

Suspension for unacceptable risk of harm

INFORMATION SHEET

How the Queensland College of Teachers makes decisions about suspending teachers' registration or permission to teach for unacceptable risk of harm to children

The Queensland College of Teachers (QCT) is the regulatory authority responsible for registering teachers in Queensland and ensuring they are suitable to teach. The QCT operates under the *Education (Queensland College of Teachers) Act 2005* ('the Act').

As part of its responsibility to ensure teaching quality in Queensland, the QCT has the power to suspend the registration of teachers who pose an unacceptable risk of harm to children (under Sections 7, 49, Schedule 3 of the Act).

What does it mean to suggest that a teacher poses an unacceptable risk of harm to children?

The QCT's definition of 'harm' comes from legislation. 'Harm' includes any detrimental effect of a significant nature on a child's physical, psychological or emotional wellbeing. Harm can be caused by abuse (whether physical, psychological, emotional or sexual), neglect or exploitation. Harm can result from a single event or a series of events.

The QCT's Board has approved a policy to guide decisions about suspending teachers who pose an unacceptable risk of harm to children. This policy is available at: www.qct.edu.au/pdf/Suspension_of_registration_or_permission_to_teach.pdf

The QCT's Director is delegated by the Board to make decisions about the suspension of teachers. The Director informs the Board about any teacher suspensions.

What circumstances might suggest that a teacher poses an unacceptable risk of harm to children?

If the QCT receives information suggesting that a teacher may pose an unacceptable risk of harm to children, the QCT must assess the evidence. Examples of alleged situations that may prompt an assessment include:

- an inappropriate teacher-student relationship (such as a sexual relationship whether consensual or not, sexual advances, inappropriate touching, or spending time alone

with a child without a valid educational purpose)

- inappropriate counselling (including acting as a confidant or providing counselling when the teacher is not a guidance counsellor)
- inappropriate use of media (including sharing with children unsuitable photographs, videos or other content)
- physical violence (including violence against a child or witnessed by a child)
- any behaviour that crosses the boundary of teacher professionalism.

How does the QCT receive information that a teacher may pose an unacceptable risk of harm?

Information suggesting that a teacher may pose an unacceptable risk of harm to children may come from anyone who is concerned about a teacher's conduct – including parents, students, other teachers, school principals or members of the wider community.

How can a member of the community inform the QCT about unacceptable risk of harm?

A member of the community who believes, on reasonable grounds, that a teacher may pose an unacceptable risk of harm to children is encouraged to contact the QCT. Complaints about potential risk of harm must be made in writing, using the complaint form available on the QCT website www.qct.edu.au.

How does the QCT assess the information it receives?

All information suggesting that a teacher may pose an unacceptable risk of harm to children is assessed by the QCT's professional conduct staff, who advise the QCT Director. The Director makes a decision, on behalf of the Board.

Does the QCT require evidence that proves the teacher has harmed a child?

The QCT is responsible for deciding whether a teacher poses an unacceptable risk of harm to children. The QCT is not responsible for proving that any harm has occurred.

What happens if the QCT decides to suspend a teacher?

Where the QCT decides to suspend a teacher's registration, the QCT will:

- issue a suspension notice to the teacher (usually sent via registered mail)
- refer the matter to the Queensland Civil and Administrative Tribunal (QCAT)
- notify the principal at the teacher's school (via email)
- notify the teacher's employer
- notify the Queensland Government's Blue Card Services.

A teacher who receives a suspension notice from the QCT is unable to teach in Queensland schools in any capacity (including as a volunteer). All teacher suspensions are reviewed by QCAT.

The register of teachers available on the QCT website will show the teacher's registration is suspended.

What happens if the QCT decides not to suspend a teacher?

If the QCT decides there is not sufficient information to conclude that the teacher poses an unacceptable risk of harm to children, the teacher's registration will remain in place. The QCT will not notify the teacher or the teacher's employer about the information received. In some situations, the QCT may investigate further and consider whether disciplinary action is appropriate.

Does the QCT consult with the teacher before making its decision?

The QCT makes its decision based on the information it receives and any additional research conducted by QCT staff. This usually does not involve speaking with the teacher against whom the information has been received.

Where the QCT decides to suspend a teacher, the teacher will receive notification from the QCT. The teacher will then receive formal notice about the QCAT review. The QCAT review provides an opportunity for the teacher to respond to the case.

What happens if QCAT ends the suspension?

If QCAT concludes that the teacher does not pose an unacceptable risk of harm to children, the suspension will end and the teacher will be able to work as a teacher in Queensland. The QCT may still consider disciplinary action against the teacher.

What happens if QCAT continues the suspension?

If QCAT continues the suspension, the teacher will be unable to work as a teacher in Queensland while the suspension is in place. The suspension will continue while the matter is investigated. Once the investigation is complete, and the conduct found to have occurred, the QCT will take discipline action against the teacher.

How long does the decision-making process take?

In most cases, the QCT begins its assessment on the day it receives information that a teacher may pose an unacceptable risk of harm to children. The QCT's assessment typically takes 48 hours.

Where the QCT decides to suspend a teacher, the teacher and relevant authorities are typically notified on the day the decision is made. The QCT usually refers the case to QCAT within 72 hours of the decision being made.

In exceptional circumstances, the QCT may delay the teacher's suspension (if, for example, notifying the teacher may impede a Queensland Police Service investigation).

Where a suspension is continued by QCAT, the case will be investigated and QCAT will make a final decision on the matter. The time required to make the final decision will vary on a case-by-case basis.

Why might the QCT decide not to suspend a teacher who has been suspended by their employer?

The QCT requires sufficient evidence that the teacher poses an unacceptable risk of harm to children before suspending the teacher and referring the case to QCAT. In contrast, an employer may decide to suspend a teacher's employment based on an allegation of misconduct. In this situation, the employer may suspend the teacher on full pay before gathering evidence and without giving the teacher a reason for the suspension. The employer's suspension may remain in place while the employer investigates the complaint. The teacher will remain registered as a teacher through the QCT, but the teacher's employment will be suspended by that employer.

Why might the QCT suspend a teacher who has not been suspended by their employer?

The QCT's concern about unacceptable harm to children may be based on the teacher's conduct and professional ethics both inside and outside the school environment. For example, the QCT may be concerned about a teacher's relationship with a student in the weeks or months after the student finishes school. The QCT may suspend a teacher for unacceptable risk of harm to children even though the employer feels the situation is outside the employer's jurisdiction. In addition, the QCT may be concerned about the teacher's conduct with multiple employers, and may have access to information not available to the current employer.

What happens if a community member believes the QCT has made the wrong decision?

Where a member of the community believes the QCT has made the wrong decision about a teacher's suspension, the community member may refer their concern to the Queensland Ombudsman www.ombudsman.qld.gov.au.

Contact us

1286 | IS24 | 1117

07 3377 4777

or call 1300 720 944

PO Box 389
Toowong Qld 4066 Australia

Email: lpc@qct.edu.au



www.qct.edu.au