



**Australian Government**

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

# **BSBCOM402B Implement processes for the management of a breach in compliance requirements**

Release: 1

## **BSBCOM402B Implement processes for the management of a breach in compliance requirements**

### **Modification History**

Not applicable.

### **Unit Descriptor**

<b>Unit descriptor</b>	This unit describes the performance outcomes, skills and knowledge required to identify, classify, investigate, rectify and report breaches in compliance requirements within an organisation. The processes will be as defined within the organisation's compliance program/management system. The unit has been designed to be consistent with AS 3806: 2006 Compliance programs. No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.
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## Application of the Unit

<b>Application of the unit</b>	<p>This work applies to an owner-manager required to undertake a broad role in the organisation, a senior manager in a small organisation, a section or line manager in an operational unit, or a member of a compliance management team within a larger organisation.</p> <p>Competence in this unit requires the demonstration of core of knowledge associated with the general processes of identifying, classifying, investigating, rectifying and reporting breaches in compliance requirements. There is also a variable knowledge set related to the specific legislative requirements, code/s of practice and internal standards, and associated breach management procedures relevant to the operations and sphere of business of the organisation and/or industry sector concerned.</p> <p>This unit is intended to ensure that compliance is an integral part of normal business operations.</p> <p>Application of this unit must be consistent with the pertinent sections of relevant Australian and international standards and legislative requirements including: AS 3806:2006 Compliance programs, AS ISO 10002:2006 Customer satisfaction - Guidelines for complaints handling in organizations, AS/NZS 4360:2004 Risk management and AS ISO 15489:2004 Records management.</p>
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## Licensing/Regulatory Information

Not applicable.

## Pre-Requisites

<b>Prerequisite units</b>	

## Employability Skills Information

<b>Employability skills</b>	This unit contains employability skills.
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## Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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## Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Identify a breach in compliance requirements	1.1. Monitor fulfilment of <b>compliance requirements</b> in operations within areas of responsibility in accordance with the organisation's established <b>compliance program/management system</b> 1.2. Promptly identify, classify, and report any breaches of compliance requirements
2. Develop and implement an action plan for investigation and rectification of a breach	2.1. Investigate identified breach of compliance requirements to determine the cause in accordance with the organisation's compliance program/management system 2.2. Develop an appropriate action plan for managing and rectifying an identified breach in accordance with the established breach management procedures and <b>relevant Australian and international standards</b> 2.3. Take prompt action to rectify a breach as per the plan 2.4. Document and report action taken as required
3. Liaise with relevant internal and external personnel	3.1. Maintain appropriate liaison with all relevant <b>internal personnel</b> , and <b>external personnel and organisations</b> on the nature of the breach and the action being taken 3.2. Inform internal and external personnel of progress in rectifying the breach 3.3. Take advice and direction from relevant internal and external personnel on the management and rectification of the breach in accordance with the organisation's compliance program/management system 3.4. Apply effective interpersonal skills
4. Monitor the rectification of a breach	4.1. Closely monitor progress in the rectification of a breach of compliance requirements in accordance with the organisation's compliance program/management system 4.2. Identify problem/s which may arise in breach rectification and take appropriate action to deal with the problem/s and report to appropriate personnel on its management 4.3. Notify all relevant personnel when the identified breach has been successfully rectified
5. Document breach and subsequent rectification	5.1. Prepare and submit all required reports on identified breach and subsequent rectification action to relevant internal and external personnel

<b>ELEMENT</b>	<b>PERFORMANCE CRITERIA</b>
	5.2. Report systemic and recurring problems of non-compliance to those with sufficient authority to correct them 5.3. Complete records of breach, action taken and the outcomes of rectification processes and file in accordance with the organisation's compliance program/management system

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

#### Required skills

- financial skills to manage budgetary resources for compliance management systems
- interpersonal skills to establish rapport, and to build relationships with clients, team members and stakeholders who have an interest in the operation of an organisation's compliance program or management system
- leadership skills to gain the trust and confidence of colleagues and clients
- literacy skills to prepare and edit reports containing complex concepts and ideas
- organisational and time management skills to organise compliance management systems, associated finances and human resources within an organisation
- problem solving skills to create innovative solutions to problems arising from organising and monitoring compliance management systems
- research and data collection skills to investigate an organisation's compliance management system.

#### Required knowledge

- compliance policies and requirements applicable to the organisation
- elements of the compliance program/management system including:
  - analysis techniques relevant to the review and interpretation of an identified breach in compliance requirements
  - breach management policies and processes including identifying, classifying, investigating, rectifying and reporting breaches in compliance requirements
  - compliance related management information systems
  - compliance reporting procedures
  - compliance complaints handling systems
  - continuous improvement processes for compliance including monitoring, evaluation and review
  - documentation of compliance requirements relevant to the organisation
  - liaison procedures with relevant internal and external personnel on compliance related matters
  - processes for the internal and external promulgation and promotion of information on compliance requirements and compliance program/management system
  - record keeping systems required for compliance management
  - reporting processes on compliance management including reports on breaches and rectification action
  - specification of compliance management functions, accountabilities and responsibilities within the organisation

### **REQUIRED SKILLS AND KNOWLEDGE**

- strategies for developing a positive compliance culture within the organisation
- relevant Australian and international standards such as:
  - AS 3806:2006 Compliance programs
  - AS ISO 10002:2006 Customer satisfaction - Guidelines for complaints handling in organizations
  - AS ISO 15489:2004 Records management
  - AS/NZS 4360:2004 Risk management
- internal and external personnel with an interest in compliance.



## Evidence Guide

<b>EVIDENCE GUIDE</b>	
<p>The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.</p>	
<b>Overview of assessment</b>	
<b>Critical aspects for assessment and evidence required to demonstrate competency in this unit</b>	<p>Evidence of the following is essential:</p> <ul style="list-style-type: none"> <li>• identification, investigation, rectification and reporting of compliance breaches within a workplace</li> <li>• knowledge of compliance policies and requirements applicable to the organisation.</li> </ul>
<b>Context of and specific resources for assessment</b>	<p>Assessment must ensure:</p> <ul style="list-style-type: none"> <li>• access to relevant information on compliance requirements such as: <ul style="list-style-type: none"> <li>• organisational policies, standard operating procedures, procedures and plans</li> <li>• relevant legislation, regulations, licensing requirements, codes of practice, standards</li> </ul> </li> <li>• access to the relevant internal and external data files</li> <li>• access to appropriate computer resources.</li> </ul>
<b>Method of assessment</b>	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:</p> <ul style="list-style-type: none"> <li>• analysis of responses to case studies and scenarios</li> <li>• analysis of information gathered about breaches in the compliance management system</li> <li>• assessment of action plan developed to manage and rectify an identified breach</li> <li>• direct questioning combined with review of portfolios of evidence and third party workplace reports of on-the-job performance by the candidate</li> <li>• observations of application of compliance management techniques used in gathering information about compliance breaches</li> <li>• observations of interactions with team members, colleagues, regulatory authorities and clients</li> <li>• oral or written questioning to assess knowledge of compliance reporting procedures</li> <li>• review of reports submitted on identified breach and subsequent rectification action</li> </ul>

<b>EVIDENCE GUIDE</b>	
	<ul style="list-style-type: none"><li>• assessment of records of breaches and action taken.</li></ul>
<b>Guidance information for assessment</b>	<p>Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:</p> <ul style="list-style-type: none"><li>• other compliance units.</li></ul>

## 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. Bold italicised wording, if used in the performance criteria, is detailed below. 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) may also be included.

***Compliance requirements*** may include:

- different types of external and internal compliance requirements including:
  - regulations of a state/territory, national or international regulatory authority
  - accreditation requirements of an institute, professional organisation or registration body
  - requirements for certification under statutory licensing systems
  - statutory standards or codes of practice
  - internal policies, procedures, standards or codes of practice of an organisation
- cross-industry, industry-specific and internal organisational compliance requirements in such areas as (examples in alphabetical groupings):
  - anti-discrimination (including discrimination by race, sex, disability, religion, etc.), alcohol licensing (licensing regulations covering clubs, pubs, licensed premises, etc.), aviation
  - bankruptcy
  - chemical use, child protection, construction, conveyancing/real estate, copyright, corporate governance, customs, credit
  - education, electricity, environmental protection, equal opportunity
  - financial services (including banking), fire, food hygiene, freedom of information, freight forwarding
  - gambling, gene technology
  - health, human rights
  - insurance, immigration, intellectual property
  - land management

<b>RANGE STATEMENT</b>	
	<ul style="list-style-type: none"><li>• maritime, mining</li><li>• pharmaceuticals, patents, privacy</li><li>• quarantine</li><li>• racing, rail transport, road transport</li><li>• safety (including cross-industry generic regulations as well as industry, equipment or product-specific sub-categories e.g. marine safety, rail safety, food safety, aviation safety, road safety, dangerous goods, construction safety, mine safety, road safety, etc.), security, sewage, superannuation</li><li>• taxation, telecommunications, tobacco, trade practices and consumer protection</li><li>• water supply, workers compensation, workers rehabilitation</li></ul>

<b>RANGE STATEMENT</b>	
<p><b><i>Compliance program/management system</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• breach management policies and processes including the identification, classification, investigation, rectification and reporting of breaches in compliance requirements</li> <li>• compliance complaints handling systems</li> <li>• compliance related management information systems</li> <li>• compliance reporting procedures</li> <li>• continuous improvement processes for compliance</li> <li>• corporate induction and training processes related to compliance management</li> <li>• documentation of compliance requirements relevant to the organisation</li> <li>• liaison procedures with relevant internal and external personnel on compliance related matters</li> <li>• processes for the internal and external promulgation and promotion of information on requirements and the compliance program/management system</li> <li>• record keeping systems required for compliance management</li> <li>• reporting processes on compliance management including reports on breaches and rectification action</li> <li>• specification of compliance management functions, accountabilities and responsibilities within the organisation</li> <li>• strategies for developing a compliance culture within the organisation</li> <li>• techniques and performance indicators for monitoring the operation of a compliance program/management system</li> </ul>
<p><b><i>Relevant Australian and international standards</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• AS 3806:2006 Compliance programs</li> <li>• AS ISO 10002:2006 Customer satisfaction - Guidelines for complaints handling in organisations</li> <li>• AS ISO 15489:2004 Records management</li> <li>• AS/NZS 4360:2004 Risk management</li> </ul>
<p><b><i>Internal personnel</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• board of directors</li> <li>• chief executive officer</li> <li>• compliance management team (where relevant)</li> </ul>

<b>RANGE STATEMENT</b>	
	<ul style="list-style-type: none"> <li>• compliance specialists at the operational level</li> <li>• frontline managers</li> <li>• senior management team</li> </ul>
<i>External personnel and organisations</i> may include:	<ul style="list-style-type: none"> <li>• chief executives and managers in organisations with an interest in the compliance issues being researched</li> <li>• educational institutions and organisations</li> <li>• government departments</li> <li>• legal and business advisors and consultants with expertise and interest in compliance requirements and related management systems</li> <li>• professional associations and institutes</li> <li>• representatives of relevant authorities in pertinent compliance areas</li> <li>• representatives of professional associations and institutes relevant to the organisation's operations and sphere of business</li> <li>• state/territory, national or international regulatory authorities</li> <li>• state/territory or national licensing authorities</li> <li>• state/territory or national statutory standards authorities</li> </ul>

### Unit Sector(s)

<b>Unit sector</b>	
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### Competency field

<b>Competency field</b>	Regulation, Licensing and Risk - Compliance
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### Co-requisite units

<b>Co-requisite units</b>	

<b>Co-requisite units</b>		