



Australian Government

Department of Education, Employment and Workplace Relations

PSPREG403B Assess compliance

Revision Number: 3

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Modification History

Release	TP Version	Comments
3	PSP12V1	Unit descriptor edited.
2	PSP04V4.2.	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

Unit Descriptor

This unit covers risk assessment, monitoring of situations/environments/behaviours, and analysis of information to assess compliance with legislation and/or standards. It includes monitoring areas under own jurisdiction, receiving or identifying allegations of non-compliance, and conducting research to determine levels of compliance.

In practice, assessing compliance may overlap with other generalist or specialist public sector work activities such as acting ethically, exercising regulatory powers, promoting compliance, acting on non-compliance.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Application of the Unit

Not applicable.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements are the essential outcomes of the unit of competency. Together, performance criteria specify the requirements for competent performance. Text in ***bold italics*** is explained in the Range Statement following.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

- | | |
|--|--|
| 1. Monitor areas under jurisdiction | <ul style="list-style-type: none">1.1 Risk assessment analysis is conducted to identify and prioritise areas for monitoring and to identify methodology.1.2 Monitoring is conducted in accordance with legislation, policy and procedures.1.3 Inspections and/or compliance audits are conducted in accordance with organisational policy and procedures.1.4 Specialist equipment is utilised when required, in accordance with legislation, policy and procedures.1.5 Safety of self and others is protected in accordance with legislation, policy and procedures.1.6 Cooperation with other organisations and jurisdictions is facilitated in accordance with organisational policy and procedures. |
| 2. Receive or identify allegation of non-compliance | <ul style="list-style-type: none">2.1 Referrals relating to non-compliance are recorded in accordance with legislation, policy and procedures.2.2 Possible and potential breaches are responded to in a timely manner in accordance with legislation, policy and procedures.2.3 Preliminary information is assessed to establish the offence and is validated to confirm the need for action in accordance with organisational policy and procedures.2.4 Complainants are handled in accordance with organisational guidelines which may indicate referral to more senior personnel. |
| 3. Determine levels of compliance | <ul style="list-style-type: none">3.1 Timely consultation is undertaken as necessary to obtain advice on methodology to adopt and prevent gaps occurring in evidence collection.3.2 Evidence collection methodology is selected according to the purpose, situation and operational guidelines.3.3 Information/samples are collected, analysed and secured in accordance with legislation, policy and procedures.3.4 Information/samples are relevant and sufficient for the purpose identified.3.5 Assessment is made against the requirements of the legislation and the level of compliance is identified and documented according to legal and organisational requirements.3.6 Further action is determined consistent with the level of compliance and is recorded/reported in accordance with legislation, policy and procedures. |

Required Skills and Knowledge

This section describes the essential skills and knowledge and their level, required for this unit.

Skill requirements

Look for evidence that confirms skills in:

- undertaking research, analysis and problem solving in the context of assessing compliance
- applying regulations and codes of practice
- using information technology for data analysis, recording and reporting
- communicating including questioning and negotiating of meaning in sometimes difficult situations
- responding to diversity, including gender and disability
- reading and applying complex information from legislation
- applying public sector legislation such as occupational health and safety and environmental and sustainability procedures in the context of assessing client compliance

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- legislation, standards, policies and legal precedents
- organisational procedures, guidelines and protocols
- knowledge of own and others' jurisdictions
- risk management in the context of compliance assessment
- application of audit tools
- research and sampling methodologies
- security storage of evidence/information
- procedures for recording allegations/complaints
- specialist equipment
- equal employment opportunity, equity and diversity principles
- public sector legislation such as occupational health and safety and environment and sustainability relating to the assessment of client compliance

Evidence Guide

The Evidence Guide specifies the evidence required to demonstrate achievement in the unit of competency as a whole. It must be read in conjunction with the Unit descriptor, Performance Criteria, the Range Statement and the Assessment Guidelines for the Public Sector Training Package.

Units to be assessed together

- *Pre-requisite* units that must be achieved prior to this unit: Nil
- *Co-requisite* units that must be assessed with this unit: Nil
- *Co-assessed units* that may be assessed with this unit to increase the efficiency and realism of the assessment process include, but are not limited to:
 - PSPETHC401A Uphold and support the values and principles of public service
 - PSPGOV408A Value diversity
 - PSPGOV422A Apply government processes
 - PSPLEGN401A Encourage compliance with legislation in the public sector
 - PSPREG401C Exercise regulatory powers
 - PSPREG402C Promote client compliance
 - PSPREG405B Act on non-compliance

Overview of evidence requirements

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms:

- the knowledge requirements of this unit
- the skill requirements of this unit
- application of the Employability Skills as they relate to this unit (see Employability Summaries in Qualifications Framework)
- assessment of compliance in a range of (3 or more) contexts (or occasions, over time)

Resources required to carry out assessment

These resources include:

- legislation, regulations, policy, guidelines and standards
- public sector values and codes of conduct
- evidence gathering methodology
- case studies and workplace scenarios to capture the range of situations likely to be encountered when assessing compliance

Where and how to assess evidence

Valid assessment of this unit requires:

- a workplace environment or one that closely resembles normal work practice and replicates the range of conditions likely to be encountered when assessing compliance,

including coping with difficulties, irregularities and breakdowns in routine

- assessment of compliance in a range of (3 or more) contexts (or occasions, over time)

Assessment methods should reflect workplace demands, such as literacy, and the needs of particular groups, such as:

- people with disabilities
- people from culturally and linguistically diverse backgrounds
- Aboriginal and Torres Strait Islander people
- women
- young people
- older people
- people in rural and remote locations

Assessment methods suitable for valid and reliable assessment of this competency may include, but are not limited to, a combination of 2 or more of:

- case studies
- portfolios
- questioning
- scenarios
- simulation or role plays
- authenticated evidence from the workplace and/or training courses

For consistency of assessment

Evidence must be gathered over time in a range of contexts to ensure the person can achieve the unit outcome and apply the competency in different situations or environments

Range Statement

The Range Statement provides information about the context in which the unit of competency is carried out. The variables cater for differences between States and Territories and the Commonwealth, and between organisations and workplaces. They allow for different work requirements, work practices and knowledge. The Range Statement also provides a focus for assessment. It relates to the unit as a whole. Text in ***bold italics*** in the Performance Criteria is explained here.

Risk assessment may include:

- formal risk management cycle
- informal risk assessment

Monitoring may include:

- surveillance
- spot checks
- comparison of data over time
- audit
- quality assurance reviews

Legislation, policy and procedures may include:

- enabling legislation
- occupational health and safety legislation
- workers compensation legislation
- equal employment opportunity and anti-discrimination law
- environment legislation and sustainability procedures
- listening devices legislation
- privacy legislation/instructions
- organisational procedures and protocols
- standard operating procedures
- Australian standards

Specialist equipment may include:

- computer data analysis systems
- computer aided auditing techniques
- electronic equipment
- listening devices
- cameras
- chemical analysis kits
- security cupboards
- oil sampling kits
- personal protective equipment

Other organisations/ jurisdictions may include:

- State/Territory police and special units
- federal police
- military police
- Commonwealth regulatory agencies
- Local Government law enforcement officers

Referrals may include:

- fire and rescue
- emergency services
- suspicions
- complaints
- allegations of non-compliance

Evidence collection methodology may include:

- sampling
- audit
- interviews
- data analysis
- document analysis

Recording/reporting of further action may include:

- decision to proceed/not proceed
- justification for decision
- informing other areas or organisations of information received/gathered and the action to be taken, if any, subject to confidentiality and privacy legislation

Unit Sector(s)

Not applicable.

Competency field

Regulatory.