

Conduct that is Reportable to the Victorian Institute of Teaching Policy

Reportable Conduct

The College has a duty of care to investigate and act on allegations of employee misconduct or conviction which relate to their ability to perform their functions.

Under the *Education and Training Reform Act 2006 (Vic)*, the College must notify the Victorian Institute of Teaching (VIT) once the College has taken action against a registered teacher. The VIT then has powers to investigate and take further action.

VIT Reporting, Mandatory Reporting and Reporting to the CCYP

The reporting obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation under the *Children, Youth and Families Act 2005 (Vic)* (refer to Mandatory Reporting) and the Reportable Conduct Scheme under the *Child Wellbeing and Safety Act 2017 (Vic)* (refer to Reportable Conduct).

Internal Reporting of Allegations of Staff Misconduct

Any allegation of teacher misconduct must be immediately reported to the Principal, or the Canonical Administrator should the allegation involve the Principal.

Internal Investigation of Allegations of Misconduct

Once an allegation of misconduct has been made (which does not require reporting to Department of Health and Human Services (DHHS) Child Protection under the Mandatory Reporting obligations) an internal investigation, led by the Principal, or the Canonical Administrator if the allegation relates to the Principal, will be conducted in such a manner as the particular circumstances demand.

It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance is given by the relevant authorities (Police or DHHS Child Protection).

Reporting Obligation to the VIT

The College must notify the VIT if the College has taken action against a registered teacher in response to:

- allegations of serious misconduct
- serious incompetence
- fitness to teach (which relates to character, reputation and conduct, and whether the teacher is physically and mentally able to teach)
- a registered teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment.

The College must immediately notify the VIT if the College becomes aware that a teacher:

- has been charged with or committed for trial for a sexual offence, (including grooming, encouragement and child pornography offences)
- has been convicted or found guilty of an indictable offence (offences detailed in the *Crimes Act 1958 (Vic)* and the *Wrongs Act 1958 (Vic)*, including offences which carry prison sentences of 5 years or more or penalties over a threshold level).

The College should also notify the VIT if a teacher takes action against them in another forum such as the Fair Work Commission.

"Actions" To Be Reported

"Actions" which will be reported by the College to the VIT include (but are not limited to):

- disciplinary action taken by the College
- where a teacher resigns after being advised by the College that it is inquiring into allegations.

When to Notify the VIT

The VIT should be notified of the action taken against a teacher once the process initiated by the College has been initiated.

VIT Response

On receiving the notification, the VIT has the power to:

- ensure that it has obtained all relevant information from the College, and may request further information
- decide whether the matter does not reach the threshold required for it to proceed
- conduct an investigation, an informal hearing, or a formal hearing
- summarily suspend the teacher on an interim basis pending an investigation, if the VIT forms a reasonable belief that the teacher poses an unacceptable risk of harm to children and believes that suspension is necessary to protect children.

A formal hearing may result in findings which can result in cautions, reprimands, conditions imposed including counselling and further education, suspension, cancellation of registration and/or a period of disqualification.

Impact on Working With Children Check

Where an employee, Volunteer, or Third Party Contractor has been charged with or found guilty of a serious sexual, violent or drug-related offence (including grooming and child pornography offences) (Category 1 or Category 2 offence in the *Working with Children Act 2005 (Vic)*) their Working with Children card will be revoked and they will not be able to work, with children.

Overseas Students

The College must notify the VRQA if an alleged child protection incident, suspicion or disclosure relates to an overseas student and the College has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

Record Keeping Obligations

For the College's record keeping obligations relating to child protection incidents, refer to **Child Protection Record Keeping**.

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The content of this policy can be changed at the College Board's discretion at any time without notification.