



Australian Government

Department of Education, Employment and Workplace Relations

CHCCS522B Address complex legal and ethical issues in professional practice

Release: 1

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Modification History

CHC08 Version 3	CHC08 Version 4	Description
CHCCS522A Address complex legal and ethical issues in professional practice	CHCCS522B Address complex legal and ethical issues in professional practice	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 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

Pre-requisite

This units of competency must be assessed after achievement of related unit:

- CHCCS400C Work within a relevant legal and ethical framework

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. Perform within legal and ethical parameters of professional practice

PERFORMANCE CRITERIA

- 1.1 Apply a clear understanding of *legal and regulatory acts/guidelines* as they impact on professional practice
- 1.2 Address the implications of current legislation as incorporated into professional practice
- 1.3 Apply codes of ethics, code of conduct and associated standards in professional practice
- 1.4 Function within the scope of professional practice
- 1.5 Handle *client* complaints sensitively and in line with organisation policies and procedures
- 1.6 Handle all requests for client information as per state/territory legislation and organisation policies and procedures

ELEMENT**PERFORMANCE CRITERIA****2. Apply an understanding of the legal framework**

2.1 Work with an understanding of how the law operates in relation to professional practice with regard to legal processes, principles and penalties

2.2 Accurately apply concepts of negligence, duty of care and vicarious liability to professional practice

2.3 Apply a clear understanding of the requirement to obtain consent for treatment

2.4 Use common legal terms associated with own area of practice with a clear understanding of their meaning and implications

2.5 Apply the legal requirements and expectations in relation to documented records and reports in professional practice

2.6 Apply mandatory reporting processes in line with jurisdictional requirements

2.7 Apply client privacy and confidentiality practices in line with legislative requirements and organisation policies and procedures

3. Apply ethical concepts to professional practice

3.1 Work with a clear understanding of the concept of ethics and its place in own professional practice

3.2 Demonstrate ethical practice in all interactions with *clients*, relatives and carers and colleagues

3.3 Identify, document and report any potential ethical issues if and as they arise

3.4 Maintain an awareness of contemporary ethical issues that may impact on own professional practice

3.5 Develop and implement strategies to resolve ethical issues within practice

3.6 Take responsibility for addressing ethical issues and legal requirements in line with own work

3.7 Complete all documentation in accordance with state/territory legislation and organisation policies and procedures

3.8 Monitor compliance with legal obligations and requirements

ELEMENT**PERFORMANCE CRITERIA**

4. Support the *rights*, interests and needs of clients and their families

4.1 Comply with legal responsibilities and duty of care in all care activities and interactions with clients and their families and carers

4.2 Support *client rights*, interests and decisions

4.3 Encourage the client to exercise their rights to make informed decisions regarding their care

4.4 Demonstrate respect and support for the dignity of clients and their families

4.5 Act as an advocate for client and family in line with practice standards, guidelines and codes

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 knowledge of:

- Key statutory, legislative and regulatory requirements relevant to work area, specifically including work health and safety (WHS)
- Knowledge of law - sources, types, court system, common law, statute law, civil law, precedent
- Cross-examination techniques
- Knowledge of law of torts - negligence, trespass, assault and battery, types of consent, valid consent, legal and intellectual capacity, false imprisonment and defamation
- Knowledge of the coroner, including - functions of the coroner, coronial inquests and giving evidence to the coroner
- Knowledge of contemporary ethical issues - autonomy, non-maleficence, beneficence, justice, rights
- A moral decision-making model
- Principles of confidentiality and privacy responsibilities
- Application of ethical principles to professional practice
 - definitions of terms 'ethics, ethical thinking and morality'
 - theoretical concepts informing ethical conduct
 - distinction between ethical and legal problems
 - principles of ethical decision-making
 - strategies for addressing common ethical issues
- Models of documentation
- Application of duty of care principles and codes of ethics to work role and principles and practices for upholding the rights of the client and specific client groups
- Principles of access and equity relevant to provision of community services
- Management of common legal issues relevant to own area of professional practice
- Strategies for managing complaints
- Types of abuse experienced by clients (including systems abuse and unintentional injury)
- Implementation of strategies for managing abuse of a client
- Reporting mechanisms and corrective actions appropriate to managing suspected abuse of a client

REQUIRED SKILLS AND KNOWLEDGE

Essential skills:

It is critical that the candidate demonstrate the ability to:

- Apply detailed knowledge of legal and ethical standards, processes and practices, responsibilities, constraints and issues relating to own professional practice
- Monitor and manage application of legal and ethical standards in professional practice
- Provide information as required to enhance the application of legal and ethical work practices and correct misunderstanding and/or inappropriate application of legal and ethical guidelines
- Contribute to resolving and dealing with legal and ethical issues arising in the workplace
- Recognise and address 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 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

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:

- 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:

- Individuals living in residential aged care environments
- Individuals living in the community
- Prospective individuals to the service or services
- Individuals living in government funded services and/or institutions to 'clients'
- Job seekers
- Children and young people

RANGE STATEMENT

Contexts may include:

- Client's own dwelling
- Independent living accommodation
- Residential aged care facilities
- Community centres
- Community, government or private agency or organisation
- Homelessness
- State housing
- Shared housing

Key statutory, legislative and regulatory requirements may include those related to:

- Privacy legislation
- Health records legislation
- Equal employment opportunities
- Discrimination and harassment
- Residential and community services
- Poisons and therapeutics
- Registration and practice of health professionals
- Pharmaceutical benefits
- Work health and safety (WHS)
- Freedom of information
- Public health
- Building standards
- Criminal acts
- International and national standards
- Mandatory reporting
- Working with children/police checks

Reports may include:

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

RANGE STATEMENT

Rights may include:

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

Rights are detailed in:

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

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