



## Regulatory decision

# Physical contact

The following is a summary of a regulatory decision made by VIT concerning a teacher who had allegedly made physical contact with a student on multiple occasions without valid reason for doing so. All names and identifying information have been removed.

*Under the Education and Training Reform Act (2006) (the Act), VIT must conduct a preliminary assessment of all notifications and complaints that it receives.*

*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.*

*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 complaint regarding the alleged conduct of Teacher A.

The complaint received accused Teacher A of having inappropriate physical contact with the complainant's child (Teacher A's student) on multiple occasions. The complainant did not witness this physical contact occurring.

The complaint detailed that Teacher A once grabbed the student's raised arm and put it down, and on a separate occasion pulled the student by their arm with force.

Both complaints were supported by an account by the student, however there were varying witness accounts from others in the class

Teacher A denied the actions took place.

### Immediate action

Upon receiving the complaint, VIT conducted a preliminary assessment. Further information was requested from Teacher A's employer, the Department of Education.

### The decision

An investigation by VIT noted that there were two opposing sets of evidence in the matter. Two fellow students reported having seen Teacher A touch the student, and a further two reported they

did not witness Teacher A make any physical contact with the student. The VIT determined that the allegation cannot be substantiated for lack of evidence of weight.

The second claim, relating to pulling the student by their arm was unsubstantiated due to insufficient evidence.

## The outcome

Teacher A had demonstrated insight into more appropriate forms of communication that could be implemented to avoid any perception that they were engaging in a breach of the Code. As a result, Teacher A actively sought out and engaged in professional learning to develop skills in behaviour management when working with children with trauma backgrounds.

Based on the evidence and professional references received from colleagues and leaders of Teacher A, it was determined as unnecessary to impose conditions on the teacher's registration.

The VIT issued an educative letter reminding Teacher A of their professional obligations, specifically in regard to the [Victorian Teaching Profession's Code of Conduct](#).

## Reflection

This case study reflects that as a registered teacher, Teacher A has a responsibility to take reasonable steps to maintain a safe and respectful learning environment for their students and is not to have physical contact with students without a valid reason.

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 1.2 – Teachers treat their learners with courtesy and dignity, and promote participation and empowerment
- 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.

## 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](http://www.vit.vic.edu.au/maintain/conduct/codes).