

# Register of Disciplinary Action Policy

Effective date: 1 September 2025



## 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 teachers 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	<p>Some particulars must be recorded, some must not, and others are subject to VIT's discretion.</p> <p>Information in the RODA is generally retained for 5 years unless a different period is specified.</p>
Non-Publication 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: <ul style="list-style-type: none"><li>consider the wellbeing and safety of children, including by taking into account community expectations.</li><li>recognise and regulate members of the teaching profession.</li><li>establish and maintain a RODA in relation to registered teachers or former registered teachers.</li></ul>
Transparency	Promotes transparency to uphold community trust, empowers employers and co-regulators to make informed decisions, and protects children and the integrity of the teaching profession by ensuring that disciplinary outcomes are publicly available.
Fairness and reasonable process	Discretionary decisions to publish information on the RODA are made with consideration to the principles of natural justice and 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	Publication 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. Publication

### Particulars

- 3.1** Any publication of particulars on the RODA must include the:
- teacher's name at the time the disciplinary action came into effect and any subsequent names.
  - teacher's registration or former registration number.
  - date on which the disciplinary action took effect.

- d. date on which it will cease to have effect.
- e. the 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	Must 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 <sup>1</sup>		
Caution or reprimand	x <sup>2</sup>	
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	

<sup>1</sup> Please refer to the Publication of Formal Hearing Panel Decisions Policy.

<sup>2</sup> 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 [3.9] 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 <sup>3</sup>	

### Procedural fairness

**3.6** The VIT will afford procedural fairness to an individual before publication on the RODA.

**3.7** Individuals will have three days to submit an exclusion application prior to the initial publication on the RODA. Teachers may apply for an extension of time if required, VIT will assess requests on a case-by-case basis.

### Discretion to publish

**3.8** The VIT has discretion to publish 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.

**3.9** Some general considerations for determining whether to apply the two-limb test at [3.8] 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.

**3.10** The considerations at [3.8] will be assessed by the appropriately delegated decision-maker in determining whether publication is necessary and proportionate.

### Retention period

**3.11** The retention period of particulars on the RODA is:

- a.** limited to 5 years after disciplinary action takes effect; or
- b.** the period for which the disciplinary action continues to have effect.

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<sup>3</sup> 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 [3.8] will be considered when determining whether to exercise discretion.

- 3.12 Where a longer or shorter period is explicitly set in the relevant decision or under applicable legislation, that specified timeframe will apply.

## 4. Exclusion or removal application

### Removal

- 4.1 Certain particulars may be removed from the RODA where:
- VIT has discretion [3.8].
  - the disciplinary action is no longer in force.
  - there has been a material change in the circumstances of the charge or finding of guilt.
  - 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.
- 4.2 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 [4.4] at any time.

### Exclusion

- 4.3 In circumstances where discretion is available to VIT to publish particulars on the RODA, the teacher may make an exclusion application.

### Application process

- 4.4 An exclusion or removal application must be submitted via email to [conduct@vit.vic.edu.au](mailto:conduct@vit.vic.edu.au).
- 4.5 The applicant must clearly identify the information they are seeking to prevent from being published or removed and provide supporting reasons and evidence. The evidence may include:

For exclusion or removal	For removal
<ul style="list-style-type: none"><li>documentation from a treating registered health practitioner.</li><li>Professional references from their current or former teaching employers.</li><li>Any other information that is relevant to the non-publication order.</li></ul>	<ul style="list-style-type: none"><li>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.</li></ul>

- 4.6 An application for exclusion or removal will be assessed by the appropriately delegated decision-maker on a case-by-case basis.
- 4.7 The VIT will issue the individual a written decision outlining whether the non-publication or removal application is granted in full, in part, or refused including reasons.
- If this application is granted, it will have the result that the individual's particulars will not be initially published or removed and will not be made available for public inspection.
  - If the application is refused, the VIT may publish the particulars to the RODA. However, the VIT retains a broad discretion as to which parts of the RODA it chooses to publish.

## 5. Appeals Process

- 5.1 If a teacher is seeking a review of the publication decision they can apply for an internal review of a publication decision by emailing [conduct@vit.vic.edu.au](mailto: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.
- 5.2 An individual may be able to apply to for judicial review through the Supreme Court of Victoria, if there is an error law in the decision to publish.
- 5.3 If a teacher is seeking review of a disciplinary outcome (leading to publication) in limited circumstances they may be able to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a merit review.
- 5.4 Information about review and appeal rights is provided with a decision notice and should be considered promptly, as time limits apply. Parties are encouraged to seek legal advice or consult Tribunal or Court resources to understand their rights, timelines, and obligations when considering an appeal.

## 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 <i>Education and Training Reform Act 2006 Vic</i> (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 <i>Victorian Institute of Teaching Act 2001</i> (Vic) and continues in operation under and subject to section of 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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