

Information Sheet

Employer obligations: Notifying the Board

The Teacher Registration Board of Western Australia (the Board) was established under the *Teacher Registration Act 2012* (TR Act) in December 2012, and is the agency responsible for the regulation of the teaching profession in WA.

In performing its functions, the Board must regard the best interests of children as its paramount consideration.

The TR Act is designed to ensure that only fit and proper persons are registered teachers. In this regard there are certain obligations that are placed on employers, teachers and others.

What are my notification obligations as an employer?

The TR Act requires employers of registered teachers to notify the Board, of any investigation, where the employer is of the opinion that, there was reason to believe that a teacher has engaged in serious misconduct or has been seriously incompetent, that results in a teacher:

- being suspended from working at the educational venue; or
- being dismissed from teaching at the educational venue; or
- resigning from the educational venue; or
- no longer teaching at, or being moved from the educational venue.

There are two conditions that must be met, for the obligation to notify the Board of any investigation (however undertaken), into the conduct of a teacher who teaches at, or who has taught at an educational venue.

First, the investigation was held because the employer is of the opinion that there was a reason to believe that a teacher has engaged in serious misconduct or has been seriously incompetent.

Second, as a result of the investigation, there has been a separation of service between the teacher and the education venue, and as such, the teacher is no longer teaching at the educational venue.

Therefore, an obligation to notify the Board may arise no matter the stage of investigation, or whether the investigation was complete at the time of separation between the teacher and the educational venue.

When do I notify the Board?

Employers should notify the Board as soon as possible, but no later than 30 days, of the teacher discontinuing teaching at the educational venue, even if an investigation is ongoing or not finalised.

This includes all occasions when a teacher is suspended or dismissed, and all occasions of a teacher resigning or moving between educational venues that have occurred as a consequence of an investigation, whether or not an investigation has been finalised.

Failure to notify the Board within 30 days of a teacher being suspended, dismissed or having ceased teaching at the educational venue, may incur a penalty of \$5000.

How do I notify the Board?

To notify the Board, complete the *Section 42 Notice from Employer*, which is available under 'Further information – Forms' on the TRBWA website trb.wa.gov.au.

Please submit the completed form by email, post or fax.

By email: icb@des.wa.gov.au

By post:

Investigations and Compliance Branch
Teacher Registration Board of WA
PO Box 1390
OSBORNE PARK DC WA 6916

By fax: (08) 9230 0699

Employers are protected from any civil liability as a result of providing this information to the Board.

All notifications are considered by the Board and may result in disciplinary action.

Further information

For further information on employer obligations and notifications to the Board:

- go to the 'Schools and Employers' section on the TRBWA website trb.wa.gov.au
- contact the Assistant Director, Investigations and Compliance on (08) 9230 0601 or icb@des.wa.gov.au.