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GUIDELINES

Topic 1

In this topic you will learn how to:

- 1A** Identify sources of information about compliance requirements
- 1B** Evaluate your own area of work, determine the scope of compliance requirements, and access and interpret relevant information
- 1C** Identify risks, penalties and consequences of non-compliance
- 1D** Assess and act on the need for specialist legal advice

Research information required for legal compliance

Compliance is the act of following the rules. While these rules are often external requirements, compliance also involves following your organisation's internal rules, policies and procedures, and acting in accordance with ethical practices. Compliance management refers to the way in which your organisation assures compliance in accordance with the rules, regulations, laws and other requirements to which your organisation is subject.

The community trusts and expects service providers to uphold and apply proper legal and ethical standards that underpin their work. As a manager, you have a great deal of responsibility and must always act in a professional, competent and ethical manner. To do this, you need to be familiar with all laws, rules, standards and regulations relevant to your community services organisation. These protect the rights of both people in need of support, and your team members, and also ensure high-quality and safe services are provided.

managing compliance with the relevant standards. In a mental health facility it may be within the role of a psychiatrist to ensure that all aspects of care and support are compliant.

Everyone in the workplace must understand their work role boundaries to ensure appropriate and competent care is provided at all times.

Work health and safety

It is within the work role boundary of everyone in the workplace to uphold work health and safety principles. The *Work Health and Safety Act 2011* (Cth) is a national law that sets out responsibilities for health and safety in the workplace. This Act replaces the existing *Occupational Health and Safety Act 1991* (Cth) and the individual state and territory Acts for health and safety. (Note that at the time of publication, not all state and territories have harmonised with the new legislation; Western Australia and Victoria still use their own legislation.) This legislation states that employers must take practical and reasonable steps to protect the health and safety of employees at work, and that workers have a general duty of care to ensure they work in a manner that is not harmful to their own health and safety, and the health and safety of others.

WHS legislation is designed to create safe working environments and reduce work-related incidents and illness and their related costs. WHS policies and procedures are based on legislation, regulations, codes of practice and standards. As a manager, you need to access this information and ensure it is complied with in your service.

To make your workplace safe you should:

- ▶ take reasonable care of your own health and safety at work
- ▶ tell your supervisor about potential hazards or personal physical problems in the workplace
- ▶ follow any safety guidelines as per training and instructions
- ▶ take reasonable care not to affect the health and safety of others by your acts or omissions
- ▶ work with your employer in any action taken to make your workplace safer
- ▶ report any injury immediately to a supervisor
- ▶ not wilfully or recklessly interfere with or misuse safety equipment provided
- ▶ not wilfully put at risk the health and safety of others.

Industrial relations

Industrial relations is the management of work-related entitlements and obligations between employers and their employees. Industrial relations is governed by the *Fair Work Act 2009* (Cth). In Australia, industrial relations laws cover employment issues such as minimum wages, pay equity, employment standards, leave entitlements, hours of work, and protect all workers from discrimination and unfair dismissal.

The Community Sector Industrial Relations (CSIR) service is for non-profit community services organisations seeking industrial relations and human resource management advice and support. The CSIR provides professional industrial relations advice and representation, consultancy and training, events and workshops, review of contracts and classifications, access to updated awards and pay tables, and enterprise agreement drafting and support.

Here are examples of statutory reporting requirements.

Children's services

Mandatory reporting for suspected abuse or neglect of a child

Each state and territory has its own child protection legislation that contains varying requirements for who is mandated to report child abuse and what type of abuse must be reported. For example, in the ACT, sexual and physical abuse must be reported, but not neglect or emotional abuse. In NSW, all forms of abuse, including exposure to family violence, must be reported.

Managers, including both paid employees and volunteers, who supervise those providing direct services to children are mandated to report to the relevant child protection authority in each state or territory.

For more information about who is legally required to report suspected child abuse or neglect refer to: the Australian Institute of Family Studies, 'Mandatory reporting of child abuse and neglect' resource sheet at: www.aifs.gov.au/cfca/pubs/factsheets/a141787/.

Aged care

Compulsory reporting for approved providers of residential aged care

Providers of residential aged care must identify, report and respond to all allegations of assault in residential aged care. Compulsory reporting requirements involve workers:

- ▶ reporting to the police and to the Department of Social Services (DSS), incidents involving alleged or suspected reportable assaults
- ▶ taking reasonable measures to ensure workers report any suspicions or allegations of reportable assaults to the approved provider, authorised person, the police, or the (DSS).

The compulsory reporting requirements are one part of an approved provider's responsibilities under the *Aged Care Act 1997* (Cth) to provide a safe and secure environment. For more information refer to the Department of Social Services 'Compulsory Reporting Guidelines for Approved Providers of Residential Aged Care' at: www.dss.gov.au

Disability services

Reporting requirements for disability services providers

Service providers that are funded under the National Standards for Disability Services are required under their funding arrangements to report key information about their service users on an ongoing basis.

In certain circumstances disability services organisations are required to report on individual plans.

Business insurance

Part of your work role may be to develop policies and procedures relating to public liability insurance and workers compensation. Policies should outline risk or damage to property and/or equipment, theft, arson, fraud, volunteers' safety, or professional indemnity. Procedures may outline how to manage a public liability incident or what to do if there is an incident requiring workers compensation.

Privacy principles

There are 13 Australian Privacy Principles (APP) that are requirements when recording or reporting sensitive information. Further details about privacy can be found on the Australian Government Office of the Australian Information Commissioner website at: www.oaic.org.au.

Collection, use and storage of personal information

- 1

Open and transparent management of personal information

Ensures that organisations manage personal information in an open and transparent way.
- 2

Anonymity and pseudonymity

Requires organisations to give individuals the option of not identifying themselves, or of using a pseudonym. Some exceptions apply.
- 3

Collection of solicited personal information

Outlines when an organisation can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.
- 4

Dealing with unsolicited personal information

Outlines how organisations must deal with unsolicited personal information.
- 5

Notification of the collection of personal information

Outlines when and in what circumstances an organisation that collects personal information must notify an individual of certain matters.
- 6

Use or disclosure of personal information

Outlines the circumstances in which an organisation may use or disclose personal information that it holds.
- 7

Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.
- 8

Cross-border disclosure of personal information

Outlines the steps an organisation must take to protect personal information before it is disclosed overseas.
- 9

Adoption, use or disclosure of government-related identifiers

Outlines the limited circumstances when an organisation may adopt a government-related identifier of an individual as its own identifier, or use or disclose a government-related identifier of an individual.
- 10

Quality of personal information

An organisation must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete.
- 11

Security of personal information

An organisation must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

The Act makes it unlawful to discriminate in the areas of:

- ▶ employment
- ▶ education
- ▶ access to public premises
- ▶ purchase of house and land
- ▶ provision of goods, services and facilities
- ▶ administration of Commonwealth Government laws and programs.

Exemptions to the Disability Discrimination Act include when a potential employer would be placed under unjustifiable hardship in order to employ a person with a disability, although the employer is expected to make reasonable adjustments.

The Racial Discrimination Act 1975

The Racial Discrimination Act 1975 covers all of Australia and prohibits racial discrimination and offensive behaviour based on racial hatred. It covers discrimination based on race, colour, descent and national or ethnic origin. It also protects those who may be discriminated against based on their association with people of a particular ethnicity. The Act applies to everyone in Australia and all organisations.

The *Racial Hatred Act 1995* (Cth) was added to the Racial Discrimination Act in 1995 and provides an avenue for people to complain about racist behaviour that offends, insults, humiliates or intimidates others in public.

The Sex Discrimination Act 1984

The Sex Discrimination Act 1984 explains that it is unlawful to discriminate against someone based on their sex, marital status, pregnancy or potential pregnancy. It sets out laws against sexual harassment as well as dismissal from work based on family duties including pregnancy.

According to the Act, it is unlawful to refuse to provide goods or services, education or employment based on a person's sex. The Act also covers discrimination within awards and enterprise bargaining, insurance and superannuation, Commonwealth laws and programs, and accommodation.

Sexual harassment is included in the Act because it is a form of discrimination to treat a person unfairly because of their sex.

The Australian Human Rights Commission Act 1986

The Australian Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission) was established in 1986 to deal with breaches of anti-discrimination laws and to promote human rights education.

This Act only covers actions or policies of the Commonwealth.

The Act promotes human rights for all people, and covers most forms of discrimination not already covered in the other Acts, including discrimination on the basis of:

- | | | |
|--------------------|---------------------|-------------------------|
| ▶ criminal records | ▶ political opinion | ▶ social origin |
| ▶ marital status | ▶ religion | ▶ trade union activity. |
| ▶ medical record | ▶ sexual preference | |

As a manager, you have a responsibility to:

- ▶ inform support workers about the reporting requirements
- ▶ ensure support workers understand the various types of abuse and are familiar with indicators of these
- ▶ report suspected abuse to relevant people or authorities such as senior management of the service, the Aged Care Complaints Scheme or other relevant authorities such as the National Disability Abuse and Neglect Hotline, the relevant State Guardianship and Administration Board or Tribunal, the relevant state or territory Child Protection Agency or the Commonwealth or state Ombudsman
- ▶ keep records of all incidents involving allegations or suspicions of reportable assaults
- ▶ ensure support workers are protected from repercussions from making reports about suspected abuse by keeping their identities confidential.

Complaints management

A complaint is an expression of dissatisfaction in relation to a service provided. A complaint may be formal, such as a written/emailed complaint; or informal, such as a discussion. A complaints policy will include statements about how to manage a complaint fairly and resolve it quickly. The policy may also include statements about the importance of using complaints to improve services. All complaints must be dealt with confidentially and discussed only with the people who are managing it.

Depending on the organisation, complaints may be handled as follows.

Internally

Manage complaints internally

Your organisation must have an internal complaints process in place to assist service users, their families or workers to make a complaint. The process must be fair, non-discriminatory and not penalise the person making the complaint. Steps to take include to:

- ▶ listen to the complaint without defending yourself or anyone else – take notes so you get all the facts about the complaint and can remember the information later
- ▶ validate the other person's feelings
- ▶ tell the person what your plan of action will be; for example, you will report it to senior management
- ▶ report and record the complaint
- ▶ make sure the complaint is followed up and let the person know what is happening.

Externally

Use external agencies

You may need to engage the services of a qualified counsellor, the Commonwealth Ombudsman, an advocate or services specifically designed to handle complaints about or from older people, people with disabilities, or complaints relating to children.

The right to make an informed choice

You must provide relevant and sufficient information to people requiring support so they can make decisions and choices based on the correct information provided to them. Service users have the right to be involved in decision-making that affects their care and wellbeing. They must be given enough information that allows them to make an informed choice. You should encourage service users or their representatives to take responsibility for their actions and choices, and choose a service or care plan that best meets their needs and preferences.

Focus on the needs and preferences of the service user and their carer, families or advocate. Take into account any lifestyle choices, as well as cultural, linguistic and religious preferences. Encourage the involvement of the service user in the planning, development and management of the service to ensure they understand and are able to exercise their rights.

The right to access services

People requiring support should have access to the services they need and receive equal treatment for equal need in a non-discriminatory manner, regardless of their gender, social circumstances, ethnic and cultural backgrounds or disability.

According to the *Home and Community Care Act 1985* (Cth), special services to improve access and equity must be provided to:

- ▶ Aboriginal and Torres Strait Islander people
- ▶ people from culturally and linguistically diverse communities
- ▶ people who live in rural and remote communities
- ▶ people who are financially disadvantaged
- ▶ war veterans.

The Commonwealth Department of Human Services provides comprehensive information for older people, people with disabilities and those who provide care and services to others. The Department provides free and confidential information on community aged care, disability and other support services available across Australia.

The right to have social needs met

You must recognise that people in need of support also have social needs. For example, if you work in aged care, you and your team members should:

- ▶ support the rights of married couples to live a married life
- ▶ provide ease of access for families and other visitors with due regard for the wishes of service users
- ▶ recognise the needs of residents for social contact and provide opportunities for social interaction, including opportunities for developing new friendships within the residential care environment and the community.

Areas at risk of non-compliance may include the following.



Work health and safety

One of the most common WHS risks that community services workers experience is related to manual handling. Back problems and muscle sprains account for up to 60 per cent of all injuries in the sector. To minimise risk in this area, workers must ensure they follow the correct procedures for lifting and manual handling. Other safety hazards vary with the work environment.

When WHS issues arise, take all concerns seriously and act on them quickly. An employer cannot dismiss an employee or change their work function or role to their detriment simply because they have raised safety issues or are part of a health and safety group or committee. There are significant penalties for breaching WHS legislation. You must have procedures in place to deal with safety issues quickly and effectively as they are raised. There may be serious consequences if issues are left unchecked.



Equal employment opportunities

Equal opportunity principles are based on the right of all people to participate equally in all areas of public life such as employment, housing, education or in accessing services. They should be able to do this without fear of discrimination or unfavourable treatment such as bullying or harassment.

It is important that you have an understanding of your employer's and your own obligations under the law in order to ensure compliance. Federal and state anti-discrimination and equal opportunity legislation makes it unlawful to discriminate against a person in relation to employment. *The Australian Human Rights Commission Act 1986* (Cth) outlines requirements for equal opportunity in employment and deals with breaches in this area, including discrimination on the grounds of colour, race, religion, gender, political or religious beliefs, medical history, disability or impairment, age, criminal record, marital status or nationality.



Confidentiality

Community service organisations and agencies have obligations under the *Privacy Act 1988* (Cth) to put reasonable security safeguards in place and take reasonable steps to protect the personal information they hold from misuse, unauthorised access, modification, disclosure, inference and loss.

Personal information breaches are not only limited to malicious actions such as theft, but may also arise from internal errors or failure to follow information handling policies and procedures that cause accidental disclosure or loss. If you identify a real risk of serious harm as a result of data breach, the affected individuals should be notified to promote transparency and trust in your organisation.

1D Assess and act on the need for specialist legal advice

You and your co-workers must always work and act within the scope of your role and responsibilities and seek advice to clarify anything you do not understand. In some situations, it may be necessary to seek specialist legal advice on matters relating to compliance requirements and responsibilities, or to respond to a claim made by a person receiving care.

You should develop a database of specialists and legal experts your organisation deals with and the areas for which they can provide information and advice. This should be regularly updated and must reflect the current contractual arrangements of the service.



Legal specialists and advisers

You can assess whether you need specialist legal advice if the issue faced by you or your organisation is outside the scope of your role, qualifications or experience.

Make sure you understand the level of authority you have and who is responsible for contacting legal experts. If an issue is referred to an external specialist, carefully record the outcomes and advice. Make yourself aware of the people within your organisation responsible for resolving legal disputes and issues of non-compliance.

Legal advisers and specialists could include the following.

Private lawyers

Private lawyers or solicitors can provide you and your organisation with legal advice and representation in relation to a range of matters. Fees vary depending on the law firm and type of work being undertaken. Lawyers may be internal or external to your organisation.

Community legal centres

Community legal centres (CLCs) are independent not-for-profit community organisations that provide free legal services to the public. CLCs focus on helping clients who are economically or socially disadvantaged and who are ineligible for legal aid, or cannot provide a private lawyer.

Generalists CLCs provide services on a range of legal issues to people in their local area. Specialists CLCs can help with particular areas of law such as human rights, welfare, or immigration law; or assist specific groups of people, such as young people, older people, women, or people with mental illness or disabilities.

Legal issue	Legal practitioner	Specialist legal advice
Work health and safety breach		

Click to complete Practice task 5

Summary

1. The community trusts and expects service providers to uphold and apply proper legal and ethical standards that underpin their work.
2. As a manager, you must understand the compliance requirements that govern your work, as well as your own legal responsibilities.
3. Regulatory authorities are a useful source of information relating to community services regulations, standards and accreditation or certification requirements relating to community services work.
4. It is essential that you determine the scope of compliance requirements relating to your area of work so you work safely in a community services environment, while supporting the rights of service users.
5. Duty of care requires that an acceptable standard of care (that is reasonably practicable) be provided to ensure the health and safety of community services workers, people requiring support, and visitors to the service.
6. When working with people requiring support, you and your co-workers must identify any areas where there is a risk of non-compliance. This is the first step in preventing or minimising risk.
7. In some situations it may be necessary to seek specialist legal advice on matters relating to compliance requirements and responsibilities, or to respond to a claim made by a service user.

The difference between legal and ethical obligations is described below.

Legal obligations

- ▶ Legal obligations include duty of care and adhering to the laws and regulations that govern your area of practice. For example, you may not be clear about your work health and safety obligations and responsibilities and how you can address these within your scope of practice.

Ethical obligations

- ▶ Ethical obligations include ensuring you understand and apply the ethical codes and practice standards that apply to community services work. For example, you may not understand your ethical obligations relating to maintaining appropriate professional boundaries with service users.

Clarify scope of practice and evaluate responsibilities

You can help support workers understand their scope of practice with your service by clarifying this with them when they first begin work, and discussing organisational objectives and requirements, as described below.

Ways to ensure you and your team members work within your scope of practice:

- ▶ Discuss common issues that arise in team meetings and encourage workers to raise any other issues where there is confusion or misunderstanding
- ▶ Create a written FAQ (frequently asked questions) sheet that explains common misunderstandings
- ▶ Ensure all team members within the organisation understand who is responsible for what areas of practice
- ▶ Encourage team members to ask questions about any area of practice they are confused about

Incorporate scope of practice considerations into ethical practice

Scope of practice considerations should be incorporated into workplace documentation that is easily accessible to all workers, and made available to service users on request. There are various sources of information you can use to help you understand your scope of practice, as described below.

Scope of practice considerations should be incorporated into:

- ▶ position descriptions
- ▶ codes of practice or conduct
- ▶ organisational policies, procedures and protocols
- ▶ legislative or regulatory guidelines relevant to the work context
- ▶ practice standards
- ▶ rights and responsibilities statements (of workers and service users)
- ▶ professional/industry association materials.

Articulate policies and procedures

As a community services manager you must articulate the service's policies and procedures so they are clearly understood by everyone working in the service. You must ensure that support workers clearly understand all the policies and procedures that apply to the service and their roles. When writing policies and procedures, words must be selected carefully, and you may need to provide a glossary of terms for clarification.

Policies and procedures describing internal work practices may relate to recruitment and selection, internet and email use, work health and safety, or discipline and termination. Policies and procedures describing external service delivery may relate to complaints management, communications, access and equity, or privacy and confidentiality.



Document policies and procedures

Policies and procedures may be formally documented, as in the case with large organisations, or can be informal practices used by a small organisation or individual operators.

Here is some more information about policies, procedures, protocols and guidelines.

Policies

A policy is a line of action adopted from other considerations such as government legislation, to guide and determine present and future decisions. Policies provide an overall plan with general goals.

Policies explain how you are expected to act in regard to privacy and confidentiality, hazard reporting, work health and safety, rights and responsibilities, conditions of employment and hours of work, incident reporting, access and equity, and handling complaints.

Policies help you undertake your duties, and ensure consistency in the way things are done by every employee.

Examples of organisational policies include those related to:

- ▶ work health and safety
- ▶ access and equity
- ▶ grievance and complaints
- ▶ communication
- ▶ record keeping
- ▶ conduct and ethical behaviour.

Types of information

Depending on the context of your service, individuals may choose to deal with you anonymously (or by providing a pseudonym) in which case their details will not be subject to privacy laws. If a person does identify themselves, you will usually collect their name, age, gender, contact details, some medical history, their symptoms (if applicable) and ethnic background. You may also record information about health or community services to be provided to the person in the future.

Collection methods

Your organisation will usually collect information directly from a person when they use your service, or when they send you an email, fax, letter, or complete an online or hard copy form. You may sometimes collect personal information from a third party, such as a residential care facility who is managing a person's care, or from family members contacting your organisation on a person's behalf. If someone calls on behalf of a person in need of support, you must also record the caller's name and contact details.

Recording information

All consultations with your organisation must be accurately recorded in a manual or electronic database. Any information collected as a result of a person contacting your organisation is considered personal information.

Maintaining records

Your organisation should have processes in place to ensure that personal information and records remain accurate, complete and up to date, including by verifying the information with the service user each time they use your services, or from other sources. The records may need to be retained for between 7 to 25 years depending on the type of record and state or territory legislation.

Using personal information

Your organisation will collect, store, use and disclose personal information for the following reasons:

- ▶ Providing information on, and supporting access to, relevant support and care services for individuals
- ▶ Maintaining a central service user record to improve service delivery
- ▶ Managing the aged care system by the Commonwealth government
- ▶ Providing services, conducting business and for communications with service users
- ▶ Assisting government departments to provide health services or address issues raised by service users
- ▶ Matching service delivery data with health information for service improvement
- ▶ Compiling and analysis of statistics relevant to public health and safety
- ▶ Complying with legal obligations

Electronic and manual record keeping

While some services use manual record-keeping systems, most services use an electronic record-keeping system, which makes it easier to capture information, generate reports and meet legal and taxation reporting requirements.

When setting up a record-keeping system in your service, you must consider the advantages and limitations of electronic versus manual systems and decide what is most appropriate for the needs of your service.

Electronic record keeping

- ▶ Most organisations use accounting software programs to simplify electronic record keeping and produce reports. Electronic record keeping also allows you to:
 - record financial transactions, including income, expenses and payments to workers
 - use less storage space
 - easily generate employee pay records or inventory reports
 - keep up with the latest tax rates, laws and rulings
 - allows multiple people to access, update and makes notes to records in real time
 - backs up records and keeps them safe in case of fire or theft.

Manual record keeping

- ▶ Some organisations may want to use a simple, paper-based record-keeping system. The advantages of manual record keeping include:
 - it is less expensive to set up
 - correcting entries is made easier as opposed to electronic systems that can leave complicated audit trails
 - the risk of data corruption is much less
 - the risk of data loss is much less, especially if records are stored in a fire-proof environment
 - issues with duplicate copies of the same records are avoided
 - the process is simple and does not require training in sophisticated software.

Record-keeping risks

There are legal and financial consequences should your service fail to comply with record-keeping requirements of tax, business and privacy laws, as described below.

Lost records

Recovering essential service records, whether they have been lost, damaged, destroyed or stolen, will assist you to re-establish organisational operations and service delivery.

If your records have been destroyed, you can reconstruct your records by researching your past transactions or requesting information from a range of sources, such as the ATO, your bank, service users, suppliers or other service providers.

Depending on your job, the tasks you record in your work plan should be based on your role, responsibilities and your service users' care plans. Your organisation may have a work-plan template or you may need to prepare one yourself. Make yourself familiar with your organisation's requirements.

An effective work plan should include:

- ▶ the type of tasks that need to be done
- ▶ the result, goal or objective to be achieved
- ▶ who is responsible for each task
- ▶ the time line for the task to be completed
- ▶ the order of completion
- ▶ whether tasks are a high, medium or low priority
- ▶ potential problems anticipated and contingencies planned in case difficulties arise.

Clarify any misunderstandings about your job role

To ensure you understand your role, responsibilities and level of authority, you must clarify any misunderstandings about your job role. Further information about understanding your job role is outlined here.

Agree to position description

You need to define and agree on your work role when you first start work. Ensure you are familiar with and understand the content of the position description and the roles and responsibilities expected of you. You can do this by:

- ▶ going over your position description and determining what your role is
- ▶ talking to your supervisor or senior management to clarify anything you are unsure of
- ▶ discussing your role with the human resource management team
- ▶ discussing your role with experienced colleagues
- ▶ talking with a union representative.

Resolve issues

You may need to discuss aspects of your job after you have been in the role for a while. There are many circumstances that can affect your position description and the tasks you have to do. For example, you might have been asked to take on more tasks and you are unsure of your new boundaries. It is essential you clear up any misunderstandings promptly because your team members are relying on you to perform in your role effectively. You could arrange a meeting with your supervisor or prepare a brief report to clarify a situation. Always record the discussion and the course of action agreed to.

The roles and responsibilities of WHS workplace officers or representatives may involve the following.



WHS officers

Any WHS officer of an organisation, volunteer or paid, must exercise due diligence to ensure that the organisation complies with its health and safety duties. This means they must ensure that the organisation has appropriate systems of work in place and they must actively monitor and evaluate health and safety management within the organisation.

WHS officers have a responsibility to:

- ▶ continuously learn about and keep up to date with WHS matters
- ▶ have an understanding of the nature of the organisation's work and be aware of the risks workers and volunteers may face
- ▶ ensure the organisation has the appropriate resources and processes in place to eliminate or minimise risks to health and safety
- ▶ ensure the organisation has processes in place to communicate and consider information relating to work health and safety
- ▶ ensure the organisation has process for complying with any duties and requirements under the WHS law.



First Aid officers

A First Aid officer is responsible for monitoring and maintaining first aid facilities in their office, administering first aid and assisting the WHS officer to monitor and report WHS risks, accidents and incidents.

The responsibilities of the appointed First Aid officer will vary depending on the nature of the organisation in which you work. Irrespective of their office's individual circumstances, each First Aid officer must:

- ▶ maintain their First Aid accreditation to the level of 'Provide First Aid'
- ▶ complete CPR refresher training every 12 months
- ▶ provide first aid within their organisation to all persons when required
- ▶ undertake quarterly checks of the first aid kit to ensure it is compliant, including disposing of expired items safely
- ▶ assist the WHS officer to carry out quarterly site inspections and respond to WHS enquiries
- ▶ assist with any accident or incident investigations
- ▶ promote good WHS practice within the site.

An accreditation officer will then visit your organisation, check your policies and procedures, and conduct a site inspection of your premises. The accreditation process is in place to ensure your organisation is following policies and procedures in the day-to-day operations of your service to meet legal and ethical compliance.

Information about accreditation, including how to apply, what fees are payable and what documentation you need to supply can be found at:

<https://ablis.business.gov.au>

Further information regarding accreditation is provided here.

Successful accreditations

- ▶ If you are successful and your accreditation is granted, you will receive an accreditation certificate that must be placed in an area where service users can see it.

Unsuccessful accreditations

- ▶ If you are unsuccessful and your accreditation is refused, you will receive a notice explaining why your application was not successful. If you disagree with the decision you will have a specified time frame in which you can seek the decision to be reviewed. Sometimes, if accreditation of a particular service is refused, registration is automatically cancelled and you cannot operate your service.

Renewing accreditations

- ▶ You must lodge an application to renew your accreditation before the specified accreditation period expires. If you need more time, you can apply to extend your accreditation expiry date. If you fail to apply for renewal of your accreditation before the expiry date your registration may be automatically cancelled and you may be required to pay penalties.

Self-assessment

A self-assessment is an internal process where your organisation looks at how it operates, carries out work activities, and the outcomes it achieves. During the process, you will identify your organisation's strengths, weaknesses and opportunities for improvement. The aim is to ensure your organisation is always providing the highest possible standard of care and service delivery by identifying and addressing any gaps in quality.

Self-assessment will drive continuous improvement in your organisation by identifying areas where you can perform exceptionally, as well as areas that are not performing well enough for service users or employees alike. Self-assessment identifies how your organisation meets the expected accreditation outcomes and what your service users are gaining from the care and services provided.

You can carry out self-assessment in many ways. You and the other managers must decide what process is best for you. You should involve the team members who carry





Working with children check

A Working with Children Check (WWCC) is a prerequisite for anyone working in child-related care and services. It involves a national criminal history check and review of findings of workplace misconduct. The result of a WWCC is either a clearance to work with children for five years, or a bar against working with children altogether. Applicants who have been cleared are subject to ongoing monitoring and relevant new records may lead to the WWCC being revoked. The WWCC can be used for any paid or unpaid child-related work as long as the worker remains cleared.

For further information, visit the Australian Institute of Family Studies website at: www.aifs.gov.au or the relevant issuing body in your state or territory.



Working with vulnerable persons

All persons (including sub-contractors and volunteers) who are working with, or are in contact with, vulnerable persons are to be appropriately screened for that purpose. Vulnerable persons for this purpose means a child or children; or an individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

Anyone working for your organisation, in any capacity, will require a Working with Vulnerable Persons (WWVP) check if you provide regulated services to homeless people or victims of crime, or work in community services, disability services, respite care services, religious organisations, child education services, childcare services, child protection services, justice facilities for children, accommodation services for children or counselling and support services for children.

If you or members of your organisation require registration to perform one of these regulated activities, you should apply as soon as possible to ensure you are compliant with your state or territory's legislation.

For further information visit the Department of Social Services website at: <https://www.dss.gov.au/about-the-department/doing-business-with-dss/vulnerable-persons-police-checks-and-criminal-offences>



Topic 5

In this topic you will learn how to:

- 5A Identify and use opportunities to maintain knowledge of current and emerging legal requirements and ethical issues, and share information with peers and colleagues**
- 5B Pro-actively engage in review and improvement processes**

Maintain knowledge of compliance requirements

Every service must confront the challenge of changing compliance requirements. New governmental laws and regulations can be complicated, and non-compliance sometimes carries significant penalties.

Learning to stay ahead of current and emerging legal requirements and ethical issues, consistently communicating with your team members and service users, and assertively preparing for upcoming legislative changes, will ensure you are in a much better position to turn these challenges into opportunities.

As legislation, regulations and standards change, you are provided with an opportunity to re-evaluate, re-design and demonstrate value to your service users by consistently meeting compliance requirements, highlighting the integrity of your service's image.