

## Fact sheet

# Suspension of registration

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There may be some circumstances in which the Victorian Institute of Teaching (VIT) will suspend a teacher's registration, either on an interim or ongoing basis. In these instances, teachers have the right to make written submissions to VIT to appeal these decisions.

### Interim suspension

The VIT may suspend a teacher's registration on an interim basis in circumstances where it has formed a reasonable belief that the

- teacher poses an unacceptable risk of harm to children, and/or
- suspension of the teacher's registration is necessary to protect children.

If VIT decides to suspend a teacher's registration on an interim basis, the following process is undertaken

1. A notice of interim suspension is served on the teacher—this notice notifies the teacher that
  - their registration has been suspended on an interim basis
  - reasons for this decision
  - the VIT must review the basis of the suspension at least every 30 days, and
  - they have a right to make written submissions to VIT about the continuation of the interim suspension.
2. The VIT updates the [register of teachers](#).
3. The VIT publishes the interim suspension on the [Register of Disciplinary Action](#) (RODA).
4. The teacher's employer is notified of the interim suspension.
5. [Working with Children Check Victoria](#) (WWCCV) is notified of the interim suspension.
6. The interim suspension of a teacher's registration is reviewed every 30 days.

The teacher has the right to make submissions to VIT about the need for the interim suspension. In the submissions, the teacher may demonstrate that the

- teacher does not pose an unacceptable risk of harm to children, and/or
- suspension of the teacher's registration is not necessary to protect children.

When VIT conducts a review of the interim suspension, it will take into account any written submissions made by the teacher.



The VIT may revoke the interim suspension if it no longer reasonably believes that the teacher poses an unacceptable risk of harm to children and/or the interim suspension is necessary to protect children.

## Suspension due to Category A offence

The VIT must suspend a teacher's registration if the teacher has been charged with a [Category A offence](#). This decision is **not discretionary**.

In this circumstance, the teacher will be given notice that VIT intends to suspend their registration. A copy of this notice is also given to the teacher's employer.

The teacher then has 14 days from the date of receiving this notice to provide VIT with submissions that may consist of the following information, in which the

- teacher is not the person charged with the Category A offence referred to in the notice
- charge for the Category A offence referred to in the notice has been withdrawn.

Once the 14 days has passed, VIT will consider any written submissions it has received from the teacher, and then make a decision.

If VIT decides to suspend the teacher's registration, it will give the teacher a Notice of Suspension of Registration. It will also notify the teacher's employer and WWCV of this decision. The VIT will update the register of teachers and also publish this decision on the RODA.



The suspension will remain in force until one of the following things happens

- the VIT revokes the suspension
- the charge is finally dealt with—this means that the
  - charge is withdrawn or discontinued
  - person dies without the charge being determined
  - charge is dismissed by the Court
  - person is discharged from the Court after a committal hearing
  - person is acquitted of the offence
  - person is found guilty of the offence by the Court.

## Suspension due to interim Working with Children exclusion

The VIT must suspend a teacher's registration if the teacher has been given an [interim Working with Children \(WWC\) exclusion](#). This decision is **not discretionary**.

In this circumstance, the teacher will be given notice that VIT intends to suspend their registration. A copy of this notice is also given to the teacher's employer.

The teacher then has 14 days from the date of receiving this notice to provide VIT with submissions, which may consist of the following information

- the teacher is not the person who was given the interim WWC exclusion referred to in the notice
- a subsequent decision has been made under the *Worker Screening Act 2020 (Vic)* in relation to the WWC interim exclusion—this could be the following, to
  - give a WWC clearance to the teacher
  - not revoke a WWC clearance held by the teacher.

Once the 14 days has passed, VIT will consider any written submissions it has received from the teacher, and then make a decision.

If VIT decides to suspend the teacher's registration, it will give the teacher a Notice of Suspension of Registration. It will also notify the teacher's employer and WWCCV of this decision. The VIT will update the register of teachers and also publish this decision on the RODA.



The suspension will remain in force until one of the following things happen

- WWCCV give a WWC clearance
- WWCCV decide not to revoke the WWC clearance held by the person.

### Suspension due to Category B offence

The VIT may suspend a teacher's registration if they have been charged with a [Category B offence](#). This decision is **discretionary**.

In this circumstance, the teacher will be given notice that VIT intends to suspend their registration. A copy of this notice is also provided to the teacher's employer.

The teacher then has 28 days from the date of receiving this notice to provide VIT with submissions, demonstrating that the teacher

- does not pose an unjustifiable risk to children
- is fit to teach until the Category B offence with which the person is charged is finally dealt with.

Once the 28 days has passed, VIT will consider any submissions it has received from the teacher, and make a decision about whether to suspend the teacher's registration.

If a decision is made to suspend a teacher's registration for any of these reasons, VIT will follow this process

- provide a notice of suspension of registration to the teacher outlining the reasons for the suspension and the information that VIT has relied upon to make the decision
- update the register of teachers
- publish the suspension on the RODA
- notify the teacher's employer of the suspension
- notify WWCCV of the suspension.



The suspension will remain in force until one of the following things happens

- the VIT revokes the suspension
- the charge is finally dealt with—this means that the
  - charge is withdrawn or discontinued
  - person dies without the charge being determined
  - charge is dismissed by the Court
  - person is discharged from the Court after a committal hearing
  - person is acquitted of the offence
  - person is found guilty of the offence by the Court and a formal hearing panel determines that the teacher is fit to teach.

## Definitions

Category A offence	Includes various sexual offences committed by adults against children, offences related to child abuse material, grooming, murder and attempted murder.
Category B offence	Includes sexual offences against an adult, sexual offences by a child against another child, some violent offences and some drug offences.
Category C conduct	Includes convictions or findings of guilt for other indictable offences, non-convictions for Category A offences or Category B offences, and certain disciplinary action taken by an employer that has been notified to VIT.
WWC exclusion	Means that WWCV has assessed that the person is not suitable to engage in child related work. Such assessments are governed by the <i>Worker Screening Act 2020 (Vic)</i> .



Prabhdeep Kaur (registered teacher) with learners  
Craigieburn South Primary School