**Marker Guide 6**

**DIPLOMA OF PRACTICE MANAGEMENT**

Manage Legal and Ethical Considerations

CHCLEG003



Third Edition, July 2023

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SHORT RESPONSE QUESTIONS

Section 1

PRACTICE MANAGEMENT AND LEGAL FRAMEWORKS

Legal Framework of Practice Management

1.1 List three (3) human rights that are protected under the Universal Declaration of Human Rights. Hint: See Reading A. (Your response should be approximately 75 words.)

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| Responses may vary but **must** demonstrate an understanding of human rights which are protected by the Universal Declaration of Human Rights. Responses **must** include **three** examples of human rights, as outlined in the Universal Declaration of Human Rights. Responses **may** make reference to, but are not limited to, three of the following:* All humans are born free and equal in dignity and rights
* Everyone is entitled to all rights and freedoms set forth in the Declaration, without distinction of any kind
* Everyone has the right to life, liberty and security of person
* No one shall be held in slavery or servitude, and slavery and the slave trade shall be prohibited in all of its forms
* No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment
* Everyone has the right to recognition everywhere as a person before the law
* All are equal before the law and are entitled without any discrimination to equal protection of the law and equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination
* Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law
* Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law
* No one shall be subjected to arbitrary arrest, detention or exile
* Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him

Marker’s Note: The full Universal Declaration of Human Rights is covered in Reading A. Other responses may be accepted but **must** relate to the articles outlined in Reading A. Responses which do not relate to any of these 30 articles are **not** acceptable.  |

1.2 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 40 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 individuals require to thrive.” |

1.3 In the Study Guide, you learn about human rights-based approach to service delivery.

a) What is a human rights-based approach? How can it be used to promote human rights within practice management? (Your response should be approximately 75 words.)

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| Students’ response must demonstrate an understanding of rights-based approach to service delivery and how such approach is likely to promote compliance with human rights frameworks.Responses may include reference to:* Rights-based approach is rooted in human rights principles of human dignity, nondiscrimination, participation, transparency, and accountability.
* This approach goes beyond addressing clients’ immediate needs (i.e., needs-based approach) to supporting the clients to claim the rights they are entitled to.
* By working from a rights-based approach, practice managers and the organisation are incorporating human rights principles in work and processes, such as making sure that all relationships are built upon equality and respect.

Other appropriate responses should also be accepted. |

b) Outline three (3) instruments or tools that an organisation could use to integrate human rights-based principles in its operations. (Your response should be approximately 60 words.)

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| Student’s response must demonstrate an understanding of at least three instruments that can be used to monitor application of human rights framework.Responses may include reference to:* Organisational policies and procedures – make sure they are compatible with human rights frameworks.
* Service planning and design – make sure they are planned and designed with human rights in mind.
* Decision-making model/processes that incorporate consideration of human rights.
* staff induction, performance management and professional development processes that incorporate human rights considerations.
* Support and procedures in place to encourage staff and clients to raise any human rights concerns.
 |

1.4 In Australia, it is considered a fundamental principle that all people are free to enjoy the same human rights regardless of personal characteristics such as their age, disability, race, or sex.

a) List three (3) different Commonwealth laws that help to protect people from discrimination. (Your response should be approximately 20 words.)

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| Student’s response **must** demonstrate an understanding of Commonwealth laws which protect people from discrimination. Responses **may** include, but are not limited to, **three** of the following:* Age Discrimination Act 2004
* Disability Discrimination Act 1992
* Racial Discrimination Act 1975
* Sex Discrimination Act 1984
* Australian Human Rights Commission Act 1986
* Mental Health Act 2007
 |

b) Identify the state/territory that you are living in and the anti-discriminatory law specific to your jurisdiction. (Your response should be approximately 20 words.)

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| Student’s response **must** indicate the state or territory in which they live, and must identify the correct corresponding government body which addresses discrimination, harassment and bullying in that jurisdiction. Student’s response **must** identify **one** of the following:* ACT - *Discrimination Act 1991*
* Tasmania - *Anti-Discrimination Act 1998*
* South Australia - *Equal Opportunity Act 1984*
* NSW - The Anti – *Anti-Discrimination Act 1977*
* NT - *Anti-Discrimination Act 1996*
* QLD – *Anti-Discrimination Act 1991*
* WA - *Equal Opportunity Act 1984*
* Victoria - *Equal Opportunity Act 2010*

Example Response:“I live in South Australia. The anti-discriminatory law specific to my jurisdiction is *Equal Opportunity Act 1984.* |

1.5 It is important to obtain a client’s informed consent when providing services.

a) List three (3) types of information that a practice manager would need to provide a client with in order to help ensure that they fully understood and were making an informed decision to engage in a service. (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate an understanding of the type of information that should be provided to clients in order to obtain informed consent. Responses **may** include, but are not limited to, **three** of the following:* the purpose of services being offered,
* how services will be provided,
* any risks involved,
* the limits of each service,
* client’s rights and responsibilities
* confidentiality and its limitations.

Other appropriate responses should also be accepted. |

b) In what way does obtaining informed consent in practice management 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 practice manager 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.
 |

1.6 It is important for practice managers to ensure that clients are aware of their rights and responsibilities.

a) List three (3) things that you would tell a client about their rights*.* Hint: see the table under the **Informed Consent** subheading in the Study Guide.(Your response should be approximately 50 words.)

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| Student’s responses **must** demonstrate an understanding of client rights. Responses **may** include, but are not limited to, **three** of the following: * You have the right to know who the staff are and what they do
* You have the right to know what support you can get from the service and how to access that
* You have the right to know how you can have input and be involved in discussions
* You have the right to be given correct information
* You have the right to know what information is kept about you and how to access that information.
* You have the right to choose another opinion or service
* You have the right to ask questions and have them answered
* You that the right to know the options available to you and the cost of these.
* You have the right to express your complaints through the grievance procedure
* You have the right to know that any information given will not be shared with anyone unless you agree, EXCEPT in cases which are life threatening, where you or someone else is at risk of harm, or when legally obligated.
 |

b) List three (3) things that you would tell a client about their responsibilities. Hint see the table under **the Informed Consent** subheading in the Study Guide. (Your response should be approximately 50 words.)

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| Student’s responses **must** demonstrate an understanding of client responsibilities.Responses **may** include, but are not limited to, **three** of the following: * To treat others with dignity and respect
* To manage feelings without abusive language, behaviour or aggression.
* To inform staff about special needs
* To notify us if you are unable to keep a scheduled appointment or if you are running late.
* To arrive for appointments without being under the influence of drugs or alcohol.
 |

1.7 Managers of allied health organisations must ensure that there are specific policies and procedures in place to help ensure that workers comply with privacy, confidentiality, and disclosure requirements.

a) How does the *Privacy Act 1988* help to ensure the protection of people’s personal information? (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate an understanding of how The Privacy Act 1988 helps to protect personal information. Responses **must** make reference to the fact that the Privacy Act regulates how personal information is to be collected, stored and disclosed, as well as who is allowed to access and make amendments to stored information.Example response:The *Privacy Act 1988* helps to protect people’s personal information by regulating how information is to be collected, stored and disclosed, and who is allowed to access and make changes to stored information.  |

b) What rights does Australia’s privacy legislation grant clients in relation to the information held about them? (Your response should be approximately 30 words.)

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| Student’s response **must** demonstrate an understanding of clients’ rights in relation to Australian privacy legislation. Responses **may** make reference to, but are not limited to:* Accessing information held about them
* Changing information held about them
* Making a complaint if they believe that their privacy has been compromised.
 |

c) Organisational policies and procedures about confidentiality are influenced by the *Privacy Act 1988*. This Act does allow for an individual’s confidentiality to be breached in some circumstances. List three (3) examples of circumstances in which it would be appropriate to breach confidentiality (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate an understanding of the legal limits of confidentiality within practice management and three circumstances when it would be appropriate to breach confidentiality. Responses **may** include, but are not limited to, reference to:* When the client needs to be protected from harming themselves (e.g., if suicidal)
* Where others need to be protected (e.g., if the client has threatened to harm others)
* If the health and/or welfare of a client is at risk
* If a worker (or the client file) is subpoenaed by a court of law
* If the client gives consent for the practice manager to share their information with another service provider.
 |

d) List three (3) types of organisational policies, procedures, or documents that the management of an organisation could develop to ensure staff compliance with privacy, confidentiality and/or disclosure requirements. (Your response should be approximately 20 words.)

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| Student’s response **must** demonstrate an understanding of the types of policies, procedures or other documents that could be developed to help ensure compliance with privacy, confidentiality, and disclosure requirements. Responses **may** include, but are not limited to, reference to:* Confidentiality policies
* Privacy policies
* File storage / record keeping policies
* Informed Consent/Providing clients with a confidentiality statement
* Disclosure of information / consent form policies before information can be released
* Clients Rights and Responsibilities statement
 |

1.8 Practice managers must be knowledgeable about the mandatory reporting requirements that might apply to their role.

a) Name the federal legislation that sets out mandatory reporting requirements. (Your response should be no more than 5 words.)

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| Students’ responses must refer to the Family Law Act 1975. |

b) 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 and/or Crimes Act 1958 |
| Western Australia | Children and Community Services Act 2004 and/or Family Court Act 1997 (WA) and/or Family Court Act 1997 (WA) |

1.9 As each state/territory has slightly different requirements on WHS, it is important for you to refer to the most relevant regulatory body for information. Identify the state/territory you are located in, and the WHS regulator you should refer to. (Your response should be approximately 20 words.)

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| Students’ response must identify the state/territory they are in and the relevant WHS regulatory body.Responses must include one of the following:* SafeWork NSW
* WorkSafe ACT
* WorkSafe WA
* Workplace Health and Safety Queensland
* SafeWork SA
* WorkSafe Tasmania
* WorkSafe Victoria
* NT WorkSafe
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1.10 In Australia, industrial relations legislation impacts all employment relationships, including health and community services organisations and practice managers.

a) Name the Act and Regulation which govern the employee/employer relationship in Australia. (Your response should be approximately 20 words.)

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| Student’s response **must** demonstrate an understanding of the types of national industrial relations legislations which govern the employee/employer relationship in Australia. Responses **must** make reference to the following:* The Fair Work Act 2009
* Fair Work Regulations 2009
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b) What is the purpose of industrial relations legislation? (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate an understanding of the purpose of Industrial Relations legislation. Responses **must** make reference to the following:* This legislation outlines the minimum obligations and entitlements of employers and employees.
* It helps to ensure access to flexible working arrangements and fairness at work, and helps to prevent discrimination against employees.
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c) List two (2) key features of the National Workplace Relations (‘Fair Work’) System. (Your response should be approximately 30 words.)

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| Student’s response **must** demonstrate an understanding of the key features of the National Workplace Relations System. Student’s response **must** make reference to **two** of the following: * 11 minimum National Employment Standards.
* Awards that apply nationally for specific industries and occupations.
* The national minimum wage.
* Protection from unfair dismissal.
 |

d) List five (5) minimum entitlements that must be provided to all employees. (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate an understanding of the minimum entitlements that must be provided to all employees. Student’s response **must** include **five** of the following:* Maximum weekly hours.
* Requests for flexible working arrangements.
* Offers and requests to convert from casual to permanent employment.
* Parental leave and related entitlements.
* Annual leave.
* Personal/carer's leave, compassionate leave and unpaid family and domestic violence leave.
* Community service leave.
* Long service leave.
* Public holidays.
* Notice of termination and redundancy pay.
* Fair Work Information Statement and Casual Employment Information Statement.
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Source Information for Legal Compliance

1.11 What are plain English documents, and how could they help you to understand your compliance requirements? (Your response should be approximately 30 words.)

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| Student’s response **must** demonstrate an understanding of plain English documentation that explains legislation.Example Response:“Plain English documents can help you to understand your compliance requirements, as they explain legislation in very simple and easy to understand terms. “ |

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 You are a practice manager working at United Services, an allied health organisation in Geelong, Victoria, that provides a range of support services to clients in the community, including mental health services. You manage several health administrators.

a) Imagine that a young disabled client, Kendra (aged 14) makes some comments to a health administrator that leads them to suspect that she might be sexually abused. When the health administrator raises this with Kendra, she confirms their suspicions. Kendra explains that her uncle is sexually abusing her but asks not to tell anyone because she is ashamed and also scared that he will become violent if anyone finds out.

Based on Reading B, outline what legal responsibilities does the health administrator have in this situation. (Your response should be approximately 75 words.)

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| Student’s response **must** demonstrate an understanding of a pracice manager’s legal responsibilities in regards to mandatory reporting by interpreting information relevant to own area of work, and determine legal responsibilities.Responses **must** indicate the necessity for you to break confidentiality and report the abuse to the relevant authorities and/or to the supervisor or manager. Example response:In the State of Victoria, all adults are considered to be mandatory reporters, and are required to report incidents of sexual abuse. Therefore, the health administrator would explain to Kendra the need to break confidentiality in order to keep her safe from harm and would report the issue to my supervisor or manager, in this cases me, as well as the relevant authorities.  |

b) Imagine that you are not sure if Reading B is updated, and you want to make sure you have the most updated information about mandatory reporting to ensure you are complying with the requirements. Identify two (2) other sources of information you could use to obtain information regarding how to comply with mandatory reporting in your context of work.

Hint: This may be a website, publication, resource that is accessible to you. If you are providing a web-based source, make sure to provide the respective website/URL.

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| Student’s response **must** demonstrate the ability to identify two relevant sources of information about disability act or relevant compliance requirements. Responses may include reference to:* Australian government websites relevant to Commonwealth and Victorian legislation – e.g. <https://www.legislation.gov.au>, and <http://www.legislation.vic.gov.au/> (NOTE: government websites for other states and territories (other than Victoria) are not acceptable answers, as the question states that the organisation is based in Victoria.)
* Other publications or websites that contain information regarding mandatory reporting obligation of a practice manager in Victoria – can be generic or specific to context.
 |
| Source 1: | *Name:**Published/owned by:**Date:**URL (if applicable):* |
| Source 2: | *Name:**Published/owned by:**Date:**URL (if applicable):* |

c) As the practice manager, what legal responsibilities would you have in relation to this issue or situation? Hint: Consider the responsibilities of supervisors/managers of mandatory reporters. (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate the ability Responses **must** make reference to:* Making sure that staff are reporting situations in which a client is at risk of harm.
* Training staff in the organisation’s policies and procedures as well as their legal responsibilities in relation to mandatory reporting.

Example response:As the practice manager, I would be responsible for supporting and monitoring that the health administrator is complying with their duty, which is reporting what Kendra has told them. I also needs to make sure they have completed all documentation required by the organizational policies and procedures. I would then likely need to make a report myself or refer to relevant authorities. |

Section 2

Ethical Responsibilities

An Ethical Framework for Practice Management

2.1 Briefly explain what ‘code of ethics’ and ‘code of practice’ are and how they help to ensure ethical practice. (Your response should be approximately 100 words.)

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| Student’s response **must** demonstrate an understanding of what a code of ethics and a code of practice are, and how these codes help to ensure ethical practice. Responses **may** make reference to, but are not limited to, the following: * The code of ethics outlines the ethical standards that workers are required to adhere to.
* A code of ethics is sometimes complemented by code of practice.
* the **code of ethics**outlines the core ethical principles that members are expected to abide by, while the **code of practice**sets out guidelines about how practice managers should deliver services so that their practice reflects these ethical principles.
* Codes of ethics and codes of conduct can be used to help guide ethical practice and decision-making and can help practice managers to appropriately address ethical dilemmas.
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2.2 Briefly explain what practice standards are and how they are used in a practice management work context. (Your response should be approximately 75 words.)

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| Student’s response **must** demonstrate an understanding of what practice standards are, and why it is important for practice managers to adhere to them. Response **may** include, but are not limited to, reference to:* Practice Standards are specific guidelines that outline what is required for effective, professional and accountable practice in practice management
* Practice standards can be considered as the minimum expectation of practice.
* By adhering to practice standards, practice managers can ensure they are adhering to specific legislative requirements in a correct manner.
* Practice managers may also use it to reflect upon and reflect upon and assess their practice and determine aspects that they could improve on.
 |

2.3 Jung En works as a practice manager in an occupational therapy clinic that assists people with physical disabilities and injuries based in Queensland.

 Identify two (2) policy frameworks that applies to Jung En’s work context. (Your response should be approximately 15 words.)

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| Responses must provide two relevant policy frameworks to a practice manager working in occupational therapy in Queensland.Responses may include reference to:* National Standards for Disability Services
* Human Services Quality Framework

Other relevant responses may also be accepted. |

2.4 What is a ‘code of conduct’ and when should practice managers refer to this document? (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of code of conduct and when counsellors should refer to the document.Example response:“A code of conduct provides practice managers with guidance on organisational standards and behaviours that they are expected to display. Practice managers should always comply with their code of conduct but it can be particularly useful to refer to it when facing ethical dilemmas.” |

Key Considerations for Ethical Practice

2.5 All practice managers have a duty of care towards their clients.

a) Briefly describe what is meant by the term “duty of care”. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of what duty of care is.Example response:“Duty of care is the responsibility practice managers have towards their clients to take all reasonable steps to avoid clients coming to harm through their actions or failure to act.” |

b) Outline three (3) things that practice managers and other allied health workers must do in order to help ensure that duty of care obligations are met. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of actions which are necessary for fulfilling duty of care obligations.Responses may include, but are not limited to, **three** of the following:* Recognise when people are at risk or injury from themselves or others;
* Determine when harm or injury is foreseeable;
* Not intentionally harm or injure another person;
* Safeguard others and support people to take risks as safely as is possible;
* Ensure clients are consulted, involved and informed in decision making;
* Ensure client’s rights are not compromised;
* Recognise that some risks are reasonable;
* Act within the organisation’s values;
* Seek advice and support when confronted with issues that challenge duty of care and dignity of risk;
* Avoid discrimination and overly restrictive options;
* Report concerns or incidents about the client’s safety;
* Seek medical advice about the clients decision making ability and Guardianship orders where necessary;
* Maintain appropriate documentation.
 |

2.6 In considering duty of care obligations, practice managers must also consider ‘dignity of risk’.

a) Explain what ‘dignity of risk’ mean and how this principle applies to practice management work. (Your response should be approximately 100 words.)

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| Student’s response **must** demonstrate an understanding of what dignity of risk means.Responses **may** include, but are not limited to, reference to:* The term ‘dignity of risk’ is used in relation to practice management as part of a recognition that a client may need to take appropriate risks to grow, develop, and add meaning to their lives.
* Dignity of risk is tied up with duty of care in that practice managers have a responsibility to prevent clients from coming to harm, however, clients also have the right to take risks, fail and learn from their mistakes.
* If practice managers act to prevent every conceivable type of risk, their clients may not get the opportunity to experience some of the same life events as their peers
* Dignity of risk introduces the concept that a little risk in life is enriching and promotes learning
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b) List four (4) key points that practice managers should consider when balancing duty of care and dignity of risk. (Your response should be approximately 75 words.)

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| Student’s response **must** demonstrate an understanding of key points to consider when balancing Duty of Care and Dignity of Risk. Responses **may** make reference to, but are not limited to, the following:* Assess the possible harm and see how likely it will be to occur and, if it does occur, to what extent the harm would be.
* Assess the likely benefits that the client might gain from the activity and the extent of these benefits.
* Actively look for ways to reduce the risk of harm without losing the benefits of the activity.
* Assess the possible harm against the benefit.
 |

2.7 Establishing and maintaining professional boundaries with clients is integral to ethical practice management.

a) Whose responsibility is it to establish and maintain professional boundaries in the relationship between a practice manager and a client? (Your response should be approximately 20 words.)

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| Student’s response **must** demonstrate an understanding of responsibilities for maintaining practitioner/client boundaries.Responses **must** indicate that it is the practice manager’s responsibility to manage professional boundaries. |

b) Provide five (5) examples of signs that could indicate that a practice manager is crossing professional boundaries. (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate an understanding of signs of boundary violations between a practitioner and client. Responses **may** include, but are not limited to, **four** of the following: * Developing strong feelings for the client;
* Spending more time with this client than others;
* Having very personal conversations with the client;
* 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.
 |

2.8 Maintaining clear and consistent work-role boundaries is important for workers’ and clients’ wellbeing.

Briefly outline a practice manager’s role in relation to working with clients and identify at least two limitations of this role. (Your response should be approximately 60 words.)

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| Students’ response must demonstrate an understanding of a practice manager’s work role boundaries, including their responsibilities (in general) and two limitations of this role.Responses may include reference to:* practice managers generally support clients with assessment, accessing services, and/or advocacy.
* Depending on context, some practice managers may manage medication of clients, drive clients to services or work with families instead of individual clients.
* Limitations may include making decision or acting on behalf of clients; diagnosing clients etc.
 |

2.9 It is important for practice managers to commit to continuing professional education or development. List five (5) ways in which a practice manager could continue their professional development. (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate an understanding of activities for continuing professional development as a practice manager. Responses **may** include, but are not limited to, **three** of the following:Asking about internal training opportunities offered by the organisation* Professional training and development courses
* Self-study or educational courses
* Professional workshops, seminars, conferences, and lectures
* Self-directed learning activities such as TED Talks, Youtube and Google Scholar
* Reading books, journal articles, websites and professional blogs, and listening to podcasts
 |

2.10 Imagine that you work for a local allied health organisation. Your organisation requires practice managers complete at least ten hours of professional development annually, including a First Aid qualification. A training register is used to record staff’s training history. Complete the following table by identifying the rights and responsibilities of workers and the organisation (employer) in relation to monitoring and fulfilling requirements on professional development. (Your total response should be approximately 50 words.)

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| Students’ response must demonstrate an understanding of the rights and responsibilities of workers and employers in relation to continuing professional development.Example responses are provided below. |
| 1. Worker has a right to:
 | “access opportunities of PD and First Aid training” |
| 1. Worker has a responsibility to:
 | “make sure I have completed at least ten hours annually including First Aid qualification, and document it on training register.” |
| 1. Employer has a right to:
 | “have staff comply with training requirements and they may have the right to dismiss staff who fail to comply” |
| 1. Employer has a responsibility to:
 | “Allow access to PD opportunities.Monitor training register and make sure all training requirements are completed to meet legal and ethical compliance relevant to the workplace.” |

2.11 Imagine that you have been working with a client, Kenneth, for the past six months. When Kenneth first presented to your organisation, he was an extremely shy and socially anxious individual who experienced great difficulty talking to and trusting others. Throughout his visits, you have built a strong working relationship with him. Over the past few months, you have observed Kenneth become more confident and capable, and he has now managed to complete a Diploma of Business. He has invited you to attend his graduation ceremony in a few weeks’ time. He tells you that it is important to him that you are there, as you helped him to believe in himself. You want to support him and his achievements; however, you are unsure about whether it would be ethically appropriate for you to attend.

 Follow the prompts provided in the table below, adapted from the ethical decision-making model in the Study Guide, to help you determine the most appropriate actions or response to Kenneth. (Your total response should be approximately 200 words.)

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| Students’ response must demonstrate their ability to determine their ethical responsibilities in this situation and make an appropriate, ethical response.Example responses are provided below. Other appropriate responses should also be accepted. |
| 1. What ethical framework should I refer to in order to make this decision and why?

(Hint: think about where you might find information about your ethical responsibilities.)  | “Organisational code of conduct because it sets out what the expectations are on my professional behaviours” |
| 1. What is my duty/role as a practice manager? Does this fit within my scope of practice?
 | “My role is to provide support to Kenneth to access services he needs in order to reach the goals he set. Attending his graduation ceremony is not technically part of my role.” |
| 1. Would my actions or decision be conflictual with my responsibilities to other workers, clients and the broader community? If so, how?
 | “If I attend the graduation, it may be confusing to other workers in terms of the expectations of behaviours. My attendance will mean a lot for Kenneth, though it may blur the professional boundaries we have in place. To other clients, this may mean inconsistency in services I provide. To the broader community who may not know what practice manager’s role involves, they may have a wrong impression on the professional relationships. “ |
| 1. With the considerations above, the most appropriate action/s for me to take is:
 | “I will thank Kenneth for inviting me, and express my desire of witnessing his important moment in life. However, I have a responsibility to uphold my professional conduct therefore I will politely decline his invitation in person, while sending him all my best wishes. I will also ask that he show me some photos so I can share his joy from afar.” |

2.12 It is important for practice managers and others working in the allied health organisation to model ethical behaviour in their own work. Read through each of the following scenarios and consider whether the practice manager is role-modelling ethical and appropriate behaviour.

a) Tracey is a practice manager for an allied health organisation. Cameron has been coming to the organisation for several months and has built a good working relationship with the professionals there, including Tracey. Recently, Cameron became aware that one of his close friends, Alex, is also a client at the organisation when the two of them ran into each other in the organisation’s waiting room. Cameron asks Tracey what Alex is seeking help for, as he is concerned about his friend. Tracey tells Alex that she understands his concern for his friend but that, according to legislation and organisational policy, she cannot discuss clients’ personal information without their consent.

Is Tracey’s behaviour ethical and appropriate? Justify your answer. (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate an understanding of appropriate and inappropriate behaviours in practice management. Responses **must** indicate that Tracey’s behaviour **is** ethical and appropriate, as she is complying with legislation and organisational policy surrounding privacy and confidentiality of client information. Example response:“Tracey is demonstrating ethical and appropriate behaviour by refusing to discuss Alex’s personal information with her other client, Cameron. By doing so, she is protecting the privacy and confidentiality of Alex’s personal information and is complying with privacy legislation and company policy.” |

b) Byron (aged 24) works as a practice manager for an allied health organisation . Byron enjoys going out on the weekends and drinking with his friends. He frequently drinks to excess and engages in risky and illegal behaviour (e.g., taking drugs) while under the influence of alcohol. He often posts pictures of these drunken nights on his Facebook page, which is accessible to the public and lists his full name, occupation, and the name of the organisation he works for. Many of Byron’s young clients have seen these pictures and will often share a laugh with Byron about their own drunken and illicit activities.

Is Byron’s behaviour ethical and appropriate? Justify your answer. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of appropriate and inappropriate behaviours in practice management. Responses must indicate that Byron’s behaviour is **not** ethical or appropriate, as he is engaging in drunken and risky/illegal behaviour in public and posting evidence of these behaviours on a social networking site accessible to clients. Example Response:“Byron’s behaviour is not ethical or appropriate, as he is engaging in drunken and risky behaviour in public, and is posting evidence of this behaviour to a social networking site which is accessible to clients, and on which he and his organisation are clearly identifiable. This reflects negatively upon the organisation and him as a professional and presents a negative example for the young people he works with.” |

c) Katelyn is a practice manager for an allied health organisation. Travis has been a client for the past six months. He was in a car accident which has left him with severe injuries that he is still recovering from and which have placed him under immense financial strain, and have caused him to develop severe depression and anxiety. Katelyn greatly admires Travis’s perseverance in engaging with his service provision despite the adversity he is currently facing, and always refers to him as her “favourite” client. She always makes sure to give him preferential treatment and attention and will frequently put other clients’ concerns and requests on hold in order to attend to Travis first.

Is Katelyn’s behaviour ethical and appropriate? Justify your answer. (Your response should be approximately 50 words.)

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| Student’s response must demonstrate an understanding of appropriate and inappropriate behaviours in practice management. Responses must indicate that Katelyn’s behaviour is **not** ethical or appropriate, as she is giving preferential treatment or attention to one individual client.Example response:“Katelyn’s behaviour is not ethical or appropriate behaviour, as she is giving preferential treatment and attention to Byron, above and beyond her other clients. Katelyn should be providing equal care and attention to all of her clients.” |

Section 3

POLICIES AND PROCEDURES

Policies and Procedures

3.1 Briefly outline how organisational policies and procedures are used to manage legal compliance and promote ethical practice in the following aspects. (Your response should be approximately 60 words.)

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| Student’s response must demonstrate an understanding of the use of policies and procedures in managing compliance and ethical practice in organisation.Responses should include references to:* Policies outline the principles that guide decision making, informed by relevant legislation and service delivery whereas procedures provide more detailed instructions about how policies should be carried out by employees.
* These documents outline how specific legislation or ethical principles apply to the organisation’s context and work in order to ensure legal and ethical compliance.
* They provide practice managers with a set of clear guidelines for how the organisation operates (internal work practice) and how client work (external service delivery) should be completed so that it is lawful and complies with all organisational values and practices.
 |

Common Policies and Procedures in Practice Management

3.2 Why do allied health organisations have work health and safety policies and procedures that practice managers and all other workers must abide by? (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate an understanding of the importance of having policies and procedures in place to ensure workers’ and clients’ health and safety. Responses **must** reflect the following (in the student’s own words): * All workplaces hold potential risks to an individual’s physical and emotional health and safety
* Organisations should have specific policies and procedures in place to minimise these risks.
* Practice managers need to comply with these policies and procedures to help ensure that their workplace is safe and does not jeopardize the health of workers or clients
 |

3.3 One aspect of WHS to consider is the presence of children in the service environment.

a) If the organisation that you work in does not see child clients, should the organisation consider developing children in workplace policy and procedures? Justify your reasoning. (Your response should be approximately 50 words.)

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| Students’ response should indicate **yes** and provide reasonable explanation demonstrating an understanding of how this consideration apply in the workplace.Responses **may** make reference to the following:* Children might come into the workplace as clients, the children of clients, or even the children of employees.
* From a legal perspective, the organisation has a responsibility for the safety of every person attending the service venue.
* Practice managers and organisation also have a duty of care to the wellbeing of clients and their children
 |

b) Imagine that you are responsible for developing children in the workplace policy and procedures. Outline two (2) things that you would incorporate in the documents to promote legal and ethical compliance. Hint: Consider how an organisation can help to ensure the health and safety of workers, clients, and their children while on premises. (Your response should be approximately 100 words.)

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| Student’s response **must** demonstrate an understanding of children in the workplace requirements. Responses **may** make reference to the following:* Children might come into the workplace as clients, the children of clients, or even the children of employees.
* Risk assessment and management procedures should account for the possible presence of children in the workplace
* Children should not be left unsupervised (e.g., If a client presents for service with their children with the intention of leaving their children in the waiting room during the session.)
* In such cases, workers should discuss the potential safety issues with the client and reschedule the appointment for a time when the client can obtain supervision for their children.
 |

3.4 Complaints management is an essential aspect of monitoring compliance in work practices.

a) Outline the role of complaints management policies and procedures in managing legal compliance and ethical practice in client service delivery. (Your response should be approximately 50 words.)

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| Students’ response must demonstrate an understanding of the role of complaints management policies and procedures in managing legal compliance and ethical practice in client service delivery.Responses may include reference to:* Complaints management procedures is one way to uphold client’s right to complain.
* It helps organization to identify issue in service delivery and address them.
* Increases accountability of organisation which promotes compliance.

Other appropriate responses may also be accepted. |

b) Describe how allied health organisations may use a complaints management system to manage compliance and ethical practice in internal work practices, such as worker relations, ethical management practices. (Your response should be approximately 50 words.)

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| Students’ response must demonstrate an understanding of the role of complaints management policies and procedures in managing legal compliance and ethical practice in internal work practices.Responses may include reference to:* Complaints management procedures is one way to uphold workers’ rights as an employee.
* Workers’ complaints help organisation to identify potential non-compliance issues in internal work practices, such as industrial relations legislation, and address them.
* They provide structure for decision making and how complaints are handled to make sure that ethical decisions are made.
 |

Develop and Communicate Policies and Procedures

3.5 According to your Study Guide, describe the five (5) key elements of an organisational policy and procedures document. (Your response should be approximately 75 words.)

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| Student’s response must demonstrate an understanding of the formats for policies and procedures and what they should include.Responses should make reference to:* **Title and description** that clearly conveys the purpose of the policy and provide a brief description of what the policy entails.
* **Definitions** of Any important words need to be clearly defined so that the content of the policy is easily understood.
* **Procedures** that the information/steps needed to implement the policy.
* **Record keeping** requirements on documentation and recording, including how confidentiality of people involved (e.g., workers, clients) are to be protected.
* **Roles and responsibilities**: The tasks and responsibilities of different people involved in implementing and monitoring this policy.
 |

3.6 Outline five (5) responsibilities that practice managers have in the development and monitoring of policies and procedures. (Your response should be approximately 80 words.)

|  |
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| Students’ response must demonstrate an understanding of five responsibilities of managers Responses may include reference to:* Make sure policies and procedures follow a standard format, clearly articulated, easily understandable and are readily accessible.
* Make sure there are review mechanisms in place to review policies and procedures.
* Make sure policies and procedures are updated in accordance with relevant changes to legislation or best practice standards.
* Make sure updated or new policies and procedures are distributed to all staff in timely fashion.
* Make sure staff were informed of these changes and are provided with the necessary training.
* Monitoring staff compliance and deals with any breaches.
 |

3.7 Imagine you are a practice manager at a general practice office. In order to assist with intake, your organisation is currently speaking with clients over the phone in the waiting room where any other client can hear their personal information. One day, a client makes a complaint that they overheard private information and that they think this is a breach of client confidentiality.

 Using the process outlined by The Queensland Government (2020) in the HSQF Information Sheet 4 detailed in **Develop and Communicate Policies and Procedures**, identify what each step would involve for amending the privacy and confidentiality policy for the above scenario (Your response should be approximately 150-200 words.)

|  |
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| Students’ response must demonstrate an understanding of the 5 of steps involved in the process of creating/updating policies and procedures in the workplace. Example response below:* Step 1 – **Identify Need: “**The need for this new policy has already been identified. But at this step, we should also consider the effects this change would have to intake procedures, and involve the receptionists/health administrators in the development of new a new privacy policy for intake.”
* Step 2 **Research:** “At this stage we should analyse what other policies and procedures may be affected by this change, and research privacy and confidentiality laws to make sure our amendments will be compliant.”
* Step 3 **Draft and Consult:** “during this stage, we should draft an amendment uby extending upon the existing policy and procedure for privacy and confidentiality and consult with relevant staff, including receptionists/health administrators and supervisors/managers.”
* Step 4 **Finalise and Implement:** “Once the amendment has been made, we should incorporate final changes, perform a second round of consultations if required, and develop supporting resources such as new signage for clients and make new process/documents available to all employees. Documents should be version controlled.”
* Step 5 **Monitor, review and improve:** “During this stage, we will need to monitor the updated policies and document any issues that arise, and review all relevant documents cyclically.”
 |

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.

3.8 Imagine you have just started working in a managerial role for a community service organisation, Dandelion. Through talking to some of your colleagues, you are aware that several incidents have occurred over the past few years involving disgruntled clients who were unhappy about the services they received. Some of these incidents were picked up earlier on, however were poorly managed and escalated into grievances that had to be dealt with externally. All of these leave a negative impression on the management of your organisation. You realise that there is no consistent approach in how complaints are managed, and it has been up to the particular staff or manager involved. You suggest to your director that a complaints management policy and procedure will be greatly beneficial in helping the organisation manage such risk, and to make sure staff are trained to manage client complaints.

Your director has asked that you assist with developing a client complaints management policy in order to communicate that the organisation’s commitment to handling and resolving client complaints in a confidential, fair and timely manner. The organisation also recognises that effective complaints management is integral to good client service; it values all complaints and encourages a people-focused and proactive approach to complaints management.

The policy should provide guidance for managing client complaints, as defined by an expression of dissatisfaction about the services or staff that requires a response or resolution. The types of complaints covered under this policy may include all matters in relation to service delivery and processes, including accuracy and timeliness of information; communication breakdown; incidents of conflict; inappropriate behaviours of staff and volunteers; poor maintenance of facilities and equipment; client abuse, harassment, discrimination and neglect; and breach in client confidentiality. However, if complaint has criminal implications, such as fraud or abuse, then the Police should be notified immediately.

Clients may choose to make a complaint via verbal (i.e., face-to-face; phone) or written (i.e., formal letter, email, fax) pathways. Some clients may wish to remain anonymous in making their complaint. this should be respected, and the complaint investigated.

In the event of a verbal complaint, the worker should aim to listen carefully and respond to the client in a polite and respectful manner. They should also clarify understanding of the complaint and ask the client how they would like the complaint resolved. Wherever possible, workers should try to resolve the complaint at the time. If the circumstances do not allow the complaint to be resolved immediately, workers should direct the complaint to the Manager. They should also advise the client that they may submit the complaint in writing. Workers must also make sure they record client’s complaint in the *Client Complaint Log*.

The Manager is responsible for monitoring the *Client Complaint Log* and responding to written complaints. They should attempt to resolve the complaint between the parties involved. If no satisfaction results, then each party has the right to appeal. Appeals are presented to the Management Committee. If no agreement can be reached then the matter will be resolved externally through the Community Service Ombudsman. Overall, the Manager or Management Committee should aim to provide a response within ten (10) working days upon receipt of a written client complaint.

a) Based on the information provided above, develop a draft policy and procedures using the following template. You should also aim to write the information in a way that is clear, specific, and easily understandable for staff. (Your total response should be approximately 200 words.)

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| Students’ response must demonstrate the ability to develop policies and procedures, including clearly articulate and document policies and procedures; integrate documentation and record keeping requirements; ensure systems protect client information; and nominate roles and responsibilities of different people. Responses may vary in wording, however, **must** present as clearly articulated and easily understandable, and accurate to the information provided above. Additionally, responses **must** include information relating to:* documentation requirements.
* protection of client information if they wish to make anonymous complaint;
* and the roles and responsibilities of worker and Manager.

The following are example responses only.An example policy and procedure for critical incident reporting is provided in the Study Guide.  |
| Client Complaints Management Policy  |
| **Policy** | Dandelion is committed to handling and resolving client complaints in a confidential, fair and timely manner.Dandelion recognises that effective complaints management is integral to good client service; it values all complaints and encourages a people-focused and proactive approach to complaints management. |
| **Definition** | A **complaint** is an expression of dissatisfaction about the services or staff that requires a response or resolution |
| **Procedure**All client complaints must be recorded on the organisation’s Client Complaints Log. |
| **Types of complaints managed under this policy:**All matters in relation to service delivery and processes, including:* accuracy and timeliness of information.
* communication breakdown.
* incidents of conflict.
* inappropriate behaviour of staff and volunteers.
* poor maintenance of facilities and equipment.
* client abuse, harassment, discrimination and neglect.
* breach in client confidentiality.

If the complaint has criminal implications, such as fraud or abuse, then the Police should be notified immediately. |
| **Methods of complaint:*** Verbal – face to face or by phone
* Written – formal letter, email, fax.

**When a verbal complaint is received:**Workers should:* Listen carefully and respond to the client in a polite and respectful manner.
* Clarify your understanding of the complaint and ask the client how they would like the complaint resolved. Wherever possible, try to resolve the complaint at the time.
* If the circumstances do not allow the complaint to be resolved immediately, direct the complaint to the Manager.
* Advise the client that they may submit the complaint in writing.
* Record complaint in the*Client Complaint Log***.**
 |
| **When a written complaint is received:*** Monitor and respond to written complaints.
* The Manager will attempt to resolve the complaint between the parties involved.
* If no satisfaction results, then each party has the right to appeal. Appeals are presented to the Management Committee.
* If no agreement can be reached then the matter will be resolved externally by the Ombudsman.
* Upon the receipt of a written complaint, the Manager or Management Committee will provide a response within ten (10) working days.
 |

b) Explain how the draft policy you developed in question 3.7a protects confidentiality of client information. (Your response should be approximately 30 words.)

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| Students’ response must demonstrate the ability to ensure systems protect client information by referring to the protection of client identity in making anonymous complaint.Responses should make reference to:* Clients who wish to make anonymous complaint must be respected, and their complaint will be investigated without identifying the client.
 |

c) How will you ensure that all staff are aware of and understand the new complaints management policy and procedure? Briefly outline how you will go about making sure staff have access to the new policy and procedure in a timely fashion. (Your response should be approximately 50 words.)

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| Student’s response **must** demonstrate an understanding of how to update/inform colleagues and staff about changes to policies and procedures. Student’s response **may** include, but is not limited to:* Place it on an intranet page
* Hold a meeting/training session to discuss updated policy and procedure
* Email a copy of the new policy and procedure
* Display the new policy and procedure on the staff noticeboard
 |

Section 4

MONITOR AND MAINTAIN COMPLIANCE

Why Should Organisation Monitor Compliance?

4.1 Allied health organisations must proactively monitor legal compliance as a way of risk management. Complete the following table by outlining one (1) possible consequence for each aspect below if an allied health organisation fails to operate in a compliant manner. (Your total response should be approximately 15 words.)

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| Students’ response must demonstrate an understanding of the main consequences of non-compliance by providing at least one possible consequence for each aspects.Example responses are provided below.Other appropriate responses should also be accepted. |
| **Aspects** | **One possible consequence** |
| 1. Legal
 | “Lawsuits” |
| 1. Financial
 | “Fines or penalties” |
| 1. Safety and wellbeing of clients/employees
 | “Compromised clients’ and workers’ health, safety and wellbeing.”“Put them at risk of injuries or even death.” |
| 1. Organisational operation

(e.g., carrying out business activities) | Responses may include reference to:* dissolution/suspension of organisational activities.
* Not able to obtain or maintain certification or license
* Losing funding
* Losing status as a service provider.
 |

4.2 What is vicarious liability? How does it relate to the legal responsibility and liability of managers in an organisation? (Your response should be approximately 70 words)

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| Students’ response must demonstrate an understanding of the legal responsibility and liability of managers, in relation to the concept of vicarious liability.Example response:“Vicarious liability explains that employers can be held legally responsible for wrongful acts that occur in the workplace or in connection with a person’s employment. Employers have a responsibility to demonstrate that they have taken all reasonable steps to prevent unlawful acts from occurring in their workplaces and that they have responded appropriately to resolve incidents. Otherwise, they may be held liable for those acts.” |

4.3 Imagine that you are working as a practice manager for a large allied health organisation.

a) You have noticed that your organisation takes a rather “relaxed” approach towards health and safety, and workers regularly fail to adhere to the state and federal laws and standards surrounding duty of care and workplace health and safety. Briefly explain why this is a problem (e.g., What risks this may bring to the organisation.). (Your response should be approximately 75 words)

|  |
| --- |
| Student’s response must demonstrate an understanding of the risks of non-compliance. Responses may make reference to, but are not limited to, the following:* Failure to adhere to relevant state and federal laws and standards does not only present risks to your clients and workers; it can also have serious consequences for the organisation and leave it vulnerable to lawsuits, audits, fines, penalties, or even dissolution/suspension of organisational activities.
* Failure to comply with health and safety regulations can seriously compromise clients’ and workers’ health, safety and wellbeing and put them at risk of injuries or even death
* Breaches of WHS duties can attract various penalties and consequences depending upon the severity of the breach.
 |

b) Imagine that Elliot is a practice manager, and an official officer for health and safety in the workplace. Elliot has a health and safety duty towards the health workers on his team; however, he thinks that Work Health and Safety rules and regulations are “over the top” and frequently ignores them in his own work practices. Elliot frequently ignores his staff’s concerns and complaints about health and safety in their workplace. One day, one of Elliot’s staff members, Sarah, becomes seriously injured whilst carrying out her work duties. Sarah had previously reported the issue which led to her injury to Elliot on several occasions, but he had blatantly ignored her concerns and failed to take action to rectify the issue, telling her to “stop complaining and get on with your work”. Sarah had also tried to notify upper management of the issue but was ignored and told to “follow your manager’s instructions”. Sarah reports the incident to the relevant government authority, and a subsequent investigation reveals it to be a Category 1 offence under the WHS Act.

What consequences and penalties would the organisation and Elliot (as an officer) likely face? Hint: see extract in relevant section in Study Guide. (Your response should be approximately 30 words)

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| --- |
| Student’s response **must** demonstrate an understanding of the consequences and penalties for a Category 1 offence of failing to comply with health and safety duties under the WHS Act. Responses **must** make reference to:* Corporation will face a fine of up to $3 million
* Individual as an officer may face up to $600,000 in fines, and/or 5 years jail time
 |

4.4 Discuss two (2) reasons for when an allied health organisation may undertake regular audit and inspection. (Your response should be approximately 50 words)

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| Students’ response must demonstrate an understanding of two reasons as to why community services organisation should implement regular auditing and inspection regimes. Responses may include reference to:* to evaluate and monitor compliance of work systems and practices in the organisation.
* to fulfil audit requirements attached to applying or updating license, certification, or accreditation.
 |

Certification and Accreditation

4.5 a) What is accreditation and how is it different to certification? (Your response should be approximately 60 words.)

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| Students’ response must demonstrate and understanding of accreditation and how it differs from certification.Responses should include reference to:* Certifications are third-party endorsements of an organisation’s systems or products, while accreditation is a third-party endorsement of the certification.
* An organisation may be certified to demonstrate they have complied with a set of standards; however, they can also gain accreditation against a range of standards to acknowledge their commitment to best quality practice, services and continuous improvement in particular sector.
 |

b) Why should an organisation consider gaining accreditation? (Your response should be approximately 30 words.)

|  |
| --- |
| Students’ response must demonstrate an understanding of benefits of accreditation.Responses may include reference to:* meeting requirements for license
* increase eligibility for funding.
* Increase client confidence in service quality.
 |

4.6 Allied health organisations also need to ensure they have fulfilled their statutory reporting.

a) What is statutory reporting requirement? (Your response should be approximately 20 words.)

|  |
| --- |
| Students’ response must demonstrate an understanding of statutory reporting requirement.Example response:“Statutory reporting requirement refers to any reporting duties that an organisation is legally obligated to carry out.” |

b) Identify and describe two (2) types of statutory reporting duties commonly placed upon allied health organisations. (Your response should be approximately 40 words.)

|  |
| --- |
| Students’ response must demonstrate an understanding of statutory reporting requirement.Responses may include reference to:* Mandatory reporting – reporting of suspected or actual child abuse
* Financial reporting - provide certain evidence and information to the relevant government authority or department, such as how funding is being spent and how services are being delivered.

Other appropriate responses should also be accepted. |

4.7 Allied health organisations, like all other businesses, are required to carry out appropriate insurances, such as public liability and workers compensation insurances. Identify in the table below what each form of insurance is and why it is important. (Your response should be approximately 80 words.)

|  |
| --- |
| Student’s response **must** demonstrate an understanding of public liability and workers compensation insurances, particularly what it is and why it is important to community services. |
| **Insurances** | **What is it and why is it important?** |
| 1. Public liability insurance
 | A public liability insurance policy is necessary for an organisation to protect itself against claims of negligence made by third parties (e.g., clients or members of public) in relation to injury or property damage arising from the organisation's operations.This is important for when clients or members of public experience injury or property damage from services that the organisation provide.  |
| 1. Workers compensation
 | Workers' compensation policy is compulsory for organisations that have paid employees. It covers expenses such as wages and medical bills if a person is injured at work. |

How to Monitor Compliance?

4.8 Complete the table below by briefly outlining three (3) responsibilities of a practice manager, and a health administrator in relation to ensuring legal and ethical compliance in an allied health organisation. (Your total response should be approximately 100 words.)

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| Marker’s note: Responses must demonstrate an understanding of the roles and responsibilities of practice managers and health administrators in ensuring legal and ethical compliance.The following are example responses only. |
| **Role** | **Typical Responsibilities** |
| 1. Health administrator
 | *Responses* ***may*** *include, but are not limited to,* ***three*** *of the following:* * Complying with all mandatory checks prior to beginning the role
* Following a code of ethics and conduct
* Reading, understanding, and following organisational policies and procedures
* Following directions from supervisors and managers/directors
 |
| 1. Practice manager
 | *Responses* ***may*** *include, but are not limited to,* ***three*** *of the following:* * Create and/or Implement ethical and legal frameworks
* Create and/or update/ maintain policies and procedures
* Monitor staff compliance with legal and ethical frameworks
* Assist with compliance requirements, which may include completing relevant documentation
* Maintain insurance and license documentation
 |

4.9 Imagine that you have recently been hired as a practice manager for an allied health organisation that provides services to children and their families. One of your first duties is to update their policies and procedures and assist in preparing the organisation for an upcoming compliance audit.

a) Outline three (3) sources you could access to find out current information about the standards and requirement set out by the local, state/territory or commonwealth government. (Your response should be approximately 75 words.)

|  |
| --- |
| Student’s response **must** demonstrate an understanding of how to access sources of information about compliance requirements. Responses **may** include, but are not limited to, reference to:* Government department’s website.
* Publication from each state or territory government will have a number of publications
* Face-to-face information sessions, webinars, and events run by governmental bodies.
* Contacting the relevant government department (i.e., by phone or email)
* Industry associations
 |

b) Name your local (1) industry association and outline two (2) ways they can support organisations in remaining up-to-date on compliance requirements. (Your response should be approximately 50 words.)

|  |
| --- |
| Student’s response must demonstrate an understanding of industry associations and how they can support organisations to remain up-to-date on compliance requirements. Responses must make reference to one industry association. Responses may include:* Speech Pathology Australia (SPA)
* Dietitians Australia (DA)
* Australian Association of Social Workers (AASW)
* Australian Physiotherapy Organisation (APA)
* Occupational Therapy Australia (OTA)
* Australian Psychological Society (APS)
* Society of Hospital Pharmacists of Australia (SHPA)

Responses must also indicate two ways that industries can help organisations to stay up-to-date on compliance requirements. Responses may include, but are not limited to:* They can provide policy advice and work with organisations to strengthen and improve their services
* They can provide information about legal and ethical issues, and the approach that organisations can take to resolve these issues
* They help organisations stay up-to-date with changes to legislation and government/industry standards
* They can support organisations with certification and licencing processes through workshops
* They can provide valuable training and resources to organisations and their staff
 |

c) Name your local WHS regulator and describe the roles they play in supporting your organisation to maintain compliance. (Your response should be approximately 50 words.)

|  |
| --- |
| Students’ response must demonstrate an understanding the functions of WHS regulator.Responses must make reference to one of the following:* SafeWork NSW
* WorkSafe ACT
* WorkSafe WA
* Workplace Health and Safety Queensland
* SafeWork SA
* WorkSafe Tasmania
* WorkSafe Victoria
* NT WorkSafe

This is covered in Section 1 of the Study Guide.Responses may include reference to:* enforcing WHS laws,
* conducting WHS audits for compliance,
* issuing notices and infringement where non-compliance is identified,
* investigating WHS incidents, and
* prosecuting organisations that breached WHS legislation.

This is covered in Section 4 of the Study Guide. |

d) Imagine that you are reviewing your organisation’s anti-discrimination policy and procedures. You notice that the existing procedures include reference to processes to resolve internal complaints and grievances; however, there is no further information about who to contact and how to make an external complaint for unresolved grievances relevant to discrimination. Identify the relevant regulatory authority who monitors and investigates relevant matters and outline the procedures of making an external complaint you would include in the policy document. (Your response should be approximately 50 words.)

|  |
| --- |
| Students’ response must indicate Australian Human Rights Commission and demonstrate an understanding of its operating procedures, particularly how to make a complaint.Responses should include reference to:* Use the [complaint form](https://humanrights.gov.au/complaints/make-complaint) provided on their website to provide details of the complaint.
* Alternatively, the form may be printed and submitted by post.
* They also offer a National Information Service (1300 656 419) for those requiring assistance with completing this form.
 |

e) Part of your role will be to monitor any changes and updates in compliance requirements so that necessary changes can be implemented. Outline two (2) strategies you can use to receive updated information on requirements. (Your response should be approximately 20 words.)

|  |
| --- |
| Students’ response must demonstrate an understanding of at least two methods of receiving updated information on requirements.Responses may include reference to:* Registering for email updates
* Subscribing to newsletters/ publication
* Networking activities.
 |

4.10 Imagine that you are leading a team of health workers in an allied health organisation. Read through each of the following scenarios and consider what the most appropriate action would be for you to take in order to monitor and maintain legal and ethical compliance. (Hint: For each of the questions, consider your scope of responsibility and determine what action you would need to take, what advice you might need to seek out, or to whom you may refer the issue, if applicable.)

a) You have grown close with one of your team members, Damian. One day, Damian confides in you that he is having sexual relations with one of the clients, an underage girl. You are aware that this is a criminal offence, but he asks you not to tell anyone, as you and he are friends. What would be the most appropriate way for you to respond to this situation? (Your response should be approximately 75 words.)

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| Student’s response **must** demonstrate the ability to respond to situation where legal or ethical requirements have been breached, by providing an appropriate action and referring issues to relevant people.Responses **must** reflect the need to report this issue immediately to a supervisor or manager and/or the relevant authorities (e.g., police).Responses **may** also make reference to:* Checking your organisation’s policies and procedures and any relevant legislation to determine which breaches need to be reported, and who to report them to.
* Seeking legal advice (e.g., from the organisatoin’s legal department or a senior Manager)
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b) One of your team members, Frederick, has been making sexist jokes and remarks in the workplace. On top of the complaints from other team members, you have personally heard him making these jokes and remarks around clients. What would be the most appropriate way for you to respond to this situation? (Your response should be approximately 75 words.)

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| Student’s response **must** demonstrate an understanding of how to appropriately respond to and refer legal and ethical issues. Responses **may** make reference to, but are not limited to, the following:* Check the organisation’s policy, procedures, and code of conduct.
* If you know the person, speak with them privately and raise the concerns you have. If there is evidence of wrong-doing, encourage them to self-report.
* Document the incident and refer the matter to your manager/management committee.
* Subject to policy and procedure; refer the matter directly to your CEO or HR delegate
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c) One day, you overhear a conversation between one of your colleagues and their client, in which the client is talking about the financial strain they are currently under. They explain that they are worried that they will not have enough money to pay for their bills that week. You overhear the colleague offer to lend the client a moderate amount of money to help pay for their bills. You are familiar with your organisation’s policies and procedures and know that the issue of lending or giving money to clients is not specifically mentioned anywhere. However, you are concerned that your colleague’s actions were not ethically appropriate. What would be the most appropriate way for you to respond to this situation? (Your response should be approximately 75 words.)

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| Student’s response **must** demonstrate an understanding of how to appropriately respond to and refer legal and ethical issues. Responses **may** make reference to, but are not limited to:* Refer to relevant Codes of Ethical Condcut to guide decision-making.
* Use the ethical decision-making model to reflect upon the issue and decide upon the best course of action.
* Report/discuss the issue with your supervisor/ management committee.
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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.

4.11 Imagine that you are working at Dragonfly Client Services, which is a newly established allied health organisation based in Brisbane (Queensland). Their scope of service includes providing a range of support to young people. You are an experienced practice manager and have been promoted to become the quality and compliance manager to assist with writing policies and facilitate their registration process.

a) As a quality and compliance manager, how would you stay up-to-date with compliance requirements and emerging legal/ethical issues in the sector? (Your response should be approximately 50 words.)

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| Responses may vary, but **must** demonstrate an understanding of how to stay up-to-date with compliance requirements and emerging legal/ethical issues. Responses **may** include, but are not limited to:* I would stay up to date with this information by using the state government websites and industry association which regularly talk about ethical situations.
* I can acquire a QCOSS membership which will keep me up to date with any changes and its publication regularly talks about ethical issues.
* Participate in networking activities.
* Subscribe to publication and newsletters from government or industry association.
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b) Imagine that 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 client 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. Clients are not typically allowed in this area; however, today, a client 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. You are concerned about this incident and think that it is necessary to review and improve the current procedures to ensure that similar situations do not happen again.

 In the following space, write an email to your manager to make recommendation for review and improvement. Your response should include:

* a brief summary of the issue (e.g., what legal/ethical standard this might have breached)
* at least one recommendation on how to improve the current process or system.

(Your response should be approximately 100 words.)

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| Students’ response must demonstrate the ability to proactively engage in process of review and improvement, by providing feedback on an identified issue and at least one potential solution.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; the organisational policies and procedures should be reviewed to make sure this aspect is clarified).
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c) Recently you received notification about an update to new mandatory reporting requirements for child sexual abuse in Queensland, which will be starting in a week’s time. How would you share this information with staff at Dragonfly Client Service in a timely manner? (Your response should be approximately 50 words.)

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| Responses may vary, but **must** demonstrate an understanding of how to share updated knowledge and information with colleagues and peers,Responses **may** include, but are not limited to:* I would review current mandatory reporting policy and procedures, and make sure relevant clauses are updated.
* I would email staff about the changes made in the policy and procedures.
* I would pin a new copy of policy and procedures on the staff noticeboard
* I would organise a meeting this week to make sure we inform all the staff and that they’re clear about the changes.
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d) Dragonfly Client Services is looking to extend their services to working with children. What license/s should they ensure their workers obtain in order to proceed? (Your response should be no more than 5 words.)

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| Student’s response must indicate the mandatory check for employees to obtain child related screening, such as a Blue Card.  |

e) Imagine that your organisation decides to get HSQF-certified. You want to find out how to obtain HSQF certification, including what requirements your organisation demonstrate evidence of. You accessed a copy of *Human Services Quality Framework: User Guide – Certification* (version 8.0) online. The following questions relate to requirements set out in this documents that apply to your particular context.

Based on Reading I – Outline the requirements in relation to the following aspects. (Your total response should be approximately 150 words.)

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| Students’ response must demonstrate an understanding of the training requirements, statutory reporting requirements, and requirements to develop policies and documents. Example responses are provided below. |
| **Requirements** | **Your response** |
| 1. What do the staff need to be trained in?
 | Staff must be trained about how to identify, report and respond to potential, suspected, alleged or actual harm, abuse and/or neglect, |
| 1. What needs to be reported in order to meet legal requirements?
 | Where harm, abuse or neglect has been identified or suspected, they need to be reported to external agencies, such as Queensland Police Service, DCYJMA, and recorded. |
| 1. Identify five (5) types of organisational documents that your organisation should develop and implement in order to demonstrate compliance with these requirements.
 | Responses should include **five** of the following:* Policies and procedures about:
	+ incident management including reportable incidents
	+ preventing and responding to harm, abuse and neglect
* Registers/databases tracking the organisation’s responses to:
	+ incidents including reportable incidents
	+ potential, suspected, alleged or actual harm, abuse and neglect
* Records (e.g., training register/database) of systematic staff and volunteer training
* Records of reporting to external agencies where harm, abuse or neglect has been identified or suspected
* Records of communication with guardians/advocates/carers regarding incidents
* Action plans which outline strategies to prevent future risk (e.g., Safety Plans for people using services)
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f) You come across the following information on page 145 of the HSQF User Guide:

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| Prohibited practices are unlawful and unethical practices which present a high risk of causing high level discomfort and trauma. Any action which is contrary to section 122 of the *Child Protection Act 1999* because it frightens, threatens or humiliates a child or young person is a prohibited practice. Prohibited practices must not be used in responding to the behaviour of children who are placed in care under section 82(1) of the Act.  |

You decide to search for further information regarding the prohibited practices so that they can be clearly incorporated into your organisational policies and procedures. Following the instructions on the guide, you are directed to a copy of *Child Safety Policy: Positive Behaviour* Support (Reading J in your Book of Readings). Based on this document – list the key practices that are prohibited by law within your service context. (Your response should be approximately 50 words.)

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| Students’ response must demonstrate an understanding of key practices that are prohibited by law within this specific context.Responses must include reference to:* corporal punishment
* unethical practices to modify a child or young person’s behaviour
* planned use of physical restraint
* planned use of restriction of access to items (environmental restraint)
* containment (environmental restraint)
* seclusion
* chemical restraint
* mechanical restraint
* aversive strategies

This is covered in Reading J. |

g) As you review Dragonfly’s policies and procedures, you realise that there are no existing mechanisms to monitor work practices in relation to managing ‘challenging’ behaviours of clients, and to ensure that workers do not engage in prohibited practices. Discuss two (2) possible mechanisms to evaluate relevant work practices on an ongoing basis, so that modifications can be implemented when necessary. Hint: See section 4 of the Study Guide and Reading I. (Your response should be approximately 60 words.)

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| Students’ response must demonstrate the ability to develop two mechanisms to evaluate work practices for non-compliance on an ongoing basis and implement modifications.Responses may include reference to:* Update policies and procedures to clarify that these practices must be prohibited and who to report to where such practices has been identified or suspected. Make sure these policies and reviewed regularly and modifications are made as appropriate.
* Internal/external audit systems that regularly audit for these practices, so that modifications can be implemented where necessary.
* Make sure there is a robust systems for reporting and investigating such practices.
* Conduct regular inspections and address these issues in advance.

Other appropriate responses should also be accepted.Relevant information is covered in the Study Guide. Reading I provides information regarding ways that organisation can demonstrate compliance with Standard 4.3 which is relevant to safety and wellbeing. |

h) Imagine that there are volunteer workers in Dragonfly. One day a volunteer has engaged in an accident while they’re driving a client to an appointment. You have been engaged in an urgent management meeting to discuss how the organisation might respond to this situation.

 One of the agenda being discussed is whether Dragonfly will be liable under the QLD Civil Liability Act. Unfortunately, as this incident has just happened, there is no sufficient information about how the accident happened, and whether it is relevant to the organisation’s duty of care. Whilst all participants have some understanding of QLD Civil Liability Act, none of you has expertise in this area.

Based on Reading H, would you recommend that Dragonfly seek specialist legal advice? Justify your response. Hint: Consider what Reading H suggests about when an organisation will be liable for a volunteer’s actions under the QLD Civil Liability Act 2003. (Your response should be approximately 80 words.)

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| Students’ response must demonstrate the ability to assess need for specialist legal advice. Students are expected to indicate that **legal advice is required** as there is not sufficient information about the accident, and it is beyond existing expertise of the group. Additionally, Reading H suggests that:Civil liability is not automatically transferred in QLD, and there is no clear case law on this. The community organisation could be liable for damage caused by a volunteer who was acting in good faith if the organisation was in breach of a ‘nondelegable duty of care’ – which is a common law duty owed by the organisation itself, rather than the volunteer, to the person who suffered the damage. Reading H suggests that “This is a complicated area of law and your organisation should seek legal advice about its own potential liability in such circumstances.” |