



Regulatory decision

Reportable conduct

Under the Education and Training Reform Act 2006 (the Act), Category C conduct includes (but is not necessarily limited to) the following

- convictions or findings of guilt of an indictable offence;
- non-conviction charge of a Category A or B offence;
- conduct that forms the basis of any disciplinary action taken against a registered teacher by an employer; and
- conduct that forms the basis of any disciplinary action that has been taken against a person by an entity for which the person works (including as a volunteer) of which VIT becomes aware of under the reportable conduct scheme.

If a person makes an application to VIT for registration / renewal of registration, the VIT may refuse the application if the person has engaged in Category C conduct and one of the following applies

- 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
- 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.

Prior to making this decision, VIT will provide the person with an opportunity to provide further information and documentation relating to the Category C conduct.



Scenario

Teacher Y is the maternal aunt and kinship carer of a young child under the management of a local community service organisation. Teacher Y disclosed to the community service organisation that a physical incident involving the child occurred while under Teacher's Y's care, prompting the organisation to conduct an internal investigation. At the time, Teacher Y did not disclose being a VIT registered teacher.

Upon interviewing the child, who alleged Teacher Y physically disciplined them with an open hand and a TV remote, the community service organisation referred the matter to the Department of Families, Fairness and Housing (Child Protection) who continued with the investigation.

The incident was subsequently reported to the Commission for Children and Young People (CCYP). Based on evidence provided by Teacher Y and the child, CCYP concluded that Teacher Y committed physical violence against a child and physical violence in the presence of another child, however the behaviour did not cause significant emotional or psychological harm to the child. Furthermore, the child was observed to show genuine love and affection for Teacher Y, exhibiting no signs of being afraid of the them.

As an outcome of the investigation, Teacher Y was ordered to complete a therapeutic training course specific to kinship carers.

The incident was also reported to Victoria police who assessed the information and advised that no action would be taken as no criminal offence had taken place.

Once CCYP found that Teacher Y was a Victorian registered teacher, CCYP notified VIT about Teacher Y's reportable conduct.

Immediate action

The VIT immediately conducted inquiries and found that Teacher Y had no prior suitability history with VIT and had recently submitted an application for renewal of registration. Based on the information provided by CCYP, VIT found no evidence that Teacher Y's Category C conduct was ever demonstrated in a school or early childhood setting.

The decision

The VIT considered this information and determined that the risk Teacher Y posed to the safety and wellbeing of children was rated 'low' and the risk of a recurrence of the conduct was rated 'unlikely'. The VIT formed a reasonable belief that it was in the public interest to renew Teacher Y's registration

The outcome

The VIT granted Teacher Y's application for renewal of registration and placed a condition on the registration to undertake two sessions of facilitated professional development in relation to **Principles 1.2 & 2.1** of the [Victorian Teaching Profession's Code of Conduct](#).

Reflection

This case study reflects how VIT's power to refuse a teacher's application for renewal of registration and impose conditions, restrictions or limitations on a teacher's registration if the person has engaged in Category C conduct contributes to child safety and wellbeing.

This power will generally be exercised where a teacher's conduct does not warrant suspension of registration, but where further action is required to address concerns regarding their suitability to teach.

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.