



JOB AND PERSON SPECIFICATION

ROLE TITLE	Compliance Officer		
CLASSIFICATION	ASO5	Position No.	Various
TEAM	Compliance and Investigations		
TYPE OF APPOINTMENT	Term		
QUALIFICATIONS			
Essential – Investigation, compliance or regulatory qualifications or equivalent experience			
OUR VISION			
Making a positive difference to the lives of South Australian children and young people by ensuring they have access to high-quality education and early childhood services.			
OUR VALUES			
The Education Standards Board will uphold public sector values through its decisions, actions and interactions. In addition, we are committed to our values:			
- Honesty & integrity: We are consistent and fair in our actions to encourage openness and transparency - Professionalism: We have a culture that strives for excellence and aims to improve productivity - Sustainability: We respond to change and proactively improve - Collaboration & engagement: We collaborate in our work practices - Accountability: We make decisions that comply with legislation, are ethical and are consistent with approved policy and procedure.			
CONTEXT			
The <i>Education and Early Childhood Services (Registration and Standards) Act, 2011 (Act)</i> established our Statutory Authority called the Education Standards Board. The Act and associated legislation shape South Australia’s approach to the registration and regulation of education and care services from early childhood to senior schooling.			
ROLE PURPOSE			
The Compliance Officer is responsible for coordinating and undertaking a range of proactive and reactive compliance-related activities, in accordance with legislation and policies and procedures. The incumbent monitors and assesses regulated parties’ compliance with legislative obligations and educates and guides regulated parties to achieve and maintain voluntary compliance. The Compliance Officer holds the role of an Authorised Officer under the National Law.			
REPORTING / WORKING RELATIONSHIPS			
- Reports to: Team Leader, Compliance - Direct Reports: N/A - Liaises with a range of internal and external stakeholders including ESB staff, regulated parties, parents/caregivers and other government agencies.			
SECTION A:	RESULTS TO BE ACHIEVED		
Undertake, plan and coordinate proactive compliance monitoring activities in accordance with contemporary regulatory practices and frameworks as part of the broader regulatory strategy and to support education activities of the ESB.			

- Administer and coordinate a high caseload of incidents and complaints reported to the ESB, in accordance with agency policies and procedures, to assess if breaches have occurred and to apply appropriate remedy tools in response to non-compliance.
- Identify, record, gather, and analyse evidence and create, assess and maintain case records and documentation.
- Communicate with complainants, services, educators, approved providers, government departments and relevant stakeholders to assess, manage and disseminate information.
- Provide information and expert advice to regulated parties to enable them to return to a state of voluntary compliance following an incident or complaint.
- Make recommendations to the delegate for proportionate regulatory action when non-compliance is identified through proactive and reactive monitoring activities.
- Meet key performance indicators and targets associated with compliance and monitoring activities.
- Liaise with a range of internal and external stakeholders and other networks to support regulatory activities and compliance action.
- Identify opportunities for improving compliance processes and coordinate and deliver projects that improve team operations and facilitate meeting key performance indicators and the Board's strategic objectives.

SPECIFIC REQUIREMENTS

- The successful applicant will be required to satisfactorily complete a Department of Human Services Working with Children Check and National Police Certificate prior to being employed and regularly as required.
- Uniform may be required.
- A current driver's license and the willingness to drive is a requirement.
- Intra or interstate travel may be required.
- Some out-of-hours work may be required.
- Flexible working arrangements are available for this position.
- Compliance with Government legislation, Code of Ethics for the SA Public Sector, *State Records Act 1997*, ESB policies and procedures, including ethical / accountable resources and information management, WHS and injury management, risk management, and the access / equity /diversity strategies of the public sector.

SECTION B:

SELECTION CRITERIA

TECHNICAL EXPERTISE

- Demonstrate knowledge of and experience in applying and using contemporary regulatory tools and their use.
- Understand the operating and authorising environment and use key regulatory concepts and frameworks to increase the effectiveness of regulatory outcomes.
- Demonstrated knowledge of Procedural Fairness, Natural Justice and rules of evidence in a regulatory environment.
- Maintain up-to-date knowledge of regulatory best practices.
- Apply knowledge, administrative law principles, judgement, and discretion within delegation to achieve the desired regulatory outcome.

PERSONAL ABILITIES

- Demonstrated ability to use discretion and exercise judgement to determine appropriate course of regulatory action, in accordance with relevant law and role delegations.
- Accurately assess information against legislation, standards, policies and past decisions when making regulatory decisions

- Demonstrated ability to work effectively with attention to detail and exercise initiative in selecting compliance methods and techniques, analysing information and developing and implementing appropriate and effective solutions.
- Use a range of communication strategies (including spoken, written, and visual) to suit the audience.
- Respond appropriately to stakeholder consultation and engagement needs, including following culturally appropriate practices.
- Demonstrated ability to work under limited direction, exercise initiative in selecting methods and techniques, determine priorities, meet tight deadlines and produce a high standard of work under pressure.
- Demonstrated ability to deal with a high workload, prioritising through risk management and decision making skills
- Proactively seek opportunities to improve skills and knowledge and takes action to make those improvements.

EXPERIENCE

- Proven experience in undertaking inspections, recording all data promptly and comprehensively, according to the legislation and following relevant policies and procedures, to ensure accuracy and completeness, monitoring compliance against standards or regulations and identifying and recommending proportionate regulatory action.
- Proven experience in the interpretation of legislation, policy and procedures and the application of legislation in a regulatory setting.
- Proven experience in applying different regulatory tools (notices, infringements, etc) to address non-compliance.
- Experience in exercising regulatory powers when gathering evidence, questioning witnesses and alleged offenders, and taking statements.
- Proven experience in working as part of a team and demonstrated practical aptitude to learn new skills and promote a continuous improvement agenda.

SECTION C:**DESIRABLE SELECTION CRITERIA**

- Understanding of the role of the Education Standards Board as a statutory authority of the state of South Australia.
- Knowledge of the structure and workings of the Public Sector.
- Knowledge of relevant state and nationally applied Early Childhood Education and Care (ECEC) legislation, regulations and the National Quality Framework.

SECTION D:**DELEGATE APPROVAL****APPROVED BY:**

Sean Heffernan, Acting Chief Executive

DATE: 4 November 2024

SIGNATURE:



The ESB Regulatory Capability Framework (RCF) outlines the regulatory skills, knowledge and behaviours that regulatory staff need to effectively regulate the early childhood sector in South Australia.

A regulatory capability framework is an invaluable tool for ensuring the continuous improvement and growth of regulatory staff in the ESB, enabling them to improve their existing capabilities and/or develop new ones.

All regulatory officers are encouraged to use the Regulatory Capability Framework to guide their performance development planning (PDP) and enable focused, productive PDP conversations with their managers.

The table below outlines the key capabilities.

SECTION E:	REGULATORY CAPABILITY FRAMEWORK		
Regulatory Decision-making	- Effectively regulates the provision of education and care services to children and young people following the legislation and ESB policies and procedures. - Effectively applies the legislation to achieve the desired regulatory outcomes. - Exercises regulatory powers and delegations appropriately and responsibly. - Makes effective, evidence-based regulatory decisions that comply with legislation, administrative law principles, ESB policies and procedures, and best-practice standards in the public sector. - Gathers and manages evidence so that it can be used to prove the circumstances of the event. - Continuously seeks to create improvements – to own practice, the team, and organisational processes.		
Risk-based Regulation	- Manages regulatory risks proportionately and maintains essential safeguards while minimising regulatory burden. - Plans and prioritises work activities based on regulatory risk and ESB policies and procedures.		
Regulatory Communication and Engagement	- Understands the stakeholder and proactively considers the different needs and interests of these stakeholders. - Communicates effectively with regulated parties using a range of communication strategies to achieve positive regulatory outcomes. - Provides leadership to influence compliance and lead change in the regulated community. - Behaves ethically and professionally and upholds and promotes the ESB and the South Australian Public Sector Values and Behaviours Framework.		
Data Intelligence and Information	- Uses data intelligence to support informed regulatory decision-making. - Manage and share information according to the legislation and following ESB policies and procedures.		
Monitoring Compliance	- Conducts scheduled or unscheduled compliance monitoring activities. - Applies the appropriate regulatory tools for the compliance situation according to the legislation and following ESB policies and procedures. - Keeps contemporaneous notes and uses them to give evidence in court (tribunal or other contested hearing), prepare statements and compile reports, including incident reports. - Supports regulated parties to voluntarily comply with legislation/standards. - Implements and monitors Work Health Safety (WHS) policies, procedures and programs in the office and out in the field.		
Investigations	- Plans, conducts and finalises investigations according to the legislation and following ESB policies and procedures. - Takes and gives statements that provide evidentiary value. - Prepares for and conducts interviews, reviews and correlates information. - Produces formal record of interview. - Prepares a brief of evidence in line with best practice and ESB requirements. - Gives evidence in a range of legal proceedings to the required standard.		
Acknowledged by occupant	 (Print name)	 (Signature)	 (Date)