

Suspension of registration or permission to teach for unacceptable risk of harm

Purpose and rationale

Purpose: To ensure that a teacher who poses an unacceptable risk of harm to children is unable to work as a teacher.

Rationale: The Queensland College of Teachers (QCT) has an obligation to ensure the safety and well-being of students in accordance with public expectation and to uphold public confidence in the teaching profession. The QCT has the power to suspend a teacher's registration where the QCT believes the teacher poses an unacceptable risk of harm to children.

Scope

The policy applies to all teachers who have registration with the QCT or who hold a permission to teach with the QCT and when the QCT has information available to be reasonably satisfied that the conduct of the teacher may pose an unacceptable risk of harm to children.

Policy statement

The QCT will suspend an approved teacher's registration or permission to teach, if the QCT reasonably believes the teacher poses an unacceptable risk of harm to children. Before suspending a teacher's registration the QCT will consider the conduct of the teacher and undertake a risk assessment to determine whether the teacher poses an unacceptable risk of harm to children.

In making a decision, the welfare and best interests of children are the primary considerations of the QCT.

All allegations referred to the QCT must be considered on a case-by-case basis.

The factors the QCT will take into account in considering the alleged conduct of the teacher will include:

- the evidence available to the QCT
- the impact of the alleged behaviour of the teacher on the child
- the circumstances and type of the alleged behaviour of the teacher
- the recency and duration of the alleged behaviour
- the frequency of the alleged behaviour
- any historical allegations or substantiated inappropriate behaviour of the teacher.

Factors to be considered in the risk assessment will include:

- the potential harm that would be caused by the alleged behaviour
- the significance of the potential harm on the child
- the likelihood the potential harm would continue.

The evidence/information gathered does not need to prove the alleged conduct. The evidence must support the belief that the teacher poses an unacceptable risk of harm.

Establishing a reasonable belief will depend on:

- the quality and strength of the evidence available to, or likely to be obtained by, the QCT upon which the risk is derived; and

- the justification and reasons for determining that the risk of potential harm posed by the relevant teacher is unacceptable.

In making a decision about whether to suspend a teacher's registration, the QCT will not be influenced by certain practical implications that may arise from putting the suspension into effect. However, where implementing a suspension decision and notifying the teacher of the suspension may, for example, compromise a law enforcement investigation, the QCT may delay implementing the suspension decision.

The QCT will provide clear and accurate reasons and the evidence or other material on which the suspension was based to the teacher if it decides to suspend the registration of the teacher. At the time that the notice is given to the teacher the QCT will also notify the employing authority for, and the principal of, each school at which the teacher is employed. The suspension will be referred to the Queensland Civil and Administrative Tribunal (QCAT) for review and the teacher will receive notification from QCAT of that review and be provided with an opportunity to provide submissions to QCAT that the teacher does not pose an unacceptable risk of harm to children.

Definitions

'QCT Act' means the *Education (Queensland College of Teachers) Act 2005*

'Approved teacher' is a person who is a registered teacher or a person who holds a permission to teach (Sch 3, QCT Act)

'Harm' is any detrimental effect of a significant nature on a child's physical, psychological or emotional wellbeing. Harm can be caused by physical, psychological or emotional abuse or neglect or sexual abuse or exploitation and could result from a single act, omission or circumstance or a series or combination of acts, omissions or circumstances (s.7 QCT Act)

'Permission to teach' means permission to teach under Chapter 2 of the QCT Act (Sch 3, QCT Act)

'Registered teacher' is a person who holds full registration or provisional registration under the QCT Act

Related policies and delegations

The Director of the QCT holds a delegation from the Board of the QCT to suspend a teacher who poses an unacceptable risk of harm to children and is to report to the Board on suspensions. The Chair and Deputy Chair of the Board hold alternate delegations in the event that the Director has a conflict of interest or there is a reasonable apprehension of bias.

Legislation

Education (Queensland College of Teachers) Act 2005 – sections 7, 49, Schedule 3

Education and Other Legislation Amendment Act 2016 – sections 18, 33-39