



OPERATING PROCEDURE	Policy Development Operating Procedure
OPERATING PROCEDURE NO.	1.1
SCOPE	All staff

PURPOSE

To provide instructions to any ACTCS staff who develop, review or approve policy documents to ensure consistent and high-quality policy documents are produced.

This procedure must be read in conjunction with the *Policy Framework Policy*.

PROCEDURES

1. Roles and responsibilities

- 1.1. The Director Policy Unit is responsible for:
 - a. co-ordinating the review of existing and new policy documents
 - b. providing periodic updates to the Executive Branch Manager, Operational Support for submission at each Executive Governance Committee meeting on the progress of policy development and review
 - c. advising the Executive Branch Manager, Operational Support and Commissioner of any identified policy risks
 - d. ensuring information on the ACTCS Intranet and Internet are current for all policy documents
 - e. liaising with external stakeholders to facilitate the consultation of policies and
 - f. providing support and advice on policy development and review where required.
- 1.2. The Director Policy Unit, will maintain appropriate records of details of policy documents, including but not limited to:
 - a. date of effect
 - b. review schedule and dates
 - c. Commissioner Instructions and
 - d. Divisional Executive Instructions.
- 1.3. The Director Policy Unit will ensure all policy related documents are reviewed for the following prior to seeking Divisional Executive endorsement of final products:
 - a. consistency with other policies, the ACTCS strategic plan, legislation, Whole of Government and JACS Directorate policy
 - b. consistency in style and presentation.
- 1.4. Senior Policy Officers must work with business units to:

- a. work with relevant subject matter experts to develop draft documents
- b. undertake internal and external consultation to inform the development, review and/or implementation of policy documents
- c. report identified policy risks to the Director Policy Unit
- d. consider and address the human rights implications and application to their policy document under the Human Rights Act 2004
- e. in consultation with relevant subject matter experts as required, advise the business unit to consider work, health and safety implications and application to their policy document under the Work Health and Safety Act 2011
- f. review the policy document to ensure quality assurance, including alignment with stylistic requirements, and all identified issues have been considered
- g. obtain clearance from the Director Policy Unit or Senior Director, Policy and Risk Management before supplying policy documents to the relevant Divisional Executive for stakeholder consultation and final endorsement and
- h. in consultation with relevant subject matter experts as required, provide an open access recommendation to the relevant Divisional Executive and Director Policy Unit (Open Access Policy).

1.5. Subject matter expert/s must work with the Policy Team to:

- a. undertake internal and external consultation to inform the development, review and/or implementation of policy documents
- b. report identified policy risks to the Director Policy Unit
- c. consider the human rights implications and application to their policy document under the Human Rights Act 2004
- d. consider any work, health and safety implications and application to their policy document under the Work Health and Safety Act 2011
- e. obtain clearance from the Director Policy Unit or Senior Director, Policy and Risk Management before supplying policy documents to the relevant Divisional Executive for final endorsement and
- f. provide an open access recommendation to the relevant Divisional Executive and Director Policy Unit (Open Access Policy).

2. Developing or reviewing a policy document

- 2.1. The types of policy documents ACTCS use are defined in the Policy Framework Policy. The requirements for each document are outlined in this procedure.
- 2.2. Policy documents can be developed and reviewed by a member of the Policy Unit or a subject matter expert in another team within ACTCS.
- 2.3. Subject matter experts must work with the Policy Unit at all stages of the policy development and review process to ensure policy documents are consistent and of a high quality, and to enable appropriate advice to be provided.

- 2.4. To support ACTCS' obligations under the *Work Health and Safety Act 2011*, subject matter experts must consider whether a Work Health and Safety risk assessment is required and if so, then arrange for this to be conducted as part of the policy development process.
- 2.5. The Policy Unit is able to connect subject matter experts with relevant expertise beyond the business unit to support policy development, such as support for Work Health and Safety risk assessments.
- 2.6. Subject matter experts are encouraged to develop and review policy documents in their area of expertise or responsibility. The Policy Unit can provide varying levels of support and will be guided by the subject matter experts as to the level of support required. At a minimum, the Policy Unit will provide advice regarding content types for different policy documents, style and templates, stakeholder engagement, open access and (if relevant) the process for notifying instruments.
- 2.7. Policies and procedures generally progress through the following stages as part of the development and review process:
 - a. first draft and quality assurance process
 - b. consultation
 - c. incorporating feedback
 - d. approval process.
- 2.8. When an area identifies the need to develop or review a policy document, the area must contact the Director Policy Unit. This will enable the Policy Unit to provide advice and support and manage the policy workload across the agency.
- 2.9. The policy development and review process will vary depending on whether the document requires minor updates, is new, or requires major updates.

3. Review with minor updates

- 3.1. The area must first email ACTCSPolicy@act.gov.au to advise of the review and discuss the support the Policy Unit can provide as per section 2.6.
- 3.2. The subject matter expert must:
 - a. ask staff within their area and other subject matter experts (as required) for feedback on proposed changes
 - b. review suggestions and incorporate changes
 - c. advise the responsible Officer if further consultation is required and if so, refer to section 4
 - d. send to the Policy Unit for a quality assurance review.
- 3.3. The Policy Unit must then:
 - a. undertake a quality assurance review
 - b. correspond with the subject matter expert on proposed changes
 - c. advise the subject matter expert if consultation is required and if so, refer to section 4
 - d. once a final version for approval is agreed, send back to the subject matter expert.

- 3.4. The subject matter expert must then:
 - a. complete the coversheet
 - b. send the final version of the document and coversheet to the responsible Divisional Executive for approval
 - c. send the signed documents to the Policy Unit.
- 3.5. The Policy Unit must then arrange for:
 - a. the Commissioner to approve the document (including completing the coversheet)
 - b. the updated document to be placed on SharePoint, the ACTCS website and if relevant the ACT Legislation Register
 - c. an all-staff message to be circulated.

4. New document or review with major updates

- 4.1. The area must first email ACTCSPolicy@act.gov.au to:
 - a. advise of the need for a new policy document or major review of an existing policy document,
 - b. advise the executive support for the new document or major revision
 - c. discuss whether the Policy Unit or the business area will drive the process and
 - d. discuss the support the Policy Unit can provide as per section 2.6.
- 4.2. The subject matter expert must:
 - a. develop a draft or provide advice on content
 - b. test the draft with other subject matter experts and incorporate changes as needed
 - c. send to the Policy Unit for a quality assurance review.
- 4.3. The Policy Unit must then:
 - a. undertake a quality assurance review
 - b. send to the subject matter expert for review and comment
 - c. repeat as needed until the relevant Senior Director or above approves for wider consultation
 - d. email the policy document to internal and external stakeholders for consultation
 - e. incorporate simple feedback and send more complex feedback back to the subject matter expert for consideration.
- 4.4. The subject matter expert must then:
 - a. incorporate complex feedback
 - b. complete the coversheet
 - c. send the policy document to the Policy Unit for a final quality assurance review.
- 4.5. The Policy Unit must conduct a final quality assurance review and send to the subject matter expert.
- 4.6. The subject matter expert must then:

- a. send the final version of the document and coversheet to the responsible Divisional Executive for approval
 - b. send the signed documents back to the Policy Unit.
- 4.7. The Policy Unit must then arrange for:
 - a. the Commissioner to approve the document (including completing the coversheet)
 - b. the updated document to be placed on SharePoint, ACTCS website and ACT Legislation Register
 - c. an all-staff message to be circulated.
- 5. Minimum requirements for policy documents**
- 5.1. Policies must outline key principles and roles and responsibilities. Policies are supported by operating procedures.
- 5.2. Operating procedures must be process or task specific and linked to specific roles.
- 5.3. Guides and factsheets:
 - a. support and where necessary, contextualise activities relating to operating procedures
 - b. detail the context and/or judgement processes necessary for addressing particular activities or situations
 - c. must not be used as an alternative to policies or procedures
 - d. are not notified.
- 5.4. New and revised policy documents will:
 - a. be completed in the most up-to-date approved template
 - b. use simple, clear and concise English in short sentences and paragraphs
 - c. be well-researched and consistent with other policy documents, directorate, whole-of-government frameworks and legislation
 - d. use numbered points for ease of referencing
 - e. use position titles instead of names
 - f. clearly specify responsibilities.
- 5.5. Policies, procedures, guides, and factsheets will be reviewed:
 - a. according to the specified timeframe and at least once every five (5) years and/or
 - b. where there has been a change in legislation, processes, responsibilities, or other requirement to amend the content.
- 5.6. All reviews under section 5.5 must as far as possible be completed within twelve (12) months from the scheduled due date for review.
- 5.7. Wherever possible, operating procedures, guides and factsheets must be reviewed and submitted at the same time as the linked policy document.
- 5.8. The Responsible Officer must ensure that operating procedures, guides and fact sheets are consistent and comply with the requirements of a linked policy.

6. Commissioner Instruction requirements

- 6.1. The Commissioner will issue an Instruction where required to direct and/or inform staff of a change to processes or obligations:
 - a. in a current policy or
 - b. for any other matter according to the Commissioner.
- 6.2. Commissioner Instructions will be reviewed regularly and/or revoked when a new or amended policy document is endorsed.

7. Divisional Executive Instruction (DEI) requirements

- 7.1. Where a Divisional Executive wishes to issue a DEI to direct and/or inform staff of a change to an operating procedure or other process, they are responsible for:
 - a. working with the Director Policy Unit to develop a draft for Commissioner review and approval and
 - b. reviewing the DEI six (6) months from the date of endorsement.
- 7.2. DEIs that have been approved and endorsed by the Commissioner must be added to the ACTCS Intranet and internet by the Director Policy Unit.
- 7.3. Divisional Executives are responsible for the communication and implementation of DEIs within their respective division and more broadly if required.

8. Work Unit Instructions requirements

- 8.1. Business units may develop work unit instructions wherever appropriate.
- 8.2. The Policy Unit can provide advice and templates for developing work unit instructions, including circumstances where a work unit instruction may be more appropriate than an operating procedure.

9. Consultation

- 9.1. Internal consultation will commence with the policy owner, subject matter experts and all business areas that have responsibilities identified in the policy document.
- 9.2. The Responsible Officer or their Divisional Executive will share draft and revised policies with others in the senior executive group to ensure there are no crossover issues or unidentified intersections that need to be addressed.
- 9.3. The Responsible Officer must ensure there is engagement across JACS as required and with relevant subject based services and agencies including Justice Health, other directorates, Winnunga Nimmyjah and other Community Service organisations where subject matter expertise should be incorporated in the development or review process.
- 9.4. Oversight agencies must be provided with the opportunity to review policy documents of interest to them.
- 9.5. All staff and staff representatives (unions) must have reasonable opportunity to review draft policy documents and provide comment.

10. Open access requirements

- 10.1. The Policy Unit will work with the Responsible Officer to confirm open access requirements and complete relevant open access paperwork. The decision for open access status must be made by the policy owner.

11. Implementation and operationalisation

- 11.1. As far as practicable, the date of endorsement of policies and operating procedures will be determined by the policy owner and the Policy Unit to allow sufficient time for operationalisation.
- 11.2. Where implementation is complex, the Commissioner may approve notification of the policy with a delayed implementation date.

12. Publication

- 12.1. The Policy Unit will coordinate:
 - a. submitting all notifiable instruments to the Justice and Community Services Directorate Ministerial Support Unit for notification
 - b. uploading policy documents to the ACTCS Intranet and Internet and detainee management system as required.
- 12.2. Policy documents will be available to staff via the ACTCS Intranet as soon as practicable following endorsement.

13. Communicating new policy documents

- 13.1. Where extensive feedback has been received from an external agency during the development of a policy, the Policy Unit will prepare correspondence notifying them of the finalised policy and a summary of outcomes of the consultation process.
- 13.2. Once a policy, operating procedure, notice, Commissioner Instruction, or Commissioner's Rules, has been endorsed, the Commissioner or relevant Divisional Executive will issue advice to relevant staff of the updated document, usually via email.
- 13.3. It is the responsibility of Divisional Executives to ensure their staff are appropriately consulted and informed of new or reviewed policy documents.

14. Record keeping

- 14.1. The Policy Unit will ensure:
 - a. all policies are assigned a consecutive number and supported/related documents are assigned a number relating to the governing document
 - b. Commissioner Instructions, DEIs and notices are numbered according to consecutive number and year of issue.
- 14.2. The Policy Unit will maintain records of all final versions of policy documents.

RELATED DOCUMENTS

- Policy Framework Policy



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