



CHCLEG001

ASSESSOR GUIDE

Work legally and ethically

Assessment 1 of 3

Short Answer Questions



SWINBURNE
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EDUCATION

Assessment Instructions

Task overview

This assessment task consists of 9 short answer questions.

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

Additional resources

To answer some of the questions, you may need to access relevant international, national, state/ territory and local legislation and regulations.

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.

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Question 1

In the community services and health context describe each of the following legal and ethical considerations, including how they are applied in the workplace, their impact on workers and potential consequences for any breach.

(Approximate word count: Up to 100 words each)

Assessor instructions: Students must describe each of the terms below and how it relates to the community services and health industry, impacts workers in this field and potential consequences for a breach.

Sample answers are provided below.

Each answer must include an overview capturing:

- A description of the term
- How it applies to the community services and health industry
- How it relates to or impacts workers in this area
- Potential consequences for a breach or non-compliance.

TERM	DESCRIPTION including workplace application , impact on workers and consequences for breaches.
a. Codes of conduct	<p>A code of conduct provides guidance to workers on expected behaviour, professional standards, and ethical principles.</p> <p>A code of conduct is often signed as their commitment to the standards of behaviour as part of employees contract when commencing employment.</p> <p>Workers are expected to adhere to the codes of conduct at all times, and non-compliance can have significant consequences. Depending on the severity of the breach and the jurisdiction, consequences may range from disciplinary action to criminal charges.</p>
b. Codes of practice	<p>A code of practice in community services is a set of guidelines that outline the best practices and standards for delivering community services.</p> <p>It provides a framework for the delivery of quality services that meet the needs of clients and are in line with ethical and legal requirements.</p> <p>Consequences for breaching these guidelines may range from disciplinary action to criminal charges depending on the breach.</p>
c. Complaints management	<p>A complaints management process in community services is a formal system for receiving, recording, investigating, and resolving complaints from clients, service users, or other stakeholders who have concerns about the services they have received.</p> <p>It is an essential component of quality assurance and helps to promote accountability and continuous improvement in service delivery.</p> <p>A breach may result in legal action for the individual or organisation, reputational damage or loss of funding for the organisation and disciplinary action for the individual.</p>

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<p>d. Continuing professional development/ education</p>	<p>Continuing professional development refers to ongoing learning and skill development that takes place after the completion of formal education or training programs. It helps to ensure that individuals are providing high-quality, evidence-based services that meet the needs of their clients.</p> <p>It is also a requirement for maintaining professional registration with relevant bodies such as the Australian Association of Social Workers or the Australian Health Practitioner Regulation Agency.</p> <p>Non compliance with continuing professional development may result in out of date practices, having professional registration revoked and/or breaches of compliance relating to updated legislation.</p>
<p>e. Discrimination</p>	<p>Discrimination is the unfair treatment of an individual or group based on certain personal characteristics, such as race, gender, age, religion, sexual orientation, disability, or any other protected attribute. Discrimination can take many forms, including exclusion, harassment, and differential treatment.</p> <p>Employees in the community services and health industry have a responsibility to prevent discrimination and promote diversity and inclusion in their workplaces. By doing so, they can create safe, respectful, and inclusive environments that promote the health and well-being of all individuals.</p> <p>Anyone found in breach of discrimination-based legislation is liable to face legal consequences and penalties.</p>
<p>f. Dignity of risk</p>	<p>Dignity of risk is based on the belief that all individuals should have the opportunity to make their own decisions and take risks in order to lead fulfilling lives. However, this concept also recognises that individuals may require support and guidance to make informed decisions and manage potential risks.</p> <p>This may seem in contradiction to other legal and ethical responsibilities health and community services workers must comply with, so it is recommended that they conduct thorough risk assessments, develop supportive strategies and consult with colleagues/ supervisors as needed to ensure the right outcome is achieved.</p>
<p>g. Duty of care</p>	<p>In the community services and health industry, employees have a duty of care to ensure the safety, well-being, and rights of the individuals they support.</p> <p>The duty of care is based on the principle that individuals have a right to be protected from harm, and that those who are in a position to do so have a responsibility to take action to prevent harm from occurring.</p> <p>A breach of a duty of care may result in legal and disciplinary consequences, such as lawsuits, loss of professional license, or termination of employment.</p>
<p>h. Informed consent</p>	<p>Informed consent outlines an individual's right to receive and understand information about their care or treatment options, including any potential risks or benefits, and to make an informed decision about their care.</p> <p>It must also be determined that the client has the capacity to provide informed consent.</p> <p>Failure to obtain informed consent or to uphold an individual's right to make their own decisions can result in legal and ethical consequences for employees, including lawsuits and disciplinary action.</p>

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i. Mandatory reporting	<p>Mandatory reporting requires workers to report suspected cases of abuse or neglect of children, elderly, or vulnerable individuals to the relevant authorities. The purpose is to protect those who may be at risk of harm and ensure that appropriate interventions can be implemented to prevent further harm.</p> <p>Failure to report suspected cases of abuse or neglect can result in legal and ethical consequences for employees, including fines, disciplinary action, and criminal charges.</p>
j. Practice standards	<p>Practice standards are set by professional organisations, regulatory bodies, and industry best practices. These standards help to ensure that employees provide safe and effective care to the individuals they serve and maintain the highest level of professionalism in their work.</p> <p>Failure to adhere to practice standards can result in legal and ethical consequences for employees, including disciplinary action, loss of licensure or certification, and legal liability.</p>
k. Practitioner client boundaries	<p>Practitioner-client boundaries refer to the ethical and professional guidelines that govern the interactions and relationships between employees and clients in the community services and health industry.</p> <p>These boundaries may include:</p> <ul style="list-style-type: none"> - Avoiding dual relationships - Maintaining professional distance - Respecting client autonomy - Establishing clear communications etc. <p>Failure to maintain appropriate practitioner-client boundaries can result in legal and ethical consequences for employees, including disciplinary action, loss of licensure or certification, and legal liability.</p>
l. Privacy, confidentiality and disclosure	<p>Privacy refers to an individual's right to control the collection, use, and disclosure of their personal information. Confidentiality refers to the obligation to protect and keep confidential any information that is shared by a client.</p> <p>This involves:</p> <ul style="list-style-type: none"> - Obtaining informed consent - Maintaining accurate and secure records - Minimising sharing information - Complying with legal requirements etc. <p>Failure to maintain privacy and confidentiality can result in legal and ethical consequences for employees, including disciplinary action, loss of licensure or certification, and legal liability.</p>

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<p>m. Policy frameworks</p>	<p>Policy frameworks provide a set of guidelines and procedures for employees to follow when delivering services to clients, and they outline the expectations and standards of behavior that employees are expected to adhere to.</p> <p>Policy frameworks cover:</p> <ul style="list-style-type: none"> - Client care - Health and safety - Human resources - Code of conduct - Code of practice etc. <p>It is essential employees be aware of and understand these policies and procedures and seek clarification when needed.</p> <p>Failure to comply with these policies can result in disciplinary action, loss of employment, or legal liability.</p>
<p>n. Records management</p>	<p>Records management is the practice of creating, storing, maintaining, and disposing of records in a manner that ensures their accuracy, completeness, and security.</p> <p>Employees in the community services and health industry have legal and ethical obligations to maintain accurate and complete records of their interactions with clients.</p> <p>Failure to comply with records management policies can have serious legal and ethical consequences for employees and organisations such as legal action or loss of reputation for a breach in privacy or serious consequences for client health and well-being where mis information is recorded.</p>

Question 2

Identify the relevant legislation, laws, regulations and/or policies that apply to the community services and health industry for each of the following legal and ethical considerations at the international, national, state/ territory and local level as identified. For each legislation, provide a link to a copy of the requirements and a short description as it relates to jobs within this industry. Where there is no single legislation, law or regulation to link to, provide a link to an example of the relevant regulation or policy that applies.

Some of the following terms may not relate to specific legal tools however the concepts within are captured in a range of legislation. Reference this below as appropriate.

NOTE: Indicate State/Territory to represent your own state or territory. If your state or territory does not have a specific legislation related to the consideration, include the relevant answer for an alternative state.

Assessor instructions: Students must identify and describe legislation relevant to each of the legal and ethical considerations identified. These must include the name of the legal tool, a link to a copy of it and a short description in relation to their work role.

Correct legislation is provided below. Where there are multiple options, this is indicated in the sample answer. Descriptions may vary, however must capture the key components of each legislation as it relates to the consideration. Links may also differ, but must direct you to a current version of the tool.

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LEGAL AND ETHICAL CONSIDERATIONS	LEVEL	LEGISLATION/ LAW/ REGULATION	DESCRIPTION (Approximately 20-50 words each)
a. Children in the workplace	International	United Nations Convention on the Rights of the Child (UNCRC)	The UNCRC is an international human rights treaty that sets out the civil, political, economic, social, and cultural rights of children. Australia ratified the UNCRC in 1990.
	National	Child Protection (Working with Children) Act 2012	This Act establishes a framework for screening individuals who work or volunteer with children, including requiring a Working with Children Check.
	National	Child Wellbeing and Safety Act 2005	This Act sets out the legal obligations of organisations to protect the safety and wellbeing of children in their care, including requirements for reporting child abuse and neglect.
	State/ Territory	Child Protection Act (varies by state/territory) This may include: <ul style="list-style-type: none"> - Child Protection Act 1999 (Qld) - Children and Young Persons (Care and Protection) Act 1998 (NSW) - Children and Young People Act 2008 (ACT) - Child Employment Act 2003 (VIC) - Children, Young Persons and Their Families Act 1997 (TAS) - Child Safety (Prohibited Persons) Act 2016 (SA) - Children and Community Services Act 2004 (WA) - Care and Protection of Children Act 2007 (NT) 	Each state and territory has its own child protection legislation that sets out the legal obligations and requirements for organisations and individuals working with children, including mandatory reporting requirements for child abuse and neglect.

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	Local	Local government by-laws (varies by council)	Local councils may have their own by-laws and regulations relating to the care and protection of children, including requirements for the provision of child care services and the licensing of child care providers.
b. Discrimination	International	United Nations Universal Declaration of Human Rights (UDHR)	This prohibits discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.
	International	International Labour Organisation (ILO) Convention 111 on Discrimination in Employment and Occupation	Requires member states to eliminate discrimination in the workplace.
	National	Australian Human Rights Commission Act 1986	This Act establishes the Australian Human Rights Commission (AHRC) and gives it the power to investigate and resolve complaints of discrimination and breaches of human rights.
	National	Disability Discrimination Act 1992	This Act prohibits discrimination against people with disabilities, including children with disabilities, in employment, education, access to premises, and the provision of goods and services.
	National	Sex Discrimination Act 1984	This Act prohibits discrimination based on sex, gender identity, and intersex status, including in employment, education, access to premises, and the provision of goods and services.
	National	Racial Discrimination Act 1975	This Act prohibits discrimination based on race, colour, ethnicity, and national origin, including in employment, education, access to premises, and the provision of goods and services.
	State/ Territory	Each Australian state and territory has its own anti-discrimination laws such as: <ul style="list-style-type: none"> - Anti-Discrimination Act 1977 (NSW) - Victorian Charter of Human Rights and Responsibilities Act 2006 	It is unlawful to discriminate on the grounds of race, sex, age, sexual orientation, marital or domestic status, disability, transgender status, and other factors.

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	Local	Inclusion (Anti-Discrimination) Policy	Outlines the City of Sydney council's commitment to promoting a safe and inclusive community for all residents and visitors.
c. Dignity of risk	International	United Nations Convention on the Rights of Persons with Disabilities (CRPD)	recognises the right of persons with disabilities to enjoy the same rights and freedoms as others, including the right to make their own choices and take risks.
	National	Aged Care Quality Standards	Promotes and supports individual autonomy and decision-making.
	National	National Disability Insurance Scheme (NDIS) Practice Standards	Promotes and supports individual autonomy and decision-making.
	State/ Territory	Some states provide individual decision making legislation including: <ul style="list-style-type: none"> - Guardianship and Administration Act 2019 (Qld) - Mental Health Act 2014 (Vic) 	Provide frameworks for decision-making and capacity assessments for individuals who may require support.
d. Duty of care (Provide 1 example of each)	International	At the international level, the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Persons with Disabilities (CRPD) both include provisions related to duty of care for vulnerable individuals.	

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	National	<p>At the national level in Australia, the Work Health and Safety Act 2011 (Cth) imposes a duty of care on employers to ensure the health and safety of workers and others in the workplace.</p> <p>The Aged Care Act 1997 (Cth) and the National Disability Insurance Scheme Act 2013 (Cth) also impose duties of care on providers of aged care and disability services, respectively.</p>	
	State/Territory	<p>State and territory laws also impose a duty of care on community services and health industry professionals.</p> <p>For example, the Health Records and Information Privacy Act 2002 (NSW) and the Privacy and Data Protection Act 2014 (Vic) require health practitioners to maintain the confidentiality and security of patient information.</p>	

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<p>e. Informed consent</p> <p>(Provide 1 example of each)</p>	International	<p>The principle of informed consent is recognised in various international declarations and guidelines, such as:</p> <ul style="list-style-type: none"> - World Medical Association's Declaration of Helsinki - UNESCO Universal Declaration on Bioethics and Human Rights. 	<p>These documents emphasise the importance of obtaining voluntary and informed consent from individuals involved in research or medical procedures.</p>
	National	<p>National Health and Medical Research Council (NHMRC) National Statement on Ethical Conduct in Human Research</p>	<p>It provides guidelines for research involving humans, including requirements for obtaining informed consent.</p>
	State/Territory	<p>Each Australian state and territory has its own laws and regulations that govern informed consent in the healthcare context. These include:</p> <ul style="list-style-type: none"> - Health Records and Information Privacy Act 2002 (NSW) - Health Records Act 2001 (VIC) - Consent to Medical Treatment and Palliative Care Act 1995 (SA) 	<p>These outline the requirements for obtaining and documenting informed consent in healthcare settings.</p>
	Local (Organisati	<p>Hospice policies or research ethics guidelines.</p>	<p>These policies aim to ensure compliance with relevant legislation and ethical standards.</p>

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f. Mandatory reporting	National	Family Law Act 1975	This legislation requires certain professionals, such as doctors, psychologists, and social workers, to report child abuse or neglect if they have reasonable grounds to suspect it during their work.
	National	Crimes Act 1914	This Act imposes a general obligation on all individuals to report offenses they believe have been committed against children.
	National	National Disability Insurance Scheme Act 2013	This legislation establishes mandatory reporting obligations for registered NDIS providers in relation to serious incidents or abuse against participants.
	State/ Territory	Child Protection Act (varies by state/territory)	Each state and territory has its own child protection legislation that sets out the requirements and processes for reporting child abuse and neglect. These laws typically outline who is required to report, what should be reported, and the procedures to be followed.
	State/ Territory	Domestic Violence Protection Act (varies by state/territory)	Legislation relating to domestic violence often includes provisions for mandatory reporting in situations where children are at risk or witnessing domestic violence.
g. Privacy, confidentiality and disclosure	International	General Data Protection Regulation (GDPR)	This applies to organisations that handle the personal data of individuals in the European Union. It sets out requirements for the collection, use, and protection of personal information, including the rights of individuals regarding their data.
	National	Privacy Act 1988	The Privacy Act establishes a national framework for the handling of personal information. It includes Australian Privacy Principles (APPs) that apply to most private sector organisations and government agencies. The APPs govern the collection, use, disclosure, and storage of personal information.
	State/ Territory	Health Records and Information Privacy Act (HRIPA) (varies by state/territory)	Each Australian state and territory has its own HRIPA or similar legislation that specifically addresses privacy and confidentiality in the healthcare sector. For example, in New South Wales, the Health Records and Information Privacy Act 2002 (NSW) governs the handling of health information by health service providers.
h. Industrial relations (regarding employment conditions)	International	International Labour Organisation (ILO) Conventions	ILO sets international labor standards and promotes decent work. While not legally binding, member countries are encouraged to adopt and implement ILO conventions relevant to industrial relations, such as the Freedom of Association and Protection of the Right to Organise Convention and the Right to Organise and Collective Bargaining Convention.

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	National	Fair Work Act 2009	This is the primary legislation governing industrial relations in Australia. It establishes the Fair Work Commission, which oversees workplace relations matters, including collective bargaining, dispute resolution, and workplace agreements. It sets out the rights and obligations of employers, employees, and unions, including provisions for minimum wages, working conditions, unfair dismissal, and industrial action.
	State/ Territory	State Industrial Relations Acts (varies by state/territory): Each state and territory in Australia has its own industrial relations legislation that complements the Fair Work Act.	These laws may include provisions related to specific industries, employment conditions, and workplace rights within the jurisdiction.

Question 3

Answer the following 4 questions on human rights in the community services and health industry.

- a. What are human needs and human rights and what is the relationship between them?

(Approximate word count: 100 words)

Assessor instructions: Students must describe the terms human needs and human rights and then define the relationship between the two terms.

A sample answer is provided below. Students answers may vary, however they must address all 3 components and capture the key information included below.

Human needs refer to the essential requirements for individuals to live a dignified and fulfilling life, such as food, water, shelter, healthcare, education, and freedom from violence.

Human rights are the legally and morally recognised entitlements of every individual, encompassing civil, political, economic, social, and cultural rights. Human rights ensure that people have access to the necessary conditions and resources to fulfill their basic needs.

By recognising and protecting human rights, societies aim to create an environment where individuals' needs are met, enabling them to live with dignity, equality, and freedom.

- b. What are 6 key principles and rights captured in the Universal Declaration of Human Rights (UDHR) as presented in your learning? Identify and provide a short summary of each.

(Approximate word count: 50 words each)

Assessor instructions: Students must xx

A sample answer is provided below. Students descriptions may vary however they must capture the 6 key principles and rights of the UDHR as well as the core components as provided below.

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KEY PRINCIPLES & RIGHTS		SUMMARY
1.	Equality and non-discrimination	All individuals are born free and equal in dignity and rights, without any distinction based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. It promotes equal treatment, opportunities, and protection for all, fostering inclusive and diverse societies.
2.	Right to life, liberty, and security	Every person has the right to life, liberty, and security of person. This includes protection from arbitrary deprivation of life, unlawful imprisonment, and physical or psychological harm. It ensures individuals are free from torture, slavery, and other forms of cruel or inhumane treatment.
3.	Freedom of thought, expression, and religion	This right encompasses the freedom to hold opinions, express ideas, and seek, receive, and impart information and knowledge through any medium. It also guarantees the freedom of religion or belief, including the freedom to worship, practice, and manifest one's religion individually or in community.
4.	Right to fair treatment	This principle guarantees that everyone is entitled to a fair and public hearing by an independent and impartial tribunal when facing legal issues or disputes. It includes the right to be presumed innocent until proven guilty, the right to legal counsel, and protection against arbitrary arrest, detention, or exile.
5.	Right to education, health, and social security	This right ensures that every individual has access to education, including free and compulsory primary education, and the opportunity to develop their full potential. It also encompasses the right to the highest attainable standard of physical and mental health and social security, including access to medical care, social assistance, and social services.
6.	Right to work, just wages, and labor protections	Everyone has the right to work, free choice of employment, and just and favorable conditions of work. This includes fair remuneration for work, equal pay for equal work, and the right to form and join trade unions to protect and promote their interests. It also safeguards against exploitation, forced labor, child labor, and unfair treatment in the workplace.

- c. Describe the Human Rights-Based Approach (HRBA) to work in the community services and health industry. (Approximate word count: 100 words)

Assessor instructions: Students must describe the term HRBA as it relates to work in the community services and health industry.

A sample answer is provided below. Students answers may vary, however they must address the elements set out in the assessor instructions.

This approach emphasises the principles of dignity, equality, participation, and accountability. It integrates human rights standards and principles into all aspects of service delivery, policy development, and decision-making. It ensures that services and interventions are designed and implemented in a manner that respects and upholds each persons basic human rights.

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- d. Identify 3 instruments or tools used in the workplace to ensure client and worker human rights are maintained.

(Approximate word count: 100 words)

Assessor instructions: Students must identify 3 instruments used in the workplace to ensure human rights are maintained.

Sample answers are provided below. Students answers may vary, however they must reflect valid human rights instruments that are applied to clients and workers.

1.	<p>1. Universal Declaration of Human Rights 2. International Covenant on Civil and Political Rights 3. International Covenant on Economic, Social, and Cultural Rights,</p> <p>Alternative answers may include:</p> <ul style="list-style-type: none"> • Convention on the Rights of the Child • Convention on the Rights of Persons with Disabilities • Code of conduct • EEO Training • Complaints and grievance mechanisms • WHS policies and procedures <p>Refer to Questions 1 and 2 above for a more comprehensive list of options.</p>
2.	
3.	

Question 4

Describe the legal and ethical rights and responsibilities of workers, employers and client in the community services and health industry.

(Approximate word count: 40 words each)

Assessor instructions: Students must describe legal and ethical rights and responsibilities for workers, employers and clients in the community services and health industry.

Sample answers are provided below. Students answers may vary, however they must reflect both legal and ethical components for each stakeholder group identified.

PARTIES	LEGAL	ETHICAL
	RIGHTS AND RESPONSIBILITIES	
Workers	Workers have the right to a safe and healthy work environment, fair wages, reasonable working hours, protection against discrimination and harassment, and the right to join trade unions and engage in collective bargaining.	Workers have a responsibility to provide high-quality services, respect client autonomy and dignity, maintain confidentiality, engage in ongoing professional development, adhere to professional codes of conduct, and advocate for the rights and well-being of clients.
Employers	Employers are responsible for providing a safe and healthy work environment, complying with employment laws and regulations, preventing discrimination and harassment,	Employers have the right to expect employees to perform their duties competently and professionally, adhere to organisational

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	ensuring fair wages and working conditions, and providing appropriate training and support for workers.	policies and procedures, and act in the best interests of clients and the organisation.
Clients	Clients have the right to receive appropriate and quality services, be treated with dignity and respect, make informed decisions about their care, have their confidentiality protected, and access information about their rights and the services available to them.	Clients have a responsibility to provide accurate information about their needs, actively participate in their care and decision-making, respect the rights and dignity of workers, and comply with the agreed-upon treatment plans and guidelines.

Question 5

Identify and explain 2 legal and 2 ethical work role responsibilities and 2 legal and 2 ethical work role limitations or boundaries for those working in community services and health industry.

(Approximate word count: 40 words each)

Assessor instructions: Students must identify 2 legal and 2 ethical work role responsibilities and limitations (boundaries). Each responsibility and limitation must be explained in the context of a role in the community services and health industry.

Sample answers are provided below. Students answers may vary however they must reference 2 legal responsibilities and 2 legal limitations for this group of care workers. They must also capture 2 ethical responsibilities and 2 ethical limitations for this group of care workers.

TYPE		RESPONSIBILITY	LIMITATION (BOUNDARY)
Legal	1.	Client confidentiality - They must ensure that client information is kept secure and only disclosed with the client's informed consent or as required by law.	Scope of Practice - Workers must operate within the boundaries of their defined scope of practice, which means they are limited to providing services and interventions that are within their professional competence and qualifications.
	2.	Legal regulations and professional standards governing practice - This includes following licensing requirements, ensuring proper documentation and record-keeping, and adhering to health and safety regulations.	Compliance with Regulations - Workers are obligated to comply with relevant laws, regulations, and licensing requirements. This includes following specific protocols, maintaining appropriate documentation, and adhering to health and safety regulations in the workplace.
Ethical	1.	Respect for Autonomy and Dignity - This involves actively involving clients in decision-making, seeking their informed consent, and promoting their rights to self-determination and privacy.	Boundaries and Dual Relationships – They must maintain appropriate professional boundaries with clients, avoiding engaging in dual relationships that could compromise their objectivity, professional judgment, or harm the client.
	2.	Cultural Sensitivity – They must provide services without discrimination based on factors such as race, gender, religion, or disability. They should also strive to be culturally competent, understanding and respecting the diverse backgrounds and perspectives of clients.	Confidentiality and Privacy - Workers must protect the confidentiality and privacy of client information, only disclosing information on a need-to-know basis and with the client's informed consent, except in situations where disclosure is required by law or to prevent harm to the client or others.

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Question 6

Explain the interrelationships, similarities and differences that may exist between legal and ethical frameworks in the community services and health industry using at least 2 examples for each.

(Approximate word count: 50 words each)

Assessor instructions: Students must capture and explain the interrelationships, similarities and differences in legal and ethical frameworks based on at least 2 elements/examples.

Sample answers are provided below. Students answers may vary however they must incorporate 2 ways in which legal and ethical considerations are interrelated, similar and different.

INTERRELATIONSHIPS	
1.	Overlapping Objectives: Both legal and ethical frameworks aim to ensure the well-being, safety, and rights of individuals receiving services in the community services and health industry. They seek to promote fairness, justice, and the highest standards of care.
2.	Informative Nature: Ethical frameworks often inform legal frameworks by setting standards and guidelines for professional conduct. Ethical considerations can help shape and influence the development of laws and regulations in the industry. Alternative answers may include: <ul style="list-style-type: none">• Compliance and Alignment: Professionals in the community services and health industry must navigate and comply with both legal and ethical frameworks simultaneously. They need to adhere to legal requirements while also upholding ethical principles and responsibilities.
SIMILARITIES	
1.	Protection of Rights: Both legal and ethical frameworks are concerned with safeguarding the rights and dignity of individuals. They emphasise the importance of respect, non-discrimination, confidentiality, informed consent, and the right to receive quality care and support.
2.	Professional Standards: Both frameworks establish standards of conduct for workers in the industry. They guide professionals in their decision-making, behavior, and interactions with clients, emphasising professionalism, integrity, and competence. Alternative answers may include: <ul style="list-style-type: none">• Client-Centered Focus: Both frameworks prioritise the best interests and well-being of clients. They emphasise the need for client autonomy, empowerment, and participation in decision-making regarding their care and services.
DIFFERENCES	
1.	Binding Nature: Legal frameworks are enforceable through legislation, regulations, and court systems. They provide clear guidelines and consequences for non-compliance, and violations can result in legal penalties or sanctions. Ethical frameworks, on the other hand, are not legally binding but provide guidance and principles for ethical decision-making and professional behavior.
2.	Source of Authority: Legal frameworks derive their authority from statutory law, regulations, and government bodies. They are established and enforced by legislative bodies and regulatory agencies. Ethical frameworks, however, are based on professional codes of conduct, moral principles, and professional organisations' guidelines. Alternative answers may include: <ul style="list-style-type: none">• Specificity and Flexibility: Legal frameworks tend to be more specific and prescriptive, outlining detailed requirements and procedures that must be followed. Ethical frameworks, on the other hand,

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offer more general principles and values, allowing for flexibility and interpretation in diverse situations.

Question 7

Read the case studies below. For each of the case studies provided, identify 1 legal issue present and propose 2 appropriate responses. For the legal issue, include the legislation name and a short description of the breach.

Assessor instructions: Students must identify 1 legal issue present in each case study and propose 2 appropriate responses.

Sample answers are provided below. Students answers may vary however they must reflect the legal issues (the legislation/act and a short description of the breach) and potential solutions in line with each case study.

CASE STUDY	LEGAL ISSUE (Word count: Up to 20 words each)	PROPOSED RESPONSES Word count: Up to 50 words each)	
<p>a. You work as a Carer in a community organisation. While eating lunch at a busy cafeteria within your workplace you overhear a conversation between two work colleagues who are gossiping about a client's health condition. Your colleagues mention the clients name and the seriousness of their illness. You 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 including staff, clients and visitors on a daily basis.</p>	<p>This is a violation of the clients privacy and confidentiality in line with the Privacy Act 1988.</p>	1.	<p>You can intervene in the conversation and remind your colleagues about the importance of maintaining client confidentiality and privacy. Politely inform them that discussing sensitive client information in a public place is inappropriate and against professional standards.</p>
		2.	<p>Report the incident to the appropriate authority within your workplace, such as a supervisor, manager, or HR department. Provide a detailed account of the incident, including the individuals involved, the content of the conversation, and any potential impact on the client's privacy.</p> <p>Alternative answers may include:</p> <ul style="list-style-type: none"> • Advocate for ongoing education and training programs on privacy, confidentiality, and professional conduct within your workplace. This can help reinforce the importance of privacy and confidentiality obligations and ensure that all staff members are aware of their responsibilities. • Ensure that your workplace has clear policies and procedures in place regarding privacy and confidentiality. If they do not exist, advocate for their development. Enforce these policies by holding staff accountable for any breaches and implementing appropriate consequences.

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<p>b. A day outing is being organised for clients at the care organisation you work for. The organisers decide to exclude a wheelchair bound client as they think it is too difficult to work around his disability and that he probably wouldn't want to go anyway.</p>	<p>The legal breach in this scenario is discrimination based on disability in opposition to the Anti-Discrimination Act 1992.</p>	1.	Engage in open and respectful communication with the wheelchair-bound client. Consult with them about their preferences, desires, and any specific accommodations they may require to participate in the outing. Ensure their wishes are respected and integrated into the planning process.
		2.	<p>Report the incident to the appropriate authority within your workplace, such as a supervisor, manager, or HR department. Provide a detailed account of the incident, including the individuals involved, the discrimination and justification provided.</p> <p>Alternative answers may include:</p> <ul style="list-style-type: none"> Assess the outing venue and activities to determine if reasonable accommodations can be made to facilitate the wheelchair-bound client's participation. This may include accessible transportation, ramps, mobility aids, and any necessary support or assistance. Ensure that the care organisation has clear policies and procedures in place that promote inclusion, non-discrimination, and reasonable accommodations for clients with disabilities. Review and update these policies to align with relevant laws and regulations.

Question 8

Read the case studies below. For each of the case studies provided, identify 1 ethical issue present and propose 2 appropriate responses.

Assessor instructions: Students must identify 1 ethical issue present in each case study and propose 2 appropriate responses.

Sample answers are provided below. Students answers may vary however they must reflect the ethical issues and potential solutions in line with each case study.

CASE STUDY	ETHICAL ISSUE (Word count: Up to 40 words each)	PROPOSED RESPONSES (Word count: Up to 50 words each)
<p>a. You are working in a community services organisation. One of your clients, has taken a liking to you as he reminds him of his child. Your client often gives you small presents and has</p>	<p>The ethical breach in this scenario is a boundary violation and potential exploitation of the client's vulnerability. Accepting gifts or financial benefits</p>	<p>1. It is important for me to maintain professional boundaries with clients to ensure ethical practice. I should refrain from accepting personal gifts or financial benefits from clients, as it can blur the lines of the professional relationship.</p>

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<p>now offered to pay for a season ticket to the football after discovering you support the same team.</p>	<p>from a client can compromise the professional relationship and create conflicts of interest.</p>	<p>2.</p>	<p>If uncertain about the appropriate boundaries, I should seek guidance from my supervisor or consult the organisation's policies and code of ethics. The organisation should provide clear guidelines and training to staff members regarding professional boundaries and ethical conduct.</p> <p>Alternative answers may include:</p> <ul style="list-style-type: none"> I should have an open and honest conversation with my client about the situation. I would express appreciation for the gesture but explain that accepting gifts or financial support goes against professional boundaries. I would emphasise that my role is to provide support and assistance to my client, and any personal relationships or financial transactions can compromise the integrity of their professional relationship. It is important for me to document the situation and any conversations regarding the client's offers or gifts. If the behavior persists or becomes problematic, I would report the situation to my supervisor or the appropriate authority within the organisation, following the organisation's policies and procedures for addressing boundary violations or ethical breaches.
<p>b. You have been providing care and support to a wheelchair-bound young lady for the past six months. She lives independently in her own home. Lately, you have observed a noticeable change in her behavior towards you. She has started expressing attraction towards you through suggestive comments, indicating that she desires a more intimate relationship. Additionally, she frequently seeks your advice on personal and financial matters that go beyond the scope of your role as a caregiver.</p>	<p>The ethical breach in this scenario is a violation of professional boundaries and potential exploitation of the client's vulnerability. Depending on the degree of these comments and actions, this could escalate to sexual harassment towards the worker.</p>	<p>1. 2.</p>	<p>1. It is essential to establish and maintain clear professional boundaries with clients. Ensure that personal and intimate relationships are not pursued or encouraged. Remind yourself of the ethical responsibilities and obligations associated with your role as a caregiver.</p> <p>2. Have an open and honest conversation with the client, expressing your commitment to maintaining a professional relationship. Acknowledge her feelings but make it clear that personal relationships are outside the boundaries of your role. Emphasise that your primary focus is on providing care and support.</p> <p>Alternative answers may include:</p> <ul style="list-style-type: none"> Consult your organisation's code of ethics and policies regarding professional boundaries and relationships with clients. Familiarise yourself with the guidelines and standards set forth by your organisation, and ensure that your actions align with these principles. Keep a record of any instances where the client has made suggestive comments or sought

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			<p>advice beyond the scope of your role. Report the situation to your supervisor or the appropriate authority within the organisation, following the established protocols for addressing boundary violations or ethical breaches.</p> <ul style="list-style-type: none"> • If you find yourself feeling uncomfortable or uncertain about how to handle the situation, seek support from your supervisor, a colleague, or a trusted professional. Consultation can provide guidance and help you navigate the ethical challenges effectively. • If the client seeks advice on personal or financial matters, redirect her to appropriate resources, such as financial counselors or social workers, who are trained and qualified to provide assistance in those areas.
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Question 9

Answer the following 2 questions on workplace policies, procedures and protocols.

- a. How are workplace policies, procedure and protocols developed? Outline the 8 step process for developing workplace policies, procedures and protocols.

(Approximate word count: 40 words per step)

Assessor instructions: Students must identify and outline the 8 step process for developing workplace policies, procedures and protocols.

A sample answer is provided below. Students wording may vary, however they must reflect the 8 steps as captured below.

1.	Identify the Need: The development of policies, procedures, and protocols begins with recognising the need for specific guidelines or rules within the organisation. This may arise from legal requirements, industry standards, or identified gaps in current practices.
2.	Research and Consultation: Conduct research to gather information on best practices, legal requirements, and industry standards related to the specific area of focus. Consult relevant stakeholders such as employees, managers, legal experts, regulatory bodies, and industry associations to gather input and ensure diverse perspectives are considered.
3.	Drafting: Based on the gathered information and input, draft the policies, procedures, or protocols. Ensure that they are clear, concise, and aligned with the organisation's mission, values, and goals. Use plain and accessible language to enhance understanding.
4.	Review and Revision: Share the draft policies, procedures, or protocols with relevant stakeholders, including employees, managers, and legal or compliance departments, for review and feedback. Incorporate their suggestions and make necessary revisions to enhance clarity and effectiveness.
5.	Approval and Adoption: Once the draft has undergone thorough review and revisions, seek approval from senior management or the appropriate decision-making authority within the organisation. Obtain any necessary legal or regulatory approvals, if applicable. Once approved, the policies, procedures, or protocols are officially adopted.
6.	Communication and Training: Communicate the newly developed or revised policies, procedures, or protocols to all relevant stakeholders within the organisation. This may involve organising training

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	sessions, distributing written materials, and ensuring that employees understand the content and their obligations.
7.	Implementation and Monitoring: Put the policies, procedures, or protocols into practice across the organisation. Monitor their implementation to ensure compliance and effectiveness. Regularly evaluate and update them as needed to reflect changes in laws, regulations, or organisational needs.
8.	Accessibility and Version Control: Maintain a central repository or database where all policies, procedures, and protocols are documented and easily accessible to employees. Regularly update the documentation to reflect any changes or revisions, tracking changes as you go.

- b. How are workplace policies, procedure and protocols reviewed? Outline the 10 step process for reviewing workplace policies, procedures and protocols.

(Approximate word count: 40 words per step)

Assessor instructions: Students must identify and outline the 10 step process for reviewing workplace policies, procedures and protocols.

A sample answer is provided below. Students wording may vary, however they must reflect the 10 steps as captured below.


1.	Establish a Review Schedule: Determine a regular review schedule for all policies, procedures, and protocols. This ensures that they are regularly evaluated and updated to remain current and effective.
2.	Identify Review Stakeholders: Determine the key stakeholders who will be involved in the review process. This may include employees, managers, legal or compliance experts, relevant departments, and external consultants if necessary.
3.	Gather Feedback and Input: Seek feedback and input from the identified stakeholders. This can be done through surveys, interviews, focus groups, or other forms of consultation. Encourage stakeholders to provide their perspectives, insights, and suggestions for improvement.
4.	Assess Compliance and Effectiveness: Evaluate the policies, procedures, and protocols against current legal requirements, industry standards, and organisational goals. Assess their effectiveness in achieving the desired outcomes and identify any gaps or areas for improvement.
5.	Identify Changes and Revisions: Based on the feedback and assessment, identify specific changes or revisions that need to be made to the policies, procedures, or protocols. This may involve updating language, clarifying instructions, incorporating new regulations, or addressing emerging risks.
6.	Draft Revised Versions: Develop revised versions of the policies, procedures, or protocols that incorporate the identified changes. Ensure that the revisions are clear, concise, and aligned with the organisation's objectives.
7.	Review and Approval: Share the revised versions with relevant stakeholders for review and approval. This may include senior management, legal or compliance departments, and any other appropriate decision-making authorities within the organisation.
8.	Communicate Changes: Once approved, communicate the revised policies, procedures, or protocols to all relevant stakeholders. Provide clear instructions on how to implement the changes and ensure understanding of the updated guidelines.
9.	Implement and Monitor: Put the revised policies, procedures, or protocols into practice and monitor their implementation. Ensure that employees are aware of the changes and provide any necessary training or support.
10.	Version Control: Keep a record of the review process, including the feedback received, revisions made, and approval dates. Maintain a centralised repository for all policies, procedures, and protocols and update them accordingly.

Assessment checklist:

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

9 short answer questions to be completed in the spaces provided	
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Congratulations you have reached the end of Assessment 1!

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