

## INFORMATION FOR COMPLAINANTS

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

### IF A COMPLAINT IS MADE

If you make a complaint against a teacher to the Queensland College of Teachers (QCT) the QCT will:

- establish if the person who is the subject of your complaint is or was a registered teacher or had special permission to teach in a school. This is done by checking records held by the QCT;
- check that the complaint satisfies the Complaints Against Teachers provisions under the *Education (Queensland College of Teachers) Act 2005* (the Act); and
- write to you to about your complaint.

### ASSESSING A COMPLAINT

Complaints are assessed to determine the most appropriate action to take. You may be required to give the QCT further information about the complaint or verify the complaint or further information you give the QCT by statutory declaration.

In assessing your complaint the QCT may contact the necessary people and other agencies about the complaint. This may include:

- consulting with another agency about whether the complaint is based on an allegation that could be more appropriately dealt with by that agency or another agency;
- identifying whether the complaint is based on an allegation that has already been adequately dealt with;
- requesting details from a school or employing authority about the complaint;
- contacting alleged witnesses to determine whether they are able to provide a statement in respect to the matter; and/or
- writing to the teacher to outline the grounds of the complaint and giving the teacher opportunity to respond to the allegation/s.

You may be requested to demonstrate that you have raised the complaint with the relevant agency/ies, and to provide information on the outcome. You may also be requested to provide evidence to the QCT as to why the teacher's alleged actions and registration as a teacher in Queensland should be examined by a disciplinary committee.

### IF A COMPLAINT IS REFUSED

The QCT may refuse to deal with your complaint if it reasonably believes:

- The complaint, if proved, would not establish a ground for disciplinary action against the person who is the subject of the complaint. (Grounds for disciplinary action are outlined in section 92 of the Act)<sup>1</sup>;
- The complaint is trivial, unreasonable or without substance;
- The complaint is about a frivolous matter or was made vexatiously;
- The complaint is based on an allegation that could more appropriately be dealt with by another agency;
- The complaint is based on an allegation that has already been dealt with by the QCT or another agency;

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<sup>1</sup> A link to the Act is available on the QCT website

**MAKING A COMPLAINT ABOUT A TEACHER (CONT.)**

- Having regard to the length of time that has elapsed since the matter complained of happened, it is not practicable for the QCT to deal with the complaint<sup>2</sup>;
- You refuse, without reasonable excuse, to provide further information required by the QCT to decide whether to deal with the complaint; and/or
- You do not comply with a requirement of the QCT under the Act to give further information or verify information by statutory declaration.

If the QCT makes a decision to refuse a complaint, the QCT must, as soon as practicable, write to you about the decision and keep a record about your complaint.

**REVIEW OF A REFUSAL TO DEAL WITH A COMPLAINT DECISION**

If you are dissatisfied with the QCT's decision to refuse to deal with the complaint you may request a review of the decision. A request for review of the decision must be made in writing to the Director QCT who will consider the review. The review must be received by the Director QCT within 28 days of the date you receive the letter of the decision to refuse to deal with the complaint from the QCT.

After the period for you to request a review of the decision has passed, and when a request for review has not been received, the QCT will write to the teacher and advise them of the complaint received and the decision to refuse to deal with the complaint. If the decision is reviewed and the same decision is kept the teacher will then be advised of the complaint.

**IF THE COMPLAINT IS ACCEPTED BY THE QCT**

If the QCT agrees to deal with your complaint, the QCT will start disciplinary proceedings or authorise an investigation of the allegations raised. Disciplinary proceedings can only commence if sufficient evidence is received to satisfy the QCT that there are clear grounds for disciplinary action.

**Investigations**

If the QCT reasonably believes on the basis of information received from you that a ground for disciplinary action against the teacher may exist, the QCT may authorise a disciplinary investigation.

The QCT will advise the teacher about the investigation, the particulars of the complaint against them and how the matter was raised. This information is given to the teacher unless it can be established that there is a reasonable belief that doing so may:

- Seriously prejudice the investigation;
- Place at risk the wellbeing of vulnerable persons; and/or
- Place you as the complainant or another person at risk of harassment or intimidation.

During the investigation you will be asked to participate in a formal interview with the investigator to answer questions and provide further information. The investigator may also require relevant witnesses, including the student/s who were subject to the alleged actions of the teacher, to attend an interview to answer questions and provide further information.

When the investigation is completed the investigator gives a report to the PP&C Committee. The PP&C Committee reviews the report and makes a decision to hear and decide the matter or, for more serious matters, to refer it to the Queensland Civil and Administrative Tribunal (QCAT).

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<sup>2</sup> However, the QCT may not refuse to deal with the complaint if the person who is the subject of the complaint is a teacher and the QCT reasonably believes the complaint is based on an allegation that, if proved, would establish a ground for suspending or cancelling the person's registration or permission to teach.

## MAKING A COMPLAINT ABOUT A TEACHER (CONT.)

### Disciplinary Proceedings

If the QCT determines from the information provided by you that a ground for disciplinary action against the teacher does exist, and an investigation is not required, then the QCT must refer the matter to either the PP&C Committee or the QCAT.

Matters referred to the PP&C Committee are matters where the QCT reasonably believes that minor disciplinary action is appropriate. This includes issuing a warning or reprimand to a teacher.

Matters referred to the QCAT are those that the QCT reasonably believes require disciplinary action that is more serious and may include cancelling a teacher's registration.

### Professional Practice and Conduct Committee

The PP&C Committee is made up of members of the QCT Board. If the PP&C Committee decides to hear the matter then you and the teacher will be advised in writing of this decision. The letter will state the grounds for disciplinary action, the facts and circumstances forming the basis for the ground and the period of time the teacher has to make a submission to the PP&C Committee.

The PP&C Committee may also require further information from the teacher or other persons, including you. These proceedings are not open to the public and complainants are not able to attend.

Once a decision is made, the PP&C Committee will notify you and the teacher of the decision and the reasons for it.

### Queensland Civil and Administrative Tribunal

The QCAT is an independent tribunal separate to the QCT.

If the matter is referred to the QCAT you as the complainant, will receive a letter about the QCAT's intention to conduct a hearing. These hearings are open to the public and you are able to attend the hearing to observe. If all or part of the hearing is closed to the public you, as the complainant, are still able to attend unless the QCAT states otherwise. During the hearing witnesses can be called to give evidence and be subjected to cross examination.

When the QCAT makes an order and gives reasons for the decision it may make an order for certain information not to be published. This may include your name, the name of the teacher, witnesses or other evidence given before the QCAT including documents produced to the QCAT.

The QCAT is required to provide in writing its decision and reasons for it to the complainant.

The QCT may publish the teacher's identity and the nature and outcome of the hearing however it must not publish any other information about the disciplinary proceedings, including information that identifies the complainant or witness or any information that the QCAT has prohibited from being published.

### PRIVACY AND CONFIDENTIALITY

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

### OTHER INFORMATION

The following information is available to view and download from the QCT website:

- *Complaints Against Teachers – Policy*
- *Complaints Against Teachers – Information Sheet for Making a Complaint*
- *Complaints Against Teachers – Form*

If you have any questions please contact the QCT's Registration & Professional Conduct Unit on (07) 3377 4777 (local), 1300 720 944 (toll free) or + 61 7 3377 4777 (international). For further information about the QCT and the Act, visit our website at: <http://www.qct.edu.au>