



# Refusal to enrol – Risk to safety or wellbeing procedure

Version: 4.4 | Version effective: 10/11/2023

## Audience

All state schools

## Purpose

This procedure outlines responsibilities and processes for refusing the enrolment of a prospective student (including a mature age individual) if they pose an unacceptable risk to the safety or wellbeing of a school community.

## Overview

The Director-General or their delegate can refuse the enrolment of a prospective student if they reasonably believe that, if enrolled, the prospective student would pose an unacceptable risk to the safety or wellbeing of members of the school community.

This procedure is based on the legislative framework outlined in Chapter 8, [Education \(General Provisions\) Act 2006 \(Qld\)](#).

## Responsibilities

### Director-General (or delegate)

- make decisions about refusing prospective student enrolments
- make decisions about excluding a prospective student from certain state schools, or all Queensland state schools
- consider all written representations in response to show cause notices
- respond to submissions against Director-General (or delegate) decisions relating to refusal of enrolment
- ensure decisions are compatible with the [Human Rights Act 2019 \(Qld\)](#).

## Regional Directors

- where the prospective student is not a mature aged individual, appoint a Regional Case Manager to support the prospective student and their family pending a decision about enrolment.

## Principals

- follow the enrolment process outlined in the [Enrolment in state primary, secondary and special schools procedure](#)
- are mindful that it is unlawful to refuse or place special conditions on a prospective student's enrolment on grounds they have a disability
- refer enrolment applications to the Director-General (or delegate) where they reasonably believe the prospective student would, if enrolled at the school, pose an unacceptable risk to the safety or wellbeing of members of the school community
- in making the decision to refer the enrolment of a prospective student to the Director-General (or delegate), consider any additional evidence that the prospective student supplies (refer to Guidance section)
- ensure refusal to enrol decisions are compatible with the [Human Rights Act 2019 \(Qld\)](#)
- respond to requests for information from the Director-General or delegate in a timely manner
- ensure refusal to enrol referrals are documented in OneSchool, including correspondence with the prospective student and their parent
- ensure signed copies of all letters and attachments relating to the refusal to enrol referral are uploaded into OneSchool.

## Regional Case Managers

Regional Case Managers may be any allocated officer that the Regional Director or delegate deems is appropriately qualified to undertake this role. Where the prospective student is not a mature aged individual, these staff:

- act as a point of contact for the prospective student and their family when the individual is awaiting the Director-General's (or delegate's) decision regarding refusal to enrol
- record contact with the student and their family in OneSchool, including copies of correspondence
- assist the prospective student/parent to understand the refusal to enrol process
- liaise and communicate with stakeholders (for example Child Safety, Youth Justice) where relevant
- discuss alternative arrangements to continue access to education while a decision is pending (e.g. School of Distance Education)
- work with the prospective student to identify another school or suitable education or training program if their enrolment is refused
- negotiate the prospective student's enrolment with the principal of a different state school (if necessary).

## Process

### Principals

- in making the decision to refer an enrolment application to the Director-General (or delegate) on the basis the student's enrolment may pose an unacceptable risk, undertake an assessment of the human rights under the [Human Rights Act 2019 \(Qld\)](#) that may be limited by the decision (refer to the [Principal guidelines – Student discipline](#) and [School disciplinary absence decisions and human rights template](#) (DoE employees only) for guidance)
- within five school days of receiving the signed enrolment application, send the prospective student or their parent the [RTE-1: Referral of application to enrol](#) advising that the:
  - application for enrolment has been referred to the Director-General (or delegate) for consideration
  - prospective student will not be enrolled at and cannot attend the school until the Director-General (or delegate) is satisfied that the prospective student does not pose an unacceptable risk to the safety or wellbeing of the school community
  - prospective student, other than a mature aged individual, will be contacted by a Regional Case Manager who will assist the prospective student to make arrangements to access education while the Director-General's (or delegate's) decision is pending.
- accompanying the [RTE-1: Referral of application to enrol](#), provide copies of decision-making information used in the referral to refuse enrolment (e.g. a copy of a charge sheet, Behaviour Risk Assessment, OneSchool records)
- within the same five school day period send the [RTE-2: Principal advice](#) to the Regional Director along with copies of the enrolment application and any relevant decision-making documentation used to make the referral to refuse enrolment (including a copy of the [RTE-1: Referral of application to enrol](#))
- respond to any request from the Director-General or delegate for information
- if the Director-General (or delegate) is satisfied the prospective student does not pose an unacceptable risk to the safety or wellbeing of members of the school community, the principal upon receipt of this advice via the [RTE-6 DG Advice to principal](#), immediately enrolls the prospective student without prejudice and devises an education program and risk management strategies to address initial concerns
- if the Director-General (or delegate) advises they are satisfied that the prospective student does pose an unacceptable risk to the safety or wellbeing of the school community, ensure all documentation related to the application and decision-making process, as well as records of any correspondence or further contact with the prospective student or their parent are retained in OneSchool.

### Regional Directors

- within five school days of receipt, considers the [RTE-1: Referral of application to enrol](#), [RTE-2: Principal advice](#) and any relevant decision-making documentation to inform their [RTE-3: Advice to Director-General](#)
- forward all documents electronically through to the Assistant Director-General, State Schools – Operations by email
- respond to any request from the Director-General or delegate for information.

## Director-General (or delegate)

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### Initial consideration

- must undertake and document an assessment of the human rights that may be impacted by the decision and consider whether the limit placed on those human rights is reasonable and justified (refer to the [Principal guidelines – Student discipline](#) and [School disciplinary absence decisions and human rights template](#) (DoE employees only) for guidance).

After reviewing the information and advice, if the Director-General (or delegate) is not satisfied the prospective student poses an unacceptable risk to the safety or wellbeing of a school community, they:

- notify the prospective student and parent that their application to enrol is to be referred back to the Principal for processing in accordance with s.156 (1) of the *Education (General Provisions) Act 2006* (Qld) using the [RTE-4: DG advice to applicant](#) and the [RTE-5: DG advice to parent](#) (the RTE-5 is not required for mature aged applicants)
- provide a copy of the [RTE-4: DG advice to applicant](#), the [RTE-5: DG advice to parent](#) and the [RTE-6: DG advice to principal](#) to the Principal, Regional Case Manager and Regional Director.

If the Director-General (or delegate) is satisfied the prospective student poses an unacceptable risk to the safety or wellbeing of a school community, they:

- use registered mail to issue the prospective student or their parent with an [RTE-7: Show cause notice](#) that outlines:
  - the intent to refuse enrolment
  - the reasons for the preliminary decision
  - the facts and evidence used to make the decision
  - the process for the prospective student to show cause why their enrolment should not be refused
  - advice that failure to respond to the show cause notice will result in refusal of enrolment
  - that the time period for a show cause notice is no less than 14 days after the notice is received by the prospective student.
- use registered mail to provide a copy of the [RTE-7: Show cause notice](#) to the Principal, Regional Case Manager, and Regional Director
- consider any information provided in a submission by the prospective student and/or their parent during the show cause period
- decide, after considering any representations made by the prospective student, whether the prospective student poses an unacceptable risk to members of the school community.

### Following the show cause period

Where the Director-General (or delegate) is not satisfied that a prospective student poses an unacceptable risk, after considering the show cause response or submission, they use registered mail to:

- notify the prospective student or their parent that their enrolment is not refused using an [RTE-4: DG advice to applicant](#)

- provide a copy of the [RTE-4: DG advice to applicant](#) and the [RTE-6: DG advice to principal](#) to the Principal (including advice about processing enrolment), Regional Case Manager and Regional Director.

Where the Director-General (or delegate) is satisfied that a prospective student poses an unacceptable risk to a school community they use registered mail to:

- provide the prospective student (and parent for prospective students who are not mature aged) with:
  - the [RTE-8: Decision notice](#) that outlines:
    - the decision to refuse enrolment at the school for a period of one year
    - the reasons for the decision
    - the facts and evidence used to make the decision
    - advice that they have up to 30 school days after receipt of the [RTE-8: Decision notice](#) to submit a request to review the decision.
  - a copy of the [RTE-9: Reviews against a decision to refuse enrolment at a state school](#).
- notify the Principal of the decision to refuse enrolment and direct them not to enrol the prospective student using an [RTE-10: DG advice to principal – Prospective student refused enrolment](#).
- provide a copy of the [RTE-8 Decision notice](#), [RTE-9: Reviews against a decision to refuse enrolment at a state school](#) and [RTE-10: DG advice to principal – Prospective student refused enrolment](#) to the Regional Case Manager and Regional Director.

The Director-General (or delegate) may also make a decision to exclude the prospective student from certain or all Queensland state schools.

## Reviews against refusal of enrolment decision

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### Parent or student

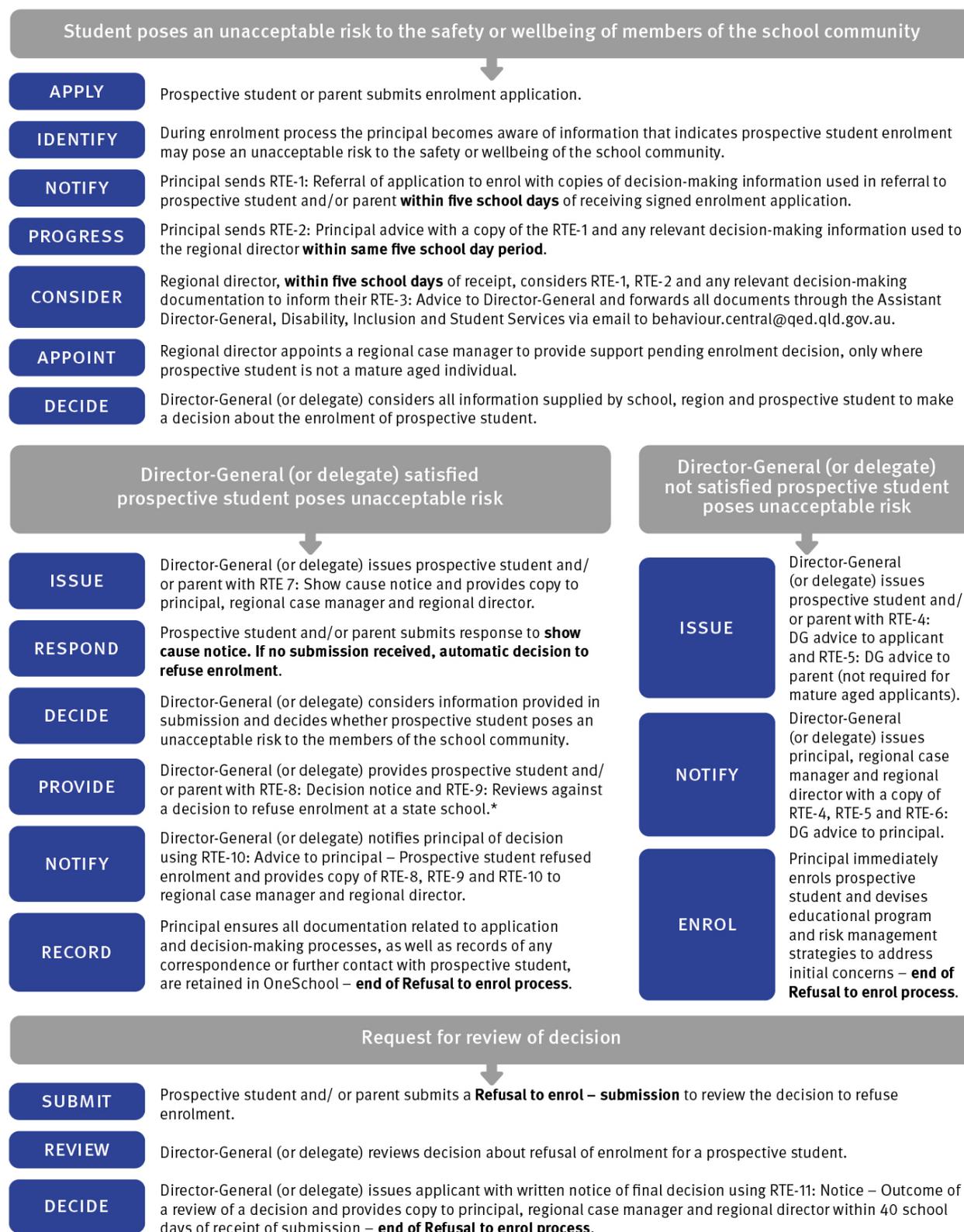
- prepare a written submission against the refusal to enrol decision within 30 school days of being notified in writing of the refusal of enrolment decision
- send submissions to the Director-General or delegate.

### Director-General (or delegate)

- must undertake and document an assessment of the human rights that may be impacted by the decision and consider whether the limit placed on those human rights is reasonable and justified (refer to the [Principal guidelines – Student discipline](#) and [School disciplinary absence decisions and human rights template](#) (DoE employees only) for guidance)
- following consideration of the submission and any other relevant information provided by the prospective student/parent, makes a decision to confirm, amend or substitute another decision for the original decision
- create a written notice using the [RTE-11: Notice – Outcome of a review of a decision](#), outlining:
  - the Director-General's (or delegate's) decision to confirm, amend or substitute another decision for the original decision
  - grounds for the review decision
  - the facts and circumstances related to the grounds

- the reasons for the review decision
- if applicable, advice about processing the enrolment application.
- send the [RTE-11: Notice – Outcome of a review of a decision](#) to the student, parent, Principal, Regional Case Manager and Regional Director as soon as practicable
- ensure signed copies of the decision notice and supporting materials are uploaded in the student's OneSchool record.

## Flowchart: Refusal to enrol – risk to safety or wellbeing



\* 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.

Image 1 Flowchart: Refusal to enrol – risk to safety or wellbeing

## Guidance: Determining whether a prospective student poses an unacceptable risk to the safety or wellbeing of the school community

Refusal of enrolment is contingent on the Principal being able to demonstrate (via evidence) that a prospective student poses an unacceptable risk to the safety or wellbeing of members of the school community. Principals should take care to properly document all sources of relevant information in OneSchool and ensure that their views on risk are clearly linked to relevant supporting evidence and facts.

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 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 convicted of sexual assault
- has charges associated with assaulting and obstructing police officers, demonstrating a disregard for persons in a position of authority and a propensity for disobeying rules and requirements
- has charges for assault, possessing a dangerous weapon, demonstrating a propensity for violence and a disregard for the safety and wellbeing of others
- has charges for wilful damage, demonstrating a disregard for the property of others
- has an extensive criminal history demonstrating an ongoing disregard for the law, inability or unwillingness to follow rules and requirements
- 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 (may be determined through examination of OneSchool Behaviour Records, a Transfer Note or the [Risk assessment — behaviour, safety and wellbeing](#))
- may present an unacceptable risk to the safety or wellbeing of the school community as identified through the completion of a [Risk assessment — behaviour, safety and wellbeing](#).

To 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.

Note: A prospective student cannot be refused enrolment on the grounds that they have a disability – this is unlawful under the [Disability Discrimination Act 1992 \(Cwlth\)](#).

## Definitions

Term	Definition
<b>Mature aged individual</b>	An adult enrolled at a state school as a student in accordance with the mature age enrolment provisions in the <i>Education (General Provisions) Act 2006</i> (Qld).
<b>Parent</b>	A child's mother, a child's father, a person who exercises parental responsibility and a person standing in the place of a parent of a child on a temporary basis. This may include the Office of the Public Guardian or a Child Safety Officer.
<b>Prospective student</b>	Applicant for enrolment at a Queensland state school.
<b>Regional Case Manager</b>	Department of Education employee appointed by Regional Director or delegate.

## Legislation

- [Anti-Discrimination Act 1991 \(Qld\)](#)
- [Criminal Code Act 1899 \(Qld\)](#)
- [Disability Discrimination Act 1992 \(Cwlth\)](#) Part 2, Division 2, Section 22
- [Education \(General Provisions\) Act 2006 \(Qld\)](#) Chapter 8 Part 1, 2 and 4
- [Human Rights Act 2019 \(Qld\)](#)
- [Information Privacy Act 2009 \(Qld\)](#)

## Delegations/Authorisations

- [Director-General's delegations under the Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Director-General's authorisations under the Information Privacy Act 2009 \(Qld\)](#)

## Policies and procedures in this group

- Nil

## Supporting information for this procedure

- [Fact sheet – Refusal to enrol – Risk to safety or wellbeing](#)
- [RTE-1: Referral of application to enrol](#)
- [RTE-2: Principal advice](#)
- [RTE-3: Advice to Director-General](#)
- [RTE-4: DG advice to applicant](#)
- [RTE-5: DG advice to parent](#)

- [RTE-6: DG advice to principal](#)
- [RTE-7: Show cause notice](#)
- [RTE-8: Decision notice](#)
- [RTE-9: Reviews against a decision to refuse enrolment at a state school](#)
- [RTE-10: DG advice to principal – Prospective student refused enrolment](#)
- [RTE-11: Notice – Outcome of a review of a decision](#)

## Other resources

- [School disciplinary absence decisions and human rights template](#) (DoE employees only)
- [Code of Conduct for the Queensland Public Service](#)
- [Department of Education Human Rights Act 2019 \(Qld\) information](#) (DoE employees only)
- [Disability Standards for Education 2005 \(Cwth\) plus Guidance Notes](#)
- [Queensland Ombudsman Good decision-making](#)
- [Department of Education standard of practice](#)
- [Enrolment in state primary, secondary and special schools procedure](#)
- [Student discipline procedure](#)
- [Principal guidelines – Student discipline](#)
- [Risk assessment — behaviour, safety and wellbeing](#)

## Contact

Parents, students and members of the public are asked to contact their [closest regional office](#) for further information.

The central office contact for staff in regional offices is [behaviour.central@qed.qld.gov.au](mailto:behaviour.central@qed.qld.gov.au).

## Review date

23/01/2023

## Superseded versions

*Previous seven years shown. Minor version updates not included.*

3.0 Refusal to enrol – Risk to safety or wellbeing

4.0 Refusal to enrol – Risk to safety or wellbeing



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