

REGISTERED TEACHERS - MEDICAL PANEL HEARING

The Victorian Institute of Teaching (the Institute) holds a Medical Panel hearing to determine whether a registered teacher's ability to practise as a teacher is seriously detrimentally affected or likely to be seriously detrimentally affected because of an impairment, or if the ability of the teacher to practise as a teacher is not affected. The hearing is informal and in the nature of an inquiry.

THE PANEL

The Institute appoints a Panel to conduct the Medical Panel hearing. The Panel consists of at least three people of whom:

- one must be a person who has been admitted to legal practice in Victoria for not less than 5 years
- one must be a medical practitioner or a psychologist registered under the National Health Registration Law
- one must be a registered teacher

THE HEARING

Notice of the hearing

You will be advised of the nature of the complaint or allegation and the date, time and place of the Medical Panel hearing in a Notice of Medical Panel hearing from the Institute. You will be sent copies of all relevant documents held by the Institute. If the matter arose out of a complaint, the complainant will also be advised of the nature of the complaint and the date, time and place of the Medical Panel hearing in a letter from the Institute.

Representation

You have the right to be present, to be represented and to make submissions at the hearing. You can be represented by a legal practitioner, a union official a friend or any other person. You are also entitled to be accompanied by another person.

If the matter arose out of a complaint, the complainant is not entitled to be present during the hearing; however they may be asked to attend as a witness to give evidence and may give a submission if the Panel has given permission.

The procedure of the hearing

The *Education and Training Reform Act 2006* provides that the:

- hearing is closed to the public
- procedure is at the discretion of the Panel

- proceedings are to be conducted with as little formality and technicality as possible
- Panel is not bound by the rules of evidence and may inform itself as it thinks fit
- Panel is bound by the rules of natural justice.

Hearings are conducted as informally as possible, although there will be some structure to the hearing process to ensure compliance with the rules of natural justice. The proceedings will be inquisitorial – a process of investigation.

The conduct of the hearing

The hearing will be conducted with all participants sitting around a table.

If there are witnesses they will wait outside the hearing room until asked to give evidence.

The Chairperson of the Panel and the Panel members will introduce themselves and ask participants to introduce themselves.

The Chairperson of the Panel will explain the process of the hearing and outline the issues to be addressed.

You or your legal representative may provide a submission to the Panel and any further documents in support of your case.

Witnesses will give their evidence and may be questioned by you or your legal representative and the Panel.

A complainant may provide a submission if the Panel has given permission.

You or your legal representative may give a closing submission.

Referral to a health assessment

The Panel may at any time during the hearing direct you to undergo a health assessment. You must be assessed by a registered health practitioner appointed by the Panel, who must give a report of his or her assessment to the Panel. The Panel may discuss the report and any adverse findings in the report with you. The Institute must pay for the assessment.

Referral to a formal hearing

The Panel must refer a matter to a formal hearing if the Panel is of the opinion that your ability to practise as a teacher is affected to such an extent there is a reasonable likelihood that a formal hearing Panel may cancel your registration.

A Panel may also refer a matter to a formal hearing if the Panel is of the opinion that you are seriously incompetent or have engaged in misconduct or serious misconduct.

THE PANEL'S DECISION

The Panel may:

- decide your ability to practise is not affected
- impose conditions on your registration
- suspend your registration for a period with or without conditions.

The decision and reasons

Within 28 days of the Panel making its decision, it will send a copy of the decision and reasons to you and the complainant, if the matter arose out of a complaint.

Appeal to the Victorian Civil and Administrative Tribunal

If you disagree with the decision of the panel, you have the right to request review by the Victorian Civil and Administrative Tribunal (the VCAT).

Further information about your right of appeal will be sent to you with the written decision and reasons. If you require information about this process you can contact the VCAT on 03 9628 9755.

FURTHER INFORMATION

The Institute also has other information brochures available on:

- complaints
- an employer taking action against a teacher
- the investigation
- the informal 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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