



**CHCLEG001**

# WORK LEGALLY AND ETHICALLY

Assessment 1 of 2

Written assessment

**ASSESSOR GUIDE**



## Assessment Instructions

### Task overview

This assessment task is divided into 6 questions. Read each question carefully before typing your response in the space provided.



### Assessment Information

#### Submission

You are entitled to three (3) attempts to complete this assessment satisfactorily. Incomplete assessments will not be marked and will count as one of your three attempts.

All questions must be responded to correctly to be assessed as satisfactory for this assessment.

Answers must be typed into the space provided and submitted electronically via the LMS. Hand-written assessments will not be accepted unless previously arranged with your assessor.



#### Reasonable adjustment

Students may request a reasonable adjustment for assessment tasks.

Reasonable adjustment usually involves varying:

- the processes for conducting the assessment [e.g. allowing additional time]
- the evidence gathering techniques [e.g. oral rather than written questioning, use of a scribe, modifications to equipment]



However, the evidence collected must allow the student to demonstrate all requirements of the unit.

Refer to the Student Handbook or contact your Trainer for further information.



Please consider the environment before printing this assessment.

## Question 1

To complete this question, refer to the different contexts provided in Column A in the table below and complete the corresponding questions from Column B- column F for each of the different contexts listed in Column A.

To answer some of these questions, you will be required to refer to the following documents:

- a) [Model WHS ACT](#)
- b) [Code of Ethics](#)
- c) Relevant state and territory legislations
- d) Local council/shire regulations

**Assessor instructions:** the student must be able to identify applicable national, state, territory and local legal framework, and explain the impact on community service workers and the consequences of the framework being breached. The student's responses will vary across community and health services, and the benchmark answer is provided below.

Column A	Column B	Column C	Column D	Column E	Column F
Consider each of the topics listed in this column in the context of each of the rows across the table	For people working in the community services and health environments, write one (1) relevant Legal consideration for each level a - c: a) National b) relevant state/territory c) local (council/shire).	For people working in the community services and health environments, write (1) ethical consideration.	Briefly explain how the legal and ethical considerations identified impact on individual workers.	Briefly explain how the legal and ethical considerations apply to an organisation.	Briefly explain the consequences of breaches of the legal and ethical considerations.
a. Children in a workplace  [Approximate word count 150-200 words]	<p>a) National Quality Standards/National Quality Framework for the Rights of Children - The National Law and National Regulations outline the legal obligations of approved providers, nominated supervisors, and educators and explain the powers and functions of the state and territory regulatory authorities and ACECQA.</p> <p>b) This will be relevant to the students' State/Territory.</p> <p>c) This will be as per students' local area council/shire rules and regulations (where applicable). This could include specific council guidelines related to childcare operations, etc.</p>	To always act in the best interests of all children. create and maintain safe, healthy, inclusive environments that support children's agency and enhance their learning.	Ethical and legal considerations are essentially about avoiding any harm to children and young people as a result of their participation in your organisation's decision-making.	Your organisational policies, procedures and philosophy will clearly outline the specific job requirements and various requirements that will be applicable to your role	Breaches of legislation and ethical code of conduct may pose significant risk and could result in penalties being imposed on you and/or the organisation
b. Codes of conduct	a) <a href="#">Safe work WHS Act/ACWA-Code-of-ethics-Jan-2017.pdf</a>	To demonstrate best practice, one must be able to	Legal and ethical responsibilities will include day-to-day	This will be applicable to your organisational code of conduct, which	Failure to work within the set codes of conduct may result in reprimand,

<p>[Approximate word count 150-200 words]</p>	<p>It defines the values and responsibilities that are fundamental to a particular profession.</p> <p>b) This will be relevant to the students' State/Territory.</p>	<p>interpret any applied code of conduct and uphold the morals, values, beliefs and expected practices of the organisation and as per the legislation.</p>	<p>practices or attitudes and the specific behaviours and expectations that must be adhered to when interacting with others</p>	<p>plays an important role in outlining specific values, behaviours and expectations.</p> <p>Following a code of conduct will help you to implement practices that are consistent and in line with organisational standards</p>	<p>performance management and training, disciplinary action, harm to people who receive services, and legal action against you and/or your employer.</p>
<p>c. Codes of Practice</p> <p>[Approximate word count 150-200 words]</p>	<p>a) <a href="#">Safe work WHS Act/ACWA-Code-of-ethics-Jan-2017.pdf</a></p> <p>Model Codes of Practice are practical guides to achieving the standards of health and safety required under the model WHS Act and Regulations.</p> <p>b) This will be relevant to students' State/Territory</p>	<p>One of the ethical considerations would be to always be respectful when dealing with clients' matters and sensitive issues</p>	<p>Legal and ethical responsibilities will include day-to-day practices or attitudes and the specific behaviours and expectations that must be adhered to when interacting with others</p>	<p>An organisation is responsible for developing codes of practice that outline a way to respond and deal with situations, events or issues when they arise.</p>	<p>Breaches of legislation and ethical code of practice may pose significant risk and could result in penalties being imposed on you and/or the organisation</p>
<p>d. Complaints Management</p> <p>[Approximate word count 150-200 words]</p>	<p>a) Complaints management guidelines in Australia are the standard guidelines that legislate and outline principles for effective complaints management. Different states have different legislations that apply to manage complaints in their States/Territories. For example, in aged care,</p>	<p>One of the ethical considerations is to handle and manage any complaints without any bias or prejudice</p>	<p>When you receive a complaint from any client or their families, you must follow your organisation's policies and procedures and take all necessary steps to recognise and respond to the complaints</p>	<p>Every service has a complaints policy and appropriate procedures to support the policy (this may also be known as a parent grievance policy). A complaints policy informs each party of their role and</p>	<p>The service may undergo investigation; legal liabilities may arise and be in breach of their client's rights. An increase in insurance premiums may occur.</p>

	<p>students might provide answers based on the Aged Care Act and relevant legislation, and disability students might provide relevant legislation based on Disability Care Act or applicable legislation.</p> <p>b) This will be relevant to the students' State/Territory.</p>			<p>explains how the complaint should be handled. The policy must be made available to all clients in the language of their choice to ensure it is understood and can be implemented. The policy and procedures must be followed when your service receives a complaint.</p>	
<p>e. Continuing professional education.</p> <p>[Approximate word count 150-200 words]</p>	<p>a) Continuing professional education/development (CPD) is the way in which registrants continue to learn and develop throughout their careers so they keep their skills and knowledge up to date and are able to practise safely and effectively.</p> <p>Each State and Territory has their own laws and regulations to manage continuing education.</p> <p>b) This will be relevant to the students State/Territory.</p>	<p>It is a duty of care to upskill and develop personal and professional qualities to provide the highest level of care to vulnerable people.</p>	<p>Support workers play a key role in providing healthcare; hence, it is crucial to keep up with the latest industry healthcare skills. Not doing so could lead to ethical and legal issues arising when providing care to people</p>	<p>Organisations are responsible for providing sufficient training and resources for employees to enhance their professional skills and create ongoing learning programs.</p>	<p>Not engaging in continuous professional education may place the organisation and staff at risk of non-compliance with industry workplace practice, legislation, and industry standards. May also impact the safety of clients and staff, for example, if work health and safety and infection control measures are not compliant</p>
<p>f. Discrimination</p>	<p>a) Age Discrimination Act 2004 (Cth), The Age Discrimination Act protects people who are discriminated against because of their age and</p>	<p>Discrimination is not just unethical; in many cases, it is also illegal. One of the ethical</p>	<p>Any kind of discrimination can lead to poor work culture and can impact negatively</p>	<p>Under the Equal Opportunity Act 2010, organisations have a positive duty to eliminate</p>	<p>Breach would put the care worker and community health facility at risk of legal liability and impact the workplace culture.</p>

<p>[Approximate word count 150-200 words]</p>	<p>states that, regardless of age, everyone has the same right to equality before the law.</p> <p>b) Disability Discrimination Act 1992 [Cth] The Disability Discrimination Act gives a broad definition of disability and prohibits direct or indirect discrimination based on disability. It also prohibits discrimination against friends, relatives, carers and co-workers of a person with a disability.</p> <p>c) Racial Discrimination Act 1975 [Cth] The Racial Discrimination Act prohibits discrimination and offensive behaviour based on racial intolerance. This includes discrimination based on race, colour, descent, and national or ethnic origin. It also protects those who may be discriminated against based on their association with people of a particular ethnicity. The Act applies to everyone in Australia and all organisations.</p> <p>d) This will be relevant to the student's State/Territory.</p>	<p>considerations is to not hold any bias in your attitude when working with a range of clients from different backgrounds that may hinder you in carrying out your job.</p>	<p>on both clients and employees.</p>	<p>discrimination, sexual harassment and victimisation as far as possible. Every organisation will have policies and procedures to prevent discrimination in the workplace.</p>	
<p>g. Dignity of Risk</p>	<p>a) The International Human Rights Declaration and the</p>	<p>The ethical consideration here</p>	<p>As a worker it is important to always</p>	<p>The Organisation's duty of care includes</p>	<p>Breaching the dignity of risk can violate a client's right</p>

<p>[Approximate word count 150-200 words]</p>	<p>Model WHS Act outline the dignity of risk as how people should have the freedom to make decisions and choices that may expose themselves to a level of risk.</p> <p>b) This will be relevant to the students' State/Territory.</p>	<p>would be to support and afford a person to take reasonable risks in decision-making.</p>	<p>respect the abilities and disabilities of others by allowing them to make choices for themselves.</p>	<p>consideration of the dignity of risk, that is, the right of informed individuals to take calculated risks.</p>	<p>to make decisions and take risks.</p>
<p>h. Duty of Care [Approximate word count 150-200 words]</p>	<p>a) Model WHS Act Health and safety legislation states a person conducting a business or undertaking (PCBU) has a duty of care to maintain a healthy and safe workplace. Employers are generally regarded as PCBUs and are legally obliged to ensure workers are able to carry out their work safely and without risk to their health.</p> <p>b) This will be relevant to the students' State/Territory.</p>	<p>The ethical consideration here would be to always follow principles of respect for all persons you are caring for.</p>	<p>In day-to-day work, duty of care is the legal duty to take reasonable care so that others aren't harmed and involves identifying risks and taking reasonable care in your response to these risks.</p>	<p>It is the employer's responsibility to ensure that all reasonably practicable measures have been taken to control risks against all possible injuries arising from the workplace. The employer's duty of care applies to all people in the workplace, including visitors, contractors etc.</p>	<p>Legal liabilities may arise if the facility or workers are in breach of their duty of care and if client care is sub-standard. Failure at audit – rectifications, fines, cancellation of registration</p>
<p>i. Informed Consent [Approximate word count 150-200 words]</p>	<p>a) The model WHS Act outlines the responsibility of employers and employees to always seek informed consent when dealing with clients' matters and sensitive issues.</p> <p>b) This will be relevant to the students' State/Territory.</p>	<p>As an ethical consideration, it is important to ensure that the person providing you with consent has the ability to make a decision and has made the decision</p>	<p>As a worker it is your duty to ensure that you provide enough detailed information when seeking consent on any matters.</p>	<p>All organisations will have policies to reflect that consent by a person must be in writing when required by law or by the policies of the state, territory or healthcare organisation where the person is receiving</p>	<p>Failure to obtain a patient's consent to health care may result in a criminal charge of assault or civil action for battery.</p>



		without any pressure		care and treatment. The most appropriate form of consent will depend on the degree of risk and complexity of the treatment for that person.	
j. Mandatory reporting (Approximate word count 150-200 words)	<p>a) The National Law of Australia contains mandatory reporting obligations for registered health practitioners, employers and education providers. Mandatory reporting obligations aim to protect the public by ensuring that the National Boards are aware of practitioners who may be placing the public at risk of harm.</p> <p>b) This will be relevant to the students' State/Territory.</p>	Ethical consideration here is to be transparent and honest; not reporting incidents and injuries can be dangerous and put your safety and the safety of others at risk.	As a worker, it is legislated and important to report any incidents, injuries or illnesses that occur at the workplace.	<p>All organisations are legally required to report 'notifiable' workplace incidents involving personal safety, which include:</p> <ul style="list-style-type: none"> <li>• death</li> <li>• serious bodily injury</li> <li>• work-caused illness</li> <li>• dangerous events</li> <li>• dangerous electrical events</li> <li>• serious electrical incidents</li> <li>• major accidents.</li> </ul>	<p>Potential legal implications for facility and staff.</p> <p>The client will be at risk as authorities will not be able to address the issue.</p>
k. Practice standards	a) These are covered in the duty of care outlined in the Model	Not following standard guidelines	Practice standards are legal and ethical	Organisations have a responsibility to set out	Client care is sub-standard.

<p>[Approximate word count 150-200 words]</p>	<p>WHS Act, which states everyone working in the health and community care industry has a duty of care and legal obligation to adhere to standards of reasonable care when performing their duties.</p> <p>b) This will be relevant to the students' State/Territory.</p>	<p>can negatively impact the care you are providing to your clients.</p>	<p>guidelines that help and guide individual workers to carry out their duties in a responsible manner.</p>	<p>guidelines for best practices that include legal and ethical rights and responsibilities of employers and employees, and every member of the organisation has the responsibility to work with these set of practice standards.</p>	<p>Failure at audit – rectifications, fines, cancellation of registration</p>
<p>l. Practitioner and clinical boundaries [Approximate word count 150-200 words]</p>	<p>a) The Model WHS Act under the duty of care states that a boundary violation involves a conflict of interest in the actions or behaviours of the care provider, resulting in harm or a burden to the client.</p> <p>b) This will be relevant to the students' State/Territory</p>	<p>One of the ethical considerations is to always be mindful when working with clients and not give assistance or advice outside your role or expertise [e.g. financial advice, family counselling, relationship advice].</p>	<p>As a support worker, it is important to always maintain professional boundaries when dealing with vulnerable people. For example, sometimes a client might seek friendship or have unreasonable expectations from the support worker, so it is important to set limits and boundaries from the start.</p>	<p>It is the organisation's responsibility to set guidelines and work role boundaries to ensure there is a safe work environment for staff and clients.</p>	<p>Working outside of boundaries may lead to harm to the client and potentially negative implications for the worker and facility.</p>
<p>m. Privacy, confidentiality, and disclosure [Approximate word count 150-200 words]</p>	<p>a) The Privacy Act 1988 (Privacy Act) is the principal piece of Australian legislation protecting the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal information in the federal</p>	<p>Ethical consideration here is to be very careful and mindful about not talking about clients or organisations in a public place as this</p>	<p>Legal and ethical considerations include always keeping clients' information confidential, as it could be used by others to discriminate against them or identify someone who wishes to remain anonymous.</p>	<p>Organisations at large have a responsibility and develop a range of policies and procedures that link to maintaining privacy and confidentiality</p>	<p>May have serious impacts on the client, the worker and the facility. Breaching a client's privacy, confidentiality and disclosure may lead to legal implications.</p>

	<p>public sector and in the private sector.</p> <p>b) This will be relevant to the students' State/Territory.</p>	<p>may breach clients' privacy.</p>			
<p>n. Policy frameworks (Approximate word count 150-200 words)</p>	<p>a) There are several frameworks in Australia that support the rights of others. These frameworks provide access and equity policy in education and care services, including accommodating: children, people with disabilities and people from diverse cultural backgrounds are at risk of being abused or neglected.</p> <p>b) This will be relevant to the students' State/Territory.</p>	<p>The ethical consideration is to uphold the values laid out in the framework to respect all persons and to promote respect for their inherent dignity.</p>	<p>You must work within ethical and legal frameworks to ensure you are meeting the needs of people and vulnerable clients.</p>	<p>The framework provides guidance to organisations to design their policies and procedures and a guide to specific actions, practices and interactions that should be implemented.</p>	<p>Consequences may include legal implications and risk to clients, workers and the facility.</p>
<p>o. Records Management (Approximate word count 150-200 words)</p>	<p>a) Records management obligations are contained in other Acts, including the Freedom of Information Act 1982 and the Financial Management and Accountability Act 1997 (FMA Act), which legislate that sound record management is key to decision-making.</p> <p>b) This will be relevant to the students' State/Territory.</p>	<p>Records are reliable sources of information about critical client care; hence, ethically, it is crucial to create and complete accurate records of the work on a regular basis.</p>	<p>All staff and contractors have a responsibility to know the Records Management Procedures in detail, and model good records management behaviour of the policy and procedures.</p>	<p>All organisations have responsibilities in relation to the records of the function they perform. Staff, consultants and contractors should keep full and accurate records in accordance with this Policy.</p>	<p>Not adhering to records management may incur disciplinary action, performance management or termination of employment.</p>

<p>p. Rights and responsibilities of worker, employers and clients [Approximate word count 150-200 words]</p>	<ul style="list-style-type: none"> <li>• The model WHS Act provides a clear charter on rights and responsibilities of employers and employees these include: <ul style="list-style-type: none"> <li>• Workers: <ul style="list-style-type: none"> <li>• taking reasonable care of yourself.</li> <li>• not doing anything that would affect the health and safety of others at work.</li> <li>• following any reasonable health and safety instructions from your employer.</li> </ul> </li> <li>• Employer: <ul style="list-style-type: none"> <li>• Providing necessary health and safety instruction, supervision &amp; training.</li> <li>• Ensuring all staff understand their roles and responsibilities.</li> </ul> </li> <li>• Client: <ul style="list-style-type: none"> <li>• Participate in the planning of your care and sign a form recording your consent to that care.</li> <li>• Follow treatment or care instructions.</li> <li>• Tell us about any changes in your condition or any concerns you have.</li> </ul> </li> </ul> </li> </ul>	<p>One of the ethical considerations is to always respect the boundaries of professional relationship and not violate organisations policies.</p>	<p>As a support worker it is always important to carry out all work within the realms of your, employers and clients' rights and responsibilities</p>	<p>An organisation has the responsibility of having sound policies and procedures that clearly outline policies and procedures for staff, clients and employers</p>	<p>Repercussions for employers may include legal liabilities if rights and responsibilities are not complied with.</p> <p>Consequence may include the client being removed from the service, or potential legal repercussions.</p>
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	<ul style="list-style-type: none"> <li>• Be available at the times we are due to visit or let us know in advance if you cannot be there.</li> <li>• Be always courteous and respectful to staff.</li> <li>• This will be relevant to the students' State/Territory</li> </ul>				
<p>q. industrial relations legislation relevant to employment conditions of role</p> <p>[Approximate word count 150-200 words]</p>	<p>a) The Fair Work Act, The Fair Work Act 2009 (FW Act) and the Fair Work Regulations 2009 are the main legislation we deal with. They govern the employee/employer relationship in Australia. It is a national workplace relations system that sets minimum standards and conditions for employees and provides the legal framework for employer-employee relations for the majority of workplaces in Australia.</p> <p>b) This will be relevant to the students' State/Territory</p>	<p>Ethical consideration here could be to be honest in reporting any situation that could put you or your client in a hazardous or risky situation</p>	<p>As a support worker it is important to follow the laws and discuss requirements of reasonable adjustments based on the situation you are in.</p>	<p>Every organisation /Employer must give their employees a place to work and make sure they have access to it. They must give them the tools, equipment and other things they need to do their work. Employers must pay their employees the salary and benefits they agreed to, including vacation, paid holidays and other types of holidays.</p>	<p>Not complying with industrial legislation relevant to employment conditions of the work role may result in legal liabilities to the employer.</p>
<p>r. specific legislation in the area of work – objectives and key components</p>	<p>a) Model WHS Act The key component of the Act is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.</p>	<p>One of the ethical considerations is to learn and have good knowledge of the applicable legislation and work</p>	<p>Always follow the obligations and responsibilities that are aligned with the role</p>	<p>All organisations must have policies and procedures that reflect the roles and responsibilities of employers and</p>	<p>Consequences of non-compliance to specific legislation have serious implications for the facility, such as not being allowed to operate.</p>

[Approximate word count 150-200 words]	b) This will be relevant to the students' State/Territory.	within the parameters set out by the legislation, rules and regulations.		employees, contractors, clients etc, in line with the legislative requirements	
s. work role boundaries – responsibilities and limitations [Approximate word count 150-200 words]	a) Follow the model WHS ACT for work role responsibilities such as duty of care, dignity of risks, practice standards, and follow organisation policies and procedures to work within professional boundaries and be aware of the limitations of the role.  b) This will be relevant to the students' State/Territory	One of the ethical considerations is to always work with the boundaries and limitations of the role and to not set unrealistic expectations for the clients or provide advice to the clients that are beyond the capacity of their role.	Always maintain Professional boundaries at work, such as being aware of the scheduled length and time of a session, limits of personal disclosure, limits regarding the use of touch, consistent fee setting and the general tone of the professional relationship.	All organisations must follow legislation and guidelines and develop policies and procedures where staff are aware of their professional boundaries and limitations.	Consequences may include potential legal implications for the worker and facility.
t. Work Health and Safety [Approximate word count 150-200 words]	a) Each state and territory has its own health and safety legislation, largely based on the model Work Health and Safety Act 2011 [Cth].  Legal responsibilities here include: <ul style="list-style-type: none"> <li>• Take reasonable care of your own health and safety.</li> <li>• Comply with health and safety rules and regulations.</li> <li>• Ensure to keep others safe while working with clients with special needs.</li> </ul>	To perform work and duties with integrity, honesty and equity while adhering to ethical and legal principles.	Perform work only in areas of competence and within the limits of one's abilities.	The organisation has the responsibility to provide policies and procedures that ensure the work environment, systems of work, machinery and equipment are safe and properly maintained. information, training, instruction and supervision are provided. adequate	Consequences of not complying with work health and safety may put the health and wellbeing of staff and clients at risk, which could lead to legal implications.

	b) This will be relevant to the students' State/Territory			workplace facilities are available for workers.	
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## Question 2

- a) Explain the differences and similarities between legal and ethical frameworks.
- b) Explain the interrelationship between legal and ethical frameworks.

**Assessor instructions:** Students must be able to explain the differences and similarities. The student's answers must be as per the benchmark answers provided below; however, the wording may vary.

[Word count: Approximately 70-80 words]

a) A legal framework is decided by law and based on legislation. An ethical framework is based on an individual's belief system and can influence the way an individual makes decisions based on their beliefs and/or expectations. Similarities between legal and ethical frameworks include:

- they are both used as an instrument of societal order.
- they both regulate the behaviour and conduct of individuals in society.
- they both are aimed at creating a better society.

[Word count: Approximately 35-40 words]

b) They are interrelated because they are both based on decision-making. For instance, a worker might want to protect the client from hurting themselves [duty of care]. However, the client has the right to exercise their self-determination/dignity of risk.

## Question 3

In the table below there are some common situations that you may face when working in the health and care sector.

- a) Your task is to identify 1 legal issue that may arise as a support worker in a community service setting such as aged care, home and community care or disability services.
- b) Explain two [2] ways you would respond to the issues.

**Assessor instructions:** Students must be able to outline two legal issues and two ways to respond to each of the situations below, as per the sample answers provided; however, their wording may vary.

[Word count: Approximately 150-200 words in total]

Situations	Outline one legal issue	List two ways to respond
You work as a carer in a community organisation. While eating lunch at a busy cafeteria, you overhear a conversation between two of your work colleagues who are gossiping about a client's health condition. You hear your colleagues mentioning the client's name and the seriousness of their illness. You	1. This action by the staff members is in breach of the Information Privacy Act 2000,	1. Refer to workplace policies and procedures and inform your supervisor about the incident. 2. Complete an incident report and submit it as per workplace procedures.



<p>also overhear them talking about the client's family and how they don't often visit. The cafeteria is an open public place and is accessed by a lot of people on a daily basis.</p>		<p>3. Clearly outline circumstances under which confidentiality may be breached</p>
<p>A day outing is being organised for clients. The carers decide to exclude a disabled client who is from a CALD background as they think it is too difficult to work around his prayer times and that he probably wouldn't want to go anyway because of his disability.</p>	<p>1. This is in breach of the disability discrimination ACT 1992, which states all employees/employers have a responsibility to eliminate 'as far as possible' discrimination on the grounds of disability. to ensure 'as far as practicable' equality before the law for people with disabilities and to promote community acceptance of the rights of people with disabilities.</p>	<p>1. Show empathy for the person experiencing this issue of being secluded due to their disability or on the basis of CALD. 2. consider making notes on or recording the incident and reporting it to the supervisor. 3. Check your workplace policies and procedures with regard to legal responsibility that outlines employers' and employees' duties to take all reasonable steps to prevent discrimination.</p>
<p>A laundry services worker is returning clean linen to a consumer's room. The consumer asks the laundry services worker for assistance to the bathroom. The consumer says they did not want to bother care staff because they looked busy and attempted to convince the worker that providing the help they need is a quick and easy task.</p>	<p>1. This is breaching the 'duty of care' responsibilities as outlined in WHS ACT 2011, putting the life of the client in danger, and you may be sued over negligent behaviour towards the clients. 2. The Quality Standards have a broad requirement that consumers must receive safe care that is delivered by sufficiently skilled and qualified staff. Additionally, national and state laws have strict rules about the scope of practice of health care professionals, including nurses and personal care workers.</p>	<p>1. Refer to the workplace policies and procedures to ensure you are aware of your duties and responsibilities within the parameters of your job role, and that you are not putting yourself or the client at risk. 2. Fill out an incident report. 3. Inform your supervisor/Manager of this situation so it does not occur again</p>

## Question 4

In the table below there are some common situations that you may face when working in the health and care sector.

- a) Your task is to identify two (2) ethical issues that may arise as a support worker in a community service setting such as aged care, home and community care or disability services.
- b) Explain two (2) ways in which you would respond to each of the situations in the table below.

(Approximate word count 150-200 words)

**Assessor instructions:** Students must provide answers in line with the situation and as per the sample answers provided below.

Situations	a) Outline two (2) ethical issues	b) List two (2) ways to respond
<p>Harry is working in Home and Community Care. One of the clients, Arnold has taken a liking to Harry as he reminds him of his son. Arnold often gives Harry small presents and has now offered to pay for a season ticket to the football (they both follow the same team).</p>	<ol style="list-style-type: none"> <li>1. Gift giving and receiving might create a conflict of interest as it can either explicitly or implicitly encourage obligation to 'return the favour'.</li> <li>2. Offering gifts or cash could set the intention for the consumer to secure or influence care or to secure preferential treatment.</li> </ol>	<ol style="list-style-type: none"> <li>1. Politely refuse this and other future gifts by letting Harry know that the gifts are unacceptable as per the workplace policies and procedures and he would be in breach of the organisation's requirements.</li> <li>2. Speak to your supervisor to inform and seek their advice on this matter.</li> </ol>
<p>You have been caring for a young lady for six months now. She is wheelchair-bound and lives alone in her home, and recently, you have noticed that her behaviour towards you has changed. She seems to be attracted towards you, and her suggestive comments make it clear that she wants more from this relationship. She has often asked you for your advice on her personal and financial matters, which are beyond the boundaries of your role.</p>	<ol style="list-style-type: none"> <li>1. The ethical issue here is that this would cross the boundary of the patient and professional carer relationship. Professional boundaries safeguard carers and clients and should always be maintained.</li> <li>2. The other ethical issue is clients' demand for advice on matters that are beyond the capacity of your role, and it would be incorrect to cross the boundaries of your role and provide advice to clients on personal and financial matters.</li> </ol>	<ol style="list-style-type: none"> <li>1. Gently but firmly state the limits of your role and make it clear that he is a carer and that is the basis of their relationship.</li> <li>2. Discuss the matter with your supervisor and seek their advice.</li> <li>3. Avoid after-hour phone calls, becoming overly involved in clients' personal matters and setting the boundaries of the relationship in a professional manner.</li> </ol>

## Question 5

This question has four [4] parts. You must complete all four [4] parts of the question.

- a) Briefly describe workplace policies, procedures and protocols and how they are/should be developed in health and community care services organisations. Provide five [5] key steps involved in developing the workplace policies, procedures and protocols.
- b) Provide an example of the processes used in reviewing policies and procedures.
- c) Explain how consultation input can assist with reviewing policies and procedures in the workplace.
- d) Explain the mechanisms used in the process of reviewing workplace policies, procedures, and protocols.

[Word count: Approximately 150 - 300 words in total]

**Assessor instructions:** The student must be able to describe how policies and procedures are developed, including five [5] key steps involved in the development of workplace documents. They should also include an example of how they should be reviewed and how consultation can assist in the development. The student's answers must be as per the benchmark answers provided below; however, their wording may vary.

a) [Word count: Approximately 230-255 words]

a) A workplace policy document outlines an organisation's various policies, practices and procedures relevant to the workplace. They provide employees with a clear understanding of what is expected of them and provide a consistent approach to manage day to work operations and any issues if they may arise. From time-to-time organisations involve their staff members to review these policies, procedures and protocols to ensure they are consistent, up to date with industry changes and regulations and reflect industry best practices.

The development of policies involves the following five key steps:

**Plan** – A need for developing a policy is identified, e.g., a change in legislation or government policy. The policyholder [organisation] is responsible for the content of the policies and procedures, as well as implementation. Policy and procedure development ensures compliance with laws and regulations and provides guidance for making decisions in the workplace.

**Research** – Issues related to the policies and procedures are researched, such as legislation and best practices. The policyholder will also consult experts in the domain at this stage.

**Develop** – Documentation of all policy and procedure statements with regard to the research stage is done in this stage. A draft policy is usually presented or distributed to key stakeholders for feedback.

**Review** – Review of draft policies and procedure documents, as well as recommendations and approval.

**Implement** – Once the draft is approved, the policy is signed and prepared for distribution to staff.

**Final Review** – This stage may include monitoring the implementation and feedback to ensure compliance is adhered to.

b) [Word count: Approximately 45-50 words]

b) Policies, procedures and protocols are usually reviewed every 12 months as part of the regular continuous improvement processes of the workplace.

They can be reviewed through:

- Provision of feedback
- Attending continuous improvement meetings
- Participating in review sessions
- Sharing ideas and suggestions

- External consultations

c) [Word count: Approximately 45-50 words]

c) Consultation can assist in workplaces when specialist information is required, such as the provision of advice regarding legislative frameworks or changes to legislation or government. Consultation may also include internal stakeholders, such as employees who are familiar with the nature of the work.

d) [Word count: Approximately 35-40 words]

Mechanisms may include meetings with staff members and keeping up to date with regulatory and legislative requirements. Senior management may review processes, procedures and protocols annually and obtain feedback from staff about processes at a ground level that require improvement.

## Question 6

This question has seven (7) parts that must be completed.

- Describe your understanding of Human Rights
- Explain the Universal Declaration of Human Rights and how it is applied in the community and health services.
- Explain how human rights relate to human needs.
- Provide an example of how a client's human rights and human needs are applied by organisations in the Community Care sector.
- Describe the frameworks that are in the workplace to ensure the United Declaration of Human Rights is upheld.
- Explain the approaches used in the workplace that relate to human rights frameworks.
- Describe the instruments used in the workplace when working within a human rights framework.

**Assessor instructions:** Students must show the interrelationship between human rights and needs and how they are applied. Student responses must be in line with the sample answers provided below; however, the wording may vary.

a) [Word count: Approximately 140 to 160 words]

Human rights refer to the fundamental rights and freedoms that every individual is inherently entitled to, simply by virtue of being human. These rights apply to all people everywhere, regardless of race, nationality, gender, religion, or any other status. Human rights are enshrined in various international instruments, including the Universal Declaration of Human Rights (UDHR), treaties, conventions, and customary international law.

There are several key principles that underpin the concept of human rights:

- **Universality:** Human rights apply to all individuals universally, without discrimination.
- **Inalienability:** Human rights cannot be taken away or surrendered under any circumstances.
- **Indivisibility:** Human rights are interrelated and interconnected.
- **Equality and Non-discrimination:** Human rights entail equality before the law and the right to be free from discrimination based on characteristics such as race, ethnicity, gender, religion, sexual orientation, disability, or any other status.
- **Accountability and Rule of Law:** Governments and institutions are responsible for upholding human rights and ensuring accountability when violations occur.

b) [Word count: Approximately 60 to 80 words]

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948. The declaration is not legally binding for the countries who have signed it, but it does set out an important set of agreements and understandings about what human rights mean for the world.

The declaration includes articles that relate to specific areas of human rights, many of which are highly relevant to the Aged Care sector.

For example – Article 1 states: *All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.* [Universal Declaration of Human Rights | United Nations](#)

c) [Word count: Approximately 30 to 60 words]

Human needs are what we require to survive, e.g., food and water. Human rights are moral, ethical or legal entitlements to have or do something, e.g., having the right to health care services. For instance, if there is a need to seek medical attention because our health is impacted, we have a right to healthcare services and treatment. The healthcare workforce is responsible for providing sound, safe healthcare services that are in line with the client's needs and requirements of care.

d) [Word count: Approximately 20 to 30 words]

Student responses may vary; however, an example may include the following. People receiving community care services have the right to live without abuse and neglect and have their needs fulfilled.

e) [Word count: Approximately 35 to 40 words]

Human rights frameworks describe a set of measures put in place to guide human rights work, for example, the Australian Human Rights Framework. In a workplace, this could mean an organisation has rules that prohibit harassment, bullying and discrimination.

f) [Word count: Approximately 30 to 35 words]

A human rights approach means that all forms of discrimination must be prevented, eliminated or prohibited, such as having workplace practices where all people are treated with respect and dignity.

g) [Word count: Approximately 50 to 55 words]

Instruments in the workplace can include policies, procedures or codes of conduct that include information about human rights, for example, everyone having the right to an environment free from violence and discrimination and to be treated equally and that everyone in the workplace must be aware of their responsibilities.

### Assessment checklist:

Students must have completed all questions within this assessment before submitting. This includes:

1	6 questions are to be completed to a satisfactory level that meets the unit of competency and assessment requirements.	<input type="checkbox"/>
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**Congratulations you have reached the end of Assessment 1!**

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