

## **COMPLAINANT - INVESTIGATION**

The *Education and Training Reform Act 2006* gives the Victorian Institute of Teaching (the Institute) the power to investigate complaints against registered teachers. The complaint must relate to a registered teacher's misconduct, serious misconduct, serious incompetence or lack of suitability to teach (suitability includes fitness to teach, which relates to character, reputation and conduct **and** whether the teacher is physically and mentally able to teach).

### **Purpose of an investigation**

The Institute conducts an investigation to gather relevant information about allegations against a teacher. The purpose of an investigation is to inquire into the allegations and ascertain if there is probative evidence in support. The investigation will involve interviewing all relevant witnesses (including the complainant where applicable). The registered teacher who is the subject of the inquiry will also be given the opportunity to participate in an interview with the Institute's investigator.

### **Notice of the investigation**

The Institute will give notice in writing that it intends to conduct an investigation and provide details of the investigator. The investigation must be conducted expeditiously and the Institute will endeavour to complete the investigation within six to eight weeks. If the investigation requires additional time, reports must be made to the registered teacher and the complainant at intervals of not more than three months.

### **Who conducts an investigation?**

An investigation may be carried out by any of the following persons who will be delegated with the Institute's authority to conduct an investigation:

- an employee of the Institute;
- an investigator retained by the Institute;
- a member of the Institute Council or a number of members not exceeding 3; or
- the employer or a nominee of the employer of the teacher.

The Institute will provide guidelines to the person(s) delegated with the power to conduct the investigation.

### **Conduct of the investigation**

The investigator may contact you to arrange a time and place for an interview.

At the interview you will be asked questions about the complaint and you may be asked to sign and date a witness statement. This information will be used to assist the Institute to decide how to proceed in the matter.

The investigator will also interview any other witnesses.

The investigator will contact the teacher to arrange an interview. The teacher will be given sufficient time to consult a union, lawyer or friend, to gather evidence and prepare submissions. If the teacher agrees to attend an interview the teacher will be asked questions about the allegations and provided with an opportunity to present evidence and submissions.

### **How long will the investigation take?**

The investigation may be completed within six to eight weeks. The time frame for the investigation may be extended in certain circumstances, such as if the investigation is complex or it is difficult to obtain the evidence. If the investigation cannot be completed within six to eight weeks, the Institute will notify you that the investigation has been delayed and of the revised date of completion for the investigation.

### **Outcome of the investigation**

Following completion of the investigation, the investigator will provide the Institute with a report. The investigator may make one or more of the following recommendations:

- No further action is required.
- The matter or part of the matter should be settled by agreement between the Institute and registered teacher and, if applicable, the complainant.
- The registered teacher agree to the cancellation of his/her registration.
- An informal hearing be held.
- A formal hearing be held.
- A medical panel hearing be held
- Further investigation to be conducted by another person, organisation or agency.

The Institute will then determine whether or not it will act on the investigator's recommendations as outlined above. Once the Institute has made its decision you will be notified in writing as soon as possible.

## **FURTHER INFORMATION**

The Institute also has other information and brochures available on:

- complaints
- an employer taking action against a teacher
- the informal hearing process
- the formal hearing process
- the medical panel hearing process
- appeals to the Victorian Civil and Administrative Tribunal
- witnesses
- sexual offences
- indictable offences
- the rules of natural justice

## **CONTACTS**

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