

Employer Obligations & Reporting Requirements

Employer's and former employer's obligations pursuant to section 37 of the *Teachers Registration and Standards Act 2004* (the Act).

UNSURE WHEN TO REPORT TO THE TEACHERS REGISTRATION BOARD?

An employer is required to notify the Teachers Registration Board (TRB) when certain matters occur involving a teacher.

Reports must be made as soon as possible, or within 7 days of the event. Minor or easily resolved matters may not require reporting – seek advice from the TRB.

WHAT TO NOTIFY TO THE TRB

Unprofessional Conduct

Defined as:

- Disgraceful or improper conduct; actions that are dishonourable, unethical, or contrary to professional standards expected of teachers;
- Incompetence (however defined);
- Contravention of the Act, a condition of registration, or a code of conduct.

Notify if:

- Teacher is dismissed or resigns due to allegations of unprofessional conduct at any stage after formal allegations are made;
- Formal allegations are made against a current teacher, or conduct concerns become known within 12 months of a teacher leaving employment.

Incompetence

Defined as:

- Implying a persistent failure to meet expected standards, characterised by a substantial and ongoing inability to demonstrate required knowledge, skills, and attributes;
- Including unsatisfactory performance measured against the Australian Professional Standards for Teachers (APST).

Notify if:

- Employer becomes aware of a teacher's incompetence that requires a formal process;
- Teacher is dismissed or resigns following a formal persistent unsatisfactory performance process.

Incapacity

Defined as:

- Referring to a significant impairment in a teacher's capacity to teach affecting behaviour or competence;
- May include illness or disability affecting behaviour;
- May compromise student well-being or safety.

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Notify if:

- Teacher's ability to teach is seriously impaired by an illness or disability;
- Specific and/or substantial accommodations are required to be implemented for a teacher to fulfil their duties;
- Concerns are supported by evidence (e.g. medical reports) that the impairment affects behaviour or the competence of the teacher.

Fit and Proper Person

Defined as:

- Considered in terms of integrity, honesty, knowledge, ability, and good character;
- Consideration of ethical behaviour, criminal conduct, and other matters affecting whether the teacher can be entrusted with the duties and responsibilities of a teacher.

Notify if:

- Teacher is not, in the employer's opinion, fit and proper to hold registration;
- Generally captured under unprofessional conduct, incompetence, or incapacity. For stand-alone concerns, seek advice from the TRB.

HOW TO REPORT

To ensure all prescribed information is provided, reports must be submitted using the official Employer's Obligation to Report

form, available on the TRB SA website:

<https://www.trb.sa.edu.au/Professional-Conduct/obligation-to-report>

Important: Complete all relevant sections and email the form directly to the TRB Investigation Unit at investigations@trb.sa.edu.au.

Note: Additional information may later be requested by the TRB under the Act.

REQUIRE FURTHER INFORMATION?

Further information can be found on the TRB Website:

<https://www.trb.sa.edu.au/Professional-Conduct/obligation-to-report/employers-obligation-to-report>

Or contact the TRB Investigation Unit:

- Email: investigations@trb.sa.edu.au
- Phone: 8253 9737

For additional information, see sections 27 & 37 of the *Teachers Registration and Standards Act 2004*.