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| Meeting obligationsUnderstanding requirements under theChild Safe Standards |
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## About the Social Services Regulator

The [*Social Services Regulation Act 2021* (Vic)](https://www.legislation.vic.gov.au/in-force/acts/social-services-regulation-act-2021/001) (the Act), the [*Social Services Regulations 2023* (Vic)](https://www.legislation.vic.gov.au/in-force/statutory-rules/social-services-regulations-2023/002) (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) created a new regulatory framework for social services in Victoria from 1 July 2024. This framework puts the protection and safety of social services users at the centre of social services delivery.

The Social Services Regulator replaced the current Human Services Regulator from 1 July 2024 and is responsible for regulating social services against both the Child Safe and Social Services Standards.

We aim to strengthen protections for social services users to safeguard people from harm, abuse and neglect.

Our core objectives include to:

* protect the rights of service users
* support safe and effective social services delivery
* minimise the risk of avoidable harm in service delivery.

## Understanding your obligations

### What are the Child Safe Standards?

The 11 Child Safe Standards set out the **minimum requirements** that organisations and businesses in scope of the [Child Wellbeing and Safety Act 2005](https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/044) must meet to keep children and young people safe.

See *Table 1: Child Safe Standards* for an overview.

Table 1: Child Safe Standards

| Child Safe Standards | Description of Child Safe Standard |
| --- | --- |
| [**Standard 1**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-1/) | Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued |
| [**Standard 2**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-2/) | Child safety and wellbeing is embedded in organisational leadership, governance and culture |
| [**Standard 3**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-3/) | Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously |
| [**Standard 4**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-4/) | Families and communities are informed and involved in promoting child safety and wellbeing |
| [**Standard 5**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-5/) | Equity is upheld and diverse needs respected in policy and practice |
| [**Standard 6**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-6/) | People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice |
| [**Standard 7**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-7/) | Processes for complaints and concerns are child-focused |
| [**Standard 8**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-8/) | Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training |
| [**Standard 9**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-9/) | Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed |
| [**Standard 10**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-10/) | Implementation of the Child Safe Standards is regularly reviewed and improved |
| [**Standard 11**](https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-11/) | Policies and procedures document how the organisation is safe for children and young people |

More information about the Child Safe Standards is available online at the [Commission for Children and Young People’s (CCYP’s) webpage](https://ccyp.vic.gov.au/child-safe-standards).

### Who must meet the Child Safe Standards?

Organisations that provide or facilitate services for children, or employ children, must meet the Child Safe Standards.

This includes service providers registered with the Social Services Regulator, who must meet the Child Safe Standards if they provide or facilitate services for (or employ) children. This definition includes organisations that provide some or all of their services or programs directed towards children, as the definition:

* goes beyond providing services solely for children
* includes services that have a special application to children in the way these services are provided
* refers to ‘child’ as anyone under 18 years of age.

If organisations have met these criteria for any of the services they deliver, they must meet the Child Safe Standards if they are:

* an incorporated body
* an unincorporated body
* an association.

Sole traders also need to meet the Child Safe Standards if they have engaged a contractor, employee or volunteer (of all ages) to:

* provide their services or facilities, or
* produce goods.

A list of organisations and businesses covered by the Child Safe Standards is available on the [Commission for Children and Young People’s website](https://ccyp.vic.gov.au/child-safe-standards/who-do-the-standards-apply-to-page/).

### What steps do providers need to take?

There are likely no significant operational changes for service providers to meet the Child Safe Standards.

If a service provider was already providing social services involving children, they were already in scope of the Child Safe Standards and expected to comply prior to the establishment of the Social Services Regulator.

Providers can also undertake a self-assessment to check understanding and compliance with the Child Safe Standards and identify any gaps that require action. The tool can be found under the Resources section of the [Changes to the regulation of the Child Safe Standards webpage](https://www.vic.gov.au/changes-regulation-child-safe-standards).

### Other compliance requirements

All registered social services providers in Victoria in scope of the new regulatory scheme must also meet 6 Social Services Standards.

Each of the Social Services Standards are equally important and providers must meet all six Standards. Further information is available on the [About the Social Services webpage](https://www.vic.gov.au/social-services-regulator-social-services-standards).

## Monitoring the Child Safe Standards

As the Social Services Regulator regulates the Child Safe Standards as well as monitoring compliance with the Social Services Standards, we have a unique role as an **integrated sector regulator** for the social services sector. For the Child Safe Standards, this means that:

1. Regulation of organisations in scope of the Child Safe Standards for social services transferred from the Human Services Regulator to the Social Services Regulator from 1 July 2024.
2. Under the *Child Wellbeing and Safety Act 2005,* **all** regulators of Child Safe Standards are responsible for **promoting, monitoring and enforcing compliance** with the Child Safe Standards to ensure relevant entities promote children’s safety and prevent and respond to allegations of child abuse.

### How we monitor Child Safe Standards

In monitoring the Child Safe Standards, the Social Services Regulator:

* provides education, information, resources and advice on the Child Safe Standards to promote consistency in child safety outcomes
* investigates, monitors and enforces compliance with the Child Safe Standards
* collects, analyses and publishes information and data regarding compliance with the Child Safe Standards and shares this information with the CCYP.

We promote continuous improvement in relation to the safety of children, the prevention of child abuse and the proper response to allegations of child abuse. This means:

* we may exchange information and collaborate with relevant parties on the safety of children and compliance with the Child Safe Standards
* when needed, we protect service users by using the compliance and enforcement tools available to us as an integrated sector regulator to reduce and remove risks of harm to service users.

### Our regulatory approach

The Social Services Regulator takes a graduated approach to regulating the Child Safe Standards.

While our initial focus is to inform and educate organisations about meeting their obligations, the Social Services Regulator can take regulatory action to ensure an organisation meets their compliance obligations and to address serious risks to the safety of children and young people.

We use a range of enforcement powers where providers fail to meet their obligations under the Child Safe Standards and the Social Services Standards. To promote compliance with the Child Safe Standards, the Social Services Regulator:

* appoints authorised officers to act on behalf of the Social Services Regulator
* obtains information, documents and evidence and issue notices to obtain such information
* enters premises in limited circumstances[[1]](#footnote-2)
* issues improvement notices, infringement notices, enforceable undertakings and adverse publicity orders.

We also collect, use and disclose information to identify sector trends and make sure our decisions are fair, data-driven and focused on reducing regulatory burden.

### How co-regulation works

There are a number of regulators monitoring and enforcing the Child Safe Standards using powers in their primary legislation. Each regulator is responsible for regulating organisations within defined sectors.

The Social Services Regulator is responsible for regulating the Child Safe Standards in social services that involve children, including in-scope services directly delivered by the Department of Families, Fairness and Housing (DFFH) such as out-of-home care services, support services for parents and families, homelessness services, family violence and sexual assault support services. We also regulate disability services that service children in Victoria, that are funded by DFFH, the Transport Accident Commission (TAC), WorkSafe or the National Disability Insurance Scheme (NDIS.)

Some organisations deliver services across multiple sectors, which means they are within the remit of multiple regulators of the Child Safe Standards. More broadly, the CCYP oversees the whole system for regulating the Child Safe Standards, and provides general guidance for all organisations about complying with the Child Safe Standards[[2]](#footnote-3) , as:

* the independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people, with a particular focus on vulnerable and young people
* the sole regulator of the Reportable Conduct Scheme.

The Social Services Regulator is committed to reducing regulatory burden where possible and works with other regulators to improve information sharing and to better identify and respond to risks of harm.

#### Other regulators of the Child Safe Standards

The Child Safe Standards are also monitored by:

* Department of Health – applied to health organisations that provide any services or facilities to children
* Victorian Registration and Qualifications Authority[[3]](#footnote-4)
* Department of Education – applied to all Victorian schools
* Commission for Children and Young People[[4]](#footnote-5)
* Wage Inspectorate Victoria – applied to organisations that require a child employment licence.

## Useful resources and contacts

### Resources

* Further resources and information on changes to the regulation of the Child Safe Standards are available on the Social Services Regulator’s [Changes to the regulation of Child Safe Standards webpage](https://www.vic.gov.au/changes-regulation-child-safe-standards).
* Detailed information and useful resources on the Child Safe Standards – available on the CCYP’s [Resources and support for the Child Safe Standards webpage](https://ccyp.vic.gov.au/resources/child-safe-standards/)

### Other useful links

* Information sheets on each Social Service Standard are available on the [Social Services Regulator’s Guidance material webpage](https://www.vic.gov.au/social-services-regulator-guidance-material)
* An overview of the Standards is available on the [Social Services Regulator’s Guidance material webpage](https://www.vic.gov.au/social-services-regulator-guidance-material)
* Information about the Social Services Regulator is available on the [Social Services Regulator’s website](https://www.vic.gov.au/about-social-services-regulator)
* Information on services in scope of the regulatory scheme is available on the [Social Services Regulator’s website](https://www.vic.gov.au/services-scope-new-scheme).

## Contact us

For further information not covered in this information sheet, you can contact the Social Services Regulator:

* email the Social Services Regulator <enquiries@ssr.vic.gov.au>.

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| To receive this document in another format email: mailto:enquiries@ssr.vic.gov.au <enquiries@ssr.vic.gov.au >.Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.© State of Victoria, Australia, Department of Families, Fairness and Housing, October 2024.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 978-1-76130-753-9 (online)Available at <http://www.vic.gov.au/social-services-regulator><https://www.vic.gov.au/social-services-regulator> |

1. Only if the authorised officer believes on reasonable grounds that entry is necessary to eliminate or reduce an imminent risk of harm to a service user, Section 112(2)(b) *Social Services Regulation Act 2021* [↑](#footnote-ref-2)
2. Functions and powers of the CCYP are found in *Commission for Children and Young People Act 2012* and *Child Wellbeing and Safety Act 2005*. [↑](#footnote-ref-3)
3. Including early childhood services, schools and school boarding premises, non-school providers registered to deliver senior secondary or foundation secondary courses, registered training organisations (RTOs) that deliver training to anyone under 18 years of age, international education organisations that are registered on the Commonwealth Department of Education's Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) or approved as student exchange organisations. [↑](#footnote-ref-4)
4. See: <https://ccyp.vic.gov.au/child-safe-standards/who-do-the-standards-apply-to-page/> [↑](#footnote-ref-5)