

CHCLEG001

Work legally and ethically

Release 1

Learner guide

Aspire version 1.3



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Release 1, version 1.1	April 2017	First release
Release 1, version 1.2	August 2017	Minor corrections as part of our continuous improvement program
Release 1, version 1.3	July 2019	Updated to reflect the new Aged Care Quality Standards

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CHCLEG001 Work legally and ethically Release 1

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Before you begin

This learner guide is based on the unit of competency *CHCLEG001 Work legally and ethically*, Release 1. Your trainer or training organisation must give you information about this unit of competency as part of your training program. You can access the unit of competency and assessment requirements at: www.training.gov.au.

How to work through this learner guide

This learner guide contains a number of features that will assist you in your learning. Your trainer will advise which parts of the learner guide you need to read, and which practice tasks and learning checkpoints you need to complete. The features of this learner guide are detailed in the following table.

Feature of the learner guide	How you can use each feature
Learning content	<ul style="list-style-type: none"> ▶ Read each topic in this learner guide. If you come across content that is confusing, make a note and discuss it with your trainer. Your trainer is in the best position to offer assistance. It is very important that you take on some of the responsibility for the learning you will undertake.
Examples and case studies	<ul style="list-style-type: none"> ▶ Examples of completed documents that may be used in a workplace are included in this learner guide. You can use these examples as models to help you complete practice tasks and learning checkpoints. ▶ Case studies highlight learning points and provide realistic examples of workplace situations.
Practice tasks	<ul style="list-style-type: none"> ▶ Practice tasks give you the opportunity to put your skills and knowledge into action. Your trainer will tell you which practice tasks to complete.
Video clips	<ul style="list-style-type: none"> ▶ Where QR codes appear, learners can use smartphones and other devices to access video clips relating to the content. For information about how to download a QR reader app or accessing video on your device, please visit our website: www.aspirelr.com.au/help 
Summary	<ul style="list-style-type: none"> ▶ Key learning points are provided at the end of each topic.
Learning checkpoints	<ul style="list-style-type: none"> ▶ There is a learning checkpoint at the end of each topic. Your trainer will tell you which learning checkpoints to complete. These checkpoints give you an opportunity to check your progress and apply the skills and knowledge you have learnt.

Foundation skills

As you complete learning using this guide, you will be developing the foundation skills relevant for this unit. Foundation skills are the language, literacy and numeracy (LLN) skills and the employability skills required for participation in modern workplaces and contemporary life.

The following table outlines specific foundation skills noted for your learning in this learner guide.

Foundation skill area	Foundation skill description
Learning	<ul style="list-style-type: none"> ▶ Understanding your job role, organisational procedures and legal responsibilities ▶ Managing your work and seeing how well you are going and making goals for yourself at work ▶ Seeking professional development opportunities for continuous improvement
Reading	<ul style="list-style-type: none"> ▶ Understanding how documents are presented and being able to navigate through documents ▶ Understanding industry- and job-specific terminology ▶ Interpreting key information in relevant documents ▶ Understanding routine workplace checklists and documentation
Writing	<ul style="list-style-type: none"> ▶ Planning, drafting and writing reports and documents ▶ Communicating through written letters, email and online ▶ Recording progress; reporting incidents
Oral communication	<ul style="list-style-type: none"> ▶ Clarifying instructions ▶ Providing information ▶ Supporting others through encouragement, negotiation and conflict resolution ▶ Using body language to model desired behaviour and responding to others' body language
Numeracy	<ul style="list-style-type: none"> ▶ Calculating costs, weights, measurements of height and distance ▶ Interpreting measurements
Teamwork	<ul style="list-style-type: none"> ▶ Working well with other people by cooperating, collaborating, encouraging and building rapport
Planning and organising	<ul style="list-style-type: none"> ▶ Planning your workload and commitments ▶ Implementing tasks ▶ Completing work on time ▶ Knowing how to deal with hazards and risks
Making decisions	<ul style="list-style-type: none"> ▶ Understanding and applying decision-making processes ▶ Reviewing the impact of your decisions
Problem-solving	<ul style="list-style-type: none"> ▶ Identifying problems ▶ Working out how to fix a problem using problem-solving processes and reviewing the outcome
Innovation and creation	<ul style="list-style-type: none"> ▶ Recognising opportunities to develop and apply new ideas ▶ Generating ideas by thinking of new ways to do something ▶ Making suggestions to improve work

Foundation skill area	Foundation skill description
Technology and digital literacy	<ul style="list-style-type: none"> ▶ Efficiently using digitally based technologies and systems correctly and safely ▶ Accessing, organising and presenting information ▶ Using equipment correctly and safely

What do you already know?

Use the following table to identify what you may already know. This may assist you to work out what to focus on in your learning.

Topic	Key outcomes	Rate your confidence in each section
Topic 1 Identify and respond to legal requirements	1A Identify, access and interpret sources of work role legal requirements	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	1B Identify the scope and nature of own legal responsibilities	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	1C Adhere to work practice legal requirements, policies, procedures within scope of role	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	1D Recognise and report potential or actual breaches according to organisational procedures	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
Topic 2 Identify and meet ethical responsibilities	2A Identify, access and interpret information about ethical responsibilities	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	2B Identify the scope and nature of own ethical responsibilities	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	2C Meet ethical responsibilities according to workplace policies and protocols	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	2D Recognise and discuss potential ethical issues and dilemmas	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident

Topic	Key outcomes	Rate your confidence in each section
	2E Recognise own values and attitudes and ensure non-judgmental practice.	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	2F Use problem-solving techniques when exposed to competing value systems	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	2G Recognise and report unethical conduct	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	2H Recognise potential and actual conflicts of interest and take action	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
Topic 3 Contribute to workplace improvements	3A Identify and improve work practices to meet legal and ethical responsibilities	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	3B Proactively share feedback with colleagues and supervisors	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	3C Identify and contribute to review and development of policies and protocols	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident



Topic 1

In this topic you will learn how to:

- 1A Identify, access and interpret sources of work role legal requirements**

- 1B Identify the scope and nature of own legal responsibilities**

- 1C Adhere to work practice legal requirements, policies, procedures within scope of role**

- 1D Recognise and report potential or actual breaches according to organisational procedures**

Identify and respond to legal requirements

The community trusts and expects service providers to uphold and apply proper standards. As a community worker you have a great deal of responsibility. You must always act in a professional, competent and ethical manner and you need to be familiar with laws, rules, standards and regulations relevant to the community services industry. These protect the rights of both individuals and workers. They also ensure high-quality and safe services are provided.

1A Identify, access and interpret sources of work role legal requirements

Laws, regulations, policies and procedures have an impact on your job role, your duties and your responsibilities. You need a broad knowledge of the legal framework that operates within the community services sector, and how it affects your work practice. Legislation specifies the laws of our society. Policies are rules and regulations that state how the government and organisations will comply with legislative requirements. Most professions, including community services work, have codes of ethics that provide a framework for professional behaviour and promote high standards.



Laws that affect your work role

International laws and treaties to which Australia is a signatory relate indirectly to your role as a community worker in supporting human rights. Some laws that affect your role are shown below.

Federal (Commonwealth) statutes or Acts of Parliament

Federal Acts of Parliament are laws enacted by federal parliament. They apply to all states in Australia. If there is a conflict between a federal law and a state law, the federal law overrides the state law. There are federal laws that apply to areas such as discrimination, family, racism and human rights.

State statutes or Acts of Parliament

State Acts of Parliament are laws enacted by state parliaments. They only apply to the particular state in which they are passed. They may vary from one state to another. There are state laws that govern the provision of services in areas such as child protection, education, disability, domestic violence, health and mental health.

Regulations

Each Act of Parliament (state and federal) includes regulations that interpret and give more specific directions about how that law is to be applied.

Common law principles

Common law is based on precedent, or prior decisions made by the courts. The body of common law was inherited from Britain when Australia was colonised and continues to form a significant part of the body of Australian law. There are several common law principles which directly affect your role as a community worker, especially in the areas of duty of care and negligence and informed consent.

Legislated service standards

In some industry sectors such as residential aged care, disability services and mental health services, there are also legislated service standards that service providers must adhere to. In these areas of work you will find it easy to access information about service standards. The standards themselves give clear benchmarks for quality service delivery and how people receiving services should be treated.

Criminal law

- ▶ This deals with community behaviour and safety.
- ▶ A person accused of criminal behaviour has the right to representation.
- ▶ Criminal laws are enforceable by the police.
- ▶ In Australia a person charged with a criminal offence is presumed innocent until proved guilty.
- ▶ Employers can be prosecuted if they do not operate within the law.

Civil law

- ▶ This deals with the rights and duties of people in regard to personal, work or property matters.
- ▶ Civil law allows one person to take legal action against another (to sue) for compensation.
- ▶ These matters may also be resolved in out of court settlements.
- ▶ Negligence and duty of care are covered by civil law.
- ▶ Employers can be sued for damages or compensation if they do not operate within the law.

Legislation and regulations

The Australian legal system establishes the rights of individuals and makes sure these rights are enforced by law. Everyone working in community services needs to understand the legal framework relevant to their work role. Many of your work obligations, as outlined by your position description, are based on legal requirements to work within the law.

There is a wide range of legislation and regulations that apply to the community services sector.

Here are some examples.

Legislation and regulations that apply to community services

- | | |
|-------------------------------|------------------|
| ▶ Workplace health and safety | ▶ Discrimination |
| ▶ Privacy | ▶ Human rights |
| ▶ Child protection | |

Work health and safety

On 1 January 2012, the *Work Health and Safety Act 2011* (Cth) came into effect, replacing the *Occupational Health and Safety Act 1991* (Cth). This model legislation was developed by the Commonwealth government to harmonise workplace health and safety laws across Australia.

The object of the harmonisation of work health and safety laws, according to the *Explanatory Memorandum – Model Work Health and Safety Bill* (Safe Work Australia, 2016), is to:

- ▶ protect the health and safety of workers
- ▶ improve safety outcomes in workplaces
- ▶ reduce compliance costs for business
- ▶ improve efficiency for regulatory agencies.

For the Act to be legally binding, it must be passed by the parliament in each state and territory.

WHS laws are based on duty of care principles applied specifically to places of work. This means that everyone in a workplace has a duty and responsibility to contribute to safety. Employers have a duty to provide a safe work place; workers have a duty to follow WHS policies and procedures and to identify and report safety issues.

In community services work, depending on how the service is delivered, workplaces may include the community, a public place or the home of the person receiving the service, as well as offices, residential facilities and other buildings owned or rented by the organisation providing the service. This can make complying with WHS requirements complex. If you are working in a person's home or in the community the focus of WHS may be on ensuring that you have safe procedures to follow rather than on controlling aspects of the physical environment.

Consequences of breaching WHS legislation

Breaches of WHS can result in serious injury, lasting harm and death. In community services WHS covers people receiving services as well as workers, managers, volunteers and members of the public. Safety refers to physical and to emotional or psychological safety.

In recent years, WHS legislation has paid more attention to non-physical risks such as stress and bullying. In community services, people using the service may be particularly vulnerable or may have special needs. Breaches of WHS legislation may affect their physical and emotional safety as well as the physical and emotional safety of workers. Breaches of WHS can have lifelong impacts on people receiving services as well as on workers.

The consequences of breaching WHS legislation include options available under Safe Work Australia policies and regulations, which may include as a last resort (if the breach is not corrected) court-sanctioned penalties and possible closure of the workplace. In a community services setting this would have direct consequences for people receiving services. For example, people in a residential facility may need to be moved to alternative accommodation if the workplace is closed. This may have serious long-term negative impacts on them and on their families.



Privacy frameworks

On 12 March 2014, the Australian Privacy Principles (APPs) replaced the National Privacy Principles and Information Privacy Principles and apply to organisations and Australian Government (and Norfolk Island Government) agencies.

There are now 13 national privacy principles that apply to the collection, use and storage of people's information. These principles cover the collection, use, storage and disposal of personal data. Organisations base their privacy policy and confidentiality maintenance procedures and protocols on these principles.

People receiving support services have a right to expect that their personal and health information will remain private and secure. Records about a person, such as a progress note or incident report, are legal documents and must be collected and archived according to your workplace's policies and procedures, which are guided by legislation.

Detailed information about privacy principles can be found at:

- ▶ <http://aspirelr.link/privacyfactsheet>

Confidentiality

Confidentiality is critical to work in the community sector. As a support worker, you often have access to privileged and sensitive information about the people you work with. The way support workers manage confidential information can have a significant impact on a person's dignity, rights and choices, opportunities and access and self-concept, self-esteem and wellbeing.

Confidentiality is about data or information and refers to managing access to private information. Confidentiality provisions restrict an individual or organisation from using, storing and disclosing information about a person that is outside of the scope for which the information was collected. Confidentiality refers to both written and verbal information.

Community workers are allowed to, and should, share confidential information about people receiving support with their manager or coordinator when necessary. Confidentiality means that support workers must have a reasonable purpose for collecting, storing, accessing and distributing information about a person. Organisations and workers must also not collect generalised information without an implicit reason.

Information relating to people must be securely stored, with access limited to those working directly on the case, according to organisational policy and procedure.



Share information

When supporting a person it may be necessary to work with a range of other agencies. A person (or their representative) must give consent before any information is shared with or accessed from another agency. Most community organisations gather this consent using a specific form. Consent is given for access to particular information for a particular purpose. You must not pass on information without the person's consent. People receiving services have a right to know what you record about them and to see their own records.

A person's record is highly confidential and you may be required to sign a confidentiality agreement when you are first employed, saying you will not without consent divulge any information you have acquired during or after your involvement with people you provide services to unless legally required to do so.

The information that is shared between agencies may include:

- ▶ information to enable referrals
- ▶ incident reports
- ▶ support plans and goals
- ▶ information about individual needs.

Disclosure of confidential information

There are some instances in which you are permitted to disclose information as part of your duties. For example, if the person is being referred on for medical treatment, the hospital, specialist or doctor needs to know the person's history, allergies and personal details. You must always obtain the person's informed consent before you disclose confidential information to a third party. There are some situations where you may be required to disclose confidential information.

Here are some examples of such situations.

When to disclose private or confidential information

- ▶ If compelled by law; for example, if the person has a reportable disease or the information is requested by a court of law
- ▶ If a person's interests require disclosure and there is a serious risk which justifies breaching confidentiality; for example, risk of suicide, self-harm or harm to others
- ▶ If there is a duty to the public; for example, there is public threat or concern
- ▶ If the person has consented to the disclosure

Consequences of breaching confidentiality

Breaching confidentiality may have serious consequences for the person you are providing services to, for you as a support worker, for your employing agency and for your profession. It may have serious effects on the working relationship between you and the person receiving support. Trust, which is essential for a good working relationship, may be damaged or broken beyond repair. This may leave the person with an inability to trust other workers, thus limiting their options and opportunities for receiving the services they need.

If the breach is serious you may be disciplined. If the person has suffered harm or loss as a result of your actions, you or your employer may be sued. If you step outside an important policy, you may lose the protection of vicarious liability and could be sued personally. Breaching privacy legislation may constitute a criminal offence, depending on the nature and seriousness of the breach, and the sensitivity and potential harmfulness of the information disclosed.

Here are some ways to safeguard confidential information.

To protect people's rights to confidentiality:

- ▶ keep personal information safe and secure
- ▶ be aware of work practices and never leave files open
- ▶ ensure that only authorised people have access to personal information
- ▶ do not pass on information about a person without their permission
- ▶ never discuss a person receiving a service in public
- ▶ be discreet on the telephone
- ▶ do not discuss someone receiving a service unless it is essential for providing a service
- ▶ make sure that information which is no longer required is returned or destroyed/ deleted
- ▶ dispose of confidential information securely and carefully
- ▶ make sure you do not reveal names and other identifying information.

Child protection

Each state and territory has an Act that addresses child protection. In some cases child protection legislation is combined with legislation governing the care and education of children.

State and territory governments in Australia are responsible for administering and operating child protection services. Non-government organisations may also provide child protection services. Other legislation in areas such as adoption, human rights, family law, young offenders, family violence, and working with children is also relevant to child protection.

Child protection legislation is based on principles, including:

- ▶ acting in the best interests of the child
- ▶ early intervention and prevention
- ▶ including children and young people in decision-making
- ▶ placing children in out-of-home care as the last resort
- ▶ providing culturally specific responses
- ▶ providing continuing after care and support after child reaches the age of independence
- ▶ providing permanency and stability of care as far as possible.

Mandatory reporting of child protection issues

Some states include mandatory reporting of child abuse and neglect in their child protection legislation. In the legal context, 'mandatory' means required by and enforced by legislation. Mandatory reporting means that some people in some occupations are required by law to report child abuse and neglect to government authorities.



Not all states have legislation requiring mandatory reporting, and not all occupations are covered by mandatory reporting laws. Check the child protection legislation in your own state and check your employer's policies on child protection to find out if you are covered by mandatory reporting. If you are not sure about this, consult your supervisor.

Depending on your work role and the structure of your organisation, it may be you or your supervisor or a manager or other professional who is responsible for reporting concerns to the relevant state government department. You may often be in the best position to observe and collect first-hand information, so it is essential that you record your concerns accurately and objectively. If the situation is taken to the children's court, your records and notes may be required in evidence. Reports need to be accurate and objective.

Consequences of breaching child protection Acts

In all states a government department is responsible for applying child protection legislation. If child protection Acts are breached, officers of that department are responsible for investigating and acting on concerns about the welfare of a child. This may result in entering and searching premises, carrying out an investigation, and taking actions such as removing a child from immediate danger.



The matter may then be referred to a children's court for a decision about what further actions should be taken to protect and ensure the safety of the child. Adults who are proven to have harmed a child may be charged with various criminal offences.

In relation to child protection, common law duty of care means that if you are working in a role where you owe a duty of care to a child and you breach that duty of care by acting in a way that causes the child foreseeable harm, you may be deemed negligent. The existence of a duty of care relationship depends on the facts of each particular case; however, in general an adult is assumed to have a duty of care towards a child in their care.

Discrimination

To discriminate is to treat someone unfairly or favour others. This may occur when there is a mix of cultures and when people don't understand cultural differences. Discrimination is never acceptable behaviour and is against the law.

Workplaces must promote equality of opportunity for everyone. It is unlawful to discriminate against people on the basis of age, gender, ethnicity, disability or impairment, marital status, sexual preference, political or religious beliefs.

Organisations within Australia must comply with a variety of federal Acts, national standards, and state Acts aimed to prevent discrimination and foster equality of opportunity. National anti-discrimination legislation has a number of aspects as is shown below.

Age discrimination

Age Discrimination Act 2004 (Cth)

The *Age Discrimination Act 2004* is a relatively new law which is especially important with regard to Australia's ageing population. It protects people who are discriminated against because of their age and states that, regardless of age, everyone has the same right to equality before the law.

The Act also allows appropriate benefits to be given to people of a certain age, particularly younger and older people, according to their circumstances. Objectives of the Act also include removing barriers to older people participating in society and changing negative stereotypes about older people.

Exemptions include stipulations regarding youth wages, health care and voluntary work.

Disability

Disability Discrimination Act 1992 (Cth)

The *Disability Discrimination Act 1992* gives a definition of disability and prohibits direct or indirect discrimination based on disability. It prohibits discrimination against people associated with people who have disabilities; such as friends, relatives, carers and co-workers. The Act makes it unlawful to discriminate in the areas of:

- ▶ employment
- ▶ education
- ▶ access to public premises
- ▶ purchase of house and land
- ▶ provision of goods, services and facilities
- ▶ administration of Commonwealth Government laws and programs.

Exemptions to *the Disability Discrimination Act 1992* include when a potential employer would be placed under unjustifiable hardship in order to employ a person with a disability, although the employer is expected to make reasonable adjustments.

Racial discrimination

Racial Discrimination Act 1975 (Cth)

The *Racial Discrimination Act 1975* covers all of Australia and prohibits racial discrimination and offensive behaviour based on racial hatred. It covers discrimination based on race, colour, descent, national or ethnic origin. It also protects those who may be discriminated against based on their association with people of a particular ethnicity. The Act applies to everyone in Australia and all organisations.

The *Racial Hatred Act 1995 (Cth)* was added to the *Racial Discrimination Act* in 1995 and provides an avenue for people to complain about racist behaviour that offends, insults, humiliates or intimidates others in public.

Sex discrimination

Sex Discrimination Act 1984 (Cth)

The *Sex Discrimination Act 1984* explains that it is unlawful to discriminate against someone based on their sex, marital status, pregnancy or potential pregnancy. It sets out laws against sexual harassment as well as dismissal from work based on family duties including pregnancy.

According to the Act, it is unlawful to refuse to provide goods or services, education or employment based on a person's sex. The Act also covers discrimination within awards and enterprise bargaining, insurance and superannuation, Commonwealth laws and programs, and accommodation.

Sexual harassment is included in the Act because it is a form of discrimination to treat a person unfairly because of their sex.

Human rights

Australian Human Rights Commission Act 1986 (Cth)

The Australian Human Rights Commission (initially called the Human Rights and Equal Opportunity Commission) was established in 1986 to deal with breaches of anti-discrimination laws and to promote human rights education.

This Act only covers actions or policies of the Commonwealth.

The Act promotes human rights for all people, and covers most forms of discrimination not already covered in the other Acts, including discrimination on the basis of:

- ▶ criminal records
- ▶ marital status
- ▶ medical record
- ▶ political opinion
- ▶ religion
- ▶ sexual preference
- ▶ social origin
- ▶ trade union activity.

Privacy

Privacy Act 1988 (Cth)

This Act deems personal information about individuals to be sensitive, such as information about:

- ▶ criminal records
- ▶ health
- ▶ membership of a professional or trade association
- ▶ membership of a trade union
- ▶ political affiliations or opinions
- ▶ racial or ethnic origin
- ▶ religious affiliations or beliefs
- ▶ sexual orientation or practices.

This information about a person must not be used by others to discriminate against them or identify them. Your organisation should inform you of your responsibilities regarding people's privacy.

Consequences of breaching discrimination legislation

Breaching discrimination legislation denies people their basic human right to be treated fairly and equally. It can damage a person's dignity, self-esteem and status. It can also result in harm to the person by preventing access to services essential to the person's wellbeing. Your breach may contribute to a negative assessment of your employer's ability to meet service standards, with resulting possible loss of funding. This in turn may affect all the people who receive services from that organisation. The person who has been discriminated against has recourse to internal and external complaints procedures. Depending on the basis of the discrimination and the state in which it occurs, the person may have recourse to an ombudsman or commissioner who deals with complaints about discrimination. If the discrimination amounts to a breach of human rights, the person has access to the Australian Human Rights Commission.

If you breach discrimination legislation, you may be:

- ▶ reprimanded
- ▶ required to participate in performance management and training
- ▶ dismissed
- ▶ subject to legal penalties.

Duty of care

Duty of care is part of the body of common law. There is no Duty of Care Act. Duty of care is part of the broader legal concept of negligence. Another word for negligence is carelessness. Duty of care means that in any situation where one person's actions may affect another person, there is a legal duty to act in ways which are not careless and which do not cause harm to the other person.

Duty of care principles have been established by the law of torts. Torts is a legal term that can be broadly translated as 'wrongs'. If you are acting within your specified role, working within the law and following your employer's policies, procedures and guidelines, you are protected by a legal principle called vicarious liability. This means that as long as you work within your role and follow legislative requirements, policies and procedures, if something goes wrong and harm occurs, it is your employer who assumes legal liability. If you are acting outside your specified role, or not following legislative requirements, policies and procedures, you lose this protection and may be sued personally. This is one reason why it is essential that you understand all the duties and requirements of your work role and do not step outside its boundaries.



Negligence and harm

Negligence can be an action or an omission; that is, it can arise from something you do, or something you fail to do, which results in foreseeable harm to another person. In some cases, harm may also include damage to a person's reputation or social status.

Characteristics of negligence and harm are outlined here.

Negligence

Negligence exists where:

- ▶ a duty of care relationship exists in law; that is, where one person owes a duty of care to another person
- ▶ the duty of care has been breached because reasonable care was not taken to prevent harm or injury
- ▶ actual harm has been suffered as a result; the harm must have been reasonably foreseeable.

Harm

Harm may be:

- ▶ physical
- ▶ emotional and psychological
- ▶ financial.

WHS and duty of care

While aspects of WHS legislation may vary between states and territories, there are common obligations under the duty-of-care principle. Everyone in the community service environment has a responsibility to take reasonable care for themselves, the people receiving services, visitors and each other. Your workplace will have a specific duty of care policy that you must use to guide your actions.

In practice, your duty of care under WHS is met by ensuring that you contribute to providing a safe, healthy and supportive environment, where everyone's rights are upheld and supported. This includes reporting WHS hazards and risks, ensuring access for all people and supporting the wellbeing of all the people that you provide services to.

You can read an example duty of care policy at the following site:

- ▶ <http://aspirelr.link/mercypolicy>

You can find information about duty of care as it relates to disability services workers at:

- ▶ <http://aspirelr.link/dutyofcaredisability>

(This is specific to a disability service context but most of the principles and the excellent discussion are relevant to any sector of community work.)



Consequences of breaching duty of care principles, policies and procedures

If you breach your duty of care (that is, if you act carelessly or negligently, resulting in harm) you could be sued for negligence and may need to compensate the people for any damages they suffered as a result of your actions or inactions.

Breaches of duty of care and negligent acts that result in harm are dealt with in the civil courts, not in the criminal courts (unless a criminal act is also involved). The person who has suffered harm or loss can sue (take legal action in a civil court) to recover damages or compensation for the harm or loss from the person whose actions caused it.

In a negligence action, it must be demonstrated that:

- ▶ you had an obligation to provide care to a particular standard for a person
- ▶ harm or injury was caused, either directly or indirectly, by the breach of duty of care
- ▶ the person experienced actual harm or injury
- ▶ harm was reasonably foreseeable in the circumstances.

Factors to consider about your duty of care

When making decisions about your duty of care it is important that you keep several factors in mind. Use your professional judgment and experience to assess the:

- ▶ risk of harm and the likelihood of the risk occurring
- ▶ type of injury and the seriousness of the injury that may occur
- ▶ precautions that could be taken
- ▶ usefulness of the particular activity
- ▶ professional standards about the issue
- ▶ policies and procedures of the organisation.

Dignity of risk

The rights of people to dignity and choice, upheld in legislation and service standards, also require that duty of care or safety is not used as a reason to limit a person's freedom or personal choice. Your adherence to duty of care and safety must be coupled with the concept of dignity of risk, which means that a person has the right to make their own choices and to take risks.

The right of people to make their own choices (and to fail, make mistakes and learn from them) is part of their right to self-determination. In practice, this right can sometimes come into conflict with your duty of care obligations. Generally, a person must be allowed to make their own choices, unless it involves the likelihood of significant harm to themselves or others. Often, these areas need to be discussed with your supervisor or professional network. Always ask for advice or assistance from your supervisor if you are unsure. Provide people with appropriate information that allows them to make informed choices.

To make an informed decision a person must:

- ▶ have the capacity to understand the decision and its likely consequences
- ▶ have opportunities to practice making decisions and experience consequences
- ▶ have access to information relevant to the decision
- ▶ be able to apply that information to the particular situation or decision
- ▶ be able to act freely, i.e. without threats, coercion, bribes or undue influence

Consequences of breaching dignity of risk principles

In the community services context, not respecting a person's right to take risks and learn by experience can be a serious infringement of their basic human rights. You need to balance the risk against the possible benefit and offer people opportunities to explore their choices, make decisions and take chances in order to learn and grow, as safely as possible. All adults have the legal right to make their own choices and decisions unless they have undergone a legal process by which they are deemed not competent or not having the capacity to make decisions. You should not limit a person's opportunities to learn by trying with the aim to protect them from every possible risk.

Here are some possible consequences.

Consequences of breaching dignity of risk principles

- ▶ Limiting the person's personal, social and psychological development
- ▶ Affecting their self-esteem and confidence
- ▶ Contributing to negative stereotypes
- ▶ Affecting their social status and the perceptions of other people about them
- ▶ Diminishing their quality of life

Human rights

Underpinning all your work in community services is the fundamental recognition that all people, including people receiving services have basic human rights that must be upheld. One of the foundation documents setting out these rights is the 2007 *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD). This is not a law, but an international convention that countries voluntarily ratify and use to guide their own laws. Australia was one of the original signatories.

The UNCRPD is based on the principle that all people are equal and that all people have the same rights, such as the right to equality, safety, privacy and the right to a home and family. In practice, this convention informs all of your workplace procedures and activities. It is also a good starting point for educating people receiving services about their rights.



You can read more about the UNCRPD at the following site:

- ▶ <http://aspirelr.link/uncrpd>

Additionally, you can find an easy-to-read explanation of these rights, designed to give to people with support needs, at the following site:

- ▶ <http://aspirelr.link/we-have-human-rights>

Consequences of breaching human rights

If you breach the human rights of people who receive services it may damage the person's dignity, self-esteem and status and may result in harm to the person. If a person is harmed by your actions, they may take legal action for damages and compensation against you or your employer via the civil courts. The person whose rights have been violated has recourse to lodge a complaint through the Australian Human Rights Commission. If you have breached human rights you may be reprimanded, you may be required to participate in performance management and training, you may be dismissed and/or there may be legal penalties.

A breach may contribute to a negative assessment of the organisation's ability to meet service standards with possible loss of funding which may affect people receiving support.

Relationship between human needs and human rights

Human needs are the basic things needed to survive, grow, develop and thrive, as illustrated in Maslow's hierarchy of needs. Community services aim to address these needs and ensure that people receiving services have not only their basic survival needs met, but also their social, developmental and psychological needs. Human rights include the fundamental right to have human needs met. State legislation governing disability services, mental health services, domestic violence, child protection and children's services, forms a framework for meeting needs and supporting rights.

Acts supporting human rights and addressing needs include:

- ▶ *Human Rights and Equal Opportunity Commission Act 1986* (Cth)
- ▶ *Age Discrimination Act 2004* (Cth)
- ▶ *Disability Discrimination Act 1992* (Cth)
- ▶ *Racial Discrimination Act 1975* (Cth)
- ▶ *Sex Discrimination Act 1984* (Cth)

Frameworks, approaches and instruments used in the workplace

Australian human rights, anti-discrimination and equal opportunity legislation supports human rights identified by international agreements and treaties such as the Universal Declaration of Human Rights and other international instruments that support the rights of vulnerable groups such as children, women, and indigenous people. These declarations and treaties form a broad framework that guides policy and service provision in Australia.

Specific legislation governing sectors such as mental health, disability, aged care, and child protection sets standards for service provision. Government funding policies

are supported by this legislation. Human rights declarations and legislation informs organisational policy, procedures and work practices that are followed in each workplace.

Check your state legislation to find more information about service standards relevant to your sector, and for information about complaints mechanisms for dealing with breaches of state anti-discrimination legislation. These avenues may include an ombudsman or a state commission or tribunal.

You can find more information about Australian human rights legislation and policy at:

- ▶ <http://aspirelr.link/humanrightslaw>

Specific legislation

Depending on the area of community services that you work in, there may be specific legislation that applies. Here are some examples of legislation specific to various community services sectors. Check your own state legislation for the specific acts which govern each sector.

Mental health

In the mental health sector, you may need to be familiar with *National Standards for Mental Health Services 2010*. Each state has its own mental health Act.

The objectives of these standards are to provide focus on how services are delivered and whether the services comply with policy. They also cover communication standards and consent and the appropriateness of policies and procedures.

Key components of the standards are:

- ▶ effectiveness
- ▶ appropriateness
- ▶ capability
- ▶ safety
- ▶ sustainability.

Disability services

In disability services, the National Standards for Disability Services (NSDS) apply. These standards were set by the *Disability Services Act 1986* (Cth). Some states have guardianship and administration Acts that provide for a guardian to be appointed for adults who do not have the capacity to make decisions about their own lives and affairs.

The objectives of the NSDS is to promote greater focus on person-centred approaches and promote choice and control to people with disability.

Key components of the NSDS are:

- ▶ rights
- ▶ participation and inclusion
- ▶ individual outcomes
- ▶ feedback and complaints
- ▶ service access
- ▶ service management.

Aged care

Residential aged care in Australia is regulated by the principles outlined in the *Aged Care Act 1997* (Cth).

Objectives are to :

- ▶ promote accessible, affordable, high-quality care and accommodation
- ▶ protect health and wellbeing of residents
- ▶ help residents enjoy the same rights as all other people in Australia
- ▶ plan effective delivery of services
- ▶ ensure services and funding target people and areas with the greatest needs
- ▶ encourage diverse, flexible services in response to individual needs
- ▶ provide funding that takes account of the quality, type and level of care
- ▶ provide respite for carers
- ▶ promote 'ageing in place'.

Key components refer to:

- ▶ requirements and responsibilities of provider
- ▶ approval and classification of residents
- ▶ funding options
- ▶ residents' rights.

Child protection services

Depending on the state or territory that you work in, you may need to understand the principle Act of the state or territory as well as other relevant Acts and legislation.

The objective of child protection legislation is to provide for the protection of children.

Key components of child protection legislation are:

- ▶ a 'best interest' principle
- ▶ early intervention
- ▶ participation of children and young people in decision-making
- ▶ out-of-home care
- ▶ culturally specific responses to Aboriginal and Torres Strait Islander people
- ▶ 'after care' support
- ▶ permanency planning and stability of care.

Consequences of breaching specific legislation

Sector-specific legislation such as disability services Acts, mental health Acts, child protection Acts and aged care Acts, sets standards which service providers must meet in order to receive government funding. These Acts also identify and support the rights of people who receive services. In this way legislation guides and controls service provision through funding. Each sector has a process for monitoring and evaluating standards of service provision against the legislated standards.

If service providers breach relevant legislation and service standards are not met, the agency or organisation providing the service will be notified and given time to make any changes required. If this is not done within a specified time, funding may be

withdrawn. In this way the legislation upholds service standards, protects rights, and provides avenues for people receiving services and their advocates to raise concerns and make complaints about services.

Complaints about breaches of sector-specific legislation may be dealt with by federal or state government bodies, depending on the particular industry sector. Check your state and industry sector to find out how breaches are dealt with.

Example

Identify, access and interpret sources of work role legal requirements

Mary works at a drop-in centre for people with disability. Her organisation has policies that explain legal requirements and her job role description or duty statement which sets out her responsibilities.

She can check sources of information about the legal requirements of her work role at the following websites:

- ▶ <http://aspirelr.link/national-standards-disability-services>
- ▶ <http://aspirelr.link/crpd>

David is a support worker in a residential service for people who have recently been discharged from a psychiatric hospital. His organisation has policies that explain legal requirements and his job role description or duty statement also sets out his responsibilities

He can check these sources of information about the legal requirements of his work role at:

- ▶ <http://aspirelr.link/national-standards-mental-health>

Marco is a support worker in a community centre. His job role is diverse and includes working with children, refugees and people who experience domestic and family violence. To identify his legal responsibilities he can check his state legislation for working with children; federal legislation regarding refugees and migrants; and state legislation around domestic and family violence. He can also check information provided by the police and by child protection authorities for information about dealing with child protection and domestic and family violence issues. His organisation will have policies that explain his legal requirements and his job role description or duty statement also sets out his responsibilities.

Mary, John and Marco can also refer to an industry code of practice that is published by the Australian Community Workers Association (ACWA) and other professional associations relevant to the work of their agencies.

Practice task 1

1. Provide three examples of legislation and regulations that apply to community services.

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2. Describe one situation where confidential information may be disclosed.

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3. Provide one way that an action must be demonstrated to deem it negligent.

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4. You need to find out more information about residential aged care in Australia. Provide the Act you would access and list three objectives that are outlined in the Act.

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Click to complete Practice task 1

1B Identify the scope and nature of own legal responsibilities

As a community services worker, you must have a clear understanding of your role, responsibilities, level of authority, and the boundaries of your role. You need to understand your legal obligations and demonstrate them in your work practice.

Scope of legal responsibilities and boundaries of your role

Your responsibilities are documented in your position description. This outlines the role, duties and line of reporting for your position. It briefly describes what the organisation expects from you and how this links to the organisation's goals and objectives. It is important, as a community services worker, to understand the scope of your legal responsibilities and the boundaries of your role. If you are unclear about your responsibilities or about the limitations of your role, discuss this with your supervisor.



Legally, you must only carry out those tasks for which you are explicitly employed and for which you are qualified and competent. Failure to work within these boundaries may result in reprimand, disciplinary action, harm to people who receive services, and legal action against you and/or your employer. If you are asked to carry out tasks not included in your job role description, discuss this with your supervisor and ask for the instruction in writing if necessary.

Legal responsibilities and limitations of role

Working within the legal responsibilities and limitations of your role is essential. If you step outside these boundaries you may cause harm to people who receive services and you may also risk legal action for damages against you and your employer. Understanding legal responsibilities and limitations protects the people you provide support services to, yourself, your employer and your colleagues.

The key source of information setting out your role and responsibilities is your job description or duty statement. When a job description or duty statement is developed for a particular role or position in community services, the employing organisation will check relevant legislation and service standards as well as organisational policies to make sure that the role description meets these requirements. Your employer has a responsibility to ensure that you have all the skills, knowledge, training and qualifications required to carry out your role competently.

Organisational policies and procedures are also sources of information about the responsibilities and limitations of your role. You must also follow these.

If you are in doubt about the boundaries of your job role, discuss this with your supervisor. You can also seek advice from professional associations such as the Australian Community Workers Association (ACWA). Associations provide a range of training, professional development and discussion forums for members.

Consequences of breaching work role boundaries

Legally, you must only carry out those tasks for which you are explicitly employed and for which you are qualified and competent. Failure to work within these boundaries may result in reprimand, performance management and training, disciplinary action, harm to people who receive services, and legal action against you and/or your employer.

If you breach the boundaries of your role you may:

- ▶ put someone at risk by undertaking tasks that you are not skilled or qualified to carry out
- ▶ undermine the person's dignity
- ▶ discredit your organisation
- ▶ breach your professional code of practice and bring your profession into disrepute
- ▶ become too emotionally involved to work effectively.

Legal issues

Being aware of your legal obligations and understanding a range of legal issues that arise in community services work is important. Take into account the responsibilities and limitations of your work role and do not act outside these. In complex situations you may need to consult a legal practitioner on behalf of your employer or the person receiving services. Some organisations have links with legal practitioners in private practice who offer pro bono services. Community legal centres are also an affordable source of legal advice and support.

Here are some examples of common legal issues that may arise.

Common legal issues arising across different sectors

- ▶ Duty of care and dignity of risk
- ▶ Maintaining confidentiality
- ▶ Workplace health and safety issues
- ▶ Reporting breaches of service standards, legislation, rights, policies and procedures
- ▶ Informed consent and informed decision making
- ▶ Advocating for or seeking advocacy for a vulnerable person

Responding to legal issues

When dealing with a legal issue, you will rarely be expected to deal with it alone. Discuss with your supervisor, or refer the person to another worker who has the appropriate skills. Before responding to a legal issue, check the facts. Be sure to collect objective information or evidence, check what the person who receives services wants to do, check what avenues are available and think any actions through. Follow your organisation's policies and procedures and any legislative requirements. Keep in mind that you must support people's rights in all your actions. Take into account the responsibilities and limitations of your work role and do not act outside these. Remember that you are not a legal practitioner. Always ask for advice and refer anyone with a legal issue to a properly qualified lawyer for assistance. Do not give legal advice to the people receiving services.



Example

Identify scope and nature of own legal rights and responsibilities

Jodie is a manager at a large residential facility and she is training Ellie, who is a new support worker. Jodie talks to Ellie about the importance of understanding her legal rights and responsibilities when providing support. She says, 'Being aware of your rights and responsibilities assists you to comply with the legislative requirements. Legally, you must only carry out those tasks for which you are explicitly employed and for which you are qualified and competent.'

Jodie also tells Ellie that if she is not sure about her responsibilities, she can refer to her job description, duty statement or ask her for clarification.

Jodie says, 'It is my responsibility to ensure you have the skills, knowledge, training and qualifications required to carry out your role competently. Let me know if there is anything that you do not understand about your duties, and I will access training or mentoring for you.'



Practice task 2

Read the scenario, then answer the questions that follow.

Scenario

Giuseppe is 53 years of age. He has Downs syndrome and lives with his parents, Joe and Maria, on an olive farm just outside the city. Joe and Maria are getting older and finding it difficult to maintain the property and to care for Giuseppe, who has a heart condition that limits the physical activity he can do. When he was younger he helped his parents with work on the farm but is now unable to do this.

Joe and Maria have a niece, Elisa, who lives in Italy with her husband, Mario, and three young children. Mario has been unemployed for several years and the family is struggling to make ends meet. Joe and Maria would like to sponsor Elisa and her family to migrate to Australia to help them run the farm and to care for Giuseppe.

You work for a community support program and take Giuseppe for an outing every week to give Joe and Maria respite. You also take him to doctor's appointments and do the weekly shopping for the family. Joe and Maria have asked you for advice and assistance in applying to sponsor their niece to come to Australia. They have also asked you to act as Giuseppe's guardian if something happens to them before they can make these arrangements.

1. Describe why giving advice and assistance to apply to sponsor Elisa and her family to migrate to Australia is outside the scope of your legal and professional boundaries. How should you respond to their request?

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2. Describe why acting as a legal guardian for Giuseppe is inappropriate and how you should respond to this request.

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Click to complete Practice task 2

1C Adhere to work practice legal requirements, policies, procedures and scope of role

Community services workers owe their employer a duty to work in accordance with the policies, procedures and protocols of the organisation. This means you must understand the obligations of your role and responsibilities and ensure you undertake only those activities you are responsible for. You must also follow all your organisation's policies and procedures relevant to your work.

Here are some points that will assist you to adhere to appropriate work practices.

Written communication

Policies and procedures state where information should be recorded and how often. A range of different documents are used such as assessment forms, care or support plans and communication books. You must use the correct form and use the organisation's letterhead stationery when appropriate. Information must be accurate, clear, concise and current.

Working safely

Community services workers have a responsibility to be aware of their organisation's work health and safety (WHS) and emergency procedures to maintain their own safety and that of the people in care, residents, co-workers and visitors to the workplace.

Discrimination

Anti-discrimination legislation makes it illegal to treat people differently or unfairly based on their age, race, gender, sexual preference, marital status, or physical or intellectual impairment. If you find you have trouble working with a particular person, you should talk about it with your supervisor.

Professionalism

As a community services worker, you are required to work in a professional manner at all times and take a professional approach to your duties by:

- ▶ remaining objective
- ▶ keeping your feelings under control
- ▶ not becoming emotionally involved
- ▶ recognising your own feelings and learning how to deal with them
- ▶ regarding all people as individuals.

Team work

Clearly communicating appropriate and relevant information between stakeholders, community services team, the people in care and their families or advocates is essential to providing continuity of care. Confidentiality is a legal requirement and community services workers have a duty to disclose only relevant information that is essential to the provision of care.

Seeking assistance

When providing care, there may be times when you need to seek assistance. Depending on the care requirements of the person in care, you may need to seek assistance from a health professional, the family, your supervisor or the care service provider. Seeking assistance from the appropriate person ensures that the person in care receives the level of care required.

Behaviours of concern

Behaviours of concern include all situations of risk to the worker, the person receiving care and others, and include threatening, aggressive and violent behaviour. As a community services worker, you have responsibility to report any situation where you or the person in care is at risk because of concerning behaviour.

Mandatory reporting

Mandatory reporting refers to your legal obligation to report instances of suspected abuse or neglect. Reporting requirements vary between the states and territories, but in most cases any suspicion that a person is endangered requires the worker to report their concerns to appropriate authorities. You must first check whether your occupational role includes mandatory reporting. This varies across occupations and from one state to another.

In many workplaces, mandatory reporting requirements are extended and set out in the workplace's reporting policies and procedures.

While reporting suspected abuse or neglect of older people and people with support needs may not be legally binding, your workplace will have best-practice reporting procedures that you are expected to follow. As these procedures vary, it is important to know your workplace's definition of abuse and neglect and its procedure for reporting (for example, whom to report to and when). If in doubt, speak to your supervisor immediately.

You can read more about mandatory reporting at:

- ▶ <http://aspirelr.link/mandatoryreportingrequirements>



Consequences of breaching mandatory reporting legislation

If your role includes mandatory reporting, you are legally required to do it. You must also follow the policies and procedures of the government department in your state, which is responsible for child protection or for the protection of other vulnerable people.

Not complying with this requirement may result in harm to a child or other vulnerable person.

Failure to comply with mandatory reporting requirements may result in a reprimand, performance management, disciplinary action, dismissal and possible legal action. It is important to take these responsibilities seriously.

Records management

Each state and territory has its own legislation in relation to managing the records of people who receive services. Records management legislation promotes fair and responsible handling of information to protect privacy, provide individuals with a right of access to their records and provide a framework for the resolution of complaints regarding the handling of records. Community services workers cannot disclose information about a person's service records without their consent. Make sure you are aware of your state or territory's legislation.

On 12 March 2014, the Australian Privacy Principles (APPs) replaced the National Privacy Principles and Information Privacy Principles and apply to organisations, and Australian Government (and Norfolk Island Government) agencies. There are now 13 national privacy principles that apply to the collection, use and storage of people's information. Here is further information about how to handle personal information.

Collection, use and storage of personal information

- 1 Open and transparent management of personal information**
Ensures that organisations manage personal information in an open and transparent way.
- 2 Anonymity and pseudonymity**
Requires organisations to give individuals the option of not identifying themselves, or of using a pseudonym. Some exceptions apply.
- 3 Collection of solicited personal information**
Outlines when an organisation can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.
- 4 Dealing with unsolicited personal information**
Outlines how organisations must deal with unsolicited personal information.
- 5 Notification of the collection of personal information**
Outlines when and in what circumstances an organisation that collects personal information must notify an individual of certain matters.
- 6 Use or disclosure of personal information**
Outlines the circumstances in which an organisation may use or disclose personal information that it holds.
- 7 Direct marketing**
An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.
- 8 Cross-border disclosure of personal information**
Outlines the steps an organisation must take to protect personal information before it is disclosed overseas.
- 9 Adoption, use or disclosure of government-related identifiers**
Outlines the limited circumstances when an organisation may adopt a government-related identifier of an individual as its own identifier, or use or disclose a government-related identifier of an individual.

- 10 Quality of personal information**
 An organisation must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete.
- 11 Security of personal information**
 An organisation must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.
- 12 Access to personal information**
 Outlines an organisation’s obligations when an individual requests to be given access to personal information held about them by the organisation.
- 13 Correction of personal information**
 Outlines an organisation’s obligations in relation to correcting the personal information it holds about individuals.

Consequences of breaching records management legislation

Breaching records management legislation, policy and procedure is a serious matter. Disclosing personal information about people who receive services can lead to mistakes in service provision that could affect the wellbeing of the person. It can also contribute to an organisation not meeting service standards, and the consequences which follow. Depending on the industry sector and the state, complaints about breach of privacy and confidentiality may be directed to state or federal authorities such as an ombudsman, a tribunal or commission.

If you breach records management legislation you may be:

- ▶ reprimanded or disciplined by your employer
- ▶ required to participate in performance management and training
- ▶ dismissed
- ▶ the recipient of legal action.

Complaints management

Every person who receives a service has the right to make a complaint or report a concern about that service. Having this right contributes to dignity and respect. Most community services organisations have specific policies and procedures for managing complaints internally. The person making the complaint has the right to have a support person present at any interview. Depending on the service context this may be an informal advocate, a family member, friend or a formal advocate. The facts of the situation must be investigated and discussed.

The person about whom the complaint is made has a right to know what is said in the complaint, and a right to present their side of the story. They may also have a support person present at any interviews; for example, a fellow worker, manager or union representative.

An overview of principles and processes for best-practice complaints management may be read at:

- ▶ <http://aspirelr.link/betterpracticeguides>

Here are some steps that may be included in managing and resolving a complaint.

Raise the concern or complaint

- ▶ Raise concern or complaint with the person responsible in the first instance if this is possible. If a person does not feel confident about approaching the staff member directly, the organisation will provide avenues for the person to raise the concern with a manager, an advocate or through a more formal complaints procedure.

If the issue is not resolved

- ▶ If issue is not resolved at this level, the complaint is reviewed and taken to a higher level within the organisation. It is usually part of the role of a manager or supervisor to deal with complaints about operational matters and staff performance.

Unresolved internally

- ▶ If the complaint cannot be resolved internally, again depending on the service context, it may be referred to an external complaints body or advocacy service.

Consequences of breaching complaints management legislation

By breaching complaints management legislation and policies, an organisation may also breach service standards, with a resulting possible loss of funding and damage to the organisation's reputation and operation. Being able to make a complaint or raise a concern about services is a fundamental right that supports the dignity and empowerment of people who receive services.

Being unable to resolve a complaint may result in harm to the person. Breaching complaints management principles and procedures may also mean that the organisation misses out on valuable feedback about service gaps or issues with its services. This feedback is essential for supporting quality services and for evaluation and continuous improvement.



Informed consent

Your organisation will have policies and procedures which you must follow to obtain consent and agreement from people you work with. In community services the fundamental rights of people to autonomy, to have choices and to make decisions about their lives should always be upheld.

This means that you must have the person's consent before you:

- ▶ offer a service
- ▶ assist a person to carry out a personal care or daily living activity
- ▶ refer them to a service or resource
- ▶ implement a particular service, intervention or strategy.

Obtain informed consent

When obtaining informed consent, you must make sure people have all the relevant information about a particular decision and about its likely consequences. You must not use bullying tactics, physical force, deceit, coercion or undue influence when you are supporting a person to reach a decision or to make a choice.

Follow your organisation's policies and procedures for obtaining informed consent and do not assume that a person is incapable of giving informed consent until this has been proven.

The types of consent you can obtain are described below.

Types of consent

Verbal consent means the person requests that they want a service or agree to one being implemented.

Written consent means the person signs forms requesting or agreeing to the provision of a service.

Implied consent means the person implies in some way that they consent such as by nodding their head or assisting with a task.

Supported consent means the person may need the support of an advocate or guardian to help determine the appropriate service.

Seek agreement before providing services

Your role is to provide people with information about appropriate services to allow them to make an informed choice about their needs. As part of the process of developing a service plan, each individual should be encouraged to identify their own needs and to participate in developing the plan. People are much more responsive to services if they feel they have a choice about their day-to-day needs and their future direction. It also helps to preserve their dignity and self-esteem.

Always ask the person's permission before you offer a service; for example, ask before assisting someone with a daily living or personal care activity, or before referring someone for a particular service. Providing the person with clear information about the service and about what will happen is important. Seeking a person's agreement before offering a service shows courtesy and respect and also supports the person's rights and dignity.



Use an advocate

When seeking informed consent, an advocate may be required in some situations. An advocate is a person appointed to help an individual make decisions about services and about their lives or to speak for and represent people who have difficulty doing this for themselves. A person may need an advocate to give informed consent for issues surrounding provision of services.

The roles of different advocates are explained below.

Family and friends

An advocate may be a family member, support staff, a friend or an independent member of the community who actively negotiates on behalf of the person to ensure their individual or civil rights are being upheld. They make sure the person's best interests and preferences are known and taken into consideration. They may attend discussions about the person's support and care and take an active part in decision-making to ensure the person receives the service they want and need. Sometimes they may need to speak on behalf of the person to service providers and other agencies about any concerns they have.

Care worker

Many people in your care are vulnerable. You have a responsibility to protect their rights and, if necessary, advocate on their behalf. For example, you may need to discuss with your supervisor on behalf of a person in care regarding an aspect of their care that is not suitable or they are not happy with. Advocacy plays an important role in protecting the rights of people in your care. As an advocate, you must always represent the person's point of view and not express your own view of the matter.

Appointed advocate

An advocate may also be assigned to a person by an advocate agency. Having an advocate present when negotiating and developing a service delivery or care plan is important. There is a range of services available that provide advocacy for people and/or their carers.

Guardians

A guardian may be appointed if a person is unable to give informed consent or make decisions about their life. A guardian may be appointed by the state or territory. For example, the Guardianship Tribunal of New South Wales protects the rights and interests of people with an impediment to decision-making by appointing guardians. Check your own state legislation for laws, policies and procedures relating to guardianship for adults.

Guardians have a duty to:

- ▶ protect the rights, welfare and best interests of the individual
- ▶ encourage the individual to live as normal a life as possible
- ▶ consider the views of the individual
- ▶ preserve and recognise the cultural and linguistic needs of the individual
- ▶ protect the individual from abuse, neglect and exploitation.

Consequences of breaching informed consent principles

If you do not follow guidelines for obtaining informed consent you may jeopardise the person's rights. This may affect their self-esteem, dignity and status. Not obtaining informed consent to actions which carry any degree of risk may result in legal action for any resulting harm. You may be reprimanded or disciplined, you may be dismissed, or you and your employer may have legal action taken against you. In a broader context, following guidelines for obtaining informed consent also meets service standards, so failing to do this may result in a negative assessment of your organisation against the relevant service standards.

In some situations, failing to obtain informed consent may have legal consequences. For example, failing to obtain informed consent before providing a medical service can result in legal action for compensation and damages if something goes wrong. Failing to obtain consent before sharing confidential information can also lead to legal action.

Practice standards

Most community services organisations will have policies and procedures that express and protect the rights and responsibilities of the people receiving services. These policies may be based on legislation and/or legislated service standards, as in the disability services sector, or on individual sector or organisational values. Information about the rights and responsibilities of the people receiving services from a particular organisation or within a particular industry sector can be found in service standards, professional practice standards and organisational policies. Annual reports of organisations and the constitutions of non-government incorporated agencies and associations may also contain information about the rights and responsibilities of people receiving the services. Some states have practice and service standards for youth work, domestic and family violence, and alcohol and other drugs (AOD) work. Check your state and your industry sector. Depending on what sector you work in, there may be specific practice standards that apply. For example:

- ▶ The Aged Care Quality Standards define quality of care in the areas of dignity and choice, services and supports for daily living, feedback and complaints, personal care and clinical care.
<http://aspirelr.link/aged-care-quality-standards>
- ▶ The National Quality Framework sets a national benchmark for early childhood education and care.
<http://aspirelr.link/nationalqualityframework>
- ▶ The National Standards for Disability Services focuses on the rights and outcomes of people with disability
<http://aspirelr.link/national-standards-disability-services>
- ▶ National Standards for Mental Health Services 2010 set guidelines for the provision of mental health services across Australia.
<http://aspirelr.link/national-standards-mental-health>
- ▶ Australian Community Work Practice Guidelines define a standard of practice for ACWA members that is relevant to all community workers.
<http://aspirelr.link/acwaguidelines>

Consequences of breaching practice standards

In sectors where there are legislated service or practice standards, breaches can result in loss of funding to the particular service provider or organisation, which in turn affects workers and people who receive services. Breaches of practice standards that are not legislated may result in damaging the rights and welfare of people who receive services, and in damage to the organisation’s reputation and integrity. Workers who breach practice standards may be reprimanded, required to participate in performance management and training, dismissed, or in some cases subject to legal action. If meeting practice standards is linked to a professional registration or licensing, workers may lose their registration or membership of a professional association.



Worker rights and responsibilities

In every organisation, whether it is public or private, small or large, everyone has rights and responsibilities. For example, an employer has a right to expect certain levels and standards of performance from employees, and employees have a right to expect certain conditions from employers. The employer is responsible for the successful operation of the organisation, and employees must complete their work tasks to ensure the operation runs efficiently.

Here are some examples of employee rights and responsibilities.

Employee rights	Employee responsibilities
▶ A safe workplace	▶ Follow policies and procedures to work in a safe manner at all times.
▶ A workplace free from harassment and discrimination	▶ Comply with a duty of care and follow instructions carefully.
▶ Access to a grievance (complaint) process	▶ Be competent and work within their level of training.
▶ Wages in accordance with the award rates	▶ Be willing to learn and train in new skills.
▶ Clear direction of their duties	▶ Be punctual, courteous and respect cultural and social diversity.

Individual rights and responsibilities

Most community services organisations will have policies and procedures that express and protect the rights and responsibilities of the people receiving services. These policies may be based on legislation and legislated standards, as in the disability services sector, or on individual organisational values. Information about the rights and responsibilities of the people receiving services from a particular organisation or within a particular industry sector can be found in service standards, professional practice standards and organisational policies. Annual reports of organisations and the constitutions of non-government incorporated agencies and associations may also contain information about the rights and responsibilities of people receiving the services. Here are some examples of individual rights and responsibilities.

Individual rights

- Be treated with respect and dignity.
- Be consulted.
- Be involved in the decision making process.
- Have privacy and confidentiality respected.
- Have the right to a complaints process.

Individual responsibilities

- Supply the service with information needed to provide appropriate support.
- Respect the rights of the person providing support.
- Respect the privacy and dignity of the person providing support.
- Notify the services of changes in support requirements.
- Ensure their home is safe for support staff.

Consequences of breaching individuals' rights and responsibilities

Consequences to the organisation of breaching individuals' rights and responsibilities policies may include damage to its reputation; loss of business, time and resources spent dealing with complaints and related issues; and in some cases, loss of funding due to failure to meet sector standards.

Consequences to individuals may include loss of rights, loss of services required to meet their needs, damage to their wellbeing and personal consequences such as stress and loss of self-esteem.

Consequences to workers may include reprimand, performance management, training, discipline procedures, dismissal and in some cases, legal action.



Example

Adhere to work practice legal requirements, policies, procedures and scope of role

Frederick is 83 years old. He lives alone in a rented house in an inner city suburb. Sybil is a support worker from the local council aged and disability support program. She visits Frederick twice a week to check on his wellbeing and to help with tasks such as shopping and cleaning. She accompanies him to medical appointments and encourages him to participate in seniors' recreation programs and outings run by the council.



Sybil has recently noticed that Frederick's house is untidy and grubby, and that Frederick is unshaven and that his clothing is often stained. She has also noticed that Frederick has an unhealed ulcer on his ankle and that he appears to be losing weight. Yesterday Frederick asked Sybil if she would move in to his house to keep him company and to look after him. He said that he has a lot of money in the bank and would pay her well.

Sybil explains that it is outside her professional boundaries to move in with him, and that she is already paid for the support she provides. She talks to Frederick about her concerns and asks him if he would like a cleaner to come in once or twice a week to do the heavy housework, which she does not have time to do. Sybil asks if it would be all right for her to come with him to his next GP appointment to discuss his weight loss and the unhealed ulcer, so that she can put some follow-up strategies in place.

Sybil asks if Frederick would like her to refer him to the local Aged Care Assessment Team (ACAT) for assessment. Frederick is reluctant to accept an assessment and additional help. He keeps offering to pay for extra services, but agrees that having a cleaner and talking to his GP would be a good idea. Sybil makes a note of their conversation and passes this information on to her supervisor.

Practice task 3

Read the case study, then answer the questions that follow.

Case study

Maryanne is 23 and has schizophrenia, which is controlled with medication. She receives a Centrelink benefit and a small weekly wage. She lives in a one-bedroom unit and attends a supported employment program three days per week. Her eldest sister, Jane, has been acting informally as her advocate, organising support services for her.

Silvia is Maryanne's support worker. She visits Maryanne weekly to check that she is taking her medication. Jane has contacted Silvia and asked her to manage Maryanne's finances and budget. She has also asked Silvia to stop Maryanne from going out with a young man whom Jane thinks is encouraging Maryanne to stop taking her medication. Jane also wants Silvia to make Maryanne take her medication and counsel Maryanne about relationships and safe sex. Jane is pressuring Silvia and has offered her extra payment to take on these tasks. Silvia is feeling bullied and threatened and is concerned for Maryanne's welfare.

1. Describe three of Maryanne’s legal rights.

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2. Describe one of Silvia’s legal rights.

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3. Describe two of Jane’s legal rights.

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4. Name one place that Silvia can find information about her rights and responsibilities to work within the boundaries of her role.

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5. Describe how Silvia could resolve this situation.

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Click to complete Practice task 3

1D Recognise and report potential or actual breaches according to organisation procedures

Breaches of organisational policies and procedures can indicate serious underlying issues relating to people's rights and wellbeing. Breaches of procedure may lead to serious harm to people receiving services. In some cases, harm resulting from failure to follow procedures may include injury and death; for example, in residential services failure to follow emergency procedures, infection control procedures or security procedures may result in illness, injury or death.

Recognise breaches

In community services, organisations, workers and people receiving services are part of a network of mutual obligations, rights and responsibilities. Each party needs to work cooperatively to ensure that these are met to the benefit of all. Identifying and reporting breaches are essential parts of this process. To prevent such harm you need to recognise potential or actual breaches. To do this, follow your organisation's policy and procedures. In some sectors such as domestic and family violence, breaching confidentiality and privacy may result in the person being attacked or killed. Breaching organisational policies and procedures for service provision may result in people not receiving services essential to their wellbeing. This may in turn result in damage to the organisation.



Potential breach

A potential breach is when a situation has the capacity to develop into an actual breach. As a community support worker, it is vital that you identify potential breaches before they develop into a situation of harm. By identifying the potential of a situation occurring, you can intervene to ensure the breach does not escalate into an actual breach. For example, if you notice that a support meeting has been scheduled and the person receiving support has not been included in the meeting, you need to identify this as a potential breach of the person's rights to be involved in the decision-making process. If you are aware that a person receiving support is unhappy with a service, you need to make them aware of the complaints process. If the person's unhappiness is disregarded, the situation has the potential to escalate into a breach of complaints management.

Most people who receive community services are vulnerable in some way. Legislation, service standards, codes of ethics, practice standards and organisational policies and procedures seek to protect and empower these people. Recognising potential breaches is vital in supporting their rights and protecting their wellbeing.

Actual breach

An actual breach is when a situation or incident has occurred. For example, if information is disclosed about a person's support care to inappropriate people, that is an actual breach of privacy and confidentiality. If an incident has occurred and it has not been reported, that is an actual breach of mandatory reporting. Some breaches may not be as obvious as others.

If you are unsure about whether a breach has occurred or not, double check your organisation's policy and procedures. Ask for your supervisor's advice. If you think your supervisor is contributing to or overlooking a breach, follow your organisation's policy and seek advice from another manager or an external standards authority.

Here are some questions you can ask yourself to help recognise a breach.

Questions to help to recognise a breach

- ▶ Would a reasonable person with the required knowledge and training behave in this way?
- ▶ Does this action align with relevant codes of conduct?
- ▶ Is there any legislation which applies to this situation?
- ▶ Does the behaviour follow organisational policies and procedures?
- ▶ Is this behaviour within the boundaries of the job role?
- ▶ What has actually happened? What are the facts?

Respond to a breach

The aim of reporting and responding to breaches is to benefit all parties by ensuring that quality services are provided. Where possible, breaches should be reported and dealt with at the level at which they occur; for example, a simple breach of a procedure for cleaning up a work area should be dealt with at the level of the workers involved. A breach of policy regarding funding applications and tenders should be dealt with at management level. If the breach cannot be remedied through internal processes, it should be reported and referred to external bodies such as an ombudsman or to the relevant government authority.

When a community worker or supervisor observes or becomes aware of a breach, there is an obligation to respond.

Here are examples of appropriate responses to a breach.

Intervene

Intervene immediately if you observe a breach taking place, if the breach is critical and if it is safe to intervene. For example, if a child is outside with another worker without a hat or sunscreen in summer, approach the worker or the child and remind them about the sun safe policy.

Report

Report observation or information about a breach to the relevant person. For example, a worker arrives at work to find the filing cabinet that contains confidential individual information is unlocked. He writes an incident report and gives it to his team leader.

Seek advice

Seek advice from senior staff members when unsure of how to respond to a breach. For example, a colleague tells another community worker she intends to visit an individual in her own time on the weekend. The community worker is not sure what to do or if she should make a report, so she asks her manager for advice.

Take action

Take action when aware that a staff member under your own supervision contributes to a breach. For example, a supervisor walks into the staffroom where workers are talking about individuals' confidential information inappropriately and unnecessarily. She reminds them of their confidentiality obligations and the disciplinary consequences if breaches continue.

Example

Recognise and report potential or actual breaches according to organisation procedures

Helene is an aged care worker in a low-care residential service. She arrives at Mrs Watson's unit and assists her to take her morning medication. Helene notices that the blister pack for the previous evening still has tablets in it. Assisting Mrs Watson to take her evening medication is the responsibility of the worker on the previous shift. Helene talks to Mrs Watson about the tablets and calls the unit manager to let her know about the missed medication. Helene's manager asks her to prepare a report identifying the tablets left in the evening blister pack.



On returning to the office, Helene completes an incident report and gives it to her manager. Noting that one of the missed medications is to control seizures the manager arranges for a support worker to spend the morning with Mrs Watson to monitor her. Helene has met her duty of care by reporting the missed medication. The unit manager will investigate why the breach occurred and follow up with the relevant worker.



Practice task 4

Read the case study, then answer the questions that follow.

Case study

Jeremy is a community support worker supporting Sarah in an alcohol and other drugs (AOD) program. He receives a phone call from Sunny, Sarah's mother, telling him there is a family event coming up and she is trying to decide whether or not to invite Sarah. She doesn't want Sarah around other children in the family if she is still using drugs and asks Jeremy for information. Jeremy tells her that Sarah is still using drugs and that she should probably not be invited to the family event.

When Jeremy sees Sarah next, he sees bruises on Sarah's arms and wrists. Sarah tells him that when her mother came to visit her, they got into a fight over Sarah's drug problem. She also tells him that this happens all the time, so he shouldn't worry about it. Jeremy is unsure of whether to report it or not, as he feels he contributed to the situation by telling Sunny that Sarah was still using drugs. He is afraid he will get into trouble from his supervisor.

1. Describe one actual breach that occurred in this situation.

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2. Describe the potential breach that occurs in this situation.

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Click to complete Practice task 4

Summary

1. The Australian legal system establishes the rights of individuals and makes sure these rights are enforced by law. Everyone working in community services needs to understand the legal framework relevant to their work role.
2. You must have a clear understanding of your role, responsibilities, level of authority and boundaries of your role. You need to understand your legal obligations and demonstrate them in your work practice.
3. Community service workers owe their employer a duty to work in accordance with the policies, procedures and protocols of the organisation. This means you must understand the obligations of your role and responsibilities and ensure you undertake only those activities you are responsible for.
4. In community services, organisations, workers and people receiving services are part of a network of mutual obligations, rights and responsibilities. Each party needs to work cooperatively to ensure that these are met to the benefit of all. Identifying and reporting breaches is an essential part of this process. To prevent such harm you need to recognise potential or actual breaches.

Learning checkpoint 1

Identify and respond to legal requirements

This learning checkpoint allows you to review your skills and knowledge in identifying, assessing and interpreting sources of information about the legal requirements that apply to the work role.

Part A

1. Provide three pieces of information you would use to clarify the legal requirements of your work role. For each piece of information, provide the web address.

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2. Identify three pieces of organisational documentation that you could refer to in order to clarify your own legal responsibilities.

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3. Provide one example of how to uphold a person's dignity of risk.

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4. Provide a brief definition of duty of care.

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5. List two aspects of information management that the Australian Privacy Principles apply to.

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6. List three areas that are unlawful to discriminate against as stated in the *Disability Discrimination Act 1992* (Cth).

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7. Provide two objectives of the *Work Health and Safety Act 2011* (Cth).

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8. List two frameworks that you could use to support the rights of vulnerable people in your service.

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9. List two questions you could ask yourself to help you identify an actual breach of legal requirements.

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10. Provide one example of a potential breach of legal requirements.

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11. What are two rights that must be upheld when managing complaints?

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12. List and briefly describe two ways that informed consent may be obtained.

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13. Describe one purpose of records management legislation.

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14. Describe one responsibility of an employer to you as a support worker.

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15. List two rights of an individual receiving support.

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16. Provide one reason you must always work within the boundaries of your role.

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17. Provide two examples of legal issues that could arise when providing support.

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18. Provide two things you should do before you respond to legal issues.

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Part B

Read the case study, then answer the questions that follow.

Case study

Susan is 15 years old. When she was 14 she ran away from home. She has since been living on the streets and using drugs. Recently she was attacked.

Susan has since moved into crisis accommodation and is supported by a youth worker named Annabel. Annabel is working with Susan to develop a service plan and, with Susan's permission, has talked to workers from other services to gather information about Susan's history and service needs.

1. List two human rights and two needs relevant to Susan's situation.

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2. Provide one source of information where you could find information about Susan's rights.

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3. List two ways Annabel can meet the legal and ethical requirements of her role.

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4. List three key components of child protection legislation that apply to Susan.

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Topic 2

In this topic you will learn how to:

- 2A Identify, access and interpret information about ethical responsibilities**

- 2B Identify the scope and nature of own ethical responsibilities**

- 2C Meet ethical responsibilities according to workplace policies and protocols**

- 2D Recognise and discuss potential ethical issues and dilemmas**

- 2E Recognise own values and attitudes and ensure non-judgmental practice**

- 2F Use problem-solving techniques when exposed to competing value systems**

- 2G Recognise and report unethical conduct**

- 2H Recognise potential and actual conflicts of interest and take action**

Identify and meet ethical responsibilities

Ethics are a set of principles that guide decisions and actions. Codes of ethics apply to most professions. In community services, a code of ethics underpins the way service providers and community service workers provide care. Upholding the code of ethics is fundamental to care provision.

2A Identify, access and interpret information about ethical responsibilities

The term 'ethics' refers to ideas about what is right and what is wrong. All cultures have rules and concepts that guide behaviour and express ideas and values about how to behave and live. Our personal ethics are based on our personal values and beliefs. We generally learn these as we grow up, and they are strongly culturally based. Examining what we believe and why can be challenging; in community services it is very important to be aware of our own values and beliefs and of how they influence our behaviour. You may face ethical dilemmas in your work where you have to choose between carrying out your professional responsibilities, following a workplace code of ethics, and following your own personal ethics.

Workplace ethics

Professional or workplace ethics are based on values and beliefs about rights, responsibilities and good behaviour, and are held in common across an industry or sector. These also reflect contemporary social and cultural values and beliefs.

Some ethical principles are reflected in and supported by laws, but others may not be. What is legal may not always be right; what is right may not always be legal. Sometimes the line between what is illegal and what is unethical is a fine one. Generally if an act is illegal there will be a legal consequence.

If an act is unethical there may be other kinds of consequences; for example, feeling bad, loss of respect, loss of trust, and damage to relationships. In some cases, unethical acts can attract a legal penalty.

Here are some ethical principles relevant to community services work.

Some ethical principles shared across community services work

- ▶ Be accountable for your actions; this means being accountable for your actions and making it possible for someone to check that you have done the right thing.
- ▶ Be transparent; be open about how decisions are made, reasons for actions and procedures followed.
- ▶ Act with honesty and integrity towards people who receive services, your colleagues and your managers.
- ▶ Keep your promises; follow up and carry out actions which you agree to do.
- ▶ First do no harm; in all your actions avoid causing harm to others and apply duty of care principles.
- ▶ Uphold empowerment; empower people who receive services.
- ▶ Treat people equally and do not discriminate; treat people fairly and without prejudice or favouritism.
- ▶ Respect boundaries while maintaining professional boundaries.

- ▶ Put the interests of people who receive services first.
- ▶ Be non-judgmental.

Identify and access ethical information

Most community services organisations have ethical information to provide guidance for staff. You can also seek information from professional associations such as the Australian Community Workers Association (ACWA), government authorities such as the Australian Human Rights Commission and government departments that administer and provide services for each industry sector.

The Ethics Centre is a useful source of information and guidance about ethical issues and strategies for resolving ethical dilemmas. Access their website at:

- ▶ <http://aspirelr.link/ethics-centre>

To identify your ethical responsibilities you can refer to a range of information, including:

- ▶ human rights
- ▶ legal principles such as duty of care, accountability, informed consent, due process and transparency
- ▶ legislation relevant to the situation or to your work role
- ▶ industry service standards
- ▶ professional codes of ethics
- ▶ your organisation's policies and procedures

Interpret information about ethical responsibilities

Interpreting information about your ethical responsibilities and applying ethical principles to particular situations is an important skill. There are many different approaches to resolving ethical dilemmas and working out what action to take.

Here are some questions to use when interpreting ethical information.

Questions to use when interpreting ethical information

- ▶ Would I be happy for this decision to be made public?
- ▶ Is there a universal rule or principle that applies?
- ▶ Will my decision and actions bring about a good result?
- ▶ Am I compromising someone's rights in order to achieve a good outcome?
- ▶ Does the end (the result) justify the means (how I achieve the result)?
- ▶ What would happen if everybody did this?
- ▶ Is this action consistent with my own values and principles or do my actions reflect my personal values? Do they reflect those of my organisation? If there is a conflict how can I resolve it?

Legal and ethical frameworks

Legal frameworks are based on law and breaches carry legal penalties. Ethical frameworks may be, but are not always, supported by law, and may not carry legal penalties. Both are intended to support and protect the rights of people receiving services, and to reinforce the duties and responsibilities of workers. Legal frameworks are Acts of Parliament relating to service provision, for example, the *Disability Services Act 1986* (Cth), with attached regulations and service standards. Legal frameworks also include legal principles and concepts included in the body of common law.



Ethical frameworks include declarations of human rights, codes of ethics, codes of practice and codes of conduct, as well as agency policies and procedures. The Australian Community Workers Association has a code of ethics that outlines the principles and responsibilities of community care workers. The code of practice works in conjunction with legal frameworks such as the Aged Care Quality Standards. Other frameworks include sector-specific legislation, standards and organisational policies. You should also refer to your job role description and always work within its boundaries.

Interrelationships of legal and ethical frameworks

Legal frameworks include statutes (Acts of Parliament) and common law principles. These are reflected in codes of ethics, which also guide day to day actions in the workplace. Laws and ethics are not always identical. You must always act within the law and sometimes you also need to refer to the more general ethical principles found in a code of ethics.

Ethical decision-making

Ethical decision-making is a complex process and there is no guarantee that following these steps will result in good outcomes; however, following a thoughtful and deliberate process will improve your skills and will help protect you and the people you work with. You can use a code of ethics and the following steps to interpret and apply principles to specific cases and situations.

You can read more about ethical decision-making at:

- ▶ <http://aspirelr.link/eyeonethics>

Steps to ethical decision-making

1 Identify the ethical issues and any conflicting rights, values and principles

Which principles are involved? Assess whether the situation is about:

- ▶ conflict of interest
- ▶ violation of someone's rights
- ▶ confidentiality
- ▶ breach of trust
- ▶ overstepping boundaries
- ▶ unfair treatment.

Identify who will be affected by your decision and how they will be affected

Who will be affected?

- 2
 - ▶ People who receive services
 - ▶ Their families
 - ▶ Your organisation
 - ▶ Your fellow workers
 - ▶ Yourself

Identify possible courses of action and the risks and benefits of each

What are the possible benefits and risks to each of these?

3

Why have you chosen a particular course of action?

Look at your reasons. Take into account:

- 4
 - ▶ ethical principles
 - ▶ legal principles
 - ▶ personal values
 - ▶ reference to rights and responsibilities
 - ▶ possible consequences
 - ▶ whether there are any factors in this situation that are influencing your decision?

Consult others

If you are in doubt about the right thing to do, consult your supervisor, your mentor and/or your fellow workers

5

Make the decision and document your reasons for the decision

Especially if this is a significant issue, document the steps you followed and your reasons for making the decision. It can be important to keep records and evidence. Make sure the information you record is accurate and objective.

6

Monitor, evaluate and document outcomes

Monitoring and evaluating the outcomes of your decisions and actions is an essential part of service delivery. Doing this helps you to learn from experience and contributes to improving your organisation's services.

7

Consequences of breaching legal and ethical frameworks

Consequences of breaching legal and ethical requirements may include:

- ▶ harm to people who receive services
- ▶ bringing your organisation into disrepute
- ▶ reprimands, performance management and training
- ▶ dismissal
- ▶ legal action
- ▶ loss of accreditation with professional bodies.

Example

Identify, access and interpret information about ethical responsibilities

Joseph works in an aged care facility and has provided support for Henry and Elsie. Over time, Henry has confided in Joseph about his wife Elsie. He tells Joseph that he has noticed Elsie becoming increasingly forgetful to the point where Henry is afraid to leave her alone. He tells Joseph not to say anything to anyone, because he is afraid Elsie will have to go to a facility that provides a higher level of care, and they may be separated.

This bothers Joseph because he knows how much Henry wants to remain in the same facility as his wife and he feels that he will betray Henry’s trust if he shares this information with his supervisor. Joseph does not want to breach Henry’s trust but at the same time, he knows he cannot breach his ethical responsibility to report Elsie’s health deterioration to his supervisor.

Joseph accesses the Aged Care Quality Standards Guide to help him identify his ethical responsibility. He reads that under the confidentiality clause he will not breach Henry’s confidentiality when he consults with his supervisor regarding Elsie’s deteriorating health.

Practice task 5

1. You overhear two co-workers discussing the private life of one of the people you provide services to. Identify the key issue, and list two guidelines you could refer to.

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2. You notice that one of the children in the refuge where you work has bruises on her arms, legs and face. Give two examples of guidelines you should follow.

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3. You provide support for Heather who has a developmental disability. Heather wants to move into a flat with her boyfriend. Give two examples of information that outline Heather’s rights.

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4. Two new support workers have been employed by your service. You notice that they use derogatory language when speaking with and about the people whom they provide support for. Give two examples of information you could refer them to regarding upholding the ethical responsibilities of their role.

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Click to complete Practice task 5

2B Identify the scope and nature of own ethical responsibilities

All people are entitled to high-quality standards of practice and care from community service workers. Everyone who works in the community services environment is required by law to work according to legal and ethical standards. It is critical to know the scope of your role and your ethical responsibilities.

Ethical responsibilities

You have ethical responsibilities towards people who receive services, fellow workers, employers and your profession. You must take into account the rights of all parties in your professional conduct.

You are responsible for ensuring that your actions are ethical and do not harm the people you work with. You are responsible for working cooperatively with your colleagues and managers and for carrying out your duties to the best of your ability. You are responsible for keeping up to date with new developments in skills and approaches to community work, and with changes to legislation, service standards, policies and practices. You must always work within the law.

Practitioner/individual boundaries

It is vital to understand and work within the professional boundaries of your role. You must have a clear concept of what your role requires and how to interact with people professionally and ethically. You should be careful at all times not to blur the distinction between being a professional and a friend when dealing with people who receive services.

Avoid boundary violations such as lending money, accepting gifts, doing special favours, excessive self-disclosure, social contact, physical contact and romantic involvement. All of these actions confuse the person and are outside the boundaries of your professional role.

Consequences of breaching practitioner/individual boundaries

People who receive services are generally in a less powerful position than the people who provide the services. They may be particularly vulnerable because of their situation. Breaching practitioner/individual boundaries takes advantage of this vulnerability. You need to be aware of your own motivations when you are interacting with people so that you make sure that you are addressing their needs and not your own. People who receive services have a right to rely on your skills and professional behaviour. The relationship between you and the individual is a key factor in determining how effective the service is. Breaching boundaries is also a breach of trust. It can damage the relationship between worker and individual; it undermines the effectiveness of services as well as the person's right to be treated with respect and dignity.

Example

Scope of ethical responsibility

Susie is a support worker in a group home for young people with physical disability. One of the residents, Patti, has no immediate family and she never has any visitors. She rarely goes out except on outings organised by the group home. She has a degenerative disorder which will limit her lifespan.

Patti likes Susie and always seems brighter when Susie is on shift. Susie has a daughter about the same age. Patti has begun telling other residents that Susie is her 'real mother'. Susie feels sorry for Patti and on several occasions has taken her home for a family Sunday dinner. Susie's manager, Albert, is concerned about the situation and speaks to Susie.

After discussing the situation and the potential risks to both Patti and Susie, and referring to Susie's job role description and the organisation's policies, they talk about how Patti might feel if Susie leaves her job or takes extended leave for any reason. They also talk about how Susie will feel if anything happens to Patti, and how this might affect her ability to work in this area. Albert and Susie agree to look for activities to help Patti develop her own network of friends and social contacts.

Practice task 6

Read the scenario, then answer the questions that follow.

Scenario

You notice that Jackson, a support worker, frequently arrives late for work and goes home early. Mr Bennet, one of the people he provides support to, has missed several important appointments because of Jackson having left early. You do not want to cause trouble for Jackson, but you want to support Mr Bennet. Mr Bennet does not want to make a formal complaint but you think he should because you feel he is not receiving services he needs.

1. Identify one source of information you could refer to in order to help you decide what to do in this dilemma.
.....
2. List two people you can discuss your concerns with.
.....
3. Locate the ACWA Code of Ethics at <http://aspirelr.link/acwa-code-of-ethics>. How could you ensure that the principle of confidentiality is upheld in your workplace?
.....
4. Give two examples of ways you can maintain your professional knowledge and skills.
.....

Click to complete Practice task 6

2C Meet ethical responsibilities according to workplace policies and protocols

Working within the boundaries of your role is an ethical as well as a legal requirement. Practice standards and codes of ethics will give you clear broad guidelines, and your organisation's policies and procedures, together with your job role description, will give you more specific rules to follow. People who receive services may be vulnerable to having their rights overlooked and may lack skills and confidence to raise issues and concerns themselves. You must uphold your ethical responsibilities and their rights. To protect support recipients as well as yourself, you must ensure that the support you provide is within the scope of your work role. Working outside the scope of your role is unethical and puts you and the person at risk.



Workplace policies and protocols provide you with guidance and protect your organisation and people who receive services. Following policies and protocols is part of the ethical requirement to be accountable for your actions and for the services you provide.

Workplace policies and protocols

Many workplaces have codes of conduct which workers must follow. Workers must also follow the organisation's policies and procedures. Policies and procedures apply to every aspect of your work role, and to the responsibilities of your organisation and how it provides its services. Policies and protocols are based on legal requirements, such as legislation and service standards specific to the service sector and common law principles. They are formed according to ethical requirements and based on relevant codes of practice, service standards, practice standards or guidelines, and statements about the rights of people receiving services.

A policy explains how an organisation intends to deal with a particular activity or issue. A protocol (sometimes this term is used interchangeably with the word 'procedure') is a more specific description of what rules to follow and what steps to take. Following organisational policies, protocols and procedures is an essential part of ethical professional practice.

Policy frameworks

Policy frameworks include:

- ▶ federal and state legislation relevant to the industry sector
- ▶ service standards
- ▶ practice standards
- ▶ codes of ethics
- ▶ codes of conduct
- ▶ organisational policies and procedures
- ▶ workers' job role descriptions and duty statements.

Frameworks also include government policies for providing services to people in areas such as child protection, as disability, domestic and family violence. Government policies also provide funding and resourcing guidelines.

Consequences of breaching policy frameworks

Breaching policy frameworks can result in harm to people who receive services. A breach may mean the organisation fails to meet service standards with consequent loss of funding, and may result in penalties for workers.

As a support worker, penalties for breaching organisational policies can be serious and may affect your career in community services. Following policies contributes to meeting people’s needs and maintaining acceptable service standards. This is a legal and an ethical requirement. If you breach policy requirements and procedures you may be acting illegally as well as unethically.



This does not mean that policies should never be questioned; monitoring and evaluating government and organisational policies forms part of a regular review process, questioning whether the policy is working, working well, or not working to achieve its intended outcomes.

Example

Meet ethical responsibilities

Your ethical responsibilities may be spelt out in your organisation’s code of conduct for workers as well as in professional codes of ethics such as ACWA’s.

Here is a sample staff code of conduct from a fictional community services centre. This is an example of the format and content of a staff code of conduct intended to give workers guidelines about their ethical responsibilities.

Code of conduct

Purpose	Sunshine Community Centre is committed to ensuring that legal and ethical principles of conduct towards individuals, staff and members of the community are observed at all times.
Scope	This policy applies to all workers and volunteers. For the purpose of this policy the definition of worker includes any person with whom Sunshine Community Centre has a formalised agreement to work as either a direct employee or an independent contractor.
Objective	The objective of this policy is to ensure that all workers, managers and volunteers conduct themselves in a professional, lawful and ethical manner at all times.
Responsibilities	<p>Management:</p> <p>The manager is responsible for ensuring that the Code of Conduct is read and understood by all employees and volunteers.</p> <p>The manager is responsible for ensuring that all employees comply with the Code of Conduct and for taking remedial action if they do not.</p> <p>Employees:</p> <p>All employees must read the Code of Conduct. All employees must adhere to the Code of Conduct in all aspects of their work. If unsure about their responsibilities under the Code of Conduct, employees are encouraged to raise their concerns with the manager.</p>

Employees, managers and volunteers of the Sunshine Community Centre must at all times:

- ▶ follow the Centre’s policies and procedures
- ▶ work within the legal and ethical boundaries of their roles and job descriptions
- ▶ avoid using language or engaging in behaviour which offends, harasses or unfairly discriminates against individuals, members of the public or staff
- ▶ be honest, courteous, professional and helpful
- ▶ ensure that their actions do not bring the Sunshine Community Centre into disrepute
- ▶ disclose and resolve any conflicts of interest which affect their work
- ▶ refrain from canvassing or conducting private business during working hours
- ▶ only transact and approve expenditure for which they are authorised
- ▶ refrain from wilfully damaging or defacing property of the Centre
- ▶ ensure that their appearance is neat, clean and appropriate to their work role
- ▶ carry out all their work to the highest standard
- ▶ treat individuals with respect and courtesy
- ▶ show respect for cultural differences.

Breaches of this policy:

Employees who breach this policy and code of conduct may face disciplinary procedures, dismissal or legal action.

Practice task 7

Look at the sample Code of Conduct on the previous page. Find the clause which says ‘Be honest, courteous, professional and helpful’.

1. Give two examples of how you can demonstrate honesty when providing support.

.....

.....

2. Give two examples of how you can demonstrate professionalism when providing support.

.....

.....

Click to complete Practice task 7

2D Recognise and discuss potential ethical issues and dilemmas

Everyone has their own values, beliefs and opinions that they develop during their lifetime about how things should be in the world, how people should act and how important aspects of life are handled, such as money, family, relationships and gender roles. You need to be aware of the values held by the people you care for, their family members and carers, as well as your own values.



You may not agree with other people's values, ideas and beliefs, but you must be respectful of their rights to have their attitudes. Know what they value and what they consider important in their lives and understand how these can be supported.

Recognise potential ethical issues and dilemmas

When providing services for a range of people, there is the potential for ethical issues and dilemmas to arise. Ethical dilemmas can occur when ideas or actions conflict with what you believe to be ethically correct. It is important to be able to recognise potential issues and dilemmas when they arise.

Examples of potential ethical issues and dilemmas:

- ▶ A person continually and emphatically talks about politics whenever they are with you, and they support a different political party from you.
- ▶ A person's prayer time may conflict with activities you have scheduled.
- ▶ A person refuses to be cared for by the male worker you have assigned for her personal care as it is against her cultural beliefs.
- ▶ You have a young child; one of the people in your care is always telling you that you should stop work and care for them until they are older.
- ▶ A man who fought in the Vietnam War makes rude comments to another resident who is Vietnamese.
- ▶ A person likes to have pets in the house and sleep in the bed with them at night.

Types of ethical issues

There are times when you must make a difficult decision based on an ethical, rather than a legal, situation. When working with individuals on a regular basis and as relationships form, there is the potential for boundaries to blur. It is essential for community services workers to maintain a professional relationship with the people they provide services to. As a community care worker, there are various types of ethical issues that may arise in your job.

Here are some types of ethical issues.

<p>Relationship boundaries</p>	<p>Accepting gifts</p>
<p>If people and their families develop a strong relationship with any member of team, they may extend invitations to significant social events or celebrations. Workers should maintain a professional relationship at all times and politely decline or discourage such invitations, unless the circumstances for attending is a part of their job role to provide transport and assistance for the individual to attend an outing.</p>	<p>Community services workers are sometimes offered gifts, money or are nominated as the beneficiary in a person’s will. Accepting gifts, money, a loan or benefiting from a will is strictly prohibited under codes of conduct for employees in the aged care industry. Services are required to keep a gift registry; you are obliged to report and record any gifts you receive from an individual.</p>
<p>Conflicting priorities</p>	<p>Conflicting rights and responsibilities</p>
<p>A person may live in circumstances that are a threat to their safety and security. They may refuse suggestions about changing their living arrangements. You have a duty of care to protect the individual from harm; however, it is not appropriate for you to enforce lifestyle changes or make demands of people.</p>	<p>A person in care may object to you using a lifting machine during transfers as they find it degrading. Although a worker makes every effort to respect the wishes of the individual, they also have an obligation under WHS legislation to use the lifting machine to protect the health and safety of the person in care, their co-workers and themselves.</p>

Discuss issues and dilemmas

When beliefs and value systems differ, there is the potential for conflict and misunderstanding. Being able to deal with conflict and solve problems is an essential skill for people working as coordinators or supervisors in community services. When ethical dilemmas occur, it is important to know who to speak with and how to respond.

Strategies to deal with ethical dilemmas are outlined below.

Self-evaluation

- ▶ Ask yourself if the situation is unethical according to the code of conduct or if it just conflicts with your beliefs.

Refer to regulations and codes of conduct

- ▶ Ask your supervisor if there are policies and procedures for dealing with a particular situation.

Refer to others for discussion

- ▶ Senior management can deal with complex situations that cannot be resolved easily. You could also refer to an appropriate health care professional, to family members or to the police if an individual’s property is damaged or an individual complains of abuse.

Network

- ▶ Community services workers should work with colleagues, professionals and others to acquire new ideas, discuss ethical dilemmas, debrief after stressful situations and ensure a consistent approach to dealing with dilemmas.

Mediation

- ▶ You might arrange for a third party to help resolve an issue and help everyone think about a situation from different viewpoints.

Counselling

- ▶ A counselling session with an experienced counsellor provides a comfortable setting to explore alternatives.

Example

Recognise potential ethical issues

Nandina is a team leader at an aged care facility. Mrs Tran has a private room in this facility. Nandina and her team have encouraged Mrs Tran to decorate it with a few special items of cultural and religious significance. One of these is a small shrine positioned at the door. Mrs Tran offers special pieces of fruit and burns incense to honour her ancestors.

Nandina, the team leader, is concerned about the fire hazard but wants the staff to respect Mrs Tran’s wishes. Nandina recognises that this could become an ethical issue and talks with Mrs Tran to find a solution. It is important that the solution recognises Mrs. Tran’s culture but respects the safety concerns of Nandina.

During the discussion, Mrs Tran agrees to only light the incense in the morning when a worker brings her breakfast tray. This becomes a shared ritual that offers companionship and an opportunity to talk about different spiritual values, customs and beliefs.

Practice task 8

1. You overhear two fellow workers discussing the private life of the sister of a person who receives services. What should you do?

.....

2. A person you provide support for asks you to remove your shoes at the front door. Describe why this is ethical dilemma.

.....

Click to complete Practice task 8

2E Recognise own values and attitudes and ensure non-judgmental practice

You have a responsibility to be aware of your own thoughts, feelings, attitudes, values, beliefs and biases, as these may affect the way you work and communicate with people. You may feel quite strongly that someone you are providing support to has done something you see as wrong or something you would not do. It is important not to demonstrate judgment.



Being non-judgmental means that in your professional role, you should not let your personal values and beliefs influence how you treat people receiving support. You need to be aware of how you communicate, and be vigilant to avoid expressing judgment by the expression on your face, the tone of your voice, or by reacting with shock and disapproval.

Own values and attitudes

Our values, beliefs and attitudes are influenced by our culture, our history and our past experiences. Many responses to other people and to situations happen at a subconscious level.

In community services it is important to make these processes as conscious as possible to avoid reacting or acting in ways that unconsciously discriminate against people.

There may be situations where there is the potential for a conflict of values. If the conflict makes it difficult or impossible to provide support impartially you must discuss this with your supervisor.

Asking for support or discussing allocating a different worker for this person may be one way to resolve this type of conflict.

Codes of conduct

Like codes of ethics, codes of conduct may be quite general, or they may be specific and particular to an area of community services. In the community services sector, it is critical to follow the appropriate code of conduct to ensure conduct is non-judgmental and ethical. You might find it helpful to think of a code of ethics as setting out broad principles, and a code of conduct as a set of more specific rules to follow in your daily work.

Codes of conduct may include subjects such as:

- ▶ standards of professional conduct
- ▶ obligations to people who receive services
- ▶ relationships between service providers
- ▶ record keeping and management
- ▶ complaints.

Consequences of breaching code of conduct

Your organisation may have a code of conduct specific to your workplace. As with rights, service standards and codes of ethics, breaches of a code of conduct can harm individuals by overlooking their rights and by failing to provide services that meet their needs. Breaching a code of conduct can damage the organisation by contributing to breaches of service standards, and can result in reprimand, performance management, dismissal or legal action against the worker or the organisation.

Codes of practice

A code of practice is a practical guide intended to help the employees achieve a certain standard within an organisation. In the community services sector, a code of practice may provide a model for best practice, a foundation for ongoing reflection about how service is undertaken and provide guidance regarding working with other community services agencies. In the community services sector, it is critical to follow the code of practice to ensure practice is non-judgmental and ethical.

Consequences of breaching codes of practice

Breaches of codes of practice have much the same consequences as breaches of codes of conduct, with more focus on the consequences to the organisation rather than to the individual worker. Breaching codes of practice affects the standard of services provided.

Example

Recognise own values and attitudes to ensure non-judgmental practice

Sally works in a drop-in centre for young people. Sally has strong religious beliefs that prohibit sexual relationships before marriage. Rina, a 14-year-old girl who attends the centre, tells Sally that she may be pregnant. She begs Sally not to tell her family as she says they will be disgraced.

Sally does not know how to respond to this situation. She asks her supervisor, Jody, for advice. Jody suggests that they need to find out more about Rina's Muslim background and ask for support from a culturally-based program or service. She suggests that she and Sally talk to Rina about visiting a women's health centre for a pregnancy test. They also decide to ask Rina if there is anyone in her extended family or within her community she might talk to about her situation. They decide to seek advice from their state child protection authority as well as a women's health centre.

Practice task 9

1. Provide two subjects that a code of conduct may address.

.....

.....

2. Provide a description of a code of practice.

.....

[Click to complete Practice task 9](#)

2F Use problem-solving techniques when exposed to competing value systems

When beliefs and value systems differ, there is the potential for conflict and misunderstanding. When this does occur, it is important to know how to deal with conflict that may arise and to use problem-solving techniques to ensure any issues are dealt with. Being able to deal with conflict and solve problems is an essential skill for people working in the community services sector.

Problem-solving strategies

There are seven steps in problem-solving. Use the information below to help you identify problem-solving steps and the appropriate action to take.

Problem-solving steps

- 1 Identify the problem**

Identify the problem to find an appropriate solution. Ask yourself, 'What is hindering me from completing this task?' Consult with your supervisor to clarify the issue.
- 2 Explore the problem**

Think about the problem from the person's perspective. Ask yourself 'How is this problem affecting me?' and 'How is it affecting others?' Seeing the problem in different ways helps find an effective solution.
- 3 Set goals**

What is it that you want to achieve? Working out your goals is a vital part of the problem-solving process.
- 4 Look at alternatives**

Look for possible solutions. Brainstorm ideas and possible solutions with the person, co-workers, the person's family members or your supervisor. Collect as many alternative solutions as possible.
- 5 Select a possible solution**

Which solutions are the most relevant and realistic? Which will have the best outcome for the person?
- 6 Implement a possible solution**

Plan when and how you will implement the solution.
- 7 Evaluate**

Reflect on and evaluate the solution and the outcomes. If the problem has not been solved look for alternative possibilities by beginning the problem-solving cycle again.

Example

Use problem-solving techniques

Mary works in a residential aged care facility. One of the residents, Mr Jones, has begun offering her small gifts including pieces of his late wife’s jewellery. He has no daughters or close female relatives and tells Mary that it would please his wife to know her jewellery was being worn and appreciated. Mary knows that it would be unethical for her to accept these gifts, but she does not want to hurt Mr Jones’s feelings by refusing them. She discusses the situation with her supervisor, Beth.



Beth and Mary look at the organisation’s policy and procedures about accepting gifts from residents and their families, which are quite clear that accepting gifts is not allowed. They also discuss the ACWA code of ethics and decide that this also prohibits accepting gifts, especially expensive ones. They identify a potential conflict between the policy, which prohibits accepting gifts, and the ethical requirement to respect Mr Jones’s dignity and wishes. The outcome they would like to achieve is to explain the policy to Mr Jones without hurting his feelings.

They decide to tell Mr Jones that Mary is very touched by his offer, explain that she is not allowed to accept gifts from any residents, and ask him if he would like to look at other options for disposing of his late wife’s personal items – perhaps including options where they could be donated. They also decide to seek legal advice on this as there may be legal implications relating to how Mr Jones decides to dispose of his late wife’s possessions and his own estate. Family consultation may also be an option if Mr Jones wants this.

Practice task 10

1. You provide support for a 25-year-old female with cerebral palsy. She has told you that another worker has been touching her inappropriately while helping her to dress. List two things you should do to solve this problem.

.....

.....

2. You work as a carer in a residential aged care service. One of the residents does not want you to use the mechanical hoist to transfer him from his chair to his bed. Whose rights take precedence in this situation and what legislation applies?

.....

.....

Click to complete Practice task 10

2G Recognise and report unethical conduct

You have a responsibility to recognise and report any unethical conduct that you observe or suspect among team members and others. Unethical conduct can occur in many situations. It is sometimes difficult to identify because it may occur behind closed doors or when no-one else is around. Before reporting unethical conduct, you need to check that the behaviour is, in fact, unethical. Do this by checking your code of ethics, conduct guidelines, your organisation's policies and procedures or speaking with your supervisor. It may also help to write down the facts as objectively as possible to ensure you are not acting on your own values and emotions.



Recognise unethical conduct

To recognise unethical conduct, observe and reflect on behaviour that does not conform to a code of ethics or a code of conduct. You must be familiar with ethical principles and relevant codes of practice and codes of conduct. It is important to use objective, accurate information or evidence when addressing unethical conduct, and to be familiar with the lines of communication, policies and procedures within your own organisation. If another person reports concerns about unethical conduct, try to get first-hand evidence before taking action.

Examples of unethical conduct

Unethical conduct is any action that breaches a relevant code of ethics, code of practice or code of conduct.

Examples of unethical conduct and when it may occur are outlined below.

What is unethical conduct?

Unethical conduct can be:

- ▶ not following a service plan properly
- ▶ taking unnecessary risks breaching confidentiality
- ▶ recording an incident untruthfully
- ▶ recording a service without having performed the service
- ▶ performing a procedure you are not qualified to do.

You should report all these examples of unethical conduct to your supervisor in accordance with your organisation's policy and procedures.

Your supervisor needs to know what is happening so that appropriate action to prevent and deal with unethical conduct can be taken.

When does it occur?

Unethical behaviour is more likely to occur when a person is:

- ▶ overworked
- ▶ worried or stressed
- ▶ working with people who have high-care needs
- ▶ not building a good rapport with people they work with
- ▶ not suited to the work environment.
- ▶ lacking skills and knowledge.

Your supervisor will take these factors into account when investigating and dealing with reported unethical conduct. These factors may indicate systemic issues that need to be dealt with.

Report unethical conduct

Unethical behaviour should be reported as soon as possible to your supervisor, either face-to-face, by telephone or through a formal incident report. Discuss the situation with them, explaining what you have seen and heard and seek their advice. Your supervisor is responsible for alerting team members to a breach in conduct to prevent it from occurring again.

You may also need to report the incident to the person's family or advocate, and you may need to report to or ask advice from police, lawyers, complaints services, advocates, health professionals or senior management. Each organisation will have a policy for reporting complaints, problems or grievances. If you are in doubt about what to do, discuss with your supervisor.

Steps to follow to resolve unethical behaviour:

- ▶ Refer the matter to a supervisor or management.
- ▶ Document the grievance.
- ▶ Communicate with the people concerned.
- ▶ Reach an agreement for resolution such as disciplinary action or further training.
- ▶ Understand issues surrounding attitudes, values and conflicts can be complex.
- ▶ Be aware there is not always a clear-cut solution to ethical dilemmas.

Example

Recognise and report unethical conduct

Jason, a person you provide support to, comes to you to make a formal complaint against Rita, a support worker you work with. You know that Rita has been experiencing a lot of stress due to a family situation and that she really needs this job. She already has a complaint against her. You don't want to make things more difficult for her so you decide to persuade Jason not to go ahead with the complaint.

Jason tells your supervisor, Robert. Robert talks with you and Rita and points out that both of you have failed to act ethically: Rita, by the conduct which led to Jason wishing to make a complaint; and you, by failing to report it and discouraging Jason from making a complaint.

Robert asks another worker to support Jason through the complaints process. He arranges for in-service training for you on ethical conduct and starts disciplinary action against Rita.



Practice task 11

Read the scenario, then answer the questions that follow.

Scenario

Sandra, one of the residents in the crisis accommodation centre where you work, asks your co-worker, Trisha, for pain medication for a severe headache. Trisha says she doesn't have any and tells Sandra to ask you for some, because she knows you take medication for headaches.

1. List one ethical and legal requirement you would breach if you gave Sandra some of your own medication.

.....

.....

2. List two ways that unethical behaviour should be reported.

.....

.....

Click to complete Practice task 11

2H Recognise potential and actual conflicts of interest and take action

A conflict of interest occurs when a staff member of an organisation has private or personal interests that could conflict with their work. Conflicts of interest may arise out of emotional, sexual, personal, family, social, religious, financial, business, political, professional or organisational issues. Such conflicts of interest may influence their ability to act ethically or with professional judgment.



Recognise potential conflicts of interest

Conflicts of interest arise when your services to a person are compromised or might be compromised because of your actions in relation to another person receiving services, a colleague, yourself or another third party.

Your organisation may have policy about conflicts of interests. Make sure you read it and understand what potential conflicts of interest are and who you need to report them to; usually this is your supervisor. An example of a conflict of interest may be when a worker has a personal relationship with the person they providing services to.

Take action when conflicts of interest arise

As soon as you are aware you have a potential conflict of interest you should notify your supervisor. You may also need to speak to the people affected. Actions to remedy the situation may involve referring the person to another agency or having another team member work with the person.

If you believe you may have a conflict of interest relevant to your work role, discuss this with your supervisor. It is important to declare any potential conflicts of interest. It may be necessary to remove yourself from a particular part of your role, or refrain from making decisions that would be affected by conflict of interest.

Example

Recognise conflict of interest and take action

James is a support worker in a crisis care residential facility for young offenders. He is also the union and WHS representative for his workplace. One of the residents, Alex, has assaulted another worker, Zoe. Zoe does not want to report the incident but she is shaken and has left work early. James has been talking to Alex, who is also upset. James has offered to refer him to a community law centre for legal support, and to a counselling service for behaviour management. Alex begs James not to report the incident as he is on a final warning for similar behaviour and may be sent back to a juvenile detention centre.



The next day, Zoe phones James and says she does want to report the incident and asks him to go with her to the union to seek legal support.

James goes to his supervisor to ask for another worker to be allocated to support Alex, as he has a clear conflict of interest in supporting both Alex and Zoe.

Practice task 12

1. Sam is a manager in a disability support program. He is chairing a selection committee to fill a vacant position on his team. There are 36 applicants, one of whom is Sam's nephew.

Identify the potential conflict of interest for Sam and describe the ethical action he should take.

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2. Emily works in a women's refuge. There is some urgent building maintenance work that needs to be done. Funding is short and there is very little money left in the budget for repairs and maintenance. Emily's husband runs a home maintenance and repair service. Emily suggests that the contract for the repairs be given to her husband, who agrees to do the work at a discounted price.

Identify the potential conflict of interest for Emily and describe the ethical action she should take.

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Click to complete Practice task 12

Summary

1. You may face ethical dilemmas in your work where you have to choose between carrying out your professional responsibilities, following a workplace code of ethics and following your own personal ethics.
2. It is critical to know the scope of your role and your ethical responsibilities. You are responsible for ensuring that your actions are ethical and do not harm the people you work with.
3. Following policies and protocols is part of the ethical requirement to be accountable for your actions and for the services you provide.
4. When beliefs and value systems differ, there is the potential for conflict and misunderstanding. Being able to recognise potential ethical issues is essential.
5. You have a responsibility to be aware of your own thoughts, feelings, attitudes, values, beliefs and biases and always ensure you provide non-judgemental support.
6. When conflict and misunderstanding occurs it is important to know how to deal with the conflict and to use problem-solving techniques to ensure any issues are dealt with.
7. Recognising unethical conduct means observing and reflecting on behaviour that does not conform to a code of ethics or a code of conduct. Before reporting unethical conduct, you need to check that the behaviour is unethical.
8. Conflicts of interest may influence your ability to act ethically or with professional judgment. As soon as you are aware you have a potential conflict of interest you should notify your supervisor.

Learning checkpoint 2

Identify and meet ethical responsibilities

This learning checkpoint allows you to review your skills and knowledge in identifying and meeting ethical responsibilities.

Part A

1. Identify one relevant source of information about your ethical responsibilities as a community services support worker.

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2. Identify three ethical principles that you need to meet as a community services support worker.

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3. To help recognise unethical conduct, list two things you need to be familiar with.

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4. List three issues that can contribute to a potential conflict of interest.

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5. Provide one characteristic of a legal framework.

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6. Provide one characteristic that an ethical framework is based on.

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7. Provide two examples of a practitioner/individual boundaries violation.

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8. Provide two examples of a policy framework.

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9. Provide one reason why it is so important to recognise your own values and attitudes.

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10. Provide two examples of types ethical issues.

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11. Describe two strategies for responding to an ethical dilemma.

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12. Briefly describe the consequences of breaching a code of conduct.

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13. Describe two functions of a code of practice in community services.

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Part B

Read the scenario, then answer the questions that follow.

Scenario

You work in a migrant resource centre. Your role includes providing outreach information, advice and referral services. Malachi attends the centre. She has told you about a family that she is concerned about and has asked you to visit them. She is particularly concerned about the welfare of Miriam and her children. Since they arrived in Australia, Kassim, Miriam’s husband, has found it hard to find permanent work; he temporarily works long hours as a hospital cleaner. He is often tired and stressed and is becoming increasingly violent. Malachi has told you that she wants to remain anonymous because she is afraid of Kassim. You feel sympathetic towards Miriam, as your father was violent toward your mother when you were growing up. You helped your mother leave your father, and you feel that you should help Miriam leave Kassim if he is violent.

In the meantime, Kassim has come in to the migrant resource centre and asked you to help him apply to sponsor his sister to come to Australia. He has offered to pay you \$10,000 as a deposit, and a further \$10,000 when she gets a visa. He says he has not told Miriam about this as she will not be happy about the expense; he also wants to surprise her when his sister arrives. He plans for his sister to live with them and help with the children.

1. Provide two locations where you could source information that would help clarify your ethical responsibilities in this situation.

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2. What are two ethical dilemmas that are present in this situation? Explain your answer.

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3. Describe two ways that you can meet your ethical responsibilities in regards to the ethical dilemmas that you have described above.

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Topic 3

In this topic you will learn how to:

- 3A Identify and improve work practices to meet legal and ethical responsibilities**
- 3B Proactively share feedback with colleagues and supervisors**
- 3C Identify and contribute to review and development of policies and protocols**

Contribute to workplace improvements

Continuous improvement is a concept applied across the community services industry. It is an important principle that supports the rights, interests and needs of people who receive services. Monitoring standards and work practices, and working collaboratively to share experiences, ideas and strategies for developing best practice, contribute to the wellbeing of people who receive services and to the professionalism of workers.

3A Identify and improve work practices to meet legal and ethical responsibilities

It is the organisation's responsibility to ensure community services workers comply with appropriate legislation and provide a consistent, high-quality service by developing policies, guidelines and procedures. It is important that you follow these workplace practices so you can work competently, confidently and efficiently, and provide the best possible service for the people whom you work with. Community services policies constantly change and new policies evolve in response to current social, political and population changes. This means that new policies, procedures and protocols may need to be adjusted or developed. All policies and procedures should conform to ethical and legal requirements and should reflect practice standards.



Improve work practices

It is essential for a community services organisation to regularly monitor its policies, procedures and practices, and to carry out regular reviews. It should respond to incidents and crises by reviewing what has happened and developing strategies to improve how similar situations are handled in the future.

Ensuring that workers are appropriately qualified and offering them opportunities to extend skills, expand knowledge and refresh competencies is essential for maintaining good practice and for improving services. Some skills and qualifications, such as first aid certificates, need to be updated regularly to remain current. When standards, service models, legislation and other factors that affect work practices change, organisations should provide training to ensure that all workers are current.

In some situations, the reviewing process may involve all workers. Processes for review should include consultation and should use mechanisms to ensure that all stakeholders involved in the situation are given the opportunity to provide input. A stakeholder is anyone who has an interest in the service; this includes people who receive services, their families, the community at large, workers, managers, volunteers, funding bodies and relevant government authorities. Stakeholders may also include industry peak bodies and professional associations.

Review processes

The review process may involve gathering legal and ethical information about current processes. Feedback may be required from everyone using the current process and observing how the current processes works. It is important to engage all stakeholders so that input about the situation is as comprehensive as possible.

Depending on the process that needs review, stakeholders may be:

- ▶ the person who receives services
- ▶ the person's family
- ▶ advocates
- ▶ other workers and professionals
- ▶ managers of the service provider
- ▶ other community services workers.

Mechanisms for input

To engage stakeholders in contributing to the review process you may use engagement mechanisms. In using all these strategies for collecting information you must follow legal and ethical requirements for protecting privacy and confidential information. You must follow ethical research principles including obtaining informed consent from all participants. Ensure that no coercion, undue influence or trickery is used to obtain consent. Make sure that participation is voluntary and will not result in harm to participants and record and report information accurately, honestly and objectively.

Here are some examples of mechanisms that could be used.

Engagement mechanisms

- ▶ Face-to-face consultations of key stakeholders such as the person, family and community service worker can include meetings and focus group discussions.
- ▶ Interviews of stakeholders such as industry sector workers or community service agencies may be carried out in person, on the telephone or using video conferencing technology.
- ▶ Surveys of stakeholders may be conducted face to face, using written questionnaires, by post or online.
- ▶ Feedback from people involved in a service or incident can be collected via feedback sheets, exit or debrief interviews and meetings.
- ▶ Data can be collected from written records such as case notes and incident reports.

Follow up incidents and issues

To maintain legal and ethical practices it is essential to follow up any incidents or issues. Always review all the processes used to address legal and ethical dilemmas and to resolve issues and conflicts. It is also essential to review policies and procedures that affect the wellbeing of workers and individuals on a regular basis. Such reviews are normally conducted as part of regular cycles of service planning, provision, monitoring and evaluating, and may also be linked to standards monitoring and applications for funding. Each organisation should include plans and strategies for monitoring and reviewing ethical practices as part of its strategic plan.

All processes used to identify and improve work practices should also meet legal and ethical standards and requirements.

Improve work practices to meet legal and ethical standards by:

- ▶ ensuring that identities are protected and that participants can remain anonymous
- ▶ protecting confidential, private information at all stages
- ▶ ensuring that participation is voluntary and providing simple options for people to withdraw at any point without penalty
- ▶ refraining from using coercion, deceit or bribery to encourage participation
- ▶ recording and reporting information accurately, honestly and objectively
- ▶ not causing harm to any participant.

Example

Identify and improve work practices to meet legal and ethical responsibilities

The Sunshine Community Centre runs a cooking and nutrition program for young mothers. While the mothers participate in the cooking program their children participate in play activities supervised by a child care worker and two assistants at the child care centre next door. Yesterday, Jason, a six-year-old boy whose mother attends the program, became very agitated and attempted to climb over the fence behind the child care centre and run onto the busy road nearby. One of the assistants restrained him by pulling him down from the fence, picking him up and carrying him back into the child care centre. In the course of the incident Jason bit her and scratched her. The manager of the Sunshine Community Centre then called Jason's mother out of the cooking program and asked her to take Jason home. Jason's mother was very upset and complained about the way in which the assistant handled her son.

The manager later conducted an investigation into the incident. She found that the assistant was not aware that the centre's behaviour management policy states that physical restraint should not be used with children in managing behavioural issues. She found that the assistant had been left alone with several children in the backyard of the child care centre when the incident happened. These children had become agitated and distressed when they saw the assistant pull Jason from the fence and carry him inside.

On reading the policy, the manager found that it was poorly worded and gave no clear guidelines to staff about what to do in this kind of situation. She later called a staff meeting to discuss the incident and the policy. The meeting decided that an urgent review of the policy was needed, and that all staff needed training in behaviour management. As part of the review of the behaviour management policy, the manager decided to consult the local child protection agency for advice. She also decided to review the qualifications and skills of all staff to identify any further gaps and training needs. The next day, Jason's mother came in and told the centre manager that Jason had been very disturbed and difficult to manage recently because his estranged father had been visiting the family home and had become violent on several occasions. The manager offered a referral to a local domestic and family violence support service.

Practice task 13

Read the scenario, then answer the questions that follow.

Scenario

You have been asked by your manager to undertake a project to collect and analyse information about ethical and legal issues that arise in your workplace. The results will be reported to management and to the funding body. You plan to ask all the people who currently receive services, their families and the workers and managers to complete a written questionnaire as part of a survey.

1. What two ethical safeguards must you put in place to obtain voluntary informed consent from all participants?

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2. Describe who might be required to give feedback when reviewing a process.

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Click to complete Practice task 13

3B Proactively share feedback with colleagues and supervisors

Sharing feedback about issues, concerns and outcomes is essential part of teamwork. To do this effectively you will need skills in communicating assertively and working collaboratively. Organisations need clear policies that encourage open, honest communication and that protect people who raise sensitive issues from repercussions. Being proactive means raising a concern before it becomes serious or insoluble, and acting to prevent harm and negative outcomes.



Share feedback

Sharing feedback constructively requires thought and skill. If you need to point out a shortcoming, error or failure to meet a standard, always focus on the facts rather than on opinions or personalities. Speak calmly and objectively, point out the advantages of making whatever change is required, and focus on positive aspects of the person's performance or behaviour. Be tactful and always show respect. Avoid making personal attacks or comparing another person's performance to your own. Ask questions, listen to the person's reasons for acting in the way they did and offer constructive alternatives.

Guidelines for sharing feedback

Learning the guidelines for sharing feedback should help you feel confident about sharing feedback. The way you provide feedback affects the way others receive it. It is most beneficial when given in a respectful, sincere and courteous manner. Always try to convey that you appreciate and value the person you are giving feedback to and that you want to support and help them. Here is some guidance on sharing feedback.

Be specific

Make sure the feedback you give is specific. Provide information that is specifically about the workplace improvement.

Be constructive

If there is a legal or ethical situation that could be improved through speaking with a co-worker, make sure anything you say is constructive. Constructive feedback allows the person to feel supported and respected. Always try to convey that you respect and value the person.

Ensure feedback is timely

If an ethical or legal situation has arisen, give feedback as soon as possible. Always point out problems or oversights at the time they occur so the person can correct the issue themselves or make sure they do not repeat the same mistake. Ensure that the situation is reported to your supervisor as soon as possible.

Be clear and direct

When giving feedback regarding a workplace improvement, work out what you want to say before you say it and give your feedback in a clear and concise way so the person or your supervisor can easily understand what you mean.

Focus on behaviours and actions

If you need to give feedback regarding an incident that has occurred, focus on behaviours or actions. Make sure that you explain to the person why the behaviour or action was a legal or ethical concern.

Be fair

Always ensure you give feedback that is fair and balanced. Do not give feedback if you do not know all the facts of a situation as you could end up blaming someone for something that was beyond their control.

Encourage open, two-way communication

Communication is based on sending, receiving and interpreting messages. When giving feedback, choose your words carefully and give the person an opportunity to respond to what you have said.

Example

Proactively share feedback with colleagues and supervisors

Jenny is a support worker in a multicultural drop in centre for seniors. She notices that when her colleague Amelia speaks to Ali, an older Muslim man who does not speak very much English, he responds by turning his head away and avoiding eye contact. He becomes agitated and distressed when Amelia touches him to assist him at mealtimes or to help him stand up and move around. She approaches Amelia at break time.

Jenny: 'Hi Amelia, how's it going this morning?'

Amelia: 'OK I guess, but Ali is a difficult fellow. I can't seem to get on the right side of him. I don't think he likes me.'

Jenny: 'I have noticed that he seems a bit uncomfortable around you. What do you think it is?'

Amelia: 'I don't know. I really try hard to be friendly but he just seems to avoid me and he never smiles at me.'

Jenny: 'How much do you know about the culture he comes from? He's quite old and very traditional.'

Amelia: 'Not a lot really. I had a Muslim friend at school but she was fine with me, we got on really well.'

Jenny: 'What do you think the difference is?'

Amelia: 'About seventy years! And of course she was a girl.'

Jenny: 'I think you've hit the nail on the head! At Ali's age he's probably not used to interacting much with women, especially young women, outside his family. His culture can be quite strict about separating the sexes and about not touching each other.'

Amelia: 'Really? Do you think it could be something as simple as that?'

Jenny: 'Yes it could. Maybe you could talk to Ali and ask him if you are doing anything he finds uncomfortable, and maybe ask him what he would like you to call him; I've noticed that he looks a bit unhappy when younger people address him as Ali. He might prefer Mr Khan.'

Amelia: 'Good idea. Thanks Jenny! I could maybe ask him if he would like Jacob to help him with his morning tea instead of me.'

Practice task 14

1. List two ways to effectively share feedback.

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2. Describe what being proactive means in regards to sharing feedback.

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[Click to complete Practice task 14](#)

3C Identify and contribute to review and development of policies and protocols

Once you have information about a situation where a work practice needs to be improved to meet ethical and legal responsibilities, a policy and procedure need to be written to ensure the work practice is improved. The policy may state that additional skills are needed. The procedure may involve steps for a worker to gain additional professional education for refreshing existing skills and gaining new skills. How the policy and procedure are developed will depend on the organisation.



Contribute to review process

You can contribute informally to the review process by raising issues with your supervisor as they occur, and ensuring that you give regular feedback about the operation of current policies and procedures. Depending on the organisation this may be done in individual performance review meetings or in regular staff or team meetings.

You can participate in any processes the organisation uses, such as feedback surveys, focus group discussions and data collection, to review its policies. You can participate in industry networking meetings and professional associations to keep up to date with new developments, and share this information with colleagues and managers.

Understand development processes

Policies are often developed in response to a particular issue or incident, or to manage a particular kind of activity.

In developing a policy you must be clear about:

- ▶ why the policy is needed
- ▶ what the aim or purpose of the policy is and what its intended outcomes are
- ▶ legal and ethical principles and values which underpin the policy
- ▶ who the policy applies to and who must follow it
- ▶ who is responsible for doing what in implementing the policy and what each party's responsibilities are
- ▶ what steps must be followed in relation to the policy; that is, what procedures must be followed.

Develop policies and protocols

Developing policies and procedures is usually part of management roles. In larger organisations this may be done by a separate internal department, or by a group of managers working across several programs. In smaller non-government and not-for-profit agencies this may also be part of the role of the board of management. Often a small working group consisting of representatives from management, support recipients and workers is set up to undertake a review or to develop a new policy.



Steps to develop policies

Policies should be reviewed on a regular basis. At each stage of the process you must check that new policies and amendments meet legislative requirements, service standards, ethical requirements and relevant codes of conduct and codes of practice. The process itself must also be carried out within the law and in accordance with ethical principles. Ethical guidelines for conducting social research should be followed as policy review will inevitably include some form of social research; that is, research that involves and affects people.

At each stage of the process you must check that new policies and amendments meet legislative requirements, service standards, ethical requirements and relevant codes of conduct and codes of practice. The process itself must also be carried out within the law and in accordance with ethical principles. Ethical guidelines for conducting social research should be followed as policy review will inevitably include some form of social research.

Steps to follow when developing policies

- 1 Identify which aspects of the activity are not working.**

This includes collecting information about changes to demographics and other factors relevant to organisation's services, such as changes to the characteristics and needs of people who receive services.
- 2 Collect relevant information.**

This may include asking questions about what has been happening and why, and about which aspects of the policy are working and which are not. Researching current or new approaches relevant to the industry sector, changes in legislation, or revisions of codes of ethics, standards and practices may also be included.
- 3 Draft a new policy or make amendments to an existing one.**

This may include circulating the new policy or amendments to representatives of all parties affected, including workers, managers, board of management, industry bodies, professional associations, standards monitors, and relevant government departments and funding bodies.
- 4 Seek feedback on the draft.**

This may include seeking feedback from all parties affected by the policy and from professional bodies, standards monitors and industry networks.
- 5 Produce the new policy and trial it.**

Trialling a new or amended policy usually involves implementing it for a set period of time, then repeating the process for obtaining feedback.

Example

Contribute to review development of policies and protocols

Here is a link to a policy template and guidelines for developing and writing a policy for managing feedback and complaints about services: <http://aspirelr.link/feedback-complaint-guide>

It includes reference to the relevant service standard and describes clear indicators for meeting the standard. It is good practice to include this information in your policies.

This document is produced by a state body that supports community services to implement quality services which meet service standards.



Practice task 15

1. List two aspects you must be clear about when developing a policy.

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2. Describe how to collect relevant information when developing a policy.

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Click to complete Practice task 15

Summary

1. To maintain legal and ethical practices it is essential to follow up any incidents or issues, to review all the processes used to address legal and ethical dilemmas, and to resolve issues and conflicts. It is also essential to review policies and procedures that affect the wellbeing of workers and of people who use services on a regular basis.
2. Sharing feedback about issues, concerns and outcomes is an essential part of teamwork. To do this effectively you will need skills in communicating assertively and working collaboratively.
3. You can contribute informally to the review process by raising issues with your supervisor as they occur, and ensuring that you give regular feedback about the operation of current policies and procedures.

Learning checkpoint 3

Contribute to workplace improvements

This learning checkpoint allows you to review your skills and knowledge in contributing to workplace improvements.

1. Describe two ways you can improve your work practices in relation to legal and ethical responsibilities.

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2. Describe why it is important to provide feedback to a person in a timely manner.

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3. Develop a set of steps that outline how to develop a policy.

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4. Briefly describe two ways in which stakeholders can be engaged in contributing to the review process.

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5. When a work practice needs to be improved, what may indicate that additional professional training is required?

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