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Compliance management systems — Guidance for competence management

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CH-~~1211~~1214 Vernier, Geneva ~~20~~
~~Tel.~~Phone: + 41 22 749 01 11

~~Fax + 41 22 749 09 47~~

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Foreword—

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This document was prepared by Technical Committee ISO/TC 309, *Governance of ~~Organizations~~organizations*.

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Introduction

A compliance management system enables an organization to demonstrate its commitment to complying with:

— ~~—~~relevant laws;

— ~~—~~regulatory requirements;

— ~~—~~industry codes;

— ~~—~~organizational standards;

— ~~—~~standards of good governance;

— ~~—~~generally accepted best practices;

— ~~—~~ethics;

— ~~—~~the expectations of relevant interested parties.

The compliance management system has become an integral part of any organization that aims to be successful and sustainable in the long term. A compliance management system is made sustainable by creating a compliance culture within the organization and by establishing common standards of behaviour and attitude related to compliance. ISO 37301 sets out the requirements and provides guidance for establishing, developing, implementing, evaluating and improving the competence necessary to ensure the compliance management system is effective. This document provides guidance to help implement the requirements related to competence and training in ISO 37301. These requirements are mostly expressed in ISO 37301:2021, Clause 7.

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Competence management is fundamental to an organization's compliance management system and activities. Competence management helps an organization recognize and determine the competence requirements of the personnel doing work under its control to implement its compliance management system. Competence management ensures that persons doing ~~the~~ work under the organizations' control are qualified with knowledge and skills and have the experience to fulfil the relevant compliance obligations.

Competence management is tailored to the context of the organization. This includes its roles and responsibilities; planning and support activities; and the operations of the compliance management system. Compliance management can help the organization evaluate and determine the competence needs, including the relevant knowledge, skills and experience. It also ensures that the organization:

— ~~fulfills~~fulfils its compliance obligations;

— ~~—~~integrates compliance management into the organization's business processes and operational links;

— ~~—~~develops a compliance culture.

Competence management can also improve the overall efficiency and productivity of the organization's compliance management system. It can make an important contribution to enhancing personnel competitiveness and to achieving the strategic direction and expected results of the organization.

Competence is managed through the systematic process of the compliance management system. It follows the "Plan, do, check ~~and~~, act" method.

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This document provides guidance to organizations in addressing issues related to competence management within its compliance management system. It can also provide guidance for competence management within other management systems standards.

This document provides guidance on fully integrating competence management within a compliance management system by following the ~~follows the~~ "Plan, do, check ~~and,~~ act" method. ~~Figure 1~~Figure 1 outlines this process.

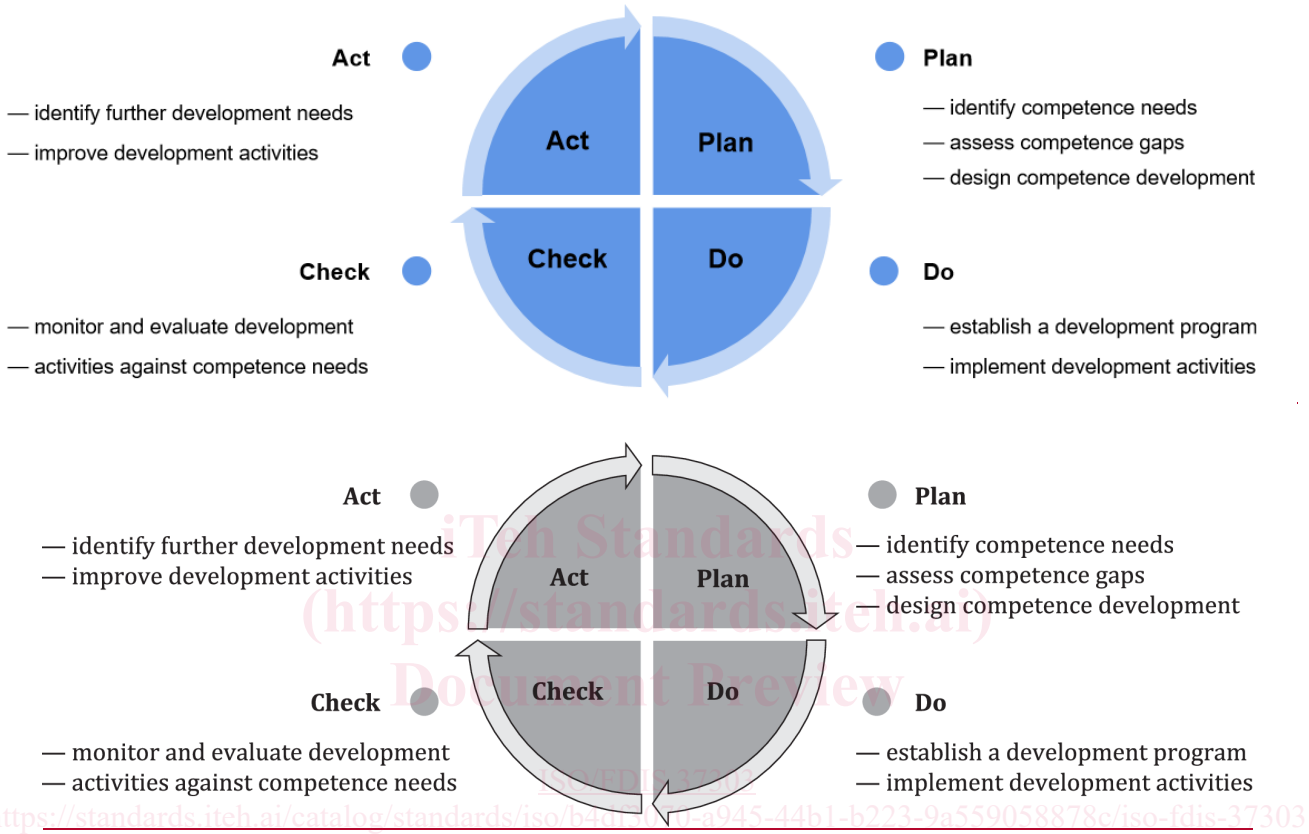

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Figure 1 — Process for competence management

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Compliance management systems — Guidance for competence management

1 Scope

This document provides guidance for the determination and development of competencies necessary to achieve an organization's compliance management system objectives. It provides guidance for establishing the adequate level of competencies of certain internal functions and third parties.

This document is applicable to all organizations regardless of the type, size and nature of the activity, as well as whether the organization is from the public, private or non-profit sector.

This document does not add to, change or otherwise modify requirements for compliance management system or any other standards.

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2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISO 37301, *Compliance management systems — Requirements with guidance for use*

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3 Terms and definitions

For the purposes of this document, the terms and definitions given in ISO 37301 apply.

ISO and IEC maintain ~~terminological~~terminology databases for use in standardization at the following addresses:

— ~~—~~ISO Online browsing platform: available at ~~https://www.iso.org/obp~~https://www.iso.org/obp

— ~~—~~IEC Electropedia: available at ~~https://www.electropedia.org/~~https://www.electropedia.org/

3.1 ~~3.1~~
competence
ability to apply knowledge and skills to achieve intended results

[SOURCE: ISO 37301:2021, 3.9]

3.2 ~~3.2~~
knowledge
human or organizational asset enabling effective decisions and action in context

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[SOURCE: ISO 30401:2018, 3.25, modified — Note 1 to entry, Note 2 to entry and Note 3 to entry have been removed.]

3.3 ~~3.3~~
skill
learned capacity to perform a task to a specified expectation

[SOURCE: ISO 30401:2018, 3.30]

3.4 ~~3.4~~
competence management
systematic approach to identifying, determining, assessing and continuously improving competencies needed within an organization to ensure that individuals have the required *knowledge* ~~(3.2)~~(3.2) and *skills* ~~(3.3)~~(3.3) to meet organizational objectives

Note 1 to entry: Competence management also encompasses the strategic planning and oversight of competencies at an organizational level. This includes the encouragement of person(s) to acquire new or advanced *competence* ~~(3.1)~~(3.1) by creating learning and training opportunities and circumstances in which acquired competencies can be applied.

3.5 ~~3.5~~
behaviour
way in which someone acts, reacts and interacts with others in a certain situation

Note 1 to entry: Behaviour can be shaped by personal values, beliefs, habits and social norms. It can reflect a person's attitudes and feelings. This includes their emotional intelligence and their ability to remain calm in a crisis, maintain concentration during monotonous work and work cooperatively.

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4 Competence management

4.1 General

The organization should identify~~,~~ and assess competence needs and improve the competence of person(s) doing work under its control that affects its compliance performance. Competence requires knowledge, skills and experience so that person(s) can perform their function(s) in such ways that support the objectives of the compliance management system.

The organization should determine competency criteria for the development, implementation, monitoring and continual improvement of the compliance management system, as well as for compliance risk areas in relation to relevant compliance obligations.

The competence criteria should be determined for person(s) doing work under the organization's control that can affect its compliance performance, including functions that were assigned to roles and responsibilities in the compliance management system, and personnel and third parties that pose a compliance risk to the organization.

The organization should determine the expected and common standard of ethical and professional behaviours related to the relevant compliance obligations to foster compliance.

The organization should review and update the competence needs for each function, either periodically or as necessary, to ensure personnel are able to fulfil the compliance obligations and objectives of the compliance management system.

Documented information should be maintained as appropriate to provide support and demonstrate:

— ~~—~~the determination at the level of the organization, the governing body, top management, compliance function, management, risk-exposed personnel and relevant third parties;

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— the results of individual qualifications, performance and appraisal;

— the achievements of development programmes and other initiatives, e.g. training;

— the evaluation of the impact of competence management and associated actions.

4.2 Objectives of competence management

The intended result of competence management is to provide the organization, its personnel and third parties acting on the organization's behalf and that can pose a compliance risk with the necessary knowledge, skills and experience and to create an environment that fosters ethical behaviours to sustain a compliance culture. The organization should establish objectives of competence management in order to:

— ensure consistency with the objectives of the compliance management system and the business strategy of the organization;

— ensure activities and opportunities for personnel and third parties acting on the organization's behalf and that can pose a compliance risk to acquire the necessary competencies and experiences, including but not limited to employment processes, training and communications;

— develop, maintain and promote a compliance culture at all levels within the organization;

— implement the requirements of the compliance management system and compliance policy to create an environment that fosters ethical values and ~~behaviors~~behaviours;

— ensure monitoring, communication, updating as appropriate and availability as documented information.

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4.3 Determining competence needs

4.3.1 General

There are various internal and external factors that determine what competences are needed to achieve the objectives of the compliance management system.

The organization should have processes for determining competence needs by:

— identifying the functions and roles that are responsible for achieving the compliance obligations and/or that can impact the objectives and performance of its compliance management system;

— understanding and considering these functions and roles for strategical competence management planning, development and maintenance of needed competencies, which contributes to the intended compliance performance of the organization.

These functions and roles include but are not limited to the following:

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