

Australian Capital Territory

Intoxicated Persons (Care and Protection) Standard 2004 (No 1)*

Disallowable Instrument DI 2004-177

made under the

Intoxicated Persons (Care and Protection) Act 1994, Section 31 (Making Standards)

I revoke disallowable instrument DI1998-19.

I determine the Standards set out in the attached schedule.

Bill Wood MLA
Acting Minister for Health
12 August 2004

*Name amended under Legislation Act, s 60

Care and Protection of Intoxicated Persons Standard

1. Title

This Standard is called the Care and Protection of Intoxicated Persons Standard.

2. Commencement

The provisions of this standard take effect on notification of the Standard in the *legislation register*.

3. Purpose

This Care and Protection of Intoxicated Persons Standard establishes minimum requirements for the manner in which a person licensed to provide a caring service, pursuant to the *Intoxicated Persons (Care and Protection) Act 1994* (“the Act”), shall provide that service.

The principal purpose of setting these minimum requirements is to maintain the dignity and privacy, and protect the health and safety, of persons who are admitted to a place licensed to provide a caring service.

The requirements are also intended to protect the health and safety of carers working in such places.

4. Interpretation

In this Standard:

- (a) the terms “carer”, “licensed place”, “licensee”, “manager” and “responsible person” have the same meaning as those terms have under the Act; and
- (b) “client” means an intoxicated person who is released from custody under section 4 of the Act into the care of the manager of a licensed place, or an intoxicated person presenting to a licensed place whether referred by another person or organisation or not, once the person is admitted to the licensed place.

5. Respect for clients to be observed

Protocols of Care to be in place

- 5.1 A licensee or manager of a licensed place shall ensure that protocols for the treatments and care of intoxicated persons are established and maintained.

Clients to be treated with respect and dignity

- 5.2 A licensee or manager of a licensed place shall ensure that a carer at a licensed place:
- (a) attempts to ascertain from a client the name by which he or she prefers to be addressed and, where a client indicates his or her preferred name, shall require the carer to use that name in addressing, or referring to, the client;
 - (b) discourages a client in an intoxicated state from behaving in a way which may cause him or her embarrassment when he or she is sober;
 - (c) where a client requires assistance in bathing, dressing or using toilet facilities, provides such assistance with discretion and, where possible, is a carer of the same sex as the client;
 - (d) enables a client, where he or she does not require assistance to bathe, dress or use toilet facilities, to carry out these activities in private, provided that enabling the client to carry out these activities unsupervised or unobserved would not place the client at risk;
 - (e) ensure clothing provided to a client, is clean, in good order and appropriate having regard to the size, sex and age of the client;
 - (f) advises the client that a telephone is available for use by the client and, where the client wishes to make a local telephone call enables the client to make at least one such call free of charge;
 - (g) where searching a client in accordance with the provisions of the Act, does so with discretion and is, where possible, a carer of the same sex as the client; and
 - (h) makes all other reasonable efforts to treat each client with respect and dignity, and in compliance with the relevant protocols of care in operation at the licensed place.

6. Suitability, safety and security of facilities at licensed place

Design of place to maintain privacy

- 6.1 Subject to paragraph 6.2(b), a licensee shall ensure that the design of a licensed place enables a client to bathe, dress and use toilet facilities in private.

Facilities to be suitable for use by and, enable observation of, clients

- 6.2 A licensee shall ensure that facilities at a licensed place:
- (a) are suitable for use by a client who may have a disability whether or not this is due to his or her intoxicated state;
 - (b) enable a carer to supervise and lawfully observe clients, to the extent necessary for the purposes of the Act.

Facilities and equipment to be maintained, cleaned and safe for use

- 6.3 A licensee or the manager of a licensed place shall ensure that a licensed place, including facilities and equipment at the place, is adequately maintained and cleaned and safe for use by carers and clients and, in particular, that:
- (a) carers are aware of, and observe, procedures for minimising and monitoring the spread of infection or infestation;
 - (b) the ventilation of the premises minimises lingering unpleasant odours;
 - (c) if spillage of blood or other body substances occurs, any area of the premises affected is appropriately cleaned before the area is further used by clients, carers or other persons;
 - (d) where a client uses a bed at the place, the linen provided is clean;
 - (e) bedding, including pillows and mattresses is covered with a protective surface and is cleaned between use by different clients;
 - (f) sharps containers are provided for disposal of items such as hypodermic needles and syringes.

Smoking not permitted

- 6.4 In accordance with the provisions of the Smoke-free Areas (Enclosed Public Places) Act 1994, the Occupational Health and Safety Act 1989, and the Smoke Free Workplaces Code of Practice (commenced 25 May 1994), a licensee or the manager of a licensed place shall not permit the smoking of tobacco in the licensed place.

Security for persons and property to be adequate

6.5 A licensee shall ensure that:

- (a) a licensed place provides adequate personal security for carers and clients;
- (b) there are adequate facilities and processes at a licensed place for the secure storage of the property of carers and articles in possession of clients; and
- (c) a Memorandum of Understanding is in place between the Police and the licensee which, where not provided for by statute, establishes the procedures to be followed where police presence or notification may be necessary, particularly in terms of refusal of admission to the shelter, removal of a client from the shelter and the discovery of prohibited substances or weapons on a client; and

a licensee or the manager of a licensed place shall ensure that:

- (d) safe work practices are observed in a licensed place, including procedures for responding to the violent or aggressive behaviour of clients, such as the use of duress alarms or other means of contacting police;
- (e) where a client's behaviour is such that it threatens the safety or security of persons or property at a licensed place, police intervention is sought; and
- (f) work practices at a licensed place are monitored and reviewed annually for the purpose of ensuring that they are effective in protecting the health and safety of clients and carers.

Safekeeping of client's clothing and other possessions

6.6 A licensee or the manager of a licensed place shall ensure that:

- (a) any clothing and other possessions given by a client to a carer, for safekeeping, are stored securely;
- (b) where any clothing and other possessions given by a client to a carer, for safekeeping, are dealt with in any way prior to their return to the client, a record is made of that dealing with the possession;
- (c) a client of a licensed place will have access to any possession, given to a carer, for safekeeping, if access to the possession is reasonably necessary for the client's health. A record will be made of that dealing with the possession;

- (d) any clothing and other possessions given by a client to a carer, for safekeeping is:
- (i) returned to the client on his or her departure from the place, where the client is able and willing to accept the return of the clothing and other possessions.
 - (ii) given to an ambulance officer to be held on behalf of the client, where the client is being removed from the licensed place to a hospital by ambulance, and the client is unable or unwilling to accept the return of the clothing and other possessions;
 - (iii) given to a police officer to be held on behalf of the client, where the client is being removed from the licensed place to police custody, and the client is unable or unwilling to accept the return of the clothing and other possessions; or
 - (iv) where possible, given to a responsible person, where the client is being removed from the licensed place other than by ambulance or by the police and the client is unable or unwilling to accept the return of the clothing and other possessions; and
- (e) any clothing and other possessions, which are not returned to a client, or given to another person at the client's department from a licensed place, or which is not subsequently collected by the client, is retained for 28 days from the day on which the client left the place, after which period it is handed over to the police.

Accidents to be reported

- 6.7 Where a carer at a licensed caring place becomes aware of an accident at the place or an incident in which a person's behaviour is abusive or harmful or injurious to that person or another, or results in damage to property, at the place, the carer shall make a written report of the details of the accident or incident, including details of any action taken in response to the accident or incident, and provide the report to the manager.

Insurance to be held

- 6.8 A licensee of a licensed place shall ensure that appropriate policies of insurance are taken out and maintained in accordance with the ACT Government Community Sector Funding Policy Agreement.

7. Care and Monitoring of clients

Admission of clients

- 7.1 A licensee or the manager of a licensed place shall ensure that, on the admission of a client to the place, a carer:
- (a) observes and records whether the client is breathing normally and is conscious;
 - (b) attempts to obtain a recent alcohol and drug history for the client, from the client or any person present who may be able to assist in this regard;
 - (c) attempts to ascertain from the client whether the condition of the client is the result of intoxication alone or may be attributed to injury or some other physical or mental condition, for example, diabetes or head injury, and complies with the services' protocols relating to the management of these conditions.
 - (d) where it appears to the carer that a client is under the age of 18 years, makes reasonable attempts to ascertain the age of the client and, where the carer has reason to believe that the client is under the age of 18 years, complies with Chapter 7 sections 158 and 159 of the *Children and Young People Act 1999*

Monitoring and care of client following admission

- 7.2 A licensee or the manager of a licensed place shall ensure that the following requirements relating to the care of a client are complied with:
- (a) where the client is awake, the breathing and level of consciousness of the client are observed at least every 15 minutes, for a minimum of 4 hours, following admission to a licensed place. Thereafter, the client will be observed every 30 minutes;
 - (b) where the client is asleep, the breathing of the client is observed, the level of consciousness and intoxication are assessed, and the extent to which the client is able to respond is checked, at least every 15 minutes, for a minimum of 4 hours, following admission to a licensed place. Thereafter, the client will be observed every 30 minutes;
 - (c) if the client is unsteady on his or her feet, or otherwise has difficulty in moving, he or she is suitably assisted;
 - (d) medical attention is sought for the client if either the client requests such attention or a carer believes the attention to be required, particularly having regard to:

- (i) symptoms inconsistent with the client being intoxicated alone (including symptoms of withdrawal);
- (ii) the client is unable to respond or their responsiveness deteriorates;
- (iii) the client experiencing difficulty breathing or having irregular breathing;
- (iv) the client complaining of experiencing pain; and
- (v) the client demonstrating behaviour which may result in him or her causing injury to himself or herself or to others; and

Information to be provided and referral to be offered to clients

- 7.3 A license or the manager of a licensed place shall ensure that a client is:
- (a) given access to information on safer alcohol and other drug use; and
 - (b) offered referral to other services, including alcohol and drug treatment services, as appropriate.

8. Skills, qualifications and training of carer

Skills and qualification of carers

- 8.1 A license shall ensure that a carer employed at a licensed place meets the standards specified in the National Competency Standards for Drug and Alcohol Workers and:
- (a) is competent to identify a client who is intoxicated or experiencing withdrawal and to manage a client who is intoxicated;
 - (b) is competent to identify when a client:
 - (i) is experiencing difficulty in breathing; or
 - (ii) is unable to respond or their responsiveness deteriorates;
 - (iii) is competent to obtain and record details of a drug and alcohol history;

- (iv) has undertaken training in:
- referral protocols with the police, hospitals and other relevant agencies; and
 - the provisions and requirements of the Act;
- (c) is aware of ACT community and health services available for persons with alcohol and other drug related problems; and
- (d) in relation to a client under the age of 18 years, is aware of any obligations, which he or she may have pursuant to the *Children and Young People Act 1999*.

Education and training of carers to be encouraged

- 8.2 A licensee shall encourage carers at a licensed place to participate in continuing education and training related to the work performed by those carers at that place.

9. Records

Records required to be kept

- 9.1 A licensee or the manager of a licensed place shall ensure that a carer makes a record of the following, in relation to each client:
- (a) information obtained pursuant to the requirements of subclause 7.1;
 - (b) a client's condition. As monitored in accordance with paragraph 7.2(a) and 7.2(b);
 - (c) behavioural observations of a client;
 - (d) any circumstances in which a client is provided with physical assistance by a carer, in which a carer seeks medical assistance on behalf of a client, or in which police intervention is sought due to the behaviour of a client;
 - (e) any report made pursuant to subclause 6.7, concerning a client; and
 - (f) any consent given by a client to the release of information about that client.

Records to be retained

- 9.2 A licensee shall ensure that any records relating to a client at the place are retained for a period of not less than 7 years from the date when the client was last admitted to the place.

- 9.3 A licensee shall ensure that records of training relating to carers are kept and retained for a period of not less than 7 years from the conclusion of the training to which a record relates and are updated not less than every 12 months.

10. Confidentiality of information

Use, which may be made of information

- 10.1 A licensee or the manager of a licensed place shall ensure that information, or a record of information, provided to, or obtained by, a carer, in relation to a client, be managed in accordance with the *Privacy Act 1988 (Cth)* and the *Health Records (Privacy and Access) Act 1997*.