

A SUBMISSION TO THE PARLIAMENT OF VICTORIA
FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE
INQUIRY INTO THE HANDLING OF CHILD ABUSE BY RELIGIOUS AND
OTHER NON-GOVERNMENT ORGANISATIONS

FROM

THE VICTORIAN INSTITUTE OF TEACHING

April 2013

INTRODUCTION

The Victorian Institute of Teaching (the Institute) welcomes the opportunity to make a submission to the Family and Community Development Committee's Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations.

The Institute is the independent statutory authority for the regulation of the teaching profession in Victoria. It is the single registration authority for all teachers in Victorian schools. Established in December 2001, with 31 December 2002 as commencement date of registration, the Institute operates under and administers Part 2.6 of the *Education Training and Reform Act 2006* (the Act) and reports to the Victorian Parliament through the Minister responsible for the Teaching Profession.

Statutory registration boards play an important role in protecting the public and affording Victorians the confidence that registered professionals are subject to uniform regulation regardless of where they are employed. It is a model that is cornerstone to many professions within Australia such as the health professions. Registration boards have responsibility for determining the entry standards into the profession, ensuring that registered professionals continue to maintain their competency, and if required can withdraw the right to practise if an individual breaches the standards expected of the profession. The aim of establishing the Institute was to strengthen parent and community confidence in a regulatory system that would ensure only appropriately qualified and suitable professionals are teaching Victoria's school children.

The Institute regulates teachers through the assessment of professional qualifications, conduct and standards of practice. This serves to assure the public of the suitability and competency of teachers practising in Victorian workplaces. The registration requirements for teachers to meet and maintain professional standards require they continue professional learning throughout their teaching career, thus raising their professional profile. This recognition is being widened through the impending introduction of national standards of teacher practice, including at higher levels.

The Institute's main function is to regulate the teaching profession in Victoria and to recognise and promote the regulatory role and activities of the Institute. Other functions of the Institute include:

- reviewing and approving teacher education programs;
- recommending the qualifications, criteria and standards for registration and renewal of registration and for the recognition of higher levels of professional practice of teachers in Victorian schools;
- granting registration or permission to teach in Victorian schools;
- maintaining a register of teachers; developing and maintaining standards of professional practice;
- developing, maintaining and promoting a code of conduct for the teaching profession;

- investigating the conduct, competence and fitness to teach of registered teachers and imposing sanctions where appropriate;
- developing a Professional Learning Framework to support teachers' continuing education;
- undertaking professional development programs and activities for teachers related to the Institute's functions;
- undertaking and promoting research related to the Institute's functions; and
- providing advice to the Minister about the professional development needs of teachers.

THE PROFESSION

As at 30 June 2012 there were 118,765 teachers registered in Victoria within four categories:

• Full Registration	102,645
• Provisional Registration	11,559
• Permission to Teach	3,207
• Non-Practising	1,354

CODES OF CONDUCT AND ETHICS

The Act required the Institute to develop and maintain a Code of Conduct for the teaching profession. The Code of Ethics was launched in September 2005 and the Code of Conduct in June 2007 (the Codes). The Codes were developed following extensive consultation with the profession and all teachers were provided with the Codes on their launch. Each new registrant is provided with a copy of the Codes on gaining registration.

The Code of Conduct at Principle 1.5 states that teachers are always in a professional relationship with students in their school, whether at school or not. It further states that a professional relationship will be violated if a teacher:

- a. Has a sexual relationship with a student
- b. Uses sexual innuendo or inappropriate language and/or material with students
- c. Touches a student without a valid reason
- d. Holds conversations of a personal nature or has contact with a student via written or electronic means including email, letters, telephone, text message or chat lines, without a valid consent
- e. Accepts gifts, which could reasonably be perceived as being used to influence them, from students or their parents.

The Code of Conduct at Principle 3.2 states that teachers are aware of the legal requirements that pertain to their profession. In particular, they are cognisant of their legal responsibilities in relation to:

- Discrimination, harassment and vilification
- Negligence
- Mandatory reporting
- Privacy
- Occupational health and safety
- Teacher registration.

All initial teacher education programs offered by Victorian higher education providers are currently accredited by the Institute under the Victorian standards for program accreditation. Under these standards, programs will not be accredited unless there is evidence that graduates will:

- Understand the legal and ethical dimensions of teaching, including duty of care and the nature of professional commitment to students
- Work within the legal and ethical framework expected of all teachers and maintain appropriate professional relationships.

All reviewers of programs follow a proforma and ask:

- Will graduates understand the *Code of Ethics* and the *Code of Conduct* and the relationships which underpin the work of a teacher?
- Where in the program do graduates learn about the legal context of teachers' work?

In addition, since the initial launch of the Codes, over 19,000 provisionally registered teachers and mentor teachers have attended Institute seminars between 2007-12 that include hands-on activities explaining and discussing the Codes, including professional responsibilities.

The Institute also presents information sessions to final year cohorts of teacher education students at each Higher Education Institution with an accredited program. The presentations detail the role of the Institute and the professional obligations of a registered teacher. Particular emphasis is given to the Codes and the importance of these in their future professional life.

There is web-based material on the Institute's website to assist teachers to understand the Codes as well as information on mandatory reporting. The Institute publishes articles on the Codes and has commenced publication of hearing decisions and key learnings from those disciplinary proceedings in *Professional Practice* to assist teachers in ensuring their practice remains within the accepted framework for the profession.

The Inquiry has asked the Institute to provide comment related to the following areas in particular:

- **Broad strategies, policies, specific initiatives and activities aimed at preventing and responding to child abuse by registered teachers.**

In addition to the work outlined above in regards to the Codes, initial teacher education, education and information provided by the Institute, the Institute also provides the following information:

Responding to child abuse by registered teachers

The Institute investigates the conduct, competence and fitness to teach¹ of registered teachers in Victoria by reference to the Act and the Codes. In general, matters which are investigated by the Institute emerge from employer referrals², complaints or the exercise of the Institute's 'own motion' powers.

The Institute also conducts Formal, Informal and Medical Panels which are comprised of teachers, legal and medical practitioners to hear and determine allegations against both current and formerly registered teachers with respect to conduct, competence and fitness to teach. For the purpose of public protection, the outcomes and findings of formal hearings are published on the Institute's public web site.

If a determination is made by a formal hearing panel which cancels or interferes with the registration of a teacher, the Institute is required to give notice to a range of stakeholders including the Department of Justice, the Department of Transport, the teacher's employer, registration authorities in all other States and Territories of the Commonwealth and New Zealand as well as the Government Gazette.

Requirement to undertake professional development

All teachers are required to undertake 20 hours of Standards based professional development (or 100 hours over five years) to maintain registration as a teacher.

The Australian Professional Teaching Standards (Standards) reinforce the expectation that teachers understand the responsibilities of being a registered teacher. Included in the Standards are:

- 7.1 Meet professional ethics and responsibilities, and
- 7.2 Comply with legislative, administrative and organisational requirements.

¹ 'Fitness to teach' is defined in the Act and means 'whether the character, reputation and conduct of a person are such that the person should be allowed to teach in a school'.

² The Act requires employers to notify the Institute of action taken against registered teachers in relation to serious misconduct, serious incompetence or any other actions that may be relevant to a teacher's fitness to teach.

The Institute does not provide professional development for teachers, but does encourage teachers to undertake Standards based professional development that is relevant to their practice. The Institute publishes a guide for teachers that outlines the variety of professional development activities that teachers can undertake to meet this requirement for renewal of registration. It should be noted that the professional development plans and performance appraisals that teachers develop and undertake on an annual basis are likely to meet the renewal of registration requirements.

- **Data held by VIT on the nature and prevalence of criminal child abuse by teachers registered in Victoria.**

Cancellation of registration or permission to teach without inquiry

Under s.2.6.29 of the Act the Institute is required to cancel the registration of a teacher without a formal hearing if the teacher is convicted or found guilty of a sexual offence (involving a child) in Victoria, or elsewhere. The effect of the cancellation of the teacher's registration is that he/she is disqualified from teaching in a Victorian school.

Since the commencement of registration of teachers in 2003, there have been 62 teachers who have had their registration as a teacher cancelled under this provision. The names of 57 of these teachers can be found on the Institute's website. The remaining 5 names are suppressed due to suppression orders issued by the Courts.

In addition, there are currently nine teachers suspended due to charges related to sexual offence matters (involving a child). If convicted then the cancellation of registration will be enforced.

- **How registered teachers in Victoria are supported in developing skills, expertise and experience in preventing, recognising and responding to child abuse in schools.**

The Institute is not the employer of teachers, so would recommend that questions in relation to support in schools be directed to employers.

- **Probity checks on persons seeking registration as teachers in Victoria and the process for ongoing probity checks on Victorian registered teachers.**

All applicants for registration are required to have a National Police check conducted by the Institute through the Commonwealth Agency (CrimTrac). The Institute is an accredited agency of CrimTrac. National checks provide criminal history information from all Australian jurisdictions and include findings of guilt, convictions and in some cases charges. The Spent Convictions Scheme of Victoria does not apply to applicants for teacher registration which means that all criminal history occurring in Victoria is revealed no matter when it occurred. Different Spent Conviction Schemes operate in other jurisdictions however specific offences are released where the check is required for specific purposes regardless of how old the convictions are.

Applicants, over the age of 18 who have resided overseas for 12 or more months in the last 10 years are also required to provide a criminal record check from each overseas country in which they lived.

Once a teacher is registered there is a weekly police checking process conducted through Victoria Police and a routine national police check conducted before the end of five years from the last national check. The Institute operates under a Transactional Agreement with Victoria Police for the ongoing police checks that identify registered teachers who have matters in Victoria under police investigation, matters awaiting court hearing or criminal history information.

- **The extent to which ongoing criminal history checks can identify registered teachers charged or convicted with child abuse in other Australian jurisdictions which would warrant de-registration in Victoria.**

The Institute has the legal responsibility to notify teacher registration authorities in Australia and New Zealand when a teacher's registration is cancelled, suspended or conditions imposed. Likewise, other teacher registration authorities inform the Institute of issues impacting on a teacher's registration in their jurisdiction.

While the Institute is vigilant in regard to registered teachers in Victoria, there is no requirement for teachers to inform the Institute if they are working in another jurisdiction. The Institute is aware of a small number of teachers who work cross-border between Victoria and New South Wales.

Victorian registered teachers are required to notify the Institute within 30 days if they are committed for trial, been convicted or found guilty of a sexual or other indictable offence. This requirement applies if they are working in another jurisdiction. Failure to do so can attract a penalty of 60 penalty units.

Teachers applying for Victorian registration under the Mutual Recognition Act or the Trans-Tasman Mutual Recognition Act (MR Acts) will have a national police check conducted by the Institute under Victorian legislation. In addition, the jurisdiction in which the teacher is currently registered is required, under the MR Acts, to verify to the Institute the teacher's registration status and disclose any matters under investigation.

The Institute is happy to contribute the important work of the Family and Community Development Committee's Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations. Please do not hesitate to contact the Institute for clarification or further information.

Melanie Saba

Chief Executive Officer

Victorian Institute of Teaching

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