



ASSESSOR GUIDE

CHCLEG001

Work legally and ethically

Assessment 1 of 2

Short Answer Questions



Assessment Instructions

Task overview

This assessment task is divided into forty-five (45) questions.

Read each question carefully before typing your response in the space provided.

Additional resources and supporting documents

To complete this assessment, you will need the following:

- Learning resources
- *ACA Code of Ethics and Practice*.

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

Counsellors must comply with relevant laws, practice standards, ethical guidelines, and organisational policies and procedures. Briefly explain the interrelationships that exist between these requirements.

(Approximate word count: 40 - 50 words)

Assessor instructions: The student's response must demonstrate an understanding of the interrelationship between legislation, policies and procedures, industry practice standards, and ethical guidelines. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Industry practice standards and ethical guidelines are partly developed to comply with relevant legislation.
- Organisational policies and procedures are developed following legal and industry practice requirements.
- These guidelines are developed to help counsellors and organisations deliver services legally and ethically.

Question 2

Outline one (1) key similarity that the legal and ethical frameworks of counselling practice have.

Hint: Think about their common aim.

(Approximate word count: 30 - 40 words)

Assessor instructions: The student's response must demonstrate an understanding of the similarity between ethical and legal frameworks (for example, their common aim). Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

"Both ethical and legal frameworks of counselling are all designed to protect the rights and well-being of clients as well as those rights of counsellors and counselling organisations."

Question 3

Briefly outline two (2) key differences between counselling practice's legal and ethical frameworks.

(Approximate word count: 60 - 70 words)

Assessor instructions: The student's response must demonstrate an understanding of two key differences between ethical and legal frameworks of counselling practice. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- They are developed and administered by different bodies or organisations:
 - ethical codes and standards for counsellors developed by industry groups/organisations that employ counsellors;
 - federal/state governments and courts create legal requirements.

- They differ in sanctions for breaches:
 - breaching ethical principles may result in professional implications.
 - breaching legal requirements may result in fines or incarceration.

Question 4

The Australian Counselling Association (ACA) is one of the primary professional bodies that seek to guide counselling practice in Australia, and they have developed a *Code of Ethics and Practice* to support the work of counsellors. Briefly explain the relationship between the *Code of Ethics* and the *Code of Practice*.

(Approximate word count: 45 - 55 words)

Assessor instructions: The student's response must demonstrate an understanding of the relationship between the ACA Code of Ethics and the Code of Practice. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

"The Code of Ethics outlines the core ethical principles that counsellors are expected to abide by while the Code of Practice sets out guidelines about how counsellors should provide counselling services to ensure they are practising in line with ethical principles."

Question 5

Read through the ACA *Code of Ethics and Practice* presented in Reading A in this module.

Identify one ethical principle in the Code of Ethics in the space provided. Explain how this ethical principle impacts the work of a counsellor practically.

(Approximate word count: 75 words)

Assessor instructions: The student's response must demonstrate an understanding of one ethical principle and how it applies to a counsellor's work. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

"Ethical principle: Be committed to ongoing personal and professional development. This ethical principle imposes responsibility for counsellors to monitor competence, commit to attending regular supervision, and seek continuous professional development in counselling practice."

Question 6

What are practice standards, and what are the potential consequences if a counsellor fails to meet minimum practice standards?

(Approximate word count: 45 - 55 words)

Assessor instructions: The student’s response must demonstrate an understanding of practice standards and the consequences of failure to meet minimum practice standards. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

“Practice standards define the level of expertise and professional practice behaviours required for counsellors. Failure to meet minimum practice standards may result in disciplinary or ‘fitness to practice’ hearings against a counsellor. The counsellor may also be liable for legal charges of negligence by clients.”

Question 7

What is a code of conduct, and when should counsellors refer to this document?

(Approximate word count: 40 - 50 words)

Assessor instructions: The student’s response must demonstrate an understanding of the code of conduct and when counsellors should refer to the document. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

“A code of conduct guides counsellors on organisational standards and behaviours they are expected to display. Counsellors should always comply with their code of conduct, but it can be beneficial to refer to it when facing ethical dilemmas.”

Question 8

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

- i. What needs are
- ii. What rights are
- iii. How they are related
- iv. How they are different.

(Approximate word count: 25 - 30 words)

Assessor instructions: The student’s response must demonstrate an understanding the relationship between human needs and human rights. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- i. Needs are basics we must have to survive.
- ii. Rights are things we are entitled to.
- iii. Some rights are largely recognition of a human need.
- iv. Human needs refer to people's physiological needs to survive, whereas human rights extend beyond these needs to include what individuals require to thrive.

Question 9

There are several laws that counsellors must be aware of and abide by in their work, including the *Privacy Act 1988* (Cth) and the *Disability Discrimination Act 1992* (Cth).

Provide two (2) **objectives** and two (2) **key components** of each Act.

Additionally, discuss how these legislations are applied in organisations, their impact on individual workers, and the potential consequences of breaches.

(Approximate word count: 300 words overall)

Assessor instructions: Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

	Privacy Act 1988 (Cth)	Disability Discrimination Act 1992 (Cth)
Objectives	<ol style="list-style-type: none"> 1. To safeguard individuals' personal information privacy across various sectors, ensure personal data is handled securely, respectfully, and fairly. 2. To provide a framework for privacy regulation, promoting trust in organizations that manage personal information. 	<ol style="list-style-type: none"> 1. To eliminate discrimination against people with disabilities in various domains, including employment, education, and access to services. 2. To promote understanding and acceptance of people with disabilities' rights to equality before the law.
Key Components	<ol style="list-style-type: none"> 1. Australian Privacy Principles (APPs): These principles guide the collection, processing, storage, and disclosure of personal information, ensuring accountability and transparency. 2. Complaints and Enforcement: Individuals have the right to lodge complaints about privacy breaches, with the OAIC empowered to investigate and enforce actions against non-compliance. 	<ol style="list-style-type: none"> 1. Definition of Discrimination: Includes direct and indirect discrimination, creating a legal basis to challenge discriminatory practices. 2. Obligation to Make Reasonable Adjustments: To prevent discrimination, service providers must make reasonable adjustments to accommodate individuals with disabilities.
Impact and Application	Organisations, including those in the community services and health sectors, must adhere to the APPs, influencing policies on confidentiality, data security, and client information access. Individual workers are responsible for	This Act mandates that community services and health organizations adapt their practices to be inclusive and accessible to people with disabilities. Workers must be aware

	understanding and implementing these principles in daily activities, ensuring client confidentiality and trust.	of these requirements, ensuring services are accessible and equitable.
Consequences of Breaches	Breaches can lead to significant penalties for organisations, reputation damage, and loss of client trust. For individual workers, breaches may result in disciplinary action, including termination and legal consequences.	Organisations and individuals may face legal actions, including fines and compensations. Additionally, non-compliance can damage an organisation's reputation and professional standing.

Question 10

List three (3) websites you could use to access specific Acts or find information about specific pieces of legislation.

Assessor instructions: The student's response must provide three websites that can be used to access Acts or information about legislation. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Federal Register of Legislation – www.legislation.gov.au
- www.australia.gov.au/information-and-services/public-safety-and-law/legislation
- The Australian Legal Information Institute - www.austlii.edu.au
- The Australian Law Reform Commission – www.alrc.gov.au
- New South Wales – www.legislation.nsw.gov.au
- Victoria – www.legislation.vic.gov.au
- Queensland – www.legislation.qld.gov.au
- Western Australia – www.slp.wa.gov.au/legislation/statutes.nsf/default.html
- South Australia – www.legislation.sa.gov.au
- Australian Capital Territory – www.legislation.act.gov.au
- Northern Territory – www.nt.gov.au
- Tasmania – www.thelaw.tas.gov.au

Question 11

Counselling organisations typically develop a range of policies and procedures to help ensure that workers comply with all relevant laws and standards and work appropriately.

What is the difference between a policy and a procedure?

(Approximate word count: 20 - 30 words)

Assessor instructions: The student's response must demonstrate an understanding of the difference between a policy and procedure. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- A policy statement defines the organisation's position.
- Procedures set out how the organisation intends to ensure the policy is enacted.

Question 12

List five (5) rights that counselling clients have.

(Approximate word count: 40 - 50 words)

Assessor instructions: The student's response must demonstrate an understanding of five rights counselling clients have. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Have their individuality and beliefs been respected?
- Be fully informed of the service to be provided.
- Autonomy (to make their own decisions).
- Confidentiality: protection of their information to the greatest extent permitted under law.
- A safe therapeutic environment.
- Professional and competent counselling.
- Receive counselling that is responsive to their individual needs.
- Make a complaint about their counselling service.

Question 13

Outline three (3) key responsibilities that counsellors have.

(Approximate word count: 60 - 100 words)

Assessor instructions: The student's response must demonstrate an understanding of three key counsellor responsibilities. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Respecting the fundamental rights of clients: Counsellors must provide a respectful, non-judgemental and non-discriminatory service to clients and protect the right of the client to self-determination (for example, to make decisions for themselves).

- Only working with clients who have provided informed consent: Providing the client with all relevant service details, confirming that the client understands these, and demonstrating the client's willingness to engage in counselling.
- Respecting the client's right to privacy and confidentiality: Informing the client of exceptions to confidentiality, informing the client of record-keeping practices, and ensuring that any client information is stored appropriately.
- Prioritising client safety and well-being: Counsellors must act in their client's best interests, provide appropriate care, and avoid exploitation. Counsellors (and their organisations) are also responsible for the client's safety while receiving counselling services.
- Delivering a professional and competent service, for example:
 - Counsellors should possess comprehensive knowledge of their chosen approach and understand its limitations and their own limitations.
 - When a counsellor believes that their approach is unsuitable for a client's needs or that their needs exceed their competency level, they are responsible for referring that client to a more suitable practitioner.
 - Counsellors are also responsible for keeping up with changes in the field and ensuring that their knowledge is up-to-date to provide relevant and professional service to their clients.
 - This involves engaging in ongoing training, professional development, and supervision.
 - Counsellors must also engage in regular supervision to work through any potential issues in counselling.

Question 14

'A core counsellor must respect clients' fundamental rights and provide respectful, non-judgmental, and non-discriminatory counselling services.'

Is this a legal requirement, an ethical requirement, or both? Briefly explain your answer.

(Approximate word count: 70 - 80 words)

Assessor instructions: The student's response **must** demonstrate that it is a legal and ethical requirement. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Respecting clients' rights and providing respectful, non-judgmental, and non-discriminatory service is a legal and ethical requirement of counselling practice.
- It forms part of the ACA's Code of Ethics and Practice – for example, counsellors must offer a “non-judgmental professional service, free from discrimination, honouring the individuality of the client.”
- It is also influenced by legislation such as anti-discrimination laws that protect people from discrimination, including in counselling.

Question 15

Briefly outline one (1) possible consequence if a counsellor breaches anti-discrimination requirements.

(Approximate word count: 20 words)

Assessor instructions: The student's responses must demonstrate an understanding of one possible consequence of breaching anti-discrimination requirements. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Counsellors can lose their jobs and ability to work in the sector.
- The ACA and their organisation can reprimand counsellors.
- Counsellors can be charged under the Commonwealth or state anti-discrimination legislation.

Question 16

Identify two (2) types of organisational documents/policies and procedures that are used to help protect client rights.

(Approximate word count: 5 - 20 words)

Assessor instructions: The student's response must demonstrate an understanding of two organisational documents/policies and procedures used to help protect client rights. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Equal opportunity and anti-discrimination policies and procedures.
- Client charters.
- Cultural protocols and procedures.
- Procedures for the use of language and cultural interpreters.
- Codes of conduct.

Question 17

Informed consent involves two core components. What are they?

(Your response should be approximately 25 - 30 words.)

Assessor instructions: The student's response must demonstrate an understanding of the two components of informed consent. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Providing clients with all the information they need to decide whether to engage in the services offered.
- Ensuring the client's decision is made freely without coercion.

Question 18

How does obtaining informed consent in counselling practice help protect a client's human rights?

(Approximate word count: 50 - 60 words)

Assessor instructions: The 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). Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- By obtaining informed consent, the counsellor demonstrates respect for the client's right to manage their own lives and choose their care – these are fundamental human rights.
- Informed consent protects human rights by ensuring that the client freely gives their consent and has engaged in their fundamental human right of self-determination.

Question 19

In what way is a client's right to informed consent protected by legislation in Australia?

(Your response should be approximately 45 - 50 words.)

Assessor instructions: The student's responses should demonstrate an understanding of how informed consent is protected by legislation. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- According to common law, adults (i.e., over 18) can consent to and refuse treatments and interventions.
- Informed consent is also protected by state and territory legislation through specific mental health acts (for example, the Mental Health Act 2015 (ACT)).

Question 20

Briefly outline the considerations counsellors must consider when engaging in the informed consent process with clients of children and youth.

(Approximate word count: 65 - 80 words)

Assessor instructions: The student's response must demonstrate an understanding of at least two considerations involved in obtaining informed consent when working with child and youth clients. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Children should always be aware of what counselling will involve, confidentiality limits, and the counsellor's duty of care.
- Information sharing with parents should be discussed and agreed to before counselling begins.
- Counsellors must discuss all aspects of contracting – and conducting counselling – in a manner and language suitable to the child's level of development and use multiple strategies to assess the child's understanding.

Question 21

Briefly explain the difference between confidentiality and privacy in the context of counselling.

(Approximate word count: 50 - 60 words)

Assessor instructions: The student's response must demonstrate an understanding of the difference between confidentiality and privacy in counselling. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Confidentiality refers to the expectation that the client's information, including words spoken, client records and personal information, is not disclosed to any other parties without the client's permission.
- Privacy is broader in scope and relates to the ownership of client information, for example, gathering and storing client records.

Question 22

A key component of maintaining client privacy is ensuring that client details are kept private and secure. Outline three (3) responsibilities a counsellor has regarding records management according to the ACA *Code of Ethics and Practice*.

(Approximate word count: 90 - 120 words)

Assessor instructions: The student's response must demonstrate an understanding of three of the counsellor's responsibilities in record management in compliance with the ethical requirement of maintaining client privacy. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Records of appointments should be kept, and clients should be aware of this. If descriptions of counselling sessions are held, clients should also be made aware of this. At the client's request, information should be given about access to these records, their availability to other people, and the degree of security with which they are kept
- Counsellors must be aware that computer-based records are subject to statutory regulations. The counsellor must be mindful of any changes the government may introduce in the regulations concerning the client's right to access their records.
- Counsellors should ensure that records of the client's identity are kept separately from case notes.
- Arrangements must be made to dispose of client records safely, especially in case of the counsellor's incapacity or death.
- Care must be taken to ensure that personally identifiable information is not transmitted through overlapping networks of confidential relationships.
- When case material is used for case studies, reports or publications, the client's informed consent must be obtained wherever possible, and their identity must be effectively disguised.
- Discussing their counselling work with other professionals should be purposeful and not trivialising.

- Counsellors must pay particular attention to protecting the identity of clients.

Question 23

According to the ACA *Code of Ethics and Practice*, there are exceptional circumstances in which counsellors may need to breach confidentiality.

Outline the steps a counsellor should take when they suspect a serious risk to the client.

(Approximate word count: 95 - 105 words)

Assessor instructions: The student's responses must demonstrate an understanding of the steps a counsellor should take in exceptional circumstances regarding serious risk to a client. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- The client's consent to changes in the confidentiality agreement should be sought whenever possible unless there are also reasonable grounds for believing the client is no longer willing or able to take responsibility for their actions.
- Typically, the decision to break confidentiality should be discussed with the client and made only after consultation with the counselling supervisor or, if they are unavailable, an experienced counsellor.
- Any disclosure of confidential information should be restricted to relevant information, conveyed only to appropriate people and for appropriate reasons likely to alleviate the exceptional circumstances.

Question 24

Mental health legislation outlines confidentiality provisions and circumstances that allow confidentiality to be breached. List five situations in which disclosure of the information is permitted under this legislation.

(Approximate word count: 55 - 65 words)

Assessor instructions: The student's response must demonstrate an understanding of five situations in which disclosure of the information is allowed under mental health legislation. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- With the client's consent.
- When the disclosure is required or authorised by the mental health legislation or other legal provisions.
- To nominated carers or guardians in certain circumstances.
- For the purpose of criminal investigations or criminal proceedings.
- For statistical analysis and research purposes, provided that there is compliance with further requirements.

Question 25

Counsellors must know the mandatory reporting requirements that might apply to their role.

In the table provided, identify the state/territory you live in and the legislation that sets out the requirements for mandatory reporting related to children in your state.

(Approximate word count: 10 words for each)

Assessor instructions: The students' responses must identify the state/territory legislation in their area that provides information about legal requirements for mandatory reporting. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

ACT	Children and Young People Act 2008
New South Wales	Children and Young Persons (Care and Protection) Act 1998
NT	Care and Protection of Children Act 2007
Queensland	Child Protection Act 1999
South Australia	Children and Young People (Safety) Act 2017
Tasmania	Children, Young Persons and Their Families Act 1997
Victoria	Children, Youth and Families Act 2005
Western Australia	Children and Community Services Act 2004 and or Family Court Act 1997 (WA)

Question 26

If you are ever required to make a report concerning child abuse or child protection concerns, it will be vital to follow your organisation's policies and procedures. Additionally, you must ensure that your reports are written clearly and factually.

Outline three (3) key responsibilities that counsellors have regarding their clients.

(Approximate word count: 100 - 180 words)

Assessor instructions: The student's response must demonstrate an understanding of at least three key counsellor responsibilities. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Respecting the fundamental rights of clients: Counsellors must provide a respectful, non-judgemental and non-discriminatory service to clients and protect the right of the client to self-determination (i.e., to make decisions for themselves).

- Only working with clients who have provided informed consent: Providing the client with all relevant details of the service, confirming that the client understands these, and confirming the client's willingness to engage in counselling.
- Respecting the client's right to privacy and confidentiality: Informing the client of exceptions to confidentiality, informing the client of record-keeping practices, and ensuring that any client information is stored appropriately.
- Prioritising client safety and well-being: Counsellors must act in their client's best interests, provide appropriate care, and avoid exploitation. Counsellors (and their organisations) are also responsible for the client's safety while receiving counselling services.
- Delivering a professional and competent service, for example:
 - Counsellors should possess comprehensive knowledge of their chosen approach and understand its limitations and limitations.
 - When a counsellor believes that their approach is unsuitable for a client's needs or that their needs exceed their competency level, they are responsible for referring that client to a more suitable practitioner.
 - Counsellors are also responsible for keeping up with changes in the field and ensuring that their knowledge is up-to-date to provide relevant and professional service to their clients.
 - This involves engaging in ongoing training, professional development, and supervision.
 - Counsellors must also engage in regular supervision to work through any potential issues in counselling.

Question 27

Most counselling organisations develop specific policies and procedures to assist counsellors in complying with their legal and ethical requirements regarding client privacy and confidentiality. Imagine you are responsible for creating your organisation's record-keeping policies and procedures.

Outline five (5) requirements in the policies and procedures you develop to help ensure workers comply with their legal and ethical requirements related to privacy and confidentiality.

(Approximate word count: 100 – 120 words)

Assessor instructions: The student's response must provide five requirements that can be included in record-keeping policies and procedures to help ensure legal and ethical compliance regarding privacy and confidentiality. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Hard-copy client files are to be kept in a locked filing cabinet.
- Electronic files are maintained on a protected intranet, and client records can only be accessed by the individual counsellor allocated to that client, their supervisor, and specific members of senior management.
- User passwords can only access electronic files, and no files are accessible to people who are not the

organisation's staff.

- Where there has been no activity on a client file for 90 days, that file is closed electronically, and the hard copy is placed in secure storage.
- Clients may request access to the information in their file and a letter or report based on the information in the file.
- Other people/services may not access information on a client file unless client consent is obtained in writing to release that information.
- Only aggregate (de-identified) data is provided to external agencies (for example, funding bodies).

Question 28

What is 'duty of care', and what legal implications can counsellors face if they breach their duty of care to clients?

(Approximate word count: 50 - 60 words)

Assessor instructions: The student's response must demonstrate an understanding of the concept of 'duty of care' in the context of counselling and the legal implications of breaching duty of care. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

"Duty of care means that counsellors are responsible for taking reasonable steps to avoid clients coming to harm either through their actions or lack of actions. If a counsellor breaches their duty of care, the counsellor may face claims of negligence and a claim for damages in court."

Question 29

Counsellors have a responsibility to maintain appropriate professional boundaries and avoid dual relationships. Identify five (5) types of dual relationships that should be avoided.

(Approximate word count: 60 - 70 words)

Assessor instructions: The student's response must demonstrate an understanding of five examples of problematic dual relationships. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Providing counselling to an employee or supervisee.
- Employing a client or going into business with current and former clients.
- Providing counselling to student/s or allowing a client to enrol in a course taught by the counsellor.
- Inviting clients to a party or accepting a client invitation to a party.
- Selling goods/services to or buying goods/services from a client.
- Accepting friends as clients or clients as friends.
- Engaging in any form of sexual contact with a client.

Question 30

Counsellors should always be cautious of behaviours that may violate the professional boundaries of the counsellor/client relationship or cause ethical dilemmas.

- a) Identify five (5) behaviours that could contribute to boundary violations.

(Approximate word count: 40 - 50 words)

Assessor instructions: The student's response must provide five behaviours that could contribute to boundary violations. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Developing strong feelings for the client.
- Spending more time with this client than others.
- Engaging with a client socially outside of the service.
- Receiving calls at home from the client.
- Receiving gifts.
- Doing things for a client rather than enabling them to do it themselves.
- Believing only they can offer the right services to the client.
- Physically touching the client.

- b) What should a counsellor do if they have become over-involved with a client or failed to maintain an appropriate professional boundary?

(Approximate word count: 30 - 40 words)

Assessor instructions: The student's response must demonstrate an understanding of meeting ethical requirements if they are in a position where they have not maintained appropriate boundaries with clients.

"The counsellor should consult with his/her supervisor to determine the most appropriate course of action to reinstate professional boundaries or make an appropriate referral for the client."

Question 31

Another aspect of ensuring client safety and well-being involves complying with all workplace health and safety requirements. Imagine that you are interested in obtaining further information about your WHS legal requirements.

Identify the state/territory you live in and the WHS regulatory body you would contact to obtain this information.

(Approximate word count: 10 words)

Assessor instructions: The student's response must correctly identify the WHS regulatory body of the state/territory they are in.

- ACT – WorkSafe ACT
- NSW – SafeWork NSW
- NT – NT WorkSafe
- QLD – Workplace Health and Safety. [Note: Reference to Workplace Health and Safety, Electrical Safety Office, and Workers’ Compensation Regulator should also be accepted, as these are combined on the main Queensland Government worksafe.qld.gov.au website; in this case, mark COM and provide feedback that Workplace Health and Safety is the correct term.]
- SA – SafeWork SA
- TAS – WorkSafe Tasmania
- VIC – WorkSafe Victoria
- WA – WorkSafe WA

Question 32

List five (5) responsibilities a counsellor typically has concerning WHS.

(Approximate word count: 65 - 75 words)

Assessor instructions: The student’s response must list five WHS responsibilities counsellors typically have. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Check that walkways and access points are clear of hazards such as power cords, furniture, and other items.
- Ensure the chairs in the counselling room are supportive and firm.
- Make sure that the counselling room is well-lit and ventilated.
- Maintain familiarity with emergency procedures, including regularly practising evacuation drills.
- Comply with policies and procedures related to personal safety and risk management.

Question 33

Imagine that you have recently started working as a counsellor. Based on the ACA’s *Code of Ethics and Practice*, outline three (3) strategies to meet your ethical requirements regarding professional and competent service provision.

(Approximate word count: 15 - 45 words)

Assessor instructions: The student’s response must demonstrate an understanding of three strategies likely to help counsellors meet ethical requirements regarding professional and competent service provision. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Maintain continuing professional development and regular ongoing supervision.

- Monitor own competence through supervision.
- Monitor own functioning (for example, the influence of alcohol/drugs, emotional difficulty, excessive tiredness or illness) and not deliver service if not competent to practice.
- Refer a client if not competent to provide service.
- Seek peer supervision regularly.
- Maintain knowledge of their particular field of counselling.
- Keep up to date with best practices.
- Have professional indemnity insurance.
- Consult with a supervisor or other practitioners when unsure.

Question 34

Briefly outline two (2) reasons counsellors should engage in regular supervision to ensure professional and competent service provision.

(Approximate word count: 15 - 45 words)

Assessor instructions: The student's response must provide two reasons counsellors should supervise regularly to ensure professional and competent service provision. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- It allows counsellors to discuss their work practices with a more experienced counsellor and learn from their feedback and suggestions.
- Supervision promotes counsellor skill development.
- Supervision protects the client's well-being by monitoring the counsellor's actions.
- It helps the counsellor decide upon appropriate actions to be taken in cases where the client requires assistance beyond the counsellor's capabilities.

Question 35

Counselling organisations have a responsibility to promote professional and competent service provision.

- Briefly outline one (1) strategy or process counselling organisations use to help promote professional and competent service provision.

(Approximate word count: 30-40 words)

Assessor instructions: The student's response must demonstrate an understanding of two strategies/processes counselling organisations use to help promote professional and competent service provision. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

Many counselling organisations provide 'in-house' training to staff to refresh skills, up-skill staff, or help staff

understand changes in practice (for example, the provision of a new service type or a change in the procedure).

- b) How do well-defined policies and procedures for receiving and responding to client complaints contribute to upholding clients' rights within counselling organisations?

(Approximate word count: 30-35 words)

Assessor instructions: The student's response must demonstrate an understanding of how responding to client complaints contributes to upholding clients' rights within counselling organisations. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

Well-defined policies ensure clients' rights to complain are respected, fostering transparency and accountability. These procedures provide a structured framework for addressing concerns, promoting a client-centric approach to resolving issues promptly and effectively.

- c) What role do counsellors and employers play in the process of responding to client complaints and making appropriate changes?

(Approximate word count: 40-50 words)

Assessor instructions: The student's response must demonstrate an understanding of the role of counsellors and employers in responding to client complaints. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

Counsellors and employers play a crucial role in treating client complaints seriously. They actively engage in the resolution process, implementing necessary changes to address valid concerns. This collaborative effort ensures continuous improvement, reinforcing the importance of respecting clients' rights and maintaining a high standard of professional conduct.

Question 36

Appropriately managing ethical dilemmas is often one of the most challenging aspects of counselling practice.

- a) What is an ethical dilemma?

(Approximate word count: 20 - 30 words)

Assessor instructions: The student's response must demonstrate an understanding of an ethical dilemma. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

"An ethical dilemma is a situation in which there is a conflict between different ethical principles and practices."

- b) Provide an example of an ethical dilemma that a counsellor might face.

(Approximate word count: 5 - 10 words)

Assessor instructions: The student's response must provide an example of an ethical dilemma that a counsellor

might face. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- The conflict between counsellor responsibilities and client rights.
- Management of professional boundaries and dual relationships.
- Conflict of interest.
- Values conflict.

Question 37

What is 'dignity of risk'?

(Approximate word count: 30 – 40 words)

Assessor instructions: The student's response must demonstrate an understanding of dignity of risk. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Clients have a right to make their own decisions regarding risk to allow them to experience life fully.
- It is linked to the concept of promoting client autonomy.

Question 38

Another common ethical dilemma in counselling practice is conflict of interest.

- a) What is a conflict of interest? In your response, you must provide an example of a situation that would constitute a conflict of interest.

(Approximate word count: 50 - 60 words)

Assessor instructions: The student's response must demonstrate an understanding of a conflict of interest and provide an example. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- A conflict of interest occurs when there is the potential to undermine the counsellor's impartiality due to a conflict between the counsellor's self-interest and their professional responsibilities or the client's best interests.
- Examples of conflicts of interest:
 - Situations involving dual relationships and boundary violations.
 - A counsellor accepts a family member or friend as a client.
 - A counsellor works separately with two clients known to each other and discusses each other during sessions (for example, taking on a husband as a client after you have been counselling the wife).

- When a counsellor is in a position to receive personal or financial benefits based upon decisions made in counselling.

b) What is the general process that a counsellor should follow if they identify that they have a conflict of interest to manage the situation appropriately?

(Approximate word count: 40 - 50 words)

Assessor instructions: The student's response must demonstrate an understanding of appropriate steps a counsellor could take to manage a conflict of interest. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Avoiding conflicts whenever they are foreseeable.
- Disclosing conflicts when they occur to the supervisor/manager, who will help decide the next steps based on the specific situation and the organisation's policies and procedures.
- Following supervisors/managers' instructions and documenting decisions and actions taken.

Question 39

For each situation, briefly outline the most appropriate action(s) for the counsellor.

(Approximate word count: 35 - 40 words for each)

a) Trent is a relationship and family counsellor. Trent's sister has told him that she and her husband are currently having marital problems and has asked Trent if they can see him for relationship counselling.

Assessor instructions: The students must demonstrate an understanding of the appropriate steps to manage this conflict of interest. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

Trent should decline to provide counselling to his sister and her husband to maintain professional boundaries, impartiality, and ethical guidelines. Trent should recommend seeking services from another qualified relationship counsellor to ensure a neutral and unbiased therapeutic environment.

b) Meg is a counsellor who works with victims of sexual assault. When she is conducting an initial session with a new client, she realises that the perpetrator in the client's story is her friend's son, who has recently been charged with sexual assault.

Assessor instructions: The student's response must demonstrate an understanding of appropriate steps to manage this conflict of interest. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

Meg must prioritize the well-being and safety of her client. She should immediately acknowledge the conflict of interest, suspend counselling, and refer the client to another qualified professional to maintain impartiality,

confidentiality, and ethical standards.

- c) Sarah, a school counsellor, discovers her niece is experiencing bullying at school and seeks her help. What actions should Sarah take, considering ethical boundaries and potential conflicts of interest?

Assessor instructions: The student's response must demonstrate an understanding of appropriate steps to manage this conflict of interest. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

Sarah should refrain from providing counselling to her niece to maintain professional boundaries, prevent conflicts of interest, and uphold ethical guidelines. Instead, she can support her niece in accessing appropriate school resources or external counselling services.

Question 40

List three (3) situations in which the management of a counselling organisation should ensure that their policies and procedures are reviewed.

(Approximate word count: 30 - 40 words)

Assessor instructions: The student's response must demonstrate an understanding of at least three situations where organisational management should review policies and procedures. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- When there is a change in legal or ethical requirements.
- As new guidelines and evidence on best practices emerge.
- When incidents occur that indicate the policy is not working.
- Regularly as part of the organisation's annual review and planning.

Question 41

It is every worker's responsibility to contribute to workplace improvements.

Explain two (2) steps you could take to contribute to developing and reviewing workplace policies and procedures proactively.

(Approximate word count: 20 - 70 words)

Assessor instructions: The student's response must demonstrate an understanding of at least two methods/steps a worker/counsellor can take to proactively contribute to developing and reviewing workplace policies and procedures. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Being familiar with current policies and procedures and willing to make suggestions and contribute to the discussion.
- Proactively sharing feedback with colleagues. When you have dealt with an ethical issue, share your experience and lessons learned with colleagues and supervisors. You can work with the organisation's management to review and improve their protocols and procedures to reflect legal and ethical responsibilities.
- Keeping up-to-date with current best practices through continuing professional education and sharing your knowledge with management and work colleagues.
- Involving clients and other stakeholders in the consultation process.
- Participating in committees and meetings set up to review policies and protocols.
- Completing employee feedback forms.

Question 42

When working as a counsellor, it is essential to remember that you also have several workplace rights.

- a) What is the name of the key piece of Commonwealth legislation designed to protect workers' rights in Australia?

(Approximate word count: 10 words)

Assessor instructions: The student's response **must** refer to the Fair Work Act 2009.

- b) List three (3) specific workplace rights protected under the legislation you identified in Question 42.

(Approximate word count: 10 - 30 words)

Assessor instructions: The student's response must demonstrate an understanding three specific workplace rights protected under the Fair Work Act 2009. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

- Workplace rights (for example, maximum work hours, wages, entitlements, etc.).
- The right to engage in industrial activities.
- The right to be free from unlawful discrimination.
- The right to be free from undue influence or pressure in negotiating individual arrangements.

- c) If you ever feel your workplace rights have been breached, which government agency would be most appropriate for you to discuss the matter?

(Approximate word count: 10 words)

Assessor instructions: The student's response must refer to the Fair Work Ombudsman.

Question 43

The Universal Declaration of Human Rights is important for counsellors to be aware of as it shapes the ethical considerations, legal responsibilities, and mechanisms ensuring accountability in upholding the diverse rights of individuals.

(Approximate word count: 45-50 words for each)

- a) How does the Universal Declaration of Human Rights influence the ethical considerations and legal responsibilities of counsellors in addressing the diverse needs and rights of individuals?

Assessor instructions: The students must demonstrate an understanding of how the Universal Declaration of Human Rights influences ethical considerations and legal responsibilities. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

The Universal Declaration of Human Rights significantly shapes counsellors' ethical considerations and legal obligations. It underscores the recognition of diverse needs and rights. It is a foundational framework guiding counsellors in promoting human rights, children's rights, and freedom from discrimination throughout their studies and professional practice.

- b) What mechanisms ensure accountability in upholding the rights outlined in the Universal Declaration of Human Rights within the context of counselling?

(Approximate word count: 60 words for each)

Assessor instructions: The student's response must demonstrate an understanding of what mechanisms ensure accountability in upholding the rights. Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

Legislation at the federal and state/territory levels formalises the rights outlined in the Universal Declaration of Human Rights. These laws provide mechanisms for the promotion, enforcement, and accountability of rights, ensuring that counsellors adhere to ethical standards and legal responsibilities. The declaration is a crucial reference point for counsellors to navigate and uphold human rights in their professional roles.

Question 44

- a) Identify and provide the extract/s from the *ACA Code of Ethics and Practice* that relates to counsellors continuing professional education.

(Approximate word count: 95 - 100 words)

Assessor instructions: Students must include specific extracts the *ACA Code of Ethics and Practice* - 3.10 - i., vi and vii in their answer.

Code of Practice

3.10 Competence

(a) Counsellor Competence and Education

i. Counsellors must have achieved a level of competence before commencing counselling and must maintain continuing professional development as well as regular and ongoing supervision.

vi. Counsellors must recognise the need for continuing education in their chosen profession to maintain a professional level of awareness of current scientific and professional information and education in their particular fields of activity.

vii. Counsellors should take steps to maintain and improve their level of competence through ongoing professional development and to keep up to date with best practice.

b) What might the consequences be if a counsellor fails to provide competent service?

(Approximate word count: 95 - 100 words)

Assessor instructions: Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

A counsellor is left open to civil claims of negligence. It is also important to understand that clients are also able to make a complaint to the Australian Counselling Association if they believe that a counsellor has breached any specific clauses of the ACA Code of Ethics and Practice. If a counsellor has been found to be in breach, the ACA can impose different sanctions depending upon the seriousness of the breach. These sanctions range from the introduction of probationary requirements and additional supervision through to the termination of membership with the ACA.

Question 45

Explain the process of developing workplace policies, procedures, and protocols within the context of a counselling service in Australia, ensuring compliance with relevant legislation and ethical guidelines. Your answer should cover the steps from initial development to implementation and review.

(Approximate word count: 350 words)

Assessor instructions: Wording may differ, but appropriate answers must reflect the themes and characteristics of the following example.

Developing workplace policies, procedures, and protocols in a counselling service in Australia involves a structured process to ensure that the service operates effectively, ethically, and in compliance with relevant legislation. The process typically follows these steps:

1. **Identify Need:** The first step is identifying the need for a new policy, procedure, or protocol, which can arise from legislative changes, feedback from clients and staff, or identifying gaps in existing practices.
2. **Research:** Conduct thorough research to understand relevant legal and ethical obligations. This involves

reviewing current legislation, ethical guidelines provided by professional counselling bodies (such as the Australian Counselling Association or the Psychotherapy and Counselling Federation of Australia), and best practice standards within the industry.

3. **Drafting:** Draft the policy, procedure, or protocol, ensuring clarity, accessibility, and relevance. The drafting process should consider the practical application within the counselling service and how it supports its mission and values. Input from diverse stakeholders, including counselling staff, management, and potential clients, is valuable to ensure the document addresses all necessary aspects and perspectives.
4. **Review and Legal Compliance:** Review the draft with legal advisors or compliance officers to ensure it meets all legislative requirements and does not conflict with existing laws or ethical standards. This step is crucial for mitigating risk and ensuring the protection of both clients and staff.
5. **Approval:** Once the draft is finalized and compliant with legal and ethical standards, it requires approval from senior management or the governing body of the counselling service.
6. **Implementation:** Implement the policy, procedure, or protocol through staff training, communication, and integration into daily operations. This may involve updating systems and processes and ensuring all staff understand their roles and responsibilities related to the new document.
7. **Monitoring and Review:** Establish a process for monitoring compliance with the policy, procedure, or protocol and its effectiveness in achieving its objectives. Regular reviews should be scheduled to assess its impact and make necessary adjustments. Feedback from staff and clients can inform this review process, ensuring the document remains relevant and effective over time.

Assessment checklist:

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

1	45 (forty-five) short answer questions are to be completed in the spaces provided.	<input type="checkbox"/>
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Congratulations, you have reached the end of Assessment 1!

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