



Regulatory decision

Drug trafficking and possession

The following is a summary of a regulatory decision made by VIT concerning a registered teacher who was charged with drug trafficking and possession.

Background

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 to a teacher, which explains how their conduct has deviated from their professional obligations.



Scenario

The VIT received an application for teacher registration from Applicant A.

As part of the process, Applicant A disclosed they had a criminal history and VIT conducted a National Coordinated Criminal History Check (NCCHC). Applicant A had been found guilty of possessing and trafficking cannabis and was sentenced to a Community Correction Order, also known as a good behaviour bond.

As part of the application process, Applicant A provided police evidence briefs, reflective statements, character references, clear results from drug screenings and further detail about how they had made an active effort to contribute to the community in the years after the period of offence.

The charges were isolated, and there was no evidence to indicate that the applicant had any involvement with drugs or illegal activity outside of the short window of time in which they were charged. Applicant A had also been actively seeking rehabilitation support from medical practitioners in the years since.

Immediate action

Upon receiving the initial application for teacher registration from Applicant A, VIT requested further supporting evidence in order to make a determination about whether Applicant A was suitable to teach.

The decision

Applicant A cooperated with all aspects of the application process, including requests for additional evidence and was honest about their previous criminal history through all stages of the application process.

After thorough consideration, VIT decided to grant registration to Applicant A with conditions.

The outcome

Applicant A was granted teacher registration with the following conditions

- Applicant A's employer must provide reports at the end of each school term that address their professional conduct and fitness to teach for a period of 12 months
- Applicant A must provide reports from treating medical practitioners over a period of 24 months outlining if there are any changes that might impact Applicant A's ability to undertake the duties of a teacher.

Reflection

This case study reflects how historical charges can play a factor in determining suitability to teach.

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.