

Regulatory compliance framework

POLICY

The *Education (Queensland College of Teachers) Act 2005* (the Act) establishes the Queensland College of Teachers (QCT) as the agency with the primary responsibility for regulating teachers in Queensland.

The main objectives of the Act and purpose of the QCT, are to –

- Uphold the standards of the teaching profession
- Maintain public confidence in the teaching profession, and
- Protect the public by ensuring education in schools is provided in a professional and competent way by approved teachers.

To achieve these objectives the Act confers on the QCT functions about the registration of teachers in Queensland and related matters such as taking disciplinary action against teachers and monitoring and enforcing compliance with the Act.

Regulating the teaching profession

The QCT is responsible for monitoring and enforcing compliance with the Act and associated policies. The Act prescribes offences and penalties that can be applied and enforced by a Court where an offence is proved. Individual QCT policies also outline how provisions of the Act apply and the requirements and consequences for non-compliance.

This framework provides an over-arching structure for the QCT to manage its regulatory compliance obligations in respect to both legislative and policy requirements.

The regulatory functions in the Act require the QCT to take action to address the following issues:

For approved and former approved teachers

- Not returning a certificate of registration or permission to teach in cases where an approved teacher's registration or permission to teach is suspended or cancelled
- Failing to disclose —
 - a change in criminal history
 - a change in other circumstances
 - a change in teaching status in another state
- Not fulfilling a condition on registration or permission to teach
- Claiming to hold full registration when the teacher holds provisional registration
- Teaching when the teacher's registration or permission to teach is suspended

For employing authorities and principals

- Failing to employ only approved teachers as teachers
- Continuing to employ teachers who are no longer approved teachers
- Failing to notify the QCT about dealings with particular allegations and dismissals related to teachers
- Failing to comply with a notice to give reports and returns
- Allowing a person to teach when the person's registration or permission to teach is suspended

For higher education entities

- Offering a preservice teacher education program that has not been approved by the QCT under this Act and claiming or representing that the program has been approved

For all persons

- Teaching in a prescribed school when not registered or holding permission to teach
- Claiming to hold registration when holding permission to teach
- Giving relevant information to the QCT that the person knows is false or misleading in a material particular
- Giving to the QCT, an investigator, or disciplinary committee a document containing information the person knows is false, incomplete or misleading in a material particular
- Failing, without a reasonable excuse, to act on a notice given by a disciplinary committee or an investigator
- Failing to comply with the legislative requirements of investigations undertaken by the QCT
- Failing to maintain confidentiality about particular information given under the Act

QCT regulatory compliance framework

The QCT seeks to maximise compliance with the Act by developing and implementing strategies for monitoring, enforcing and reporting on the compliance of agencies and individuals.

The QCT regulatory compliance framework includes:

- Acknowledging the operating environment
- Identifying the principles, in terms of values and behaviours, underpinning the framework
- Adopting a model based on education, engagement and enforcement
- Developing constructive strategies and responses to maximise compliance and resolve issues
- Monitoring compliance through a diverse range of strategies
- Continuously improving policy and processes

Operating Environment

Queensland has a high-quality teaching profession with the longest history in Australia of mandatory registration. The QCT is responsible for the professional regulation of over 120,000 registered teachers who can work in approximately 2,000 schools throughout the state.

The QCT develops, maintains and applies professional standards, codes of practice and policies to underpin entry to and continuing membership of the profession.

Our challenges include responding quickly and effectively to changing professional and societal needs and ensuring that our regulatory enforcement supports the expectations of government, teachers, students, employing authorities and the general public.

QCT Regulatory Compliance Model

The QCT regulatory compliance model is an outcomes-based model. The aim of the model is to minimise reliance on legal and punitive actions to enforce compliance with the Act. It promotes voluntary compliance by individuals and agencies which is results-orientated and designed to maximise the potential for all stakeholders to achieve compliance with the Act and QCT policies.

The primary elements of the model are QCT policies, strategies, and actions to inform and educate; to persuade and engage; and to monitor and enforce compliance with the Act.

The model relies on good record-keeping and reporting. These activities run across the elements of any compliance model and are obligatory for both the regulator, in this instance the QCT, and stakeholders including teachers, employing authorities, schools and higher education entities.

These elements and possible enforcement action that may be undertaken are indicated in the following table.

Information and Education	Persuasion and Engagement	Monitoring and Enforcement
Working closely and consulting with key stakeholders	Self-monitoring and assessment	Monitoring trends and specific compliance issues
Providing information about legislative requirements, policy, and guidelines	Engaging with agencies and individuals through audits and providing feedback	Risk management
Education and training	Fact-finding and preliminary investigations	Investigating alleged breaches
Promoting professional standards and codes of practice	Engaging with individuals and employing authorities to address concerns	Taking action on a person's registration
	Issuing warnings and notices	Undertaking disciplinary action
		Prosecuting persons or entities who fail to comply with the Act
Record-keeping and reporting		

Compliance values and behaviours

The QCT regulatory compliance model and its implementation are based on values and behaviours that are critical to achieving optimal regulatory compliance.

These values and behaviours include:

1. Responsively monitor legislative requirements to ensure children are not placed in situations of unacceptable risk of harm
2. Pursuing cooperation across jurisdictions to form effective alliances
3. Maintaining productive working relationships with stakeholders and developing a partnership approach to regulatory issues
4. Effecting practical compliance strategies to support QCT regulatory obligations, policies, procedures and accountable decision making, to achieve fair, reasonable and cost-effective administration and enforcement of the Act
5. Encouraging voluntary compliance of stakeholders including good record-keeping and processes to support effective reporting and self-regulation
6. Ensuring that enforcement action taken is commensurate with the potential for significant adverse impact on the regulatory functioning of the QCT, the profession, teaching standards or the safety of children and the public

Monitoring compliance

The QCT will monitor the compliance of individuals and agencies with legislative and policy requirements through activities such as:

- receiving complaints about possible non-compliance and determining the appropriate action to take
- requesting information from individuals and agencies to demonstrate their compliance with the Act and/or QCT policy
- conducting audits
- undertaking investigations

Review and improvement of policies and processes

The QCT will keep its policies, processes and regulatory responses under continuous review to ensure our purpose is fulfilled, i.e., that teaching in Queensland schools is performed by appropriately qualified, competent and ethical people in the best interests of students, the profession and the public.

A report on compliance issues is provided to the Board of the QCT by the Office of the QCT on a six-monthly basis.

Related documents

- Regulatory Enforcement Strategy