
GOOD CHARACTER AND FIT TO BE A TEACHER POLICY

INTRODUCTION

1. The Education Council of Aotearoa New Zealand (the Education Council) provides leadership in teaching, enhances the status of teachers and education leaders and ensures safe and high quality leadership, teaching and learning for children and young people.
2. The Education Council has a statutory responsibility under the Education Act 1989 to register, issue and renew practising certificates to suitable applicants to the teaching profession. To fulfil this obligation the Education Council must be satisfied that an applicant for registration **and** any type of practising certificate or a Limited Authority to Teach (LAT) is of good character and fit to be a teacher.

PURPOSE

3. The purpose of this policy is to:
 - a. explain the criteria that will be used by the Education Council for determining good character and fitness to be a teacher;
 - b. set out the processes used by the Education Council for determining teachers' good character and fitness to be a teacher for all parts of the registration and practising certificate application processes, and processes for granting a Limited Authority to Teach (LAT);
 - c. give public and professional confidence in the registration, practising certificate and LAT processes, by maintaining high standards when registering and issuing practising certificates to teachers and granting LATs.

LEGISLATIVE CONTEXT

4. The principal sections of the Education Act 1989 applicable to this policy are sections 282, 353, 355, 357, 361, 362, 366, 367, and 368.
5. The Vulnerable Children Act 2014 is also applicable to this policy. S28 of this Act prevents core workers⁷⁹ who have been convicted of a specified offence⁸⁰ from being employed or engaged to work with children, unless they have been granted an exemption.⁸¹ The Children's Action Plan also establishes the expectation that children's workers will meet a set of core competencies in relation to working with vulnerable children. Practising teachers are required to either meet, or be likely to meet, the *Practising Teacher Criteria* and are required to commit to upholding the *Code of Ethics*, so are required to be practising within parameters that set high expectations for the provision of safe and high quality care and education of children and young people.
6. Before the Education Council can register an applicant or grant a Limited Authority to Teach (LAT) the Education Act 1989 requires the Education Council to be satisfied that the applicant:
 - a. is of good character; and
 - b. is fit to be a teacher.

79 S23 of the Vulnerable Children Act 2014 defines a core worker as a children's worker who is either the only children's worker present, or has primary responsibility for, or authority over the children present.

80 Schedule 2 of the Vulnerable Children Act 2014 lists the specified offences that prevent a person becoming registered or holding a practising certificate, unless granted an exemption.

81 S36 of the Vulnerable Children Act 2014 sets out the process for applications for exemption.

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7. The Education Council also requires, as additional criteria for the issue and renewal of all categories of practising certificate, that teachers demonstrate they are of good character and fit to be a teacher.⁸²
 8. In deciding whether or not an applicant meets those criteria, sections 355 and 368 of the Education Act 1989 require the Education Council to obtain a Police vet of the applicant. The Education Council will take the Police vet into account in making its decision, as well as any other matters that are relevant in the circumstances.

OTHER RELEVANT LEGISLATION

9. The Education Council is aware of the responsibilities within this policy to comply with other legislation including the Vulnerable Children Act 2014, Bill of Rights Act 1990, Human Rights Act 1993, Privacy Act 1993, Criminal Records (Clean Slate) Act 2004, Official Information Act 1982 and the Children, Young Persons & their Families Act 1989.

ETHICAL CONTEXT

10. The Education Council's *Code of Ethics for Certificated Teachers/Ngā Tikanga Matatika* applies to all teachers who hold a practising certificate, and to those persons who are granted a Limited Authority to Teach (LAT).

DEFINITION OF 'GOOD CHARACTER AND FIT TO BE A TEACHER'

11. The Education Council will take the following matters into account in deciding whether an applicant is of good character and is fit to be a teacher. The applicant:
 - a. has a Police vet satisfactory to the Education Council;
 - b. displays respect for persons, for cultural and social values of Aotearoa New Zealand, for the law and for the views of others;
 - c. upholds the public and professional reputation of teachers;
 - d. promotes and nurtures the safety of learners within his or her care;
 - e. is reliable and trustworthy in carrying out duties;
 - f. is mentally and physically fit to carry out the teaching role safely and satisfactorily.⁸³
12. The Education Council may also take into account any other matters that it considers relevant in the circumstances.

PRINCIPLES

13. The Education Council will observe the following key principles in determining whether an applicant is of good character and is fit to be a teacher:
 - a. **natural justice:** the Education Council will give an applicant an opportunity to be heard before it decides not to register, issue or renew a practising certificate or LAT to that applicant on the grounds of character or fitness to be a teacher;
 - b. **transparency:** the Education Council will:
 - i. endeavour to make clear its processes for deciding whether an applicant is of good character and is fit to be a teacher; and

82 Education Act 1989, s361(2)(c) and s361(6)(d). The ability for the Education Council to establish additional criteria is set out in s382(1)(h) of the Education Act 1989.

83 In considering this criterion, the Education Council will distinguish between any mental or physical condition that affects an applicant's ability to carry out the teaching role satisfactorily, and any disability that an applicant has that does not impact on that ability. The Education Council is aware of its obligation not to contravene the Human Rights Act 1993 by unlawfully discriminating against any person.

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- ii. provide reasons if it decides that an applicant does not meet those criteria;
 - c. **consistency**: the Education Council will have regard to prior decisions where relevant;
 - d. **reliability**: the Education Council will ensure that its decisions about applicants' character and fitness to be a teacher are based on comprehensive and quality information.

EVIDENCE

- 14. The Education Council will ensure that decisions are based on comprehensive and quality information. The onus is on the applicant to provide this information, and the Education Council will make decisions on the basis of the information provided.
- 15. The evidence required by the Education Council when it determines the good character of an applicant will include a Police vet satisfactory to the Education Council.
- 16. The current criteria used for assessing "good character through a Police vet satisfactory to the Education Council" include reference to:
 - a. severity;
 - b. recency;
 - c. age at offending; and
 - d. pattern of offending.
- 17. The evidence required by the Education Council when it determines that an applicant is fit to be a teacher shall be:
 - a. *For an applicant for a Limited Authority to Teach:*
 - i. satisfactory Police vet;
 - ii. applicant declaration, and any relevant supporting information about matters declared;
 - iii. testimonial;
 - iv. employer endorsement, when applicable;
 - v. support endorsements – for itinerant positions only.
 - b. *For an applicant for teacher registration and any category of practising certificate:*⁸⁴
 - i. satisfactory Police vet;
 - ii. applicant declaration, and any relevant supporting information about matters declared;
 - iii. testimonial;
 - iv. recommendation;
 - v. endorsement.

DETERMINATION

- 18. Points at which the Education Council will require evidence of good character and fitness to be a teacher are:
 - a. *Registration, practising certificates and application for Limited Authority to Teach (LAT):*
 - i. by Education Council staff at the point of application;

⁸⁴ See Appendix Two for further details.

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- ii. by the Application Review Committee (a staff committee) when further consideration of an application is required;
 - iii. by the Registration Sub-committee (a staff management committee) as a result of notification of misconduct, conviction or other consideration;
 - iv. by Council members upon recommendation from the Registration Sub-Committee.
- b. *When applications for registration/LATs are being processed and there is one of the following:*
- i. a complaint about competence or conduct; or
 - ii. a conviction; or
 - iii. a mandatory report.
19. When there is a complaint, conviction or mandatory report the appropriate Education Council processes for those circumstances will be followed. Once resolution of those issues is finalised then the registration, practising certificate or LAT process will continue for that applicant with regard to the outcome of the Education Council's processes.

APPEALS

20. Any applicant who is not satisfied with a Council decision about his or her application may appeal that decision to the District Court within 28 days (or any longer period that the Court allows) of receiving notice of the decision.

POLICY REVIEW

21. This policy may be reviewed and consulted on as necessary by the Education Council.

RELATED POLICY REFERENCES

22. This policy should be read in conjunction with the following policies:
- Satisfactorily Trained to Teach Policy
 - Likely to meet the *Practising Teacher Criteria* Policy
 - Satisfactory Recent Teaching Experience Policy
 - Language Proficiency Requirements for Teaching in Aotearoa New Zealand
 - Limited Authority to Teach Policy

APPENDIX ONE: PROCEDURE FOR UNDERTAKING POLICE VETTING AND IDENTITY VERIFICATION

The Education Council requires that anyone applying to be registered, issued with or renew a practising certificate, and those applying for a Limited Authority to Teach (LAT) are of good character and fit to be a teacher.

The Education Act 1989 requires the Education Council to obtain a Police vet when determining whether a person is of good character and fit to be a teacher.

New Zealand Police vetting

When applying for registration, a practising certificate or LAT the applicant gives permission through the applicant declaration section of the relevant form for the Education Council to disclose information provided in the application to NZ Police for the purpose of obtaining a Police vet. As the request for the vet is made to the Police by the Education Council, there is a process in place to ensure safe and appropriate handling of sensitive information:

- a. An applicant's information can only be sent to NZ Police by certain designated staff members from a computer in a secure area.
- b. Information is shared electronically and is classified under the Government Security Classification 'In Confidence'.
- c. NZ Police are required to return the result of the vet within a specified timeframe to ensure completion of the process in a timely manner.

Identity verification for New Zealand Police vetting

The Education Council also needs to be assured of the identity of an applicant to ensure the vetting process is carried out for the correct person. Due to the size and geographic spread of the profession the Education Council is not able to verify a teachers' identity without relying on a third party who can sight appropriate identity documents (including photographic documentation) and confirm the person presenting them is the same person.

The Education Council's process for identity verification applies to all applications for registration, practising certificates and LATs received on or after 1 July 2015, and requires a person authorised by the Education Council to:

- a. sight a category A form of identity document; and
- b. sight a category B form of identity document; and
- c. sign a statutory declaration to confirm:
 - i. the person who provided the documentation is the same person shown in the photographic identification document; and
 - ii. is the person named in the registration, practising certificate or LAT application form.

Category A and B forms of identity documentation are listed below.

For New Zealand applicants:

Category A	Category B
New Zealand Passport	New Zealand Driver License
A New Zealand Certificate of Identity issued under the Passports Act 1992 to non-New Zealand citizens who cannot obtain a passport from their country of origin	18+ card (must be current)
New Zealand certificate of identity (issued to people who have refugee status)	Community Services Card
New Zealand Refugee Travel Document	SuperGold Card
Emergency Travel Document	Veteran SuperGold Card
New Zealand Firearms License	Inland Revenue Number
Overseas passport (with New Zealand immigration visa/ permit)	Electoral Roll Records
New Zealand Full Birth Certificate	
New Zealand Citizenship Certificate	

For overseas applicants:

Category A	Category B
New Zealand Passport	New Zealand Driver License
Overseas passport (with New Zealand immigration visa/ permit)	Overseas Driver's License
	National Police Certificate issued in the last 6 months by the Country the applicant has been residing in for more than 6 months

Overseas police vetting

Applicants for registration, a practising certificate or LAT are required to provide a police clearance from the national Police service of any country in which they have spent 12 months or more within the previous 10 years. The applicant is required to obtain this and provide the original certificate or an appropriately certified photocopy with their application. The vet must be completed and dated after the applicant left the country, or, if the applicant still resides overseas, have been completed and dated within the last six months.

APPENDIX TWO: EVIDENCE OF AN APPLICANT'S GOOD CHARACTER AND FITNESS TO BE A TEACHER

Element	Used in application forms	Evidence required
Applicant declaration	EC10 EC15 EC20 EC21 EC30 EC40 EC80 EC90	The applicant is required to: <ol style="list-style-type: none"> 1. declare any physical or mental health condition that may affect the applicant's ability to carry out a teaching role safely and satisfactorily; and 2. declare whether or not they have been dismissed from a teaching position in any country; and 3. declare whether or not they are under investigation for any matters that may call into question their character or fitness to teach; and 4. complete and sign the section to declare all information within the application is correct.
Testimonial	EC80 EC90	The professional leader who has employed the teacher within the last three to five years is required to attest that the applicant is of good character and fit to be a teacher.
Endorsement	EC20 EC21 EC30	The professional leader who employed the teacher within the last three to five years is required to endorse that the teacher is of good character and fit to be a teacher. If the professional leader is not a fully certificated teacher, a second endorsement is required from a fully certificated teacher.
Endorsement	EC40	The professional leader is required to endorse the applicant as being of good character and fit to teach.
Police Vet	EC10 EC15 EC20 EC21 EC30 EC40 EC80 EC90	The applicant has a Police vet completed by the Vetting and Validation section of the NZ Police that the Education Council determines is satisfactory; and the applicant is also required to provide a Police vet from the national Police service of any country in which they have spent 12 months or more within the last 10 years.