



Regulatory decision

Adequate supervision

The following is a summary of a regulatory decision made by VIT concerning an early childhood teacher who allegedly failed to adequately supervise a child in their care. All names and identifying information have been removed.

Under the Education and Training Reform Act (2006) (the Act), if VIT receives a notification or complaint about a registered teacher, it must conduct a preliminary assessment.

During the preliminary assessment, VIT may require further information from

- *the registered teacher who is the subject of the notification or complaint*
- *the person or body who made the notification or complaint, and/or*
- *any person who may have information relevant to the notification or complaint.*

This additional information will help VIT understand the notification or complaint and determine what further action may be required.

The VIT's regulatory approach is to educate and assist teachers, principals and early childhood leaders to comply with their obligations before taking necessary disciplinary action. Where VIT does take disciplinary action, it is proportionate to address the risk to the safety and wellbeing of children.

Under the Act, VIT has the power to impose any conditions, restrictions or limitations on a teacher's registration if it deems appropriate to do so. This can be done at any time, including when making a decision on an application for registration, or while the teacher is already registered with VIT.

This power will generally be exercised where a teacher's conduct does not warrant suspension of registration, but where further action is required to provide continued assurance regarding their suitability to teach. For example, VIT can deem the teacher suitable to teach but impose a condition that they undergo targeted professional or personal development. In some cases, VIT may instead choose to issue an educative letter, which points to the teacher's conduct and how it has deviated from their professional obligations.



Scenario

The VIT received a complaint regarding the alleged conduct of Teacher A.

Teacher A was working as an early childhood teacher in a room alongside other early childhood educators. On the day of the complaint, a learner was found outside the premises unaccompanied.

Teacher A was the registered teacher in the room the learner managed to exit from. Teacher A and the other educators were unsure how the learner managed to exit the room, or how long they had been outside the room, given one staff member was stationed by the door.

To reach where they were eventually found, the learner passed through multiple self-closing doors with handles at adult height. It was concluded that the learner must have exited the centre alongside a family.

The incident was immediately disclosed to the Commission for Children and Young People (CCYP) and the Department of Education. In the week following the report, CCYP made a report to the VIT.



Prior to the incident, the team at the early childhood service had identified a number of safety improvements they could make and had also lodged an application for funding to support the learner, who had additional needs. Assistance for supervision had been included in the application.

Immediate action

Following the event, an investigation was conducted in accordance with evidence obtained by CCYP and the Department of Education.

Teacher A immediately took leave and declared they would be continuing to do so for the foreseeable future.

The service immediately prioritised and implemented the previously identified safety improvements and conducted a child safe review to identify additional changes that could be made.

During the time the investigation was taking place, extensive safety measures had been implemented and the team, including Teacher A, undertook professional learning.

The decision

By the time the investigation had concluded, a number of significant changes both in Teacher A's individual practice and in the service's operational procedures had been implemented.

After Teacher A returned to the service, supervisors provided statements to the VIT regarding extensive improvements to Teacher A's practice, including a very clear end of day procedure with thorough education of pick-up procedures provided to new and existing families.

The outcome

It was acknowledged that in the time since the incident, Teacher A had undertaken substantial reflection of their teaching and engaged in professional learning to improve their practice.

Teacher A received a first and final formal warning from their employer and was issued an educative letter by VIT.

Reflection

This case study reflects that as a registered teacher, Teacher A has a responsibility to set and maintain high standards of competence and uphold high standards for child safety at all times.

It also shows how VIT applies its regulatory approach, particularly in relation to the below principles of the [Victorian Teaching Profession's Code of Conduct](#)

- Principle 2.1 – The personal conduct of a teacher has an impact on the professional standing of that teacher and on the profession as a whole
- Principle 3.1 – Teachers value their professionalism, and set and maintain high standards of competence
- Principle 3.2 – Teachers are aware of, and comply with, the legal requirements that pertain to their profession.

Further information

View the Code of Conduct and further guidance material including case studies, videos, podcasts and professional learning opportunities at www.vit.vic.edu.au/maintain/conduct/codes.