

Duty of Care – Practical Implications in the Evaluation of Social and Community Programs Using an Action Research Model

Bonnie Simons
bsimons@bsl.org.au

Social and community programs often involve participants who are socially disadvantaged through income, social isolation, age, disability, health or mental health issues. Duty of care is essentially a duty which every person owes to another person where their actions could reasonably be expected to affect them in some way. Professionals are required to take all reasonable care to ensure that their practices do not breach their duty of care to their clients either by their direct actions or by their failure to act. Some professions are mandated by law to report certain types of breaches of duty of care.

How does duty of care manifest itself in the case of evaluations of social and community programs and what are the lines of responsibility? There are a number of ways in which evaluation stakeholders either have a duty of care to, or are owed a duty of care by, other stakeholders. This discussion focuses on the interactions between the service provider, the evaluator and the client as they relate to the evaluation process rather than the actual service delivery, which connects the provider and the client.

The service provider has a duty of care to their client to ensure that they are not harmed by the evaluation process. For an evaluation to cause no harm it is important that evaluators are aware of any circumstances, which may have a bearing on how a participant responds to their involvement. This can only happen if the service provider makes the evaluator aware of these circumstances. In addition, the service provider has a duty of care to ensure that the evaluator is not put into situations that may harm them and once again this requires full disclosure of any potentially harmful circumstances. The evaluator of course has a self-duty of care to ensure that they are fully informed and do not put themselves into situations of danger.

Service providers have a duty of care to their clients in regard to confidentiality of their personal information. Many have policies allowing the sharing of client information within the workplace, with the agreement to confidentiality being seen to be between the service and the client, rather than an individual worker and the client. Can this be extended to include the evaluator in the range of people who can be provided with information about the client?

When the client agrees to become a participant in the evaluation process the evaluator makes an agreement with them that the interview will be confidential. If an action research approach is being employed to conduct the evaluation participant evaluator interactions may occur on a number of occasions, often fostering an atmosphere of trust in which personal issues may be more readily disclosed. This may present some challenges in balancing duty of care responsibilities with maintaining this trust. An action research methodology however can provide opportunities for raising less serious issues with service providers as feedback, discussion or observation without breaking this confidentiality.

What are some of the duty of care issues that evaluators may encounter and how do we respond to these situations? Some participants may be experiencing situations that are causing them direct harm, maybe as an unanticipated outcome of the project design, or external to the project. Some participants may be

confused or anxious about their participation in the project or evaluation and need reassurance and clarification. In some cases these situations can be alleviated simply by providing the relevant information at the time or undertaking to follow up the situation with the service provider for the participant if they are agreeable. In other more serious cases, or where the participant would like assistance but is reluctant to be identified, other strategies need to be employed to sensitively and ethically manage the situation. Finally, evaluators need to use their professional skills and experience to decide what action to take when duty of care situations arise, remembering that while it is not necessarily their responsibility to fix the problem, it is their responsibility to at least alert others who are in a position to do provide assistance to the client.