

B2 Internal and external scrutiny

The Department's activities are subject to scrutiny through a range of processes. These include our internal corporate governance and auditing processes and through parliamentary committees, courts, administrative tribunals, the ACT Auditor-General's Office, the ACT Ombudsman, Human Rights Commissioner and the Privacy Commissioner.

Internal scrutiny

The Department has strong organisational controls in place to maintain an appropriate level of internal scrutiny and to support its legislative functions, objectives and performance targets.

Core departmental governance arrangements, including corporate planning and performance management accountability processes, are supplemented by strong internal audit and risk management functions and the role of Senior Executive Responsible for Business Integrity Risk.

Each of these aspects of security is discussed in other sections of this annual report as detailed below:

- corporate governance framework is outlined in section C5
- fraud control and management is outlined in section C2
- internal audit and risk management are outlined in section C1
- financial reporting and accountabilities are outlined in section A6.

External scrutiny

External reviews, appeals and complaints

The Department's Governance and Legal Liaison Section coordinates responses to complaints made under a range of administrative law provisions. These include:

- *Ombudsman Act 1989 (ACT)*, regarding administrative actions of the Department
- *Human Rights Commission Act 2005 (ACT)*, regarding the provision of education services
- Disability Discrimination Act 1992
- *Human Rights and Equal Opportunity Act 1986* (Commonwealth)
- *Privacy Act 1988* (Commonwealth), regarding matters relevant to this legislation
- *Discrimination Act 1991 (ACT)*.

During the reporting period the Department received four new inquiries under the provisions of this legislation: three of these matters remain ongoing; one was resolved. In addition, four matters remained active from previous reporting periods. Three of these matters were resolved while one is ongoing.

A total of four matters were resolved during the reporting period. In respect of three matters the relevant agency ceased investigation. One matter was conciliated. Progress of the four unresolved matters will be reported in 2010-11.

Information about formal avenues for complaints in addition to the Department's complaints resolution process is included in the Department's Complaints Resolution policy and provided to clients as part of the complaints resolution process.

Administrative actions

On 1 February 2009, the *ACT Civil and Administrative Tribunal Act 2008* came into effect. This Act established the ACT Civil and Administrative Tribunal (ACAT), which replaced a number of tribunals including the Administrative Appeals Tribunal and the Discrimination Tribunal.

In 2008-09 an application was made by a student who was unsuccessful in gaining a place in an educational program. During this reporting period the ACAT determined that it did not have jurisdiction in relation to this application. The matter was closed.

Protection orders

A protection order is an order made by a court requiring a person not to approach, contact or behave in a violent or harassing manner towards another person or a workplace. During the year, two applications (on behalf of schools) were made to the Magistrate's Court for workplace protection orders.

The Department is working with the Magistrate's Court to establish a protocol to assist in the resolution of disputes giving rise to protection orders between students at the same school.

Privacy

The Department is governed by the Information Privacy Principles set out under the *Privacy Act 1988* relating to the way in which the Department collects, safeguards, uses and discloses personal information. The Department is also governed by the health privacy principles set out in the *Health Records (Privacy and Access) Act 1997* (ACT).

Under a memorandum of understanding with the ACT Department of Justice and Community Safety, the Office of the Privacy Commissioner provides privacy services for ACT government agencies, including conducting audits. The Department used the services of the ACT Government Solicitor for privacy awareness and training.

External audits

The Auditor-General's Office is an observer on the Department's Audit Committee. During the year, its representative provided regular reports to the Committee which included advice on matters affecting the Department.

In 2009-10, the Department participated in an audit conducted by the Auditor-General's Office regarding student services for public high schools.

The Audit Office issued an unqualified audit report on the Department's 2008-09 financial report and an unqualified report of factual findings on its 2008-09 Statement of Performance.

The Audit Office assessed the overall control environment of the Department to be strong. The Auditor-General's reports recommended an external review of the Department's internal audit function. The external review of the internal audit function commenced on 28 June 2010 and will be concluded in August 2010. The annual report for 2010-11 will report on findings. All recommendations from the Audit Office reports in 2008-09 have been addressed.

Table B2.1: External audits conducted by the Auditor-General's Office, 2009-10

Nature of inquiry/ report title	Recommendations/outcome of inquiry	Response to the outcome of inquiry
<p>Government Office Accommodation</p> <p>Report number: 6/2009</p> <p>Tabled: 28 August 2009</p>	<p>The relocation of the Department's Central Office to 220 Northbourne Avenue, Braddon was generally well delivered; however, there was a lack of staff consultation and documentation about key decisions behind the Department's relocation.</p> <p>Improvements could be made to the usage of energy and water and the reporting of energy and water efficiency in the annual report.</p>	<p>The Department has agreed with the recommendations and will use the information to:</p> <ul style="list-style-type: none"> • meet its obligations under the whole- of-government accommodation strategy • improve efficiency opportunities for the Department in relation to long-term accommodation and communication strategies, record keeping, and business continuity planning • continue to improve its internal administrative practices in these areas and work closely with the Department of Territory and Municipal Services to implement and apply the findings and recommendations from this audit report.
<p>2008-09 Financial Audits</p> <p>Report number: 8/2009</p> <p>Tabled: 19 December 2009</p>	<p>The Audit Office issued an unqualified audit report on the Department's 2008-09 financial report and an unqualified report of factual findings on its 2008-09 Statement of Performance.</p> <p>The Audit Office recommended improvements to the Department's methods for measuring satisfaction with public high school and primary school education, and the timeliness of home education registration reviews.</p>	<p>The Department has agreed with the recommendations and has used the information to improve:</p> <ul style="list-style-type: none"> • the method of measuring satisfaction with public high school and primary school education • evidence-based record keeping on the conduct of home education reviews.
<p>Performance Reporting</p> <p>Report number: 1/2010</p> <p>Tabled: 13 April 2010</p>	<p>The Audit Office concluded that performance indicators of the Department sufficiently covered key activities and most indicators were clear and useful.</p> <p>The annual report of the Department was accurate and reasonably complete.</p> <p>Most of the other findings were related to other departments.</p>	<p>The Department noted recommendations arising from this cross-agency audit. There were no specific recommendations for the Department.</p> <p>However, the Department has since made further improvements, including providing comparative information on its performance indicators.</p>

Nature of inquiry/ report title	Recommendations/outcome of inquiry	Response to the outcome of inquiry
<p>Student Support Services for Public High Schools</p> <p>Report number: 2/2010</p> <p>Tabled: 21 May 2010</p>	<p>The Audit Office recommended that the Department should:</p> <ul style="list-style-type: none"> • improve performance indicators for a suite of student support services • review the effectiveness of current school disciplinary policies • determine and communicate available information to better access external services • Identify systematic risks associated with the delivery of services • monitor counsellor supervision and records of professional supervision and better practice • develop pathways to employ psychologists without teaching qualifications • review mechanisms by which counsellor time is allocated in schools • collect and analyse data on performance measurement of services • evaluate pastoral care and community based services from external providers • develop and evaluate professional learning plans • redesign referral database and evaluate performance measures and effectiveness of Student Management Consultants and Complex Needs Team services. 	<p>The Department has agreed in full or in part with all recommendations and implemented a majority of them, including:</p> <ul style="list-style-type: none"> • improvements to the existing student support services performance indicators to align them with the Department's new Strategic Plan (2010–2013) and the 2010–2011 Student Support Services Branch Business Plan • completion of an audit of safe school policies in 2009 (effectiveness of policies reviewed as part of the standard policy review cycle) • development of an improved communication strategy with relevant government and community partners • an undertaking of improvements to risk management planning specific to school counselors • monitoring counsellors practices against Australian Professional Counselling and Psychology Standards • an update of recruitment policies and websites • a review of time allocation for counsellors • implementation of the Student Support Practice Standards through 2010 • continuation with Pastoral Care Coordinators to evaluate external programs • an undertaking to enhance learning plans • development of performance measures to support the evaluation of Student Management Consultants and Complex Needs Team.

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