



Facilitator's Notes

Understanding the QCT's

Professional Boundaries:
A Guideline for Queensland Teachers

What's included?

These facilitator's notes

Understanding the Professional Boundaries
Guideline

Scenarios for Understanding the Professional
Boundaries Guideline

PowerPoint - Four Scenarios

Resources:

- [*Professional Boundaries: A Guideline for Queensland Teachers*](#)
- [*Code of Ethics for Teachers in Queensland*](#)
- [*Australian Professional Standards for Teachers*](#)
- [*DET Standard of Practice*](#)
- [*Catholic Education Archdiocese of Brisbane Code of Conduct*](#)
- [*Videos - Lawyer Rachel Drew*](#)
- [*QCT iBook - Professional Boundaries*](#)
- [*QCT iTunesU Course*](#)

Note: the Scenarios and these Facilitator's Notes may be adapted so that they are consistent with a school's individual policies and procedures, including the school's or the employing authority's code of conduct.

How to use this resource

1. Prior to conducting the discussions, ask participants to read the *Professional Boundaries: A Guideline for Queensland Teachers* and the *Code of Ethics for Teachers in Queensland*.
 2. View the PowerPoint presentation which will take you through the following steps.
 3. View the introductory video from Ms Eloise Power, practising teacher, member of the QCT Board.
 4. Before moving to the next slide, present the facilitator's introduction – see notes below.
 5. For each scenario, ask participants to respond to the poll question leading into the scenario.
 6. Have participants read the scenario. The scenarios are presented:
 - in full within a pdf document which is intended to be used as a handout and
 - in brief within the PowerPoint presentation.
 7. Advise participants that the scenarios are fictitious and any similarity in name or circumstance is purely coincidental.
 8. For each scenario discuss the following questions:
 - a) What issues and concerns are raised in this scenario?
 - b) What might be negative consequences for:
 - i. the student and the student's family
 - ii. the teacher
 - iii. the school and the teaching profession?
 - c) What responses or actions can the teacher and the school take to influence a positive outcome?
- Each discussion should take approximately 20 to 30 minutes and the four scenarios can be discussed within a single session of up to two hours or over a number of sessions.
9. Following each discussion, view the supporting video/s from Rachel Drew, partner at Holding Redlich. <https://www.youtube.com/user/qldcollegeofteachers> .
 10. Close each discussion summarising the main issues and the strategies for effectively dealing with a similar situation. Use the facilitator's notes to assist you.

11. Repeat the process for each scenario.
12. Close each session with the facilitator's conclusion.

The facilitator's introduction

There are four scenarios, set within particular contexts: a high school or a primary school, a state school, a Catholic school or an independent school. The scenarios, as well as the teachers and students depicted within them, are not real. The issues raised can occur in any setting and you are encouraged to think about how those issues might present themselves in your teaching environment.

You are expected to:

- identify the potential breach of the professional boundary
- reflect on possible consequences arising from poor choices in that situation and
- identify proactive measures that will result in a more positive outcome.

Just like real life, some scenarios may have simple solutions, but many require a professional judgment in consideration of:

- the *Code of Ethics for Teachers in Queensland* and the *Professional Boundaries Guideline*
- the code of conduct or standard of practice that applies to your school
- any other applicable school or employer directive, process, policy or practice
- any legislative requirement and
- most importantly, common sense.

The aims of the discussions are:

- for you to develop a stronger understanding of the strategies you can use to successfully deal with the specific examples
- to enhance your awareness of responsible and professional behaviour in day-to-day relationships with students and
- to encourage professional growth through self-reflection.

Scenario 1: Social media

- Lucy Black is 37 and new to teaching, after studying to change careers from computing.
- At the start of this year she left the city to teach Economics at a State High School.
- Tristan, who is one of Ms Black's students, contacts her through Facebook. He sends through a friend request with a message asking questions related to a current assignment.
- Ms Black replies stating that she cannot be friends with students on Facebook. However, she answers Tristan's questions.
- The following night Tristan sends through more questions, and Ms Black answers them. They are both online at the same time and use the "chat" facility so the messages are instant.
- Tristan tells "Miss B" that she is cool and compares her to other teachers, criticising some by name. Ms Black does not discourage him, and even says that Mr Riley, the deputy principal, is so out-of-touch and very uncool, that she avoids having to talk with him.
- Tristan then starts asking Ms Black about what she is up to on the weekend and they start chatting about their common personal interests.

Note: The persons and facts depicted in this scenario are not real.

1. Issues and concerns

The use of social networking to communicate with a student exposes any teacher to a fairly significant risk that the professional boundary between the teacher and the student will be breached.

The risk arises because the communications are often private and unauthorised. The conversation can easily become informal and quickly move to topics that do not have a valid educational purpose.

Teachers and students can find themselves sharing personal information where there is no legitimate professional reason to do so.

Conversations can occur at any time of the day, and any day of the week.

The same risks arise when a teacher communicates privately with a student by telephone, email, SMS and any other means of electronic or digital communication.

While there is no law that prohibits a teacher from engaging in electronic communication or social networking with a student outside the school environment, there are policies, guidelines and directives which impose prohibitions on this behaviour.

Discuss the policies, guidelines and directives of your employer or school that prescribe how teachers may or may not interact with students on social network sites or via electronic communication.

For example, DET's Standard of Practice states:

Employees must not use personal social networking sites including Facebook and Twitter, to contact or access students enrolled in any state educational facility. They must, to the best of their ability, prevent students from communicating with them or accessing their personal information via social media platforms. This includes restricting access to posts inappropriate for student viewing.

2a. Negative consequences for Tristan and his family

Revealing personal information that might not otherwise be disclosed in an educational setting can lead to embarrassment and awkwardness. It may also lead to the development of a special relationship where the student inappropriately attaches to the teacher and/or the teacher treats that student differently from how she treats other students.

There is no guarantee that a private conversation will always remain a private conversation. For example, a student did not log out of her home computer and her concerned older sibling copied the Facebook conversations that occurred between a teacher and her younger sister over a couple of months and arranged for the transcript to be provided to the school principal.

When personal conversations between a teacher and a student become public, that can lead to embarrassment for the student and the student's family. It can also lead to tensions within the family unit.

Whether or not a student initiates a conversation, if a teacher engages in a lengthy conversation at an inappropriate time, such as late at night or during class time, this can be physically, mentally and emotionally detrimental to the student.

2b. Negative consequences for Ms Black

Ms Black's actions may have stemmed from the best of intentions: an attempt to help Tristan understand the requirements of an assignment. However, Ms Black has clearly breached a policy of her employer. She has not effectively discouraged Tristan from contacting her via Facebook; and by continuing to respond to his messages she is encouraging him to continue to contact her through Facebook.

Ms Black's derisive comments about the deputy principal are unprofessional, disrespectful and inappropriate. They undermine the authority held by the deputy principal. They appear to be an attempt to relate to Tristan as one of his peers and may be interpreted as grooming behaviour.

Personal conversations without any educational purpose are open to interpretation by others.

Ms Black may lose Tristan's respect, and if the conversations become more widely known, the respect of other students, her teaching colleagues and members of the school community. Her reputation may be adversely affected.

Even the perception or suspicion of an inappropriate relationship may lead to a complaint being made to the employer or the QCT.

Ms Black may be required to discuss the policy breach with her principal and undertake further student protection training. Depending upon other circumstances, her employer may consider instituting disciplinary proceedings against her, which could result in the termination of her employment.

Similarly, the facts in the scenario are unlikely to lead to disciplinary action by the QCT. However, should Ms Black's conduct be part of other concerning conduct, or be repeated, the QCT may consider investigating and possibly commencing disciplinary proceedings against her. Ultimately, disciplinary action may result in the cancellation of her teacher registration in Queensland, which would mean Ms Black could no longer teach.

2c. Negative consequences for the school and the teaching profession

There is a substantial level of interest from the community in the conduct of teachers, particularly in relation to teachers who inappropriately engage with students through social media. Such matters feature prominently in the media.

Ms Black's conduct could have a negative effect upon the reputation of the school, which in turn might negatively impact upon enrolments. Her actions might also erode the public's trust in the teaching profession as a whole.

Additionally, Ms Black's conduct, and the ramifications of it, might damage the morale at the school and negatively affect the professional relationships between her colleagues and their students.

3. Responses and action from the teacher/school

Ms Black needs to ensure her privacy settings on Facebook make it difficult for students to contact her. She needs to make it clear to Tristan that she cannot communicate with him, or any other student, outside of the approved means. She should respond to any further attempt from Tristan to contact her through Facebook by "blocking" him.

Ms Black needs to inform her principal that she has communicated with Tristan via Facebook and inform him or her of the steps that she has taken. This will allow the principal to support Ms Black by reminding all students that they should not attempt to contact teachers via social media and by identifying any other actions that need to be taken. The principal will also be able to offer support to Tristan to ensure his wellbeing and, if appropriate, to discuss the matter with his parents.

Some non-departmental schools may allow teachers to use social media as an educational tool to provide students with links to resources, hold discussions, post assignments and publish questions and answers. Teachers need to ensure that any such social media account is used only for educational purposes; is only accessible by relevant students; and is carefully monitored to ensure that all comments, posts and messages, deal solely with educational matters and not personal or inappropriate matters.

Scenario 2: Socialising with students

- Charlie Matthews is 34. He is an experienced teacher and the Year 11 Coordinator. He teaches Senior Mathematics and Science at a Catholic High School in a small community in Central Queensland.
- Charlie and a couple of other teachers play mixed volleyball on Friday nights at the local sporting club. Several students and some older siblings also play.
- The local sporting club has organised an end-of-year Christmas party. Charlie attends with his teaching colleagues.
- Charlie spends most of the evening with a group of students and former students who play volleyball with him.
- At the end of the party Angela asks “Mr Matthews” if he wants to join her and a group of friends for a drink at the local hotel. Charlie’s teaching colleagues are not around to invite along. He agrees to go anyway.
- Charlie taught Angela two years ago. He teaches her younger sister Dawn who has just completed Year 11.
- He buys a round of drinks for Angela and her friends. He sees Dawn with a drink. Charlie thinks she is underage. He is not sure whether he paid for her drink.

Note: The persons and facts depicted in this scenario are not real.

1. Issues and concerns

In a small community it can be impossible to have social relationships that are completely removed from any student connection. No issue or concern arises from the fact that Mr Matthews is playing volleyball at the local sporting club where students and former students also play. Similarly there is no issue with Mr Matthews attending the sporting club’s end-of-year Christmas party. For transparency, Mr Matthews should inform his principal about both matters and heed any advice that his principal provides.

Concerns arise from Mr Matthews spending most of his time at the party with students and former students and from his accepting the invitation of a former student to go to the local hotel for a drink. Mr Matthews taught Angela two years ago. Angela still calls him “Mr Matthews.” There is a substantial age difference between Angela and Mr Matthews of approximately 15 years. These factors tend to suggest that the teacher-student relationship is the basis for their connection and in that case, Mr Matthews would be viewed as continuing to hold

the balance of power over Angela.

Another major concern from this scenario is that Mr Matthews may have unintentionally bought an alcoholic drink for an underage student. Even if Mr Matthews did not pay for Dawn’s drink, what are his obligations given that he believes she is under-aged?

2a. Negative consequences for Angela and Dawn and their family

Angela

If Mr Matthews singles Angela out for attention, then his actions could subject her to rumour and gossip or could lead her to believe that their relationship could develop into a close friendship or romantic relationship, whether Mr Matthews intends that or not. Should a relationship develop but ultimately fail, there could be emotional and psychological ramifications for Angela in the future, including a realisation that she was exploited by her former teacher, regardless of how eager she may have been to be in that relationship at the time.

Dawn

Assuming Dawn is under 18, then she may have committed an offence: by being on licensed premises and by drinking alcohol, or by simply having an alcoholic drink in her hand.

Back in the classroom, Dawn may be confused about whether she can relate to Mr Matthews more informally based upon their social interactions. Other students may become jealous of Dawn’s external association with Mr Matthews.

2b. Negative consequences for Mr Matthews

Mr Matthews socialised almost exclusively with students and former students, as if he were trying to be included as a member of their peer group. His actions undermine his status and authority as a teacher. This lowering of his status and authority extends beyond those present to students, colleagues, parents and the school community, who find out about his “partying” after the event.

By accepting Angela’s invitation, Mr Matthews may have led Angela to believe that he wants to spend time with her and that a relationship may develop, whether Mr Matthews intends that or not.

Mr Matthews has put himself in a position where there may be allegations of inappropriate behaviour with any member of the group who is or was a student at the school.

Members of the public may view a teacher socialising and drinking with students and young people in a hotel as inappropriate.

Most people have camera-phones with them at all times. If a photo of Mr Matthews drinking with students and former students is published online, there could be widespread damage to Mr Matthews' reputation.

Mr Matthews may have committed an offence by supplying Dawn with alcohol on licensed premises. Additionally, his actions may have been the basis for the commission of an offence by Dawn.

If Mr Matthews does nothing, then his failure to act could be seen to condone Dawn's behaviour.

His conduct could be the basis of a complaint made to the employer or the QCT and ultimately may result in disciplinary action by either his employer or the QCT.

2c. Negative consequences for the school and the teaching profession

Mr Matthews' conduct could have a negative effect upon the reputation of the school and erode the public's trust in the teaching profession as a whole.

3. Responses and action from the teacher/school

Mr Matthews should encourage Dawn to give up her drink and leave the premises, so that she is no longer committing an offence. If he is concerned that Dawn is intoxicated, then he needs to take steps to ensure her safe return to her home. He may need to persuade Angela to accompany her sister home safely in a taxi or for Angela to contact their parents so they may collect Dawn. Circumstances may require that Mr Matthews inform the hotel staff that he believes Dawn is under-aged.

Given that Mr Matthews holds the balance of power over Angela on the basis of the former teacher-student relationship; he needs to ensure his behaviour towards Angela remains professional.

Mr Matthews needs to inform his principal of what has occurred.

Scenario 3: Counselling students

- Isabelle Green has been teaching for just over a year now. She teaches Drama and English at an Independent School for girls from Prep to Grade 12.
- Miss Green notices that Imogen, who is new to the school, spends a lot of time alone. She stops and chats to her. Imogen tells her that it is hard fitting in. Miss Green empathises with her and tells her she is still finding it hard to fit in too.
- Miss Green makes a habit of stopping to say hello whenever she passes Imogen in the school yard. After a short while, she starts seeking out Imogen, to check up on her.
- Imogen feels she can trust Miss Green. She tells her about the problems she is having at home with her mother since her parents' divorce. Miss Green's parents divorced when she was in high school too. She feels she is in a position to offer support and comfort.
- More and more often, Imogen is not bringing lunch to school. She likes to leave home before her mother gets up because they always seem to fight in the morning. On these days, Miss Green buys Imogen lunch.
- Miss Green gave Krystal a lecture in front of the class for not handing in an assignment on time, but did not say anything to Imogen, who also did not hand in her assignment.

Note: The persons and facts depicted in this scenario are not real.

1. Issues and concerns

While it is important that Miss Green builds a good rapport with her students and helps her students to gain confidence, she needs to ensure that her methods and strategies are professional.

In *Queensland College of Teachers v HL* [2013] QCAT 631, the Tribunal said at paragraph 10:

The proper role of a teacher, though, does not include being the close friend of students. The community does not expect teachers to be aloof, but over-familiarity is to be avoided. Over-familiarity carries a real risk of favouritism, or at least the perception of favouritism, by the teacher toward a particular student, or toward the students within an inner clique.

It is possible that Miss Green believes she is acting legitimately out of concern for the welfare and education of one of her students. However, if Miss Green is honest with herself, she may admit that she is seeking to befriend Imogen to relieve her own feelings of insecurity and loneliness. Miss Green is putting her own emotional needs above Imogen's

needs and welfare.

The problem with this type of behaviour is that it is typically employed by persons with more sinister motives in an attempt to win the trust of vulnerable children. It is also not uncommon for teachers who unintentionally cross the professional boundary through uncharacteristic inappropriate behaviours, to have started down that slippery slope by taking on a counselling role with their student and often by inappropriately sharing information about their own personal life and problems.

In *Queensland College of Teachers v A Teacher* [2011] QCAT 225 the Tribunal said at paragraph 26:

There is a public interest in ensuring that teachers retain a professional distance from their students and do not cross the boundary which is necessary for the maintenance of a good teacher/student relationship.

2a. Negative consequences for Imogen and her family

Imogen is young and impressionable. She may become overly reliant or emotionally dependent upon Miss Green. There is a risk that students in such relationships may be exploited, hurt or disappointed by their teacher.

By focussing on Imogen's personal life and providing food, Miss Green is helping Imogen to dwell on her problems at home and yet avoid facing her mother to work through these. There is also a risk that her mother's authority may be undermined by the close relationship that has developed between Miss Green and Imogen, adding further stress to an already fraught relationship.

Miss Green's friendship may prevent Imogen from receiving support and counselling from experienced professionals who may be more alert to the challenges and risks that Imogen may be facing and better able to guide and advise her. Should Imogen's circumstances lead to concerns about parental neglect or emotional abuse, then those professionals will be in a better position to satisfy any reporting requirements in compliance with legislation and the school's student protection procedures.

It is highly probable that students in Miss Green's class are aware that Imogen escaped a lecture like the one Miss Green gave Krystal for failing to hand in an assignment. Treating a single student differently to other students singles them out and creates a perception of favouritism. The response of her peers to this special treatment may have a negative impact on Imogen. While Miss Green may intend to be kind to Imogen, she may be making it more difficult for

her to fit in with her peers.

2b. Negative consequences for Miss Green

Attempting to relate to teenage students on their own level undermines the status and authority of the teacher. Other students would consider that Miss Green is trying to be friends with Imogen and showing her favouritism. This can make it difficult for her to earn their respect as a teacher and may make some students feel excluded and less favoured.

Miss Green would be better spending her time and effort by establishing relationships among her teaching peers.

Meeting one-on-one with students to counsel them about their personal life, if not authorised by the principal or guidance officer, can lead to allegations that the teacher is building a relationship for the purpose of preying on a student.

Miss Green's conduct includes some behaviours that often are used by predators to groom students for a sexual relationship: focussing on a vulnerable student, spending time alone with Imogen, buying her lunch, and showing her favouritism in class. While there is nothing within the facts to suggest that this was Miss Green's motivation, her close relationship with Imogen is inappropriate and may be the basis for a complaint being made to the employer or the QCT.

2c. Negative consequences for the school and the teaching profession

Miss Green's conduct could create jealousy and disrespect within the student cohort that could lead to behaviour management problems within the school. Her close relationship with Imogen could be the object of rumor and gossip which could have a negative impact upon the reputation of the school and erode the public's trust in the teaching profession as a whole.

3. Responses and action from the teacher/school

Ms Green needs to recognise that she is dealing with Imogen differently from the way she deals with other students in the same circumstances and that she is putting her own emotional needs above Imogen's needs and welfare.

Miss Green should refer Imogen to the school counsellor, guidance officer or another professional who can assist Imogen to deal with her personal problems. If Imogen does not have her lunch, Miss Green should follow the school's policy to provide appropriate support to Imogen, such as providing tuckshop vouchers.

Miss Green needs to advise her principal of her close relationship with Imogen and the steps she has taken to refer Imogen to professional help. Miss Green should also seek assistance to form supportive relationships among her peers.

Should Miss Green hold concerns about parental neglect or emotional abuse, then she will need to make reports in compliance with legislative requirements and the school's student protection procedures.

Scenario 4: Touching students

- Robert Woolly has been teaching at state primary schools for nearly three decades.
- Mr Woolly knows about “that case” where the court said schools are not sterile environments and that it is okay for teachers to pat a student on his or her shoulder for encouragement.
- He has always knelt down and hugged the younger students to comfort them when they were sad.
- He knows it is okay to touch a student for instruction, such as moving the student’s fingers into the correct pencil grip, or positioning their arms when using sports equipment or playing a musical instrument.
- He feels confident and relaxed in his dealings with students.
- Marco is a shy child in Mr Woolly’s year 4 class, who often becomes anxious in class.
- Mr Woolly is keen to draw Marco out of his shell and to make him feel relaxed. When he sees that Marco is getting anxious about a task, he stands behind him and gently rubs his shoulders until Marco says that he will give it a go.
- Marco often says he does not want to go to school. His parents discover that it is because Mr Woolly is giving shoulder rubs to Marco. They talk to the principal about it.
- The principal tells Mr Woolly that she has been approached by the parents of a child in his class who is uncomfortable with Mr Woolly touching him. The principal directs Mr Woolly to stop touching children.

Note: The persons and facts depicted in this scenario are not real.

1. Issues and concerns

It is not against the law for teachers to comfort and support students, for example by patting them on the shoulder or arm. This is provided the physical contact is not sexual, drawn-out or overenthusiastic. Teachers may make physical contact with a student where the contact is appropriate and reasonable for managing behaviour, teaching, supporting, managing or caring for the student.

The courts have found that students give an unspoken consent to touching that occurs as part of everyday interactions between teachers and students. Importantly, that consent can be withdrawn by either word or gesture.

Mr Woolly’s rubbing of Marco’s shoulders is intended to provide comfort and support, but is perhaps too prolonged. Mr Woolly has not sensed Marco’s

discomfort and is unaware of any signals that Marco might be sending to show that he does not want to receive the shoulder rubs.

The principal has given a clear instruction to Mr Woolly that he is to stop touching children. This means the general rule no longer applies. Mr Woolly must comply with this direct instruction.

In the Queensland Court of Appeal decision of *Horan v F* [1994] QCA 375, Justice Demack made the following comments:

“a child attending school tacitly consents to receiving from a teacher tactile expressions of encouragement. The traditional pat on the shoulder for a significant achievement falls within this concept. To deny this concept would be to insist that schools become sterile, unemotional and devoid of normal expressions of friendly human interaction.”

“It is appropriate that I elaborate on my reasons for asserting that a child attending school tacitly consents to receiving from a teacher tactile expressions of encouragement. First, I used the word “tacit”, meaning “unspoken”, rather than “implied”, in order to emphasise that this “consent” may be withdrawn by a word or, indeed, a gesture. In other words, I do not suggest that children consent to receiving prolonged or effusive expressions of encouragement. The child must be allowed to respond negatively if that is that child’s wish.”

2a. Negative consequences for Marco and his family

The unwelcome physical contact from Mr Woolly can have a detrimental impact on Marco’s emotional and physical well-being. It can make Marco anxious and frightened and cause him to feel physically ill. Marco may exhibit flow-on behaviours at home from difficulty sleeping to behavioural outbursts. If Marco does not feel safe, this will negatively impact his learning at school. It may prevent him from being an active participant in school, lead to poorer grades and cause him to be reluctant to attend school.

2b. Negative consequences for Mr Woolly

In the face of Marco’s anxiety and fear about being touched, Mr Woolly may struggle to make an effective connection with Marco for the purposes of facilitating his learning and education.

Mr Woolly may get a reputation among students as a “pervert” or “paedophile”. Students may disrespect him. Mr Woolly may have difficulty maintaining his authority.

Mr Woolly's actions might be intended to offer encouragement and support, but they may be misinterpreted by others as being intended for his own sexual gratification.

This may lead to a complaint being made to the employer or the QCT.

2c. Negative consequences for the school and the teaching profession

If Mr Woolly persists with physical contact with students without a valid educational purpose, his conduct could have a negative impact upon the reputation of the school and erode the public's trust in the teaching profession as a whole.

3. Responses and action from the teacher/school

Mr Woolly needs to be aware of the possibility that his conduct could be misinterpreted as being for his own personal gratification.

Mr Woolly needs to respect the personal space of students. He must comply with his principal's direct instruction not to touch students.

Mr Woolly needs to develop alternative ways to support anxious students.

The facilitator's conclusion

Any teacher, who becomes concerned about establishing or maintaining clear professional boundaries with students, should:

- be transparent and talk about it with the principal or supervisor;
- listen to, and act in accordance with, the principal's or supervisor's advice; and
- be accountable for his or her actions.

By acting in the best interests of students, teachers ensure that their own reputations are enhanced and that public trust in schools and the profession is reinforced.



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