



Regulatory decision

Professional boundaries

Here is a summary of a regulatory decision made by VIT concerning a teacher who displayed grooming type behaviour with students in their school. All names have been removed.

Under the Education and Training Reform Act (2006), VIT has the power to suspend the registration of a teacher 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 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 teacher registration to engage in child-related work in lieu of a Working with Children clearance.

If 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, 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.



Scenario

The VIT received a notification from a school regarding a teacher in their employ, who had displayed grooming type behaviour towards learners at the school.

The notification outlined that Teacher F had communicated with a learner outside of school hours via the school messaging platform and personal mobile phone applications, and had invited a small group of select students to a local bowling alley to drink alcohol.

Teacher F had been working in the school for 7 years, including in a senior leadership position, when the incident occurred. Teacher F had been stood down while the school undertook its investigation.

The VIT conducted a preliminary investigation, that uncovered further information about Teacher F's conduct. Following an unsuccessful attempt to meet with a small group of students at a bowling alley to celebrate the team's recent sporting event victory, Teacher F continued to message Student D on their personal device.

Teacher F was aware that Student D was under the influence of alcohol, and offered to meet them at a bar further out of town, stating that a drink would be waiting for the student whenever they arrived. Student D indicated they wouldn't be able to get to the bar, and the text message conversation transitioned to a phone call, which lasted more than an hour.

At the end of the call, Teacher F asked Student D to delete all the messages and apologised for inviting them and other students to the bowling alley. Teacher F also offered to pay for a taxi if they ever decided to meet up for drinks again.

Teacher F has a history of giving Student D preferential treatment, buying them small birthday gifts, giving favourable assignment partners and extra time to complete exams.

The school had managed a number of other incidents that blurred professional boundaries which occurred more than 2 years ago, including a time when Teacher F attempted to visit the home of a student who had self harmed.

The decision

The VIT determined that Teacher F had attempted to befriend and form a personal relationship which could constitute grooming type behaviour with more than 1 student at the school, and had made attempts to conceal the conduct.

Teacher F attempted to supply a student with alcoholic drinks knowing that they were underage.

Teacher F also showed blatant favouritism to Student D, acted in a predatory manner and, by doing so, made the student feel uncomfortable and vulnerable.

Teacher F had previously engaged in similar conduct (i.e. breached the professional boundaries that should be maintained between a teacher and a student) and was subsequently warned by the school.

In totality of the evidence, the VIT determined that the conduct could amount to grooming type behaviour, and placed Student D at risk of significant emotional and psychological harm and possible compromise of their personal safety. The VIT had a reasonable belief that Teacher F would breach professional boundaries again, particularly given that Teacher F had not recognised the seriousness of their misconduct and previous misconduct.

The outcome

The VIT suspended the registration of Teacher F on an interim basis, pursuant to section 2.6.28 of the *Education and Training Reform Act 2006*, and commenced an investigation into the allegations.

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.

It also shows how VIT applies its regulatory approach, particularly in relation to the below principles of the Victorian Teaching Profession's Code of Conduct.

- Principle 1.1 – Teachers provide opportunities for all learners to learn
- Principle 1.2 – Teachers treat their learners with courtesy and dignity, and promote participation and empowerment
- Principle 1.4 – Teachers maintain objectivity in their relationships with learners
- Principle 1.5 – Teachers are always in a professional relationship with their learners, whether at the education setting where they teach or not
- Principle 2.1 – The personal conduct of a teacher has an impact on the professional standing of that teacher and on the profession as a whole
- Principle 3.1 – Teachers value their professionalism, and set and maintain high standards of competence
- Principle 3.2 – Teachers are aware of, and comply with, the legal requirements that pertain to their profession.

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.