**Marker Guide 4**

Work Legally and Ethically

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SHORT RESPONSE QUESTIONS

Section 1

LEGAL AND ETHICAL FRAMEWORKS

An Introduction to Legal and Ethical Frameworks

1.1 Allied health assistants are required to comply with a range of relevant laws, practice standards, ethical guidelines, and organisational policies and procedures. Briefly explain the interrelationships that exist between these requirements. (Your response should be approximately 75 words.)

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| Student’s response must demonstrate an understanding of the interrelationship between legislation, policies and procedures, and industry practice standards, and ethical guidelines.  Responses should include some form of reference to the following:   * Industry practice standards and ethical guidelines are, in part, developed to comply with relevant legislation. * Organisational policies and procedures are developed in accordance with legal and industry practice requirements. * All of these guidelines are developed to help allied health assistants and allied health organisations deliver services in a legal and ethical manner. |

1.2 Imagine that you have started your first role as an allied health assistant. You are interested in finding out more about the legal and ethical requirements that apply to your role.

a) List three sources of information that relate to the ethical requirements that apply to your role. (Your response should be no more than 15 words.)

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| Student’s responses must provide three sources of information that relate to the ethical requirements involved in allied health assistance.  Responses may include, but are not limited to, reference to:   * Codes of conduct. * Practice standards. * Allied Health Assistant values. * Organisational policies, protocols and procedures. |

b) List three sources of information that relate to the legal requirements that apply to your role. (Your response should be no more than 15 words)

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| Student’s responses must provide three sources of information that relate to the legal requirements involved in allied health assistance.  Responses may include, but are not limited to, reference to:   * International treaties and conventions. * Commonwealth legislation. * State legislation. * Common law. * Organisational policies, protocols, and procedures. |

1.3 Outline one key similarity that the legal and ethical frameworks of allied health assistance have. Hint: Think about their common aim. (Your response should be approximately 30 words.)

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| Student’s response must demonstrate an understanding of the similarity between ethical and legal frameworks (i.e. their common aim)  Example response:  “Both ethical and legal frameworks of allied health assistance are all designed to protect the rights and well-being of clients as well as those rights of allied health assistant and allied health organisations.” |

1.4 Briefly outline two key differences between the legal and ethical frameworks of allied health assistance. (Your response should be approximately 50 words.)

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| Student’s responses must demonstrate an understanding of two key differences between ethical and legal frameworks of allied health assistance.  Responses may include, but are not limited to, reference to:   * They are developed and administered by different bodies or organisations:   + ethical codes and standards for allied health assistants developed by industry groups/organisations that employ allied health assistants;   + legal requirements are developed by federal/state governments and courts. * They differ in sanctions for breaches:   + breaching ethical principles may result in professional implications;   + breaching legal requirement may result in fines or incarceration. |

The Ethical Framework of Allied Health Assistance

1.5 The Allied Health Assistants’ National Association Ltd (AHANA) is one of the primary professional bodies that seeks to guide allied health assistance in Australia and they have developed a *Code of Conduct* to support the work of allied health assistants. Briefly explain the relationship between Code of Ethics and the Code of Practice. (Your response should be approximately 50 words.)

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| Student’s responses must demonstrate an understanding of the relationship between the Code of Ethics and Code of Practice as presented in the AHANA *Code of Conduct*  Example response:  “Code of Ethics outlines the core ethical principles that allied health assistants are expected to abide by while Code of Practice sets out guidelines about how allied health assistants should provide services in order to ensure they are practising in line with ethical principles.” |

1.6 Read through the AHANA *Code of Conduct* presented in Reading A. In the space below, identify one ethical principle listed in the *Code of Conduct*. Explain how this ethical principle impacts on the work of an allied health assistant in a practical way. (Your response should be approximately 75 words.)

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| Responses will vary depending upon the ethical principle selected. Student’s response must demonstrate an understanding of at least one ethical principle how it applies to a allied health assistant’s work.  Example response:  “Ethical principle: Strive to improve the quality of your practice through continuing professional development and keep your skills and knowledge up to date.” This ethical principle imposes a responsibility for allied health assistants to monitor their own competence and commit to attending regular supervision and seek for continuing professional development in their practice.”  *Code of Conduct* is available in Reading A. |

1.7 What are practice standards and what are the potential consequences that can occur if an allied health assistant fails to meet minimum practice standards? (Your response should be approximately 75 words.)

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| Student’s response must demonstrate an understanding of practice standards and the consequences of failure to meet minimum practice standards.  Example response:  “Practice standards set out the level of expertise and professional practice behaviours that are required for allied health assistants. Failure to meet minimum practice standards may result in disciplinary or ‘fitness to practice’ hearings against an allied health assistant. The allied health assistant may also be liable for legal charges of negligence by clients.” |

The Legal Framework of Allied Health Assistance

1.8 Explain how human rights are related to needs. In your response, make sure you outline:

* What needs are.
* What rights are.
* How they are related and/or different.

(Your response should be approximately 100 words.)

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| Student’s response must demonstrate an understanding of the relationship between human needs and human rights.  Example response:  Human needs refer to the physiological needs of people to survive whereas human rights extend beyond these needs to include what individual require to thrive. |

1.9 There are a number of laws that allied health assistants must be aware of and abide by in their work. List **five (5)** laws that apply to the allied health assistant profession. (Your response should be approximately 30 words.)

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| Student’s response must provide **five (5)** statutory laws that are applicable to the allied health assistant profession.  Responses may include, but are not limited to, reference to:   * Privacy Act 1998. * Freedom of Information Act 1982. * Mental Health Act 2007 (NSW). * Sex Discrimination Act 1984. * Equal Opportunity Act 2010 (Victoria). * Child Protection Act 1999 (Queensland). * Fair Work Act 2009. * Safe Work Australia Act 2008. |

1.10 List three websites that you could use to access specific Acts or find out information about specific pieces of legislation. (Your response should be approximately 15 words.)

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| Student’s response must provide three websites that can be used to access Acts or information about legislation.  Responses may include, but are not limited to, reference to:   * Federal Register of Legislation – www.legislation.gov.au * [www.australia.gov.au/information-and-services/public-safety-and-law/legislation](http://www.australia.gov.au/information-and-services/public-safety-and-law/legislation) * The Australian Legal Information Institute - www.austlii.edu.au * The Australian Law Reform Commission – [www.alrc.gov.au](http://www.alrc.gov.au) * New South Wales – [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) * Victoria – [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) * Queensland – [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) * Western Australia – [www.slp.wa.gov.au/legislation/statutes.nsf/default.html](http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html) * South Australia – [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au) * Australian Capital Territory – [www.legislation.act.gov.au](http://www.legislation.act.gov.au) * Northern Territory – [www.nt.gov.au](http://www.nt.gov.au) * Tasmania – www.thelaw.tas.gov.au |

1.11 Allied health organisations typically develop a range of policies and procedures to help ensure that workers comply with all relevant laws and standards and work in an appropriate manner.

a) What is the difference between a policy and a procedure? (Your response should be approximately 30 words.)

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| Student’s response must demonstrate an understanding of the difference between a policy and procedure.  Responses should make some reference to:   * A policy statement defines the organisation’s position. * Procedures set out how the organisation intends to ensure that the policy is enacted. |

b) Imagine that you work in an allied health organisation that uses the Equity, Anti-Discrimination and Workplace Harassment Policy and Procedure presented in Section 1, under subheading **Organisational Policies in Procedures** in the Study Guide Your new colleague, Mary, confides in you that she is feeling really uncomfortable because another colleague, John, has made comments of a sexual nature to her and she is unsure about what to do about it. Considering your organisation’s policy and procedure, what would you advise Mary to do? (Your response should be approximately 30 words.)

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| Student’s responses should demonstrate an understanding of what Mary should do in accordance to the policy and procedures.  Responses should include reference to:   * Approaching the manager to discuss appropriate actions or options. * Lodging a formal complaint or grievance. |

Integrating Your Knowledge

The following questions require you to draw upon all of the knowledge and skills you have learned throughout this section of the Study Guide.

1.12 Imagine that you have started a new role as an allied health assistant with a large allied health organisation. Part of your role requirements involve complying with the following code of conduct.

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| **CODE OF CONDUCT**  **Policy:** Employees and Management Committee members adhere to the organisation’s Code of Conduct which reflects the behaviour expected and is designed to encourage integrity and professionalism.  **Definitions:** A Code of Conduct is a set of rules, regulations and guidelines which employees are expected to observe during their employment.  **Procedure**  The organisation prides itself on the professionalism and ability of its employees and Management Committee to meet community needs. The organisation strives to be a leading service provider and to provide a safe, healthy and happy workplace.  This Code of Conduct is designed to ensure that all employees, Management Committee and community members are treated in a manner that reflects the mission, culture and legal obligations of the organisation.  All employees and Management Committee members are expected to:   * Observe all policies, procedures, rules and regulations at all times * Comply with all Federal, State and local laws and regulations * Comply with all reasonable, lawful instructions and decisions related to their work * Maintain a high degree of ethics, integrity, honesty and professionalism in dealing with community members and other employees * Adhere to the Workplace Health and Safety Policy and Procedure * Take reasonable steps to ensure their own health, safety and welfare in the workplace, as well as that of other employees and community members. Employees are expected to make themselves familiar with their workplace health and safety obligations   Employee and Management Committee behaviour   * If an employee breaches the following guidelines, disciplinary action may be taken. * If the breach of conduct is of a legal nature, it will be addressed in accordance with relevant Federal, State or local government laws. * Employees and Management Committee members should not:   + Discriminate against another employee or community member on the basis of sex, age, race, religion, disability, pregnancy, marital status or sexual preference.   + Engage in fighting or disorderly conduct, or sexually harass other employees and community members   + Steal, damage or destroy property belonging to the organisation, its employees or community members   + Work intoxicated or under the influence of controlled or illegal substances   + Bring controlled or illegal substances to the workplace   + Smoke on the organisation’s premises or in its motor vehicles   + Accept benefits or gifts which give rise to a real or apparent conflict of interest   Dealing with aggressive behaviour   * Employees are expected to provide high standards of service provision but the organisation does not accept any form of aggressive, threatening or abusive behaviour towards its employees by community members * If an employee is unable to calm the person and/or believes the situation places them or other employees in danger, they should notify the Manager or their Program Supervisor   (Source: Community Door) |

a) What are the consequences of breaching this code of conduct? (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of the consequences of breaching the code of conduct according to the document above.  Responses should include some reference to:   * If an employee breaches the following guidelines, disciplinary action may be taken. * If the breach of conduct is of a legal nature, it will be addressed in accordance with relevant federal, state, or local government laws. |

b) Imagine that one of your allied health clients brought you an expensive gift to thank you for your service. According to the code of conduct, is it appropriate for you to accept this gift? Explain why or why not. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding that it is not appropriate to accept the gift due to potential breach of code of conduct.  Responses should include some reference to:  It is not appropriate to accept any gift form clients because code of conduct states that employees should not “accept benefits or gifts which give rise to a real or apparent conflict of interest.” It will be a breach of code of conduct to accept the gift. |

Section 2

LEGAL AND ETHICAL ALLIED HEALTH ASSISTANCE

Core Allied Health Assistant Responsibilities

2.1 List five rights that allied health clients have. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of at least five rights that allied health clients have.  Responses may include, but are not limited to, reference to the right to:   * Have their individuality and beliefs respected * Be fully informed of the service to be provided * Autonomy (to make their own decisions) * Confidentiality; protection of their information to the greatest extent permitted under law * Professional and competent service. * Receive treatment that is responsive to their individual needs. * Make a complaint about their service.   Other relevant rights should also be accepted. |

2.2 Outline **three (3)** key responsibilities that allied health assistants have. (Your response should be approximately 100 words.)

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| Student’s response must demonstrate an understanding of at least **three (3)** key allied health assistant responsibilities.  Responses may include, but are not limited to, reference to:   * **Respecting the basic rights of clients:** clients have a right to receive safe and ethical services, without discrimination. * **Respecting the client’s right to privacy and confidentiality:** Clients deserve for their privacy, dignity, rights, and health to be respected and kept confidential. * **Prioritising client safety and well-being:** Communication with clients should be presented in an open and effective way to promote health, well-being, and safety. * **Delivering a professional and competent service:** Allied health assissants have a responsibility to deliver quality practise through continual professional development and relevant and appropriate skills and knowledge.   Other appropriate responses should also be accepted. |

Respecting Clients’ Rights

2.3 A core allied health assistant responsibility is to respect the basic rights of clients and provide safe and ethical service free of discrimination. Is this a legal requirement, an ethical requirement, or both? Briefly explain your answer. (Your response should be approximately 100 words.)

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| Student’s response **must** demonstrate that it is both a legal and an ethical requirement.  Responses may include, but are not limited to reference to:  Respecting the rights of clients and providing safe and ethical service free from discrimination is both a legal and an ethical requirement of allied health assistance.  It forms part of the AHANA’s *Code of Conduct* – i.e.., allied health assistants must offer “*services in a safe and ethical manner, with care and skill, making sure you are accountable and can answer for your actions or omissions.”*  It is also influenced by legislation such as anti-discrimination laws that aims to protect people from any kinds of discrimination including in an allied health context. |

2.4 Briefly outline one possible consequence if an allied health assistant breaches anti-discrimination requirements? (Your response should be approximately 20 words.)

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| Student’s responses must demonstrate an understanding of at least one possible consequence of breaching anti-discrimination requirements.  Responses may include, but are not limited to, reference to:   * Allied health assistants can lose their job and ability to work in the sector. * Allied health assistants can be reprimanded by the AHANA and their organisation * Allied health assistants can be charged under the commonwealth or state anti-discrimination legislation |

2.5 Identify two types of organisational documents/policies and procedures that are used to help protect client rights. (Your response should be approximately 30 words.)

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| Student’s response must demonstrate an understanding of at least two types of organisational documents/policies and procedures that are used to help protect client rights.  Responses may include, but are not limited to, reference to:   * Equal opportunity and anti-discrimination policies and procedures. * Client charters. * Cultural protocols and procedures. * Procedures for use of language and cultural interpreters. * Codes of conduct.   Other appropriate responses may also be accepted. |

2.6 Edmund is an allied health assistant at multidisciplinary client service program. One of his responsibilities is assisting in the facilitation of group activities. Edmund is approached by a new potential client, Sean, who enquires about when the activity group meets. Edmund thinks that Sean might be gay and assumes that this will mean that he will be a ‘drama queen’ and want to monopolise the group conversation by talking about himself. Edmund doesn’t want to have to deal with clients who monopolise the conversation, so he lies to Sean, telling him that the activity group is full and referring him to a group run by another organisation.

a) Considering what you have learned about the core responsibilities of allied health assistants, what do you think Edmund has failed to do as an allied health assistant? (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of the core responsibilities of allied health assistants to respect basic rights of client/provide respectful and non-discriminatory service.  Example response:  “Edmund failed to treat Sean in a respectful and non-discriminatory manner. Edmund made assumptions of Sean (i.e., gay, ‘drama queen’, monopolise the group) and disregarded his right to attend the activity group based on judgments of Sean’s sexuality.” |

b) What legal and ethical frameworks has Edmund most likely violated in this scenario? (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of both legal and ethical requirements of allied health assistants to provide anti-discriminatory service.  Responses should include some reference to:   * Legal (e.g., anti-discrimination legislation, Universal Declaration of Human Rights). * Ethical (e.g., AHANA’s *Code of Conduct)*. * Organisational policy and procedures on discrimination. |

c) Imagine that you are Edmund’s supervisor. What would you advise Edmund to do in order to help him improve his practice and fulfil his core responsibilities? (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of an appropriate change that Edmund could make to better meet legal and ethical responsibilities of respecting client rights.  Responses may include, but are not limited to, reference to:   * Research and understand the legal/ethical requirements that apply to his work. * Maintain awareness of his own values and examine how his personal beliefs may impact on his work. * Self-reflection activities * Attend supervision. * Discuss with supervisor or colleagues to monitor impact of values * Consider referral if personal values may negatively impact on the treatment process and clients.   Other appropriate responses should also be accepted. |

2.7 Stephanie is a 35-year-old allied health assistant. Her parents divorced when she was a teenager after her father had an extra-marital affair. Due to this experience, Stephanie holds strong values about being honest and truthful in a relationship and dislikes people who betray their partners.

Stephanie has just started working with a new client, Brad, aged 40. For the first few sessions the Brad would engage in small talk and some issues he was having with work. However, in today’s session, Brad told Stephanie that he has been cheating on his wife with a work colleague and he is seriously thinking about leaving his wife to be with the other woman.

a) In what way do you think Stephanie’s personal values have the potential to negatively impact on her practice and/or her practitioner-client relationship with Brad? (Your response should be approximately 30 words.)

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| Student’s response must demonstrate an understanding of how an allied health assistant’s personal values might negatively impact on the allied health practice and practitioner-client relationship. Responses will vary but should be accepted as long as reasonable justification is provided.  Responses may include, but are not limited to, reference to:   * She might find it difficult to remain impartial given her experience, emotion, and values. * She might consciously or unconsciously demonstrate judgemental behaviours/attitudes or try to influence Brad’s actions/decision making. * She might have negative feelings towards Brad since he might remind her of her father, which would have detrimental impact on their practitioner-client relationship.   Other appropriate responses should also be accepted. |

b) Briefly outline two actions that Stephanie could undertake to minimise the impact of her personal values on her work with Brad. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of at least two appropriate actions that Stephanie could take to minimise the impact of her personal issues on the practitioner-client relationship.  Responses may include, but are not limited to, reference to:   * Examine own values. * Maintain an awareness of her feelings. * Closely monitor her feelings/actions. * Take care not to left emotions/personal experience cloud judgement and work with Brad to help him make decisions. * Take actions that are consistent with Brad’s values. * Discuss the matter with supervisor/engage in personal counselling * If unable to control emotions/values discuss with Brad and refer to another allied health assistant/professional.   Other appropriate responses should also be accepted. |

Respecting Client Privacy and Confidentiality

2.8 Briefly explain the difference between confidentiality and privacy in the context of allied health. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of the difference between confidentiality and privacy in the context of allied health.  Responses may include, but are not limited to, reference to:   * Confidentiality refers to the expectation that client’s information, including words spoken, client records and personal information, are not disclosed to any other parties without the client’s permission. * Privacy is broader in scope and relates to the ownership of client information e.g. gathering and storing of client records. |

2.9 Mental health legislation outlines a number of provisions for confidentiality as well as circumstances that allow confidentiality to be breached. List **five (5)** situations in which disclosure of information is allowed under this legislation. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of at least **five (5)** situations in which disclosure of information are allowed under mental health legislation.  Responses should make some reference to the following:   * With the client’s consent. * When the disclosure is required or authorised by the mental health legislation or other legal provisions. * To nominated carers or guardians in certain circumstances. * For the purpose of criminal investigations or criminal proceedings. * For statistical analysis and research purposes, provided that there is compliance with further requirements. |

2.10 Allied health assistants must be knowledgeable about the mandatory reporting requirements that might apply to their role. In the space below, identify the state/territory that you live in and the legislation that sets out the requirements for mandatory reporting related to children in your state. (Your answer should be no more than 10 words.)

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| Student’s responses must identify the State/territory legislation in their area that provides information about legal requirements for mandatory reporting.  Responses must refer to one of the following: | |
| ACT | Children and Young People Act 2008 |
| New South Wales | Children and Young Persons (Care and Protection) Act 1998 |
| NT | Care and Protection of Children Act 2007 |
| Queensland | Child Protection Act 1999 |
| 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 and/or Family Court Act 1997 (WA) |
| This is covered in Reading G. | |

2.11 If you are ever required to make a report concerning child abuse or child protection concerns it will be vital to follow your organisation’s policies and procedures. Additionally, you must ensure that any reports you make are written in a clear, objective, and non-judgemental way. List five things you would keep in mind while writing a report to help ensure this. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of at least five tips they could keep in mind to ensure reports are clear, objective and non-judgemental  Responses may include, but are not limited to, reference to:   * Relay information that describes exactly what happened as simple statements of fact. * Be specific instead of vague or general. * Be explicit in expressing yourself. * Identify your sources. * Be specific about dates and times. * Be specific about the other person’s statements, writing exactly what they said, rather than your interpretation. * Use moderate and graduated evaluative language instead of intense or emotional evaluative language. * Use modality to show caution about your views or to allow room for others to disagree. * Use objective and inclusive language. * Include subjective evidence given to you by the person but make sure you identify the source. * Limit reporting to child welfare authorities only the information relevant to the child protection issue.   Other appropriate responses should also be accepted. |

2.12 Most allied health organisations develop specific policies and procedures to assist allied health assistants to comply with their legal and ethical requirements regarding client privacy and confidentiality. Imagine that you are responsible for developing your organisation’s record keeping policies and procedures. Outline **five (5)** requirements that you would include in the policies and procedures that you develop to help ensure workers complied with their legal and ethical requirements related to privacy and confidentiality. (Your response should be approximately 100 words.)

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| Student’s response must provide **five (5)** requirements that can be included in record keeping policies and procedures to help ensure legal and ethical compliance in regard to privacy and confidentiality.  Responses may include, but are not limited to, reference to:   * Hard copy client files are to be kept in a locked filing cabinet. * Electronic files are maintained on a protected intranet and client records can only be accessed by the individual allied health assistant/professional allocated to that client, their supervisor, and specific members of senior management. * Electronic files can only be accessed by user passwords and no files are accessible to people who are not staff of the organisation. * Where there has been no activity on a client file for 90 days, that file is closed electronically and the hard copy placed in secure storage. * Clients may request access to information contained on their file and/or a letter or report based on information in the file. * Other people/services may not access information on a client file unless client consent is obtained in writing for the release of that information. * Only aggregate (de-identified) data is provided to external agencies (e.g. funding bodies).   Other appropriate responses should also be accepted. |

Client Safety and Well-being

2.13 What is ‘duty of care’ and what legal implications can an allied health assistant face if they breach their duty of care to a client? (Your response should be approximately 75 words.)

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| Student’s response must demonstrate an understanding of the concept ‘duty of care’ in the context of allied health and the legal implications of breaching duty of care.  Example response:  “Duty of care means that allied health assistants/professionals have a responsibility to take reasonable steps to avoid clients coming to harm either through their actions or lack of actions. If an allied health assistant/professional breaches their duty of care, they may face claims of negligence and face a claim for damages in court.” |

2.14 Allied health assistants should always be cautious of behaviours that may violate the professional boundaries of the practitioner-client relationship or cause ethical dilemmas.

1. Identify five behaviours that could contribute to boundary violations. (Your response should be approximately 50 words.)

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| Student’s response must provide five behaviours that could contribute to boundary violations.  Responses may include, but are not limited to, reference to:   * Developing strong feelings for the client. * Spending more time with this client than others. * Engaging with a client socially outside of the service. * Receiving calls at home from the client. * Receiving gifts. * Doing things for a client rather than enabling the client to do it for themselves. * Believing only they can offer the right services to the client. * Physically touching the client.   Other appropriate responses should also be accepted. |

1. What should an allied health assistant do if they find that they have become over-involved with a client or failed to maintain an appropriate professional boundary? (Your response should be approximately 30 words.)

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| Student’s response must demonstrate an understanding of how to meet ethical requirements if they are in position in which they have not maintained appropriate boundaries with clients.  Example response:  “The allied health assistant should consult with his/her supervisor to determine the most appropriate course of action to reinstate professional boundaries or make appropriate referral for the client.” |

2.15 Informed consent involves two core components. What are they? (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of the two components of informed consent.  Responses should include some reference to both of the following:   * Providing client with all information they need to make a reasoned decision about whether to engage in the services being offered. * Ensuring client’s decision is made freely without coercion. |

2.16 In what way does obtaining informed consent in allied health practice help to protect a client’s human rights? (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of the role of informed consent processes in protecting a client’s human rights (e.g., autonomy, self-determination).  Example responses:   * By obtaining informed consent, the allied health assistant is demonstrating respect for the client’s right to manage their own lives and choose their own care – these are fundamental human rights. * Informed consent protects human rights by ensuring that the client is freely giving their consent and has engaged their basic human right of self-determination. |

2.17 In what way is a client’s right to informed consent protected by legislation in Australia? (Your response should be approximately 50 words.)

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| Student’s responses should demonstrate an understanding of at least one way in which informed consent if protected by legislation.  Responses may include, but are not limited to, reference to:   * According to common law, adults (i.e., those over 18) can consent to and refuse treatments and interventions. * Informed consent is also protected by state and territory legislation, in the form of specific mental health acts (e.g., Mental Health Act 2015 (ACT)).   Other appropriate response should also be accepted. |

2.18 Imagine that you are an allied health assistant working for a physiotherapist at a Wellness Centre and you are conducting your first session with a new client, Barney. Your organisation requires allied health assistants to discuss and sign a service agreement form with their clients at the beginning of treatment process.

1. Identify **five (5)** things that you will do/explain during your contracting conversation with Barney to help ensure that you have fulfilled your legal and ethical responsibilities to ensure informed consent. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of at least **five (5)** things allied health assistants must do/explain to ensure informed consent.  Responses may include, but are not limited to, reference to:   * Provide Barney with information about the service offered. * Explain the treatment approach I use/that the physiotherapist uses. * Provide an overview of what Barney can expect during treatment. * Ensure that Barney is familiar with organisational requirements such as payment schedules, cancellations, termination procedures. * Discuss the treatment process and number of sessions required/suggested. * Discuss confidentiality and its limits. * Outline the organisation’s record keeping procedures and how he can access to personal information. * Ensure that Barney knows that they can withdraw their consent at any time and have the right to refuse to engage with any strategy or technique the allied health assistant/professional uses or suggests.   Other appropriate responses should also be accepted. |

1. In the space below, write what you would say to Barney to explain confidentiality and its limitation in the treatment process. (Your response should be approximately 150 words.)

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| Student’s response must demonstrate an ability to explain confidentiality and its limits.  Example response:  “Barney, in general, what you share with me will be confidential. If you chose to work with another allied health assistant or organisation and they request your information I will not share it unless I have your written consent. However, there are some exceptions to confidentiality that I want you to be aware of. Firstly, if I am ever concerned about you being at risk of harming yourself or harming someone else, I may be legally and ethically required to breach confidentiality and report the matter. Also, if a court of law requests your client information, I may also be obliged to provide your records to them. Do you have any questions?” |

2.19 Briefly outline the considerations that allied health assistants must take into account when engaging in the informed consent process with child and youth clients. (Your response should be approximately 75 words.)

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| Student’s response must demonstrate an understanding of at least two considerations involved in obtaining informed consent when working with child and youth clients.  Responses may include, but are not limited to, reference to:   * Children should always be made aware what allied health assistance and treatment will involve, as well as the limits of confidentiality and the allied health assistant’s duty of care. * The issue of the sharing of information with parents should be discussed and agreed to before treatment or service begins. * Allied health assistant’s must discuss all aspects of contracting – and conducting service/treatment itself – in a manner and language suitable to the child’s level of development, and use multiple strategies to assess the child’s understanding.   Organisations that involve any degree of work with children should have specific policies and procedures in place to protect child welfare and enhance child wellbeing, by which their workers must abide. Other appropriate responses should also be accepted. |

2.20 Another aspect of ensuring client safety and wellbeing involves complying with all workplace health and safety requirements. Imagine that you are interested in obtaining further information about your WHS legal requirements. In the space below, identify the State/Territory that you live in and the WHS regulatory body who you would contact to obtain this information. (Your response should be no more than 10 words.)

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| Student’s response must correctly identify the WHS regulatory body of the State/Territory they are in.  Responses should refer to one of the following:   * ACT – WorkSafe ACT. * NSW – SafeWork NSW. * NT – NT WorkSafe. * QLD – Workplace Health and Safety. **Note:** Reference to Workplace Health and Safety, Electrical Safety Office, and Workers’ Compensation Regulator should also be accepted, as these are combined on the main Queensland Government worksafe.qld.gov.au website; in this case, mark COM and provide feedback that Workplace Health and Safety is the correct term. * SA – SafeWork SA. * TAS – WorkSafe Tasmania. * VIC – WorkSafe Victoria. * WA – WorkSafe WA. |

2.21 Imagine that you are an allied health assistant at a small chiropractic clinic. As you walk into the waiting room ready to greet your next client, you realise that your client, Chloe, has brought along her 4-year-old son, Tyler, and 8-year-old daughter, Hannah. Chloe tells you that she initially arranged for her mother to look after the children, but her mother is unwell today. Chloe tells you that she will just leave the children in the waiting room and Hannah will be able to look after Tyler. As Chloe talks to you, you notice that Tyler is restless and crying. You also notice that other clients in the waiting room are obviously distracted by Tyler.

According to your organisation’s policy and procedures, for safety reasons, children must be supervised at all times and children are generally not allowed to be present in appointments except when they are the clients.

Briefly explain what you would do in this situation. (Your response should be approximately 50 words.)

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| Student’s response must provide an appropriate response to the scenario that complies with organisational requirements.  Example response:  “I will discuss my concerns with Chloe about Hannah and Tyler being left in the waiting room unsupervised as well as the organisational requirement. I will help Chloe reschedule her appointment for another time when someone is available to look after the children.” |

2.22 Imagine that you work as an allied health assistant for Northside Physiotherapy and Wellness Centre, an allied health service that offers group sessions for a common program delivered to more than one person at the same time. At approximately 2:35pm today you were in the middle of facilitating a group session when one of the participants, George Smith (aged 24), became agitated and started punching one of the other participants, Martin Brown (aged 26), in the face. George threw three punches before he was restrained by another participant, Ken Jones (aged 30). Martin sustained some facial injuries and a suspected broken nose. An ambulance and the police were called immediately. Martin was taken to the hospital and George was taken away by the Police. Directly after calling the Police and ambulance you also called your manager, Sarah Finnley, to report the incident.

Your organisation uses the critical incident policy/procedure presented in the Study Guide.

a) Outline the steps that you must take as a worker immediately after a critical incident such as this? (Your response should be approximately 75 words.)

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| Student’s response must demonstrate an understanding of the steps required from a worker after a critical incident as outlined in the Study Guide.  Responses should make reference to:   * Assist those involved in the incident to contact family or support persons to advise them of the situation. * Provide people who have been exposed to the critical incident with emotional support and practical assistance. * Assist in providing transport if required. * If the critical incident is of a Police nature or a workplace health and safety issue, ensure the area or site is not disturbed. |

b) Complete the remaining fields of the below critical incident report to appropriately document this incident.

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| Marker note: student’s response must demonstrate an ability to appropriately record incident in critical incident report. An example of a complete critical incident report was provided to students in the the Study Guide.  Example response below. |
| **CRITICAL INCIDENT REPORT**  Date of incident: *Date* Time of incident: *2.35pm*  Location (include address where applicable):  *Northside Physiotherapy and Wellness Centre*  Name of person completing form:  *Student’s name*  Position of person completing form: *Allied Health Assistant* Contact no: 12345678  Employees/Volunteers/Management Committee members involved in incident:  1. Name: *Student’s name* Age: *Age*  Clients or community members involved in incident:  1. Name: *George Smith* Age: *24*  2. Name: *Martin Brown*  Age: *26*  3. Name: *Ken Jones* Age: *30*  Description of incident and background (relevant Information leading up to the incident, circumstances, whether the incident was witnessed and other relevant issues):  *During the middle of a group physiotherapy session, one of the participants, George Smith, became agitated and punched another participant, Martin Brown, in the face three times. George was then restrained by another participant, Ken Jones. Martin sustained some facial injuries and a suspected broken nose. An ambulance and the police were called. Martin was taken to the hospital and George was taken away by the Police.*  Who was informed of the incident (Manager, Police, Fire Brigade)?  1. *Police*  2. *Ambulance*  3. *Manager, Sarah Finnley*  Actions taken to date: (including date and time of contact that Manager and other agencies were informed, as well details of support provided):  1. *Ambulance called on date at approximately 2:36pm*  2. *Police informed on date at approximately 2.37pm*  3. *Manager informed on 19/11/2016 at 2.50pm*  4.  Follow up action planned:  1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  4 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Critical incident report form authorised by:  *Student name* Date: *Date*  (Signature of Employee)  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (Signature of Manager) |

Delivering a Professional and Competent Service

2.23 Imagine that you have recently started working as an allied health assistant. Based on the AHANA’s *Code of Conduct*, outline **three (3)** strategies that you should implement to meet your ethical requirements in regard to professional and competent service provision. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of **three (3)** strategies that are likely to help allied health assistants meet ethical requirements in regards to professional and competent service provision.  Responses may include, but are not limited to, reference to:   * Ensure you are up to date and compliant with all statutory and mandatory training requirements for your role * Participate in continuing professional development to achieve and maintain the competence required for your role * Improve the quality and safety of the treatment, care or support you provide with the help of your supervisor/mentor (in accordance your employer’s policies, procedures or protocols) * Maintain an up-to-date record of your training and development * Contribute to the learning and development of others * Refresh your skills and knowledge, or arrange to work under more close supervision/mentorship, after returning from a long period of leave or absence from practice.   Other appropriate responses should also be accepted. |

2.24 Briefly outline two reasons why allied health assistants should engage in regular supervision in order to ensure professional and competent service provision. (Your response should be approximately 50 words.)

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| Student’s response must provide two reasons why allied health assistants should engage in regular supervision to ensure professional and competent service provision.  Responses may include, but are not limited to, reference to:   * It allows allied health assistants to discuss their work practices with a more experienced allied health assistants or allied health professionals and learn from their feedback and suggestions. * Supervision promotes skill development. * Supervision protects client well-being through monitoring the allied health assistant’s actions. * It helps allied health assistants decide upon appropriate actions that need to be taken in cases in which the client requires assistance that is beyond their capabilities.   Other appropriate responses should also be accepted. |

2.25 Allied health organisations also have a responsibility for promoting professional and competent service provision. Briefly outline **two (2)** strategies or processes that allied health organisations use to help promote professional and competent service provision. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of **two (2)** strategies/processes that allied health organisations use to help promote professional and competent service provision.  Responses may include, but are not limited to, reference to:   * Many allied health organisations provide ‘in house’ training to staff, to refresh skills, up-skill staff, or help staff understand changes in practice (e.g., the provision of a new service type or a change in procedure). * Allied health organisations should have policies and procedures in place for receiving and responding to client complaints. Clients have the right to make complaint and allied health assistants (and their employers) are required to treat these seriously and make appropriate changes where warranted.   Other appropriate responses may also be accepted. |

Integrating Your Knowledge

The following questions require you to draw upon all of the knowledge and skills you have learned throughout this section of the Study Guide.

2.26 Complete the following table by indicating whether or not the allied health assistant’s actions in each scenario represents a potential or actual breach of their legal and/or ethical requirements.

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| --- | --- |
| **Scenario** | **Violation (Yes/No)** |
| 1. Marco is late for dinner with friends because he was held up helping a client who was threatening to self-harm. To explain his lateness, Marco gives a detailed account of the incident with the client, including the client’s background, the situation, his actions, and what he plans to do moving forward. | **Yes** |
| 1. Kirsty researches the culture of a client so that she can better understand the client’s background and worldview. | **No** |
| 1. Janet finds herself attracted to a client that she has been working with for the last six months. Janet tells the client of her attraction and he says that he is also attracted to her. Janet terminates the practitioner-client relationship and immediately begins a sexual relationship with the client. | **Yes** |
| 1. Gina decides that she does not have the necessary expertise and knowledge to help a client with his issues but decides to take him on as a client anyway as she needs the experience and money. | **Yes** |
| 1. Jackson stores all of his client records on his home computer without password protection. Each client’s case notes are kept in the same folder as the client’s intake information (which includes the client’s full name, date of birth, address, and contact phone number). | **Yes** |

2.27 Imagine that you work as an allied health assistant at Northside Physiotherapy and Wellness Centre. An extract from your organisation’s Privacy and Confidentiality Policy is included below. Read through this policy and respond to the questions that follow.

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| **PRIVACY AND CONFIDENTIALITY POLICY**  **Principles**  Client confidentiality is considered to be a vital factor in establishing a good practitioner-client relationship and in the provision of a professional service. The allied health environment needs to be one where clients can trust that they, and any information they choose to disclose, will be respected by their allied health team and the service.  **Policy**   * All staff, management committee members, volunteers and others who spend time in the agency are required to sign the Confidentiality Agreement. * Confidentiality is at an agency level. This means that an allied health assistant may, if necessary, consult with a supervisor or another allied health assistant within the organisation about a client situation. However, client information remains strictly confidential within the organisation. * The client is entitled to confidentiality and privacy, unless there is a risk to the safety of the client or others, or the organisation is required by law to disclose a client’s personal information. * Client files are made for the use of the allied health assistant/professional and the client. If necessary, other allied health staff may access the client’s file. No other staff, volunteer or committee member will have access to client files. * Clients may request access to information contained on their file and/or a letter or report based on information in the file. However, where a file is a family file, all people must give permission for one of the people to access information on the file. Other people/services may not access information on a client file unless client permission is obtained in writing for the release of that information; any information provided to either the client or an outside agency must be cleared by either the Director or the Manager. |

1. According to the policy, are you allowed to discuss a client case with a supervisor? Explain why or why not. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an ability to interpret this policy and identify that this would be acceptable.  Example response:  “Yes, because the policy states that “Confidentiality is at an agency level. This means that an allied health assistant may, if necessary, consult with a Supervisor or another allied health assistant within the organisation about a client situation.” Therefore, it is not a breach to discuss a client case with a supervisor.” |

1. According to the policy, briefly describe **two (2)** situations in which you should breach confidentiality. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an ability to interpret this policy provide **two (2)** situations in which confidentiality should be breached – i.e. risk to the safety of the client or others.  Responses may include, but are not limited to, reference to:   * When there is risk to the safety of the client or others (e.g., a client is suicidal or a client disclosed threats to harm another person). * When the organisation is being required by law to disclose information. |

1. According to the policy, what should you do if a third-party requests information about a client? (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an ability to interpret this policy and identify the appropriate steps to be taken if a third-party requests access to client information.  Responses should include reference to:   * Obtain written permission i.e. release of information from the client. * Advise the director/manager. |

2.28 Helen is an allied health assistant who works at an allied health organisation based in New South Wales.

1. Helen is interested in finding out more about the legislative requirements relating to the disclosure of health information. Which piece of legislation would be the most appropriate for her to read through to obtain this information? Hint: See Reading F. (Your response should be no more than 10 words.)

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| Student’s response must refer to Health Records and Information Privacy Act 2002.  This is covered in Reading F. |

1. Helen also knows that she needs to comply with the provisions regarding confidentiality set out in mental health legislation. What is a possible consequence for Helen if she fails to comply with these requirements? (Your response should be approximately 20 words.)

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| Student’s response must demonstrate an understanding of at least one possible consequence of non-compliance with confidentiality requirements set out in mental health legislation.  Responses may include, but are not limited to, reference to:   * Helen’s client may sue her through the civil law courts for compensation for breach of confidentiality. * Helen may be reprimanded by her organisation. |

1. Recently Helen has been working with a 14-year-old client, Jacinta. Helen notices that Jacinta has several burn marks on her leg in various stages of healing. When Helen asked Jacinta about her injuries, Jacinta told Helen that she was not allowed to talk to other people about this or she would get into trouble. Jacinta refused to discuss the topic any further and asked Helen to promise not to tell anyone. However, Helen suspects that Jacinta is being abused and knows that she has an obligation to report such information.

What legal requirement informs Helen’s obligation to disclose such information? (Your response should be no more than 10 words.)

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| Student’s response must refer to a legal requirement related to child protection.  Responses may include, but are not limited to, reference to:   * Mandatory reporting. * Child protection legislation. * Children and Young Persons (Care and Protection) Act 1998 (NSW).   This is covered in Section 2 of the Study Guide and Reading G. |

1. In the space below, write down what Helen could say to Jacinta to clearly but sensitively explain the need to report this information. (Your response should be approximately 100 words.)

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| Student’s response must demonstrate an ability to clearly and sensitively explain to the client about the need to comply with mandatory reporting.  Example response:  “Jacinta, there are some situations that I am legally and ethically required to report – and one of those situations is when I think a child or young person is being harmed. What this means is that I will need to make a report about your situation. Then we can work together to get you the assistance that you might need to be safe. Do you have any questions?”  This question requires student to apply their knowledge of legal and ethical responsibilities as well as their professional and communication skills to provide a caring, respectful, and appropriate response. |

1. Briefly describe what Helen should do next in order to meet her obligation to report Jacinta’s information. (Your response should be approximately 20 words.)

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| Student’s response must demonstrate an understanding of how to respond in compliance with mandatory reporting.  Responses may include, but are not limited to, reference to:   * Discussing Jacinta’s case with her supervisor. * Following organisational policy and procedures. * Making a report to the relevant government department.   Other appropriate responses should also be accepted. |

Section 3

FULFILLING LEGAL AND ETHICAL RESPONSIBILITIES

Managing Ethical Dilemmas

3.1 Appropriately managing ethical dilemmas is often a challenging aspect of allied health practice.

a) What is an ethical dilemma? (Your response should be approximately 30 words.)

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| Student’s response must demonstrate an understanding of ethical dilemmas.  Example response:  “An ethical dilemma is a situation in which there is a conflict between different ethical principles and/or practices.” |

b) Provide an example of an ethical dilemma that an allied health assistant might face. (Your response should be approximately 30 words.)

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| Student’s response must provide an example of an ethical dilemma that an allied health might face.  Responses may include, but are not limited to, reference to situations involving:   * Conflict between allied health assistant responsibilities and client rights. * Management of professional boundaries and dual relationships. * Conflict of interest. * Values conflict.   Other appropriate responses should also be accepted. |

3.2 What is ‘dignity of risk’? (Your response should be approximately 30 words.)

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| Student’s response must demonstrate an understanding of dignity of risk.  Responses may include, but are not limited to, reference to:   * Clients have a right to make their own decisions regarding risk in order to allow them to experience life fully. * It is linked to the concept of promoting client autonomy.   Other appropriate responses may also be accepted. |

3.3 Peter is an allied health assistant who is currently working with a client, Bree. Bree tells Peter that she has been engaging in risky drug use in the wake of the breakup of her marriage. Peter is concerned that Bree’s drug use is not only impacting her but might also be impacting her ability to care for her five-year-old daughter. While Peter has observed no indications that Bree’s drug use is currently directly impacting upon her daughter (in fact Bree says that she restricts her drug use to the weeks that her ex has custody of their daughter), Peter does not personally see how Bree could truly be a good mother when she is engaged in drug use. Bree has told Peter that she does not wish to change her drug use at this time; instead, she only wants assistance in working through her feelings surrounding the breakdown of her marriage. Peter feels that he has a responsibility to try to assist Bree with her drug use but also knows that he should respect Bree’s wishes.

Peter feels conflicted and raises this issue in supervision. Peter’s supervisor encourages him to apply Proctor’s (2014) four-step model for ethical decision making. Briefly outline what Peter should do to apply this decision-making model. (Your response should be approximately 100 words.)

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| Student’s response must demonstrate an understanding of an ability to apply the four-step ethical decision-making model.  Responses should make some reference to the following four steps:   * Identify and describe the problem or dilemma and consider all perspectives in the situation, identifying laws, ethical frameworks, ethical principles, organisational values and rules, and sociocultural factors involved. * Consult with peers or experts, exploring one’s own feelings, intuitions, values, biases, self-interests and prejudices in the situation. * Identify possible courses of action, exploring the potential impact of each course and benefits and risks of each. * Using all these considerations select an action and take responsibility for justifying it and then monitor and evaluate the outcome. |

3.4 Which of the following actions would be appropriate for an allied health assistant to take when they are faced with an ethical dilemma. (Select all that would be appropriate)

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| **Action** | **Select if appropriate** |
| Make a quick decision based upon gut instinct |  |
| Gather all relevant information, clarify the nature of the issue, and look at it from multiple perspectives to ensure full understanding of the issue. |  |
| Consider the context of the situation and the rights, responsibilities and welfare of all involved |  |
| Consider the codes and standards of the organisation and the profession to determine whether they offer guidance |  |
| Consider all legislation and organisational policies to determine whether they document the actions that should be taken in such a situation |  |
| Discuss the full details of the issue with family and friends and ask for their advice |  |
| Consult with colleagues and supervisors to help ensure that all relevant factors have been considered |  |
| Brainstorm a number of possible solutions to the dilemma, consider each of the possible consequences, and review them in terms of their probable outcomes, risks, and benefits |  |
| Carefully review all relevant considerations, select a course of action, and document the decision-making process |  |

3.5 Imagine that you have been assisting Mei with rehabilitation after a sporting injury for the last three months at a physiotherapy clinic. During your latest session, Mei invited you to attend an award ceremony where she is to receive an award relating to a sporting achievement. She tells you that seeing you has really helped her, and she believed that without you she would not have been able to return to sport and achieve this award. You are unsure what to do about this invitation. You are concerned that accepting it would blur the boundaries of your professional relationship, but you are also worried that turning this down may damage the practitioner-client relationship.

a) Develop **five (5)** questions that you could ask yourself when considering whether to accept Mei’s invitation. (Your response should be approximately 75 words.)

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| Student’s response must provide **five (5)** questions that they could ask themselves to evaluate whether or not to accept this invitation.  Example responses from the Study Guide:   * Is the dual relationship necessary? * Is the dual relationship exploitive? * Who does the dual relationship benefit? * Is there a risk that the dual relationship could harm the client? * Is there a risk that the dual relationship could disrupt the therapeutic alliance? * Am I being objective in my evaluation of this matter? * Have I adequately documented my decision-making process? * Did the client give informed consent regarding the risks in engaging in the dual relationship? |

b) Who would you consult with before making your decision? Why? (Your response should be approximately 30 words)

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| Student’s response must indicate that they would consult their supervisor and outline why.  Example response:  “I would consult with my supervisor to gain the benefit of their perspectives, experience, and expertise, and to extend my understanding of relevant factors.” |

3.6 Another common ethical dilemma that can arise in allied health practice is conflicts of interest.

a) What is a conflict of interest? In your response you must provide an example of a situation that would constitute a conflict of interest. (Your response should be approximately 75 words.)

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| Student’s response must demonstrate an understanding of a conflict of interest and provide an example.  Responses may include, but are not limited to, reference to:   * A conflict of interest occurs when there is the potential to undermine the allied health assistant’s impartiality due to a conflict, potential or actual, between the allied health assistant’s self-interest and their professional responsibilities or the best interests of the client * Examples of conflicts of interest:   + Situations involving dual relationships and boundary violations.   + Accepting a disgruntled ex-client or ex-partner as a as a client.   + When an allied health assistant is in a position to receive personal or financial benefits based upon decisions made in practice.   + When an allied health assistant is in a position where the dual relationship could be perceived as inappropriate, as favouritism, or a power difference/imbalance.   Other appropriate responses should also be accepted. |

b) What is the general process that an allied health assistant should follow if they identify that they have a conflict of interest in order to appropriately manage the situation? (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of appropriate steps that an allied health assistant could take to manage a conflict of interest.  Responses should include, but are not limited to, reference to:   * Avoiding conflicts whenever they are foreseeable. * Disclosing conflicts when they do occur to supervisor/manager who will help decide the next steps based upon the specific situation and the organisation’s policies and procedures. * Following supervisors/manager’s instructions and documenting decisions and action taken. |

3.7 For each of the following situations, briefly outline the most appropriate action(s) for the allied health assistant to take. (Each response should be approximately 30 words.)

a) Trent is an allied health assistant assisting at a busy physiotherapy clinic. Trent’s sister has told him that her husband is currently having movement issues following a fall he took at work and has asked Trent if they can see him for physiotherapy treatment.

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| Student’s response must demonstrate an understanding of appropriate steps to take to manage this conflict of interest.  Responses must make some reference to the potential for others to see this as favouritism and should suggest the allied health assistant, if possible, refer to another physiotherapist or have another assistant assigned to the physiotherapist. |

b) Meg is an allied health assistant who works for a chiropractic clinic. When she is conducting an initial session with a new client, she realises that the client’s son has been reprimanded for bullying her son, who attends the same school.

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| Student’s response must demonstrate an understanding of appropriate steps to take to manage this conflict of interest.  Responses should make some reference to **consulting with supervisor/manager** to determine the most appropriate actions and following these instructions. |

3.8 Imagine that you are an allied health assistant treating Mike, who is seeking treatment with an occupational therapist. During treatment, Mike opens up about his struggle deciding whether to go to university or get a job after graduating from high school. Mike tells you that his parents would like him to go to university but that he isn’t passionate about studying anything and would really prefer to start making money so that he can move out of home and really begin his life. In your own family, you have been brought up to value education highly. During your conversation with Mike, you find yourself imposing your values and encouraging Mike to go to university. You realise that this is not appropriate professional behaviour.

Briefly outline three steps that you could take to address this issue and provide non-judgmental service to Mike. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of at least three appropriate steps to take to address this issue.  Responses may include, but are not limited to, reference to:   * Take a mental step back and work within the client’s value system. * Frame interactions with clients around the professional values of allied health assistance. * Monitor their practice by engaging in regular supervision. * Discuss situation with supervisor in order to monitor practice. * Consider referring client to another allied health assistants if unable to remain impartial. |

3.9 Imagine that you are out for dinner at a restaurant one night after work. While you are there you see another allied health assistant who works at your allied health organisation. You see that he is having dinner with a woman whom you know is currently a client of his. What should you do? (Your response should be approximately 30 words.)

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| Student’s response must demonstrate an understanding of an appropriate action to take.  Responses may include, but are not limited to, reference to:   * Refer concerns to supervisor. * Raise issue with colleague and supervisor. * Document the issue in a relevant workplace report. * Cooperate with management if they investigate matter. |

Contributing to the Improvement of Policies and Procedures

3.10 List three situations in which the management of an allied health organisation should ensure that their policies and procedures are reviewed. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of at least three situations in which organisational management should review policies and procedures.  Responses may include, but are not limited to, reference to:   * When there is a change in legal or ethical requirements. * As new guidelines and evidence on best practice emerge. * When incidents are occurring that indicate the policy is not working. * Regularly as part of the organisation’s annual review and planning.   Other appropriate responses may also be accepted. |

3.11 It is every worker’s responsibility to contribute to workplace improvements. Explain how you could contribute to the development and review of workplace policies and procedures. (Your answer should be approximately 100 words.)

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| Student’s response must demonstrate an understanding of at least two methods/steps that a worker/allied health assistant can take to proactively contribute to the development and review of workplace policies and procedures.  Responses may include, but are not limited to, reference to:   * Being familiar with current policies and procedures and being willing to make suggestions and contributing to discussion. * Pro-actively sharing feedback with colleagues. When you have dealt with an ethical issue, share your experience and lessons learned with colleagues and supervisors. You can work with the organisation management to review and improve their protocols and procedures to reflect legal and ethical responsibilities. You will learn more about common ethical issues in the following section. * Keeping up-to-date with current best practice through continuing professional education and sharing your knowledge with management and work colleagues. * Involving clients and other stakeholders in the consultation process. * Participating in committees and meetings set up to review policies and protocols. * Completing employee feedback forms.   Other appropriate responses may also be accepted. |

A Note on Allied Health Assistant’s Rights

3.12 When working as an allied health assistant it is important to remember that you also have a number of workplace rights.

a) What is the name of the key piece of Commonwealth legislation that is designed to protect the rights of workers in Australia? (Your response should be no more than 10 words.)

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| Student’s response **must** refer to the Fair Work Act 2009. |

b) List three specific workplace rights that are protected under the above piece of legislation. (Your response should be no more than 20 words.)

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| Student’s response must demonstrate an understanding of at least three specific workplace rights that are protected under the Fair Work Act 2009.  Responses may include but are not limited to, reference to:   * Workplace rights (e.g., maximum hours of work, wages, entitlements, etc) * The right to engage in industrial activities * The right to be free from unlawful discrimination * The right to be free from undue influence or pressure in negotiating individual arrangements.   This is covered in the Study Guide and Reading J. |

c) If you ever feel as though your workplace rights have been breached, which government agency would it be most appropriate for you to discuss the matter with? (Your response should be no more than 10 words.)

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| Student’s response must refer to the Fair Work Ombudsman. |

Integrating Your Knowledge

The following questions require you to draw upon all of the knowledge and skills you have learned throughout this section and previous sections of the Study Guide.

3.13 Imagine that you work for an Occupational Therapist. You share an administrative office with the Intake Officer. The Intake Officer conducts telephone intake assessments. After assessments, the Intake Officer records client names, dates of birth, and treatment needs on a whiteboard on the wall next to his desk. This allows the Intake Officer and other staff keep track of who is on the waiting list for the service and how long they may have to wait.

Residents are not typically allowed in this area however, today, a resident has come looking for you and enters the office while you are not there. He sees the client information that is written on the board.

1. What client rights does this incident violate? (Your response should not be more than 10 words.)

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| Student’s response must demonstrate an understanding that this violates client rights to **privacy and confidentiality**. |

1. You are concerned about this incident and think that organisational policies and procedures need to be updated to ensure that similar situations do not happen again. Complete the feedback form below by filling in the indicated spaces including a summary of the issue and at least one suggestion to address it. (Your total response should approximately 100 words.)

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| Student’s response must demonstrate an ability to complete feedback form with at least one appropriate suggestion for improving organisational policy/procedure to better meet client’s rights to confidentiality.  Feedback details must outline:   * the problem (e.g., that client information is recorded in the open which breaches client privacy) **and** * a potential solution (e.g., client information should not be recorded on whiteboard and instead in secure files).   An example of a complete employee feedback form was provided to students in the Study Guide. |
| **EMPLOYEE FEEDBACK FORM**  *Use this form to record any workplace health and safety hazards, and comments or suggestions for improvement regarding services, processes and procedures.*  *Please forward the completed form to the Manager or Program Supervisor.*  **Employee details**  Name: Student Name Date: Date  Contact no.: 12 34567899  **Feedback details**  (Please record your comments or suggestions)    To be completed by Manager or Program Supervisor  Action taken: |

3.14 Imagine that you have just started working as an allied health assistant for a small allied health organisation. To prepare for your role you read through the organisation’s policies, procedures, and resources. As you are reading through these documents you notice that your organisation’s procedures make no specific reference to the exceptional circumstances that may require confidentiality to be breached and, while the organisation’s privacy contract includes a statement about confidentiality, the limits of confidentiality are not clearly defined. An extract from the organisation’s contract is shown below.

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| **Confidentiality**  All information shared during the course of treatment will be kept private and confidential. However, in exceptional circumstances, allied health professionals may be required to break confidentiality as per the legislative requirements. |

a) Briefly describe what step(s) you would take to address this issue and contribute to improvement of work practices. (Your response should be approximately 50 words.)

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| Student’s response should demonstrate an ability to share feedback with supervisors/manager in order to contribute to improvement of work practices.  Example response:  I will discuss this issue with my manager and suggest that policy/procedures and the contract statement be amended to provide clear information about the exceptional circumstances in which allied health assistants may be required to break confidentiality. |

b) In the space below, write what you would suggest the confidentiality statement in the organisation’s contract be amended to in order to help ensure that clients are fully informed of the limits of confidentiality. (Your response should be approximately 100 words.)

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| Student’s response must provide an appropriate amended statement that clearly outlines the exceptional circumstances in which confidentiality may be breached.  Example response:  “All information shared during the course of treatment will be kept private and confidential. However, allied health assistants are required to break confidentiality during some exceptional circumstances:   * If the allied health assistant considers you to be at risk of seriously harming yourself or someone else. * If your allied health assistants records have been requested by a court of law. * If another party or agency has requested your information, and you have agreed and provided your written consent to this.” |

3.15 Imagine that you have just been started working as an allied health assistant for a speech pathology clinic that works in conjunction with local high schools. Your duties largely involve providing general support to high school students, assisting the speech pathologists with intake, and other small tasks throughout the day. During your induction, you review the organisation’s policies and procedures. You find out that under the existing policies and procedures, parents are automatically informed when their child requests a to see a specialist regardless of the client’s age or issue being discussed. You raise this with one of the existing speech pathologists who tells you that they think the policy is a bad idea and that they have previously received reports from students and teachers that this policy is preventing students from seeking help for issues such as bullying or family conflict.

You also note that the organisation currently has no policy/procedure in place for responding to disclosures of abuse and mandatory reporting. Additionally, you note that client records and case notes are being stored on a shelf in the speech pathologist’s offices with the client’s names clearly visible. While this office is usually just for the allied health assistants and professionals of the organisation, it is also open to various administration and cleaning staff and, from time to time, clients also come into this office.

1. Briefly outline three legal/ethical issues that the organisation’s current policies and procedures are not appropriately addressing. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of at least three legal/ethical issues in the scenario.  Responses may include, but are not limited to, reference to:   * Client rights to autonomy vs. parental rights. * Mandatory reporting responsibilities. * Confidentiality. * Privacy and records management.   Other appropriate responses may also be accepted. |

1. You think that the organisation needs to review their policies and procedures. You decide to write an email to your supervisor to briefly outline your concerns and the suggestions that you have for improving organisational policies and procedures in order to better meet legal and ethical requirements.

In the space below, compose this email. Be sure to explain the issues that you have noticed and at least one improvement you suggest making to organisational policies and procedures to address each issue. (Your response should be approximately 150 words.)

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| Student’s response must demonstrate an understanding of at least one appropriate improvement to be made to organisational policies/procedures to address each of the issues they identified in Part A of the question. Student’s response must also demonstrate an ability to appropriately share feedback with supervisor in a professional way (e.g., the email must be professionally worded).  Responses should include an assessment of the problem and suggestions for improvement and may include, but are not limited to, reference to:   * Developing a policy related to child protection. * Ensuring all student information is kept private (i.e., putting student files in a locked filing cabinet). * Reviewing the policy on informing parents to facilitate client autonomy. |