

## Fact sheet

# Refusal to enrol – Risk to safety or wellbeing

Under the [Refusal to enrol – Risk to safety or wellbeing procedure](#), a principal who reasonably believes that the enrolment of a prospective student (including a mature age individual) poses an unacceptable risk to the safety or wellbeing of a school community, may refer the enrolment application through the regional director to the Director-General, to make a decision about the prospective student's enrolment at a school.

Deliberations about whether a prospective student poses an unacceptable risk to the safety or wellbeing of a school community occur where there is evidence that the prospective student has engaged in past activity that indicates they are a risk to the safety or wellbeing of members of the school community. This may include, for example, evidence the prospective student:

- is a convicted child sex offender
- has been charged or convicted of offences involving violence
- has been charged or convicted of drug offences, such as selling drugs
- has previously been excluded from a school or schools in Queensland or another jurisdiction because of matters identified above
- has demonstrated a sustained pattern of directed, aggressive behaviour sufficient to cause harm to a person's health or welfare, despite appropriate intervention and support.

## Key information

### Principals

- ✓ Ensure all sources of relevant information are properly documented.
- ✓ Must be able to demonstrate that the prospective student poses an unacceptable risk to the safety or wellbeing of members of the school community.
- ✓ Ensure views in respect of risk are clearly linked to relevant supporting evidence.
- ✓ Send [RTE-1: Referral of application to enrol](#) to prospective student and/ or parent within five school days of receiving the enrolment application.
- ✓ Cannot refuse a prospective student's enrolment on the grounds that they have a disability. This is **unlawful** under the *Disability Discrimination Act 1992* (Cwlth).

If the Director-General is satisfied that the prospective student **does not** pose an unacceptable risk:

- ✓ the principal **enrols** the prospective student.

If the Director-General is satisfied that the prospective student **does** pose an unacceptable risk:

- ✓ the principal **refuses enrolment** of the prospective student at the school.

If the Director-General is reasonably satisfied that the student poses an unacceptable risk to students and/or staff **at more than one school**, they can exclude a student from certain state schools or all state schools, see the [Student discipline procedure](#).

### Prospective students

- ✓ who are refused enrolment cannot apply again to enrol at that school for a period of one year after receiving notice of the decision to refuse enrolment
- ✓ cannot be refused enrolment because their enrolment would simply cause some difficulty.

## Responsibilities

### Principals

- Access information in relation to a prospective student's prior convictions, principals require the consent of the student, or where the current or prospective student is a child, their parent. Other sources of information may be the media, police or admissions from the prospective student or parent.
- Assess potential risks associated with the enrolment of prospective students and determining whether risks are able to be managed at the school site (e.g. through an individual plan, a risk management strategy, flexible learning arrangement or alteration to the educational program).
- Implement processes as outlined in *Refusal to enrol – Risk to safety or wellbeing flowchart* on page two, where a reasonable belief is held that a prospective student poses an unacceptable risk to the safety or wellbeing of the school community.

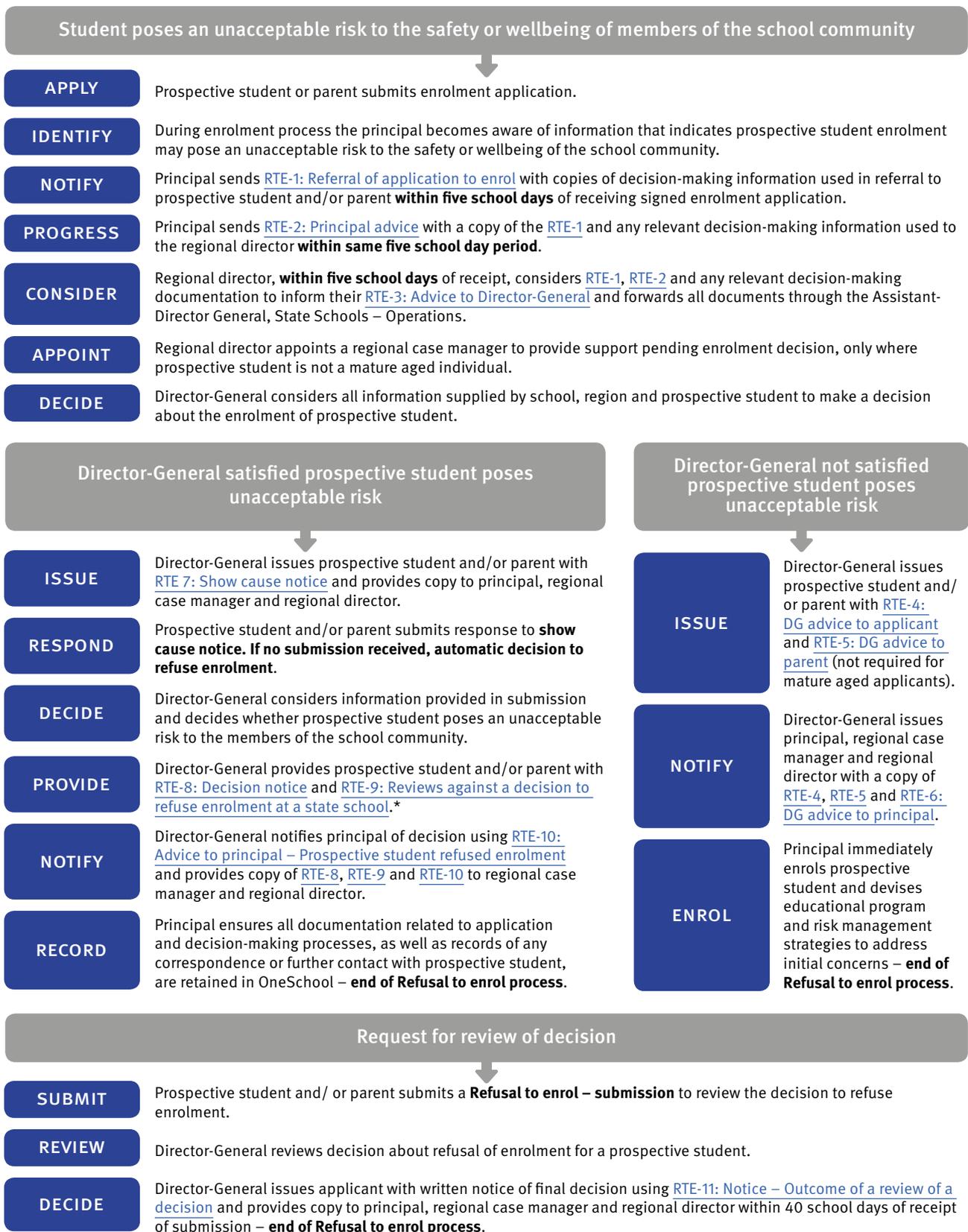
## Resources

- [Code of Conduct for the Queensland Public Service](#)
- [Department of Education standard of practice](#)
- [Enrolment in state primary, secondary and special schools](#)
- [Ombudsman Good Decision-Making Guide](#)
- [Refusal to enrol – Risk to safety or wellbeing procedure](#)
- [Principal guidelines – student discipline](#)
- [Student discipline procedure](#)



## Flow chart: Refusal to enrol – Risk to safety or wellbeing

Refer to the [Refusal to enrol – Risk to safety or wellbeing procedure](#) for detailed process



\* Where the Director-General is satisfied that a prospective student poses an unacceptable risk to certain state schools or all state schools, then the exclusion process outlined in the Student discipline procedure is used.