

SCENARIO 1: REPORTING HARMRelevant background information:

You are a recently graduated year 7 Teacher at a large government school. You teach adjacent to another year 7 class. The 25 year old male teacher of this other class has been at the school for sometime, is very popular amongst students and other teachers alike. This teacher is praised by both parents and his teaching peers as having an excellent rapport with the kids and good discipline techniques. The teacher continually volunteers to perform extra-curricular activities with children from the school in the form of sports coaching. You are aware of some limited information regarding the teacher's personal life. You know he is engaged to be married to another teacher (not at the school), he involves himself in the community, and has a good relationship with the Principal of the school (they often play golf together). You have been advised by the Principal and other senior staff that this teacher would be a good mentor to you as a new teacher and you are encouraged to seek this teacher's guidance as necessary.

Scenario 1 details: Part 1:

For the first term of the school year, you have called upon this teacher on occasion for advice and have found his advice very helpful. As your classrooms are adjacent to each other (with an adjoining door), you sometimes would walk into this teachers class during class time to ask a question or two or to gather some resources for your lesson. You have not seen any behaviour of any concern during these impromptu visits.

Towards the end of the second term you notice that this teacher spends most of his spare time during lunch breaks in his classroom. You notice he was initially alone during these breaks but gradually there appears to be a growing number (approx 5-8) of year 7 students in his class with him during these breaks. These students are a mix of male and female students but predominantly female. You notice that it is always the same group of students in the classroom. You know that some of the students spending time in the classroom are not taught by this teacher and are in another year 7 class.

Action: Discuss whether (if any) concerns you have at this time and what (if any) actions you would take

Scenario 1 details: Part 2:

Towards the start of third term, you notice that the students are still attending this teacher's class in almost every break with the teacher being present. The numbers of students have reduced however there is a core group of 2-3 female students that are consistently in this classroom. You observe on more than one occasion that during these breaks one female student in particular appears to access the teacher's personal laptop computer which was provided to the teacher by the school. You do not know what this student is doing on the computer but are aware that there are computers available to the children within the classroom for access when necessary. You also notice that whenever the students are in the class there is no indication that it is for the purpose of study or anything that appears school related. There is often loud music playing and laughing coming from the room which you can hear from your adjacent classroom. On one occasion when you walk into the teacher's classroom during a lunch break to ask a question you observe the teacher laying on a group of beanbags piled close together. Two female year 7 students (regulars in this classroom during breaks) were also laying on these beanbags with this teacher in close proximity. The students and the teacher were laughing and jovial. This observation makes you feel somewhat uncomfortable.

Action: Discuss what (if any) concerns you have at this time and what (if any) actions you would take?

Scenario 1 details: Part 3:

Throughout Term 4 you observe the lunch break gatherings continue in this teacher's class between him and specifically this small group of female students. You now also notice that there are occasions that you observe only the teacher and one of the female students alone in the class. You don't know this student but you do know that she is a student in another year 7 class. They appear to be on the teacher's laptop computer. You later speak with another colleague within the school who provides you with additional information regarding this teacher. This colleague informs you that she has seen this teacher sending text messages during class time. She further informs you that she has heard a rumour amongst some of the year 7 students that this teacher utilizes a social networking website to communicate with students after hours.

Action: Discuss what (if any) concerns you have at this time and what (if any) actions you would take?

Scenario 1 details: part 4:

The end of the year is near. The whole of year 7 go on a 1 day excursion. You do not attend the excursion however upon the students return to school; you overhear students discussing an incident that they observed on the excursion between this teacher and a particular female year 7 student. You hear something about a kiss taking place. You decide to go and speak to a teacher who attended this excursion and whilst walking to his room you observe the teacher in question behind his classroom hugging a female student.

Action: Discuss what (if any) concerns you have at this time and what (if any) actions you would take?

Final details: part 5:

As a result of a complaint made by the parent of a particular year 7 student regarding this teacher an investigation is authorized by the Director of the QCT relating to allegations that; this teacher;

- Engaged in inappropriate physical contact with student/s
- Engaged in inappropriate communications with student/s including communicating via mobile phone and communicating via social network sites
- Breached policies of the employing authority and the professional registration body aimed at protecting the welfare and best interests of children and to uphold the standards of the teaching profession.
- Failed to adopt protective behaviours, thereby placing herself and students in compromising/at risk/inappropriate situations

Action:

- *Identify any examples of actions/observations/conduct that may support one or more of the allegations above?*
- *Discuss your understanding of the term 'harm'*
- *Discuss whether anything in the above scenario could be construed as causing 'harm' to a child*
- *Discuss what obligations a teacher has to report harm?*

Relevant material for consideration in response to these scenarios

Code of Conduct.

All employing authorities should have a Code of Conduct which is a comprehensive document that provides advice and guidance for employees in making wise and ethical decisions and to assist in developing a clear understanding of the ethical principles, obligations and standards required of a teacher.

Student Protection Policy

All employing authorities should have a Student Protection Policy. The rationale for such a policy is; to provide a safe and supportive learning environment, to prevent incidents of harm to students; and to respond in an appropriate way to matters that raise a reasonable suspicion of harm or risk of harm to students. The Student Protection Policy is generally based on the principle as set out in the Child Protection Act 1999 that the welfare and best interests of children are paramount and all children have a right to protection from harm. The Student Protection Policy will provide guidelines to be adhered to facilitate the reporting of misconduct including sexual misconduct. There is also legislative requirements to report certain matters as explained later in this section

Definition of Harm (as defined in s.7 of the *Education (Queensland College of Teachers) Act 2005*)

Harm to a child is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by physical, psychological or emotional abuse or neglect; or sexual abuse or exploitation.

Code of Ethics for teachers in Queensland (Provided by the Queensland College of Teachers)

The teaching profession has an expectation of high standards of ethical behaviour from its members. This Code of Ethics provides a formal framework of ideals designed to guide and encourage all teachers to achieve these high standards of ethical behaviour and professionalism in their dealings and relationships with students, families, caregivers, colleagues and the broader community. Members of the teaching profession in Queensland are committed to the following values which underpin the profession: Integrity, Dignity, Responsibility, Respect, Justice and Care.

Education (General Provisions) Act 2006

365 Obligation to report sexual abuse of student under 18 years attending State school

(1) Subsection (2) applies if a staff member of a State school (the first person) becomes aware, or reasonably suspects, that a student under 18 years attending the school has been sexually abused by someone else who is an employee of the school.

(2) The first person must give a written report about the abuse, or suspected abuse, to the school's principal or the principal's supervisor--

(a) immediately; and

(b) if a regulation is in force under subsection (3), as provided under the regulation.

Maximum penalty--20 penalty units.

366 Obligation to report sexual abuse of student under 18 years attending non-State school

(1) Subsection (2) applies if a staff member of a non-State school (the first person) becomes aware, or reasonably suspects, that a student under 18 years attending the school has been sexually abused by someone else who is an employee of the school.

(2) The first person must give a written report about the abuse, or suspected abuse, to the school's principal or a director of the school's governing body--

(a) immediately; and

(b) if a regulation is in force under subsection (3), as provided under the regulation.

Maximum penalty--20 penalty units.

Education (Queensland College of Teachers) Act 2005

The *Education (Queensland College of Teachers) Act 2005* (the Act) requires that an employing authority must notify the QCT about:

- investigations of harm to a child (s.76)
- terminations of relevant teachers employment after commencement of the investigation, including resignation and dismissal (s.77)
- certain other dismissals in circumstances that, in the opinion of the employing authority, call into question a teacher's competency to be employed as a teacher (s.78)

