

Refusal to enrol — Risk to safety or wellbeing

Under the Refusal to enrol – Risk to safety or wellbeing procedure, a principal who reasonably believes that the enrolment of a prospective student (including a mature age individual) poses an unacceptable risk to the safety or wellbeing of a school community, may refer the enrolment application through the regional director to the Director-General (or delegate), to make a decision about the prospective student's enrolment at a school.

Deliberations about whether a prospective student poses an unacceptable risk to the safety or wellbeing of a school community occur where there is evidence that the prospective student has engaged in past activity that indicates they are a risk to the safety or wellbeing of members of the school community. This may include, for example, evidence the prospective student:

- is a convicted child sex offender
- has been charged or convicted of offences involving violence
- has been charged or convicted of drug offences, such as selling drugs
- has previously been excluded from a school or schools in Queensland or another jurisdiction because of matters identified above
- has demonstrated a sustained pattern of directed, aggressive behaviour sufficient to cause harm to a person's health or welfare, despite appropriate intervention and support.

Key information

Principals

- Ensure all sources of relevant information are properly documented.
- Must be able to demonstrate that the prospective student poses an unacceptable risk to the safety or wellbeing of members of the school community.
- Ensure views in respect of risk are clearly linked to relevant supporting evidence.
- Send RTE-1: Referral of application to enrol to prospective student and/ or parent within five school days of receiving the enrolment application.
- Cannot refuse a prospective student's enrolment on the grounds that they have a disability. This is unlawful under the Disability Discrimination Act 1992 (Cwlth).

If the Director-General (or delegate) is satisfied that the prospective student **does not** pose an unacceptable risk:

✓ the principal enrols the prospective student.

If the Director-General (or delegate) is satisfied that the prospective student **does** pose an unacceptable risk:

the principal refuses enrolment of the prospective student at the school.

If the Director-General (or delegate) is reasonably satisfied that the student poses an unacceptable risk to students and/or staff **at more than one school**, they can exclude a student from certain state schools or all state schools, see the Student discipline procedure.

Prospective students

- who are refused enrolment cannot apply again to enrol at that school for a period of one year after receiving notice of the decision to refuse enrolment
- cannot be refused enrolment because their enrolment would simply cause some difficulty.

Responsibilities

Principals

- Access information in relation to a prospective student's prior convictions, principals require the consent of the student, or where the current or prospective student is a child, their parent. Other sources of information may be the media, police or admissions from the prospective student or parent.
- Assess potential risks associated with the enrolment
 of prospective students and determining whether risks
 are able to be managed at the school site (e.g. through
 an individual plan, a risk management strategy, flexible
 learning arrangement or alteration to the educational
 program).
- Implement processes as outlined in Refusal to enrol Risk to safety or wellbeing flowchart on page two, where a reasonable belief is held that a prospective student poses an unacceptable risk to the safety or wellbeing of the school community.

Resources

- Code of Conduct for the Queensland Public Service
- Department of Education standard of practice
- Enrolment in state primary, secondary and special schools
- Ombudsman Good Decision-Making Guide
- Refusal to enrol Risk to safety or wellbeing procedure
- Principal guidelines student discipline
- Student discipline procedure



Flow chart: Refusal to enrol - Risk to safety or wellbeing

Refer to the Refusal to enrol – Risk to safety or wellbeing procedure for detailed process

Student poses an unacceptable risk to the safety or wellbeing of members of the school community

APPLY

Prospective student or parent submits enrolment application.

IDENTIFY

During enrolment process the principal becomes aware of information that indicates prospective student enrolment may pose an unacceptable risk to the safety or wellbeing of the school community.

NOTIFY

Principal sends RTE-1: Referral of application to enrol with copies of decision-making information used in referral to prospective student and/or parent within five school days of receiving signed enrolment application.

PROGRESS

Principal sends <u>RTE-2</u>: <u>Principal advice</u> with a copy of the <u>RTE-1</u> and any relevant decision-making information used to the regional director **within same five school day period**.

CONSIDER

Regional director, **within five school days** of receipt, considers <u>RTE-1</u>, <u>RTE-2</u> and any relevant decision-making documentation to inform their <u>RTE-3</u>: <u>Advice to Director-General</u> and forwards all documents through the Assistant Director-General, Disability, Inclusion and Student Services via email to behaviour.central@qed.qld.gov.au.

APPOINT

Regional director appoints a regional case manager to provide support pending enrolment decision, only where prospective student is not a mature aged individual.

DECIDE

Director-General (or delegate) considers all information supplied by school, region and prospective student to make a decision about the enrolment of prospective student.

Director-General (or delegate) satisfied prospective student poses unacceptable risk

ISSUE

Director-General (or delegate) issues prospective student and/ or parent with RTE 7: Show cause notice and provides copy to principal, regional case manager and regional director.

RESPOND

Prospective student and/or parent submits response to **show** cause notice. If no submission received, automatic decision to refuse enrolment

DECIDE

Director-General (or delegate) considers information provided in submission and decides whether prospective student poses an unacceptable risk to the members of the school community.

PROVIDE

Director-General (or delegate) provides prospective student and/ or parent with RTE-8: Decision notice and RTE-9: Reviews against a decision to refuse enrolment at a state school.*

NOTIFY

Director-General (or delegate) notifies principal of decision using RTE-10: Advice to principal – Prospective student refused enrolment and provides copy of RTE-8, RTE-9 and RTE-10 to regional case manager and regional director.

RECORD

Principal ensures all documentation related to application and decision-making processes, as well as records of any correspondence or further contact with prospective student, are retained in OneSchool – end of Refusal to enrol process.

Director-General (or delegate) not satisfied prospective student poses unacceptable risk

ISSUE

(or delegate) issues prospective student and/ or parent with RTE-4:
DG advice to applicant and RTE-5: DG advice to parent (not required for mature aged applicants).

Director-General

NOTIFY

Director-General (or delegate) issues principal, regional case manager and regional director with a copy of RTE-4, RTE-5 and RTE-6: DG advice to principal.

ENROL

Principal immediately enrols prospective student and devises educational program and risk management strategies to address initial concerns – end of Refusal to enrol process.

Request for review of decision

SUBMIT

Prospective student and/ or parent submits a **Refusal to enrol – submission** to review the decision to refuse enrolment.

REVIEW

Director-General (or delegate) reviews decision about refusal of enrolment for a prospective student.

DECIDE

Director-General (or delegate) issues applicant with written notice of final decision using RTE-11: Notice — Outcome of a review of a decision and provides copy to principal, regional case manager and regional director within 40 school days of receipt of submission — end of Refusal to enrol process.

* Where the Director-General (or delegate) is satisfied that a prospective student poses an unacceptable risk to certain state schools or all state schools, then the exclusion process outlined in the Student discipline procedure is used.



