

## **REGISTERED TEACHERS – INVESTIGATION**

### **Investigation**

The Victorian Institute of Teaching (the Institute) has power to investigate complaints against registered teachers or notifications of action taken against registered teachers by their employers. The Institute may investigate matters relating to a registered teacher's misconduct, serious misconduct, serious incompetence, fitness to teach or their ability to practise as a teacher if they are seriously detrimentally affected or likely to be seriously detrimentally affected because of an impairment.

The Institute also has power to investigate if a registered teacher has been convicted or found guilty of an indictable offence.

### **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 inquiry will be given the opportunity to participate in an interview.

### **Notice of the investigation**

The Institute will give notice in writing that it intends to conduct an investigation and give details of the investigator.

The registered teacher must be notified within 14 days after the Institute's decision to conduct an investigation has been made. The investigation must be conducted expeditiously and reports made to the registered teacher and the complainant, where applicable, 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 will contact the teacher to arrange a time and place for 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 should 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 the investigation the investigator is required to provide the Institute with a Report and recommendation(s). On completing an investigation, an investigator may make one or more of the following recommendations:

- No further action is required.
- The matter or part of the matter 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 – if the registered teacher has not agreed to a health assessment.
- Further investigation be conducted by another person, organisation or agency.

The Institute will then determine whether or not it will act on the investigator's recommendation(s) 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**

Victorian Institute of Teaching  
PO Box 531  
Collins Street West, Victoria 8007  
Telephone 1300 888 067  
Facsimile 03 8601 5803

Level 24 Marland House  
570 Bourke Street  
Melbourne Victoria 3000  
[www.vit.vic.edu.au](http://www.vit.vic.edu.au)