



Fact sheet

Requesting the Director-General to obtain information from the Queensland Police Commissioner for the purpose of student disciplinary decisions

A principal may request that the Director-General obtain information from the Queensland Police Commissioner (QPC) to inform the principal's disciplinary decision-making where it is reasonably suspected a student enrolled at their school may have been charged with, or convicted of:

- a. a serious offence as defined by Chapter 1 of the [Working with Children \(Risk Management and Screening\) Act 2000](#);
- or
- b. an offence other than a serious offence, and the principal is required to consider whether the student's attendance at school would not be in the best interests of other students or of staff.

The principal **may not**

- make a request about a young person not enrolled at the school; nor
- use any information obtained from the QPC for any other purpose, e.g. refusing enrolment.

The principal must consider whether the behaviour meets a ground for suspension or exclusion, taking into consideration the level of risk the continued attendance of the student potentially poses to the school community.

An example of an offence, that is not a 'serious offence' in section 167, but where the student may pose an unacceptable risk to other students, could be a student who has been charged with a number of counts of arson and the charges involved setting fire to buildings while significant numbers of people were inside, without causing injury. In this instance, a principal may not be able to manage the potential risk the student poses to the safety of students and staff.

The Director-General will not request information in relation to minor offences, e.g. graffiti, shoplifting or breaking and entering, where the student does not pose an unacceptable risk to other students or staff. If it is reasonably suspected that a student at a state school has been charged with or convicted of an offence, the Director-General may:

- ask the QPC whether the student has been charged with, or convicted of, the offence and, if so

- for information about the charge or conviction, including a brief description of the circumstances of the charge or conviction.

This information is intended to inform a principal's decision in relation to charge-related suspensions and exclusions (per Chapter 12, Part 3 of the [Education \(General Provisions\) Act 2006](#)) and **cannot be used to inform any other decisions such as an enrolment decision.**

Principals must follow strict procedures for requesting and using information obtained by the Director-General from the QPC.

The flowchart Obtaining information from the Queensland Police Commissioner for the purpose of student disciplinary decisions on page 2 outlines the steps principals must undertake to comply with legislative requirements.

Requests for information for the purpose of student disciplinary decisions must be made in accordance with the process outlined in this flowchart. Requests cannot be made directly to the Department of Justice and Attorney-General.

Requesting information from other states or territories

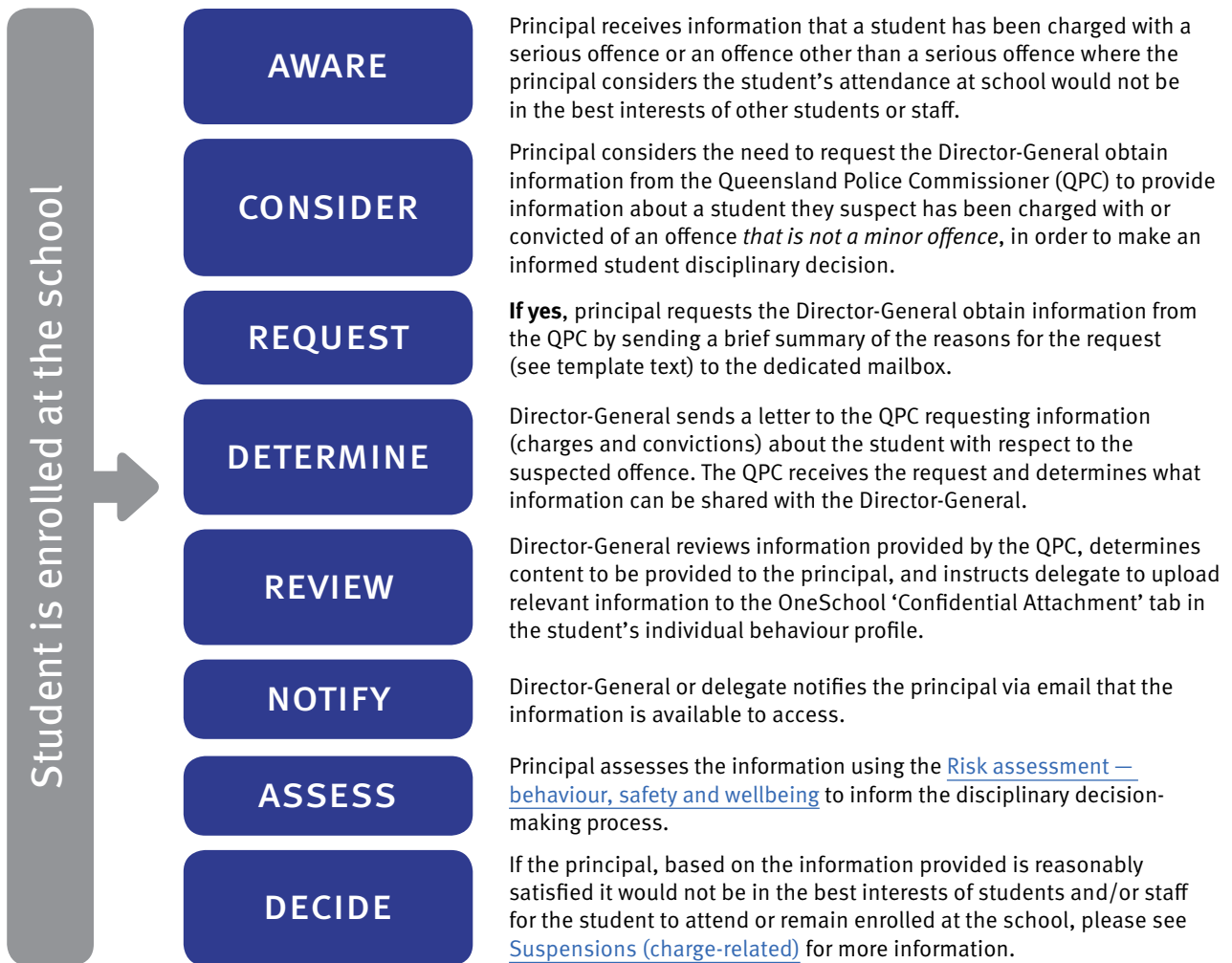
There are no legislative provisions for the Director-General to request disclosure of student charges or convictions from other states or territories through their relevant police commissioners. However, Principals may follow the same process as used for requests to the QPC and the Director-General will make a determination about contacting the relevant law enforcement agency in other states or territories.

Resources

- [Ombudsman Good Decision-Making Guide](#)
- [Risk assessment – behaviour, safety and wellbeing](#)
- [Fact sheet – Suspension \(charge-related\)](#)
- [Student discipline procedure](#)



Flowchart: Obtaining information from the Queensland Police Commissioner



* No hard copy of the information provided by the QPC is permitted to be created, except for the sole purpose of providing the information to the student or the student's parent as evidence relied upon in the principal's decision-making process.

Template text: Obtaining information from the Queensland Police Commissioner

Principals should complete the template text below and email to studentdiscipline@qed.qld.gov.au:

Subject: [Request to the Qld Police Commissioner]

Re: [Student Name] DOB xx/xx/xxxx

I, as Principal of [school name], would like to formally request that information is obtained from the Queensland Police Commissioner to assist in a decision making process regarding the continued enrolment of **[student name and DOB]**.

I have received information that [student name] has been charged with, or convicted of, a serious offence and therefore require further information to consider whether their attendance at the school presents an unacceptable risk or requires specific risk assessment and planning.

The school has the following information regarding [student name]:

List some detail about the basis for the suspicion or verbal notification of the nature of the offending behaviour – advice received from..., documentation from... etc.

I am therefore requesting confirmation of [student name's] charges/convictions and information about the charge/conviction, including a brief description of the circumstances of the offence to inform a risk assessment, safety planning and possible disciplinary consequences for this student.

[INSERT PRINCIPAL'S SIGNATURE BLOCK]