



**Australian Government**

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

# **CHCCSL508B Apply legal and ethical responsibilities in counselling practice**

**Release: 1**

## CHCCSL508B Apply legal and ethical responsibilities in counselling practice

### Modification History

CHC08 Version 3	CHC08 Version 4	Description
CHCCSL508A Apply legal and ethical responsibilities in counselling practice	CHCCSL508B Apply legal and ethical responsibilities in counselling 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 skills and knowledge required for delivery of an ethical and legal counselling service and to ensure client rights are protected

It addresses rights and responsibilities of client and counsellor as well as issues that may impact on the client-counsellor relationship

### Application of the Unit

#### Application

This unit applies in relation to the specific legal and ethical context of the counselling work role, in which an ethical and legal framework is crucial to ensure that clear guidelines are available to counsellors and clients regarding their rights and responsibilities

### 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

- |   |  |
|---|--|
| <p>1. Address client and counsellor rights and responsibilities within counselling practice</p> | <p>1.1 Identify, analyse and apply current industry standards of ethical and legal practice in counselling</p> <p>1.2 Identify the <i>responsibilities of a counsellor</i> and apply to ensure delivery of legal and ethical counselling services</p> <p>1.4 Formulate appropriate procedures to ensure rights are communicated to clients</p> <p>1.4 Establish and communicate client rights in counselling practice and within the client-counsellor relationship in accordance with organisation procedures</p> |
|---|--|

**ELEMENT****PERFORMANCE CRITERIA**

2. Analyse issues involved in counselling practice and client-counsellor relationships

2.1 Identify and apply strategies to resolve situations of risk or potential risk

2.2 Analyse and apply strategies to resolve issues involved in working with individual difference

2.3 Analyse and apply strategies to resolve issues arising from 'high need' clients

2.4 Explore personal and professional issues that may impact on the counselling practice or the client-counsellor relationship

2.5 Formulate ways of minimising the impact of personal biases and value systems

3. Demonstrate ethical practice in client-counsellor relationships

3.1 Use work practices that apply the responsibilities of a counsellor, including the *rights of minors*

3.2 Where appropriate, ensure clients are informed of circumstances (legislative requirements) which may *override confidentiality*

3.3 Identify and apply strategies to minimise risk in client-counsellor relationships

3.4 Identify the potential for litigation associated with sexual relationships between client and counsellor

3.5 Formulate processes on national and state legislation regarding sexual behaviour towards clients as part of strategy to prevent risk

3.6 Identify and apply strategies to minimise the ethical dilemmas of dual relationships

**ELEMENT****PERFORMANCE CRITERIA**

- |   |   |
|---|---|
| 4. Formulate a plan for ongoing personal and professional development | 4.1 Identify the role and function of a professional practice supervisor  |
|   | 4.2 Identify areas for growth and plan ongoing personal and professional development and supervision                                |
|   | 4.3 Reflect upon challenges that may impact on the counselling process, including own motivations for choosing a helping profession |
|   | 4.4 Undertake self evaluation in relation to identified potential challenges for counsellors  |
|   |   |
| 5. Formulate referral procedures                                      | 5.1 Identify appropriate steps towards referral   |
|   | 5.2 Communicate referral issues to client   |
|   | 5.3 Formulate documentation for referrals containing information required by relevant agency  |
|   | 5.4 Clarify appropriate duration of therapeutic engagement to ensure counselling work continues to address client's interests       |

## 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 underpinning 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:

- Ethical behaviour
- Possible litigation
- Counsellor supervision
- Legal and statutory requirements, including:
  - Privacy Act
  - work health and safety (WHS) legislation
  - freedom of information
  - equal opportunities
- Code/s of conduct
- Duty of care
- Client rights
- Counsellor responsibilities

#### *Essential skills:*

Ability to:

It is essential that competence be demonstrated in application of ethical and legal responsibilities in counselling practice. The candidate must be able to:

- Demonstrate ethical and legal responsibilities in counselling practice
- Formulate referral procedures
- Formulate a plan for professional development and counselling supervision

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:

- Minimise risk in relationships
- Interpret ethical guidelines

## REQUIRED SKILLS AND KNOWLEDGE

- Care for self
- Analyse dilemmas

## 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 work context 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 is encouraged with other units of competency relating to counselling practice
- Resources required for assessment include access to:
  - an appropriate workplace and/or simulation of realistic work environment where assessment can take place
  - relevant legislation and regulations, organisation policy, protocols and procedures

### *Method of assessment:*

- For valid and reliable assessment of this unit, competency should be demonstrated in a range of situations which *may* include:
  - observation of performance in an actual workplace or in a setting that realistically simulates work conditions:
    - observation should include key aspects described in elements, performance criteria and relevant aspects of the Range Statement of the unit
    - where face-to-face observation is not possible, video recordings may be provided
  - candidate's critique of their 'performance' to demonstrate cognitive understanding of theory
  - written questioning
  - relevant case studies and/or scenarios
  - role play
  - focused discussion



## 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.

*Responsibilities of a counsellor must include:*

- Anti-discriminatory service
- Basic rights
- Client safety
- Commitment to ongoing training and professional development
- Duty of care
- Informed consent
- Justice to clients
- Knowledge of counsellor's approach and its limitations
- Knowledge of relevant organisation processes
- Non-exploitative service
- Privacy
- Promotion of client well being
- Right to confidentiality
- Right to privacy
- Rights of clients
- Understanding of confidentiality and the limits of duty of care
- Undertake regular supervision

*Rights of minors must include:*

- Informed consent
- Understanding of confidentiality and the limits of duty of care
- Knowledge of counsellor's approach and its limitations
- Anti-discriminatory service
- Non-exploitative service

**RANGE STATEMENT**

*Circumstances which may override confidentiality must include:*

- Client safety
- Risk of harm to client, counsellor or others
- Legal subpoena (unless, for example, privileged under Family Law Act)

**Unit Sector(s)**

Not Applicable