



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **CHCEDS301B Comply with legislative, policy and industrial requirements in the education environment**

Release: 1

## **CHCEDS301B Comply with legislative, policy and industrial requirements in the education environment**

### **Modification History**

CHC08 Version 3	CHC08 Version 4	Comments
CHCEDS301A Comply with legislative, policy and industrial requirements in the education environment	CHCEDS301B Comply with legislative, policy and industrial requirements in the education environment	Unit updated in V4. ISC upgrade changes to remove references to old OHS legislation and replace with references to new WHS legislation. No change to competency outcome.

### **Unit Descriptor**

#### **Descriptor**

This unit covers the skills and knowledge required to participate in quality improvement activities, monitor and obtain feedback on work performance, maintain compliance with legislation and industrial instruments that relate to the education support worker role

### **Application of the Unit**

#### **Application**

This unit applies to education support work roles in a variety of education contexts including school or other education industry environment  
Work is to be undertaken with appropriate guidance, support and supervision by a nominated teacher or other education professional

### **Licensing/Regulatory Information**

Not Applicable

## Pre-Requisites

Not Applicable

## Employability Skills Information

**Employability Skills** This unit contains Employability Skills

## Elements and Performance Criteria Pre-Content

Elements define the essential outcomes of a unit of competency.

The Performance Criteria specify the level of performance required to demonstrate achievement of the Element. Terms in italics are elaborated in the Range Statement.

## Elements and Performance Criteria

### ELEMENT

1. Identify legislative and policy requirements

### PERFORMANCE CRITERIA

- 1.1 Access current workplace information that covers the range of *legislation and guidelines* relevant to the job role
- 1.2 Confirm with senior staff key requirements of relevant legislation
- 1.3 Clarify and confirm understanding of legislation to ensure consistency of interpretation and application
- 1.4 Clarify and confirm understanding of legislation integration to form a legislative framework in the *education environment*
- 1.5 Obtain advice from supervisor when *conflicting legislative directives* are found

## ELEMENT

## PERFORMANCE CRITERIA

### 2. Comply with legislative and policy requirements

2.1 Undertake work in accordance with requirements of legislation and organisation policies

2.2 Report promptly, incidents of non compliance resulting from breaches of legislation

2.3 Inform authorised persons or bodies of *inadequacies in workplace procedures* which may contribute to non compliance

2.4 Review own conduct and seek feedback from others to confirm continuing compliance with legislation, policy and procedures

2.5 Report *changes to personal circumstances* affecting compliance in a *regulated education environment*

### 3. Identify and comply with *industrial instruments* relating to the job role

3.1 Identify the industrial award relevant to the job role and identify key responsibilities

3.2 Source and read any relevant certified agreements

3.3 Clarify award conditions with appropriate personnel as required

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

This describes the essential skills and knowledge and their level required for this unit.

#### *Essential knowledge:*

The candidate must be able to demonstrate essential knowledge required to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include:

- Understand and adhere to own work role and responsibilities
- Legislation relating to the education sector, the education support workers role and key requirements of each
- Integration of legislation to form legislative framework for the education environment
- Curriculum and curriculum framework
- Organisations policies and procedures for responding to legislative issues
- Duty of care responsibilities as applies to non teaching staff
- Safe working practices
- Potential hazards and risks for students resulting from breaches of relevant legislation or policy
- Key requirements of Industrial awards
- Relevant code/s of ethics
- Equal employment opportunity and equity and diversity principles

#### *Essential skills:*

The candidate must be able to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include the ability to:

- Follow school/centre policies and procedures
- Identify inappropriate conduct
- Undertake basic research and evaluation of enabling legislation, awards, certified agreements, workplace policies and work procedures
- Liaise with and report to relevant personnel
- Respond to diversity, including gender and disability in compliance with legislation and policies

## REQUIRED SKILLS AND KNOWLEDGE

- Apply environmental and work health and safety (WHS)
- Undertake self assessment
- Communicate with others involving exchanges of complex oral and written information
- Apply the level of reading, writing, language and numeracy competence required to perform effectively in an education support role

## Evidence Guide

### EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the Performance Criteria, Required Skills and Knowledge, the Range Statement and the Assessment Guidelines for this Training Package.

*Critical aspects for assessment and evidence required to demonstrate this unit of competency:*

- The individual being assessed must provide evidence of specified essential knowledge as well as skills
- This unit could be assessed either on the job or off the job through an appropriate workplace simulation for a range of age groups and a range of conditions over a number of assessment situations

*Access and equity considerations:*

- All workers in community services should be aware of access, equity and human rights issues in relation to their own area of work
- All workers should develop their ability to work in a culturally diverse environment
- In recognition of particular issues facing Aboriginal and Torres Strait Islander communities, workers should be aware of cultural, historical and current issues impacting on Aboriginal and Torres Strait Islander people
- Assessors and trainers must take into account relevant access and equity issues, in particular relating to factors impacting on Aboriginal and/or Torres Strait Islander clients and communities

## EVIDENCE GUIDE

### *Context of and specific resources for assessment:*

- This unit can be assessed independently, however holistic assessment practice with other community services units of competency is encouraged
- Assessment requires access to a range of opportunities defined in the Range Statement, including:
  - appropriate workplace where assessment can take place
  - simulation of realistic workplace environment for assessment
  - relevant school/centre policy, protocols and procedures

### *Method of assessment:*

- In cases where the learner does not have the opportunity to cover all relevant aspects in the work environment, the remainder should be assessed through realistic simulations, projects, previous relevant experience or oral questioning on 'What if?' scenarios
- Assessment of this unit of competence will usually include observation of processes and procedures, oral and/or written questioning on Essential knowledge and skills and consideration of required attitudes
- Where performance is not directly observed and/or is required to be demonstrated over a 'period of time' and/or in a 'number of locations', any evidence should be authenticated by colleagues, supervisors, clients or other appropriate persons

## Range Statement

### RANGE STATEMENT

The Range Statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Add any essential operating conditions that may be present with training and assessment depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts.

*Legislation and guidelines will be specific to the particular education environment and may relate to but are not limited to:*

- Public sector employment
- Affirmative action
- Education and/or training legislation
- Codes of ethics/conduct
- Child protection legislation
- Student protection/safety policies
- Employment law
- Legislated standards
- Information and records management standards
- Organisations enabling legislation and regulations
- Security, storage, handling and classification of documents
- Financial management and accountability
- Anti corruption legislation
- Anti-discrimination
- Professional standards
- Employee relations
- Duty of care
- WHS
- Criminal, contract and administrative laws



## RANGE STATEMENT

*Education environment may include:*

- Government school (pre-primary, primary and secondary)
- Private/non-government school (pre-primary, primary and secondary)
- Education centre
- Kindergarten
- Special education centre
- Community education centre

*Conflicting legislative directives may include:*

- Apparent contradictions between statutes
- Apparent conflict between statutes and policy requirements

*A regulated education environment includes:*

- Schools and other education facilities where potential employees are required to undergo background checks in compliance with legislation designed to protect students
- Schools and other education facilities where the employment of teaching staff and the operation of the facility are regulated by government

*Changes to personal circumstances that must be reported may include:*

- Any change to the individuals criminal history  
*- a persons criminal history changes if they are charged or convicted of a criminal offence, whether or not a conviction is recorded*
- Student temporarily or permanently residing with staff

## **RANGE STATEMENT**

*Inadequacies in workplace procedures may include:*

- Insufficient financial/other controls
- Records processes unable to be audited
- Ambiguous guidelines
- No guidelines or policies
- Unnecessary complexities
- Use of non current legislation
- Inadequate employment procedures
- Inadequate/sufficient training
- Inaction where an employee's criminal history changes

*Industrial instruments may include:*

- Awards
- Certified agreements
- Workplace agreements
- Contracts of employment

## **Unit Sector(s)**

Not Applicable