



Department of  
**Education**

15 JUN 2020

Mr John Robertson  
Chair  
Queensland Sentencing Advisory Council  
GPO Box 2360  
BRISBANE QLD 4001

Dear Mr Robertson

I refer to your letter dated 6 December 2019 to Tony Cook, Director-General, Department of Education, inviting preliminary feedback on key issues to be explored by the Queensland Sentencing Advisory Council in reviewing penalties for assaults on police and other frontline emergency services workers, corrective service officers and other public officers.

We appreciate the opportunity to provide the following preliminary information for your consideration.

### **Our Department**

By way of context, the Department of Education is committed to ensuring all Queenslanders have access to quality learning and education experiences, no matter where they live across this state. The department delivers world-class education services for Queenslanders at every stage of their development—from the early years through to the completion of their schooling.

With almost 600,000 school students enrolled in 1249 state schools across Queensland, and approximately 90,000 staff, the department has an extensive community interface across Queensland.

### **Our commitment and approach to occupational violence**

The safety of staff and students in our schools is a serious and complex matter requiring a measured and consistent approach. The department, as far as reasonably practicable, is not willing to accept our people being exposed to risks that compromise their safety and wellbeing, nor for risks in our ability to meet our obligations under workplace health and safety commitments.

The department has a strongly stated zero tolerance stance towards occupational violence within our workplaces and schools, noting that responses to violence must be evidence based, measured and preventative.

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In 2017, the department reinforced its priority for the personal safety of all staff, no matter what role they undertake, by adding the **Work Safe, Learn Safe, Be Safe** value to our suite of organisational values. This sets a clear expectation that all staff will:

- lead and model safe and healthy behaviours;
- take steps to identify, control and report hazards; and
- take personal responsibility for the safety and wellbeing of ourselves and others.

We have also implemented an *Occupational Violence Prevention Procedure* (attached to this submission) which provides the minimum standards for a risk-based approach to the management of occupational violence in schools and other workplaces. We also continue to collaborate with other educational jurisdictions to share work safety learnings across Australia, and collectively identify best practice strategies to support safe and inclusive school communities for staff and students. This includes senior representation at the inaugural *Occupational Violence: ACT Education National Forum* held in 2019, and additional forums conducted with Queensland stakeholder groups.

The department recognises the prevalence of occupational violence in the community, and has commenced work to develop a strategic framework to minimise the occurrence and impact of occupational violence in schools. Schools are an essential part of communities and should be safe for all individuals who enter them. The department's strategy focuses on three key areas:

- People – ensuring staff are appropriately trained and supported to prevent and respond to incidents of occupational violence.
- Process – appropriate process and support structures in place to respond to incidents of occupational violence.
- Public – communication and engagement campaigns for staff and school communities.

The department fully supports measures to provide protection to frontline workers who face heightened risks to their safety while undertaking their duties. Schools also rely on police and other frontline officers in some situations within the school context, and we are aware of the unique challenges these officers face in performing their duties each day.

We support the work of the Queensland Sentencing Advisory Council and its role in conducting research, and providing advice to promote community understanding of sentencing matters. We also support the current review of sentencing legislation, including the minimum mandatory sentencing provisions for assaults against public officers.

While we are committed to creating a safe work environment for all staff and students, any proposed reform in relation to penalties for assaults on public officers needs to be considered and balanced against the complex needs of people with disabilities, and the complexity of other socio-economic factors across Queensland communities.

Education as a service is delivered across all sectors of Queensland society; with many schools located in Aboriginal communities. We note that the Royal Commission into Aboriginal Deaths in Custody, 28 years ago, recommended abolishing mandatory sentencing laws because they were seen to be unjust and discriminatory against Aboriginal and Torres Strait Islander people. As such, we urge that the proposed introduction of minimum sentencing of assaults against public officers would need to be reviewed giving careful consideration to the Royal Commission findings.

Please also find attached a series of documents produced by the department which outline to employees our internal policy in relation to occupation violence. They are provided alongside our submission for reference.

The department nominates [REDACTED]  
[REDACTED] to be the key point of contact. Should you require further information or assistance, please contact [REDACTED]

Thank you for the opportunity to provide feedback into the work of the Queensland Sentencing Advisory Council. We look forward to participating in this important inquiry.

Yours sincerely

[REDACTED]  
**DION COGHLAN**  
**Assistant Director-General**  
**Human Resources**

Ref: 20/323983

Your reference: 5033478

Enc



## Hostile People on School Premises, Wilful Disturbance and Trespass

### Version Number

3.0

### Implementation Date

28/01/2015

### Scope

All state schools

### Purpose

This procedure outlines the options available under the *Education (General Provisions) Act 2006 (Qld)* (EGPA), to assist Principals and school staff in preventing and managing unsafe situations on the premises of state educational institutions (whether they have buildings on them or not, or whether or not the conduct occurs in school hours).

### Overview

The Department of Education, Training and Employment is committed to taking all reasonable steps to provide a safe environment for staff, volunteers, students, parents and visitors at State educational institutions. Section 5 of the *Education (General Provisions) Regulation 2006 (Qld)* makes a principal responsible for the safety and overall management of state instructional institutions.

This includes events such as wilful disturbance, trespassers, distribution of non-education documents, and also processes for obtaining information from the person/s and giving directions to the person/s regarding their conduct or movement at the school.

At all times, proportionate and graduated responses should be applied when managing difficult or dangerous situations, ensuring adherence to laws, and always acting reasonably and dispassionately. It is important to ensure, before exercising one of the below powers, that the person concerned is not an exempt person.

Queensland Police should be contacted immediately if the behaviour of a person is of a serious nature, such as if there is a threat of physical danger, and request the police to remove the person from the school in accordance with police powers. In some circumstances, and only when necessary, physical intervention may be required if there is a genuine threat to a safe school environment (see [Chief Executive's Guideline: No.01/2012](#))

If a form is required to be given to a person (see sections 337, 340 of the EGPA) the form may be given by:

- The principal, by handing it to the person concerned (the Principal must complete a [Record of Giving A Form](#))
- The principal, by sending it to the person's home address as recorded on school records by registered post (the Principal must complete a [Record of Giving A Form](#)). Please note that

posting the form can delay its effectiveness;

- Where appropriate, engaging the Queensland Police Service or a process server to serve the form on the person (ensure that the police or process server complete an affidavit of service concerning the giving of the form);

A copy of the signed form must be kept as an official record and for evidentiary purposes

A number of checks and balances have been included in the EGPA to minimise misapplication of the powers such as appeal and review options relative to each section.

## Responsibilities

### Principals

Under the EGPA, Principals may complain to the Queensland Police Service and/or exercise one of the below powers (ensuring the person/s is not an exempt person for the section) where:

#### Dealing with wilful disturbance (s.333 EGPA) **Note: students are exempt**

- (i) a person wilfully disturbs the good order or management of a state educational institution, or
  - (ii) a person insults an officer of a state educational institution in the presence or hearing of a student of the institution who is in or about the school premises, or assembled with others for educational purposes at, or in, any place.
- Principals should follow any complaint to Queensland Police with consideration of giving a s.337 direction, a s.339 direction or a s.340 direction or seeking a s.341 direction.

#### Dealing with trespassers (s.334 EGPA)

- A person is on the premises of a state educational institution without lawful authority or a reasonable excuse  
**Note:** this may not apply to parents of a student at the school during school hours because they may have a reasonable excuse to be at the school in relation to the child.
- Principals and school staff when using physical force to restrain or eject from the premises a person who becomes abusive or violent must comply with the [Chief Executive's Guideline: No.01/2012](#).
- Principals should follow any complaint to Queensland Police with consideration of giving a s.337 direction, a s.339 direction or a s.340 direction or seeking a s.341 direction.

#### Dealing with distribution of non-education documents (s 67 EGPR)

- A person distributes a non-education document on the premises of a school, without the permission of the institution's principal (does not apply to documents lawfully distributed by a minister of religion or accredited representative in accordance with s.30(1) EGPR).
- Principals should follow any complaint to Queensland Police with consideration of giving a s.337 direction, a s.339 direction.

#### Giving a s.336 EGPA direction (requirement to state name and residential address)

- May:
  - require a person on state instructional institution premises to state their name and residential address only if intending to issue a direction under s.337 or s.339
  - require the person to give evidence of the correctness of their name and address, if they reasonably suspect the details supplied are false and warn the person that it may be an offence to fail to state their name and residential address
  - photograph or video the person if they refuse to give their name and address, being careful to use this record appropriately and making it available only to people who need to have the information for the purposes of prosecuting an offence.



#### Giving a s.337 EGPA direction (30 day 'good behaviour' direction)

- May give a person a [written direction](#) (**Note:** this direction may not be used to exclude a person from a state instructional institution's premises), for a period of up to 30 days after the direction is issued, about the person's conduct or movement at the state instructional institution, if the direction is necessary:
  - to ensure the safety and wellbeing of other persons lawfully at the premises
  - to prevent or minimise damage to the premises or to property at the premises;
  - to maintain good order at the premises
  - for the proper management of the institution
- Unacceptable behaviour not occurring on school premises may also be taken into account when considering a s.337 direction. Behaviour, such as threatening or nuisance telephone calls, e-mails and social media commentary/posts may be referred to external agencies, such as the police or a telecommunications provider for action, but may also be taken into account for the purposes of deciding if a direction is necessary to be given for the reasons outlined above.
- If a school principal is concerned for the health and wellbeing of a staff member/s as a consequence of hostile references in social media commentary/posts, the principal should consider [sending the template letter](#) prepared for this purpose
- Keep in mind that the direction applies for thirty ordinary days, not 30 school days AND does not prohibit the person from the school premises.

#### Giving a s.339 EGPA direction (24 hour prohibition from school premises)

- May give a person an [oral direction](#) requiring the person to immediately leave and not re-enter the state instructional institution for 24 hours after the time the direction is actually given to the person, if the person:
  - has committed or is about to commit an offence at the premises
  - has used or is about to use threatening, abusive or insulting language towards another person at the premises
  - has engaged in or is about to engage in threatening or violent behaviour towards another person at the premises
  - does not have a good and lawful reason to be at the premises
- The oral direction must include:
  - the terms of the direction; and
  - the ground for the direction; and
  - the time during which the person may not re-enter the premises (which must not exceed 24 hours).
- Principals may print out, laminate and carry with them a standard script for giving a [s.339 oral direction](#)
- **Principal actions**
- if a person is in breach of a direction, complain to the police immediately AND consider giving a s.340 direction to the person.
- notify the Regional Director of directions being issued under sections 337, 339 or 340
- Complete the Form Record of giving a [s.339 direction](#)
- ensure that in following any course of action they do not put themselves or their staff in a potentially harmful situation

#### Giving a s.340 EGPA direction (60 day prohibition from school premises)

- In general s.340 directions should be reserved for circumstances in which another less serious direction (s.337, s.339) is insufficient. This will usually arise in circumstances where the less serious directions have been breached, there have been multiple less serious directions (tending to establish that the person is incorrigible) or the circumstances of a person's behaviour are so serious that it merits immediate, serious consequences (for example, serious assault on school premises of any person, wilful damage to school property or serious threats of violence to persons or property at the school)

- Should the principal decide that behaviour would warrant the application of the power in s.340 OR if the behaviour amounts to a breach of an existing s.337 direction or would result in a further s.337 direction being given, use the [template letter](#) for completing a draft direction
- May contact LALB and seek advice on the making of the direction before issuing it. (Please note that s.340 directions are subject to internal review)
- Make every effort to ascertain the parent's name and address in cases involving a prohibition order on a child (not a student of the school) for up to 60 days. This is because in making the direction to prohibit the principal must make every effort to notify the child's parent of the decision.
- Use judgment as to whether a person is a child or not, which may involve asking students how they know the person or the person's history.
- Where a s.340 prohibition is imposed, consider carefully if the person's conduct also merits a s.341 direction (prohibition for up to 12 months). If so, then seek the s.341 prohibition at the commencement of the s.340 prohibition so that the Director-General or delegate can utilise the 60 day prohibition period to make a decision in respect of the request for a s.341 prohibition.
- If a school principal decides that it would not be appropriate for them to issue a s.340 direction personally (for example, the principal believes that it would be inappropriate if they acted themselves because it would be a breach of natural justice), then the principal may recommend that the Director-General or delegate make the direction instead.
- The Principal should have reference to the Request to issue s.340 direction briefing template and template Request s.340 letter for this purpose.

**Asking for a s.341 EGPA direction to be made (prohibition from school premises for more than 60 days, but not more than 12 months)**

- Where a case is serious enough (repeated breach of s.337 or breach of s.340 direction, actual or threatened serious violence to a staff member, student or other person) that it is appropriate to ask the Director-General or delegate to make a direction prohibiting a person from a state school for a period of 12 months.
- Regions will seek advice from the Office of the Director-General or delegate, should the principal decide that the level of severity of the disruption, abuse or violence would warrant the application of the power in s.341 of the EGPA, or other legal action
- Regions will use the [template briefing note](#) and template preliminary view letter for making this request.
- Where a person is already subject to a s.340 prohibition, Regions must provide the template briefing to the Office of the Director-General or delegate at the commencement of the 60 day prohibition to enable the decision maker to take advantage of the existing prohibition period to make their decision before the prohibition period runs out.
- Make every effort to ascertain the parent's name and address in cases involving a prohibition order on a child (not a student of the school) for more than 60 days. This is because the Director-General or delegate, in making the direction to prohibit must make every effort to notify the child's parent of the direction or application.
- Use judgment as to whether a person is a child or not, which may involve asking students who know the person or the person's history.

**Asking for a s.352 or 353 EGPA Order to be applied for (12 Month prohibition from all state and non-state school premises)**

- Where a case is serious enough (repeated breach of s.337 or s.340 direction, actual or threatened serious violence to a staff member or student at more than one state or non-state school) that it is appropriate to ask the Director-General or delegate to apply to QCAT for an order prohibiting a person from all state or non-state schools for a period of 12 months.
- Seek advice from the Office of the Director-General or delegate, should the principal and the Regional Director decide that the level of severity of the disruption, abuse or violence would

warrant the application of the power in ss.352 or 353 of the EGPA, or other legal action

- Make every effort to ascertain the parent's name and address in cases involving a prohibition order on a child for more than 60 days. This is because the Director-General or delegate, in making the direction to prohibit must make every effort to notify the child's parent of the application.
- Use judgment as to whether a person is a child or not, which may involve asking students who know the person or the person's history.

#### **Regional Director:**

- Co-signs/approves requests for directions under ss.341, 352, 353 to the Director-General or delegate as the matter may require
- Compiles records of all s.337, 339 and 340 directions given by staff under their supervision for the purposes of the department's annual report.
- May consult with Legal and Administrative Law Branch (LALB) in respect of the drafting of s.341 directions and progress of such requests to the Director-General or delegate

#### **Director-General or delegate:**

- Upon the making of a submission against a s.337 direction, confirms or cancels the directions according to the timeline provided in s.338 of the EGPA
- Compiles records of all s.338 appeals for the purposes of the department's annual report.
- May consult with LALB in respect of [directions under s.341](#)
- Records details of the exercise of the powers conferred under the EGPA for inclusion in the department's annual report.

#### **Director-General:**

- May consult with LALB in respect of applications to QCAT under s.352
- May apply to QCAT for an order prohibiting a person from entering all state schools for up to one year under s.352
- May consult with LALB in respect of applications to QCAT under s.353
- May apply to QCAT for an order prohibiting a person from entering all state and non-state schools for up to one year under s.353
- Records details of the exercise of the powers conferred under the EGPA (including the direction to leave and not re-enter the premises for 24 hours) in the department's annual report.

### **Process**

See above in responsibilities.

### **Online Resources**

#### **Guidelines**

- [Chief Executive's Guideline: No.01/2012](#)

#### **Forms**

- [Form 337: Template Direction about conduct or movement on school premises](#)
- [Form 340: Template Direction Letter for 60 day prohibition](#)
- [Template DG or delegate GBN: Section 341—Application to DG or delegate to prohibit entry to school premises for more than 60 days](#)
- [Template preliminary view letter Section 341—Application to DG or delegate to prohibit entry to school premises for more than 60 days](#)



- [Template decision letter Section 341—Application to DG or delegate to prohibit entry to school premises for more than 60 days](#)
- [Template letter 341: Principal to RD—Request for action](#)
- [Template Record of Giving A Form](#)
- [Template Record of Giving a s.339 oral direction](#)
- [s.340a Template Decision Letter](#)
- [s.340A Template Briefing Note](#)
- [Region letter—Sections 340 and 340A](#)

## Script

- [Standard script for giving a s.339 oral direction](#)

## Review Date

15/07/2015



## Definitions

**Non-education document** means a document other than a document used in delivering an educational program to students of the institution.

**Premises of a State educational institution** means the building and/or lands that make up a state educational institution.

**State educational institution** means an educational institution established under section 13,14 or 15 of the EGPA, and includes State primary, secondary and special schools, environmental education centres and outdoor education centres, centres for the support and development of teachers and officers of the department, student hostels or student residential colleges.

**State instructional institution** means an educational institution established under sections 13 or 14 of the EGPA and includes State primary, secondary and special schools, environmental education centres and outdoor education centres.

**Exempt person** for the purposes of s.333 of the EGPA, means a person who was at the relevant time a student of the relevant State educational institution. For the purposes of sections 336, 337, 339-341, 352-353 of the EGPA, it means a student or pre-prep child of or an employee of the department engaged to perform work at the relevant State instructional institution premises.

## Authority

- [Education \(General Provisions\) Act 2006](#) (EGPA) Chapter 12, Parts 5, 6 and 8
- [Education \(General Provisions\) Regulation 2006](#) (EGPR)
- [Police Powers and Responsibilities Act 2000](#) Section 48(1)
- [Work Health and Safety Act 2011](#)

## Related Policy Instruments

- [School Security](#)

## Attachments



[Form 337—Template direction about conduct or movement](#)

-  [Template letter 341: Principal to RD—Request for action](#)
-  [Template DG or delegate GBN: Section 341—Application to DG or delegate to prohibit entry to school premises for more than 60 days](#)
-  [Record of giving forms—s.337 or s.340](#)
-  [Chief Executive's Guideline No. 012012](#)
-  [Form 340—Template direction letter for 60 day prohibition](#)
-  [Template preliminary view letter Section 341—Application to DG or delegate to prohibit entry to school premises for more than 60 days](#)
-  [Template decision letter Section 341—Application to DG or delegate to prohibit entry to school premises for more than 60 days](#)
-  [Template record of giving a s.339 oral direction](#)
-  [Standard script for giving a s.339 oral direction](#)
-  [s.340A Template Decision Letter](#)
-  [s.340A Template Briefing Note](#)
-  [Region letter—Sections 340 and 340A](#)

## Contact

DETE employees, please contact:

- In the first instance contact a Principal Advisor at the Regional Office.
- For legal assistance, contact the Legal and Administrative Law Branch on (07) 3404 9330 or by email at [advicerequest.LEGAL@dete.qld.gov.au](mailto:advicerequest.LEGAL@dete.qld.gov.au)

**Persons subject to action in accordance with this procedure should obtain their own independent legal advice.**

## Uncontrolled Copy Disclaimer

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# Procedure

## Occupational violence prevention

### Audience

Department-wide

Implementation Date: 23/10/2018  
Version: 1.0

### Purpose

This procedure provides the minimum standard for the prevention and management of occupational violence risks across the department with the intent of protecting the health, safety and wellbeing of staff who have the potential to experience occupational violence.

The department recognises that occupational violence is a serious and complex matter requiring a measured and consistent procedure across the department. The department has the lowest appetite for risks associated with workplace health and safety of staff and the community.

As far as reasonably practicable, the department is not willing to accept or be exposed to risks that compromises its ability to meet our workplace health and safety commitments. The department has a zero tolerance stance towards occupational violence, and responses must be evidence based, measured and preventative.

### Overview

Occupational violence is any action, incident or behaviour that departs from reasonable conduct in which a person is, threatened, harmed, injured by another person in the course of, or as a direct result of his or her work.

Each workplace is to ensure that there are appropriate resources to identify, prevent, manage and respond to occupational violence. These resources are to be identified through a risk management approach that considers workplace activities, including but not limited to the size, location and access to essential and/or emergency services as well as the demographics of the workplace.

This procedure is in accordance with [Work Health and Safety Act 2011](#) (Qld) (Part 2) to ensure the health and safety of employees and others in the workplace. It also complies with Safe Work Australia's [How to manage work health and safety risks Code of Practice 2011](#).



## Responsibilities

### All employees, contractors, visitors and others

- Treat all others at the workplace respectfully, behave in a manner expected by the workplace and follow the [Code of Conduct for the Queensland public service](#).
- Identify and actively prevent occupational violence hazards in the workplace.
- Participate in the assessment of occupational violence risks.
- Take immediate reasonable action to control and prevent further exposure or escalation of identified occupational violence incidents.
- Report, manage and record all occupational violence incidents in accordance with the department's Health, Safety and Wellbeing Incident Management procedure.
- Participate in training identified by the department for the prevention and management of occupational violence.

### Principals, managers, supervisors

- Proactively identify, prevent, assess and manage occupational violence hazards and risks in the workplace.
  - Identify occupational violence hazards in the workplace, ensuring they are captured in the workplace hazard register.
  - Ensure the risks associated with identified hazards are assessed and controls determined and implemented to prevent and manage occupational violence.
- Where incidents occur, ensure early intervention and check immediately on the welfare of those involved.
- Implement actions to respond to any immediate risk associated with the incident.
- Ensure systems are in place to provide support to those affected by occupational violence and that incidents are recorded, investigated and managed.
- Ensure records of any training conducted for employees (and others) is kept for a minimum of 10 years. These records must contain all the relevant information about the delivered training including:
  - date of session
  - subjects covered
  - name of the instructor that conducted the session and the company they represent
  - names of the employees, contractors or others who attended the session.

### Regional Directors or Assistant Directors-General

- Provide appropriate support and resources to the workplace as required.

### Deputy Directors-General

- Ensure key learnings are shared, and that corrective and preventative actions are implemented in relevant workplaces.
- Provide appropriate support and resources to workplaces.





## Process

Principals, managers and supervisors in the workplace will implement the following process and provide resources to identify, prevent, assess and manage risks associated with occupational violence.

The process aligns with the department's [Enterprise risk management framework, policy and procedure](#), and also adheres to Safe Work Australia's Code of Practice: [How to manage work health and safety risks](#).

### 1. Establish the context and identification of occupational violence hazards/risks

In identifying and preventing occupational violence hazards/risks it is important to understand your operating environment and the wider departmental stance on occupational violence. The department's lowest appetite is for risks associated with the workplace health and safety of staff and the community which include occupational violence.

The Principal/manager/supervisor will identify hazards/risks present in the workplace (and those likely to be encountered through the course of undertaking work related activities) through:

- consultation with employees regarding possible occupational violence hazards, including but not limited to bullying, harassment, conflict and physically or verbally aggressive behaviour
- review of workplace hazards and incidents recorded in MyHR WHS to determine any trends
- review of forms and notices issued under the [Hostile people of school premises, wilful disturbance and trespass procedure](#)
- seek other sources of information such as school and workplace security information, the characteristics of the school and workplace community and the school/workplace environment to obtain an overall picture of the occupational violence risk within the workplace so that they can be addressed.

A workplace can include settings such as school excursions, areas beyond the work location, and work activities outside of school and work hours.

Identify workplace specific issues or environments that may impact on the occupational violence risk, such as:

- school/workplace size, layout and physical characteristics
- numbers and types of health and safety incidents
- high risk tasks that may attract violence (e.g. cash handling, working in isolation/alone, working with distressed/hostile people, family law matters, home visits)
- any other relevant information.

### 2. Assessment of the risk

Principals, managers and supervisors will manage occupational violence risks in accordance with the Code of Practice: [How to manage work health and safety risks](#).

### 3. Evaluate the risk - identify controls

Principals, managers and supervisors should consider how existing controls mitigate or reduce the hazards/risks. The risks should be assessed to determine which risks require immediate attention and prioritize these for attention.

Controls related to occupational violence include but are not limited to:

- training as determined through assessment
- education campaigns regarding appropriate behaviours (i.e. No excuse for abuse)
- the processes contained in the Hostile People of School Premises, Wilful disturbance and Trespass Procedure
- development of specific protocols locally and across the workplace
- use of appropriate personal protective equipment
- physical work facilities (e.g. access to and the amount of personal/fixed duress alarms, on-call support, CCTV, phone access and security measures)
- work systems for how activities are undertaken (e.g. cash handling, working alone, out of hours work (cleaners), access and egress, trigger points for at-risk individuals)
- reinforcing the department's lowest appetite for risks relating to workplace health and safety.

In schools, communication of expectations around behaviour can occur directly with families and with the student body.

Where existing controls do not adequately reduce the risk level, principals, managers and supervisors are to ensure that further actions are applied to mitigate the risk.

### 4. Treat the risk- Implement further controls/actions

Once the risk context has been established and the risks have been assessed, efficient and effective risk treatments must be determined. Most documented risk treatments reflect the controls and actions embedded in the department's policies, procedures and practices. If further controls or actions are needed to mitigate the risk a consultative method is to be used to determine what further risk treatments are needed. Subject matter experts and those directly impacted by the hazards are a useful source of information.

- In consultation with the employees at the workplace, implement and support the controls and actions to address occupational violence hazards and risks.
- Ensure controls and actions are communicated to relevant stakeholders and employee groups.
- Engage the assistance of your health, safety and wellbeing committee to assist with communication.
- Be prepared to adjust controls to suit the specific work environment.
- Reinforce the department's lowest appetite for risks impacting on workplace health and safety of staff and the community.



## 5. Review and improve

A copy of the completed risk assessment (e.g. in MyHR WHS or hard copy at the workplace) should be retained to support the decisions made to address identified risks.

The risk assessment and identified controls should be reviewed:

- when the control does not adequately mitigate the risk it was implemented to control
- before a change at the workplace which is likely to give rise to a new or different risk that the control measure may not effectively mitigate
- if a new hazard or risk is identified
- if the results of consultation indicate that a review is necessary
- if a health and safety representative requests a review and they reasonably believe that a circumstance referred to above affects or may affect the health and safety of a member of the work group they represent
- if an occupational violence incident occurs to determine what improvements are required to existing controls or what new controls are required.

If problems are found, go back through the risk management steps, review the relevant information and make further decisions about risk control.

## 6. Occupational violence incidents are to be recorded, reported and investigated in accordance with the Health, Safety and Wellbeing Incident Management procedure

Immediate response to an occupational violence incident.

- Report, classify, notify.
- Record and review.
- Investigate.
- Corrective and preventative actions.
- Communicate, evaluate and finalise.

## 7. Review of state wide occupational violence issues and response

The correct reporting, recording and investigation of occupational violence incidents provides the department with valuable information and the capacity to monitor hazard trends.

The department's Organisational Safety and Wellbeing Unit collects, analyses and reports on occupational violence incidents and trends to the department's Health, Safety and Wellbeing Committee to identify and action systematic issues.

Systemic issues identified at a school and regional level, as well as those issues that are unable to be managed at a local level, will be escalated through regional Health, Safety and Wellbeing Committees and the department's Health Safety and Wellbeing Committee.





## 8. Further actions

Occupational violence incidents may require additional assistance or referral to ensure the matter is resolved and controls are appropriately identified and implemented.

- Emergency plans are to incorporate occupational violence as a known scenario.
- If any person is in immediate danger contact emergency services on 000.
- Where an offence is suspected, contact the school based police officer or the police.
- Where required make use of the processes within the [Hostile people on school premises, willful disturbance and trespass procedure](#).
- Manage issues in accordance with [Safe, supportive and disciplined school environment procedure](#).
- Other support staff for schools may include student behaviour specialists, guidance officers, social workers, community welfare workers, youth workers, health care professionals and teacher aides as well as the employee assistance service (EAP).

For matters relating to conduct and complaints contact: [ConductandComplaints@ged.qld.gov.au](mailto:ConductandComplaints@ged.qld.gov.au) or phone: 07 3055 2950. Electronic lodgment of employee misconduct that includes student protection matters involving employees can be undertaken via [iRefer](#).

Lodging a matter using this [iRefer](#) function will result in a matter being referred to the department's Investigations, Performance and Conduct Unit for assessment and consideration. This will determine the most appropriate intervention to address the complaints raised.

## Definitions

Term	Definition
<b>Hazard</b>	An object or situation that has the potential to harm a person, the environment or cause damage to property. Hazards at work may include: aggressive intruders at the school or the workplace, or witnessing violence in the workplace.
<b>Occupational violence</b>	Any action, incident or behaviour that departs from reasonable conduct in which a person is, threatened, harmed, injured by another person in the course of, or as a direct result of his or her work. Examples of acts of aggression and/or violence includes, but is not limited to, workplace harassment/bullying (being more than one occasion - except sexual harassment), spitting, physical intimidation or harm, and verbal abuse.
<b>Others</b>	A person other than an employee or contractor as defined as a worker under the <i>Work Health and Safety Act 2011</i> (Qld), including: <ul style="list-style-type: none"> <li>• an employee of a labour hire company who has been assigned to work in the person's business or undertaking</li> <li>• an outworker</li> <li>• an apprentice or trainee</li> <li>• a student gaining work experience</li> </ul>





	<ul style="list-style-type: none"> <li>• a volunteer</li> <li>• a visitor</li> <li>• a parent/carer</li> <li>• a pre-service teacher</li> <li>• a school student.</li> </ul>
<b>Reasonably practicable</b>	<p>Under section 18 of the <a href="#">Work Health and Safety Act 2011 (Qld)</a> reasonably practicable is defined as:</p> <ul style="list-style-type: none"> <li>• in relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including: <ul style="list-style-type: none"> <li>(a) the likelihood of the hazard or the risk concerned occurring; and</li> <li>(b) the degree of harm that might result from the hazard or the risk; and</li> <li>(c) what the person concerned knows, or ought reasonably to know, about— <ul style="list-style-type: none"> <li>(i) the hazard or the risk; and</li> <li>(ii) ways of eliminating or minimising the risk; and</li> </ul> </li> <li>(d) the availability and suitability of ways to eliminate or minimise the risk; and</li> <li>(e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.</li> </ul> </li> </ul>
<b>Risk</b>	<p>In the context of occupational violence, risk is the possibility that something will go wrong such as harm (damage, death, injury or illness) might occur when exposed to a hazard. The risk in this context is the likelihood that a person will sustain an injury caused by aggressive intruders at the school or the workplace, or witnessing violence in the workplace.</p>
<b>Risk management</b>	<p>Coordinated activities to direct and control an organisation with regard to risk.</p> <p>Risk management is a proactive process that helps respond to change and facilitate continuous improvement. It should be planned, systematic and cover all reasonably foreseeable hazards and associated risks.</p>

## Legislation

- [Work Health and Safety Act 2011 \(Qld\)](#)
- [Work Health and Safety Regulation 2011 \(Qld\)](#)
- [Information Privacy Act 2009 \(Qld\)](#)

## Delegations/Authorisations

- Nil



## Related policies

- [Preventing workplace bullying, sexual harassment and unlawful discrimination](#)

## Related procedures

- [Health safety and wellbeing incident management](#)
- [Managing first aid in the workplace](#)
- [School security](#)
- [Safe, supportive and disciplined school environment](#)
- [Hostile people on school premises, wilful disturbance and trespass](#)

## Guidelines

- Nil

## Further information/supporting websites

- Available at [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au):
  - [How to manage work health and safety risks - Code of practice 2011](#)
  - [Managing the work environment and facilities - Code of practice 2011](#)
  - [Work health and safety consultation, co-operation and co-ordination - Code of practice 2011](#)
  - [Incidents and notifications](#)
  - [Preventing and responding to work-related violence](#)
- [General Retention and Disposal Schedule \(GRDS\) Queensland - Work Health and Safety](#)
- [Risk assessment template](#)

## Contact

Organisational Safety and Wellbeing Unit.

[HSW@qed.qld.gov.au](mailto:HSW@qed.qld.gov.au)

## Review date

23/10/2021

## Superseded versions

- Nil

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