

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

Disallowable Instrument DI2018-97

made under the

Children and Young People Act 2008, Section 352T (Intervention-Guidelines)

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. In exercising the powers the HSR is required to comply with the Intervention Guidelines.

9. Serious and Urgent Matters

A serious and urgent matter requires the Director-General or delegate to take intervention action. This section describes when urgent action is required and provides some examples.

10. Noncompliance Notice

This section describes the times when a noncompliance notice may be issued and the information that must be included in a notice.

11. Noncompliance Direction

A noncompliance direction is issued to direct an organisation to address action(s) of non-compliance. This section provides examples of when a noncompliance direction might be issued and the information that must be included within.

12. Safety Suspension Notice

A safety suspension notice is issued when there are reasonable grounds to believe that suspension of an organisation is necessary to protect the safety of a child or young person. This sections provides the steps Director-General must take when issuing a safety suspension notice.

13. Intention to Cancel Notice

This section defines when intention to cancel an organisation's approval may be given and the instructions follow when issuing the notice.

14. Cancellation

This section covers the Director-General's obligations following the issue of an intention to cancel notice.

15. Cancellation Notice

This section lists the legislated requirements to be adhered to should the Director-General decide to cancel an organisation's approval.