



Australian Government

Department of Education, Employment and Workplace Relations

BSBCOM503B Develop processes for the management of breaches in compliance requirements

Release: 1

BSBCOM503B Develop processes for the management of breaches in compliance requirements

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	<p>This unit describes the performance outcomes, skills and knowledge required to develop and monitor the processes for managing identified breaches in the fulfilment of compliance requirements within an organisation. This unit has been designed to be consistent with AS 3806:2006 Compliance programs.</p> <p>No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.</p>
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Application of the Unit

Application of the unit	<p>This unit applies to individuals working as a chief executive or manager in a small organisation (where it would be part of their broad role), or as a compliance officer or senior manager within a larger organisation with responsibility for identifying, classifying, investigating, rectifying and reporting breaches in compliance requirements.</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

Prerequisite units		

Employability Skills Information

Employability skills	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. Develop procedures for responding to breaches in internal and external compliance requirements	1.1. Obtain and interpret information on current compliance requirements applicable to the organisation 1.2. Review each area of compliance requirement to establish potential breaches 1.3. Develop and document appropriate procedures for identifying, classifying, investigating, rectifying and reporting breaches in compliance requirements
2. Monitor adherence to compliance requirements	2.1. Monitor and evaluate organisation operations to identify incidences of breaches in compliance requirements 2.2. Review and evaluate complaints and other sources of information on potential breaches in compliance requirements 2.3. Interrogate compliance management information system to identify any indication of breaches in compliance requirements
3. Manage the identification and rectification of breaches in compliance	3.1. Assign appropriate staff to take the required action to identify, classify, investigate and rectify breaches in compliance requirements 3.2. Ensure senior management team within the organisation is informed of all breaches in compliance requirements
4. Liaise with relevant personnel and organisations during breach management	4.1. Maintain liaison with relevant regulatory authorities and other organisations with an interest in compliance in regard to breaches in requirements and related action being taken 4.2. Take advice from relevant internal and external personnel on the management of breaches in compliance requirements and act upon this advice appropriately
5. Evaluate the response to and rectification of, breaches in compliance	5.1. Monitor action taken to manage and rectify an identified breach in compliance requirements in terms of the organisation's compliance policy 5.2. Confirm success in rectification of compliance breaches and notify relevant internal and external personnel 5.3. Recognise problems in the rectification of compliance breaches and initiate appropriate action to ensure that management of the breach is maintained 5.4. Refer reports of systemic and recurring problems of

ELEMENT	PERFORMANCE CRITERIA
	non-compliance to those with sufficient authority to correct them
6. Document and disseminate the breach management activities and outcomes	6.1. Document and report identified breaches in compliance requirements in accordance with relevant internal and external requirements 6.2. Maintain and store records of breaches in compliance requirements 6.3. Report on the action taken to rectify identified breaches in compliance requirements and the outcomes of this action 6.4. Disseminate reports on breach management to relevant internal and external personnel

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- interpersonal skills to contribute to a positive culture of compliance within an organisation
- investigative skills to gather information on how breaches in compliance requirements occurred
- organisational skills to develop and monitor processes to manage breaches in compliance requirements, including:
 - determining compliance requirements applicable to the organisation
 - sourcing information on breach management systems suitable for the organisation
 - developing a breach management system and related procedures
 - managing other personnel dealing with identified breaches in compliance requirements
 - documenting breach management procedures
 - applying investigative skills to the level required
- communication and interpersonal skills to relate to internal and external personnel and in particular those representing relevant regulatory authorities, professional institutes and organisations, standards organisations, etc.
- technical skills to use communications technology effectively.

Required knowledge

- analysis techniques relevant to the review and interpretation of an identified breach in compliance requirements
- compliance requirements applicable to the organisation
- elements of compliance program/management system including:
 - documentation of compliance requirements relevant to the organisation
 - specification of compliance management functions, accountabilities and responsibilities within the organisation
 - compliance related management information systems
 - record keeping systems required for compliance management
 - liaison procedures with relevant internal and external personnel on compliance related matters
 - breach management policies and processes including the identification, classification, investigation, rectification and reporting of breaches in compliance requirements
 - compliance reporting procedures
 - corporate induction and training processes related to compliance management

REQUIRED SKILLS AND KNOWLEDGE

- processes for the internal and external promulgation and promotion of information on compliance requirements and compliance program/management system
- compliance complaints handling systems
- continuous improvement processes for compliance including monitoring, evaluation and review
- strategies for developing a positive compliance culture within the organisation
- techniques and performance indicators for monitoring the operation of a compliance/program management system
- internal and external personnel with an interest in compliance
- organisational responsibilities for compliance
- planning processes of the organisation
- potential breaches in compliance requirements
- relevant organisational policies and procedures including:
 - procedures for breaches in compliance requirements
 - compliance plans and policies in various compliance areas
 - organisational standards for operations and ethics
- reporting processes on compliance management including reports on breaches and rectification action
- sections of relevant Australian and international standards dealing with aspects of breach management processes and responsibilities including but not limited to:
 - 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 quantitative and qualitative data analysis techniques relevant to compliance related evaluation.

Evidence Guide

EVIDENCE GUIDE	
<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>	
Overview of assessment	
Critical aspects for assessment and evidence required to demonstrate competency in this unit	<p>Evidence of the following is essential:</p> <ul style="list-style-type: none"> • development of processes for managing organisational compliance breaches • knowledge of compliance requirements applicable to the organisation.
Context of and specific resources for assessment	<p>Assessment must ensure:</p> <ul style="list-style-type: none"> • access to relevant information on compliance requirements such as: <ul style="list-style-type: none"> • organisational policies, standard operating procedures, procedures and plans • relevant legislation, regulations, licensing requirements, codes of practice, standards • access to the relevant internal and external data files • access to relevant internal and external personnel • access to appropriate computer resources needed for managing the identification and rectification of breaches in compliance requirements.
Method of assessment	<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"> • observations of activities undertaken to manage breaches in compliance requirements • assessment of reports identifying breaches in compliance • direct questioning combined with review of portfolios of evidence and third party workplace reports of on-the-job performance by the candidate • observations of interactions with internal and external stakeholders while managing breaches in compliance requirements • oral or written questioning to assess knowledge of the effectiveness of actions taken to manage compliance breaches • review of authenticated compliance breach

EVIDENCE GUIDE

	<p>documents or computer files from the workplace or training environment</p> <ul style="list-style-type: none">• assessment or written reports detailing action to be taken to overcome compliance breaches and to prevent their reoccurrence in the future• review and evaluation of complaints regarding potential breaches in compliance requirements.
<p>Guidance information for assessment</p>	<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">• other compliance units.

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:
 - accreditation requirements of an institute, professional organisation or registration body
 - internal policies, procedures, standards or codes of practice of an organisation
 - regulations of a state/territory, national or international regulatory authority
 - requirements for certification under statutory licensing systems
 - statutory standards or codes of practice
- 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

RANGE STATEMENT	
	<ul style="list-style-type: none"> • pharmaceuticals, patents, privacy • quarantine • racing, rail transport, road transport • 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 • taxation, telecommunications, tobacco, trade practices and consumer protection • water supply, workers compensation, workers rehabilitation
<p><i>Sources of information on potential breaches in compliance requirements</i> may include:</p>	<ul style="list-style-type: none"> • external reviews of organisation operations • feedback from clients, suppliers • feedback from organisation managers and operations personnel • internal audit reports • reports from regulatory authorities and other organisations with an interest in compliance
<p><i>Relevant regulatory authorities and other organisations with an interest in compliance</i> may include:</p>	<ul style="list-style-type: none"> • educational institutions and organisations • government departments • internal audit managers within the organisation • professional associations and institutes • regulatory authorities
<p><i>Relevant internal and external personnel</i> may include:</p>	<ul style="list-style-type: none"> • board of directors • chief executive officer • chief executives and managers in organisations with an interest in the compliance issues being researched • compliance management team (where relevant) • compliance specialists at the operational level • frontline managers • legal and business advisors and consultants with expertise and interest in compliance requirements and related management systems • representatives of professional associations and institutes relevant to the organisation's operations and sphere of business • representatives of relevant authorities in

RANGE STATEMENT	
	<ul style="list-style-type: none">pertinent compliance areassenior management team

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Regulation, Licensing and Risk - Compliance
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Co-requisite units

Co-requisite units		