I refer to your complaint to the Registered Schools Board on 1 August 2002 about a registered teacher.

I am writing to invite and recommend to you that you lodge your complaint with the Victorian Institute of Teaching (VIT). The reasons are as follows.

The VIT Act 2001 came into operation on 31/12/2002. From that date, the VIT became responsible for the registration of all teachers in Victoria. Its Act provides for the automatic deregistration of teachers convicted of sexual offences against children, and also authorises the VIT to conduct the following inquiries involving registered teachers.

(i) The VIT may conduct an inquiry under sections 26 and 27, if it receives any information (not necessarily a complaint) from a teacher's employer concerning action taken by the employer involving the teacher's serious misconduct, incompetence or fitness to teach.

(ii) The VIT must conduct an inquiry under sections 26 and 28 if it receives any information (not necessarily a complaint) from any person that a registered teacher has been convicted or found guilty of an indictable offence, and

(iii) the VIT may conduct an inquiry under sections 26 and 29 if it receives a complaint (from any person) of serious incompetence, serious misconduct or involving the fitness to teach of a registered teacher.

The VIT Act contains new procedures and criteria for conducting inquiries against registered teachers, and a new right for teachers to appeal to VCAT against the outcome of any inquiry. It also contains new express rights and benefits for persons lodging complaints against teachers. For example section 41 prohibits the naming of a complainant at a formal hearing, and gives the complainant certain rights to attend and make submissions.

Another important difference in the VIT Act, is that section 43 provides that the VIT may conduct or continue to conduct an inquiry into the conduct "of a person who was a registered teacher at the time of the conduct or activities but who has ceased to be a registered teacher".
The transitional sections of the VIT Act, namely sections 92 and 93, authorise the VIT to conduct inquiries into the conduct of registered teacher which occurred prior to 31/12/2002, provided the Registered Schools Board has not commenced a hearing into the same matter.

Whilst the Registered Schools Board has limited powers to hold inquiries into the conduct of teachers which occurred prior to 31/12/0 2002, the above matters support the view that it would be in the best interests of all parties if you lodged your complaint with the VIT, to enable it to conduct an inquiry under the new Act.

The Institute has supplied an information sheet which explains the process the Institute has adopted for conducting an inquiry into a complaint, and this is attached.

Would you please reply to me (either by phone or in writing) indicating whether you will be lodging the complaint with the Institute. If so this may be done by simply writing to the Institute indicating that you wish to lodge a complaint about a named teacher. The Institute and the Board will liaise to ensure that the Institute has before it the information collected by the Board. This process of transferring information to the Institute meets the requirements of Privacy laws and has been approved by the Department of Education and Training's Privacy Unit.

If you have any questions please contact Maria Kelly at the Board on 96373347, or Christine Heazlewood at the Institute on 96160844.

Yours sincerely

Maria Kelly
Manager
Registered Schools Board

4 April 2003