

FACT SHEET

FOR EMPLOYERS

Education Legislation Amendment (Victorian Institute of Teaching, TAFEs and Other Matters) Act 2018

From 1 September 2019, reporting obligations of principals, early childhood managers and registered teachers will change. VIT will also change the way it registers and regulates teachers in Victoria.

Changes include

- principals and early childhood managers will be required to provide certain information to VIT
- registered teachers will be required to provide certain information to VIT and Working with Children Check Victoria (WWCCV)
- VIT will closely align its registration scheme with the WWC Check scheme. This scheme assesses applicants who apply for a WWC Check to enable them to engage in child-related work.

PLEASE TAKE A MOMENT TO UNDERSTAND YOUR OBLIGATIONS AND THE NEW WAY IN WHICH WE WILL REGISTER AND REGULATE TEACHERS IN VICTORIA

REPORTING OBLIGATIONS OF PRINCIPALS AND EARLY CHILDHOOD MANAGERS TO VIT

Employers of registered teachers **must continue** to notify VIT of the following information

- any action taken against the registered teacher in response to the following allegations
 - serious incompetence
 - serious misconduct
 - unfitness to be a teacher
 - the teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously detrimentally affected because of an impairment
- any other action that may be relevant to the teacher's fitness to teach.

From 1 September 2019, employers of registered teachers **must also** notify VIT if the registered teacher

- is currently charged with, or has been convicted or found guilty of a category A offence or category B offence
- has been given a negative notice.

REPORTING OBLIGATIONS OF TEACHERS TO VIT

Registered teachers **must continue** to notify VIT of the following information

- change of their name or contact details (email, phone and address)
- when they commence and cease employment at a school or early childhood service.

From 1 September 2019, registered teachers **must also** notify VIT if they

- are committed for trial
- have been convicted or found guilty of
 - a category A or category B offence
 - an indictable offence
 - a common assault
 - aggravated assault.

REPORTING OBLIGATIONS OF TEACHERS TO WWCCV

From 1 September 2019, **registered teachers will continue to be exempt from requiring a WWC Check**, but will be required to notify WWCCV if they engage in child-related work (other than their teaching).

If a teacher's registration is suspended or cancelled, WWCCV will notify the organisations where the teacher does child-related work that the teacher is no longer exempt from holding a WWC Check.



Notify WWCCV at
<https://service.vic.gov.au/services/teachers-notifications/>

For more information visit
www.vit.vic.edu.au/faqs

NEW TEACHER REGISTRATION SCHEME

Another significant change is the way in which VIT will assess certain types of conduct to determine whether a person is suitable to be registered or remain registered as a teacher. These assessments will be in addition to the existing ways in which we assess the suitability of teachers.

We already assess whether a person is physically and mentally able to teach as well as the character, reputation and conduct of a person (fitness to teach). This includes consideration of the person's criminal history, whether the person has engaged in reportable conduct, whether their right to teach or be employed as a teacher in Australia or any other country has been cancelled or suspended, and whether the person is seriously incompetent in their teaching practice.

The new assessments will now more closely align with the way in which Working With Children Check Victoria (WWCCV) assess whether a person can be issued with an assessment notice that permits them to engage in child-related work.

A brief summary of how VIT will assess the suitability of applicants and registered teachers can be found below.

CONDUCT	MANDATORY VIT DECISIONS	DISCRETIONARY VIT DECISIONS
Category A offences These include (but are not limited to) sexual offences where the person was an adult and the person against whom the offence was committed was a child, child abuse material offences where the person was an adult, murder / attempted murder, rape / attempted rape, forced marriage involving a person under 18 years of age, and using a carriage service for sexual activity and/or to transmit an indecent communication to a person under the age of 16 years.	VIT must refuse an application for registration / renewal of registration if the person has been charged, convicted or found guilty of a category A offence. VIT must cancel registration if the person has been convicted or found guilty of a category A offence. VIT must suspend registration if the person has been charged with a category A offence.	VIT has no discretion in relation to category A offences.
Category B offences These include sexual offences against an adult, sexual offences by a child against another child, violent offences and drug offences.	VIT must refuse an application for registration / renewal of registration if the person has been charged, convicted or found guilty of a category B offence AND the VIT considers that the person is an unjustifiable risk to children.	VIT may suspend registration if the person has been charged with a category B offence.
Category C conduct These include convictions or findings of guilt for other indictable offences, non-convictions of category A or B offences, disciplinary action taken by an employer or disciplinary action taken under the reportable conduct scheme.	VIT is not automatically required to refuse, cancel or suspend registration if a person has engaged in category c conduct.	VIT may refuse registration / renewal of registration if the person meets one of the following criteria <ul style="list-style-type: none"> the ability of the person to teach in a school / early childhood service is likely to be affected because of the conduct they engaged in; OR it is not in the public interest to allow the person to teach in a school / early childhood service because of the conduct they engaged in.
Negative notice This is where a person has made an application to WWCCV and they have been refused a working with children assessment notice. This means that the person is not permitted to engage in child related work.	VIT must refuse an application for registration / renewal of registration if the person has received a negative notice. VIT must cancel registration if the person has received a negative notice.	VIT has no discretion in relation to negative notices.
Interim negative notice This is where a person has made an application to WWCCV and it proposes to issue the person with a negative notice and is in the process of providing the person with an opportunity to make a submission in relation to the proposed decision.	VIT must suspend registration if the person has received an interim negative notice.	VIT has no discretion in relation to interim negative notices.

The revised assessments will commence during the annual registration period, and will apply to all new applications for registration from 1 September 2019. Further information will be posted on VIT's website.