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| Regulatory approach statement |
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# Foreword

As Victoria’s first Social Services Regulator (the Regulator), I am pleased to present the Regulator’s first regulatory approach statement.

The establishment of the Regulator is the result of the Victorian Government’s commitment to strengthening protections for vulnerable Victorians accessing social services.

As the Regulator, I acknowledge the challenges involved in providing safe and high-quality social services.

Social service providers often work with people at the most difficult time in their lives. Through their services, they aim to help people avoid further risks to their safety and wellbeing. The complex and changing nature of issues service users face present significant challenges for service providers to consistently achieve this.

With this in mind, all of us working with and in the social services sector must recognise and respect each other’s roles and do everything reasonably possible to fulfil our respective responsibilities. This is vital to ensuring the rights, safety and wellbeing of social service users.

The new regulatory scheme has an important role in the social services sector’s ability to achieve its aims and help people through safe and high-quality services.

The next two years will be critical in embedding the new scheme as an integral part of social services delivery in Victoria.

My primary focus for this period is to ensure all service providers understand:

* the scheme
* the new legal requirements
* the benefits and protections the scheme provides for service users.

This regulatory approach statement sets out:

* the scope of the scheme
* its purpose
* the Regulator’s role
* the principles that underpin the regulatory approach.

I look forward to working with duty holders and stakeholders to support the safe delivery of social services and to transition into the new regulatory scheme.

Jonathan Kaplan  
Social Services Regulator

# About the Regulator

The *Social Services Regulation Act 2021* (Vic) and the *Social Services Regulations 2023* (Vic) create a new regulatory scheme for social services in Victoria. This framework puts the protection and safety of social services users at the centre of social services delivery.

The Social Services Regulator (the Regulator) is the new statutory authority that oversees social services in Victoria. It replaces the framework previously overseen by the Human Services Regulator.

Previously, social service providers in Victoria had to meet a range of requirements under different laws.

## Our objectives

The Regulator aims to:

* strengthen protections for social services users to prevent harm, abuse and neglect
* make sure service users have safety, agency and dignity
* support safe and effective social services delivery
* help providers build a culture of continuous quality improvement.

To support these aims, the framework includes six Social Service Standards that all registered social service providers must meet (see **Table 1**).

Table 1: Social Service Standards under the Social Services Regulation Act 2021

| Standard | Description |
| --- | --- |
| Standard 1: Safe service delivery | Social services are safely delivered based on assessed needs |
| Standard 2: Service user agency and dignity | Social services are person-centred, and respect and uphold service user rights and agency |
| Standard 3: Safe service environments | Social services are provided in a safe, secure and fit-for-purpose environment |
| Standard 4: Feedback and complaints | Service users are supported to provide feedback, complaints or concerns about service safety |
| Standard 5: Accountable organisational governance | Effective governance and organisational systems support safe delivery of social services |
| Standard 6: Safe workforce | Social services are delivered by a workforce that has the knowledge, capability and support to provide safe social services with care and skill |

More information on the Social Services Standards is available on the <https://www.vic.gov.au/social-services-regulator-social-services-standards>

# Our approach to regulation

We take a blended and graduated approach to regulating the new Social Services Standards and other requirements under the new scheme.

1. Our approach recognises many new requirements are similar to previous schemes, as:

* Many providers had to meet the Human Services Standards. As the new Social Services Standards have similar requirements, these providers should already have well developed systems in place that meet the new Standards.
* For service providers who must meet the Child Safe Standards, as those standards have been in place for two years these providers should also have well developed systems in place.
* Providers of supported residential services are in a similar situation. These providers must already meet the *Supported Residential Services (Private Proprietors) Act 2010* and regulations. As the new requirements are broadly similar, these providers should already have systems and practices in place that will help them meet these requirements.

1. Our initial focus is to provide guidance and education

In some cases, the new scheme introduces new requirements for providers.

At the outset of the new scheme, the Regulator’s focus is on giving providers guidance and support to help them understand and meet their obligations.

Over time, the Regulator will expect organisations to have comprehensively implemented the new Standards.

1. The Regulator is also committed to our duty to protect service users and will not hesitate to act to protect service users from harm, abuse and neglect. This includes taking enforcement action:

* to prevent or respond to significant harm or risk of harm to service users
* against providers that seriously or repeatedly fail to meet their obligations.

## Our regulatory principles

Our regulatory approach is guided by seven principles (see **Table 2**).

Table 2: Regulatory principles

| Principle | Description |
| --- | --- |
| **Collaborative** | To make sure social services are safe, we work with:   * other relevant agencies * regulators * service users * registered social service providers * the community. |
| **Accountable** | We are objective and open in our decision making and processes.  We help duty holders to understand our regulatory approach and focus areas. |
| **Fair** | We treat all social service providers equally, without favouritism or prejudice. We focus on procedural fairness. |
| **Proportionate** | We make decisions using an intelligence-led and integrated approach that is proportionate to risk and minimises regulatory burden. |
| **Effective** | We use our resources where they will:   * have the greatest positive effect * protect the safety, wellbeing and rights of people accessing social services. |
| **Clear** | We communicate our messages, advice and enforcement actions in a clear, accessible and concise way.  We use communication channels that meet the needs of service users, providers and the community. |
| **Inclusive** | We engage with and consider the needs of the diverse stakeholders who access, provide and interact with the social services we regulate. |

## How we regulate

In our role to limit risks of harm to service users, we put in place a robust registration process to make sure providers **can deliver safe services** before they offer those services.

We provide education, guidance and support to help service providers understand and meet the six Social Services Standards and monitor and enforce compliance with these Standards and the Child Safe Standards.

When needed, we will use the full range of regulatory powers to protect service users by using our compliance and enforcement tools to reduce and remove risks of harm to service users.

We work with stakeholders to build confidence in the safe delivery of social services. We build confidence by:

* identifying sector trends and needs by collecting and analysing information, including through notifications and incident reporting
* making sure our decisions are fair, data-driven and focused on reducing regulatory burden
* using issues and trends observed to contribute to the ongoing development of the social services sector.

We work with other regulators to improve information sharing and to better identify and respond to risks of harm.

We also administer the Worker Carer Exclusion Scheme.

## Reasonably practicable: an important factor in our decisions

Providers must make sure that their systems and processes meet the requirements of the scheme for their registered services as far as is ‘**reasonably practicable**’.

This means that providers need to show that they have taken reasonable steps to meet the Standards.

In deciding what is ‘reasonably practicable’ the Regulator considers:

* the **likelihood** of any risks that:
  + a service user’s rights would be contravened
  + a service user would suffer avoidable harm caused by abuse or neglect in connection with social service delivery
* the **extent**of the impact on a service user if the contravention or harm occurred
* what the registered social service provider knew (or ought to have known) about any:
  + harms
  + risks of harm
  + ways of eliminating or reducing risks
* the **availability, suitability and cost** of risk removal or reduction.

## Background: who we regulate

The scheme applies to services set out in the *Social Services Regulations 2023*.

Social services that we regulate include:

* child protection services
* community-based child and family services
* disability services (with some exclusions)
* family violence services
* homelessness services
* out-of-home care services
* secure welfare services
* sexual assault services
* supported residential services.

In-scope providers of social services in Victoria need to:

* register with the Social Services Regulator
* meet the Standards when providing services that they are registered for.

# Resources and contacts

**Information sheets on each Standard:**

* A good starting point for providers to prepare to meet each Standard’s service requirements.
* The tables in each Appendix suggest documents, other evidence and indicators of success that will help you meet the service requirements.
* Available at <https://www.vic.gov.au/social-services-regulator-social-services-standards>

**Guidance on the registration process**:

* service provider groups for registration
* registration timeframes
* how to register
* see the [Victorian Government website’s Social Services Regulator registration page](https://www.vic.gov.au/social-services-regulator-registration) <https://www.vic.gov.au/social-services-regulator-registration>.

**Contact us:**

* For further information not covered by our guidance materials, contact the Social Services Regulator for more information on meeting the scheme’s requirements.
* [Email the Social Services Regulator](mailto:Email%20the%20Social%20Services%20Regulator) <enquiries@ssr.vic.gov.au>.

To receive this document in another format, [email the Social Services Regulator](mailto:enquiries@ssr.vic.gov.au) <enquiries@ssr.vic.gov.au>.

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This guidance is general in nature and not exhaustive.

This information sheet provides an overview of the Social Services Regulator’s approach to regulation.

In this document, ‘Aboriginal’ refers to both Aboriginal and Torres Strait Islander people. ‘Indigenous’ or ‘Koori/Koorie’ is retained when part of the title of a report, program or quotation.

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Available at [About the Social Services Regulator | vic.gov.au (www.vic.gov.au)](https://www.vic.gov.au/about-social-services-regulator) https://www.vic.gov.au/about-social-services-regulator