Australian Government

Department of Education, Employment and Workplace Relations

CHCCS502C Maintain legal and ethical work practices

Release: 1

INDUSTRY SKILLS COUNCILS
Creating Australia's Future

CHCCS502C Maintain legal and ethical work practices

Modification History

CHC08 Version 3	CHC08 Version 4	Comments
CHCCS502B Maintain legal and ethical work practices	CHCCS502C Maintain legal and ethical work practices	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 describes the knowledge and skills required to maintain the application of legal and ethical work practices by monitoring, coordinating and promoting their importance in providing community services and supporting 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. Promote the importance of applying legislation and common law relevant to work role	1.1 Identify and explain legal responsibilities and obligations relating to identified work role/s
	1.2 Identify and explain *key statutory and regulatory requirements* relating to identified work role/s
	1.3 Encourage staff to clarify and fulfil duty of care responsibilities in the course of practice, to accept responsibility and be accountable for own actions and to maintain confidentiality in line with organisation guidelines
	1.4 Identify and promote opportunities for staff to involve *clients* in decision-making and to seek client agreement prior to service provision

ELEMENT	PERFORMANCE CRITERIA
2. Monitor application of organisation policies and practices	2.1 Monitor work performance to ensure organisation policies, protocols and procedures are appropriately and consistently addressed
	2.2 Provide information and support to initiate and contribute to the review and development of policies and protocols in line with work role
	2.3 Clarify scope of work for staff to address requirements of position specifications and role responsibilities
	2.4 Provide clarification for any uncertainty with regard to scope of practice in line with organisation requirements and legal and ethical guidelines
	2.5 Monitor work instructions provided to staff to ensure their clarity and appropriateness in line with organisation requirements and legal and ethical guidelines
3. Monitor ethical work practices	3.1 Monitor service delivery to ensure client *rights* are protected and services are delivered to clients with respect for diversity of personal values, beliefs and attitudes
	3.2 Monitor staff ability to use effective problem solving techniques when exposed to competing value systems
	3.3 Identify potential ethical issues and ethical dilemmas in the workplace and discuss with staff to ensure maintenance of ethical work practices
	3.4 Use codes of ethics to recognise and *report* unethical conduct according to established protocols

Community Services and Health Industry Skills Council

ELEMENT	PERFORMANCE CRITERIA
4. Take corrective action when client rights and interests are not being protected	4.1 Ensure client and/or their advocate/s are supported to identify and express their concerns
	4.2 Instigate and monitor referral of client and/or their advocate/s to advocacy services as appropriate
	4.3 Manage client complaint/s in line with organisation policy and protocols
	4.4 Take action in line with organisation protocols to address witnessed signs or evidence consistent with financial, physical, emotional, sexual abuse and/or neglect of the client
	4.5 Work with an understanding and appreciation of the role and responsibilities of legal guardians

         Community Services and Health Industry Skills Council

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:

- Application of duty of care principles and codes of ethics to a relevant range of work roles
- Basic understanding of key concepts in Australia's legal system
- Definitions and explanations of the terms 'ethics, ethical thinking and morality'
- Distinction between ethical and legal problems
- Implementation of strategies for contributing to the review and development of policies and protocols
- Implementation of strategies for managing abuse of a client
- Implementation of strategies for managing complaints
- Importance of ethics in practice
- Knowledge of key statutory, legislative and regulatory requirements relevant to work area, specifically including work health and safety (WHS)
- Management of common legal issues relevant to work area, such as:
  - assault and battery
  - bailment
  - consent
  - defamation
  - negligence
- Overview of relevant legislation in the sector and jurisdictions including contracts
- Principles and practices for upholding the rights of the children and young people
- Principles and practices for upholding the rights of the client
- Principles and practices of confidentiality
- Principles of access and equity relevant to provision of community services
- Principles of ethical decision-making
- Relevant standards and code of practice in the sector
- Reporting mechanisms and corrective actions appropriate to managing suspected abuse of a client
- Rights and responsibilities of clients

REQUIRED SKILLS AND KNOWLEDGE

- Rights and responsibilities of workers
- Role and responsibilities of legal guardians
- Strategies for addressing common ethical issues
- Types of abuse experienced by clients (including systems abuse and unintentional injury)

Essential skills:

It is critical that the candidate demonstrate the ability to:

- Apply knowledge of responsibilities, constraints and issues relating to a range of work roles in line with work area and organisation policies, protocols and procedures
- Monitor and manage application of legal and ethical work practices
- Provide information and support to staff to enhance the application of legal and ethical work practices and correct misunderstanding and/or inappropriate application of legal and ethical guidelines
- Provide support to staff in resolving and dealing with legal and ethical issues arising in the workplace
- Recognise and manage unethical conduct in the workplace

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, writing and oral communication skills required to fulfil work role in a safe and appropriate manner and as specified by the organisation/service:
  - this requires a level of skill that enables the worker to access, interpret and provide oral and written explanations relating to legal documentation re workplace issues and to clarify information and express encouragement and support
- Apply problem solving skills that require negotiation and mediation skills to resolve problems of a difficult nature within organisation protocols
- Collaborate and network with a variety of stakeholders in order to monitor and enhance the achievement of 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 may be assessed in the workplace or in a simulated workplace and under the normal range of workplace conditions • Essential knowledge covered in this unit is to be assessed *before* application in a work context, especially where client safety issues are involved • 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
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
	• Resources required for assessment include access to:
	   • an appropriate workplace and/or simulation of realistic workplace setting where assessment can take place
	   • relevant legislation and regulations, organisation policy, protocols and procedures

Method of assessment may include:	• Case study and scenario analysis • Observation in the workplace • Questioning • Role play simulation • Written assignments/projects

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:	• 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 the community • Job seekers • Prospective individuals to the service or services

RANGE STATEMENT

Contexts may include:	- Client's own dwelling - Community centres - Community, government or private agency or organisation - Independent living accommodation - Residential aged care facilities
Key statutory and regulatory requirements may include those related to:	- Building standards - Criminal acts - Discrimination and harassment - Equal employment opportunities - Freedom of information - Health records legislation - International and national standards - Mandatory reporting - Work health and safety (WHS) - Pharmaceutical benefits - Poisons and therapeutics - Privacy legislation - Public health - Registration and practice of health professionals - Residential and community services
Report may include:	- Non-verbal (written): - case notes - incident reports - progress reports - Verbal: - face-to-face - telephone

Community Services and Health Industry Skills Council

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 ethics and/or codes of conduct and practice • Industry and organisation service standards • International and national charters • Legislation • Units of competency
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

Unit Sector(s)

Not Applicable