

Determining Good Character and Fitness to Teach Board Policy July 2020

Purpose

To detail the requirements to be **granted** and **maintain** teacher registration or a limited authority to teach (LAT) in Tasmania. Teachers are to be of, *good character* and *fit to teach*, pursuant to the *Teachers Registration Act 2000*.

This is in order to maintain public confidence in the teaching profession. Consideration of good character and fitness to teach includes consideration of any behaviour of the person that does not satisfy a standard of behaviour generally expected of a teacher and shows the person is unfit to be granted teacher registration or a limited authority to teach (LAT).

Scope

This policy applies:

- (i) at the initial point of an application for provisional registration, full registration, specialist vocational education and training registration and applications for a limited authority to teach;
- (ii) to re-applications for provisional registration and;
- (iii) to applications for renewal of full registration and specialist vocational education and training registration.

Once a person has been granted teacher registration or a LAT they are expected to maintain a standard of behaviour during their career to continue to be of good character and fit to teach.

Best Interests of Students

Section 7A of the Act requires that -

In performing its functions and exercising its powers, the Board must consider the welfare and best interests of students to be of paramount importance.

Therefore, in considering matters that may affect a person's *good character* and/or *fitness to teach*, the Board will take into consideration the welfare and best interests of students as a primary factor.

Good Character

Section 17J of the Act outlines the factors that the Board **is to** consider in making a determination about an individual's good character, and these include –

- (a) *charges and convictions*; and
- (b) *Registration to Work with Vulnerable People* status (administered by the Department of Justice) and
- (c) any behaviour that:
 - (i) *does not satisfy a standard of behaviour generally expected of a teacher; or*
 - (ii) *is otherwise disgraceful or improper.*

Section 17J also states that the Board **may** take into account “*any other matter it considers relevant*”.

Fitness to Teach

Section 17K of the Act provides the factors that the Board **may** consider in making a determination about an individual's fitness to teach, and these include -

- (a) *any medical, psychiatric or psychological condition; and*
- (b) *the competence of the person as a teacher; and*
- (c) *any other matter it considers relevant.*

Section 17K of the Act provides that, for *the purposes of determining whether a person is fit to be a teacher, the Board may require the person—*

- (a) *to undergo a medical examination, including a psychiatric, psychological or other examination; and*
- (b) *to authorise the medical practitioner, psychologist or other person undertaking the examination to provide a copy of his or her report on the person to the Board.*

Requirements

When an individual applies for teacher registration or a limited authority to teach, the Board is required to make a determination with regard to an applicant's *good character* and *fitness to teach*.

When applying –

1. The Board **will require** an applicant to:
 - (a) answer questions and make declarations in relation to matters that may affect the Board's consideration of their *good character* and/or *fitness to teach*; and
 - (b) authorise the Board to conduct a National Police History Check (NPHC).
2. The Board **may require** an applicant, where relevant, to:
 - (a) provide any further information considered necessary;
 - (b) authorise the Board in writing to obtain information from any corresponding registration authority or any other person, government department or government body that the Board considers may have relevant information;
 - (c) provide an International Police History Check (IPHC); and
 - (d) undergo a medical, psychiatric and/or psychological examination and authorise the practitioner to provide a copy of the report.
3. The Board **may require** a report from the Commissioner of Police on any matters concerning a person that may be relevant.

In providing information to the Board, pursuant to section 36 of the Act -

A person, in giving any information under this Act, must not –

- (a) *make a statement knowing it to be false or misleading; or*
- (b) *omit any matter knowing that without that matter the information is misleading.*

It is an offence to provide a false or misleading statement or to omit a matter knowing that without providing that matter the information is misleading. Failure to comply with this requirement could lead to a fine of up to 10 penalty units.

Procedures

Questions and Declarations on Application

The questions and declarations on application play an important part in determining *good character* and *fitness to teach*. These cover a range of areas, for example -

- Employment history, including previous and current investigations, disciplinary proceedings, processes that involve addressing underperformance, and circumstances surrounding resignations and dismissals.
- Registration/entitlement to teach history in other jurisdictions (national and international).
- Medical, psychiatric or psychological conditions that may impact on a person's capacity to undertake the duties of a teacher.
- Registration to Work with Vulnerable People status in Tasmania (and equivalent checks in other jurisdictions).
- Charges and Convictions – minor traffic offences, Police Infringement Notices, Public Nuisance offences and prescribed offences.

Failure to Disclose a Matter on Application

Failure to disclose a matter, even if it has been declared previously, may result in a delay in processing any application. It may also impact on the Board's consideration of whether an applicant is of good character and/or fit to teach.

If an issue has been dealt with by the Board via a previous application, **it must still be declared**.

- The additional information required can simply state, '*Matter previously declared and dealt with by the Board.*'

National Police History Check (NPHC)

By submitting an application to the Board, section 17L(1) of the Act provides that a person is taken to have authorised the Board to obtain a report from Tasmania Police.

The Board conducts its own checking process directly with Tasmania Police; it does not accept information provided via any other sources.

What is contained in a National Police History Check?

The Board obtains a 'full' NPHC that **lists all matters that have been recorded against a person's name**. This includes information about:

- Cautions
- Non-conviction charges (findings of guilt where no conviction has been recorded)
- Convictions
- Spent convictions
- Juvenile matters

The [Annulled Convictions Act 2003](#) provides that persons applying for registration as a teacher or limited authority (LAT) are required to disclose all of the above as these will appear on a full NPHC.

Not all matters that are disclosed on an applicant's NPHC will lead to a determination that an individual is not of good character and/or not fit to be a teacher. The Board considers each circumstance on its own merits.

International Police History Checks (IPHC)

If an applicant is resident overseas or has resided outside of Australia, as an adult, within the last decade, for **cumulative periods of twelve months or more**, the Board will require an International Police History Check (or its equivalent) from the country in which the person is living or has resided.

- In this instance an applicant should contact the Board to ascertain what documentation is required.

There may be circumstances where it is not possible for an applicant to obtain an IPHC.

- Such circumstances are assessed on a case-by-case basis and contact should be made with the Board to determine if an exemption is warranted.

What happens next?

Professional Conduct Committee

Where matters arise that may affect an applicant's good character and/or fitness to teach, the matter is referred to the Professional Conduct Committee, as delegate of the Board. The Committee is comprised of 2 Board members and 2 currently practising teachers.

Registration Oversight Committee

If it appears likely that the Board may not be satisfied that an applicant is of good character or fit to be a teacher, the Board is to give an opportunity for the applicant to appear before it.

Also, if the Board is intending to grant registration subject to conditions, the Board is to give an opportunity for the applicant to appear before it.

The Registration Oversight Committee acts as the delegate of the Board in these matters.

Notification of Decision

Section 28 of the Act requires that the Board is to give a person written notice of any decision it makes that affects that person and the reasons for that decision. Therefore, with regard to matters that affect a person's good character and/or fitness to teach, decisions and reasons for those decisions will be communicated in writing.

Review of Decision

Section 29 of the Act provides that a person may apply to the Magistrates Court (*Administrative Appeals Division*) for a review of a decision that the person is given notice of under section 28.

Relevant Sections of *Teachers Registration Act 2000*

Section 7A – Board to consider best interest of students

Section 12 – Application for registration

Section 13 – Determination of application for registration

Section 13A – Actions during assessment of application and following determination of application

Section 14 – Grant of full registration following period of provisional registration

Section 17A – Renewal of full registration and specialist vocational education and training registration

Section 17C – Application for limited authority

Section 17D – Determination of application

Section 17H – Extension of limited authority

Section 17J – Determining whether person of good character

Section 17K - Determining whether person fit to be teacher

Section 17L – Police report

Section 28 – Notification of decision

Section 29 – Applications for review

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Version Control

Version 1 - 05/11/2019

Reviewed 12/05/2020 by Audit & Risk Committee

Policy Established- TBA