



# LHMU TEACHER AIDES STUDENT BEHAVIOUR MANAGEMENT



## LHMU SUPPORT

Often Teacher Aides have to deal with student behaviour management problems. The School is obliged to ensure that certain procedures are followed in relation to dealing with students with behaviour management problems.

When LHMU members are concerned about unacceptable behaviour or have been physically or verbally assaulted members should raise the issue with the school administration in the first instance.

The LHMU has a significant history of supporting Teacher Aides in dealing with students whose actions breach the Code of Expected Behaviour. Members should attempt to ensure that behaviour concerns are addressed proactively - including getting LHMU support - rather than waiting until a crisis occurs.

Please also note that the advice in this leaflet is issued for general guidance. It does not constitute professional legal advice. The subject of Student Behaviour Management is complex and the leaflet necessarily deals only with general principles. Teacher Aide LHMU members are advised not to solely rely on this information for the purposes of making a decision as to action but should seek the appropriate advice from the LHMU on the particular circumstances of each member.

## STEPS TO TAKE

The suggested process that should be followed in most situations is:

- The Teacher Aide should raise the issue with the school administration or relevant teacher in the first instance
- The school should attempt to address the issue initially through established school and departmental processes.
- The LHMU Organiser should be notified when LHMU members are considering action and can be contacted for advice and support at any stage

In cases where a member believes that departmental processes do not adequately address the needs of Teacher Aides and other staff there are a number of options.

## HEALTH AND SAFETY RISK - IMMEDIATE DIRECTIVE

Where the continued attendance of a student will present an imminent health and safety risk to Teacher Aides, the school LHMU Delegate or contact should consider holding a meeting to consider the following resolutions:

1. That the LHMU members at .....school are concerned that (name of student) poses an imminent health or safety risk.
2. That the LHMU members at .....school seek a directive from the Executive of the LHMU for the LHMU members at this school to refuse to provide normal assistance and / or supervision and instruction to (name of student) until such time as the Teacher Aides are satisfied that the said student no longer poses an imminent health and safety risk.

The relevant section of the Queensland Industrial Relations Act states:

**S241 - Right to refuse work if imminent health and safety danger**

**Nothing in this Act prevents an employee from refusing to perform work if:**

- i. The refusal is based on a reasonable concern by the employee about an imminent risk to his or her health or safety; and
- ii. The employee does not unreasonably contravene a directive of his or her employer to perform other available work (whether at the same or another workplace) that is safe and appropriate for the employee to perform

In support of these resolutions, schools may be asked to provide evidence of the specific issues of student behaviour which have given rise to the concerns for health or safety. The resolutions and if available, the supporting evidence, would be forwarded to the LHMU office in Brisbane.

A directive is then formally issued and signed by the Executive of the LHMU and will take immediate effect.

**SERIOUS BEHAVIOUR ISSUES (NOT HEALTH & SAFETY RISK)**

Where the student's behaviour poses serious problems or Teacher Aides believe that the action and support being offered by the Department is inadequate (but not to the extent of an imminent health and safety risk), the school LHMU Delegate or Contact should consider holding a meeting to consider the following resolutions:

That the LHMU members at .....school seek a directive from the Executive of the LHMU to refuse to provide normal instruction to (name of student) until:

1. The Teacher Aides are satisfied that the student will abide by the school's behaviour code; or
2. The following resources are provided (or conditions) are met by Education Queensland  
.....

The resolutions and any supporting or explanatory documentation should be sent to the LHMU Brisbane office. Depending on the severity of the circumstances, the LHMU will normally make the directive effective from a date in the future and attempt to negotiate an acceptable outcome with the Department. Often the student will be suspended and the LHMU directive can be made effective from the end of the student's suspension.

An agreed time for these negotiations will be discussed with Teacher Aides. In very serious cases, however, the directive may be issued immediately.

**ON - GOING LOW LEVEL BEHAVIOUR ISSUES**

In the case of persistent but low level misbehaviour LHMU members at a school may prefer to use the Award grievance procedures to address the issues. If not satisfied at the end of the process, the option of a meeting to seek a directive remains open. Teacher Aides are advised to keep records and copies of all correspondence and documents relating to the lodging of a Grievance. The chief disadvantage of the grievance procedure is its potential for delay that can make it inappropriate in urgent cases.

This strategy of lodging a Grievance cannot be seen as a solution in itself. It simply notifies the Department that the dispute exists and a solution must be found quickly for the benefit of all concerned.

# The Employees of Queensland Government Department (other than Public Servants) Award grievance process involves:

## 3.2 Employee Grievance Procedure

### 3.2.1 Objectives of the Employee grievance procedures

The objectives of the procedure are to promote the prompt resolution of grievances by consultation, cooperation and discussion; to reduce the level of disputation; and to promote efficiency, effectiveness and equity in the work place.

### 3.2.2 To what matters does this procedure apply?

This procedure applies to all industrial matters within the meaning of the Act.

### 3.2.3 Stage 1 - Grievance resolution at the school level

In the first instance the employee will inform the Principal of the existence of the grievance and they shall attempt to resolve the grievance. It is recognized that an employee may wish to exercise the right to consult such employee's Union representative during the course of Stage 1

### 3.2.4 Stage 2 - Grievance resolution at District Office

If the grievance remains unresolved, the employee will refer the grievance to the District Office. The Manager responsible for investigation and resolution of the grievance will consult with the parties. The employee may exercise the right to consult or be represented by such employee's Union representative during the course of Stage 2

### 3.2.5 Stage 3 - Grievance resolution at Central Office

If the grievance is still unresolved, the Manager will advise the Chief Executive and the aggrieved employee may submit the matter in writing to the Chief Executive of the organisation if such employee wishes to pursue the matter further. If desired by either party, the matter will also be notified to the Union

## The Chief Executive will ensure that:

- a. The aggrieved employee or such employee's Union representative has the opportunity to present all aspects of the grievance;
- b. The grievance will be investigated in a thorough, fair and impartial manner.

The Chief Executive may appoint another person to investigate the grievance. The Chief Executive may consult with the Union in appointing an investigating officer. The appointed person will be other than the employees' supervisor or Manager.

If the matter is notified to the Union, the investigating officer will consult with the Union during the course of the investigation. The Chief Executive will advise the employee initiating the grievance, such employee's Union representative and any other employee directly concerned of the determinations made as a result of the investigation of the grievance.

The Chief Executive may delegate such Chief Executive's grievance resolution powers under clause 3.2 to a nominated representative.

### 3.2.6 Time frame for settling grievances

The procedure is to be completed in accordance with the following time frames unless the parties agree otherwise:

**Stage 1:** discussions should take place between the employee and such employee's supervisor within 24 hours and the procedure will not extend beyond 7 days

**Stage 2:** not to exceed 7 days

**Stage 3:** not to exceed 14 days

### 3.2.7 Resolution of grievance by outside bodies

If the grievance is not settled the matter will be referred to the Commissioner for the Public Service or the Commission by the employee or the Union, as appropriate, in accordance with the respective jurisdictions of the Tribunals.

### 3.2.8 Maintenance of the status quo

Subject to legislation, while the grievance procedure is being followed, normal work is to continue, except in the case of a genuine safety issue. The status quo existing before the emergence of a grievance or dispute is to continue whilst the procedure is being followed. No party will be prejudiced as to the final settlement by the continuation of work.

### 3.2.9 Sexual harassment and the grievance and dispute settling procedure

Where the grievance involves allegations of sexual harassment, an employee may commence the procedure at Stage 3.



# LHMU

## Member Assist Centre

### For Professional Advice and a Prompt Response

### Experts in handling industrial issues

The LHMU Members Assist Team are experts in handling Teacher Aide Industrial issues and questions. No enquiry is too big or too small. Help is only a phone call away. So for help either with Student Behaviour Management Issues or a general enquiry or a question about your award entitlements, the Members Assist Team is never more than a phone call away.

**1800 065 885** (outside Brisbane)

**3291 4600** (within Brisbane)

**[www.memberassist.org.au](http://www.memberassist.org.au)**