



Hon Lizzie Blandthorn MP

Deputy Leader of the Government in the Legislative Council
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Jonathan Kaplan
Social Services Regulator
145 Smith St
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Dear Mr Kaplan

STATEMENT OF EXPECTATIONS FOR THE SOCIAL SERVICES REGULATOR

I am pleased to provide you with my statement of expectations for the Social Services Regulator (**Attachment 1**).

Background

This statement is provided in line with the Victorian Government's statement of expectations framework, and is consistent with section 16 of the *Social Services Regulation Act 2021* (the Act). This states that the Regulator is subject to the general direction and control of the Minister, but that the Minister cannot give directions on a specific regulatory matter.

The Victorian Government has introduced significant reforms to the social services sector through the Social Services Regulation Act. The Act, which took effect on 1 July 2024, delivers on the Government's intent to establish a strengthened and more streamlined regulatory framework for around 700 Victorian social services – including child protection, family violence, sexual assault, homelessness services, children and family services, supported residential services and state funded disability services.

Key Elements of the new Social Services Regulatory Framework

In line with the objects of the Regulator set out in the Act I expect the Regulator to protect the rights of service users, to minimise risks of avoidable harm caused by abuse and neglect in connection with the delivery of social services and to promote and support the delivery of safe and effective social services. This includes intervening early where risks are highlighted to prevent avoidable harms.

The Act creates a consistent regulatory framework across non-government and government-delivered and funded services, reinforcing the importance of ensuring that all services are held to the same standards and accountability.

A critical element of the new regulatory scheme are the six social service standards, which focus on service user safety, agency and dignity. The new framework provides the Regulator with a comprehensive suite of compliance and enforcement tools, enabling it to respond flexibly and

proportionately to harms or risks that result from any breaches of the Act, including the Social Service Standards.

Change in Regulatory Approach Over Time

I recognise that the Social Services Regulation Act is a new scheme, and this statement sets out my expectations for the scheme's key areas of focus as it becomes established. I expect that the Regulator's initial activities will concentrate on assisting regulated entities to comply through support and guidance, but without compromising the safety of service users. I expect that over time, the Regulator's focus will shift to a growth in compliance work as regulated entities progressively grow their regulated capacity and capability.

Regulator's Scope

In addition to regulation of social services, the Regulator is also responsible for administering the Worker and Carer Exclusion Scheme for out of home care workers and carers, and the Child Safe Standards Scheme for social service providers. These expectations also apply to these critical child safeguarding schemes.

Consultation and Engagement

As the attached statement notes, ongoing consultation and engagement with service users and their advocates will be critical to ensure that the regulatory approach is informed by the voices of service users, people with lived experience of the social services system and First Nations people. The Regulator's approach will need to be informed and guided by the voices of these critical stakeholders.

Review and next steps

I request that the Regulator incorporate these expectations into its business plans with appropriate milestones to review these expectations and advise me when they need to be updated or reviewed.

The Social Services Regulation Act provides for a statutory review of the scheme in the fourth year, of the first three years of the scheme's operation. To inform this review, I expect the Regulator to identify opportunities to improve the efficiency and effectiveness of the regulatory framework, in conjunction with the Department of Families, Fairness and Housing.

This Statement of Expectations should be published on the Regulator's website as soon as practicable.

I look forward to hearing about the Social Service Regulator's progress in its first months of operation and wish you and your team all the best now that you have commenced operationalising the new scheme.

Yours sincerely



Hon Lizzie Blandthorn MP

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22/10/24

Attachment 1 –Statement of Expectations from the Minister for Disability and Children

Context

As the Minister for Disability and Children, I am responsible for the *Social Services Regulation Act 2021* and this guidance should be read in the context of the objects, guiding principles and functions outlined in this Act. As part of the Social Services Regulation Act, the Regulator will be regulating providers against the Social Services Standards, as well as administering the Worker and Carer Exclusion Scheme. I am also responsible for some parts of the *Child, Wellbeing and Safety Act 2005*, including Part 6, the Child Safe Standards (the Standards), and note the Regulator is responsible for enforcing the Standards as an integrated sector regulator, for social services providers.

This guidance should also be read in the context of any other legislative and non-legislative obligations on the Social Services Regulator.

Regulatory approach

I expect that the Regulator will develop, implement and publish a risk-based regulatory framework that is transparent, accountable and centred on protecting the rights and safety of service users. This approach should include intervening early where risks are identified, to prevent avoidable harms.

The approach should reflect that non-government services should be held to the same standards and regulatory framework as services delivered or funded by government, consistent with the principles of the Act.

The framework should include a statement about the Regulator's approach to enforcing the Social Services Standards, Worker and Carer Exclusion Scheme and the Child Safe Standards, and a set of regulatory principles that will guide its regulatory approach.

The framework should recognise the need to prioritise the protection of the most vulnerable service users, whether that vulnerability arises from age, disability, complex needs, the impact of trauma, or the nature of the service, noting that residential and 24-hour services present particular risks.

I expect that the Regulator's activities in the initial phases of the Social Services Regulatory Scheme will concentrate on assisting regulated entities to comply through support and guidance, including:

- engaging with social services providers and their peak bodies
- providing guidance to registered service providers about their obligations and what they need to do to comply
- consulting with service users and their advocates to build intelligence to inform risk-based interventions and to protect the rights of service users.

However, the Regulator's approach should recognise that prior to 1 July 2024, many providers subject to the new scheme were required to meet the Human Services Standards. The Social Service Standards are broadly aligned with the previous requirements.

Therefore, in making determinations about registration, the regulator will be expected to consider previous evidence of the provider's compliance with the Human Services Standards.

This will include certification by an independent review body that a service is compliant with the Human Services Standards. This recognises that the Human Services Standards are broadly

aligned with the Social Services Standards and corresponding service requirements and that a previous certification can provide the regulator with information about suitability for registration.

Where service providers are recalcitrant and deliberately, recklessly or repeatedly fail to comply, or their behaviour poses a significant risk to service users, I expect the Regulator to use more stringent enforcement measures to respond to the level of regulatory risk and the consequences of these risks, at the Regulator's discretion. This should include circumstances where the Regulator identifies systemic patterns of non-compliance.

Emerging risks and priorities

Guidance

I expect the Regulator to develop and publish a suite of guidance and support resources, as well as offering information and engagement sessions. These should assist registered social service providers and providers subject to the Worker and Carer Exclusion Scheme to transition to the new regulatory scheme and understand their obligations.

These resources should include:

- guidelines relevant to the exercise of functions under the Act
- compliance codes developed for the purposes of providing practical guidance to any registered social service provider who has a duty or obligation under the Act or regulations

I also expect the Regulator to develop guidance and support materials to assist service users to understand their rights under the new regulatory scheme, and what they can expect of service providers in relation to the implementation of service requirements under the Act.

Consultation and engagement

Consultation with service users and their advocates will be critical to ensure that the regulatory approach is informed by the voices of service users, people with lived experience of the social services system and First Nations people.

This is in addition to consultation and engagement with peak bodies representing regulated entities within the social services sector and social service providers.

This consultation approach should be delivered through the establishment of separate, regular consultation forums for:

- duty holders – social service providers;
- social service users – to ensure the regulatory approach is informed by the voices of service users and people with lived experience of the social service system;
- First Nations representatives.

Reduction of regulatory burden

One of the guiding principles for the Regulator is to reduce regulatory burden where appropriate (Social Services Regulation Act, s. 8(g)).

I expect the Regulator to develop, implement and maintain policies and procedures to operationalise this principle, including by working with co-regulators and agencies that fund social service providers to identify and implement:

- opportunities to use information submitted to other agencies to streamline registration processes.
- opportunities to use information submitted to other agencies to inform assessments of compliance
- mutual recognition of investigations to minimise duplication
- the ability to undertake joint investigations with other regulators.

Continuous improvement

I expect the Regulator to foster a culture of continuous quality improvement across the sectors it regulates to support providers to continue to deliver safe services. This should include identification of and reporting about sector trends and systemic issues – for example through the Regulator’s annual report – including identifying patterns of behaviour that may represent a risk to service users’ safety.

I recognise that as providers develop systems, policies and procedures to comply with the new regulatory scheme and develop the capacity and knowledge of staff with respect to the scheme, many providers will improve their practices and systems. As a result, I expect that standards of compliance will improve, engendering a culture of continuous improvement.

Aboriginal Cultural Safety and Inclusion

The Social Services Standards and the Child Safe Standards both include standards about Aboriginal cultural safety and inclusion. These standards impose a range of requirements on service providers that aim to ensure Aboriginal service users receive services that are culturally safe, and that their cultural rights are actively supported.

This is a new service standard for many organisations, and I expect that in supporting providers to comply with this standard, you will draw on the knowledge and experience of First Nations representatives that may be shared through your consultative forums.

In addition to the legislative requirements, in recognition of complexities experienced by different cultural groups in the Victorian community, including First Nations cultures, I expect the Regulator to adopt a regulatory approach that is informed by and sensitive to Aboriginal cultural safety considerations, and supports self-determination by First Nations people. This should be supported by consultation and engagement with groups including First Nations groups and leaders.

Opportunities for reform

I expect the Regulator to use its experience in administering the Social Services Regulation Act and Child Wellbeing and Safety Act to identify opportunities to improve these legislative frameworks, in conjunction with the Department of Families, Fairness and Housing. This should focus on ensuring that the regulatory frameworks remain effective, efficient and fit for purpose going forward.