Education Standards Board

Government of South Australia

JOB AND PERSON SPECIFICATION

ROLE TITLE	Senior Investigator		
CLASSIFICATION	ASO6	**Position No.**	M16492
TEAM	Compliance and Investigations		
TYPE OF APPOINTMENT			

QUALIFICATIONS

- Essential – Investigation, regulatory or compliance 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 *Education and Early Childhood Services (Registration and Standards) Act, 2011* (**Act**) 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 Senior Investigator plans, coordinates and conducts investigations that focus on high risk provider services and their staff in accordance with legislation and professional standards to assess and identify non-compliance or breaches of the law and recommend a proportionate regulatory response that will achieve improved regulatory outcomes and ensure children's health, safety and wellbeing.

REPORTING / WORKING RELATIONSHIPS

- Reports to: Manager, Compliance and Investigations
- Direct Reports: Nil
- Liaises with a range of internal and external stakeholders including ESB staff, regulated parties, parents/caregivers and other government agencies
- Liaises with jurisdictional Regulatory Authorities
- Liaises with Department for Child Protection, Department of Human Services,South Australian Police and other relevant state or commonwealth government departments.

SECTION A:	RESULTS TO BE ACHIEVED

- Coordinate and conduct complex and sensitive investigations as an Authorised Officer under the legislation, in accordance with contemporary regulatory practices and frameworks and ESB strategic objectives, policies and procedures.
- Develop and implement investigation plans that effectively address the scope of the investigation.
- Identify, record, gather and analyse evidence including conducting and documenting comprehensive interviews and create, assess and maintain investigation records and documentation.
- Communicate with complainants, regulated parties and stakeholders to assess, manage, disseminate and disclose information.
- Identify, select and/or sanitise material for disclosure.
- Provide sophisticated analysis, research, information and proportionate regulatory recommendations that will achieve improved regulatory outcomes and ensure children's health, safety and wellbeing.
- Prepare reports that define, assess legislative breaches and allegations and recommend appropriate statutory sanctions, including prosecution.
- Provide information and expert advice to regulated parties and witnesses to enable them to make informed decisions when exercising their rights or fulfilling their responsibilities and obligations in accordance with the legislation.
- Meet key performance indicators and targets associated with investigation activities.
- Represent the ESB and liaise with a range of internal and external stakeholders, including ESB staff, regulated parties, parents/caregivers and other government agencies including co-and peer regulators to support regulatory activities and compliance action.
- Review investigation processes, identify opportunities for improvement and develop, coordinate and deliver projects that improve team operations, support strategic actions and meet the Board's 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.
- A current driver's licence and the willingness to drive is a requirement Intra or interstate travel may be required.
- Uniform 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.
- The incumbent will be required to maintain a safe working environment by adopting appropriate hazard management practices consistent with the role.

SECTION B:	SELECTION CRITERIA

TECHNICAL EXPERTISE

- Significant level of knowledge and experience in applying contemporary regulatory tools and investigation professional standards in conducting and coordinating investigations including interviewing techniques, statement taking and evidence management.
- Significant level of knowledge and experience in applying the principles of natural justice, procedural fairness, and evidentiary procedures required by the courts, tribunals and boards of inquiry.

PERSONAL ABILITIES

- Well-developed written and verbal communication, including expertise in clearly detailing matters, recommendations and expected outcomes that are of a protracted and/or complex nature.
- Demonstrate well-developed analytical skills and expertise in processing information, identifying patterns, and drawing logical conclusions from the data collected.
- Demonstrated ability to think critically and objectively when evaluating evidence, assessing situations and making informed decisions during an investigation.
- Demonstrated ability to operate under broad direction, determine priorities, meet tight deadlines and produce a high standard of work under pressure.
- Demonstrated ability to recognise and deal discreetly with confidential matters, demonstrate integrity and apply diplomatic skills to sensitive situations.
- Demonstrated ability to work effectively with attention to detail, exercise a significant level of responsibility, decision making and judgement in analysing sensitive information and complex issues, and developing and implementing appropriate and effective solutions.

EXPERIENCE

- Significant level of experience in developing and implementing investigation plans, conducting formal interviews under caution and taking statements including preparing and analysing evidence to identify non-compliance and recommend suitable statutory sanctions.
- Significant level of experience in interpreting legislation, policy and procedures and exercising regulatory powers including power of entry, coercive powers and gathering evidence.
- Significant experience in the preparation of written reports, witness statements, records of interview and court briefs, including recommendations for enforcement action and prosecutions, capable of withstanding judicial scrutiny.
- Demonstrated experience in reviewing investigation processes, identifying opportunities for improvement and developing, coordinating and delivering projects that improve operations.
- 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**

- Experience in court proceedings and testifying before courts.
- Knowledge of the structure and workings of the Public Sector.
- Knowledge of the National Quality Framework, specifically the National Law and Regulations, legislation specific to South Australia and other associated legislation.

SECTION D:	**DELEGATE APPROVAL**	
APPROVED BY: **Kerry Leaver, Chief Executive**	**DATE:22/3/2024**	**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)