

# NZSTA Criminal Convictions / Police Reports Policy



## Policy

This document sets out the New Zealand Speech-language Therapists' Association (NZSTA) policy regarding the requirement to apply for criminal conviction report(s).<sup>1</sup>

The NZSTA considers criminal convictions when determining fitness for registration.

An applicant cannot be registered as a speech-language therapist if they have been convicted of an offence, either in New Zealand or abroad, that is punishable by imprisonment for three months or more unless they can satisfy the NZSTA that, considering all circumstances—including the time elapsed since the conviction—the offence does not negatively impact their fitness to practice as a speech-language therapist.

## Scope

This policy applies to

- a new speech-language therapist applicant for registration or
- a speech-language therapist applicant returning to work from overseas or
- an applicant for re-registration (restoration to the Register)
- a currently registered speech-language therapist who has an ongoing duty to disclose convictions.

## Key related documents

- NZSTA Code of Ethics
- Health Practitioners Competence Assurance Act 2003 (section 67)

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<sup>1</sup> Note: The difference between a Ministry of Justice criminal record check and police vetting is that the criminal record check only covers convictions. Police vetting includes a criminal conviction history and can include information on any contact a person has had with the police.

# Procedure

## Declaration of Convictions

### 1. Requirement for Disclosure:

- All applicants for registration with NZSTA must declare any criminal convictions or equivalent for every country that they have lived in for six months or more in the last ten years, over the age of 17 years.
- All registered members must disclose any convictions annually - no later than within 30 days of conviction.
- The consequence of non-disclosure could include potential application rejection or registration revocation if the omission is discovered later.

### 2. Evidence of Conviction Status:

- Applicants must provide a certified copy of overseas police certificates and/or a New Zealand convictions check.
- NZSTA may request additional documentation as necessary.

### 3. Validity of Police checks

- If a conviction check expires before the registration process is completed, the NZSTA may request another at the applicant's expense. Most authorising authorities release criminal conviction check results valid for 12 months from the issue date. The NZSTA may accept a criminal conviction check older than twelve months if the applicant has not returned to the country of issue since the check was completed or if the applicant can satisfactorily demonstrate that they have not lived outside Aotearoa New Zealand since the issue of the report/s.
- Applicants may be required to make a statutory declaration stating this fact. This should be done with a Justice of the Peace or other authorised person.

To avoid doubt, these requirements apply to applicants aged 17 years and over whilst living in a jurisdiction.

The criminal conviction histories/police report(s) are required to search the applicant under all the names they have been known under, whether in New Zealand or overseas, and in all variations of names evidenced on documentation provided for registration or the issue of a practising certificate. An applicant is exempted from this requirement if a search is based on an applicant's fingerprints, which is clearly stated in the report.

## Evaluation of Convictions

### 4. Impact on Registration:

- The presence of a conviction does not automatically disqualify an applicant from registration.
- Applicants must demonstrate that considering all circumstances, the offence does not adversely affect their fitness to practise.
- The ethics committee will consider the evaluation of convictions.

Suppose an applicant or an SLT has one or more convictions that meet the threshold set out in this policy. In that case, NZSTA must be satisfied that these matters do not adversely reflect the speech-language therapists' fitness to practice.

To assist NZSTA in making its decision, an SLT may be required to provide some or all of the following additional information and have up to 30 working days to submit the information:

**Detailed Explanation and Reflection:**

- Applicants must provide a comprehensive explanation and reflection on the nature of the conviction(s) and the circumstances that led to them. The explanation should include as much detail as possible so that NZSTA can fully consider the applicant's suitability for registration.

**Court Documents:**

- a certified or original copy of the 'Summary of Facts' submitted to the court by the Police concerning the charge(s) which resulted in the conviction(s)
- a certified or original copy of the Judge's decision regarding each conviction, if this is available

**References:**

- A reference from an individual of good standing in the community who has known the applicant for over two years, is not a relative and is over 18 years old. The referee must be fully informed of the conviction(s) and provide reasons why they believe the conviction(s) do not adversely reflect the applicant's fitness to practise in New Zealand.

**Additional Information:**

- NZSTA may request further information as needed to make an informed decision.

NZSTA may consider, amongst other factors, the following:

- nature and seriousness of the conviction
- circumstances
- age at the time that the conviction was recorded
- the time that has elapsed
- number of convictions
- any patterns of behaviour/offending
- recent testimonials and character references
- impact on the person's fitness to practise as a speech-language therapist
- evidence of remedial action or interventions.

**Assessment and Decision**

The NZSTA, in its role of setting and maintaining standards for the profession and ensuring public safety, will consider all relevant factors in light of the Association's Principles, Rules of Ethics, and registration competency requirements. In particular, NZSTA will seek assurance that the individual will not bring the profession into disrepute and will carefully evaluate any potential threats to public safety, including risks associated with dishonesty offences.

In evaluating criminal convictions, the NZSTA is committed to upholding cultural safety and responsiveness to Te Tiriti o Waitangi. We recognise that broader socio-cultural factors may shape the context of certain convictions. Therefore, in assessing an applicant's fitness to practise, we will consider any relevant cultural background, including the potential impact of systemic factors and biases that may have contributed to the offence. This approach ensures our commitment to equity and the fair, culturally informed evaluation of all applicants.

Once the NZSTA has reached a decision, the executive director will inform the speech-language therapist in writing, outlining the reasons for the decision. The applicant will have ten working days to make representations about the decision in writing or to request a hearing, either in person or through a representative.

This policy ensures that all applicants for registration with the NZSTA are evaluated fairly, consistently, and with respect for cultural context while maintaining the high standards and integrity of the speech-language therapy profession in New Zealand.

## How to Apply

### Aotearoa New Zealand Checks

The [Ministry of Justice](#) performs New Zealand Criminal Convictions Checks. Applicants must complete the appropriate form and return a certified copy of the outcome to the NZSTA as a part of their application.

New Zealand graduates intending to register with NZSTA do not need to wait for final confirmation of their examination results before applying for a criminal conviction history.

### Overseas Checks

Applicants who have lived outside Aotearoa New Zealand, for at least six months in the last ten (10) years or since they were 17 must complete a criminal history check for each respective country. This can usually be done through the country's police or government agency responsible for criminal records.

If in Australia, this is completed by the applicant online via the [Fit2work website](#).

The applicant is responsible for the costs of any international police checks required, which vary by country.

## Monitoring and Review

1. The executive director will monitor compliance with the policy.
2. The executive director is responsible for maintaining the policy.

## Document Control

Date	Version	Approved by	Review date	Note if any Amendments are made
6 September 2024	1.0	NZSTA Board	2029	NA

All policy effective as above except where individually noted