



Australian Government

Department of Education, Employment and Workplace Relations

CHCPROT532A Interact with the legal system to protect children

Release: 1

CHCPROT532A Interact with the legal system to protect children

Modification History

Not Applicable

Unit Descriptor

Descriptor

This unit describes the skills and knowledge required to interact effectively to assist children and their families to negotiate the legal system in child protection context

Application of the Unit

Application

This unit applies to a range of child protection work where it is necessary to understand the differing roles and responsibilities of key legal bodies in the child protection context

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. Recognise the roles and responsibilities of key legal agencies in child protection

- 1.1 Identify roles and functions of *key legal bodies* in child protection
- 1.2 Apply appropriate level of understanding of *powers, orders and processes relating to key legal bodies*
- 1.3 Analyse *issues for children* involved with the legal system

2. Analyse and evaluate the legal options available to protect children

- 2.1 Assess and evaluate the *risks and benefits* of each legal option according to the needs of individual child and family
- 2.2 Assess legal options in consultation with other agencies according to organisation policies and relevant interagency guidelines where necessary
- 2.3 Identify most appropriate option to most effectively meet needs of child and family

ELEMENT**PERFORMANCE CRITERIA**

3. Liaise with key agencies to ensure children are supported to negotiate the legal system

- 3.1 Identify most appropriate *support agencies and process* for children involved in the legal system
- 3.2 Liaise with support agencies in consultation with child, family and other key agencies
- 3.3 Consult with and inform child and family of other available support systems as required

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:

- Roles and responsibilities of key legal bodies within child protection systems
- Legislation relevant to child protection work and support systems
- Powers, orders and processes relating to key legal bodies in child protection
- Issues for children in dealing with the legal system
- Legal options available to children and families
- Organisation guidelines for interagency practices
- Roles and functions of support agencies and processes

Essential skills:

It is critical that the candidate demonstrate the ability to:

- Interact effectively with key legal agencies to assist children and their families negotiating the legal systems
- Demonstrate commitment to the key principles of maintain a child safe environment

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:

- Liaise with children and their families in child protection work
- Analyse and evaluate support options for children and families
- Use communication skills for questioning, negotiating, conveying information, active listening
- Demonstrate appropriate networking and referral

REQUIRED SKILLS AND KNOWLEDGE

- Recognise own limitations and agency boundaries
- Assist others to negotiate the legal system

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 of competence must be assessed in the workplace and under the normal range of workplace conditions
- Consistency in performance should consider the complexity of the environment in which workers are expected to participate

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 relevant workplace or simulated realistic workplace setting where assessment may take place

Method of assessment:

- Assessment may include observation, questioning and evidence gathered from a workplace environment

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.

Key legal bodies may include:

- Crown solicitors office
- Public Prosecutions office
- Family Court
- Federal Magistrates Court
- State Magistrates Court
- Youth Justice Services
- Children's Courts
- Criminal Courts

RANGE STATEMENT

Powers, orders and processes relating to key legal bodies may include:

- Witness legislation
- Bail conditions to protect children
- Role the independent child lawyer in the Family Court jurisdictions
- Criminal injuries compensation
- Orders under Domestic Violence legislation
- Options under Child Protection Legislation

Issues for children may include:

- Impact of delay in a court matter coming to trial has a disproportionate impact on children compared to adults
- Child's experience of being questioned by different professionals in the child protection system for different purposes over a significant span of time in the life of a child
- Increased vulnerability of a child who has experienced abuse and neglect to further abuse and neglect
- Impact of experience of the child protection system in a decision to report abuse and neglect in the future
- Disproportionate impact on children of inappropriate questioning
- Legal requirements for particularity and the disproportionate impact on children in the development of their narrative language ability
- Tension between fundamental principle of the child's right to be heard in decisions affecting their well being and the nature of the adversarial system

Risks and benefits may include:

- Limits of the criminal justice system
 - standard of proof
 - capacity of the child to give evidence
 - public interest and the wishes of the child and their families
 - limits of bail conditions to protect children
- Likely assessment of outcomes
- Risk of harm to the children - how can the safety and well being of the child be secured most effectively

RANGE STATEMENT

Support agencies and process may include:

- Child protections agencies
- Witness protection and support services
- Victim support services
- Bail conditions to protect children
- Role of the independent child lawyer in the family law system
- Restraint and apprehend violence orders
- Criminal injuries compensation

Unit Sector(s)

Not Applicable