GOOD CHARACTER AND FIT TO BE A TEACHER POLICY

Ú ki te ako, tu tangata ai apōpō
Excel in teaching so our learners will excel in the future
Good Character and Fit to be a Teacher Policy

Introduction
1. The New Zealand Teachers Council / Te Pouherenga Kaiako o Aotearoa (The Council) provides professional leadership in teaching, enhances the professional status of teachers and contributes to a safe and high quality teaching and learning environment.

2. The Council has a statutory responsibility under the Education Act 1989 to register suitable applicants to the teaching profession. To fulfil this obligation the Council must be satisfied that an applicant is of good character and fit to be a teacher.

Purpose
3. The purpose of this policy is to:
   (a) identify the criteria that will be used by the Council for determining good character and fitness to be a teacher;

   (b) identify the processes used by the Council for determining teachers’ good character and fitness to be a teacher for all parts of the registration processes and processes for granting a Limited Authority to Teach;

   (c) increase public and professional confidence in the registration processes in maintaining high standards and registering teachers who are of good character and who are fit to be a teacher.

Legislative Context
4. The principal sections of the Education Act 1989 applicable to this policy are sections 121, 122, 123, 124, 124B, 126, 129, 129A, 130, 130A, 130B, 130C and 130D.

5. Before the Council can register an applicant or grant a Limited Authority to Teach (LAT) the Council must be satisfied that, amongst other things, the applicant:
   - is of good character; and
   - is fit to be a teacher.

6. In deciding whether or not an applicant meets those criteria, section 124B of the Education Act 1989 requires the Council to obtain a police vet of the applicant. The 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
**Ethical context**

8. The New Zealand Teachers Council Code of Ethics for Registered Teachers / Ngā Tikanga Matatika (January 2005) applies to registered teachers and to those persons who are granted a Limited Authority to Teach (LAT).

**Definition of ‘Good Character and Fit to be a Teacher’**

9. The 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 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.  

10. The Council may also take into account any other matters that it considers relevant in the circumstances.

**Principles**

11. The 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 Council will give an applicant an opportunity to be heard before the Council decides not to register that applicant on the grounds of character or fitness to be a teacher;
   (b) **transparency**: the 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
     ii. provide reasons if it decides that an applicant does not meet those criteria;
   (c) **consistency**: the Council will have regard to prior decisions where relevant;
   (d) **reliability**: the Council will ensure that its decisions about applicants' character and fitness to be a teacher are based on comprehensive and quality information.

**Evidence**

12. The Council will ensure that decisions are based on comprehensive and quality information.

13. The evidence required by the Council when it determines the good character of an applicant shall be a police vet satisfactory to the Council police vet. (see Appendix 1)

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1 In considering this criterion, the 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 Council is aware of its obligation not to contravene the Human Rights Act 1993 by unlawfully discriminating against any person.
14. The evidence required by the Council when it determines that an applicant is fit to be a teacher shall be:

For a Limited Authority to Teach:
   i. satisfactory police vet;
   ii. applicant declaration;
   iii. employer endorsement;
   iv. support endorsements – for itinerant positions only.

For teacher registration: *
   i. satisfactory police vet;
   ii. applicant declaration;
   iii. testimonial;
   iv. recommendation;
   v. endorsement.

* see appendix 2 for further details

Determination
15. Points at which the Council will require evidence of good character and fitness to be a teacher are:

1) Registration and Application for Limited Authority to Teach (LAT),
   (a) by registration staff at the point of application;
   (b) by the Application Review Committee (a staff committee) when further consideration of an application is required;
   (c) by the Registration Sub-committee (a staff management committee) as a result of notification of misconduct, conviction or other consideration;
   (d) by Council members upon recommendation from the Registration Sub-committee.

2) When applications for registration/LATs are being processed and there is one of the following:
   (a) a complaint about competence or conduct;
   (b) a conviction; or
   (c) a mandatory report.

then the appropriate Council processes for those circumstances will be followed. Once resolution of those issues is finalised then the registration process will continue for that applicant with regard to the outcome of the Council’s processes.

Appeals
16. 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.

Compliance
17. The Council’s compliance register will audit this policy against all legal requirements.
Policy Review
18. The policy may be reviewed and consulted on as necessary by the Council.

Related Policy References
19. This policy should be read in conjunction with policies on:
   (a) Rules on Police Vetting;
   (b) Limited Authority to Teach (2007);
   (c) Language Proficiency;
   (d) Gaining and Maintaining Full Registration.

Effective from November 2007

Authorising Signature

| Signed:    | Chair New Zealand Teachers Council |
| Date signed: |                                           |

Appendix 1.

1. The current criteria used by Council staff within the registration process for assessing “good character through a police vet satisfactory to the Council” would include reference to:
   - severity;
   - recency;
   - age at offending; and
   - pattern of offending.

Appendix 2.

Evidence of an Applicant’s Good Character and Fitness to be a Teacher.

<table>
<thead>
<tr>
<th>Evidence</th>
<th>Used in</th>
<th>Provided by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant declaration</td>
<td>Forms TC 1, 3 &amp; 4.</td>
<td>Applicant to complete and sign this section to declare all information within the application is correct.</td>
</tr>
<tr>
<td>Applicant declaration</td>
<td>TC 1, 3 &amp; 4.</td>
<td>To declare any physical or mental health condition that may affect the applicant’s teaching.</td>
</tr>
<tr>
<td>Testimonial</td>
<td>Re-applying for Provisional or STC</td>
<td>Professional leader to testify that the applicant is of good character and fit to be a teacher.</td>
</tr>
<tr>
<td>Endorsement</td>
<td>Renewing of Practising Certificate TC 3</td>
<td>Professional leader or if the professional leader is not a registered teacher then by a second endorser who must be a registered teacher. To endorse that the applicant is of good character and fit to be a teacher.</td>
</tr>
<tr>
<td>Endorsement</td>
<td>For Limited Authority to Teach TC 4</td>
<td>Professional leader endorses the suitability of the applicant to be of good character and fit to be a teacher.</td>
</tr>
<tr>
<td>Police Vet</td>
<td>TC 1, 3 and 4</td>
<td>The applicant will have a satisfactory police vet.</td>
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</tbody>
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