Register of Disciplinary Action Policy

Effective date: 26 August 2026

victorian institute of teaching

Purpose

The Victorian Institute of Teaching (VIT) is required to establish and maintain a Register of Disciplinary Action (RODA) in accordance with Division 13A of Part 2.6 of the *Education and Training Reform Act 2006* (the Act). The RODA is a record of disciplinary action taken by VIT about a registered or formerly registered teacher and early childhood teacher in Victoria.

Scope

This policy applies to registered and formerly registered teachers and early childhood teachers in Victoria registered under the Act.

Key policy points

Maintenance	The VIT must maintain a RODA with certain particulars in accordance with legislative requirements.
Publication	Some particulars must be recorded, some must not, and others are subject to VIT's discretion. Information in the RODA is generally retained for 5 years unless a different period is specified.
Exclusion or Removal Applications	Individuals may apply for the exclusion or removal of particulars from the RODA in limited circumstances, subject to statutory criteria and VIT's assessment.

1. Policy statement

1.1 The VIT is committed to maintaining public trust and confidence in the teaching profession by ensuring that relevant disciplinary outcomes are accurately recorded and appropriately disclosed in accordance with our statutory functions and legislative obligations.

1.2 This policy sets out when VIT will exercise its power to record disciplinary action on the RODA.

1.3 The RODA serves to support informed decision-making by employers, other regulatory bodies, and the community, and contributes to the protection of the public, including the safety and wellbeing of children and vulnerable people.

1.4 The principles that guide this policy are

Statutory functions	Alignment with VIT's functions, including to: • consider the wellbeing and safety of children, including by taking into account community expectations. • recognise and regulate members of the teaching profession. • establish and maintain a RODA in relation to registered teachers or former registered teachers.
Transparency	Leans into transparency wherever possible by ensuring disciplinary outcomes are publicly available, promoting accountability, building community trust and confidence, equipping employers and co-regulators with relevant information, and protecting children and the integrity of the teaching profession.
Fairness and reasonable process	Discretionary decisions to publish information on the RODA are made with consideration to the principles of procedural fairness.
Timeliness	The RODA is maintained in a timely and accurate manner to ensure information is current, relevant, and responsive to emerging risks to children and the public.
Integrity	Powers are used responsibly and maintain high levels of public trust.
Impartiality and independence	Decisions will be objective, lawful and transparent, considering all relevant facts and fair criteria, ensuring that all individuals are treated fairly and consistently.
Respect and human rights	Protect individual dignity and comply with privacy and human rights obligations.

2. Maintenance of the RODA

2.1 The VIT must establish and maintain a RODA.

3. Particulars

3.1 The RODA must include the:

a. teacher's name at the time the disciplinary action came into effect and any subsequent names.

b. teacher's registration or former registration number.

c. date on which the disciplinary action took effect.

d. date on which it will cease to have effect.

e. disciplinary action taken.

3.2 A teacher's particulars can be listed in the RODA even if they are no longer registered.

Manner of publication

3.3 The VIT can publish the whole or any part of the RODA in any manner that it considers fit.

3.4 The VIT publishes the RODA on its website. The RODA is also available for public inspection at the VIT office within business hours.

Disciplinary action on the RODA

3.5 The following provides guidance on the types of disciplinary or administrative action that may be listed in the RODA.

Disciplinary action	Record	Not record
Informal hearing		
Any disciplinary action imposed by an informal panel hearing		x
Medical panel hearing		
Any disciplinary action imposed by a medical panel hearing		x
Formal hearing[1]		
Caution or reprimand	x[2]	
Imposition of conditions, limitations or restrictions, suspension, cancellation or disqualification	x	
Where the formal panel determines to make a non-publication order of a determination, where inclusion on the RODA may prejudice the administration of justice or not be in the public interest.		x
Other disciplinary or administrative action		
Imposition of conditions, limitations or restrictions	x	
Imposition of conditions under Division 9A based solely on medical grounds		x
Suspension	x	
Interim suspension	x	

[1] Please refer to the Publication of Formal Hearing Panel Decisions Policy.

[2] The VIT may determine to remove particulars from the RODA that relate to the cautioning or reprimanding of a registered teacher if the VIT considers that it is no longer appropriate or in the public interest for the particulars to remain on the RODA. The factors outlined at [5.1] will be considered when determining whether to exercise discretion.

Suspension based on failing to comply with criminal history check requirements		x
Suspension based on failing to provide information regarding criminal records		x
Suspension based on failing to pay the annual registration fee without reasonable excuse		x
Cancellation	x	
Cancellation by agreement		x
Disqualification	x	
Voluntary suspension or voluntary imposition of conditions	x[3]	

4. Impairments

4.1 Where a teacher has an impairment and is suspended on an interim basis for reasons related to that impairment, VIT will not record the particulars of the interim suspension on the RODA if VIT is satisfied that it is not appropriate or not in the public interest to do so.

5. Discretion to record

5.1 VIT has discretion to not record an individual's particulars in the RODA where:

- **a.** the exclusion is necessary to avoid endangering the physical safety of a person; and
- **b.** there is no overriding public interest for the particular to be included or to remain on the RODA.

5.2 Some general considerations for determining whether to apply the two-limb test at [5.1] and exercise discretion may include:

- **a.** the impact on the safety and wellbeing of children and young people.
- **b.** the potential risk to the public, including the school community which consists of children, teachers and parents.
- **c.** if there is an overriding public interest served.
- **d.** the nature, circumstances and seriousness of the conduct.
- **e.** the individual's privacy or rehabilitation, and if publication is proportionate to the public interest being served.

5.3 The considerations at [5.2] will be assessed by the appropriately delegated decision-maker in determining whether publication is necessary and proportionate.

[3] The VIT may determine that it is not appropriate or in the public interest to publish voluntary suspension or voluntary conditions pursuant to section 2.6.29BA of the Act. The factors outlined at [5.2] will be considered when determining whether to exercise discretion.

6. Exclusion or removal application

Removal

6.1 Certain particulars may be removed from the RODA if any of the following circumstances are met:

- a. the test in [5.1] is met.
- b. the disciplinary action is no longer in force.
- c. there has been a material change in the circumstances of the charge or finding of guilt.
- d. there has been a material change in the circumstances which led to the disciplinary action, such that continued listing of the disciplinary action is no longer appropriate.

6.2 The VIT will make all reasonable efforts to remove particulars upon receiving a notification of relevant material changes in circumstance. An individual can also make a removal application as at [7.4] at any time.

Exclusion

6.3 At any time, an individual may make an application to have their particulars excluded from the RODA if they believe that the test in [5.1] is met.

7. Application process

Procedural fairness

7.1 Before recording information on the RODA, the VIT will, unless circumstances warrant otherwise, provide the individual with an opportunity to be heard in accordance with the requirements of procedural fairness.

7.2 The VIT will specify a reasonable period within which an individual may make submissions or apply for exclusion from publication on the RODA. In determining the appropriate timeframe, the VIT may take into account the nature of the matter, any identified risks, and the need for timely regulatory action. Requests for additional time will be considered on a case-by-case basis.

7.3 In exceptional circumstances, where immediate publication is reasonably necessary having regard to the safety and wellbeing of children, community expectations, or another significant public interest consideration, the VIT may publish information on the RODA before the completion of the usual procedural fairness process.

How to submit an application for exclusion or removal

7.4 An exclusion or removal application must be submitted via email to conduct@vit.vic.edu.au.

7.5 The applicant must clearly identify the information they are seeking to exclude or remove from the RODA and provide supporting reasons and evidence. The evidence may include:

For exclusion or removal	For removal
• a written explanation of why it is necessary to exclude or remove particulars from the RODA in relation to the test in [5.1]. • documentation from a treating registered health practitioner or any other relevant person, which shows that an individual's physical safety would be endangered should the particulars be included in the RODA.	• any evidence which demonstrates a material change in the circumstances of the charge or finding of guilt or the circumstances which led to the disciplinary action.

7.6 An application for exclusion or removal will be assessed by the appropriately delegated decision-maker on a case-by-case basis.

7.7 The VIT will issue the individual a written decision outlining whether the exclusion or removal application is granted in full, in part, or refused including reasons.

a. If the application is granted, the individual's particulars will not be recorded in, or will be removed from, the RODA and will not be made available for public inspection

b. If the application is refused, the VIT may include the particulars in the RODA.

8. Appeals Process

8.1 If a teacher is seeking a review of a decision related to recording on the RODA, they can apply for an internal review by emailing conduct@vit.vic.edu.au. The individual will be required to provide supporting information outlining the basis for the review, and all applications will be assessed on a case-by-case basis. An internal review will be conducted by a different decision-maker.

8.2 An individual may be able to apply for judicial review in the Supreme Court of Victoria if there has been an error of law.

8.3 Information about review and appeal rights is provided with a decision notice and should be considered promptly, as time limits apply. Individuals are encouraged to seek legal advice or consult Tribunal or Court resources to understand their rights, timelines, and obligations when considering an appeal.

9. Retention period

9.1 The retention period of particulars on the RODA is whichever is the longer of the following periods:

a. 5 years from the date that disciplinary action takes effect; or

b. the period for which the disciplinary action continues to have effect.

Definitions

Term	Definition
Category A offence	An offence described in section 1.1.3A of the Act.
Category B offence	An offence described in section 1.1.3B of the Act.
Category C conduct	Conduct described in section 1.1.3C of the Act.
Disciplinary action	Any formal action taken by the VIT against a teacher in accordance with its statutory powers.
Formal hearing	A hearing described in subdivision 4 of Division 12 of the Act.
Informal hearing	A hearing described in subdivision 2 of Division 12 of the Act.
Medical panel hearing	A hearing described in subdivision 3 of Division 12 of the Act.
Particulars	Information relating to a disciplinary action taken by the VIT.
Teacher	A person registered under Part 2.6 of the *Education and Training Reform Act 2006 Vic* (the Act) as a teacher or an early childhood teacher or a person who is granted permission to teach
Victorian Institute of Teaching	The VIT is a body corporate established under the *Victorian Institute of Teaching Act 2001* (Vic) and continues in operation under and subject to section 2.6.2 of the Act.

Relevant legislation and policy

- *Education and Training Reform Act 2006* (Vic), Division 13A of Part 2.6.
- Publication of Formal Hearing Panel Decisions Policy

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