

DRAFT FOR CONSULTATION
Social Services Regulations 2023

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S.R. No.

STATUTORY RULES 2023

S.R. No. /2023

Social Services Regulation Act 2021

Social Services Regulations 2023

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

Clerk of the Executive Council

Part 1—Preliminary

101 Objectives

The objectives of these Regulations are—

- (a) to prescribe social services for the purposes of the **Social Services Regulation Act 2021**; and
- (b) to prescribe requirements for the registration of providers of social services; and
- (c) to prescribe information that must be included in the Register; and
- (d) to prescribe the service requirements for the Social Services Standards; and
- (e) to prescribe matters of which the Regulator must be notified; and

- (f) to provide for matters required for the operation of the worker and carer exclusion scheme; and
- (g) to prescribe infringement offences and infringement penalties for the purposes of the **Social Services Regulation Act 2021**; and
- (h) to prescribe entities to be relevant agencies for the purposes of collecting, using or disclosing information under the **Social Services Regulation Act 2021**; and
- (i) to provide for other matters required to give effect to the **Social Services Regulation Act 2021**.

102 Authorising provisions

These Regulations are made under section 316 of the **Social Services Regulation Act 2021**.

103 Commencement

These Regulations come into operation on 1 July 2024.

104 Definitions

In these Regulations—

Aboriginal includes Torres Strait Islander;

Aboriginal agency has the same meaning as it has in the **Children, Youth and Families Act 2005**;

Australian Health Practitioner Regulation

Agency means the Australian Health Practitioner Regulation Agency established under section 23 of the Health Practitioner Regulation National Law;

care, in relation to a child, means the daily care and control of the child, whether or not the relevant person has parental responsibility for the child;

child protection service means—

- (a) a child protection service established and maintained by the Minister for the purposes of section 164(a) of the **Children, Youth and Families Act 2005**; or
- (b) a service provided by an Aboriginal agency under an authorisation under section 18 of the **Children, Youth and Families Act 2005**;

community-based child and family service has the meaning given in regulation 106;

community visitor has the same meaning as it has in the **Supported Residential Services (Community Visitors) Act 2010**;

criminal history, in relation to a person, means—

- (a) every conviction of the person for an offence, in Victoria or elsewhere, whether before, on or after the commencement of these Regulations; and
- (b) every plea of guilty entered by the person or finding of guilt by a court against the person for an offence, in Victoria or elsewhere, and whether before, on or after the commencement of these Regulations whether or not a conviction is recorded for the offence; and
- (c) every pending charge against the person for an offence, in Victoria or elsewhere, whether before, on or after the commencement of these Regulations;

disability has the same meaning as it has in section 3(1) of the **Disability Act 2006**;

disability service has the meaning given in regulation 107;

Disability Worker Registration Board means the Disability Worker Registration Board established under the **Disability Service Safeguards Act 2018**;

experience includes lived experience;

family violence service has the meaning given in regulation 108;

foster care means the temporary care of a child by a person who is approved as a foster carer and who is not the child's parent;

foster care service means a service funded by the Secretary specifically to support persons approved as foster carers or children in foster care;

funded by the Secretary means funded by the Secretary under a contract entered into by or on behalf of the State;

homelessness support service has the meaning given in regulation 109;

key personnel, in relation to a registered provider of social service, means the key personnel prescribed under regulation 112;

kinship care means the care of a child in a home-based environment by a relative or other person in the child's social network (other than the child's parent) when the child is not able to be cared for by a parent;

kinship care service means a service funded by the Secretary specifically to provide cultural or other support—

- (a) to persons providing kinship care; or
- (b) to children in kinship care and their families;

National Health Practitioner Board means a National Health Practitioner Board established under the Health Practitioner Regulation National Law;

NDIS Act means the National Disability Insurance Scheme Act 2013 of the Commonwealth;

NDIS provider has the same meaning as it has in the NDIS Act;

NDIS Quality and Safeguards Commission means the NDIS Quality and Safeguards Commission established under the NDIS Act;

out of home care service has the meaning given in regulation 110;

permanent care order has the same meaning as it has in the **Children, Youth and Families Act 2005**;

permanent care service means a service that is funded by the Secretary specifically to provide supports for people caring for a child under a permanent care order;

registered NDIS provider has the same meaning as in the NDIS Act;

relevant regulator means an entity appointed, established or authorised under an Act of Victoria or of the Commonwealth or of another State or a Territory to regulate a particular activity, industry, profession or occupation;

reportable conduct has the same meaning as it has in the **Child Wellbeing and Safety Act 2005**;

secure welfare service has the same meaning as it has in the **Children, Youth and Families Act 2005**;

sexual assault service has the meaning given in regulation 111;

support person, in relation to a service user, means a person nominated by the service user to be involved in planning and making decisions about the service user's needs or the types of services the service user may require;

supported residential service has the meaning given in section 214(1) of the Act;

the Act means the **Social Services Regulation Act 2021**;

Transport Accident Commission has the same meaning as *Commission* has in the **Transport Accident Act 1986**;

tribunal means VCAT or a corresponding administrative tribunal of the Commonwealth or another State or a Territory;

Victorian Disability Worker Commission has the same meaning as *Commission* has in the **Disability Service Safeguards Act 2018**;

Victorian Disability Worker Commissioner has the same meaning as *Commissioner* has in the **Disability Service Safeguards Act 2018**;

Victorian Institute of Teaching means the Victorian Institute of Teaching established under the **Victorian Institute of Teaching Act 2001** and that continues in operation under and subject to the **Education and Training Reform Act 2006**;

Victorian WorkCover Authority has the same meaning as *Authority* has in the **Workplace Injury Rehabilitation and Compensation Act 2013**.

105 Prescribed social services

For the purposes of the definition of *social service* in section 3(1) of the Act, the following social services are prescribed—

- (a) child protection services;
- (b) community-based child and family services;
- (c) disability services;
- (d) family violence services;
- (e) homelessness support services;
- (f) out of home care services;
- (g) secure welfare services;
- (h) sexual assault services;
- (i) supported residential services.

106 Community-based child and family services

- (1) A *community-based child and family service* means a service or activity specified in subregulation (2) that is provided or funded by the Secretary specifically for—
 - (a) children (including unborn children) who are at risk of harm or in need of protection; or
 - (b) care leavers and their families.
- (2) The following are specified for the purposes of subregulation (1)—

- (a) a service that provides residential programs—
 - (i) for parents and children at high risk of harm who are referred to that service by a child protection service; and
 - (ii) that assesses and builds parenting skills and parents' confidence to protect and care for their children;
- (b) a community-based service that assesses and builds parenting skills and parents' confidence to protect and care for their children;
- (c) a service or activity that is necessary for or incidental to—
 - (i) an initial assessment to determine risks to and needs of children, and their families; or
 - (ii) the giving of information, referrals and advice for children and their families;
- (d) case planning services;
- (e) case management services;
- (f) Aboriginal child specialist advice and support services;
- (g) services and activities that are necessary or incidental to supporting any of the following—

- (i) Aboriginal family led-decision making;
- (ii) Aboriginal cultural planning services;
- (iii) Aboriginal kinship finding services;
- (iv) Aboriginal family services;
- (h) training and skills development services;
- (i) counselling services;
- (j) services for care leavers;
- (k) other support services for families at risk of harm who need help with the wellbeing and development of their children including referral services;
- (l) support services that aim to address issues that may lead to family breakdown or that aim to divert children away from child protection services.

107 Disability services

- (1) Subject to subregulation (2), *disability service* means—
 - (a) a forensic disability service, disability support service or residential service provided or funded by the Secretary specifically for persons with a disability; or
 - (b) any of the following services funded by the Transport Accident Commission specifically for persons with a disability—

- (i) a disability support service;
 - (ii) case management services;
 - (iii) training and skills development services that aim to increase or maintain the independence of persons with a disability;
 - (iv) residential services for persons with a disability; or
- (c) any of the following services funded by the Victorian WorkCover Authority specifically for persons with a disability—
- (i) disability support services;
 - (ii) case management services;
 - (iii) training and skills development services that aim to increase or maintain the independence of persons with a disability;
 - (iv) residential services for persons with a disability.
- (2) In these Regulations a *disability service* does not include—
- (a) a *regulated disability service* within the meaning of the **Disability Act 2006**; or
 - (b) a service provided by a person or body as an NDIS provider to an NDIS participant; or

- (c) a service provided by a person or body as an approved provider regulated under the **Aged Care Act 1997** of the Commonwealth; or
 - (d) a disability employment service funded by or under an Act of the Commonwealth; or
 - (e) in the case of services funded by the Transport Accident Commission, a medical service as defined in the **Transport Accident Act 1986**;
 - (f) in the case of services funded by the Victorian WorkCover Authority—
 - (i) a service provided by a registered health practitioner; or
 - (ii) a service funded specifically for the purpose of returning a person to employment, including a job placement service, a return to work assessment service, or an occupational rehabilitation service.
- (3) In this regulation—
- disability support service*** means a service that provides support or funding for persons with a disability, including—
- (a) disability-related supports or case management, or both to assist the person to achieve the person’s goals; or

- (b) behaviour support services including assessment, planning and implementation of behaviour support;

forensic disability service means a service that is specifically for people with a cognitive disability who are involved, or at risk of being involved, in the criminal justice system, including—

- (a) an assessment and intake service; or
- (b) a case management service; or
- (c) a forensic disability clinical service; or
- (d) a service provided at a residential treatment facility; or
- (e) a residential service;

NDIS participant has the same meaning as *participant* has in the NDIS Act;

residential service means—

- (a) a residential service within the meaning of the **Disability Act 2006**; or
- (b) a service providing or arranging the provision of residential accommodation specifically for persons with a disability;

residential treatment facility has the same meaning as it has in the **Disability Act 2006**;

108 Family violence services

In these Regulations—

family violence service means any of the following that are provided or funded by the Secretary—

- (a) services specifically for victim survivors of family violence, including—
 - (i) triage and support services; and
 - (ii) crisis services; and
 - (iii) refuge and accommodation-related services; and
 - (iv) case management services and therapeutic intervention services; and
- (b) intervention services specifically for perpetrators of family violence including—
 - (i) intake and referral services;
 - (ii) accommodation-related services;
 - (iii) behavior change programs;
 - (iv) case management services and therapeutic intervention services;
- (c) child and youth family violence services.

109 Homelessness support services

- (1) In these Regulations—

homelessness support service means any of the following services or activities that are provided or funded by the Secretary specifically for, and that involve contact with, persons who are experiencing, or who are at risk of, homelessness—

- (a) accommodation services, including services providing or arranging for crisis accommodation, transitional accommodation and long-term supported housing;
- (b) assessment services;
- (c) case management services;
- (d) support services including—
 - (i) crisis response services; and
 - (ii) counselling services; and
 - (iii) services providing meals, personal care and shower facilities; and
 - (iv) activities that aim to assist access to accommodation, training and employment; and
 - (v) life skills development, peer support services and associated skills development; and
 - (vi) services providing support to establish and sustain tenancies; and

- (vii) services that assist in finding long-term housing for persons who are experiencing, or who are at risk of, homelessness; and
 - (viii) other supports that assist to reduce the risk that a person may become homeless;
- (e) youth homelessness services, including—
- (i) youth crisis response services; and
 - (ii) services for care leavers; and
 - (iii) family reconciliation services; and
 - (iv) youth services that aim to assist access to accommodation, education, training and employment and connection with the community.

(2) In this regulation—

crisis accommodation means short to medium-term accommodation for persons who are experiencing, or who are at risk of, homelessness and require immediate accommodation in urgent circumstances or in an emergency;

transitional accommodation means short-term subsidised accommodation for persons who are experiencing, or who are at risk of, homelessness.

110 Out of home care services

(1) In these Regulations—

out of home care service means any of the following services (other than a secure welfare service) that are provided or funded by the Secretary specifically for, and that involve contact with, children in need of protection, or who are in, or are to be placed in, out of home care under the **Children, Youth and Families Act 2005**—

- (a) home-based care services, including foster care services, kinship care services and permanent care services;
 - (b) accommodation and support services in community-based houses;
 - (c) accommodation and support services in shared house accommodation for children aged 16 to 18 years old;
 - (d) any other accommodation and support services for children who require out of home care.
- (2) Without limiting subsection (1), an *out of home care service* includes community services established under section 44 of the **Children, Youth and Families Act 2005** to provide out of home care.

111 Sexual assault services

A *sexual assault service* means any of the following services that are provided or funded by the Secretary specifically as a sexual assault service—

- (a) specialist support services for survivors of sexual assault and other persons impacted by sexual violence including—
 - (i) crisis care services; and
 - (ii) advocacy services; and
 - (iii) counselling and therapeutic intervention services;
- (b) specialist harmful sexual behavior services, including early intervention and treatment services;
- (c) sexual assault therapeutic intervention services.

112 Key personnel

- (1) For the purposes of section 47(1)(f)(iii) of the Act, in relation to a registered service provider, the following key personnel are prescribed—
 - (a) a member of the group of persons who is responsible for the executive decisions of the provider;

- (b) the chief executive officer (however described) of the provider;
 - (c) in the case of a provider that is the Secretary, each executive (within the meaning of the **Public Administration Act 2004**) of the Department of Families, Fairness and Housing with responsibility for administering the provision of a social service;
 - (d) in the case of a provider providing a supported residential service, the person responsible for the day to day management of the provision of that service;
 - (e) any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the provider.
- (2) Without limiting subsection (1)(a), a reference in that paragraph to a person responsible for the executive decisions of a provider includes—
- (a) if the provider is a body corporate that is incorporated, or taken to be incorporated, under the Corporations Act 2001 of the Commonwealth—
 - (i) a director or secretary of the body corporate; and

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Part 1—Preliminary

- (ii) each person who is empowered to exercise control over the affairs of the body corporate; and
- (b) in any other case, a member of the provider's committee of management or governing body.

Part 2—Registration of social service providers

Division 1—Requirements and criteria for registration

Subdivision 1—Preliminary

201 Application of Division

- (1) For the purposes of section 23 of the Act, a requirement set out in Subdivision 2, 3, 4, 5 or 6 is a prescribed requirement for registration.
- (2) For the purposes of sections 169, 170 and 172 of the Act, the requirements set out in Subdivisions 2, 3, 4, 5 and 6 are the prescribed registration criteria.

202 Definitions

- (1) In this Division, the definition of *key personnel* in regulation 104 applies as if a reference in that definition and in regulation 112 to a registered service provider includes a reference to a person who has applied under Division 1 of Part 3 of the Act for registration as a registered social service provider, or a unincorporated body on whose behalf such an application is made, whose application is not finally determined.
- (2) In this Division—
provider of a social service means—

- (a) a person who has applied under Division 1 of Part 3 of the Act for registration to provide a social service, or an unincorporated body on whose behalf such an application is made, whose application is not finally determined; or
- (b) a registered social service provider.

Subdivision 2—Suitability of provider

203 Provider to be suitable person

A provider of a social service must be a suitable person to be a provider of the social service.

204 Prescribed key personnel to be suitable persons

If the provider of a social service is the Secretary, a body corporate or an unincorporated body, each of the provider's key personnel must be a suitable person to be a provider of that social service.

205 Matters to be considered for suitability of person

For the purposes of regulations 203 and 204, in considering whether a person is suitable to be a provider of a social service, the Regulator may have regard to any relevant matter, including the following—

- (a) the criminal history of the person;

- (b) in civil proceedings, any finding or decision made against the person involving fraud, misrepresentation or dishonesty;
- (c) any finding by a relevant regulator or tribunal that the person has engaged in misconduct that the Regulator considers relevant to the suitability of the person to be a provider of a social service;
- (d) whether the registration of the person to provide a social service has been revoked;
- (e) whether any sanction, condition or restriction has been placed on the person in relation to a social service owned or managed wholly or in part by the person;
- (f) whether the person, or any business owned or managed wholly or in part by the person, is or has been an insolvent under administration.

Subdivision 3—Suitable arrangements

206 Provider to have suitable arrangements in place

A provider of a social service must have suitable arrangements in place to provide the service.

207 Matters to be considered in relation to suitability of arrangements

For the purposes of regulation 206, in considering whether a provider of a social service has suitable

arrangements in place to provide a social service, the Regulator may have regard to any relevant matter, including the following—

- (a) whether the provider has governance and operational management structures in place that are appropriate to the size and scale of the provider and the scope and complexity of the social service;
- (b) whether the provider has appropriately documented the provider's governance and operational management structures;
- (c) whether the provider has entered into appropriate insurances to provide the social service;
- (d) whether the provider has the financial capacity to provide the social service in compliance with the Act, the Social Services Standards and these Regulations.

Subdivision 4—Qualifications, skills or experience

208 Provider to have relevant qualifications, skills or experience

- (1) A provider of a social service must have—
 - (a) relevant qualifications, skills or experience to safely deliver the social service; and

(b) a demonstrated understanding of, and a capacity to comply with, the service requirements.

(2) For the purposes of subregulation (1), in considering whether a provider of a social service who is the Secretary, a body corporate or an unincorporated body has the relevant qualifications, skills or experience to provide a safe service, the Regulator may have regard to the qualifications, skills or experience of the members of the provider's key personnel.

209 Key personnel must have relevant qualifications, skills or experience

If the provider of a social service is the Secretary, a body corporate or an unincorporated body, the members of the provider's key personnel must between them have relevant qualifications, skills or experience to safely deliver the social service.

210 Provider to ensure staff have relevant qualifications, skills or experience

The provider of a social service must have systems and processes in place to ensure that the service is provided by persons who have relevant qualifications, skills or experience to safely deliver the social service.

**Subdivision 5 —Foster carers, out of home carers
and carers for secure welfare services**

**211 Provider to ensure certain matters considered
during determination of suitability of foster carers.**

- (1) A provider of a foster care service must have systems and processes in place to ensure that the provider has regard to the following matters when approving a person to act as a foster carer—
 - (a) the person’s criminal history;
 - (b) the person’s medical history, including psychiatric health;
 - (c) the person’s capacity to provide stability and continuity of care and promote achievement of the permanency objective included in a child’s case plan within the meaning of the **Children, Youth and Families Act 2005**;
 - (d) the person’s capacity to promote and protect a child’s safety, wellbeing and development;
 - (e) the person’s capacity to provide appropriate support for the maintenance of a child’s religious faith (if any);
 - (f) the person’s capacity to preserve a child’s identity and connection to the child’s culture of origin and relationships with the child’s birth family;

- (g) the person's appreciation of the importance of contact with a child's birth parent and family;
 - (h) the person's capacity to develop a positive relationship and to work collaboratively with providers of services to children, including but not limited to—
 - (i) child protection services; and
 - (ii) registered out of home care services; and
 - (iii) health services; and
 - (iv) educational services; and
 - (v) legal and youth justice services;
 - (i) the person's general character;
 - (j) the person's relationship with the person's family members and household members;
 - (k) the criminal history of the usual members of the person's household.
- (2) In this regulation—

provider of a foster care service means—

- (a) a person who has applied under Division 1 of Part 3 of the Act for registration to provide a foster care service, or an unincorporated body on whose behalf such an application is

made, whose application is not finally determined; or

- (b) a registered social service provider registered to provide a foster care service.

212 Matters to be considered before employing or engaging out of home carers or carers for secure welfare services

- (1) The provider of an out of home care service must have systems and processes in place to ensure that the provider considers the matters set out in subregulation (3) when employing or engaging a person to provide—
 - (a) a service caring for children in an out of home care residence managed by the provider; or
 - (b) a service providing services to children at an out of home care residence managed by the provider.
- (2) The provider of a secure welfare service must have systems and processes in place to ensure that the provider has regard to the matters set out in subregulation (3) when employing or engaging a person to provide—
 - (a) a service caring for children at the secure welfare service; or

- (b) a service providing services to children at the secure welfare service.
- (3) For the purposes of subregulations (1) and (2), the following matters are to be had regard to in relation to a person—
 - (a) the person's criminal history;
 - (b) the person's medical history, including psychiatric health;
 - (c) the person's skills, experience and qualifications;
 - (d) the person's capacity to provide stability, continuity and support for the permanency objective included in a child's case plan within the meaning of the **Children, Youth and Families Act 2005**;
 - (e) the person's capacity to promote and protect a child's safety, wellbeing and development;
 - (f) the person's capacity to provide appropriate support for the maintenance of a child's religious faith;
 - (g) the person's capacity to preserve a child's identity and connection to the child's culture of origin and relationships with the child's birth family;

- (h) the person's appreciation of the importance of contact with a child's birth parent and family;
 - (i) the person's capacity to develop positive relationships and work collaboratively with a child's family;
 - (j) the person's capacity to develop a positive relationship and work collaboratively with providers of services to children, including but not limited to—
 - (i) child protection services; and
 - (ii) registered out of home care services; and
 - (iii) health services; and
 - (iv) educational services; and
 - (v) legal and youth justice services;
 - (k) the person's general character.
- (4) In this regulation—
- provider of an out of home care service*** means—
- (a) a person who has applied under Division 1 of Part 3 of the Act for registration to provide an out of home care service, or an unincorporated body on whose behalf such an application is

made, whose application is not finally determined; or

- (b) a registered social service provider registered to provide an out of home care service;

provider of a secure welfare service means—

- (a) a person who has applied under Division 1 of Part 3 of the Act for registration to provide a secure welfare service, or an unincorporated body on whose behalf such an application is made, whose application is not finally determined; or
- (b) a registered social service provider registered to provide a secure welfare service.

Subdivision 6—Suitability of premises

213 Service premises must be suitable to provide the service

The premises used by a provider of a social service for the provision of the social service must be suitable for the safe delivery of the social service.

214 Matters to be considered in relation to suitability of premises

For the purposes of regulation 213, in considering whether the premises used by a provider of a social service for the provision of the social service are suitable for the safe delivery of the social service, the Regulator may have regard to any relevant matter including the following—

- (a) the safety and accessibility requirements of service users;
- (b) the suitability of fixtures and fittings to enable the safe use of the premises;
- (c) any agreement or arrangement between the provider of the social service and the owner of the premises that relates to the safety of the premises or to the safety of facilities and fixtures at the premises;
- (d) whether the premises comply with any other law relating to the safety and use of the premises.

Division 2—Registration process

215 Request for further information

For the purposes of sections 21(4) and (5), 22(1)(b) and 27(4) and (5) of the Act, the prescribed time is 14 days.

216 Provisional registration

For the purposes of section 25(1) of the Act, the prescribed circumstances, in relation to the

provision of a social service, are that the Regulator is satisfied that—

- (a) the grant of the provisional registration would enable the social service to be provided to a service user that would not otherwise be provided with that service during the period of the proposed provisional registration; and
- (b) failure or refusal to grant the provisional registration would increase a risk to the safety of that service user.

Division 3—The Register

217 Information to be included in the Register

For the purposes of section 36(1)(l) of the Act, the following is prescribed information—

- (a) the services delivered by the registered social service provider as part of providing each type of social service for which the provider is registered;
- (b) each location at which the provider provides a service referred to in paragraph (a) and the services provided at that location;
- (c) if the provider is a relevant entity for which the Regulator is an integrated sector regulator—

- (i) any enforceable undertaking given by the entity under section 36C of the **Child Wellbeing and Safety Act 2005** in connection with a failure to comply with the Child Safe Standards; and
- (ii) any conviction or finding of guilt in relation to the entity for an offence against Part 6 of the **Child Wellbeing and Safety Act 2005**.

218 Circumstances in which information in the Register may be made public

For the purposes of section 36(5) of the Act, it is a prescribed requirement that information included on the Register may be made public if—

- (a) in the case of information described in section 36(1)(g) to (j) of the Act, the information has been included on the Register for not more than 8 years; or
- (b) in the case of information described in section 36(1)(f) of the Act, the information has been included on the Register for not more than 2 years after the enforceable undertaking expired or was withdrawn; or
- (c) in the case of any information described in section 36(3) of the Act, if the information has been included on the Register for not more than 2 years; or

- (d) in the case of any information described in regulation 217(c)(i), if—
 - (i) a decision to publish the enforceable undertaking has been made under section 36D(4) of the **Child Wellbeing and Safety Act 2005**; and
 - (ii) the information has been included on the Register for not more than 2 years after the enforceable undertaking expired or was withdrawn; and
- (e) in the case of any information described in regulation 217(c)(ii), if—
 - (i) a decision to publish information relating to the conviction or finding of guilt has been made under section 36I(1) of the **Child Wellbeing and Safety Act 2005**; and
 - (ii) the information has been included on the Register for not more than 8 years.

219 Decision not to publish information in the Register

For the purposes of section 37(a) of the Act, the prescribed circumstances are that the Regulator reasonably considers that the publication of the information in the Register—

- (a) may identify, or lead to the identification of—

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- (i) a service user or a member of staff of a social service provider; or
 - (ii) the street address of premises from which social services are provided; and
- (b) may compromise the privacy, safety or protection of a service user or member of staff of the social services provider.

Part 3—Social Services Standards

301 Prescribed service requirements

For the purposes of section 45(2) and (3) of the Act, a prescribed service requirement is a service requirement set out in Schedule 1.

Part 4—Notifications

401 Notification of criminal convictions

For the purposes of section 47(1)(f) of the Act, the following criminal convictions are prescribed—

- (a) any conviction for an indictable offence or for an offence which, if committed in Victoria, would be an indictable offence;
- (b) any other conviction for an offence of fraud or dishonesty punishable by imprisonment for a term of 3 months or more.

402 Notification of prescribed matters

(1) For the purposes of section 47(1)(h) of the Act, the following matters are prescribed—

- (a) if an exemption from a requirement of registration has been granted under section 32 of the Act
 - (i) any changes to the information that formed the basis for the exemption that are required by the Regulator; and
 - (ii) the information set out in Schedule 2, to the extent that the information is not required under section 47(1)(e) and (f) of the Act;
- (b) if a person or body is taken to be registered or taken to be granted a registration as the provider of a social service under Part 11 of

the Act, the information set out in Schedule 2;

- (c) if there has been a change to key personnel, in relation to new key personnel, the information required under the Act to be provided in relation to key personnel on registration, other than information required to be provided under section 47(1)(f) of the Act.

- (2) For the purposes of subregulation (1)(c), a change to key personnel does not include the employment or engagement of a person to act as a member of key personnel for a period of 28 days or less.

403 Prescribed notification periods

- (1) For the purposes of section 47(2)(b) of the Act, the prescribed period in the case of any change referred to in section 47(1)(a), (c), (d), (e) or (g) of the Act is the period of 28 days after the change occurs.
- (2) For the purposes of section 47(2)(b) of the Act, the prescribed period in the case of any change referred to in section 47(1)(b) of the Act is—
 - (a) in the case of a registered social service provider of a supported residential service, the period of 7 days after the change occurs;
 - or

- (b) in the case of a registered social service provider that is an unincorporated body that does not have a committee of management, the period of 7 days after the change occurs; or
 - (c) in the case of any other registered social services provider, the period of 28 days after the change occurs.
- (3) For the purposes of section 47(2)(b) of the Act, the prescribed period in the case of any conviction referred to in section 47(1)(f) of the Act, is the period of 7 days after the conviction becomes known to the registered social services provider.
- (4) For the purposes of section 47(2)(b) of the Act, the prescribed period in the case of any matter prescribed for the purposes of section 47(1)(h) of the Act, is—
- (a) in the case of a matter set out in clauses 1 to 5 of Schedule 2, the period of 7 days after the matter becomes known to the registered social service provider; or
 - (b) in any other case, within 28 days after the matter occurs.

404 Notifiable incidents

- (1) For the purposes of section 48(2)(c) of the Act, the following incidents are prescribed—
- (a) the unexpected death of a service user;

- (b) an incident, (other than an incident referred to in section 48(2)(a) or (b)) that results in serious injury to a service user who is a resident of a supported residential service.
- (2) For the purposes of section 48(3)(b) of the Act, the following information is prescribed—
- (a) the name of the registered social service provider;
 - (b) the name and type of social service to which the serious incident relates;
 - (c) the address for delivery of the social service;
 - (d) the details of the incident, including—
 - (i) the type of incident that occurred; and
 - (ii) the nature and type of harm that occurred; and
 - (iii) where the incident occurred; and
 - (iv) the date and time the incident occurred;
 - (e) details of any service users or other persons involved in or affected by the incident;
 - (f) details of the registered social service provider’s actions and the response in relation to the incident, including—
 - (i) whether emergency services attended; and

- (ii) the steps taken to meet the immediate safety needs (if applicable) of the service user; and
- (iii) any changes made to the delivery of the social service as a result of the incident;
- (g) details of names of persons notified of the incident and the date and time of that notice;
- (h) the name and contact details of the person notifying the Regulator of the incident;
- (i) if notice of the incident is given in writing—
 - (i) the signature of the person giving the notice; and
 - (ii) a declaration by that person verifying the accuracy of the information given in the notice.

(3) In this regulation—

injury means either or both of the following, whether temporary or permanent—

- (a) physical injury;
- (b) psychological injury;

serious injury means an injury (including the cumulative effect of more than one injury) that—

- (a) endangers life; or
- (b) is substantial.

405 Regulator may request further information

For the purposes of section 50(1)(b) of the Act,
the prescribed time is 14 days after the request is
made.

Part 5—Worker and Carer Exclusion Scheme

Division 1—Application of worker and carer exclusion scheme

501 WCES services

For the purposes of the definition of *WCES service* in section 3 of the Act, the worker and carer exclusion scheme applies to the following services—

- (a) a foster care service;
- (b) a service caring for children in an out of home care residence managed by an out of home care service;
- (c) a service providing services to children at an out of home care residence managed by an out of home care service;
- (d) a secure welfare service;
- (e) a service providing services to children at a secure welfare service.

502 WCES service providers

For the purposes of the definition of *WCES service provider* in section 3(1) of the Act, a WCES service provider is a body that—

- (a) provides a WCES service; and

- (b) employs or engages a WCES worker or carer to provide a WCES service.

503 Exclusion for volunteer workers other than foster carers

The worker and carer exclusion scheme does not apply to a person who is engaged by a WCES service on a voluntary basis, other than as a foster carer.

504 Regulatory entities

For the purposes of paragraph (c) of the definition of *regulatory entity* in section 51 of the Act, each body set out in Schedule 3 is prescribed to be a regulatory entity in respect of the WCES workers or carers specified in that Schedule for that body.

Division 2—WCES worker or carer conduct

505 Conduct that may lead to exclusion

- (1) For the purposes of section 52(d) of the Act, the following conduct is prescribed—
 - (a) a sexual offence committed against, with or in the presence of, a WCES service user or a person with the characteristics of a WCES service user, whether or not a criminal proceeding in relation to the offence has been commenced or concluded;
 - (b) sexual misconduct committed against, with or in the presence of, a WCES service user

- or a person with the characteristics of a WCES service user;
- (c) physical violence committed against, with or in the presence of, a WCES service user or a person with the characteristics of a WCES service user;
 - (d) any behaviour that causes significant emotional or psychological harm to a WCES service user or a person with the characteristics of a WCES service user;
 - (e) significant neglect of a WCES service user or a person with the characteristics of a WCES service user.
- (2) In this regulation, *sexual misconduct*, *sexual offence* and *significant* have the same meanings as in the **Child Wellbeing and Safety Act 2005**.

506 Prescribed exclusion decisions

For the purposes of Part 5 of the Act, the following decisions are prescribed to be exclusion decisions—

- (a) the suspension of a person's WWC clearance under section 79 of the **Worker Screening Act 2020**;
- (b) the suspension under section 2.6.27(2) of the **Education and Training Reform Act 2006** of a person's registrations under Part 2.6 of that Act;

- (c) the cancellation under section 2.6.29 of the **Education and Training Reform Act 2006** of a person's registrations under Part 2.6 of that Act;
- (d) a prohibition order made under section 132 of the **Disability Service Safeguards Act 2018** on a ground set out in section 133(b) of that Act.

Division 3—WCES database

507 Application for removal of exclusion from database

- (1) For the purposes of section 88(1) of the Act, the following are the prescribed circumstances in which an application may be made—
 - (a) the applicant's circumstances have changed and—
 - (i) at least 12 months has elapsed since information relating to the applicant was placed on the WCES database; and
 - (ii) the applicant no longer poses an unjustifiable risk of harm to WCES service users;
 - (b) the applicant's exclusion was determined on the basis of conduct that was the subject of—
 - (i) a disciplinary or regulatory finding made under another enactment that was

quashed or set aside after the date of the exclusion decision; or

- (ii) a finding of guilt for an offence that was quashed or set aside after the date of the exclusion decision.

- (2) For the purposes of section 88(2) of the Act, the prescribed form is the form in Schedule 4.

Division 4—Offences

508 Notification to employer of investigation or referral

- (1) For the purposes of section 91(1) of the Act, the prescribed time is as soon as is reasonably practicable, but within 2 days, after the person receives the notice under section 56 or section 64 of the Act (as the case requires).
- (2) A notice given by a person under section 91(1) of the Act must include the following information in relation to the person, as applicable—
 - (a) the Regulator is investigating the person’s conduct;
 - (b) the Regulator has or has not referred a matter relating to the person’s conduct to a Panel for determination.
- (3) For the purposes of section 91(2) of the Act, the prescribed time is as soon as is reasonably practicable, but within 2 days, after the person receives notice of the exclusion decision.

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Part 5—Worker and Carer Exclusion Scheme

Part 6—Enforcement

601 Infringement offences and penalties

- (1) For the purposes of section 151(1) of the Act, an offence specified in column 2 of the table in Schedule 5 is prescribed as an infringement offence.
- (2) For the purposes of section 151(3) of the Act, the prescribed infringement penalty for an infringement offence is the amount specified in column 3 of the table in Schedule 5 in respect of that infringement offence.

Part 7—Information collection, use and disclosure

701 Prescribed relevant agencies

For the purposes of paragraph (h) of the definition of *relevant agency* in section 189 of the Act, the following entities are prescribed—

- (a) the Disability Worker Registration Board;
- (b) the Victorian Disability Worker Commission;
- (c) the Victorian Disability Worker Commissioner;
- (d) the Victorian Institute of Teaching.

702 Form of confidentiality notice

For the purposes of section 201(2)(a) of the Act, the prescribed form of a confidentiality notice is the form in Schedule 6.

Schedules

Schedule 1—Service requirements

Regulation 301

Part 1—Preliminary

1 Purpose

The purpose of this Schedule is to prescribe service requirements for the Social Services Standards.

2 Interpretation

In this Schedule—

authorised representative, in relation to a service user, means a person who is—

- (a) a guardian of the service user; or
- (b) an attorney for the service user under an enduring power of attorney; or
- (c) a medical treatment decision maker for the service user within the meaning of the **Medical Treatment Planning and Decisions Act 2016**; or
- (d) an administrator within the meaning of the **Guardianship and Administration Act 2019** for the service user; or

- (e) subject to paragraph (f), a parent of a service user, if the service user is a child; or
- (f) the Secretary, if the Secretary has parental responsibility for the child under the **Children, Youth and Families Act 2005**;

social service worker means an individual employed or engaged by a registered social service provider to deliver a social service, including as a volunteer.

trauma-informed practice, in relation to the delivery of a social service, means a practice that recognises and is informed by how trauma may affect people accessing the social service and the persons who deliver the social service.

3 Meaning of informed consent

In this Schedule, a person gives *informed consent* if the person—

- (a) has decision-making capacity in relation to a matter; and
- (b) has been given adequate information to enable the person to make an informed decision; and
- (c) has been given a reasonable opportunity to make the decision; and

- (d) has given consent freely without undue pressure or coercion by any other person; and
- (e) has not withdrawn consent or indicated any intention to withdraw consent.

4 Decision-making capacity

- (1) For the purposes of clause 3, a person has *decision-making capacity* to make a decision in relation to a matter if the person is able to do the following—
 - (a) understand the information relevant to the decision and the effect of the decision;
 - (b) retain that information to the extent necessary to make the decision;
 - (c) use or weigh that information as part of the process of making the decision;
 - (d) communicate the decision and the person's views and needs as to the decision in some way, including by speech, gestures or other means.
- (2) For the purposes of subclause (1), a person is presumed to have decision-making capacity unless there is evidence to the contrary.

5 Outcomes of service requirements

An outcome of a service requirement set out in Part 2 does not form part of the service

requirement but sets out the purpose intended to be achieved by the service requirement.

Part 2—Prescribed service requirements

Division 1—Safe service delivery

6 Prescribed service requirements

This Division sets out the service requirements for the safe service delivery standard in section 39 of the Act.

7 Service user safety

- (1) A registered social service provider must implement and maintain practices that identify and reduce the risk of harm to service users in the delivery of social services, including the delivery of online services.
- (2) The outcome intended to be achieved by the requirement in subclause (1) is to protect service users from avoidable harm in the course of the delivery of social services.
- (3) In this clause—
harm includes any harm that is caused by abuse, neglect, exploitation or improper treatment of service users, or by discrimination against service users.

8 Needs assessments and service planning

- (1) A registered social service provider must assess and review each service user's needs, taking into account the service user's individual circumstances and the goals of the service user.
- (2) If a service user is provided with social services and other services delivered by other providers, the registered social service provider must plan and coordinate the provision of the social services having regard to the other services and providers and the service user's preferences.
- (3) The outcome intended to be achieved by the service requirements in subclauses (1) and (2) is for registered social service providers to take into account the needs, circumstances and goals of service users in providing a social service.

9 Health and wellbeing

- (1) A registered social service provider must implement and maintain practices to ensure that—
 - (a) social services provided to a service user support the health and wellbeing of the service user; and
 - (b) the delivery of the social services is consistent with current evidence-informed practice, including trauma-informed practice.
- (2) The outcome intended to be achieved by the service requirements in subclause (1) is that

service users receive services that support their health and wellbeing.

(3) In subclause (1)—

evidence-informed practice means best practice informed by current research, the skills, knowledge and experience expected of registered social service providers and the experience of service users.

10 Cultural safety and inclusion

- (1) A registered social service provider must ensure that social services delivered to a service user respect the service user's cultural identity and lived experience.
- (2) A registered social service provider must ensure service workers access training and are supported to deliver culturally safe services that respect each service user's cultural identity and experience.
- (3) The outcome intended to be achieved by the service requirements in subclauses (1) and (2) is that service users receive social services that are culturally safe.

11 Aboriginal cultural safety and inclusion

- (1) A registered social service provider must ensure that, with respect to Aboriginal service users—
 - (a) a service user's ability to express the service user's culture and enjoy the service user's

- cultural rights is encouraged and actively supported; and
- (b) strategies are embedded within the organisation of the registered social service provider that equip all members and workers of the organisation to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal persons; and
 - (c) measures are adopted by the registered social service provider to ensure racism within the organisation of the social service provider is identified, confronted and not tolerated and that instances of racism are addressed with appropriate consequences; and
 - (d) the registered social service provider actively supports and facilitates participation and inclusion within its organisation by Aboriginal persons and the families of Aboriginal persons; and
 - (e) all of the registered social service provider's policies, procedures, systems and processes together create a culturally safe and inclusive environment and meet the needs of Aboriginal persons and the families of Aboriginal persons.

- (2) The outcome intended to be achieved by the service requirements in subclause (1) is that Aboriginal service users receive social services that are culturally safe.

Division 2—Service user agency and dignity standard

12 Service requirements

This Division sets out the service requirements for the service user agency and dignity standard in section 40 of the Act.

13 Dignity and respect

A registered social service provider must implement and maintain practices which ensure that—

- (a) each service user is treated with dignity and respect, acknowledging the service user's individual diversity; and
- (b) social services are delivered free from discrimination.

14 Service user rights and responsibilities

A registered social service provider must implement and maintain practices that—

- (a) support each service user to freely exercise the service user's rights and responsibilities; and

- (b) acknowledge a service user’s right to personal privacy.

15 Advocacy and support

A registered social service provider must implement and maintain practices that support service users to freely access any relevant independent or State-funded advocacy services or other relevant support services.

16 Outcomes for service requirements in clauses 13, 14 and 15

The outcome intended to be achieved by the service requirements in clauses 13, 14 and 15 is that the rights of service users are promoted and upheld.

17 Clear and accessible information

A registered social service provider must provide clear, comprehensive and accurate information about the following matters in a way that is accessible to and understandable by service users—

- (a) the social services that are provided and, if applicable, any relevant service or activity that is not provided by the registered social service provider;
- (b) the fees and costs for the social services provided;

- (c) the rights and responsibilities of service users in relation to the provision of social services;
- (d) the processes for lodging feedback, complaints or concerns in relation to social service delivery or safety;
- (e) the processes for dispute management in relation to social service delivery or safety.

18 Service user inclusion and participation

A registered social service provider must implement and maintain practices that support each service user and the service user's support persons to actively participate in making service-related decisions.

19 Informed consent

- (1) A registered social service provider must, before providing any social service to a service user, obtain and document the informed consent of—
 - (a) the service user; or
 - (b) the service user's authorised representative; or
 - (c) if the service user does not have decision-making capacity, a person authorised by law to make decisions for the service user in relation to the provision of the social service.

- (2) A registered social service provider is not required to obtain informed consent to the provision of a social service if the registered social service provider is authorised or required under another Act or law to provide the social service without the consent of the service user and the registered social service provider—
- (a) complies with the requirements of that Act or law, including any notification requirements; and
 - (b) unless notification is required under that Act or law, notifies the following persons as soon as practicable of the provision of the social service without informed consent and of the legal authority or requirement to do so—
 - (i) the service user;
 - (ii) the service user's authorised representative;
 - (iii) if the service user does not have decision-making capacity, a person authorised by law to make decisions for the service user in relation to the provision of the social service.

Example

The informed consent of a service user may not be required if a child is placed at a secure welfare service under section 242(5) or 247A(4) of the **Children, Youth and Families**

Act 2005 because there is a substantial and immediate risk of harm to the child.

20 Outcomes for service requirements in clauses 17, 18 and 19

The outcome intended to be achieved by the service requirements in clauses 17, 18 and 19 is that service users can exercise their agency and participate in decisions about the social services they receive.

21 Connections to culture, family, friends and community

- (1) A registered social service provider must implement and maintain practices that support service users to maintain connections to service users' culture, family, friends and community.
- (2) The outcome intended to be achieved by the service requirement in subclause (1) is that service users' connections to culture, family, friends and community are supported and respected.

Division 3—Safe service environment standard

22 Service requirements

This Division sets out the service requirements for the safe service environment standard in section 41 of the Act.

23 Safe, secure and fit-for-purpose premises, facilities and equipment

- (1) A registered social service provider who delivers social services at premises that the registered social services provider owns or occupies must—
 - (a) identify and reduce hazards and risks of harm to service users relating to the premises, facilities, equipment, furniture and fittings used to deliver social services; and
 - (b) ensure that the premises, facilities, equipment, furniture and fittings used to deliver social services are suitable for the provision of the service, including having regard to the accessibility needs of service users; and
 - (c) ensure that the premises, facilities, equipment, furniture and fittings used to deliver social services are maintained in a safe and serviceable condition; and
 - (d) in the case of a registered social service provider who occupies but does not own the premises, enter into any arrangements or agreements necessary to comply with the requirements of paragraphs (a), (b) and (c).
- (2) A registered social service provider who delivers social services at a place other than premises owned or occupied by the service provider must implement and maintain practices to manage risks to ensure the safe delivery of social services at that place.

24 Personal and private property

A registered social service provider must implement and maintain practices to secure service users' personal and private property—

- (a) at the registered social service provider's premises, if the social services are delivered at premises owned or occupied by the registered social service provider; and
- (b) if the social services are delivered at a place other than premises owned or occupied by the registered social service provider, while the social services are delivered at that place.

25 Natural light, ventilation, heating and cooling

A registered service provider must ensure that the premises at which social services are delivered, including any private premises, have adequate natural light, ventilation, heating and cooling at a safe and comfortable temperature.

26 Outcomes for service requirements in clauses 23, 24 and 25

The outcome intended to be achieved by the service requirements in clauses 23, 24 and 25 is that social services are provided in an environment that supports service user safety, health and wellbeing.

27 Emergency management planning

- (1) A registered social service provider must implement and maintain practices—
 - (a) to manage the risk of harm in an emergency;
and
 - (b) to provide clear directions to service workers and service users on what to do in an emergency.
- (2) The outcome intended to be achieved by the service requirements in subclause (1) is that emergency planning and management protects service users from risks of harm.

Division 4—Feedback and complaints standard

28 Service requirements

This Division sets out the service requirements for the feedback and complaints standard in section 42 of the Act.

29 Feedback

A registered social service provider must seek feedback, in accordance with any guidelines issued under section 18 of the Act, from service users or the service users' support persons about service safety.

30 Systems and processes

- (1) A registered social service provider must implement and maintain systems and processes to

receive, investigate, respond to, resolve, support and report on feedback, complaints or concerns about social service safety.

- (2) A registered social service provider must inform service users about their right to raise matters of service safety with the Regulator for the purpose of monitoring and enforcing compliance with the Social Service Standards.

31 Response to feedback, complaints and concerns

- (1) A registered social service provider must acknowledge and respond to feedback, complaints or concerns of service users and the service users' support persons in a way that—
 - (a) is confidential; and
 - (b) is appropriate and accessible to service users; and
 - (b) is without reprisal to the service user or support person; and
 - (c) meets timeframes agreed with the service user or support person.
- (2) A registered social service provider must use the feedback, complaints and concerns of service users and support persons to inform continuous improvements to safe social service design and delivery.

32 Dispute management

If requested, a registered social service provider must assist service users and the service users' support persons to access services to manage and resolve disputes between the service users and the registered social service provider about the delivery of social services, whether or not the dispute management services are delivered by the registered social service provider or another provider.

33 Outcomes for service requirements in this Division

The outcomes intended to be achieved by the service requirements in this Division are the following—

- (a) service users understand complaint handling processes and are supported to provide feedback, complaints or concerns relating to service safety and quality;
- (b) service users are protected from reprisal when providing feedback, complaints or concerns about service safety and quality;
- (c) service user feedback, complaints or concerns are promptly acknowledged and dealt with.

Division 5—Accountable organisational governance standard

34 Service requirements

This Division sets out the service requirements for the accountable organisational governance standard in section 43 of the Act.

35 Accountable governance and leadership

A registered social service provider must implement and maintain governance arrangements to provide for leadership accountability for, and continuous improvement of, service user safety.

36 Safe and inclusive practice culture

A registered social service provider must implement and maintain practices that support service workers to raise concerns confidentially, without reprisal, to assist in safe social service delivery.

37 Incident and adverse event reporting

A registered social service provider must implement and maintain an incident management system that transparently records, reports on and responds to incidents and adverse events relating to safe social service delivery, to improve safe social service delivery.

38 Outsourced services

If a registered social service provider engages contractors or other persons (other than employees) to deliver social services in whole or partially—

- (a) the registered social service provider remains accountable for safe social service delivery; and
- (b) the registered social service provider must have governance and contractual arrangements in place that hold those contractors and other persons to account to the registered social service provider for safe social service delivery.

39 Outcomes for service requirements in this Division

The outcomes intended to be achieved by the service requirements in this Division are the following—

- (a) governance arrangements are transparent and accountable;
- (b) governance and leadership arrangements support service users' safety, agency and dignity;
- (c) registered social service providers have governance and leadership arrangements in place to identify, monitor and reduce risk and improve safe social service delivery and service quality.

Division 6—Safe workforce standard

40 Service requirements

This Division sets out the service requirements for the safe workforce standard in section 44 of the Act.

41 Workforce recruitment

A registered social service provider must implement and maintain recruitment practices that give priority to service user safety and wellbeing.

42 Workforce training

A registered social service provider must ensure service workers access ongoing training and are supported to deliver safe social services.

43 Worker performance and conduct

A registered social service provider must implement and maintain practices to monitor and manage service worker performance and conduct to deliver safe social services.

44 Workforce planning

A registered social service provider must implement and maintain practices for planning and managing a workforce that is adequately supported to deliver safe social services.

45 Outcomes for service requirements in this Division

The outcomes intended to be achieved by the service requirements in this Division are that—

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- (a) service workers have the knowledge and capability to deliver safe social services; and
- (b) service workers are adequately supported to deliver safe social services; and
- (c) service workers are supervised and managed to deliver safe social services.

**Schedule 2—Information to be notified to
Regulator by service providers exempt from
registration requirements**

Regulation 402(1)

1. Any change to the criminal history of the registered social service provider and the key personnel of the registered social service provider after the registration of the registered social service provider.
2. Any findings by a relevant regulator or tribunal of misconduct of the registered social service provider or a member of the key personnel of the registered social service provider that are made after the registration of the registered social service provider.
3. Any findings or judgment in relation to fraud, misrepresentation or dishonesty in any civil proceedings about the registered social service provider or a member of the prescribed key personnel of the registered social service provider that are made after the registration of the registered social service provider.
4. Any revocation, sanction, condition or restriction that is placed on the provider of a social service

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Schedule 2—Information to be notified to Regulator by service providers
exempt from registration requirements

owned or managed wholly or in part by the registered social service provider or a member of the prescribed key personnel of the registered social service provider after the registration of the registered social service provider.

5. The placement under administration of any business or service owned, provided or managed wholly or in part by the registered social service provider or a member of the prescribed key personnel of the registered social service provider.
6. Any significant reduction in insurance held by the registered social service provider in relation to the operation and management of the social service.
7. Any change to the financial capacity of the registered social service provider to provide the social service in compliance with the Act and these Regulations.

Schedule 3—Regulatory entities

Regulation 504

1. A National Health Practitioner Board, in respect of a WCES worker or carer who is, or was previously, a health practitioner regulated by that Board.
2. The Commission for Children and Young People, in respect of a WCES worker or carer who is, or was previously, an employee of an entity to which Part 5A or 6 of the **Child Wellbeing and Safety Act 2005** applies.
3. The Disability Worker Registration Board, in respect of a WCES worker or carer who is, or was previously, a disability worker regulated by that Board.
4. The Victorian Disability Worker Commission, in respect of a WCES worker or carer who is, or was previously, a disability worker regulated by that Commission.
5. The Victorian Institute of Teaching, in respect of a WCES worker or carer who is, or was previously, a teacher regulated by that Institute.

6. The Secretary to the Department of Justice and Community Safety, in respect of a WCES worker or carer who holds, or was previously required to hold, a WWC clearance within the meaning of the **Worker Screening Act 2020**.
7. The Secretary to the Department of Justice and Community Safety, in respect of a WCES worker or carer who holds, or was previously required to hold, an NDIS clearance within the meaning of the **Worker Screening Act 2020**.
8. The NDIS Quality and Safeguards Commission, in respect of a WCES worker or carer who is, or was previously, employed or engaged by an NDIS provider.
9. The Aged Care Quality and Safety Commission established under the Aged Care Quality and Safety Commission Act 2018 of the Commonwealth, in respect of a WCES worker or carer who is, or was previously, employed or engaged by an approved provider within the meaning of that Act.
10. The Ombudsman appointed under the Ombudsman Act 1989 of the Australian Capital Territory, in respect of a WCES worker or carer who is, or was previously, an employee of an entity to which Division 2.2A of Part 2 of that Act applies.

11. The commissioner for fair trading, in respect of a WCES worker or carer who is, or was previously, engaged in a regulated activity relating to children for which they were required to be registered under the Working with Vulnerable People (Background Checking) Act 2011 of the Australian Capital Territory.
12. The Children’s Guardian appointed under the Children’s Guardian Act 2019 of New South Wales, in respect of a WCES worker or carer who —
 - (a) is, or was previously, an employee of a relevant entity to which Part 4 of the Children’s Guardian Act 2019 of New South Wales applies; or
 - (b) holds, or was previously required to hold, a working with children check clearance under the Child Protection (Working with Children) Act 2012 of New South Wales.
13. The Screening Authority under the Care and Protection of Children Act 2007 of the Northern Territory, in respect of a WCES worker or carer who is, or was previously, engaged in child-related employment for which a clearance notice is required under Part 3.1 of that Act.
14. The chief executive under the Working with Children (Risk Management and Screening) Act 2000 of Queensland, in respect of a WCES worker

or carer who is, or was previously, engaged in regulated employment relating to the care of children for which a working with children clearance is, or was, required under Division 9 of Part 4 of Chapter 8 of that Act.

15. The central assessment unit under the Child Safety (Prohibited Persons) Act 2016 of South Australia in respect of a WCES worker or carer who is, or was previously, engaged in child-related work for which a working with children check is, or was, required under Part 5 of that Act.
16. The Registrar appointed under the Registration to Work with Vulnerable People Act 2013 of Tasmania, in respect of a WCES worker or carer who is, or was previously, engaged in a child-related activity for which the WCES worker or carer is, or was previously required to be, registered under that Act.
17. The CEO under the Working with Children (Criminal Record Checking) Act 2004 of Western Australia, in respect of a WCES worker or carer who is, or was previously, engaged in child-related work for which a current assessment notice is, or was, required under that Act.

Schedule 4—Application to remove exclusion information from WCES database

Regulation 507(2)

Social Services Regulation Act 2021

(Section 88(2))

APPLICATION TO REMOVE EXCLUSION INFORMATION FROM WCES DATABASE

Applicant's details

Title:

Full name:

Residential address:

Postal address (if different):

Date of birth:

Telephone: Is a text telephone required? *Yes/*No

Interpreter required? *Yes/*No (if yes, please specify the language)

Exclusion decision

Date of exclusion decision:

Description of exclusion decision:

*Determination of Panel under section 79(1)(a) of the Act

*Interim exclusion under section 70 of the Act

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Schedule 4—Application to remove exclusion information from WCES
database

*WWC exclusion or an interim WWC exclusion under the **Worker Screening Act 2020**

*Suspension of WWC clearance under section 79 of the **Worker Screening Act 2020**

*Suspension of registrations under section 2.6.27(2) of the **Education and Training Reform Act 2006**

*Cancellation of registrations under section 2.6.29 of the **Education and Training Reform Act 2006**

*Prohibition order made under section 132 of the **Disability Service Safeguards Act 2018**

Grounds for application

Specify the reasons why the information should be removed from the WCES database:

**Explain how your circumstances have changed since the information was placed on the WCES database and why you no longer pose an unjustifiable risk of harm to WCES service users.*

OR

*The relevant disciplinary or regulatory finding was quashed or set aside on [specify date].

OR

*The relevant finding of guilt was quashed or set aside on [specify date].

Attach photocopies of any documents or references in support of your application (e.g. medical reports, counselling reports, employment history, training records, official report that the disciplinary or regulatory finding was quashed or set aside, court report of the decision quashing or setting aside the finding of guilt).

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Schedule 4—Application to remove exclusion information from WCES
database

Applicant's signature:

Date:

* Delete if not applicable.

Schedule 5—Infringement offences

Regulation 601

<i>Column 1 Item</i>	<i>Column 2 Infringement offence</i>	<i>Column 3 Infringement penalty</i>
1	An offence against section 47(1) of the Act	2 penalty units for an individual 10 penalty units for a body corporate
2	An offence against section 48(1) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
3	An offence against section 77 of the Act	5 penalty units for an individual 10 penalty units for a body corporate
4	An offence against section 85(1) of the Act	6 penalty units
5	An offence against section 85(2) of the Act	6 penalty units
6	An offence against section 91(1) of the Act	6 penalty units
7	An offence against section 91(2) of the Act	6 penalty units

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8	An offence against section 95(1) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
9	An offence against section 97(1) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
10	An offence against section 109(7) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
11	An offence against section 111(1) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
12	An offence against section 122(2) of the Act	6 penalty units for an individual 24 penalty units for a body corporate
13	An offence against section 133(1) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
14	An offence against section 135(1) of the Act	12 penalty units for an individual 60 penalty units for a body corporate

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15	An offence against section 136(1) of the Act	12 penalty units for an individual 60 penalty units for body corporate
16	An offence against section 136(2) of the Act	2 penalty units for an individual 10 penalty units for a body corporate
17	An offence against section 148 of the Act	6 penalty units for an individual 30 penalty units for a body corporate
18	An offence against section 149 of the Act	2 penalty units for an individual 10 penalty units for a body corporate
19	An offence against section 204(1) of the Act	1 penalty unit
20	An offence against section 216(2) of the Act	1 penalty unit for an individual 5 penalty units for a body corporate

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21	An offence against section 216(3) of the Act	1 penalty unit for an individual 5 penalty units for a body corporate
22	An offence against section 217(1) of the Act	1 penalty unit for an individual 5 penalty units for a body corporate
23	An offence against section 217(2) of the Act	1 penalty unit for an individual 5 penalty units for a body corporate
24	An offence against section 217(3) of the Act	1 penalty unit for an individual 5 penalty units for a body corporate
25	An offence against section 218 of the Act	6 penalty units for an individual 30 penalty units for a body corporate

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26	An offence against section 219 of the Act	6 penalty units for an individual 30 penalty units for a body corporate
27	An offence against section 220(1) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
28	An offence against section 220(2) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
29	An offence against section 221(2) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
30	An offence against section 221(3) of the Act	6 penalty units for an individual 30 penalty units for a body corporate

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31	An offence against section 221(4) of the Act	6 penalty units
32	An offence against section 221(5) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
33	An offence against section 221(6) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
34	An offence against section 224(1) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
35	An offence against section 224(2) of the Act	6 penalty units for an individual 30 penalty units for a body corporate

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36	An offence against section 225(1) of the Act	2 penalty units for an individual 10 penalty units for a body corporate
37	An offence against section 225(2) of the Act	2 penalty units for an individual 10 penalty units for a body corporate
38	An offence against section 225(3) of the Act	2 penalty units for an individual 10 penalty units for a body corporate
39	An offence against section 236 of the Act	12 penalty units for an individual 60 penalty units for a body corporate
40	An offence against section 237(1) of the Act	12 penalty units for an individual 60 penalty units for a body corporate

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41	An offence against section 237(2) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
42	An offence against section 241(1) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
43	An offence against section 241(2) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
44	An offence against section 242(1) of the Act	6 penalty units for an individual 30 penalty units for a body corporate
45	An offence against section 242(2) of the Act	6 penalty units for an individual 30 penalty units for a body corporate

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46	An offence against section 245 of the Act	2 penalty units for an individual 10 penalty units for a body corporate
47	An offence against section 250 of the Act	2 penalty units for an individual 10 penalty units for a body corporate
48	An offence against section 269 of the Act	2 penalty units for an individual 10 penalty units for a body corporate

Schedule 6—Confidentiality notice

Regulation 702

Social Services Regulation Act 2021 CONFIDENTIALITY NOTICE

To: *[insert name of person subject to confidentiality notice]*

Address: *[insert address details]*

**THIS CONFIDENTIALITY NOTICE IS IMPORTANT.
PLEASE READ IT CAREFULLY.**

**FAILURE TO COMPLY WITH THIS CONFIDENTIALITY NOTICE
MAY BE AN OFFENCE.**

PENALTIES MAY APPLY.

1. What is this confidentiality notice?

This confidentiality notice is issued under section 201 of the **Social Services Regulation Act 2021** in respect of the following restricted matters:

[Describe the investigation or other circumstance to which the confidentiality notice relates]

[Specify the restricted matter or matters, including how the restricted matter relates to the recipient.]

Because you have been given this confidentiality notice, you are not permitted to disclose the above restricted matters except as described below in the section headed "***When are you authorised to disclose information?***".

If you disclose a restricted matter when you are not permitted to, you can face a fine of up to 10 penalty units.

*[See the **Social Services Regulation Act 2021**, section 204(1)]*

* You should also note that additional obligations under sections 52 and 53 of the **Public Interest Disclosures Act 2012** relating to confidentiality of

assessable disclosures and people who make assessable disclosures may apply to you.

2. Why have you been given this confidentiality notice?

You have been given this confidentiality notice because *the Social Services Regulator (**Regulator**)/*a Panel convened under Part 5 of the **Social Services Regulation Act 2021** (the **Panel**) considers that your disclosure of any of the restricted matters described above would be likely to prejudice:

- * • an investigation of a contravention of the **Social Services Regulation Act 2021** or the Social Services Regulations 2023; or
[See the **Social Services Regulation Act 2021**, section 201(1)(a)(i)]
- * • an investigation of a contravention of the Child Safe Standards within the meaning of section 3(1) of the **Child Wellbeing and Safety Act 2005**; or
[See the **Social Services Regulation Act 2021**, section 201(1)(a)(ii)]
- * • an investigation of conduct that may lead to the exclusion of a WCES worker or carer under the worker and carer exclusion scheme under Part 5 of the **Social Services Regulation Act 2021**; or
[See the **Social Services Regulation Act 2021**, section 201(1)(a)(iii)]
- * • the safety or reputation of a person;
[See the **Social Services Regulation Act 2021**, section 201(1)(b)]
- * • the fair trial of a person who has been, or may be, charged with an offence.
[See the **Social Services Regulation Act 2021**, section 201(1)(c)]

3. When are you authorised to disclose information?

Please read this section carefully. You can **only** disclose a restricted matter in the circumstances stated below.

If a person or an organisation does not appear under "You **can** disclose this restricted matter:" or under "**Can you disclose in any other circumstances?**",

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Schedule 6—Confidentiality notice

then you **cannot** disclose the restricted matter to that person or organisation. For example, if "your spouse or domestic partner" does not appear under those headings, then you **cannot** disclose the restricted matter to your spouse or domestic partner.

<p>Restricted matter: <i>[Specify restricted matter or matters]</i></p>	<p>You can disclose this restricted matter:</p> <ul style="list-style-type: none">* ✓ to your spouse or domestic partner.* ✓ to your employer or your manager or both.* ✓ to a registered health practitioner for the purpose of seeking advice or support in relation to the restricted matter.* ✓ to a trade union, if you are a member of that union, for the purpose of seeking advice or support in relation to the restricted matter.* ✓ to an employee assistance program, for the purpose of seeking advice or support in relation to the restricted matter.* ✓ to the Victorian WorkCover Authority for the purpose of a workers' compensation claim.* ✓ for the purpose of an application to the Fair Work Commission, including any related proceeding. <p>The *Regulator/*Panel has directed that you cannot disclose this restricted matter:</p> <ul style="list-style-type: none">* ✗ to your spouse or domestic partner.
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	<ul style="list-style-type: none">* X to your employer or your manager or both.* X to a registered health practitioner for the purpose of seeking advice or support in relation to the restricted matter.* X to a trade union, if you are a member of that union, for the purpose of seeking advice or support in relation to the restricted matter.* X to an employee assistance program, for the purpose of seeking advice or support in relation to the restricted matter.* X to the Victorian WorkCover Authority for the purpose of a workers' compensation claim.* X for the purpose of an application to the Fair Work Commission, including any related proceeding.
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Endnotes