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| Social services regulation reform  |
| Information for social service providers |
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# Purpose

This document introduces the upcoming social services regulation reforms including:

* what they do and don’t involve
* implementation dates.

# Background

A new social services regulatory scheme will begin on 1 July 2024. The scheme will introduce a new regulatory framework for Victorian social services. The new framework will reduce and prevent harms to social services users.

The new scheme will cover a range of social services including:

* child protection services
* community-based child and family services
* some disability services
* family violence services
* homelessness services
* out-of-home care services
* sexual assault services
* supported residential services.

Section 3 of the *Social Services Regulation Act 2021* allows the Act to specify these services in regulations.

The following are key elements of the new scheme:

* There will be a **mandatory registration framework** for all providers of in-scope services.
* **All registered providers must meet six new Social Services Standards** prescribed in the Act.The new standards will replace the current Human Services Standards and focus on safe service delivery and human rights. Regulations will prescribe the service requirements and outcomes that providers must meet.
* A new **Social Services Regulator** will oversee the registration system. The regulator will also make sure services comply with the new scheme. It is expected to be set up as a separate statutory body in early 2024.
* A new **Worker and Carer Exclusion Scheme** will replace the Victorian Carer Register and the current Suitability Panel on 1 July 2024. The new regulator will oversee the scheme.
* **A set of enforcement tools** will encourage early intervention. The tools will also allow the regulator to respond to risk in a way that is measured and proportionate.

# Context

Victorians access important social services every day. The children, young people, families and adults who use these services are often vulnerable to abuse. Many live with the impact of trauma and are dealing with complex circumstances. This can lead to an imbalance of power. If not managed well, this imbalance can place service users at risk of harms such as:

* abuse
* neglect
* exploitation.

The Victorian Government commits to addressing these risks via safeguarding systems. The current regulation of social services is disjointed. The system involves separate schemes developed years ago.

Most social services already have accountability measures in place. But these arrangements are inefficient. The social services sector has highlighted the need for reform to:

* uphold its commitment to safety
* make the regulatory landscape more efficient.

The sector describes the accountability measures and processes as complex and burdensome.

The government is therefore replacing the current schemes with one regulatory framework. A new independent regulator will oversee the framework. This regulator will report to the Minister for Disability, Ageing and Carers and to the Minister for Child Protection and Family Services.

The Social Services Regulation Act creates separate functions for:

* system stewardship
* policy design
* funding and contract management.

The new framework will better support safe service delivery.

## Social Services Regulation Act

The Act lists six new Social Services Standards. These standards will be the basis of the new regulatory framework, replacing the current Human Services Standards. They will also replace the supported residential services sector’s standards.

The new standards set out high-level requirements that focus on:

* ensuring safe service delivery
* protecting the human rights of service users.

The standards came about through extensive consultation with service users and will cover similar areas to the current standards.

The Regulations will specify service requirements. These are things a provider must do to meet the standards. This will help give clarity to regulated entities about how to comply.

## Timeline for the reforms

| Timing | Activity |
| --- | --- |
| 2022–2023 | Targeted consultations and information sessions on the draft regulations |
| Mid-2023 | Formal public consultation on the Regulatory Impact Statement and draft regulations |
| Late 2023 | Regulations finalised and published  |
| Early 2024 | Regulator appointment announced |
| 1 July 2024 | Social Services Regulatory Scheme startsWorker and Carer Exclusion Scheme starts  |

# The need for regulation

Regulation helps reduce risks of abuse and harm to children, young people and adults. Good regulation relies on clear aims that drive safe service delivery. Reforms will ensure more effective and efficient regulation of social services. Service providers, their users and the community will all gain from more efficient regulation.

## Regulation reduces the risk of harm

The government has a responsibility to understand and manage public risks. This applies across streams where there may be risk of harm to the community including:

* economic
* environmental
* social.

Regulation helps reduce risks of harm to vulnerable people. It makes sure service providers meet basic safety standards. It also protects human rights by:

* enforcing core safety requirements
* enabling early interventions to help prevent neglect, abuse or exploitation.

## The importance of good regulation

Best practice regulation starts with clear aims and expectations.

Best practice regulation also involves the regulator having a broad regulatory toolkit. This will allow the regulator to respond to risks in a targeted and balanced way.

Having a single regulatory body will improve efficiency. It will allow the regulator to use a risk-based approach in responding to concerns. The regulator can then focus its attention where the likelihood and consequences of harm are greatest.

## The need for reform

Some services are not regulated in law. Safety standards are instead referred to in funding contracts. Embedding safety standards in a regulatory framework will allow them to stand alone as non-negotiable expectations. Contract arrangements can then focus on buying the right mix of local and tailored services. These services can be targeted to particular types of clients. They can also build in extra quality measures specific to those services.

## Services covered by the new scheme

The new scheme will focus on services that support children, young people and adults who are experiencing vulnerability.

Services within scope for the new framework include:

* some services delivered by the department including child protection services and secure welfare services
* out-of-home care services for children and young people
* community-based child and family services delivered or funded by the department such as:
	+ early parenting services
	+ intake services
	+ Aboriginal child specialist advice support services
	+ counselling services
* disability services delivered or funded by the department, or funded by the Transport Accident Commission or WorkSafe
* supported residential services
* family violence services delivered or funded by the department
* sexual assault services delivered or funded by the department
* homelessness services delivered or funded by the department.

# New Social Services Standards

The new standards set out high-level requirements for safe service delivery. They support the human rights of service users.

The new standards will replace the Human Services Standards. The department spoke with a range of service users to inform the new standards.

## Incorporating stakeholder feedback

The department spoke with social service users as part of a review of the Human Services Standards. This took place from August to October 2019.

Consultation included focus groups, phone discussions and surveys. We drew on service users’ lived experience to find out what made them feel safe when using services. We also found out what was important to them to focus on to ensure safe services.

Service users highlighted the importance of dignity and respect. For them, this means:

* being included in decisions
* being listened to
* being able to make choices
* being accepted
* working with the right staff supported by organised leadership.

We also spoke with service providers through workshops and consultative forums. This included the children and families *Roadmap for Reform Ministerial Advisory Group*.

## Overview of the Social Services Standards

Drawing on this feedback, the new standards cover:

* **safe service delivery** – services are planned, coordinated and safely delivered based on assessed needs
* **service user agency and dignity** – services are person-centred and uphold client rights and agency
* **safe service environment** – services are provided in a safe, secure and fit-for purpose environment
* **feedback and complaints** – service users are supported to voice any concerns about service safety
* **accountable organisational governance** – effective governance and organisational systems support safe service delivery
* **safe workforce** – service users receive safe services from a workforce that is skilled, experienced and supported.

We developed detailed requirements for service providers in consultation with stakeholders in 2022. These requirements will be set out in the regulations. They set out what a provider must do to meet the standards.

# Worker and Carer Exclusion Scheme

The Worker and Carer Exclusion Scheme will replace the Victorian Carer Register and the current Suitability Panel. The new Social Services Regulator will oversee the Worker and Carer Exclusion Scheme.

The scheme prevents certain workers and carers of children and young people in residential, foster care or secure care from working in the out-of-home care sector if their behaviour demonstrates an unjustifiable risk of harm to children and young people.

Out-of-home care providers who want to engage a new worker or carer will need to confirm with the Social Services Regulator that a worker or carer is not listed on the scheme’s exclusion database before engaging them.

The Worker and Carer Exclusion Scheme will address concerns about gaps in our current regulation of workers and carers. Under the scheme, carers will no longer need to register. But service organisations will have to check with the Regulator whether a worker is on the excluded worker list. Other screening requirements also apply.

# The role of the Social Services Regulator

The reforms involve setting up a new regulator that reports to ministers. Ministers will be able to give general directions to the regulator in relation to its functions.

The regulation of social services will transfer from the department to the new regulator. This will help separate regulation from conflicting functions such as policy design and commissioning. This will avoid the department, in effect, regulating itself.

The new regulator will regulate department-delivered and funded services and supported residential services.

# Changes for service providers

Organisations currently registered under certain Acts will have their registration transferred to the new regulatory scheme. These Acts are the:

* *Children, Youth and Families Act*
* *Disability Act*
* *Supported Residential Services (Private Proprietors) Act.*

For other organisations that currently must comply with the Human Services Standards, the department is developing an easier registration process.

Organisations not currently complying with the Human Services Standards will need to register under the new scheme. This includes organisations that provide:

* family violence services
* sexual assault services
* homelessness support services.

# Consultation

During the parliamentary debate on the Social Services Reform Bill, the government committed to setting up a specific taskforce to help develop the regulations ahead of the scheme starting on 1 July 2024.

The Social Services Regulation Taskforce was set up in April 2022. The taskforce has a government co-chair, Parliamentary Secretary for Disability, Iwan Walters MP, and an independent co-chair, Adjunct Professor Susan Pascoe AM. Ms Pascoe has an extensive background in government and non-government sectors. She has been on several boards including the Board of Mercy Health. She was also the first commissioner for the Australian Charities and Not-for-profits Commission.

The taskforce members have deep knowledge of the social services sector. Members represent providers and users of social services. The taskforce also has a First Nations member and a regulatory expert.

The taskforce consults with the social services sector. To inform their work, taskforce members speak with social service providers, service users and experts.

## Development stages for the new scheme

| Activity (and responsible agency) | Timing | Activity description |
| --- | --- | --- |
| Legislation (**department)** | 2021 | * Targeted, department-led consultation
* Passage of the legislation to set up the independent Social Services Regulator
* Sets out core requirements including a registration scheme and a Worker and Carer Exclusion Scheme
* Provides the legal framework to make regulations
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| Regulations (**department**) | 2022–2023 | * Led by the department, with opportunities for input by stakeholders
* Set up a taskforce to support and guide development of the regulations
* Sets out the scope of services covered by the scheme
* Contains registration requirements, more detail about what the Social Services Standards require and sets reporting requirements
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| Guidelines (**new regulator**) | 2024 | * Led by the regulator, with opportunities for stakeholder input
* Supports providers to comply by giving examples of what compliance looks like in practice
* Helps providers prepare applications for registration and understand new legal obligations
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| Compliance codes (**new regulator**) | 2024 – ongoing | * Led by the regulator, with opportunities for stakeholder input
* Design developed by the regulator in consultation with providers and service users
* Opportunities to recognise existing standards
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