CHCLEG003

Manage legal and ethical compliance

ASPIRE

Learning Resources

CHCLEG003
Manage legal and ethical compliance

Release 1

Learner Guide

Aspire Version 1.2

Aspire
Learning Resources

Version control and modification history

Version	Release date	Modification
Release 1, version 1.1	January 2023	First release
Release 1, version 1.2	September 2023	Minor corrections as part of our continuous improvement program

Aspire Learning Resources
Supporting Vocational Education and Training for 30 years
1991 to 2023

Contents

Aspire acknowledges the homelands of all Aboriginal and
Torres Strait Islander peoples and pays our respect to Country

Before you begin

This Learner Guide is based on the unit of competency *CHCLEG003 Manage legal and ethical compliance*, Release 1.

Your trainer or training organisation must give you information about this unit of competency as part of your training program.

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.

Feature of the Learner Guide	How you can use each feature
Learning content	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	These highlight learning points and provide realistic examples of workplace situations.
Practice Tasks	Practice Tasks give you the opportunity to put your skills and knowledge into action. Your trainer will tell you which Practice Tasks to complete.
Callouts	Callouts reiterate key learning points to help students revise for their assessments.
Weblinks	Weblinks provide learners with additional content to contextualise their learning and develop their understanding.
Videos	Videos provide a visual reference of key concepts to aid comprehension and guide learner exploration. Each video is accessed by a QR code in the Learner Guide (or a button in the eBook version) for ease of access.
Glossary/margin definitions	Key terms are defined where they first appear to help consolidate understanding. A glossary of terms is provided at the end of the Learner Guide to assist learner revision of key concepts.
Summaries	Key learning points are provided at the end of each topic.
Learning Checkpoints	There are Learning Checkpoints at the end of each topic. Your trainer will tell you which activities to complete. These activities give you an opportunity to check your progress and apply the skills and knowledge you have learnt.
Case studies	Case studies are interspersed throughout the learning content to provide a workplace setting that contextualises key concepts.

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.

These skills are listed below:

Foundation skill area	Foundation skill description
Reading	• 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	• Planning, drafting and writing reports and documents • Communicating through written letters, email and online • Recording progress; reporting incidents
Oral communication	• 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	• Calculating costs, weights, measurements of height and distance • Interpreting measurements
Learning	• Understanding your job role, organisational procedures and legal responsibilities • Managing your work and seeing how well you are going • Making goals for yourself at work • Seeking professional development opportunities for continuous improvement
Problem-solving	• Identifying problems • Working out how to fix a problem using problem-solving processes • Reviewing the outcome
Initiative and enterprise	• Recognising opportunities to develop and apply new ideas • Generating ideas by thinking of new ways to do something • Making suggestions to improve work
Teamwork	• Working well with other people by cooperating, collaborating, encouraging and building rapport

Foundation skill area	Foundation skill description
Planning and organising	• Planning your workload and commitments • Implementing tasks • Completing work on time • Knowing how to deal with hazards and risks
Self-management	• Understanding and applying decision-making processes • Reviewing your behaviour and the impact of your decisions
Technology	• Efficiently using digitally based technologies and systems correctly and safely • Accessing, organising and presenting information • Using equipment correctly and safely

Note: Not every unit of competency will contain all foundation skills.

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 outcome	Rate your confidence in each section
Topic 1 Research information required for legal compliance	1A Identify sources of information about compliance requirements	❑ Confident ❑ Basic understanding ❑ Not confident
	1B Determine the scope of compliance requirements	❑ Confident ❑ Basic understanding ❑ Not confident
	1C Interpret legal information relevant to your workplace	❑ Confident ❑ Basic understanding ❑ Not confident
	1D Identify risks, penalties and consequences of non-compliance	❑ Confident ❑ Basic understanding ❑ Not confident
	1E Assess the need for specialist legal advice	❑ Confident ❑ Basic understanding ❑ Not confident

Topic	Key outcome	Rate your confidence in each section
Topic 2 Determine ethical responsibilities	2A Identify the ethical framework of your workplace	❑ Confident ❑ Basic understanding ❑ Not confident
	2B Incorporate scope of ethical practice and evaluate your responsibilities to others	❑ Confident ❑ Basic understanding ❑ Not confident
	2C Model ethical behaviour in your own work	❑ Confident ❑ Basic understanding ❑ Not confident
Topic 3 Develop and communicate policies and procedures	3A Develop policies and procedures to support legal and ethical practice	❑ Confident ❑ Basic understanding ❑ Not confident
	3B Integrate documentation and record-keeping requirements into policies and procedures	❑ Confident ❑ Basic understanding ❑ Not confident
	3C Understand and clarify roles and responsibilities	❑ Confident ❑ Basic understanding ❑ Not confident
	3D Distribute policies, procedures and legal information	❑ Confident ❑ Basic understanding ❑ Not confident
Topic 4 Monitor compliance	4A Evaluate work practices for non-compliance	❑ Confident ❑ Basic understanding ❑ Not confident
	4B Maintain and update required accreditations or certifications	❑ Confident ❑ Basic understanding ❑ Not confident
	4C Refer issues and breaches of ethical or legal practice to relevant people	❑ Confident ❑ Basic understanding ❑ Not confident
Topic 5 Maintain knowledge of compliance requirements	5A Stay informed of current and emerging legal requirements and ethical issues	❑ Confident ❑ Basic understanding ❑ Not confident
	5B Proactively engage in review and improvement processes	❑ Confident ❑ Basic understanding ❑ Not confident

Topic 1: Research information required for legal compliance

1A Identify sources of information about compliance requirements

1B Determine the scope of compliance requirements

1C Interpret legal information relevant to your workplace

1D Identify risks, penalties and consequences of non-compliance

1E Assess the need for specialist legal advice

1A Identify sources of information about compliance requirements

While compliance rules are often external requirements, compliance also involves following your organisation's internal rules, policies and procedures, and acting ethically.

The community trusts and expects service providers to uphold and apply proper legal and ethical standards in their work. As a manager, you have a great deal of responsibility and must always act in a professional, competent and ethical manner. To do this, you need to be familiar with all laws, rules, standards and regulations relevant to your community services organisation. These protect the rights of both people in need of support, and your team members. They also ensure safe, high-quality services are provided.

As a manager, you have legal responsibilities and obligations that must be fulfilled. You must have a working knowledge of the legislation that relates to your role and applies to the community services sector in which you work. Do your research to find appropriate sources of information that can be used to ensure your service complies with its legal and ethical responsibilities.

There are a variety of people in disability services or aged care organisations, in addition to the manager, who have legal responsibilities. Depending on the sector these may include social workers, education officers, psychologists, case managers and drug and health practitioners.

Depending on what sector of community services you work in, there will be different **compliance** requirements and responsibilities.

Compliance
Ability to a follow an order or a set of rules.

Here are some examples of different sectors and the compliance standards that apply.

Disability	**National Standards for Disability Services (NSDS)**
	There are six national standards that apply to disability service providers. The framework promotes person-centred approaches and is based on human rights and quality management.
Aged care	**Aged Care Quality Standards**
	There are eight quality standards in the aged care sector with requirements for:
	• consumer dignity and choice
	• ongoing assessment and planning
	• personal and clinical care
	• feedback and complaints.

Mental health	**National Standards for Mental Health Services**
	These provide a nationally consistent statement about the level of care consumers can expect from health services. They focus on:
	• how services are delivered
	• whether they comply with policy directions
	• whether they meet expected standards of communication and consent
	• having procedures and practices in place to monitor and govern operations.

You can find more information about the National Standards for Mental Health here: aspirelr.link/mental-health-standards

Legal responsibilities and liabilities

Everyone who provides support within your service must understand and abide by the regulations, standards and laws.

Government agencies and services must comply with **regulations** and accreditation **standards**. As a manager, you must understand the compliance requirements relevant to your role and the service that you work within to ensure the support your organisation provides is legal and ethical. Compliance requirements should be embedded in policies and procedures and inform the care practices of your organisation.

Civil liability claims may arise from a breach of duty of care, and criminal liability claims may arise from breaches of statutes or health and safety legislation. If a manager or other responsible staff member fails to uphold legally mandated standards of compliance, the consequences vary depending on the extent of non-compliance. Failure to uphold legal responsibilities may result in:

- suspension or cancellation of service-provider approval

- sanctions, where there is an immediate and severe risk to the health, safety or wellbeing of care recipients

- a notice of non-compliance whereby all care recipients must be informed of non-compliance and the actions that will be taken to address it

- a negligence claim, if the care provider or those working there have breached duty of care responsibilities.

Regulations
A set of rules made by a government or authority to control the way something is done.

Standards
In community services, standards are benchmarks or minimum requirements that must be performed in your workplace every day.

Sources of information

There are various sources you can access to gather information and advice on compliance requirements relating to community services work.

You and others working in the service must know where and how to access applicable statutory and regulatory information. All staff members must understand their statutory and regulatory responsibilities.

Sources of information
• Government departments
• Industry associations
• Organisations that develop codes of conduct or ethics
• Seminars
• Colleagues or suppliers
• Regulatory authorities
• Accreditation operators
• Training courses
• Lawyers
• Personal observations and experience

Government departments

Local, state/territory and Commonwealth government departments provide current and comprehensive information relating to compliance requirements in the community services sector.

Information available from government departments
• Acts and legislation
• Government regulations
• Inquiries made by the Australian Law Reform Commission
• Best practice regulation updates
• Online access to frequently asked questions about legislation and bills
• Guides to social policy law
• Government complaint investigation schemes and ombudsman services
• Consumer rights and protections information

Regulatory authorities

Regulatory authorities are formed or mandated under the terms of a legislative Act to ensure compliance with the provisions of the Act.

There are various regulatory authorities in each state and territory that are responsible for supervising and providing advice on activity in the health and community service sectors. The specific functions of each regulatory authority will vary between sectors.

Each authority has operational policies and procedures in place to assist authorised officers and other staff to apply the relevant law and regulations and support nationally consistent application of quality frameworks. Regulatory authorities are a useful source of information on accreditation or certification requirements relating to community services work.

Information may be sourced from the following regulatory authorities.

Aged care	The Aged Care Quality and Safety Commission (ACQSC) is responsible for aged care regulatory functions. Its role is to protect and enhance the safety, health, wellbeing and quality of life of people receiving Australian Government-funded aged care. The Commission is the national regulator and the primary point of contact for consumers and providers in relation to quality and safety. The Commission is responsible for approving providers and receiving compulsory reports.
	The Commission is also responsible for:
	• accreditation
	• assessing and monitoring aged care services
	• conducting home care investigations
	• determining compliance requirements imposed on providers (such as sanctions)
	• resolving complaints about services.
Work health and safety	It is the responsibility of the Commonwealth, states and territories to regulate and enforce work health and safety (WHS) in their jurisdiction. For example, WorkSafe Victoria is the regulatory authority enforcing WHS laws in Victoria.
	Contact your local WHS authority for information and advice on:
	• complying with WHS laws
	• reporting workplace incidents
	• renewing or applying for licences
	• injury and workers compensation claims
	• workers compensation insurance and premiums
	• health and safety representative training
	• WHS training and assessment.

Child protection	Child protection agencies in each state and territory protect children and young people who are at risk of abuse or neglect. They provide important information and advice regarding: • family group conferences (FGC) • carers' rights • the charter of rights for children in care • young people moving to independent living • signs of safety meetings • child protection services, including assessment and reporting processes and key contacts.
Health services	There is a network of governance and support mechanisms that enable the policy, legislation, coordination, regulation and funding aspects of delivering quality health services across Australia. It is the joint responsibility of all levels of government to regulate Australia's health services, with the planning and delivery of services being shared between government and non-government sectors. State and territory governments are responsible for licensing or registering private hospitals, operating public hospitals, and providing health-relevant industry regulations.

You can read more information about the ACQSC on their website:
aspirelr.link/aged-care-quality

Industry associations

Industry associations provide a range of information, services and resources.

Industry associations offer information and services for free, but in some cases a service provider must become a fee-paying member in order to access all information, services and resources. Becoming a member of the relevant peak body can give credibility to the service provider, as membership indicates that certain strict criteria, and qualifications and experience requirements have been met.

For example, the Australian Community Industry Alliance (ACIA) is a peak body offering support and advice to independent (non-government) service providers in the aged care and disability sectors. Aged & Community Services Australia (ACSA) provides support, training and advocacy for members, including not-for-profit and faith-based providers of residential and community care.

Industry associations can provide information on:
• changes to legislation that will affect your organisation
• resources or programs to help your service meet care standards
• training and educational programs
• seminars, networking events or conferences
• mentoring programs
• how to connect with other organisations in the community services sector
• public relations or advertising activities to promote the service you work in
• lobbying activities to influence government policy.

Plain English summaries of legislation

There are various publications available from local, state/territory and Commonwealth government departments that provide summaries and explanations of relevant **legislation** in plain English.

For example, most states and territories produce a guide or information sheets on the relevant Disability Services Act, which provide an overview of the key components of the Act, including what the Act means for community services employers and support workers, in an easy-to-read format.

Documents explaining various Acts should not be relied upon as a complete representation of the legislation. You should instead seek and rely upon legal advice regarding legislation if you are unsure about your compliance requirements.

> **Legislation**
> The written law produced by the government.

Example

Identify sources of information about compliance requirements

Jennifer is a crisis-support team leader in an organisation that provides a safe and secure environment for men and women who are experiencing homelessness or at imminent risk of becoming homeless.

Jennifer is responsible for providing leadership in all day-to-day operations of the crisis support team to ensure high quality, client-focused delivery of support.

It is a requirement of Jennifer's role that she and her team members have a comprehensive understanding of how each staff member must comply with the requirements of the *Work Health and Safety Act 2011* (Cth). Rather than providing her team members with a copy of the WHS Act, Jennifer goes online to access a guide to the WHS Act that explains in plain English how to comply with WHS legislation in their workplace. She finds the guide useful for giving her a better understanding of how to ensure her workplace complies with WHS requirements.

Practice Task 1

Question 1

Why is it important for managers to ensure compliance requirements are met in their service? Give one reason.

Question 2

Which of the following laws and standards should be consulted to ensure compliance within community services sectors? Tick all that apply.

❑ National Standards for Disability Services (NSDS)

❑ The Aged Care Quality Standards

❑ Work Health and Safety Act 2011

❑ Publications of industry associations

❑ National Standards for Mental Health Services

Question 3

List five sources of information you might need to access to run a Work Health and Safety training session.

Question 4

Match the type of information to the source where it can be found.

Acts and legislation	Industry associations
Training and community services educational programs	Government departments
Inquiries made by the Australian Law Reform Commission	Regulatory authorities
Family group conferences (FGC)	Industry associations
Changes to legislation that will affect your organisation	Regulatory authorities
Health and safety representative training	Government departments

Question 5

What is the purpose of plain English documentation?

Question 6

Briefly explain the function of the Aged Care Quality and Safety Commission.

1B Determine the scope of compliance requirements

As a manager, you must have a clear understanding of your role, responsibilities, and level of authority of the position you are in.

The compliance requirements you are responsible for will depend on the scope of your role. For example, as a manager you are responsible for complying with the legislation relevant to the sector of community services you work within. It is vital that you know not only where to access current compliance information, but also how to interpret the information so you can ensure you are meeting requirements.

You and your team members may provide support in a range of environments, such as a person or carer's home, or within a service facility, such as an aged care home, supported independent living facility, youth outreach service or mental health service. You may also have contact with a diverse range of health professionals and support staff.

As a manager or team leader, there are legal requirements that must be met as part of your role. To determine what these legal responsibilities are, you need to know the scope of compliance requirements that apply to your area of work. For example, if you work in a residential aged care environment, your responsibilities and scope of compliance will differ from those of someone working in a disability services environment. The scope and responsibilities of your role must be clearly defined and understood.

Work role boundaries

Your work role boundaries are a clear definition of the duties, rights and limitations of your role.

When managing compliance you need to know what you are responsible for in terms of implementing legal and ethical policies, to ensure a given duty is within the scope of your role. Depending on what sector of community services you manage, it may be within the work role boundaries of health professionals to manage ethical compliance.

Within an aged care service provider, a team leader or quality manager will be responsible for managing compliance with the relevant standards. And within in a youth outreach service, it may be a programs manager or team leader who ensures compliance of all aspects of care and support.

Everyone in the workplace must understand their work role boundaries to ensure appropriate and competent care is always provided. Further information about your specific role in your workplace can be found in your job description.

Work health and safety

It is within the work role boundary of everyone in the workplace to uphold work health and safety principles.

The *Work Health and Safety Act 2011* (Cth) is a national law that sets out mandates for health and safety in the workplace. The Act replaced the existing *Occupational Health and Safety Act 1991* (Cth) and acts as a model for health and safety laws for most individual states and territories. Victoria is the exception, as it operates under its own *Occupational Health and Safety Act 2004* (Vic)(OHS Act). These forms of legislation require employers to take practical and reasonable steps to protect the health and safety of employees at work and state that workers have a general duty of care to ensure they work in a manner that is not harmful to their health and safety, and the health and safety of others.

> You can find more information about the *Work Health and Safety Act 2011* at:
> aspirelr.link/whs-act

WHS legislation is designed to create safe working environments and reduce work-related incidents and illness and their related costs. WHS policies and procedures are based on legislation, regulations, codes of practice and standards. As a manager or team leader, you need to access this information and ensure your service complies with it. All your team members need to understand that WHS protocols are everyone's responsibility and comply with the following practices.

To make your workplace safe you need to:
• take reasonable care of your health and safety at work
• tell your supervisor about potential hazards or personal physical problems in the workplace
• follow any safety guidelines as per training and instructions
• take reasonable care not to affect the health and safety of others by your acts or omissions
• work with your employer in any action taken to make your workplace safer
• report any injury immediately to a supervisor
• not wilfully or recklessly interfere with or misuse safety equipment provided
• not wilfully put at risk the health and safety of others.

Industrial relations

Industrial relations relate to the negotiation of work-related entitlements and obligations between employers and their employees.

Industrial relations are governed by the *Fair Work Act 2009* (Cth). In Australia, industrial relations laws cover employment issues such as minimum wages, pay equity, employment standards, leave entitlements, hours of work, and protect all workers from discrimination and unfair dismissal.

> You can find more information at: aspirelr.link/legislation-fwa

The Community Sector Workplace Relations (CSWR) service operated by Jobs Australia is for non-profit community services organisations seeking industrial relations and human resources advice and support. The CSWR provides professional industrial relations advice and representation, consultancy and training, as well as events and workshops, review of contracts and classifications, access to updated awards and pay tables, and enterprise agreement drafting and support.

Industrial relations
The management of work-related obligations and entitlements between employers and employees,

Managers must understand industrial relations obligations relating to:
• minimum wages
• relevant awards and enterprise agreements
• resolving issues, disputes and dismissals
• anti-discrimination and equal opportunity
• making flexible working arrangements for your team members
• protocols for ending employment.

Responsibilities of a manager

Managers in the community services sector are legally responsible for ensuring best practice standards and legislative requirements are upheld.

If legal requirements are not met or if standards are breached, you and/or your service provider may be held liable for non-compliance.

It may be part of your role to develop and monitor policies and procedures that contribute to compliance.

A manager may need to develop and monitor procedures to ensure the service:
• does not engage in practices that are prohibited by law
• fulfils auditing and inspection requirements

A manager may need to develop and monitor procedures to ensure the service:
• understands the consequences of non-compliance
• maintains licences, training and certification
• adheres to statutory reporting requirements
• has appropriate business insurance
• meets accreditation requirements
• develops and implements appropriate plans, policies, codes of conduct and codes of practice.

Key practices prohibited by law

Prohibited practices also include those that may not be unlawful but are unethical.

In the community services context, prohibited practices include those that are abusive, those that constitute assault and those that constitute wrongful imprisonment. Such practices are prohibited by law and are not permissible. All are criminal offences and civil wrongs and could lead to legal action.

Prohibited practices include those that cause physical pain or serious discomfort; restrict access to basic needs or supports; are degrading or demeaning to the person with support needs; may reasonably be perceived as harassment or vilification by the person with support needs; are aversive, unethical, or constitute an unauthorised restricted practice according to the relevant legislation. All support workers must have access to and understand information regarding prohibited practices to ensure compliance.

Restrictive practices

Restrictive practices
Any intervention or practice that restricts rights or freedoms of movement of a person.

In the past, **restrictive practices** were used as a first response to behaviours that caused harm to the person or others. It is now recognised that restrictive practices can do great harm to people and constitute serious human rights infringements.

Using restrictive practices in an aged care setting must always be the last resort. There are laws governing the use of restrictive practices in residential aged care, and a number of requirements that must be met for the use of any restrictive practice, including the use of a behaviour support plan (BSP) when a restrictive practice is used. The regulator of restrictive practices in aged care is the Aged Care Quality and Safety Commission.

A fact sheet with the requirements for restrictive practices in aged care can be found at: aspirelr.link/health-restrictive-practices

The NDIS regulates restrictive practices within the disability sector, where they are also considered a last-resort measure in response to a risk of harm to the person or others. Any regulated restrictive practices must be part of a behaviour support plan that is lodged with the NDIS Commission and monthly reports need to be provided to the Commission.

> The Regulated Restrictive Practices Guide outlines NDIS providers' obligations when implementing regulated restrictive practices and can be found here:
> aspirelr.link/ndis-commission-safeguards

Restrictive practices as defined by the NDIS Commission and Aged Care Quality Safety Commission are further explained below.

Chemical restraint	• Chemical restraint is an intervention in which medication or a chemical substance is used to influence a care recipient's behaviour. Psychotropic medications are the most common type of chemical restraint. • Chemical restraint does not include prescribed medications for diagnosed mental disorders, physical illness or conditions, or end-of-life care.
Environmental restraint	• Environmental restraint involves restricting free access to parts of the care recipient's environment to influence their behaviour. This could be restricting access to making tea or coffee, locking away a mobile phone, or taking away access to activities such as watching television. • It does not include restricting access to areas of a facility that a service user would not ordinarily be allowed into, such as the laundry, meal preparation area, or medication storage areas.
Mechanical restraint	• Mechanical restraint involves using devices to restrain, prevent or subdue movement to influence a person's behaviour. It includes devices used for safety purposes or to prevent harm. • Mechanical restraints can include bed rails, belts, harnesses, restrictive clothing, or using straps to restrain any part of the body. • It does not include devices for therapeutic purposes, such as a wheelchair for someone unable to walk for more than a short period.
Physical restraint	• Physical restraint involves using force to prevent, restrict or subdue movement, for the purpose of influencing behaviour. Examples include holding a service user down to administer medication, or pulling them where they do not want to go. • It does not include using a hands-on technique to direct the service user away from potential harm or injury, such as holding a person back from crossing the road if there is traffic approaching.

Seclusion	• Seclusion involves putting a service user into solitary confinement for the purpose of influencing their behaviour. Seclusion substantially affects a person's dignity and rights, and is an extreme form of restrictive practice that should never be used as a punishment. It should only be used when all other avenues of behaviour management have been exhausted.
	• It is prohibited to isolate a child or young person (under 18 years of age) in a setting where they are unable to leave for the duration of a particular incident.
	• Seclusion does not include a service user locking themselves in their room if they are free to unlock the door and leave if they choose.

Source: Australian Government Department of Health's 'Restrictive Practice use in aged care facilities' Factsheet, 11 August 2021.

Video: Restrictive practices

View the following videos for more information on restrictive practices: aspirelr.link/nds-considering-additional-risk

These films were funded by the Victorian Government and developed with support from the Victorian Office of Professional Practice. To view the videos, go to the section in the page 'Recognising Restrictive Practices Films'.

Audits and inspections of your service

All community service providers are required to act in accordance with the legislation and regulations that relate to them. Part of this means undergoing audits and inspections.

Audit
An official systematic examination of (something).

Depending on the community services sector in which you work, there are different bodies responsible for **auditing** and inspecting your service. For example, in the disability service sector, the NDIS Quality and Safeguards Commission (NDIS Commission) are responsible for regulating NDIS service providers.

You can find more information at: aspirelr.link/ndis-quality-safeguards-commission

Processes of auditing and inspection ensure the service complies with legislation and care standards. You need to understand and interpret information regarding compliance requirements to ensure your service passes its audits.

Non-compliance is the failure to act in accordance with the legislation and regulations that govern how an organisation must provide services to the community. The consequences of non-compliance are serious. Non-compliance can result in:

• a mandate called a 'notice of non-compliance' to address all breaches of compliance within a set time frame, without which accreditation will be suspended

- the service being monitored, investigated, penalised or charged with criminal offences

- penalties from $50,000 to $3 million depending on the seriousness of the breach; in some cases, non-compliance can result in imprisonment

- the application of sanctions, particularly when there is a serious problem with the care a service provides.

Maintaining your licence, training or certification is critical.

You may be called to respond to changes in regulations or legislation, or changes to the needs of a person receiving support. You need to ensure that you understand and can accurately interpret these changes so you can respond appropriately and effectively, in a timely manner.

> You can find more information about the current compliance requirements from the Australian Community Workers Association (ACWA) at: aspirelr.link/acwa

Accreditation requirements

Accreditation is the independent recognition that an organisation meets the requirements of industry standards with respect to the care and services provided.

To achieve or retain accreditation, the service must meet certain standards and outcomes. For example, aged care providers need to meet the national Aged Care Quality Standards. As a manager, you need to ensure that all policies and procedures support the accreditation standards and principles. You need ensure that procedures are up to date, effective and appropriate.

Accreditation
Formal confirmation of a course compliant with national standards.

> You can find more information about the Aged Care Quality Standards here:
> aspirelr.link/aged-care-quality-standards

Statutory reporting requirements

It is your responsibility to be aware of your **mandatory reporting** obligations.

In some circumstances, workers are required by law to report abuse, neglect, or violence. Each state and territory has their own mandatory reporting legislation, which differ regarding who must make a report and what types of abuse or neglect must be reported. You must follow the relevant legislation and the policies of your organisation. Be alert to and aware of your reporting obligations in relation to:

Mandatory reporting
The legal requirement of people in certain job roles and industries to report suspected or actual abuse to the police.

- elder abuse

- abuse of people with disabilities

- domestic violence

- child abuse or neglect

- suspected abuse or neglect of any person.

Organisations will have different procedures for reporting concerns; in most instances, this will involve (at the very least) noting the concerns in the person's file and reporting to a supervisor. In some situations mandatory reporting will apply; for example, if a worker suspects the person's wellbeing is being affected by abuse or neglect.

Here are examples of statutory reporting requirements.

Children's services **Child Family Community Australia**	Each state and territory has its own child protection legislation with varying requirements for who is mandated to report child abuse and what type of abuse must be reported. For example, in the ACT, sexual and physical abuse must be reported, but not neglect or emotional abuse. In NSW, all forms of abuse, including exposure to family violence, must be reported. Managers, including both paid employees and volunteers, who supervise those providing direct services to children are mandated to report to the relevant child protection authority in each state or territory.
Aged care **Aged care quality and safety commission**	Providers of residential aged care are required to identify, record, manage, resolve, and report all serious incidents that occur or are alleged or suspected to have occurred, in a residential and home and community aged care service. Providers must report incidents to the Aged Care Quality and Safety Commission under the Serious Incident Response Scheme (SIRS) (2021), which has eight kinds of reportable incidents including: • unreasonable use of force • unlawful sexual contact or inappropriate sexual contact • neglect • psychological or emotional abuse • unexpected death • stealing or financial coercion by a staff member • inappropriate physical or chemical restraint • unexplained absence from care. The SIRS sits alongside other aged care requirements, such as the Aged Care Quality Standards, the Charter of Aged Care Rights and the *Aged Care Act 1997* (Cth).
Disability services **Department of Social Services**	Service providers that are funded under the National Standards for Disability Services are required under their funding arrangements to report key information about their service users on an ongoing basis. In certain circumstances, disability services organisations are required to report on individual plans.

You can find more information from Child Family Community Australia at:
aspirelr.link/mandatory-reporting-child-abuse-and-neglect

Business insurance

Community services providers require various forms of insurance and these should be detailed in organisational policies and procedures.

Part of your work role may be to develop policies and procedures relating to public liability insurance and workers' compensation. Policies should outline how to eliminate/minimise risk with respect to damage to property and/or equipment, theft, arson, fraud, volunteers' safety, or professional indemnity. Procedures may outline how to manage a public liability incident or what to do if there is an incident requiring workers' compensation.

Public liability insurance protects an organisation against the financial risk of being found liable to a third party for death or injury, loss or damage of property or 'pure economic' loss resulting from your negligence.

Workers' compensation is a form of insurance that is paid to employees if they are injured at work or become sick due to their work. Workers' compensation schemes are specific to each state and territory, however, the Commonwealth has three schemes: one for Commonwealth employees and authorities licensed to self-insure under the *Safety, Rehabilitation and Compensation Act 1988* (Cth); one covering seafarers; and one covering military personnel.

> You can find more information at: aspirelr.link/safe-rehab-comp-act

Develop and implement workplace policies

Part of your role may be to develop and implement workplace plans, policies, codes of conduct and workplace practices specific to the sector in which you work.

Work plan	A work plan is a set of goals and processes to help you manage a particular outcome.
	You may manage a care service that employs casual support workers to cover weekend shifts. You will need to develop a training plan to ensure all workers have the appropriate skills to provide the level of care required.
Policies	A workplace policy is a statement of purpose and one or more broad guidelines on how it is to be achieved.
	Policies may need to be developed in response to a service need or in anticipation of a need. For example, a child protection policy should be put in place once a service starts working with children. A service policy may be required in response to a new government regulation.

Code of conduct	A code of conduct is a set of rules that underpins professional practice and the provision of care.
	A code of conduct should be developed and implemented to ensure the legal and ethical provision of care. In community services, codes of conduct may include standards of ethical behaviour, and underlying principles such as integrity, respect and accountability. These may be called codes of ethical conduct.
Code of practice	A code of practice is an industry guideline to help in the management of operations based on regulation or best practice.
	A code of practice is not law but should be followed unless an alternative course of action can achieve the same or better standards. In the community services sector, codes of practice may describe appropriate conduct relating to practitioner–client boundaries, privacy, confidentiality, duty of care and discrimination.

Practice Task 2

Question 1

Provide a short definition of a work role boundary.

Question 2

Which of the following statements about making your workplace safe are correct? Select yes or no for each one.

a. You should take reasonable care of your safety at work.	Yes / No
b. You are required to assist your employer, when asked, in any action taken to make your workplace safer.	Yes / No
c. You should only report any injury to a supervisor if it has caused serious harm.	Yes / No
d. You can sometimes take reasonable care not to affect the health and safety of others by your acts or omissions.	Yes / No
e. You should follow any safety guidelines that relate to your job or workplace.	Yes / No

Question 3

Briefly explain what industrial relations laws cover.

Question 4

Which of the following are regulated restrictive practices? Select all that apply.

❑ Physical restraint

❑ Environmental restraint

❑ Emotional restraint

❑ Chemical restraint

❑ Seclusion

Question 5

Which of the following statements about consequences of non-compliance are correct? Select yes or no for each one.

a. A time frame may be set whereby all breaches of compliance must be addressed, without which accreditation will not be awarded or retained.	Yes / No
b. Penalties may be given from $50,000 to $3 million depending on the seriousness of the breach.	Yes / No
c. Sanctions may be applied when there is a serious problem with the care a service provides.	Yes / No
d. Non-compliance can lead to an arrest.	Yes / No
e. Non-compliance can result in a verbal warning.	Yes / No

Question 6

Which scheme outlines the statutory reporting requirements for aged care?

Question 7

Which of the following incidents does public liability insurance protect an organisation from financial liability for? Tick all that apply.

❑ Death or injury to a recipient of care

❑ Loss or damage of property

❑ Economic loss as a result of negligence

❑ Injury to an employee

Question 8

What does accreditation mean?

Question 9

Match each of the following documents to the correct scenario.

Work plan	There has been a report of unethical behaviour brought to your attention, which you need to discuss with the support worker involved. You consult this document to ensure professional practice has been followed.
Workplace policy	You are developing new policies for the organisation. The policies relate to practitioner– client boundaries, privacy and confidentiality, duty of care and discrimination. You must consult this document for the latest industry guidelines.
Code of conduct	There has been a change in government policy in relation to aged care. You need to update this document to reflect the most up-to-date information.
Code of practice	You manage a team of casual support workers in various locations. You need to use this document to ensure all workers have the appropriate skills and have access to the organisation's policies and procedures.

Question 10

Match each of the reporting agencies to the correct scenario.

Child Family Community Australia	Anna is an 82-year-old woman who has a chronic illness. Her son Tom moved in to be Anna's carer after his marriage broke down. Tom does the shopping using Anna's ATM card and never shows her the receipts when she asks. There are unpaid bills piled on the table and Anna tells you that she cannot afford home care services anymore.
Department of Social Services	Claire is a 4-year-old girl who attends day care. After getting too hot in the sandpit one day, she takes off her jumper. You notice a large bruise on her upper arm. Claire tells you that her mum did that. It is not the first time you have noticed marks on Claire's body.
Aged care quality and safety commission	Tom is 30-year-old man with poor mobility who uses a wheelchair. In one of your visits, you notice Tom has red marks around his wrists. When you ask him about them, he says that his wife sometimes gets frustrated with him.

1C Interpret legal information relevant to your workplace

Another part of your role may be to monitor all areas of compliance and address any shortfalls. The legislation provides a framework that a community services provider must adhere to.

As a manager, it may be your role to develop and monitor policies and procedures to support legislative frameworks. There is a wide range of legislative requirements that must be upheld to ensure compliance within the community services industry.

The following is a list of the areas where a manager must ensure their organisation's policies and procedures support legislative requirements.

The service must ensure:
• appropriate protocols around duty of care and dignity of risk
• respect of practitioner–client boundaries
• appropriate information management
• appropriate policy frameworks are adhered to regarding the care of children in the workplace
• human rights are upheld including non-discriminatory practices and informed consent
• organisational procedures are followed for records management, mandatory reporting and complaints management
• rights and responsibilities of workers, employers and clients are upheld.

Duty of care

A **duty of care** exists when someone's actions could reasonably be expected to affect another person.

Within the community services sector, duty of care covers the rights, physical safety and confidentiality of the person receiving care. It also includes the responsibility to provide support workers with necessary information, instruction, training or supervision that is required for them to fulfil their role without risk to their health and safety and the health and safety of the people they care for or work with.

To be compliant with duty of care legislation, it is your legal obligation to ensure that duty of care is upheld in the place where you work. Duty of care legislation is written into the *Work Health and Safety Act 2011* (Cth).

Duty of care
A moral or legal obligation to ensure the safety and wellbeing of other persons.

In tort law (civil law matters), a duty of care is a legal obligation imposed on a worker to take reasonable care to avoid acts or omissions that may cause foreseeable harm to a person with support needs.

Negligence

Duty of care also relates to **negligence**. It is your legal responsibility to take reasonable care to provide the correct standard of service to all people receiving care, taking into account their medical, ethical, social and religious needs. If you breach your duty of care you could be charged with negligence, and you may need to compensate the service user for any damage or suffering as a result of your actions or inactions.

Negligence
Failure to take reasonable care with your actions.

Negligence is a matter of common law, which means that a negligence case would be heard in a civil court. Generally, an employer is held responsible for staff negligence.

In a negligence action, it must be demonstrated that:
• you had an obligation to provide care of a particular standard for a person
• the harm or injury was caused, either directly or indirectly, by the breach of duty of care (that is, if it were not for the carelessness, the damage would not have occurred)
• the person experienced actual harm or injury
• the harm was reasonably foreseeable in the circumstances.

Dignity of risk

Dignity of risk refers to people's rights to make their own choices and to take risks. The rights of people to dignity and choice, upheld in legislation and service standards, requires that duty of care or safety is not used to limit a person's freedom of personal choice. A manager's adherence to duty of care and safety must be balanced by the concept of dignity of risk, which means that a person has the right to self-determination, to make their own decisions and to act independently, even if their actions involve an element of risk.

Dignity of risk
A person's right to dignity and choice, upheld in legislation and service standards, to ensure that duty of care or safety is not used as a reason to limit a person's freedom of personal choice.

Legislation relating to dignity of risk includes the *Privacy Act 1988* (Cth) and the *Work Health and Safety Act 2011* (Cth), among others.

Respect of practitioner–client boundaries

It is vital to understand the professional boundaries of your role so you have a clear concept of what your role requires and how to interact with the people in your care professionally and ethically. You should be careful at all times not to blur the distinction between being a care professional and being a supportive friend.

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

Appropriate information management

There is federal and state and territory legislation that protects the rights of people receiving support to have their private information kept confidential, and to allow them to access their health and personal information. This includes the information in a person's care records and progress notes, personal details shared with you by service users or others, communication from outside stakeholders, and medical information from a doctor. You must adhere to all legislation to ensure legal and ethical compliance regarding information management.

The *Commonwealth Privacy Act, 1988* contains 13 Australian Privacy Principles (APP) that need to be adhered to when recording or reporting sensitive information.

> Further details about privacy can be found on the Australian Government Office of the Australian Information Commissioner website at: aspirelr.link/oaic

13 Privacy Principles – quick reference
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** allows an organisation to use or disclose personal information for direct marketing purposes only if certain conditions are met.
8   **Cross-border disclosure of personal information** outlines the steps an organisation must take to protect personal information from being disclosed overseas.

13 Privacy Principles – quick reference	
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** outlines that 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** requires an organisation to take reasonable steps to protect the 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.

Appropriate policy frameworks

Within community services, different policy frameworks apply to the various sectors. A community services provider must use these policy frameworks as a reference to ensure that all codes of conduct and codes of practice are underpinned by the relevant policy framework.

Here are some policy frameworks relevant to community services.

The National Standards for Disability Services set out how disability services are to be provided.

For more information access: dss.gov.au/our-responsibilities/disability-and-carers/standards-and-quality-assurance/national-standards-for-disability-services

Aged Care Quality Standards set out guidelines for providing quality care in aged care services.

For more information access: agedcarequality.gov.au/providers/standards

National Safety and Quality Health Service Standards set out guidelines, that are to be applied to all mental health services, which focus on how services are delivered and policies and procedures that need to be followed.

For more information access: aspirelr.link/national-standards-mental-health

Child protection

Child protection Acts are in place to provide a legislative framework that governs the protection and wellbeing of children.

Each state and territory has an Act that addresses child protection. For example, South Australia has the *Children's Protection Act 1993*. In some cases, child protection legislation is combined with Acts that govern the care and education of children such as the Northern Territory's *Care and Protection of Children Act 2007*.

Guardianship laws are generally incorporated into state-based child protection legislation. Guardians for children living under state care are appointed by the relevant state or territory government. For example, South Australia's Office of the Guardian for Children and Young People looks after the interests of children and young people who are in the care, custody or guardianship of the state. A parent may appoint a guardian in their will, in case of their death, for any of their children under 18 years of age. A guardian is usually a trusted family member or friend.

To find out more information about each state's legislative framework, consult the Child Family Community Australia's fact sheet here: aspirelr.link/child-protection-legislation

Humans needs
Requirements of persons to achieve a level of basic functioning, such as physical needs (shelter and food/water), emotional needs (love and affection) and social needs (a sense of belonging).

Human rights
Fundamental rights and freedoms that apply to all people, setting norms for standards of human behaviour.

Human rights

Humans needs relate to what is required for survival – including for mental and physical health – such as food, water, shelter, clothing, sanitation, education and health care. The term **human rights** relates to accountability and action, translating human needs into a matter of rights with dignity. Human rights include the right to life, freedom of speech, choice, and freedom from discrimination, among others.

The rights of people with support needs are protected by international human rights charters. The Australian Human Rights Commission oversees Australian legislation on human rights and anti-discrimination, social justice and privacy. The Commission also works with international governments and organisations to ensure Australia meets its obligations to comply with international agreements or charters; for example, the United Nations (UN) Universal Declaration on Human Rights.

It is the responsibility of the manager of a community service to ensure that the rights of all the people requiring support in their care are upheld. This may require monitoring to ensure a person's rights are maintained.

Here is some more information about upholding human rights:

Declaration of Human Rights	The Universal Declaration of Human Rights is recognised internationally as a document that sets out the basic rights and fundamental freedoms to which all human beings are entitled. It declares that human rights are universal and to be enjoyed by all people, regardless of where they live. It includes civil and political rights such as the right to life, liberty, free speech and privacy, as well as economic, social and cultural rights such as the right to social security, health and education.
Frameworks	At the federal level, the Australian Government has an obligation under international law to respect, protect and fulfil human rights. The government must ensure that people can enjoy their human rights and refrain from actions that would breach others' human rights. A human rights framework can inform and guide domestic policy in complex areas such as equality and discrimination.
Approaches	A human rights approach in community services requires that legislation, regulations, monitoring and reporting systems are developed with a focus on positive measures to achieve substantive equality.
Instruments	International human rights instruments that expand on the rights in the Universal Declaration of Human Rights and are relevant to community services work include: • the Convention on the Elimination of All Forms of Racial Discrimination – promoting and encouraging universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion • the Convention on the Rights of the Child – entitling children to special care and assistance by recognising the inherent dignity and equal rights of all members of the human family • the Convention on the Rights of Persons with Disabilities – reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms, and the need for people with disabilities to be guaranteed their full enjoyment without discrimination.

You can find more information at: aspirelr.link/humanrightslaw

Discrimination

To discriminate means to treat someone unfairly or to favour others based on some characteristic they have. **Discrimination** is never acceptable behaviour and it is against the law.

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. Australian organisations must comply with a number of federal Acts and national standards. National (Commonwealth) anti-discrimination legislation has a number of parts, as shown in the following table. It is a manager's responsibility

> **Discrimination**
> The act of excluding or treating a person differently based solely on an attribute such as disability, age, gender, race or sexual orientation.

to ensure that policies and procedures support this legislation and that practices are monitored to ensure that the organisation you work in is a non-discriminatory service provider.

Age Discrimination	**The Age Discrimination Act 2004** • The *Age Discrimination Act 2004* (Cth) is especially important in light of Australia's ageing population. It protects people from discrimination due to their age, and states that regardless of age everyone has the right to equality before the law. • The Act allows appropriate benefits to be given to people of a certain age, particularly younger and older people, according to their circumstances. The Act also aims to remove barriers to older people participating in society and change negative stereotypes about older people. • Exemptions include stipulations regarding youth wages, health care and voluntary work.
Disability	**The Disability Discrimination Act 1992** • The *Disability Discrimination Act 1992* (Cth) gives a definition of disability and prohibits direct or indirect discrimination based on disability. It also 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 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	**The Racial Discrimination Act 1975** • The *Racial Discrimination Act 1975* (Cth) prohibits racial discrimination and offensive behaviour based on racial hatred. It covers discrimination based on race, skin colour, and 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 all people and organisations in Australia. • 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	**The Sex Discrimination Act 1984** • The *Sex Discrimination Act 1984* (Cth) renders it unlawful to discriminate against someone based on their sex, marital status, pregnancy or potential pregnancy. It sets out laws against sexual harassment and prohibits dismissal from work due to 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.

Privacy	**The Privacy Act 1988**
	• The *Privacy Act 1988* (Cth) deems personal information about individuals to be sensitive, such as information about:
	   - criminal records
	   - health
	   - membership of a professional or trade association or 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 the privacy of information about the people you support.

Informed consent

There are ethical and legal reasons for involving the person receiving care in decisions about the services they receive and to gain **consent** before any care is provided. Only a mentally competent person over the age of 18 years can give legal or valid consent. Three key aspects of consent are it must be given voluntarily, it must be informed (the person must be aware of what they are consenting to and any risks involved), and it must be specific to the particular activity.

Consent
To give permission or to agree to something.

Consent can be given verbally or in writing, or it may be implied. As a manager, you are obliged to ensure that all people receiving care have given informed consent and that all policies and procedures support this.

The types of consent you can obtain are described below.

Types of consent
Verbal consent means a person has provided their consent in a conversation or discussion.
Written consent means a person provides their consent by signing a form or document.
Implied consent means a person implies in some way that they consent, such as by nodding their head.
Supported consent means the person requires the support of an advocate or guardian to provide their consent.

Advocates

Advocate
An individual who speaks up for a person to defend their rights.

If a person requiring support is unable to give informed consent, an **advocate** may be required. An advocate is a person (often a family member) who is appointed to help a person make decisions about their care.

The roles of different advocates are explained below.

Family and friends	An advocate may be a family member, support person, 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 care and take an active part in decision-making to ensure the person receives the services they want and need. Sometimes family or friends may need to speak on behalf of the person to service providers and other agencies about concerns they have regarding the care the person is receiving.
Support worker	Many people receiving care are vulnerable. Service providers have a responsibility to protect their rights and, if necessary, to advocate on their behalf. For example, you may need to discuss with your supervisor, on behalf of a person requiring support, an aspect of their care that is not suitable or that 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, not your own.
Appointed advocate	An advocate may also be assigned to a person by an advocacy agency. Having an advocate present when negotiating and developing a care plan is important. There are a range of services available that provide advocacy for people and/or their carers.

Guardians

Guardian
A person who has the legal authority to make decisions for another person.

A **guardian** may be appointed if a person is unable to give informed consent. A guardian may be appointed by the state or territory. For example, the Guardianship Division of the NSW Civil and Administrative Tribunal protects the rights and

interests of people with a decision-making disability by appointing guardians. Guardians have a duty to:

- protect the rights, welfare and best interests of the person

- encourage the person to live as normal a life as possible

- consider the views of the person

- preserve and recognise the person's cultural and linguistic needs

- protect the person from abuse, neglect and exploitation.

Records management

As a community services manager, you need to make sure that all policies and procedures are aligned with current legislation. Organisational procedures regarding records management, mandatory reporting and complaints management must be congruent with legislative requirements.

Each state and territory has its own legislation in relation to health records. Make sure you are aware of the legislation that applies to your region. Health records legislation promotes fair and responsible handling of health information in order to:

- protect the privacy of an individual's health information

- provide individuals with a right of access to their health information

- provide a framework for the resolution of complaints regarding the handling of health information.

You must never disclose information about a person's health status without their consent, unless the disclosure is necessary to prevent a serious threat to life, health or safety.

Mandatory reporting

You and your colleagues should be trained to recognise signs of abuse, distress or other issues of concern regarding a person's treatment and safety. If you notice something of concern, you should document what you have seen or heard and verbally report the matter to senior management immediately.

If a support worker reports a situation to you, make sure you collect as much detail as possible. Depending on the circumstances you may need to take immediate action to protect the person's safety or provide information and advice to the worker about the steps they need to follow to address the situation within legislative and organisation protocols.

Here is some more information.

Situations to be reported	Reporting protocols
You must inform support workers that they are obligated to report any signs of abuse or neglect to you or other senior staff. The following situations should be reported: • Significant change in behaviour or mood or other signs that may indicate abuse. • A person with support needs appears nervous or apprehensive about a particular person, or someone appears to be behaving in an inappropriate way towards them, such as threatening or intimidating them. • A person with support needs discloses that they are being abused or harmed by another person. • A person such as a family member or friend reports that they have observed, or suspect, abuse of their loved one. • A family member or carer is not addressing the financial, health or medical needs of a person with support needs. • Any of the eight types of reportable incidents under the Serious Incident Response Scheme (SIRS) for aged care providers.	Your organisation should have protocols in place for reporting actual or suspected abuse and neglect. It is important that all team members are aware of and follow these guidelines. As a manager, you have a responsibility to: • inform support workers about the reporting requirements • ensure support workers understand the various types of abuse and are familiar with indicators of them • report suspected abuse to relevant people or authorities such as senior management of the service, the SIRS (for aged care providers), or other relevant authorities such as the National Disability Abuse and Neglect Hotline, the relevant State Guardianship and Administration Board or Tribunal, the relevant state or territory Child Protection Agency or the Commonwealth or state Ombudsman • keep records of all incidents involving allegations or suspicions of reportable assaults • ensure support workers are protected from repercussions from making reports about suspected abuse by keeping their identities confidential.

Complaints management

A complaint is an expression of dissatisfaction in relation to a service provided. A complaint may be formal, such as a written/emailed complaint, or informal, such as something said during a discussion. A complaints policy will include statements on how to manage a complaint fairly and resolve it quickly. The policy may also include a statement on using complaints constructively to improve services. All complaints must be dealt with confidentially and discussed only with the people who are managing them.

Depending on the organisation, complaints may be handled as follows.

Internally	Your organisation must have an internal complaints process in place to assist service users, their families, and workers to make a complaint. The process must be fair and non-discriminatory and not penalise the person making the complaint. Steps to include are: • listen to the complaint without defending yourself or anyone else – take notes so you get all the facts about the complaint and can remember the information later • validate the other person's feelings • tell the person what your plan of action will be – for example, you will report it to senior management • report and record the complaint • make sure the complaint is followed up and let the person know what is happening.
Externally	You may need to engage the services of a qualified counsellor, the Commonwealth Ombudsman, an advocate or services specifically designed to handle complaints about or from older people, people with disabilities, or complaints relating to children. Examples of external agencies include: • the Aged Care Quality and Safety Commission, covering both residential and community aged care services • the National Disability Abuse and Neglect Hotline, which can be used by anyone to report abuse and neglect of people with disabilities who are users of government-funded services • state and territory governments who handle complaints about state-run and funded children's services and services for people with disabilities.
Referrals	Service users can complain to the Commonwealth Ombudsman if they require more support to resolve their complaints. Under the *Ombudsman Act 1976* (Cth) the Commonwealth Ombudsman investigates complaints about the administrative actions of Australian Government agencies. The ombudsman: • is independent and impartial • has wide powers to investigate the actions and decisions of government agencies to see if they are wrong, unjust, unlawful or discriminatory • works to improve public administration generally • can suggest or recommend a remedy where appropriate. The services provided by the ombudsman are free. Complaints can be made by using the online complaints form, or by phone.

You can find out more information about making a complaint to the Commonwealth Ombudsman here: aspirelr.link/ombudsman-help

Employee rights and responsibilities

In every organisation, public or private, small or large, everyone has rights and responsibilities. For example, an employer has the right to expect certain standards

of performance from employees, and employees have the right to expect certain conditions from their employer. The employer is responsible for the safe and successful operation of the organisation; employees must complete their work tasks to ensure that the operation runs efficiently.

The rights and responsibilities of employees are listed below.

Employee rights	Employee responsibilities
• A safe workplace	• To follow policies and procedures and always work in a safe manner
• A workplace that is free from harassment and discrimination	• To comply with duty of care requirements and follow instructions carefully
• Access to a grievance (complaints) process	• To be competent and work within their level of training
• Wages in accordance with the award rates	• To be willing to learn and train in new skills
• The clear direction of their duties	• To be punctual, courteous and respect cultural and social diversity

Employer rights and responsibilities

It is important that your employer understands employment-related legislation and the obligations a workplace has towards employees. Issues such as tax and pay, annual leave, and flexible work arrangements are all covered by employment legislation and must be applied fairly to all employees across the organisation. Keeping employee morale high and ensuring a safe work environment improves the overall efficiency of an organisation and reduces staff turnover.

Employer rights and responsibilities are listed below.

Employer rights	Employer responsibilities
• To determine whether a person can perform the inherent requirements of their role • To identify if any reasonable adjustments may be needed by an employee to perform their role	• To provide equal employment opportunities • To make reasonable adjustments to support a person with a disability • To provide a safe and healthy workplace for employees, service users and visitors

Employer rights	Employer responsibilities
• To establish facts for entitlements such as personal leave, superannuation, workers compensation and other insurance	• To protect an employee's privacy • To prevent harassment and bullying in the workplace • To pay employees correctly and ensure they receive everything they are entitled to • To make sure employees are trained to do their job safely • To maintain up-to-date employee records

The Fair Work Ombudsman provides numerous fact sheets about workplace rights and obligations, which you can read about here: aspirelr.link/fairwork-rights-obligations

Service users' rights and responsibilities

When accepting services from a provider, a service user also has responsibilities. These include:

• to respect the human worth and dignity of staff and other service users

• to accept responsibility for the results of any decisions they make

• to play a part in helping the provider to supply services.

When providing community services, the people in your care also have rights, as set out in the following section.

Dignity

Your service users have the right to be spoken to and treated with respect and concern for their feelings and entitlements. Maintaining a person's dignity means not talking down to them and having regard for their individual, cultural and religious rights.

People should be able to retain their personal, civic, legal and consumer rights and be assisted to achieve active control of their own lives within the community. Factors that contribute to a person's dignity include having a sense of control, the capacity to communicate, recognition of friends and family members, having adequate pain and symptom management, and having their continence appropriately managed.

It is also important to avoid inappropriate prolongation of life; this is addressed when care teams take a palliative approach, which enhances the person's dignity and quality of life. In Victoria and Western Australia, clients have the right to request voluntary assisted dying if they are at the end of life and suffering from a terminal illness. Under the law, they can choose the timing and manner of their death.

Privacy

Privacy
A fundamental human right designed to protect people from intrusion and to selectively express themselves.

You need to respect and value your clients' **privacy**. Privacy is applied to a person's physical environment and possessions, their physical and bodily needs, and their personal relationships, information and needs. Privacy relates to many areas including the right not to be watched, listened to, or reported upon without consent; and to not be the focus of uninvited public attention. Privacy is protected by legislation.

Confidentiality

Confidentiality
The principle of keeping personal information private, unless the person consents to sharing the information with other parties.

Service users entrust a great deal of information to community services workers. In return, you must make every effort to ensure that this trust is not abused in any way. Help protect the interests of people requiring support by not passing on information to anyone who is not entitled to receive it. Always maintain **confidentiality**, and avoid discussing service users outside of the work setting.

Your service users have the right to expect that their personal information will remain confidential and secure. They also have the right to access their own health and personal information. This includes all care records and personal information shared with you by the person and others, as well as communications from other agencies and medical information from health professionals.

Remember to appropriately file personal documents (electronically or in paper-based systems) as soon as you have finished with them and to destroy records appropriately.

Informed choice

You must provide relevant, sufficient and correct information to people requiring support so they can make their own decisions and choices. Service users have the right to be involved in decision-making that affects their care and wellbeing. They must be given enough information to make an informed choice. You should encourage service users or their representatives to take responsibility for their actions and choices, and choose a service or care plan that best meets their needs and preferences.

Focus on the needs and preferences of the service user and their carer, families or advocate. Take into account any lifestyle choices, as well as cultural, linguistic and religious preferences. Encourage the involvement of the service user in the planning, development and management of the service to ensure they understand and are able to exercise their rights.

Access to services

People requiring support should have access to the services they need and receive equal treatment for equal needs in a non-discriminatory manner, regardless of their gender, social circumstances, ethnic and cultural backgrounds or disability.

According to the *Home and Community Care Act 1985* (Cth), special services to improve access and equity must be provided to:

- Aboriginal and Torres Strait Islander peoples

- people from culturally and linguistically diverse communities

- people who live in rural and remote communities

- people who are financially disadvantaged

- war veterans.

Services Australia (formerly the Commonwealth Department of Human Services) provides comprehensive information for older people, people with disabilities and those who provide care and services to others. Services Australia provides free and confidential information on community aged care, disability and other support services available across Australia.

Social needs

You must recognise that people in need of support also have **social needs**. For example, you and your team members should:

- support the rights of married couples to live a married life

- provide ease of access for families and other visitors with due regard for the wishes of service users

- recognise the needs of residents for social contact and provide opportunities for social interaction, including opportunities to develop new friendships within the residential care environment and wider community.

> **Social needs**
> The need for social relationships with other people.

Freedom of association

Freedom of association is a principle of human rights conventions that recognises people's right to meet and interact freely without the interference of the state, or of others. You and your team members must not threaten to organise or undertake any action that applies undue pressure on another person. It is illegal to discriminate, threaten or otherwise victimise another person. People have the right to associate with whomever they wish and should be provided with the opportunity to do so.

> **Freedom of association**
> The right of persons who share a common goal to form and/or join an association.

Freedom of expression

All service users, their carer/s, friends and family have the right to participate in decisions about the service they receive and exercise **freedom of expression**. For example, if a person would like to collaborate with you or one of your team members in developing their care plan, they must be provided with the opportunity to express their ideas, opinions, queries and concerns. Listen carefully to the needs and preferences of service users to ensure their rights are upheld and make sure you allow service users to express themselves without judgment.

> **Freedom of expression**
> The right of persons to express their opinions in a democratic society.

Complaints

All service users have the right to complain if they are dissatisfied with the way care is provided or have concerns regarding any aspect of the service, such as catering, financial matters, hygiene, security, activities, choice, comfort and/or safety.

Complaints procedure
Procedure to communicate a grievance to an organisation.

A **complaints procedure** is a legislative requirement that all organisations must comply with. The procedure allows the service user to exercise their rights and also provides your organisation with useful feedback about the appropriateness of the service you provide. Everyone in your organisation needs to understand the complaints procedure. All complaints should be dealt with fairly and promptly and without fear of repercussions.

Agreed care standards

People requiring support should be able to expect your organisation's service standards to:

- be reliable and dependable

- adhere to legislative requirements

- be inclusive of service users' participation and collaboration

- be affordable and accessible

- be fair in regard to rights and responsibilities

- be individualised for each person and their particular needs.

Example
Evaluate your own area of work and determine the scope of compliance requirements

Jodie is an enrolled nurse who has worked for the past five years in a large residential aged care facility. Jodie explains to the support worker trainees the importance of being aware of their job role and the scope of compliance requirements that apply to them.

Jodie believes that a workplace with good communication and a commitment to teamwork creates a workplace culture where everybody accepts responsibility for their own actions. This, in turn, enhances the commitment to legal responsibilities and liabilities in a community services environment, which can often be physically and emotionally demanding.

Practice Task 3

Question 1

List two Acts that protect a person from discrimination.

Question 2

To comply with informed consent guidelines, what are two aspects of consent that must be upheld?

Question 3

Explain two aims of the legislation regarding the management of health records.

Question 4

List one important guideline you must follow when managing a complaint.

Question 5

List two rights and two responsibilities of an employee.

Question 6

Describe two rights and two responsibilities of an employer.

Question 7

List two rights and two responsibilities of a service user.

Question 8

List one human rights instrument that gives guidance on the rights of people with disabilities.

Question 9

Describe one key focus of a human rights approach to service delivery.

Question 10

Explain one aspect that a human rights framework can provide policy guidance for.

Question 11

Explain two areas that a service must uphold to be compliant with the Universal Declaration of Human Rights.

Question 12

Briefly describe the role of child protection legislation.

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

Case study

Danielle is the manager at a low-level aged care home. Louise is an older person who receives support for arthritis. She maintains her independence by using her car to shop and visit her friends. Louise's son Nathan has recently expressed his concern to Danielle about Louise's ability to drive safely and asks Danielle to take the car keys away from her. He offers to buy Danielle a meal at a local restaurant if she tells Louise that she can longer drive and takes away the car keys. Danielle refuses the meal offer and decides to speak with Louise.

Upon speaking with Louise about her driving skills, Louise tells her that the only time she has difficulty driving is when she is in heavy traffic and has to look quickly over her shoulder to change lanes. To avoid this, she does not drive at peak times.

Danielle tells Louise that Nathan has expressed his concerns about Louise driving and that he asked Danielle to take her car keys away, so she can no longer drive. Louise begins to cry and tells Danielle that Nathan has been trying to get her to sign her car over to him. He has been hounding her and now she is afraid to be alone with him as last time he yelled at her.

Danielle tells Louise that she believes she is in no foreseeable harm when driving and it is within her rights to choose to continue to drive. She also says that she is concerned about Nathan's behaviour and believes that Louise may be experiencing abuse. She tells Louise she will arrange for a support worker to be with her next time she sees Nathan, and that it is her choice if she would like to continue to see her son or not.

Question 13

How has Danielle ensured that the service complies with WHS responsibilities?

Question 14

How has Danielle upheld Louise's dignity of risk?

Question 15

If Danielle accepted the meal from Nathan, what would Danielle be in violation of?

Question 16

If Nathan challenges Danielle's decision to not take away Louise's car keys, what Standards could Danielle refer to that would ensure her decision complies with best practice standards?

Question 17

When Louise tells Danielle that she afraid when Nathan visits and she doesn't want to be alone with him, what is Danielle's responsibility in this situation?

1D Identify risks, penalties and consequences of non-compliance

Adhering to duty of care requirements means that an acceptable standard of care is provided to people requiring support. It also protects the health and safety of community services workers.

Services offered by community services providers must comply with duty of care requirements and be aligned with the standards outlined in the organisation's code of conduct. There may be serious penalties and consequences for individuals and organisations whose action or inaction exposes any person to the risk of harm.

Non-compliance

When working with people requiring support, you and the support workers must identify any areas where there is a risk of non-compliance.

Federal, state and territory and local government departments enforce compliance requirements in order to protect people from harm and stop unlawful conduct. To ensure compliance with the law and raise awareness of legislative requirements, they publish enforcement actions and use other compliance tools to deter and punish serious offences. Regulatory bodies ensure that all community services organisations are informed of their compliance obligations and provided with appropriate support.

Identifying any practices that pose a risk of non-compliance is the first step in preventing or minimising **risk**. Different service providers have different risks and considerations. If you or other employees fail to take reasonable steps to assess possible risks to people's safety or fail to act to prevent foreseeable harm, you may be in breach of your duty of care obligations.

Areas at risk of non-compliance may include the following.

Risk
The probability and consequences of injury, illness or damage resulting from exposure to a hazard.

Work health and safety

One of the most common WHS risks that community services workers experience is related to manual handling. Back problems and muscle sprains account for the majority of injuries in the sector. To minimise risk in this area, workers must ensure they follow the correct procedures for lifting and manual handling. Other safety hazards vary with the work environment.

When WHS issues arise, take all concerns seriously and act on them quickly. An employer cannot dismiss an employee or change their work function or role to their detriment simply because they have raised safety issues or are part of a health and safety group or committee. There are significant penalties for breaching WHS legislation. You must have procedures in place to deal with safety issues quickly and effectively. There may be serious consequences if issues are left unchecked.

Equal employment opportunities

Equal opportunity principles are based on the right of all people to participate equally in all areas of public life such as employment, housing, education, and in accessing services. They should be able to do this without fear of discrimination or unfavourable treatment, such as bullying or harassment.

You must have an understanding of your employer's and your obligations under the law in order to ensure compliance. Federal and state anti-discrimination and equal opportunity legislation makes it unlawful to discriminate against a person in relation to employment. The *Australian Human Rights Commission Act 1986* (Cth) outlines requirements for equal opportunity in employment and deals with breaches in this area, including discrimination on the grounds of colour, race, religion, gender, political or religious beliefs, medical history, disability or impairment, age, criminal record, marital status or nationality.

Confidentiality

Community service organisations and agencies have obligations under the *Privacy Act 1988* (Cth) to put reasonable security safeguards in place and take reasonable steps to protect the personal information they hold from misuse, unauthorised access, modification, disclosure, interference and loss.

Personal information breaches are not only limited to malicious actions such as theft but may also arise from internal errors, or failure to follow information handling policies and procedures that cause accidental disclosure or loss. If you identify a real risk of serious harm as a result of a data breach, the affected individuals should be notified to promote transparency and trust in your organisation.

Inadequate knowledge or training

You may have to deal with a team member who is not performing their tasks appropriately. This may be because they have forgotten the procedures, they did not understand the procedures when they were trained, or they have become complacent and learnt bad habits. If this occurs, speak with the team member and clear up the situation as quickly as possible, as their non-compliance may cause problems for other team members or people requiring support.

Conduct a risk assessment

Risk assessment
Determining the likelihood a hazard will cause harm, injury or ill-health and determining its possible consequence.

Risk management involves identifying risks, reviewing them, implementing strategies to deal with them and documenting what has happened. A **risk assessment** may be undertaken in response to a non-compliance issue whereby a person was exposed to a serious risk of harm. The assessment will consider whether the continued provision of the service constitutes an unacceptable risk to the safety, health and wellbeing of the people requiring support and community services workers alike.

Risks are usually assessed as being high, medium or low.

- High risk is when there is a significant chance that a person or property may be harmed or damaged – for example, hazards such as objects or spills on the floor that constitute trip hazards, or the incorrect use of equipment.

- Medium risk is when there is a chance that someone may get hurt – for example, by not using the correct footwear or not having breaks when doing repetitive tasks.

- Low risk is when there is little chance that someone will be hurt or property damaged.

Each risk situation should be carefully considered with the aim of determining which is most likely to cause injury or harm to individuals, and the likely seriousness of potential injuries or harm. Focus on the situations likely to cause the most serious injuries or harm to health and assign these the highest priority. If a situation is deemed to be high risk, it must be dealt with immediately.

Report critical incidents

All government providers delivering health, human, or social services are required to report critical incidents involving or impacting upon service users that occur at the service, or during the delivery of a service. Most incidents reported are considered allegations as they are yet to be proven.

Critical incidents
Any occurrences that cause severe risk or harm to a person.

Critical incidents must be reported so authorities and community services organisations can work together to prevent future incidents from occurring. Without a detailed analysis of incidents affecting service users, providers and workers, potential hazards cannot be identified and mitigated or avoided.

High-risk non-compliance will result in the most serious action. You can encourage support workers to respond to compliance-related issues by suggesting they carefully consider the consequences of their decisions and actions.

The purpose of enforcement mechanisms is to ensure compliance with an enacted behavioural rule by those to whom the rule is directed. The legislature allows choice whether to use criminal or civil procedures for this purpose or to provide an administrative method of dealing with the breach.

A range of actions may be taken as a result of non-compliance, as shown below.

Enforcement actions
Enforcement actions for serious non-compliance may include: • suspension or cancellation of provider approvals, service approvals or supervisor certification • the issuing of compliance notices • the imposition of conditions on approvals or certificates for the purposes of enforcement • injunctions to restrain certain conduct • injunctions requiring positive action to be taken, such as participation in a training program • the acceptance by the relevant department of enforceable undertakings • the details of prosecutions or applications to the appropriate state's tribunal (for example, WA's State Administrative Tribunal). An infringement notice regime allows an offender to avoid criminal or civil penalty proceedings by paying an administrative penalty. A person is served with a notice that sets out the particulars of an alleged offence and gives them the option to pay the penalty specified or have the matter dealt with in court.

Criminal actions
The purpose of criminal law is to respond to and impose penalties on people who act outside the law and who are involved in crimes such as murder, assault, sexual offences and property offences. Criminal law defines what constitutes a crime, outlines appropriate penalties and sentences for different crimes and sets down matters of court procedure such as the provision of evidence. A wide range of penalties are provided for criminal offenders including imprisonment, community service orders, or licence cancellations. A person charged with a criminal offence has access to a variety of procedural protections to avoid self-incrimination.

Civil actions
Civil law covers relations and disputes between individuals or organisations and applies to all types of law and legal situations outside the category of criminal law. Many civil law cases involve 'torts' or legal wrongdoings. Tort law aims to protect an individual's safety and wellbeing and to protect property, including intellectual property. Examples of torts include negligence, defamation and absence of consent. Civil penalty provisions prohibit or require certain conduct and set out penalties for contravention of the prohibition or requirement. Contravention is not an offence and a person contravening is not subject to criminal prosecution, conviction or sentence. A court or tribunal is given the power to impose specified penalties on the contravener. This is usually a government body but may be a private party, such as a union, employer association or private individual. The specified penalty may be a monetary amount including an order for the payment of compensation, a community service order, or other relevant sanction, such as licence cancellation.

Example
Identify risks, penalties and consequences of non-compliance

Celeste is a senior staff member at specialist disability accommodation provider. Celeste has noticed today that one of the team members, Tom, is not using the correct technique to assist an 18-year-old client, Karena, to get into her wheelchair. Celeste knows that Tom is aware of the organisation's WHS procedures and compliance requirements and that he competently uses the proper technique with other older and heavier clients.

Celeste decides that the best way to approach this is to discuss the issue with Tom in private. Over morning tea, Celeste raises the topic with Tom and reminds him that the WHS procedures are for a no-lift workplace. She reminds Tom that if he injures himself or Karena, he will have compromised his own safety and possibly Karena's as well. Celeste explains that if WHS procedures are not upheld, the service may receive a penalty or a notice of non-compliance. Tom assures Celeste that he will be vigilant in upholding the WHS requirements from now on.

Practice Task 4

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

Case study

Lynette has completed a Diploma of Community Services, and has just started work as a support worker at an aged care home. When the initial training and handover is complete, Lynette commences her duties. She is keen to impress her co-workers, although she is feeling a bit unsure of some of the tasks she has been allocated.

Lynette's first task this morning is to assist Margaret, a small, frail lady whose individualised care plan states that she is to be showered and returned to bed. For the transfer to the bathroom, the care plan states 'Lifting machine x 2'. Lynette isn't quite sure she remembers how to use their lifting machine correctly, so she decides to tackle this job on her own rather than bother another worker and appear inexperienced. Because Margaret is very small and light, Lynette decides to lift Margaret onto a shower chair herself, and proceeds to shower her.

Margaret seems very uncomfortable throughout the procedure and upon returning her to bed Lynette notices a large skin tear on the back of Margaret's right leg.

Question 1

How has the duty of care been breached? Explain your answer.

Question 2

List one possible consequence for Lynette for breaching her duty of care.

Question 3

List two risks Lynnette should have identified.

1E Assess the need for specialist legal advice

You and your team must always act within the scope of your role and responsibilities and seek advice to clarify anything you do not understand or need specialised information about.

Legal advice
Advice provided by a legal professional or lawyer.

In some situations, it may be necessary to seek specialist **legal advice** on matters relating to compliance requirements and responsibilities or to respond to a claim made by a person receiving care.

You should develop a database of specialists, including legal experts, that your organisation deals with and record the areas for which they can provide information and advice. This should be regularly updated and must reflect the current contractual arrangements of the service.

You can assess whether you need specialist legal advice if the issue faced by you or your organisation is outside the scope of your role, qualifications or experience.

Make sure you understand your level of authority and know who is responsible for contacting legal experts. If an issue is referred to an external specialist, carefully record their advice and outcomes. Inform yourself as to who in your organisation is responsible for resolving legal disputes and issues of non-compliance.

Legal advisers and specialists could include the following.

Private lawyers	Private lawyers or solicitors can provide you and your organisation with legal advice and representation in relation to a range of matters. Fees vary depending on the law firm and the type of work being undertaken. Lawyers may be internal or external to your organisation.
Community legal centres	Community legal centres (CLCs) are independent not-for-profit community organisations that provide free legal services to the public. CLCs focus on helping clients who are economically or socially disadvantaged and who are ineligible for legal aid, or cannot afford a private lawyer. Generalist CLCs provide services on a range of legal issues to people in their local area. Specialist CLCs can help with particular areas of law such as human rights, welfare, or immigration law; or assist specific groups of people, such as young people, older people, women, or people with mental illness or disabilities.

Legal aid	Legal aid services are provided by each state and territory. Legal aid is a government-funded agency set up to provide legal help and advice to people who cannot afford to pay for a private lawyer. Legal aid offers free legal information, education and advice for all Australians, and funds legal representation for people who meet eligibility criteria based on their financial situation, the nature and seriousness of their issue and their individual circumstances. It can help people with legal problems relating to child protection, social security, mental health, discrimination and other matters.
Legal assistance schemes	'Pro bono' means work done by private lawyers that is free of charge, or without the expectation of a fee. Many law firms have pro bono schemes through which they offer free legal services to individuals who cannot otherwise access legal assistance. Legal assistance schemes can assist people who are ineligible for legal aid, meet a means test and have a matter that has merit or public interest.
Ombudsman	An ombudsman is an official appointed to investigate individual complaints against a company, organisation or public authority. An industry ombudsman can help you understand your rights and responsibilities as a consumer, employee or employer. For example, the Fair Work Ombudsman can provide legal advice relating to compliance with Australia's workplace law. The Fair Work Ombudsman can also: • investigate possible breaches of workplace law • issue compliance notices requiring an employer to fix a breach of an Australian workplace law • issue an infringement notice to an employer who does not follow its record-keeping and payslip obligations under Australian workplace law • take a matter to court where there has been a serious contravention of Australian workplace law.
Government authorities	Government inspectors, auditors, regulators or advisers employed by state or territory government departments may provide advice, resources or key contacts to assist you to deal with issues of non-compliance or provide advice on accreditation, certification or auditing requirements.
Advocacy services	Advocacy services offer free, confidential and state- or territory-wide services to people, or their representatives, who are consumers or potential consumers of a community-based service or an Australian-Government-subsidised care facility. Advocacy services are useful for community services organisations as they can provide advice on the rights and entitlements of service users. For example, the Australian Government's National Aged Care Advocacy Program (NACAP) can provide advice relating to the rights and entitlements of an older person.

Ombudsman
An official who is appointed to investigate and individuals' complaint against an organisation.

You can find out information on each state and territory's legal aid services here:
aspirelr.link/legal-aid

Specialist legal advice

Private lawyers must be qualified and hold a current certificate of practice to offer legal advice, information or representation. It would be helpful to choose a solicitor with appropriate experience or expertise relevant to your industry.

You should always seek legal advice in relation to duty of care issues. Private lawyers may specialise in a particular area, such as:

- WHS legislation and regulations

- workers' compensation claims

- privacy, confidentiality and disclosure issues

- contract law

- competition and consumer affairs

- criminal law

- civil law, including negligence

- equal employment opportunity and anti-discrimination law

- Australian and international industry standards.

Accessing legal advice

There are a range of organisations and websites to help you assess whether you need professional legal advice. If you are a new user of the legal system, these organisations can guide you in holding preliminary discussions, and with engaging a lawyer to represent you if you need to take, or respond to, legal action.

The law society or institute in your state or territory is a good starting point for finding a lawyer or other accredited specialist suitable for your legal issue.

Using a lawyer referral service will usually entitle you to an initial inquiry with a lawyer that is free of charge. You can use this interview to determine with the solicitor the nature of the legal issue, discuss the available options and request an estimate of costs to proceed with the matter.

If you request a solicitor to undertake any legal work on your behalf, or on behalf of your organisation, such as reading contracts, writing letters or participating in negotiations, the solicitor's usual fees will apply. Make sure you discuss these costs before asking the lawyer to proceed on your behalf.

Example
Assess and act on the need for specialist legal advice

Simeon is the disability service provider manager at an organisation providing 15 shared accommodation homes in Adelaide for people with disabilities. The homes are high-quality, community-based, shared accommodation with only a small number of people in each. They are based on principles of person-centred active support – an approach that encourages people with disabilities to fully participate in life. This framework ensures that Simeon and the workers can support people with disabilities in a way that promotes quality-of-life outcomes and independence.

Simeon receives a complaint about one of his team members, Ralph. The people he supports and their family members have reported that Ralph sometimes falls asleep while he is supposed to be assisting people, and he is often watching videos on his phone instead of fulfilling his responsibilities. This complaint will result in Ralph's third written warning. Simeon intends to dismiss Ralph but is unsure what action he must take to comply with industrial relations legislation. Simeon visits the Fair Work Ombudsman website to clarify his responsibilities and obligations as Ralph's employer. He also contacts an external employment lawyer, previously used by his organisation, to seek specialist legal advice about how to ensure Ralph's dismissal is fair and reasonable.

Practice Task 5

Question 1

In the table below, briefly describe the type of specialist legal practitioner and advice you could access to deal with each of the issues listed. An example is provided to get you started.

Legal issue	Legal practitioner	Specialist legal advice
Workplace bullying	Fair Work Ombudsman	Explanation of the law relating to workplace disputes and advice on resolving allegations of workplace bullying.
Professional negligence		
Discrimination		
Work health and safety breach		

Summary

- The community trusts service providers and expects them to uphold legal and ethical standards in their work.

- As a manager, you must understand the compliance requirements related to your role, as well as your own legal responsibilities.

- Regulatory authorities are a useful source of information on community services regulations and standards, and accreditation or certification requirements.

- You must determine the scope of compliance requirements for your area of work so you can work safely in a community services environment while supporting the rights of service users.

- Duty of care requires that an acceptable standard of care (that is reasonably practicable) be provided to ensure the health and safety of community services workers, people requiring support, and visitors to the service.

- When working with people requiring support, you and your co-workers must identify any practices or areas where there is a risk of non-compliance.

- In some situations, it may be necessary to seek specialist legal advice on matters relating to compliance requirements or to respond to a claim made by a service user.
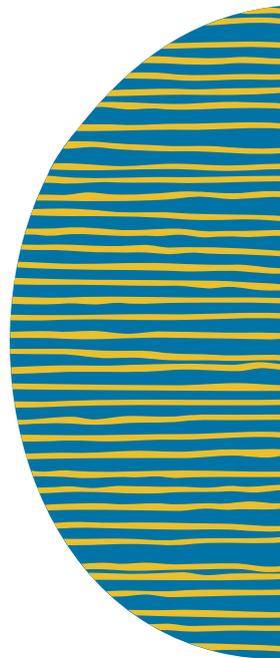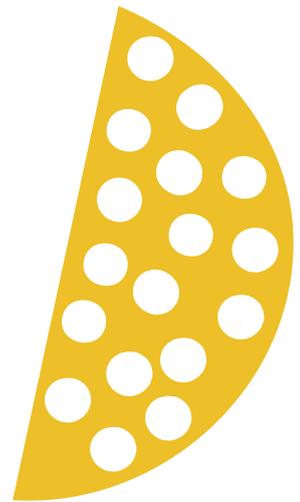
Learning Checkpoint 1

Research information required for legal compliance

Part A

1. Match each of the following sources to the type of information and compliance advice they offer.

Regulatory authorities	Legislation, regulations, guides to social policy law, information about consumer rights and protection information
Government departments	Easy-to-read information sheets in plain English – for example, on the *Disability Services Act 1986* (Cth)
Industry associations	Information about accreditation or certification requirements
Explanatory documentation	Information about advertising, lobbying, networking activities or educational materials

2. Write a brief explanation of the purpose of regulatory authorities.

3. Match the following policy areas to the corresponding example of why a manager may need to develop a policy on this in the workplace.

Policy area	Example
Children in the workplace	This policy should be put in place to protect the rights of all people requiring support to make their own decisions and act independently, even if those actions involve an element of risk.
Discrimination in the workplace	This policy should be put in place to ensure care is taken to avoid acts or omissions that may cause foreseeable harm to other workers, to people in need of support, and to external stakeholders.
Dignity of risk	This policy should be put in place to promote equality before the law for everyone in the workplace.
Duty of care	This policy should be put in place once a service starts to work with children.
Industrial relations	This policy should be put in place to ensure a safe working environment is provided for all employees, service users and others, and to reduce work-related incidents and illnesses. It should ensure the organisation meets its legal obligations under the *Work Health and Safety Act 2011* (Cth) or relevant state and/or territory Act.
Work health and safety	This policy should be put in place to guide a service in the collection, use and storage of personal information according to the *Privacy Act 1988* (Cth) and other relevant legislation.
Privacy, confidentiality and disclosure	This policy should be put in place to manage all work-related entitlements and obligations between service employers and their employees, according to the *Fair Work Act 2009* (Cth).

4. Explain the purpose of the Universal Declaration of Human Rights.

5. Which of the following statements about human rights are correct? Tick all that apply.

☐ Human rights include food, water, and shelter.

☐ Human rights include a fulfilling career.

☐ Human rights include freedom of speech and freedom from discrimination.

☐ Human rights include clothing, sanitation, education and healthcare.

6. Provide one example of a human rights instrument that could be used to inform the development of policies and procedures in a community services organisation.

7. List one legal responsibility related to informed consent.

8. Which of the following situations require mandatory reporting? Select yes or no for each one.

a. A person requiring support shows a significant change in behaviour or other signs that may indicate abuse	Yes / No
b. A person requiring support appears nervous or apprehensive about a particular person, or someone appears to be behaving inappropriately towards them, for example, being threatening or intimidating	Yes / No
c. A person requiring support discloses that they are being abused or harmed by another person	Yes / No
d. A person requiring support has formed a close friendship with their support worker	Yes / No
e. A person requiring support seems to enjoy the company of another person in the same service facility	Yes / No
f. A family member or carer is not addressing the financial, health or medical needs of a person with support needs.	Yes / No

9. List the regulatory body and reporting scheme for abuse and neglect in residential aged care providers.

10. List one reason why it is essential for community services organisations to have business insurance.

11. Match each regulated restraint practice on the left with its scenario on the right.

Environmental restraint	Maria is being cared for at home by her daughter Anna. Maria takes several types of medication. Anna struggles with the amount of support she needs to provide to Maria, so sometimes when she is too tired, she gives Maria some extra medication to get her to sleep longer.
Chemical restraint	Tina cares for her mother at home. Sometimes she wants to have visitors and not be disturbed. So she locks her mother in the bedroom for a few hours.
Seclusion	Sam is a child with cerebral palsy who likes playing with Lego, but each time he does he tips the entire crate all over the floor. The support worker does not have time to tidy up the Lego bricks, so he locks them away in a cupboard before Sam is finished playing with them.

12. List two examples of consequences for criminal non-compliance.

13. List two examples of consequences for civil non-compliance.

14. Match the following rights and responsibilities of employers to the correct descriptions.

Employers legal rights	establish facts for entitlements such as sick leave, superannuation, workers compensation and other insurance
Employers responsibilities	identify if any reasonable adjustments may be needed by an employee to perform their role
Employers responsibilities	determine whether a person can perform the inherent requirements of their role
Employers responsibilities	provide equal employment opportunities
Employers legal rights	provide a safe and healthy workplace for employees, service users and visitors
Employers legal rights	make sure employees are trained to do their job safely

15. Match the following rights or responsibilities of service users to the correct descriptions.

Service users legal rights	Agreed care standards
Service users responsibilities	Confidentiality
Service users responsibilities	Dignity
Service users responsibilities	Treat all community services workers with respect
Service users legal rights	Provide feedback on the service delivery
Service users legal rights	Notify the service provider should personal circumstances change that affect service delivery

16. Number each step from 1 to 5 in the order you should follow to handle a complaint.

	Report and record the complaint
	Listen to the complaint without defending yourself or anyone else – take notes so you get all the facts about the complaint and can remember the information later
	Tell the person what your plan of action will be; for example, you will report it to senior management
	Validate the other person's feelings
	Make sure the complaint is followed up and let the person know what is happening

Part B

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

Case study

Cole is an experienced mental health support worker from the United Kingdom who has recently moved to Melbourne to begin his new role as a program manager for mental health for a not-for-profit organisation. Cole has been provided with a comprehensive role and responsibilities statement and completed an internal induction program. He is concerned, however, that the compliance requirements he followed in the UK are different from the requirements outlined in Australian legislation and he is not familiar with some of the terminology. During Cole's first week on the job, he is required to respond to a critical incident where a client physically harassed and assaulted Sacha, a support worker employed by Cole, during a home visit. Cole must respond to the critical incident immediately.

1. Describe two sources of information that Cole could access to find out about the compliance requirements related to his area of work.

2. In this instance, what two key rights must Cole uphold to Sacha, as her employer?

3. List three key responsibilities that Sacha must carry out in her role as a support worker.

4. Describe one consideration Cole must make to evaluate his own area of work.

5. Explain the scope of compliance requirements that may relate to Cole's role as a manager in the mental health sector.

6. Describe one risk that Cole needs to manage in this situation.

7. Explain two possible consequences and/or penalties for Cole for not complying with his legal responsibility to provide a safe workplace for Sacha.

8. Describe how Cole could assess and act on the need for specialist legal advice relating to the critical incident described.

Topic 2: Determine ethical responsibilities

2A Identify the ethical framework of your workplace

2B Incorporate scope of ethical practice and evaluate your responsibilities to others

2C Model ethical behaviour in your own work
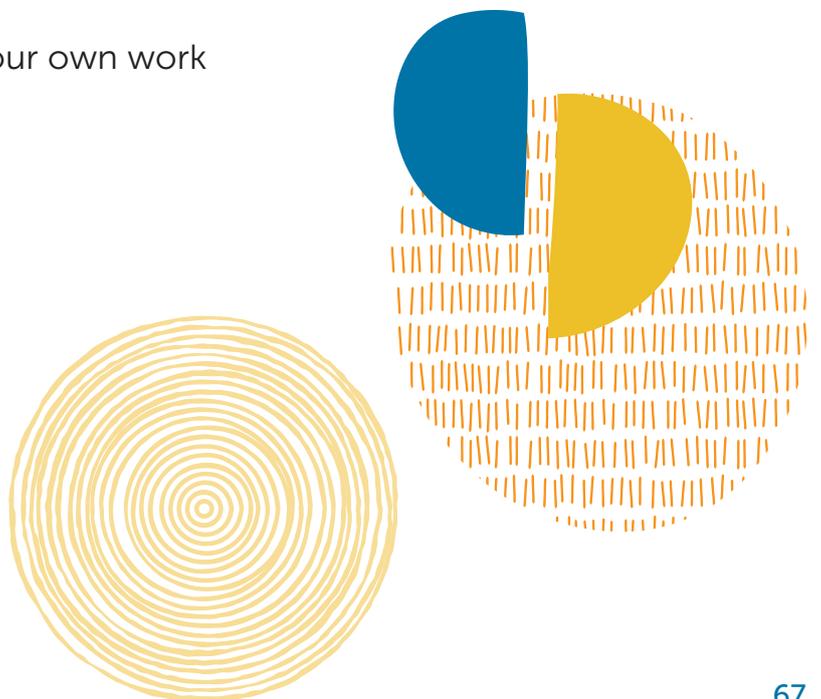
2A Identify the ethical framework of your workplace

As a manager in the community services sector, you must understand and apply the ethical frameworks that are relevant to your work context.

Managers and team leaders need to ensure that all team members carry out their work in a way that meets organisation and industry standards for **ethical** practice. You may need to deal with situations that are complex and challenging and cannot be easily resolved by referring to the legislation or organisational policies and procedures. In these circumstances, you need to be guided by ethical conduct.

Ethical
Relating to moral principles.

Make it a priority to understand the rights and responsibilities of workers, employers and service users, and model ethical behaviour in your own work practices.

All people are entitled to high-quality standards care from community services workers. Everyone who works in the community services environment is required by law to work according to ethical standards, to know the scope of their role and their ethical responsibilities. The Australian Community Workers Association has both the Code of Ethics and Australian Community Work Practice Guidelines that outline the principles and responsibilities of community workers. These work in conjunction with legal frameworks such as the Aged Care Quality Standards.

Ethical framework

In the context of community services, ethics are principles that guide your decisions and actions so that the rights and interests of people receiving support are safeguarded.

You need to be familiar with and understand the legislation, charters, industry standards and codes of conduct that must be applied and may be specific to the area of community services you work in. If you violate these you are breaking the law. The ethical framework of your organisation may be made up of:

- codes of conduct
- codes of practice
- practice standards.

Code of conduct
A set of rules that informs employees how to act in a workplace.

Codes of conduct

A **code of conduct** is a set of rules or standards that underpins professional practice and the provision of care. For example, the *National Code of Conduct for Health Care Workers* outlines the ethical responsibilities of people working in health care, which includes workers within disability and other community services. The Code of

Conduct for Aged Care sets out the expected behaviours of workers and aged care providers. Codes of conduct may be broadly applicable or specific to one area of community services.

In the community services sector, codes of conduct give you a set of standards that can help you make ethical decisions and actions. Ethical principles listed in a code of conduct relate to the rights of people to:

- be treated with respect

- life, liberty and security

- have their religious and cultural identities respected

- self-determination (when the person is able to make competent decisions)

- an appropriate standard of care to meet their needs

- privacy and confidentiality

- be recognised as a social being with social needs.

Codes of practice

Codes of practice, sometimes referred to as compliance codes, provide practical guidance on how to meet the standards contained in Acts and regulations. Codes of practice are generally developed in consultation with industry representatives, workers and employers, special interest groups and government agencies. They guide a range of matters, including duty of care, hazard identification, risk-assessment processes and risk control. Although they are not enforceable by law, codes of practice should be followed unless an alternative course of action can achieve the same or better standards.

> **Codes of practice**
> A document providing practical guidance on how to comply with duties in a workplace.

You need to be familiar with the codes of practice that apply to the community services environment. Depending on the area that you manage, you may need to understand codes of practice that are specific to your sector. For example, if your organisation provides family and domestic violence services for women and children, there is a specific code of practice that applies.

You can keep up to date with your state or territory's codes of practice by regularly visiting the website of the appropriate WHS authority.

> Codes of practice are available on the Safe Work Australia website: aspirelr.link/swa

Practice standards

When providing a service, there are legal, organisational, professional and community standards that need to be followed.

Practice standards need to be taken into account when determining standards of care. They may vary depending on the type of service provider, as described below.

Aged care
The Aged Care Quality Standards 2019 cover all areas of aged care, including: • consumer dignity and choice • ongoing assessment and planning • personal and clinical care • services and supports for daily living • the organisation's service environment • feedback and complaints • human resources • organisational governance.
Disability services
The National Standards for Disability Services sets out principles regarding the right to equal access and opportunity for people living with disability. International instruments designed to protect and promote the rights of people with disabilities include the United Nations Convention on the Rights of Persons with Disabilities.
Mental health
The National Safety and Quality Health Service (NSQHS) Standards were released in November 2017. These standards, as well as the Quality of Care Principles 2014, can be applied to all mental health services, including government, non-government and private sectors. These standards describe capabilities that all mental health professionals should achieve in their practice. The purpose of the standards is to complement discipline-specific practice standards or the professional competencies of nursing, occupational therapy, psychiatry, psychology and social work.

Ethical considerations

All workers must adhere to the ethical standards that are outlined in the code of conduct, code of practice and practice standards of their service.

Policies and procedures should be used to support ethical practice in both internal and external service delivery by translating ethical principles into practical actions. It is helpful to anticipate ethical dilemmas that may arise. An ethical dilemma can occur when ideas or actions conflict with what you believe to be ethically correct. You need to be able to recognise potential issues and dilemmas when they occur.

Each person differs in their specific needs, values, beliefs, attitudes and cultural background. As a manager or team leader, you need to act ethically towards every person who receives care in your service. To respect people's differences and deliver services that are founded on ethical conduct, consider the following ways that people differ.

Attitudes	• Be aware of people's attitudes and respect their right to hold certain attitudes. For example, some people believe that men should not stay at home to care for children; that teenagers should be home before 9.00pm; or that women should not be allowed to drive. • To work effectively with people who have different attitudes from your own, you need to adopt a non-judgmental attitude. This means accepting people as they are without trying to change or influence their views. This approach allows you to focus on the needs of the people you work with while keeping your own opinions and attitudes to yourself.
Values	• As a manager, you are expected to model appropriate behaviour to the rest of your team. This should always include respecting other people's values and never displaying attitudes of superiority to people who have different values from yours. Being conscious of and strong in your own values helps you accept others and respect the values that are important to them. Remember that each person will have their own thoughts about what is or is not important.
Beliefs	• People from different cultures and backgrounds may hold different beliefs about religion or spirituality, and different expectations of gender roles or how to raise children. For example, a Jewish person may choose not to attend activities on a Saturday because in their religion Saturday is a day of prayer and family time. • You may not have the same beliefs as some of the people you work with, but you should uphold and respect their right to their own beliefs. Do what you can to create a workplace culture where people are respected for their beliefs and try to learn as much as you can about them. This will help you and other team members understand people's individuality and provide a better level of care.
Culture	• A person's culture is a filter through which they experience life. People from the same cultural background share language, knowledge and traditions that are common to most people within their group. Culture provides the group with rules and norms for living and this is reflected in the values, attitudes and beliefs of each member of that group. A cultural difference should never be a barrier to service delivery.

Example

Identify the ethical frameworks that apply to your work context

Tabatha is the manager at an organisation that provides basic support to older people still living at home, but whose capacity for independent living is at risk. Tabatha has been asked by the senior management team to develop a code of conduct for the organisation's employees, which will underpin their professional practice and provision of care.

Tabatha begins preparing the code of conduct by developing a list of behaviour statements to get her started:

- Staff must promote a positive work environment by treating the people they support and members of the public with courtesy and respect, and with due sensitivity to the needs of people of different backgrounds and cultures.

- Staff must demonstrate honesty and integrity by ensuring that their actions and decisions are not influenced by self-interest or considerations of personal gain.

- Staff must act professionally and ethically by carrying out their duties diligently and efficiently.

- Staff must maintain the security and confidentiality of personal and sensitive information by strictly adhering to the procedures for managing personal information and records.

- Staff must maintain professional relationships with the people they support and not take unfair advantage of anyone or exploit any relationships they have with people requiring support.

Practice Task 6

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

Case study

The community service team you manage are responsible for delivering nutritious meals to people whose age and disability reduces their capacity to cook for themselves. The purpose of the organisation is to help service users to maintain some independence and stay in their homes for as long as possible.

The service encourages its workers to engage and interact socially with service users when meals are delivered to improve their general wellbeing.

Question 1

Which of the following ethical principles may be included in the organisation's code of conduct? Tick all that apply.

❑ The rights of individuals to be treated with respect

❑ The right to decide who receives meals

❑ The rights of individuals to have their religious and cultural identities respected

❑ The right to privacy and confidentiality

❑ The recognition that human beings have social needs

Question 2

Identify and describe one set of practice standards that apply to the service delivered by the organisation.

Question 3

List one way to ensure that the community service organisation conducts their operations in an ethical way.

2B Incorporate scope of ethical practice and evaluate your responsibilities to others

Using ethical frameworks to guide you, act within the scope of your role to fulfil your responsibilities.

This will require evaluating your ethical responsibilities to community service workers, people receiving support and the broader community to ensure you deliver a safe and ethical service at all times.

Scope of practice refers to the procedures, actions and processes someone is authorised to carry out in their work role. Working within your scope of practice requires being familiar with the range of functions that a particular work category is authorised to carry out. Organisations may have their own requirements about how workers should adhere to their scope of practice.

For example, although most community services workers receive some basic training in counselling, they would not use these skills in their job role as it is outside of their scope of practice. Organisations that provide counselling as a part of their service would employ qualified professional counsellors.

Consider the following information regarding the scope of practice.

> **Scope of practice**
> Procedures, actions, and processes that a healthcare practitioner is permitted to undertake in keeping with the terms of their professional license.

Questions to consider
• Does this particular task or activity fall within my position description?
• Who else may have responsibility for this task?
• Do other workers doing the same job carry out this task?
• Do I have the training, skills, knowledge or competence to carry out this activity?
• Is it in the best interests of the client that I do this task?
• What legal and ethical considerations apply to this situation?
• Do I need to seek advice to make sure I can carry out this task or activity?

Legal and ethical requirements

All workers need to understand their obligations within their scope of practice to meet the legal and ethical requirements of their roles. If there is confusion around these, they must be clarified.

If you or the support workers do not understand your legal and ethical responsibilities within your scope of practice you may risk breaching your

duty-of-care obligations, or risk not responding to situations responsibly or reasonably.

The difference between legal and ethical obligations are described below.

Legal obligations	Legal obligations include duty of care and adhering to the laws and regulations that govern your area of practice. For example, you may not be clear about your work health and safety obligations and responsibilities and how you can address these within your scope of practice.
Ethical obligations	Ethical obligations include ensuring you understand and apply the ethical codes and practice standards that apply to community services work. For example, you may not understand your ethical obligations relating to maintaining appropriate professional boundaries with service users.

Clarify scope of practice and evaluate responsibilities

You can help workers understand their scope of practice by clarifying it when they begin the job, and discussing organisational objectives and requirements, as described below.

How to ensure workers are clear on their scope of practice
Discuss in team meetings common issues that arise and encourage workers to raise any concerns when there is confusion or misunderstanding.
Create written FAQs (frequently asked questions) that explain common misunderstandings.
Ensure all team members understand who is responsible for what areas of practice.
Encourage team members to ask questions about any area of practice they are confused about.

Incorporate scope of practice considerations into ethical practice

Scope of practice considerations should be incorporated into workplace documentation that is easily accessible to all workers, and made available to the people you support on request. There are various sources of information you can use to help you understand your scope of practice, as listed below.

- Position descriptions
- Codes of practice or conduct
- Organisational policies, procedures and protocols
- Legislative or regulatory guidelines relevant to the work context
- Practice standards
- Rights and responsibilities statements (of workers and service users)
- Professional/industry association materials

Identify ethical issues

There may be times when you must make a difficult decision based on ethical considerations rather than legal ones. The ethical responsibilities of your service must be evaluated to ensure that any ethical issues are resolved promptly and services are delivered safely and fairly.

Ethical issues may include the following.

Maintain safety and security	• Some service users live in circumstances that are a threat to their own safety and security. They may refuse suggestions about changing their living arrangements. • You have a duty of care to protect the service user from harm. However, it is not appropriate for you to enforce lifestyle changes or make demands of the people you support.
Conflicting priorities	• Sometimes the people you support may try to coerce a worker into undertaking duties that are not within the scope of their job • While this may be due to innocent misunderstanding, you and your team members must not cross professional boundaries at any time.
Rights and responsibilities	• Solutions you come up with when dealing with a conflict must be in accordance with legislation and procedures. For example, a person you support may object to you using a lifting machine during transfers as they find it uncomfortable and degrading. • Although a worker makes every effort to respect the individual wishes of the person, they also have an obligation under WHS legislation to use the lifting machine to protect the health and safety of the person, their co-workers and themselves.
Conflicts of interest	• A conflict of interest occurs when you or your team members have private or personal interests that could conflict with your work. Such conflicts of interest may influence your ability to act ethically or with professional judgment. • Potential conflicts of interest may arise out of emotional, sexual, personal, familial, social, religious, financial, business, political, professional or organisational issues. • Your organisation should have a policy about conflicts of interest. Make sure you understand the potential conflicts of interest applicable to your workplace and identify who you need to report a conflict or potential conflict to.

Practice ethical decision making

Ethical decision making refers to the process of evaluating and choosing from alternatives in a manner consistent with ethical principles. In making ethical decisions it is necessary to:

• notice and eliminate unethical options – ethical thinking requires a sensitivity to perceive the ethical implications of decisions

- evaluate complex, ambiguous and incomplete facts – it is often difficult to obtain all the necessary information

- select the best ethical alternative – resolve any ethical issues and be aware that not all ethical responses to a situation are equal

- have ethical commitment, ethical consciousness and ethical competency

- develop your ethical thinking and decision making, which takes practice

- notice ethical issues and be committed to acting ethically – in addition, use reasoning and problem-solving skills.

Use effective problem-solving techniques

Being able to deal with conflict and solve problems is an essential skill for managers and team leaders. Here are seven steps to problem solving that you can use to help you and your team members resolve ethical issues and dilemmas.

Seven steps to problem solving
1   Identify the problem You need to identify the problem to find an appropriate solution. If you are unsure what the problem is, ask yourself 'What is hindering me from completing this task?' You may need to consult with senior management to clarify the issue.
2   Explore the problem Ask questions such as: • 'How is this problem affecting me?' • 'How is it affecting others?' • 'Who else experiences this problem?' • 'What do they do about it?' Seeing the problem in different ways helps you find an effective solution.
3   Set goals Identify your goals. What is it you want to achieve? For example, if you need to assess a person's home care services but they refuse to open the door, you need to find out the reason for this behaviour because your goal is to complete the assessment. Determining your goals is a vital part of the problem-solving process.
4   Look at alternatives The more possible solutions you find, the more likely you are to find the optimal one. Brainstorm ideas to collect a list of possibilities. Seek ideas from your team members, the person's family members or senior management. Collect as many alternative solutions as possible.

Seven steps to problem solving	
5	**Select a possible solution** Sort out which solutions are most relevant, realistic and manageable. Predict the outcomes by checking with other people. Use this information to identify the solution that is most relevant to you and is likely to have the best outcomes for your situation.
6	**Implement the best solution** Once you have selected the best possible solution, you are ready to put it into action. Plan when and how you will do this. For example, you may arrange with an aged care worker in your team for a family member to be present at the next scheduled visit.
7	**Evaluate** Ask yourself: • 'How effective was the solution?' • 'Did it achieve what I wanted?' • 'What consequences did it have?' If the problem has not been solved begin the problem-solving cycle again.

Example
Incorporate scope of practice considerations as part of ethical practice

Jana works at a youth service and is concerned that a 16-year-old service user, Connor, has started smoking. She asks her supervisor, Brian, if she has authority within her role to insist that Connor stop smoking and inform his parents about it.

Brian tells her that there are several factors they need to consider, including that Connor has a right to privacy and to make his own decisions. Workers do not have the right within their scope of practice to try to coerce Connor into giving up smoking or to tell his parents.

However, Brian tells Jana that they do have the right to ask Connor not to smoke in or around the youth service, which has a strict 'no smoking' policy. They can also provide him with brochures produced by health professionals about the dangers of smoking to help him make an informed decision about smoking.

Practice Task 7

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

> ## Case study
>
> Donna is the residential service manager for an aged care provider. She has almost qualified as a naturopath and enjoys being able to tell the residents what vitamin and mineral supplements may improve their health. She feels that since she is not dispensing advice that will harm people, it is within her rights to do so, and believes it is her duty to provide information that will make people feel better.

Question 1

Is Donna working within her scope of practice? Explain why or why not.

Question 2

Which of the following could Donna do, within her scope of practice, to ensure residents receive appropriate information about dietary supplements? Select all that apply.

❑ Use the residents to complete her final practical to become a qualified naturopath.

❑ Ask the residents' nurse, doctor or another health professional to provide advice.

❑ Provide residents with approved reading material, such as brochures, on vitamin and mineral supplements.

❑ Encourage residents to take part in researching their supplemental requirements by speaking to a qualified professional.

❑ Call a staff meeting to explain the benefits of naturopathy to the team members.

Question 3

List three sources where Donna could find information about scope of practice considerations relating to ethical conduct in her workplace.

2C Model ethical behaviour in your own work

Good leadership is critical in the community services sector. Model ethical behaviour in your own work and others will follow your lead.

One of the best ways to build effective workplace relationships and achieve team objectives is to lead by example.

Ethical behaviour is characterised by honesty, fairness and equity in professional and personal relationships. Ethical behaviour respects the dignity, diversity and rights of individuals and different groups of people, as shown in the table below.

As a manager, you have the eyes and ears of your team members focused on you, especially when you are asking someone to complete a task. Setting a positive example enhances the work experience of the team and the service experience of the people you support.

Ethical behaviour	
Dignity	Respecting and appreciating the true worth of people
Diversity	Acknowledging, respecting and celebrating the diverse backgrounds, cultures and languages of others
Equity	Being fair and impartial in all your dealings
Fairness	Making judgments in the workplace that are free from discrimination
Honesty	Being open and trustworthy in your communication
Respect	Showing due regard for the feelings, preferences and rights of others
Rights	Respecting the ethical and legal entitlements of others

Being a positive role model

Being a positive role model to your team members is part of being a manager.

You must role model ethical behaviour in all your workplace dealings, whether it be with team members, service users, carers, advocates, suppliers, or senior management. Always act with integrity, show respect, and be open, honest and fair.

Being a positive role model involves:

• always acting within your scope of practice

• maintaining your duty of care to support workers and people requiring support at all times

- consistently promoting the organisation's vision, values, goals, standards and image

- making effective decisions consistent with the organisation's objectives and being inclusive of support workers in decision making where appropriate

- giving due recognition to teams and individuals for excellent behaviour and performance

- supporting, encouraging and motivating support workers

- sharing information where appropriate

- listening to and learning from other people

- applying the same standards to yourself as you expect of your team.

When you make a mistake, accept responsibility for the error as soon as you realise it. Take steps to correct the error immediately so your team members do not make decisions or plans based on incorrect information. Learn from your mistakes and commit to avoiding similar errors in the future. Never blame others for your mistakes – accountability is key.

Coaching

Coaches provide training, guidance and support to empower others to perform a task.

Coaching is a form of professional development in which an experienced person, called a coach, supports someone to achieve a specific goal.

If you identify that a support worker is not behaving ethically, or is not following organisational codes, policies or procedures, take on the role of coach yourself, or arrange for someone else to show the worker how to behave appropriately.

Coaching
The training and guidance provided by an experienced person to help a learner achieve their goals.

Coaching relies on trust and respect. In the workplace, coaching relationships work well when directed at a short-term, identified need. Let your team know you expect them to participate in coaching activities and that you expect the coaching to be beneficial and successful. Provide and seek feedback during the process. If a coaching relationship is not working, initiate a change. If unwanted behaviours are not changing, take a different approach. Here is some more information about coaching.

Improve workplace behaviour
As a coach, you should seek to improve ethical behaviour by: • listening and responding to the individual • offering advice and suggestions • giving constructive feedback • guiding the person as to how they should behave in specific situations • providing encouragement and support.
Learn by doing
The main advantage of workplace coaching is learning by doing. Coaching challenges the learner to take an active part in the process and to ask questions. The learner is then able to: • clarify their understanding of the situation • identify their skill, knowledge or behavioural gaps • link organisation and individual needs by focusing on current workplace challenges and the skills and behaviours required to meet those challenges • establish a time frame for acquiring the necessary skills or knowledge • identify and resolve other issues that are raised through the coaching process.
Create a learning environment
An effective coach creates an environment conducive to learning and has a positive effect on morale and productivity. A good coach is motivated to take on the role and must believe that another person can benefit from their assistance. As a manager, you may not need or be able to coach everyone, but you do need to provide the support mechanisms for others to do any necessary coaching.

Mentoring others

Mentoring is the influence, guidance, or direction offered by an experienced colleague, or mentor, in the context of a professional learning relationship.

A workplace mentor is someone who is considered to have sufficient experience or expertise to be able to assist and counsel others who are less experienced.

A mentor can help an individual reflect, adapt and explore new approaches to their workplace behaviour. They should provide constructive feedback, offer practical advice and help the learner develop skills and capacities. Mentoring is particularly useful for inducting new members into an existing team, but is also helpful for increasing skill levels or modelling the behaviour required from team members.

The mentor need not be the manager; you can foster a system of mentoring within the team, pairing less-skilled people with their more-skilled colleagues. Here is some more information about mentoring.

> **Mentoring**
> The sharing of knowledge and skills by an experienced person with a less-experienced person.

Role of the mentor	A mentor should lead by example and act as a role model. The mentor provides informed advice and encourages and supports an individual (the mentee). Mentors respond to the mentee's needs and engage respectfully and patiently.
	The mentor may also offer emotional support to someone who is having difficulty behaving appropriately in the workplace by listening to their concerns and providing them with encouragement and support.
Mentoring relationship	The mentoring relationship should foster openness, trust and mutual respect between the parties involved. Both the mentor and the mentee must be willing to participate in the process.
	A good mentor is someone who:
	- has life and work experience that relates to the mentee's concerns - is a good listener - has strong interpersonal skills, particularly understanding, empathy and sensitivity - can provide constructive, candid feedback as well as encouragement and advice - respects confidentiality and engenders trust.
Advantages for the mentor	The benefits to the mentor include gaining satisfaction from helping others reach their potential; however, mentoring also sharpens problem-solving, communication and training skills, and therefore supports the mentor's own career.
Advantages for the mentee	A successful workplace mentoring relationship helps the mentee to:
	- clarify the ethical behaviours required by the organisation and community services industry - develop competencies - improve communication - increase motivation and productivity - enhance self-confidence and self-esteem - share experiences.

Example
Model ethical behaviour in your own work

Sara is the kitchen manager at an organisation providing accessible barrier-free services to empower people experiencing homelessness, hunger and poverty. Their meal service provides over 500 nutritious meals a day to homeless and low-income adults, children and families.

The operation of the meal service relies on the service of volunteers, as well as one other paid team member, Elena. While the purpose of the kitchen is to provide nutritious meals, they are also an important entry point to services for individuals and families who are homeless or living in poverty.

Sara has been observing Elena's behaviour for some time now and noticed that Elena displays a poor attitude towards some of the homeless men who access the meals. Elena refuses to allow second helpings, even though the service has a policy not to refuse anyone a meal during operating hours.

Sara decides to work alongside Elena on the dinner service every night for a week. Sara is polite to every person who uses the service and graciously offers seconds to those who request it. After the service, she explains to Elena that they all must treat every person with dignity, respect and fairness, regardless of their background, appearance or needs.

Practice Task 8

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

Case study

Lukas is the manager of a community-based palliative care service. The service aims to enhance the quality of life of people living with a terminal condition by providing specialist, interdisciplinary health care and support for them, as well as for their families and carers. One of Lukas's team members, Danvir, is responsible for providing counselling and bereavement support to families who have recently lost a loved one. One family, in particular, have requested that Danvir assist them to arrange a traditional Hindu funeral for a family member who has recently passed away. Danvir tells Lukas that he cannot fulfil the family's request because he prefers to deal with a local funeral director who does not offer Hindu services.

Question 1

Which of the following ethical behaviours should Danvir be considering in relation to the family's request? Select all that apply.

❑ Dignity – Danvir should respect and appreciate the dignity of the person who has passed away, and their family's wish for a Hindu funeral.

❑ Diversity – Danvir must acknowledge, respect and celebrate the family's ethnicity and religion.

❑ Disclosure – Danvir must tell his manager all of the information he knows.

❑ Fairness – Danvir must make decisions that are free from discrimination.

❑ Respect – Danvir must show due regard for the feelings, preferences and rights of the family and the person who has passed away.

Question 2

List four ways Lukas could model ethical behaviour in his own work to influence Danvir.

Question 3

Provide two reasons why being a mentor could be advantageous for Lukas.

Question 4

List two reasons why being in a mentoring relationship could be an advantage for Danvir.

Summary

- As a manager you have a responsibility to identify the ethical framework that applies to your work context.

- As a manger you must ensure that your team members carry out their work in a way that meets organisational and industry standards for ethical practice.

- Ethics are principles that guide your decisions and actions in a way that ensures you are safeguarding the rights and interests of the people you support.

- You must follow codes of practice on a range of matters, including duty of care, hazard identification, risk assessment processes and risk control.

- You must always work and act within the scope of your role and responsibilities, and seek advice or clarify anything you do not understand.

- Your scope of practice refers to what you are trained and authorised to do.

- The ethical responsibilities of your organisation must be evaluated to ensure ethical issues are resolved promptly and the service is delivered safely and fairly.

- Being able to deal with conflict and solve problems is an essential skill for community services managers.

- Model the correct ethical behaviour in your own work and others will follow your lead.

Learning Checkpoint 2

Determine ethical responsibilities

Part A

1. Provide one reason why a manager may need to develop a code of conduct as part of an ethical framework.

2. Explain how codes of practice are developed.

3. Identify and describe the set of practice standards relating to disability services.

4. List two important guidelines you must follow when dealing with a complaint.

5. Match each of the following ethical issues to the correct scenario.

Conflict of interest	Petra is the manager of a community support centre. She talks to her staff regularly and knows the challenges they're facing and what is causing them stress. She knows that changes to their work, their limits in being able to help, and their clients' distress is causes further stress. One of her staff, Don, is vulnerable to complications from COVID-19 and finds the stress of coming to work difficult to manage. She considers that it's not practicable for all of her staff to work from home, as some services require contact. She considers whether some services could be delivered by phone or Zoom. She knows these services are less effective without face-to-face contact, but she balances those risks against those of continuing face-to-face services, particularly the risk of COVID-19 transmission and decides to temporarily suspend face-to-face services.
Rights and responsibilities	Maria is a support worker in an aged care facility when a COVID-19 outbreak occurs. The virus is spreading quickly amongst the residents and those with suspected Covid are quarantined. However, the number of residents affected quickly exceeds the capacity of the facility's limited resources and more staff are needed. Maria has a team of support workers to manage but at the same time she is the most qualified member of the team to deal with the pandemic.
Maintain safety and security	A single mother living with cerebral palsy was at risk of having her daughter taken from her by Child Protection. She needed to demonstrate that with the appropriate assistance she would be competent, both emotionally and physically, to care for her daughter. The advocate in this case used the Charter Principles to communicate the woman's rights to Child Protection through mediation in the Children's Court. These rights included recognition and equality before the law and protection of families and children. Consequently, the woman was able to demonstrate her capacity to parent her child and Child Protection are no longer involved.
Conflicting priorities	Teo is a support worker caring for a child with autism spectrum disorder in foster care. Her manager received a report that a child in his care had allegedly been sexually abused by the foster father. This foster father was once a family friend of Teo's.

Part B

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

> ### Case study
>
> Ally, the manager of a disability services agency in regional Queensland, is a qualified social worker with 10 years of managerial experience. The agency she manages provides accommodation and respite support to adults with disabilities in their own homes, with support provided by paid departmental staff. In a typical household, two to four people sharing a home are supported by a team of residential support workers. The workers provide day-to-day assistance and support to people with intellectual disability by providing emotional, social and physical support. Support systems include generic community services, as well as a range of specialist services in disciplines such as occupational therapy, speech therapy, physiotherapy, social work and psychology. Ally has recently received a complaint from a service user relating to a residential support worker's lack of respect towards their religion.

1. List one practice standard relevant to Ally's work context.

2. Explain why Ally must provide support services relating only to her specialist field of social work.

3. Explain why it is important for Ally to evaluate the agency's responsibilities to workers, service users and the broader community.

4. Which of the following strategies could Ally use to ensure that professional relationship boundaries are maintained? Select all that apply.

- ❑ Politely declining and discouraging invitations to significant social events or celebrations

- ❑ Enforcing a rule that team members should not be friendly towards service users

- ❑ Refusing to accept gifts or money from service users, or to become a beneficiary of their will

- ❑ Maintaining duty of care to protect the service user from harm, without enforcing lifestyle changes or making demands of service users

- ❑ Not acting outside individual scope of practice or levels of authority, even at the request of service users

5. Which of the following are ways Ally could model ethical behaviour in her own work? Select all that apply.

- ❑ Always acting within her scope of practice

- ❑ Making effective decisions consistent with the agency's objectives

- ❑ Excluding team members from the decision-making process

- ❑ Calling out poor performance publicly

- ❑ Consistently promoting the agency's vision, values, goals, standards and image

Topic 3: Develop and communicate policies and procedures

3A Develop policies and procedures to support legal and ethical practice

3B Integrate documentation and record-keeping requirements into policies and procedures

3C Understand and clarify roles and responsibilities

3D Distribute policies, procedures and legal information
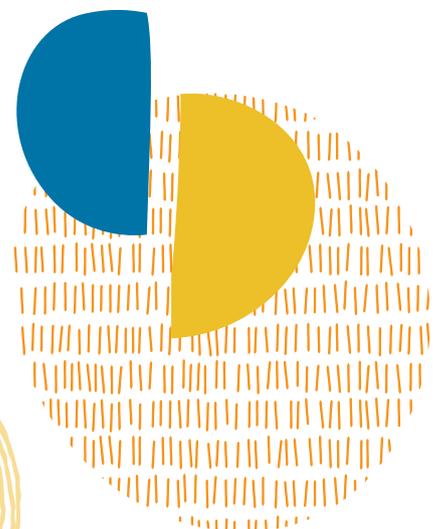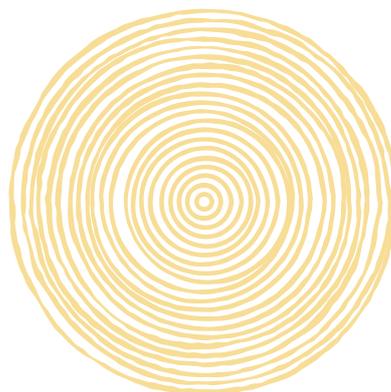
3A Develop policies and procedures to support legal and ethical practice

Well-written policies and procedures, underpinned by services standards and legislation, set the requirements for compliance.

It is the organisation's responsibility to make sure staff comply with relevant legislation and provide a consistent, high-quality service by developing policies and procedures for everyone to follow.

Policies and procedures must be clearly articulated so they are easily understood and can therefore be followed by everyone in the service. Policies and procedures are informed by the community services sector standards that are relevant to the particular service area.

Policy frameworks

Policy framework
A set of rules governing the development, amendment and review of policies to ensure relevance and consistency with existing legislation.

A **policy framework** is a set of principles and long-term objectives that forms the basis of workplace rules and guidelines and directs organisational planning and development.

Policy frameworks specify the governance of policy documents and allow for a consistent and rigorous approach to policy development, approval and implementation.

Government departments have specific policy frameworks that outline the types of policies, procedures, standards, guidelines, instructions, plans, forms and templates that govern that particular department. Compliance with the policies and standards of the framework is mandatory for departmental divisions as well as non-government organisations or business units that report to that particular department.

Examples of policy frameworks are described below.

Health	The department for health in Queensland (Queensland Health) provides policies that are high-level, principles-based statements that communicate the intentions of the department. The policies are supported by standards (requirements) and guidelines that support good practice. The department's WHS policy applies to all workers including volunteers, students, contractors and other persons within its divisions, agencies and hospitals and health services that are not prescribed services.

Disability services	The National Disability Strategy 2021–2031 sets out a 10-year national policy framework for a more inclusive Australia, improving the lives of Australians with disabilities, their carers and their families. The policy framework represents a commitment by all levels of government, industry and the community to a unified national approach to policy and program development. There are seven outcome areas for action: • providing jobs and career opportunities for people with disability and making sure they have enough income to meet their needs • increasing the number of accessible, affordable and well-designed homes and creating a community that is inclusive and accessible • ensuring the rights of people with disability are promoted, upheld and protected, and people with disability feel safe and enjoy equality before the law • providing people with disability access to supports so they can live independently and engage in their communities • supporting people with disability to access education and learning throughout their lives so they reach their full potential • increasing support and capability in the healthcare sector to meet the needs of people with disability, and ensuring disaster preparedness and emergency responses include the needs of people with disability • recognising the positive contribution people with disability make to society, and building confidence in the community to work and engage with people with disability.
Human services	The Victorian Department of Families, Fairness and Housing policy framework contains the Human Services Standards representing a single set of quality standards for department-funded service providers and department-managed services. These standards comprise the department's four service delivery standards and the management and governance standards of a department-endorsed independent review body. The standards seek to ensure that people in need of support experience the same quality of service no matter which service provider they access. The standards aim to: • embed and promote the rights of people accessing services • assure the community that service providers will provide services that meet clients' needs • develop a common and systemic approach to quality review processes • build greater transparency between the department, service providers, clients and the community, and foster a culture of continuous improvement that is embedded in everyday practice and supports the meaningful participation of people in giving feedback about the services they require and the quality of services they receive • reduce red tape to help ensure service providers have more time and resources to provide services by reducing the number of quality reviews they are required to undertake.

Articulate and document policies and procedures

Policy
A course of action proposed by an organisation as a basis for making decisions.

Procedure
An established or official way of doing something.

As a community services manager, you must articulate the service's **policies** and **procedures**, so that they can be clearly understood by everyone working in the service. You must ensure that support workers fully understand all the policies and procedures that apply to their roles within the service. When writing policies and procedures, select your words and phrases carefully and use plain English. You may need to provide a glossary of terms for people to consult.

Policies and procedures describing internal work practices may relate to recruitment and selection, internet and email use, work health and safety, or discipline and termination. Policies and procedures describing external service delivery may relate to complaints management, communications, access and equity, or privacy and confidentiality.

Policies and procedures may be formally documented, as would be the case with large organisations, or can be informal practices used by a small organisation or individual operators.

Here is some more information about policies, procedures, protocols and guidelines.

Policies	A policy is a line of action based on considerations, such as legislation, to guide and determine present and future decisions. Policies provide an overall plan with general goals.
	Policies help employees perform their duties and ensure consistency in the way things are done.
	Organisations develop policies in the areas of:
	• work health and safety
	• access and equity
	• grievance and complaints
	• communication
	• record keeping
	• conduct and ethical behaviour.
Procedures	Procedures give you step-by-step instructions for tasks and can therefore guide you when you are unsure of what to do. They may be displayed on noticeboards, set out in an employee's induction kit or stored on the intranet in a file available to everyone.
	Examples of common procedures include:
	• assessment procedures
	• evacuation procedures
	• manual-handling procedures
	• report writing procedures
	• using equipment and workplace vehicles procedures
	• filing procedures.

Protocols	Protocols are sets of rules and behaviour for workers to follow in an organisation. They relate to the code of practice, legislation and ethical behaviour expected when carrying out your duties.
	An organisation may have protocols for:
	• communicating with particular groups of people in need of support
	• respecting cultural diversity
	• responding to people at risk of self-harm
	• using ethical decision-making processes
	• providing feedback
	• working with external service providers and organisations.
Guidelines	A guideline is a general instruction or suggested course of action. Guidelines are often attached to procedures and outline recommendations for best practice when completing a particular work task. They can assist you in continuous improvement of your workplace practice.
	Best practice guidelines may relate to:
	• providing care and support
	• respecting others in the workplace
	• undertaking health promotions
	• conducting interventions
	• ensuring information and services provided are culturally appropriate, equitable and holistic.

Policy formats

Your service's policies and procedures should be produced in readily accessible formats and made available to all members of your organisation.

Policies and procedures are usually stored electronically on the organisation's intranet. Make sure you know how to access your organisation's policies and procedures manual so you can easily access information about a particular standard, practice, service or guideline.

The way you present a particular policy or procedure will depend on its purpose. You should select the most appropriate format to make the policy or procedure easy to understand and apply in the workplace. Your organisation will usually have standard policy and procedure templates that you must follow to ensure consistency between documents.

Here are some elements that may be included in a policy:

Numbers	Assigned by the policy group once the document has been revised and approved, as well as a version control number
Dates	'Effective from' and 'revision' dates
Titles	Capturing the content of the policy

Policy statements	A brief statement of the purpose of the policy
Intentions	A statement or list describing the intentions or objectives of the policy
Scope	A statement explaining who or what the policy applies to
Principles	The responsibilities of parties to administer, enforce and revise the policy, and the systems and approaches that should be implemented
Legislative or other authority	A list of legislation or regulations, or details of the relevant authority governing the policy
Supporting documents	A list of supporting documents, other policies, procedures or standards that enforce or should be read in conjunction with the policy
Definitions	Uncommon words, or words with meaning unique to the organisation, should be defined and listed in alphabetical order

Procedure formats

A procedure includes all the steps you must take in order to comply with the policy. It must include sufficient and clear detail so users can readily understand how to comply with a policy. Depending on the type of procedure, the format may include images, a set of steps, instructions, methods, a series of techniques or a flow chart showing how to perform a task. Whichever format is used, you must be sure that it is clearly understood and accessible to everyone it applies to.

Example

Develop policies and procedures to support legal and ethical practice

Katrina, the manager of Medways Aged Care Home, discovers that team members are using disposable gloves inappropriately. Some support staff are using disposable gloves when not required to, resulting in a constant shortage of gloves.

Katrina reads the procedure relating to personal protective equipment, infection control and the use of disposable gloves in the workplace and finds that it is not detailed enough.

She rewrites the procedure to include the appropriate usage of disposable gloves. In addition, she implements a training session for all team members and ensures that the procedure document is placed next to all glove dispensers to encourage the safe and appropriate use of disposable gloves.

Practice Task 9

Question 1

Provide a brief definition of a policy framework.

Question 2

Match each term to its correct description.

Guidelines	is a line of action set out by an organisation that is based on external considerations such as government legislation, to guide and determine present and future decisions.
Protocols	prescribes actions that need to be executed as a sequence of activities, tasks, steps and processes that, when undertaken, produce the described result or outcome.
A policy	are sets of rules and behaviours that workers are to follow in an organisation.
A procedure	are general instructions or suggested courses of action that are often attached to procedures. They outline recommendations for best practice.

Question 3

Describe three elements that commonly appear in policies.

Question 4

Which of the following elements may appear in a procedure? Tick all that apply.

❑ Images

❑ Steps

❑ Copyright declaration

❑ Instructions

❑ Flow charts

Question 5

List two examples of policies or procedures that apply to internal work practices.

Question 6

List two examples of policies or procedures that apply to external work practices.

Question 7

Access the ACT's community services complaint handling policy at:

aspirelr.link/complaints-handling-management-policy

Review the policy and list the elements and information included. Refer to the relevant legislation, regulations, codes or standards.

3B Integrate documentation and record-keeping requirements into policies and procedures

You need to make sure that your service has adequate policies and procedures regarding record-keeping and document management. Your record-keeping system needs to be sufficient for the storage, maintenance and retrieval of the organisation's records.

Setting up the right record-keeping system will help you work efficiently and meet legal requirements. There are record-keeping requirements for services in each state and territory, and requirements specific to the community services sector. You should protect yourself by seeking expert advice before setting up a record-keeping system for your organisation.

Your organisation's policies and procedures must address how documents are to be kept, and how staff can access, use and copy them. For example, there are particular laws relating to how health records, records relating to disputes, or records relating to children in care are to be stored. As a manager, you must uphold federal and state government legislation about record-keeping to ensure legal and ethical compliance.

Handling personal information

The types of information your service collects and holds will include personal information and health information.

Information handling practices will vary depending on your service but should address the following aspects.

Types of information	Depending on the services your organisation provides, people may choose to deal with you anonymously (or by providing a pseudonym) in which case their details will not be subject to privacy laws. If a person does identify themselves, you will usually collect their name, age, gender, contact details, some medical history, symptoms (if applicable) and ethnic background. You may also record information about health or community services to be provided to the person in the future.
Collection methods	Your organisation will usually collect information directly from a person when they use your service, or when they send you an email, letter, or complete an online or hardcopy form. You may sometimes collect personal information from a third party, such as an aged care provider that is managing a person's care, or from someone contacting your organisation on a family member's behalf. If someone calls on behalf of a person in need of support, you must also record the caller's name and contact details.

Recording information	All consultations with your organisation must be accurately recorded in a database. Any information collected as a result of a person contacting your organisation is considered personal information.
Maintaining records	Your organisation should have procedures to ensure that personal information and records remain accurate, complete and up to date, including by verifying the information with the service user each time they use your services. The records may need to be retained for between 7 and 25 years depending on the type of record and state or territory legislation.
Using information	Your organisation will collect, store, use and disclose personal information for the following reasons: • Providing information on, and supporting access to, relevant support and care services for individuals • Maintaining a central service user record to improve service delivery • Managing of the aged care system by the Commonwealth Government • Providing services, conducting business and communicating with service users • Assisting government departments to provide health services or to address issues raised by service users • Matching service delivery data with health information for service improvement • Compiling and analysing statistics relevant to public health and safety • Complying with legal obligations
Sharing information	Your organisation may share relevant information with other health services and/or government agencies in the event of a national or jurisdictional health disaster so that an appropriate health response can be provided. Personal information may also be used to make follow-up contact with service users for feedback on their satisfaction with service delivery. Permission must always be granted by the person requiring support for their personal information to be shared.
Disclosing information	Personal information must generally not be disclosed to anyone except as described in your organisation's privacy statement, where the service user consents to a particular disclosure, or where the identifying data is removed. There may be other disclosures where the service user would reasonably expect the disclosure to occur. When information is disclosed to third parties, your organisation should make all reasonable efforts to ensure you disclose only relevant information and that it is accurate, complete and current.
Protecting information	Your organisation will have systems and procedures in place to protect personal information from misuse and loss, and unauthorised access, modification or disclosure.

Ensure systems protect client information

It is important to maintain the confidentiality of your service users and ensure systems are in place to protect their personal information.

A service user's records are highly confidential and you may be required to sign a confidentiality agreement when you are employed, saying you will not divulge any information you have acquired during or after your involvement with service users unless legally required to do so.

Facilities and agencies holding personal information must take all reasonable steps to safeguard information. Service users entrust a great deal of personal information to community services organisations and workers and, in return, must make every effort to ensure this trust is not abused in any way.

Access to information should be restricted to the appropriate team members on a need-to-know basis. In some circumstances, service users may request that certain information is not shared with family, carers, friends or their advocate. You must adhere to their request.

To help protect your service users' personal information, follow these guidelines.

Guidelines to protect your service users' personal information
• Follow procedures to prevent unauthorised access, loss, modification, disclosure or other misuses of personal information.
• Be aware of your work practices and never leave service user files open and in view of others.
• Ensure only authorised personnel have access to personal information and do not pass on information to people who are not entitled to it.
• Be discreet when speaking on the telephone and never provide personal information about a service user over the phone without prior permission.
• Never discuss a service user in public, with your family or friends, or in the presence of another service user.
• Only discuss service users with other people when permission from the person has been given, or there is a risk to the person's health or safety.
• Take all reasonable steps when transmitting personal information by email to ensure its safety, integrity and confidentiality.
• Ensure information that is no longer required is returned to the place of origin or disposed of correctly.
• Dispose of confidential hardcopy information appropriately, by using a shredding machine or placing the information into a secured recycling bin for appropriate disposal.

Safeguard confidential information

It is vital to maintain the confidentiality of the people receiving care and their carers and never share information about them with your co-workers or anyone else. Remember, as per the Australian Privacy Principles (in the *Privacy Act 1988*), confidentiality applies to written information such as personal details including bank accounts, medications, care plans, family contacts, data collected in a survey or information in a complaints form. With all a person's information in one place, a record is highly confidential. As a manager, you must ensure that all support workers are aware of the Privacy Act and the associated expectations to ensure your service complies with privacy requirements.

> You can access the *Privacy Act 1988* at: aspirelr.link/privacy-act

Disclosure of information

There are some instances in which you are permitted to disclose information as part of your duties. For example, if the person in need of support is being referred for medical treatment; hospital staff, specialists and doctors need information about the person's condition, medical history and other personal details.

You may be required to disclose private or confidential information when:
• the service user would reasonably expect the disclosure to occur; for example, in the course of quality assurance processes
• you are authorised or compelled by law to disclose it
• it will prevent or lessen a serious threat to someone's life, health or safety or a threat to public health and safety
• it is required for public health surveillance, where symptoms are mapped geographically to see if patterns arise, such as an early warning system identifying epidemics
• it is necessary as part of the establishment or defence of a legal claim
• it is requested by an enforcement agency such as the police
• it is a necessary part of an investigation following a complaint, accident or incident
• there is a change of service provider – in which case the personal information is transferred to another accredited organisation.

Remember that any written documents, forms, emails or service user records are permanent and legal documents. For example, care documentation is recognised as evidence in a court of law. For this reason, you must be very particular about the way you record written information.

When recording confidential information in writing, write clearly and legibly in black or blue pen. Do not use correction fluid (liquid paper). If you need to correct errors, draw a line through the error and initial it. Always double-check the name and ensure you use the correct spelling of the service user you are writing about.

Make sure completed documents are filed appropriately, such as within a restricted access folder in your service's network, in a password-protected file or in a locked filing cabinet.

The documentation you may need to prepare or manage includes:	
• individualised care plans	• care records
• handover sheets	• progress notes
• communication books	• incident or accident reports
• assessment tools	• admission and discharge reports
• timesheets	• personnel files.

Electronic and manual record keeping

Most services use an electronic record-keeping system, which makes it easier to capture information, generate reports and meet legal and tax reporting requirements.

When setting up a record-keeping/management system in your service, you must consider the advantages and limitations of electronic versus manual systems and decide which is most appropriate for the needs of your service.

Electronic record keeping
Most organisations use accounting software programs to simplify electronic record-keeping and produce reports. Electronic record-keeping also allows you to: • record financial transactions, including income, expenses and payments to workers • use less physical storage space • easily generate employee pay records or inventory reports • keep up with the latest tax rates, laws and rulings • have multiple people access, update and makes notes to records in real-time • back up records and keep them safe in case of fire or theft.

Manual record keeping
Some organisations may still want to use a simple, paper-based record-keeping system. The advantages of manual record keeping include: • it is less expensive to set up • the risk of data corruption is less • the risk of data loss can be less, especially if records are stored in a fire-proof environment • the process is simple and does not require training in specific software.

There are legal and financial consequences should your service fail to comply with record-keeping requirements of tax, business and privacy laws, as described below.

Lost records	Privacy and security
Recovering essential service records, whether they have been lost, damaged, destroyed or stolen, will assist you to re-establish organisational operations and service delivery. If your records have been destroyed, you can reconstruct your records by researching your past transactions or requesting information from various sources, such as the ATO, your bank, service users, suppliers or other service providers.	Australian privacy laws apply to the collection, use and storage of personal information. You must apply the National Privacy Principles to your record-keeping system. New technologies make it easy to access, transmit and misuse personal information. Pay particular attention to securing online and electronic records. Develop a privacy policy and train your team members to implement it.

Example
Integrate documentation and record-keeping requirements into policies and procedures

Amy is a support worker in a residential aged care home. The daughter of Harry, a resident in the aged care home, contacts Amy requesting access to her father's file, which contains personal information and an individualised care plan. Amy is unsure about whether she can disclose this personal information relating to Harry. Amy contacts her manager, Devi, to clarify her responsibilities relating to record keeping and protecting personal information.

Devi refers Amy to the organisation's privacy policy, which is underpinned by the relevant aged care and privacy legislation. The policy states that only the person requiring support has a general right of access to his or her own health records and a representative's right to access the information is limited. The policy also states that personal information must not be disclosed to any other person, except if the written consent of the person requiring support is received by the facility.

Amy confirms that Harry is physically and legally capable of giving consent to the disclosure. She visits Harry in his suite and he says that he would like his personal information and medical records to remain private, even from family members. Amy contacts Harry's daughter to let her know that she is not able to disclose her father's file. Amy makes a record of the daughter's request, Harry's wishes and the communication that has taken place and files it with Harry's personal information in their secure database.

Practice Task 10

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

Case study

Dianne is a 68-year-old woman with a diagnosis of dementia and a history of diabetes who requires insulin three times a day. She has recently moved into a low-care service and has settled in quite well, although at times displays signs of confusion. During these periods of confusion, Dianne becomes agitated and won't allow care staff to assist her with her insulin. She refuses to eat and often wanders away from the service. This intensifies her diabetic condition.

Support workers have conveyed to Lee, the supervisor, their concerns about the health and safety of Dianne during these periods of confusion. Lee documents these concerns and organises a meeting with the appropriate direct care staff and Dianne's doctor to immediately revise Dianne's individualised care plan. A further family meeting is arranged with Dianne's approval and in her presence, to communicate the current concerns and discuss any changes that could be implemented to benefit Dianne's health, safety and welfare.

Question 1

Which of the following are ways that Lee could safeguard residents' confidential information? Select all that apply.

- ☐ Keep confidential/personal information safe to prevent unauthorised access, loss, modification, disclosure or other misuses

- ☐ Have private conversations on the telephone in the staffroom

- ☐ Be aware of his work practices and never leave resident's files open and lying about

- ☐ Ensure only authorised personnel have access to personal information records

- ☐ Not pass on information read in reports or to people who are not entitled to it

Question 2

Discuss whether Lee has the right to disclose Dianne's personal and medical information to:

- the appropriate direct care staff

- Dianne's doctor

- Dianne's family members.

Question 3

Which of the following are benefits of Lee transitioning the service's manual record keeping system to an electronic system? Select all that apply.

❑ Uses less physical storage space

❑ Easily generates reports

❑ Keeps the organisation up to date with the latest rates, laws and rulings

❑ Allows multiple people to access, update and adds notes to records in real-time

❑ Can be colour-coded so the files are visually appealing

Question 4

List one circumstance in which Lee would be permitted to disclose confidential information.

3C Understand and clarify roles and responsibilities

Roles and responsibilities must be allocated when multiple people are involved in the management and provision of care to ensure legal and ethical requirements are met.

The nature of your job and the environment you work in will influence the particular details of the role you play in your organisation, as will your qualifications, background, and areas of expertise and interest. For these reasons, your responsibilities may differ from other supervisors, coordinators or team members. You need to be clear about your work role and familiar with the responsibilities and accountabilities assigned to you.

Processes of defining, agreeing to, and nominating roles and responsibilities usually happen at certain times during your employment. For example, the tasks you are responsible for are generally negotiated at the time of your appointment. Ongoing monitoring and adjustments to your work role are usually conducted during annual performance reviews.

Understand your role and responsibilities

Understanding your role and responsibilities and who you report to is essential. This will be documented in your job or position description.

In addition to the position description, you need to be aware of other factors that may influence the way you work such as your workplace agreement or contract, which includes hours of work, salary and benefits.

Position descriptions vary between organisations. Some are very detailed and provide information about the organisational structure, qualifications required, additional skills needed, and key outcomes. Some are quite brief, listing only the job title and a set of required tasks.

Common elements you will find in most position descriptions include:

- the job title, its level of authority and who the role reports to, as well as any others who report to this role

- a clear demonstration of how the role fits with the organisation's purpose and objectives

- a clear outline of the purpose of the department or team the role fits within

- the specific responsibilities and duties of the role

- the skills, qualifications and experience the person should possess
- key performance indicators (KPIs) or areas the person will be measured on in terms of whether they are doing the job effectively
- details such as the hours of duty and training offered
- key relationships the role has with colleagues and others, such as service users and their families
- key challenges of the position.

Understand your level of authority

Tasks undertaken by different people in community services environments include managing others, creating work plans, organising activities, completing and approving individualised care plans, conducting performance reviews, checking and issuing medication, providing personal care and preparing food. You must nominate who is responsible for these tasks and the level of **authority** these positions have.

Authority
The power to give orders or instructions and to enforce obedience.

Your position description says who you must report to; however, it will not clarify other people's positions and level of authority. An organisational chart provides this information. This is generally presented as a diagram that shows the structure of the organisation and lines of authority. It is important to recognise your professional boundaries and know when you must consult with others or seek expert advice.

Understand your key performance indicators

Key performance indicators (KPIs)
A set of quantifiable measurements used to gauge a persons'/ companies' long-term performance.

When you accept a job, your supervisor or a representative from senior management negotiates your **key performance indicators (KPIs)** with you. These are the things that tell you and the organisation whether or not you are meeting your goals. A KPI might be: 'ensure that service users receive quality care as outlined in their care plan'.

When your performance is being reviewed, you need to provide evidence that you have met your KPIs, as your performance is measured against them. Make sure you understand what your KPIs are so you know what you are working towards.

Prepare a work plan

One of your ongoing responsibilities will be to prepare work plans that detail the specific duties and tasks nominated to you. Your work plan depends on the type of job you have. For example, a manager's role might be to develop a plan for their work group and ensure it is implemented correctly, as well as to prepare their own work plan.

Some individual work plans are written for a six- to twelve-month period; they are then reviewed and rewritten. Others are written on a monthly or weekly basis with comprehensive instructions or step-by-step tasks that team members need to complete.

Depending on your job, the tasks you record in your work plan should be based on your role, responsibilities and your service users' care plans. Your organisation may have a work plan template or you may need to prepare one yourself. Familiarise yourself with your organisation's requirements.

An effective work plan should include:

- the nature of the tasks that need to be done

- the results, goals or objectives to be achieved

- who is responsible for each task

- the timeline for the task to be completed

- the order in which tasks need to be completed

- whether tasks are a high, medium or low priority

- potential problems anticipated and contingencies planned in case difficulties arise.

Clarify job role and instructions

It's essential that you clarify anything you are unsure about with respect to your role, responsibilities and level of authority. Further information about understanding your job role is outlined here.

Agree to the position description
You need to define and agree on your work role when you first start work. Make sure you understand everything in the position description and all the tasks and responsibilities expected of you. You can do this by: • going over your position description and determining what your role is • talking to your supervisor or senior management to clarify anything you are unsure of • discussing your role with the human resources management team • discussing your role with experienced colleagues • talking with a union representative.

Resolve issues
You may need to discuss aspects of your job after you have been in the role for a while. Many circumstances can affect how the position description actually translates into the reality of the job and the tasks you have to do. For example, you might have been asked to take on more tasks, leaving you unsure of the boundaries of your role. You must clear up any misunderstandings promptly, because your team members are relying on you to perform your role effectively. You could arrange a meeting with your supervisor or prepare a brief report to clarify a situation. Always record the discussion and the course of action agreed to.

Participate in appraisals
Most workplaces conduct performance appraisals once or twice a year. The process is designed to review your work performance and demonstrated skills against the duties outlined in your position description and to provide you with feedback. It is also an opportunity for you to discuss with your employer or supervisor how you are finding your work role and responsibilities, and to raise any issues or difficulties you may be having. At the end of the session, you and your supervisor should have a clear idea about your role and responsibilities and how your role will be monitored over the next specified period. Your position description may need to be altered to reflect these changes.

Most of the time, the way you work and the decisions you make will be clearly aligned with your organisation's policies, procedures and protocols. However, if you are ever in doubt about an instruction you have been given you need to clarify it immediately. You must be sure about everything you do in your work environment. Your duty of care means that your first concern is for your service users. Any instruction that impacts the care given needs to be clear, appropriate and understood. Make sure you speak clearly and use plain English when you are asking for help.

Barriers to communication	Communication is crucial because people need to know what to do and when, how and with what equipment they are to perform their tasks. Barriers to communication may be physical (distance between people, high noise levels) or due to impairment on the part of the receiver or the sender (hearing or sight). Barriers may be the result of inattention or individual differences such as culture, age, education, language or bias concerning gender or ethnic background. Additionally, people may deliberately create barriers by withholding information, using overly technical language, not asking questions or by treating someone with disrespect.

Receiving spoken instructions	Instructions can come from your supervisor, a procedure, a team member, a service user, a person's family or advocate, or senior management. It is important to pay close attention, be attentive and listen carefully.
	Evaluate what you hear and take notes if necessary. If you do not understand, ask questions to clarify details or ask someone to repeat what they said. You could paraphrase the instructions and repeat them back to them so they can confirm you have heard correctly. You might query an instruction if you are not sure it follows safety or ethical regulations. It is better to ask questions and be sure rather than pretend you understand. There can be serious consequences if you fail to carry out the instructions.
Receiving written instructions	If you have been given written instructions, evaluate what you have read. If you are unsure you should seek clarification from the sender. Community services settings can be very busy places to work. Your supervisor or senior management may not always be available when you want their advice or assistance. You need to be able to decide when it is a good time to ask for assistance or when you can safely use your own initiative.
	You need to consider:
	• what you have not understood
	• if it is appropriate to ask for help
	• what the consequences will be if you do not ask for help
	• the appropriate time and place to ask
	• if it is worth interrupting something more important.

Work in teams

Teams work together to achieve individual and shared responsibilities that contribute to the organisation's goals and objectives.

All the activities of individuals, teams and their organisational division, department or unit should reflect and contribute to the goals of the entire organisation.

Roles and responsibilities within teams can vary depending on the team, the organisation, and the area of community services in which it is operating. In all situations, team members (regardless of their role) must be aware of the role and responsibilities nominated to them.

It may be necessary to discuss individual and team responsibilities within the team context. Often, one or two responsibilities outlined in a position description may be particularly important to the success of the team as a whole. Additional responsibilities created because of a team goal may need to be added to an individual's position description or work plan.

Clarify the roles and responsibilities of others

As a manager, all concerns coming from your team members that relate to their roles and responsibilities should be treated seriously and responded to appropriately. Your team members have a right to be given clear information and instructions about their work role. If you cannot provide an immediate answer to a team member's question, tell them you will seek clarification from another source and respond to them as soon as possible.

Here are some strategies you could use to clarify your team member's roles and responsibilities.

Workplace inductions	All new team members should be given an induction to the organisation that includes information about organisational policies, procedures and protocols and gives the new employee the opportunity to discuss their work duties and responsibilities.
Clear documentation	Well-written, clear, easy-to-read documentation (such as position descriptions, policies and procedures) will assist your team members to understand and meet the requirements of their role.
Support systems	New team members may benefit from being paired with a more experienced worker to help them learn the requirements of their role. Experienced workers can help explain what their role is, demonstrate how to respond to common issues and problems, and suggest when to seek clarification on an issue.
Team meetings	As a manager, you should conduct team meetings and provide workers with opportunities to discuss matters relating to their roles and responsibilities.
Performance appraisals	Annual or six-monthly performance appraisals are a good time to review the duties and responsibilities of team members and to rethink how they are distributed. They are also an opportunity to discuss career development opportunities, and to review and update position descriptions so they accurately reflect work roles.

Nominate roles to meet specific requirements

As well as the tasks and responsibilities outlined in your position description, you may be given additional responsibilities as an officer or representative charged with monitoring and meeting work health and safety (WHS) requirements.

WHS officers, first aid officers and fire wardens (for example) undertake these responsibilities in addition to those of their specific work role. Their job is to ensure multiple people within a team, or everyone in the organisation, understands and complies with legal and ethical requirements for the safety and wellbeing of all.

The roles and responsibilities of WHS workplace officers or representatives may involve the following.

WHS officers
Any WHS officer, whether a volunteer or paid staff member, must exercise due diligence to ensure that the organisation complies with its health and safety duties. This means ensuring that the organisation has appropriate systems in place to meet its WHS obligations and actively monitor and evaluate health and safety outcomes. WHS officers have a responsibility to: • continuously learn about and keep up to date with WHS matters • understand the nature of the organisation's work and be aware of the risks workers and volunteers may face • ensure the organisation has the appropriate resources and processes in place to eliminate or minimise risks to health and safety • ensure the organisation has processes in place to communicate and consider information relating to work health and safety • ensure the organisation has a process for complying with any duties and requirements under the WHS law.

First Aid officers
A first aid officer is responsible for monitoring and maintaining first aid facilities in their workplace, administering first aid and assisting the WHS officer to monitor and report WHS risks, accidents and incidents. The responsibilities of the appointed first aid officer will vary depending on the nature of the organisation. Irrespective of the workplace, every first aid officer must: • maintain their first aid accreditation to the level of 'Provide First Aid' • complete CPR refresher training every 12 months • provide first aid within their organisation to all persons when required • undertake quarterly checks of the first aid kit to ensure it is compliant, including disposing of expired items safely • assist the WHS officer to carry out quarterly site inspections and respond to WHS enquiries • assist with any accident or incident investigations • promote good WHS practice within the site.

Fire wardens
Fire wardens ensure an organisation is prepared for a fire emergency. Along with your organisation's emergency and evacuation procedures, fire wardens are an important risk control measure to ensure that your workplace is prepared should an emergency occur. Key duties of fire wardens include: • assisting with implementing and improving emergency procedures in the workplace • helping prevent emergencies by monitoring the adequacy of the fire risk control measures • raising awareness with workers about fire hazards in the workplace • instructing workers on how to respond in an emergency • leading fire drills and real evacuation procedures • being familiar with all escape routes and exits from their designated area • ensuring all workers are accounted for during an evacuation • assisting all people in the workplace should an emergency occur.

Example
Understand and clarify roles and responsibilities

Amina is the human resources and office manager at Darwin's National Disability Services, the peak body for non-government disability services. Amina is not only responsible for the recruitment, selection and induction of community services workers, but she also manages the day-to-day operations of the national office in Darwin.

The office has recently undergone a restructure, and Amina has been asked to redistribute the various roles and responsibilities and nominate people for them to ensure the organisation continues to meet its legal and ethical requirements. Amina develops new position descriptions that clearly outline the specific responsibilities and duties attached to each role, the skills, qualifications and experience each person should possess, and the KPIs the person will be measured against. She also includes information on hours of work, mandatory attendance at training and induction, and the key relationships of the role with direct colleagues and others within the organisation.

Amina nominates a WHS officer, first aid officer and fire warden based on the current competencies and experiences of people who have secured positions in the office.

Practice Task 11

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

Case study

Stefan manages the social enterprise team at a not-for-profit community services organisation. The organisation operates several second-hand stores as part of its strategy to produce revenue that maintains and grows the valuable services the organisation offers to those in need across the state. The team receives donations of reusable clothing, household items, furniture and books that are sorted, then sold at four different shops. The organisation is committed to providing paid employment and volunteer opportunities to people with a disability. Stefan strategises ways he can nominate roles and responsibilities among his team members to ensure new workers are paired with a more experienced worker at all times to help them learn the requirements of their role.

Question 1

Which of the following are benefits of a buddy or peer support system for new employees? Select all that apply.

❑ Their buddy can teach them the requirements of their role

❑ More experienced workers can help clarify aspects of the new worker's role

❑ The buddy can invite them to after work drinks

❑ The buddy can demonstrate how to respond to common issues and problems

❑ Experienced workers are able to suggest when to seek clarification on an issue

Question 2

Explain why Stefan should discuss individual and team responsibilities with his team.

Question 3

List three barriers to communication that Stefan may encounter in nominating roles
and responsibilities to team members.

Question 4

Explain why it is important for Stefan to hold team meetings.

3D Distribute policies, procedures and legal information

As a manager, you must distribute policies, procedures and legal information to colleagues and peers in a timely fashion.

When your team members have questions about a policy or need access to a procedure, they need to know where to look and be able to access the most up-to-date version of a document quickly and efficiently.

Your colleagues are the people you work with in your organisation, including team members, supervisors, coordinators, or senior management staff. Your peers are the people who have similar or equal responsibilities to you, including other managers.

Distribution methods

How your service distributes policies, procedures and legal information will depend on its size, resources and available technology.

Whatever method you choose, you should ensure it is the most efficient and effective way of communicating with your team members. If important information relating to legal and ethical compliance is not communicated promptly, you may risk employees engaging in unethical or illegal behaviour.

Intranet
An intranet is a computer network controlled by and reserved for your organisation's use. Intranets, such as SharePoint, provide a secure space for storing, accessing, developing and distributing policies, procedures, legal information and other electronic resources. Using an intranet to replace older distribution methods can increase organisational efficiency, speed up workflows and reduce errors. Depending on the specific applications, an intranet can allow multiple employees to access the same files, provide reference databases and facilitate internal email systems and instant messaging software.

Policy management software
There are various kinds of policy management software that are designed to provide one central location for all the organisation's policy-related documents. These platforms provide advanced search functionality, making it simple for you and your team members to easily find the latest policies, procedures and legal information. Automating your organisation's policy distribution means you can rely on automatic publishing and expiration reminders, maintain control with permissible views, promptly locate policies and procedures, streamline processes by using electronic distribution, and never misplace a document or store it in the wrong folder or section.

Email
Send email links to folders of documents accessible via your intranet or policy management software, rather than attaching documents directly to the email. This will avoid confusion about which document is the latest version and will remind workers to review, understand and adhere to any new requirements. It will also ensure you have promptly notified all relevant people of the changes.

Example

Distribute policies, procedures and legal information

Jared is the manager of an organisation providing affordable short-term housing solutions to disadvantaged families and individuals in the community. The organisation has a Code of Conduct that outlines the proper practices and behaviours for workers in carrying out their roles and responsibilities.

The Code of Conduct is accessible via the organisation's intranet that all workers are trained to use when they complete their induction. Jared has adjusted the Code of Conduct to include a section on conflicts of interest. Jared writes the new section, gains approval from senior management and requests the IT department upload the newest version to the intranet.

Once uploaded, Jared drafts an email for the IT department to send to every employee of the organisation, notifying them of the change and providing a link to the revised document. The IT department tracks the number of employees who click on the link to view the document and provides feedback to Jared so he can gauge whether further communication is necessary.

Practice Task 12

Question 1

Which of the following statements about distributing information via an intranet are correct? Tick all that apply.

❑ It provides a secure space for accessing, storing and developing resources

❑ It can increase organisational efficiency

❑ It speeds up workflows and reduces errors

❑ It is a good social tool for employees

❑ It keeps track of how many people log in daily

Question 2

List one function of a policy management system.

Summary

- Policies and procedures give you the knowledge you need to comply with your organisation's standards and services.

- A policy framework is a set of principles and long-term objectives that form the basis of individual policies and procedures, providing direction to organisational planning and development.

- You must follow your organisation's policies and procedures to ensure you manage compliance and ethical practice in both internal and external service delivery.

- The types of information your organisation collects and holds includes personal information and health information about users of your service, employees and contractors.

- Access to information should be restricted to the appropriate team members on a need-to-know basis.

- Certain information, should this be the request of a service user, is not to be shared with family, carers, friends or their advocate.

- Roles and responsibilities within teams vary dramatically depending on the team, the organisation and the area of community services in which it is operating.

- It is crucial that team members, regardless of their role within the team, are aware of the role and responsibilities nominated to them.

- When people need access to a policy or procedure, they need to know where to look and quickly access the most up-to-date version. An intranet or policy management system works well.

Learning Checkpoint 3

Develop and communicate policies and procedures

Part A

1. Provide a definition of a workplace policy and a workplace procedure.

2. List one reason why it is important for organisational policies and procedures to be clearly articulated.

3. Match each of the following policies and procedures to internal work practice or external service delivery.

Recruitment and selection policy and procedures	External service delivery
Privacy and confidentiality policy	External service delivery
Workplace health and safety	Internal work practice
Internet and email use policy	External service delivery
Access and equity policy	Internal work practice
Discipline and termination policy.	External service delivery
Complaints handling/management policy and procedures	Internal work practice
Communications policy and procedures	Internal work practice

4. Explain what is meant by the policy framework of an organisation.

5. List four elements that should be included in an organisational policy.

Part B

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

Case study

Max is a service manager for a disability support provider. He is responsible for developing, reviewing and distributing policies and procedures related to external service delivery. Max is asked by a board member, Lauren, to review and redevelop the record-keeping policy and associated procedures, as the organisation has recently subscribed to an online record-keeping system. Max arranges a meeting with the other managers to ensure every area of the organisation has the opportunity to contribute to the development of the new policy and express any concerns they have about its effects on internal work practices. Max emails an employee from the IT department to let them know a new record-keeping policy and procedures will need to be uploaded to the intranet in a week's time.

1. Which of the following are ways managers can contribute to the review and development of record-keeping policies and procedures? Select all that apply.

   ❑ Gathering information from feedback, observation, complaints, surveys, discussion with team members

   ❑ Asking the people receiving support services for ideas

   ❑ Providing feedback based on experiences of using an online record keeping system

   ❑ Developing an awareness of and contributing to continuous improvement

   ❑ Keeping up to date with legislation

2. List the elements that Max should include when writing the record-keeping policy.

3. Which of the following are formats Max could use to set out the record-keeping procedures? Select all that apply.

   ❑ A set of steps

   ❑ A podcast

   ❑ A set of instructions

   ❑ A flow chart of how to perform a task

   ❑ An email

4. Identify and describe four things Max should include when writing protocols for handling personal information in the new policy and procedures.

5. Which of the following are benefits of Max's organisation installing an online record-keeping system? Select all that apply.

❑ Uses less storage space

❑ Easily generates reports

❑ His team are able to spend more time on the computer

❑ Allows multiple people to access, update and add notes to records in real-time

❑ Backs up records and keeps them safe in case of fire or theft

6. Describe two ways that Max can ensure service users' confidential information will be kept secure in the new record-keeping system.

7. List four strategies Max could use to clarify the roles and responsibilities of others with respect to the new record-keeping policy and procedures.

8. Describe how Max could ensure all workers are promptly notified when the new record- keeping policy and procedures are uploaded to the intranet.

Topic 4: Monitor compliance

4A Evaluate work practices for non-compliance

4B Maintain and update accreditations or certifications

4C Refer issues and breaches of ethical or legal practice
    to relevant people
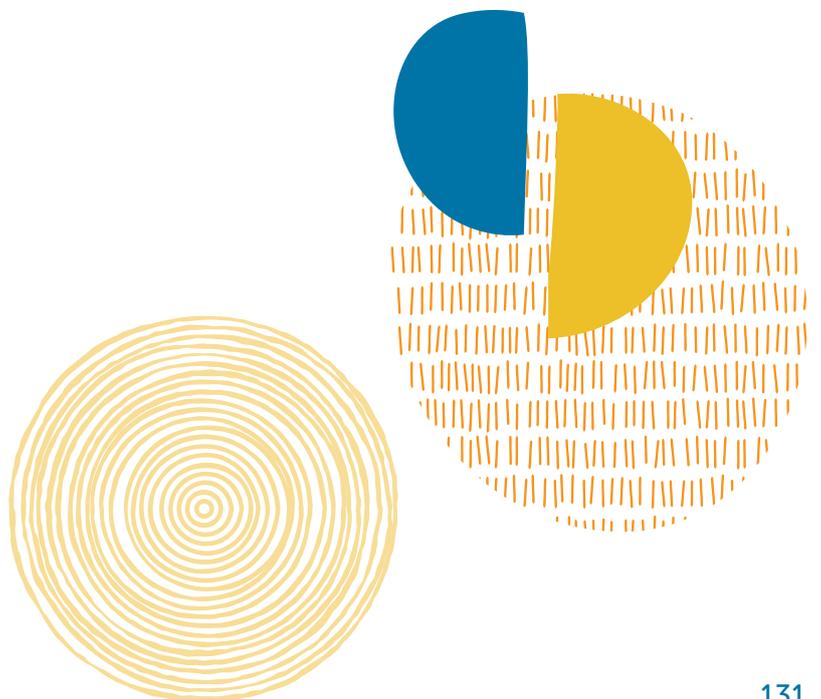
4A Evaluate work practices for non-compliance

As a manager, you are responsible for monitoring how policies and procedures are put into practice by your team members, because correct practice is essential for ethical and legal compliance.

To monitor compliance, you need to gather relevant information, communicate the findings and recommend appropriate corrective or enforcement action.

Your role is to evaluate work practices for non-compliance on an ongoing basis by ensuring policies, procedures, and protocols are easily accessible, understood and applied consistently by all the employees you manage. All organisational guidelines should be reviewed and updated regularly to ensure they meet current industry best practices. When you identify instances in which employees are not meeting their legal and ethical obligations, or areas of service delivery that are in need of improvement, you should act in an appropriate way so the organisation continues to meet its compliance requirements.

Fostering a culture of compliance within your organisation is essential. This allows the implementation of an effective compliance-monitoring program that is linked to senior management. This demonstrates to the regulator that your organisation has the right attitude towards compliance, but more importantly than that, it creates a culture of excellence, attention to detail and the highest standards of care.

Techniques used for monitoring compliance must be effective, ongoing and well documented. A compliance culture is:

- established by senior management and characterised by their example
- embedded in training and professional development activities
- reinforced by incentive systems and disincentives to those who are non-compliant
- integral to the use and management of information systems
- inseparable from the organisation's structure, processes and style of management.

Evaluate work practices for non-compliance

There are various ways you can monitor your team members' adherence to organisational policies, procedures and protocols.

You should select a strategy that suits the operations and structure of your organisation and ensures you can continually and efficiently evaluate work practices for non-compliance.

Here are some strategies.

Observation	• You should periodically observe and record how your team members carry out their work tasks and activities. Provide constructive feedback to guide workers on how to complete tasks and fulfil their responsibilities within the legal, ethical and policy framework relevant to your area of work. • Observation and demonstration is a useful method of assessing the competence of your team members and identifying areas where training might be necessary.
Team meetings	• You should hold regular team meetings to ensure workers are given opportunities to discuss any issues they are having in carrying out their work and adhering to organisational requirements. Encourage team members to give and receive constructive feedback. Promote a consultative team environment where problems are resolved, and decisions are made, collaboratively. • Encourage team members to innovate and use their creativity to complete work tasks and activities more efficiently and in line with compliance requirements.
Compliance register	• A compliance register is a document held by senior management or the quality manager to record compliance matters that arise within an organisation. The register provides a central record of compliance matters reported under the organisation's legal compliance framework. It demonstrates how the organisation is managing its legal and ethical obligations. • All team members need to be able to log any compliance matters on the register. When logging a matter, you will be asked to provide a summary of the action or activity that you have identified and the relevant legislation. Once registered, assigned organisational personnel are advised of the compliance matter in their area and a strategy for resolving the issue is developed.
Records	• Read service user records and case notes (within your level of authority and adhering to privacy regulations) to discover how policies, procedures and protocols have been applied and adhered to in the past, or by particular team members. Identifying and analysing episodes where team members breached, or behaved in a way that could have breached, legal and ethical compliance requirements will help you identify if, and what, further training and development is required.

Performance appraisals	• Conducting six- and twelve-monthly performance appraisals allows you dedicated one-on-one time with team members to evaluate their performance. Performance appraisals allow you to assess how team members are meeting key performance indicators and establish goals for ongoing professional development. • If you are concerned about how a team member is performing in their role or about their commitment to complying with legal and ethical requirements, performance appraisals allow you time to formally monitor and record team member compliance on an ongoing basis.
Reviews	• You can evaluate work practices by involving team members or other managers in reviews of policies, procedures and protocols. This ensures workers have an opportunity to contribute ideas about how work practices can be improved to ensure compliance requirements are more easily and efficiently met.
Feedback	• Your organisation should have mechanisms in place to collect and record feedback about service delivery from service users and their families, carers and advocates. You should also gather feedback from health and/or other professionals who collaborate with your organisation to provide a service to the community. • Receiving, recording and reporting on regular feedback is a reliable method for monitoring compliance, as feedback directly reflects the experiences, issues and concerns of your service users. Feedback may be collected via written or online forms, surveys, questionnaires, or during face-to-face interviews.
Interviews	• Government regulators will investigate organisations to assess whether relevant persons have complied with legislation and regulations relevant to their area of practice. During investigations, an investigator or inspector may need to interview relevant people. There is a formal interview process that investigators will follow and as a manager, your assistance may be required, on request. • A person being interviewed has a legal right to have a legal representative or support person attend their interview.

Continuous compliance and implementing modifications

Compliance has three essential elements that need to be implemented continuously and that relate to internal work practices and external service delivery: communication, verification and Correction. These elements are described here in detail.

Communication
Compliance communication starts with the leaders of your service who establish the legal and ethical culture, and then communicate it to all personnel. All employees must receive a clear and consistent message about the service's commitment to meeting its legal and ethical obligations. Communication involves: • conveying your service's commitment to doing the right thing • putting appropriate mechanisms in place to gather and maintain evidence of compliance • rewarding compliance and punishing breaches of ethical or legal requirements • providing sufficient and flexible reporting capabilities to meet existing and changing statutory reporting requirements.

Verification
Compliance verification ensures progress is based on reliable evidence. A commitment to legal and ethical compliance involves integrating checks and balances into automated organisational systems so there will be evidence if people are told to do something that they should not do. Authorisation and authentication controls specify who is allowed to do what within your organisation, and provide evidence of what was done. Complex systems can be monitored to identify whether your team members are operating outside of established boundaries or levels of authority. Verification involves recording events and reporting the required summary information, and alerting management whenever organisational controls are exceeded.

Correction
Correction involves handling incidents of non-compliance effectively and efficiently, as well as identifying and addressing the root cause of each problem. Correction may also involve noting changes to service objectives, the economy, industry changes, technology, and the regulatory and compliance requirements that identify a need for modifications at an operational level. Corrective action may involve modifying policies, procedures and protocols, revisiting and updating the objectives of the organisation, or conducting staff training.

Audit and inspection regimes

Inspections and audits to monitor compliance are carried out on organisations across all areas of community services. If your organisation is required to undergo an inspection or an audit, you will be contacted by the relevant departmental officer who will outline the process and explain any requirements.

Inspection	• A monitoring inspection is less formal and extensive than an audit and involves a site visit to ensure an organisation and its employees are complying with accreditation standards and legal and ethical compliance requirements. • A monitoring inspection will not usually involve a formal review of documentation and records. Early intervention means that serious issues of non-compliance will arise inadvertently and preventative measures can be put in place to ensure your organisation continues to meet its standards. • Monitoring inspections demonstrate to service users and the broader community that there are systems in place for measuring and improving compliance, which increases confidence in the regulatory system.
Audit	• A compliance audit is an objective assessment of an organisation's compliance against selected criteria. Organisations are audited against the standards and legislative requirements that have been set for the particular industry, or certifications granted. • A compliance audit usually takes the form of a document review, followed by a site inspection. In some situations, the document review provides the auditing body with enough information to verify that an organisation is compliant with its standards or requirements.

Video: Aged Care Quality Standards
Watch this video about a quality assessor for the Aged Care Quality Standards, to further explore evaluating work practices for non-compliance: aspirelr.link/yt-aged-care-quality-standards

Techniques to monitor compliance

When you identify situations where legal or ethical compliance requirements have been breached, you should implement necessary changes to work practices or develop a strategic response, specific to the type of breach that has occurred. Examples of modifications to work practices could include:

• adjusting the amount of personal information that is collected to ensure it is reasonable and relevant to organisational needs

• modifying manual handling procedures to prevent physical injury for support workers

• outsourcing the maintenance of organisational vehicles to ensure they remain roadworthy at all times

• increasing the security of confidential records by updating the security controls of the electronic record keeping system

• designating an employee to take on the role and responsibilities of work health and safety officer

• modifying communication procedures to include strategies for interacting with people whose first language is not English.

Example
Evaluate work practices for non-compliance

Roman is the quality control manager at a drug and alcohol rehabilitation service. Roman is responsible for developing, implementing and managing quality control systems designed to ensure the service's operations comply with ethical and legal requirements. Recently, a person in need of support applied to be considered for admission into the centre's program.

After completing the application form, the applicant expressed his concerns to the admissions officer, about the amount of personal information requested. The form asked individuals to specify their sexual orientation. The applicant felt this was invasive and unnecessary. This feedback is passed on to Roman who decides to evaluate the centre's existing work practices relating to the collection of personal information.

He determines that requesting information on sexual orientation could have the effect of disadvantaging people due discrimination.

Roman removes this question from the centre's application forms. To ensure the centre complies with anti-discrimination legislation, Roman reviews the centre's policies, procedures, and training manuals to ensure they do not allow for discrimination against persons based on their sexual orientation, gender identity, intersex status or their relationship status.

Practice Task 13

Question 1

Briefly describe a monitoring inspection.

Question 2

Match each term about continuous compliance to its correct description.

Verification	Employees receiving a clear and consistent message about the service's commitment to meeting its legal and ethical obligations.
Correction	Recording events and reporting the required summary information and alerting management whenever organisational controls are exceeded.
Communication	Handling incidents of non-compliance effectively and efficiently, as well as identifying and addressing the root cause of each problem.

Question 3

Briefly describe a compliance audit.

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

Case study

You are the quality control manager at an aged care service. After a recent compliance monitoring inspection Jane, the work health and safety officer, has notified you that support workers are not using the correct manual handling techniques for the safe transfer of people receiving care. You are required to investigate the issue.

Question 4

Which of the following strategies could you use to evaluate manual handling work practices for non-compliance?

❑ Observing the manual handling techniques used by support workers to transfer residents

❑ Ranking the performance of support workers while they support people with activities of daily living

❑ Gathering feedback from residents who require lifting and transferring by support workers

❑ Conducting team meetings to discuss and clarify manual handling techniques and instructions

❑ Recording legal compliance matters in an organisational compliance register

Question 5

List two ways you could ensure manual handling work practices are evaluated on an ongoing basis.

Question 6

List two ways you could implement modifications to manual handling practices to ensure they meet compliance requirements.

4B Maintain and update required accreditations or certifications

Processes of accreditation ensure that community services across Australia meet minimum standards with regards to all areas of operation.

You only need to register your service once and you do not have to renew it unless your registration is cancelled. Once your service has been registered, you must apply for accreditation within six months. To obtain accreditation, you must show that your service meets the **minimum standards** for each level in the accreditation standards or regulations applicable to your sector. Once an organisation has met all standards, accreditation is valid for the given accreditation period for your sector. For example, accreditation for commencing services in residential aged care, is valid for an initial 12 month accreditation period.

Accreditation processes encourage participation by whole organisations and consist of four stages. Providing false or misleading information during your accreditation application process is an offence under the *Criminal Code Act 1995* (Cth).

Four stages of accreditation
1. Internal review by the organisation
2. External review conducted by an accreditation officer
3. Feedback
4. Taking action

Application process

Accreditation application processes vary depending on the service you provide and the relevant body reviewing your service and granting the accreditation.

Generally, however, once you have registered your service you will be sent an accreditation application kit, which includes a self-assessment workbook and other documents relevant to your area of community services. You will need to use the self-assessment checklist to assess your own service against the relevant standards.

An accreditation officer will then visit your organisation, check your policies and procedures, and conduct a site inspection of your premises. The accreditation process is in place to ensure your organisation is following policies and procedures in the day-to-day operations of your service and meets legal and ethical obligations.

Information about accreditation, including how to apply, what fees are payable and what documentation you need to supply can be found at: aspirelr.link/ablis

Successful accreditations	If you are successful and your accreditation is granted, you will receive an accreditation certificate that must be placed in an area where service users can see it.
Unsuccessful accreditations	If your accreditation application is refused, you will receive a notice explaining why your application was not successful. If you disagree with the decision you will have a specified time frame in which you can seek a review of the decision. Sometimes, if accreditation of a particular service is refused, registration is automatically cancelled and you cannot operate your service.
Renewing accreditations	You must apply to renew your accreditation before the specified accreditation period expires. If you need more time, you can apply to extend your accreditation expiry date. If you fail to apply for renewal of your accreditation before the expiry date your registration may be automatically cancelled and you may be required to pay penalties.

Self-assessment

A **self-assessment** is an internal process where your organisation looks at how it operates and carries out its work activities, and the outcomes it achieves. During the process, you will identify your organisation's strengths, weaknesses and opportunities for improvement. The aim is to ensure your organisation is always providing the highest possible standard of care and service delivery by identifying and addressing any gaps in quality.

Self-assessment will drive continuous improvement in your organisation by identifying areas where you are performing (or can perform) exceptionally, as well as areas in which you are not performing well enough for service users or employees. Self-assessment identifies whether your organisation meets expected accreditation outcomes and considers what your service users are gaining from the care and services provided.

You can carry out a self-assessment in many ways. Management needs to determine what process is best for your workplace. You should involve the team members who carry out the day-to-day tasks being assessed, as this is a valuable way of learning what is being done in the organisation. Your service users, their representatives or relatives, visiting health professionals and other stakeholders should also contribute to the assessment process by providing feedback.

> **Self-assessment**
> Allowing the person with a disability to report their strengths and weaknesses directly to a supervisor, allied health professional or their support worker.

Accreditation authorities

Various authorities, bodies and councils in Australia (relevant to each state and territory) are responsible for granting, refusing and renewing the accreditation

of community services organisations. Familiarise yourself with the accreditation authority relevant to your organisation.

Accreditation authorities include, but are not limited to the following:

Aged Care Quality Standards	The Aged Care Quality and Safety Commission provides accreditation for aged care providers, against the Aged Care Quality Standards. They have eight standards:
	• Standard 1 – Consumer dignity and choice
	• Standard 2 – Ongoing assessment and planning with consumers
	• Standard 3 – Personal care and clinical care
	• Standard 4 – Services and supports for daily living
	• Standard 5 – Organisation's service environment
	• Standard 6 – Feedback and complaints
	• Standard 7 – Human resources
	• Standard 8 – Organisational governance
	The main elements of their accreditation process are:
	• self-assessment by the provider against the Quality Standards
	• submission of an application for accreditation of a commencing service, or re-accreditation of an accredited service or recommencing service
	• assessment by a team of registered quality assessors and development of a site audit report
	• development of a performance assessment report outlining compliance with the Quality Standards
	• a decision about the service's accreditation by a decision-maker (delegate of the Aged Care Quality and Safety Commissioner)
	• the issuing of an accreditation certificate, which may be displayed at the accredited service
	• publication of the performance report and accreditation decision on the Commission's website
	• monitoring the quality of care and service and managing any non-compliance with the Quality Standards
Health and community services	The QIC (Quality and Improvement Council) Health and Community Services Standards (QIS Standards) are owned by Quality Innovation Performance, who are the exclusive provider of accreditation against these standards.
	Their standards and accreditation program thoroughly review organisational systems across multiple areas.
	There are five Standards, which consist of:
	• governance
	• management systems
	• consumer and community engagement
	• diversity and cultural appropriateness
	• service delivery.
	QIP are also approved quality auditors in NDIS certification and verification.

Children's services	Each state and territory has an independent statutory authority responsible for protecting children by promoting and regulating child safety organisations and services.
	For example, the Office of the Children's Guardian (OCG) NSW provides resources for statutory out-of-home care adoption. Agencies can take part in the Children's Guardian's provisional or full accreditation and are known as designated agencies. They share the Guardian's commitment to improving the lives of children and young people in care. Accredited agencies must comply with the conditions of accreditation as a designated agency.

Certifications and licences

The Australian Business Licence and Information Service (ABLIS) website helps you to find the government licences, permits, approvals, registrations, codes of practice, standards and guidelines you need to understand to meet your legal and ethical compliance responsibilities.

ABLIS will provide a personalised report containing:

- a summary of state or territory, local and Australian government requirements relevant to an organisation

- information about licences and permits

- how to access relevant forms

- who to contact for more help and information.

National criminal history checks
In the majority of community service sectors, you are required to undertake a criminal history check. You can find out the relevant screening for the aged care sector by viewing the Aged Care Worker Screening Guidelines 2021 here: aspirelr.link/aged-care-worker-screening-guidelines

Working with children check
A Working With Children Check (WWCC) is a prerequisite for anyone in child-related work, and applies to both paid and volunteer workers. It involves a national criminal history check and review of findings of workplace misconduct. The result of a WWCC is either a clearance to work with children for five years or a bar against working with children altogether. Applicants who have been cleared are subject to ongoing monitoring and relevant new records may lead to the WWCC being revoked. The WWCC can be used for any paid or unpaid child-related work as long as the worker remains cleared.
For further information, visit the relevant issuing body in your state or territory, for example, Service NSW issues WWCC in NSW. Further information can be found here: aspirelr.link/nsw-apply-working-children-check

Working with vulnerable persons
All persons (including sub-contractors and volunteers) working with or in contact with vulnerable persons are to be appropriately screened for that purpose. Vulnerable persons in this instance means a child or children; or an individual aged 18 years and above who is unable to protect themselves against harm or exploitation because of age, illness, trauma or disability, or any other reason.
Anyone working for your organisation, in any capacity, will require registration for Working with Vulnerable People (WWVP) if you provide services to people who are experiencing homelessness, are victims of crime, or your organisation works in community services, disability services, respite care services, religious organisations, child education or childcare services, child protection services, justice facilities for children, accommodation services for children or counselling and support services for children.
If you or members of your organisation require registration to perform one of these regulated activities, you should apply as soon as possible to ensure you are compliant with the legislation. For example, Access Canberra provides this for the ACT, and you can find more information here: aspirelr.link/access-canberra-working-vulnerable-people

Mandatory training

You and your team members may need to undergo mandatory training to ensure you carry out your workplace tasks, activities and responsibilities in a way that adheres to ethical and legal compliance requirements.

For example, mandatory induction relates to components of induction that *must* be delivered to all new employees, including casual employees, to ensure compliance with legislation. If you are responsible for planning and delivering induction you should choose the delivery methods that best suit your employees. Include assessment activities to ensure employees can verify their understanding, which can be undertaken face-to-face or online.

Mandatory training relevant to your organisation could include:

- induction
- health, safety and wellbeing of employees and service users
- code of conduct and ethical decision making
- managing privacy, confidentiality and disclosure
- internal controls
- duty of care and dignity of risk
- sustainable work practices
- statutory reporting requirements.

Example
Maintain and update accreditations or certifications

Wendy is the manager of a brand new residential aged care home. It is Wendy's responsibility to acquire, maintain and update the service's required accreditation.

After registering the new residential aged care home, Wendy applies for accreditation as a commencing service with the Aged Care Quality and Safety Commission. Wendy must demonstrate that the service meets the minimum standards for each accreditation level and complies with the eight standards. Wendy conducts the self-assessment of the facility's services against the Aged Care Quality Standards and completes the Application for Accreditation form.

A team of registered quality assessors visits the home and works with Wendy to complete a site audit. The assessors check the organisation's policies and procedures, and obtain information from residents and other employees of the organisation about the quality of the service. They then complete their site audit report and performance assessment report.

A decision is then made about the service's accreditation, and Wendy is notified that her application has been successful. Wendy frames the official accreditation certificate, and places it on the front reception counter so it is visible to residents, visitors, and staff. Wendy makes an appointment in the Outlook calendar she shares with senior management of when to renew the service's accreditation.

Practice Task 14

Question 1

List one place where you could find the relevant accreditation requirements for community services.

Question 2

List four of the quality standards for accreditation in aged care.

Question 3

Which of the following would be covered as part of mandatory training? Select all that apply.

❑ Employee induction

❑ Health, safety and wellbeing of employees and service users

❑ Managing privacy, confidentiality and disclosure

❑ Statutory reporting requirements.

❑ How to accomplish daily work tasks

4C Refer issues and breaches of ethical or legal practice to relevant people

It is your legal responsibility to ensure you provide a proper standard of service to all people in need of support, with consideration given to their medical, ethical, social and religious needs.

You also have a responsibility to recognise, report, or refer to relevant people, any unethical or illegal conduct that you observe or suspect from team members or others.

Breaches of ethical and legal obligations

Unethical and illegal 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 taking any formal steps to report or refer to breaches of ethical or legal work practices, you need to check that the behaviour is, in fact, unethical or illegal. You can do this by referring to relevant legislation, or by checking your code of ethics, conduct, guidelines, your organisation's policies and procedures, or by speaking with your supervisor. It may also help to write down the facts as objectively as possible to ensure you are not acting solely on your own values and emotions.

Here is more information on unethical conduct.

Examples of unethical or illegal conduct
Unethical or illegal conduct can be: • not following someone's care plan   • breaching confidentiality   • recording an incident untruthfully   • recording a treatment without having performed the treatment   • accepting a gift from a service user outside of the organisation's gift receiving policy   • inappropriate use of agency resources   • performing a procedure you are unqualified to do.

When these issues typically occur
Unethical or illegal conduct 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 service users • not suited to the work environment • not adequately trained.

You must refer and report issues and breaches of ethical or legal practice to people who are experienced, qualified, or possess the requisite level of authority to handle the issue.

If you are unsure about a particular behaviour, discuss the situation with management first. Explain what you have seen and heard, and seek their advice on what you should do next. Alert team members to the breach of conduct to prevent it from re-occurring. Report the incident to the service user's family or advocate. You may also need to report or ask for advice from others.

To whom to refer issues or ethical breaches
• Government regulators and authorities – who can provide expert advice on how to handle issues or breaches in a reasonable and equitable manner
• Supervisors or senior management – who can deal with complex situations that cannot be easily resolved between team members
• Team members – who have experience in the area you are concerned about and can provide knowledge and experience
• Healthcare professionals – for specialist medical or other health-related advice
• Police or law enforcement agencies – where a services user's property has been damaged or stolen, or a person complains of physical, mental or financial abuse. You must know your obligations regarding mandatory reporting of certain kinds of offences
• Industry network – who can collaborate with you to share ideas, discuss ethical issues and apply ethical problem-solving techniques
• Mediators or third parties – who can help to resolve an issue and help all parties involved to think about a situation from different viewpoints
• Counsellors with experience in dealing with common ethical issues or breaches and can provide a comfortable setting to explore alternatives
• Advocacy services – who can protect and maintain the rights of individuals who are not capable of making decisions on their own
• Lawyers or solicitors – who can provide advice on how to make or respond to claims of illegal conduct

Example
Refer issues or breaches of ethical or legal practice to relevant people

Ash is the care team leader at a residential aged care home. He notices that Rita, a support worker, appears to have taken a dislike to one of the service users, Manu. Rita treats Manu differently, often being abrupt, intimidating and generally unhelpful. It has reached the stage where Ash feels anxious each time Rita is on shift in Manu's section. It is also becoming obvious that Manu is uncomfortable in Rita's presence, even though he hasn't complained. Ash has a good working relationship with Rita and does not want to jeopardise it but, to protect Manu's rights, he knows he must address the issue.

When Ash approaches Rita, she laughs it off and tells him he is overreacting. Ash decides to refer the issue to the care services manager, Patrick, to formally deal with the issue. Patrick approaches Rita and explains Ash's concerns. He reminds Rita of her duty of care and the principles of ethical conduct. Patrick encourages Rita to talk about her feelings towards Manu and asks why she feels the need to treat him differently from others. Rita is remorseful. She says she was unaware of her behaviour until now. Patrick tells her she should try to think about it from Manu's perspective. Rita realises that yes, she has been treating Manu differently and assures Patrick that her attitude will change. By referring the ethical issue to Patrick, a positive outcome has been reached for Manu, Rita and Ash.

Practice Task 15

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

Case study

You are the volunteer manager of a community services organisation providing food, shelter and clothing to vulnerable members of the community. You observe one of your volunteers, who is responsible for sorting donated clothing, engaging in unethical conduct. The volunteer has been observed putting pieces of clothing aside and taking them home for personal use.

The organisation's policy and procedures for sorting donated items strictly prohibit employees and volunteers from keeping donated items for themselves. If they wish to obtain second-hand items that have been donated, they must purchase them from the organisation's second-hand store, or submit an application to the organisation for assistance in the area of clothing.

Question 1

Explain why the volunteer's behaviour is considered unethical.

Question 2

Identify the relevant people you could refer this issue to.

Summary

- To monitor compliance you need to gather all the relevant information, communicate the findings, and recommend appropriate corrective or enforcement action.

- Techniques used for monitoring compliance must be effective, ongoing and well documented.

- If your organisation must undergo a standard inspection or an audit, you will be contacted by the relevant departmental officer who will outline the process and explain any requirements.

- To obtain accreditation, you must demonstrate that your service meets the minimum standards applicable to your sector.

- There are various authorities, bodies and councils within Australia, and relevant to each state and territory, responsible for granting, refusing and renewing the accreditation of community services organisations.

- You and your team members may need to undergo mandatory training to ensure you carry out your workplace tasks, activities and responsibilities in a way that adheres to ethical and legal compliance requirements.

- You must refer and report issues and breaches of ethical or legal practice to people who are experienced, qualified, or possess the requisite level of authority to handle the issue or breach.
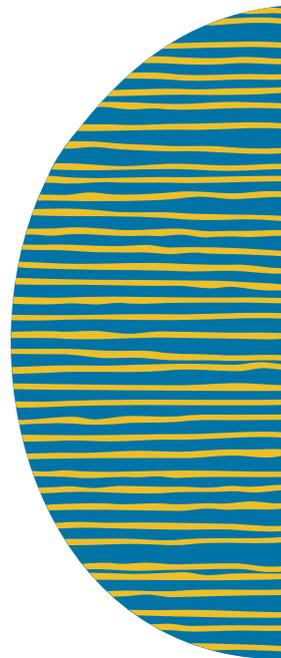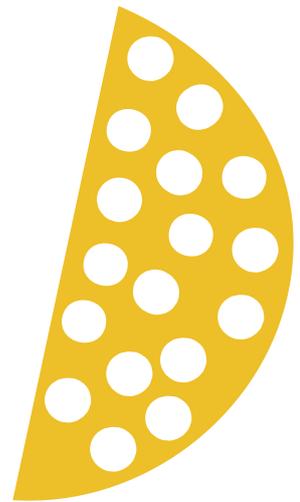
Learning Checkpoint 4

Monitor compliance

Part A

1. Briefly explain what a compliance audit and a monitoring inspection involve.

2. Explain why an organisation may need to apply for a licence or permit.

3. Which of the following are areas that may require mandatory training in the community services sector? Select all that apply.

❑ Induction training

❑ Health, safety and wellbeing of employees and service users

❑ Customer service standards

❑ Code of conduct and ethical decision making

❑ Managing privacy, confidentiality and disclosure

4. List two of the stages of accreditation for aged care providers.

5. Explain the purpose of accreditation standards.

6. Identify and describe three relevant people that issues or breaches of ethical or legal practice could be referred to.

Part B

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

> ### Case study
>
> Davey is the quality manager at a residential aged care service. The team he manages is responsible for strengthening service delivery in all areas and ensuring the home has a focus on improvement of care, service and staff safety. Davey provides leadership for the core business team and supports the service delivery of the organisation.
>
> One of Davey's team members, Andrew, has recently conducted routine observations of the nursing staff to ensure the rights of residents to independence, privacy, dignity and confidentiality are being upheld in the workplace. Andrew reports back to Davey that the organisation is currently facing a shortage of aged care nursing staff and the existing nurses are under pressure to care for a large number of residents.
>
> Because of this, there have been occasions where nursing staff don't have time to assist and organise residents to attend the weekly group excursion to a local shopping centre. As a result, some residents have missed out on purchasing groceries and other personal items that make them feel independent and comfortable.

1. Other than by observation, describe three ways that Davey could further evaluate and monitor work practices for non-compliance.

2. Which of the following are ways Davey could ensure work practices are monitored on an ongoing basis? Tick all that apply.

❑ Encouraging a culture of compliance by leading from the top and modelling the organisation's values in all communications

❑ Building checks and balances into automated organisational systems, including authorisation and authentication controls

❑ Handling incidents of non-compliance by identifying and addressing the root cause of each problem

❑ Interviewing staff at the conclusion of each shift and asking them to note any instances of non-compliance in others

❑ Taking other corrective action, such as modifying policies and procedures or conducting staff training

3. Describe two modifications Davey could make to ensure the nursing staff, and organisation as a whole, continue to uphold the rights of residents.

Topic 5: Maintain knowledge of compliance requirements

5A Stay informed of current and emerging legal requirements and ethical issues

5B Proactively engage in review and improvement processes

5A Stay informed of current and emerging legal requirements and ethical issues

Sharing knowledge about compliance requirements with your colleagues helps foster a shared understanding of legal and ethical responsibilities.

Every service must confront the challenge of changing compliance requirements. New laws and regulations can be complicated, and non-compliance can carry significant penalties.

Learning to stay ahead of current and emerging legal requirements and ethical issues, consistently communicating with your team members and service users, and assertively preparing for upcoming legislative changes will ensure you are in a stronger position to turn these challenges into opportunities.

When legislation, regulations and standards change, you have the opportunity to re-evaluate, re-design and demonstrate value to your service users by consistently meeting compliance requirements, and highlighting the integrity of your service.

Keeping up to date with legislative and ethical changes and developments will allow you to make better decisions and identify threats and opportunities early on, giving you a competitive edge.

Ways of receiving updated information on compliance requirements include, but are not limited to, the methods show here.

News	Reading news articles can be a valuable method of keeping up to date with legislative and regulatory changes. Events or circumstances affecting the economic climate will have a direct impact on businesses and services across the country. You should aim to read and circulate any news articles that affect legal and ethical requirements your service is required to meet.
Social media	Social media engagement allows you to access real time updates, notifications and articles published by a variety of industry groups, government departments, regulatory agencies and politicians. Because of the immediacy of social media, it can be the first place an announcement is made that affects your service's service delivery.
Government websites	Government departments regularly publish articles, updates and important information relating to legal and ethical requirements on their websites. You can subscribe to receive notifications when articles are published, or when legislation relating to your services has been changed or is due to be discussed in parliament.

Industry organisations	Your sector in the health and community services industry may have one or more trade organisations or industry associations that you can join. These are useful because they can help to keep you informed about compliance requirements by emailing you newsletters and other publications. They provide networking opportunities through seminars, conferences and other professional development activities.
Networks	Networking with other health and community services workers, or professionals who provide expert advice to the industry, allows you to regularly discuss current and emerging legal requirements and ethical issues relating to the sector. Remember you have a wide pool of people you can network with, including people directly related to your industry, as well as suppliers, service users, and people working in related fields.
Forums	Membership sites and discussion forums can be full of insider information tailored to specific interests or industries. Attending forums and discussing issues with other professionals in your industry can help you to build your network, grow your skills and knowledge, and stay informed on changes to compliance requirements.

Once you have identified the best sources of information, you will need to schedule time so you can gain the most from them. This can be challenging, especially if your day-to-day role is already filled with regular commitments. However, it is important to create time in your calendar for developing and maintaining your knowledge of compliance requirements so you can identify and prevent any risks of non-compliance within your service.

Continue professional education

Continuing professional education (CPE) is work-related learning that should continue throughout your career. CPE is how people maintain their knowledge and skills related to their professional roles.

CPE can provide you with updated knowledge and other pertinent information that will help you to attain a broader understanding of your industry.

With the rapid changes and trends that occur in community services, CPE is an essential part of a community services workers' career development. CPE is a requirement for most people who belong to a professional association and assures the broader community of a worker's professionalism and skill.

You and your team members should undertake relevant CPE to help you build on your skills, assist you to provide better services and maintain your knowledge of current and emerging legal requirements and ethical issues. Undertaking endorsed, quality, and relevant courses will meet the professional development requirements of you and your team members.

Continuing professional education (CPE)
Ongoing training that is required in order to remain certified as a professional in certain jobs.

Establish a communications framework

A communications framework should be established in your service to provide a two-way flow of information, knowledge and ideas.

Healthy workplace relationships, excellence in care and increased effectiveness can only be achieved when managers and team members consult with each other, compare notes, encourage each other's input into work practices and problem areas, and resolve issues cooperatively.

Consultation processes are implemented to allow employees to contribute to legal and ethical issues related to their work.

Feedback regarding outcomes of the consultation process is relayed to the work team and relevant personnel.

Contributions from beyond the work team, both internally and externally, are sought and valued in developing and refining new ideas and practices.

Processes are implemented to ensure issues raised are resolved promptly or referred to relevant personnel.

Share updated knowledge and information

No two workplaces are the same. Processes for communication and consultation should always be relevant to the size and nature of your particular service.

The benefits of a consultative team culture are not just limited to the additional insights and ideas generated by a group of people working together. By allowing your team members to contribute to organisational decision-making, they will experience greater job satisfaction and their interest in and commitment to their job will improve.

Share updated knowledge and information by:

- scheduling regular team meetings to discuss legal and ethical issues
- putting into place incident or hazard reporting procedures
- consulting with external parties such as your industry, union, WHS or community representatives, contractors, suppliers, service users, advocates, legal advisers, etc
- conducting forums on important topics
- placing announcements on your intranet about changes to policies, procedures or protocols
- issuing induction manuals, operational guidelines, forms or templates
- personally interacting with team members
- communicating in person or by videoconference
- sending emails to individuals or groups.

Encourage contributions from peers and colleagues

Implementing consultative communication processes is a way of tapping into what is often an under-used resource in an organisation: its people. As a manager, you should recognise that some team members will have meaningful contributions to share by way of experience or skills that other team members – including you – don't have.

Consultation encourages people to contribute and accept responsibility. You can then place increased confidence in workers, benefit from their input and identify potential problems that can be dealt with promptly.

You should actively encourage your peers and colleagues to suggest new ideas, provide comments, show initiative, and raise any concerns about legal and ethical issues in your service. Foster an atmosphere that is comfortable and non-threatening, in which team members share knowledge, ideas, tips, work strategies and information.

Example
Identify and use opportunities to maintain knowledge and share information

Marcus is the manager at a disability transport service that arranges free or low-cost transport for eligible people in the local community. Accessibility and transportation for people with disabilities is a long-standing issue of concern for the disability sector.

Accessing transport presents challenges for many people living with disability and the individuals and services that support them. Marcus recently read a news article online that said the state government would cut funding for services providing disability transportation services unless they apply and qualify for a special licence.

However, no actual regulatory changes have been made yet. Marcus subscribes online to media statements released by the government to ensure he stays up to date with current and emerging legal requirements relating to the disability transportation service.

Practice Task 16

Question 1

List two places where that you could receive updated information on the compliance requirements in your service.

Question 2

You are managing an aged care service in NSW. You have recently received information from the government about changes that will affect support workers. Explain four ways you could share this updated knowledge and information with peers and colleagues.

Question 3

Which of the following statements about continuing professional education (CPE) is correct? Select all that apply.

❑ It is how people maintain their knowledge and skills related to their profession.

❑ It can involve belonging to a professional association.

❑ It is mandatory in all sectors.

❑ It is a way in which the broader community can be assured of a person's professionalism and skill.

❑ It helps you attain a broader understanding of your industry.

5B Proactively engage in review and improvement processes

Being proactive means actively engaging and creating opportunities to review and identify areas of your service that are in need of improvement.

Your service should implement a **quality management system (QMS)** to ensure service delivery and work practices are consistent and compliant across all levels of the service.

ISO 9001:2015 is the International Standard for Quality Management Systems (QMS). It specifies the requirements for a QMS when a service needs to demonstrate its ability to consistently provide services that meet applicable statutory, regulatory and service user requirements; and are aiming to enhance service user satisfaction through the effective application of a quality management system, including improvement and assurance processes.

Regardless of whether your service requires an ISO 9001 certificate, applying the principles listed in the Standard will assist you to organise, review and improve the quality of your service's service delivery and work practices.

ISO 9001 is based on the plan-do-check-act (PDCA) methodology and provides a process-oriented approach to documenting and reviewing the structure, responsibilities and procedures required to achieve quality management in your service.

> **Quality management system (QMS)**
> A collection of business processes focussed on enhancing customer satisfaction and aligning with the companies' strategic direction.

The PDCA cycle
1. Plan – Identify an opportunity and plan for change.
2. Do – Implement the change on a small scale.
3. Check – Use data, information and knowledge to analyse the results of the change and determine whether it made a difference.
4. Act – If the change was successful, implement it on a wider scale and continuously assess the results.

Quality management system

Your service's QMS is initiated by the organisational structure, policies, procedures, practices and resources necessary to implement quality management.

An effective QMS is centred on the service user and requires senior management to support and provide adequate resources to team members so that organisational objectives can be achieved.

Services seeking compliance or accreditation must define the processes that form the QMS and determine how they interact. Implementing an effective QMS will benefit your service by increasing stakeholder confidence, and improving risk management and operational effectiveness and efficiency.

Implementing a QMS will allow your service to:

- recognise external quality requirements specified in accreditation standards, service guidelines, and service user requirements

- ensure that all requirements have been documented within the QMS in the appropriate location according to defined system requirements

- confirm that workers receive applicable training in quality system requirements

- outline performance processes, where applicable, to the quality system requirements

- produce records or evidence that quality standards have been met

- measure, monitor and report on the extent of compliance with performance procedures, and legal and ethical compliance requirements

- continually monitor and analyse changes to requirements and confirm that they are reflected in modifications to workplace practices

- execute the auditing regimes and analyse and correct system processes where applicable

- include processes that will help continually improve the QMS.

Example
Proactively engage in review and improvement processes

Dhana is the quality control manager at a community services organisation supporting job seekers to get back into the workforce after suffering injury or hardship. Dhana is committed to continuously improving the quality of her organisation's operations and services.

She strives to identify the changing needs and expectations of her service users, to monitor processes and procedures so they remain in line with service user needs, and to maintain integrity in the performance of all work practices.

Dhana promotes a quality work environment by developing team members to perform within statutory and regulatory requirements and guidelines. She proactively contributes to providing a safe and healthy workplace by carrying out inspections and work health and safety audits regularly.

Practice task 17

Question 1

List four things that implementing a QMS will allow your service to do.

Question 2

As a manager you need to prepare a discussion with the person responsible for quality control in your organisation. You need to find out how the person maintains their knowledge of compliance requirements and proactively engages in review and improvement processes through the implementation of a quality management system (QMS).

List four questions you could prepare for the discussion.

Summary

- As legislation, regulations and standards change, you have the opportunity to re-evaluate, re-design and demonstrate value to your service users by consistently meeting compliance requirements.

- Keeping up to date with legislative and ethical changes and developments will allow you to make better decisions and identify threats and opportunities early on.

- Keeping up to date requires regular commitment. One way is to allow some time each day to develop and maintain your knowledge of compliance requirements.

- Continuing professional education (CPE) is work-related learning that should continue throughout your career.

- CPE can provide you with updated knowledge and other pertinent information that will help you to attain a broader understanding of your industry.

- A communications framework should be established in your organisation to provide a two-way flow of information, knowledge and ideas.

- Your organisation should implement a quality management system (QMS) to ensure service delivery and work practices are consistent and compliant across all levels of the organisation.

- An effective QMS is centred on the service user and requires senior management to support and provide adequate resources to team members so that organisational objectives can be achieved.

Learning Checkpoint 5

Maintain knowledge of compliance requirements

Part A

1. Describe two methods for receiving updated knowledge and information on compliance requirements.

2. Explain what is meant by continuing professional education.

3. Number each step of the PDCA cycle from 1 to 4 in the correct order.

	Act – If the change was successful, implement it on a wider scale and continuously assess the results.
	Plan – Identify an opportunity and plan for change.
	Check – Use data, information and knowledge to analyse the results of the change and determine whether it made a difference.
	'Do – Implement the change on a small scale.

Part B

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

> ### Case study
>
> Julian is the resident liaison manager at an aged care facility. Julian maintains an open two-way communication channel with all residents, offering support and assistance to meet residents' needs, and receiving and handling complaints about service delivery. Julian subscribes to email updates from the Australian Aged Care Quality and Safety Commission. He receives a notification alerting aged care service providers to a new client communications standard that must be met on renewal of accreditation. Julian's workplace is due to renew its accreditation in three months.

1. Which of the following are ways that Julian could share this information relating to accreditation standards? Select all that apply.

    ❑ Scheduling a meeting with all team members involved in the accreditation process

    ❑ Posting on his personal social media and tagging his colleagues

    ❑ Consulting with external parties as to how the organisation could best meet the new standard

    ❑ Placing an announcement on the organisation's intranet alerting all workers to the new standard

    ❑ Sending emails or memos to the individuals responsible for preparing the organisation for the accreditation

2. Describe four benefits, to Julian and his organisation, of implementing a quality management system.

Glossary

Accreditation

Formal confirmation of a course compliant with national standards.

Advocate

An individual who speaks up for a person to defend their rights.

Audit

An official systematic examination of (something).

Authority

The power to give orders or instructions and to enforce obedience.

Coaching

The training and guidance provided by an experienced person to help a learner achieve their goals.

Code of conduct

A set of rules that informs employees how to act in a workplace.

Code of practice

A document providing practical guidance on how to comply with duties in a workplace.

Complaints procedure

Procedure to communicate a grievance to an organisation.

Compliance

Ability to a follow an order or a set of rules.

Confidentiality

The principle of keeping personal information private, unless the person consents to sharing the information with other parties.

Consent

To give permission or to agree to something.

Continuing professional education (CPE)

Ongoing training that is required in order to remain certified as a professional in certain jobs.

Critical incidents

Any occurrences that cause severe risk or harm to a person.

Dignity of risk

A person's right to dignity and choice, upheld in legislation and service standards, to ensure that duty of care or safety is not used as a reason to limit a person's freedom of personal choice.

Discrimination

The act of excluding or treating a person differently based solely on an attribute such as disability, age, gender, race or sexual orientation.
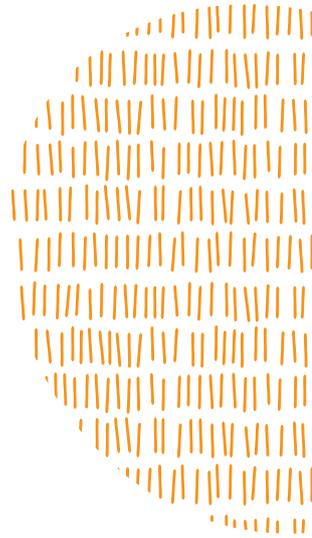
Duty of care

A moral or legal obligation to ensure the safety and wellbeing of other persons.

Ethical

Relating to moral principles.

Freedom of association

The right of persons who share a common goal to form and/or join an association.

Freedom of expression

The right of persons to express their opinions in a democratic society.

Guardian

A person who has the legal authority to make decisions for another person.

Human needs

Requirements of persons to achieve a level of basic functioning, such as physical needs (shelter and food/water), emotional needs (love and affection) and social needs (a sense of belonging).

Human rights

Fundamental rights and freedoms that apply to all people, setting norms for standards of human behaviour.

Industrial relations

The management of work-related obligations and entitlements between employers and employees.

Key performance indicators (KPIs)

A set of quantifiable measurements used to gauge a persons'/companies' long-term performance.

Legal advice

Advice provided by a legal professional or lawyer.

Legislation

The written law produced by the government.

Mandatory reporting

The legal requirement of people in certain job roles and industries to report suspected or actual abuse to the police.

Mentoring

The sharing of knowledge and skills by an experienced person with a less-experienced person.

Minimum standards

In community services, standards are benchmarks or minimum requirements that must be performed in your workplace every day.

Negligence

Failure to take reasonable care with your actions.

Ombudsman

An official who is appointed to investigate and individuals' complaint against an organisation.

Policy

A course of action proposed by an organisation as a basis for making decisions.

Policy framework

A set of rules governing the development, amendment and review of policies to ensure relevance and consistency with existing legislation.

Privacy

A fundamental human right designed to protect people from intrusion and to selectively express themselves.

Procedure

An established or official way of doing something.

Quality management system (QMS)

A collection of business processes focussed on enhancing customer satisfaction and aligning with the companies' strategic direction.

Regulations

A set of rules made by a government or authority to control the way something is done.

Restrictive practices

Any intervention or practice that restricts rights or freedoms of movement of a person.

Risk

The probability and consequences of injury, illness or damage resulting from exposure to a hazard.

Risk assessment

Determining the likelihood a hazard will cause harm, injury or ill-health and determining its possible consequence.

Scope of practice

Procedures, actions, and processes that a healthcare practitioner is permitted to undertake in keeping with the terms of their professional license.

Self-assessment

Allowing the person with a disability to report their strengths and weaknesses directly to a supervisor, allied health professional or their support worker.

Social needs

The need for social relationships with other people.

Standards

In community services, standards are benchmarks or minimum requirements that must be performed in your workplace every day.