



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG304A Apply the principles of confidentiality and security within the legal environment

Release: 1

BSBLEG304A Apply the principles of confidentiality and security within the legal environment

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes, skills and knowledge required to use ethical behaviour when dealing with sensitive and confidential information in a legal environment. All aspects of legal practice may be subject to a range of legislation, rules, regulations and/or codes of practice relevant to different job roles and jurisdictions.
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Application of the Unit

Application of the unit	This unit applies to individuals who provide services to support legal practitioners, while under supervision. This unit underpins all units of competency in the Legal Services stream. All aspects of legal practice may be subject to a range of legislation, rules, regulations and/or codes of practice relevant to different job roles and jurisdictions.
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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. Work within accepted codes of conduct	1.1. Submit work for review and approval by the legal practitioner who delegated the task/s 1.2. Keep paperwork up to date and forward reports on the progress of matter/s to clients regularly according to instructions and relevant legislation 1.3. Ensure contact with the opposing party in legal disputes occurs only under the specific direction of the legal practitioner responsible for the matter 1.4. Promptly communicate conflict of interest or potential conflict of interest in a legal matter to the legal practitioner responsible for the matter 1.5. Treat clients and fellow workers with respect 1.6. Take care to behave with honesty and integrity at all times 1.7. Direct trust account monies to legal practitioner for receipt
2. Follow confidentiality procedures	2.1. Assess information with regard to what is and what is not disclosable 2.2. Use discretion and judgement in all communications 2.3. Discuss client-related matters only within the confines of the practice and with appropriate personnel
3. Follow security procedures	3.1. Appropriately store and secure file related information, including electronically stored information 3.2. Hold discussions relating to client matters in a private location 3.3. Ensure all documents/exhibits relating to a file are locked away securely after use according to a firm's policies and procedures 3.4. Ensure all materials required by legislation to be stored for certain periods of time are clearly labelled and stored securely according to a firm's policies and procedures

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- communication skills to listen to clear, sequenced instructions; and use strategies to confirm, repair or clarify understanding of terms and context
- literacy skills to interpret, classify and evaluate information
- ability to apply judgement in terms of identifying potential conflict of interest
- organisational skills to comply with statutory regulations concerning security of records and keep clients up to date on file matters.

Required knowledge

- scope of legal practitioner/support role and own responsibilities and obligations to provide legal advice, complete or sign off on legal work and/or appear in court as described by relevant jurisdiction(s)
- firm's policies and procedures
- accepted codes of conduct including those relating to:
 - privacy and confidentiality
 - use of company property
 - duty of care
 - ethical behaviour
 - non-discriminatory practice
 - conflict of interest
 - compliance with reasonable direction
- overview knowledge of relevant; court processes, current legislation, legal processes and required documentation

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, range statement and the Assessment Guidelines for the Training Package.

Overview of assessment

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Evidence of the following is essential:

- knowledge of own scope of responsibility and roles and responsibilities of relevant others within the firm
- proactively applying the relevant state's Code of Conduct and Legal Practice Act, The Judicial Act to ensure all work is performed with honesty and integrity
- identifying and applying standard resolutions to breaches of confidentiality, security and conduct by self and others within the firm.
- providing clear, relevant and correct assistance and advice to co-workers where appropriate
- handling, storing and securing allelectronic and paper-based confidential information according to firm's policies and procedures
- consistently seeking clarification from appropriate sources where the level of confidentiality required in a situation is unclear.

Context of and specific resources for assessment

Assessment must ensure:

- wherever possible the context is a real or simulated workplace
- access to workplace manuals and reference materials such as company policy, procedural manuals and checklists
- access to list of relevant sources of documentation and sample forms
- access to background information on courts, their jurisdiction and behavioural requirements
- access to appropriate technology such as computers with relevant software
- access to appropriate texts and access to person's with expert knowledge such as legal practitioners
- access to appropriate legislation and regulations relevant to common legal matters, such as that accessible via:

EVIDENCE GUIDE

	• http://www.law.gov.au • http://www.ag.gov.au • http://www.austlii.edu.au/ • http://www.australia.gov.au/states-territories • http://www.act.gov.au • http://www.nsw.gov.au • http://www.nt.gov.au • http://www.qld.gov.au • http://www.sa.gov.au • http://www.tas.gov.au • http://www.vic.gov.au • http://www.wa.gov.au
Method of assessment	A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit: • analysis of responses to case studies and scenarios • demonstration of techniques in a workplace or simulated environment • direct questioning combined with review of portfolios of evidence and third party workplace reports of on-the-job performance by the candidate • observation of presentations • questioning (oral or written) • review of testimony from team members, colleagues, supervisors or managers • tests of knowledge on relevant legislation, rules, regulations, codes of practice and research resources.
Guidance information for assessment	Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example: • BSBLEG301A Apply knowledge of the legal system to complete tasks • other legal services administration or general administration 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.	
<i>Codes of conduct</i> may include:	• compliance with reasonable direction • conflict of interest • duty of care • ethical behaviours • maintaining confidentiality • non-discriminatory practice • privacy • receiving and dispersing monies • use of company property.
<i>Relevant legislation</i> may include:	• State/Territory/Commonwealth legislation • legislation related to the client and a firm (eg. Consumer Credit Code, Privacy Act, secrecy laws, Codes of Practice) • schedule of fees and duties payable • other acts not included in this listing
<i>Conflict of interest</i> may exist where:	• a law firm, legal practitioner or support person some time in the past represented a client who is now on the other side in another case • a legal practitioner and client are in business together • a legal practitioner or support person has a personal, financial or other interest in a case • a legal practitioner or support person is a witness in a case • a legal practitioner simultaneously represents two clients whose interests are adverse to one another • the legal stance of one client is detrimental to the business activities of another client.
Non- <i>disclosable</i> information may include:	• addresses of clients, witnesses or staff • details about the firm itself • exhibits • fact that the client has consulted the firm

RANGE STATEMENT	
	• financial information • firm's client database • information relating to a client's legal matter • names of clients, witnesses or staff • nature of client's legal matter • passwords or security procedures • telephone numbers of clients, witnesses or staff • trust account information • whereabouts of client/witnesses • witness statements.
<i>Electronically stored information</i> may be:	• on audio-cassette • on computer hard-drive or floppy disk • on voice mail • on-line (email or web).
<i>A firm's policies and procedures</i> may include:	• charging of search expenses • contingencies in terms of inadequate monies, unavailable information • handling monies • information sources • office procedure manual • recording information • security/confidentiality/ privacy procedures.

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Administration - Legal Services Administration
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Co-requisite units

Co-requisite units		