

## ACTION GUIDE – FOR DIGITAL MENTAL HEALTH SERVICE PROVIDERS

### Clinical and Technical Governance Standard:

# Legislation, regulations, policies and procedures

Good governance is crucial in ensuring the safety and quality of digital mental health services. Governance provides the strategic focus in an organisation, formulating strategy, setting policy, delegating responsibility, supervising management, and ensuring that appropriate risk management and accountability arrangements are in place throughout the organisation. Good governance means that appropriate measures are taken to address the requirements of legislation and regulations, and most importantly, provides a strong foundation for safe care, establishing that procedures are in place to consider and manage any risk of harm and taking action to avoid it.

*‘Once governance is up and running, that’s what keeps you safe.’*

Dr Mike Millard, Clinical Director, This Way Up

#### ACTIONS IN THE NSQDMH STANDARDS

An entire standard, Clinical and Technical Governance, is devoted to this topic in the National Safety and Quality Digital Mental Health (NSQDMH) Standards, with many actions falling within its remit. This action guide focuses on **Action 1.07** which requires service providers to have current, comprehensive and effective policies, procedures and protocols that cover safety and quality risks and compliance with legislation and regulations.



#### DEVELOPING A CLINICAL AND TECHNICAL GOVERNANCE FRAMEWORK

The size of an organisation and the way it has developed can influence the extent to which formal governance systems are in place. Regardless of its size or complexity, all service providers should map out a comprehensive clinical and technical governance framework.

The framework should encompass:

- Compliance with key legislative and regulatory requirements
- Compliance with evidence-based and best-practice pathways
- Measures covering clinical and technical dimensions of quality such as accessibility, utilisation, privacy, data security, clinical effectiveness, user experience, efficiency, and appropriateness of care
- Trends in feedback and complaints from service users, and action taken to resolve complaints or issues
- Trends in reported clinical and technical incidents and near misses, and associated actions taken
- Organisational structure and roles and responsibilities
- Risk ratings.

Incorporating the principle of partnering with service users in the governance framework will also be vital to ensure service user needs are at the centre of every aspect of the service. ▶

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*‘When you’re in a small start-up you’re wearing multiple hats and are sometimes organisationally stretched. While this is the reality of a smaller organisation, it is important to ensure that there still are governance systems and protections for service users. A risk management approach will help service providers frame their compliance to protect all consumers.’*

Dr Jonathan King, Founder and  
Chief Growth Officer, Lysn



### UNDERSTANDING RISK MANAGEMENT

Risk management is a critical step in the development of a clinical and technical governance framework. The fact sheet [Applying the NSQDMH Standards Using a Risk Management Approach](#) outlines five key principles for service providers to consider:

- Avoiding risk
- Understanding risk
- Analysing risk
- Evaluating risk
- Treating risk.

*‘It’s really about formalising assessing risk, having delegated levels of accountability and being able to engage members of the leadership team for any grey areas. It’s having a robust framework to guide that process.’*

Dr Cathy Kezelman, President and  
Executive Director, Blue Knot Foundation

Service providers should document the seriousness of the risks they face, how risks could be reduced and articulate who is responsible for taking actions and ongoing monitoring of emergent and existing risks. A risk management plan will clarify the priorities for safety and where vulnerabilities in a service lie.



### ESTABLISHING A CLINICAL AND TECHNICAL GOVERNANCE COMMITTEE

Setting up a clinical and technical governance committee with the support of senior management can help to formalise governance systems and act as a mechanism for reviewing or writing the necessary policies related to risk. Involving senior management will help ensure that the service overall understands and is committed to the governance framework. Ongoing staff training to embed strong and effective systems may be necessary and will help the workforce gain confidence in knowing what the procedures are in case of an incident. On-going monitoring of operational matters will also help in evaluating the effectiveness of procedures and strategies.

*‘You need to get buy-in, from across your teams, and everyone within the organisation.’*

Belinda Johnson, Deputy CEO and  
Executive Director, Blue Knot Foundation



### AUDITING EXISTING POLICIES

It is helpful to review existing policies and documentation on safety and quality risks and compliance with legislation and regulations. This may highlight the need for scheduling regular reviews and ensuring documents are accurately date-stamped to indicate when they have last been reviewed.

Establishing a register for changes to any relevant legislation and subscribing to newsletter alerts and advisories from relevant federal and state and territory departments and commissions including departments of health, the Office of the Australian Information Commissioner (OAIC) and the Australian Competition and Consumer Commission (ACCC) will help ensure the service is capturing any requirements to update policies. ▶

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*'A major change has been in our documentation of incidents, feedback, quality improvements and the decision-making process around actions in the Standards. There isn't necessarily anything that's being done differently to what we did previously. What's different is documenting the process of how we got to the same end point.'*

Dr Kylie Bennett, Managing Director, e-hub Health

*'It's important culturally, for organisations to acknowledge that it may take a while to understand and develop all the systems and processes needed to implement the Standards, and there will be some challenges along the way, but overall it's incredibly rewarding.'*

Professor Nick Titov, Executive Director, MindSpot

Service providers should ensure that position descriptions and organisational charts provide sufficient detail about roles, responsibilities and accountabilities with organisational policies, procedures and protocols so that incident management systems are clear.

It is also important to ensure that staff can readily access key documents such as the [National practice standards for the mental health workforce](#), the Mental Health Acts in each state and territory, and privacy legislation. Appointing a dedicated staff member as the custodian of documentation can be a helpful in ensuring all relevant documentation is maintained.

**Top tip:** *The [National Model Clinical Governance Framework](#) provides detailed guidance on the principles of good governance, why it matters and how it should be implemented.*

### SERVICE USER INPUT

It can be valuable to invite service users to attend governance meetings in order to incorporate their perspectives on issues of concern. Service users may need to be supported to participate; service providers could highlight the [training](#) available in consumer leadership and engagement as a useful starting point.

### SUMMARY: LEGISLATION, REGULATIONS, POLICIES AND PROCEDURES

#### Issue

Establishing effective clinical and technical governance systems

#### Solution

Getting buy-in for governance reform at a senior management level; providing adequate resourcing, formalising policies and procedures, assessing risk

#### Barriers

Unclear roles and responsibilities; relevant documentation not well-structured and not in one easily accessible place; documents not dated

#### Enablers

Good staff information management system; having a recognised custodian of documentation, developing a governance framework and risk management plan

### FIND OUT MORE

Find more information about partnering with consumers in the [NSQDMH Standards – Guide for service providers](#). You can learn more about the NSQDMH Standards and other supporting resources at [safetyandquality.gov.au/DMHS](http://safetyandquality.gov.au/DMHS).

Contact the digital mental health program team at [DMHS@safetyandquality.gov.au](mailto:DMHS@safetyandquality.gov.au).