ACT Government

ACT Health

Policy Development

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Author branch	Governance and Risk
Endorsed by	Directorate Leadership Committee
Audience	ACT Health Directorate
Version number	1.4

Purpose

This procedure provides ACT Health Directorate (ACTHD) staff with information to navigate the policy development cycle and produce well-written, effective policy documents.

Scope

This procedure applies to all staff involved in the development and endorsement of policy documents across ACTHD. It applies to all policy documents developed or reviewed within ACTHD.

The terms policy and policy documents are the generic terms used to refer to the following document types:

- frameworks
- strategies
- plans
- policy
- procedures
- guidelines
- staff directions.

Policy documents endorsed for use within Population Health Protection and Regulation (PHPR) Division are out of scope of this procedure. Staff developing these documents should refer to the PHPR Document and Content Approval procedure.
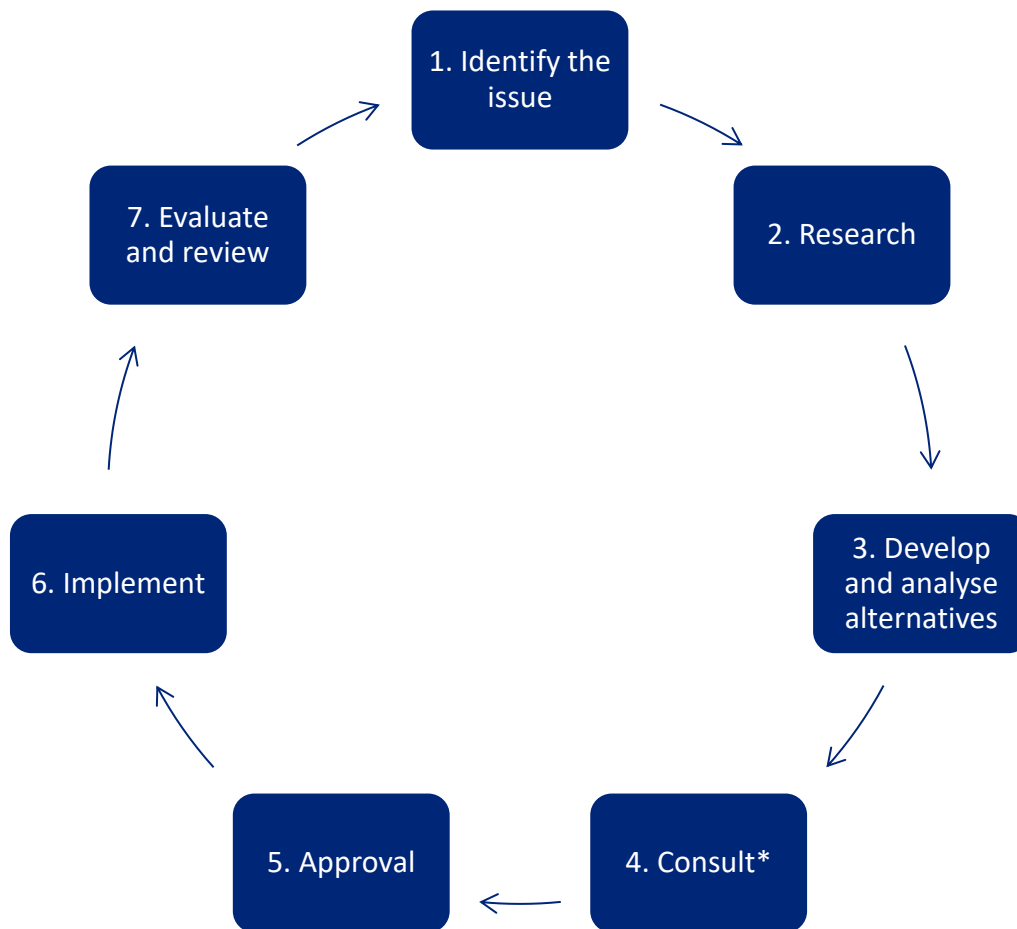
Where a document is not captured by the scope of this procedure, staff may nevertheless find the steps and guidance to be a useful reference.

Roles and Responsibilities

Position		Responsibility
Author		Responsible for coordinating development, engaging in consultation, obtaining approval, implementation and review of policy documents.
Executive Sponsor		Responsible for guiding policy direction and providing strategic oversight throughout policy development (including approval), implementation and review.
Approving Authority	Cabinet	Reviews and endorses policy and associated documents (further guidance as to
	Minister	

	Strategic Board	Approving Authority provided under 'Approval' heading below)
	ACTHD Director-General	
	Executive Board	
	Corporate Governance and Finance Committee	
	Policy and Planning Committee	
	Digital Committee	
	Executive Group Manager (EGM) or Professional Lead	
Governance and Compliance team		Responsible for assisting teams engaging with the procedure and associated documents. Responsible for maintaining the ACTHD Policy Register.

Procedure

1. Identify the issue → **2. Research** → **3. Develop and analyse alternatives** → **4. Consult*** → **5. Approval** → **6. Implement** → **7. Evaluate and review** → (back to 1)

While identified in this diagram as a single reference, consultation is an integral part of policy development that can and should occur throughout the policy development process.

1. Identify the issue/problem

The Executive Sponsor and Author will:

- support open lines of communication with external stakeholders (e.g. non-government organisations, healthcare consumers and consumer representatives, peak industry bodies, community-based organisations) to ensure issues are identified early

- identify the issue or problem that needs to be addressed – why do you need to write a policy document? Is there already a relevant policy document?

- begin to consider how you will evaluate the policy – how will you know if the policy has produced the intended outcomes?

- consider the objective and scope of the policy

- if the policy will apply to bodies external to the ACTHD, understand the authority under which the ACTHD is making the policy. For example:

  o Is the policy in relation to a matter allocated to the ACTHD in Schedule 1, column 2 of the current Administrative Arrangements? (Available from the ACT Legislation Register, under the *Public Sector Management Act 1994*: https://www.legislation.act.gov.au/a/1994-37/)

  o Does the ACTHD have responsibility for the issue under legislation?

- consult with both internal and external stakeholders as appropriate to gather information to refine the scope of the problem and the appropriate policy response. *Refer to Engaging Canberrans: A guide to community engagement* (available from: https://yoursay.act.gov.au/about/community-engagement). Identify how the matter relates to your stakeholders and how those stakeholders can provide input.

2. Research

The Author will:

- check whether there is already a similar or related policy document on the Policy Register

- consider whether there are existing ACT Government (including whole-of-government), interstate, national or international policy documents that could be used or adapted for ACTHD

- understand the broader context of the policy, including relevant legislative requirements or national standards

- consider any relevant committee or audit recommendations (the Governance and Compliance team can assist with this).

3. Development and analysis of options

The Author (and their team) will:

- submit an ACTHD Policy Initiation Form to the Governance and Compliance team (available on the ACTHD Policy Register site). This is required even where you are reviewing an existing policy (because the revised document will have a new document number)

- if necessary, assemble a development team (which may include external stakeholders as appropriate) and consider timelines

- use the correct template for Policy, Procedure or Staff Instruction documents (available on the ACTHD Policy Register site)

- identify key internal and external stakeholders (if necessary) to discuss principles, processes, implementation and evaluation strategies to inform policy development

- draft policy document based on key principles or processes

- ensure that all relevant legislation and standards are appropriately identified and referenced

- consider the following:
    - the Commitment Implementation Register
    - ACTHD Enterprise Risk Management Framework and/or any relevant risk registers
    - ACT Health Quality Strategy 2018-2028 (available at: https://www.health.act.gov.au/sites/default/files/2018-10/Quality%20Strategy%20Booklet.pdf)
    - ACT Government Evaluation Policy and Guidelines December 2010 (available at: https://www.cmtedd.act.gov.au/__data/assets/pdf_file/0004/175432/ACT-Evaluation-Policy-Guidelines.pdf)
    - Wellbeing Impact Assessment (Embedding wellbeing - ACT Wellbeing Framework)
    - consistency with the *Human Rights Act 2004* (available at: https://www.legislation.act.gov.au/a/2004-5/)
    - compliance with the *Health Records (Privacy and Access) Act 1997* (available at: https://www.legislation.act.gov.au/a/1997-125/)
    - the *Social Compact* – a statement of understanding about the relationship between the ACT Government and the community sector (https://www.actcoss.org.au/social-compact)
    - *Imagining Better – Reflections on access, choice and control in the ACT health services for people with disability* (https://www.actcoss.org.au/publications/advocacy-publications/imagining-better-reflections-access-choice-and-control-act-health)
    - the *National Principles for Child Safe Organisations* (https://childsafe.humanrights.gov.au/national-principles/about-national-principles)
    - whether the policy will impact on victims and survivors of child sexual abuse. If relevant, ensure that the policy promotes trauma-informed care as best practice.
        - Trauma-informed care is an approach where all aspects of services are organised around the recognition and acknowledgement of trauma and its prevalence, with awareness and sensitivity. Victims and survivors of child sexual abuse may have complex needs that require a holistic response from services.
        - Promoting a trauma-informed approach in health policy ensures the needs of victims and survivors of child sexual abuse are acknowledged and responded to appropriately.
        - Human services directorates including ACTHD are required to promote trauma-informed care in policy frameworks and strategies as

recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.[1]

- ACTHD Health Policy and Strategy Branch can be contacted to provide further information about this requirement.

- plan for and understand how you will implement and evaluate your policy

- submit draft document to the Executive Sponsor for review and approval prior to consultation.

4. Consultation

Planning your approach to consultation is central to achieving better policy outcomes. Elements of effective engagement include:

- a clear scope

- transparency in process

- timeliness

- inclusiveness and accessibility

- connection to decision-making.

The Author (and their team) will:

- prepare a consultation plan. This will be informed by the type of document being developed and the scope of its intended application. You should consider consultation with:

  - representatives across ACTHD (relevant Executive General Managers, Executive Business Managers, Senior Directors, Executive Officers and Business Managers)

  - other directorates, including CHS

  - whole-of-government committees

  - Health sector-specific bodies

  - consumer representatives

  - non-government organisations

  - union/employee representatives

- consider the following:

  - Engaging Canberrans: Community Engagement Manual (available at: https://yoursay.act.gov.au/about/community-engagement)

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1 Final Report: Volume 9, Advocacy, support and therapeutic treatment services, https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_9_advocacy_support_and_therapeutic_treatment_services.pdf, p. 149, 186-188

- o Protocols for working with Aboriginal and Torres Strait Islander Peoples (available at: https://www.strongfamilies.act.gov.au/publications)

- o the *Social Compact* – a statement of understanding about the relationship between the ACT Government and the community sector (https://www.actcoss.org.au/social-compact)

- circulate the draft policy document:

  - o make sure the policy document is clearly marked as 'Draft' on each page

  - o identify the scope for comment so that stakeholders are clear on what their feedback should cover

  - o clearly state how feedback is to be provided, to whom and by when

  - o consider how to facilitate engagement (sufficient time is allowed, consider a range of communication methods)

- in addition to the above, for consultation with Canberra Health Services (CHS):

  - o please copy all requests for formal consultation to the CHS Policy Team at policyathealth@act.gov.au

  - o the CHS Policy Team can assist to direct consultation requests to the most appropriate area

  - o please remember that consultation with an area of CHS does not necessarily equate to formal endorsement. Please confirm with the CHS Policy Team that appropriate internal approval from CHS has been provided before progressing

- as part of consultation, obtain advice from the Online and Design team on the document's compliance with accessibility requirements

- document feedback received in the Policy Consultation template available on the ACTHD Policy Register site

- assess feedback and amend draft policy document as required (consult further if required)

- close-the-loop – provide advice to those who submitted feedback about whether and how their feedback was addressed.

5. Approval

The Author (and their team) will:

- Identify the Approving Authority:

  - o The Executive Sponsor will be able to determine the appropriate Approval Authority based on the scope and intent of the document.

  - o Depending on the type of policy document and the scope of its application, factors to consider when identifying the Approving Authority include:

Approval Authority	Document Type
Cabinet/Minister	Territory-wide or whole-of-government frameworks, strategies, policies and plans
	Health-system policy documents
Strategic Board	Whole-of-ACT Public Service policy documents
Director-General/ Executive Board	Health Directorate-wide policy documents
Corporate Governance and Finance Committee Policy and Planning Committee Digital Committee	Operational policy documents that fall within the scope of the relevant ACTHD Governance Committee.
Executive Group Manager or Professional Lead	ACTHD Division or Branch specific policy documents
	ACTHD procedure documents that are giving effect to already approved, higher-level policy documents
	Minor amendments to existing policy documents

- o Policy documents may progress through several Approving Authorities as part of the line management process (for example, an Executive Group Manager, the Director-General and the Minister).

- Prepare a brief to the Approving Authority recommending endorsement and consider including:

  - o a brief outline of the need for and purpose of the document

  - o reference to the consultation undertaken in development and how feedback was addressed

  - o the plan for communicating the new policy or procedure

  - o the plan for implementing the new policy or procedure (including training, education and monitoring)

  - o the plan for evaluating the new policy or procedure

  - o proof or confirmation of endorsement where documents are required to be endorsed by another governance body before submission.

- At the time of final approval of the document, a decision needs to be made, in accordance with Part 4 of the *Freedom of Information Act 2016* (ACT) (the FOI Act), about whether the document is 'open access information'. The decision must be made by an Information Officer under section 18 of the FOI Act. A list of ACTHD Information Officers can be found in a Notifiable Instrument on the ACT Legislation

Register, under the FOI Act (available at: https://www.legislation.act.gov.au/a/2016-55/). If the Approving Authority is an Information Officer under the FOI Act, the brief recommending endorsement of the policy documents may include a recommendation as to whether the documents are 'open access information'. If the Approving Authority is not an Information Officer under the FOI Act, the Author will need to separately seek a decision from an Information Officer.

- Following approval of a policy document by the appropriate Approving Authority, the Author and Executive Sponsor may wish to provide a copy of the document to a higher level Approving Authority for noting or information (e.g. a policy document approved by the Corporate Governance and Finance Committee could be provided to Executive Board for information only).

6. Implementation

During planning for implementation, you will need to consider who will be affected by the new or revised policy and determine the most appropriate and effective way of informing them.

Following the approval of the policy or procedure, the Author (and their team) will:

- submit the Policy Publication Form available on the Policy Register site to the Governance and Compliance team

- provide the policy document to the Governance and Compliance team for inclusion on the ACTHD Policy Register

- execute the implementation plan, which could include:

  o all-staff emails (e.g. inclusion in the DG's weekly update)

  o face-to-face meetings

  o information sessions

  o staff forums

  o team briefing

  o notice on ACTHD screens

  o media release or launch

  o information on HealthHQ

  o direct contact with all those involved in the consultation process.

The approved policy document should be provided to the Governance and Compliance team, along with a Policy Publication Request form (available on the ACTHD Policy Register site). The Governance and Compliance team will then:

- publish the approved policy on the ACTHD Policy Register

- provide the Author with a link to the document

- provide the CHS Policy Team with a copy of the approved policy if the document is relevant to the Service

- if a document is 'open access information', forward to the Strategic Communications team for inclusion on the ACTHD's website and the Freedom of Information team for inclusion on the Open Access website.

7. Evaluation and Review

Evaluation allows us to understand whether we have achieved what we set out to do, whether we could have done things better and whether we should continue with the current approach.

The branch responsible for the policy document will:

- Consider the ACT Government *Evaluation Policy and Guidelines December 2010* (available at:
  https://www.cmtedd.act.gov.au/__data/assets/pdf_file/0004/175432/ACT-Evaluation-Policy-Guidelines.pdf)

- manage the document implementation feedback

- action any subsequent administrative updates or amendments

- action evaluation strategies

- undertake review of the policy document at the time nominated.

The Governance and Compliance team will:

- continue to take feedback on ACTHD policy document templates and adjust as required

- monitor policy document review dates and

- notify the Author and responsible Executive of approaching review dates.

Records Management

All records must be managed in accordance with the *Territory Records Act 2002* and Directorate policies and procedures, including the *Records Management Policy*.

Documents to be kept on record should include:

- approved briefs

- evidence of consultation – emails, correspondence, meeting minutes

- feedback received through the consultation process

- copy of the final approved policy document

- policy drafts demonstrating significant change in policy direction and

- associated/supporting documents.

Evaluation of this policy

Outcome Measures	Method	Responsibility
Policy development process is clear and effective.	Feedback from Authors (via survey)	Governance and Compliance team to seek feedback 12 months after publication

References and Related Documents

Legislation

- *Territory Records Act 2002 (ACT)*
- *Freedom of Information Act 2016 (ACT)*
- *Human Rights Act 2004 (ACT)*
- *Health Records (Privacy and Access) Act 1997*

Supporting Documents

- ACT Health Directorate Policy Development Procedure
- ACT Health, Public Health Protection and Regulation Standard Operating Procedure Document and Content Approval
- ACT Health Directorate Risk Management Guidelines
- ACT Health Quality Strategy 2018-2028
- ACT Government Evaluation Policy and Guidelines December 2010
- ACT Government Design and Brand Guidelines
- Engaging Canberrans: Community Engagement Manual
- National Principles for Child Safe Organisations
- Protocols for working with Aboriginal and Torres Strait Islander Peoples
- Triple Bottom Line Assessment for the ACT Government Framework and Templates
- The Social Compact
- Imagining Better – Reflections on access, choice and control in the ACT health services for people with disability (ACTCOSS)
- Royal Commission into Institutional Responses to Child Sexual Abuse Final Report: Volume 9, Advocacy, support and therapeutic treatment services

Version Control

Version	Date	Comments
1	24/02/2020	Final approved document
1.1	2/4/2020	Updated CHS consultation requirements

1.2	14/4/2022	Updated to include reference to the *National Principles for Child Safe Organisations* and updated governance committee names.
1.3	February 2023	Minor amendments to ensure accuracy
1.4	July 2023	Minor amendments to CHS consultation process

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