

Impairment and health assessment

POLICY

Purpose and measures

Purpose

To guide the Queensland College of Teachers (QCT) in undertaking practice and conduct proceedings involving impairment and health assessments

Rationale

The Education (Queensland College of Teachers) Act 2005 provides the Professional Capacity and Teacher Conduct Committee (PC&TCC) with the function to order a health assessment to consider teacher impairment in minor disciplinary matters.

Scope

The policy applies to all 'relevant teachers' whose conduct is being considered for disciplinary action where the QCT has received information that raises a ground for disciplinary action against the teacher and also that the teacher suffers from a health impairment that may have caused or contributed to the conduct or competence issue.

The policy also applies when information received by the QCT results in referral of a practice and conduct matter to the PC&TCC and when before or during those proceedings the PC&TCC believes that the relevant teacher may have an impairment that has caused or contributed to the conduct or competence issue.

The policy does not apply to Practice and Conduct Agreements that may be entered into between the QCT and a relevant teacher.

Policy statement

In managing a practice and conduct matter that involves impairment, the overarching considerations will include balancing the following considerations:

- the welfare and best interests of children
- upholding the standards of the teaching profession
- maintaining public confidence in the teaching profession, and in the QCT as the professional regulator
- protecting the public by ensuring that education in schools is provided in a professional and competent way by teachers

with considerations of:

- the seriousness of the conduct or competence issue and the degree of connection between the impairment and the issue
- applying sanctions appropriate to the rehabilitation of the relevant teacher
- treating the health information obtained confidentially and with regard to the privacy of the teacher.

Definitions

'Approved teacher' means a person who is a registered teacher or who holds a permission to teach

'Former approved teacher' means a former registered teacher or a former holder of a permission to teach

'Former registered teacher' means a person who was a registered teacher at the time when the conduct happened and is no longer a registered teacher

'Former holder of permission to teach' means a person who was the holder of a permission to teach at the time when the conduct happened and no longer holds permission to teach

'Health assessment' of a relevant teacher, means a medical, physical, psychological or psychiatric examination or test of the relevant teacher by a registered health practitioner

'Impairment' means a physical or mental condition or disorder (including substance abuse or dependence)

'Relevant teacher' means an approved teacher or a former approved teacher

All the above definitions are drawn from Schedule 3 of the *Education (Queensland College of Teachers) Act 2005*.

Related policies and delegations

Policies:

- Unacceptable behaviour discipline policy
- Suspension of registration or permission to teach for unacceptable risk of harm policy
- Practice and Conduct Agreement Policy

Delegations:

The Director, the Executive Manager Legal (EML), the General Counsel, a Principal Legal Officer (PLO) and a Senior Legal Officer (SLO) hold delegations (the PLO and SLO subject to legal and professional conduct processes) for determining whether or not the QCT reasonably believes that a ground for disciplinary action exists against a relevant teacher and consequently whether or not the matter needs to be referred to a practice and conduct body.

Legislation

Education (Queensland College of Teachers) Act 2005 – sections 92, 93, 95, 96, 97, 119A, 119B, 284A, Schedule 3

Supporting documents

Guidelines for impairment and health assessment matters