Making Informed Decisions About The Enrolment Of Students Who Pose A Risk Of Violence

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On occasion students who seek enrolment in NSW government schools may have a history of violence or other behaviour that indicates that they may pose a risk at the new school.

Identifying, obtaining and using relevant information about that student will be essential to making certain that other students are not exposed to risks to their health or safety as a consequence of the student’s enrolment and that the health, safety and welfare at work of all school staff is ensured. It is also of great importance to ensure that students are treated fairly and are not deprived of an opportunity for education.

This paper will explore how relevant information about students with a history of violence can be identified, obtained and used by schools at which the student has sought enrolment. It will also look at some of the barriers to obtaining and using that information presented by privacy law, discrimination law and the difficulties of obtaining information from different state agencies and sources (ie private schools)and inter-state agencies and sources.

Key Words: OHS, Privacy, Discrimination, Procedural Fairness, Statutory duties