

Children and Young People (Approved Care and Protection Organisations – Monitoring) Guidelines 2018 (No 1)

Disallowable Instrument DI2018-96

made under the

Children and Young People Act 2008, Section 352F (Approved Care and Protection Organisations - monitoring)

EXPLANATORY STATEMENT

1. Introduction

This section outlines the Human Services Registrar’s regulatory responsibilities on behalf of the Director-General. The primary and preferred method of ensuring compliance is through regulatory engagement.

This guideline is one of three that will guide the overall operation of approved care and protection organisations in accordance with the Act and underpinned by *the Children and Young People Regulation (2009)*.

2. Regulation of Care and Protection Organisations

Under section 63 of the Act, the director-general may approve an entity as a suitable entity for a stated purpose if satisfied that the entity is suitable for the purpose. Part 10.4 of the Act articulates the director-general’s regulatory powers to monitor compliance of organisations with the Act, investigate complaints about an organisation and record and make certain information about an organisation publicly available.

3. Separation between regulation and policy funding activities

This section articulates the separation between the HSR’s regulatory functions and other areas of the Community Services Directorate that have responsibility for policy and funding activities.

4. Approved Care and Protection Organisations

Under the Act, only approved care and protection organisations can provide a care and protection purpose in the ACT. This section discusses the requirements for approval and lists the care and protection purposes which may be applied for.

5. Purpose of this Guideline

This section discusses the function of this, and associated guidelines, in administering the Act and supporting the day-to-day operation of the legislation. The guideline is consistent with the Care and Protection Organisation Standards 2018 and the Out of Home Care Standards 2016.

6. Principles of Regulation

This section outlines the principles of regulation applied by the HSR in relation to Care and Protection Organisations.

7. Risk based Regulation

A proportionate approach, involving different levels of regulatory engagement, dependent on the approved care and protection organisation's risk profile, will be applied by the HSR. This section includes depiction of the triggers and scope for action, regulatory sanction and support.

8. Enforcement Powers

This section identifies that there are a range of enforcement powers available to the HSR. These are further specified in the Approved Care and Protection Organisation – Intervention Guidelines.

9. ACT Care and Protection Organisation Standards

The ACT Care and Protection Organisation Standards will be used as the basis for assessing and monitoring care and protection organisations. This section introduces the Standards and identifies the five Domains relating to quality, safety, capacity and capability.

10. Scheduled and Unscheduled Monitoring

This section defines scheduled and unscheduled monitoring and provides a brief overview of each.

11. Targeted Monitoring

Targeted monitoring allows the regulator to focus on specific concerns that have been brought to their attention. This section provides a definition and examples of when this might occur.

12. Monitoring Process

Site visits and examining data and information are some of the activities that may form part of the monitoring process. This section discusses the process and the methodology that may be applied.

13. Complaints

This section relates to complaints made to the Director General about noncompliance of approved care and protection organisations.

14. Complaints – withdrawing a complaint

This section defines the options available to the Director-General should a complaint be withdrawn.

15. Complaints – further information or verification

The Director-General may make a requirement that the complainant provide verification or additional information. This section provides the Director-General's obligations and options if a requirement is made.

16. Complaints – investigation

This section specifies the Director-General's obligations once a complaint is accepted for consideration.

17. Complaints – no further action

This section specifies where the Director-General must not take further action on a complaint.

18. Complaints – action after investigation

This section provides the responses required of the Director-General following investigation of a complaint.