REVIEW OF THE VICTORIAN INSTITUTE OF TEACHING – GOVERNMENT’S RESPONSE TO RECOMMENDATIONS

| Recommendation  | Response | Action |
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| Recommendation 1The Review recommends a comprehensive overhaul of Part 2.6 of the Act in order to streamline its operation and to ensure that it represents modern regulatory practice in connection with professional disciplinary schemes. In overhauling Part 2.6, consideration needs to be given to: 1. Creating a standalone principal act establishing the VIT and giving the VIT its disciplinary powers.
2. Changing the name of the VIT to “Teacher Regulation Victoria” to more accurately reflect its function as a regulator and to provide for a fresh start on commencement of the new regulatory regime.
3. Giving the VIT specific legislative objects in relation to:• Ensuring child safety and wellbeing• Taking into account community expectations• Ensuring quality of teaching and teachers.
 | **Government to consider** legislative change in recommendation 1(a) and 1(c)Recommendation 1(b) **not supported** | Recommendations 1, 2, 3, 4 and 12(c) relate to a comprehensive overhaul of Part 2.6 of the *Education and Training Reform Act 2006* (ETRA). The Government considers the inclusion of a specific statutory requirement for the VIT to consider child safety and wellbeing, taking into account community expectations, a priority and will take immediate action to amend the ETRA accordingly during 2018 (recommendation 1(c)).The Department of Education and Training (Department), in collaboration with the Victorian Institute of Teaching (VIT), will commence work in 2018 to develop policy proposals for Government consideration of amendments to Part 2.6 of the ETRA. It is expected that any legislative change will be effected in 2019–20.As part of the overhaul of Part 2.6, the Government will consider:* the best way of representing the VIT’s statutory mandate and powers (either through a standalone Act or through continued inclusion in the ETRA) (recommendation 1(a);
* ensuring the quality of teaching and teachers is closely linked to Initial Teacher Education (ITE) and the inclusion of this as a specific legislative object will be considered as part of the comprehensive overhaul of Part 2.6 (recommendation 1(c)).\*

Renaming the VIT (recommendation 1(b) is not supported, noting that the VIT performs a broader range of functions than only the regulation of the teaching profession. \* It is noted that Recommendation 22 deals with ITE. |
| Recommendation 2As part of overhaul of Part 2.6 of the Act:1. The VIT hearing panel system be abolished
2. Allegations of teacher misconduct or incompetence (including medical matters, but not including minor matters) be heard and determined by VCAT
3. VCAT determines the composition of members who will hear matters brought by the VIT, but the relevant VCAT list should include members with contemporary teaching experience (particularly to hear teacher competence matters).
 | **Government to consider** recommended legislative change | As part of the proposed policy review and amendment of Part 2.6 of the ETRA (see recommendation 1), the Department, in collaboration with the VIT, will take into account: * issues with the current hearing panel system identified by the Review;
* the need for an independent body to consider and determine serious teacher discipline matters and the preferred review body to undertake reviews of the various teacher matters currently considered by the VIT, giving further consideration to:
	+ best practice regulatory arrangements, including the practice of teaching regulators in other jurisdictions and regulators of other professions in Victoria;
	+ the need for teachers with contemporary teaching experience to continue to be involved in decision making about teacher disciplinary matters.

It is expected that changes to the disciplinary system will be implemented as part of the policy review and amendment of Part 2.6 in 2019–20.  |
| Recommendation 3As part of overhaul of Part 2.6 of the Act:1. The VIT Council, or an appropriate committee of the Council (currently the Professional Conduct Committee), determines following a VIT investigation, whether a particular matter is referred to VCAT. The VIT to retain current decision-making powers on initial and other registration issues – at a Council or committee level – with existing review of those decisions in VCAT maintained.
2. A simple, clear definitional threshold for teacher misconduct warranting referral to VCAT is determined so that only minor matters (for example, swearing in front of a student or registration fees not paid) are reserved for disciplinary decision by the Council or relevant committee of the Council under delegation from the Council. This definitional threshold should be determined by reference to current, best practice professional regulation legislation, such as the Health Practitioner Regulation National Law and legal profession schemes.

With appropriate modification, the actual definitions from either of those schemes could be mirrored in the teacher misconduct scheme. | **Government to consider** recommended legislative change | In considering reforms to the VIT’s disciplinary procedures as part of the proposed policy review and amendment of Part 2.6 of ETRA (see recommendations 1 and 2), the Department, in collaboration with the VIT, will take into account: * the appropriate threshold for referral of disciplinary matters to an independent body (after consideration of the appropriate review body for various decisions relating to regulation of teachers (see recommendation 2));
* the roles of the Council of the VIT and the VIT Professional Conduct Committee in determining which matters should be referred to an independent body for decision.

It is expected that changes to the disciplinary system will be implemented as part of the proposed policy review and amendment of Part 2.6 in 2019–20. |
| Recommendation 4To ensure that Division 8A of the Act operates fairly, the Review recommends that:1. Decisions under Division 8A are made subject to review by VCAT as part of the Part 2.6 overhaul.
2. Decisions under Division 8A are made by Council, or a committee of Council – potentially the PCC or a new committee convened specifically for making Division 8A decisions. This will require amendment of section 2.6.67 of the ETRA as currently only the Council itself or the CEO under delegation can make Division 8A decisions.
 | **Government to consider** recommended legislative change | This Government introduced the interim suspension power in Division 8A of Part 2.6 of the ETRA in 2016 to increase protections for children and young people. The Department, in collaboration with the VIT, will consider and make policy proposals to Government regarding whether:* interim suspension decisions are made by an appropriate decision making body; and
* interim suspension decisions are reviewed by an appropriate independent body.

Consideration of any amendments to Division 8A of Part 2.6, will take into account the need to continue to reflect Parliament’s intention that the VIT has the power to swiftly suspend a teacher’s registration where that teacher poses an unacceptable risk of harm to a child or children.It is expected that any changes to the interim suspension power will be implemented as part of the proposed policy review and amendment of Part 2.6 in 2019–20. |
| Recommendation 5Implementation of the recommendations in this report be reviewed in 12 months’ time and:1. If the VIT has not made significant progress towards implementation, the option of abolishing the VIT and amalgamation of its functions with the VRQA be re-considered.
2. In the interim, opportunities to strengthen the relationship between the VIT and the VRQA through physical co-location and shared services be considered.
 | **Not supported** | The Government considers that the registration body for teachers and the registration body for schools should remain separate and distinct organisations, noting that the VIT’s functions are broader than only the regulation of the teaching profession.Government will reconsider this recommendation if the VIT fails to make significant progress towards implementation of the recommendations after three years. To track the progress of implementing the recommendations:* an interim report from the VIT (in consultation with the Department) outlining progress on implementation will be provided to the Minister for Education in February 2019;
* thereafter, updates from the VIT and the Department will be provided to the Minister for Education every six months to track implementation progress until such time as the Review recommendations are deemed to have been acquitted.
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| Recommendation 6Consider amending the legislative requirements of the VIT scheme to ensure equivalency with the Working with Children Check scheme, to the extent the policy objectives of the two schemes are aligned; and following legislative amendment (if that is required) include a statement on VIT registration cards to communicate that a person who holds a valid VIT card is not required to hold a WWC Check when engaging in child-related work given that the VIT registration and Working with Children Check schemes generally have similar and equivalent requirements. | **Government to consider** recommended legislative change | In response to issues raised by the McClellan Royal Commission into Institutional Responses to Child Sexual Abuse’s *Working with Children Check Report (2015),* the Government is committed to implementing legislative change to ensure that the VIT registration scheme is aligned as far as possible to the Working with Children Check (WWCC) scheme.The Government will consider legislative amendments to the ETRA and the *Working with Children Act 2005* (WWC Act)to bring the VIT’s registration requirements relating to child safety into line with the WWCC scheme, noting that teacher registration requires other suitability criteria to be met (in addition to the minimum criteria needed to work with children).It is anticipated that these reforms will be implemented (to the extent necessary) by the end of 2018.  |
| Recommendation 7The VIT and DOJR collaborate to ensure that the best practice elements of DOJR’s administration of the working with children scheme are adopted by the VIT through staff secondments and out-posting and potentially through a service provision MOU between DOJR and VIT. | **Accept in principle**  | The Government expects that there will be greater information sharing and collaboration between the VIT and the WWCC Unit in the Department of Justice and Regulation (DOJR).To facilitate these changes, the Government expects the VIT to liaise with DOJR in the first half of 2018 about:* opportunities for staff secondments and out-postings;
* the development of a service provision Memorandum of Understanding (MOU) between the two regulators which may be informed by the commencement of legislative amendments (if any).
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| Recommendation 8The VIT to immediately agree interim MOUs with CCYP, Victoria Police and the other noted co-regulators so that respective Reportable Conduct Scheme role and responsibilities are clarified. Establish a formal forum for DOJR, VIT, QARD, VRQA, CCYP and Victoria Police to come together as co-regulators in the child safety and welfare sphere. | **Accept in principle** | The Government expects the VIT to include the following in its forward work plan for 2018:* negotiate and enter into new, or review existing, MOUs with other co‑regulators (including the Department), the Commissioner for Children and Young People (CCYP) and Victoria Police to clearly define roles and responsibilities under the various child safety schemes operating in Victoria;
* assess the feasibility of establishing a formal forum of child safety and wellbeing co-regulators consisting of the VIT, DOJR, VRQA, CCYP and the Quality Assessment and Regulation Division (in the Department);

The Department will facilitate any consultation with other regulators and contribute to the design of the forum in early 2018. |
| Recommendation 9To ensure consistency of the VIT governance obligations with other Victorian public sector entities, and to ensure that the VIT has the proper governance settings mandated, declare Part 5 of the *Public Administration Act 2004* to apply to the VIT. | **Accept in principle** | Part 5 of the *Public Administration Act 2004* (PAA) sets out a number of duties that apply to directors of boards of public entities. The Department, in consultation with VIT, will work with the Victorian Public Sector Commission (VPSC) and the Department of Premier and Cabinet (DPC) to ensure that Part 5 of the PAA is declared to apply to the VIT by the end of 2018. |
| Recommendation 10Immediately refresh the VIT Council’s Charter to align with contemporary governance practices, including regular Council performance reviews and periodic independent performance reviews of Council. Council should also establish a Council Code of Conduct based on the VPSC guidance, but tailored to the VIT, at the same time the new Charter is adopted. | **Accept in principle** | The Government expects the VIT to:* refresh the Council’s Charter by the end of 2018 including by providing that independent Council performance reviews are conducted regularly;
* establish a Council Code of Conduct, based on VPSC guidance and tailored to the VIT, to be adopted by no later than January 2019.
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| Recommendation 11Immediately establish a delegations framework and review of all delegations made by the Council with a view to reserving important matters for Council decision, rather than for decision by the VIT executive. | **Accept in principle** | The Government expects the VIT, by the end 2018, to:* establish a robust delegations framework consistent with best practice;
* review all delegations made by Council with a view to reserving important matters for Council decision.
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| Recommendation 12Strengthen advice given to the VIT Council and VIT governance by:1. Appointment of independent members to relevant Council committees as detailed in this report.
2. Establishing a program of rigorous ongoing training for Council members in relation to their role and duties as Council members, as detailed in this report.
3. Reviewing and amending section 2.6.6A of the Act (as part of the overhaul of Part 2.6), to complement the knowledge, experience and skill sets required currently by the legislation. Particular consideration should be given to inclusion of a member with regulatory expertise on the Council.
 | **Accept in principle** recommendations 12(a) and 12(b).**Government to consider** legislative change proposed in recommendation 12(c)  | Recommendations 12 and 13 relate to the Council’s committee structures and should be implemented concurrently. There are currently four sub-committees of the Council, namely:* Audit and Finance Committee
* Professional Conduct Committee
* Remuneration Committee
* Accreditation Committee.

The Government expects the Council to:* appoint independent members to the Council’s sub-committees as appropriate in 2018 (as per recommendations 12(a) and 13(b)). The Department will work with the VIT to implement this recommendation.
* implement ongoing and appropriate training for Council members in relation to their role and responsibilities (recommendation 12(b)) during 2018.

The Government will consider any amendments to section 2.6.6.A (recommendation 12(c)), including the desired policy and implementation timelines, as part of the broader proposed policy review and amendment of Part 2.6 of the Act, which is expected to be completed in 2019–20. |
| Recommendation 13Establish a new committee structure for Council in accordance with the recommended committee structure in this report, including:1. An articulate and clear framework for Council membership on committees.
2. Relevantly qualified independent members - including senior teachers, where appropriate, and potentially others with regulatory expertise - on all committees, where possible, as noted in Recommendation 12.
3. Establishing a community expectations advisory committee modelled on the Ontario model set out in this report.
 | **Accept in principle** | Recommendation 13 will be implemented concurrently with recommendation 12. The Government expects the VIT to:* develop an articulate and clear framework for Council membership on committees by the end of 2018 (recommendation 13(a)).
* appoint independent members to the Council’s sub-committees as appropriate in 2018 (as per recommendations 12(a) and 13(b)). The Department will work with the VIT to implement this recommendation.
* establish a dedicated advisory committee, based on the Ontario model or another appropriate model, in 2018 (recommendation 13(c)). The Department to work with the VIT to determine the most appropriate model.
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| Recommendation 14Council commissions a review of Council Secretariat support within the VIT to ensure that the Council’s operations are properly supported. | **Accept in principle** | The Government expects the VIT to undertake a review of Council secretariat support as soon as possible. The review must be completed by mid-2018 with implementation of any recommendations to be implemented by the end of 2018. |
| Recommendation 15Establish an internal VIT taskforce to thoroughly refresh the VIT’s internal and external policies and procedures to ensure they align with best practice and broader government policy for regulators and statutory authorities. | **Accept in principle** | The Government expects the VIT to review and refresh its internal and external policies and procedures to align with best practice and broader government policy for regulators and statutory authorities. This is expected to be progressively completed by the end of June 2019.  |
| Recommendation 16Implement Recommendations 9-16 in this report, where possible, using the governance models and templates established by the VRQA, including establishing regular meetings, forums and information sharing protocols with the Minister and Department in accordance with this report and the VRQA model. | **Accept in principle** | Recommendations 9-15 are to be implemented, where possible, having regard to the governance models and templates established by the VRQA (see above for expected completion dates for each recommendation). Further, the Government expects the VIT will establish (or maintain) regular meetings, forums and information sharing protocols with the Minister and Department based on the VRQA model by mid-2018. |
| Recommendation 17Develop and publish a set of contemporary regulatory principles which apply to all functions and activities of the organisation. Following this, revise the Compliance and Enforcement Framework to be more targeted, tailored and reflective of best practice regulatory principles. | **Accept in principle** | The Government expects the VIT to:* develop and publish a set of regulatory principles applying to all functions and activities of the organisation by the end of June 2018;
* revise the Compliance and Enforcement Framework by the end of 2018.
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| Recommendation 18Ensure all regulatory policies and procedures are fully developed, up to date, clearly align with the new regulatory principles and are reflective of a contemporary, risk-based regulatory approach. | **Accept in principle** | Recommendations 17 and 18 are related and are expected to be implemented concurrently.The Government expects the VIT to ensure all regulatory policies and procedures are fully developed, up to date, clearly align with the new regulatory principles and are reflective of a contemporary, risk-based approach.This is expected to be progressively completed by the end of June 2019. |
| Recommendation 19The VIT leverage its data to better inform and draw out intelligence about where areas of regulatory risk exist in teacher regulation, including through establishing partnerships with research and / or tertiary institutes. | **Accept in principle** | Recommendations 19 and 22 are related and can be implemented concurrently.The Government expects the VIT to develop ongoing and closer partnerships with higher education institutions in order to leverage opportunities to improve teacher quality and manage and share research into regulatory risk. This work is expected to be progressively undertaken in 2018 and 2019. |
| Recommendation 20Embed a more clearly defined outcomes-based approach to corporate planning and performance measurement that aligns with that of standard Victorian public sector practice. | **Accept in principle** | The Government expects the VIT to review and amend its Strategic and Business Plans to ensure they contain an appropriate outcomes-based approach to corporate planning and performance measurement by the beginning of 2019. |
| Recommendation 21Ensure reforms to registration processes and customer-interfaces, including migration to online registration and renewal processes across all registration processes are completed by the end of 2018. | **Accept in principle** | The Government understands that the VIT is currently undertaking the Teacher Electronic Records Information (TERI) Project to introduce cloud-based technologies that will encompass all registration, renewal and audit procedures and activities. The VIT has advised that the timeline for completion of the TERI Project is the end of 2018. |
| Recommendation 22Expand future-focused research activity, including through facilitating and fostering stronger feedback loops between ITE providers and employers.  | **Accept in principle** | Recommendations 19 and 22 are related and can be implemented concurrently.The Government supports the VIT developing closer partnerships with higher education institutions in order to leverage opportunities to improve teacher quality and manage regulatory risk. This work is expected to be progressively undertaken in 2018 and 2019. |
| Recommendation 23Undertake a significant shift toward more risk-based, intelligence-led and outcomes-focused regulation in the immediate term to assist in best targeting resources. This should include utilising the full suite of compliance activities and significantly increasing assistance given to teachers to comply with the standards and prevent misconduct. | **Accept in principle** | Recommendations 23, 24 and 25 are related and are expected to be implemented concurrently.The Government expects the VIT to recalibrate its regulatory monitoring and compliance activities to a more risk-based, intelligence-led and outcomes focused approach, including through educating and assisting teachers to comply with standards as a means of preventing misconduct.This work is expected to be progressively completed by the end of June 2019. |
| Recommendation 24Improve the efficiency, consistency and timeliness of enforcement processes by adopting risk based triage and other processes which ensure reduced duplication of effort, greater streamlining, and improved notifier-experience. | **Accept in principle** | Recommendations 23, 24 and 25 are related and are expected to be implemented concurrently.Consistent with the actions for recommendation 23, the Government expects the VIT to adopt a risk-based triage system and other processes to reduce duplication, support streamlining and improve the experience of complainants and notifiers.This work is expected to be progressively completed by the end of June 2019. |
| Recommendation 25Expand its activities beyond a narrow focus on compliance, towards proactive education of teachers and the community about teacher quality. This includes showcasing leading practice in teacher quality. It should not extend to advocacy and representation of the profession. | **Accept in principle** | Recommendations 23, 24 and 25 are related and are expected to be implemented concurrently.Recommendations 25 and 30 also require review of the VIT’s Strategic Plan. The Government expects the VIT:* to review its Strategic Plan to include an expansion of activities to include pro-active education of teachers and the community about teacher quality;
* to showcase leading practice in teacher quality.

This work is expected to be progressively completed by the end of June 2019. |
| Recommendation 26Following the appointment of a new CEO:* The VIT consider enhancing and streamlining its Corporate Services through the introduction of a shared services model.
* Revise the organisational structure, giving consideration to:
1. Realigning divisions / branches to integrate like functions (e.g. corporate, accreditation, registration, conduct & compliance)
2. Ensure a more appropriate balance is struck between corporate and regulatory resource allocation, including with regards to the composition of the Executive and allocation of the most senior roles in the organisation
3. Executive roles being ‘right-sized’, with appropriately balanced spans of control, functions, roles and responsibilities.
 | **Accept in principle** | Recommendations 26 and 29 are related.The Government expects the VIT to review its corporate services model, with the aim of enhancing and streamlining the model, possibly through the introduction of a shared services model.This work is expected to be completed by the end of 2019, noting that scoping of a possible shared services model for delivery of human services and any decision to implement such a model has significant implications and would require long-term implementation timeframes.The VIT is to undertake organisational structure reform to realign divisions and branches with the aim of ensuring balance in resource allocations and right-sizing executive roles. The organisational restructure is expected to be completed by the end of 2018.  |
| Recommendation 27Strengthen the executive leadership of the organisation, including through:1. Developing a vision for the organisation reflective of the new objects, complimented by a strong outcomes-focused strategy
2. Ensuring alignment with GSERP and VPSC executive performance management guidance.
 | **Accept in principle** | The Government expects the VIT to have undertaken work to strengthen the executive leadership in the organisation, including through:* the development of a vision for the organisation that reflects the new objects or functions of the Council;
* the development of a strong outcomes-focused strategy; and
* aligning performance practices with GSERP and VPSC executive performance management guidance.

The VPSC is currently undertaking a TAFE and other Education Industry Sector Review. The Final Report (due in May 2018) is expected to inform and guide the implementation of this recommendation. The vision and strategy is to be reviewed and updated by the end of 2018 (and on an ongoing basis). |
| Recommendation 28Strengthen staff engagement, decision-making transparency and communication to improve staff morale and associated performance of the VIT. | **Accept in principle** | The Government expects the VIT, through the leadership of the new CEO and the VIT’s senior management team, to implement a more transparent and open decision-making model and to improve communication with staff.This should be included in the Action Plan for organisational change (see recommendation 31).It is expected that this will be completed by the end of 2018.  |
| Recommendation 29Establish an executive-level Principal Practitioner position as a direct report to the CEO. This position should support the building of public trust and confidence in the VIT’s teaching expertise. | **Accept in principle** | The Government expects the VIT to immediately establish and recruit to fill the position of a Principal Practitioner (or equivalent) in its leadership structure as part of its organisational structure reforms (see recommendation 26) by the end of June 2018. |
| Recommendation 30The Review recommends the VIT Executive and Council strengthen strategic stakeholder engagement capabilities and activities, including by:1. Prioritising this in the strategic plan
2. Aligning organisational and leadership KPIs to reflect this priority.
 | **Accept in principle** | The Government expects the VIT to review its Strategic Plan to strengthen strategic stakeholder engagement capabilities and activities and align organisational and leadership KPIs to reflect this priority.It is expected that the Strategic Plan be updated by the beginning of 2019. |
| Recommendation 31Develop a people and organisational change strategy and plan, clearly aligned with the Victorian Public Sector Code of Conduct and the new Council Charter. This strategy should be developed through positive, proactive engagement with staff and include agreed organisational values. It should be owned by the CEO and VIT Council Chair, with progress against objectives regularly reported to Council and staff at VIT.The VIT to consider use of an independent organisational consultant to co-facilitate engagement with staff before, during and after development of the strategy. | **Accept in principle** | The Government expects the VIT to develop an Action Plan for organisational change, which includes a change strategy, aligned to the VPS Code of Conduct and the new Council Charter, and organisational values. The Action Plan for organisational change is to be completed by mid-2018 and must include:* the development of a new vision and transparent decision-making and communication by the VIT leadership group (see recommendations 27 and 28)
* the promotion of a new Code of Conduct for VIT staff (as per recommendation 32)
* organisational objectives and staff engagement and culture KPIs (as per recommendation 33(a) and (b)).
* a commitment to undertake staff surveys, exit interviews and any other action that is determined to be appropriate to support improvement in the culture of the organisation and human resource management (as per recommendation 34).
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| Recommendation 32Prioritise safety and wellbeing of VIT employees who have experienced or been exposed to potential harm in the workplace, including through: 1. Developing a clear policy and organisational process for promoting the Code of Conduct, and managing allegations of bullying or other violations of the Code.
2. Transparently promoting this across the organisation, championed by the VIT Executive.
3. Ensuring staff found to be engaging in inappropriate behaviours are the subject of timely and appropriate disciplinary processes.
 | **Accept in principle** | The Government expects the VIT Council to require the new VIT CEO and senior management team to:* develop a clear policy and organisational process for promoting the Code of Conduct and managing allegations of bullying or other violations;
* promote and champion the Code across the organisation;
* take appropriate and timely action against staff engaging in inappropriate behaviour.

These actions are to be included in the Action Plan for organisational change (see recommendation 31) and completed by the end of 2018. |
| Recommendation 33Prioritise the importance, visibility and staff accountability for:1. Common organisational objectives, which require the contribution of multiple divisions.
2. Staff engagement and culture KPIs – which should also be included in the position descriptions of all staff with people management responsibilities and results a key input to performance reviews.
 | **Accept in principle** | The Government expects the VIT to:* promote common organisational objectives through increasing their importance and visibility and making staff accountable for meeting those objectives; and
* increase staff engagement and a culture of KPIs by conducting performance reviews and embedding this in job descriptions for manager level staff and above.

This work is to be influenced and informed by the People Matters survey results (see recommendation 34).These actions are to be included in the Action Plan for organisational change (see recommendation 31) and completed by the end of 2018. |
| Recommendation 34Implement more robust and consistent staff survey and engagement mechanisms, including regular People Matters surveys and robust exit interview and continuous improvement processes. Develop an annual action plan to ensure continuous improvement in regards to organisational development and human resource management. | **Accept in principle** | The Government expects the VIT to:* conduct regular People Matters surveys;
* implement a robust exit interview process;
* develop an annual action plan on organisational development and human resource management.

These actions are to be included in the Action Plan for organisational change (see recommendation 31) and completed by the end of 2018. |