



Australian Government

Department of Education, Employment and Workplace Relations

PSPREG412A Gather and manage evidence

Revision Number: 1

PSPREG412A Gather and manage evidence

Modification History

Not applicable.

Unit Descriptor

Unit descriptor

This unit covers all activities involved in gathering and managing evidence. It includes planning and activating evidence collection, identifying persons of interest, collecting and storing evidence, and summarising and reporting on evidence.

In practice, gathering and managing evidence may overlap with other generalist or specialist public sector work activities such as exercising regulatory powers, acting ethically, complying with public sector legislation, applying government processes, gathering and analysing information, etc.

This unit replaces and, for qualification purposes only, is equivalent to *PSPFRAU403A Gather, manage and present evidence*. The unit has been expanded and is no longer restricted to evidence relating to fraud.

Application of the Unit

Not applicable.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

Employability skills This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements are the essential outcomes of the unit of competency. Together, performance criteria specify the requirements for competent performance. Text in *bold italics* is explained in the Range Statement following.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Plan and activate evidence collection	<p>1.1 <i>Evidence</i> requirements are researched to establish the type and standard of evidence and <i>resources</i> required when the size of investigation and/or type of offence/s require this</p> <p>1.2 Approval to commence investigation is obtained in accordance with organisational policy and procedures</p> <p>1.3 Plan of action is agreed in accordance with organisational policy and procedures, and communication and review processes are established</p> <p>1.4 Evidence recording process is put in place in accordance with organisational guidelines and legislative requirements</p>
2. Identify persons of interest	<p>2.1 Possible witnesses are identified, located and contacted to request that they provide information</p> <p>2.2 Particulars of witness/es are documented according to correct evidentiary procedures</p> <p>2.3 <i>Responsible parties</i> are identified, located and their <i>particulars</i> are recorded in accordance with correct evidentiary procedures</p> <p>2.4 Responsible parties are contacted for interview in accordance with organisational procedures and legislative requirements, and informed of the nature of the investigation, if required by law</p>
3. Collect and store evidence	<p>3.1 <i>Authority to search</i> is obtained/verified, involving other organisations where necessary</p> <p>3.2 Evidence is identified, <i>collected, labelled</i>, recorded and preserved according to exhibit management principles for later use in proceedings</p> <p>3.3 Evidence is <i>managed</i> in accordance with the principles of continuity of possession, <i>legislation and standards</i></p> <p>3.4 Corroboratory evidence is collected, documented and preserved</p> <p>3.5 <i>Expert</i> skills and knowledge are accessed when necessary to further assist staff in areas where they cannot or are not authorised to act</p> <p>3.6 Constant review is implemented during evidence collection to enable gaps and inadequacies to be addressed in accordance with organisational policy and procedures</p>
4. Summarise and report on evidence	<p>4.1 Verbal and written summaries/<i>reports</i> are made in accordance with legislative and organisational requirements</p> <p>4.2 Outcomes of investigation are entered into data management systems according to organisational guidelines</p>

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the essential skills and knowledge and their level, required for this unit.

Skill requirements

Look for evidence that confirms skills in:

organising and problem solving

liaising and negotiating

communicating with people from diverse backgrounds

responding to diversity, including gender and disability

making comparisons and exercising judgment about facts in written materials

report writing using formal structures and language

applying public sector standards and legislation such as occupational health and safety and environment in the context of gathering and managing evidence

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

rules of evidence relevant to the jurisdiction

evidence legislation relevant to the jurisdiction

legislation which contains the offence/s under investigation

document management systems

exhibit management principles

organisational policies, guidelines and regulations

equal employment opportunity, equity and diversity principles

public sector legislation such as occupational health and safety and environment relating to gathering and management of evidence

Evidence Guide

EVIDENCE GUIDE

The Evidence Guide specifies the evidence required to demonstrate achievement in the unit of competency as a whole. It must be read in conjunction with the Unit descriptor, Performance Criteria, the Range Statement and the Assessment Guidelines for the Public Sector Training Package.

Units to be assessed together

- *Pre-requisite* units that must be achieved prior to this unit: *Nil*
- *Co-requisite* units that must be assessed with this unit: *Nil*
- *Co-assessed units* that may be assessed with this unit to increase the efficiency and realism of the assessment process include, but are not limited to:

PSPETHC401A Uphold and support the values and principles of public service

PSPLEGN401A Encourage compliance with legislation in the public sector

PSPGOV422A Apply government processes

PSPREG401C Exercise regulatory powers

PSPREG407B Produce formal record of interview

PSPREG411A Gather information through interviews

Overview of evidence requirements

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms:

- the knowledge requirements of this unit
- the skill requirements of this unit
- application of the Employability Skills as they relate to this unit (see Employability Summaries in Qualifications Framework)
- gathering and management of evidence in a range of (3 or more) contexts (or occasions, over time)

Resources required to carry out assessment

These resources include:

- legislation, policy, procedures and protocols relating to gathering and managing evidence
- case studies and workplace scenarios to capture the range of likely offences for which evidence needs to be gathered and managed

Where and how to assess evidence

Valid assessment of this unit requires:

- a workplace environment or one that closely resembles normal work practice and replicates the range of conditions likely to be encountered when gathering and managing evidence, including coping with difficulties, irregularities and breakdowns in routine

EVIDENCE GUIDE

- gathering and management of evidence in a range of (3 or more) contexts (or occasions, over time)

Assessment methods should reflect workplace demands, such as literacy, and the needs of particular groups, such as:

- people with disabilities
- people from culturally and linguistically diverse backgrounds
- Aboriginal and Torres Strait Islander people
- women
- young people
- older people
- people in rural and remote locations

Assessment methods suitable for valid and reliable assessment of this competency may include, but are not limited to, a combination of 2 or more of:

- case studies
- demonstration
- observation
- questioning
- scenarios
- authenticated evidence from the workplace and/or training courses

For consistency of assessment

Evidence must be gathered over time in a range of contexts to ensure the person can achieve the unit outcome and apply the competency in different situations or environments

Range Statement

RANGE STATEMENT

The Range Statement provides information about the context in which the unit of competency is carried out. The variables cater for differences between States and Territories and the Commonwealth, and between organisations and workplaces. They allow for different work requirements, work practices and knowledge. The Range Statement also provides a focus for assessment. It relates to the unit as a whole. Text in *italics* in the Performance Criteria is explained here.

- | | |
|---|---|
| <i>Evidence may include</i> | <ul style="list-style-type: none"> • real, oral, computer data or documentary • photographic or video • new evidence which results in reopening an investigation • requirements identified in an evidence guide or evidence matrix |
| <i>Establishing resource requirements may require</i> | <ul style="list-style-type: none"> • an estimate of the costs of gathering evidence |
| <i>Responsible parties may include</i> | <ul style="list-style-type: none"> • suspects • alleged offenders • obligation holders • employers • principal contractors • owners • operators |
| <i>Particulars of responsible parties may include</i> | <ul style="list-style-type: none"> • personal details • identification of assets and entitlements for criminal or civil recovery purposes |
| <i>Authority to search may include</i> | <ul style="list-style-type: none"> • warrant already issued • no requirement for search warrant under powers of enabling legislation • affidavit • confirming the legal basis for the search and seizure • appropriate information to ground a warrant • requirement to obtain search/seizure warrant before proceeding • organisational approval/s to undertake search and seizure • completion/submission of organisational documents relating to planned search and seizure • the need for assistance from other agencies/jurisdictions • referral to other agencies |
| <i>Evidence collection may include</i> | <ul style="list-style-type: none"> • voluntary submission • acquisition through legislative powers • following new lines of inquiry suggested during the process of gathering evidence |

RANGE STATEMENT

- Labelling of evidence may include*
- date
 - time
 - location
 - details of person/s giving the evidence
 - person/s collecting the evidence
- Evidence management may include*
- systematic recording (such as dating and numbering)
 - using written or electronic database systems
 - referral to prosecution organisations at any stage
 - constant reviews during an investigation
 - restricting access to evidence
- Legislation and standards may include*
- relevant Commonwealth/State/Territory legislation and guidelines
 - ethical and conduct standards
 - judicial standards which must be followed in evidence collection to ensure the continuity of possession and admissibility of the evidence
- Expert knowledge and skills may include*
- police, other law enforcement agencies
 - private provider
 - standards setting organisation
 - input such as:
 - search warrant
 - surveillance
 - scientific analysis
- Reports may be*
- to finalise case
 - to inform team members and management
 - to refer to other sections or organisations
 - to prepare for final summation in proceedings
 - edited and security coded for a particular audience

Unit Sector(s)

Not applicable.

Competency field

Competency field Regulatory