

|  |
| --- |
| Suitability requirements |
| Demonstrating suitability in the registration process |
|  |

## Contents

[The Social Services Regulator 1](#_Toc186204253)

[Registering with the Social Services Regulator 2](#_Toc186204254)

[Meeting registration requirements 2](#_Toc186204255)

[How is suitability tested? 3](#_Toc186204256)

[How does a provider demonstrate suitability to deliver social services? 3](#_Toc186204257)

[How do I prepare? 5](#_Toc186204258)

[Key personnel 5](#_Toc186204259)

[Premises 7](#_Toc186204260)

[Operations 7](#_Toc186204261)

[Are there any other suitability requirements I should know about? 8](#_Toc186204262)

[What should I do if I have questions? 9](#_Toc186204263)

[Ongoing requirements 9](#_Toc186204264)

[Appendix 1: Key personnel 10](#_Toc186204265)

[Appendix 1.1: Qualifications, skills and experience 10](#_Toc186204266)

[Appendix 1.2: Criminal history and regulatory sanctions 11](#_Toc186204267)

[Appendix 2: Premises suitability 13](#_Toc186204268)

[Appendix 3: Business structures 15](#_Toc186204269)

[Appendix 3.1: Governance and operational management structures 16](#_Toc186204270)

[Appendix 3.2: Financial capacity 17](#_Toc186204271)

[Appendix 4: Foster care, out-of-home care and secure welfare services 17](#_Toc186204272)

## The Social Services Regulator

The *Social Services Regulation* [*Act*](https://www.legislation.vic.gov.au/in-force/acts/social-services-regulation-act-2021/001) *2021* (Vic) and the *Social Services* [*Regulations*](https://www.legislation.vic.gov.au/in-force/statutory-rules/social-services-regulations-2023/001) *2023* (Vic) 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 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.

The new social services regulatory scheme started on 1 July 2024.

The Social Services Regulator’s initial focus is on informing and educating service providers about their obligations under the new scheme.

## Registering with the Social Services Regulator

Providers of social services in Victoria within scope of the new scheme must register.

Registering with the Social Services Regulator ensures that providers of social services can demonstrate their **suitability to provide safe social services** before those services are offered, supporting the key objective of protecting service users and preventing harm.

A consistent set of registration requirements provides a streamlined approach while ensuring that safe delivery of social services remains central. Previously providers had been subject to different requirements under different laws.

To learn more about how the registration process will roll out, go to: <Social Services Regulator registration | vic.gov.au (www.vic.gov.au)>

All registered service providers must meet ongoing compliance requirements of the new regulatory framework. See [ongoing requirements](#_Ongoing_requirements) for more information.

### Meeting registration requirements

To register with the Social Services Regulator, in-scope social service providers need to meet **service suitability** requirements. These requirements help to enact and ensure safety protections outlined in the Act and the Regulations. Suitability requirements are outlined in further detail in the Regulations.

Determining ‘suitability’ to deliver safe social services focuses on key requirements for:

* leaders and staff employed by a social service provider
* the premises used
* operational details about a service provider.

In preparing to demonstrate suitability to safely deliver social services, providers may wish to review policies, documents and contractual information that covers their:

1. **People**
* Qualifications, skills and experience of ‘key personnel’
* Criminal history and sanctions
1. **Premises**
* Safety and accessibility requirements
* Fixtures and fittings
* Lease agreements
1. **Operations**
* Business structures
* Governance and operational management structures
* Financial capacity

Some service providers will need to meet suitability criteria for providing foster care, out-of-home care and secure welfare services. Further detail is in outlined on [page 7](#_Foster__care,).

## How is suitability tested?

Demonstrating suitability to safely deliver services is an important part of the registration process.

All social service providers need to complete **a registration form** that completes their registration record.

The form requires service providers to provide information and some evidence to demonstrate they **meet suitability requirements** for staff, premises and operational details. From 1 July 2024, this process works differently for different service providers:

1. Group 1 is providers registered with the Human Services Regulator:
* The Regulator will have information on file
* Providing suitability information builds a registration record, rather than testing suitability to deliver services, as they were previously registered with the Human Services Regulator.
1. Group 2 is providers not registered with the Human Services Regulator and funded by the Department of Fairness, Families and Housing (DFFH). For these providers:
* They will provide information that **demonstrates their suitability** to provide services. This includes providing information in the registration form about their key personnel and the service delivery premises.
* The Regulator may have some information on file that helps demonstrate suitability and streamlines the registration process.
1. Group 3 is providers not registered with the Human Services Regulator and funded by the Transport Accident Commission (TAC) or WorkSafe. They will need to demonstrate their suitability and more detail will be provided closer to their date of registration.

Providers who do not fit into one of the above groups will need to provide a full set of information for the first time demonstrating their suitability.

This fact sheet outlines the full set of information for demonstrating suitability and is most useful for service providers who are providing this information to the Social Services Regulator for the first time.

More information about the different groups and timeframes for registration is at <[Social Services Regulator registration | vic.gov.au (www.vic.gov.au)](https://www.vic.gov.au/social-services-regulator-registration)> .

### How does a provider demonstrate suitability to deliver social services?

The registration form asks providers to:

* Complete information on requirements for leaders, staff, premises and operational details
* Provide evidence in some areas.

It is important to gather documents, evidence and information prior to beginning to complete the form, as:

* if possible, you are encouraged to complete the registration form in one session
* the form saves automatically as you progress through each page
* if you close your session, you will need to use the same device[[1]](#footnote-2) to access the point where you left the form.

In most cases providers may upload up to five documents when asked to provide evidence demonstrating suitability.

All sections of the form must be completed before the form can be submitted for review by the Regulator.

#### When does the process start?

There is a staged approach to registration, with different groups of service providers registering at different points. More information about the timeframes for registration is at <[Social Services Regulator registration | vic.gov.au (www.vic.gov.au)](https://www.vic.gov.au/social-services-regulator-registration)>

#### What are the key steps?

1. Group 1 and Group 2 service providers **receive an email** to begin the process of completing their registration form, in line with the registration timeframes.

Group 3 service providers will receive more information closer to their date of registration.

Providers who do not fit into one of the above groups must initiate the process by emailing registration@ssr.vic.gov.au.

All providers are responsible for determining if the services they offer are included in the scheme and for registering those services with the Social Services Regulator in line with the registration timeframes.

1. **Some** providers validate information the Social Services Regulator has on file about their operations. (Other providers will skip this step, as they were not previously registered with the Human Services Regulator or do not receive funding from DFFH).
2. **All** providers then provide information about their suitability to deliver social services. Some providers will be asked more questions on suitability if the Regulator has less information about this on file.

Each group must complete their application for registration within their allocated timeframes.

If a service provider does not complete these steps within the nominated timeframe, the Social Services Regulator may compel information to be provided.

The Social Services Regulator reviews registration applications within 60 days and may ask providers to clarify details in their application or provide more information.

For more information on how the registration process will work for your service provider, go to: < [Social Services Regulator registration | vic.gov.au (www.vic.gov.au)](https://www.vic.gov.au/social-services-regulator-registration)>

## How do I prepare?

There are three categories where service providers must demonstrate suitability. Each category has several areas of focus.

Criminal history and sanctions

Qualifications, skills and experience

Name, title, position

**Key personnel**

Lease agreements

Fixtures and fittings

User safety and accessibility

**Premises**

Business structure

**Operations**

Financial capacity

Governance

### Key personnel

Service providers need to demonstrate the suitability of those operating and leading the social service.

The service provider and each of their ‘key personnel’ must be a suitable person, in line with the Regulations[[2]](#footnote-3).

Key personnel are defined to include:

* a member of the group of persons who is responsible for the executive decisions of the provider
* the chief executive officer (however described) of the provider
* in the case of a provider that is the Secretary of the DFFH, each executive (within the meaning of the [*Public Administration Act 2004*](https://www.legislation.vic.gov.au/in-force/acts/public-administration-act-2004/087)) of the DFFH with responsibility for administering the provision of a social service
* 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
* any other person who has primary responsibility for (or significant influence over) planning, directing or controlling the provider's delivery of the social service.

If a provider is a body corporate, key personnel explicitly includes a director or secretary of the body corporate, and each person who is empowered to exercise control over the affairs of the body corporate. In any other case, key personnel also include a member of the provider’s committee of management or governing body.

Key personnel are involved in shared decision-making about the service provider’s strategic direction, finance, governance and risk. They may also be responsible for the day-to-day management or administration of social services delivered by a service provider.

[Appendix 1](#_Appendix_1) contains further information to assist you to identify the key personnel in your organisation.

#### Suitability requirements for key personnel

The registration form asks service providers to provide core details about their key personnel.

Before completing the registration form, it will be useful to have the following details available for each of the key personnel identified by your organisation:

Table 1: Key personnel details

|  |  |
| --- | --- |
| Details | Information |
| 1. **Personnel details**
 | * title
* first name, last name and any previous names (under the *Births Deaths and Marriages Registration Act 1996*, or equivalent)
 |
| 1. **Details of the position they hold**
 | * current position
* position description, including qualifications, skills and experience required for the role
 |
| 1. **Details on qualifications for their role**
 | * qualifications of the individual
* their skills
* their experience
* any professional registrations held by the individual
 |
| 1. **Safety screening**
 | * criminal history
* safety screening completed including Working with Children Check, National Disability Insurance Scheme (NDIS) Worker Screening Check or the Victorian Disability Worker Commission Worker Disability Registration
 |

#### Qualifications, skills and experience

A service provider and its key personnel must have relevant qualifications, skills, or experience[[3]](#footnote-4) to safely deliver a social service.

Service providers need to provide copies of documentation relating to qualifications, skills and experience when completing the registration form.

It is also useful for service providers to have the qualifications, skills and experience of their key personnel easily available if the Social Services Regulator requests this information for verification.

The registration form prompts service providers to:

* complete a ‘qualifications, skills and experience’ **spreadsheet** linked in the application form
* provide specific details on the qualifications, skills and experience that the service provider and key personnel **currently hold**
* describe the qualifications, skills and experience the organisation has identified as a requirement to fulfill core duties of the service provider and key personnel. This information may be sourced directly from position descriptions.

Further information on the qualifications, skills and experience needed for key personnel is outlined in [Appendix 1.1](#_Key_personnel_1).

#### Criminal history and regulatory sanctions

As part of assessing service providers and their key personnel as ‘suitable persons to provide a service’, the Social Services Regulator may consider a range of factors such as criminal history and history related to regulatory sanctions placed on the service provider or key personnel.

Having a criminal history would not automatically exclude someone from having a key role in a service provider.

Areas of focus include:

* relevant findings against key personnel in civil and criminal proceedings, such as fraud, misrepresentation and dishonesty
* past findings on misconduct with providing a social service
* if registration has been revoked to provide a social service
* if any sanction, condition or restriction has been placed on a provider or key personnel related to owning or managing a social service

Further information on criminal history and relevant sanctions is available in [Appendix 1.2](#_Appendix_1.2).

### Premises

Premises used to provide a social service must be assessed as suitable for the safe delivery of that service[[4]](#footnote-5). The premises must be fit for purpose, adequately maintained and presented.

Premises used to deliver social services should:

* meet the individual and collective needs of service users
* be suitable and accessible for its stated purposes
* offer a reasonable standard of security
* comply with relevant health and safety laws.

Factors the Social Services Regulator will assess when determining the suitability of a premises are outlined in [Appendix 2](#_Appendix_2).

### Operations

#### Business structures

Service providers need to demonstrate that they have appropriate business structures in place to provide social services, in line with the Act and the Regulations.

When registering, service providers need to provide details of trading names, business structures and other relevant details based on the operating structure of the organisation.

This may include details on being a sole trader or operating as a company or partnership.

Further details on business types and descriptions under which service providers may operate are outlined in [Appendix 3](#_Appendix_3).

#### Governance and operational management structures

Service providers need to demonstrate they have suitable governance and operational management structures.

Governance and operational structures should be appropriate for an organisation, informed by:

* size, number of sites, geographic spread and profile
* specific requirements based on the service/s provided
* complexity of services provided
* complexity of service users
* risks to service delivery and operations
* the environment in which services are delivered and
* other relevant circumstances.

See [Appendix 3.1](#_Appendix_3.1) for further details on factors that will be considered by the Social Services Regulator in assessing the suitability of governance arrangements.

#### Financial capacity

Service providers need to demonstrate that they have financial capacity to provide social services in line with the Act and Regulations.

The information requested in the registration form will vary, as some service providers may have previously provided relevant information to the Human Services Regulator or as part of their DFFH funding arrangement. In these cases, information already provided will not be requested again.

In all cases, the Social Services Regulator will seek information about how the service provider is funded, and how current assets and liabilities may impact service delivery.

Service providers not funded by DFFH may be requested to submit documents to demonstrate financial capacity, including:

* cashflow projection
* bank statements
* loan agreements
* contracts of sale and lease agreements
* audited financial reports
* balance sheets
* profit/loss statements
* fee structure
* monthly profit and loss projections
* financial capacity materials and submissions made to other regulators.

For further information on providing information demonstrating suitable financial capacity, go to [Appendix 3.2](#_Appendix_3.2).

### Are there any other suitability requirements I should know about?

#### Foster care, out-of-home care and secure welfare services

Service providers must ensure the suitability of carers that are approved, employed or engaged to provide foster care, out-of-home care, or care in secure welfare to children.

A provider of a foster care service must have systems and processes in place to ensure that the service provider considers specific matters when approving a person to act as a foster carer[[5]](#footnote-6).

A provider of an out-of-home care service or a secure welfare service must also have systems and processes[[6]](#footnote-7) to ensure that the service provider considers a range of factors when employing or engaging a person to provide:

* a service caring for children in an out-of-home care residence managed by the provider
* services to children at out-of-home care
* a service caring for children at the secure welfare service
* services to children at the secure welfare service.

Further details on how to demonstrate suitability for this requirement are in [Appendix 4](#_Appendix_4).

## What should I do if I have questions?

Information about the registration process is at < [Social Services Regulator registration | vic.gov.au (www.vic.gov.au)](https://www.vic.gov.au/social-services-regulator-registration)>.

For further enquiries you can contact the Social Services Regulator by email:

Email the Social Services Regulator enquiries@ssr.vic.gov.au

## Ongoing requirements

Registered social service providers must meet the six Social Services Standards. This is an ongoing requirement of the new regulatory framework.

* Review the tables in the Appendix of each Social Services Standard’s information sheet. The tables suggest documents, other evidence and indicators of success that will help service providers meet the service requirements.
* Available on the [Social Services Regulator’s Guidance material webpage](https://www.vic.gov.au/social-services-regulator-guidance-material) <https://www.vic.gov.au/social-services-regulator-guidance-material>.

All registered providers have requirements to notify the Regulator about certain things. For more information go to <<https://www.vic.gov.au/ssr-reporting-notifiable-incident>>

## Appendix 1: Key personnel

### Appendix 1.1: Qualifications, skills and experience

A service provider and its key personnel must have relevant qualifications, skills, or experience to safely deliver a social service, in line with Regulations 20 and 21.

#### Qualifications

For registration with the Social Services Regulator, qualifications are a formal certification that recognise a person has achieved learning outcomes or competency relevant to identified individual, professional, industry or community needs. This may include a degree, diploma or certificate and may address several key areas in service delivery and support.

It is useful to note that key personnel in your organisation are not required to have the same qualifications, skills, and experience. The intent is that the organisation as a whole has:

1. the right qualifications, skills and experience **to conduct the proper governance and oversight** of the organisation. This may include qualifications in:
	* governance
	* financial management
	* risk management
	* workforce planning
	* service planning and delivery
	* continuous improvement.
2. the right qualifications, skills and experience to **support service users based on their needs** and service requirements. This may include qualifications in:
	* behaviour/individual support
	* case management
	* community/social work
	* psychology/mental health
	* family violence
	* sexual assault prevention and response.

This is not an exhaustive list and a service provider may determine other qualifications are relevant and include these in its registration.

When determining qualifications relevant for registration with the Social Services Regulator, service providers should consider what qualifications are necessary for the safe delivery of the types of services they are applying to be registered for.

#### Skills

Skills refer to what an individual can do. Skills can be described in terms of type, complexity and may include cognitive, technical, communication, creative, interpersonal, specialised or generic skills.

To establish their relevance, consider how the skills of the service provider and key personnel were attained or developed. This may include one or more of:

* the level or amount of formal education and training
* the amount of previous experience in a related occupation or field
* the amount of on-the-job training.

As with qualifications, relevant skills will vary depending on the role and type of social service provided.

#### Experience

Experience may include general experience and/or lived experience where applicable.

General experience includes time spent gaining professional experience in relevant occupations, fields or activities required to be competent in an occupation or field. General experience is measured in months or years.

Lived experience may include personal experience, experience supporting someone who receives social services or other relevant experience that can be aligned with the delivery of social services. For example, providing daily care to a family member with a disability.

The registration form asks the applicant to provide information about how, when and where the service provider or key personnel gained the experience. It is useful to reflect on how general and/or lived experience can demonstrate the ability of the provider or key personnel to provide and deliver social services safely.

#### Qualifications, skills and experience of staff

A service provider must have systems and processes in place to ensure that services are provided by staff and volunteers with relevant qualifications, skills or experience to safely deliver the social service, in line with Regulation 22.

In determining if a service provider has met this suitability requirement, suggested information and supporting documents may cover:

* recruitment practices, including policies, procedures and position descriptions
* workforce planning, including identification of qualifications, skills and experience requirements and gap assessments/opportunities
* workforce training and development, including frameworks, strategies, procedures, practices to support, educate and upskill staff and volunteers.

### Appendix 1.2: Criminal history and regulatory sanctions

Table 2 outlines factors considered by the Social Services Regulator when assessing if service providers and their key personnel are ‘fit and proper’ to provide a social service. These factors are not necessarily disqualifying and will be considered on a case by case basis along with any relevant controls the service provider has in place.

Table 2

|  |  |
| --- | --- |
| Factors | Information sought by the Regulator |
| **Relevant criminal history** | Service providers will need to declare the criminal history of key personnel. The Social Services Regulator will consider:* convictions for an offence
* findings of guilt by a court for an offence
* current criminal charges
* pending criminal proceedings.

Providers of a social service and their key personnel are not required to disclose information about spent convictions. Information about spent convictions is available on the Department of Justice and Community Safety’s website: <https://www.justice.vic.gov.au/spent-convictions>. |
| **Relevant findings** against key personnel in civil proceedings involving fraud, misrepresentation or dishonesty | Service providers will need to provide information regarding findings of fraud, misrepresentation or dishonesty that have been tried in civil proceedings within any state-based, Commonwealth or international jurisdictions. |
| **Past findings** by a relevant regulator or court/tribunal that the person engaged in misconduct relevant to providing a social service. | Service providers will need to provide information about any findings by a relevant regulator or tribunal that the provider or their key personnel has engaged in misconduct that the Social Services Regulator considers relevant to the suitability of the person to provide a social service.The Social Services Regulator may consider findings by a range of relevant regulators or tribunals, including:* Aged Care Quality and Safety Commission
* Australian Health Practitioner Regulation Agency
* Commission for Children and Young People
* Human Services Regulator
* NDIS Quality and Safeguards Commission
* The Suitability Panel
* Working With Children Check Victoria
* Victorian Disability Worker Commission.

This is not an exhaustive list. |
| If a person has had **registration revoked** to provide a social service | Service providers must notify the Social Services Regulator of any revocation of registration to provide social services that has occurred in either state, federal or internationally based schemes.  |
| Any **sanction, condition or restriction** placed on the person in relation to a social service  | Service providers must notify the Social Services Regulator of any sanctions, conditions or restrictions on a service provider, that is managed wholly or in part by the key personnel, that were issued by another Regulator.  |

## Appendix 2: Premises suitability

 Premises used to provide a social service must be assessed as suitable for the safe delivery of that service, in line with Regulation 25. The premises must be fit for purpose, adequately maintained and presented.

Premises used to deliver social services should:

* meet the individual and collective needs of service users
* be suitable and accessible for its stated purposes
* offer a reasonable standard of security
* comply with all relevant health and safety laws.

Factors the Regulator will assess when determining the suitability of a premises are outlined in Table 3.

The suggested documents may not be applicable to all service providers and should be used as a guide only. Service providers may also produce other documents if they determine these adequately demonstrate the suitability of their premises.

#### Table 3

| Factors | Documentation that may be required to support application |
| --- | --- |
| **Safety and accessibility requirements of service users** | * site or floor plan of the premises used to deliver social services
* the proposed profile of service users at the premises, including maximum occupancy
* how the premises will meet service users’ accessibility requirements
* identification and management of hazards and risks of harm to service users relating to the premises, facilities, equipment, furniture and fittings used to deliver social services
* essential safety measures, including fire safety requirements
* emergency management plans
* privacy and security at the premises
* a register or reports demonstrating that facilities, equipment, furniture and fittings are maintained in a safe and serviceable condition.
 |
| **Suitability of fixtures and fittings** to enable the safe use of the premises (where applicable) | * annual essential safety measures report
* diagram or description of the premises for the delivery of social services (where relevant)
* photographs of the premises which show adequate and appropriate:
	+ lighting and window furnishings
	+ storage, including space for personal belongings and wardrobes if applicable
	+ heating, cooling and ventilation
	+ electrical connections (including power outlets)
	+ kitchen, bathroom and laundry fixtures, fittings and appliances (where applicable)
	+ furniture
	+ flooring
	+ locks, alarms and other security measure
* Specific service user plans where specific fixtures, fittings and/or equipment are required to meet service users’ needs and to deliver services safely.
 |
| **Agreements or arrangements** between the provider of a social service and the owner of the premises, relating to the safety of the premises or the safety of facilities and fixtures | This factor may not be applicable to all providers. It may include:* lease or rental agreements
* maintenance schedules
 |
| Whether the premises **comply with any other law** relating to the safety and use of the premises. | * planning permits (where applicable)
* a report from a registered building surveyor
* the occupancy permit or certificate of final inspection for the premises
* insurance documents relating to the premises
 |

## Appendix 3: Business structures

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Service providers must demonstrate that they have appropriate business structures in place to provide social services.Relevant details on the operating structure of an organisation are outlined in Table 4. Service providers may need to provide applicable details in the registration form.Table 4

|  |  |
| --- | --- |
| Business type | Description |
| **Sole Trader** | A sole trader is an individual running a business. If you run your business as a sole trader, you are:* the sole owner and controller of it
* legally responsible for all aspects of the business, including debts and losses you incur in running it.
 |
| **Company** | A company is a type of business structure where your business forms a separate legal entity. This means the company has the same rights as a natural person and can incur debt, sue and be sued. A company:* is a separate legal entity
* means that business operations are controlled by directors and owned by the shareholders
* means company members have limited liability
* requires you to understand and comply with all obligations under the [**Corporations Act 2001**](https://asic.gov.au/for-business/running-a-company/company-officeholder-duties/)
* requires an annual company tax return to be lodged with the Australian Taxation Office (ATO)
* requires you to complete an annual review and pay an annual review fee
* directors are required to complete a declaration of solvency each year
* directors are required to have a director ID.
 |
| **Company limited by guarantee** | A company limited by guarantee is a common company structure used for not-for-profit and charitable organisations in Australia that reinvest any surplus (profit) towards the organisation's purposes. Recreational (sports and bowling clubs), cultural and charitable organisations commonly use this type of corporate structure. |
| **Partnership** | A partnership is a business structure made up of two or more people who distribute income or losses between themselves. There are three main types of partnerships:* **general partnership (GP)** – is where all partners are equally responsible for the management of the business, and each has unlimited liability for the debts and obligations it may incur
* **limited partnership (LP)** – is made up of general partners whose liability is limited to the amount of money they have contributed to the partnership. Limited partners are usually passive investors who don’t play any role in the day-to-day management of the business
* **incorporated Limited Partnership (ILP)** – is where partners in an ILP can have limited liability for the debts of the business. However, under an ILP there must be at least one general partner with unlimited liability. If the business cannot meet its obligations, the general partner (or partners) become personally liable for the shortfall.
 |
| **Unincorporated association**  | An unincorporated association is a group of people that have come together to further a common interest or purpose without forming any separate legally recognised structure. They have not gone through an incorporation process so the unincorporated group doesn’t have its own legal identity and it will not have the word ‘Incorporated’, ‘Inc.’, ‘Limited’, or ‘Ltd’ after its name. |

Appendix 3.1: Governance and operational management structures The Social Services Regulator will confirm suitability of governance and operational management structures in place at a service provider.Table 5 outlines factors considered by the Regulator. The suggested documentation is not exhaustive and service providers should consider how they can effectively demonstrate that adequate governance and operational structures are in place to meet the suitability requirements.Table 5

|  |  |
| --- | --- |
| Factors | Documentation that may be required to support assessment  |
| **Organisational profile** | * overview of services delivered
* overview of how many service users are supported by the social service
* organisational structure
 |
| **Governance arrangements** and structures to meet financial, legislative, regulatory and contractual responsibilities | * board of management structure, policies, and procedures
* governance policy and procedures
* governance committees, terms of reference, policies and procedures
* financial and procurement committee terms of reference, operational policies and procedures
* quality and continuous improvement committees, terms of reference, policies and procedures
* relevant insurance policies required by the service provider
* relevant processes for feedback and complaints
 |
| **Strategic business and operational planning** | * business plans
* operational plans
* strategic plans
* annual reports
 |
| **Risk management** | * risk management framework
* risk management policy
* risk management procedure
* overview of any strategic and/or operational risk committees and terms of reference
 |
| **Workforce planning and development** | * strategic workforce plans
* service plans for the types of services delivered
* identification of required staff, skills, training plans and training register
* human resources/employment policies and procedures
 |
| **Continuous improvement** | * quality and continuous improvement committees’ terms of reference, policies and procedures
* incident reporting policies and procedures
 |
| **Conflicts of interest** | * conflicts of interest policy and procedure
* conflict of interest register
 |

Appendix 3.2: Financial capacity Service providers must demonstrate that they have financial capacity to provide social services in line with the Act and Regulations. The Social Services Regulator will seek information about how a service provider is funded and what current assets and liabilities may impact service delivery. **Table 6** outlines the factors the Social Services Regulator may consider when determining financial capacity.Table 6

|  |  |
| --- | --- |
| Service provider funding model  | Evidence that may be required to support application |
| **Funded by DFFH**  | * evidence of funded provider status, for example delivering or being engaged to deliver social services
* a bank statement generated within one month of its application for registration, for a minimum six-month period (or from the date the account was opened if less than six months)
* a business plan or equivalent, such as an operational plan
 |
| **Not funded by DFFH** | * evidence of current assets, income and liabilities for the previous two financial years and future projection prepared by an independent third party
* a business plan or equivalent, such as an operational plan, which includes charges services users will incur for the type of service to be provided and monthly profit and loss projections
* a bank statement generated within one month of its application for registration, for a minimum six-month period (or from the date the account was opened if less than six months)
 |

Appendix 4: Foster care, out-of-home care and secure welfare servicesService providers delivering services to children vary in size, structure, resources and the types of interactions that occur between staff, volunteers and children. Recruitment policies and practices should have a strong child safe focus on safety screening, suitability, induction and people management practices that support child safety and wellbeing. Table 7 outlines factors for service providers to take into consideration and suggested documents that may support an application. Suggested documents act as a guide only.Table 7

| Services | Factors to be considered by the service provider | Documentation to support application |
| --- | --- | --- |
| **Foster care** | * criminal history of the person and the usual members of the person's household
* person’s medical history (including mental health)
* the person's general character
* the person's relationship with the person's family members and household members
* the person's capacity to provide stability, 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*
* the person's capacity to promote and protect a child's safety, wellbeing and development
* the person's capacity to provide appropriate support for the maintenance of a child's religious faith
* 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
* the person's appreciation of the importance of contact with a child's birth parent and family
* the person's capacity to develop a positive relationship and to work collaboratively with other providers of services to children, including:
	1. child protection services
	2. disability services
	3. registered out-of-home care services
	4. health services
	5. educational services
	6. legal and youth justice services.
 | * recruitment policy and procedures that include specifics for foster care
* policies and practices on supervision and/or ongoing assessment of a person’s suitability to provide foster care
* policies and practices for home inspections
* foster care training policy, procedures, or practices
* framework and strategy for professional development
* qualifications, skills and/or experience registers or matrix
* contractual agreements/position descriptions specific to foster carers
* foster care program guides
* Child Safety and Wellbeing policy
 |
| **Out-of-home care and secure welfare services** | * criminal history and medical history (including mental health)
* the person's skills, experience and qualifications
* the person's general character
* 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*
* the person's capacity to promote and protect a child's safety, wellbeing and development
* the person's capacity to provide appropriate support for the maintenance of a child's religious faith
* 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
* the person's appreciation of the importance of contact with a child's birth parent and family
* the person's capacity to develop positive relationships and work collaboratively with a child's family
* the person's capacity to develop a positive relationship and work collaboratively with providers of services to children, including but not limited to
	1. child protection services
	2. disability services
	3. registered out-of-home care services
	4. health services
	5. educational services
	6. legal and youth justice services.
 | * recruitment policy and procedures specific to out-of-home care or secure welfare services
* policies and practices that relate to supervision and/or ongoing assessment of a person’s suitability to provide care to children and young people
* training policies, procedures, or practices
* qualifications, skills and/or experience registers or matrix
* position descriptions
* framework and strategy for professional development
* program guides for out-of-home care or secure welfare services
* Child Safety and Wellbeing policy
 |

 |

This guidance is general in nature and lists of suggested documentation are not exhaustive, and not intended as legal advice.

|  |
| --- |
| To receive this document in another format, email the Social Services Regulator <enquiries@ssr.vic.gov.au>.Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.© State of Victoria, Australia, Social Services Regulator, August 2024.Except where otherwise indicated, the images in this document show models and illustrative settings only, and do not necessarily depict actual services, facilities or recipients of services. In this document, ‘Aboriginal’ refers to both Aboriginal and Torres Strait Islander people. ‘Indigenous’ or ‘Koori/Koorie’ is retained when part of the title of a report, program or quotation.ISBN 978-1-76130-654-9 (online/PDF/Word) Available at Social Services Regulator registration <https://www.vic.gov.au/social-services-regulator->registration  |

1. As well as ensure you use the same browser and have not cleared the cache on your browser. [↑](#footnote-ref-2)
2. See Regulations 12, 15 and 16. [↑](#footnote-ref-3)
3. See Regulations 20 and 21. [↑](#footnote-ref-4)
4. See Regulation 25. [↑](#footnote-ref-5)
5. Under Regulation 23. [↑](#footnote-ref-6)
6. Under Regulation 24. [↑](#footnote-ref-7)