

MAKING A COMPLAINT ABOUT A TEACHER

Under the *Education (Queensland College of Teachers) Act 2005*

REGULATING THE TEACHING PROFESSION

The Queensland College of Teachers (the QCT) is established under the *Education (Queensland College of Teachers) Act 2005* (the Act) as the agency responsible for the regulation of the teaching profession in Queensland.

The Act gives the QCT the power to receive and investigate complaints against teachers where a ground for disciplinary action exists. A complaint must be in writing and contain particulars of the allegation. Section 88 of the Act allows the QCT to ask the complainant to provide further information or to verify the complaint by statutory declaration.

FIRST RAISE YOUR COMPLAINT WITH THE TEACHER'S EMPLOYER

You should make your complaint first to the Principal, governing body of the school (such as a Board or Council), or to the employing authority that employs the teacher (such as the Department of Education, Training and the Arts). If you believe a ground for disciplinary action exists against the teacher in respect to their professional registration following the outcome of your complaint you can lodge a complaint with the QCT.

It may not be possible for a complaint to first be raised with the teacher's employer (for example, if the teacher is no longer working at the school). In these circumstances you should advise the QCT why your complaint was not referred to the teacher's employer. To assist you to lodge a complaint, a Complaint Form is available from the QCT.

SERIOUS PROFESSIONAL MISCONDUCT

The Act limits the complaints that the QCT can deal with to those concerning allegations against teachers that would, if proven, be grounds for disciplinary action in respect to the teacher's registration to teach in Queensland (Section 92(1) of the Act).

In relation to a teacher's suitability to teach (which is a ground for disciplinary action under the Act), a person is not suitable to teach if the person behaves in a way that does not satisfy a standard of behaviour generally expected of a teacher; or otherwise behaves in a disgraceful or improper way.

Examples of complaints that, if proven, may call into question a teacher's suitability to teach include:

- if a teacher becomes involved in an inappropriate relationship (sexual or otherwise) with a student
- if a teacher uses disciplinary methods, physical contact or other behaviour that causes any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

Serious complaints that relate to a possible criminal offence should be referred to the Queensland Police Service.

INFORMATION YOU NEED TO PROVIDE

If your complaint relates to a teacher's suitability to teach, it is important that you clearly outline in your complaint the circumstances that led to your complaint arising, dates or timeframes as to when events occurred, and the names and contact details of any witnesses.

If you wish to complain about more than one teacher, please complete one Complaint Form for each teacher. Copies of the complaint and any documents you provide to the QCT may be given to the teacher who is the subject of the complaint. You do not have to use the Complaint Form in order to lodge a complaint. If you wish, you can submit your complaint in a letter detailing the allegations (the Complaint Form should be used as a guide to ensure you include all relevant information).

MAKING A COMPLAINT ABOUT A TEACHER (CONT.)

You may be required to provide further information about your complaint and to sign a statutory declaration about the information that you provide to the QCT. If the matter proceeds to investigation or is considered by a disciplinary committee you and other witnesses to the matter may be required to give statements and be cross-examined on the evidence provided.

WHAT THE QCT DOES NOT DEAL WITH

The QCT is not able to consider complaints in every circumstance, for example:

- Administrative matters (e.g. not providing report cards or feedback about a student's development; issues about school uniforms, or application of a policy, including curriculum) – these issues should be directed to the school or employing authority.
- Employee performance (e.g. allegations about a teacher's performance and/or management) – these matters should be directed to the school or employing authority.
- Family Court and child safety matters between a teacher and his/her children – in this circumstance independent legal advice should be sought and child safety concerns reported to a relevant authority such as the Queensland Police Service, the Department of Child Safety and/or the Commission for Children and Young People and Child Guardian.
- Criminal activity – these allegations should be directed to the Queensland Police Service.
- Official misconduct (e.g. conduct that could, if proved, be a criminal offence; or a disciplinary breach, providing reasonable grounds for terminating the person's services, if the person is or was a public servant) – these matters should be referred in the first instance to the Crime and Misconduct Commission¹.

Please refer to the chart 'Is your complaint a matter that the QCT can deal with?'

COMPLAINT FORM

The Complaint Form will help you to provide the QCT with information to assess your complaint and determine what action can be taken. Please complete all the questions on the Complaint Form. If you have any questions or require assistance in completing the Complaint Form, please telephone the QCT's Professional Conduct Unit on (07) 3377 4777 (local), 1300 720 944 (toll free) or +61 7 3377 4777 (international).

COMPLAINTS AGAINST TEACHERS POLICY

The QCT has a policy about how complaints against teachers will be assessed and processed. This and other information about the role of the QCT is available from the QCT or on-line.

PRIVACY AND CONFIDENTIALITY

Privacy and confidentiality shall be afforded to all parties as much as the Act allows. Any information received will be subject to release in accordance with the *Information Privacy Act 2009*, and the *Right to Information Act 2009*, or if required by law.

For further information about the QCT and the Act, visit our website at: <http://www.qct.edu.au>

¹ The Crime and Misconduct Commission has no jurisdiction over Non-government schools, but does in relation to State and Grammar schools

MAKING A COMPLAINT ABOUT A TEACHER (CONT.)

Is your complaint a matter that the QCT can deal with?

