



**Australian Government**

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

# **CHCCS400C Work within a relevant legal and ethical framework**

**Release: 1**

## CHCCS400C Work within a relevant legal and ethical framework

### Modification History

CHC08 Version 3	CHC08 Version 4	Comments
CHCCS400B Work within a relevant legal and ethical framework	CHCCS400C Work within a relevant legal and ethical framework	ISC upgrade changes to remove references to old OHS legislation and replace with references to new WHS legislation. Minor changes to range statement. No change to competency outcome.

### Unit Descriptor

**Descriptor**

This unit describes the knowledge and skills required to work within a legal and ethical framework that supports duty of care requirements

### Application of the Unit

**Application**

This unit is to be assessed in relation to the specific legal and ethical context of the work role/s and requirements to which it applies

### 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

### PERFORMANCE CRITERIA

- |   |   |
|---|---|
| 1. Demonstrate an understanding of legislation and common law relevant to work role | 1.1 Demonstrate in all work, an understanding of the legal responsibilities and obligations of the work role<br>1.2 Demonstrate <i>key statutory and regulatory requirements</i> relevant to the work role<br>1.3 Fulfil duty of care responsibilities in the course of practice<br>1.4 Accept responsibility for own actions<br>1.5 Maintain confidentiality<br>1.6 Where possible, seek the agreement of the client prior to providing services |
| 2. Follow identified policies and practices   | 2.1 Perform work within <i>identified policies, protocols and procedures</i><br>2.2 Contribute to the review and development of policies and protocols as appropriate<br>2.3 Work within position specifications and role responsibilities<br>2.4 Seek clarification when unsure of scope of practice as defined by position description or specific work role requirements<br>2.5 Seek clarification of unclear instructions                     |

**ELEMENT****PERFORMANCE CRITERIA****3. Work ethically**

- 3.1 Protect the rights of the client when delivering services
- 3.2 Use effective problem solving techniques when exposed to competing value systems
- 3.3 Ensure services are available to all *clients* regardless of personal values, beliefs, attitudes and culture
- 3.4 Recognise potential ethical issues and ethical dilemmas in the workplace and discuss with an *appropriate person*
- 3.5 Recognise unethical conduct and *report* to an appropriate person
- 3.6 Work within boundaries applicable to work role
- 3.7 Demonstrate effective application of guidelines and legal requirements relating to disclosure and confidentiality
- 3.8 Demonstrate awareness of own personal values and attitudes and take into account to ensure non-judgemental practice
- 3.9 Recognise, avoid and/or address any conflict of interest

**4. Recognise and respond when client *rights* and interests are not being protected**

- 4.1 Support the client and/or their advocate/s to identify and express their concerns
- 4.2 Refer client and/or their advocate/s to advocacy services if appropriate
- 4.3 Follow identified policy and protocols when managing a complaint
- 4.4 Recognise witnessed signs consistent with financial, physical, emotional, sexual abuse and neglect of the client and report to an appropriate person as required
- 4.5 Recognise and respond to cultural/linguistic religious diversity, for example providing interpreters where necessary

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

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

#### *Essential knowledge:*

It is critical that the candidate demonstrate knowledge of:

- Distinction between ethical and legal problems
- Importance of ethics in practice
- Importance of principles and practices to enhance sustainability in the workplace, including environmental, economic, workforce and social sustainability
- Work health and safety (WHS) requirements
- Outline of common legal issues relevant to the workplace
- Overview of relevant legislation in the sector and jurisdictions
- Principles and practices for upholding the rights of the client
- Principles and practices of confidentiality
- Relevant standards and codes of practice in the sector
- Rights and responsibilities of clients
- Rights and responsibilities of workers
- Specific principles underpinning duty of care and associated legal requirements
- Strategies for addressing common ethical issues
- Strategies for contributing to the review and development of policies and protocols
- Strategies for managing complaints

The candidate must also 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, such as knowledge of:

- Overview of the legal system
- Principles and practices for upholding the rights of the children and young people
- Principles of ethical decision-making
- Reporting mechanisms for suspected abuse of a client
- Strategies for managing abuse of a client
- Types of abuse experienced by client (including systems abuse)
- Types of law

#### *Essential skills:*

## REQUIRED SKILLS AND KNOWLEDGE

It is critical that the candidate demonstrate the ability to:

- Demonstrate understanding of and adherence to own work role and responsibilities
- Follow organisation policies, protocols and procedures
- Work within legal and ethical frameworks

In addition, 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:

- Apply reading and writing skills required to fulfil work role in a safe manner and as specified by the organisation
- Apply oral communication skills required to fulfil work role in a safe manner and as specified by the organisation
- Apply problem solving skills that require negotiation to resolve problems of a difficult nature within organisation protocols
- Consult with a variety of stakeholders in order to achieve service objectives

## 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 will be most appropriately assessed in the workplace or in a simulated workplace and under the normal range of workplace conditions
- It is recommended that assessment or information for assessment will be conducted or gathered over a period of time and cover the normal range of workplace situations and settings

## EVIDENCE GUIDE

- 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
- 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
  - Resources required for assessment include access to:
    - An appropriate workplace and/or simulation of realistic workplace setting where assessment can take place
    - Relevant organisation policy, protocols and procedures
- Method of assessment may include:*
- Observation in the workplace
  - Written assignments/projects
  - Case study and scenario analysis
  - Questioning
  - Role play simulation

## 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.

*Clients may include but is not limited to:*

- Children and families using children's services
- Children and young people
- Individuals living in government funded services and/or institutions to 'clients'
- Individuals living in residential aged care environments
- Individuals living in residential disability environments
- Individuals living in the community
- Job seekers
- People seeking advice and assistance
- Prospective individuals to the service or services

*Contexts of work role may include but is not limited to:*

- Work undertaken in:
  - client's own dwelling
  - independent living accommodation
  - residential aged care facilities
  - residential disability facilities
  - community centres
  - children's services centres
  - carer's home
- Work in the context of:
  - community, government or private agency or organisation
  - services delivered as a sole trader
  - providing telephone advice and assistance



## RANGE STATEMENT

*Identified policies, protocols and procedures refer to:*

- Guidelines and practices developed to address legal, ethical and regulatory requirements, including:
  - formal, documented guidelines of an organisation
  - informal practices used by a small organisation or individual owner/operator

*Key statutory and regulatory requirements may include those related to:*

- Aged care standards
- Building standards
- Care and education of young children
- Child protection and guardianship legislation
- Criminal acts
- Disability standards
- Discrimination and harassment
- Equal employment opportunities
- Freedom of information
- Health records legislation
- International and national standards
- Mental health legislation
- Pharmaceutical benefits
- Poisons and therapeutics
- Privacy legislation
- Public health
- Registration and practice of health professionals
- Residential and community services
- Restrictive practices
- WHS

*Report may be, and include:*

- Verbal:
  - telephone
  - face-to-face
- Non-verbal (written):
  - progress reports
  - case notes
  - incident reports

## RANGE STATEMENT

*Rights may include:*

- Access to services
- Confidentiality
- Dignity
- Freedom of association
- Informed choice
- Privacy
- Right to express ideas and opinions
- To an agreed standard of care
- To lodge a complaint

*Rights are detailed in:*

- Accreditation standards
- Industry and organisation codes of conduct, practice and ethics
- Industry and organisation service standards
- International and national charters
- Legislation

*Principles of access and equity may include:*

- Creation of a client orientated culture
- Non-discriminatory approach to all individuals using or accessing the service
- Respect for individual differences

*Appropriate person may include:*

- Advocates/family members
- Colleagues
- External agencies (complaints and advocacy services, professional registering authorities, child protection authorities)
- Health professionals
- Law enforcement officers
- Legally appointed guardian
- Member of senior management

## Unit Sector(s)

Not Applicable