



CHCLEG003

**Manage legal and ethical
compliance**

**LEARNER
GUIDE**



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Version Control & Document History

Date	Summary of Modifications	Version
29 April 2022	Version 1.0 released for publishing	1.0
7 March 2023	<p>Version 1.1 endorsed for use</p> <ul style="list-style-type: none"> ▪ Updated some links in Section 1.2.4 and Section 1.2.12 ▪ Fixed minor wording issues 	1.1
28 August 2023	<p>Version 1.2 endorsed for use</p> <p>Fixed wording issues</p>	1.2
5 March 2024	Version 1.3 endorsed for use	1.3

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This Learner Guide

CHCLEG003 - Manage legal and ethical compliance (Release 1)

This unit describes the skills and knowledge required to research information about compliance and ethical practice responsibilities, and then develop and monitor policies and procedures to meet those responsibilities.

This unit applies to people working in roles with managerial responsibility for legal and ethical compliance in small to medium sized organisations. There may or may not be a team of workers involved.

The skills in this unit must be applied in accordance with Commonwealth and State/Territory legislation, Australian/New Zealand standards and industry codes of practice.

A complete copy of the above unit of competency can be downloaded from the TGA website:

<https://training.gov.au/Training/Details/CHCLEG003>

About this Unit of Competency Introduction

As a worker, a trainee, or a future worker, you want to enjoy your work and become known as a valuable team member. This unit of competency will help you acquire the knowledge and skills to work effectively as an individual and in groups. It will give you the basis to contribute to the goals of the organisation which employs you.

It is essential that you begin your training by becoming familiar with the industry standards to which organisations must conform.

This Learner Guide Covers

Manage legal and ethical compliance (Release 1)

- I. Research information required for legal compliance
- II. Determine ethical responsibilities
- III. Develop and communicate policies and procedures
- IV. Monitor compliance
- V. Maintain knowledge of compliance requirements

Learning Program

As you progress through this unit of study, you will develop skills in locating and understanding an organisation's policies and procedures. You will build up a sound knowledge of the industry standards within which organisations must operate. You will become more aware of the effect that your own skills in dealing with people have on your success or otherwise in the workplace. Knowledge of your skills and capabilities will help you make informed choices about your further study and career options.

Additional Learning Support

To obtain additional support you may:

- Search for other resources. You may find books, journals, videos and other materials which provide additional information about topics in this unit.
- Search for other resources in your local library. Most libraries keep information about government departments and other organisations, services and programs. The librarian should be able to help you locate such resources.
- Contact information services such as Infolink, Equal Opportunity Commission, Commissioner of Workplace Agreements, Union organisations, and public relations and information services provided by various government departments. Many of these services are listed in the telephone directory.
- Contact your facilitator.

Facilitation

Your training organisation will provide you with a facilitator. Your facilitator will play an active role in supporting your learning. Your facilitator will help you at any time during working hours to assist with:

- how and when to make contact
- what you need to do to complete this unit of study
- what support will be provided.

Here are some of the things your facilitator may do to make your study easier:

- Give you a clear visual timetable of events for the semester or term in which you are enrolled, including any deadlines for assessments
- Provide you with online webinar times and availability
- Use ‘action sheets’ to remind you about tasks you need to complete, and updates on websites
- Make themselves available by telephone for support discussion and provide you with industry updates by email where applicable
- Keep in touch with you during your studies

Flexible Learning

Studying to become a competent worker is an interesting and exciting thing to do. You will learn about current issues in this area. You will establish relationships with other students, fellow workers, and clients. You will learn about your own ideas, attitudes, and values. You will also have fun. (Most of the time!)

At other times, studying can seem overwhelming and impossibly demanding, particularly when you have an assignment to do and you aren't sure how to tackle it, your family and friends want you to spend time with them, or a movie you want to see is on television.

Sometimes being a student can be hard.

Here are some ideas to help you through the hard times. To study effectively, you need space, resources, and time.

Space

Try to set up a place at home or at work where you can:

- keep your study materials
- be reasonably quiet and free from interruptions
- be reasonably comfortable, with good lighting, seating, and a flat surface for writing.

If it is impossible for you to set up a study space, perhaps you could use your local library. You will not be able to store your study materials there, but you will have quiet, a desk and chair, and easy access to the other facilities.

Study Resources

The most basic resources you will need are:

- a chair
- a desk or table
- a computer with Internet access
- a reading lamp or good light
- a folder or file to keep your notes and study materials together
- materials to record information (pen and paper or notebooks, or a computer and printer)
- reference materials, including a dictionary

Do not forget that other people can be valuable study resources. Your fellow workers, work supervisor, other students, your facilitator, your local librarian, and workers in this area can also help you.

Time

It is important to plan your study time. Work out a time that suits you and plan around it. Most people find that studying, in short, concentrated blocks of time (an hour or two) at regular intervals (daily, every second day, once a week) is more effective than trying to cram a lot of learning into a whole day. You need time to ‘digest’ the information in one section before you move on to the next, and everyone needs regular breaks from study to avoid overload. Be realistic in allocating time for study. Look at what is required for the unit and look at your other commitments.

Make up a study timetable and stick to it. Build in ‘deadlines’ and set yourself goals for completing study tasks. Allow time for reading and completing activities. Remember that it is the quality of the time you spend studying rather than the quantity that is important.

Study Strategies

Different people have different learning ‘styles’. Some people learn best by listening or repeating things out loud. Some learn best by ‘doing’, some by reading and making notes. Assess your own learning style and try to identify any barriers to learning which might affect you. Are you easily distracted? Are you afraid you will fail? Are you taking study too seriously? Not seriously enough? Do you have supportive friends and family? Here are some ideas for effective study strategies:

1. **Make notes.** This often helps you to remember new or unfamiliar information. Do not worry about spelling or neatness, as long as you can read your own notes. Keep your notes with the rest of your study materials and add to them as you go. Use pictures and diagrams if this helps.
2. **Underline keywords** when you are reading the materials in this Learner Guide. (Do not underline things in other people’s books.) This also helps you to remember important points.
3. **Talk to other people** (fellow workers, fellow students, friends, family, or your facilitator) about what you are learning. As well as help you to clarify and understand new ideas, talking also gives you a chance to find out extra information and to get fresh ideas and different points of view.



Using this Learner Guide

A Learner Guide is just that, a guide to help you learn. A Learner Guide is not a textbook. Your Learner Guide will:

1. Describe the skills you need to demonstrate to achieve competency for this unit.
2. Provide information and knowledge to help you develop your skills.
3. Provide you with structured learning activities to help you absorb knowledge and information and practice your skills.
4. Direct you to other sources of additional knowledge and information about topics for this unit.

How to Get the Most Out of Your Learner Guide

Some sections are quite long and cover complex ideas and information. If you come across anything you do not understand:

1. Talk to your facilitator.
2. Research the area using the books and materials listed under Resources.
3. Discuss the issue with other people (your workplace supervisor, fellow workers, fellow students).
4. Try to relate the information presented in this Learner Guide to your own experience and to what you already know.
5. Ask yourself questions as you go. For example, 'Have I seen this happening anywhere?' 'Could this apply to me?' 'What if...' This will help you to 'make sense' of new material, and to build on your existing knowledge.
6. Talk to people about your study. Talking is a great way to reinforce what you are learning.
7. Make notes.
8. Work through the activities. Even if you are tempted to skip some activities, do them anyway. They are there for a reason, and even if you already have the knowledge or skills relating to a particular activity, doing them will help to reinforce what you already know. If you do not understand an activity, think carefully about the way the questions or instructions are phrased. Read the section again to see if you can make sense of it. If you are still confused, contact your facilitator or discuss the activity with other students, fellow workers or with your workplace supervisor.

Additional Research, Reading, and Note-Taking

If you are using the additional references and resources suggested in the Learner Guide to take your knowledge a step further, there are a few simple things to keep in mind to make this kind of research easier.

Always make a note of the author's name, the title of the book or article, the edition, when it was published, where it was published, and the name of the publisher. This includes online articles. If you are taking notes about specific ideas or information, you will need to put the page number as well. This is called the reference information. You will need this for some assessment tasks, and it will help you to find the book again if you need to.

Keep your notes short and to the point. Relate your notes to the material in your Learner Guide. Put things into your own words. This will give you a better understanding of the material.

Start off with a question you want answered when you are exploring additional resource materials. This will structure your reading and save you time.

Introduction

Organisations are closely monitored and regulated to ensure that the rights and welfare of employees, clients and the general public are protected. Managing an organisation requires you to know, understand and comply with different legal and ethical requirements related to your field of practice. This involves researching compliance and ethical practice responsibilities and using this information to develop policies and procedures for your service. You must also monitor the people and processes in your organisation to ensure that policies and procedures are followed.



As a manager, you are in charge of the day-to-day operations of your service. This includes planning, implementing and managing all programs in the centre. For this unit, your roles and responsibilities are focused on managing your organisation's compliance with legal and ethical requirements. You will learn about two types of compliance: legal and ethical.

Managing legal compliance involves researching legislation that applies to your service and ensuring that policies and procedures are aligned with laws. Ethical compliance requires you to identify ethical frameworks that apply to your organisation and develop and monitor policies and procedures that adhere to these frameworks.

In this unit, you will learn how to:

- Research information required for legal compliance
- Determine ethical responsibilities
- Develop and communicate policies and procedures
- Monitor compliance
- Maintain knowledge of compliance requirements

I. Research Information Required for Legal Compliance

Part of your management responsibility is ensuring that your organisation is always compliant with legal and ethical requirements. You must establish a foundational knowledge of legal compliance and its aspects that apply to your organisation. To accomplish this, you must research legislation and guidelines to apply to your workplace processes, policies and procedures. Researching legal compliance requirements will also allow you to promptly identify, assess and act on risks, penalties and consequences that may apply to your organisation.

In this chapter, you will learn how to:

- Identify sources of information about compliance requirements
- Evaluate own area of work and determine scope of compliance requirements
- Access and interpret information relevant to area of work
- Identify risks, penalties and consequences of non-compliance
- Assess and act on need for specialist legal advice



1.1 Identify Sources of Information About Compliance Requirements



To start your research process, you should know where to look for compliance requirements that apply to your service. Compliance requirements include all requirements related to running your particular organisation. Your primary sources of information for these requirements are:

- Government departments, regulatory agencies or industry associations
- Plain English documentation

1.1.1 Government Departments, Regulatory Agencies and Industry Associations

Regulatory authorities are composed of different departments and regulatory agencies in local, state and territory and commonwealth governments.

- **Commonwealth Government**

The [Federal Register of Legislation](#) contains national legislation and related documents. It is a website authorised by the Commonwealth government. On this website, full text and details of laws are shown.

- **State or Territory Government**

States and territories also have a register or database of legislation. Each state or territory may have similar laws, but some details may differ. You must access legislation specific to your state and territory to know what requirements apply to your work role and workplace.

The table below contains the websites for registers of legislation in each state and territory.

State/Territory	Register of Legislation
Australian Capital Territory (ACT)	ACT Legislation Register
New South Wales (NSW)	NSW legislation
Northern Territory (NT)	Northern Territory Legislation
Queensland (Qld)	Queensland Legislation
South Australia (SA)	South Australian Legislation
Tasmania (Tas)	Tasmanian Legislation
Victoria (Vic)	Victorian legislation
Western Australia (WA)	Western Australian Legislation

- **Local Government**

Local governments may have policies that you may need to comply with. You can visit the website of your local government. You may also call or go to their office to access relevant information.

▪ **Regulatory Agencies/Authorities**

Aside from state, territory and local government units, other agencies also supervise compliance with legal requirements. These are called regulatory agencies or authorities. These government bodies oversee and enforce regulations and standards to ensure compliance. Each regulatory agency/authority has a set of functions that describe what aspects of work they monitor and assess. In relation to these functions, they will also have operating procedures. These are procedures that they implement to monitor and support the compliance of organisations under their jurisdiction. Some relevant regulatory agencies are listed below.

- [Australian Health Practitioner Regulation Agency](#) (AHPRA) – implements the National Registration and Accreditation Scheme
- [Australian Children's Education & Care Quality Authority](#) (ACECQA) – assists governments in implementing the National Quality Framework for children's education and care
- [National Disability Insurance Agency](#) (NDIA) – implements the National Disability Insurance Scheme
- [Aged Care Quality and Safety Commission](#) (ACQSC) – supervises government-funded aged care service providers
- [National Indigenous Australians Agency](#) (NIAA) – implements government policies and programs relevant to Aboriginal and Torres Strait Islander peoples

There are more regulatory agencies you can refer to depending on your work role.

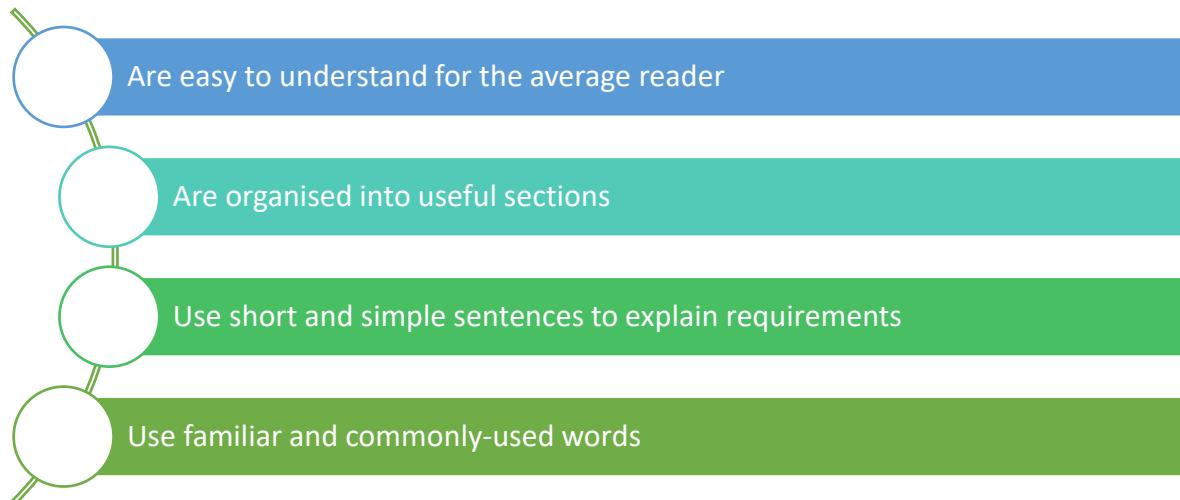
▪ **Industry Associations**

Industry associations are different organisations that support regulatory agencies. These industry associations are also good sources of information about legal requirements. They provide further information and analysis of requirements relevant to your industry.



1.1.2 Plain English Documentation

One challenge that you may face when looking for sources of information related to legal compliance is that laws are difficult to read and interpret. Trying to interpret compliance requirements in laws may take some time and result in inaccuracies in implementation. For this reason, governments provide plain English documentation of laws. Plain English documentation contains interpretations of legislation that can be understood by people who are not well-versed in legal terminologies. Documents written in plain English:



These types of documents can be found on government or industry websites. Plain English documentation helps people comply with important rules and guidelines covered in laws. Plain English documentation will also help you interpret laws to translate them into policies and procedures applicable to your organisation.

Checkpoint! Let's Review



1. The primary sources of information for compliance requirements are:
 - government departments, regulatory agencies and industry associations
 - plain English documentation.
2. Legislation can be found in the Federal Register of Legislation or the legislation register of your state and territory.

1.2 Evaluate Own Area of Work and Determine Scope of Compliance Requirements

After identifying compliance requirements, you need to evaluate your own area of work and check which compliance requirements apply to your organisation. You must do this so that you do not waste time accessing and interpreting compliance requirements that will not apply to your organisation in the first place.

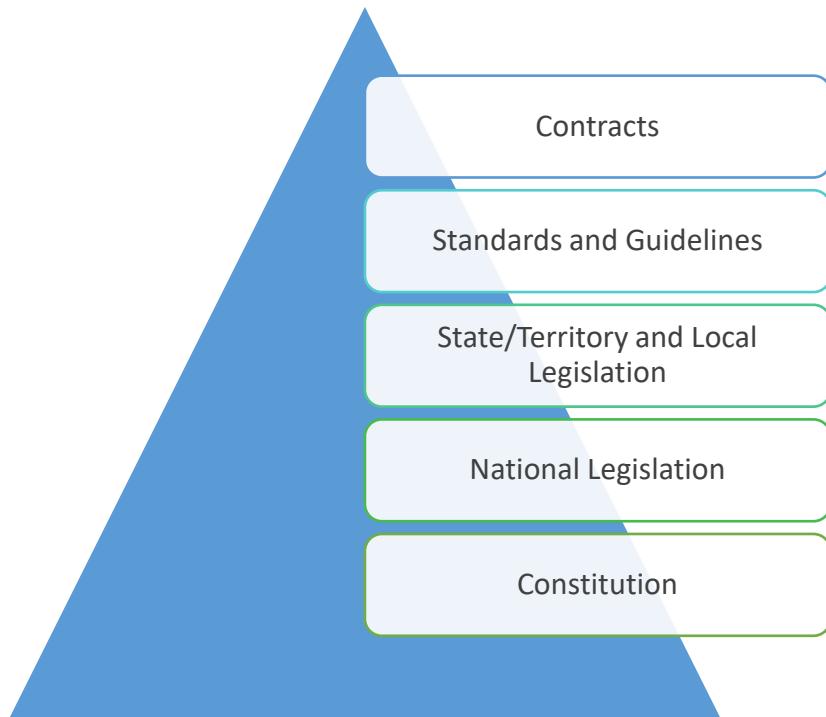
To determine the scope of compliance requirements you need to adhere to, you must first identify and evaluate your area of work. Your area of work includes all processes and settings involved in your day-to-day operations. To evaluate your area of work, you must ask the following questions:



Once you have evaluated your own area of work, the requirements that you need to comply with will be much clearer. The scope of your compliance requirements will be related to different aspects of your area of work. Remember that regulatory authorities will assess each aspect of your organisation to check for compliance with legal requirements.

To accurately determine the scope of compliance requirements you need for your area of work, you must identify legal frameworks that relate to different aspects of your organisation.

A *legal framework* consists of legal information of all levels related to a particular topic. This framework is illustrated in the pyramid below.



Legal requirements are based on frameworks at different levels of jurisdiction:

- **International**

International frameworks refer to all agreements, conventions, treaties and other legal instruments that are acknowledged internationally.

- **National**

National frameworks are current frameworks acknowledged in the country or enforced through federal or commonwealth documents.

- **State and Territory**

States and territories may sometimes interpret and apply laws differently based on their own needs and context. State and territory frameworks refer to the laws that are currently enforced in each state and territory. You must reference laws that are in force in the location of your service.

- **Local**

Local frameworks are laws and regulations implemented by local government bodies to fit the context of their jurisdiction.

The sections under this subchapter will discuss legal frameworks, applications and related compliance requirements for different areas of work.

1.2.1 Children in the Workplace

There may be instances when you will encounter children in your workplace. They may be visiting the office or volunteering in your organisation. Perhaps they are employed in your workplace. They may be children of some employees. In any of these cases, you have a legal obligation to keep these children healthy and safe.

As a manager, you are responsible for the health and safety of children while they are in your workplace. You can minimise the risks to children through some key considerations:

- Are the children safe?
- Are the children well supervised?
- Are there clear policies on how to interact with children?

You may find international, national, state, territory or local laws and legal instruments that provide guidance about children in the workplace. These documents provide information on the roles of managers in ensuring the safety and welfare of children in the workplace. For example, the International Covenant on Civil and Political Rights provides for the protection of every child regardless of their race, colour, sex, language, religion, national or social origin, etc. At the national level, there are child protection laws that serve as bases for policies related to children in the workplace.

You must ensure that employees are equipped and qualified to work with children. Each state and territory has a set of working with children checks (WWCC) requirements for screening candidates for work that involves interacting with or caring for children. These requirements are based on state and territory legislation.

State/Territory	Legislation Related to Working With Children
Australian Capital Territory	Working with Vulnerable People (Background Checking) Act 2011
New South Wales	Child Protection (Working with Children) Act 2012 No 51
Northern Territory	Care and Protection of Children Act 2007
Queensland	Working with Children (Risk Management and Screening) Act 2000 No. 60
South Australia	Child Safety (Prohibited Persons) Act 2016
Tasmania	Registration to Work with Vulnerable People Act 2013
Victoria	Worker Screening Act 2020
Western Australia	Working with Children (Criminal Record Checking) Act 2004

Based on Pre-employment screening: Working With Children Checks and Police Checks, Australian Institute of Family Studies (AIFS) on behalf of the Commonwealth of Australia, CC BY 4.0

As a manager, you have a legal responsibility to check the background of your workers and monitor their behaviour when interacting with children. To comply with the legal requirements for working with children, you must ensure that all workers who interact with children pass the required checks for working with children. Your legal responsibilities in relation to the applications and compliance requirements for children in the workplace include:

Checking the background of workers

Monitoring the behaviour of workers around children

Implementing policies and procedures on interacting with children



Further Reading

For information on performing checks, access the resource sheet provided by the Australian Institute of Family Studies through the link below.

[Pre-employment screening: Working With Children Checks and Police Checks](#)

To ensure children's safety in the workplace:

- Include child safety practices in policies and procedures and ensure that all staff members are familiar with them
- Control the access and movement of children by designating spaces where they can stay
- Ensure that children are supervised at all times

Keeping a healthy and safe work environment is part of your compliance requirements under Work Health and Safety laws. These will be discussed in Section 1.2.18 of this subchapter.

1.2.2 Code of Conduct

A *code of conduct* is a set of guidelines formed by an organisation to monitor and regulate the behaviour of its employees. Generally, codes of conduct serve as general guidelines for how employees of an organisation should behave in the course of performing their work roles and responsibilities.

A code of conduct, in itself, has no legal basis. Instead, it serves as a model of desirable behaviour in the workplace. However, the principles described in a code of conduct may be based on certain laws. For example, under an organisation's code of conduct, employees may be required to promote equality and call out discriminating behaviour. In this case, this provision is based on anti-discrimination laws.

A code of conduct may become legally binding if incorporated into contracts. Contracts are legal instruments that describe the duties agreed upon by the parties. For example, if employment contracts specifically state that all employees must abide by the organisation's code of conduct, then the provisions in the code of conduct become legal compliance requirements.

At the international level, you may find international codes of conduct or ethics that govern a certain industry or profession. International codes contain universal guiding principles for all practitioners in that industry. There may also be national codes of conduct or ethics that provide requirements that are applicable and specific to workers in Australia. These national codes take into account the cultural context in Australia.

Codes of conduct become legally binding if your organisation is in the public sector. In this case, workplace conduct must be aligned with public sector employees' code of conduct or ethics. Though not required, the private sector may also implement legal codes of conduct for their organisations based on these public codes. In the table below, you will find guidelines relevant to the public sector codes of conduct or ethics.

State/Territory	Code of Conduct Guidelines
Australian Capital Territory	Professional Conduct
New South Wales	Code of Conduct
Northern Territory	Code of conduct
Queensland	Public service values and conduct
South Australia	Code of Ethics
Tasmania	State Service Legislation Overview
Victoria	Code of Conduct for Employees

State/Territory	Code of Conduct Guidelines
Western Australia	Commissioner's Instruction No. 7: Code of Ethics

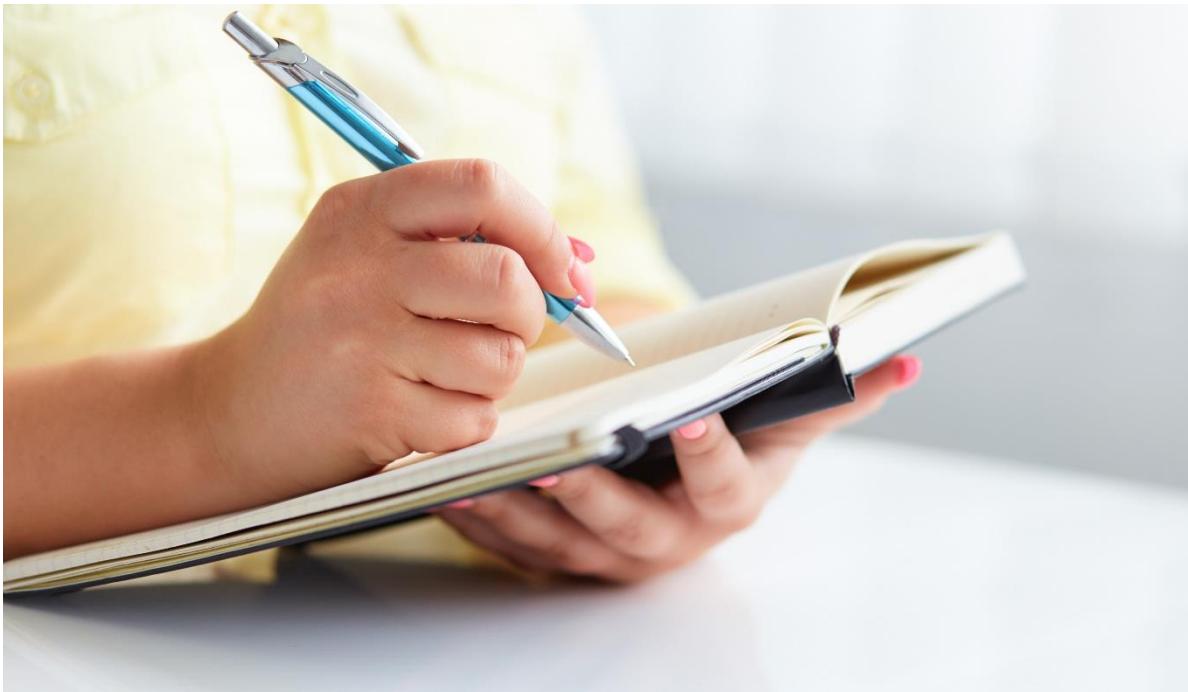
Further Reading



Business Queensland produced a guide for business owners and managers on writing a code of conduct for organisations. This includes the scope of compliance requirements related to the code of conduct that you can set in policies and procedures. To learn more, access the guide through the link below.

[Writing a code of conduct](#)

1.2.3 Codes of Practice and Practice Standards



Codes of practice provide rules and guidelines on performing different aspects of work for a specific industry. Code of practice differs from the code of conduct. The code of conduct focuses on the behaviour of the workers. It may include how the individual relates with clients and colleagues. The code of practice emphasises guidelines for the workplace.

Like the code of conduct, the code of practice is based on laws and regulations. It provides practical guidelines on how to comply with relevant laws and regulations.

For each state and territory, there are codes of practice complementing the WHS Act 2011. You can access the approved codes of practices per state or territory in the table below.

State/Territory	Approved Codes of Practice
ACT	Codes of practice
NSW	List of codes of practice
NT	Codes of Practice
Qld	Codes of practice
SA	Codes of Practice
Tas	Codes of practice
Vic	Compliance codes and codes of practice
WA	Approved codes of practice

Some of the codes of practice that may apply to your industry are as follows:

- **First aid in the workplace** – This may include guidelines on first aid procedures, training, contents of kits and use of equipment.
- **Hazardous manual tasks** – This may include guidelines on handling objects, people and animals. It may also provide procedures for assessing and controlling the risks of manual tasks.
- **Managing the work environment and facilities** – May include guidelines on the work environment's ventilation, lighting, housekeeping and required facilities.

Aside from codes of practice on work health and safety, there are codes of practice relevant to specific industries. Industry-specific codes will provide guidance on how to perform tasks related to specific work roles. It is important to reference industry-specific codes as the practice requirements will depend on the worker's specific field.

Practice standards are the specific guidelines that can be applied to the workplace in accordance with codes of practice. The practice standards emphasise what the worker should do to:

- Attain excellent work performance
- Provide high-quality services

The table below shows the practice standards for specific health and community services occupations.

Occupation	Practice Standards
Health Service Workers	The NSQHS Standards
Aged Care Workers	Quality Standards
Disability Workers	National Standards for Disability Services
Social Workers	Practice Standards 2021
Early Childhood Workers	National Quality Standard
Dental Workers	NSQHS Standards Guide for Dental Practices and Services
Mental Health Workers	National practice standards for the mental health workforce 2013

These standards may include:

- Promoting the rights of the client or consumers
- Ensuring the safety of clients or consumers
- Handling feedback and complaints
- Having good leadership and governance in the service
- Collaborating with relevant people



1.2.4 Complaints Management

A complaint is a client's dissatisfaction with a particular aspect of your service. Every organisation needs to have an effective complaints management system to identify areas for improvement that can influence future decision-making.

For businesses, complaints management is governed by the following standards:

- International: [ISO 10002:2018 Quality management — Customer satisfaction — Guidelines for complaints handling in organizations](#)
- National: [AS/NZS 10002:2014 Guidelines for complaint management in organizations](#)

The scope of compliance requirements for complaints management includes the processes, policies and procedures for:

- Receiving and assessing complaints
- Responding to complaints
- Implementing changes based on complaints

While there are guidelines that private organisations may follow in complaints management, these guidelines are not enacted in legislation. Like codes of conduct, complaints management systems will only become legally binding when required and stipulated in contracts. In this case, employees must agree to follow the organisation's complaints management policies and procedures.



The case is different for services in the public sector since government employees are accountable to the Australian people. State and territory governments have policies and procedures for complaints management, as shown in the table below. While these legislation and guidelines specifically apply to the public sector, private organisations may also use the provisions in drafting their own complaints management systems.

State/Territory	Complaints Management Legislation and Guidelines
Australian Capital Territory	Complaint Handling and Management Policy
New South Wales	Complaint handling resources
Northern Territory	Complaints Management Resources
Queensland	Complaints management
South Australia	How to handle customer complaints
Tasmania	Compliments and Complaints
Victoria	Handling Complaints
Western Australia	Effective handling of complaints

1.2.5 Continuing Professional Education

Continuing Professional Education (CPE) is the development of knowledge and skills needed for a work role during the course of performing duties and responsibilities. CPE involves:

- Updating knowledge base in line with recent developments in the industry
- Developing knowledge and skills related to the work role
- Practising and improving existing skills
- Applying new knowledge and skills in actual work

The international framework for CPE is based on international professional standards for each work role. You may find international organisations that offer CPE opportunities for professionals in your field. In some cases, these international CPE opportunities may also be endorsed by your national, state, territory and local industry organisations. Coordination among CPE bodies at different levels of jurisdiction is important in maintaining and updating universal standards for practice.

In the workplace, international CPE opportunities benefit workers as these are opportunities to improve practice. At a national, state and territory level, CPE ensures that supervisors and workers are qualified and have undergone the training necessary for their role.

You can participate in CPE activities such as:

- Attending workshops, seminars or conferences
- Completing short courses, including online
- Delivering presentations at seminars or conferences
- Gaining additional formal qualifications
- Participating in relevant workplace training
- Writing peer reviewed or published papers
- Listening to webinars or podcasts related to best practices in community services
- Studying publications such as research articles and textbooks (study-based activities)
- Participating in professional supervision that is oriented to professional development
- Participating in network or community meetings where the processes are conducive to professional development (this excludes meetings undertaken as part of a job role)

These CPE activities will earn you points that are required in your field. You may need these points to renew your licence or membership in a specific organisation.

Compliance requirements in relation to continuing professional education will include:



- Providing regular performance evaluations and discussing these evaluations with staff
- Providing staff with access to professional development training relevant to their work role
- Providing staff with industry updates

1.2.6 Discrimination

It is illegal to discriminate against other people based on age, disability, race, religion, sex, and gender. This is enacted in the following federal legislation:

- [Age Discrimination Act 2004](#)
- [Disability Discrimination Act 1992](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)

In addition to this, individual states and territories also have laws against discrimination. Follow the links below for the corresponding anti-discrimination legislation and guidelines for each state and territory.

State/Territory	Anti-Discrimination Legislation and Guidelines
Australian Capital Territory	Discrimination Act 1991
New South Wales	Anti-Discrimination Act 1977 No 48
Northern Territory	Anti-Discrimination Act 1992
Queensland	Anti-Discrimination Act 1991 No. 85
South Australia	Equal Opportunity Act 1984
Tasmania	Anti-Discrimination Act 1998
Victoria	Equal Opportunity Act 2010
Western Australia	Equal Opportunity Act 1984

Sourced from [Australia's anti-discrimination law](#), used under CC BY 4.0. © Commonwealth of Australia 2021.

Internationally, anti-discrimination laws are based on human rights treaties, to which Australia is a party, including seven core treaties:

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

Sourced from [International human rights system](#), used under CC BY 4.0. © Commonwealth of Australia 2021.

Your processes, policies and procedures must comply with national, state and territory legislation by providing equal access to all who need your services. You must ensure that all clients have equal access to what your organisation has to offer, such as:

Application and admission services

Benefits provided by your service

Due process in case of involvement in incidents

Resources, equipment and facilities



Further Reading

The Australian Human Rights Commission published a guide for employers in complying with anti-discrimination laws. For further information, you may access the link below.

[Quick guide to discrimination law](#)

1.2.7 Dignity of Risk and Duty of Care

The dignity of risk and duty of care are two interrelated principles.

The dignity of risk is the right to explore and participate in beneficial experiences, even if these may entail some form of risk. Community service clients must be allowed to take positive risks that will help them learn to live independent lives based on their own decisions. Positive risk-taking gives benefits such as:

- Improved independence
- Improved decision-making
- Improved self-worth



The United Nation's Universal Declaration of Human Rights includes the rights to liberty and leisure. These are the basis for the concept of dignity of risk. The dignity of risk describes the autonomy to make choices. It means that clients can still do things that may pose risks. It should be given that they are aware of the consequences. At a national level, the same rights are integrated into [Australia's human rights framework](#). At the state and territory level, these rights inform key legislation such as anti-discrimination and child protection laws.

Your workplace may have policies and procedures that you need to comply with in relation to dignity of risk. These place the client at the centre of the decision-making process. You are legally bound to follow these policies and procedures. This means that the client's wishes are considered and prioritised at all stages of service.

In legal requirements, the dignity of risk is a concept jointly discussed with the duty of care. The two concepts explain a balance of acceptable risk. Organisations must ensure that clients are always kept safe from harm. However, clients must also be allowed to react to and learn from the risks around them.

Duty of care refers to your responsibilities, by law, in protecting your clients from harm. In common law, you are found to have a duty of care when:

- The welfare of other people is entrusted to you
- Your actions or lack thereof may cause harm to the people under your care

Duty of care is a legal obligation for all workers. Workers should give reasonable care to ensure the safety of their clients. You need to protect your clients to the best of your ability. It should be in your best interest that clients do not suffer from any harm. This may include physical, emotional and mental harm. Not being able to do so forms a breach of duty of care. This may have consequences depending on your organisation's policies and procedures.

The presence of negligence determines legal liability for duty of care. This means that persons who receive care may claim compensation on the grounds of negligence if:

A duty of care was owed to them at the time of the injury

The risk of injury was reasonably foreseeable

The likelihood of the injury occurring was more than insignificant

There was a breach of the duty of care or a failure to observe a reasonable standard of care

This breach or failure caused or contributed to the injury, loss or damage suffered

Sourced from [Duty of Care](#), used under CC BY 4.0. © State of Victoria (Department of Education and Training)

Organisations also have a duty of care to their workers. They should ensure that the workplace is free from hazards that may cause injuries or harm to the workers. They also should enforce protocols and procedures to make sure that all concerns or situations are handled in a safe manner.

Like the dignity of risk, the international framework for duty of care comes from treaties and conventions on human rights. At the national level, the Work Health and Safety Act 2011 is the Commonwealth legislation that outlines the employers' and workers' duties of care. It states that the health and safety of others should not be at risk when carrying out your responsibilities. Each state and territory has legislation related to this, which you will find in Section 1.2.18.

Following the provisions in the legislation, individual workers are prohibited from performing hazardous or dangerous acts. They are required to follow the organisation's policies and procedures to ensure that they do not suffer from injury or harm during the performance of their duties.



Further Reading

You can access the Work Health and Safety Act 2011 at the link below.

[Work Health and Safety Act 2011](#)

1.2.8 Human Rights

Universal Declaration of Human Rights

Human rights refer to all fundamental rights that each person is entitled to as a human being. These human rights are universal because they apply to all people regardless of background and beliefs. Human rights are also inalienable because they cannot be taken away. After World War II, the United Nations General Assembly first released the Universal Declaration of Human Rights. This document states and describes all fundamental human rights that must be protected. The Universal Declaration of Human Rights has been used as the basis for other legislation and guidelines protecting the rights of people.



Further Reading

Learn more about the Universal Declaration of Human Rights by accessing the United Nations site through the link below.

[Universal Declaration of Human Rights](#)

Relationship Between Human Needs and Human Rights

Human needs and human rights are two interrelated terms often discussed when working with people. *Human needs* are the basic necessities that people need to survive and develop. *Human rights* refer to the basic rights and freedoms that belong to every person in the world, from birth until death. In order to meet human needs, people must afford their basic human rights.

As a manager, you must ensure that both the needs and rights of your workers, colleagues and clients are met in your practice.



For example, employees in the service need rest and relaxation from their jobs, thus, their rights to file for leave must be met.

Frameworks, Approaches and Instruments Used in the Workplace

Frameworks

As mentioned in Section 1.2.6, Australia is part of seven United Nations human rights treaties. To recap, these are the:

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment

Convention on the Rights of Persons with Disabilities

Convention on the Elimination of All Forms of Racial Discrimination

Convention on the Elimination of All Forms of Discrimination Against Women

Convention on the Rights of the Child

These treaties are not enforceable. However, the Australian Government interprets the treaties into domestic laws in signing these treaties. They must create legislation to protect these rights. The government should also establish other measures to affect the recognised rights.

There are other international human rights treaties that define the international Human Rights Framework. These are:

- ICERD International Convention on the Elimination of All Forms of Racial Discrimination
- ICCPR International Covenant on Civil and Political Rights
- ICESCR International Covenant on Economic, Social and Cultural Rights
- CEDAW Convention on the Elimination of All Forms of Discrimination against Women
- CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- CRC Convention on the Rights of the Child
- ICMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- CPED International Convention for the Protection of All Persons from Enforced Disappearance
- CRPD Convention on the Rights of Persons with Disabilities
- ICCPR-OP1 Optional Protocol to the International Covenant on Civil and Political Rights
- ICCPR-OP2 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- OP-CEDAW Optional Protocol to the Convention on the Elimination of Discrimination against Women
- OP-CRC-AC Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict



- OP-CRC-SC Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- OP-CRC-IC Optional Protocol to the Convention on the Rights of the Child on a communications procedure
- OP-CAT Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- OP-CRPD Optional Protocol to the Convention on the Rights of Persons with Disabilities
- ICESCR – OP Optional Protocol to the Covenant on Economic, Social and Cultural Rights

Additional human rights standards and conventions include:

- International Labour Organization (ILO) Labour Standards
- International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work
- International Labour Organization (ILO) Forced Labour Convention
- Freedom of Association and Protection of the Right to Organise Convention
- Right to Organise and Collective Bargaining Convention
- Equal Remuneration Convention
- Abolition of Forced Labour Convention
- Discrimination (Employment and Occupation) Convention
- Minimum Age Convention
- Worst Forms of Child Labour Convention



The international treaties have standards for the protection of human rights. Australia has interpreted these standards as a framework. In 2010, the Australian Government developed the Australian Human Rights Framework. The framework does not include a human rights act. What it aims to do is to make information about human rights available through education. The framework established a committee on human rights. Its function is to review existing legislation for human rights compliance.

The framework has five steps in promoting human rights. These are:

Reaffirming the government's commitment to promoting awareness of human rights

Educating the community for a better understanding of human rights

Engaging with the international community to enhance the protection of human rights locally

Protecting human rights by establishing a committee on human rights

Respecting human rights through compliance review of legislations

The action plan in this framework should promote and protect human rights.



Further Reading

The link below provides the document for the Australian Human Rights Framework.

[Australia's Human Rights Framework](#)

Approaches

Being compliant with human rights requirements means that work practices must be aligned with human rights principles and their laws. Workplace approaches refer to how managers and workers implement and follow procedures to ensure compliance with frameworks for human rights. These approaches are concrete workplace applications of provisions found in human rights frameworks.

As a manager, you must uphold and protect the human rights of your workers, colleagues and clients. This can be done by aligning workplace approaches with the relevant human rights legislation. In Australia, human rights are protected by the following national legislation:

- [Australian Human Rights Commission Act 1986](#)
- [Age Discrimination Act 2004](#)
- [Disability Discrimination Act 1992](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)

Human rights are protected and promoted by the Australian Human Rights Commission. The Commission handles and addresses complaints regarding the violation of human rights. Victoria, Queensland and the Australian Capital Territory also have their own human rights commissions and a set of legislation and guidelines to protect human rights.

State/Territory	Human Rights Legislation and Guidelines
Australian Capital Territory	Human Rights
Queensland	Human Rights
Victoria	Victoria's Human Rights Laws

In the workplace, legislation and guidelines translate to obligations that you must comply with to ensure that your organisation's practices uphold and protect human rights. These legislation and guidelines include your obligations as a manager and how you can ensure that your organisation is compliant, including the following:

- [Obligations to your staff](#)
- [Obligations to your clients and customers](#)

Based on [For organisations](#), used under CC BY 4.0. © State of Victoria (The Victorian Equal Opportunity and Human Rights Commission) 2020

The following are some examples of how you can apply human rights to your workplace approaches:

Develop workplace policies and procedures to address barriers in the provision of services to clients

Educate and train staff on how to provide services based on human rights principles

Plan and provide support in consideration of the individual needs and preferences of clients

Get the opinion of clients and work with them to ensure that their needs are addressed

Evaluate how workers interact with clients to ensure that the rights of clients are respected and upheld

Remember that the workplace approaches that you implement must be based on human rights frameworks. Access the human rights documents mentioned in this section and use these as guides in developing and implementing workplace approaches.

Instruments

Human rights must also be applied to the instruments that you use in the workplace. Instruments include materials, equipment and other resources used in providing services to clients. The instruments used and how they are used must reflect the values protected by human rights provisions. As a manager, your role is to ensure that human rights are upheld in the provision of instruments in the workplace. This may include actions and steps such as:

Using technology to accommodate the needs of different clients and promote their independence

Providing equal access to materials and equipment so that all clients are given the best possible support

Providing the appropriate setting for care and support to ensure that clients are comfortable

Listening to clients when they share their needs and working with them to ensure that the organisation provides for these needs.

The requirements for providing the proper instruments with respect to the human rights of clients are based on human rights legislation and guidelines. You must ensure that your organisation's policies and procedures are aligned with these legislation and guidelines.



Further Reading

Learn more about Australia's human rights framework through the Attorney-General's Department and the Victorian Equal Opportunity & Human Rights Commission by following the links below.

[Human rights and anti-discrimination](#)

[Australia's human rights framework](#)

1.2.9 Privacy, Confidentiality, Disclosure and Informed Consent

Privacy, confidentiality and disclosure laws protect the information of clients from misuse. *Privacy* refers to the right of individuals to keep personal information free from access by others. In relation to this, *confidentiality* restricts access to certain information only to people who require the information. *Disclosure* prescribes how certain information can be shared and distributed to people. Legal compliance requirements protect all three. Privacy, confidentiality and disclosure are generally addressed together in legislation. To find the specific requirements related to each, you must look for the sections that correspond to each in legislation.

Privacy, confidentiality and disclosure are protected by international agreements and conventions, such as the following:

- [Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#).
- [The General Data Protection Regulation \(GDPR\)](#)

In most countries, data protection and privacy laws are implemented to protect the rights of individuals.



Further Reading

Learn more about data protection and privacy legislation through the link below.

[Data Protection and Privacy Legislation Worldwide](#)

The blanket law that covers privacy, confidentiality and disclosure is the Privacy Act 1988. This law sets principles that govern how an organisation:

Can collect and use the personal information of employees and clients

Is held accountable for misuse of information that they collect

Should ensure accuracy of information they collect

Can provide employees and clients with access to their own information and that of others

States and territories also apply their own privacy laws. These are based on national legislation, such as the Privacy Act 1988. Learn more about privacy in your state and territory through the link in the further reading section below.

While privacy, confidentiality and disclosure laws offer information protection, they also have limitations. There are some circumstances where terms may be superseded by other laws, such as when:

The information must be disclosed as part of mandatory reporting

Non-disclosure may lead to harm

The health and welfare of people involved are at risk

Information is required for legal processes (e.g. court cases)



Further Reading

You can learn more about confidentiality and privacy laws from the Privacy Act 1988 and its related rules and guidelines.

[Privacy Act 1988](#)

Learn more about state/territory privacy laws through the link below.

[Privacy in your state](#)

Informed Consent

Informed consent is a concept under privacy, confidentiality and disclosure relating to the actions and steps an organisation must perform before using the information provided by individuals. Under informed consent, you may only use personal information after informing and discussing your intent with the people involved and getting their clear and documented consent.

Informed consent is based on frameworks related to data privacy and protection. For example, an international framework related to informed consent is the [Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#). This ensures the protection of information that was processed using advanced systems. At the national level, informed consent is governed by the Privacy Act 1988 and the Australian Privacy Principles. These principles set out requirements for consent to be valid. Informed consent is also applied in state, territory and local laws through privacy and information laws, regulations, codes and ordinances.

Legally, consent is only sufficient and valid when it meets specific criteria:

Consent must be informed.

- Consent is only valid if the person giving consent is aware of the related consequences.

Consent must be voluntary.

- People must not be forced to give their consent.

Consent must be current and specific.

- Consent is only limited to the specific purpose requested and discussed, and should not be assumed as granted for other purposes.

Consent must only be given by capable people.

- The person giving consent must be sufficiently capable of giving consent.

Based on [Consent to the handling of personal information](#), used under CC BY 3.0 AU. Office of the Australian Information Commissioner website — www.oaic.gov.au



Further Reading

Guidelines for consent in handling personal information are set by the Office of the Australian Information Commissioner. Follow the link below to learn more about the different types of consent, who can give consent, and how consent must be given.

[Consent to the handling of personal information](#)

To comply with the requirements of informed consent when handling information, you must:

- Inform the person involved on the purpose of using the information
- Tell the person involved on the ways the information will be used
- Inform the person concerned on who will have access to their information
- Answer questions and clarify misunderstandings that the person involved may have
- Obtain the written consent of the person allowing you to use the information

1.2.10 Mandatory Reporting

Mandatory reporting is a legal requirement to report known or suspected abuse and neglect cases. It focuses on cases involving children. It may also concern adults in a residential service such as aged care and mental health facilities.

Service workers should adhere to mandatory reporting. Mandatory reporting requirements are built on human rights principles. Organisations must develop protective measures to ensure that any risks to clients are properly reported and endorsed for action. At the national level, Commonwealth legislation, such as the Family Law Act 1975 (Cth), gives organisations and persons certain duties to report suspected cases of abuse. Each state and territory also has their own laws that set requirements for mandatory reporting. For example, each state and territory has a principal act protecting children from abuse and neglect. There are also related acts and legislation which support the principal act.

Organisations should have policies to prevent abuse and neglect, especially if they provide services to children and elders. They should coordinate closely with law enforcement agencies whenever there are concerns or reports that anyone under their care is a possible victim of abuse and neglect. They should also have procedures on how to deal with suspected abuse. It may include:

- Who to contact
- How to contact
- What report or evidence should be submitted

The types of abuse you need to report include:



You are responsible for identifying signs of abuse and neglect. Furthermore, you are expected to know how to handle situations where there is possible abuse and neglect. This involves knowing how to perform an initial investigation, how to submit a formal report to the authorities, how to record information relevant to the investigation and how to keep the victim safe while the investigation is pending.

The legal basis of mandatory reporting guidelines can be found in state and territory legislation for child protection. Follow the links below for the corresponding child protection legislation and guidelines for each state and territory.

State/Territory	Child Protection Legislation and Guidelines
Australian Capital Territory	Children and Young People Act 2008
New South Wales	Children and Young Persons (Care and Protection) Act 1998 No 157
Northern Territory	Care and Protection of Children Act 2007
Queensland	Child Protection Act 1999 No. 10
South Australia	Children and Young People (Safety) Act 2017
Tasmania	Children, Young Persons and Their Families Act 1997
Victoria	Children, Youth and Families Act 2005
Western Australia	Children and Community Services Act 2004

*Based on "Australian child protection legislation",
Australian Institute of Family Studies (AIFS) on behalf of the Commonwealth of Australia, CC BY 4.0*



If you suspect any form of abuse, you should contact the relevant state and territory authority. Provided below are the corresponding contacts that apply to each state and territory.

State or Territory	Contact Details
ACT	Older Persons Abuse Prevention Referral and Information Line – (02) 6205 3535
NSW	Child Protection Helpline – 132 111 Ageing and Disability Abuse Helpline – 1800 628 221
NT	Child Protection Hotline – 1800 700 250 Police Assistance Line – 131 444
Qld	Department of Communities, Child Safety and Disability Services, Queensland – 1800 811 810 Elder Abuse Helpline – 1300 651 192
SA	(08) 8232 5377 (Adelaide) – ARAS Alliance for the Prevention of Elder Abuse – 1800 700 600 (rural)
Tas	Child protection service – 1300 737 639 Elder Abuse Tasmania Freecall Helpline – 1800 441 169
Vic	After Hours Child Protection Emergency Service – 13 12 78 Seniors Rights Victoria – 1300 368 821
WA	Elder Abuse Helpline – 1300 724 679

1.2.11 Practitioner and Client Boundaries

Under the duty of care requirements, you learnt that your legal obligation is to ensure the client's safety. Their welfare and protection are entrusted to you. Duty of care is a major consideration when establishing practitioner and client boundaries. The clients depend on the type of service you provide. They may include but are not limited to, children, elders and Aboriginal and Torres Strait Islander people. Boundaries are the limits that you must place on your actions and decisions. You must adhere to the duty of care requirements while maintaining a professional relationship with your clients.

Establishing clear boundaries may entail:

- Limiting the services you provide to what is specified in your job description
- Keeping personal or sensitive information to yourself
- Not taking advantage of your client's kindness (e.g. asking for gifts, requesting personal favours)

The legal frameworks surrounding practitioner and client boundaries are the same as those of:

Duty of Care

Human Rights

Mandatory Reporting

These are legislation and guidelines related to your client's rights, welfare and protection. You may review the corresponding legislation and guidelines in the appropriate sections for reference. Organisations should also have a code of conduct or ethics covering professional boundaries.

In addition to these legal frameworks, practitioner and client boundaries are governed mainly by ethical principles. This will be discussed further in Section 2.1.11.

1.2.12 Policy Frameworks



A *policy framework* refers to the organised documentation of data that informs policies on a certain topic. It is composed of all information that guides policies and their related procedures, processes and practices. Depending on your area of work, you may find policy frameworks at varying levels of jurisdiction: international, national, state, territory and local. Policy frameworks are vital because they ensure that:

- The organisational practices comply with legal requirements
- The clients receive the best and most appropriate service
- The organisation is governed properly
- The policies across the industry are consistent
- The organisation takes action towards continuous improvement

In chapter three of this unit, you will be developing policies and procedures for your organisation. These policies and procedures must be in line with the policy frameworks for your service industry so that you can ensure that your practices comply with legal requirements. Below are examples of different policy frameworks applicable to each state and territory.

State/Territory	Policy Framework
ACT	ACT Health Services Plan 2022-2030 Legislation and Policies
NSW	Corporate Governance and Accountability Compendium The NSW Human Services Outcomes Framework
NT	NT Health Strategies Northern Territory Social Outcomes Framework
Qld	Department of Health Policy Framework Human Services Quality Framework
SA	Policy Governance Departmental Legislative Framework
Tas	Community Services Industry Plan 2021-2031 Quality and Safety Framework
Vic	Frameworks
WA	Policy Frameworks

To comply with requirements related to policy frameworks, the policies and procedures you make must have a legal basis. You may use the documents stated above to guide you in creating your own policies and procedures for your organisation.

1.2.13 Records Management

ISO 15489-1 (Information and documentation – Records management) is the international standard for records management.

The standard states that records retention should be managed to meet the current and future needs of internal and external stakeholders. This can be done by identifying the enforceable or legitimate interests that stakeholders may have in preserving the records for longer than they are required by the organization itself. Stakeholders may include business partners, clients and other people affected by the organization's decisions or actions, and others to whom the organization should make its records available to meet accountability requirements, such as auditors, regulatory authorities and investigative bodies, archives authorities or researchers.



Further Reading

You can access the international standard for records management in the link below.

[ISO 15489-1:2016](#)

Organisations may follow ISO standards for records management. For Australia, the related standard is [AS ISO 15489](#). This standard provides guidelines on records management, including information on:

The benefits of good records management	The issues of regulatory environments	The need for records management policies and assigned responsibilities	The principles of records management programmes
The characteristics of a record	The characteristics of a records system	The steps to be taken in designing and implementing a records system	The records management processes and controls
Records management monitoring and auditing		Records management training	

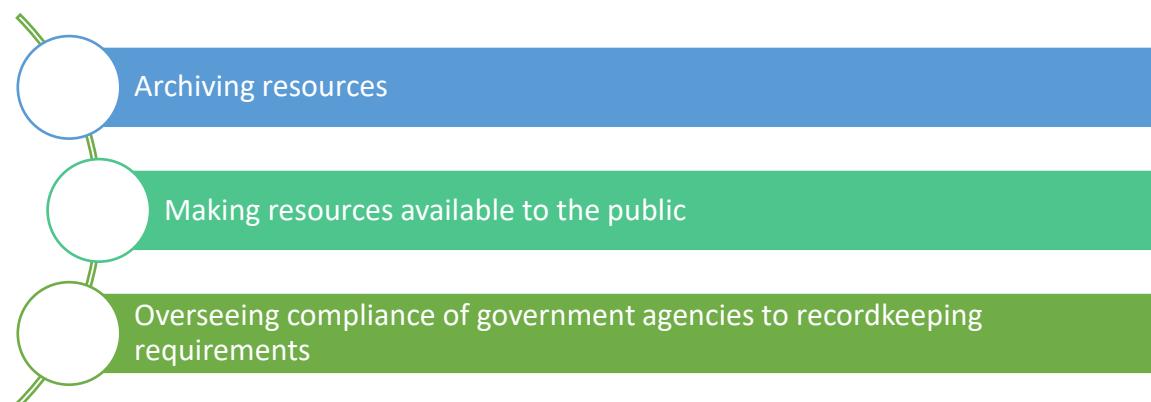
*The Government of South Australia, Australian Standard AS ISO 15489 - Records Management/PDF,
sourced on 9 September 2021, <https://archives.sa.gov.au/node/5888>*

In addition to these records management requirements, remember that you must also comply with privacy, confidentiality and disclosure legislation, as discussed earlier. These requirements state how you may use records according to legal requirements.

Organisations should enforce rules and procedures for archiving records. This involves storing records for an indeterminate length of time in such a way that they are only accessible to a few persons within the organisation.

These considerations have an impact on the role of workers. Individual workers are required to follow specific policies and procedures before disposing or destroying any records. Individual workers are also required to inform clients whenever their information will be stored for research, audit or other special purposes.

Australia has legislation that states the recordkeeping requirements for government files. It is the [Archives Act 1983](#). It established the National Archives of Australia, which has the following responsibilities:



Each state and territory has similar legislation. Each law ensures that public records are properly managed, which may entail:

- Allowing access to government information
- Allowing access to personal information
- Processing applications for correcting personal information
- Protecting privacy rights

The table below provides the link to the relevant legislation in each state and territory.

State or Territory	Legislation
ACT	Territory Records Act 2002
NSW	State Records Act 1998 No 17
NT	Information Act 2002
Qld	Public Records Act 2002
SA	State Records Act 1997
Tas	Archives Act 1983
Vic	Public Records Act 1973
WA	State Records Act 2000

These legislations apply to service organisations in the public sector. These organisations must adhere to the relevant law by creating recordkeeping policies. Their policies and procedures can include:

- Protecting the privacy of their clients
- Principles of good recordkeeping
- Classification of information (e.g. private and confidential information)
- Processes for maintaining files
- Procedures for clients who want to access information

The Privacy Act 1988 covers recordkeeping's privacy, confidentiality and disclosure aspects.

For service organisations not covered by the Privacy Act 1988, it is still recommended to create policies and procedures regarding recordkeeping. It will help the organisation store and access critical files. It will also be beneficial when clients request information.

Further Reading



The link below contains legislation on information management and legislation that includes relevant requirements.

[Information management legislation](#)

1.2.14 Rights and Responsibilities of Workers, Employers and Clients

Workers, employers and clients all have rights and responsibilities as stated in international treaties and implemented through national laws. Rights are entitlements that belong to every person in a group for which the rights are written. These rights come with responsibilities that ensure that, while a person is granted rights, they must exercise these rights in a way that does not step on the rights of others.

Rights and Responsibilities of Workers and Employers

The international organisation that handles issues related to labour is the International Labour Organization (ILO). The ILO is an agency under the United Nations that sets guidelines that promote labour standards, including the rights of workers and employers. Standards developed by the ILO are submitted to the Australian Parliament for enactment and applications of legislation that would enforce these standards.

The core standards set by the ILO in the Declaration on Fundamental Principles and Rights at Work include provisions for the following:

Freedom of Association

Collective Bargaining

Forced or Compulsory Labour

Work Equality

Protection of Child Workers

The rights to work and rights to work are also parts of a person's economic rights, as described in the International Covenant on Economic, Social and Cultural Rights (ICESCR). These rights include:

- Right to work
- Right to just and favourable conditions of work
- Right to initiate and participate in trade union activities

Based on [Right to work and rights in work](#), used under CC BY 4.0. © Australian Human Rights Commission 2017.



Further Reading

Detailed provisions on international labour standards set by the ILC are found in the Fundamental Rights at Work and International Labour Standards. For more information, access the document through the link below.

[Fundamental rights at work and international labour standards](#)

For more information on rights to work and in work, access the discussion on ICESCR provisions published by the Australian Human Rights Commission through the link below.

[Right to work and rights in work](#)

When you engage in work, you are charged with general responsibilities and role-specific responsibilities. In the table below, you can see the general responsibilities of workers and employers.

Responsibilities of Workers	Responsibilities of Employers
Avoiding work practices that are harmful to the health and safety of yourself or others	Ensuring a safe work environment and providing protective equipment if necessary
Knowing what to do if the employer is not meeting their responsibilities	Ensuring that workers are free from discrimination and bullying
Knowing and understanding the terms and conditions of employment	Ensuring that workers receive all due entitlements

Based on [Know your workplace rights and responsibilities](#), used under CC BY 4.0. © Commonwealth of Australia 2017

Your organisational policies and procedures must contain provisions that dictate and uphold the rights and responsibilities of workers and the employer to adhere to compliance requirements. The primary laws covering the rights and responsibilities of workers and employers are the following:

Laws Covering the Rights and Responsibilities of Workers and Employers

Fair Work Act 2009

Work Health and Safety Act 2011

Chapter 3 of the Fair Work Act 2009 details the rights and responsibilities of employees and employers. This law includes provisions on:

General Protections

Unfair Dismissal

Industrial Action

Right of Entry

Stand Down

Other Rights and Responsibilities

Corrupting Benefits

Here are the employer's responsibilities under Part 3-1 General Protections of the Fair Work Act 2009:

- An employer must not take adverse action against another person because the other person has exercised or proposes to exercise a workplace right.
- An employer must not take adverse action against another person to prevent the exercise of a workplace right.
- An employer must not coerce another person to exercise, not exercise, or propose to exercise or not exercise a workplace right in a particular way.
- An employer must not exert undue influence or undue pressure on an employee in relation to a decision by the employee about an agreement concerning work-related matters.
- An employer must not knowingly or recklessly make a false or misleading representation about the workplace rights of another person.



In relation to pay slips, the employer has the following obligations:

- An employer must give a pay slip to each of its employees within one working day of paying an amount to the employee in relation to the performance of work.
- The pay slip must be in a form prescribed by regulations if such a form exists.
- The pay slip must include any information prescribed by the regulations.

An employer has a right to stand down an employee. Stand down means asking employees not to work without pay. Under the following circumstances, the employer can stand down an employee provided that there is no enterprise agreement or contract of employment that prevents the employer from doing so:

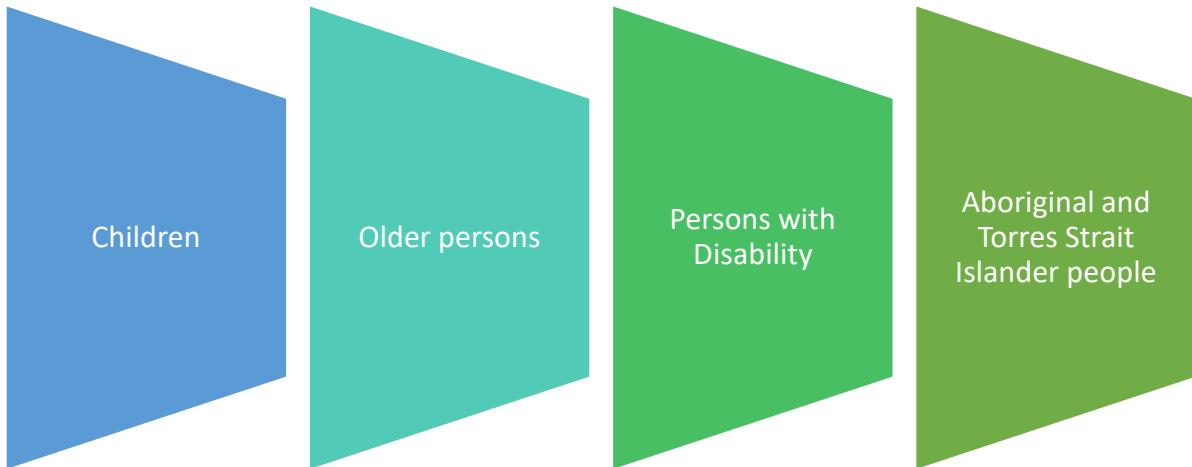
- During industrial action (other than industrial action organised or engaged in by the employer)
- In the event of a breakdown of machinery or equipment, if the employer cannot reasonably be held responsible for the breakdown
- In the event of a stoppage of work for any cause for which the employer cannot reasonably be held responsible

Based on content from the Federal Register of Legislation at 12 April 2022 For the latest information on Australian Government law please go to <https://www.legislation.gov.au>. Fair Work Act 2009, used under CC BY 4.0

Part 2 of the Work Health and Safety Act 2011 contains provisions on workers' and employers' health and safety duties. Under this law, the employer has the primary duty of care to ensure the health and safety of all workers involved with the organisation. On the other hand, workers must take reasonable care of their own health and safety and other persons they work with. This includes abiding by organisational policies and procedures related to health and safety.

Rights and Responsibilities of Clients

You may encounter a diverse number of clients. They may include:



Your clients' rights are anchored in international human rights treaties. Australia has national legislation promoting and protecting human rights to adhere to these treaties. These laws were already mentioned in previous sections. Examples are:

- [Disability Discrimination Act 1992](#)
- [Privacy Act 1988](#)
- [Age Discrimination Act 2004.](#)

In the treaties and legislation, some fundamental rights apply to your clients:

- Right to protection against all forms of discrimination
- Right to care and protection services that comply with standards such as safety and health
- Right to freedom of expression, thought, conscience and religion
- Right to protection from all forms of harm
- Right to equal opportunities in education and development

As mentioned, rights should be balanced with responsibilities. It ensures that everyone can exercise their rights equally. This means that clients also have responsibilities when accessing and utilising your services. The general duties of clients may involve:

- Respecting the rights of employees
- Treating employees without discrimination
- Abiding by the terms of a written agreement
- Accepting responsibility for own actions and choices, even though some actions and preferences may involve an element of risk

You may need to remind the clients of their rights and responsibilities. It is also best to remind your employees to uphold their rights and adhere to their responsibilities.

1.2.15 Industrial Relations Legislation and Requirements Relevant to Organisation

Legislation and requirements on industrial relations prescribe the legal minimum requirements related to employment and wages that your organisation must follow. As a manager, you must ensure that workers are treated fairly as prescribed in the [Fair Work Act 2009](#). In particular, this Act prescribes:

- Terms and conditions of employment for different fields
- Employment rights and responsibilities of employees, employers and organisations
- Enforcement and administration of the Act

The Act established the Fair Work Commission and the Fair Work Ombudsman as the governing bodies that monitor implementation. Together, these governing bodies prescribe industrial awards for employees in different industries. [Awards](#) are documents that provide guidelines on employment conditions and pay rates. Some relevant awards that may apply to your role are as follows:

- [Social, Community, Home Care and Disability Services Industry Award \[MA000100\]](#)
- [Health Professionals and Support Services Award \[MA000027\]](#)
- [Children's Services Award 2010 \[MA000120\]](#)

Awards contain the following information related to workers:

Types and Classifications of Employment	Hours of Work	Wages and Allowances
Overtime and Penalty Rates	Leave and Public Holidays	Consultation and Dispute Resolution
Termination of Employment and Redundancy		

Your organisational policies and procedures for each category stated above must be aligned with the provisions in the relevant award. This is to comply with the requirements of industrial relations and awards. Legislation on industrial relations also protects against discrimination based on industrial activity. It is illegal to discriminate against workers for their membership and participation in industrial organisations and activities. In relation to this, employers also have a responsibility to ensure that their employees do not face discrimination in the workplace based on industrial activity.



Further Reading

If the mentioned awards do not cover your work role, you can search for the appropriate award at the link below.

[Find my award](#)

1.2.16 Specific Requirements in the Area of Work

Each area of work in the community and health services may have specific legislation. Like all other laws discussed, the specific legislation ensures that:

You can do your tasks properly

You have the appropriate training for your work

You can provide the best service to the clients

You are protected as an employee

You should research the legislation applicable to your area of work. You can follow the procedures in Subchapter 1.1. Aside from the listed sources in that subchapter, you can:

- Refer to relevant workplace documents
- Ask your supervisor to help you identify other applicable laws to your area of work

Below are some examples of specific legislation applicable to some community and health service workers.

Guardianship

A guardian is a legally appointed person who can make decisions on behalf of another person. They can decide on matters such as:

- Medical treatment
- Financial transactions
- Housing arrangements

Usually, vulnerable people have legal guardians. They can include:

- Older persons
- Children
- Persons with:
 - Limited literacy skills
 - Limited economic resources
 - Cognitive disability

- Persons who:
 - Cannot speak the local language
 - Who experienced human exploitation
 - Are Aboriginal or Torres Strait Islanders

Based on [Vulnerable Persons or People](#), used under CC BY 4.0. © Commonwealth of Australia 2018

You may encounter a vulnerable person as a client. Remember to consult and obtain consent from their guardians as needed.

Below are the guardianship legislation in each state and territory.

State or Territory	Legislation
ACT	Guardianship and Management of Property Act 1991
NSW	Guardianship Act 1987 No 257
NT	Guardianship of Adults Act 2016
Qld	Guardianship and Administration Act 2000
SA	Guardianship and Administration Act 1993
Tas	Guardianship and Administration Act 1995
Vic	Guardianship and Administration Act 2019
WA	Guardianship and Administration Act 1990

Key Practices That are Prohibited by Law

Restricted practices refer to any practice or intervention that limits the rights or freedom of a person. A restrictive practice may be authorised within a reasonable parameter. There are regulatory bodies that monitor these practices. You should comply with legal requirements if it is used. One requirement is to document it in behaviour support or individualised plans.



In comparison, prohibited practices should never be used. These practices are against the law. Prohibited practices may include:

- Corporal punishment (e.g. smacking or hitting)
- Denying access to basic needs or supports
- Over-correction (e.g. making a child clean an entire room because they dropped food on the floor)
- Humiliating a person
- Unethical practices (e.g. using cigarettes as a reward)

Based on [Positive behaviour](#), used under CC BY 4.0. © State of New South Wales (Department of Communities and Justice)

Some may implement these practices to manage the behaviour and condition of the client (e.g. student, older person). As a community and health service worker, you must:

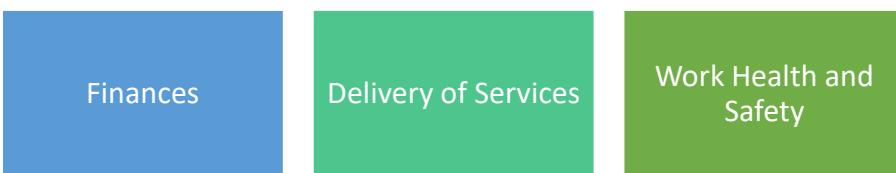
- Avoid the use of restrictive practices and use it only as a last resort
- Avoid the use of prohibited practices

These practices go against the human rights of your clients. Remember that there are international covenants that protect the human rights of clients. You may review these covenants in Section 1.2.6. At a national level, industry acts and regulations set prohibited practices for different work roles. You may check the national legislation relevant to your industry for more information. These national laws are further implemented through state and territory legislation, which sets specific guidelines on how to implement the relevant national laws. This means that prohibitions set in national laws will also be reflected and detailed in state and territory laws.

Auditing and Inspection Regimes

Audits and inspections are ways to achieve and maintain compliance with legal and ethical requirements. An *audit* is a comprehensive review of all areas of compliance related to the service. This includes reviews of workplace documents, routines, activities, schedules and processes. An *inspection* is a physical review of different aspects of the workplace to ensure compliance. Auditing and inspection will be discussed further in Subchapter 4.1.

Audits and inspections may be conducted for various reasons. There are also different auditing and inspection bodies depending on what aspect of the organisation is being reviewed. During an audit or inspection, the following aspects of an organisation are usually reviewed:



During a finance audit, auditors review the financial records of the organisation to identify any inconsistency or irregularity. This type of audit is performed by experts in finance and accounting. In a service audit or inspection, regulatory authorities check if the organisation follows regulations and codes when delivering services. These are done by industry experts. In a work health and safety audit or inspection, the organisation is assessed on their compliance with WHS and OHS laws and regulations.

There are international, national, state, territory and local laws that govern workplace audits and inspections. These laws provide guidance and information on how audits and inspections must be conducted. For example, the International Auditing and Assurance Standards Board (IAASB) provides international standards on how organisations must be audited to assure and maintain quality services.

At a national level, auditing and inspection standards are set in industry national laws. Since these national laws set out requirements on how a particular type of organisation should be managed, these laws will also be the baseline for auditing and inspection. Auditors and inspectors will check if organisational practices are aligned with these national laws.

Due to the complex nature of services in different industries, auditing and inspections are usually done by state, territory and local regulatory authorities. They base their assessments on national laws and the corresponding laws in their respective jurisdictions.

Main Consequences of Non-Compliance

Failure to comply with legal requirements will result in consequences for your organisation. Consequences of non-compliance refer to all the disadvantages that your organisation receives when it fails to adhere to the law. These consequences may be found in the specific legislation which sets out legal compliance requirements. Your work may involve providing services in a health, community, creative arts and cultural context. This means that you will have direct interactions with clients. Your work role may also involve client care and protection. This means that non-compliance with laws and regulations may cause harm to your employees and clients or violate their rights.

International frameworks set requirements for member countries. For example, human rights violations may be investigated by an international judicial body. This is because human rights are protected by international agreements, treaties and covenants. In these cases, the country with jurisdiction over the case will also be required to coordinate and cooperate with international courts. This means that if an organisation is in violation of human rights, it may be investigated at a national and international level.

Non-compliance with laws is sanctioned by national, state and territory governing bodies. The authority that will address the non-compliance will depend on the type of violation. For example, non-compliance with a national law will be handled by a national regulatory authority.

Non-compliance incidents are monitored and sanctioned by national, state and territory regulatory authorities. Non-compliance may result in penalties such as:

Monetary Fines

Suspension

Termination

Criminal Prosecution

Aside from these penalties, non-compliance may also have indirect consequences for your service, such as:

Loss of Reputation

Loss of Clients and Business

Loss of Staff

Loss of Productivity

Specific penalties and consequences will be discussed further in Subchapter 1.4.

Need to Apply for Licences and Associated Mandatory Training and Certification Requirements

Some areas of work will require you to apply for licences, mandatory training and certification. A *licence* is a permit that serves as evidence that a person is allowed to do something. For example, industry professionals hold licences related to the type of work that they do or the service that they offer. Workers are often required to undergo mandatory training to obtain a licence.

Mandatory training can be about different topics related to the performance of work responsibilities. Aside from the purpose of obtaining a licence, mandatory training may also be required by certain agencies or organisations to supplement the knowledge and skills of their workers. Training may also be required in order to update workers on current and emerging practices in their industry.

Certification requirements refer to levels of education that a worker must have in order to be deemed competent for a work role. Certification is also a common requirement for obtaining licences. This is because holding certifications is proof that a worker has undergone the necessary work-related training and has been assessed as competent in performing certain work tasks.

Licences, mandatory training and certification are required either at a national, state, territory or local level. Requirements for these can be found in acts and regulations related to your industry or practice.

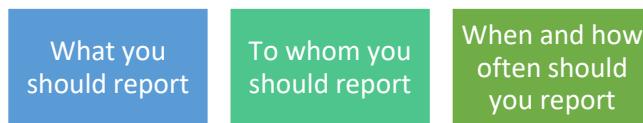


Statutory Reporting Requirements

Statutory reporting requirements refer to information that an organisation must disclose to regulatory authorities. These requirements are related to how an organisation manages:



Statutory reporting requirements are based on international standards and guidelines for reporting. These standards and guidelines serve as a framework for universally accepted reporting practices. For example, international audit standards specify how organisations must prepare and report their finances and service practices. At the national, state, territory and local level, statutory reporting requirements can be found in sections related to the reporting obligations of organisations. You may find information here on:



To know the statutory reporting requirements for your organisation, you need to be familiar with how your organisation will be audited. To review, audits usually focus on finances, delivery of services, and work health and safety. You must have clear documentation and reporting lines for each of these.

In terms of finances, your organisation must maintain records of all transactions and other documents that indicate the financial standing of the organisation. Auditors and regulatory authorities may also require you to report on your financial processes to ensure that you are compliant with legislation.

In the case of the delivery of services, authorities may require you to report on the policies, processes and procedures that your organisation implements. It is important to report these as they will serve as a basis for your compliance or non-compliance with laws and regulations. Aside from the policies, procedures and process, you may also be asked to report on organisational activities. This will show regulatory authorities the actual results of your implementation of policies in your organisation.

In terms of work health and safety, there are some incidents that you will be required to report to authorities. In WHS, notifiable incidents refer to cases of death, severe injury, illness and other potentially dangerous circumstances that occurred within your workplace. In these cases, you will be required to report the details of the incident to WHS authorities.

Compliance with statutory reporting requirements will naturally follow from proper documentation and record-keeping within your organisation. As long as your records and documentation are comprehensive and organised, and as long as you are transparent and honest about your service delivery, complying with statutory reporting should be no problem.

Business Insurances Required Including Public Liability and Workers Compensation

Organisations may avail of insurance coverage to protect their business. Business insurance protects the organisation from possible losses that result from unfortunate incidents during the course of day-to-day operations. The table below shows different types of business insurance that may apply to your organisation.

Type of Business Insurance	Coverage
Public Liability	Claims made by the public against your business
General Liability	Claims for injuries or damages caused by products and services that you provide
Professional Indemnity	Claims for errors made in providing professional services
Management Liability	Claims against management practices
Property	Claims for damages to property
Business Interruption	Claims for losses resulting from stoppage of operations
Crime	Claims for losses resulting from criminal activity
Equipment Breakdown	Claims for damages to equipment used in operations
General Property	Claims for repair and replacement of specific insured property items
Personal Accident	Claims for injuries or deaths resulting from accidents
Workers Compensation	Claims for injuries or disabilities sustained by workers in the course of performing their work roles and responsibilities

Two important types of insurance for any organisation are public liability insurance and workers' compensation. Review the coverage of each in the table above.

Internationally, public liability insurance is governed by basic insurance principles. These are principles that apply to businesses in varying contexts. For example, the International Association of Insurance Supervisors (IAIS) has a set of core principles that set a framework for insurance provisions. You may read more about these insurance core principles [here](#).

A similar framework is applied at a national level through the insurance requirements set by the Australian Competition and Consumer Commission (ACCC). These requirements are given a legal basis through finance and insurance laws. States, territories and local governments apply and enforce these requirements through their own acts and regulations.

Workers compensation insurance is important as it covers medical costs and lost wages for employees. Workers compensation insurance requirements are also covered by international, national, state/territory and local legal frameworks. For example, the Organisation for Economic Co-operation and Development (OECD) regulates and supervises workers' compensation insurance in some industries in Australia. At a national level, employers are required to take out compensation insurance to cover themselves and their workers. This is further enforced through state and territory workers' compensation laws. It is also possible for local government units to have their own specific workers' compensation laws based on the laws of their governing state and territory.



Further Reading

To learn more about workers' compensation regulations, access the link below.

[Workers Compensation](#)



Accreditation Requirements

Accreditation requirements refer to conditions that organisations must meet to obtain permission to operate. The system of accreditation will be governed by the regulatory authorities of your work industry. To obtain and maintain accreditation for your organisation, you will be assessed by these regulatory authorities for compliance with laws, regulations, codes and standards.

Accreditations may be given at the international, national, state, territory, and local levels. International accreditation recognises organisations that meet requirements that are industry-standard across different countries. National accreditation signifies that an organisation is compliant with national laws and regulations that govern the industry. In some cases, state and territory accreditation will also be required. This is because different states and territories implement their own versions of acts and regulations. At a local level, the city or municipality in which your organisation operates may also have their own set of requirements. This ensures that organisations respond to the needs and requirements of a particular locality.

Due to the complex nature of accreditation requirements, it is important for you to completely understand how to comply with these. Contact regulatory authorities to clarify requirements for accreditation.

Your accreditation will depend on your compliance with requirements such as:

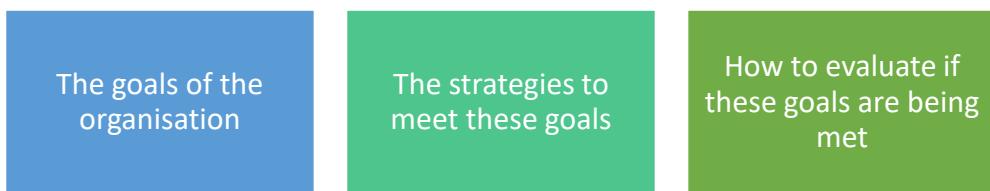


Requirements to Develop and Implement Plans, Policies, Codes of Conduct or Incorporate Certain Workplace Practices

In chapter three of this Learner Guide, you will learn to develop policies and procedures that cover plans, policies, codes of conduct and workplace practices. All of these documents will provide requirements and guidance on how to operate your organisation. Requirements for these are based on industry legislation, regulations and codes. To learn more about these requirements, you must look for specific sections, clauses, statements, or phrases in legislation that provide information on a certain issue and the frameworks behind it.

Plans

Plans refer to documents that detail how an organisation will operate. Plans will contain information on the following:



Requirements to develop these plans will contain rules to follow to ensure that the operational direction of the organisation is aligned with the set goals. You will find these through legislative instruments such as acts and regulations. You may also find these in organisational documents such as policies and procedures.

After developing these plans, you must now focus on implementation. There are also requirements related to implementing the plans. During implementation, you must look at how the plans are being applied in actual practice. Is implementation consistent with the goals and strategies set out during planning? Implementation can be measured through key performance areas (KPAs). Each KPA refers to an area of organisational operations. Examples of KPAs include administration, management, finances and customer services. The specific KPAs will depend on the plan that you developed. Think of the KPAs as different point persons or departments within your organisation. Each point person and department has a goal to achieve. The achievement of all of these goals will equate to a successful implementation of the plan.

The development and implementation of plans must follow requirements in legal frameworks at the international, national, state, territory and local levels. International standards will set requirements for planning in a certain industry. These international standards also serve as bases for the development of national laws. A service industry will usually have a governing national law that sets requirements for developing and implementing plans that must be followed no matter where in the country your organisation is situated. In some areas, there are even more specific requirements based on the local and cultural context of the area. These requirements will be found in state, territory and local laws. You must take note that your organisational plans must always be aligned with the requirements of all of these laws.

Policies

Policies are general rules and guiding principles that an organisation upholds and complies with. It is important to note that policies result from higher levels of requirements such as acts and regulations. This means that an organisation cannot implement policies that are against the legal instruments that they are based on. For example, a workplace health and safety policy must be aligned with provisions found in WHS and OHS legislation.



To know about the policy requirements for your industry, you must check international, national, state, territory and local legal frameworks. These frameworks together set all the requirements that you must take into account when developing and implementing policies for your organisation. For example, at the international level, you must look for international industry standards that will apply to your organisation. Your policies must be aligned with these standards. At the national level, you need to look at national acts and regulations that set requirements for your work industry. State and territory laws require alignment with these national laws. In the same way, local laws require alignment with the governing state and territory.

The development and implementation of policies will be further discussed in Chapter 3.

Codes of Conduct

A code of conduct is a set of guidelines formed by an organisation to monitor and regulate the behaviour of its employees. When you develop codes of conduct, it is required that these codes are aligned with industry practices as well as laws and regulations that govern your industry. In the same way, the implementation of codes of conduct must be in line with requirements in related legislation. In Section 1.2.2, you learnt that organisational codes of conduct may be based on international, national, state, territory and local frameworks that govern a certain industry. The organisational codes of conduct must be aligned with these frameworks to ensure compliant practices in all levels of jurisdiction.

For more information on the development and implementation of codes of conduct, review sections 1.2.2 and 2.1.2 of this learner guide.

Workplace Practices

The plans, policies and codes discussed above will all be reflected in workplace practices. Workplace practices refer to specific ways of performing tasks relevant to your work role. Think of these practices as direct applications of the requirements set in legal documents. Requirements for workplace practices may be found in different laws and regulations related to your area of work. For example, at an international level, you must look at international standards of practice for your industry. Required workplace practices may also be found in national industry standards related to your work role. In some cases, state, territory and local governments also implement their own standards for workplace practices.

When developing and implementing workplace practices, you must keep in mind all of the standards and codes implemented for your industry. The practices that you implement for employees in your organisation must be consistent with industry standards. For additional guidance, review sections 1.2.3 and 2.1.3 of this learner guide.

1.2.17 Work Role Boundaries – Responsibilities and Limitations of Different People

As a manager, you may be supervising staff who perform different work roles. Their responsibilities and limitations define the work role of an employee. *Responsibilities* refer to tasks an employee must perform at work, while *limitations* refer to actions beyond the scope and control of the employee's work role.

At an international level, the framework for work role boundaries is set by international standards and codes related to certain industries and occupations. For example, the [International Standard Classification of Occupations \(ISCO\)](#) sets the responsibilities and limitations of different work roles based on skill levels.

The national legal framework for work role boundaries can be found in the Fair Work Act 2009. This law guides productive and inclusive workplace relations through provisions on:

Terms and conditions of employment

Rights and responsibilities of employees, employers and organisations

Based on content from the Federal Register of Legislation at 29 April 2022. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>.

Workers in the community and health services have varying responsibilities. You may find your specific duties in your job contract and organisational policies. Limitations may not be explicitly stated, but you should refrain from doing tasks not specified in relevant documents. However, in some cases, a supervisor may require you to do additional jobs within your knowledge and skills.

Study the table below for examples of responsibilities and limitations.

Occupation	Responsibilities	Limitations
Dental Assistant	<ul style="list-style-type: none"> ▪ Prepare dental instruments ▪ Maintain inventory of dental supplies ▪ Prepare patients for dental procedures 	<ul style="list-style-type: none"> ▪ Should only do dental suctioning procedures as required ▪ Cannot prescribe pain medications for toothache
Mental Health Peer Worker	<ul style="list-style-type: none"> ▪ Support clients in setting their goals ▪ Refer clients to relevant services ▪ Recommend techniques to clients to support their recovery 	<ul style="list-style-type: none"> ▪ Cannot diagnose mental health illness ▪ Can only provide advice up to their level of knowledge and training
Educational Support Worker	<ul style="list-style-type: none"> ▪ Assist in the implementation of the children's program under supervision ▪ Assist in the implementation of daily care routines ▪ Give each child individual attention and comfort as required 	<ul style="list-style-type: none"> ▪ Limited knowledge and experience in children's services ▪ Can only take limited responsibility for own work

For additional information about employee responsibilities and limitations, you can access the relevant award in Section 1.2.15.

1.2.18 Work Health and Safety

Legislation and guidelines on Work Health and Safety (WHS) are in place to minimise or prevent health and safety risks in the workplace. ISO45001 is the international standard for occupational health and safety. This serves as the legal framework which protects workers and others in the workplace from work-related incidents. At a national level, this standard is applied through a WHS law. The Commonwealth Act that serves as a national legal framework for WHS is the [Work Health and Safety Act 2011](#).

In general, WHS laws cover various situations that workers in any field may encounter. WHS is a set of legislation and guidelines that set best practices in:

- Protecting your own health and safety at work
- Helping workers care for their own health and safety
- Preventing any threat to you and your colleagues' health and safety
- Preventing any threat to the health and safety of clients and other people in the workplace

Safe Work Australia is the national government entity that develops and evaluates model WHS laws. From these model laws, states and territories develop and implement their respective WHS laws to ensure that WHS principles are effectively applied to their context. The table below shows the WHS and OHS legislation and guidelines followed in each state and territory.

State/Territory	WHS Legislation and Guidelines
Australian Capital Territory	Work Health and Safety Act 2011
New South Wales	Legislation
Northern Territory	Workplace safety laws
Queensland	Work health and safety laws
South Australia	Legislation
Tasmania	Laws and compliance
Victoria	Occupational Health and Safety Act and Regulations
Western Australia	Work Health and Safety Act 2020

Based on [Law and regulation](#), used under CC BY 4.0. © Commonwealth of Australia.

Aside from these state and territory laws, there may also be local laws that are enforced in your local government unit. These local laws are still based on state and territory laws but with an emphasis on the context of the jurisdiction. To learn more about local WHS requirements, you may contact your local government unit.



Further Reading

Safe Work Australia develops and evaluates model WHS laws. You can view WHS laws that apply to the educational setting in different states and territories by accessing the link below.

[Law and regulation](#)

Organisations should have work health and safety policies and procedures. These may include:

Manual handling techniques

Available services for mental health issues

Workplace environment (i.e. using ergonomic equipment)

First aid in the workplace

Reporting notifiable incidents

Risk assessment

Service workers should follow work health and safety policies and procedures. It is one way of preventing workplace injuries. You should also utilise support and services when you need them.



Checkpoint! Let's Review

1. Legal frameworks consist of:

- The Constitution
- National Legislation
- State, Territory and Local Legislation
- Standards and Guidelines
- Contracts

2. To know what requirements your organisation must comply with, you must evaluate all processes and settings involved in your area of work.

1.3 Access and Interpret Information Relevant to Area of Work

After identifying sources of information and determining the scope of compliance requirements that apply to your area of work, you need to identify specific information that applies to your work. To access information, you can look back at the different sources of legal compliance requirements discussed in the previous two subchapters. Information, in this case, is not limited to legislation. Access these sources by going to the government or industry websites where you can find information relevant to your work. You may also use the 'Contact Us' pages of these websites to get the contact information of the related agency or organisation. This will allow you to contact the agency or organisation for further details directly, especially if your need is not available online.

You must also access guidelines that use legislation as a basis, as discussed in the sections of Subchapter 1.2. From your identified scope of compliance requirements, you must interpret information to see how it applies explicitly to your organisation's actual work practices and processes. Your end goal in accessing and interpreting information is to use them in developing policies and procedures for your organisation. This means that from legislative sources, you must interpret requirements and translate them into specific guidelines that other people in your organisation can follow in day-to-day operations.

In the table below, you can see different types of information that you can access and that are relevant to your area of work.

Type of Information	Relevance to Area of Work
International Guidelines	<ul style="list-style-type: none"> ▪ Provides guiding principles for work practices
National Laws	<ul style="list-style-type: none"> ▪ Provides consistent general standards for how education and care services must be managed regardless of state and territory
State and Territory Laws	<ul style="list-style-type: none"> ▪ Provides specific guidance and context on how national laws must be implemented for the particular state and territory where your organisation is situated
Departmental or Organisational Guidelines	<ul style="list-style-type: none"> ▪ Proposes best practices in the industry in relation to laws ▪ Provides interpretations of laws for actual workplace applications

From accessing information to preparing relevant information to be integrated into policies and procedures, a general process would include the following steps:

1. Access international guidelines, national laws, state and territory laws, and departmental or organisational guidelines that apply to your jurisdiction. Always check the currency of the legislation and guidelines you are accessing to ensure that you are referencing updated information.
2. Look for information related to your area of work. It will help start with topics that your policies and procedures must include.
3. Interpret provisions by translating them into specific policies and procedures that apply to your workplace and can be followed by employees. For example, provisions on privacy, confidentiality and disclosure can be found in the Privacy Act 1988. A particular provision of this law requires organisations to ensure that personal information is only collected and used for purposes consented to by individuals who own the information. This provision can serve as the basis for policies and procedures to collect personal information from clients.



Checkpoint! Let's Review



1. Interpreting legal information for your organisation involves translating provisions into specific policies and procedures that apply to the workplace.
2. Relevant information for your area of work may include:
 - International Guidelines
 - National Laws
 - State and Territory Laws
 - Departmental or Organisational Guidelines.



1.4 Identify Risks, Penalties and Consequences of Non-Compliance



So far, you have learnt the various legal requirements that your organisation has to comply with. It is essential to be thorough when checking requirements that apply to your organisation because non-compliance may result in risks, penalties and consequences. *Risks* are potential losses for your organisation resulting from non-compliance. Your organisation may receive penalties and consequences when risks are not properly assessed and addressed. *Penalties* are sanctions imposed by governing bodies on services that are deemed non-compliant. On the other hand, *consequences* are all disadvantages that your organisation receives from non-compliance.

You learnt earlier that non-compliance might result in legal consequences (fines, suspensions, cancellations and criminal prosecution) and indirect consequences (loss of reputation, clients, business, staff and productivity). You must be able to quickly identify potential risks, penalties and consequences of non-compliance so that these can be managed and avoided by your organisation.

1.4.1 Risks of Non-Compliance

Being proactive in addressing non-compliance involves early identification of risks. Early identification of risks is essential because this is the stage where you have control over whether or not your service becomes non-compliant. When not correctly identified and addressed, risks evolve into penalties and consequences. To identify risks of non-compliance, you must examine the processes and practices of your organisation and look for characteristics that align with certain compliance levels and their associated levels of risk. These characteristics are related to the following:

Legal Obligations

Compliance Management Systems

Management

Legal obligations are actions that people in your organisation must take to comply with legislation requirements. The organisation's overall compliance will depend on how well each employee complies with their legal obligations.

Compliance Management System (CMS) refers to a set of workplace documents, tools and processes that help the organisation comply with legal requirements. This is a system of spotting and tracking potential non-compliances and applying the appropriate measures to address these non-compliances.

Management involves the coordination and administration of different work tasks, processes, policies and procedures to achieve compliance. Effective management will ensure that the organisation remains compliant with different legislation and guidelines related to the industry.

Risks of non-compliance can be described at different levels, as illustrated in the table below.

Compliance and Level of Risk	Characteristics
Voluntary Compliance (Low Risk)	<ul style="list-style-type: none"> ▪ Legal obligations are fully met ▪ Effective compliance management systems are implemented ▪ Management is compliance-oriented
Unintentional Non-Compliance (Moderate Risk)	<ul style="list-style-type: none"> ▪ Legal obligations are partially met ▪ Compliance systems are ineffective and not fully developed ▪ Management may be compliance-oriented but lacking in capability
Opportunistic Non-Compliance (High Risk)	<ul style="list-style-type: none"> ▪ Compliance is generally disregarded ▪ Compliance systems are poor ▪ Management is not compliance-oriented and may take opportunities to exploit for personal gain
Wilful Non-Compliance (Very High Risk)	<ul style="list-style-type: none"> ▪ Deliberate non-compliance ▪ Absence of compliance systems ▪ Management has criminal or fraudulent intent

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1.4.2 Penalties of Non-Compliance

Penalties are punishments imposed by regulatory authorities on organisations deemed non-compliant with legislation. These penalties may take the form of the following:

Monetary Fines

Suspension

Termination

Criminal Prosecution

- **Monetary Fines**

A *monetary fine* is a penalty wherein the offending service provider has to pay a specified monetary amount to the regulatory authority.

- **Suspension**

Suspension is a temporary ban from operations. During a suspension period, an organisation must stop all activities. It is best to avoid suspensions as these may result in further financial losses for the organisation.

- **Termination**

A more severe penalty for non-compliance is the termination of operations. This refers to a permanent restriction from operating the organisation. This means that all previously gained accreditation from regulatory authorities will also be discontinued.

- **Criminal Prosecution**

The heaviest penalty resulting from non-compliance is criminal prosecution. *Criminal prosecution* is the process of legal action against an individual or group that violates provisions of the criminal code either at the national level or at the state and territory level. Individual employees who engage in criminal acts may face criminal prosecution and termination of employment. On the other hand, organisational involvement in criminal acts may result in criminal prosecution for all employees and officials involved, in addition to the cancellation of provider and service approvals.

Non-compliance with laws may be elevated to criminal courts when regulatory authorities can no longer act on the non-compliance independently. This will be in cases where the offending individuals or organisations violate other laws.

1.4.3 Consequences of Non-Compliance

Aside from the penalties mentioned in the previous section, non-compliance may also result in other consequences. These consequences are not based on laws but are natural results of incorrect practices. The following are the consequences of non-compliance:



- **Loss of Reputation**

Imagine if your organisation habitually obtains different penalties from regulatory authorities. Imagine if your organisation always gets low accreditation scores due to areas of non-compliance. After a while, this will result in your organisation's loss of reputation within the community.

- **Loss of Clients and Business**

Loss of clients and business will follow from your loss of reputation. Your clients will look elsewhere if your organisation cannot gain the community's trust due to habitual non-compliance. If the non-compliance results in heavy fines, your organisation may find it challenging to remain open. The same is true if your organisation faces suspensions due to non-compliance. Clients will look for options, which may mean a permanent loss of clients for your organisation. Consequently, you will not gain new business from potential clients looking for the services that you offer. This will mean a loss of income for your organisation.

■ **Loss of Staff**

Employees rely on the proper operation of their organisation for a stable livelihood. When your organisation faces risks and penalties, you may also lose good employees in the process. For example, if the organisation receives penalties due to non-compliance, this may impact the organisation financially. This may cause management to reduce the number of staff, which means your organisation cannot accommodate a high volume of clients. In the same way, if the organisation faces suspension or termination, you may also lose staff to other organisations. Employees need stability in their organisation. A non-compliant organisation cannot provide that stability.

■ **Loss of Productivity**

Non-compliance issues will mean an additional workload for your organisation. You will need to spend time and other resources to coordinate with regulatory authorities and resolve non-compliant practices so that you can avoid penalties. This means that you will not be able to focus efforts on day-to-day operations. You will save a lot of time and other resources if you focus on maintaining compliant practices from the beginning.



Checkpoint! Let's Review



1. Risks are potential losses for your organisation resulting from non-compliance.
2. Penalties are sanctions imposed by governing bodies on organisations that are deemed non-compliant.
3. Consequences are all disadvantages that your organisation receives from non-compliance.

1.5 Assess and Act on the Need for Specialist Legal Advice

One barrier you may encounter when interpreting legal compliance information is that some requirements may be challenging to understand. If you cannot confidently interpret legal requirements, you may face challenges implementing them in your workplace. Your organisation may also be at risk of non-compliant practices due to incorrect policies and procedures. For this reason, there are some instances where you may need to seek specialist legal advice. Legal advice is composed of interpretations of legal compliance requirements made by legal professionals such as lawyers and consultants. As the law practice is diverse and may cover various issues, you must seek legal advice from professionals who specialise in legal requirements for your specific industry.

First, you must assess if you need specialist legal advice. Seek specialist legal advice if:

- You need to check if your interpretation of compliance requirements is accurate
- You need to check if your current practices, processes, policies and procedures are compliant with legal requirements
- No one in your organisation has enough experience to interpret and apply certain compliance requirements confidently
- Your organisation needs help in processing licences and accreditations
- Your organisation needs assistance in resolving cases related to non-compliance
- Your organisation needs legal representation in cases of non-compliance

If you conclude that you need specialist legal advice, you must seek a trained lawyer handling cases in your industry. Check first with your organisation on who to consult for legal matters.

Some organisations may already have a legal consultant or team on board. If your organisation does not have a legal consultant or team, you must look for and contact specialist law offices.



Law services may include:

Interpretations of Legislation And Guidelines

Applications for Licences and Accreditation

Preparation of Business Documents, such as Contracts, Policies and Procedures

Complaints Management

Legal Representation



Checkpoint! Let's Review

1. In case of difficulties in interpreting legal information, you may seek specialist legal advice by engaging a legal professional trained in laws related to education and care services.
2. Legal professionals can help you in:
 - Interpreting Legislation and Guidelines
 - Applying For Licenses and Accreditations
 - Preparing Business Documents
 - Managing Complaints.



Learning Activity for Chapter 1

Well done completing this chapter. You may now proceed to your **Learning Activity Booklet** (provided along with this Learner Guide) and complete the learning activities associated with this chapter.

Please coordinate with your trainer/training organisation for additional instructions and guidance in completing these practical activities.

II. Determine Ethical Responsibilities



In the previous chapter, you learnt how to look for the information you need for legal compliance. Once you can accurately interpret legal requirements, you can develop policies and procedures that will help your organisation remain compliant in its practices and processes. However, legal requirements only make up half of your compliance responsibilities. Legal compliance means that you are managing your organisation in accordance with laws and related guidelines. For more effective management, you must also be aware of the ethical responsibilities related to your organisation.

Ethical responsibilities are not prescribed in legislation, but they are guided by universal moral principles that should guide practice. Being aware of your ethical responsibilities will allow you to establish and maintain good working relationships with workers, clients and the community. Additionally, remember that even if laws do not dictate ethical requirements, they may still be legally binding through the administration of contracts.

In this chapter, you will learn how to:

- Identify the ethical framework that applies to the work context
- Incorporate scope of practice considerations as part of ethical practice
- Evaluate responsibilities to workers, clients and the broader community
- Model ethical behaviour in own work

2.1 Identify the Ethical Framework That Applies to the Work Context

Earlier, you learnt about the legal frameworks that support the scope of compliance requirements. Ethical frameworks also support these compliance requirements. An *ethical framework* describes moral principles that apply to certain areas of work and the basis of these principles. It is important to identify different ethical frameworks that can guide work practices so that organisations can uphold a good image and earn the community's trust.



The ethical framework for an organisation is established in a code of ethics or conduct. A *code of ethics* states the general moral principles upheld in the organisation, while a *code of conduct* states specific behavioural guidelines for employees to follow at work.

Similar to legal requirements, ethical requirements are based on frameworks at different levels of jurisdiction. Ethical frameworks may fall under one of the following types:

- **International**

International frameworks refer to ethical requirements that are acknowledged internationally.

- **National**

National frameworks are current ethical frameworks acknowledged in the country or enforced through federal or commonwealth documents.

- **State and Territory**

State and territory ethical frameworks refer to ethical requirements that are currently enforced in each state and territory.

- **Local**

Local frameworks refer to ethical requirements implemented by local government bodies to fit the context of their jurisdiction.

The sections under this subchapter will discuss different ethical frameworks and their workplace applications.

2.1.1 Children in the Workplace

Similar to the legal framework for requirements related to children in the workplace, the ethical framework is based on the principle of child protection. When children are in your workplace, you must ensure that they are kept safe and secure. You must follow certain ethical standards for working with and around children. For this reason, state and territory governments introduced ‘child safe standards’, which are standards that organisations that work with children have to follow. These standards are based on National Principles for Child Safe Organisations, as prescribed by the Australian Human Rights Commission.

National Principles for Child Safe Organisations
Principle 1: Child safety and wellbeing are embedded in organisational leadership, governance and culture.
Principle 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
Principle 3: Families and communities are informed and involved in promoting child safety and wellbeing.
Principle 4: Equity is upheld and diverse needs are respected in policy and practice.
Principle 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
Principle 6: Processes to respond to complaints and concerns are child focused.
Principle 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
Principle 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
Principle 9: Implementation of the national child safe principles is regularly reviewed and improved.
Principle 10: Policies and procedures document how the organisation is safe for children and young people.

Sourced from [National Principles for Child Safe Organisations](#), used under CC BY 4.0. © Australian Human Rights Commission 2018.

To apply these principles to your service, your organisation must develop and implement a code of conduct that establishes the prescribed and expected behaviour that all workers must observe when with children.

The Commonwealth Child Safe Framework governs child safety at the national level. This framework ensures child safe culture and practices in organisations. This framework requires compliance from government entities explicitly; however, private entities are also encouraged to implement the framework. Organisational child safe policies and procedures must comply with the following requirements, according to the framework:

Undertake risk assessments annually in relation to activities of the entity

Establish and maintain a system of training and compliance for staff

Adopt and implement the National Principles for Child Safe Organisations

Publish an annual statement of compliance with the Framework, including an overview of the entity's child safety risk assessment

Based on Commonwealth Child Safe Framework, used under CC BY 4.0. © Commonwealth of Australia 2021.

State and territory governments also have their own guidelines for developing child safe codes of conduct.

State/Territory	Guidelines for Child Safe Codes of Conduct
Australian Capital Territory	Learn more about Child Safe Standards – create a culture of safety in your organisation to protect and empower children and young people
New South Wales	Code of Conduct
Northern Territory	Codes of Conduct for Education Sites and Workplace Participants
Queensland	Child safe organisations: Example Code of Conduct
South Australia	National Principles for Child Safe Organisations
Tasmania	Child Safe Organisations
Victoria	Developing a Child Safety Code of Conduct

State/Territory	Guidelines for Child Safe Codes of Conduct
Western Australia	Child Safe Organisations



Further Reading

The Australian Human Rights Commission provides information and guidelines for child safe organisations. Follow the link below for further information on child safety and well-being requirements, initiatives and resources for each state and territory.

[Links & Resources](#)

2.1.2 Code of Conduct

As previously mentioned, codes of conduct guide desirable behaviour in the workplace based on moral principles. An organisation's workplace code of conduct is based on universal ethical principles. These principles are then translated into specific behaviour that applies to the workplace context.

For the community service and health sector, ethical principles include the following:

- Non-discrimination
- Support for the client's best interests
- Respect the client's right to self-determination
- Respect and acknowledgement of the client's views
- Respect the client's right to consent

The COAG Health Council released the [National Code of Conduct for Health Care Workers](#). This provides a guide for unregistered healthcare workers in doing their work ethically, safely and competently.

The Australian Community Workers Association also released the [Australia Community Workers Code of Ethics](#) to provide practical ethical guidance for community workers.

The following are some common ethical principles found in codes of conduct:

Integrity	Ability to apply consistent moral judgement in every situation
Trust	Ability to gain the confidence of other people in your capability and judgement
Accountability	Ability to own and answer for your responsibilities and actions
Transparency	Ability to share your work process and results with others
Dignity	Ability to uphold your own self-worth and that of others
Fairness	Ability to act impartially and without discrimination
Honesty	Ability to share the complete truth about a situation

The workplace code of conduct must include certain sections, as described below.

Section	Description
Ethical Principles	Objective universal standards for moral action and behaviour based on certain beliefs and standards
Values	Subjective or specific behaviour standards of an organisation based on ethical principles
Accountability	Guidelines for employees in taking responsibility for their actions and decisions
Standard of Conduct	Guidelines for general employee behaviour in the workplace
Standard of Practice	Guidelines for behaviour specific to performing work roles and responsibilities
Disciplinary Actions	Specific penalties imposed by the organisation for violation of the code

Based on [Writing a code of conduct](#), used under CC BY 4.0. © The State of Queensland 2021

Having an official code of conduct in the workplace is highly beneficial for any organisation.

It sets expectations for how employees should behave

It helps define the organisation's culture

It reduces the risk of harming the client and the organisation

- **It sets expectations for how employees should behave**

The code of conduct outlines the acceptable practices in an organisation. It informs the workers of the appropriate behaviours in the workplace. The workers should use this to guide them in conducting themselves while doing their tasks.

- **It helps define the organisation's culture**

If an organisation wants a culture of fairness and transparency, the code can specify how employees can apply these principles. The organisation cannot simply express the desire to have a specific culture. Employees have to be guided on how to achieve this.

- **It reduces the risk of harming the client and the organisation**

Codes of conduct can stipulate prohibited behaviours. These behaviours are typically harmful and unethical. If certain behaviours are not prohibited, the quality of service delivery will be poor.

There can also be policies that are meant to protect the organisation. For example, corruption can pose a financial risk to the organisation. The organisation will have difficulty providing the best possible care if employees steal from it.

2.1.3 Codes of Practice and Practice Standards

In addition to codes of conduct, your organisational operations are also guided by codes of practice and practice standards. To review, *codes of practice* provide rules and guidelines on performing different aspects of work for a specific industry. *Practice standards* are the specific guidelines that can be applied to the workplace in accordance with codes of practice. These codes of practice and practice standards are based on laws and regulations.

Your workplace codes of practice and practice standards must be aligned with international, national, state, territory, and local codes and standards. For example, international agreements, treaties and covenants on codes of practice form an international ethical framework that organisations can follow. National codes and standards contain requirements that must be followed by organisations in a specific industry. These national codes and standards are implemented in states and territories through their own codes. Review section 1.2.3 for more information on the frameworks behind these codes.

In the workplace, codes of practice and standards are applied by:

Prioritising the needs of the client

Assisting clients in identifying and communicating with other service providers

Ensuring the safety and security of clients at all times

Showing respect and empathy when engaging with clients and their families

Understanding and applying ethical responsibilities to work practice

Making decisions are based on ethical principles

Codes of practice and practice standards impact workers in the following ways:

- *They ensure that employees deliver services safely and effectively.*

Codes of practice and standards outline how employees can provide services in the best way possible. These serve as guidelines that recommend certain work practices and prohibit others.

- *They ensure that the way employees deliver services is consistent.*

Consistency of service delivery is often reliable. Consistency in services would ensure that the quality remains the same regardless of who provides service. People would then know what to expect when availing of these services.

- *They ensure that employees support the clients.*

Support workers are required to comply with requests by clients to be assisted in finding other support service providers that they prefer to access. Support workers are also required to provide support whenever the client communicates with these service providers.

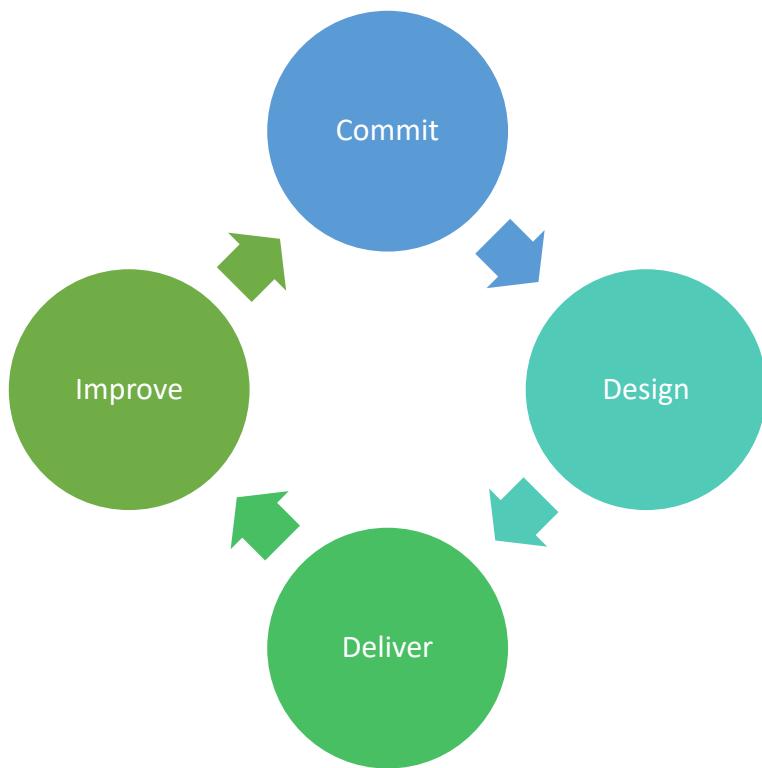
- *They ensure that business processes happen as smoothly as possible.*

Codes of practice and standards set expectations that employees must meet. Since they have a guide, they would have an easier time delivering what is expected.



2.1.4 Complaints Management

An effective complaints management system relies on the organisation's commitment to addressing their clients' problems. All employees must understand that addressing complaints helps the organisation provide better services. This is a process of continuous improvement of practices. A strong complaints management system follows a cycle:



Sourced from [Better Practice Complaint Handling Guide](#), used under CC BY 3.0 AU.
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- **Commit**

Everyone in your organisation, from managers to staff, must be committed to providing excellent service to clients. At the management level, an accessible complaints management system must be provided. Your service should also have competent staff who can receive complaints with patience and empathy to support this.

- **Design**

A well-designed complaints management system embodies the commitment of your organisation to address problems.

The following design principles must be followed:

The system should be user-centred, simple to access and easy to use

The system should support early resolution of complaints

The system should be integrated within the overall corporate structure

Complaints should be recorded in an electronic system capable of producing complaint insights

Complaint handling should be supported by clear process guidance

All staff should have the skills and support they need to deliver better practice

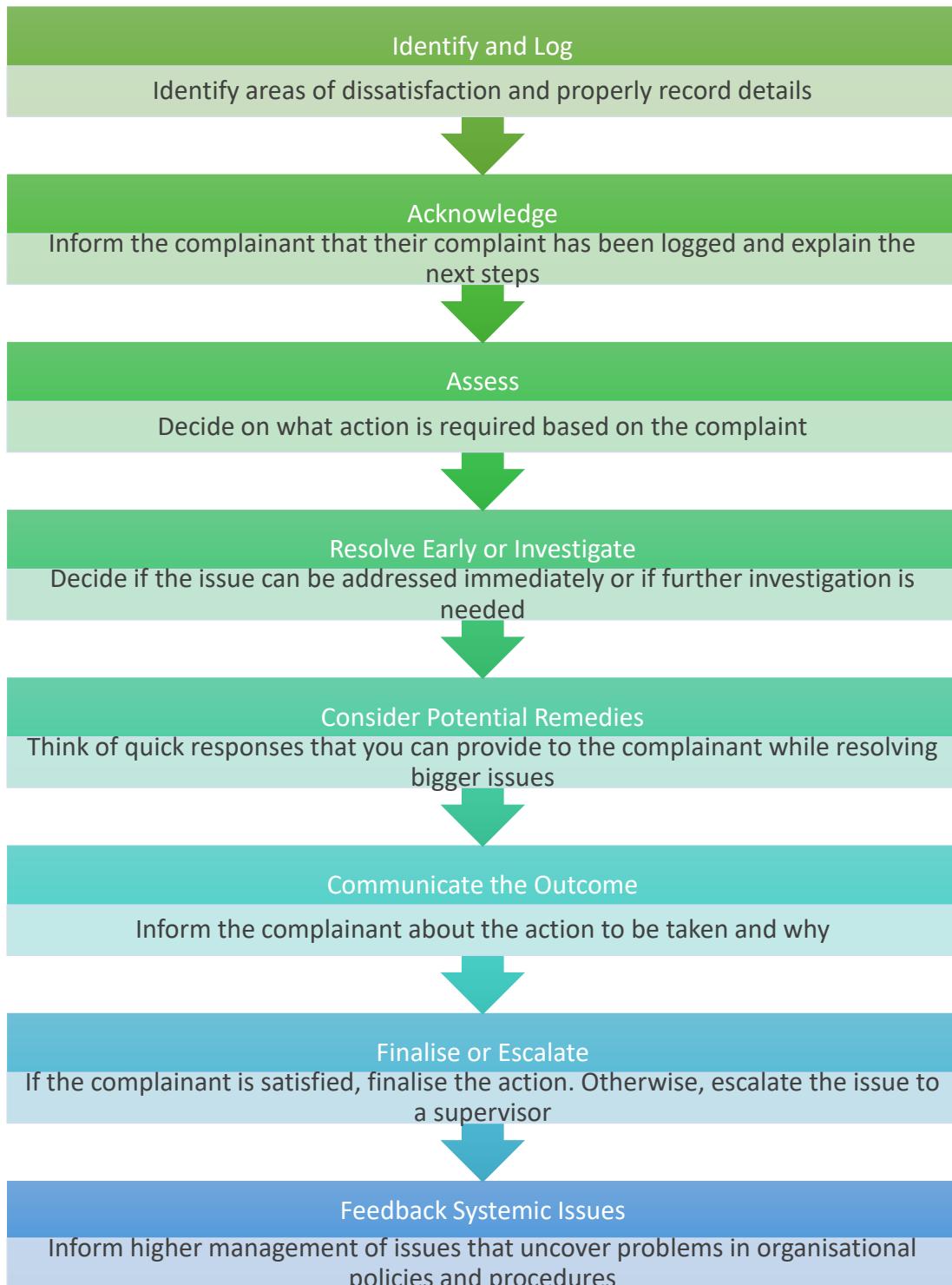
The system should have robust quality assurance and review processes

The system should be adequately resourced

Sourced from Part 5 - Design, used under CC BY 3.0 AU. © Commonwealth of Australia 2015

- **Deliver**

Once an adequate complaints management system is in place, you must ensure that it is well implemented and followed by all employees. The Commonwealth Ombudsman prescribes an 8-step process of delivery:



Based on Part 6 - Deliver, used under CC BY 3.0 AU. © Commonwealth of Australia 2015

- **Improve**

As part of your commitment to providing a better service, you must improve existing practices based on complaints. You must build a culture of continuous improvement in your organisation by encouraging your colleagues to reflect on issues brought up in complaints. This not only applies to work practices. It also applies to your complaints management system. Evaluate how complaints are being handled and look for better ways to respond. Remember that you should be guided and driven by the principle of commitment when handling complaints.

2.1.5 Continuing Professional Education

Earlier, you learnt that CPE is a way for you and your colleagues to develop further knowledge and skills related to your area of work. The related ethical framework is in how much your organisation values professional development. An ideal organisation would value professional development and encourage its employees to pursue professional development opportunities. As a manager, you have a leadership responsibility to advocate for staff development. Part of delivering quality services is ensuring that staff are well-trained and knowledgeable on the latest industry information and practices.

CPE will result in benefits for the service, such as:

Increased confidence and sense of purpose in performing duties

Contribution to knowledge base which will improve practices

Increased commitment and capacity to provide good services

To achieve these benefits, CPE must provide staff with opportunities to:

Assess their learning and development in their work roles

Use new knowledge to make suggestions for improvement

Apply acquired knowledge and skills in the workplace

2.1.6 Discrimination

People are protected from discrimination through national, state and territory anti-discrimination laws. The legal framework related to discrimination was discussed in Section 1.2.6. Similar to laws, the overarching ethical framework for discrimination is based on the protection of human rights.

Anti-discrimination legislation prescribes specific and mandatory policies for all organisations to follow. On the other hand, ethical requirements are concerned with particular measures that prevent cultures of discrimination from growing within the organisation. As a manager, you are responsible for ensuring that employees, clients and other community members are protected from discrimination. This includes ensuring that work processes and practices are fair for all.



To prevent discrimination in the workplace, the Australian Human Rights Commission (AHRC) suggests actions for management to create a fair and productive workplace:

- Develop and implement policies on discrimination and harassment.
- Establish a process for responding to discrimination and harassment complaints.
- Orient, inform and update staff on policies and procedures related to discrimination and harassment.
- Provide anti-discrimination training for staff.
- Ensure that the managers model and promote anti-discrimination.
- Establish contact points by assigning contact officers to receive and discuss employees' discrimination and harassment issues.
- Establish other policies in line with workplace equality, such as flexible work arrangements for workers with families.
- Identify and plan to address possible risk factors for discrimination and harassment.
- Ensure that your workplace is accessible to employees with disability.
- Consider other ways to identify problem areas where discrimination and harassment may arise. This may include staff surveys, exit interviews and other methods.

*Based on Ten steps you can take to create a fair and productive workplace, used under CC BY 4.0.
© Australian Human Rights Commission 2017.*

Meeting ethical responsibilities related to anti-discrimination policies will impact workers in the following ways:

- *Employees will have consistently good attendance records.*

If employees feel unwelcome at work, they are more likely to be tardy and absent. Tardiness and absenteeism can be signs of avoidance. Possibly, they are trying to avoid discriminatory remarks and actions against them.

- *There will be a welcoming and cooperative work environment.*

Employees can easily collaborate if they feel that their backgrounds and perspectives are respected. Otherwise, they would be withdrawn and tend to avoid others.

- *It will result in better work productivity.*

Policies for anti-discrimination would increase employee satisfaction. Employees' happiness and fulfilment is a significant factor in enhancing work productivity.



Further Reading

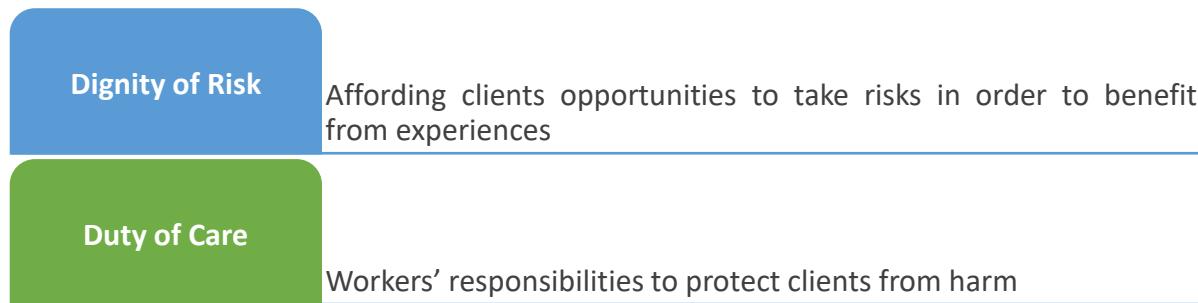
The Australian Human Rights Commission published factsheets related to good business practices to fight against discrimination. For further information, you may access the link below.

[Good practice good business factsheets](#)



2.1.7 Dignity of Risk and Duty of Care

Previously, you learnt about how the dignity of risk and duty of care relate to each other. To review:



An ethical practice balances the dignity of risk with the duty of care. Risks must be assessed if they will be beneficial or detrimental to the welfare of clients. This ethical responsibility behind upholding the dignity of risk and duty of care comes from the power balance in the context of community services and healthcare. Staff who interact with clients are charged with a duty of care because they are in a position of control and power. In other words, the risk of harm to clients is dependent on the action or inaction of employees.

In the workplace context, you must be proactive in identifying and assessing risks before they result in injuries and accidents. An ethical organisation implements the following practices to uphold the dignity of risk and duty of care:

- The dignity of risk and duty of care policies and procedures are included in the staff handbook and code of conduct
- Employees are well-oriented on their duty of care responsibilities
- The prescribed processes for ensuring the safety of clients are promptly followed without taking shortcuts or compromises
- Rules are fair but not overly restrictive
- A safe and welcoming environment for clients is established and maintained
- Organisations follow a person-centred approach in decision making

An emphasis on the dignity of risk and duty of care in the workplace ensures the following:

- *Employees respect the client's independence.*

Teaching dignity of risk to employees would prevent a paternalistic way of thinking. Paternalism is an extreme sense of knowing what is best for the client. The employee should remember that service provision is less about control and more about collaboration.

- *Employees always prioritise the client's needs.*

Teaching duty of care to employees ensures an emphasis on caring for the client. Prioritising the client's needs can also be the deciding factor for ethical dilemmas. They are also expected to make proper judgements and carry out their duties in a way that prioritises and ensures the safety and well-being of their clients.

- *Individual workers are expected to balance their responsibilities under the duty of care and dignity of risk.*

Employees are expected to provide important information so that the client can make appropriate decisions based on risks, facts and benefits to be gained from activities or opportunities.



2.1.8 Human Rights

The development of human rights is based on societal ideals. Human rights answer the question, 'What principles govern the ideal society?'. The ethical framework for human rights was first established through the Universal Declaration of Human Rights. This document standardised the applications of human rights by grounding these rights on universal ethical principles, such as the recognition of the dignity and equal rights of all persons. These same principles are maintained in the implementation of rights by individual nations through human rights commissions.

Human rights are reflected in key areas related to employee and workplace rights in the workplace context. In the table below, you can see these key areas and examples of unethical practices related to each.

Key Areas	Unethical Practices
Workplace discrimination and harassment	<ul style="list-style-type: none"> ▪ Setting unreasonable requirements, policies and procedures that puts some workers at a disadvantage ▪ Favouring certain workers over others
Suspension, dismissal and other sanctions	<ul style="list-style-type: none"> ▪ Sanctioning, suspending or dismissing workers without due process and proper justification
Employment activity	<ul style="list-style-type: none"> ▪ Unfair treatment of workers as a result of the workers raising concerns about employment
Work arrangements	<ul style="list-style-type: none"> ▪ Refusing requests for flexible work without proper justification
Industrial activity	<ul style="list-style-type: none"> ▪ Unfair treatment of workers as a result of participation in industrial and union activities
Work roles	<ul style="list-style-type: none"> ▪ Favouring certain employees for certain roles without any basis
Volunteering	<ul style="list-style-type: none"> ▪ Overworking volunteer workers

Unlike legal requirements, ethical requirements are not necessarily protected by enforceable laws. They serve as guidelines for desirable behaviour. This is why it is essential to clarify to all employees that everyone should uphold human rights. As a manager, you can help protect human rights by applying the principles of dignity, equality and mutual respect in the development and implementation of policies and procedures. You must ensure that your work practices respect the dignity of each individual person you interact with.

Organisations can apply a human rights-based approach in their work practices. Human rights-based approaches allow support workers and service providers to use human rights in forming and upholding effective policies, practices and practical realities for all.

There are principles that can be followed when using the human rights-based approach. These are:

- **Participation**

Everyone has the right to participate in decisions that affect their human rights. Participation must be active, accessible and meaningful. It must give attention to issues of accessibility, including access to information in a form and a language that can be understood.

- **Accountability**

Accountability requires effective monitoring of compliance with human rights standards, achievement of human rights goals and effective remedies for breaches of human rights. For accountability to be effective, there must be appropriate laws, policies, institutions, administrative procedures and redress mechanisms to secure human rights.

The effective monitoring of compliance and achievement of human rights goals also requires the development and use of appropriate human rights indicators.

- **Non-discrimination and equality**

A human rights-based approach means that all forms of discrimination in the realisation of rights must be prohibited, prevented and eliminated. It also means that priority should be given to people in the most marginalised or vulnerable situations who face the most significant barriers to realising their rights.



- **Empowerment**

Everyone is entitled to claim and exercise their rights and freedoms. Individuals and communities need to understand their rights and fully participate in developing policies and practices that affect their lives. Expression of thought, such as providing feedback, expressing interests, identifying preferences and expressing sexuality, must be respected.

- **Legality**

A human rights based approach requires that:

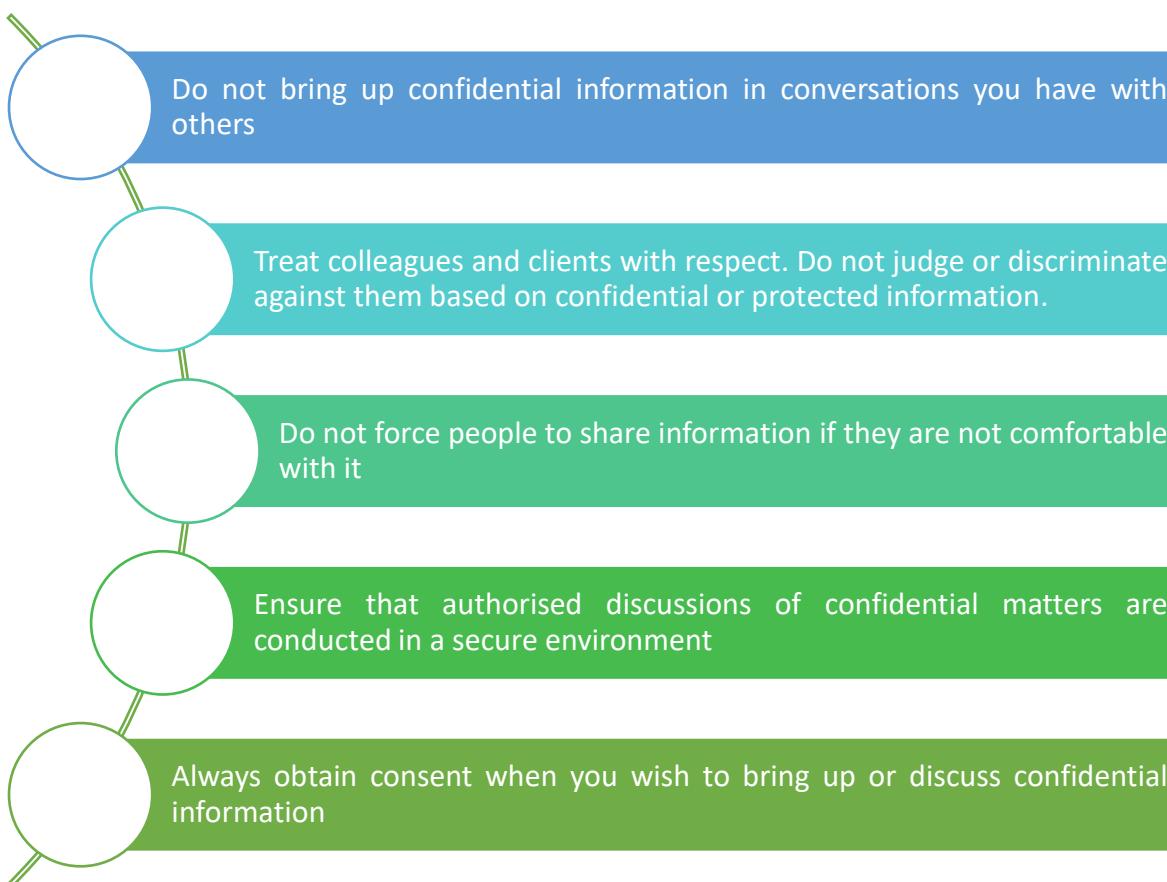
- The law recognises human rights and freedoms as legally enforceable entitlements
- The law itself is consistent with human rights principles

Based on [Human rights based approaches](#), used under CC BY 4.0. © Australian Human Rights Commission 2017.

2.1.9 Privacy, Confidentiality, Disclosure and Informed Consent

Information you collect and use for operations is subject to privacy, confidentiality and disclosure laws. In relation to these laws, the handling of information in your organisation is governed by ethical principles that guide practice. Privacy, confidentiality and disclosure policies are based on the principle of respect for individual privacy and discretion. Each individual has a right to decide what information they share with organisations and know how this information is being used. Under disclosure, individuals also have the right to decide if their information should be used or shared at all.

To maintain an ethical practice in relation to privacy, confidentiality and disclosure, the following guidelines may apply to you and others in your organisation:



These guidelines may be instituted in policies and procedures to require strict compliance by all workers.

Informed Consent

While there are privacy and confidentiality laws about consent, the proper application of these laws in practice is dependent on the judgement of the organisation and its employees. The principles of integrity and transparency guide informed consent. Earlier, you learnt about the set of compliance requirements in relation to informed consent. These requirements dictate the actions you must take when obtaining consent.

In relation to achieving these requirements, your organisation has corresponding ethical responsibilities such as:

Ensuring that the person involved completely understands what they are consenting to and why

Practising due diligence in providing the person involved with all the information they need to give consent

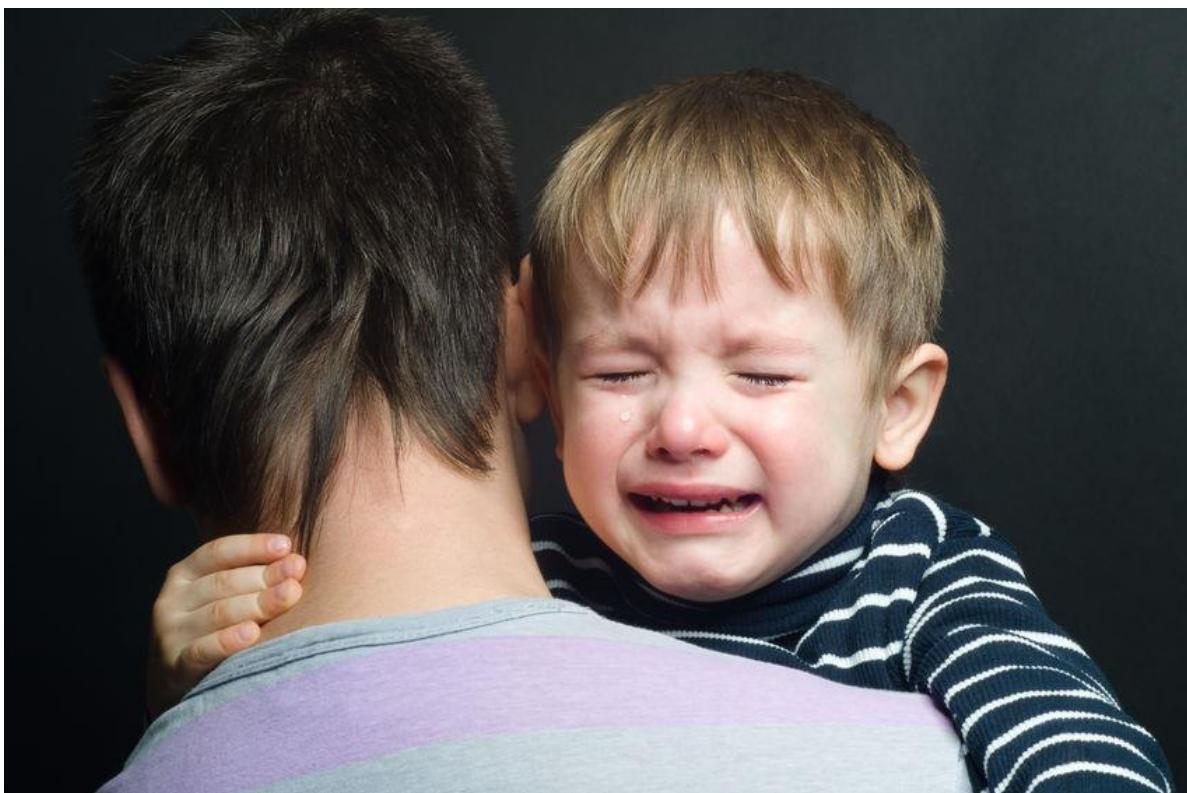
Refusing to proceed if there is enough reason to believe that the person involved is incapable of giving informed consent

In the workplace, you may encounter situations where you need to obtain informed consent from clients, such as for:

- Certain activities and programs to be implemented by the organisation
- The use of clients' personal information

In these cases, always remember to apply your ethical responsibilities in performing work. For an organisational approach, you must require the same ethical standards from all employees by implementing the necessary policies and procedures for informed consent.

2.1.10 Mandatory Reporting



Mandatory reporting requires workers who interact with clients to report suspected abuse and neglect cases. If a worker reasonably believes that a client is at risk of harm, they must report it to authorities.

Two ethical principles are at play in mandatory reporting and are seemingly in conflict. First, mandatory reporting protects the rights and welfare of the clients. Proper and timely reporting of incidents will protect your clients from risks of harm. On the other hand, there is a risk of violating professional codes of ethics and conduct related to privacy and confidentiality through mandatory reporting. By reporting an incident, you may be at risk of disclosing personal information to unauthorised persons.

To respond to this ethical dilemma, you must remember the following principles related to mandatory reporting:

- Mandatory reporting precedes other codes of practice and ethics. Your primary concern is to ensure that your clients are protected from harm.
- Mandatory reporting must be done in good faith. This means that the sole intent of reporting must be to protect people in the area of work from harm.
- Mandatory reporting must have reasonable grounds. In this case, establishing 'reasonable grounds' means that any other person placed in your situation may have reported the incident based on the same grounds.

2.1.11 Practitioner and Client Boundaries

You previously learnt that practitioner and client boundaries refer to limits that you must impose in actions and decisions. The legal requirements in relation to these boundaries are those concerned with the protection of the rights and welfare of clients. On the other hand, ethical requirements ensure that any risk to the rights and welfare of clients is avoided before they escalate into legal violations.



Further Reading

Below are examples of policy frameworks that can be used as bases for ethical considerations.

The link below shows the framework of the NSW Government in achieving its goals for its population.

[NSW Human Services Outcomes Framework](#)

The link below shows Australia's framework for achieving safe and high-quality health care for its citizens.

[Australian Safety and Quality Framework for Health Care](#)

Organisations should enforce a code of conduct that prohibits staff from crossing any practitioner and client boundaries. They should also routinely reassign workers to new clients to ensure that workers and clients do not develop a relationship beyond what is required in the workplace.

The organisation's guidelines, policies, and procedures should explicitly state that all employees must respect the following boundaries:

- **Privacy**

You must not disclose the client's information to anyone unauthorised. Client information should be handled according to the manner agreed upon by the client and your organisation.



- **Communication**

You must ensure that you are respectfully and politely communicating with the client. Working within boundaries means that you do not say anything insulting or discriminatory. Flattery and flirting also go beyond practitioner and client boundaries.

- **Personal Disclosure**

Anyone working in community services and health should keep their personal lives separate from work. The practitioner and client relationship can be friendly and build on trust. However, it must stay professional. Disclosing too much of your personal information would break these boundaries.

- **Physical Contact**

Limit physical contact to performing necessary tasks, such as support activities. Do note that you need consent to perform certain activities. Corporal punishment and unwanted touching are strictly not allowed.

- **Socialising Outside the Work Setting**

Another instance of breaking boundaries between work and private life is socialising outside of work hours. Only interact when it is time for your shift. Any other time outside that would be inappropriate.

- **Giving and Receiving Gifts**

Keeping interactions professional would be avoiding an exchange of gifts. Gifts are usually given as a ‘thank you.’ However, there should be no need to have tokens since performing your tasks is just part of your job.



Creating policies that emphasise practitioner and client boundaries has the following effects:

- *It prevents any legal disputes from arising.*

Clients may end up feeling uncomfortable if employees cross certain boundaries. Inversely, this also applies to employees. Crossing certain boundaries may even be grounds for legal disputes, which will affect the public's view of the organisation.

- *It helps employees adopt an objective attitude when providing services.*

Employees are encouraged to avoid forming personal relationships with relatives or carers of their clients to avoid having problems with choosing between personal and professional priorities and commitments. The blurring of boundaries may affect the employee's judgement. Employees have the opportunity to spend a lot of time with a client. They would also need to make decisions related to the client's care. To make good decisions, they need to have an unbiased thought process.

- *It helps employees know what their duties and responsibilities are.*

Working within one's job scope is considered good practice in community services and health. It ensures that one is working only within their area of expertise. Working within one's expertise ensures that one can provide services to the best of their ability.



2.1.12 Policy Frameworks

Policy frameworks are composed of principles that have been put in place by the organisation to provide direction for the development of the business. Frameworks can include codes of conduct and ethics, long-term goals, rules, guidelines, and various types of planning. This affords the organisation with some administrative stability to ensure that the steps that are taken by the business are done with a specific goal or vision in mind. Managers within the organisation will know what steps to take in growth and development to align with the company's vision.

As previously discussed, the legal framework for policy-making is based on legislation governing the industry. In terms of ethics, organisational policy frameworks will be based on the organisation's values. This is usually found in the opening pages of an organisation's policies and procedures, where the organisational values, mission and vision are stated. Policies and procedures take direction from these values, mission and vision except in cases where the bases of provisions are legislative. The diagram below shows how ethics apply to organisational policies and procedures.

Ethical Principles

- Universal moral principles that apply to general contexts

Organisational Values, Mission and Vision

- Ethical standards that apply to the organisation and guide policies

Policies and Procedures

- Specific guidelines to follow in the workplace

2.1.13 Records Management



Records management is vital for an organisation because it helps maintain compliance with laws and regulations and supports day-to-day activities. Proper records management is based on the principles of transparency and accountability. By managing records, you are helping your organisation provide evidence that its duties and responsibilities to stakeholders are being met. In relation to privacy, confidentiality and disclosure, records management practices also protect the rights and welfare of clients by safeguarding information from misuse and abuse.

You must keep in mind some ethical workplace practices in relation to records management and include them in your service policies and procedures. These are recommended practices and tips based on guidelines found in legislation:

- Only record information needed for operations and nothing more
- Practice good faith in implementing and maintaining a records management system to avoid breaches and leaks
- Provide access to staff only as needed in the performance of work responsibilities and provide them with clear guidelines on how to access and use records
- Make records easily accessible and available to regulatory authorities and other bodies who may require access as required by legal procedures
- Ensure that records are kept accurate and up to date to avoid incorrect or misleading information
- Inform clients about what information you store in records and obtain their consent when using records

2.1.14 Rights and Responsibilities of Workers, Employers and Clients

Earlier, you learnt that workers, employers and clients all have rights and responsibilities as stated in international treaties and implemented through national laws. These rights and responsibilities are grounded on the ethical principles of fairness and equality. Everyone must be treated fairly and equally. In the same way, each person is responsible for treating others with fairness and equality. Even if there are laws protecting the rights and responsibilities of workers, employers and clients, it is still essential to know and apply ethical principles in the workplace because these principles guide areas of practice that are not covered by laws.

Based on ethical principles, workers, employers, and clients have rights and responsibilities in addition to those protected by laws, as shown in the table below.

Stakeholder	Rights	Responsibilities
Workers	<ul style="list-style-type: none"> ▪ Fair and equal working conditions ▪ Equal access to workplace resources and processes ▪ Protection from any form of discrimination ▪ Work-life balance ▪ Proper and fair supervision and assignment of tasks ▪ Freedom to talk to other workers about their rights and the terms and conditions of employment ▪ File complaints about work conditions ▪ Suggest or make modifications to improve work conditions ▪ Participate in discussions regarding rights 	<ul style="list-style-type: none"> ▪ Complete work tasks to ensure the proper delivery of services by the organisation ▪ Protect and uphold their rights and those of other workers ▪ Report violation of rights ▪ Use work hours appropriately to complete tasks ▪ Use work resources appropriately and as directed ▪ Avoid actions or statements that may ruin the image of the organisation ▪ Avoid sharing information with people outside the organisation ▪ Avoid conflicts that may prevent the performance of work role

Stakeholder	Rights	Responsibilities
Employers	<ul style="list-style-type: none"> ▪ Uphold policies and procedures to ensure proper organisational operations ▪ Employ and terminate employment based on agreed-upon standards and policies ▪ Define standards for work roles, work performance and behaviour ▪ Make decisions to support the best interests of the organisation ▪ Monitor the use of organisational resources by employees 	<ul style="list-style-type: none"> ▪ Protect the welfare of workers ▪ Provide access to fair and equal working conditions ▪ Ensure that workers have the resources to perform their assigned responsibilities ▪ Ensure that workers are not discriminated against ▪ Listen to and address concerns of workers and clients ▪ Ensure quality service delivery to clients with the help of workers ▪ Commit to promises made to clients with the help of workers
Clients	<ul style="list-style-type: none"> ▪ Standard and high-quality services ▪ Safety and security ▪ Equal treatment and opportunity ▪ Protection of privacy and confidentiality ▪ Share opinions and views regarding an organisation's practices ▪ Information on the client's condition and progress in the centre 	<ul style="list-style-type: none"> ▪ Provide information about their needs ▪ Provide health information and other information that may affect their care ▪ Ensure regular participation in the services provided

To apply these rights and responsibilities in the workplace, organisations should have specific guidelines, policies and procedures outlining workers', employers', and clients' rights and responsibilities. It will also help train employees and orient clients on their rights and responsibilities in relation to the service. This will allow everyone to recognise and address unfair or unequal treatment.

2.1.15 Industrial Relations Legislation and Requirements Relevant to Organisation

Industrial relations refer to all issues and concerns related to establishing and maintaining working relationships between an organisation and its staff. In Section 1.2.15, you learnt that the legal framework for industrial relations is the Fair Work Act 2009. The underlying ethical framework for this legislation promotes the values of social inclusion and economic prosperity through cooperative and productive workplace relations. *Social inclusion* is about ensuring that everyone who enters a working relationship can equally take part in all terms, benefits and activities that come with employment. On the other hand, *economic prosperity* allows workers to progress financially and professionally through fair work.

For workplace relations to be cooperative and productive, they must:

Be fair for workers and flexible for the organisation

Ensure fair, relevant and enforceable minimum terms and conditions of employment

Allow workers to balance their work and family responsibilities

Enable association, organisation and representation for workers

Protect workers from unfair treatment and discrimination

Based on content from the Federal Register of Legislation at 29 April 2022. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>.

As a manager, you are ethically responsible for providing a fair work environment for employees. In relation to this, you must ensure that good industrial relations are maintained in the workplace. You can achieve this by:

- Allowing employees to share their suggestions and ideas on how to improve the management of the service
- Allowing employees to take part in the decision-making
- Providing avenues for employees to share and resolve grievances
- Ensuring effective means of communication between employees and management

2.1.16 Specific Requirements in the Area of Work

There are specific ethical requirements that may differ depending on your area of work. Everyone in your organisation must behave ethically when performing work responsibilities. Ethical behaviour ensures that employees, clients and the general public are protected from mistreatment.

Key Practices That are Prohibited by Law

The laws on restrictive practices are founded on balancing the principles of client welfare and independence. To uphold these laws, the organisation can do the following:

- Train workers to deliver person-centred care, where the needs and wants of the person guide the actions and decisions about the person's care.
- Have procedures and guidelines state that workers use evidence-based approaches when implementing restrictive practices. In other words, these practices should be justified with the evidence that there is no other alternative.
- Policies should state that restrictive practices should only be used as a last resort.



Auditing and Inspection Regimes

Regulatory authorities and services have ethical obligations to ensure an effective process in relation to auditing and inspection. A good auditing and inspection process is based on the ethical principles of fairness, transparency and accountability. Fairness ensures that auditing and inspection are conducted according to clear guidelines. Transparency ensures that the results of audits and inspections are shared with service stakeholders such as workers, families and communities. Accountability ensures that organisations act on audit and inspection findings to improve their delivery of services.

Regulatory authorities that conduct audits and inspections are ethically obliged to:

Conduct fair inspections and assessments following objective criteria

Promptly inform services of inspections to give enough time to prepare

Make and release accurate reports of audit findings

In the same way, your organisation must also ethically participate in the auditing and inspection process. Your organisation is ethically obliged to:

Cooperate with regulatory authorities during the assessment and rating process

Acknowledge and respect the findings of auditors and inspectors

Practice good faith in complying with requirements set by auditors and inspectors

Main Consequences of Non-Compliance

Ethical requirements ensure that the organisation provides services in line with critical ethical principles such as integrity, trust, accountability, transparency, dignity, fairness and honesty. When an organisation fails to comply with ethical requirements, it faces the consequences such as the following:



- *Mistrust from the community*

When the community sees that your service engages in unethical practices, they will lose trust in your organisation. Potential clients would not want to associate with an unethical organisation. This will result in other related consequences such as loss of reputation, clients and business.

- *Investigation from regulatory authorities*

When regulatory authorities receive reports of unethical practices, they may investigate your service. When they determine that your practices may risk harming clients and others in the community, they can give you service sanctions such as low assessment ratings, suspensions or even termination orders.

In addition to organisational practices, non-compliance with ethical requirements may also come from individual employees. Unethical behaviour may come from employees at different levels. For employees, the consequences of non-compliance with ethical requirements are established in codes of conduct. Employees who engage in unethical practices may face sanctions from their organisation, such as suspension and termination.

Review the sections of a code of conduct discussed in Section 2.1.2. An organisational code of conduct will include provisions on disciplinary action due to non-compliance with ethical requirements. Employees must know the consequences of non-compliance because individual non-compliance may mean non-compliance to the organisation as a whole. The unethical actions of individual employees will reflect poorly on the organisation and result in consequences for the organisation, as discussed above.

Need to Apply for Licences and Associated Mandatory Training and Certification Requirements



The ethical framework for applying for licences, training, and certification requirements is based on good faith. Good faith is the sincere effort to be fair and honest in acquiring licences, training and certification. Good faith relates to your organisation's means to obtain all these requirements.

Complying with licencing, training and certification requirements is a complex and time-consuming process. As such, it may be tempting to bypass all of these requirements or look for easier ways to obtain them. However, remember that the purpose of obtaining these licences, training and certifications is to ensure compliant delivery of services to your clients. Licences ensure that services are running in accordance with laws and codes. Employees' training and certification ensure that workers who interact with clients are competent enough to do so. Even if the application process is complex and challenging, going through the proper process ensures that your organisation provides the best service to its clients.

Statutory Reporting Requirements

Earlier, you learnt that statutory reporting requirements refer to information that an organisation must disclose to authorities. The ethical framework for statutory reporting is based on the ethical principles of honesty and transparency.

An organisation must be honest in reporting information. This means that you must provide complete and accurate information about your organisation. Additionally, your organisation must also be transparent about its operations. This includes disclosing information about incidents and events that occur in the centre, especially if it involves the safety and security of clients.

It is crucial to practice honesty and transparency when reporting because the welfare of clients depends on the information that organisations report. When organisations report inaccurate information, it may cause risks such as:

Risks of harm

Inappropriate methods of support that are not based on sound data

Unidentified and unaddressed health and other support needs

Business Insurances Required Including Public Liability and Workers Compensation

Business insurance protects your organisation from unfortunate incidents that may result in losses. In Section 1.2.16, you learnt about the different business insurances available.

The ethics behind business insurance is based on how much value you place in individual aspects of your service. For example, if you value employee welfare, it is an excellent choice to avail workers' compensation insurance. This shows employees that the organisation cares for their safety and wellbeing. In the same way, common insurance, such as public liability insurance and general liability insurance, helps you protect the welfare of clients and communities that may be affected by your operations.

Business insurance provisions may be confusing because of the many options you have for insurance packages. To ensure ethical practice when acquiring business insurance, you must always keep in mind the welfare of your organisation's stakeholders.

Accreditation Requirements

To review, accreditation requirements are those that organisations must fulfil to remain operational. These requirements are set and implemented by industry governing bodies and state and territory regulatory authorities. Compliance with accreditation requirements involves compliance with legal requirements related to your industry.

The ethical aspect of accreditation requirements is based on good faith. *Good faith* means participating in the accreditation process and complying with requirements without the intent of dishonesty or fraud. It is a sincere effort to operate within laws and the ethical principles behind them.

Practising good faith means complying with accreditation requirements for the purpose and intent of providing a service that considers the best interests of clients. Organisations practice good faith by being honest in complying with accreditation requirements. This means organisations must not bend the rules and use loopholes in the accreditation process for compliance. For example, it is unethical for an organisation to negotiate with regulatory authorities to change their assessments without any basis. This would not be fair to other organisations that undergo the same accreditation process.

Regulatory authorities practice good faith by providing accurate and fair assessments of organisations. The accreditation process must be faithful to the relevant legislative and regulatory requirements. As a manager, you need to know the accreditation process and requirements. This is to ensure that your service is being assessed fairly and according to law.



Requirements to Develop and Implement Plans, Policies, Codes of Conduct or Incorporate Certain Workplace Practices

The purpose of developing and implementing plans, policies, codes of conduct and workplace practices is to ensure the protection and welfare of clients, communities and workers associated with the organisation. These workplace guidelines are based on ethical principles related to the particular industry. The frameworks behind these ethical principles are covered by different human rights treaties, such as the following:

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment

Convention on the Rights of Persons with Disabilities

Convention on the Elimination of All Forms of Racial Discrimination

Convention on the Elimination of All Forms of Discrimination Against Women

Convention on the Rights of the Child

Your organisation's plans, policies, codes of conduct and workplace practices must all be aligned with the ethical principles found in these treaties to be compliant with ethical requirements.

First, you must set general guidelines that employees in your organisation must follow. These guidelines are reflected in policies and codes of conduct. Policies explain general rules that guide decisions and actions made in the organisation. Meanwhile, codes of conduct dictate expected behaviour from all employees in the course of work. Policies and codes of conduct are both based on ethical requirements. This means that compliance with workplace policies and codes of conduct ensures adherence to the ethical requirements behind them.

To aid in complying with policies and codes of conduct, organisations have more specific guidelines found in plans and workplace practices. Plans refer to programs and activities that your organisation develops for your clients. On the other hand, workplace practices refer to how workers with different roles perform their day-to-day responsibilities. If policies and codes of conduct are genuinely based on ethical principles, plans and workplace practices will follow.

2.1.17 Work Role Boundaries – Responsibilities and Limitations of Different People

The ethical framework for establishing work role boundaries is grounded on respect for individual abilities and capabilities. This means that for good ethical practice in the workplace, responsibilities should be assigned with respect to workers' individual limitations and boundaries. Workers should not be expected to perform tasks that they are not qualified to do in the first place. Additionally, work role boundaries must promote dignity in work. Each employee must take pride in their work regardless of their position within the organisation. This is only possible if work roles are well established and managed.

As a manager, you are responsible for managing the roles of different workers and the tasks associated with these roles. To establish ethical work role boundaries in your organisation, you must:

Encourage collaboration and teamwork among workers with different roles

Promote constructive sharing of ideas and opinions regardless of organisational hierarchy

Set guidelines for expected behaviour for different work roles

Help employees set achievable goals in relation to their work roles

Failure to uphold these ethical standards in the workplace may result in problems such as:

Hesitation in bringing up workplace issues

Lowered sense of security and safety in workers as they perform their roles

Internal communication issues

Underperformance due to unclear role expectations

2.1.18 Work Health and Safety

Work health and safety is governed by national, state and territory legislation. Laws prescribe requirements that organisations must follow to ensure a safe workplace. Ethical practice in relation to work health and safety means being proactive in identifying and eliminating risks. As a manager, you are responsible for the health and safety of workers under your supervision. You must practice accountability by identifying and acknowledging possible hazards and risks in the workplace and acting early to address them.



The management of hazards and risks depend on effective WHS policies and procedures. These policies and procedures must follow work health and safety laws. Your organisation must practice care in implementing guidelines. The following are some ethical guidelines related to work health and safety:

- Do not take shortcuts or compromises in implementing work health and safety policies and procedures
- Ensure that workers are well-informed on work health and safety best practices related to their roles
- Call the attention of colleagues who are displaying unsafe work practices
- Conduct thorough risk assessments as part of planning activities before implementation
- Promptly and accurately record and report incidents or risks of non-compliance

Performing these practices will ensure that your organisation remains compliant with work health and safety laws. By doing so, you are protecting everyone in your organisation.

Checkpoint! Let's Review



1. The ethical framework for an organisation is established in its code of ethics or conduct. A code of ethics states the general moral principles upheld in the organisation. A code of conduct states specific behavioural guidelines for employees to follow at work.
2. An excellent organisational ethical framework will allow the organisation to maintain a good image and earn the community's trust.

2.2 Incorporate Scope of Practice Considerations as Part of Ethical Practice



Now that you are aware of the ethical frameworks related to different areas of your work role, you are ready to integrate ethical practices into your scope of work. *Scope of practice* refers to the limitations in workers' knowledge, skills and experience based on what they are professionally trained to do. A worker's scope of practice will dictate what tasks they are qualified and permitted to perform in the workplace based on their educational and professional background and qualifications. In the discussion on work role boundaries in Section 1.2.17, you may notice that the responsibilities of workers in different positions vary and change. These responsibilities are based on the scope of practice of each worker and are dictated by what each worker is qualified to do.

As a manager, you may be in charge of supervising employees of varying levels and positions. Scope of practice is an essential consideration of ethical practice because each worker has their own ethical responsibilities to follow in an organisation. These ethical responsibilities come from what they have to do daily in their work role. Ethical practice is critical because the actions of workers during practice directly affect the welfare of clients.

For example, review your responsibilities as a manager. Ethical practice is vital for managers because their scope of work involves coordinating the activities of other employees, such as carers and assistants. This means that other employees look up to managers as examples of ethical practice in their own work.

In relation to your scope of practice as a manager, some considerations will determine whether or not your practice is ethical. These considerations are related to how you interact with other people, as prescribed in the scope of your work role.

To review, your scope of practice may include responsibilities for supervisors and managers. The following are examples of responsibilities included in your scope of practice:

Preparing, implementing and evaluating organisational programs

Supervising workers and their clients

Ensuring a safe environment for workers and clients

Ensuring that records are maintained accurately

Ensuring that the centre or service's policies and procedures are followed

Meeting and coordinating with clients and their families

Contributing to the development of policies and procedures

Co-ordinating operations including WHS, OHS, program planning and staff training

Managing compliance with licencing and other legal requirements

In general, you must treat colleagues, workers, clients and members of the community with dignity and respect in the day-to-day performance of your responsibilities.

In the table below, you can see different considerations related to the scope of practice and different ways to ensure ethical practice for each consideration.

Scope of Practice Considerations	Ways to Ensure Ethical Practice
Proper and effective treatment and interaction with clients	<ul style="list-style-type: none"> ▪ Always keep in mind and protect the best interests of clients. ▪ Include and respect the opinions of clients in forming decisions. ▪ Protect clients from discrimination. ▪ Protect client information.
Proper and effective communication with the families of clients	<ul style="list-style-type: none"> ▪ Respect the capability of family members to make decisions for their relatives in care. ▪ Encourage the participation of families in planning programs. ▪ Acknowledge and respect the diversity of families. ▪ Avoid talking about clients and their families with others outside of official purposes.
Development and implementation of appropriate programs	<ul style="list-style-type: none"> ▪ Ensure that programs are inclusive and will not discriminate against any client. ▪ Undertake the proper research, planning, implementation and evaluation process for programs to ensure that all client needs are met.

Scope of Practice Considerations	Ways to Ensure Ethical Practice
Proper supervision of employees	<ul style="list-style-type: none"> ▪ Take action to address unethical behaviour and practices from employees. ▪ Use constructive processes of sharing opinions and criticisms to avoid personal attacks.
Effective management of day-to-day operations	<ul style="list-style-type: none"> ▪ Base decisions on research and evidence instead of personal opinions. ▪ Assume responsibility and accountability for incidents that involve management of the service. ▪ Encourage criticism of management practices.



Checkpoint! Let's Review

1. Scope of practice refers to the limitations in workers' knowledge, skills and experience based on what they are professionally trained to do.
2. Ethical practice requires that you treat colleagues, workers, clients and other members of the community with dignity and respect in the day-to-day performance of your responsibilities.

2.3 Evaluate Responsibilities to Workers, Clients and the Broader Community



As a manager, you interact with different stakeholders, such as workers, clients and members of the community. You have different responsibilities to each of these stakeholders. To perform your work role effectively, you must evaluate these responsibilities. Evaluation of responsibilities is a process that includes the following steps:

Identify specific responsibilities to workers, clients and the broader community

Check if you are fulfilling these responsibilities by reflecting on your work and getting feedback

Make changes to your work practices based on your reflection

Identifying Responsibilities

The first step is to identify your responsibilities, as manager, to each stakeholder mentioned above. The table below shows your responsibilities to workers, clients and the broader community.

Responsibilities to Workers	Responsibilities to Clients	Responsibilities to the Broader Community
<ul style="list-style-type: none"> ▪ Provide and maintain a safe working environment ▪ Provide and maintain adequate working conditions ▪ Implement employment terms and conditions in accordance with legislative requirements ▪ Listen and respond to problems related to different work roles 	<ul style="list-style-type: none"> ▪ Provide adequate services ▪ Ensure the safety of clients ▪ Communicate client needs and progress ▪ Communicate updates about the operations of the organisation ▪ Listen and respond to complaints and suggestions 	<ul style="list-style-type: none"> ▪ Ensure compliance with operational requirements ▪ Provide updates about activities that affect the community ▪ Promote diversity and inclusion in delivering services ▪ Coordinate with the community in service operations (e.g. for emergency services) ▪ Encourage, listen and respond to input from the community

These are some responsibilities to stakeholders that you have to fulfil in your role as a manager. You may be assigned other responsibilities depending on the setup of your organisation.

Reflecting



After you have identified your responsibilities to workers, clients and the broader community, you must reflect on how well you are fulfilling these responsibilities. Reflection involves going back to your list of responsibilities and checking if you have adequately performed each.

It is good to engage in reflection to improve your management techniques regularly. You may do this on a daily or weekly basis so that you can easily recall all your activities for that period. For example, look back on your work highlights and lowlights at the end of the week. Reflect on how well you performed that week by asking yourself the following:

- What were your main tasks for the week? Were you able to complete all of them?
- What kind of meetings did you have this week? What were the outcomes of these meetings?
- Did you receive any comments, complaints or suggestions from workers, clients and the community? How did you address them?

In the course of day-to-day work, you may be busy with your tasks, so it gets difficult to look back on how well you performed your responsibilities. This is why it is crucial to set aside time to reflect.

Getting Feedback

It may also help you to gather input from your colleagues. Regularly check in with them to see if certain responsibilities you may have recently overlooked. You may gather feedback from employees through:

- Suggestion boxes
- Meetings
- Interviews

Placing suggestion boxes around the workplace is a quick way to get feedback on different issues. It is useful for getting a general sense of fulfilling your responsibilities, as seen by your colleagues. Some employees may not be comfortable sharing feedback with you face-to-face, so suggestion boxes are good opportunities to share what they think.

Alternatively, you can also get feedback through meetings and interviews. In a meeting, you will be gathering a group of employees to share their thoughts on how well you are fulfilling your responsibilities. On the other hand, interviews can be conducted with one or two employees. The goal of setting these meetings and interviews is to gain a fresh perspective on how you are performing as a manager. You can do this by allowing employees to talk about their suggestions openly. In the process, you may also ask questions to clarify what you need to do to improve.

As a manager, you must react positively to feedback given by employees. This will encourage them to communicate openly with you when they encounter problems in the workplace. A positive response to feedback includes the following actions:

Listen intently to feedback

Take responsibility for concerns raised through feedback

Discuss solutions

Thank the person for sharing feedback

Take time to reflect on feedback

Act on feedback

Follow-up if you have adequately responded to feedback

Making Changes



As a manager, you are in charge of the operations of the organisation. This means that the performance of the service in achieving goals and outcomes is dependent on how well you perform your role. The goal of evaluation is to improve your effectiveness in performing your work responsibilities. After identifying your responsibilities and reflecting on your recent performance, think of ways to improve your practices. How can you better fulfil your responsibilities to different stakeholders?

This involves changes to how you usually perform your work. For example, one of your responsibilities to clients is to communicate about their needs and progress and the operations of the centre. When you meet with clients, observe how informed they are about these details. If you notice that most clients are not well informed, there may be some areas for improvement in your communication style.

Checkpoint! Let's Review



1. As a manager, you have ethical responsibilities to workers, clients and the broader community.
2. It is essential to reflect on how well you regularly fulfil your responsibilities. Reflection involves going back to your list of responsibilities and checking if you have adequately performed each.

2.4 Model Ethical Behaviour in Own Work

As a manager, workers will look to you for guidance in best work practices. As the person in charge of ensuring compliance with ethical requirements, you must model ethical behaviour in your own work role. Ethical behaviour is aligned with the different ethical frameworks discussed in Subchapter 2.1. Since ethics cover various topics, it may be difficult for employees to understand ethical practices by just reading policies and procedures. There are a lot of ethical principles to follow, and as you have learnt, ethical requirements are not as objective as legal requirements. Subjective values and beliefs guide it. This means that workers will only fully understand ethical behaviour when they encounter it at work. Ultimately, the best way to ensure that workers understand how to behave ethically is by showing them good ethical practices.

The following are some ways to model ethical behaviour at work:

Follow staff policies and procedures on work ethics

Encourage sharing of opinions and problems

Take responsibility for your actions

Treat employees fairly and equally

Follow Staff Policies and Procedures on Work Ethics

If workers see that their manager disregards policies and procedures, they will think they are unimportant. For example, if you always arrive late for work, other employees will think that punctuality is not valued in your organisation.

Encourage Sharing of Opinions and Problems.

Being an approachable manager will quickly identify areas for improvement and address them, with the help of workers, before they escalate into bigger problems.

Take Responsibility for Your Actions

All employees, even managers, make mistakes. By showing that you can be held responsible for your actions, you encourage a culture of accountability and improvement in your organisation.

Treat Employees Fairly and Equally

The way you treat workers will also reflect on their work. If workers constantly feel that their leaders are unfair, they will be discouraged from doing their work correctly. This may lead to workers neglecting their duties to their own clients in the long run. For example, if carers are not granted proper work conditions, such as a comfortable workspace and office supplies, they have no incentive to perform their responsibilities well.



Multimedia

Managers can use a variety of approaches when modelling ethical behaviour. Watch the video below to learn more about different approaches to ethics.

[Ethics in Management](#)



Checkpoint! Let's Review



1. As the person in charge of ensuring compliance with ethical requirements, you must model ethical behaviour at all times in your own work role.
2. To model ethical behaviour:
 - Follow staff policies and procedures on work ethics
 - Encourage sharing of opinions and problems
 - Take responsibility for your actions
 - Treat employees fairly and equally

Learning Activity for Chapter 2



Well done completing this chapter. You may now proceed to your **Learning Activity Booklet** (provided along with this Learner Guide) and complete the learning activities associated with this chapter.

Please coordinate with your trainer/training organisation for additional instructions and guidance in completing these practical activities.

III. Develop and Communicate Policies and Procedures

At this point, you are already aware of your ethical responsibilities as a manager. These ethical responsibilities are rooted in ethical frameworks, which are composed of principles that guide the ethical conduct of services. While different work roles may have different responsibilities, everyone in the organisation is expected to behave and work according to ethical standards. As a manager, you serve as a leader and model for ethical behaviour.

Both legal and ethical requirements are essential in managing an organisation. You must communicate these requirements to other employees in your organisation so that everyone is compliant. These requirements are implemented through organisational policies and procedures. *Policies* are general rules that guide decisions and actions in the organisation. On the other hand, *procedures* are more specific actions that employees have to take in certain situations to comply with policies. Policies are grounded on legal and ethical requirements and organisational principles and values. They consist of general guidelines and are not likely to change unless there are corresponding drastic changes in legal and ethical requirements. Meanwhile, procedures may continuously change and improve to better align with policies and industry best practices.

Policies and procedures are usually contained in a handbook or manual produced by the organisation. In policies and procedures, legislation and guidelines are interpreted and contextualised for the organisation to ensure compliance.

In this chapter, you will learn how to:



- Clearly articulate and document policies and procedures to support legal and ethical practice in readily accessible formats
- Integrate documentation and record keeping requirements into policies and procedures
- Ensure systems protect client information
- Nominate the roles and responsibilities of different people in meeting requirements where multiple people are involved
- Distribute policies, procedures and legal information to colleagues and peers in a timely fashion

Responsibilities of Managers in Developing Policies and Procedures

As a manager, you are responsible for the compliance of your organisation. To maintain compliance, you must ensure that your organisation has updated policies and procedures aligned with legal and ethical requirements. In line with this goal, you are responsible for the following:

- Including legal and ethical requirements in policies and procedures
- Articulating these requirements into understandable guidelines applicable to the workplace context
- Documenting policies and procedures to ensure easy access for employees
- Updating information in policies and procedures
- Relaying information to employees for compliance

The policies and procedures that you develop must include provisions based on the following topics and principles:

Children in the Workplace

Codes of Conduct

Codes of Practice

Complaints Management

Continuing Professional Education

Discrimination

Dignity of Risk

Duty of Care

Human Rights

Informed Consent

Mandatory Reporting

Practice Standards

Practitioner and Client Boundaries

Privacy, Confidentiality and Disclosure

Policy Frameworks

Records Management

Rights and Responsibilities of Workers, Employers and Clients

Industrial Relations and Organisation

Specific Requirements in the Area of Work

Work Role Boundaries

Work Health and Safety

These topics and their corresponding legal and ethical frameworks and requirements were discussed in the previous chapters.

3.1 Clearly Articulate and Document Policies and Procedures to Support Legal and Ethical Practice in Readily Accessible Formats



You learnt about the different legal and ethical frameworks that support work practices in the first two chapters. You must understand these frameworks and the corresponding legal and ethical requirements because you are responsible for ensuring the compliance of your organisation with these requirements. Other employees will only be concerned with specific requirements related to their work roles. The policies and procedures that you develop will reference legal and ethical practice, so you must be clear in the provisions you include.

To ensure compliance, you must establish clear policies and procedures and document these in readily accessible formats. This means that employees should access policies and procedures quickly and use them as a reference in their work roles. Readily accessible formats for policies and procedures include both print and digital formats.

3.1.1 Articulating Policies and Procedures

The first step in developing policies and procedures is articulation. Articulating policies and procedures involves translating legal and ethical requirements from legislation, codes and other guidelines to provisions that apply to the workplace context. Your goal in articulating policies and procedures is to contextualise requirements and make them easy to follow for employees in your organisation. However, articulation must maintain the essence of the requirements referenced in policies and procedures. You must be cautious of the risk of oversimplifying legal and ethical requirements resulting from contextualising them in your workplace. To avoid this, make sure that you completely understand what each legal and ethical provision is trying to achieve.

Articulated policies and procedures have the following characteristics:

Informed

- Shows a clear connection to legal and ethical requirements
- Completely covers provisions of related legislation and guidelines

Specific

- Indicates which employees are concerned with certain policies and procedures
- Indicates specific actions and behaviours that employees can follow to achieve policies

Manageable

- Easy to update based on changes in legislation and guidelines
- Easy to implement, monitor and evaluate

Accessible and Organised

- Uses plain language that can be understood by employees
- Includes clear sections for different topics
- Includes a table of contents for easy reference

3.1.2 Documenting Policies and Procedures

Aside from proper articulation, policies and procedures must also be properly documented for easy reference by employees and others who need access. In documenting policies and procedures, you must take note of two critical aspects:

- Formatting
- Content

Formatting is about how policies and procedures are presented, while *content* is about what information should be included in policies and procedures. Formatting policies and procedures may differ from one organisation to the next as each one would have different needs. Good formatting for policies and procedures will allow everyone in the organisation to easily access the information they need and act on compliance based on this information. For each topic of policy, the general formatting will include the following parts:

Statement of Purpose	What is the policy trying to achieve?
Values	What organisational principles are emphasised?
Scope	To whom does the policy apply?
Background	What legislation and guidelines serve as basis for the policy?
Definitions	What important terms are used in the policy?
Procedures	What specific actions must be taken to implement the policy?
Sanctions	What are the consequences of non-compliance to the policy?
Restrictions	What is acceptable or unacceptable behaviour based on the policy?
Evaluation	How will the organisation assess if the policy has been achieved?
Attachments	What workplace documents are needed to comply with the policy?
Authorisation	Who approved and adopted the policy and when was it adopted?
Review	When was the policy last reviewed and/or revised?

As discussed earlier, policies and procedures may cover a wide range of topics related to your service. They serve as guides for everyone in your organisation on operating the service. Policies have corresponding procedures. While policies focus on general rules and guidelines, procedures state specific actions different employees must do to comply with policies.

Policies may come in different classifications. The different classifications of topics suggest how a service can organise policies and procedures for clarity and ease of reference. Your organisation may opt to use a different manner of classifying, grouping or sequencing policies and procedures to fit your context better. It is also possible for your organisation to add other topics specific to your service.

Readily Accessible Formats

A readily accessible format for policies and procedures is easy to find and reference. It is vital to document policies and procedures in readily accessible formats so that employees can easily reference them.

Formats for policies and procedures may come in two forms:

Print

Digital

Print copies of policies and procedures may be published in a handbook. If policies and procedures are extensive, you may even print various handbooks for individual topics. Distributing print copies is helpful for your colleagues' and peers' reference information while performing work tasks.

In some cases, employees may not always have access to an electronic device. For example, workers may opt to carry a print copy of certain procedures that they need to follow. This way, they would not need computer access to review information. The disadvantage of distributing print copies is that it consumes many resources. In addition to this, you may also have to reprint multiple versions as you update certain policies and procedures.

A digital copy would contain the same information through electronic files such as PDFs and web pages. Distributing digital copies is a quick and resource-saving way of relaying information. You can quickly share policies, procedures and legal information through email or cloud storage. If you need to update certain provisions, you can also easily relay this information to others in your organisation. The disadvantage of distributing through digital means is that your colleagues and peers will require an electronic device, such as a tablet or computer to access information.

Whichever mode of distribution you choose, it is essential to disseminate policies, procedures and legal information quickly. This means that your colleagues and peers should always have access to the latest workplace information that they need to perform their responsibilities. As soon as any provision in policies, procedures and laws changes and becomes effective, people in your organisation need to know about it because it affects their individual compliance.



Checkpoint! Let's Review

1. Policies are general rules that guide decisions and actions. On the other hand, procedures are more specific actions that employees have to take in certain situations to comply with policies.
2. Articulating policies and procedures involves translating legal and ethical requirements into provisions that apply to the workplace context.
3. Documenting policies and procedures involves storing them to be easily accessible by employees.

3.2 Integrate Documentation and Record Keeping Requirements Into Policies and Procedures

Every organisation keeps records and documents related to its operations. This is done because:

It is required by regulatory authorities in order to monitor and assess the operations of the service

It is important in gaining the trust of stakeholders through transparency and accountability

It informs decisions related to the service

It supports day-to-day operations of the service

All of these can only be achieved if the documentation and records of the service are accurate and updated. For this reason, certain requirements govern documentation and record keeping. Documentation requirements relate to activities, incidents and events that must be recorded. Record keeping requirements relate to other information gathered and stored by the service.

Documentation Requirements

Documentation involves capturing important day-to-day occurrences and relevant files. Based on the program structure of your organisation, documented information may include:

Program Plans	Client Profiles Indicating Their Interests, Needs and Skills	Narratives of Specific Events and Activities Held by the Organisation	Observations About Client Performance and Development
Reflections and Evaluations on Activities and Programs	Feedback From Clients and Their Families	Incidents Encountered During Operations	

Note that the list above only contains suggestions for information to document. While not legally required, documenting information will inform operational decisions and support future planning.

Record Keeping Requirements

On the other hand, record keeping includes the general information that you have to collect from employees and clients to support the operations of the service. Depending on your field of practice, your organisation may be required to keep and maintain certain types of records.

The following are some reasons why record keeping is important:

It helps you find, share and protect information about your business

It helps your organisation make informed decisions

It protects your organisation from risks, penalties and consequences

It helps your overall compliance with legal responsibilities

It enables you to review and repurpose previously gathered information

It helps you make better policy choices for your organisation

It helps your organisation be more accountable and trustworthy



Integrating Into Policies and Procedures

Once you have clearly understood documentation and record keeping requirements, you must integrate them into policies and procedures. In the previous subchapter, you learnt about the different policies and procedures that you must include, according to law. Policies and procedures must describe how to document and keep records.

In the table below, you can see an example of how documentation requirements may be integrated into policy and procedures.

Policy and Procedures for Documentation	
Statement of Purpose	Through proper documentation, staff will be able to identify each client's individual interests, needs and skills. The service will use these observations to support each client's wellbeing, learning, and development.
Values	This policy is supported by the organisational values of: <ul style="list-style-type: none"> ▪ Evidence-based support for clients ▪ Respect and acknowledgement of each client's individuality ▪ Dignity in acquiring services for self-development.
Scope	These policies and procedures apply to all staff assigned to observe and interact with clients.
Background	Privacy Act 1988
Definitions	<ul style="list-style-type: none"> ▪ <i>Staff</i> – All staff with the necessary qualifications that allow them to directly interact with clients ▪ <i>Observation</i> – The method of watching clients during program activities to identify their interests, needs and skills

Policy and Procedures for Documentation	
Procedures	<ul style="list-style-type: none"> ▪ Staff will conduct observations as the first step in planning and implementing programs for their clients. ▪ Staff will use a range of observation methods to identify a client's interests, needs and skills. ▪ To document observations, staff will use the Observation Form Template found in the templates folder of the cloud storage drive. ▪ Observations will only be used to plan and implement programs for clients. Staff must not document observations for other reasons. ▪ All documented observations will be stored and kept confidential, following the service's policies and procedures on privacy and confidentiality.
Sanctions	<p>Staff who violate this policy and its procedures will be sanctioned accordingly:</p> <ul style="list-style-type: none"> ▪ 1st offence: Verbal warning ▪ 2nd offence: Written warning ▪ 3rd offence: Suspension of documentation responsibilities
Restrictions	<p>While carrying out the policy and its procedures, staff must:</p> <ul style="list-style-type: none"> ▪ Respect their client's right to privacy ▪ Not intruding on the personal space of a client ▪ Not share their observations other than as prescribed
Evaluation	Through managers and supervisors, the organisation will evaluate and make changes to this policy and its procedures based on how effectively recorded observations are in providing helpful information for planning and implementing programs.
Attachments	Observation Form Template
Authorisation	Version 1.0 of this policy was endorsed, approved and adopted by the policy management committee on the 29 th of April 2022.
Review	The next review of this policy will be on or before the 29 th of December 2022.

In the same way, record keeping requirements must also be integrated into policies and procedures. By doing so, you can ensure that your service is compliant with record keeping requirements in different laws and codes.

As an example, the table below shows how recordkeeping requirements can be translated into policy and procedures.

Policy and Procedures for Keeping Client Registration Records	
Statement of Purpose	As part of an effective record keeping process, the service will keep client registration records in the manner prescribed by record keeping requirements found in laws and regulations. This ensures the proper handling of client records.
Values	This policy is supported by the organisational values of: <ul style="list-style-type: none"> ▪ Respect for the privacy and confidentiality of clients ▪ Establishing supportive relationships between the service and its clients
Scope	These policies and procedures apply to all staff assigned to keep and handle records.
Background	Privacy Act 1988
Definitions	<ul style="list-style-type: none"> ▪ <i>Staff</i> – All staff with the necessary qualifications that allow them to manage registration records ▪ <i>Registration</i> – <i>The process for clients and their families to sign up and acquire the services of the organisation</i>
Procedures	<ul style="list-style-type: none"> ▪ The assigned enrolment staff will ask the client or their family to fill out a registration form. This form can be found in the templates folder of the cloud storage drive. ▪ After they have completed the registration form, the staff will review all information for completeness and correctness. ▪ The staff will ask the client or their family to sign their name on the registration form to confirm the accuracy of the information provided. ▪ The staff will open the online registration database of the service and record all information provided in the registration form. ▪ The staff will store the registration form in the client's record folder. ▪ Physical and electronic records of a client's registration must be kept for as long as the client is registered in the service.

Policy and Procedures for Keeping Client Registration Records	
Sanctions	Staff who violate this policy and its procedures will be sanctioned accordingly: <ul style="list-style-type: none"> ▪ 1st offence: Verbal warning ▪ 2nd offence: Written warning ▪ 3rd offence: Suspension of record keeping responsibilities
Restrictions	While carrying out the policy and its procedures, staff must: <ul style="list-style-type: none"> ▪ Not use, communicate or distribute any information contained in records ▪ Ensure that records are not accessed unless for purposes agreed upon by the record holder
Evaluation	Through managers and supervisors, the organisation will evaluate and make changes to this policy and its procedures in accordance with any changes to policies and procedures on registration and record keeping.
Attachments	Registration Form Template
Authorisation	Version 1.0 of this policy was endorsed, approved and adopted by the policy management committee on the 29 th of April 2022.
Review	The next review of this policy will be on or before the 29 th of December 2022.

Checkpoint! Let's Review



1. Documentation requirements relate to activities, incidents and events that must be recorded. Record keeping requirements relate to other information gathered and stored by the organisation.
2. Documentation and record keeping requirements must be integrated into policies and procedures to ensure compliance of all workers.

3.3 Ensure Systems Protect Client Information

In relation to documentation and record keeping requirements, you must also ensure that the information you collect from clients is protected. Protecting client information is backed by the legal and ethical frameworks for privacy, confidentiality and disclosure. The protection of client information is governed by the Privacy Act 1988. For more information on how privacy, confidentiality and disclosure laws protect client information, review Section 1.2.9.

For documentation and record keeping, you will be required to collect information from clients and store this information in a database. As a manager, you are responsible for protecting client information from misuse and abuse during the course of operations. You must ensure that information is only used for purposes agreed upon by the client. To ensure this protection, your service must have systems to protect client information.

The Office of the Australian Information Commissioner (OAIC) recommends guidelines to protect client information based on the Privacy Act 1988 and the Australian Privacy Principles. In the table below, you can see how each guideline can be applied in the workplace.

Guidelines	How to Apply in the Workplace
Implement and disseminate internal privacy policies, processes and procedures	<ul style="list-style-type: none"> ▪ Administer regular privacy training for staff. ▪ Handle information based on organisational privacy policies and procedures. ▪ Provide privacy notices to clients.
Know who is responsible for privacy	<ul style="list-style-type: none"> ▪ Assign an officer responsible for managing overall information privacy. ▪ Orient staff on their individual responsibilities in relation to privacy.
Consider privacy during project planning	<ul style="list-style-type: none"> ▪ Consider doing a Privacy Impact Assessment (PIA) to identify how a project or program impacts privacy. ▪ Consult the privacy officer during the planning of projects and programs.
Only collect the personal information you need	<ul style="list-style-type: none"> ▪ Only collect information that your organisation presently needs. Do not collect information if the purpose of such is not clear.

Guidelines	How to Apply in the Workplace
Think about use and disclosure	<ul style="list-style-type: none"> ▪ Only use and disclose information for purposes consented to by the individuals who provided the information. ▪ Use and disclose information only as required and authorised by laws. ▪ Assess if using and disclosing the information is necessary to accomplish the given task.
Take care when handling sensitive information	<ul style="list-style-type: none"> ▪ Collect and use sensitive information only after gaining written consent from the concerned persons.
Access personal information on a need-to-know basis	<ul style="list-style-type: none"> ▪ Only access information as required by a work role or function.
Keep personal information secure	<ul style="list-style-type: none"> ▪ Destroy and de-identify personal information when no longer needed for any allowed purpose. ▪ Apply ICT security, physical security and access security to client information.
Implement and disseminate service data breach response plan	<ul style="list-style-type: none"> ▪ Orient staff on actions to take in case of a data breach. ▪ Notify the OAIC and other authorities in case of data breaches that may cause harm to individuals.

Based on [Protecting customers' personal information](#), used under CC BY 3.0 AU. Office of the Australian Information Commissioner website — www.oaic.gov.au



Multimedia

Protecting data is a complex topic. However, the continuous emergence of new technologies demands that organisations learn how data works. Watch the video below to learn more about data protection.

[Data Protection Explained | Privacy International](#)



Further Reading

The OAIC published further guides on securing personal information and data breach preparation and response. Learn more about these and other related concepts through the links below.

[Guide to securing personal information](#)

[Data breach preparation and response](#)



Checkpoint! Let's Review

1. Guidelines for protecting client information for education and care services are based on the Privacy Act 1988, Australian Privacy Principles, and the Education and Care Services National Regulations.
2. As a manager, you are responsible for protecting client information from misuse and abuse during the course of operations.

3.4 Nominate the Roles and Responsibilities of Different People in Meeting Requirements Where Multiple People are Involved

Legal and ethical compliance is an organisational effort. You or other managers and supervisors may be in charge of overall compliance, but this can only be achieved if all employees are committed to meeting requirements. Earlier, you learnt that you must identify the scope when documenting policies and procedures. The scope of the policy states the people involved in compliance. A good practice to clarify a policy is to reiterate the roles and responsibilities of each person in relation to procedures covered in the policy.

The table below shows common roles in a community and health organisation and their responsibilities.

Roles	General Responsibilities in Meeting Requirements
Managers	<ul style="list-style-type: none"> ▪ Overall operational compliance of the centre ▪ Appointing roles and responsibilities to employees in relation to meeting requirements
Nominated Supervisors/ Responsible Persons	<ul style="list-style-type: none"> ▪ Relaying requirements to staff under their supervision ▪ Discussing requirements with clients and their families
Workers	<ul style="list-style-type: none"> ▪ Applying requirements in day-to-day responsibilities
Clients	<ul style="list-style-type: none"> ▪ Reading and complying with requirements related to services offered by the organisation
Volunteers and Students	<ul style="list-style-type: none"> ▪ Following instructions from supervisors

For example, requirements for client registration will require employees in different roles to fulfil their responsibilities. In this case, each role has responsibilities based on their general role in the service. The table below shows examples of these responsibilities.

Roles	Responsibilities in Meeting Client Registration Requirements
Managers	<ul style="list-style-type: none"> ▪ Specifying registration procedures ▪ Appointing and briefing employees responsible for handling client registration ▪ Ensuring that enrolment and orientation procedures are aligned with laws and standards
Nominated Supervisors/ Responsible Persons	<ul style="list-style-type: none"> ▪ Reviewing client applications ▪ Discussing service options and requirements with clients ▪ Responding to enquiries from clients and their families
Workers	<ul style="list-style-type: none"> ▪ Responding to enquiries from clients and their families ▪ Assisting in handling client information in accordance with privacy, confidentiality and disclosure requirements
Clients	<ul style="list-style-type: none"> ▪ Reviewing and complying with the service's registration policies ▪ Providing accurate and updated information
Volunteers and Students	<ul style="list-style-type: none"> ▪ Assisting workers and supervisors in accomplishing assigned tasks

The service, as a whole, will only be compliant with requirements if the persons assigned or related to each role fulfil their responsibilities. As a manager, you will oversee compliance with these roles and responsibilities.

To nominate employees for roles and responsibilities, you must take note of each one's capabilities and qualifications and distribute assignments accordingly.

Depending on their qualifications and experience, each employee is associated with certain responsibilities and limitations. Review these responsibilities and limitations, as discussed in Sections 1.2.15 and 1.2.17. You may use these as guides when assigning roles and responsibilities in relation to requirements where multiple people are involved.

Checkpoint! Let's Review



1. Roles related to meeting requirements include:

- Managers
- Nominated supervisors/responsible persons
- Workers
- Clients
- Volunteers and students

2. As a manager, you are responsible for:

- Overall operational compliance
- Appointing roles and responsibilities to employees



3.5 Distribute Policies, Procedures and Legal Information to Colleagues and Peers in a Timely Fashion



Once you have developed policies and procedures that will guide the operations of your service, you must distribute these and other legal information to others in your organisation. This will help guide their individual compliance to legal and ethical requirements, which will ensure the compliance of your organisation as a whole.

When employees are first engaged with the organisation, policies and procedures are often distributed to employees. A supervisor or a human resources officer discusses these policies and procedures so that employees are aware of their responsibilities as soon as they start working. Aside from during the hiring process, policies and procedures are often redistributed when changes are made. Doing this ensures that everyone in the organisation acts according to the latest legal and ethical requirements.

Generally, you must distribute policies, procedures and legal information to everyone who needs to see them. This includes anyone whose actions must be guided by certain provisions. As a guide in distribution, use the scope of the policy, procedure and legal information to determine who should receive information. If a particular role is referenced in a provision, then it is likely that persons who hold that role will need the information.

In Section 3.1.2, you learnt about documenting policies and procedures in readily accessible formats. You learnt that policies and procedures might be documented in print or digital formats. In the same way, you may also distribute policies, procedures and legal information through print or digital modes.



Checkpoint! Let's Review

1. Policies, procedures and legal information may be distributed through either print or digital copies. The distribution mode to use will depend on specific workplace situations.
2. After distributing legal and ethical resources, it is best to schedule meetings to facilitate discussions and questions regarding different requirements.



Learning Activity for Chapter 3

Well done completing this chapter. You may now proceed to your **Learning Activity Booklet** (provided along with this Learner Guide) and complete the learning activities associated with this chapter.

Please coordinate with your trainer/training organisation for additional instructions and guidance in completing these practical activities.

IV. Monitor Compliance



Policies and procedures serve as guidelines for your organisation in complying with legal and ethical requirements. You have learnt how to develop policies and procedures, including what topics and provisions are mandatory according to legal and ethical requirements. You also learnt how to properly communicate these to your organisation to ensure individual and organisational compliance.

Once employees have access to policies and procedures and are aware of their responsibilities in relation to these, your next task is to monitor compliance. Monitoring compliance involves examining workplace practices to ensure compliance with policies, procedures and related legal requirements. Monitoring may be in the form of audits, inspections, reviews and other quality assurance activities. You have to monitor if the day-to-day operations of your organisation are in line with the compliance requirements you identified and the policies and procedures that you developed. Based on your monitoring, you may choose to evaluate and update work practices for better compliance. Without proper monitoring, legal and ethical violations within your organisation will go unnoticed and will result in risks, penalties and other consequences.

In this chapter, you will learn how to:

- Evaluate work practices for non-compliance on an ongoing basis and implement modifications
- Maintain and update required accreditations or certifications
- Refer issues or breaches of ethical or legal practice to relevant people

Responsibilities of Managers in Monitoring Policies and Procedures

As a manager, you are responsible for the compliance of your organisation. In the previous chapter, you learnt about one aspect of this responsibility: developing policies and procedures. Once you have created and distributed these policies and procedures, your next responsibility is to monitor compliance.

As previously mentioned, compliance is the responsibility of everyone in the organisation. Your role is to oversee and ensure compliance at an organisational level. To do this, you must not only monitor the individual practices of employees; you must also examine organisational practices and evaluate if these may benefit from changes to improve compliance.

Policies and procedures are based on different legal and ethical frameworks, as discussed in the first two chapters of this unit. By translating these frameworks into service policies and procedures, you provide a roadmap for compliance. Your specific responsibilities in monitoring policies and procedures include:

Monitoring changes to legal and ethical requirements referenced in policies and procedures

Ensuring a safe, secure and healthy workplace environment

Ensuring that employees act legally and ethically in the performance of their work responsibilities

Conducting regular reviews and evaluations of policies and procedures.

4.1 Evaluate Work Practices for Non-Compliance on an Ongoing Basis and Implement Modifications



By now, you are aware that there is a wide range of strict compliance requirements that apply to different service organisations. These requirements ensure the welfare and protection of clients, workers, and other community members. Maintaining compliance for an entire organisation may be a difficult task. This is why it is crucial to evaluate work practices and look for areas for continuous improvement in compliance.

Non-compliant practices are those that go against certain requirements in legislation, regulations and codes. Evaluating practices for non-compliance must be done on an ongoing basis, which means that you must proactively look for possible non-compliant practices as you manage daily operations. It is not a one-and-done practice that should be dismissed after a few inspections. Prompt identification of non-compliant practices will allow you and others in your organisation to make modifications so that your service maintains compliance with legal and ethical requirements.

4.1.1 Techniques for Monitoring Compliance

When you monitor compliance, you regularly evaluate work practices for any possible compliance issues. Monitoring compliance may be a difficult responsibility due to the number of requirements covered in different areas of policies, procedures, standards and other guidelines that you must address. It is easy to miss certain details in the long list of legal and ethical requirements. Unfortunately, non-compliance comes with penalties and consequences for your organisation and its employees, so you must stay vigilant. To effectively monitor compliance, you must employ evaluation techniques that will allow you to systematically determine non-compliant practices and areas for improvement in work practices.

Audit

An *audit* is a comprehensive review of all areas of compliance related to the service. This includes reviews of workplace documents, routines, activities, schedules and processes. Audits can be performed either internally or externally. Internal audits can be performed by an employee or a group of employees within your organisation. The auditors must be well-informed on existing compliance requirements to provide recommendations for improvement.

Alternatively, your organisation may hire external auditors. These are industry professionals who specialise in compliance requirements related to the field. As external auditors are not involved with the service, they can provide a fresh and objective perspective on how well an organisation complies with requirements.



Risk Assessment

Risk assessment works best in monitoring compliance with health and safety requirements. It is the process of determining hazards and their associated risks in the workplace. Once risks have been assessed, managers must implement processes to reduce these hazards and risks. Proper risk assessment documentation will ensure the protection of the health and wellbeing of clients and employees.

Inspections and Walkthroughs

Inspections and walkthroughs are ideal for spotting possible risks of non-compliance in day-to-day operations. These are opportunities to examine workplace processes and procedures as they occur. You may do this by simply observing different activities within a workday or workweek and taking down notes. With this technique, you can evaluate activities and workplace environments and identify possible hazards and other risks of non-compliance. From the information you gather, you will be able to deliberate on improvements you can implement.

Reporting

Reporting is similar to internal auditing, except it is done more regularly. You may delegate compliance monitoring to some employees and have them report issues they find. For reporting to be effective, it is best to provide assigned monitors with a benchmark for their inspections to know what to look for. This can be in the form of a checklist covering different areas of compliance.



Managers often have many responsibilities and cannot monitor compliance on their own. Having someone trained to administer accurate compliance reporting can make sure that you have adequate and dependable reports.

Feedback

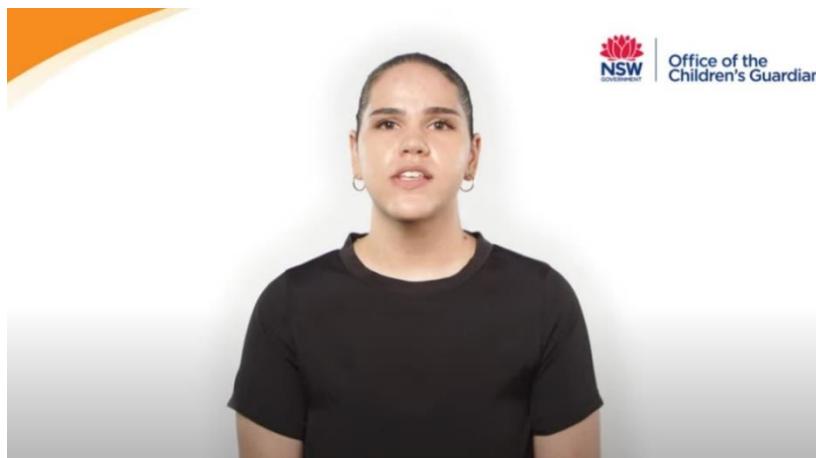
One way to easily identify non-compliance issues is through the everyday practice of work staff. Based on their own experiences, employees can identify areas where certain processes may fall short of legal and ethical requirements. As a manager, you must provide opportunities for employees to share feedback about compliance requirements. Without their input, it is possible to overlook areas of non-compliance in the workplace. It is important to help your employees feel secure and confident when obtaining feedback. You must reassure them that feedback will help the organisation improve its practices.



Multimedia

In the following video, the NSW Office of the Children's Guardian shares its findings on organisations' common mistakes in compliance. Click the link below to learn more about what to look out for when monitoring compliance.

[Compliance findings and auditing](#)



4.1.2 Use of Policies and Procedures in Managing Compliance and Ethical Practice

Remember that policies and procedures guide your organisation in maintaining compliance. This is why when you develop policies and procedures, you must use different legal and ethical requirements as bases for provisions. Policies and procedures will also guide you in evaluating work practices for non-compliance.

Earlier, you learnt about the different parts of a policy format. To use policies and procedures in managing compliance, you must reference the background, procedures, and restrictions sections. These three sections cover the specific steps to take to ensure compliance. The background section contains essential legislation and guidelines that inform the policy. Procedures focus on specific actions that employees in different work roles must perform to comply with the policy. Lastly, restrictions dictate what employees can and cannot do in the workplace based on policy. You can manage compliance by observing work practices and employee behaviour and evaluating them against relevant provisions in policies and procedures.

Ethical practice is not concerned with specific compliance requirements. It is more concerned with how the actions and behaviours of employees are aligned with important values advocated by the organisation. To manage the ethical practice, you must use policies and procedures to reference, specifically, the sections on the statement of purpose and values. These sections relate to the general principles behind each policy. It does not describe specific steps to be taken in the workplace; however, it explains why they are essential. Remember that procedures and other specific guidelines may change over time, and in some cases, they may fail to address certain areas of policy. The values and statement of purpose sections are more constant and guide practices that may not be explicitly covered in procedures.

In managing compliance and ethical practice, policies and procedures can be broken down into two classifications:

Internal Work Practice

External Service Delivery

- **Internal Work Practice**

Internal work practice concerns policies and procedures related to operations within your organisation. This excludes any processes related to how you deliver services to clients.

Managing compliance in internal work practices involves close coordination with other employees in your organisation. You can do this by observing employees' work practices and evaluating them against the relevant provisions in the policies and procedures. How does an employee perform the responsibilities assigned to them? For example, when filing records, do they follow the policies and procedures for record keeping? Managing compliance is about ensuring that policies and procedures are strictly followed.

Managing ethical practice is about evaluating and guiding the behaviour of your employees. All employees must fulfil their ethical responsibilities as set in organisational policies and procedures. For example, how does an employee act when they are with their clients? Their behaviour and actions must be in line with the values advocated by the organisation.

As a manager, you must be knowledgeable of the legal and ethical roles and responsibilities of employees under your supervision to instruct and advise them on how to improve their individual compliance.

- **External Service Delivery**

External service delivery policies and procedures govern how you interact and relate with clients. This includes policies and procedures for topics such as:



To manage compliance in external service delivery, you must evaluate different points of interaction between employees and clients. These include interactions such as:

- Implementing and monitoring activities and programs
- Supervising clients
- Providing support services for clients
- Meeting with clients and their families
- Receiving and addressing complaints

You must evaluate these points of interaction against the relevant provisions of policies and procedures. Some policies and procedures govern the actions expected from employees who perform these tasks. For example, when you want to evaluate your service's current practice in dealing with complaints, you must use the policies and procedures related to dealing with complaints. Observe how complaints management staff handle concerns for a given period. Are the prescribed procedures being followed? If not, what can be improved to better comply with requirements?

To manage ethical practice in external service delivery, you must evaluate employees' behaviour and actions toward their clients. They must abide by their ethical responsibilities, as given in policies and procedures. In their practice, employees must align their behaviour and actions with the values and codes of conduct advocated by the organisation. Observe how employees interact with their clients. Are they treating their clients with dignity and respect? Are they honest and fair with their support methods? Your organisation's policies, procedures and code of conduct will help you evaluate all of these aspects.

4.1.3 Implementing Modifications

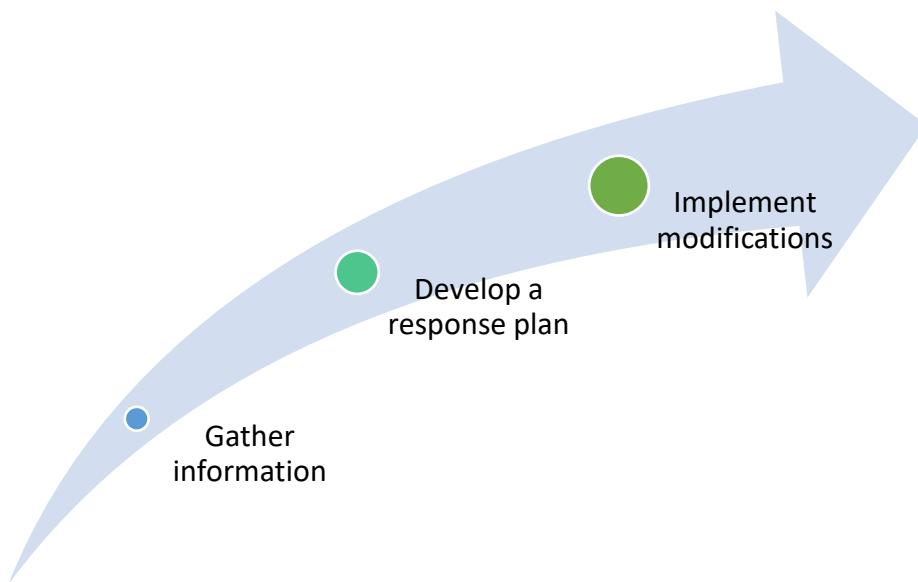
When you recognise non-compliance issues in your workplace, you must modify practices to ensure compliance. Working through non-compliance issues involves identifying and removing problems. Problems can include:

- Employees who are consistently unable to meet ethical or legal compliance standards
 - Poor training and understanding of compliance protocols
 - Failures in the protocols themselves

Developing a Strategic Response to Breaches of Legal and Ethical Requirements

Breaches refer to practices that are deemed non-compliant based on legal and ethical requirements. These breaches result from poor implementation of procedures or inconsistencies in the procedures themselves. If you find any breach, you must develop a plan to realign your organisational practices with requirements. Before you implement any modification, you must ensure that the changes will lead to compliance. To do this, you must apply a strategic response to breaches.

A strategic response is an organised process of identifying breaches and implementing the necessary modifications to address these breaches. The strategic response will include the steps outlined below.



When gathering information, you seek to understand the problem and its sources. To identify the specific problem area, you must review policies and procedures and related legal and ethical requirements. Ask the following questions:

- What requirements were breached?
 - What work practices are involved?
 - Who is involved in the breach?

After you have gathered information, you must develop a response plan. You will be reflecting on possible courses of action that you can implement to address the identified issues. This ensures that you cover all issues of non-compliance before you make any modifications. In this step, ask the following questions:

What steps can you propose to address the non-compliance?

What work practices must be changed and how?

Who will be responsible for implementing changes?

Developing a response plan need not be an individual endeavour. It may be beneficial to develop the response plan in coordination with your colleagues, especially those involved in the practices in question. This will ensure that the modifications you are planning are feasible and applicable to actual practice and that you will not miss any other areas of non-compliance.

Once you have finalised your response plan, you must implement the necessary modifications. This involves changing the processes and procedures affected by the non-compliance. Implementing modifications will require re-orienting employees about changes in requirements. Review the discussions on distributing policies and procedures in Subchapter 3.5. Ensure that the involved employees are oriented and informed on how the modifications will affect their work.

Now that you know about this strategic response process, you can apply it to situations where legal or ethical requirements have been breached. For example, look at the three common problems mentioned previously:

- Employees who are consistently unable to meet ethical or legal compliance standards
- Poor training and understanding of compliance protocols
- Failures in the protocols themselves

How can you use the strategic response to these breaches in legal and ethical requirements?

Look at the first case wherein you have employees who consistently fail to meet ethical or legal compliance standards. In the table below, you can see how to respond to this situation using the previously discussed strategic response process steps.

Situation: Some employees consistently fail to meet ethical or legal compliance standards.	
Strategic Response Step	How to Respond to the Situation
Gather Information	<ul style="list-style-type: none"> ▪ Meet with the concerned employees and ask them the following: <ul style="list-style-type: none"> ○ What specific requirements or standards do they find difficult to comply with? ○ What work factors, if any, are making it difficult for them to comply with standards? ○ What personal and external factors, if any, are making it difficult for them to comply with standards? ▪ Identify what work areas are affected by employees' non-compliance.
Develop a Response Plan	<ul style="list-style-type: none"> ▪ Ask the employees how you can help them be more compliant with ethical and legal standards. ▪ Ask the employees if any changes can be made in the workplace or in work processes to help them better comply with standards. ▪ Come up with an action plan with the employees, discussing steps they can take to address their personal failures to meet compliance standards.
Implement Modifications	<ul style="list-style-type: none"> ▪ Implement changes to the workplace and its process, as discussed with the employees in the previous step. ▪ Regularly monitor employees' progress in complying with difficult to follow compliance standards. ▪ Be open to discussions with the employees about their progress.

In the second case, a breach of legal and ethical requirements results from poor training and understanding of compliance protocols. You can strategically see how to respond to this situation in the table below.

Situation: Employees find it difficult to comply with standards due to poor training and understanding of compliance protocols.	
Strategic Response Step	How to Respond to the Situation
Gather information	<ul style="list-style-type: none"> ▪ Meet with the concerned employees and ask them the following: <ul style="list-style-type: none"> ○ What specific requirements or standards do they not understand completely? ○ What procedures do they need more training on to be compliant? ▪ Identify what areas of work are being affected by employees' non-compliance.
Develop a Response Plan	<ul style="list-style-type: none"> ▪ Coordinate with the employees to determine what additional training they need. ▪ Ask the employees what legal information and other guidelines will help them comply with standards.
Implement Modifications	<ul style="list-style-type: none"> ▪ Conduct the necessary training as agreed upon by the employees. ▪ Monitor employees' work performance to check if they correctly follow compliance requirements.

In the third case, legal and ethical requirements are being breached because of failures in compliance protocols. In the table below, you can see how to address this using a strategic response process.

Situation: Some compliance protocols are faulty, causing employees to breach legal and ethical requirements.	
Strategic Response Step	How to Respond to the Situation
Gather Information	<ul style="list-style-type: none"> ▪ Observe employees as they follow service policies and procedures while performing their work. ▪ Determine if there are practices that employees regularly follow but are not in line with the intent of the policies. ▪ Consult with employees to ask if there are protocols that, in their opinion, go against legal and ethical requirements. ▪ Consult with employees to identify protocols they do not entirely understand or know how to apply.
Develop a Response Plan	<ul style="list-style-type: none"> ▪ Review the policies and procedures that are causing employees to breach legal and ethical requirements. You may conduct the review through a committee to get more employee input. ▪ Identify policies and procedures that have to be rewritten to understand employees clearly. ▪ Identify policies and procedures that must be added or removed to comply with legal and ethical requirements.
Implement Modifications	<ul style="list-style-type: none"> ▪ Revise policies and procedures according to your response plan. ▪ Distribute copies of the revised policies and procedures to employees. ▪ Meet with employees to discuss the changes so that they know how to comply with the updated policies and procedures.

Checkpoint! Let's Review



1. Evaluating practices for non-compliance must be done on an ongoing basis. This means that you must proactively look for possible non-compliant practices as you manage daily operations.
2. Some ways to monitor compliance include audits, risk assessments, inspections, reporting and feedback.



4.2 Maintain and Update Required Accreditations or Certifications



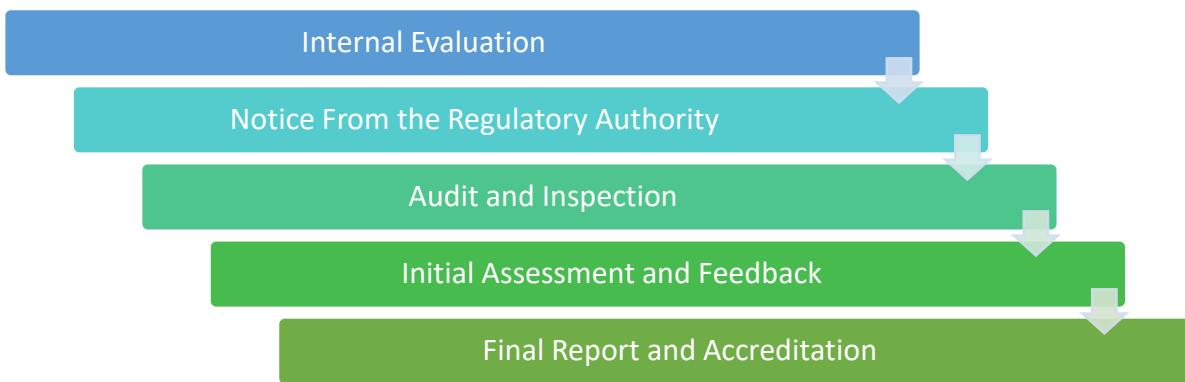
Workplace practices, processes and procedures only cover one part of compliance requirements. Another primary task in monitoring compliance is maintaining and updating accreditations and certifications. Accreditations and certifications are issued and monitored by regulatory authorities either at the state, territory, or national level.

4.2.1 Maintaining and Updating Required Accreditations

Accreditation refers to the recognition of an organisation as being compliant with a certain set of standards. Accreditation is given by regulatory bodies at the international, national, state, territory, and local levels. As a manager, you must be aware of the process for maintaining and updating accreditations. Maintaining accreditation refers to continuous compliance with requirements pertaining to your organisation. For example, if the regulatory authority requires certain licences and permits to be renewed on an annual basis, your organisation must comply with this in order to maintain accreditation. On the other hand, updating accreditation refers to compliance with new requirements set by regulatory authorities. For example, if regulations require a new set of health and safety standards to be followed in the workplace, authorities will inform organisations about this. In turn, organisations must comply with the new set of standards, in addition to the previously set standards, in order to correctly update their accreditation.

The accreditation process will differ depending on your industry. For more information, contact the regulatory authority with jurisdiction over your organisation.

Before accreditation, regulatory authorities often conduct a review process to ensure that the organisation is qualified for accreditation. Below is an example of the general process followed during accreditation.



- **Internal Evaluation**

This involves an ongoing evaluation of work practices to determine any areas for improvement. Consistent self-assessment practice in your service will lessen your worries once the audit starts because you know that you have been proactive in maintaining compliance, with or without a prompt from the regulatory authority.

- **Notice from the Regulatory Authority**

A few weeks before the audit and inspection, your regulatory authority will inform you of the procedures that they will follow to assess your organisation. They will also instruct you on how to prepare for the audit and inspection. Commonly, the regulatory authority may require you to:

Prepare workplace areas for inspection

Provide a copy of organisational records (e.g. financial records, program records etc.)

Provide a copy of policies and procedures.

- **Audit and Inspection**

The visiting officer will assess your service during operations. They may observe practices and procedures as they happen and even discuss details of operations with people present at the centre, such as staff and clients. Additionally, they will also require you to show service documents and records to check if these are compliant with laws and regulations. Review the discussions in Section 1.2.13 for more details about record keeping requirements.

- **Initial Assessment and Feedback**

After the assessment, the regulatory authority will send you their initial assessment. This allows you to provide feedback or respond to some assessment areas you want to clarify or object to. This assessment will determine the accreditation status of your centre, so it is essential to check if the report is accurate.



If you spot any errors in the report, you must give feedback and provide supporting documents to prove that the information cited is inaccurate.

- **Final Report and Accreditation**

Once the regulatory authority receives and considers your feedback, they will make the necessary changes and provide you with their final report. This will contain the results of your accreditation. Either your organisation will be accredited for the given review period or not accredited. This accreditation is a recognition that your organisation's practices are up to standard and endorsed for the provision of services.

The frequency of assessments is usually based on your previous accreditation results. If you consistently receive high assessment ratings, the regulatory authority may choose to assess your organisation less often. However, if you receive low ratings, the regulatory authority will visit and assess you more often.

4.2.2 Maintaining and Updating Required Certifications

Certification is another requirement that you must always maintain and update. *Certification* acknowledges the training and experience that a worker has undergone in preparation for a specific work role. In Australia, certifications are managed by the Australian Government Department of Education, Skills and Employment (DESE). DESE monitors, maintains and promotes the Australian Qualifications Framework (AQF). The AQF serves as the central policy regulating qualifications in the Vocational Education and Training (VET) sector.

In the earlier discussions on work roles and scope of practice considerations, you learnt that staff may have different qualifications depending on the type of work that they do. These qualifications dictate what responsibilities each staff can be given based on their training and experience.

For example, the table below shows common organisational roles and the corresponding qualifications generally required for each role.

Role	Qualification
Trainee	No formal qualifications
Assistant/Entry-Level Role	AQF Certificate I or II related to the industry
Mid-Level Staff Role	AQF Certificate III related to the industry
Specialist/Supervisor Role	AQF Certificate IV related to the industry
Co-ordinator/Assistant Director/ Manager	AQF Diploma related to the industry
Director	AQF Advanced Diploma/degree related to the industry

The actual qualification requirements for different roles may vary from one organisation to another. Remember that the type of responsibilities a worker can perform is based on their certification. Workers with higher certifications are given more complex responsibilities. For example, to assume a management role, an employee must have a Diploma level qualification. As a manager, you must ensure that employees have maintained and updated certifications. This will ensure that each employee remains qualified to perform their responsibilities.

Typically, a worker who has obtained an AQF qualification can retain this qualification unless the National VET regulator cancels it in accordance with Section 56, 'National VET Regulator may cancel VET qualifications and VET statements of attainment', of the [National Vocational Education and Training Regulator Act 2011](#). Beyond this, maintaining and updating certifications is about staying informed and up-to-date with industry processes and practices.

Maintaining a certification involves maintaining all knowledge, skills and experience gained in obtaining the certification. After certification has been awarded, the employee's responsibility is to ensure that they remain competent in the area of work related to the qualification they received. Employees can maintain certifications by:

Regularly working or seeking work in their industry

Seeking guidance from more experienced workers

Performing assigned scope of practice and other responsibilities according to acquired training and experience

Employees must also ensure that they update the required certifications. Updating a certification involves being informed on new and emerging knowledge and practices related to your industry. Industries continue to evolve with new information and best practices. All workers need to update their certifications to be aware of new issues and trends and respond to these in the workplace. You can update certifications by:

- Seeking additional training on different topics related to your industry
- Keeping track of changes to existing qualifications through training information from [training.gov.au](#)
- Reviewing updates on processes, practices, policies, procedures and legal information related to the work role

Checkpoint! Let's Review



1. Accreditation refers to the recognition of an organisation as being compliant with a certain set of standards.
2. Certifications are given to workers to signify that they can perform certain work roles.

4.3 Refer Issues or Breaches of Ethical or Legal Practice to Relevant People

In Section 4.1.3, you learnt how to develop a strategic response to breaches of ethical and legal requirements. This strategic response is an internal process that can be accomplished by coordinating with your co-workers. When you are faced with issues and breaches and have difficulty coming up with an appropriate response plan, you may consult other employees, managers, supervisors, or compliance officers. You can see how other people in your organisation can help you address issues or breaches in the table below.

Workplace Role	How They Can Help in Addressing Issues or Breaches
Employees	<ul style="list-style-type: none"> ▪ By giving suggestions based on their experiences at work ▪ By raising concerns about possible issues and breaches that they encounter at work
Your Direct Supervisor	<ul style="list-style-type: none"> ▪ By giving advice based on previous management experiences ▪ By coordinating with regulatory authorities
Compliance Officer	By providing information on and interpretation of compliance requirements

Note that workplace roles may vary depending on the size of your service's operations. As a manager, you may also be the designated compliance officer. It is also possible that you are the sole manager supervising other employees. In these cases, you may need to seek external advice in addressing issues and breaches.

In the table below, you can find information on relevant external entities and how they can help you address issues or breaches of ethical or legal practice.

External Entity	How They Can Help in Addressing Issues or Breaches
Industry/Government Regulators and Authorities	By providing compliance advice based on the legislations and regulations used in the industry
Fair Work Ombudsman	By providing advice related to employment and employee management practices
Legal Professionals	By providing legal advice on compliance requirements based on national, state and territory legislation

If you need to refer issues and breaches to any external entities mentioned above, access the corresponding links on page 186 for their contact information. In the case of childcare legal professionals, review the process of assessing and seeking specialist legal advice discussed in Subchapter 1.5.

Checkpoint! Let's Review



1. Issues and breaches may be addressed internally with the help of other people in your organisation or externally with the help of other childcare professionals.
2. The kind of help that different people can extend in addressing issues and breaches will depend on the scope of their workplace role.

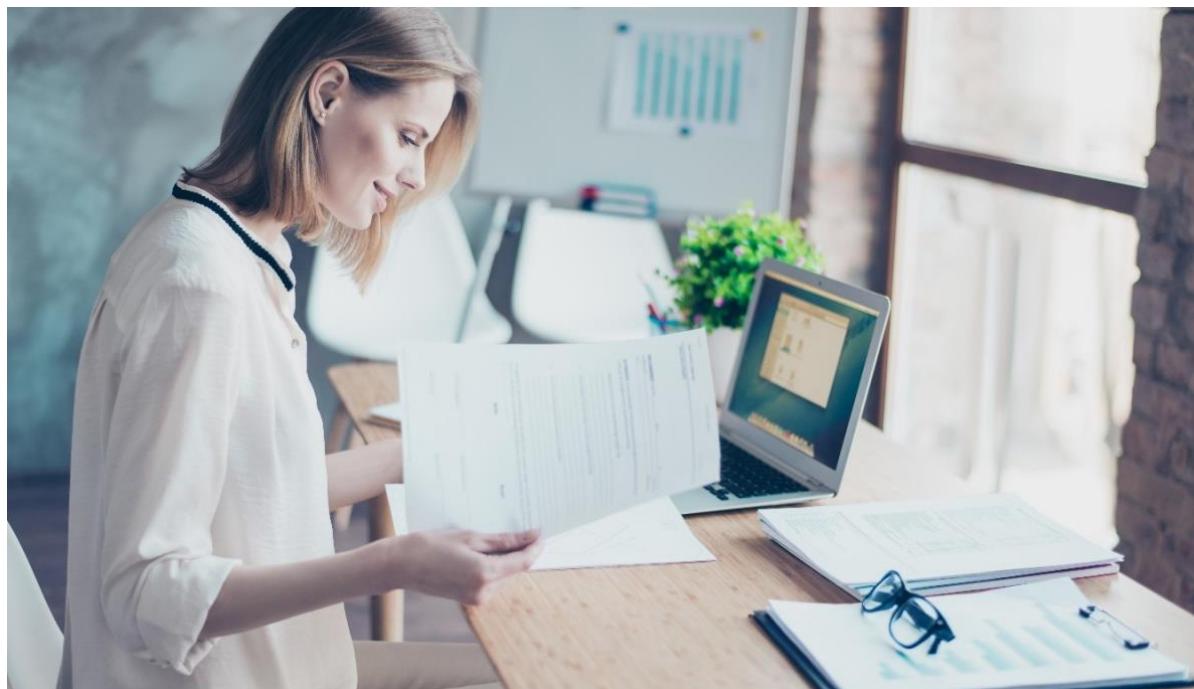
Learning Activity for Chapter 4



Well done completing this chapter. You may now proceed to your **Learning Activity Booklet** (provided along with this Learner Guide) and complete the learning activities associated with this chapter.

Please coordinate with your trainer/training organisation for additional instructions and guidance in completing these practical activities.

V. Maintain Knowledge of Compliance Requirements



In the previous chapter, you learnt how to monitor compliance with legal and ethical requirements. You learnt that your responsibilities do not end after identifying requirements and communicating these with other employees in your organisation. As a manager, you must ensure continuous compliance with legislation and guidelines. This is an ongoing process of evaluation and improvement.

To effectively monitor compliance, you must constantly be updated on trends and changes related to requirements that govern your service. It is essential to be updated with current and emerging legal and ethical requirements and issues because your organisation's compliance depends on these. Likewise, it is also important to effectively communicate knowledge about requirements to your colleagues so that individual practices remain compliant. Failure to maintain knowledge of compliance requirements will lead to your service implementing outdated practices, policies and procedures.

In this chapter, you will learn how to:

- Identify and use opportunities to maintain knowledge of current and emerging legal requirements and ethical issues
- Share updated knowledge and information with peers and colleagues
- Proactively engage in the process of review and improvement

5.1 Identify and Use Opportunities to Maintain Knowledge of Current and Emerging Legal Requirements and Ethical Issues

Industries constantly evolve to improve best practices based on professional and expert inputs. Maintaining knowledge involves regularly checking the different sources of information for compliance requirements and monitoring any changes that may affect the operations of your organisation. As a manager, you must maintain your industry knowledge to know emerging legal requirements and ethical issues and how these apply to your current practice.



Current and Emerging Legal Requirements and Ethical Issues

Current legal requirements refer to the latest and updated legislation and guidelines related to your work industry. It is vital to maintain knowledge of these requirements to ensure that policies and procedures are based on the latest legal information. For example, when you read through legislation and regulations, it is crucial to look for the latest version of these legal documents. The latest version contains the current legal requirements. Ensure that you reference the latest version of legislation when you update policies and procedures.

On the other hand, *emerging legal requirements* refer to new compliance requirements resulting from legislation updates. It is essential to know about emerging legal requirements because updates may affect the way policies and procedures should be implemented in the workplace. For example, due to the spread of COVID-19, states and territories have released public health orders with additional guidelines on preventing and managing outbreaks of COVID-19. These new guidelines are emerging requirements because they aim to address a new issue that organisations may face.

Aside from legal requirements, you must also maintain knowledge of current and emerging ethical issues. *Current ethical issues* refer to the latest issues related to proper ethical practice in your industry. Ethical issues are cases wherein the persons involved in actions, decisions, or circumstances may cause them to violate the workplace code of ethics. It is crucial always to be aware and knowledgeable of current and common ethical issues so that you and other employees can be guided on proper ethical practice. For example, one current ethical issue is discrimination. This is an ongoing issue because clients and workers of diverse backgrounds may still experience discrimination in their everyday interactions. As such, you must be knowledgeable of issues related to discrimination so that you know how to prevent them in your organisation.

Emerging ethical issues are ethical issues that arise due to recent developments in the ethics of your industry. For example, online interaction with clients is an emerging ethical issue. This is because online messaging is becoming more and more accessible. Similar to how there should be boundaries between workers and clients outside of work hours, there should also be boundaries governing the interaction between workers and clients on online platforms.

Opportunities to Maintain Knowledge

There are many ways to learn about requirements and issues as you perform your daily work responsibilities. It is crucial to identify these opportunities and use them to your advantage because this will help you improve in managing compliance. In the table below, you can see different opportunities to maintain knowledge and use each one to address emerging legal requirements and ethical issues.

Opportunity to Maintain Knowledge	How to Use the Opportunity
Through day-to-day work operations and practice	Involve yourself in different work tasks related to your own role to have an idea of what knowledge is applicable.
Through continuing professional education programs	Seek training programs related to your industry and work role.
Through industry publications	Regularly visit industry websites and read articles and other publications related to emerging legal requirements and ethical issues.
Through legislative amendments	Regularly visit the federal, state and territory legislation registers and check the list of amendments for updates.

Methods of Receiving Updated Information on Requirements

In maintaining knowledge of emerging legal requirements and ethical issues, you must ensure that the information that you are referencing is updated. Using outdated information on requirements may put your organisation at risk of non-compliance. The following are methods you can use to receive updated information on requirements:

- *Consulting your centre director* – You may be working under a director as a manager. The director is in charge of the overall management and oversight of the service. This also means that they are responsible for overall compliance. They make all major decisions that affect the operations of your service, such as those related to staffing, service delivery, budgeting and policy.

It is part of their responsibility to be updated on requirements and issues related to operating the service. They may also be the ones with direct contact with regulatory authorities. For any updates on requirements, you may consult your director to get the latest information to share with other employees.



- *Contacting your regulatory authority* –The industry regulatory authorities are responsible for assessing organisations for compliance. They have the latest information on requirements related to operating a service in a particular industry. If you need clarification on some requirements as part of ongoing self-assessment for your service, you may contact your regulatory authority. This will be helpful because the requirements they give you will also be the same benchmarks they will use during your assessment period. You may choose to get this information from the regulatory authority in advance or wait for them to schedule an assessment.

- *Contacting related government offices* – For information on requirements related to different areas of operation, you may contact the concerned government office. Government offices also have websites where they post updates on requirements. Different government websites may provide the updated information you need based on your specific concern. Some examples are shown in the table below.

Source	Information on Requirements
Fair Work Ombudsman	Information on labour practices
Safe Work Australia	Information on work health and safety
business.gov.au	Information on operating a business
Australian Institute of Family Studies	Information on child and family protection laws and guidelines
Attorney-General's Department	Information on legislation and interpretations
Federal Register of Legislation	Information on the latest updates and amendments to legislation
Australian Human Rights Commission	Information on applications of human rights principles

Checkpoint! Let's Review



1. Maintaining knowledge involves checking the different sources of information for compliance requirements and monitoring any changes that may affect the operations of your organisation.
2. Current legal requirements refer to the latest and updated legislation and guidelines related to a specific industry.
3. Emerging legal requirements refer to new compliance requirements resulting from legislation updates.

5.2 Share Updated Knowledge and Information With Peers and Colleagues

Whenever you identify any changes or updates in requirements and other information related to your work, it is essential to share these with your peers and colleagues. This is because updated information may affect current work practices, policies and procedures. Sharing updated knowledge and information with peers and colleagues will allow them to remain compliant in their individual work roles despite any changes.

Since knowledge and information constantly change and improve, communicating requirements to others on one occasion will not be enough. For example, most employees will learn about their organisation's policies and procedures during the onboarding process. However, they must still be made aware of any changes to these policies and procedures.

Updated knowledge and information that you can share with peers and colleagues may include:



To share these with staff, you may choose from different modes of communication:

Office Notices and Memos

Meetings

Training

- **Office Notices and Memos** – The simplest way to communicate updated knowledge and information is through notices and memos. These can be distributed to employees through print copies or email. The advantage of relaying updates through notices and memos is that everyone can save time. They can read through the updates on their own time without attending meetings. If they have any concerns, they can also bring these up in short discussions with a supervisor. However, the disadvantage of this approach is that it will only work for simple and easy to understand updates. Providing notices or memos for complex updates requiring drastic operational changes may confuse employees. It is best to limit notices and memos to sharing short updates.
- **Meetings** – Meetings will be helpful if updates contain complicated information that needs to be discussed with your colleagues. In these meetings, you seek ideas and suggestions on the proper implementation of updated information in the workplace. You must aim to develop viable action plans to implement any foreseen changes in policies and procedures. As such, it is essential to record the proceedings of these meetings for later reference.
- **Training** – Training is an ideal way of sharing updated knowledge and information if the updates require changes in workplace practices and procedures. In training, employees are oriented on how to perform their roles and responsibilities in accordance with policies and procedures. Training will also cover the specific knowledge and skills required to perform these roles and responsibilities. Employees may take some time to adjust and get used to changes, so it is vital to conduct training instead of merely announcing changes to processes.



Checkpoint! Let's Review

1. Sharing updated knowledge and information with peers and colleagues will allow them to remain compliant in their individual work roles despite any changes.
2. You can share updated knowledge and information through office notices and memos, meetings and training.

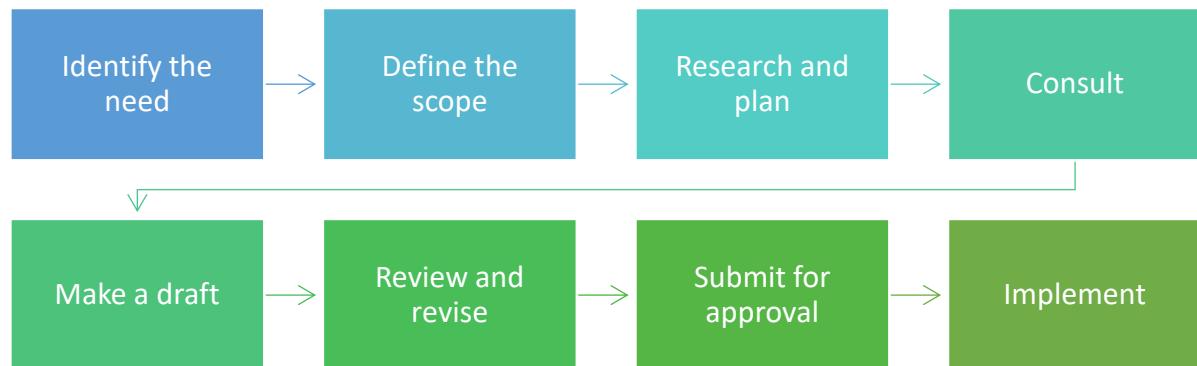
5.3 Proactively Engage in the Process of Review and Improvement



So far in this unit, you have learnt about the different responsibilities you have as a manager in ensuring compliance with legal and ethical requirements. You learnt how to gather information about compliance requirements in various areas of work. You also know how these compliance requirements translate into policies and procedures that guide the operations of your service. You also learnt how to develop strategies to evaluate work practices and address issues of non-compliance or other breaches.

The process of review and improvement is about ongoing reflection and evaluation of how your service operates in accordance with legal and ethical requirements. It is sometimes possible to miss out on essential requirements no matter how diligently you researched and applied legal and ethical principles to your work practices. This is why regulatory authorities must step in and ensure that organisations consistently deliver adequate services according to laws and regulations. However, as a manager, you must also do your part by consistently looking for ways to improve service delivery. Proactively engaging in review and improvement will ensure that you always deliver the best services to your clients.

The process flowchart below shows the common development process for policies, procedures and protocols.



Once implemented, policies, procedures and protocols should be monitored. A regular review may be done to determine if they address the identified need. Some situations that may trigger a review are as follows:

Needs are not effectively addressed

A legal or ethical issue has arisen

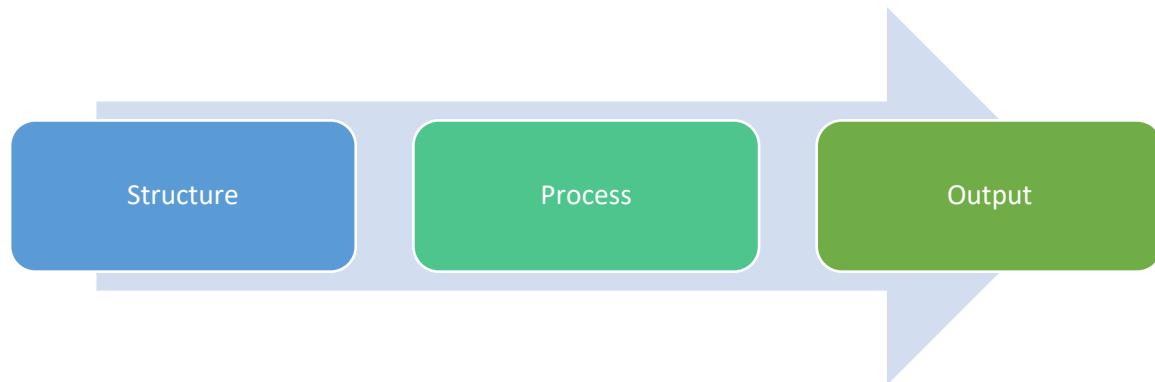
A stakeholder requesting a review

Changes in the sources of information (e.g. legislation, standards)

In general, policies, procedures and protocols should be reviewed in the following instances and conditions:

- There is an ongoing need to review the policy, procedures or protocol as specified in its stated purpose and goals or to ensure that it remains consistent in relation to the organisation's overall strategic plan.
- There is a need to review the compliance of workers and involved personnel in terms of the way that the policy, procedures or protocol is being followed.
- There is a potential need to change the policy, procedures or protocol to improve its effectiveness or to clarify relevant documentation.
- There is a potential need to change the policy, procedures or protocol to ensure it is up to date and aligns with best practices in industry and/or higher education.
- There is a need to review the policy, procedures or protocol as part of the organisation's compliance with legislative requirements.
- There is a need to change the implementation process of a policy, procedure or protocol, for instance, when additional communication or staff training activities could be required.

Conducting a formal review of policies, procedures and protocols can be done through a structure-process-output perspective. Here are some guide questions that you can use when applying this perspective:



- **Structure:**

- Are all staff aware of the policy, procedure or protocol?
- How do you ensure staff awareness?
- Is the policy, procedure or protocol in a location that is easily accessed by the staff?
- Is there availability of appropriate equipment to meet the needs of the policy, procedure or protocol?
- Are all relevant staff available to meet the needs of the policy, procedure or protocol?
- Are there logbooks, databases, computers or check sheets for the collection of data?
- Are all staff trained in meeting the requirements of the policy, procedure or protocol?
- How are training needs identified?
- Is the work environment appropriate?
- Does the policy, procedure or protocol involve all relevant staff – or are there staff outside the policy, procedure or protocol involved in the process?
- What standards are used to inform the processes described/recommendations made?



▪ **Process:**

- Is the policy, procedure or protocol still in line with current evidence based best practice?
- Would the policy, procedures or protocol pass the 'Test of Peers'?
- Are all staff doing as policy, procedure or protocol states? How do you know?
- Is responsibility clear for all parts of the process as indicated in the policy, procedure or protocol?
- What data are you collecting to ensure all staff are compliant with the described processes?
- What are your processes if you determine non-conformance of staff with the policy, procedure or protocol?
- What data are you collecting to demonstrate ongoing compliance with the policy, procedure or protocol?



▪ **Output**

- What data are you collecting to demonstrate ongoing achievement of the desired outcomes?
- Are there standards being adhered to? Are these referenced?
- Is the policy, procedure or protocol in line with evidence-based best practice? Is this evidence referenced?
- Do you know if this policy, procedure or protocol is meeting the needs of the patient or customer?
- How do you measure customer satisfaction?
- How do you know if changes and improvements to the policy, procedure or protocol are being implanted?
- Are desired results being achieved for (A) the staff and (B) the clients?
- Are there clear outcomes identified in the policy, procedure or protocol?
- What is being done with the results of the measurement of the performance indicators?

The review should be done through consultation with relevant stakeholders. Here are some of the people who must be consulted during reviews:

Clients

Clients' carers or families

Support workers who were involved in the implementation of the policies, procedures and protocols

Authorities in the community services and health industry

Workplace Health and Safety experts

Medical experts, including healthcare practitioners overseeing the health of the clients

Personnel tasked with analysing and processing relevant data

The goal here is to review practices, processes, policies and procedures for areas of improvement. A review may be done formally or informally. You can conduct an informal review by observing employees during the course of daily operations. You may also talk to employees to have an idea of their everyday challenges in relation to their responsibilities and adhering to compliance requirements.

On the other hand, the formal review and improvement process is accomplished through ongoing assessment of your service. This is an internal evaluation process wherein you and other people in your organisation can reflect on work practices for any areas of improvement. By proactively engaging in review and improvement, you are not waiting for incidents of non-compliance to arise before you implement modifications. Being proactive means that you are always looking for ways to improve whether or not there are perceived risks of non-compliance.



Multimedia

The video below shows how feedback can contribute to improvements in the workplace.

[What is Continuous Improvement - 4 Points to Create the CI Culture](#)



Checkpoint! Let's Review

1. To proactively share feedback with your colleagues, you can:
 - Set up meetings
 - Start conversations
 - Send e-mails
2. Proactively engaging in review and improvement will ensure that you always deliver the best services to your clients.



Learning Activity for Chapter 5

Well done completing this chapter. You may now proceed to your **Learning Activity Booklet** (provided along with this Learner Guide) and complete the learning activities associated with this chapter.

Please coordinate with your trainer/training organisation for additional instructions and guidance in completing these practical activities.

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