



QUEENSLAND  
TEACHERS' UNION  
OF EMPLOYEES

## **Submission to**

Queensland Sentencing Advisory Council inquiry  
into penalties for assaults on police and other  
frontline emergency workers, corrective services  
officers and public officers

Prepared by: Kevin Bates, President  
Queensland Teachers' Union  
25 June 2020

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## Preface

The Queensland Teachers' Union (QTU) proudly represents more than 48,000 teachers, principals and other education leaders in almost 1,300 state schools and TAFE institutes. The QTU is the democratic voice of state school teachers and principals on professional and industrial issues. We have promoted and protected public education throughout the state of Queensland for more than 130 years.

The QTU welcomes the opportunity to provide this response on behalf of teachers, principals and education leaders in Queensland state schools and TAFE to this inquiry by the Queensland Sentencing Advisory Council. The QTU notes the Terms of Reference dated 2 December 2019, formally issued to the Queensland Sentencing Advisory Council by the Attorney General and Minister for Justice, the Honourable Yvette D'Ath, the Queensland Sentencing Advisory Council's issues paper developed following initial consultation, and the guide to making submissions.

The complex issue of keeping people safe at work and online is presenting big challenges for Queensland schools and their communities. The Queensland Teachers' Union has been working with our members to strengthen understanding of how workplace health and safety and wellbeing principles and procedures operate to keep students, teachers and education leaders safe.

The Queensland Teachers' Union, in partnership with other unions, has shaped the Department of Education Occupational Violence Prevention Procedure. The Queensland Teachers' Union reaffirms the importance of this procedure, which includes reporting "near misses" as WHS incidents, and we have called on the Department of Education to prevent and effectively respond to WHS concerns in schools.

The Queensland Teachers' Union's responses to the issues paper are, by necessity, brief and targeted to issues in which we have expertise, rather than intended to address the totality of matters under consideration in this inquiry.

The QTU also provided a response to the Queensland Sentencing Advisory Council call for submissions to inform the development of the issues paper. A copy of that submission is provided as Annexure QTU1 to this submission, to ensure that these issues are captured without the need to repeat the matters canvassed.

The principal contact for the Queensland Teachers' Union in relation to this inquiry will be the QTU President, Mr Kevin Bates, who can be contacted on [REDACTED].

The Queensland Teachers' Union is pleased to provide this submission for consideration, and we stand ready to undertake further involvement in this inquiry through any means appropriate to support the work of the Queensland Sentencing Advisory Council.

Graham Moloney  
General Secretary

25 June 2020

# Submissions

## ***Sentencing and penalties***

### **Assaults by adults**

The QTU acknowledges that current Queensland law provides that assaults on “public officers”, which includes teachers and principals in schools and TAFE educators, are treated as more serious when it comes to penalty.

The Union notes that a serious assault attracts a seven-year maximum jail term, while a serious assault of a public officer, including teachers and principals, attracts a 14-year maximum jail term. All adults, parents and members of the community can be charged under these laws, and the existing higher penalty increases the likelihood that police will charge a parent who assaults a teacher or principal.

While as a matter of principle the QTU does not support differentiated penalties associated with a category of employment or other distinguishing characteristic of individuals, the Legislature has seen fit in the circumstance to respond to legitimate public concerns regarding the adequacy of existing legislation to act as a deterrent to assaults on public officers. Without expressing a view on matters outside of our remit, the QTU submits that a similar response involving differentiated penalties may be appropriate for other categories of employees engaged in contact with the public where similar concerns exist regarding escalating safety fears arising from patterns of offending.

Importantly, the QTU also asserts that assaults on public officers must never be treated as less significant than any other assault. The law establishes clear standards. However, the attitudes of the community, and indeed the expectations of our members, are often skewed towards excusing assaults within a school or TAFE context that would not be tolerated in any other part of the community. This substance of this QSAC Inquiry clearly contemplates measures to establish and enforce community standards in respect of assaults.

The current legislative framework provides an appropriate mechanism for responding to the growing problem of assaults on public officers. The QTU’s experience is that police appropriately charge parents or members of the community who assault teachers or principals. The QTU therefore asserts that the current law and penalties, as they apply to our members, are appropriate and do not require amendment.

### **Assaults by students**

The QTU understands that a student can be charged under the law as it currently stands. There are limitations, as there should be, captured within the Juvenile Justice Act as to what can be actioned in relation to a student who has assaulted a teacher. The act of charging a child with assault has complex ramifications for the community as a whole and for the education system.

The QTU also notes that restorative justice principles form an element of the legal system concessions regarding legal responses to offences, including assaults by children and young people. Elsewhere in this submission, the QTU canvasses the importance of real

alternatives to charging children as a means of mitigating the impact on teachers and principals as victims.

The QTU submits that many of our members resist any suggestion of action by police against children. However, it is the experience of the QTU that the lack of either contrition or restitution by perpetrators can contribute to the aggravation of the wellbeing impacts on our members who are the subject of assaults in the workplace.

The QTU understands that the Queensland Sentencing Advisory Council is not proposing changes which will affect the Juvenile Justice Act. The QTU is not advocating for any change to the current law or its operation.

We also note the focus of the issues being considered by the Queensland Sentencing Advisory Council on whether there should be mandatory or presumptive penalties for assaults on public officers and whether jail time should become mandatory for assaults on public officers. The QTU opposes any such changes.

## ***Responding to victim needs***

As outlined in the issues paper, public officers (specifically police and emergency services workers) who experience assault and verbal abuse in the course of undertaking their work report higher rates of psychological distress and more severe mental health impacts than in the general community.

The recently published Australian Principal Occupational Health, Safety and Wellbeing Survey 2019 highlighted that principals were subjected to high levels of threats and physical violence by parents and students. Compared to the general population, a much higher percentage of school leaders reported being subjected to threats of violence, physical violence and bullying (harassment). While the existing mechanism attempts to ensure that victim harm is recognised, the bureaucratic nature of the responses means that they are siloed and not necessarily person-centred.

The QTU has previously noted the dearth of data on the experiences of teachers and is working with the Department of Education to create a systemic awareness of the need to report incidents of assault and develop structures to support victims and perpetrators.

Critically, state schools are in the unique position of being required to create and maintain long term relationships with students and/or their family members/carers. To explain, Queensland state schools are, to a great extent, compelled by law to enrol students who seek enrolment. Parents too are compelled by law to maintain the enrolment of a student of school age in an approved education program.

Except for extremely rare occasions when students are subject to exclusion from all state schools in Queensland, students and parents must generally have access to a state school for at least 13 years of formal education. Other education alternatives/settings exist, but they are voluntary and, for the most part, have access to processes to terminate the relationship with a student – particularly when a serious event such as assault is involved. The QTU notes that a submission is being prepared by our sister organisation, the Independent Education Union – Queensland and Northern Territory Branch, that acknowledges these elevated obligations of the public education sector and the challenges this presents. QTU members in TAFE colleges also benefit from

frameworks that provide for termination of the student's enrolment in the event of unacceptable behaviour such as assault.

In effect, this means that even when a student or family member at a state school infringes on community standards of behaviour established under law, a state school and the Department of Education must continue to interact with that person or risk infringing other legal obligations.

In some cases, this has resulted in circumstances such as teachers being required to work in schools where the perpetrator of violence against them continues to be enrolled or where a family member/carer who is a perpetrator of violence continues to have access to transact matters related to the education of their child/children. The potential for such a situation to contribute to or exacerbate damage to the employee's wellbeing is clear.

In a large organisation such as the Department of Education, options exist to mitigate the impact of this reality.

1. Temporarily removing or permanently moving students to another school, authorised through provisions of the Education (General Provisions) Act relating to disciplinary absences for students (suspensions and exclusions).
2. Moving a staff member to another school through transfer, to remove them from the risk/trauma associated with ongoing interaction with a student, family member or carer.

However, these options are not universally appropriate and regularly involve compromises in respect of the employee or the student and their family. To move the teacher or principal to escape the perpetrator can be characterised as punitive separation from the school community at a time when the employee needs the personal and professional support of colleagues to deal with the trauma of an assault. For families, there are a myriad of reasons why moving schools is not sustainable.

### **Alternative approaches**

It seems appropriate to consider alternative strategies for responding to assaults on teachers and principals. With consent, restorative justice approaches have the potential to be effective in ensuring the impact on the victim is heard and understood and that a productive relationship continues within the education setting.

Restorative justice is an element of the current legal framework and can be an effective alternative response to an offence that addresses the needs of the victim, the community and the perpetrator.

Some schools across Queensland currently use restorative justice principles to guide student behaviour management. It is not, therefore, a stretch to imagine that the system could be developed and enhanced in consultation with all stakeholders, but especially students, teachers, principals and parents, to uphold current protections under the law while delivering effective responses to victims of assaults in a school setting. The QTU does not have a formed view on what such a system might look like. The emphasis here

is on development by and for the school communities of Queensland where such a system might be applied.

## **Community education**

The law currently holds that assaults on public officers while performing their duties should be seen as being of greater weight or an aggravating circumstance. Giving effect to this principle is left to the police and the justice system. The QTU supports the *status quo* in this regard.

The QTU holds that prevention is better than penalties. A funded, targeted awareness campaign that puts a focus on the role of different public sector workers (explicitly including teachers and principals) and their right to be free from violent attack and aggression in their workplaces is supported by the QTU.

Presently, the Department of Education has no effective way of collecting or communicating data in relation to assaults or verbal aggression/threats directed at school leaders, teachers and other employees in schools. Without data to describe the frequency and severity of assaults on school employees, the impetus for urgent, decisive action is lacking. The public reporting of data can also do much to create community support for action to protect workers.

It is imperative that a cohesive community campaign delivers a clear expectation of an active culture of zero tolerance in relation to acts of violence directed at school staff, indeed anywhere in the community, and that the Department of Education and the Queensland Government ensure that there are systems in place to give effect to this.

## **Case studies**

In consultation undertaken with the QTU by representatives of the Queensland Sentencing Advisory Council and the Secretariat, a request was made to provide de-identified case studies to illustrate QTU members' experiences of assault during their duties. Several members have agreed to provide such case studies, but at the time of writing only one has been received.

The QTU may, if permitted, provide additional case studies in a supplementary submission.

### **Case study 1**

The case study involves the assault by two students of a deputy principal in a middle school context. Details as provided by the deputy principal are attached as Annexure 2.

## **Conclusion**

The QTU is grateful for the opportunity to provide this submission and stands ready to provide further information in response to the Terms of Reference as deemed appropriate by the Queensland Sentencing Advisory Council.

## Annexures

- QTU1 Queensland Sentencing Advisory Council inquiry into penalties for assaults on police and other frontline emergency workers, corrective services officers and public officers submission dated 24 January 2020.
  
- QTU2 Case study 1 - JW



## Annexure QTU1



## Preliminary response to

Queensland Sentencing Advisory Council inquiry into penalties for assaults on police and other frontline emergency workers, corrective services officers and public officers

Prepared by: Kevin Bates, President  
Queensland Teachers' Union

24 January 2020

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## Preface

The Queensland Teachers' Union (QTU) proudly represents more than 47,000 teachers, principals and other education leaders in almost 1300 state schools and TAFE institutes. The QTU is the democratic voice of state school teachers and principals on professional and industrial issues. We have promoted and protected public education throughout the state of Queensland for more than 130 years.

The opportunity to provide this preliminary response on behalf of teachers, principals and education leaders in Queensland state schools and TAFE to this inquiry by the Queensland Sentencing Advisory Council is appreciated by the teaching profession.

The QTU notes the Terms of Reference dated 2 December 2019, formally issued to the Queensland Sentencing Advisory Council by the Attorney General and Minister for Justice, the Honourable Yvette D'Ath, and that the Queensland Sentencing Advisory Council is seeking initial feedback "to assist in identifying key issues to be explored in responding to the reference".

The complex issue of keeping people safe at work and online is presenting big challenges for Queensland schools and their communities. The QTU has been working with members to strengthen understanding of how workplace health and safety and wellbeing principles and procedures operate to keep students, teachers and educational leaders safe.

The Queensland Teachers' Union, in partnership with other unions, has shaped the department's Occupational Violence Prevention Procedure. The Queensland Teachers' Union reaffirms the importance of this procedure, which includes reporting "near misses" as WHS incidents and we have called on the Department of Education to prevent and effectively respond to WHS concerns in schools.

The Queensland Teachers' Union supports the recommendations of "Adjust our Settings: A community approach to address cyberbullying among children and young people in Queensland" and urges the Queensland Government to also acknowledge the harmful effect of cyberbullying on teachers and principals, and to act immediately to provide comprehensive protections from cyberbullying for all school employees.

The principal contact for the Queensland Teachers' Union in relation to this inquiry will be

As per the request in your letter dated 6 December 2019, please note that the contact officer for the Queensland Teachers' Union for matters such as data requirements arising from this inquiry will be

The Queensland Teachers' Union is pleased to provide this information for consideration, and we look forward to involvement in this inquiry.

Graham Moloney  
General Secretary  
24 January 2020

## Recommendations for further investigation

In consideration of the Terms of Reference, the Queensland Teachers' Union makes the following recommendations for further investigation.

1. What is the accepted definition of occupational violence in Queensland and how can its scope be described using clean data captured across the public sector?
2. What data should be collected, when should it be collected and by whom?
3. How does Queensland foster a culture of reporting of occupational violence, share best practice and guarantee consistent and timely support for victims across the public sector?
4. What is being done, and what more can be done, to prevent occupational violence in public sector workplaces?
5. How does the community achieve equilibrium between the absolute obligation at law to keep workers in schools safe and healthy, with other accepted community norms such as age appropriate legal responsibility of children and young adults and the specific right to education afforded by the *Queensland Human Rights Act 2018*?
6. Do the current legal protections for teachers, principals and school support staff effectively provide a safe and healthy working environment?
7. To what extent is inappropriate behaviour in cyberspace (online behaviour) captured by existing protections, how effective are those protections in delivering on the legal obligations of employers in schools with regards to a safe and healthy workplace and what enhancements are needed to future-proof such protections?
8. How might legal protections for workers in schools be enhanced to more effectively serve and protect health and safety in the physical workplace? For example, would the creation of specific legal protections in the Queensland Education (*General Provisions*) Act enhance the provisions of section 340 the current Queensland criminal code for school-based employees?

## Key Issues

### **Lack of data**

There is an acute lack of clean data on the scope and extent of occupational violence in schools and TAFE, and likely across other government departments as well. The scale of the problem facing Queensland communities because of occupational violence is therefore unclear.

The Queensland Teachers' Union regularly supports members who have been the subject of occupational violence in state schools and TAFE institutes. This support often relates to issues arising from:

- the management of incidents in schools by the employer or their agents
- access to the Queensland Police Service to make a formal complaint, or
- WorkCover claims lodged by members.

The Queensland Teachers' Union does not keep aggregated data on reports from our members of occupational violence.

Education unions around Australia have had a focus on occupational violence for the past three years. The issue is well advanced in Western Australia, Victoria and the Australian Capital Territory and in those jurisdictions data collection is given a high priority. One feature of this campaign has been raising awareness of workers in schools of their rights to be safe and healthy at work. In each jurisdiction there has been a spike in reports of occupational violence, as distinct from a sharp rise in the number of incidents of occupational violence.

The Department of Education does not, as far as we are aware, deliberately keep aggregated data on incidents of occupational violence in schools.

TAFE Queensland does not, as far as we are aware, deliberately keep aggregated data on incidents of occupational violence in TAFE Institutes.

Typically for a jurisdiction in the early stages of development in addressing occupational violence, Queensland school-based workers do not report occupational violence because:

- based on lived experience, they see no value in reporting as they expect no action from the employer to support them
- children and their needs are valued by the system above the protection of workers – workers in schools believe that they are largely invisible and their plight unheeded
- they expect no support from the courts or legal processes because the perpetrators are often children, some as young as 4 ½ years of age.

WorkCover claims appear to be the only aggregated data set that identifies “assaults or exposure to occupational violence” as a cause. The Queensland Teachers' Union is aware of a spike in WorkCover claims reported regularly to the Queensland Parliament through “Questions on Notice” regarding the number of incident reports filed with the Department of Education for verbal or physical threats and assaults against teachers and administrative staff in schools.

The latest iteration of the question was asked in June 2019 and a link to the “Question on Notice” and subsequent answer tabled in Parliament is provided at Annexure [QTU1](#). The

question specifically requests data for the years 2014-15 to 2018-19. The total WorkCover claims involving “assault by person” or “exposure to occupational violence” reported for teachers in each year is reported as follows:

2014-15	157	2017-18	257
2015-16	167	2018-19*	272
2016-17	150		

\* For eleven-month period ending 31 May 2019 only

The collection of accurate data is critical to an assessment of the scope of the issue of occupational violence and to shaping the response by the employer.

Nuanced data collection would allow reporting and consideration of issues connecting occupational violence to factors such as gender of perpetrator, gender of victim, geographical location of school, locations within schools, time of day and time of year. Assessment of risk would greatly benefit from access to such data and provide a foundation for targeted approaches to the elimination of occupational violence in schools.

Without an accurate data set beyond formal WorkCover claims, unlikely in the absence of a culture of reporting, it is difficult to contemplate how the Queensland Sentencing Advisory Council can assess the impact of current legislation or predict the impact of prospective legislative changes.

### **Case Study 1 – Australian Principal Health and Wellbeing Survey**

A nine-year longitudinal survey of principals in Australian schools has found that, on average, more than 40 per cent of principals have experienced threats of violence (45 per cent in 2018) and, on average, more than 30 per cent have experienced actual violence (37 per cent in 2018) with reported incidents increasing in the annual survey.

The reported rates of experience of physical violence peak at over 50 per cent in the Northern Territory and the Australian Capital Territory while Queensland sits at 36 per cent.

A link to the 2018 report of the Principal Health and Wellbeing Survey is provided as Annexure [QTU2](#). The 2019 report will be released in early 2020.

The survey has been widely accepted across the Australian academic and education communities. It has been extensively reported in the media and has now also been delivered in Ireland and New Zealand. The same findings have been repeated in each of the eight years of published data. The same recommendations for urgent action are made each year.

Queensland has begun addressing the wellbeing concerns contained in the Riley research, with that work led by Associate Professor Riley himself. This work is supported by an \$8 million investment by the Queensland government. The issue of threats and physical violence has not yet been addressed effectively.

Based on this information alone there would be more than 400 cases of actual physical violence against principals in the principal class of about 1240 individuals. Using the incidents of occupational violence for principals as a guide, that would mean up to fifteen

thousand cases of actual physical violence against teachers each year. The scope of occupational violence amongst school support staff is also largely unknown and they suffer from an even greater lack of visibility in the public debate around this issue.

### ***Lack of awareness of occupational violence and protections***

Occupational violence has always been experienced in schools. Anecdotally, that experience in Queensland schools has gone from rare and intermittent to frequent and regular over the course of just the past 30 years.

The increasing international significance of occupational violence is highlighted by the 2019 International Labour Organisation Convention concerning the Elimination of Violence and Harassment in the World of Work (ILO Convention 190). Australia has not ratified the new Convention, it is never-the-less instructive on the issues and approaches recommended by the global community to eliminate violence and harassment from the workplace.

A link to the ILO Convention concerning the Elimination of Violence and Harassment in the World of Work is provided as Annexure [QTU3](#).

Just as the issue of domestic and family violence had to be deliberately raised in the community's consciousness to begin the process of acceptance of the issue and the need for a whole-community change before that issue could be dealt with, naming inappropriate behaviours in schools as occupational violence is a prerequisite to beginning to achieve culture change. Occupational violence in schools can only be addressed when the community acknowledges and values safety in schools as workplaces.

In 2010 the state government established the Queensland Schools Alliance Against Violence (QSAAV). At that time, the issue of occupational violence did not feature strongly in the deliberations of the high-level representative group that formed QSAAV with the focus instead being on student violence without acknowledging that teachers, principals and school support staff are regularly victims. One research piece produced by QSAAV is the paper "Working Together" from November 2010, which sets out a useful body of supporting evidence for action in schools and provides guidance on effective strategies to support students.

A copy of the Queensland Schools Alliance Against Violence publication, *Working Together*, is attached as Annexure [QTU4](#).

Teachers and principals must meet very high standards of personal and professional behaviour. Standards set by the profession itself, by employing authorities and by the Legislature.

Teachers and principals observe that a wide variety of behaviours that would not be acceptable in any other community context occur in schools with little or no acknowledgement or response.

The anecdotal evidence is that Queensland teachers and principals believe:

- they have no right to safety at work
- student safety and wellbeing are absolute and their employer values that over employee safety and wellbeing

- their employer looks first to establish what blame can be placed on the actions of the employee in circumstances where the employee has been injured in an assault or exposure to other forms of occupational violence involving a “client”, students or parent/caregiver.

This anecdotal evidence is supported by work undertaken by our sister unions in Western Australia, Victoria and the Australian Capital Territory.

There is also a general lack of awareness among educators of legal protections afforded to them both in terms of workplace health and safety and section 340 of the criminal code. Indeed, most teachers and principals are surprised to learn that they are protected by the same legislative framework as that which underpins the high-profile media campaign around health workers, paramedics and ambulance officers.

The QTU addresses these issues regularly in professional learning sessions, “Teachers and the Law” conducted by solicitors from the Queensland Teachers’ Union’s legal partners Holding Redlich. This is an important process of the profession speaking to itself, but it does little to educate the general population about expected standards of behaviour in schools and the consequences for inappropriate behaviour choices.

### ***Lack of visibility of action to support teachers and principals***

Evidence from other jurisdictions, particularly Victoria and the Australian Capital Territory, suggests a close link between community attitudes to domestic and family violence and occupational violence experienced in schools.

Occupational violence in schools is by its nature gendered violence because the workforce is predominantly women. The impact of violence with no consequences is empowerment of males to be perpetrators through reinforcement of unhealthy norms under deep scrutiny in other parts of the community.

The psychological impact of witnessing violence against teachers and principals, particularly on female students but on younger students of both genders, is significant and a basis for concern.

In Victoria, the Department of Education and Training has begun to address these issues through encouragement of schools to engage in the “Partners in Prevention” program, closely linked to domestic and family violence prevention and respectful relationships education.

The general malaise surrounding occupational violence in schools reinforces negative standards of behaviour. Children as young as five years of age are committing what appear to be serious assaults on teachers and principals in the course of their duties and there is little or no support for the student perpetrator or the employee, be they a teacher, principal or school support staff member, who is the victim. This establishes mechanisms within our community that foster and support violence against women when the whole community should be focused on calling out and addressing this very issue.

Schools are soundly and publicly criticised for using the powers of the Education (General Provisions) Act to discipline students that exhibit violent behaviour towards other students or to adults in the school community. The community, supported by the Legislature, expects that appropriate standards of behaviour are maintained in schools by all who learn, teach or visit there.



Actions to enforce standards, correct poor choices of behaviour and protect all who learn and work in schools must be visible to the whole community.

## ***Addressing workplace violence in cyberspace***

The impact of online violence across the whole community has achieved national and international attention in recent years.

The 2018 Queensland Anti-Cyberbullying Taskforce was established by the Premier in response to high-profile episodes of suicide by young people where online behaviour was implicated. The Terms of Reference of the Taskforce although initially broad, were narrowed to only focus on student safety and wellbeing. The Queensland Teachers' Union, as a member of the Taskforce, steadfastly asserted that the safety and wellbeing of teachers, principals and school support staff was also being impacted by inappropriate behaviour online and called for future action to define the issue for workers in schools and act to provide real protections through legislative change.

A link to the final report of the Premier's Anti-Cyberbullying Taskforce *Adjust our settings: a community approach to address cyberbullying among children and young people in Queensland* is provided as Annexure [QTU5](#).

The Queensland Teachers' Union Submission to the Premier's Anti-Cyberbullying Taskforce is attached as Annexure [QTU6](#).

The Queensland Teachers' Union fields calls on an almost daily basis from distressed members who have experienced vicious cyberbullying from parents, students or community members.

Many parents post aggressive comments on community groups when they are unhappy with an issue at the school. These comments are frequently personal, unfounded and shared widely within the community, damaging the reputation of the teacher or school concerned.

The Queensland Department of Education established a Cybersafety and Reputation team within the department to assist schools through direct liaison with social media companies and internet service providers, however we believe more can be done to support educators and protect them from cyberbullying.

The evidence in domestic and family violence research also points to the connection between online behaviour and perpetration of actual physical violence, lending weight to the need to act to provide greater protections.

## **Conclusion**

Addressing the workplace violence is essential but not sufficient; preventing violence must be the goal. The Queensland Teachers' Union looks forward to further considering the work of the Queensland Sentencing Advisory Council on this important issue for workers in schools and to providing further submissions as appropriate.

## Annexures

- QTU1 Queensland Parliament – Question on Notice No. 1013 asked on 13 June 2019  
<https://www.parliament.qld.gov.au/documents/tableOffice/questionsAnswers/2019/1013-2019.pdf>
- QTU2 Principal Health and Wellbeing Survey 2018 Final Report – 27 February 2019  
[https://www.healthandwellbeing.org/assets/reports/AU/2018\\_AU\\_Final\\_Report.pdf](https://www.healthandwellbeing.org/assets/reports/AU/2018_AU_Final_Report.pdf)
- QTU3 International Labour Organisation Convention 190 – Convention concerning the elimination of violence and harassment in the world of work – 21 June 2019  
[https://www.ilo.org/wcmsp5/groups/public/--ed\\_norm/--relconf/documents/meetingdocument/wcms\\_711570.pdf](https://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_711570.pdf)
- QTU4 Queensland Schools Alliance Against Violence – Working Together: understanding student violence in schools – November 2010  
<http://behaviour.education.qld.gov.au/SiteCollectionDocuments/preventing-bullying-violence/understanding-violence.pdf>
- QTU5 Adjust our settings: A community approach to address cyberbullying among children and young people in Queensland – final report September 2018  
<https://campaigns.premiers.qld.gov.au/antibullying/taskforce/assets/anti-cyberbullying-taskforce-final-report.pdf>
- QTU6 Queensland Teachers' Union of Employees – Submission to the Queensland Anti-Cyberbullying Taskforce – June 2018  
[http://stacks.qtu.asn.au/files//2815/2826/6717/Submission\\_to\\_Qld\\_anti-cyber\\_bullying\\_taskforce.pdf](http://stacks.qtu.asn.au/files//2815/2826/6717/Submission_to_Qld_anti-cyber_bullying_taskforce.pdf)

## Useful references

Australian Capital Territory Legislative Assembly Standing Committee on Education Employment and Youth Affairs – Report 6: Management and minimisation of bullying and violence in schools: September 2019

Accessed on 18 December 2019 from:

[https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0019/1416340/9th-EEYA-06-Management-and-Minimisation-of-Bullying-and-Violence-in-ACT-Schools.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0019/1416340/9th-EEYA-06-Management-and-Minimisation-of-Bullying-and-Violence-in-ACT-Schools.pdf)

Department of Education Occupational violence prevention procedure – 2018

Accessed on 18 December 2019 from:

<http://ppr.det.qld.gov.au/corp/hr/workplace/Procedure%20Attachments/Occupational%20violence%20prevention/Occupational%20violence%20prevention.pdf>

Department of Education policy – Hostile people on school premises, wilful disturbance and trespass – version 3

Accessed on 18 December 2019 from:

<http://ppr.det.qld.gov.au/corp/governance/Pages/Hostile-People-on-School-Premises%2c-Wilful-Disturbance-and-Trespass.aspx>

Office of Industrial Relations: Workplace Health and Safety Queensland – Preventing and responding to workplace violence July 2014

Accessed on 18 December 2019 from:

[https://www.worksafe.qld.gov.au/\\_data/assets/pdf\\_file/0010/82648/preventing-respond-work-violence.pdf](https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/82648/preventing-respond-work-violence.pdf)

Department of Education Chief Executive Officers Guideline: No. 01/2012 – Removal of Trespassers and Disorderly Persons from State Instructional Institution Premises

Accessed on 18 December 2019 from:

<http://ppr.det.qld.gov.au/corp/governance/Procedure%20Attachments/Hostile%20People%20on%20School%20Premises.%20Wilful%20Disturbance%20and%20Trespass/guideline.PDF>

Joint International Labour Organisations/United Nations Educational, Scientific and Cultural Organisation – Violence and insecurity in schools for teaching personnel: Geneva 2012

Accessed on 18 December 2019 from:

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/meetingdocument/wcms\\_214122.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_214122.pdf)

United Nations Educational, Scientific and Cultural Organization (UNESCO) – Stopping Violence in schools: A guide for teachers 2009

Accessed on 18 December 2019 from:

<https://unesdoc.unesco.org/ark:/48223/pf0000184162>

## Annexure QTU2

Case Study 1                      Submission to Sentencing Review                      24 June 2020

Incident:

08 Sept 2016                      Middle School Admin building                      Deputy Principal (DP) office

At about 1400h: JW had interviewed Student A to review non-compliant behaviour. Student A left building with Student B highly agitated. Following this JW phone contact with mother of Student A advising of School Disciplinary Absence (SDA) of three days for Student A (non-compliance with school routine) and arranged for a family member to collect Student A.

Approx. 1430h: 2 x students entered DP office; Student A approached desk; Student B stood by the door.

Student A repeatedly asked JW to explain the student disciplinary absence consequence. Student A was highly agitated and aggressive in tone and manner. JW attempted to use the phone to call for assistance. Student A prevented this by placing hand firmly on phone. JW noticed Student B locking the DP office door using the latch and stepping inside office to close the door. JW moved to from behind the office desk to get to the door to call out for assistance. Student B continued to close door to prevent JW exit. JW was held back and hit. JW made repeated attempts to grab door frame to use as leverage to exit the office and/or to call for safety. JW eventually was able to call out "help" through an almost closed doorway. Office assistant came around the corner to view the situation, she called to students to "stop hitting her" and then three members of teaching staff came around the corner. Teacher 1 stepped in between JW and Students' A and B to separate and remove their hands from JW. Teachers 2 and 3 directed students out of building doorway. Student B blocked building doorway from closing, Teacher 3 repeated instruction to move away, Student B slammed door shut.

Standing in hallway JW noticed a member of the parent community in waiting area, I advised them that the Middle School (MS) Admin building would be placed on a lock down. They stated that they understood and left the MS Admin building.

All external doors to MS Admin office building were locked, JW noticed intense pain in the 4th finger of right hand. During this time the end of school day bell sounded (1455h). At approximately 1505 I could hear Students A and B shouting verbal threats from outside the MS Admin building. *"I'm going to get you bitch"* and *"where is that bitch"*. JW heard very loud banging on MS Admin building door nearest DP office. Shouting and threats continued as students A and B made their way around to the main entry door. Student A had a metal pole and began hitting glass doors and kicking glass entry doors which cracked/broke. JW was made aware (at a later date) that a family member of student A, had attended school grounds at about this time however Student A was too highly agitated to comply with family and school staff requests to leave school grounds. In response to this, staff at the senior secondary office made contact with local police to attend school grounds and assist with removing Students A and B from school grounds.

Sometime after 1600 JW left school grounds to go home. JW visited with GP at about 1800h, who suggested an x-ray the following day to check condition of right hand. JW was provided with the opportunity of a medical certificate for absence on 9 September 2016 but explained to GP that as DP, JW had duties early in the morning to complete supervisions for Middle and Senior school sites the following day and had no way of letting someone know that JW was unavailable.

09 Sept 2016:                      MS Admin - DP office

Police personnel and Principal of Senior Secondary (DM) attended and JW provided a statement to police. DM advised that being at school was the best thing to do. DM checked that JW was aware of Employee Assistance Program (EAP), JW advised yes, as a teacher had sent JW an email about it on 09 Sept 2016.

Charges were laid. (see Attachment 2) against both Student A and Student B. To the understanding of JW, the same charges were laid against both Student A and Student B

Dr apt - x-ray confirmed fracture of 4th finger.

Late September 2016          Attended 1 x Psychology appointment.

November-December 2016

JW was contacted and interviewed regarding the restorative justice process for both Student A and Student B. JW nominated to participate in this process for each student separately, due to high levels of anxiety of being in a room with both students present. Student A participated in Restorative Justice process in December 2016.

January-February 2017

JW was advised by the Restorative Justice liaison that Student B was not participative in the restoration process, despite three attempts made and the matter was being handed back to police for prosecution. To date JW has received no updates on this matter

#### Department of Education involvement

JW was asked to provide a statement (extract provided at Attachment 1) but was advised that the workplace health and safety report and/or incident report was "taken care of" by other staff members.

Student A was excluded and enrolled at a nearby high school. Student B was excluded and enrolled at the school which was the location of JW's substantive Head of Department position

June 2017

My contract for relieving at level was concluding and JW was due to return to substantive location where Student B was enrolled to begin Semester 2 in July 2017. JW was highly anxious about this and had medical support for not returning to this location. The Executive Principal of the Relieve at Level school assisted by asking the Assistant Regional Director (ARD) to intervene/assist. The ARD interviewed me about the incident and stated that he would assist. JW also contacted Education Queensland Human Resources (EQHR) and sought assistance and was advised to complete a Relocation of Classified Officers application. JW completed and submitted Relocation application on 9 June 2017.

July 2017

Experiencing significant levels of anxiety JW sought medical advice as JW was too anxious to attend substantive location due to feeling very unsafe in the presence of Student B. A doctor provided a medical certificate. Education Queensland Human Resources made contact, and an alternative temporary location was organised at School X. JW initiated consultations with a Psychologist through the EAP process.

Repeated contact with HR since July 2017 has not secured a substantive position at an alternative location. HR advised that JW utilise the merit selection process to independently secure a substantive position at another location. HR advises that successful relocation opportunities are difficult to secure.

December 2017.

Advised that temporary placement at School X was ceasing at the end of term. HR advised last day of 2017 school year, that JW was to report to School Z at start of 2018 year; and that JW would be contacted by School Z with further details. Email received from office at School Z containing only an

attachment of schedule for student free days in Jan 2018. HR did not engage a conference situation to transition JW into School Z setting, resulting in significant increase in anxiety levels for JW. In the absence of this conference process, sibling of Student B was enrolled in School Z, just after JW commenced, resulting in JW needing significant support from psychologist during 2018 to process anxiety triggers with being on same location as family member of Student B.

Ongoing impacts:

JW continues to require only psychology support to process anxiety triggered by school environment and the significant anxiety experienced with Department of Education requests to return to substantive location, plus financial hardship to JW as EAP process only provides four appointments per calendar year and JW currently requiring eight to ten per calendar year. JW has self-funded six psychology sessions in 2019 to 2020 financial year.

JW experienced significant negative impact to confidence and detrimental to health and wellbeing in Term 4, 2019 when advised that Student B had been unenrolled from substantive location, therefore JW had to return to substantive location to begin 2020 year.

Principal at substantive location made contact with JW to advise that due to an overallocation of Head of Department (HOD) personnel the only available position was HOD of ICT but this could only be for six months. JW experienced significant increase in anxiety as JW had no formal ICT or IT training, and with only six-months potentially in position, gaining training and/or skills was not viable nor reasonable.

Principal of substantive location again contacted JW in May 2020 to discuss 2021 options and again noted that school was still on over allocation of HOD personnel, that JW previous "position" was now a permanent HOD EAL-D position held by another person. Principal also directed that main option available to JW was to gain substantive position at another location through meritorious process or be successful through relocation of classified officer process.

JW continues to experience moderate levels of anxiety about the school environment at host School (Z) but is supported by supervisors. JW experiences significant levels of anxiety about returning to substantive location due to the nature of school environment and previously experienced level of support and concern for health and wellbeing JW has received previously from school Executive personnel. Primary reason that JW sought Relieve at Level position in 2016 (away from substantive location) was in a personal and professional effort to seek consistency in HOD role (with strategic responsibilities) and to improve health and wellbeing through less hostile school environment.

JW has engaged in Relocation of Classified Officer suitability interview process (three times in 2020), however experiences decline to health and wellbeing (increased anxiety) due to the level of rigour through interview process that is equal to meritorious processes.

JW has avoided large shopping and/or community complexes in areas around the schools since incident in Sept 2016, preferring to attend these areas when in company of a family member. This is due to ongoing concerns of being confronted by Student B – who did not engage in Restorative Justice Process as required by initial sentencing.

## Attachment 1:

Student B sought legal counsel to submit an appeal against decision to exclude

Extracts from response from DoE - JW is "Deputy Principal"

### **Material facts relied on to make the decision**

- On 8 September 2016, on the balance of probability, in the company of another student, you participated in the following unacceptable behaviours:
    - you were reported as truanting your scheduled classes;
    - staff directed you to go to the Junior Secondary Administration but you left the area without permission on at least two occasions;
    - at approximately 2:30pm you entered the Deputy Principal's office without permission;
    - you refused her directions to leave the office and wait outside;
    - despite knowing that the other student was upset and agitated, when the other student began to question the Deputy Principal about a decision she had allegedly made to exclude the student, you did not stop the student from becoming verbally aggressive towards her, rather supported the student's unacceptable behaviours by moving towards the Deputy Principal in a manner that made her feel unsafe;
    - you blocked the doorway to prevent the Deputy Principal from leaving the office while the other student stopped her from using the phone by placing her hand over it and telling her she could not use it;
    - when the other student directed you to lock the door, you prevented the Deputy Principal from moving forward while the other student held her back;
    - when the Deputy Principal attempted to grab the door jam to assist in pulling herself from the room and called for help, you both pushed her and refused to allow her to leave the room, causing her to injure her hand;
    - when another staff member came to the Deputy Principal's assistance and told you to stop hitting her and leave, you refused leave and yelled and swore at them;
  - when other staff members arrived and directed you to leave the office and wait in another room, you left the area, yelling and bashing doors and windows as you went;
  - you went with the other student into the school grounds and picked up sticks and a metal pole;
  - despite the other student shouting threats to use them as weapons to bash the Deputy Principal, you did not try to stop her, rather you went with the student towards the office area;
  - you took the weapons back towards the office area and used them as weapons to bash on the door, subsequently breaking the glass;
  - you remained with the other student and encouraged her as she yelled abuse and swore at the Deputy Principal and kicked windows and bins.
  - a member of staff approached you and knocked the stick from your grip and the pole from the other student;
  - you were led away from the building and joined the other student in yelling abuse towards the Deputy Principal;
  - the other student grabbed a mop from a trolley, which was taken from her. She then tried to grab a cricket bat from a student walking past;
  - rather than try to stop her from continuing her tirade against the Deputy Principal you yelled at the teacher to not touch the other student and told the student that you were there to support her;
  - you followed the other student around the building as she kicked windows and bins and continued to scream, yell and swear abuse.
- Your actions were so serious that staff had grave concerns for the safety of the Deputy Principal, parents, other students and staff who were in the vicinity of the office area. As a result, the area was put into lock down and the Queensland Police Service (QPS) was called.

Attachment 2: details of what Students A and B were charged with. This was letter sent as Student B did not engage with initial consequence of having to participate in a Restorative Justice process.

