

## **COMPLAINANT - MAKING A COMPLAINT**

The Victorian Institute of Teaching (the Institute) has power to inquire into 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).

If you are a parent with a complaint about a teacher of your child, your complaint may be able to be resolved by the school. You should speak first to the teacher and/or principal of your child's school before lodging a complaint with the Institute. If your child attends a government school, you may also contact the Regional Director of the relevant regional office of the Department of Education & Early Childhood Development. If your child attends a Catholic school, you may also contact the relevant Diocesan Director of Catholic Education.

If your complaint cannot be resolved or you do not want to discuss your complaint as suggested above, you may lodge a complaint about a registered teacher with the Institute.

Any person may make a complaint against a registered teacher by lodging a complaint with the Institute. A complaint may be resolved quickly and to your satisfaction, however, if you first contact the teacher or the school.

A person who makes a complaint is known as the complainant.

## **HOW TO MAKE A COMPLAINT**

If you make a complaint against a teacher you must provide enough information, including copies of any relevant papers, to show **evidence** of the matters alleged.

To assist you, the Institute has developed a *Complaint Form* which can be sent to you. If you would like a complaint form, please contact the Institute (see contact details below). Copies of the complaint form and any documents you provide to the Institute may be provided to the teacher if the matter proceeds to a hearing.

## **INQUIRING INTO A COMPLAINT**

The Institute may decide not to inquire into a complaint if a complainant does not provide evidence to support the complaint or the matters complained of do not meet the threshold of misconduct, serious misconduct, serious incompetence or lack of suitability to teach.

If the Institute decides to commence an inquiry, the first step will usually be an investigation. The Institute may decide, however, to conduct an informal hearing or a formal hearing without conducting an investigation if either of these is considered more appropriate.

The Institute must in writing notify the teacher, the employer of the teacher and the complainant of its determination to inquire or not to inquire into the complaint.

### **The investigation**

The Institute conducts an investigation to gather relevant information about a complaint. This may involve talking to the complainant, the teacher and any witnesses who may have more information about the complaint, such as other teachers or students.

The Institute may delegate its power to conduct an investigation to an officer employed by the Institute, an investigator retained by the Institute or to the employer or the nominee of the employer of the teacher. In the case of government schools the employer is the Department of Education and Early Childhood Development. In the Catholic sector, an investigation may be delegated to be Catholic Education Office of Melbourne.

The investigation will be conducted as quickly as practicable having regard to the nature of the matter being investigated and the Institute will endeavour to complete the investigation within six to eight weeks. If additional time is required, all relevant persons will be notified. After the investigation the Institute will consider the report provided by the investigator and decide whether any further action is required. Further action may include referring the matter to a panel hearing. If the matter proceeds to a hearing, the teacher and the complainant will be advised of the nature of the complaint and the date, time and place of the hearing.

For further information on the hearing process, please refer to the brochures entitled “Formal Hearings”, “Informal Hearings” and “Medical Panel Hearings”.

### **DECISIONS OF THE INSTITUTE**

The Institute will notify the complainant, the teacher and the teacher's employer of the following decisions made:

- whether an inquiry will not be conducted
- whether an investigation is to be conducted
- whether a formal, informal or medical hearing panel is to be convened

## **The decisions and the reasons**

The decisions and the reasons made following the informal and formal hearings will be sent to the teacher and the complainant within 28 days of the decisions being made. The employer will be advised of the outcome of the hearing.

A registered teacher who disagrees with the decision of the panel has three months to request a review by the Victorian Civil and Administrative Tribunal.

## **FURTHER INFORMATION**

The Institute also has other information brochures available on:

- an employer taking action against a teacher
- the investigation
- the informal hearing process
- the formal 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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