

Fact sheet

Suitability considerations for applicants and pre-service teachers

The Victorian Institute of Teaching (VIT) is an independent statutory authority which is responsible for registering and regulating members of the teaching profession in Victoria. It is a legal requirement for all teachers to be registered with VIT in order to undertake the duties of a teacher in a Victorian school or early childhood service.

To provide for the safety and wellbeing of children and young people, VIT ensures only [qualified](#) and [suitable](#) persons are registered to teach in a Victorian school or early childhood service. Once registered, teachers must continue to be suitable to teach in order to maintain their registration.

Suitability and fitness to teach requirements

Under the *Education and Training Reform Act 2006* (Vic), a teacher is suitable to teach if

- their character, reputation and [conduct](#) are such that they should be allowed to teach in a school or early childhood service, and
- their [physical or mental impairment](#) (if any) does not seriously detrimentally affect, or is unlikely to seriously detrimentally affect, their ability to practise as a teacher.

is to conduct a Nationally Coordinated Criminal History Check (NCCHC). This form of criminal record check is in a category for which exclusions from spent conviction legislation applies.

All applicants for teacher registration must consent to VIT undertaking a Nationally Coordinated Criminal History Check (NCCHC) on their behalf in order to become registered and then once every five years.

The NCCHC provides VIT with details about the following further to an examination of the records held by police services across Australia

- pending criminal investigations
- current criminal charges
- convictions and findings of guilt
- charges that have been struck out, withdrawn, set aside and where the person has been found not guilty*.

*This form of criminal record check is in a category for which exclusions from spent conviction legislation applies.



It is important for those considering undertaking an initial teacher education program, teacher registration applicants and pre-service teachers to be aware that the following suitability-related matters may impact their ability to gain registration with VIT.

Criminal history

If an applicant is charged, convicted or found guilty of a criminal offence, this may impact the person's ability to gain registration. The regulatory action VIT takes in response to these offences is outlined on the next page.

- The VIT **must refuse** an application for registration if the applicant is currently charged with, or has been convicted or found guilty of a **Category A offence** in Victoria, or an equivalent offence in another jurisdiction. *These include various sexual offences committed by adults against children; offences relating to child abuse material; grooming; and murder / attempted murder.*
- The VIT **must refuse** an application for registration if the applicant is currently charged with, or has been convicted or found guilty of a **Category B offence** in Victoria, or an equivalent offence in another jurisdiction, and VIT considers that the person poses an unjustifiable risk to children. *These include sexual offences against an adult (other than rape or attempted rape); sexual offences by a child against another child; stalking; distributing an intimate image or threatening to distribute an intimate image; some violent offences; and some drug offences.*
- The VIT **may refuse** the application if the person has engaged in **Category C conduct** and one of the following applies
 1. the ability of the person to teach in a school / early childhood service is likely to be affected because of the conduct they engaged in; or
 2. it is not in the public interest to allow the person to teach in a school / early childhood service because of the conduct they engaged in.

Reportable conduct

The VIT **may refuse** an application for registration if the applicant has been found to have committed **reportable conduct**.

Reportable conduct is defined as sexual offences / sexual misconduct / physical violence committed against, with or in the presence of a child; and behaviour that causes significant emotional or psychological harm to a child significant neglect of a child.

Physical and mental health

In addition to assessing a person's conduct and character, VIT also considers an applicant's suitability in the context of whether they may have an impairment that seriously detrimentally affects, or is likely to seriously detrimentally affect, their ability to practise as a teacher. Impairments are broadly defined, and consist of physical or mental impairments, disabilities, conditions or disorders including substance abuse or dependence.

If VIT becomes aware that an applicant has an impairment that may seriously detrimentally affect their ability to practise as a teacher

- it **may refuse** an application for registration if the applicant has not produced evidence that satisfies VIT of their suitability to teach; or
- it **may grant registration with conditions, limitations or restrictions** imposed on the registration to address concerns that the applicant's ability to teach may be affected by an impairment.



Patricia Dove (registered teacher) with learners
Carey Baptist Grammar School

Insufficient evidence

To assist VIT in undertaking its assessment of an applicant's suitability to hold registration as a teacher, VIT may request further information in support of their application for registration.

If an applicant does not provide the requested information or documentation, VIT **may refuse** an application for registration on the grounds that the applicant has not produced evidence that satisfies VIT of their suitability to teach.

Working with Children (WWC) exclusion

The VIT **must refuse** an application for registration if the applicant has received a [WWC exclusion](#) issued by Working with Children Check Victoria (WWCCV) when a person has been refused a WWC clearance or has had an existing [WWC clearance](#) revoked.

Note: while VIT's fitness to teach assessments closely align with the way in which WWCCV assesses whether a person is suitable to engage in child-related work, individuals who hold a WWC clearance will not be automatically deemed suitable to hold registration.

Other professional conduct

If an applicant has previously been employed / held registration as a teacher in Australia or another country, VIT may also consider the following in undertaking its assessment of the applicant's suitability

- disciplinary action taken by a former employer
- regulatory action taken by another teacher regulatory authority
- serious incompetence related to the applicant's ability to perform the inherent duties or requirements of a teacher or early childhood teacher

The VIT **may refuse** registration in some instances based on other professional conduct.

General grounds – character

In addition to the specific categories of conduct outlined above, VIT may undertake a broad assessment of an applicant's character on the basis of their previous professional, personal and / or criminal conduct to determine whether they are fit to teach.

The VIT **may refuse** an application for registration if it determines the character of an applicant is such that it would not be in the public interest to allow the applicant to teach in a school or early childhood service.



Resources

- [Australian Professional Standards for Teachers \(APST\)](#)
- [Victorian Teaching Profession's Codes of Conduct and Ethics](#)
- [VIT's website](#)
- [conduct and suitability case studies](#).