guardianship**.
- When a person leaves Samaritans and their personal record is closed it is archived in accordance with the Samaritans Policy and Procedural Guidelines on Archival of Files.

## 4.2.6 References

Freedom of Information Act (NSW) 1989  
Privacy Committee Act 1975 (NSW)  
Independent Commission Against Corruption Act 1988 (NSW)  
Community Services (Complaints, Appeals and Monitoring) Act 1993 (NSW)  
NSW Disability Services Act 1993 - Objects 3(a & f) Principles 1(e) and  
Applications of Principles 2(d, i, p)  
NSW Disability Services Standards 2 & 4  
Samaritans Disability Services Policies and Standards -  
**Consent and Guardianship**  
**Decision Making and Choice**  
**Privacy, Dignity and Confidentiality**  
Samaritans Policy and Procedural Guidelines  
**Maintaining of Files**  
**Archival of Files**

## 4.2.7 Person Responsible

It is the responsibility of key worker to:

- maintain the information on the individual file in an accurate and up-to-date manner
- obtain consent for sharing of information, other than in an emergency
- record consent obtained.

It is the responsibility of the Coordinator to:

- ensure consistency of format for individual files
- monitor the accuracy and appropriateness of information
- supervise key worker's maintenance of information
- archive historic information and closed files.

## 4.2.8 Implementation and Evaluation

Information is shared on a need to know basis and/or with authorisation.

## 4.2.9 Documentation

Individual files are in an approved standardised format. Approval for shared information is documented in the individual file.



## **Standard 4.3**

# **RESPONDING TO THE DEATH OF A SERVICE USER**

- 4.3.1 Purpose and scope
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## **Standard 4.3**

# **RESPONDING TO THE DEATH OF A SERVICE USER**

### **4.3.1 Purpose and Scope**

This policy guides staff and management of Samaritans in their actions following the death of a service user. It includes procedures to be followed, responsibilities of particular staff, reporting requirements and definitions.

### **4.3.2 Definitions**

**Service user:** a person receiving support from a Samaritans service.

**Service Supervisor:** a Samaritans staff member allocated responsibility in their position description for a specific service outlet.

**Bereavement support and counselling:** The support provided to people who are experiencing bereavement or grief following the death of a significant person. Grief is a normal response to loss that people frequently get through with the loving support of family and friends. However, for a variety of reasons, it may be necessary to seek professional help in the form of counselling. This can be done through the Employee Assistance Program (EAP) for staff.

**Client Death Notification form (CDN):** The CDN is to be completed as a mandatory requirement by staff of DADHC funded, operated and licensed services to notify the Ombudsman of the death of a service user. The form can be downloaded from the DADHC website.

**Coroner:** officer of the municipality holding inquests on bodies of people who have died by accident or violence. The Coroners Act 1989 (NSW) requires that either the police or the coroner be advised of a death in care.

**DADHC:** Department of Ageing Disability and Home Care.

**Mandatory reporting:** The *Community Services (Complaints, Reviews and Monitoring) Act 1993* requires reviewable deaths to be reported to specific authorities including the Police, State Coroner and the Ombudsman.



**Reviewable deaths:** Section 35 (f) of the *Community Services (Complaints, Reviews and Monitoring) Act 1993* includes in the definition of “reviewable deaths” the death of:

‘a person (whether or not a child) who, at the time of the person’s death, was living in, or was temporarily absent from, residential care operated by a service provider authorized or funded under the *Disability Services Act 1993* or a residential centre for handicapped persons (in this Part referred to as a *person in residential care*)’.

Note: the term “residing in or temporarily absent from” refers to permanent residents of accommodation facilities. If the resident dies while temporarily away from the service i.e. whilst in hospital, on holiday, with their family or in respite care, reporting of the death by Samaritans is still required.

**Expected death:** When a service user has a progressive, advanced disease or terminal illness or when treatment of an illness will not be effective or the service user chooses not to pursue treatment.

**Unexpected death:** When a service user dies suddenly and unpredictably.

### 4.3.3 Principles

Samaritans acts to ensure that the dignity of the person who has died is maintained and provides information and support to the family member/advocate at the time of personal grief.

Samaritans believes that people with disabilities have a right to participate fully in the grief and mourning process and in all of society’s support systems and rituals associated with these losses.

Other guiding principles include:

- The response to the death of a service user is sensitive, appropriate, dignified and timely.
- The cultural and religious beliefs of the service user and their family are respected.
- In dealing with family or guardian, wherever possible a consistent staff member who knows the family has this contact.
- Samaritans will offer appropriate support to other service users affected by the loss.
- Samaritans will ensure staff are supported to understand the grief and loss process, their role in responding to the death of a service user, how to support others and themselves through this experience.



- Samaritans will observe an appropriate mourning period if a vacancy in a residential service is created by the death of a service user.

### **4.3.4 Policy**

Samaritans has structured procedures and clear lines of responsibility that are followed in the event of a death of a person using the service. Samaritans recognises its obligations to notify relevant authorities of the death of a person using their services.

As a DADHC funded service, Samaritans must:

- Report deaths in accordance with legislative requirements and timeframes, cooperate with enquiries from Police, Ombudsman and Coroner,
- Review the circumstances surrounding the death and take appropriate action, and
- Maintain and store required records.

### **4.3.5 Reporting Requirements**

There are potentially 3 government agencies that must be notified immediately when a service user dies. The type of service that the service user accesses and their personal guardianship status will determine which of these agencies will need to be notified.

Where a service user dies in their own home or at a Samaritans service outlet, Samaritans staff are to contact the Ambulance who generally organize for the Police to attend. The Police then report to the Coroner.

Where a service user dies in hospital, the hospital is responsible for organizing the notification of the Coroner.

### **Police/Coroner/Assistant Coroner**

Any death of a person who is a service user of Samaritans Disability Services must be reported in accordance with the *Coroners Act 1980 s 12A(1) and s 12A(2)*. This reporting requires notification to the police or a coroner or assistant coroner.

The deaths that will be reported include:

- Children and young people under the age of 18 living in or participating with Samaritans Disability Services
- Service users of Samaritans Accommodation Support services including group homes and residential centres
- Service users of Samaritans respite services (where the person was present at the service outlet at the time of their death, or was present prior to being transported to hospital)
- Service users of Samaritans Community Access programs including Day Programs (where the person was present at the service outlet at the time of their death, or was present prior to being transported to hospital)

Reporting timeframe: As soon as possible after becoming aware of the death. The death is reported by the staff member responding to the death. Failure to comply with legal mandatory reporting obligations can incur a financial penalty under the *Coroners Act 1980 s12A(1)*.

### **Ombudsman**

It is mandatory to notify the Ombudsman under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* of the death of a person with a disability in the following circumstances:

- Service user living in a residential service provided by Samaritans through the *Disability Services Act 1993*
- Service user who was temporarily absent from the above service type at the time of their death including where they may have been in hospital or a hospice
- A child or young person under the age of 18 years in any Samaritans operated service
- A child or young person who has been a service user of Samaritans who may have died from abuse, neglect or suspicious circumstances, wherever this occurs.



The NSW Ombudsman defines residential services as ‘where the service provider is funded to provide accommodation and support, the nature of which is residential care. The deaths of people whose only contact with disability services was through case management, drop in support, attending a day program, or employment, are not reviewable unless they were living in residential care’.

Samaritans considers this definition of residential services to be ambiguous in relation to service users receiving an outreach model of support. In the event of the death of a service user receiving an outreach model of support, the Client Services Manager will consult directly with the NSW Ombudsman’s office about whether notification is required. Where this remains unclear Samaritans will officially notify the NSW Ombudsman’s office of the service user’s death.

The notification is done by the Client Services Manager using the Client Death Notification form (CDN) which must be downloaded from the DADHC website on each occasion ([www.dadhc.nsw.gov.au](http://www.dadhc.nsw.gov.au)). Reporting must occur within 48 hours of the death of a service user.

#### **The Office of the Public Guardian**

The Office of the Public Guardian should be notified if the Public Guardian is appointed as guardian or financial manager of a service user.

### **4.3.6 Functions of External Agencies**

#### **Police**

The Police investigate the circumstances surrounding a death at the time of death. The Police are required by the Coroners Act 1980 to report the death of a person with a disability to the Coroner. The Police are also required to transport the body of the person to the Coroner.

#### **Coroner**

The Coroner considers each death to determine the manner and cause of death and to decide whether an inquest is necessary. The Coroner provides information to the Ombudsman.

#### **Ombudsman**

The Ombudsman focuses on systemic issues and ways in which deaths could be prevented or reduced. Specifically the Ombudsman:

- Monitors and reviews deaths of certain children and people with disabilities to identify patterns and trends;



- Analyses the information relating to reviewable deaths and makes recommendations about policies and practices that could prevent or reduce deaths and enhance the safety of children and people with disabilities;
- Creates and maintains a register of reviewable deaths in NSW;
- Undertakes research or other projects focusing on strategies to reduce or remove risk factors associated with reviewable deaths that are preventable; and
- Prepares an annual report to Parliament relating to reviewable deaths.

### 4.3.7 Immediate Response by Staff – Procedure

The death of a service user may be expected or unexpected.

In either the expected and unexpected death of a service user at a service outlet or where staff are visiting the service user in their own home, the response by staff in these circumstances is to:

- Complete a **D.R.A.B.C** assessment (*Staying Alive: First Aid Made Easy, St John Ambulance Australia, 3<sup>rd</sup> edition, 1999, pp. 26-40*):

**Danger** – remove from further danger

**Response** – check for a response “Can you hear me?”

**Airway** – check the airway is clear, attempt to clear if it is obstructed

**Breathing** – is the person breathing?

**Circulation** – is there a pulse?

- Call 000 and ask for an Ambulance
- Follow procedures from Ambulance
- After this procedure:
  - make sure the person’s body and environment are not disturbed
  - contact the Client Services Manager or on call if out of business hours (this person will ensure that the relevant Area Coordinator and Service Supervisor are contacted)
  - offer support to any other service users at the place of death
  - where family members are present, offer support and offer to contact some-one to come and support them
  - remain at the location until the Ambulance and back up arrive.
  - complete an incident report



In addition the following considerations are given to expected and unexpected deaths of service users:

If the family were not present at the time of death and wish to view the deceased, staff may need to negotiate some time with the police prior to the removal of the service user's body. If this is not possible, the 'next of kin' may need to be assisted to negotiate viewing times with the morgue and/or selected funeral director.

If the service user was in hospital at the time of their death, Samaritans staff need to remind hospital staff that the person's death must be reported to the Coroner under Section 12A (1) of the *Coroners Act 1980*.

### **Removal of the service user's body for an expected and unexpected death**

1. The police<sup>2</sup> are to be notified immediately and visit the location where the service user died prior to the removal of the body.
2. In the case where a medical officer is attending to the person, the police are called by the attending medical officer after death is pronounced.
3. The medical officer<sup>3</sup> immediately completes a 'Report of the Death of a Patient to the Coroner' and the police prepare their own report for the coroner and, where required, take witness statements from the staff. The police take the doctor's report and lodge it at the Morgue. The contract transporter takes the body to the Morgue in the Coroners Van.

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<sup>2</sup> Under Section 12A (1) of the Coroners Act 1980, the death or suspected death must be reported to a member of the police force, or a coroner or assistant coroner, as soon as possible after becoming aware of the death.

<sup>3</sup> Under Section 12B of the Coroners Act 1980, a medical practitioner must not certify the cause of death, as the death is reportable to a coroner.



### 4.3.8 Samaritans Management Response

Samaritans staff will work together to achieve all the requirements at the time of a service user’s death. This is an outline of roles for specific positions. These roles can be delegated by the Client Service Manager if appropriate.

Wherever possible it is preferable that the CSM for the specific service responds in person to the death of the service user by attending the service.

Where a death occurs outside of business hours the on call Manager/Senior Practitioner will attend the service and commence the process and then handover using the Responding to the Death of a Service User checklist.

POSITION	ROLE	TIMEFRAME
Client Service Manager (CSM)	1. Offer support with identifying the service user’s body where appropriate  2. Ensure notification to Police has occurred.  3. Notification of family (CSM can allocate an appropriate staff member)  4. Organise notification to: <ul style="list-style-type: none"> <li>• Coroner (Police to do this. CSM to confirm with Police)</li> <li>• Director Client Services</li> <li>• DADHC</li> <li>• Samaritans Chaplain</li> <li>• Families of other service users (where required)</li> </ul>	1. Immediately  2. Immediately  3. Immediately  4. As soon as possible
Client Service Manager (CSM)	5. Debrief for staff  6. Offer Samaritans Chaplain to staff, family.  7. Support for staff and service users at funeral  8. Complete case notes	5. Immediately  6. As soon as possible  7. Funeral, days after funeral  8. Days and weeks



POSITION	ROLE	TIMEFRAME
	<p>as required</p> <p>9. Offer counselling services for staff through Employee Assistance Program (EAP)</p> <p>10. Advise Samaritans Finance team (required to cease rents payable to/via Samaritans where appropriate and for their relevant records)</p> <p>11. Provide support for service users, staff and family at first anniversary of service user's death</p> <p><i>Additional roles in relation to residential services only:</i></p> <p>12. Download and complete Client Death Notification (CDN) form and send to the Department (<a href="http://www.dadhc.nsw.gov.au">www.dadhc.nsw.gov.au</a>)</p> <p>13. Organise notification to:</p> <ul style="list-style-type: none"> <li>• Community Visitor</li> <li>• Office of Protective Commissioner (where relevant)</li> <li>• Solicitors (where appropriate re wills)</li> </ul>	<p>following death</p> <p>9. As soon as possible</p> <p>10. Within 1 week</p> <p>11. Anniversary date of service user's death</p> <p>12. Within 48 hours</p> <p>13. Within 48 hours</p>
Director Client Services	<p>1. Notify CEO</p> <p>2. Provide support for staff</p>	<p>1. Immediately</p> <p>2. Immediately and ongoing</p>
Senior Practitioner	<p>1. Assist CSM in completing the Client Death Notification form as required</p> <p>2. Develop bereavement support plan for affected service user's including co-residents and friends including rituals and explaining</p>	<p>1. Within 48 hours of death</p> <p>2. Immediately and ongoing</p>



POSITION	ROLE	TIMEFRAME
	<p>the concept of funeral.</p> <p>3. Provide resources and training to staff in supporting people in grief and loss</p>	<p>3. Immediately and ongoing</p>
<p>Area Coordinator/ Service Supervisor</p>	<p>1. Support staff and service users</p> <p>2. Organise additional staff to support other service users as required</p> <p>3. Notify others as appropriate:</p> <ul style="list-style-type: none"> <li>• Day program</li> <li>• Physician</li> <li>• Chemist</li> <li>• Other Samaritans services</li> <li>• Staff on leave and ex staff</li> <li>• Neighbours</li> <li>• Service user’s friends/regular visitors</li> </ul> <p>4. Organise service user’s financial matters (in liaison with family/Public Guardian)</p> <ul style="list-style-type: none"> <li>• Cancellation of any regular payments</li> <li>• Financial reconciliation of any cash on hand at the service outlet</li> <li>• Deposit cash balance into bank account</li> <li>• Notify Centrelink</li> <li>• Notify bank/financial institution</li> </ul> <p>5. Liaise with family/ advocate about cleaning room and removal of service user’s possessions</p>	<p>1. Immediately and ongoing</p> <p>2. As soon as practical</p> <p>3. As soon as practical</p> <p>4. As soon as practical</p> <p>Before end of the day service user dies</p> <p>When considered respectful to do so</p>
<p>Support Workers</p>	<p>1. Undertake roles as requested</p> <p>2. Participate in EAP/support</p>	<p>As required</p>



POSITION	ROLE	TIMEFRAME
	offered as required 3. Request information and additional support as required 4. Support service users	

- The senior staff member in attendance assists the police with their enquires.
- The Area Coordinator arranges for extra staff to work with the remaining service users, if necessary.
- If the police indicate they wish to interview a service user or service users, the Client Services Manager organises support for the service user(s) by way of an advocate or person of their choice and, if necessary, legal representation for service user(s) whom the police wish to interview.

#### Wills

- In cases where the client does not have a Will, the Client Services Manager makes a referral to the NSW Public Trustee to administer the estate.
- If the client has a Will, the solicitor and Executor of the Will manage the closure of any financial business on behalf of the client.
- Further details on Wills is contained in the Samaritans Client Wills and Estates policy – 10.3 of the Accommodation Supplementary Policy & Procedures).

### 4.3.9 Notification of Family / Guardian

- Where the Police attend the death of a service user they undertake the role of notifying the family/guardian.
- Where the service user dies in hospital and the family is not present at the time of death, the Client Service Manager or delegated staff member will negotiate with the hospital staff about who will notify the family.
- Contact with the family/guardian or ‘next of kin’ by a Samaritans staff member must be as soon as possible (after the Police have notified them where this is relevant) and preferably in person by the Client Service Manager or delegated staff member that the family/guardian is familiar with and trusts. It is recognized that this may not be always possible where there are constraints around time and distance. While contact with the family/ guardian or ‘next of kin’ is a high priority, it should not be rushed.



- The family/guardian should be informed of when and where the service user died, that the death must be reported to the police, and the family /guardian should be asked if any religious or cultural practices are to be observed.
- The family should be offered the support of the Samaritans Chaplain. The Chaplain may also be able to assist with identifying support appropriate to the family's religious or cultural beliefs.
- The Client Services Manager or delegated staff member should keep the family informed with updates on the actions taken e.g. notification of coroner, any police communication.
- Also, certain external services need to be notified of the death of a service user. Clarification with the family about who will notify these services is essential. These services include:
  - Centrelink
  - Medicare
  - Bank/Financial institution

Usually a Death Certificate is required as evidence when notifying these services.

These services will advise of their procedures or requirements for closing accounts/ceasing payments etc.

### **Funeral arrangements**

- Families are responsible for organising the funeral, however Samaritans can offer support if requested.
- Families are encouraged to consider making advance funeral plans for/with their family member so that their wishes can be carried out. Families who do not wish to do this formally with a Funeral Director are encouraged to discuss or document their wishes for their family member's funeral with the service. Families can either provide a copy of any such documentation to the Samaritans service or advise where it can be accessed. Any documentation provided by a family in relation to funeral wishes is to be noted in the Additional Documents section of the service user's individual file. A record of any discussions on this topic is to be documented in the case notes section of the service user's individual file.



- Where the service user indicates their wishes for their funeral this is to be recorded in the Important Notes section of their individual file. With the service user's consent, this information is to be discussed with the family. This discussion may take place in the context of individual planning.
- If the deceased service user does not have a family, guardian or advocate, Samaritans staff are responsible for arranging the funeral. The Client Services Manager will liaise with staff and the Chaplain to coordinate this.
- In circumstances where the family cannot afford the cost of the funeral and the service user's estate cannot cover funeral costs, the Client Services Manager makes a referral to the local police. The local police have the responsibility for organising assistance through the Department of Health Programs that provide financial assistance with burials and cremations for a person without means. The local police refer the deceased person to the Funeral Director and inform them that it is a destitute burial. The local police are responsible for completing the appropriate forms and forwarding them to the Department of Health along with the Funeral Directors account. The Department of Health will then organise payment to the Funeral Director.
- Samaritans staff or other service users may wish to ask to be a part of the funeral ceremony. These requests should be directed to the family via the Client Services Manager or delegated staff member. It is respected that it is entirely up to the family if this request is granted.
- The Area Coordinator and Service Supervisor make arrangements for service users and staff wishing to attend the funeral. The Client Service Manager is also responsible, where necessary, for organising support for service users to attend the funeral.
- Service user may require support by staff to attend the funeral. If a service user has not attended a funeral before, staff explain to the service user(s) what to expect at a funeral and the sequence of events.

### **Acknowledging the anniversary of a service user's death**

- The family should be contacted at the time of the first anniversary of the service user's death. Consideration of the appropriate form of contact should occur i.e. send a card, phone call etc.
- The Service Supervisor should diarize the anniversary of a service user's death in the service diary so that appropriate acknowledgements can be planned.

- Acknowledgement of subsequent anniversary dates may occur with families. This decision will be based on consideration of the relationship with the family and the family's wishes.
- The Area Coordinator or Senior Practitioner will also ensure that the team and service users impacted on by the death of a service user will also have the opportunity to acknowledge the anniversary of the death in a way that is meaningful to them.

### **4.3.10 Supporting Service Users affected by a Death**

The following information is taken from 'Managing Grief Better: People with Developmental Disabilities' Professor Sheila Hollins from the Department of Ageing Disability and Home Care policy *Response to the death of a service user and reporting reviewable deaths* (2004).

This information is provided to give some context for staff to assist in considering how to work best with service users affected by a death. This information is relevant whether the person who died was another service user or a family/friend of the service user.

"Part of life is dealing with one's losses and grieving. It is not uncommon for adults to feel they must protect others from these difficulties.

In fact, strenuous efforts are often made to protect people with disabilities from life's losses and disappointments. Often they have received little information or education about the death and dying process. It is imperative that all people be able to access the supports given to understand death and loss. Protecting someone usually results in more problems in that grief and mourning will not be properly experienced, leading to more significant difficulties in the future.

Intellectual disability has a broad spectrum. The greater the person's functional ability, the more likely the individual's grief will be recognized.

People with disabilities have a right to participate fully in the grief and mourning process and in all of society's support systems and rituals associated with these losses.

The following recommendations are made to assist persons with disabilities in dealing with death and loss:



- Be honest, include and involve the person. The person should be offered the choice of whether to attend the funeral or memorial service. If the person is unable to choose directly because of cognitive limitations, it is usually advisable to involve the person as fully as possible in all the rituals being arranged.
- Being available to listen and provide support is essential. This must occur immediately after the death and, most importantly, also in the weeks and months following. Understanding the permanence of death comes slowly thus the person with a disability may experience delayed grief.
- The non-verbal rituals with which most cultures surround death are helpful to many of us. They are particularly helpful to people with disabilities who cannot find solace in the written or spoken word. Counselling picture books may be helpful in explaining what happens when someone dies.
- Respect photos and other mementos. In the early stages of bereavement it is quite common to avoid pictures, possessions and places, which are associated with the person who has died. As time passes, such mementos may come to be treasured. The reduction in avoidance of such cues can provide a useful measure toward resolution of grief. People with disabilities should be helped to choose some mementos, and this choice should be offered again at a later date when some of their emotional pain has subsided. Sometimes people make unexpected choices, but these should be respected.
- It is advisable to minimize changes in routine and changes in accommodation at a time of grief. As a rule of thumb, major changes should be avoided for at least one year.
- Assist searching behaviour. By revisiting old haunts and going to the cemetery, caregivers can assist appropriate searching behaviour to support emotional recovery. Hoarding behaviour may suggest that more help of this kind is required.
- Support the observance of anniversaries. Many religions have formal services a year after someone has died. This is especially true at the time of the anniversary of an important loss.
- Seek specialists for consultation if behavioural changes persist. Referrals for consultation with specialists are typically made very late. It is important to make referrals as soon as any serious grief reactions are noted, such as aggressive behaviour, persistent irritability, mutism, loss of skills or



inappropriate speech (e.g. asking the whereabouts of the deceased all the time, self-injury, tearfulness or absconding).”

### 4.3.11 References

- *Disability Services Act 1993*
- *Coroners Act 1989 (NSW)*
- *Disability Service Standards 4 and 9*
- *Samaritans Disability Services Policy and Standards: Individual Files and Privacy, Dignity and Confidentiality*
- *Community Services (Complaints, Reviews and Monitoring) Act 1973*
- *Response to the death of a service user and reporting reviewable deaths (2004).*
- *The Crimes Act 1900*
- *Occupational Health and Safety Act 2000*
- *State Records Act 1998*
- *Work Cover*

### 4.3.12 Person Responsible

**It is the responsibility of all Samaritans staff to:**

- Respect the wishes of the family in relation to funeral arrangements
- Respect the religious and cultural beliefs of families/ guardians
- Respect and support the rights of service users to experience grief and loss
- Complete case notes as required

**It is the responsibility of the Client Services Manager to:**

- Offer support with identifying the service user’s body where appropriate
- Ensure notification of family (CSM can allocate an appropriate staff member)
- Ensure notification to government agencies and other relevant parties
- Ensure debriefing/counselling opportunities are offered to staff and other service users
- Offer Samaritans Chaplain to staff, family
- Support for staff and service users at funeral
- Complete Client Death Notification (CDN) form and send to the Department
- Ensure organization of funeral for service users without families or sufficient means to pay for their funeral
- Provide support for service users, staff and family at first anniversary of service user’s death

**It is the responsibility of Senior Practitioner to:**

- Assist the CSM to complete the Client Death Notification form
- Work with service users to support their understanding of death, funerals and grief (or delegate this role where required)
- Provide support to staff to enable them to offer support to service users affected by death

**It is the responsibility of the Area Coordinator/Service Supervisor to:**

- Provide support to staff and service users
- Organise additional staff to support other service users as required
- Make arrangements for service users and staff wishing to attend the funeral
- Organise for duplicate copy of the deceased service user's file to be made
- Organize notifications as required
- Diarise anniversary of service user's death in Service Diary so appropriate acknowledgments can be made

**It is the responsibility of the service team members:**

- Follow the procedures outlined when discovering a death of a service user
- Participate in EAP or alternative counselling as required
- Provide support to other service users impacted by the death of a service user

### **4.3.13 Implementation and Evaluation**

The management response to each service user's death should be reviewed and evaluated within 1 month after the service user has died to identify further strategies for improving the policy and support systems.

The Manger/On call 'Responding to the death of a Service User checklist' can be used to guide the review of the actions taken.

### **4.3.14 Documentation**

It is essential that comprehensive and accurate documentation is maintained in the interests of all parties concerned and to ensure accountability and transparency in decision making. Records should contain information recorded in a systematic, accurate way and be regularly updated.

All documentation should be current, relevant and consistent with Samaritans Disability Services Documentation Guidelines.



It is essential that adherence with the Samaritans Disability Services Documentation Guidelines is maintained throughout the service user's life as well as after their death.

There are a number of specific documents that are required when responding to the death of a service user:

### **Client Death Notification form (CDN)**

This form is developed by the funding body and should be downloaded from the DADHC website on each occasion that it is required to ensure it is the most up to date version of the form.

The Client Services Manager along with a Senior Practitioner (if required) completes the CDN and sends it to DADHC with the following documentation attached:

- Briefing Note
- Nutrition and Swallowing Checklist
- Health Care Plan
- Epilepsy Management, Asthma and/or Palliative Care Plans, if applicable.

### **Within the briefing note is:**

- Name, date of birth, address
- Date of death
- Whether the death was expected or unexpected
- If an expected death, diagnosis (attach Palliative Care Plan)
- Length of time at facility
- Contact details of 'next of kin' including record of contact
- Record of contact with police and/or coroner
- Nature and circumstance of death
- General medical issues
- Medication
- Identified disabilities
- Mobility
- Height and weight

### **Incident report**

The relevant staff members complete an incident report as soon as possible after the death. This incident report is a compulsory attachment to the Client Death Notification Form and therefore needs to be completed within 48 hours of the service user's death.



The Client Service Manager or Area Coordinator will organise additional support for the staff member who found the service user's body to complete their part of the incident report.

### **Service user file**

The original service user's file is sent to the NSW Ombudsman within eight weeks of the service user's death. The NSW Ombudsman may request the entire file for a specified period and/or specific documents.

A duplicate copy of the documents sent to the NSW Ombudsman's office must be made by Samaritans staff. This replica file can be shredded once the original file/documentation is returned from the NSW Ombudsman's office.

### **Case notes**

Appropriate case notes should be taken after the death to ensure the events are documented. This includes a record of conversations with families, government agencies etc