

Submission to Draft regulations and Regulatory Impact Statement for social services

July 2023

Acknowledgement of Traditional Owners

Safe and Equal acknowledges Aboriginal and Torres Strait Islander peoples as the traditional and ongoing custodians of the lands on which we live and work. We pay respects to Elders past and present. We acknowledge that sovereignty has never been ceded and recognise First Nations peoples' rights to self-determination and continuing connections to land, waters, community and culture.

Recognition of Victim Survivors

Safe and Equal recognises the strength and resilience of adults, children and young people who have experienced family violence and recognise that it is essential that responses to family violence are informed by their expert knowledge and advocacy. We pay respects to those who did not survive and acknowledge friends and family members who have lost loved ones to this preventable and far-reaching issue.

About Safe and Equal

Safe and Equal is the peak body for specialist family violence services that provide support to victim survivors in Victoria. Our vision is a world beyond family and gender-based violence, where women, children and all people from marginalised communities are safe, thriving and respected.

The interests of people experiencing, recovering from, or at risk of, family violence is at the heart of everything we do.

We recognise the gendered nature of violence in our society, and the multiple intersecting forms of power and oppression which can compound the impacts of violence and limit people's access to services, support and safety. We work closely and collaboratively with other organisations and support the leadership of victim survivors to amplify their voices and create change.

We provide specialist expertise across primary prevention, early intervention, response and recovery approaches and the inter-connections between them.

Safe and Equal holds a central position in the Victorian family violence system and its strategic governance. We are committed to being an independent voice to effect sustainable and purposeful systemic and social change.

Introduction

Safe and Equal welcomes the opportunity to contribute to the consultation on the Draft Regulations and the Regulatory Impact Statement on the Social Services Regulation. As the peak body for specialist family violence services, this submission will focus solely on the issue of the timing of the introduction of the regulations, that FSV/DFFH should be bound by regulations through their operation of the Orange Door and the difficulty for services to determine costs when the compliance regime is unlikely to be established until well into the first half of 2024.

In addition to the feedback provided below, Safe and Equal also endorses the recommendations in the following submissions:

1. *Submission on Draft Regulations and Regulatory Impact Statement for Social Services (VCOSS)*
2. *Submission in response to the Draft Regulations and Regulatory Impact Statement for social services (NGO representatives of the Social Services Regulations Taskforce)*
3. *Djirra_Social Services Regulatory Scheme submission 11 July 2023.*

Feedback

Timing of the introduction of the Regulations

The Social Services Regulations (SSR) are due to take effect from 1 July 2024. This is an extension of the original commencement date which was 1 December 2023. Noting that much of the compliance regime in practice will be determined by the Regulator at their discretion, and the fact that the Regulator has not yet been appointed, this does not leave sufficient time for services impacted by the SSR to understand the full regulatory arrangements and to prepare for implementation. Services will only know what they must do to meet registration requirements and to comply with the six social services regulations, once they know what regulator will require of them in practice. By the time the Regulator is appointed and their office established (most likely towards the end of 2023), this leaves a maximum of 6 months for the new Regulator to develop and communicate the regulatory tools necessary to fully implement the new regime, including guidance on the Regulator's decision making approach (including the exercise of their discretion), the development of 'compliance codes' or other forms of guidance for each of the standards, and statements about how the Regulator will approach enforcement. This will not be enough time for services to prepare. This is particularly important as many of these services have not been regulated before and will take some time to become familiar with the new processes. Furthermore, there is to be a separate Regulatory Impact Statement for Fees which is yet to be released for consultation.

We therefore call for the Regulations to come into effect from 1 January 2025.

DFFH/FSV must be bound by the social services regulations for their operation of and role in the Orange Door

There has been ongoing discussion and debate within the Social Services Taskforce on the exclusion of Family Safety Victoria (FSV) (now the Department of Families, Fairness and Housing – DFFH) from the SSR regime even though they are responsible for the operation of the Orange Door Network. The Orange Doors were established to help people experiencing family violence. The draft regulations specifically include ‘triage and support services’ within the definition of ‘family violence service’ and the Orange Door was established to provide such services. The Orange Door includes non-government services that will be bound by the Regulations, working alongside and within interdisciplinary teams with FSV/DFFH staff. More specifically, FSV/DFFH directly employs certain roles within the Orange Door, including Hubs Managers and Client Support Officers, some of which provide or contribute to direct social service delivery at the Orange Door by, among other things, connecting clients with other specialist services located within the Orange Door as part of the triage and support service.

The Orange Door Service Model states that Client Support Officers, who are employed by FSV/DFFH and are based within the Orange Door, have the following key responsibilities¹:

- Identify client pathways within the internal environment of The Orange Door, and support client access to the relevant services and team members;
- Support the Hub Manager and broader workforce at The Orange Door to deliver client focused objectives;
- Prioritise tasks to be able to provide optimal service delivery to clients;
- Provide administration support, including ascertaining and maintaining client information, stakeholder and community service organisation communication, and general clerical duties.
- Exercise advanced interpersonal communication skills in response to diverse presentations of client needs, including in behavioural presentation, consistent with MARAM Framework responsibility 1 (Respectful, Sensitive and Safe Engagement)
- Respond effectively to ensure that Aboriginal people receive culturally appropriate services that meet their needs.
- As a team member at The Orange Door, provide timely and effective customer service to clients of The Orange Door.

These responsibilities are testament to the fact that FSV/DFFH staff are involved in various elements of the provision of triage and support services as part of the collaborative family violence services model of the Orange Door.

¹ *The Orange Door – Service Model* (December 2019, Version 2), page 22

In addition, the Hub Manager (to whom the Client Support Officers report) role includes responsibilities such as *overseeing the day-to-day supervision and performance of FSV/DFFH staff within The Orange Door, complaints and critical incidents, the Orange Door reception and administrative support staff and external services collocating or using the facilities*². These functions also contribute to the direct provision of services to members of the public who are seeking assistance in relation to family violence. The Hub Manager also has responsibilities in relation to managing compliance, strategic development and relationships with the other entities providing services under the banner of the Orange Door. Ultimately, it is disingenuous to disentangle or decouple the combination of roles and functions that contribute to the delivery of social services, in this case, triage and support, to people seeking assistance at the Orange Door.

Given that the government operates the Orange Doors and the roles and functions of some of the FSV/DFFH employees at the Orange Door cannot be decoupled from the combination of roles and functions that contribute to the delivery of social, **it is important to highlight the intentions for the regulatory scheme for government services**. Both the second reading speech and the Explanatory Memorandum indicate that Government will be subject to the proposed regulatory regime.

Regarding the second reading speech, the Minister for Child Protection and for Disability, Ageing and Carers was clear that *“[i]t is proposed that both non-government and government-delivered services will be covered. It is important that we ensure that government-delivered services are held to the same standards and accountability mechanisms by establishing a consistent regulatory framework across both non-government and government-delivered services”*. The Explanatory Memorandum outlines that *“[a]ll social services, including the department, will only need to deal with one regulatory body for legislated standard compliance”*³ and it goes on to note that the very reason for establishing the Regulator was to ensure “a clear separation” between the Secretary of DFFH’s *functions “as provider and funder of social services and the Regulator’s role of regulating social services (including those provided on behalf of the Secretary.)*

For these reasons, FSV/DFFH should be bound by the regulatory scheme in respect of its role in the Orange Door.

Costs cannot be determined without clarity of compliance guidance

The RIS asks for comment on the likely costs for service providers of complying with the Regulations. However, the RIS/draft regulations do not provide the relevant information on fees nor any detailed information on what service providers will be expected to do to comply with the regime in practice, as discussed above. On this basis, it is almost impossible for services, particularly those who have not been regulated before, to provide specific detail on what the costs will be and/or what support will be required to meet the registration requirements and standards set out in the Act and described in the Regulations. The Taskforce has suggested a moratorium on the fees for the first three years, at least, in order to give the services subject to the Regulations the opportunity to

² *The Orange Door – Service Model* (December 2019, Version 2), pages 16-17.

³ Explanatory Memorandum – Amended Print, pages 2 and 9. A similar reference is made in the Minister’s second reading speech.

adjust to the new regulatory regime and to understand how it will impact the changes they need to make to meet the six standards. We strongly urge the Government to consider this. In addition, it is still not clear what compliance costs will arise through contract management processes to meet the gap in quality and continuous improvement obligations that have traditionally been met through accreditation. Meeting the accreditation standards has cost services thousands of dollars, a small portion which they received from DFFH. Given there will be no support from the Department to meet the new social services regulation standards, the cost to services is likely to be significant, particularly in the first instance.

The Government waive fees for the first three years and should consider providing a once off grant to all services to support their efforts to meet the the requirements of the regulations.