



Conduct case study – early childhood setting

Unregistered teaching practice

The Victorian Institute of Teaching (VIT) [regulatory approach](#) sets out our strategy to regulate the teaching profession in Victoria, reflecting best practice and strengthening our risk-based approach to teacher registration. Our approach is to educate teachers and their employers with regards to their regulatory obligations and then assist them to comply.

Under the [Education and Training Reform Act 2006](#) (the Act), only persons who hold a current early childhood teacher registration can undertake the duties of an early childhood teacher in a Victorian early childhood service. Early childhood services must not employ persons to undertake teaching duties if they do not hold current early childhood registration, even if they are supervised by a registered early childhood teacher.

The Education and Care Services National Regulations and Law, and any exceptions or waivers provided under these, do not exclude an employer from also ensuring they maintain their obligations under the Act.

A person with an early childhood qualification to teach learners up to 8 years of age must hold 'teacher registration' in order to teach in a primary setting. If they wish to teach in an early childhood service, they require early childhood teacher registration. The type of VIT registration that early childhood teachers are required to hold is [determined by the sector they work in](#).

Please note

The following hypothetical case study is designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers, as well as appropriate strategies to prevent inappropriate conduct. Outcomes are not provided as any case that is investigated by VIT is considered on its individual merits and context, therefore teachers should use these provocations to reflect on their own practice within their specific context.



Scenario

Teacher S is a fully registered teacher who holds qualifications in both primary and early childhood education. They are currently employed at a school with an early childhood and primary school campus, and a separate secondary campus.

In Teacher S' tenth year at the primary campus, they requested to teach in the early childhood setting of the school, and began to undertake the duties of an early childhood teacher on a full-time basis.

Upon commencement of their new role, Teacher S provided the kindergarten with evidence of their early childhood qualification and believed that their current teacher registration would enable them to teach in the early childhood setting. The kindergarten did not request to see evidence of their early childhood teacher registration.

The VIT was notified of a potential case of unregistered teaching practice. As part of its regulatory approach, VIT advised Teacher S that they were undertaking the duties of an early childhood teacher without holding the relevant registration. The kindergarten was also notified. The VIT advised Teacher S that they would need to submit an application for early childhood teacher registration, and have it approved, before they could teach in the kindergarten.

As Teacher S was an existing staff member, the kindergarten did not check their registration status as they normally would with a new staff member.



Scenario continued...

The kindergarten advised VIT that this was an oversight on their behalf and moved Teacher S back into a teaching role in the primary school until their application for early childhood registration was approved.

The VIT advised that it would prioritise the assessment of Teacher S' application to minimise the impact on the kindergarten. On being granted early childhood teacher registration, Teacher S appears on the [register of teachers](#) and [employer portal](#) under two entries - teacher and early childhood teacher.

The kindergarten has implemented a change in procedure and new software that checks that all staff with dual qualifications can also demonstrate dual registration.

Reflection

- Which principle(s) of the Code provide guidance to a teacher about this type of conduct?
- To what extent do you think Teacher S has breached these principle(s)?
- To what extent do you think the school/early childhood setting has breached these principle(s)?
- How do you think this error would be perceived by the community and how does it reflect on the reputation of the profession?

Relevant standards (includes but is not limited to)

When reflecting on this case, consider the following aspects of the Code.

Principle	Explanation
<p>Principle 1.3</p> <p>Teachers work within the limits of their professional expertise</p>	<p>In fulfilling their role, teachers have a wide range of responsibilities. They support learning by knowing the strengths and the limits of their professional expertise.</p> <p>Teachers</p> <ul style="list-style-type: none"> • seek to ensure they have the physical, mental and emotional capacity to carry out their professional responsibilities • are aware of the role of other professionals and agencies, and know when learners should be referred to them for assistance • are truthful when making statements about their qualifications and competencies, and can provide evidence to support these statements, if required to do so by VIT.
<p>Principle 3.2</p> <p>Teachers are aware of, and comply with, the legal requirements that pertain to their profession</p>	<p>Teachers must comply with the requirements of</p> <ul style="list-style-type: none"> • mandatory reporting and other reporting obligations • the principle of negligence, which includes duty of care • laws preventing discrimination, harassment and vilification • protection of privacy • occupational health and safety • teacher registration.

Further information

This case study is an example where both the teacher and the employer are in breach of the Act.

The teacher is reminded of the seriousness of teaching without the relevant registration; and their obligations as a registered teacher under the Act, particular Section 2.6.58 (1B).

The school / kindergarten is reminded of the seriousness of employing a teacher without the relevant registration; and the employer's obligations under the Act, particularly Sections 2.6.56A (1) and 2.6.58 (1C).