
Type: **Policy**

Name: **Legislative compliance**

Policy

Capital and Coast District Health Board (CCDHB) is committed to complying with all relevant legislation and applicable laws. In addition, all employees have a responsibility to ensure their activities on behalf of CCDHB comply with legislation and applicable laws.

The aim of the Legislative Compliance policy and programme is to:

- Facilitate legislative compliance and provide employees with access to the information they need to ensure that they are acting within the law in their day-to-day work activities, including CCDHB's relevant policies, procedures and processes.
- Provide for timely monitoring and reporting on CCDHB's compliance with key legislation within CCDHB's risk management reporting system.
- Ensure measures are taken to mitigate and identify risks associated with non-compliance with legislative obligations and ensure ongoing compliance.
- Ensure that CCDHB policies and procedures comply with relevant legislation.
- Enable CCDHB to demonstrate it is taking reasonable steps to monitor and ensure compliance with all relevant legislation and other laws. Provide the Chief Executive (CE), Board members and other stakeholders with reasonable assurance that CCDHB is complying with all relevant legislation and other legal obligations.

Scope

This policy applies to all Board members, employees and all persons working within or for CCDHB. This includes but is not limited to:

- Volunteers
- Access holders
- Students
- status holders
- Contractors
- Temporary agency employees
- Visiting health professionals

Definitions

Relevant legislation

Includes Acts, subordinate Regulations, Standards and Codes.

Employee

For the purpose of this Policy the term “employee” is used to include all persons who work within CCDHB and/or who are identified in the scope above.

Principles

There is a substantial number of Acts and Regulations that apply to CCDHB representing differing levels of risk to the organisation and individual employees. The legislative compliance programme establishes a framework which identifies the key legislative and other legal requirements with which CCDHB and individual employees must comply. The programme is an integral component of CCDHB’s risk management strategy and processes and quality and governance systems, and is based on the following principles:

- **Accountability** – All employees are accountable for understanding and complying with the legal and regulatory framework applicable to CCDHB and their own actions and work activities.
- **Risk identification and management** – Each employee is responsible for identifying and reporting legal compliance risks in their workplace and ensuring appropriate measures are taken (within their sphere of responsibility) to mitigate identified compliance issues. The legislative compliance programme will facilitate identification of non-compliance with legislation and provide employees with access to the information they need to ensure that they are acting within the law.
- **Monitoring** – The legislative compliance manual, policies and procedures will be monitored on an on-going basis to ensure compliance with relevant legislation.
- **Reporting** - CCDHB’s compliance with key legislation will be monitored and reported on within CCDHB’s risk management reporting system and the annual legislative compliance reports to be provided by Executive Leadership Team members who are allocated owners of the legislative compliance obligations in their areas of responsibility.

The risks to CCDHB and individual employees from non compliance with legislation include:

- Patient Safety
- Risks to employees and visitors
- Reputational risk
- Political risk
- Financial penalties
- Legal action
- Personal liability of employees and Board members

Roles and responsibilities

The responsibilities of employees are reinforced by specific mention in job descriptions and service orientation. This is **not** a complete list but an indicative aide.

CCDHB Board

- Is ultimately accountable and responsible for risk management and ensuring there are adequate systems in place to identify, monitor, and report on risks including legislative compliance and statutory obligations.

Financial, Risk and Audit Committee of the Board

- The Financial, Risk and Audit Committee is a committee of the Board and on its behalf ensures that CCDHB has risk management policies and processes, including legislative compliance in place, and that CCDHB's risks are effectively managed.

Chief Executive (CE)

- Responsible to the CCDHB Board for legislative compliance and ensuring CCDHB maintains a legislative compliance programme.
- Delegate responsibility for overseeing legislative compliance management for the hospitals and health services to the Executive Leadership Team (ELT).
- Notify the Board of any significant non-compliance issues and provides "sign-off" to the Board on the status of legislative compliance at CCDHB.

Professional Heads

- The Chief Medical Officer, Chief Nursing Officer, Chief Allied Health Officer will ensure compliance with professional body requirements.

ELT (including Executive Directors, Professional Heads and GM MHAIDS)

- Ensure the Legislative Compliance Policy and programme is operational at all levels of the organisation, but in particular in those compliance areas for which they have been allocated individual responsibility.
- Delegate responsibility for overseeing legislative compliance management to Clinical leaders, business managers and Quality Leaders within their directorates
- Provide "sign-off" to the CE in an annual report on the existence of adequate policies, procedures and practices to ensure legislative compliance (see the annual report form in Appendix 1).
- Ensure non-compliance with legal obligations is identified, reported on and managed in accordance with this Policy and the Risk Management Policy.
- Notify the CE of any significant non-compliance issues.
- Identify legislative compliance training and educational needs within the individual ELT Member's services and ensure that Team Leaders and employees are appropriately orientated, trained and resourced to meet their legislative compliance obligations and responsibilities.

Quality Improvement and Patient Safety

- Support the introduction and ongoing implementation of the Legislative Compliance Policy and programme at all levels of the organisation.
- Coordinate the reporting of significant legal risks identified in the risk register reports to the Chief Legal Officer

Chief Legal Officer

- Responsible for maintaining the Legislative Compliance Policy and ensuring annual updates of the Legislative Compliance Manual [Legislation Compliance Manual Capital and Coast District Health Board](#)
- Monitor and advise on relevant legislative changes as they occur.
- Advise on legal issues in relation to legislative compliance.
- Provide information and support on legal compliance matters to all Directorates and services of the DHB.
- Responsible for ensuring new legislation, or relevant changes to current legislation and other legal obligations, is promulgated through the organisation in a timely fashion.
Review CCDHB policies for compliance with legislation as part of the policy review process
- Collating of annual legislative compliance reports from the ELT and monitoring and reporting on legislative compliance to the CE.

Policy Facilitators

- Notify CCDHB Legal Services as part of a policy review process to ensure that the policy complies with all relevant legislation.

All employees

- Participate in any legislative compliance training and maintain an awareness of their legislative compliance obligations.
- Demonstrate awareness and understanding of the Legislative Compliance Policy and programme.
- Responsible for ensuring they provide services that comply with all their legal obligations when undertaking work activities for CCDHB.
- Take prompt action to minimise or prevent non-compliance with legislative obligations within their areas of responsibility and authority.
- Notify the Team Leader/Business Manager/Clinical Director immediately of non-compliance issues in accordance with the reporting requirements in this Policy and the Risk Management Policy.

Legislative compliance process

The legislative compliance process includes:

- Maintaining an up-to-date Legislative Compliance Manual of applicable legislation . [Legislation Compliance Manual Capital and Coast District Health Board](#)

- Monitoring of legal requirements and changes to relevant legislation to ensure that any relevant changes are reflected in CCDHB policies and procedures and are disseminated to persons who need to know.
- Reporting of non-compliance through CCDHB's risk management reporting system.
- ELT members reporting on legislative compliance in those areas for which they have been allocated individual responsibility. (The form of the annual reports for ELT members is set out in Appendix 1).
- Training for employees on key legislation and their responsibilities.

Reporting

The legislative compliance programme is an integral component of the risk management system. Reporting of legislative compliance risks occurs through the risk reporting system – (refer to CCDHB's Risk Management Policy for the timing of risk reporting).

In addition, assurance of the existence and adherence to CCDHB policies, procedures and processes and reporting of any non-compliances is made through the annual reports by the ELT to the CE. ELT members are expected to make reasonable inquiries in the areas for which they are responsible. ELT members may however rely on assurances and information from ELT colleagues and other CCDHB managers when they provide their annual reports.

The annual reports are collated by the Chief Legal Officer and form part of the Chief Legal Officer's reporting on legislative compliance to the CE. The annual reports should be provided ahead of the final audit each year.

The form of the annual reports can be found at Appendix 1.

Related documents

CCDHB documents:

- Risk Management Policy

Other documents:

- [Legislation Compliance Manual Capital and Coast District Health Board](#)
- Table allocating legislative compliance responsibilities of ELT members

References:

Standards Australia and Standards New Zealand Legal Risk Management Handbook HB 296:2007

Standards Australia and Standards New Zealand Australian/New Zealand Handbook. Risk Management Guidelines Companion to AS/NZ 4360:2004

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ANNUAL LEGISLATIVE COMPLIANCE REPORT

I have read the sections of the Legislative Compliance Manual where primary responsibility for reporting on compliance with the legislative obligations has been allocated to me.

CCDHB meets its legislative obligations through the development, maintenance and compliance with policies, procedures and other processes. These policies and processes may be very specific to particular areas or activities, or they may apply generally across large parts of CCDHB, or to the whole organisation.

I have made due inquiry with the service leaders and managers in my Directorate, and with relevant ELT colleagues, about the policies, procedures and processes necessary to ensure compliance with the sections of the Legislative Compliance Manual where I have been allocated responsibility for reporting on compliance.

I confirm:

- (1) CCDHB has policies, procedures and processes in place to ensure compliance with the legislative obligations where the primary responsibility for reporting on compliance has been allocated to me; and
- (2) I have not been made aware of any material or systemic failures in the implementation of the policies, procedures and process that CCDHB is relying on to ensure compliance with these legislative obligations.

The exceptions (apart from those already listed in the risk register) are (if any):

ELT Member

Date

Material or systemic non-compliance issues of concern for the Directorate

Please list here if any: