



Regulatory decision

Sexual misconduct

Under the Education and Training Reform Act (2006) (the Act), the VIT has the power to suspend the registration of a teacher on an interim basis in circumstances where VIT has formed a reasonable belief that the teacher poses an unacceptable risk of harm to children, and the suspension of the teacher's registration is necessary to protect children.

The interim suspension of registration prevents the person from undertaking the duties of a teacher in a school or early childhood setting. The interim suspension also prevents the person from relying on their registration as a teacher to engage in child-related work in lieu of a Working With Children clearance.

If the VIT suspends the registration of a teacher on an interim basis, it must investigate whether the teacher has engaged in misconduct or serious misconduct, is unfit to be a registered teacher, or 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.

If a person's registration has been suspended on an interim basis, the VIT must review the basis of the interim suspension every 30 days.

The VIT will only revoke these suspensions if the person no longer poses an unacceptable risk of harm to children, and the suspension is no longer necessary to protect children.

The VIT recently cancelled the registration of a teacher who was initially suspended on an interim basis and later found guilty of committing category A offences. The teacher was also disqualified from holding registration in Victoria indefinitely. You can read about the case below. Details have been altered to protect personal privacy.



Scenario

The VIT was notified by Teacher Y's employer that the parent of a 14-year-old student had made an allegation that Teacher Y had made inappropriate physical contact with the student.

Upon receiving this information, VIT immediately conducted inquiries and found out that Teacher Y was under investigation by police in relation to allegations that they had groomed the student. It was alleged that Teacher Y had been communicating in a sexualised manner privately with the student via social media, text message and in letters.

Teacher Y had been stood down from their employment when their employer became aware of the allegation.

The VIT received copies of these communications. The frequency, nature and volume of the communications indicated that Teacher Y had formed an overly familiar and inappropriate relationship with the student.

Immediate action

Based on the information provided, VIT formed a reasonable belief that Teacher Y posed an unacceptable risk of harm to children, and the suspension of their registration was necessary to protect children. As a result, VIT also notified Working with Children Check Victoria

The VIT used its discretionary power to suspend Teacher Y's registration on an interim basis. The suspension of Teacher Y's registration was reviewed every 30 days to determine whether it should be continued.

In accordance with VIT's legal obligations under the Act, the interim suspension was recorded on the Register of Disciplinary Action (RODA), which is publicly available on VIT's website. The VIT also informed Working with Children Check Victoria of the suspension of the teacher's registration.

The outcome

The VIT maintained contact with police in relation to the progress of the investigation. At the conclusion of the investigation, Victoria Police informed VIT that it had charged Teacher Y with grooming a child under the age of 16 and with sexual assault of a child under the age of 16 (Category A offences).

Under recent [legislative amendments](#), VIT must suspend registration if the person has been charged with a category A offence. Accordingly, the basis for Teacher Y's interim suspension of registration was converted to an ongoing suspension. This ongoing suspension of registration remained in place until Teacher Y was convicted of the offences. Following the conviction, the VIT cancelled Teacher Y's registration. Teacher Y is also disqualified from holding registration in Victoria indefinitely.

As mandated by law, the VIT notified a number of other regulators about this outcome. This included other state and territory teacher regulators in Australia and New Zealand, and Working with Children Check Victoria. The VIT also published this outcome in the Government Gazette and on the [Register of Disciplinary Action](#) on its website.

Reflection

This case study reflects how VIT's interim suspension of registration power contributes to child safety and wellbeing in cases where a teacher is subject to serious allegations, but an investigation is yet to be completed.

Further information

View the Code of Conduct and further guidance material including case studies, videos, podcasts and professional learning opportunities at www.vit.vic.edu.au/maintain/conduct/codes.