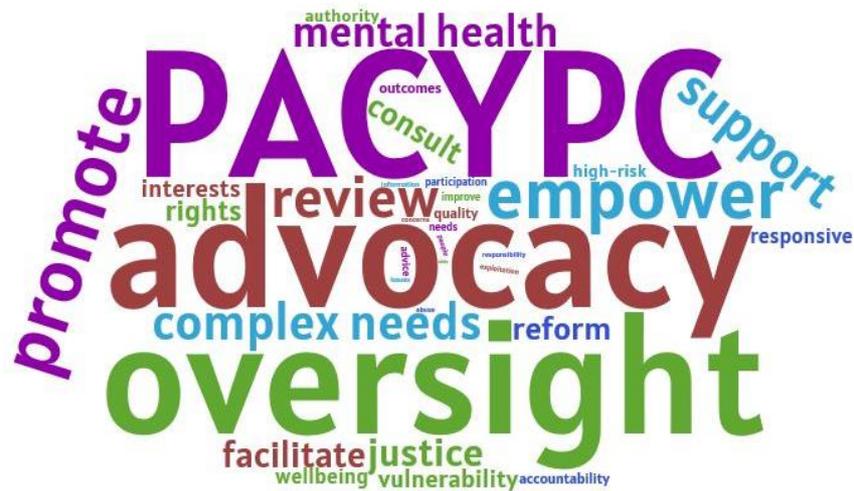


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# *Public Advocate and Children and Young People Commissioner*

## *Oversight Framework*



Public Advocate and Children  
and Young People Commissioner



ACT HUMAN RIGHTS COMMISSION

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# PUBLIC ADVOCATE AND CHILDREN AND YOUNG PEOPLE COMMISSIONER

## OVERSIGHT FRAMEWORK

### 1. Purpose

The document details the Public Advocate and Children and Young People Commissioner's (PACYPC) oversight framework and the mechanisms used to fulfil the PACYPC's statutory oversight role and functions. The Oversight Framework underpins how the PACYPC seeks to ensure the quality, responsiveness and availability of appropriate supports and the adequacy of service arrangements for people experiencing vulnerability – a vital safeguard in protecting the rights of those most at risk and an integral component of the ACT human rights framework.<sup>1,2</sup>

The PACYPC Decision-Making Framework supports and reinforces the Oversight Framework and each portfolio area in the PACYPC (children and young people, disability/complex needs, mental health/forensic, and family violence/personal protection) has its own set of Standard Operating Procedures (SOPs) that outline specific procedures appropriate to relevant functions and responsibilities, for example, protocols between the PACYPC and other statutory agencies.

### 2. Scope

The PACYPC Oversight Framework applies to the PACYPC team and describes the policy and broader operational mechanisms as they apply to legislated monitoring, review, and oversight functions of the office across the different portfolio areas: children and young people, disability/complex needs, mental health/forensic and family violence/personal protection.

### 3. Legislative context

A number of legislative instruments give authority to the work of the PACYPC. In particular, section 19B of the [Human Rights Commission Act 2005](#) (HRC Act) outlines the legislative responsibilities for the Children and Young People Commissioner, and section 27B details those for the Public Advocate.

Broadly, these two roles involve legislative responsibility for protecting and promoting the rights and interests of people in the ACT who are experiencing vulnerability, and for consulting with children and young people in ways that promote their participation in decision-making.

While the role of Children and Young People Commissioner is obviously a targeted one, focused on ensuring that relevant stakeholders listen to and seriously consider the views of children and young people, the role of Public Advocate extends to all persons within the ACT whose situation or condition gives rise to a need for protection from abuse or exploitation, or a combination of those things. Statutorily, the HRC Act includes provisions for responsibilities in respect of children and young people and people with disability (including those with mental health concerns).

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<sup>1</sup> This policy draws heavily on the oversight work and recommendations made by the Commissioner for Children and Young People (Western Australia). <https://www.ccyp.wa.gov.au/media/2664/ccyp-oversight-of-services-for-children-and-young-people-in-western-australia-report-27-november.pdf>

<sup>2</sup> Mathews, B. (2017). *Oversight and regulatory mechanisms aimed at protecting children from sexual abuse: Understanding current evidence of efficacy*. Royal Commission into Institutional Responses to Child Sexual Abuse: Sydney. <https://www.childabuseroyalcommission.gov.au/research>

The responsibilities of the PACYPC are underpinned by a range of functions including advocacy (individual and systemic), representation, investigation, and monitoring. Some of these functions are specific to children and young people, and others encompass people with complex disability needs, including those with mental health conditions and/or forensic patients.

The PACYPC has a strong focus on ensuring that its monitoring and oversight functions (and the recommendations that are made to government and non-government agencies on legislation, policies, and practices) contribute to improvements in the accessibility, responsiveness and quality of supports and services that are available for people experiencing vulnerability.

Further to the provisions of the HRC Act, there are several other pieces of legislation and many accompanying legislative instruments that include obligations associated with the performance of the PACYPC role.

Notably, the *Mental Health Act 2015* and the *Children and Young People Act 2008* establish statutory oversight and monitoring functions for the Public Advocate, including through the submission of documents to the Public Advocate. In the children and young people portfolio, the Public Advocate can make a statutory request to ACT child welfare services for information, services, advice, facilities and documentation that relate to the physical or emotional welfare of children and young people.

Additional statutory responsibilities for the Public Advocate are outlined in the [Senior Practitioner Act 2018](#), [Family Violence Act 2016](#), [Personal Violence Act 2016](#) and the [Guardianship and Management of Property Act 1991](#).

In performing a statutory advocacy function in accordance with other legislation, the PACYPC may deem it necessary to request information from agencies responsible for people experiencing vulnerability, including children and young people, and people with disability (including those with mental health concerns).

The PACYPC draws upon the provisions of these various legislative instruments to develop, maintain and improve our 'line-of-sight' to the various systems, services and supports that respond to the needs of people experiencing vulnerability. In doing so, we focus on ensuring that relevant systems are providing appropriate responses to the individual and collective experiences of children, young people and adults experiencing vulnerability.

For a full listing of the legislation that establishes the statutory authority for the PACYPC, refer to the reference listing at the end of this framework.

#### **4. Guiding principles**

The following principles are used by the PACYPC to maintain accountability in operationalising its monitoring and oversight functions, and in determining whether to intervene either individually or systemically in respect of matters brought to the attention of the PACYPC.

**Rights-based:** As a public authority, the PACYPC must undertake its functions in accordance with the *Human Rights Act 2004 (HR Act)*. The PACYPC also seeks to act in accordance with relevant international conventions to which Australia is a state party.

The PACYPC applies a human rights framework to its own actions as well as to those of the systems for which the PACYPC has monitoring and oversight responsibilities (notably those services and systems relating to children and young people and people engaged with the mental health system). In doing so, the PACYPC seeks to ensure that agencies are accountable for delivering services that are human rights compliant.

The HR Act imposes direct obligations on ACT public authorities to act compatibly with the human rights protected in the HR Act, and to take relevant human rights into account in decision-making (s40B). Children and young people are entitled to all the human rights guaranteed under the HR Act. Further, the HR Act specifically provides in s 11 (2) that ‘every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind’. This right incorporates, in effect, a right to special or positive measures and also generally requires a higher standard to be adopted in relation to children and young people when the application of other human rights is considered. Section 31 of the HR Act recognises that international law can be used to interpret human rights and is an important source of guidance as to the scope and meaning of rights protected in the HR Act.

Adopting a rights-based approach in decision-making requires the PACYPC to consider the human rights (of the person or cohort) when making a decision about the need for PACYPC intervention.

**Statutory independence:** The PACYPC must maintain statutory independence when appearing before courts, tribunals and when representing a person at a conference, meeting or care team process. The PACYPC does not provide ongoing case management or case coordination but will instead intervene as considered appropriate in situations where there is a risk of abuse or exploitation, and/or where an individual’s rights have been or are at risk of being breached.

**Safeguarding:** As protected in the HR Act and by seeking to act in accordance with relevant international human rights instruments, the PACYPC recognises and upholds the need for additional safeguards for children, young people and adults experiencing vulnerability, particularly when facing unique barriers to accessing services and supports such as raising concerns and making complaints.

Many matters referred to the PACYPC evidence underlying safety concerns or risks that may or may not constitute the presenting issue. In making the decision to intervene either individually or systemically, the PACYPC will consider whether the presenting issue/s warrant PACYPC involvement and whether there is a risk of exploitation or abuse.

People in high risk or vulnerable situations brought to the attention of the PACYPC through statutory reporting processes (such as through mental health and child protection oversight processes) are prioritised in decision-making. Where required, the PACYPC uses the HRC’s risk register to document the likelihood and consequence of risks.

The PACYPC actively promotes the implementation and integration of the National Principles of Child Safe Organisations (the Child Safe Principles) in mainstream service provision across the ACT. The Child Safe Principles aim to provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing. These national principles reflect the ten child safe standards recommended by the *Royal Commission into Institutional Responses to Child Sexual Abuse*, with a broader scope that goes beyond sexual abuse to cover other forms of potential harm to children and young people.

The Child Safe Principles create a framework for establishing the necessary leadership, cultural and administrative elements of child safe practice within organisations. Recognising the important protective factor that comes from children and young people being able to have their say about matters that impact their own lives, the PACYPC is particularly focused on two principles, these being ensuring children’s participation and empowerment (Principle 2) and establishing child-focused processes (Principle 6).<sup>3</sup>



Figure 1. Child Safe Organisations: Wheel of Safety

**Responsive:** The PACYPC can be contacted at any time to discuss emerging issues, provide advice on individual or systemic matters, and respond to requests for assistance, including advocacy and consultation. Where possible, the PACYPC aims to respond to requests for advocacy and referrals within 48 hours.

It should be noted that the provision of individual or direct advocacy on behalf of children, young people and adults focuses on those people most vulnerable and at risk of exploitation or abuse. This means that the PACYPC will not necessarily accept all referrals and may make suggestions for alternate services or supports to assist in facilitating the required outcome.

**Proactive monitoring:** The PACYPC adopts a proactive approach that seeks to mitigate the escalation of risk issues for a person, or to identify and respond to service concerns or systemic issues. This generally occurs through regular meetings with service providers or when visiting services. Policy work and systemic activities also target identified service gaps and issues with a view to facilitating quality service provision.

<sup>3</sup> For an overview of The National Principles of Child Safe Organisation: <https://chilsafe.humanrights.gov.au/national-principles>

**Person-centred and participatory:** The PACYPC seeks to ensure the views, wishes and interests of people seeking assistance are foremost in decision-making. Public advocacy upholds the participation rights of people experiencing vulnerability, assisting them to give effect to their rights and access their entitlements. The PACYPC is respectful of people’s views, needs, their culture and experiences.

In ensuring that a service system fully enacts participation rights, the PACYPC commits to providing a safe and inclusive space for all people to express their views, listening seriously to the views expressed and acting upon these views to promote the influence of people, particularly vulnerable cohorts who access services and supports in the ACT.

**Privacy and Confidentiality:** The privacy and confidentiality of people accessing services are paramount. The Human Rights Commission Privacy Policy details the provisions that are applied by the PACYPC.

## 5. Oversight and Monitoring

The PACYPC’s oversight role draws upon the various functions within our statutory remit to develop, maintain and improve our ‘line-of-sight’ to the systems, services and supports that respond to the needs of people experiencing vulnerability. In doing so, we focus on ensuring that relevant systems are providing appropriate responses to the individual and collective experiences of children, young people and adults experiencing vulnerability.

The PACYPC monitors the effectiveness of systems that exist to provide support to and uphold the rights of children, young people and adults experiencing vulnerability.

The oversight and monitoring role of the PACYPC includes:

- monitoring the compliance of the mental health sector with the statutory obligations detailed in the *Mental Health Act 2015* and the *Mental Health (Secure Facilities) Act 2016*;
- monitoring the compliance of Child and Youth Protection Services (CYPS) in accordance with the *Children and Young People Act 2008*, including monitoring and oversight functions in relation to the Bimberi Youth Justice Centre;
- having the right of appearance in the Children’s Court for criminal, and care and protection matters; and for matters before the ACT Civil and Administrative Tribunal (ACAT) in accordance with the *Mental Health Act 2015*;
- being informed of specified research consents, and medical and mental health consents and treatments under the *Guardianship and Management Property Act 1991*;
- being able to require access to specified records of attorneys under the *Guardianship and Management Property Act 1991* and being informed of certain actions taken by attorneys and being provided with access to the person who granted the power of attorney under the *Powers of Attorney Act 2006*; and
- monitoring and review of referrals received from the Magistrates Court under the *Family Violence Act 2016* and *Personal Violence Act 2016*, relating to family violence, personal violence and workplace violence matters.

The above powers engage the PACYPC’s statutory monitoring functions, including the power to ask child welfare services to provide information, advice and documents relating to the physical or emotional welfare of children and young people. The PACYPC regularly makes these requests.

## 5.1 Model of Oversight

The PACYPC promotes a person-centred, robust, preventive and comprehensive system of independent oversight for vulnerable cohorts in the ACT. This includes:

- Access to an independent advocate to support people to raise concerns about their experience in the service system;
- Monitoring the development and application of policy and practice;
- Monitoring outcomes for people experiencing vulnerability in respect of service systems with which they are engaged.

The figure below highlights the activities that comprise the PACYPC's oversight framework. Each of these activities is described further in the following sections.

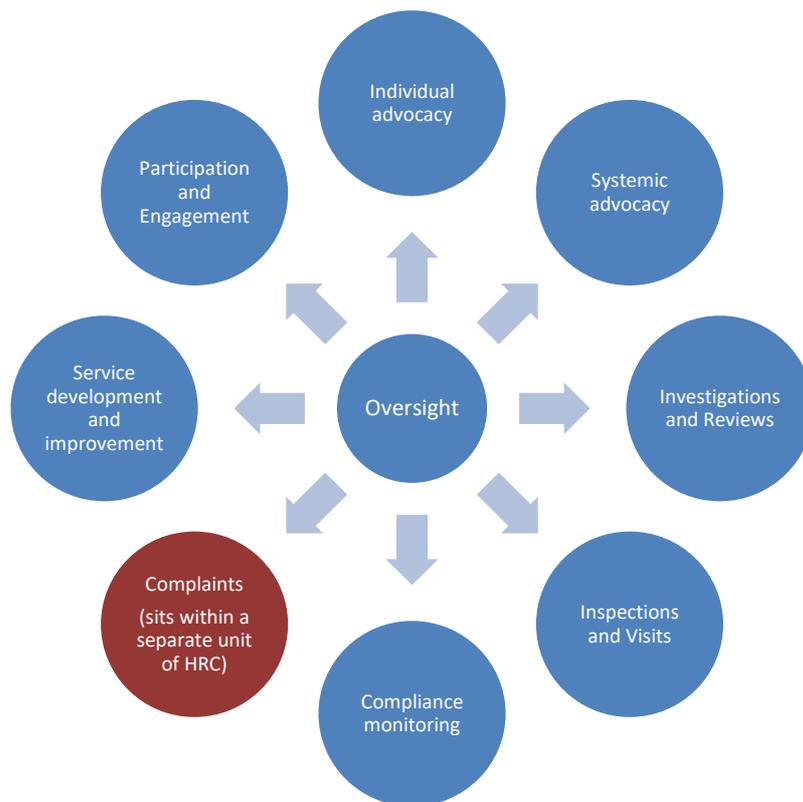


Figure 2. PACYPC Model of Oversight

## 5.2 Individual advocacy

The PACYPC undertakes individual advocacy with a forward focus to promote and ideally secure a response that upholds an individual's rights, promotes the development and implementation of appropriate protections/safeguards, and/or that takes the views of the person into account in decision-making. In both our individual advocacy and our oversight work, the PACYPC focuses on ensuring that systems are doing what they are supposed to be doing in the way they are supposed to be doing it.

In a practical sense, the PACYPC may support people to exercise their rights by providing them with support and/or empowering them to voice their concerns, access information, resolve issues of concern, and identify and access available options. The PACYPC may also advocate for an individual where we identify issues with the provision of a service that is grounded in statutory obligations, particularly where these obligations are not being met.

The PACYPC can advocate on behalf of children, young people and adults whose situation or condition impacts on their rights or wellbeing, or places them at risk of abuse, neglect or exploitation. This may include people with a disability, mental health concern, or other conditions that result in impaired decision-making capacity or a legal disability.

It should be recognised that individual advocacy can be a tool to mitigate against a situation becoming a complaint. In recognition of this, there are often situations where the Discrimination, Health Services and Disability and Community Services Commissioner will refer a matter to the PACYPC for advocacy as a means of facilitating an appropriate and more immediate response to the matter at hand.

Individual advocacy generally occurs in situations where the system has failed to respond in an appropriate way to the needs and circumstances of a person. Individual advocacy involves acting on behalf of, or supporting, people to exercise their rights and/or achieve an outcome that reflects their interests in a matter, for example obtaining services or changing the way services are provided. Individual advocacy may be undertaken in different ways and includes brokering services such as counselling, attending court or tribunal hearings, participating in case conferences or meetings, convening multi-agency panel meetings or negotiating with, fostering and supporting agencies to improve the services they are providing to the person.

Individual advocacy functions undertaken by the PACYPC also extend to family violence and personal protection matters. The PACYPC may also be involved in legal proceedings in ACAT or the courts, including as a party to legal proceedings, which may necessitate adherence to legal processes for obtaining information such as issuing of subpoenas.

The PACYPC Decision-Making Framework provides further detail about the PACYPC's approach to advocacy.

### **5.3 Systemic advocacy and review**

Systemic advocacy provides the most effective option for administering the PACYPC's limited resources and is the first advocacy option that is considered.

Systemic advocacy and review involves the PACYPC advocating on behalf of a cohort of people to achieve an outcome that is in the interests of that cohort. Systemic advocacy focuses on influencing positive changes to service systems that support people experiencing vulnerability.

The PACYPC approaches its systems advocacy work in a number of ways. Sometimes it may be one issue for one person that highlights a systems gap that may be applicable to a broader cohort and that would benefit from systems change. Progression in contemporary thinking and research into best practice may also indicate a need for systems improvement and change. It could also arise as a result of systems analysis into other issues, which may highlight a disconnect or contributing factor within other systems. Systems advocacy can also arise from everyday engagement with systems that are functioning well, but where applying the principle of continuous improvement results in service improvements that enhance the functioning further.

Systemic advocacy focuses on facilitating improvements to service delivery and/or encouraging the development of new programs or services to benefit particular client groups. To achieve this, the PACYPC may undertake projects, research and review strategies that evidence good/best practice, prepare submissions, develop discussion papers, conduct systemic investigations, or undertake consultations.

Systemic review functions include providing feedback on cabinet submissions and providing or seeking advice (e.g. through consultation) about policy and service developments. Influencing legislative change or policy reforms, and undertaking community development, community education and stakeholder engagement are further examples of systemic advocacy.

Systemic priorities for the PACYPC are as follows:

- Improved outcomes for Aboriginal and Torres Strait Islander peoples
- Improved outcomes for children and young people
- Improved outcomes for people with disability/complex needs
- Improved outcomes for people in contact with mental health/forensic mental health systems
- Improved outcomes for people involved in family violence/personal protection matters.

#### **5.4 Investigations and reviews**

Under the HRC Act, the PACYPC can:

- investigate concerns from children and young people about the provision of services for the protection of children and young people [s27B(1)(d)]; and
- investigate matters in relation to which the public advocate has a function [s27B(1)(e)].

The latter of these functions is not limited to the operationalisation of the HRC Act and includes functions accorded to the PACYPC through other legislative instruments.

The PACYPC may undertake an investigation or review as a component of broader inquiries into particular aspects of service delivery for an individual or systemically. This may include:

- investigating individual or systemic concerns referred to, or identified by, the PACYPC;
- thematic reviews of a particular area of service provision across a sector or facility;
- targeted reviews examining an individual's or group's particular experience of service provision.

In fulfilling its statutory investigation functions, the PACYPC may:

- undertake visits or inspections of specific closed facilities, including OOHC residential spaces
- interview any relevant person, including staff, vulnerable people, or detainees
- request, inspect, or take copies of any relevant documents
- request files to understand decision-making and application of policy and procedure.

#### **5.5 Inspections and Visits**

Visits that involve attending facilities or organisations to meet with service users, and inspections that involve a systemic and more rigorous examination of facility administration and standards provide the PACYPC with a unique understanding of, and insight into the safety and wellbeing of the cohorts we represent.

In exercising its functions, the PACYPC may gain access to specific services and organisations, which is integral to the effective oversight of specific closed environments including Bimberi Youth Justice Centre, Adult Mental Health Units, Dhulwa Mental Health Unit, the Alexander Maconochie Centre, and residential services.

Visits can be announced or unannounced, both with distinct benefits. While unannounced visits can serve to ensure facility standards are maintained, the PACYPC where possible undertakes announced visits and inspections. This approach fosters positive relationships with service providers and can encourage participation and critical reflection of their practice.

Refer to the relevant SOPs for conducting onsite inspections and visits and read these in conjunction with the Decision-Making Framework.

## 5.6 Compliance monitoring

Pursuant to the *Human Rights Commission Act 2005* and other legislation, including the *Children and Young People Act 2008* and the *Mental Health Act 2005*, the PACYPC has a legislative mandate to undertake a compliance monitoring role with respect to services for the protection of children and young people, and for services provided to people experiencing mental health issues in the ACT. These functions seek to ensure government meets its statutory responsibilities.

In exercising these functions, various notifications must be made, and documents submitted, to the PACYPC. In relation to children and young people, there are numerous areas of compliance monitoring and accountability to the PACYPC under the *Children and Young People Act 2008*.

Examples of documents and advice that must be submitted to the PACYPC include:

- Notification when the Director-General takes Emergency Action in relation to a child or young person (s408)
- Notification of action following appraisal of abuse in out-of-home care (s507)
- Notification about the segregation of young people at the youth detention centre (s 207)
- Provision of Annual Review Reports for children and young people under the care and protection of the Director General (s497)
- Prompt compliance by ACT child welfare services to s879 requests made by the PACYPC for information, advice, guidance, assistance, documents, facilities or services, in relation to the physical or emotional welfare of children and young people.

The PACYPC reviews documents received to determine whether there is a need for intervention. In making this determination, the PACYPC can consider the evidence and rationale for decisions made, the adequacy of risk assessments, whether safety and wellbeing concerns exist and evidence about whether children and young people have participated in decision-making.

In monitoring mental health services, there are a significant number of areas of compliance and accountability under the *Mental Health Act 2005*. While the PACYPC triages documents that are submitted, key areas prioritised for compliance monitoring include:

- Assessment orders (s41) and (s48 (2) (iii))
- Notifications about restraint, involuntary seclusion and the forcible giving of medication (s65 (5) (b)); s 73(5)(b); and s 88(5)
- Applications for mental health orders: such as for Electroconvulsive therapy Orders, Psychiatric Treatment Orders, Community Care Orders and Restriction Orders (s 187)

- Contravention of mental health orders and subsequent detention (77 (4)); s 78(4)
- Failure to give an initial examination at an approved mental health facility where person detained in certain circumstances (s84 (6))
- Notification about detention (s89 (1) & (5))
- Review of detention under court order and review of conditions of release (ss 64, 65).

The PACYPC reviews documentation and notifications received to make a decision about whether individual or systemic advocacy is required. The PACYPC's decision-making rationale involves consideration for: the nature of mental illness, decision-making capacity of the person, issues of co-morbidity, complex and intensive support needs, engagement of other service providers, risk and safety issues, forensic mental health risk, history of inpatient admissions and unmet support needs. Following review, the PACYPC may attend a tribunal hearing, convene a case meeting/ multi-agency conference, or attend court with the person.

### **5.7 Complaints handling and misconduct processes**

Although the PACYPC does not have legislated responsibility for complaints handling, joint work is often conducted across the Human Rights Commission (for example, when the outcome being sought from a complaint may be better facilitated through public advocacy). The PACYPC can also support people to submit a complaint to the Discrimination, Health Services, Disability and Community Services Commissioner.

The PACYPC works collaboratively with the complaints team to identify thematic trends and systemic issues in process, practice and procedure. The effectiveness of the complaints handling process is supported by the functions of the PACYPC by ensuring that people understand their right to minimum standards of treatment/care and to the enforcement of their rights.

### **5.8 Service Development and Improvement**

In performing its statutory oversight functions, the PACYPC's functions enable the identification of practices that may constitute human rights breaches, maltreatment and systemic abuse without needing to rely on complaints being raised by often-marginalised cohorts. This assists in evaluating the quality of supports and services, and the wellbeing of people accessing them.

Moreover, and perhaps equally important, the PACYPC can use information gathered through preventative oversight mechanisms to inform service providers about issues they may not have known about or had overlooked. Preventative monitoring can identify gaps in service provision between what should be and what is and the PACYPC, through its expertise and knowledge about best practice, can recommend solutions to systemic problems in policy and practice.

The information gathered in both individual and systemic advocacy drives reform by engaging government and non-government agencies, and relevant stakeholders to identify opportunities to improve outcomes for people experiencing vulnerability.

### **5.9 Participation and Engagement**

The PACYPC promotes the rights, interests and wellbeing of all people experiencing vulnerability by ensuring opportunities to genuinely seek and listen to the views of clients and stakeholders, and carefully considering these views to inform our work in meaningful and empowering ways. The PACYPC also promotes awareness in the ACT community about the importance of taking these views into account and the value that the contributions of service users can make to service delivery and policy reform.

In particular, the consultation work undertaken by the PACYPC provides opportunities for children and young people to express their views on topics of importance to them. These views inform the direction of specific areas of systemic reform taken by PACYPC.

## **6. Reporting**

An essential component of effective oversight and its capacity to effect systemic change is the power to report on the information gathered during compliance monitoring.

An agency's reporting function is the natural consequence of its information gathering function. Reporting allows the PACYPC to make recommendations in relation to systemic issues identified through information gathering and to use those findings to advocate for systemic change and service improvement. The PACYPC is in a position, as a statutory oversight agency, to exercise the power to report findings freely and publicly. The PACYPC reports findings and recommendations in the HRC Annual Report, and through submissions and project reports.

The PACYPC as a monitoring body does not have the power to enforce compliance and its recommendations are not determinative. Despite this, the PACYPC strengthens the accountability of government and non-government agencies by post-reporting its monitoring activities, including through site visits and open dialogue with administrators and departments.

## **7. Collaboration**

As one of several external oversight bodies in the ACT, the PACYPC fosters coordination and collaboration between oversight agencies to ensure comprehensive monitoring.

Ideally, complementary and overlapping agency responsibilities provide a safety net of coverage by reinforcing protections and safeguarding the interests of people experiencing vulnerability. Good communication between agencies is essential to avoid fragmentation of responsibility and prevents confusion about roles, gaps in monitoring and ultimately weaker protection.

Oversight, strengthened by effective and collaborative cross-agency work, enables the PACYPC to understand the level of care being delivered and areas requiring enhancement or reform. In the first instance, the PACYPC prioritises a partnership model in which agencies work together to improve systemic responses.

The PACYPC aims to promote a sustainable, integrated service system where, through strong collaboration and positive relationships, providers are empowered to achieve the best outcomes for the people they support.

Effective collaboration includes:

- Memorandums of Understanding with service providers (MOUs)
- Joint reviews and investigations with other external oversight agencies (where appropriate and practicable)
- Oversight meetings.

Communication and information sharing between the PACYPC, other external oversight agencies, and service providers (including specialist professionals) ensures that the best outcomes are met for the most vulnerable cohorts. By drawing on professional expertise across a number of fields (eg. social work, psychology, occupational therapy and psychiatry), the specific vulnerabilities of marginalised cohorts are supported by facilitating tailored service delivery and oversight.

The PACYPC hosts a number of oversight meetings with key stakeholders involved in the Step Up for Our Kids Strategy. This provides an opportunity for information exchange and early identification of quality of care concerns and systemic issues. To ensure effective compliance monitoring, the PACYPC meets regularly with other external monitoring agencies including the Official Visitors.

The key priority of the PACYPC's Oversight Framework is to support ongoing development and reform of service systems that safeguard the most vulnerable children, young people and adults in the ACT. The mechanisms within the framework are intended to be stringent without being so burdensome as to undermine an agency's core activities.

**Oversight agencies in the ACT include:**

- ACT Auditor General's Office
- Human Rights Commission (including PACYPC)
- Official Visitors
- ACT Ombudsman
- Teacher Quality Institute (TQI)
- The Inspector of Correctional Services.

## **8. Operating environment**

### **8.1 Legislation**

[Adoption Act 1993](#)

[Children and Young People Act 2008](#)

[Corrections Management Act 2007](#)

[Court Procedures Act 2004](#)

[Crimes Act 1990](#)

[Crimes \(Child Sex Offenders\) Act 2005](#)

[Disability Services Act 1991](#)

[Family Violence Act 2016](#)

[Guardianship and Management of Property Act 1991](#)

[Human Rights Act 2004](#)

[Human Rights Commission Act 2005](#)

[Mental Health Act 2015](#)

[Mental Health \(Secure Facilities\) Act 2016](#)

[Official Visitor Act 2012](#)

[Ombudsman Act 1989](#)

[Personal Violence Act 2016](#)

[Powers of Attorney Act 2006](#)

[Senior Practitioner Act 2018](#)

[Terrorism \(Extraordinary Temporary Powers\) Act 2006](#)

## **8.2 International human rights instruments**

[UN Convention on the Rights of the Child](#)

[UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#)

[International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#)

[United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment \(CAT\) and the Optional Protocol to this Convention](#)

[UN Convention on the elimination of all forms of discrimination against women \(CEDAW\)](#)

[UN Convention on the elimination of all forms of racial discrimination \(CERD\)](#)

## **8.3 Other policy frameworks**

*PACYPC Decision-making framework*

*HRC Privacy Policy*