

Report: Business process and organisational review of the operations of the Victorian Institute of Teaching's Professional Conduct Branch

16 June 2025



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Purpose

The purpose of this review was to advise the Victorian Institute of Teaching (VIT) on new and/or strengthened strategies aimed at ensuring that appropriate and timely action is taken at the various stages of the VIT's processes to manage instances of teacher misconduct, incompetence or lack of fitness to teach.

This report presents key observations from the review and outlines a range of strategies and initiatives designed to support the organisation in making safe, timely and proportionate regulatory decisions that safeguard children and young people in the education setting.

Methodology

Activities carried out as part of this review included:

- consideration of relevant legislation
- examination of existing VIT policy and procedure documentation
- analysis of data
- consideration of some recent tribunal/court judgements
- site visits and meetings with key senior staff
- review of a sample of cases (including preliminary assessment, investigation and registration suitability assessment reports)
- a workshop with senior staff.

Disclaimer

Although the report refers to various legislative provisions and discusses what may be possible under the governing legislation, it should not be construed as legal advice. The work I have undertaken is not in the capacity of a legal adviser. The VIT should separately consider the question of the lawfulness of any of the recommended initiatives.

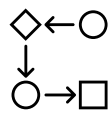
Acknowledgement

I would like to acknowledge the significant assistance and support I was provided by staff within the VIT. I was given full and prompt access to all the material that I required.

Through my engagement with staff during the review, I was struck by their strong commitment to addressing the challenges at hand. They demonstrated openness and motivation to adopt new processes.

Finally, I would like to acknowledge the demanding and complex work that the VIT undertakes. Throughout the review, I observed a team of committed and hardworking professionals focused on delivering high-quality outcomes aligned with the organisation's purpose.

Executive Summary

Key challenges face by the VIT	
	A large and growing open caseload
	Finite resources available to apply to the finalisation of new and existing matters
	Current business practices and an organisational structure that are not sufficiently facilitating the timely finalisation of new matters and/or the reduction of the existing caseload and, in some cases, are contributing to delay
	Increasing expectations from courts and tribunals in relation to standards required from VIT to prove serious/high risk matters that adds to the VIT's workload
	Some provisions of the VIT's governing legislation that impose onerous administrative requirements
The combination of the above has resulted in significant delay in finalising matters, the accumulation of a large and aged backlog of cases and difficulties in progressing complex and high risk matters in a timely manner.	

Key strategies		
Strategy A	To streamline the way matters are assessed, managed and/or divested to avoid applying disproportionate time and resources to matters that are unlikely to deliver commensurate regulatory or public benefit.	This involves finalising the high volume of lower risk matters received (particularly those unlikely to result in any regulatory action) in the most expeditious and efficient manner while still ensuring that real risk is appropriately identified and managed.
Goal: To free up internal resources that can then be applied to higher risk and/or more complex matters (namely, the VIT's core work).		
Strategy B	To improve the VIT's productivity and effectiveness in relation to the management and progression of higher risk and/or more complex matters (VIT's core work).	This involves redesigning and/or improving the tools and processes that the VIT employs when undertaking this work including reorganising work and work units.
Goal: A strategic refocusing on core regulatory activities to deliver greater regulatory and public benefit in a fair, effective and timely manner.		
Other	A targeted backlog intervention project.	This involves the establishment of a temporary team to target the timely reduction of backlogged cases.

Summary of Strategies and associated Initiatives

Strategies	Initiatives	Desired Outcomes
Strategy A	1. Adopting a new more streamlined approach to managing reportable conduct notifications that have been made to the CCYP by: (a) implementing a new business process that involves ceasing the practice of holding Preliminary Assessment matters open awaiting employer/external investigation reports [p.10-18] (b) simplifying and standardising Preliminary Assessment and other reports [p.18] (c) simultaneously sending a Notice of Preliminary Assessment and an Outcome of Preliminary Assessment where no further action (NFA) is being taken [p.19] (d) engaging with the CCYP to facilitate better information sharing [p.19-20].	A reduction in the number of open cases. A more effective and efficient intake/triage process allowing for the early identification of matters appropriate for NFA. A reduction in the time taken to finalise notifications, particularly low risk matters likely to end in NFA. A reduction in the work effort involved in managing a large proportion of these matters. A clearer understanding in relation to the thresholds to be met for intervention by the VIT. The avoidance of the unnecessary duplication of regulatory responsibility.
	2. Sharpening intake/triage processes by establishing documented guiding policy/procedure in relation to the assessment, management and finalisation of matters that: (a) are out of jurisdiction [p.21] (b) do not meet the legislative criteria of a complaint or notification [p.22-26] (c) meet the above criteria but are appropriate for an NFA decision [p.26-27].	A more consistent and timely progression of matters through relevant stages of the VIT.
Strategy A & B	3. Redesigning, reorganising and/or improving upon the way the VIT progresses its work by: (a) implementing a more detailed system for the classification of work activities and better defining the pathways of a matter through the VIT [p.29-30]	A more consistent and timely progression of matters through relevant stages of the VIT. An accurate and transparent picture of the VIT's workload and work effort necessary to progress its workload.

	(b) reorganising the Professional Conduct Branch to better align with work activities and matter pathways [p.31-32] (c) establishing a performance monitoring and reporting framework including establishing target timeframes for work activities [p.32-34].	A system that can easily monitor and report on operational performance. Increased efficiency and productivity.
Strategy B	Implementing steps to manage and progress the VIT's higher risk and/or more complex matters (core work) that demand more work effort including by: (a) reviewing the hearing process and building capacity to undertake more hearings [p.35-37] (b) using the agreement provisions in the legislation in a more consistent and effective manner [p.37-38] (c) building capacity to undertake more formal investigations [p.39] (d) redesigning the risk assessment process [p.39-41].	An increased number of formal investigations being commenced and finalised. An increased number of matters being managed through the hearing process. High risk and complex matters being finalised in a more efficient and timely manner. Greater regulatory and public benefit being delivered by the VIT.
Other	4. Design and deploy a backlog intervention project [p.42-43].	Elimination of the backlog.

Data snapshot

The tables below detail key metrics relating to the timeframes for finalising matters and case age, prioritisation/risk profiles and matter outcomes, based on the financial years of 2022/23, 2023/24 and 2024/25 (year to date - up to 31 March 2025)¹.

Timeframes and age of case				
Time taken to finalise matters	79% of matters took more than 12 months to finalise 47% of matters took more than 2 years to finalise 25% of matters took more than 3 years to finalise			
Average time to finalise matters	On average it took approximately 2 years to finalise a matter. In both 2022/23 and 2023/24 there were 60 and 66 matters, respectively, that took 5-years or more to finalise.			
Clearance rate (Number of matters finalised as a proportion of the number of matters received)		2022/23	2023/24	2024/25
	No. of matters finalise	755	695	726
	No. of matters received	1,027	1,689	813
	Clearance rate (%)	73.5%	41.1%	89.3%
	No. of matters added to backlog	272	994	87
	A clearance rate of 100% means that as many matters that were received in the financial year were closed in the same financial year. Any rate less than 100% means that the number of matters open at the end of the financial year increases which can in turn lead to a backlog of cases.			
The number and age of open matters	Total number of open matters (excluding monitoring cases) as at 31/3/25 = 2,081 41% (n=859) are aged 12 months or more 11% (n=229) are aged 2 years or more			
Key takeaways: • Generally there is significant delay in the finalisation of matters. • Over the last 3 financial year periods, the VIT has not been able to finalise, in each financial year, the same number or more matters than it received (particularly in 2023/24) which has led to the accumulation of a backlog of cases. • Although the clearance rate in 2024/25 has improved (as there has been a concerted effort to finalise matters appropriate for NFA), the VIT still has a large and ageing case load. • From a benchmarking perspective, generally the timeframes to finalise matters appear to be notably longer than those observed in similar regulatory bodies.				
Task: Increase the speed at which new matters are finalised through the agency and at the same time address the backlog of cases that has accumulated.				

¹ It should also be noted that the figures in these tables may not be exact and are indicative only (as data has been drawn from several different sources).

Prioritisation/Risk Profile and Outcomes													
Prioritisation/risk profile of matters received (Proportion of higher risk v lower risk matters)	Total matters received (over last three financial years)		3,529										
	Prioritisation/ Risk rating	1A – Extreme 1B – Very High 2A – High 2B – High	34.2% (1,208)										
		3A – Moderate 3B – Moderate 4A – Low 4B – Low 5A – Very Low 5B – Negligible	65.8% (2,321)										
		When one looks at the prioritisation/risk rating of matters closed over the same period (as opposed to received), the % breakdown between higher and lower risk matters is closer to a 25%/75% split.											
Proportion of matters closed with no regulatory action²	<table><tr><th>FY 2022/23</th><th>FY 2023/24</th><th>FY2024/25</th></tr><tr><td>80.8%</td><td>75.1%</td><td>85.05%</td></tr></table>				FY 2022/23	FY 2023/24	FY2024/25	80.8%	75.1%	85.05%			
FY 2022/23	FY 2023/24	FY2024/25											
80.8%	75.1%	85.05%											
Proportion of matters closed with no regulatory action sliced by initial prioritisation/risk rating	<table><tr><th></th><th>FY 2022/23</th><th>FY 2023/24</th><th>FY2024/25</th></tr><tr><td>1A – Extreme 1B – Very High 2A – High 2B – High</td><td>13.0%</td><td>12.7%</td><td>6.7%</td></tr><tr><td>3A – Moderate 3B – Moderate 4A – Low 4B – Low 5A – Very Low 5B – Negligible</td><td>87.0%</td><td>87.3%</td><td>93.3%</td></tr></table>		FY 2022/23	FY 2023/24	FY2024/25	1A – Extreme 1B – Very High 2A – High 2B – High	13.0%	12.7%	6.7%	3A – Moderate 3B – Moderate 4A – Low 4B – Low 5A – Very Low 5B – Negligible	87.0%	87.3%	93.3%
	FY 2022/23	FY 2023/24	FY2024/25										
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3A – Moderate 3B – Moderate 4A – Low 4B – Low 5A – Very Low 5B – Negligible	87.0%	87.3%	93.3%										
Key takeaways: - Lower risk matters make up a larger proportion of VIT matters, being approximately 66% of all matters received and closer to 90% of all matters finalised. - Most of the finalised lower risk matters end with no regulatory action being taken (between 87-93%). Task: Identify and finalise lower risk matters that are appropriate for no regulatory action quickly and efficiently.													

² No regulatory action refers to matters where no further action has been taken or where ultimately the teacher was renewed without conditions (whether or not an educative letter was sent).

Case review snapshot

The table below details observations I have made arising from an analysis of a sample of VIT matters that I reviewed.

Matter type	Observations
Preliminary Assessments (20 of the matters reviewed)	• 15 (75%) of the Preliminary Assessment (PA) reports related to reportable conduct notifications made to the CCYP. • All resulted in a recommendation for no regulatory action (in most cases a NFA). • In over 50% of matters only the employer/external investigation report was considered, with some of those matters also seeking submissions from the teacher. In most of the other matters there was only minor enquiries made. This indicates that work effort to reach an NFA decision was generally low (i.e. did not involve significant investigative steps by the VIT). • In most matters, the PA was kept open while the employer/external investigation was ongoing. • The employer/external investigations took between 6-12 months in most matters, extending the time taken to finalise the PA. • Many of the PAs took over 12 months to finalise including taking over 12 months to issue Notices of Preliminary Assessment. • There was delay in a number of cases between receiving advice of unsubstantiated findings and preparing the PA Report. This occurred even in some higher risk cases, for example: ○ In 2 matters (rated as <i>2A - High Risk</i>), it took 18 months to progress the PA from when the outcome advice and employer investigation report was provided to the VIT ○ In 2 matters (rated <i>1A – Extreme</i> and <i>2B-Moderate</i>) where there was not an employer investigation, it took 2 years or more to finalise the PA.

Registration Suitability Assessments (10 matters reviewed)	• Delay in finalising the recently completed Registration Suitability Assessment Reports was a feature of a number, with notifications or complaints originally being received as follows for the 10 matters: 1 in 2018; 1 in 2019; 1 in 2021; 2 in 2022; 4 in 2023 and 1 in 2024. • Some of these cases appeared not to have had substantive work undertaken on them for a lengthy period (in one case, for example, that period appeared to have been 4 years, however, it should be noted there was difficulty engaging with the teacher in that matter). • Delay in two cases (where there was no suspension of registration) raised questions regarding appropriate management of risk: ○ In one matter (2A - High) – the original notification was received in June 2023, the allegations were substantiated through the reportable conduct scheme in September 2023, however, it took over 12 months to then progress the Registration Suitability Assessment, when only submissions were sought from the teacher with no other investigative steps being taken. ○ In another matter (risk not detailed) the original notification was received in September 2019 and a further notification in August 2021, with some allegations being substantiated through the reportable conduct scheme in late 2021. There appeared to have been no substantive action on the case by the VIT for a period of 2-3 years. • The work effort involved in Registration Suitability Assessments ranged from the consideration of external investigation reports only, to investigation reports plus the teacher's submissions to more substantial work being undertaken by investigators such as interviewing the subject teacher and/or other witnesses.
Post Investigation Reports (10 matters reviewed)	• Again in a number of matters (but certainly not all) there was a lengthy period of time between receipt of notification/complaint and the finalisation of the report. For example: ○ In one matter that involved allegations of the sending of sexually explicit messages to a student, the Post Investigation Report was finalised some 18 months after receiving the employer investigation report. ○ In another matter, the Post Investigation Report was finalised some 2 years after the teacher had been convicted of the offences (cultivating cannabis) that were the subject of the regulatory action. • Like the above matters, the work effort ranged from consideration of employer/external investigation report only, to considerations of submissions, to substantial work being undertaken by investigators such as interviewing the subject teacher and/or other witnesses.
Key takeaways: • Consistent with the data, many matters appear to take a significant amount of time to progress through the VIT to finalisation. • Some high risk matters are not being addressed in a timely way. • The practice of keeping a PA open, awaiting an employer/external investigation report, contributes to delay. • Work effort involved in finalising matters varies, however, a large proportion of matters are finalised based only on the consideration of the employer/external investigation report or the report plus submissions from the teacher. A smaller proportion of matters involved significant investigative steps taken by the VIT.	

Strategies and Initiatives

Strategy A: To streamline the way matters are assessed, managed and/or divested to avoid applying disproportionate time and resources to low-risk and/or non-core matters that are unlikely to deliver commensurate regulatory or public benefit.

Initiative 1:

Adopting a new more streamlined approach to managing reportable conduct notifications that have been made to the CCYP by:

- (a) implementing a new business process that involves ceasing the practice of holding Preliminary Assessment matters open awaiting employer/external investigation reports
- (b) simplifying and standardising Preliminary Assessment and other reports
- (c) simultaneously sending a Notice of Preliminary Assessment and an Notice of Outcome of Preliminary Assessment, where no further action is being taken
- (d) engaging with the CCYP to facilitate better information sharing.

Each of these initiatives are discussed in more detail below.

1(a) New business process - ceasing the practice of holding Preliminary Assessment matters open awaiting employer/external investigation reports

Data

Notifications made to the Commission for Children and Young People (CCYP) under the reportable conduct scheme (reportable conduct notifications) make up the largest single proportion of matters received by the VIT. For example, in the 2024-25 financial year to date, they made up 63.3% of all matters received. Therefore, adopting a more efficient way to manage these matters through Preliminary Assessment (PA) is likely to produce significant dividends for the VIT.

The majority of these notifications that have been finalised over the last two financial years did not result in any regulatory action being taken against the teacher (see table below). By regulatory action I am referring to a matter where either no further action (NFA) was taken or

the teacher ultimately had their registration renewed (with or without an educative letter³ being sent).

Table 1: The number of reportable conduct notifications finalised and the number and proportion that did not result in regulatory action

	2023/24	2024/25 YTD
Finalised	318	333
No regulatory action taken (e.g. NFA)	203 (63%)	262 (79%)

Notwithstanding, that the majority of matters did not result in any regulatory action being taken, the data indicates that it took a significant amount of time to reach that decision. As can be seen from the table below, almost 80% of reportable conduct notifications that were finalised without any regulatory action being taken, took over 12 months to complete and over 40% of matters took over 2 years.

Table 2: The time taken to finalise reportable conduct notifications where no regulatory action was taken

	2023/24	2024/25 YTD
1 year plus to finalise	158 (78%)	202 (77%)
2 years plus to finalise	111 (45%)	111 (42%)

Timeframes are even longer for matters that resulted in an action being taken in relation to a teacher's registration (such as refusal of renewal or the imposition of conditions). For example, in 2023/24 it took an average 2.45 years to finalise a reportable conduct notification and in 2024/25 YTD it took 1.85 years. Additionally, I note that in 2023/24, 72 reportable conduct notifications took 4 years or more to finalise.

Causes of Delay

There appears to be two key factors that contribute to the delay in progressing and finalising reportable conduct notifications that have been made to the CCYP.

The first, and arguably the most significant, is the practice of keeping a reportable conduct notification open in the PA stage while an employer/external investigation is being undertaken. Only when that investigation is finalised will the VIT seek to progress the PA to finality.

Section 2.6.30(4) of the *Education and Training Reform Act 2006* (the Act) requires the CCYP to notify the VIT both when it becomes aware of a reportable allegation and where there is a finding of reportable conduct. I have been advised that the CCYP complies with these requirements.

Section 2.6.30

(4) The Commission for Children and Young People (established by section 6 of the Commission for Children and Young People Act 2012) must immediately notify the Institute if the Commission becomes aware that a registered teacher is the subject of a reportable allegation or a finding of reportable conduct under Part 5A of the Child Wellbeing and Safety Act 2005.

³ As the Act makes no provision for educative letters (and this is an administrative construct of the VIT), I would not classify this step alone as taking regulatory action.

I understand that in the overwhelming majority of matters, the employer (school or other education authority) will undertake, or arrange for an external provider to undertake, an investigation of the allegation. Once the investigation is finalised, the employer will report to the CCYP, who will in turn advise the VIT. The VIT will receive a copy of the investigation report. I have been advised that this notification to the VIT from the CCYP occurs irrespective of whether the allegation is substantiated.

This means that the VIT will receive two notifications, one in relation to an allegation and then subsequently one in relation to any findings. The PA commences when the allegation notification is received but it will not be finalised until after the outcome advice is received following finalisation of an investigation.

As I have stated above, of the 15 PA matters involving reportable conduct notifications that I reviewed, in most of them the school investigations took between 6-12 months to complete. This in turn meant that many of the PAs were finalised at least 12 months or more from receipt of the notification. In fact in many cases the teacher was receiving a Notice of Preliminary Assessment (NOPA) more than 12 months after the notification was received.

Further, I note that of the 2,112 VIT matters open (as of 29 January 2025), 938 (or 44.4%) were awaiting information, with 418 of those matters (or 44.6% of the 938) having been awaiting information for 12 months or more. While these will not all be reportable conduct PA matters, it is likely that they will account for a large proportion.

The other key factor contributing to delay in finalising reportable conduct notifications is that when outcome advice and the investigation report is received by the VIT, the matter is not necessarily immediately assigned to an officer to consider the outcome and progress the matter to finalisation. Instead, the matter will go into a queue. Of the 2,112 VIT open matters, a total of 320 were sitting in a queue awaiting allocation to an available officer. While I understand that there is a process to identify high priority/risk matters and allocate them more urgently, lower risk matters may remain in the queue for a significant period.

Need for change in approach

The Oxford Dictionary defines ‘preliminary’ as ‘preceding or done in preparation for something fuller or more important’. Generally, for complaint and regulatory agencies, a preliminary assessment is more akin to a detailed triaging exercise involving a more expedient evaluation of a matter to determine what course it should follow through the complaint/regulatory agency (such as proceeding to investigation).

Other like regulators appear to apply much shorter timeframes to finalise a preliminary assessment. For example, the Australian Competition and Consumer Commission states that it aims to complete preliminary assessments within a 3-month period. Ahpra is required to complete an assessment within 60 days and the Queensland Office of the Health Ombudsman has 22 business days to complete an assessment which may be extended to 44 business days.

For some of these agencies these timeframes are imposed in legislation, which is not the case for the VIT. Notwithstanding this, I consider that use of the word ‘preliminary’ in the relevant provision, and the fact that the assessment feeds into more substantial actions that can be taken by VIT, indicate that a more expedited assessment process is called for.

Further, it suggests that it is unnecessary to await the receipt of more substantial information (such as an investigation report) to finalise a PA.

I consider that there are real risks with VIT's current process for reportable conduct matters. These risks include:

- Open reportable conduct matters that sit in unassigned queues for lengthy periods of time are a potential liability for the VIT. I believe that having an open case creates a public expectation that the VIT is exerting some control over the matter (including managing/monitoring any ongoing risk), when this is not the case.
- A large volume of aged open matters is a potential source of criticism by stakeholders as is the significant delay in issuing NOPAs to teachers.
- Reporting the number of open matters is not giving an accurate picture of actual current workload, as many cases are merely awaiting finalisation of an external investigation.

In these circumstances, I consider that a new approach to undertaking PA's for reportable conduct notifications that have been made to the CCYP is warranted.

A new approach for reportable conduct notifications that have been made to the CCYP

It is recommended that the VIT cease the practice of holding PA matters open awaiting school/external investigation reports for the vast majority of reportable conduct notifications and adopts a new business process such as is detailed below.

Receipt of a notification of allegation only

Where a reportable conduct notification that has been made to the CCYP is only an **allegation** of reportable conduct (as opposed to a finding), the PA process should be focused only on obtaining enough information⁴ to:

- understand the allegation and the potential risk posed by the teacher and
- determine whether the employer is investigating or has arranged an investigation.

Where the VIT is satisfied that:

- suspension is not required to manage risk
- the allegation is of such a serious nature that, if substantiated, the VIT may take registration action and
- an employer investigation has or will commence,

⁴ I would recommend that this information be actively sought from the CCYP and/or employer (in the sense of requesting it within a specific time period and following up if it is not provided) as opposed to merely sending a written information request and marking the matter as waiting for information.

THEN the VIT should take immediate steps to finalise and close off the PA on the basis that it has decided, pursuant to s2.6.32(1)(d) of the Act, ‘to take [another] action...authorised to be taken’. That other action is to consider the matter in the context of a renewal suitability assessment if, and when, there is a substantiated finding of reportable conduct.

I note that having regard to the *Brissenden* matter, it may be necessary to provide procedural fairness to the teacher before the abovementioned decision is made.

An example of the kind of information that could be provided to the teacher in a NOPA is detailed in the box below.

For example, the NOPA could include advice to the teacher that:

- (i) An allegation of reportable conduct has been received about you from the CCYP.
- (ii) The matter is subject to an investigation by your employer (or external investigator appointed by your employer).
- (iii) The matter is being overseen by the CCYP.
- (iv) The VIT will consider the matter in detail once the employer/external investigation has been finalised and findings have been made.
- (v) Until the investigation is finalised, unless there is a change in circumstances, your renewal will proceed in the normal course.
- (vi) Pursuant to s2.6.9(2) of the Act, the VIT may refuse to grant registration, or place conditions on a teachers registration, on the ground ‘that the applicant has been found, under Part 5A of the *Child Wellbeing and Safety Act 2005*, to have committed reportable conduct’.
- (vii) If the allegation is subsequently substantiated, the VIT will then consider the issue of your suitability for registration and/or whether any conditions should be placed on your registration.
- (viii) You will have an opportunity to make further submissions before any decision of this nature is made by the VIT.
- (ix) If substantiated, the VIT will consider the investigation report, any action taken by the school and/or you in relation to the matter and any submissions you may make when deciding what action, if any, to take.
- (x) In certain cases the VIT may also decide to undertake further investigation itself and/or progress the matter through disciplinary proceedings to a panel.

The PA could then be closed with a Pending Issues Flag (or other flag created for this specific purpose) placed on the teacher’s registration file.

If the matter is not finalised by the employer and CCYP process before the teacher’s renewal date, I see no reason why the teacher’s registration could not be renewed in the normal course. Arguably, any subsequent substantiation of the allegation by an employer investigation is a significant change in circumstances that would then allow the VIT to take a different approach during the next renewal process⁵.

⁵ This then would avoid the current practice of continually extending a teachers registration when they are subject to a notification of a reportable conduct allegation(s) that has been made to the CCYP and the VIT is awaiting the outcome.

It should be noted that there will always be a limited class of matters where the above process is not appropriate. These include:

- where suspension action is necessary to be taken by the VIT based solely on the seriousness of the allegation
- where suspension may not be necessary, but the allegation is still of such a serious nature that the VIT may wish to retain the matter and undertake its own investigation.

In both situations a formal investigation (pursuant to Division 11) could be immediately commenced by the VIT, as opposed to keeping the PA matter open for that purpose. If the VIT does wish to retain the practice of keeping the PA open then at least it would now only apply to a very small cohort of cases.

While the prioritisation/risk rating of the matter may help inform the VIT's decision-making around whether to close off the PA in the manner described above, I would counsel against using it to solely determine the question. The starting point for finalising the PA in the above manner should be whether the allegation (and risk posed by the teacher) requires the VIT to suspend registration. Where the answer to that question is no, then the presumption should be that the notification of the reportable conduct allegation be closed (as per the above process) and the CCYP continue to monitor the matter. It should only be the exceptional cases where there is no suspension but that the VIT needs to keep a closer eye on the matter.

Where a finding of reportable conduct has not been made

As outcome advice of an unsubstantiated allegation is not a notification of a 'finding of reportable conduct' (under s2.6.30(4)), arguably it would not trigger the need to undertake another formal PA. The 'notification' from the CCYP could be administratively managed by the VIT with the Pending Issues Flag closed off, allowing the next renewal process to proceed uninhibited.

The above process should not be an automatic one. An officer should review the matter to ensure that such a closure is appropriate. It will be important that this review process proceed in a timely manner (and as will be discussed below, a KPI timeframe could be imposed on this activity).

As a significant proportion of matters appear to end in unsubstantiated allegations and/or no regulatory action, this should lead to an efficient and timely way to remove such matters from the VIT's workload.

I acknowledged that there may be a small number of matters that require further action by the VIT, even if advice from the CCYP is that reportable conduct has been unsubstantiated. Two that come to mind are where:

- the facts are substantiated but ultimately it was determined that the conduct did not amount to reportable conduct under the scheme and the VIT considers some further action is required or

- sufficient evidence appears to exist to substantiate the matter but the investigation wrongly concluded that the conduct could not be substantiated and some further action is required.

In these circumstances, it is arguable that the VIT could commence an own motion investigation pursuant to section 2.6.33AB. However, the VIT must be careful that it only does this where it is necessary. If the VIT invests resources into making further enquiries in too many matters (that have been unsubstantiated through the reportable conduct scheme) then the potential efficiencies from this process will be lost.

Where a finding of reportable conduct has been made

As has been stated above, the Act and current practice dictates that the CCYP will notify the VIT when the employer/external investigation has been finalised and the conduct has been substantiated.

It is likely that the requirement to undertake another PA is triggered by the CCYP advising of 'a finding of reportable conduct'. While running another PA will add some administrative burden (particularly because of the need to give procedural fairness through that PA process), it could still progress in a timely manner.

The advantage of this approach is that the VIT will now have two critical pieces of information to inform its decision-making, namely:

- a completed investigation report and
- knowledge of what subsequent action the employer has taken against the teacher or the teacher has taken themselves to manage future risk.

This should in turn allow for a much timelier consideration of whether further action is necessary by the VIT.

Where the VIT is satisfied that the action taken by the employer (and/or the teacher themselves) satisfactorily addresses the substantiated conduct and future risks, the teacher's registration can be renewed. Again, as will be discussed below, a KPI could be established in relation to the timeframe expected in which to undertake a review of a matter following advice from the CCYP of substantiation of the conduct.

If, however, the VIT is of the view that the substantiated conduct is serious enough to warrant action in relation to the teacher's registration then either of the following two processes could be commenced:

- a Registration Renewal Suitability Assessment with a view to imposing conditions or refusing registration through the renewal process⁶ or
- a formal investigation including with a view to progressing the matter to a panel hearing.

⁶ I am not suggesting here that a decision in this regard can always be based solely on the school/external investigation report. It may be necessary for the VIT to undertake more work to inform and support its final decision.

Policy and legislative rationale

This more hands-off approach to reportable conduct allegation notifications recognises that other agencies also have responsibility in this space. Most relevantly, under *the Child Wellbeing and Safety Act 2005*, the CCYP has the specific responsibility to ‘oversee the investigation of reportable allegations’ (s16G(c)). That Act also explicitly provides that ‘the Commission must liaise with regulators...to avoid unnecessary duplication in the oversight of the investigation’ (s16E(a)). Therefore, it appears to make little sense for the VIT to be actively replicating the CCYP’s role by keeping certain cases open while the matter is under investigation by another body.

It should also be noted that schools, as employers, and other education authorities (including the Department) also have a significant and primary responsibility to respond to and manage conduct. They discharge this responsibility by investigating and subsequently making employment decisions.

Finally, I note that s2.6.9(2) of the Act specifically provides that a basis for the VIT to refuse registration (and by virtue of s2.6.18A(1), refuse a renewal) is ‘that the applicant has been found, under Part 5A of the *Child Wellbeing and Safety Act 2005*, to have committed reportable conduct’. Arguably this provides further justification for the VIT to be able to deal with a finding notification from the CCYP through the renewal process. While this may be the most expedient way to proceed for most such notifications, it does not mean that it is the most appropriate process for all. There will be matters that the VIT should, or must, formally investigate and such matters could proceed to a hearing process (discussed below).

Application of approach to other notifications subject to employer/external investigations

If the VIT is accepting of the above initiative in relation to reportable conduct notifications made to the CCYP, the next question is whether it can be applied to other matters?

I note that the next largest proportion of matters received are those from education providers (approx. 107 (or 20.8%) in 2024-25). However, I have been advised this number is likely to include a proportion of notifications that will also have been received from the CCYP about the same matter.

It can be safely assumed that (like reportable conduct notifications):

- many of the notifications received in this category will be subject to an active investigation by the employer or other external process
- this investigation process will often take some time
- the PA is currently remaining open until that investigation is completed.

It is not as clear to me that the above CCYP approach could successfully be applied here. However, I would recommend that the VIT consider it in more detail to determine whether it is possible.

I note s2.6.30(1)(a) places an obligation on education providers/authorities to notify the VIT ‘if the employer has taken any action against the registered teacher in response to allegations...’. I understand that an action will include, for example, a notification to the VIT

that a teacher has been suspended by the employer and an investigation commenced. Arguably, under the section the school would be obliged to notify again if the allegation was substantiated and further action taken against the teacher (such as termination of their employment). However, I am unsure as to whether in practice follow-up notifications are reliably received from employers.

If follow-up notifications are made when an allegation(s) is substantiated then the VIT may be able to adopt a similar process to the above and close the PA before receiving an investigation outcome, flag the registration file of the teacher and then consider the matter when it receives a notification about the outcome.

Other related strategies

To fully realise the potential benefits of the new approach for managing reportable notifications, I also recommend a number of other initiatives (detailed below).

1(b) Simplifying and standardising preliminary assessment and other reports

Another key action that the VIT could take to speed up the finalisation of matters is to simplify and standardise reports that are prepared for delegates making decisions. The goal here is to reduce the administrative burden for officers who prepare reports and also the time it takes for delegates to read them and digest key information.

A more simplified and standardised report could be utilised for such matters as:

- PA reports pertaining to reportable conduct allegation notifications received from the CCYP (as discussed above)
- reports pertaining to lower-risk matters where NFA or registration without conditions is recommended.

While the reports I have reviewed (such as PA or Post Investigation Reports) are generally of a high quality, many were very lengthy and contain significant detail which added to the complexity of the report. There was also some variation in the style and layout. Drafting detailed reports is a time consuming activity, as is reading them by a delegate who may have to work through many reports at any given time.

I consider there is significant scope to streamline such reports. It would be, for example, useful to settle upon a table style proforma report which would allow the drafter to populate the information more quickly. Also it would allow the delegate to be able to digest the information more easily including by being able to know where to find certain information quickly. The delegate can always access the source material (such as the employer investigation report) should they wish to delve into that detail.

Taking the concept even further, I understand it may also be possible to utilise Nexus to create a proforma within that system, saving the need to generate a Word or PDF document outside of Nexus to be uploaded.

This standardised approach to reports could also be expanded to the more complex matters (such as Registration Renewal Suitability Assessments). However, obviously more detail is likely to be required in these matters.

1(c) Simultaneously sending a NOPA and an Outcome of PA where no further action is being taken

Section 2.6.31(3) requires the VIT to provide written notice to a teacher advising them that the VIT is conducting a PA. Section 2.6.32(2) requires written notice to be provided to the teacher of the outcome of a PA.

A strict reading of these provisions might suggest that two individual notices are to be provided, even at different times (namely one towards the start of the PA and one at the end of the PA process). However, in practice, where the VIT has determined, early in the process, that it is not likely to take any action against the teacher and the matter is to be NFA'ed, it appears both inefficient and unreasonable to send an initial NOPA advising of the allegation(s) and then later advise them that the matter is being NFA'ed through a Notice of the Outcome of a PA.

It is inefficient because sending two notices at different times unnecessarily prolongs the process. I consider that it is unreasonable because if the VIT knows the matter is to be NFA'ed then the two step process subjects a teacher to the unnecessary stress of not knowing what will happen to their registration until they received the NFA notification.

Procedural fairness is not necessary because no adverse action is being taken or contemplated against the teacher.

Finally, for the sake of readability, notice that both a PA was commenced and the outcome of it could be contained in the same document.

1(d) Engaging with the CCYP to facilitate better information sharing

I have been advised that often the VIT receives little detail from the CCYP when receiving notification of a reportable allegation. This in turn causes the VIT to have to make enquiries with the employer to obtain more information, including the status of any investigation.

A key to the success of Initiative 1(a), is that the VIT can quickly make a determination in those initial PAs. As I have stated above, to do that the VIT needs enough information to:

- understand the allegation and the potential risk posed by the teacher and
- determine whether the employer is investigating or has arranged an investigation.

It is unfortunate if information is already in the CCYP's possession, that it is not provided to the VIT as a matter of course.

I have alluded above to the requirement in the *Child Wellbeing and Safety Act 2005* of avoiding unnecessary duplication. I note that that Act in section 16E(b) also requires that ‘the Commission must liaise with regulators...to share information’. Section 16G(g) also lists as a function of the Commission ‘to exchange information...with...regulators’. Finally, section 16ZC allows for the disclosure of information between the Commission and a regulator.

Having regard to the strength of these provisions, I recommend that the VIT engage with the CCYP at senior levels in both organisations to facilitate the provision of more comprehensive information from the CCYP to the VIT in relation to a notification of allegation of reportable conduct.

Initiative 2:

Sharpening intake/triage processes by establishing documented guiding policy/procedure in relation to the assessment, management and finalisation of matters that:

- (a) are out of jurisdiction
- (b) do not meet the legislative criteria of a complaint or notification
- (c) meet the above criteria but are appropriate for an NFA decision.

Identifying, assessing and, where appropriate, disposing of matters through timely and efficient intake/triage processes are essential keys to improving the performance of a regulatory agency. It is imperative that these matters are dealt with consistently, confidently and with as few resources as are necessary to identify and manage risk.

In this regard, I recommend that the VIT develop and document a robust Intake/Triage Policy/Procedure to guide officers through the process in relation to various classes of matters the VIT is likely to receive. Discussed below are three key classes of matters.

2(a) Out of jurisdiction (OOJ) matters

While I am not aware that the VIT receives high volumes of matters that are outside of their legislative remit, I consider it useful to still specify in policy/procedure how such matters should be assessed, recorded and actioned. I understand that the VIT currently does not have a detailed documented instruction in relation to these matters.

Examples of OOJ matters include complaints about:

- teachers not registered and practicing in Victoria
- persons working in schools who are not teachers (such as teachers' aids or school administration staff)
- persons providing education services that are not within the VIT's legislative mandate.

The policy/procedure should, among other things, detail:

- how these matters are identified
- which staff have the power to decide that a matter is OOJ (noting it is not really a delegation because there is no specific power in the Act to delegate for these decisions)
- how they are recorded and
- the advice that is to be provided to the complainant (ideally including examples of pro forma outcome emails/letters).

This will ensure that these matters are assessed, actioned and reported in a consistent manner and disposed of as quickly and efficiently as is possible.

2(b) Matters that do threshold of a notification or complaint

Another important intake/triaging activity is to assess whether the information provided meets the criteria of a notification or complaint (under s2.6.30 and s2.6.30A) and/or warrants intervention by the VIT.

Where the criteria in the relevant sections are not met, it is not necessary to undertake a PA. This affords more flexibility to the VIT in how it deals with the matter, noting that steps such as a NOPA are not necessary. This will assist in closing certain matters in a timelier manner.

Also, correctly assessing a matter at the entry point into the VIT is critical to ensuring that investigative resources are not diverted to matters that do not meet the threshold for intervention by the VIT and as such are not its responsibility to manage.

Three potentially common scenarios that come to mind here are where:

- information is provided by an employer about action taken in response to an allegation that does not meet the criteria outlined in section 2.6.30(1)(a) or (b)
- information is provided by the Victorian Police about charges or convictions that are not Category A or B offences as outlined in section 2.6.30(3)
- there is an approach by a person or body that does not meet the criteria of a complaint outlined in section 2.6.30A.

I recommend that the Intake/Triaging Policy/Procedure deals with the decision-making and processes to be applied to these matters (as will be discussed in more detail below).

I have been advised that the VIT is already managing many of these matters in the manner describe below but that no comprehensive work instruction currently exists. I consider that it is very important to document the process to be applied to ensure a consistent and effective process is followed in all cases.

Employer information that does not meet the criteria in section 2.6.30 (1)(a) or (b)

Not every ‘notification’ about a teacher’s performance or conduct made by an employer to the VIT will meet the criteria set out in subsection (1).

Section 2.6.30

- (1) The employer of a registered teacher must notify the Institute if the employer has taken—
- (a) any action against the registered teacher in response to allegations—
 - (i) of serious incompetence of the registered teacher; or
 - (ii) of serious misconduct of the registered teacher; or
 - (iii) that the registered teacher is unfit to be a registered teacher; or

(iv) that the registered teacher's ability to practise as a registered teacher is seriously detrimentally affected or likely to be seriously detrimentally affected because of an impairment; or

(b) any other action against the registered teacher that may be relevant to the registered teacher's fitness to teach.

It is important that the VIT does not unnecessarily become involved in what are HR issues that are the responsibility of the employer to manage. HR issues can be very complex and become very protracted. Where the VIT wrongly engages in such matters, it will add to the VIT's already overburdened case load and further contribute to delay. Every matter the VIT becomes involved in has the potential to impact on its ability to manage serious and high risk matters in a timely manner. Again, this approach is about recognising the employer's responsibilities in this space and the VIT should not unnecessarily duplicate this responsibility.

The criteria in the section clearly require the allegations have an element of seriousness and/or something that impacts the teachers fitness or ability to teach. Even subsection (1)(b) which refers to 'any other action' still requires it to be 'relevant' to 'fitness to teach'.

While it is a policy question for the VIT about where to set those thresholds for intervention, it is important that the VIT does not set them too low. One can imagine that there are many types of matters that properly fall to the employer to solely manage. Attendance issues, minor issues relating to the integrity and honesty of the employee, disrespectful interactions with colleagues and low level issues of potential harassment and bullying towards other staff (in the absence of any evidence that it is impacting on students), are arguably examples of matters that may fail to meet the threshold of a notification.

A robust Intake/Triaging Policy/Procedure is necessary to properly define the categories and provide guidance in relation to what types of matters the VIT should treat as notifications and what will fail to meet the thresholds.

Information provided by the Victoria Police about charges or convictions that are not Category A or B offences

I understand that the Victoria Police provides the VIT with a vast amount of information about teachers who may be under investigation, charged and/or convicted of criminal offences. Notwithstanding this, having regard to the wording of subsection (3), I note that it is only where a teacher is charged with, convicted or found guilty of a Category A or B offence that the information provided by the police amounts to a notification.

Section 2.6.30

(3) The Chief Commissioner of Police must immediately notify the Institute if the Chief Commissioner becomes aware that a registered teacher has been charged with, or convicted or found guilty of, a category A offence or a category B offence.

Again, as is stated above, a matter that is not a notification does not trigger the requirement for the VIT to undertake a PA. This provides the VIT with more flexibility in how it will manage that information.

Category A and B offences are very serious and obviously there will be less serious offending (or allegations of offending) that the VIT may still consider will impact on a teacher's registration suitability.

I also note that under s2.6.9(2)(c), the VIT may refuse registration (and by extension, refuse renewal) where the teacher has engaged in 'Category C conduct' which affects their ability to teach or where it is not in the public interest to allow them to teach. Category C conduct includes indictable offences (other than Category A and B offences) and some Summary Offences. Therefore, information from the police about non-category A and B offences may still be very relevant for the VIT and need to be considered by the VIT in the registration/renewal context.

In relation to non-category A and B offences, the Intake/Triaging Policy/Procedure should provide guidance in relation to:

- how to decide what matters the VIT should retain and take some further action about (including establishing thresholds of seriousness) particularly in relation to offending committed outside of the school/teaching context
- where a matter is retained, how it should progress through the VIT.

Offending outside of the school/teaching context

It is important that the VIT seek to establish clear thresholds of seriousness for intervention in relation to offending that was committed outside of the school context and has no connection to teaching. While it is a matter of policy for the VIT, those thresholds should not be set so low as to unnecessarily involve the VIT in low level offending. This is particularly so noting that Category C conduct (which includes criminal offences) requires that the ability to teach 'is likely to be affected' or that it is 'not in the public interest' to allow the applicant to teach⁷.

It would be useful if the policy/procedure provided examples of offending unlikely to meet the necessary thresholds.

I note that where the VIT is not taking action, it would be open to them to use the information sharing provisions in the Act to advise the employer as to the existence of the charge/conviction (noting that the employer has a key responsibility in this space).

More serious charges that have been withdrawn or have ended in a not guilty verdict

Another issue in relation to criminal charges that are unconnected to teaching, is where more serious non-category A or B charges have been laid but they ultimately resulted in no finding of guilt against the teacher. This specifically relates to charges that are of such a serious nature that if the teacher was convicted, it may justify registration action, but they have been withdrawn by the police or the teacher has been found not guilty after trial.

⁷ Section 2.6.9(2)

In my review of cases, I saw two matters of this nature where the matters were held open by the VIT for lengthy periods (for some years) and resources applied seeking information from various sources.

I consider it would be open to the VIT to take a more pragmatic approach to such cases and not spend time pursuing them⁸. I consider that there are real questions about the VIT's jurisdiction where the alleged offending is outside of the school/teaching context and the teacher has been discharged by the criminal justice system. This is a policy question for the VIT about where it sets its risk thresholds for intervention, noting that setting the threshold too low has the potential to prejudice the ability to effectively manage those more serious and high risk matters that clearly fall within the VIT's jurisdiction and responsibility.

How Non-Category C matters are managed in the VIT

Like reportable conduct notifications, I consider that the VIT should, where possible, seek to avoid the situation where cases concerning non-Category A and B charges are kept open for lengthy periods of time awaiting the finalisation of court proceedings. To this end, it appears more appropriate to utilise a Pending Issues Flag on the teachers registration case and considered the matter in the context of renewal if, and when, the teacher is convicted.

I have been advised that the VIT has already started to change its approach to police matters including the greater use of Pending Issues Flags. This is reflected in the data for 2024-25 (year to date) which shows a much lower number of police matters being received. However, as I have mentioned above, it is important that these processes are captured in a documented policy/procedure to ensure consistency.

Approaches to the VIT that do not meet the criteria of a complaint

This is a similar issue to the elements of a notification (discussed above) but is about complaints that are received. However, having regard to a slight difference in the wording of the section, it appears the level of seriousness for a complaint is less than for a notification from an employer.

2.6.30A Person or body may make a complaint to Institute

(1) A person or body may make a complaint to the Institute alleging that a registered teacher—

- (a) has engaged in **misconduct** or **serious misconduct**; or
- (b) is unfit to be a registered teacher; or
- (c) is **seriously** incompetent; or
- (d) has such an impairment that the person's ability to practise as a registered teacher is seriously detrimentally affected or likely to be seriously detrimentally affected; or
- (e) has been charged with, or convicted or found guilty of, a category A offence or a category B offence; or
- (f) has engaged in **category C** conduct; or
- (g) has been given an interim WWC exclusion or a WWC exclusion; or

⁸ To be clear, I am not talking here about allegations of offending against students or offences in the workplace. In these matters obviously the VIT is not only justified in making its own enquiries but in some cases will be required to.

(h) is the subject of disciplinary action by a person or organisation for whom the registered teacher undertakes work (including as a volunteer).

(2) A complaint under subsection (1)—

- (a) must be in writing; and
- (b) may include any other information relevant to the complaint.

Notwithstanding this, it is open to the VIT, as a matter of both statutory interpretation and policy, to establish thresholds for intervention. For example, one can envisage a number of matters that a person may complain about that could not be characterised as amounting to ‘misconduct’, ‘serious misconduct’ or an allegation that the teacher is ‘seriously incompetent’.

For this reason, I consider that there is value in including in the Intake/Triage Policy/Procedure, among other things:

- guidance in relation to the kind of matters that will not meet the criteria for a complaint set out in the section
- detail about how the approach is to be recorded in the system
- include examples of pro forma responses to the complainants explaining the outcome.

I must stress that there are limits to the matters that can legitimately be finalised in this manner and care should be taken to ensure that actual complaints proceed to PA.

2(c) Taking no further action in relation to a notification/complaint under section 2.6.23(1)(c)

I note that this subsection empowers the VIT to dismiss a notification or complaint in certain circumstances.

Section 2.6.32

(1) On completing a preliminary assessment of a notification or complaint, the Institute may—

(c) decide to take no further action if the Institute is satisfied that—

- (i) the notification or complaint is vexatious, frivolous, misconceived or lacking in substance; or
- (ii) the person or body that made the notification or complaint has not responded, or has responded inadequately, to a requirement for further information under section 2.6.31(2); or
- (iii) the employer or another person has already dealt adequately with the subject matter of the notification or complaint.

While these grounds are confined, they are also very useful to the VIT in being able to dispose of very low risk and non-serious matters in an efficient and timely manner. For example, terms such as ‘frivolous’ and ‘lacking in substance’ can be re-purposed to apply to cases where the allegations are of such a minor nature that they do not warrant intervention by the VIT. The ‘already dealt adequately with’ ground can be extremely useful and a basis to NFA lower level matters where the school has commenced a process (such as a disciplinary process that adequately deals with the issues raised).

Therefore, the VIT should through policy/procedure, among other things:

- define these grounds and provide guidance in relation to how they are to be utilised
- include examples of pro forma outcome letters for complainants.

A note about the Triage Committee

I understand that currently senior staff meet weekly (including the Investigations Manager and Assistant Investigations Managers) to triage all new matters received. I also understand these meetings can go for a number of hours.

I appreciate that utilising senior staff for this process may currently be necessary given the lack of documented policy and guidance in relation to intake/triage decision-making. However, I believe that if a policy/procedure framework, such as the one discussed above, is implemented and staff are appropriately trained, it will be possible to delegate the triage function to individual officers and senior staff could be freed up to undertake other work.

Strategy A: To streamline the way matters are assessed, managed and/or divested to avoid applying disproportionate time and resources to matters that are unlikely to deliver commensurate regulatory or public benefit.

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Strategy B: To improve the VIT's productivity and effectiveness in relation to the management and progression of higher risk and/or more complex matters (VIT's core work).

Initiative 3:

Redesigning, reorganising and/or improving upon the way the VIT progresses its work by:

- (a) implementing a more detailed system for the classification of work activities and better defining the pathways of a matter through the VIT
- (b) reorganising the Professional Conduct Branch to better align with work activities and matter pathways
- (c) establishing a performance monitoring and reporting framework including establishing target timeframes for work activities.

Regulatory and complaint agencies often segment and classify their work into distinct work packages or activities. Clearly documented pathways are established for the progression of work through different stages. Work units are often organised around the different activities. Agencies can easily monitor and report on the stages that matters are at, and therefore have a clear picture of current workload and the work effort necessary to finalise matters. These agencies also often place timeframes on the completion of work activities (or their governing legislation imposes them) and use KPIs to seek to maximise operational performance and drive productivity.

I consider that more could be done at the VIT to segment and classify work into more discrete activities and stages. More work too could be done to clarify the pathways that work can travel through and out of the agency. This would allow the VIT to develop a much clearer picture of its open workload and the work effort involved in finalising it.

I also note that the VIT is organised around three Investigations Teams and two Legal Teams. While generally there is a distinction in work undertaken between Investigations and Legal, it appears that within the Investigations Teams, officers could be assigned to undertake any or all of the key activities of the VIT in relation to professional conduct matters. There appears to be no, or little, specialisation of function or activity which could assist in driving greater efficiency. In such a situation accountability can also become blurred. Targeted timeframes have not been established for any activities. No expectations have been established in relation to the time officers should take undertaking various activities and timeframes are not monitored or reported in any regular fashion.

I am concerned that through the combination of the above factors, the VIT is not maximising opportunities to drive greater efficiency and increased productivity which would assist in improving operational performance. In these circumstances, I make the following recommendations.

3(a) Work activities and workflows

I appreciate that the VIT has established naming conventions and case types. This involves, as I understand it, an approach to the VIT being initially classified as an 'enquiry' which can then be classified into various case types such as a 'complaint', 'notification', or 'information'. The VIT's system also can identify the status of a matter such as it being in preliminary assessment.

However, I consider that there is benefit in doing more work in this space to better clarify with more precision:

- the different kind of **work activities** that may apply depending on the type of matter received
- the different **stages** that a matter progresses through including the **pathways** it may take
- the various exit or **closure points** of matters at the various stages.

The table below is a simple example of how this could work. I say it is simple because it does not consider all work activities of the VIT in the professional misconduct space (e.g. it does not incorporate suspension matters or monitoring cases). I have also not detailed all possible outcomes of a matter. To be clear, this is merely an example and the VIT is likely to be able to come up with a more sophisticated model.

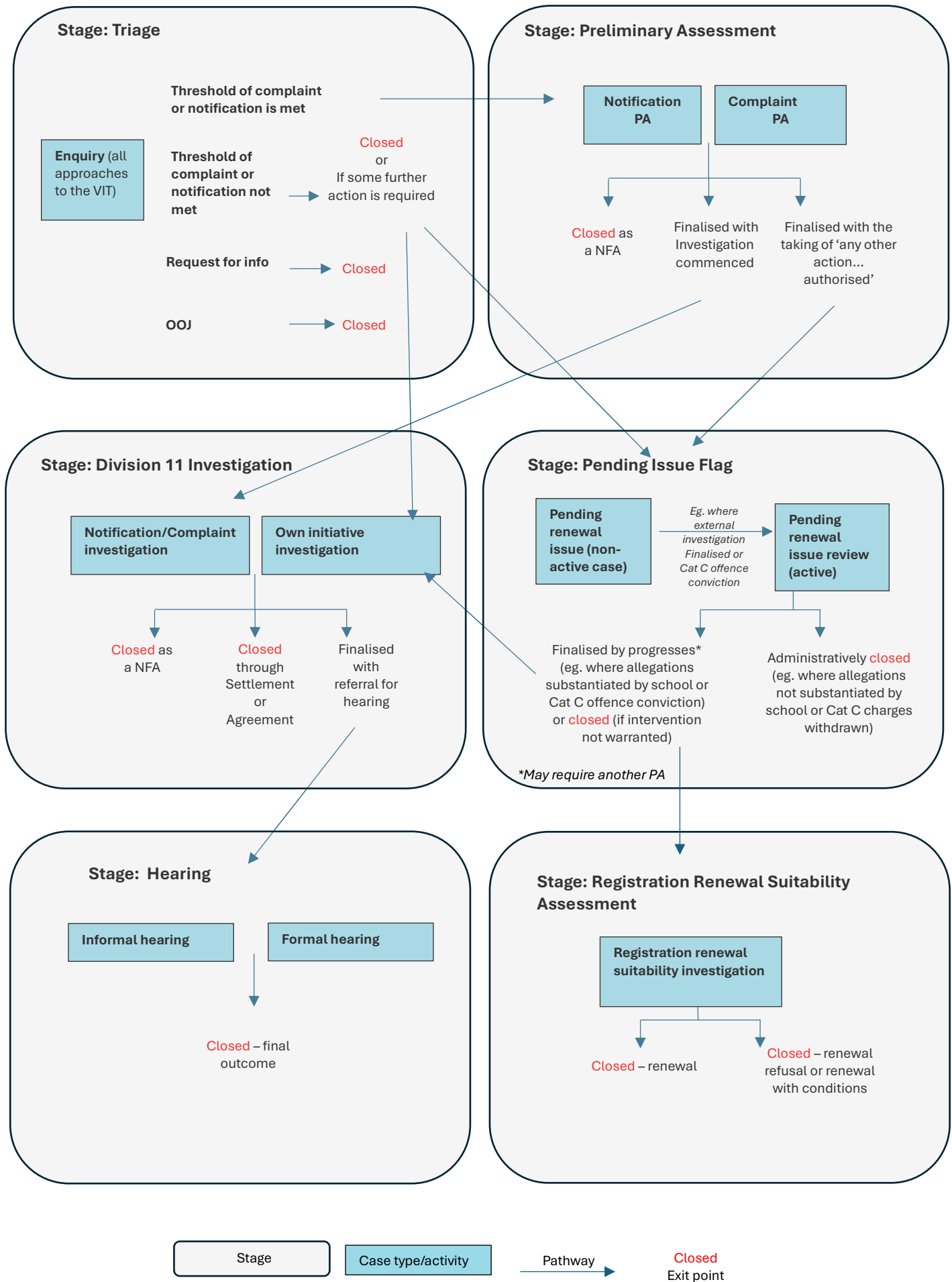
Notwithstanding its limitations, the example demonstrates how, using activity/case types, stages, pathways and closure points, a more detailed workflow and reporting system could be implemented. This example also incorporates the above initiative in relation to not keeping PA's open awaiting the finalisation of an external investigation.

This process is about slicing or segmenting work tasks into defined activities which align with key responsibilities and decision points outlined in the Act. The aim is to create a system of classification that allows the organisation to:

- have a clearer picture at any point in time of its current workload
- develop an understanding of the work effort involved in progressing matters through various stages
- provide a foundation to set KPI targets in relation to the timeframes for the progression of matters through stages
- better monitor the progression of matters through the organisation and determine where resourcing should be applied
- allow for the accurate reporting of performance.

I appreciate that the functionality of Nexus will impact on the feasibility of this and I have not enquired about the limitations of the system.

Work activity and workflow diagram



3(b) Reorganising the Professional Conduct Branch (PCB)

Having established clear activities, stages and progression pathways, the VIT will be better positioned to determine how to organise the PCB and its work units. In my opinion, having regard to the challenges posed by the current volume of work that has accumulated, the current structure poses some potential challenges.

Ideally, the VIT should aim for a structure that appropriately balances the efficiencies and productivity improvements that can flow from specialisation of function and activity with the pitfalls that can arise where work units become too segmented and siloed. The challenge currently is that offices are likely to have matters that require little work effort to finalise (such as a simple PA which recommends NFA) but may also be caught up trying to progress complex cases that sap all their time (such as a complex investigation). The result is that simple matters may sit unaddressed for lengthy and unnecessary periods of time. This problem is also amplified when matters with a low priority/risk get leapfrogged by higher risk matters.

An example of a structure is as follows. The branch could be divided up into:

Intake/Triage Unit

This could be a small unit which will align with the Intake/Triage stage above.

This unit could deal with and finalise such matters as:

- OOI matters
- information that is received that does not meet the notification/complaint criteria and as such does not require a PA (such matters could be either closed or, where necessary, result in a Pending Issues Flag)
- straight forward NFA matters through PA (e.g. where taking the allegation at their highest the seriousness of the matter does not warrant VIT intervention).

Expedited Preliminary Assessment Unit

This unit could manage :

- all initial reportable conduct allegation notifications from the CCYP including making timely enquiries of the employer to ascertain they are subject to investigation, undertake the preliminary risk/prioritisation assessment to determine the suitability to close the matter by creating a pending renewal issue flag (or alternatively refer the matter on for VIT investigation) and manage the notices and submission from the teacher.
- the reportable conduct outcome notifications from the CCYP that are subsequently received. Where unsubstantiated they could review and administratively close off the pending renewal issue flag (or progress it to a delegate for that decision). Where substantiated they could assess and:
 - if they determine no further action is required, progress it to the delegate for decision (to close off pending renewal issue flag)

- if they determine that it impacts on renewal, forward it to a general investigations team to progress.

The advantage of a specialised unit to manage these matters is they should not be overburdened with more complex (that may require more extensive enquiries) and should be able to expedite the finalisation of the matter.

General Investigations Unit(s)

This unit(s) would then undertake the more complex work which includes:

- formal Investigations (pursuant to Division 11) and
- Registration Renewal Suitability Assessments (that require the making of various enquiries, interviewing witnesses and/or the teacher and managing submissions).

Again, this is just an example, and there are obviously other workable alternatives.

The key principles to apply when looking at how to organise the branch are ensuring that:

- the discrete work activities of a matter are clearly visible and progression of it through stages can be monitored, measured and reported on
- triaging and finalisation of low risk/high volume matters including through PA can be undertaken in an efficient and timely way
- work on more complex matters does not prejudice the timely finalisation of low risk/high volume matters.

I consider that it would be open to the VIT to trial certain arrangements/structures to determine their effectiveness before upscaling and operationalising them across the whole branch.

In finalising any organisational structure, it will be necessary for the VIT to determine the role of Legal Services and the extent to which legal advice and support is provided at the various stages and decision points including how the legal function fits into the structure.

3(c) Establishing a performance monitoring and reporting framework with target timeframes

The final step, after implementing the above, would be to set expectations in relation to the timeframes within which the above activities should be completed. The extent to which these timeframes are achieved should then be monitored and reported on.

Generally, the work effort involved in such matters as initial triaging or undertaking initial PAs of allegations of reportable conduct received from the CCYP can be estimated and should not vary greatly from matter to matter. The same applies to reviewing subsequent outcome advice from CCYP regarding a finding of reportable conduct that indicate a NFA is appropriate or deciding to refer the matter for Registration Renewal Suitability Assessment. Therefore, the VIT could specify target timeframes for finalising those matters.

Timeframe expectations could also be established for the more complex matters that may be undertaken by a General Investigations Unit. From my file review of various reports including PA Reports, Post Investigation Reports and Registration Suitability Assessments, it is clear that different levels of work effort are required depending on the matter. For example, in many of these cases only the school/external investigation report was considered. In another proportion of cases it was the investigation report plus submissions from the teacher. A more limited number of cases involved various enquiries and some cases included witness interviews and/or an interview of the teacher.

To be able to apply timeframe expectations to these more complex matters, it would be necessary that when the matter arrives in the General Investigations Unit, an initial assessment of the matter is undertaken and an investigation plan is developed. This could be presented to a supervisor (also within a set time period) who could assign a complexity rating (such as straightforward, medium or complex) to the matter. The complexity rating would largely be based on the extent of further enquiries and investigative action that is necessary. Different timeframes for completion could then be assigned to each of the complexity ratings. Where a matter's complexity changes (for example more witness interviews are necessary), approval could be sought from a supervisor to change its rating which in turn changes the timeframes for completion.

Below is an example of the timeframes that could be applied to the various activities (it should be noted that these are arbitrary times for demonstration purposes only).

Unit	Activity	Finalisation timeframe
Triage	○ OOJ decision ○ Identification of a matter as a notification or complaint and referral for PA ○ Determination that a matter does not meet the definition of a notification or complaint and either close or refer for other action	14 days from receipt
Expedited Preliminary Assessment Unit	○ Initial allegation notification from CCYP (decision to NFA or Flag)	21 days from receipt by unit
	○ Subsequent outcome notification from CCYP (decision to NFA or refer for Registration Renewal Suitability Assessment).	28 days from receipt by the unit
General Investigations Unit (re Investigations or Registration Renewal Suitability Assessments)	Develop and approve investigation plan	14 days from receipt by unit
	Straightforward matter	3 months from receipt by unit
	Medium matter	6 months from receipt by unit
	Complex matter	12 months from receipt by unit
Refer a matter to panel hearing	Following completion of an investigation	3 months from receipt of Investigation Report

There are always some cases that, due to circumstances beyond the control of the VIT, will not be able to be completed within the target timeframes. Therefore, the performance goals for units in relation to meeting targets could be set at somewhere less than 100% (e.g. 85% of cases are finalised within the target), to take account of such matters.

A similar timeframe framework could be developed for the Legal Teams in relation to the work they undertake.

I appreciate that operationalising such a framework is a significant exercise and would only come after other reforms have taken place. Also it would have to be carefully implemented in consultation with staff. I see that the primary purpose of such a framework is not as an individual performance management tool to be used as a stick for staff but as an organisational tool to assist the agency to improve its performance. It also cannot displace the responsibility of the agency to appropriately manage risk and effectively discharge its protective function.

I have been involved in the application of these kind of performance frameworks in two previous organisations. In these cases the measurement and monitoring of compliance with established targets yielded substantial performance improvements. *What gets measured gets managed.*

Strategy B: To improve the VIT's productivity and effectiveness in relation to the management and progression of higher risk and/or more complex matters (VIT's core work).

Initiative 4:

Implementing steps to manage and progress the VIT's higher risk and/or more complex matters (core work) that demand more work effort including by:

- (a) reviewing the hearing process and building capacity to undertake more hearings
- (b) using the agreement provisions in the legislation in a more consistent and effective manner
- (c) building capacity to undertake more investigations
- (d) redesigning the risk assessment process.

The initiatives below are aimed at both improving productivity in relation to the handling of these matters and also improving the overall regulatory effectiveness of the VIT in this space.

4(a) Hearings and the role of Legal Services

I understand that formal hearings are rarely used and informal hearings are never used. Progressing a matter to a formal hearing is a very labour intensive exercise and understandably, when faced with the current large volume of open matters, it is difficult for the VIT to apply resourcing to this process. I acknowledge that dealing with issues of misconduct through the renewal process appears to be a more expedient undertaking.

Notwithstanding this, the hearing provisions appear to be in the legislation for a reason and serve an important function. Notably, they are a specific outcome of Division 11 investigations. From my discussions with senior staff, there also appears to be a desire that the VIT undertake more hearings.

As has been stated earlier, the key goal of dealing with high volume/lower risk matters expeditiously is to free up resourcing to deal with the more serious and complex cases. If this occurs then it should allow for more staff effort to be directed towards the progression of more matters to hearing.

The Professional Conduct Branch has a large legal presence with two Legal Services Teams. The management and prosecution of matters through the hearing process could become a

key responsibility for those teams. This should also help resolve some of the role clarity issues that appear to exist in relation to the Legal Services function.

Formal hearings

I note that s2.6.48 of the Act provides significant latitude to the VIT and hearing panels to determine how hearings are to be conducted.

2.6.48 Procedure at hearing panel hearings.

At a hearing of a hearing panel—

- (a) subject to this Part, the procedure of a hearing panel is in its discretion; and
- (b) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit; and
- (c) the hearing panel is not bound by rules of evidence but may inform itself in any way it thinks fit; and
- (d) the hearing panel is bound by the rules of natural justice.

I have only reviewed one recent panel hearing matter and, as such, care must be taken when seeking to draw any broader conclusions from the one case. However, the process applied appeared to be very procedurally complex and formal. It appears that the process adopted seeks to mirror that applied by the VCAT process. Having regard to the wording of s2.6.48, I question the need for this and I am concerned that adopting a too rigid and detailed a procedure makes it too difficult to utilise the hearing process.

While I have had no experience with VCAT, I have with the Queensland equivalent, QCAT in relation to health practitioner disciplinary matters. From my experience these hearings are highly procedural and significant work is applied by the regulator attending to interlocutory matters. Ultimately, many matters proceed to hearing based on an agreed statement of facts and, at times, even an agreed submission as to penalty. However, the procedural work of the lawyers to get to that position is highly burdensome and time consuming.

Obviously any process adopted, must be both fair and robust enough to withstand scrutiny and review by VCAT. However, I consider that it is also important that it is flexible and dynamic enough to be useful.

I would recommend that the formal hearing process should be carefully reviewed to determine whether it would be possible to establish a procedure that allows the VIT and teacher the opportunity, where possible, to reach agreement on factual issues as early as possible without the need for detailed and time consuming interlocutory work. As much as is possible, one should seek to avoid having to prepare a case for final hearing, like every factual matter is in dispute when it is likely that, by the commencement of the hearing, there will be agreement in relation to most, if not all. I am not an expert in hearing design but I consider there would be tools available (such as prehearing conferences) which could be designed to try and achieve this goal.

I appreciate though that there will still be matters where key facts are hotly contested. In these cases, hearing briefs will have to ensure that evidence is present to prove key elements and affidavits and/or witnesses will need to be available to ensure the case can be made out.

Informal hearings

If more flexible and dynamic procedures are adopted for formal hearings, I do struggle to see a clear role for informal hearings. The key difference with an informal hearing appears to be that: a teacher is not entitled to be represented; the hearing is not open to the public; findings the panel can make are more limited; and the sanctions available to the panel do not extend to suspension, cancellation or disqualification of registration.

As I have stated above, I understand that the VIT currently does not use the informal hearing process. While their precise utility is not clear to me, I would encourage the VIT to spend time seeking to identify a use for the informal hearing process. It may be, for example, a process that could be used to bring a teacher that is subject to a notification or complaint, who has been uncooperative with the VIT investigation process, before a panel to escalate the matter to a resolution.

As I have stated above, I have no specific expertise in the field of quasi-judicial hearing design, and as such, the above are mere suggestions to consider. The VIT may consider engaging with an expert to design a robust but flexible and dynamic process to allow for the more effective use of the hearing provisions.

Also, as part of this work I consider that the VIT should develop a policy document that outlines the criteria for determining what matters should proceed through both formal investigation and hearing.

4(b) Agreements

There are various provisions in the Act that enable agreement to be reached between the parties as to the outcome of professional misconduct matters (see below).

s2.6.29A Request for conditions on or suspension of registration

(1) A registered teacher may ask the Institute to suspend his or her registration or to impose a condition on the registration or to do both of those things if the teacher believes that—

- (a) he or she is seriously incompetent; or
- (b) he or she has engaged in misconduct or serious misconduct; or
- (c) he or she is not fit to teach; or
- (d) his or her ability to practise as a teacher is seriously detrimentally affected or likely to be seriously detrimentally affected because of an impairment.

(2) If the Institute and the registered teacher agree on the suspension of the registration or a condition to be imposed on the registration or to both of those things occurring, the Institute may—

- (a) suspend the registration or impose the condition on the registration (as the case requires); or
- (b) if the teacher holds registration under more than one Division of this Part, suspend or impose the condition on one or both registrations (as the case requires).

(3) If the Institute and the registered teacher do not agree on the suspension of the registration or a condition to be imposed on the registration under this section, the Institute must investigate the matter in accordance with Division 11.

s2.6.29C Cancellation by agreement

(1) A registered teacher may, on surrender of his or her registration, ask the Institute to cancel his or her registration.

(2) The Institute may at the request of a registered teacher cancel the registration of the teacher.

s2.6.34 Outcome of investigation

(1) On completing an investigation, the person conducting the investigation may make one of the following recommendations—

(a) ...

(b) that the matter or part of the matter be settled by agreement between the Institute and the person who has been investigated; or

(c) that the matter or part of the matter be settled by agreement between the Institute, the person who has been investigated and the person or body that made the notification or complaint; or

(d) that the person who has been investigated agree to the cancellation of any registrations held by that person under this Part...

Any process that allows the VIT to adequately respond to and manage misconduct, without having to undertake a detailed and lengthy investigation, is of potentially significant value in addressing high volume workloads. Cases where a teacher has made admissions early on or where the evidence is overwhelming, appear to be good candidates for the use of these provisions. Obviously, it is important that the VIT has made the necessary enquiries to ensure that it has ascertained the full extent of the alleged conduct.

It does not appear that the VIT currently has a unified position about how to best deploy these provisions. For example, currently there appears to be debate about (having regard to the wording of s2.6.9C) whether the VIT can suggest that a teacher consider an agreement or whether it must independently come from the teacher. On this point, while care must be exercised by the VIT when raising this as an option (so that allegations cannot be made that the teacher was forced into agreeing to a cancellation/conditions), I consider that a process that advises a teacher of their various options (which includes agreements) would be a low risk undertaking.

The ability for a formal investigation to recommend settlement by agreement, which could include conditions being placed on a teachers registration or cancellation, without the need to proceed to a hearing, appears to be an advantage to commencing and conducting such investigations (discussed below).

I recommend that the VIT settle any outstanding legal issues and develop a policy/procedure in relation to the use of agreements in misconduct matters aimed at assisting it to identify candidates for the use of agreements and outlining the process to be applied in pursuing this option. This should ensure that, in the right cases, the VIT does not apply investigative resources to matters that can be short circuited by agreement.

4(c) Formal Investigations

It is apparent from my review that formal investigations (undertaken pursuant to Division 11), following a PA, are not routinely undertaken. In my review of cases, most, if not all, of the formal investigations I reviewed were undertaken following suspension (where an investigation is mandated). The most common practice appears to be to undertake a lot of the 'investigative' work as part of the PA and/or through a Registration Suitability Assessment and deal with the misconduct through the renewal of the teachers registration.

I appreciate the outcomes available to the VIT following investigation may be more limited. The relevant section tends to suggest that, where conduct is substantiated through a formal investigation (and agreement cannot be reached), a hearing is the natural pathway. As I have indicated on a number of occasions above, the goal is that through the implementation of the initiatives in Strategy A, the VIT will eventually be in a position to apply more resources to undertaking more formal investigations and then hearings.

I consider that formal investigations have a number of advantages. For example, investigators have specific powers under s2.6.33C to obtain information. As mentioned above, an investigation may provide a stronger platform upon which to pursue agreement with a teacher to resolve the matter.

Also, under s2.6.33AC, the VIT may request that an employer conduct the investigation into the matter. I understand that this provision has been rarely employed. Noting that the VIT routinely relies upon employer/external investigations, there may be benefit in employing this provision more often in the future.

The VIT should establish in policy/procedure criteria to be used to determine which matters should proceed down the formal investigation process as opposed to being managed in the context of renewal.

4(d) Risk Assessment

Procedure/Tool

From my review of cases, discussion with senior staff and consideration of the *Risk Assessing Teacher – Procedure* (which appears to be in draft form), I am concerned that the risk assessment process being used is overly complicated and not necessarily fit for purpose. It appears difficult to apply and I imagine it takes significant time to administer and detail in reports.

My concerns about the procedure include:

- There are too many elements and steps.
- Some key elements are likely to be present in the vast majority of cases involving classroom teachers (such as *capability* and *opportunity*, as classroom teachers will

all have ready access to children). Therefore, it is of limited assistance to distinguish between cases.

- Some key elements appear too interrelated and circular in their definition (e.g. both *threat* and *intent* involve attempting to determine the intention to inflict harm; *threat* also requires consideration of the teacher's capability to inflict harm but *capability* is also a stand-alone element to be considered).
- The tool also appears to over-emphasise intention to cause harm whereas in VIT cases harm is often an outcome of the conduct but the conduct is not necessarily committed with the intention of causing harm.
- Assessing intent (a measure of how determined the teacher is to deliberately undertake the behaviour) is a very difficult exercise, as is having to draw conclusions about the existence of a 'character flaw' or a person's 'propensity for violence, dishonesty...' when there has only been an isolated incident or criminal act (as is often the case).

I therefore recommend that the VIT undertake a review of the current risk assessment process and make necessary modifications or develop a new one.

While it is outside the scope of this review to develop a new risk assessment tool, below is a briefly explained alternative model.

Risk Assessment Steps:

1. **Assess the conduct:** What is the conduct that was alleged?
2. Determine what harm was caused or has the potential to be caused by the conduct (known as ***harm severity***)? Where relevant, this could consider the victims reported experience and/or the potential impact on other like persons if it reoccurs.
3. To ensure that the risk assessment is more dynamic in nature, it is necessary to then identify and consider any elements specific to the matter that may impact on risk (known as ***risk influences***). They may either increase or decrease risk by either making a reoccurrence more or less likely or the potential harm of reoccurrence more or less severe.

Risk influences can be separated into the consideration of elements such as: the alleged conduct (e.g. whether it was a one off vs a series of incidents, involved significant planning or was more spontaneous); the victim's antecedents (e.g. whether there are higher levels of vulnerability than an average student); the teacher's antecedents (e.g. whether they have a history of previous conduct, the length of time they have been teaching without incident, whether they have demonstrated insight and/or taken any corrective action); other (e.g. whether a failure of the VIT to manage this complaint in an appropriate and timely manner is likely to have a significant impact on reputation and/or public confidence in the regulatory system).

4. Finally, it is necessary to consider the existence of any ***risk mitigation factors*** which may indicate whether urgent consideration/action is necessary. This involves determining whether there are any elements associated with the matter that may neutralise or otherwise contain the risk (e.g. the teacher has requested the institute

suspend their registration or they have surrendered their registration or taken on non-practicing registration).

It is through the application of the above process that a rating can be established that specifies risk and whether urgent action is required by the VIT.

Overall approach to risk management

A theme that permeates many of the above initiatives relates to the question of where the VIT sets its thresholds for intervention in a matter. For example, this issue relates to such considerations as to: what notifications or complaints the VIT will NFA; what workplace conduct warrants a closer look; or which criminal charges indicate a risk to students? When resources are finite, the allocation of resources to a low risk matter that may fall outside the VIT's core responsibility has an opportunity cost. Resources applied to that matter cannot at the same time be invested in the timely progression of a high-risk matter that falls more clearly into the VIT's remit.

The impression that I have been left with from reviewing various cases, analysing the approach the VIT takes in relation to aspects of its work and talking with senior staff, is that it may be seeking to try to do too much and manage too many matters. Taking a very risk adverse approach with the intention of protecting children/students is commendable. However, ultimately taking action that may be unnecessary, futile and/or in areas that are the responsibility of others, is unlikely to deliver any real regulatory or public benefit, particularly if it prejudices the VIT's ability to effectively perform its core work.

I have mentioned above that other bodies and regulators also have key responsibilities in this space, including, for example, the CCYP and the role that the department and schools/employers play in responding to certain conduct by teachers. As I have stated above, I consider that it is important that the VIT avoid, as much as is possible, duplicating this responsibility.

I have seen examples of cases that have been prolonged over significant periods of time with the application of continuing resources where clear early indications were that the student and parents did not wish to cooperate with either the police or the VIT and as such there was a lack of evidence to proceed. I have also seen cases of criminal charges (unrelated to the school/teaching context) that were withdrawn, or the teacher was found not guilty, but nevertheless the matter was pursued over a long time period. On some occasions to no avail.

I do not raise these issues as a criticism of the VIT. It can be at times extraordinarily difficult to know as a regulator where to set its risk parameters. I also acknowledge that it is difficult to capture and explain some of these considerations in policy and procedure. However, I would urge the VIT, as it works through the various recommended initiatives, to have robust discussions about risk parameters, seek to reach agreement in relation to what is and what is not core work and, as best as it can, provide the necessary guidance in those policies and procedures I have discussed above to seek to ensure that its regulatory effort and finite resources are invested in the right matters.

Other: Backlog Intervention Project

As is stated at the beginning of this report, one of the biggest challenges for the VIT is to address the backlog of cases that has accumulated over the years. Many of these cases have significant age on them.

It is envisaged that implementing the various initiatives detailed above should assist the VIT to finalise matters (particularly lower risk ones) in a much timelier manner and avoid the further accumulation of backlogged cases. However, having regard to the scale of the backlog, a more targeted intervention is also likely to be necessary.

I therefore recommend that, at the same time as introducing the new streamlined processes, a dedicated project team be established to tackle the backlog.

Features of the project could include:

- **Team composition:** The team could be made up of a mixture of investigators and lawyers. It would be useful if it was headed by someone with the necessary delegated authority to make final decisions (at least in relation to lower risk matters).
- **File assessment framework:** A framework for assessing aged matters should be developed including determining what is an aged matter and the factors that should be considered when assessing it.
- **File review:** At the commencement of the project, a comprehensive file review of aged matters should be undertaken to seek to ascertain which matters may be appropriate for immediate closure (i.e. where taking the allegation at its highest it should be NFA'ed) and what matters require further enquiries or investigation.
- **Simplified reporting:** A pro forma report template should be developed which would allow officers to quickly prepare reports for delegates (especially in relation to lower risk matters destined for NFA).
- **Complex matters:** Following the file review, some staff should be tasked with the role of progressing aged complex matters (keeping file loads very low for these officers to ensure they can do this in a timely way).
- **Monitoring and reporting framework:** A reporting framework should be put around this work so that management receive regular updates in relation to the progress being made.

Consideration should also be given to retrospectively applying the new reportable conduct notification process and closing off matters awaiting school/external investigations so those open cases can be removed from the system. It is acknowledged that the procedural fairness requirements associated with a PA may slow this down.

As the project progresses and the backlog is reduced, staff from the project team can gradually be released back into substantive teams.

While a discrete team established to finalise aged cases has its distinct advantages, I appreciate that there are also other ways to organise this process, such as feeding the complex aged matters that require investigation back into the substantive investigation teams. Again, like my recommendation about reorganising the branch, the key principles to be applied here are ensuring that aged matters are identified and prioritised for finalisation and progress can be monitored and reported on.

The advantage of investing in a backlog project is that it is likely to yield positive results in relation to the reduction in the open caseload in a timely way. This in turn should demonstrate progress both internally (which can be motivating for staff) and externally to stakeholders.

While a level of pragmatism is necessary to move the work on, obviously the risk posed by teachers still needs to be properly assessed and managed. While it is encouraging to see numbers come down, staff need to be reminded that this cannot come at the expense of a real risk to students.

Areas of future reform

The strategies and initiatives outlined above form part of a substantial reform and change management agenda that will take time and careful planning to implement effectively. To manage the scale of change and reduce risks such as staff and organisational fatigue, a staged implementation approach is recommended.

Given these considerations, and the scope of this review, it was necessary to prioritise focus areas, and not all issues could be addressed at this stage. In the future, as the various changes are operationalised, some other areas of potential reform that could be examined include:

- teacher impairment, noting that impairment issues can be present in matters being managed through the conduct pathway
- the use of data in informing the VIT in relation to its assessment of risk and regulatory focus
- how AI may be deployed in the work the VIT undertakes
- considering the teacher experience through the notification/complaint process and strategies to assist in maintaining teacher wellbeing in the process.