

# *Social Services Regulation Taskforce*

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## **Communique**

Official communique from the Social Services Regulation  
Taskforce meeting of 9 August 2023

### **Taskforce co-chairs:**

Mr Iwan Walters MP

Parliamentary Secretary for Disability and Carers

Ms Susan Pascoe AM

Adjunct Professor

# Communique from the Social Services Regulation Taskforce – Meeting of 9 August 2023

On 9 August 2023, the Social Services Regulation Taskforce (the taskforce) convened its ninth meeting. The taskforce membership is at Attachment 1.

The meeting agenda included:

1. a general update from the independent co-chair, Ms Susan Pascoe AM
2. an update from the department on:
  - feedback provided by key stakeholders on the draft regulations and regulatory impact statement arising from the public consultation
  - preliminary proposed changes to the regulations based on the feedback
  - a proposed staged commencement for social service providers from 1 July 2024
  - registration fees.
3. a general discussion on the department’s Client Incident Management System consultation paper.

## Content

Taskforce independent co-chair, Adjunct Professor Ms Susan Pascoe AM, welcomed the new government co-chair, Parliamentary Secretary for Disability and Carers Mr Iwan Walters MP.

### **1. General update from the independent co-chair**

The independent co-chair provided an update on her recent meeting with the Minister for Child Protection and Family Services and the Minister for Disability, Ageing and Carers.

### **2. An update from the department on feedback from the public consultation, proposed staged commencement, fees, and revised timeline for draft regulations including fees regulatory impact statement**

The department advised that it has received 67 survey responses and 29 formal submissions from key stakeholders via the public consultation process on the Regulatory Impact Statement and draft regulations from 26 May to 16 July 2023. This included feedback from service users, service providers, peak bodies, regulators, advocacy groups and members of the Victorian community.

The department also noted that it intends to undertake a staged commencement for the registration process, with some services automatically transitioning to the new scheme from 1 July 2024 according to the transitional provisions set out in the Act. This includes services currently registered with the Human Services Regulator such as Supported Residential Services, Disability Services under the Disability Act and services under the Children, Youth and Families Act.

Services that are currently not registered are proposed to be progressively brought within the scheme from 1 July 2024 onwards, to assist them to prepare for the registration process, which is a new requirement for this group. This includes family violence services, sexual assault services, homelessness support services and some services by providers with TAC and Workcover clients.

The department further noted that:

- a ‘grace period’ will be provided for services not currently registered to submit their application, and to ensure continuity of existing services while registration applications are being assessed
- staged commencement through a grace period will be done via transitional regulations
- the department will provide further detail about the proposed timing and sequencing of the registration process for those providers that are not currently required to register.

Taskforce members emphasised the importance of the Social Services Regulator being appointed as soon as possible, so that clarity can be provided on issues that require additional guidance or rely on the Regulator’s discretion and ensure the independence of the new structure is respected.

The department provided a high level outline to Taskforce of the decision principles it is using in relation to the transition to the independent regulator. The department noted that:

- as the Regulator has independent status, some decisions cannot be endorsed until the Regulator is appointed, which is anticipated to be in January 2024.
- it must make some decisions before the Regulator’s appointment, to ensure certainty for the sector as early as possible, as well as to ensure the Regulator is ready to commence operations on 1 July 2024. The criteria for making decisions includes that these decisions are low risk, time sensitive, necessary and reversible.
- significant decisions that are being made ahead of the Regulator being appointed will be referred to a panel of regulatory experts for consideration against these principles.

With regard to fees, the department noted that discussions are continuing across government in relation to this matter. The department advised that it expects to publish the draft fees regulations and regulatory impact statement for public comment in late 2023.

Taskforce members noted the December and January period would be a challenging time to effectively engage with a Regulatory Impact Statement on fees due to competing demands on social services during those months.

### **3. An update from the department on the detailed summary of feedback received from the public consultation and preliminary proposals for changes to the draft regulations**

The department provided an overview of the key themes and issues emerging from the consultation and discussed some of the issues raised. Feedback included:

- 17 submissions on the scope of services
- 18 submissions on registration requirements
- 8 submissions on service requirements and outcomes
- 12 submissions on worker and carer exclusion scheme
- 14 submissions on notification requirements.

Taskforce members provided feedback on some of the preliminary proposals for change to the draft regulations, specifically:

- definitions, such as the definition of key personnel in the registration and notification requirements
- service requirements for the social service standards, such as requirements in respect to the standard about safe service environment
- the type of service location information that should be included on the register the Regulator is required to publish.

Taskforce members also reinforced their view that Family Safety Victoria functions and activities in the Orange Door should be within the scope of the scheme, given its planning and coordination role; existing triage and client pathway activities; its role in assessing client risk; and the role of the hub manager in managing client demand and prioritising and managing service users' access to services.

Taskforce members also expressed concern that if Family Safety Victoria is not within the scope of the scheme, it would be challenging for social service providers to be accountable for meeting some social service standards when they are not responsible for compliance with those standards – for example standards relating to safe premises and accountable organisational governance and leadership.

The department and the independent co-chair acknowledged the Taskforce's feedback in relation to this matter.

#### **4. A general discussion on the Client Incident Management System consultation paper**

The department provided an update on the Client Incident Management System consultation paper that was released on 26 July.

Taskforce members raised several matters including clarifying who is in scope for the client incident management system reporting, patterns of behaviours that raise risk but are not defined as an incident, and the inclusion of incidents of harm or risk of harm caused by the service user to others.

The department noted that the client incident management system review and social services regulation reform teams are working closely to align the notification requirements as far as possible to reduce the regulatory burden on service providers. Wherever practical, the same incident should not generate multiple reporting responsibilities.

## ***Attachment 1: Taskforce Members***

### **Taskforce co-chairs:**

Mr Iwan Walters MP

Parliamentary Secretary for Disability and Carers

Ms Susan Pascoe AM

Adjunct Professor

### **Taskforce members:**

Colleen Pearce, The Public Advocate

David Tennant, CEO, FamilyCare

Michele Lonsdale, Deputy CEO, Centre for Excellence in Child and Family Welfare

Expert Advisory Panel Member, Safe and Equal

Deborah Di Natale, CEO, Council to Homeless Persons

Kathleen Maltzahn, CEO, Sexual Assault Services Victoria

Linda Bamblett, CEO, Victorian Aboriginal Community Services Association Limited

Sarah Fordyce, State Manager, National Disability Services Victoria

Simon Corden, Public Policy Expert

Tania Farha, CEO, Safe and Equal

Juanita Pope, Board Member, Victorian Council of Social Service