



Regulatory decision Unsuitable to teach

The following is a summary of a regulatory decision made by VIT concerning an applicant who applied for teacher registration who VIT determined was unsuitable to teach.

Background

The VIT is responsible for assessing whether those who apply for registration and those who currently hold registration are suitable to teach. A teacher is suitable to teach if

- their character, reputation and conduct are such that they should be allowed to teach in a school or early childhood service, and
- their physical or mental impairment (if any) does not seriously detrimentally affect, or is unlikely to seriously detrimentally affect, their ability to practise as a teacher.

The VIT will assess the suitability of a person when they make an application for registration and when they apply to renew their registration as a teacher.

During this process, VIT may

- conduct a Nationally Coordinated Criminal History Check (NCCHC)
- request that the person provide additional information and documentation about
- their criminal history
- their current or previous right to teach in another jurisdiction
 - any refusal or cancellation of their right to teach in another jurisdiction, and the reasons that were given for this decision
 - any previous refusal to register the person, and the reasons that were given for this decision, and/or
 - any previous or current work involving children (including as a volunteer)
- request that the person submit to any tests
- request that the person provide any references or reports to help determine whether they are suitable to teach, and/or
- submit to any medical or psychiatric examination and provide VIT with the results or reports from this examination.



Scenario

The VIT received an application for initial dual registration (for both teacher and early childhood teacher registration) from Applicant A.

As part of the application process, VIT conducted a Nationally Co-Ordinated Criminal History Check (NCCHC). The NCCHC returned three disclosable court outcomes from a neighbouring state. Applicant A had also had their teacher registration suspended in the state where the alleged conduct occurred.

The interstate police force had received a complaint about Applicant A from a Year 7 learner. The complaint included a screenshot of direct messages they received from Applicant A via TikTok. The messages included threats to conduct physical violence.



After receiving the complaint, interstate police seized Applicant A's devices. The devices were found to contain innocuous images of young children, google image searches for photos of children of various ages and messages to numerous random social media accounts asking about their connections to specific marginalised groups.

Applicant A was convicted of a criminal offence in an interstate court.

Immediate action

Upon receiving Applicant A's NCCHC, VIT contacted Applicant A for further information. In Applicant A's response, they attempted to justify their behaviour; did not take responsibility for the conduct despite their court conviction; and showed no insight into the impact of their conduct on the victim. Applicant A insisted that their conduct occurred outside the education environment and did not impact their suitability to teach.

The decision

Upon review of further information received, including Applicant A's reflective statements and documents from a mental health practitioner, VIT was satisfied that Applicant A's character and conduct were such that it would not be in the public interest to allow them to teach in a school or early childhood service.

The VIT noted that evidence obtained by interstate police directly contradicted claims and justifications made in Applicant A's reflective statements. The VIT was especially concerned about Applicant A's motivation to teach early childhood, due to age-related vulnerability.

The VIT refused Applicant A's application for dual registration.

The outcome

A notice of refusal of registration was issued to Applicant A.

Reflection

This case study reflects that registered teachers have a responsibility to treat learners and the community with respect. It also demonstrates that the personal conduct of a registered teacher can impact their standing in the community and the teaching profession, as well as the reputation of the teaching profession as a whole.

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 1.2 – Teachers treat their learners with courtesy and dignity, and promote participation and empowerment
- Principle 1.5 – Teachers are always in a professional relationship with their learners, whether at the education setting where they teach or not
- 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.

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.