



Regulatory decision

Inappropriate language

Here is a summary of a regulatory decision made by VIT concerning a teacher who interacted with their students using inappropriate language. All names have been removed.

Under the Education and Training Reform Act (2006) (the Act), if VIT receives a notification or complaint about a registered teacher, it must conduct a preliminary assessment.

During the preliminary assessment, VIT may require further information from

- *the registered teacher who is the subject of the notification or complaint*
- *the person or body who made the notification or complaint, and/or*
- *any person who may have information relevant to the notification or complaint.*

This additional information will help VIT understand the notification or complaint and determine what further action may be required.

The VIT's [regulatory approach](#) is to educate and assist teachers, principals and early childhood leaders to comply with their obligations before taking necessary disciplinary action. Where VIT does take disciplinary action, it is proportionate to address the risk to the safety and wellbeing of children.

Under the Act, VIT has the power to impose any conditions, restrictions or limitations on a teacher's registration if it deems appropriate to do so. This can be done at any time, including when making a decision on an application for registration, or while the teacher is already registered with VIT.

This power will generally be exercised where a teacher's conduct does not warrant suspension of registration, but where further action is required to provide continued assurance regarding their suitability to teach. For example, VIT can deem the teacher suitable to teach but impose a condition that they undergo targeted professional or personal development.

In some cases, VIT may instead choose to issue an educative letter, which points to the teacher's conduct and how it has deviated from their professional obligations.



Scenario

The VIT received a notification from an early childhood service regarding a teacher they employ, who had used inappropriate language in a conversation with one of the younger learners in the centre.

The notification outlined that Teacher Y had been working in the centre for almost a year when the incident occurred. It was a one-off incident.

During a thorough internal investigation into the matter, Teacher Y admitted to the conduct, and expressed sincere remorse for their actions. Teacher Y was willing to apologise to the learner and the learner's parents. No other incidents had been reported against Teacher Y.

The early childhood service found that Teacher Y's conduct breached both the centre's and VIT's codes of conduct and, therefore, determined that their ongoing employment was untenable. The Centre accepted Teacher Y's immediate resignation.

The decision

The VIT assessed the incident involving Teacher Y and determined that there were no factors that may pose a risk to the safety and wellbeing of children. Further to this, VIT received no other notifications or complaints in relation to Teacher Y's engaging in any form of misconduct during the many years they had been registered.

The VIT decided under section 2.6.32(1)(c)(iii) of the Act to take no further action on the grounds that it was satisfied that the employer had already dealt adequately with the matter. Teacher Y remained registered.

The outcome

The VIT issued a stern educative letter to Teacher Y.

The VIT made the decision under section 2.6.21B(1)(c) of the Act to disclose information relating to this matter to the Commission for Children and Young People (CCYP) on the grounds that the Centre had not disclosed it to CCYP, and this disclosure was reasonably necessary to provide for the safety and wellbeing of a child or group of children.

Reflection

This case study reflects that as a registered teacher, Teacher Y has a responsibility to take reasonable steps to maintain a safe and respectful learning environment for their students.

It also shows how VIT applies its [regulatory approach](#), particularly in relation to the following Principle of the *Victorian Teaching Profession's Code of Conduct and Ethics*.

PRINCIPLE 1.2

Teachers treat their learners with courtesy and dignity and promote participation and empowerment.

Teachers

- work to create an environment that promotes respect for everyone
- model and engage in respectful and impartial language and behaviour
- protect learners from intimidation, embarrassment, humiliation and harm
- use behaviour management strategies and consequences appropriate for a learner's individual context and actions, aimed at supporting positive change.

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.