

SQS 8

The service unit complies with all relevant legal obligations.

- 8.1 The service unit is aware of all legislation which governs its operations and service delivery (including health and safety legislation, etc.)
- 8.2 The service unit has procedures to monitor its performance ensuring that it complies with relevant legislation and seeks legal advice if and when required.

A. INTRODUCTION TO SQS 8 – LEGAL OBLIGATIONS

Service Quality Standard 8 focuses on meeting the legal obligations relevant to your service unit.

The nature of the work in the social welfare sector means that it is directed and shaped by many legislative requirements. The focus and intent of the legislation may be characterised by some of the following:

- regulatory;
- setting standards;
- ensuring compliance;
- specifying disciplinary actions;
- inspection and licensing; and
- safety and monitoring.

SQS 8 requires that service units are knowledgeable about the most up-to-date rules and regulations governing their practice and that the service is delivered in accordance with these requirements.

Service unit managers need to be aware of the importance of meeting all legal obligations and of the impact that meeting these obligations may have on other aspects of managing their service.

B. REQUIREMENTS FOR MEETING SQS 8

In order to meet SQS 8, your service unit will need to undertake the following:

1. Maintain a list of legislation relevant to the service type and provide staff with access to the relevant legislation

The exact items of legislation will differ depending upon the nature of your service unit's activities. A list of relevant legislation should be maintained. The lists developed by the Social Welfare Department and Hong Kong Council of Social Service for different service types form the basic requirement for meeting this SQS. Basing on them, service units can develop their own lists of legislation which govern their operations and service delivery.

It would be useful to keep a copy of the relevant legislation in the service unit when such legislation may be referred to from time to time, such as the Child Care Services Ordinance for a child care centre. Alternatively you may note on the list where a reference copy is located, e.g. via the Bilingual Laws Information System (<http://www.justice.gov.hk/cHome.htm>) of the Hong Kong Government Internet, or the head office of the agency may hold copies of legislation, so that staff can gain access to them.

2. Have a procedure to monitor performance against the legislation

The service unit will need to demonstrate that it has a procedure to ensure that it meets the requirements of the relevant legislation. A suitable strategy might be the development of a schedule of compliance. For example, this might involve developing a checklist listing the key components in an ordinance and ticking when the component has been achieved.

3. Have document showing that free or paid legal advice is available

Circumstances may arise where the service unit needs specialist legal advice. SQS 8 requires that you have arrangements to access this advice. This may involve identifying individuals who have the specialist knowledge that you need and also may require identifying financial resources or other means to secure the advice.

C. RESOURCES TO ASSIST YOUR SERVICE UNIT TO MEET SQS 8

This handbook contains the following document:

- Guide for developing a template for listing all relevant legislation.

The template organises information in a structured manner to assist service unit managers identify and track relevant legislation. In addition, this template will assist you in developing the compliance checklist.

You are not required to develop an exhaustive list of legislation in order to meet the requirements of SQS 8. We suggest that you apply 'relevance criteria' when developing your list of legislation. In other words, asking the question 'how relevant is this item to my service unit?' or 'what sections are applicable to my service unit?' may assist you to refine the list to a manageable size.

GUIDE FOR DEVELOPING A TEMPLATE FOR LISTING LEGISLATION

1. Introduction

This template has been designed to assist you to record the legislation relevant to your service unit. In addition, it assists you to keep up to date with changes by asking you to nominate follow up dates and allocating responsibility for this follow up.

2. Gathering information

Information on legislation can be gathered in a number of ways. A brainstorming session as part of a staff meeting will quickly generate an initial list. You may wish to contact other agencies and crosscheck your list. Other sources of information include contacting Hong Kong Council of Social Service, the SWD and the Government Information Service.

The data gathered in this process can be quite substantial therefore it is suggested that you organise the material into categories. Some of the information will be very specific and relevant to a service type, for example, child care regulations whereas other information will be generic and intended for a broader audience than just your service unit. Examples of this information include the Personal Data (Privacy) Ordinance.

3. Categories

The following categories may assist you in organising your information:

- i. Legislation specific to your service unit type
 - *for example: Child Care Services Ordinance (amended in 1997) for Child Care Centres;*
- ii. Legislation relevant to Hong Kong
 - *for example: Personal Data (Privacy) Ordinance (1996).*

4. Template

The following format provides a structure within which to record your information.

Name of ordinance	Date of ordinance	Date to follow up for updates	Who to contact for updates	Staff responsible for follow up	Access to the ordinance
<i>for example:</i>					
Child Care Services Ordinance	Amended on 30 Sept. 1997	Annual (specify a date)	Specify: name, address, telephone & fax numbers	Identify staff member responsible	Staff library in Head office

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