



REGISTERED NATIONAL STANDARD

UNIT OF COMPETENCY

Title:	Work legally and ethically within the aged care sector				
	Notes: <ol style="list-style-type: none"> 1. This unit has been adapted from the Commonwealth of Australia (2021) approved Unit of competency encoded CHCLEG001 but contextualised for the purposes of aged care in Tonga; 2. In the event that required Tongan laws are not available or not applicable, relevant laws from Australia, New Zealand, as well as global conventions shall be used during training. 				
TQF Level:	3	Credits:	6	Version:	1
National standard code:	NS060-03				
Associated qualification (and code):	National Certificate in Aged Care Level 3 (QR-03-NQ-014-02-0915-22-01)				
Approval date:	10 June 2022		Review date:	10 June 2027	
Purpose:	<p>This unit has been developed to give learners an understanding of the legal and ethical frameworks that apply to an individual support worker in the aged care.</p> <p>Persons credited with this unit will be able to:</p> <ol style="list-style-type: none"> 1. Demonstrate an appreciable understanding of the composition and service needs of the aged care sector including relevant legislation and regulations. 2. Identify and respond to legal and ethical responsibilities in the workplace. 3. Contribute to continuous improvements in the workplace. 				

Learning Outcome 1 (LO1)	Demonstrate an understanding of how aged care fits within the community sector
Performance standards	<p>1.1 Describe an overview of the different sectors involving community work and/or service delivery.</p> <p>1.2 Describe a range of different organisations within the community sector and what services each organization offers to the elderly</p> <p>1.3 Describe the key roles of team members within the community sector and what services they can offer the elderly</p> <p>1.4 Describe the different work environments that an aged care support worker may be employed in</p>
Learning Outcome 2 (LO2)	<p>Explain relevant legislations, codes of conduct, conventions and other guidelines to support best practice in the aged care sector.</p> <p><i>[Range legislations, conventions, and guidelines include but not limited to: Declaration on the Global Prevention of Elder Abuse (2002), Australia Anti-discrimination law, Australia Aged Care Act 1997, Australia National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023, Tonga Family Protection Act 2013, Tonga Aged Care National Strategic Plan 2019/2020-2024, plus other Tonga legislations, policies and guidelines relevant to aged care in Tonga,]</i></p>
Performance standards	<p>2.1 Identify the key legal requirements relevant to the aged care sector in Tonga;</p> <p>2.2 Identify relevant policies and procedures that apply within the aged care sector;</p> <p>2.3 Define the following terms in relation to aged care: <i>Duty of Care, Dignity of Risk, Codes of Conduct, Ethics, Legislation, Codes of Practice, Scope of Practice.</i></p> <p>2.4 Explain the importance of each of the terms, listed in 2.3, in aged care;</p> <p>2.5 Explain the meaning of <i>privacy, confidentiality</i> and <i>disclosure</i> as they apply in aged care.</p>
Learning Outcome 3 (LO3)	Contribute to continuous improvements in the workplace.
Performance standards	<p>3.1 Describe the importance of ‘continuous improvement’ within an aged care environment;</p> <p>3.2 Identify situations where work practices could be improved;</p> <p>3.3 Pro-actively share feedback with colleagues and supervisors. <i>[Range may include but not limited to: discussions during de-brief sessions handover sessions to other staff and staff meetings]</i></p>

	<p>3.4 Identify opportunities to contribute to the review and development of policies and protocols</p> <p><i>[Range may include but not limited to: through reviewing strategies used in behaviour management plans, evaluating strategies used to care for clients. Following the 4-step process of continuous improvement, involves assessing the problem or issue, planning changes to fix the problem, implementing the changes and evaluating their success;]</i></p>
Learning Outcome 4 (LO4)	Identify and respond to legal responsibilities in the workplace
Performance standards	<p>4.1 Identify the scope and nature of a support worker's own legal rights within the workplace.</p> <p><i>[Range may include but not limited to: right to have a safe place to work, right to have PPE– personal protective equipment provided by your employer, right to be treated fairly, right to be paid according to the law, right to appropriate training and support to complete one's role safely]</i></p> <p>4.2 Identify the scope and nature of own legal responsibilities within the workplace</p> <p><i>[Range may include but not limited to: Responsibility to follow policies and procedures put in place by an employer, responsibility to wear PPE provided by the employer, work in a safe manner to ensure no harm comes to others, ensure privacy and confidentiality of all clients is maintained]</i></p> <p>4.3 Adhere to legal requirements in work practice according to workplace policies and procedures and scope of role; <i>[Range may include but not limited to: working within your scope of practice, not doing tasks that you are not trained to do, reporting changes in health of client, adhering to manual handling rules when assisting clients]</i></p> <p>4.4 Recognise potential or actual breaches and report according to organisation procedures</p> <p><i>[Range may include but not limited to; Speaking with supervisor to discuss issues or concerns you may have, documenting issues in a formal report, assist a client to fill in a complaint form, complete an incident form]</i></p>
Learning Outcome 5 (LO5)	Identify and respond to ethical responsibilities in the workplace.
Performance standards	<p>5.1 <i>Ethical conduct</i> is correctly described;</p> <p>5.2 Sources of information about ethical responsibilities of an aged care support worker are identified and interpreted.</p> <p><i>[Range may include but not limited to: A workplace 'Code of ethics or code of conduct, Employees handbook, etc.] Ethics;'</i></p> <p>5.3 Identify ethical issues that may occur in the workplace <i>[Range may include but not limited to: attempting to force one's religious beliefs on</i></p>

	<p><i>others; Ignoring what a client asks one to do; Providing wrong information to clients so one can benefit himself/herself; Providing a service that you are not qualified to do; Inappropriate relationships with clients and their families; Financial conflicts; Using a client's personal belongings].</i></p> <p>5.4 Describe the correct procedures for dealing with workplace ethical issues and dilemmas.</p> <p><i>[Range may include but not limited to: Documenting the problem objectively; speaking to the person concerned unemotionally; referring the matter to the team leader, coordinator or manager; making a written statement – report.]</i></p>
Pre-requisites	N/A
Co-requisites	N/A
Underpinning skill and knowledge	<p>The following skills and knowledge underpin this unit standard:</p> <ol style="list-style-type: none"> a) Different sectors within community services may include but not limited to: <i>Aged care, Disability services, Youth work and juvenile justice, Mental health, Housing, Family and domestic violence, Employment services, Children's services (e.g. Women and Children Crisis Centre (WCCC), National Centre for Women and Children (NCWC), Child protection (e.g. Women and Children Crisis Centre (WCCC), National Centre for Women and Children (NCWC)), Alcohol and other drugs, Community development, and Community work.</i> b) Team members within the community sector is made up of a large range of professionals and volunteers – including but not limited to: <i>Dentists, Volunteers, Interpreters, Dieticians, Social workers, Pastoral care workers, Nurses, Physiotherapists, Doctors, Support workers, Carers and family members, Youth workers, Pharmacists, Specialists, and Church leaders;</i> c) Different roles and responsibilities of teams. <i>Example; Pastoral Care workers - provides emotional and spiritual support. May have a religious background of a specific denomination. Physiotherapist - provides physiotherapy treatment and rehabilitation to promote recovery, and maximise mobility and quality of life. Physiotherapy treatment includes heat, electrical stimulation, exercise, massage and application of splints</i> d) Legislations and conventions that apply to the aged care sector: <i>Tonga Family Protection Act 2013, Tonga Aged Care National</i>

Strategic Plan 2019/2020-2024, Declaration on the Global Prevention of Elder Abuse (2002), Australia Anti-discrimination law, Australian Aged Care Act 1997., Australia National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023,]

- e) Policies and procedures that may apply to the aged care sector include: *Infection control, handwashing procedures, risk management, waste management procedures, fire and emergency procedures, occupational health and safety, code of conduct, code of ethics]*
- f) Code of ethics - *The 'Code of Ethics' of a workplace will guide workers in regard to ethical behaviours which are expected within the workplace. This code of ethics will set out the obligations and responsibilities of those working within each community services sector in relation to older people, colleagues, the community and the overall profession;]*
- g) Ethical issues that may apply in the workplace:
- *Attempting to force your religious beliefs on others*
 - *Ignoring what a client asks you to do*
 - *Providing wrong information to clients so you can benefit yourself*
 - *Providing a service that you are not qualified to do*
 - *Inappropriate relationships with clients and their families*
 - *Financial conflicts*
 - *Using a client's personal belongings*
 - *Choosing not to provide a client's preferences because you don't agree*
 - *Not taking care of a client's belongings*
- h) *Withholding information that would be useful to another person*
- *Scapegoating – blaming others for things over which they should accept responsibility*
 - *Asking for or accepting gifts or money from clients.*
- h) The scope and nature of a support worker's own legal rights and responsibilities;
- *Right to have a safe place to work,*
 - *Right to have PPE – personal protective equipment provided by your employer,*
 - *Right to be treated fairly.*

- *Responsibility to follow policies and procedures put in place by your employer,*
- *Responsibility to wear PPE provided by the employer, work in a safe manner to ensure no harm comes to others, ensure privacy and confidentiality of all clients is maintained*

i) **Legal requirements in work practice according to workplace policies and procedures and scope of role:** *working within your scope of practice, not doing tasks that you are not trained to do, reporting changes in health of client, adhering to manual handling rules when assisting clients*

j) **Procedure to be followed for ethical issues or dilemmas in the workplace**

Document the problem objectively;

Speak to the person concerned unemotionally;

Refer the matter to the team leader, co-ordinator or manager;

Making a written statement- report

k) **How to contribute to continuous improvement in the workplace, during:**

- *de-briefing sessions,*
- *handover sessions*
- *staff meetings*

l) **Contribute to the review and development of relevant policies and protocols:**

- *review strategies used in behaviour management plans,*
- *evaluate strategies used to care for clients;*
- *“Four-step process of continuous improvement”:*
 1. *Assessing the problem or issue*
 2. *Planning changes to fix the problem,*
 3. *Implementing the changes, and*
 4. *Evaluating success.*

<p>Assessment requirements</p>	<p><u>Methods of assessment:</u></p> <p>A range of assessment methods should be used to assess students' knowledge and application of skills, include but not restricted to the following:</p> <ol style="list-style-type: none"> 1. Direct observation of students – may include role play, work placement, demonstrations; 2. Written questions; 3. One-on-one verbal questions; 4. Written report; 5. Review of work placement reports – signed off by assessor/workplace supervisor; and 6. Portfolio. <p><u>Context of assessment</u></p> <ol style="list-style-type: none"> 1. Competencies for the following performance standards 3.3, 4.3, 4.4; are recommended to be assessed within the workplace OR in a simulated environment that reflects the workplace conditions; using role-play for assessment; 2. To demonstrate competence in this unit, a candidate of assessment: <ol style="list-style-type: none"> a) Must achieve every learning outcome to fulfil the requirements of the unit standard; b) Is eligible to 3 attempts on their assessments. Should the first attempt be unsatisfactory, reassessments must be completed within 14 days of their first attempt.
<p>Resource requirements</p>	<ol style="list-style-type: none"> a) Standard classroom furniture and resources, including but not limited to: white/blackboard, tables or benches, chairs, student notice boards, whiteboard markers, butchers paper / coloured card or spare paper and pens for group activities; b) Access (physical or digital) to relevant current legislations, policies, regulations, codes of practice, procedures and protocols such as: <i>Tonga Family Protection Act 2013, Tonga Aged Care National Strategic Plan 2019/2020-2024, Declaration on the Global Prevention of Elder Abuse (2002), Australia Anti-discrimination law, Australian Aged Care Act 1997., Australia National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023,</i>

<p>Moderation arrangements</p>	<p>a) Provider Institutions are responsible for moderation arrangements to ensure consistency of assessment. Moderation process must be approved by TNQAB.</p> <p>b) Provider institutions must provide their assessment and moderation plan for approval by TNQAB.</p>
<p>Requirements to complete this unit</p>	<p>1. Provide evidence of achievement of all Learning outcomes;</p> <p>2. Complete any workplace activities in accordance with legal and ethical requirements.</p>
<p>Important notes and definitions</p>	<p><u>Notes:</u></p> <p>1. Reasonable adjustment can be made to the assessment tasks to ensure equity in assessment. If a student is identified to have a particular need reasonable adjustment may be considered.</p> <p><u>Definitions:</u></p> <p>1. <i>Aged Care Act 1997</i> - is the main law in Australia that covers government-funded aged care. It sets out rules for things like funding, regulation, approval of providers, quality of care and the rights of people receiving care.</p> <p>2. <i>Behaviour management plans</i>: - Used in aged care settings and includes best practice support strategies used to care for a particular client, is responsive to the care recipient's needs.</p> <p>3. <i>Code of Conduct</i>: - A set of rules that guide an individual's behaviour</p> <p>4. <i>Code of Ethics</i>: - Moral principles judged to be right or appropriate.</p> <p>5. <i>Code of Practice</i>: - Practical direction in how to carry out professional responsibilities</p> <p>6. <i>Confidentiality</i>: - Keeping information private. All services are required to follow privacy laws.</p> <p>7. <i>Continuous improvement</i>: - A process of striving to better the service being offered by the organization. Continuous improvement is central to providing quality services. It means that aged care services are continually working to improve the quality of care they provide. The philosophy behind this is that even when good-quality services are being provided, the service can always be improved.</p> <p>8. <i>Dignity of Risk</i>: - All older people have the right to make their own decisions and to act independently, even when those actions may involve an element of risk to themselves.</p>

	<p>9. <i>Disclosure</i>: - The act of making something known.</p> <p>10. <i>Duty of Care</i>: - Workers must provide support in a safe and careful manner; following the organisation’s policies and procedures and their own job role.</p> <p>11. <i>Ethical conduct</i>: - Principles that guide decisions and actions in a way that safeguards the rights and interests of people. Ethics act as a professional ‘compass’ to guide personal and work behaviour.</p> <p>12. <i>Ethics</i>: - Moral principles, rules of conduct and standards judged to be right or appropriate</p> <p>13. <i>Legislation</i>: - Laws passed by government which establish rules to be followed</p> <p>14. <i>Privacy</i>: - Maintaining confidentiality in private matters as required through law</p> <p>15. <i>Scope of practice</i>: - the activities that a person is allowed to do as part of their job role. A support worker must work within their ‘scope of practice’ and not attend to activities that are not within their job role/or they have not been trained to do.</p>
<p>Public comments on unit</p>	<p>Please contact TNQAB National Qualifications Unit (email EnquireNQ@tnqab.to or Telephone 28136) if you like to discuss or suggest changes to the details of this unit.</p>