

Information for reporters attending an Institute formal hearing

1. The Victorian Institute of Teaching investigates a registered teacher's serious misconduct, serious incompetence, or fitness to teach, and then determines whether a formal hearing into the teacher's conduct or competence is required.
2. The Institute's formal hearings are notified in the Law List of *The Age* on the scheduled day of the hearing. The notice will provide the commencement time and hearing venue, the names of the hearing panel members sitting, and the name of the registered teacher against whom allegations have been made.
3. On the day of the hearing, the Litigation Solicitor appearing for the Institute will outline basic information about the matter if requested by reporters.
4. Formal hearings are open to the public unless hearing panels determine that they should be closed due to the nature of the evidence.
5. Open and closing submissions of a hearing are open to the public.
6. There are a number of legislative prohibitions on the reporting of formal hearings, of which reporters should be aware.

Please note that under s.2.6.45 (c) of the *Education and Training Reform Act 20061* (the Act):

- the identity of the complainant (if the hearing arises out of a complaint) is not to be published or broadcast
- if the panel has determined under s.2.6.45(e) that the hearing is closed, the panel may determine that the identity of any witness giving evidence in the proceedings is not to be published or broadcast
- the panel may determine under s.2.6.45(f) that any information that might enable the teacher who is the subject of the hearing to be identified must not be published if the panel considers it necessary to do so to avoid prejudicing the administration of justice or for any other reason in the interest of justice.

It is an offence under s.2.6.52 of the Act to publish or broadcast:

- the identity of the complainant
- the identity of a witness if the panel has made a determination under s.2.6.45(e) of the Act
- the identity of a registered teacher if the panel has made a determination under s.2.6.45(f) of the Act.

Penalty for an offence: 50 penalty units for a natural person or 100 penalty units for a body corporate.

7. The proceedings in the hearing room are recorded. If reporters need to have a private conversation, they are advised to leave the hearing room.
8. The use of television and still cameras and other electronic equipment is not permitted on the premises of the Institute except at the discretion of the Chief Executive Officer.
9. The use of mobile phones is not permitted in the hearing room or within the vicinity of the hearing room.
10. There is no transcript of proceedings available to reporters.
11. After considering all of the available evidence and submissions put to a formal hearing, the panel will make findings about whether or not the teacher has engaged in serious misconduct, has been seriously incompetent or is not fit to teach.
12. If the panel finds one or more of the above proved, it can:
 - impose conditions, limitations or restrictions on a teacher's registration,
 - suspend the teacher's registration subject to any conditions, limitations and restrictions specified, or
 - cancel the teacher's registration.
13. The Institute must advise the teacher of the determination of a formal hearing and of the reasons for the determination within 28 days after the making of the determination. The making of a determination does not always take place on the last day of the hearing.
14. The Institute is required to publish in the *Government Gazette* a finding of guilt for serious misconduct, if a teacher is seriously incompetent or if a teacher is not fit to teach. This will happen after the decision has been sent to the teacher and the complainant.
15. The Institute is not required to publish the outcome of a formal hearing in the *Government Gazette* if the teacher is cleared of the allegations heard by the panel.
16. The Institute publishes on its website the decision and reasons of all formal hearings including those in which the teacher is cleared of the allegations. The published decision does **not** include:
 - the name of the school
 - the name(s) of students
 - the name(s) of witnesses
 - any information which could result in the complainant or witnesses being identified.
17. For further information about the Institute formal hearings, please contact Matthew Hibbert, Corporate & Communications, on 03 8601 5850.
