



Regulatory decision

Aggressive behaviour

Here is a summary of a regulatory decision made by the VIT concerning a teacher who was observed losing their temper and speaking inappropriately to learners. All names have been removed.

To provide for the safety and wellbeing of children and young people, VIT assesses the information it gathers and receives about teachers' conduct to ensure they are suitable to teach.

Suitability to teach means determining whether a person is fit to teach, and whether a person is physically or mentally able to teach (this includes assessing whether the character, reputation and conduct of a person are such that they should be allowed to teach in a school or early childhood service).

The VIT may investigate the behaviour, conduct and relationships that a teacher may have with learners inside and outside the education setting.

The VIT may also investigate whether a teacher is competent. This may include but is not limited to

- knowing their learners and how they learn, and using this information to cater for individual abilities*
- communicating effectively and appropriately with learners using verbal and non-verbal communication strategies to support learner's understanding, participation, engagement and achievement*
- maintaining the wellbeing and safety of children in the learning environment*
- managing challenging behaviour by establishing and negotiating clear expectations with learners and address discipline issues promptly, fairly and respectfully*
- consulting with parents and carers about their learner's needs, or sharing information with colleagues to support the teaching, wellbeing and safety of learners.*

During an investigation, VIT will gather information and documentation that may assist in determining

- whether the conduct occurred*
- the impact that the conduct had on children and others*
- the risk that the person may pose to the safety and wellbeing of children*
- whether the person is fit to teach*
- whether the person is physically and mentally able to teach, or*
- what is the most reasonable and proportionate outcome may be to address the conduct.*

This means that VIT may contact third parties to obtain relevant information and documentation. This may include individuals such as witnesses, alleged victims and employers or former employers.

It is important to remember that not all suitability or professional conduct matters will impact a teacher's registration. The outcome of an application for registration or investigation will depend on the individual facts of each case.



Scenario

The VIT received a complaint regarding a primary school teacher. Teacher Y was alleged to have stood over students and yelled aggressively a number of times in response to noise in the classroom. Teacher Y was also observed forcefully confiscating learners' personal property.

Another teacher at the school, who was preparing class programs in a connecting room, raised an incident report regarding Teacher Y's behaviour over the course of the day. The school immediately submitted a complaint to VIT, citing that it believed Teacher Y had mental health issues.

Teacher Y had been suffering from anxiety and depression and was seeking mental health support from a psychologist, following a period of poor mental health.

Teacher Y told school leadership soon after the incident that they were disappointed with how their teaching had gone on the day.

No other complaints had been made against Teacher Y.

Immediate action

Based on the information in the initial complaint, VIT formed a reasonable belief that Teacher Y did not pose an unacceptable risk of harm to children. The VIT determined that no immediate action was required, however a further investigation into the conduct would take place.

The decision

During the investigation, VIT spoke to former employers of Teacher Y as well another school that had employed Teacher Y in the short time since the incident. The school had offered Teacher Y a contract following their time spent in the school.

Teacher Y's former and current employers expressed no concerns with their ability to control a classroom or their professional behaviour when dealing with learners. Teacher Y's current employer noted that they understood Teacher Y to have had challenges regarding their mental health in the past, but was aware that Teacher Y actively engaged in sessions with a psychologist and had a range of de-escalation strategies in place to support themselves and learners in their classroom.

The VIT also received a letter from Teacher Y's psychologist, stating Teacher Y had actively engaged in, and showed improvement in, the management of anxiety, depression and stress since the time of the incident.

The VIT also spoke to the school that had employed Teacher Y at the time of the incident. Following Teacher Y expressing concern to them after the incident, they recommended two professional development modules that Teacher Y had since completed.

The VIT determined that Teacher Y clearly understood that their behaviour on the day did not meet the standards expected of teachers. The VIT also determined that Teacher Y took clear steps to improve their behaviour by expressing disappointment in their actions to the school, completing professional development and seeking ongoing support from a psychologist.

The VIT also established that the incident was isolated, and there were no other known concerns with Teacher Y's behaviour or suitability to teach.

For this reason, no further action was taken.

The outcome

The VIT did not suspend Teacher Y's registration based on the information gathered from Teacher Y's past and present employers, and a treating health professional.

Reflection

This case study reflects how VIT's complaints and investigative processes help to ensure teachers are fit to fulfil their duties, and that complaints are investigated and managed fairly and with respect.

It also shows how VIT applies its [regulatory approach](#), particularly the below actions.

- accountable and transparent – we perform our functions responsibly, objectively, fairly, consistently and transparently
- efficient and timely – we focus on prevention and take a proactive approach to relationship building, information sharing and education
- risk based – we consider risk when exercising all of our functions, considering the safety and wellbeing of children and young people
- proportionate – we make regulatory decisions and allocate resources based on the risks, consequences, benefits and strategic objectives involved
- collaborative – we develop and maintain collaborative and productive working relationships with duty holders and stakeholders
- engaging – we inform and educate the teaching profession about their responsibilities and obligations to safety and quality in teaching.

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.