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| Staffing requirements |
| Supported residential service fact sheet |
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# About the Social Services Regulator

The [*Social Services Regulation Act 2021*](https://www.legislation.vic.gov.au/in-force/acts/social-services-regulation-act-2021/001) (the Act), the [*Social Services Regulations 2023*](https://www.legislation.vic.gov.au/in-force/statutory-rules/social-services-regulations-2023/001) (the Regulations) and the [*Social Services (Supported Residential Services) Regulations 2024*](https://www.legislation.vic.gov.au/in-force/statutory-rules/social-services-supported-residential-services-regulations-2024/001)(the SRS Regulations) create a new regulatory framework for social services in Victoria. This framework puts the protection and safety of social services users at the centre of social services delivery.

The Social Services Regulator replaces the Human Services Regulator. The Social Services Regulator aims to strengthen protections for social services users to safeguard people from harm, abuse and neglect. Core objectives include:

* protecting the rights of service users
* supporting safe and effective social services delivery
* minimising the risk of avoidable harm in service delivery.

To help achieve these aims, there are six Social Services Standards that all registered social services providers must meet.

All service providers, including supported residential services (SRS) providers, must comply with the Act and the Regulations. SRS providers must also comply with specific requirements in the SRS Regulations. These include minimum staffing levels.

## What are my staffing requirements?

SRS providers require effective and capable staff to deliver safe services to residents.

Social Services Standard 6 on safe workforce relates specifically to policies and procedures SRS providers need to implement in the SRS, to safeguard service users and ensure staff are suitable for their roles. See Table 1 for more details.

The Regulationsalso have specific obligations SRS providers must meet when employing staff, with minimum requirements covering:

* employing an adequate number of trained staff, including a personal support coordinator
* ensuring the suitability of staff for their roles, including appropriate skills and qualifications
* ensuring an adequate number of staff are on duty (see [Table 2](#_Meeting_staffing_requirements) for further details)
* keeping up-to-date criminal checks of prospective employees
* complying with obligations if the personal support coordinator leaves or is absent.

**Table 1**: **Social Services Standards in focus**

| Social Services Standard | Outline of service requirements |
| --- | --- |
| **Standard 6: safe workforce** | To meet service requirements, SRS providers should:   * have recruitment practices that give priority to service user safety and wellbeing * ensure staff access ongoing training and are supported to deliver safe social services * monitor and manage staff performance and conduct to deliver safe social services * maintain practices for planning and managing a workforce that is adequately supported to deliver safe social services. |
| **Standard 5: accountable organisation governance** | To meet service requirements, SRS providers:   * must maintain governance arrangements to provide for leadership accountability and continuous improvement of service user safety * may help achieve this through the appointment of a manager with relevant qualifications, skills and experience * must implement practices that support staff to raise concerns confidentially, without reprisal, to assist in safe social service delivery. |

## Who are considered staff?

The Regulations state that staff in an SRS are:

* the SRS provider, or the director of the provider if it’s a body corporate
* a person employed or engaged by the SRS provider (not including volunteers or student placements)
* a person who provides services in exchange for accommodation at the supported residential service, or for benefits other than wages such as free meals, access to facilities or discounted fees.

# Meeting staffing requirements

## What do I have to do?

All SRS providers must make sure:

* their staff includes a trained personal support coordinator and personal support staff
* staff are equipped with the necessary knowledge and skills to support residents
* personal support staff can meet each resident’s needs in a timely manner and in line with their support plan
* to have more ancillary staff on duty if necessary, to ensure staff providing personal support to residents are not impacted by doing other tasks such as cleaning, cooking, or administrative duties.

### How many staff do I need on duty?

SRS providers must make sure there is always an adequate number of staff on duty.

The number of residents at an SRS and the level of support they require determines the number of appropriately trained staff you need. SRS’ with larger numbers of residents or where residents have high support needs, may need to employ additional staff.

For all SRS providers:

* if there are absences due to a staff member being ill or on other leave, you will still need to ensure your SRS has an adequate number of suitable staff on duty
* setting up your workforce planning approach and effective roster systems also helps you to meet the service requirements of Social Services Standard 6
* a risk management system that includes workforce planning risks and workplace policies on possible arrangements for unexpected staff shortages, may assist in maintaining appropriate staffing levels.

A staff member rostered at an SRS cannot perform other duties at the same time, such as providing NDIS funded services to residents. See Table 2 for further details.

**Table 2: Rostering requirements**

| Time period | Requirements |
| --- | --- |
| **Monday to Friday**  **Between 7 am and 7 pm** | a qualified personal support coordinator for a period of not less than 38 hours per week, with not less than two hours worked each day  at least one personal support staff member for every 30 residents or fraction of 30 residents  at least one staff member on duty who has current first aid and cardiopulmonary resuscitation training and can respond to any first aid or emergency issue  other staff (personal support and ancillary) as necessary to ensure the personal support needs of residents are fully met in a timely way in line with their support plans. |
| **Saturday and Sunday**  **Between 7 am and 7 pm** | at least one qualified (certificate III or higher) staff member for a period of not less than 15.2 hours, with not less than 3.2 hours worked on each day  at least one personal support staff member for every 30 residents or fraction of 30 residents  at least one staff member on duty who has current first aid and cardiopulmonary resuscitation training and can respond to any first aid or emergency issue  other staff (personal support and ancillary) as necessary to ensure the personal support needs of residents are fully met in a timely way in line with their support plans. |
| **At all other times** | at least one staff member on duty who has current first aid and cardiopulmonary resuscitation training and can respond to any first aid or emergency issue  other staff, (personal support and ancillary) as necessary to ensure the personal support needs of residents are fully met in a timely way in line with their support plans. |

## Employing suitable staff

SRS providers must make sure that their workforce has the knowledge, capability and support to deliver safe social services with care and skill.

By putting the needs of service users at the centre of service delivery, Standard 6 outlines that ‘a registered social service provider must implement and maintain recruitment practices that give priority to service user safety and wellbeing’.

Implementing tailored workforce policies to maintain suitable skillsets and capabilities of staff in the workplace is also important. When assessing the suitability of staff, SRS providers should consider:

* the person’s qualifications
* the person’s experience in a relevant SRS, including their management and compliance record
* referee statements
* the person’s criminal record check.

### Informing the Regulator of some appointments

There are particular requirements when employing some staff at an SRS.

SRS providers must notify the Regulator of changes to key personnel including personal support coordinators and managers, within seven days of their appointment.

Information on these requirements will be shared by the Regulator.

### Ensuring criminal history checks

All new employees must undergo a criminal record check before an SRS provider employs them at an SRS. This is also known as a police check.

#### Police check requirements

Providers must ask a potential employee to consent to a police check or to obtain a National Police Certificate.

Before offering employment, an SRS provider must make sure that the police check is issued no earlier than six months before the date the staff member starts working at the SRS.

SRS providers must:

* store all police checks securely
* ensure that any information in a criminal record check is not given (directly or indirectly) to anyone other than relevant Social Services Regulator employees in line with the Act, without the person’s consent.

#### Employing people with a criminal history

SRS providers must not employ a person whose criminal record check discloses certain convictions, which have a term of imprisonment for:

* + murder
  + manslaughter
  + a sexual offence, or any offence committed in another jurisdiction that is equivalent to a sexual offence
  + any other form of assault.

However, a provider may employ a person whose criminal record check discloses that they have been found guilty of any offence other than those specified above, if the provider considers that the person is suitable to be employed, having regard to:

* + the nature, seriousness, and relevance of the conviction
  + the role to be performed by the person.

The Australian Human Rights Commission may investigate complaints of discrimination in employment or recruitment practices, including discrimination on the basis of criminal record.

In Victoria, employers may not discriminate against an employee or potential employee based on a spent criminal conviction[[1]](#footnote-2).

### Personal support coordinators

An SRS must have a personal support coordinator who is responsible for the coordination and continuity of personal support provided to residents.

A proprietor may perform the role of the personal support coordinator if they have appropriate qualifications to do so. The role of personal support coordinator may also be shared between several qualified people.

Providers must inform the Regulator when appointing a new personal support coordinator using the section 47 process. The Regulator will share more information about these requirements.

To be employed as a personal support coordinator, a person must have one of the following qualifications awarded by a registered training organisation:

* + Certificate III in Individual Support
  + Certificate III in Home and Community Care
  + Certificate III in Disability
  + Certificate IV in Mental Health
  + Certificate IV in Alcohol and Other Drugs.

Alternatively, a personal support coordinator may hold:

* a qualification considered to be at least equivalent to the certificates referred to above. This qualification should be in a related client support area and recognised by a relevant authority
  + a current registration with either the Nursing and Midwifery Board of Australia or the Medical Board of Australia.

#### In the absence of a personal support coordinator

If a personal support coordinator resigns or their employment is terminated, an SRS provider must:

* notify the Social Services Regulator within seven days
  + employ a new personal support coordinator as soon as practicable
  + appoint an acting personal support coordinator until a permanent appointment is made.

A provider must also appoint an acting personal support coordinator if the incumbent personal support coordinator is absent for more than seven days.

If an acting personal support coordinator is employed for more than 12 weeks, they must have the same level of qualifications as a personal support coordinator.

## What training do staff need?

It is important to employ staff who are qualified to deliver safe services and can confidently undertake their roles. Some staff must have minimum qualifications, including:

* + the personal support coordinator
  + staff responsible for providing first aid
  + ancillary staff (where they need a qualification to perform their role)
  + the acting personal support coordinator, if employed for more than 12 weeks.

These training requirements are outlined in further detail below.

### Mental health training

The proprietor of an SRS, personal support coordinator and any person in a day-to-day management position at an SRS **must** undertake mental health training.

This training can be completed at any registered training organisation.

The training should enable staff to:

* + understand mental illness
  + recognise serious threats
  + interpret threats
  + take appropriate action.

### First aid training

There should always be at least one staff member on duty who is responsible for providing first-aid assistance. They must have completed first aid training consisting of at least one of:

* + a statement of attainment for the Health Training Package Unit HLTAID011 (Provide First Aid), renewed at least every three years
  + a certificate of attainment for the Health Training Package Unit HLTAID009 (Provide CPR), renewed annually.

The courses listed above are recognised as equivalent to the HLTFA301B and HLTCPR201A courses specified in the Regulations.

First aid training must be delivered by a registered training organisation approved to deliver the unit. Details of approved providers are at the [National register of vocational education and training](https://training.gov.au) <https://training.gov.au/>.

#### Keeping first aid training records

SRS providers must:

* keep a copy of employees’ certificates of completed first aid training
* store certifications in a secure location that is readily accessible by the Social Services Regulator’s authorised officers, if they wish to review these records as part of their inspection.

### Maintaining training requirements for personal support coordinators

A personal support coordinator must do a minimum of 40 hours training every three years in priority areas approved by the Social Services Regulator. See [Table 3](#_Appendix_1) for more details about the priority training areas.

Any training completed in the approved priority areas can be counted towards the 40-hour training requirement. Training requirements:

* can be met through training in person or online.
* mean that the SRS provider is responsible for ensuring their personal support coordinators complete appropriate training every three years of their employment in the SRS sector
* apply to *each person* employed as a personal support coordinator, even if they work part-time or at more than one SRS.

#### Timing to complete this training

Personal support coordinators may complete their 40 hours of training at any time over a three-year period.

The priority training requirement starts when a staff member begins their personal support coordinator role. For example, if a person commenced as a personal support coordinator in December 2021, they must complete the 40-hour training requirement by December 2024.

Travel time to venues to complete training is not recognised within the 40-hour requirement.

#### Keeping personal support coordinator training records

SRS providers may be required to show evidence that personal support coordinators have met their training requirements. Records should include:

* name of the personal support coordinator
* date employment commenced
* details of the courses attended (name and date of course, course provider, hours of attendance)
* copy of certificate of attendance
* copies of any other relevant training documents
* learning outcomes.

A personal support coordinator should carry records of their training with them if they move to a new facility and present them to their new employer.

### Training requirements for ancillary staff

An SRS may employ staff who carry out ancillary functions such as cooking, cleaning, and maintenance.

Staff who perform ancillary functions at an SRS must be appropriately trained and hold necessary qualifications to perform those functions.

For example, appropriate training or qualifications for ancillary staff who are responsible for the preparation of meals, includes food safety and food preparation competencies.

## What staff records do I need to keep?

SRS providers must keep records of staff for seven years, including:

* a staff member’s name
* date staff member engaged
* details of relevant qualifications or registrations
* details of role in the SRS
* a copy of the criminal record check completed when staff engaged
* date of termination of a staff member
* staff rosters.

# What is the role of the Regulator?

The Social Services Regulator is committed to protecting service users and will not hesitate to act to protect service users from harm, abuse and neglect. This includes taking enforcement action.

Registered social service providers in Victoria must meet the service requirements of Standard 6 on safe workforce. If an SRS provider does not have appropriate workforce policies about recruitment, training, performance management and planning to meet Social Services Standard 6, this breaches the Act.

Failure to meet obligations to adequately staff an SRS breaches the SRS Regulations and failing to employ suitable staff breaches theRegulations.

Failure to meet obligations may result in penalties that can include fines and prosecution.

# Useful resources and contacts

## Resources

* Information sheets on each Standard, including Standard 6, are available at <https://www.vic.gov.au/social-services-regulator-social-services-standards>
* Overview of the Standards – available at   
  <https://www.vic.gov.au/social-services-regulator-social-services-standards>

Fact sheets on requirements for SRS providers are at: <https://www.vic.gov.au/supported-residential-services>

This series of fact sheets on requirements for SRS providers under the Regulations include:

* Using a residential service agreement (RSA)
* Managing support plans
* Managing residents’ medication
* Staffing requirements
* Managing residents’ money.

## Contact us

For further information about staffing requirements not covered by this fact sheet, you can contact the Social Services Regulator:

* [email the Social Services Regulator](mailto:Email%20the%20Social%20Services%20Regulator) <enquiries@ssr.vic.gov.au>.

# Appendix 1

A personal support coordinator must do a minimum of 40 hours training every three years in priority areas approved by the Social Services Regulator. See Table 3 for further details.

Table 3: Priority training areas 2022-2025

|  |  |
| --- | --- |
| Subject | Suggested topics |
| Supporting resident health | mental health  recognising and reporting changes in residents’ health status  public health and hygiene, including infection prevention and control  medication storage and management  supporting residents with complex care needs  first aid and CPR  proactive health and wellbeing, including nutrition and exercise |
| Responding to challenging behaviours | alcohol and other drugs  aggression  recognise and respond appropriately to family violence, including financial abuse, violence and threatening or controlling behaviour. |
| Facilitating access to health and support services | interacting with the NDIS Quality and Safeguards Commission and the National Disability Insurance Agency  support planning and ongoing support of residents. |
| Preparing for and responding to incidents | emergency planning and response  responding to allegations of sexual assault  responding to and handling complaints  record keeping and reporting |
| Supporting resident choice and independence | communication skills  supported decision making  resident participation and engagement strategies |

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1. For more information see <https://www.humanrights.vic.gov.au/for-individuals/spent-conviction/> [↑](#footnote-ref-2)