



Occupational Therapy Board of New Zealand

TE POARI WHAKAORA NGANGAHAU O AOTEAROA

FOSTERING FAITH AND CONFIDENCE IN THE PROFESSION

Assessment of criminal convictions

In determining fitness for registration the OTBNZ is required to take criminal convictions into consideration. Section 16(c) of the Health Practitioners Competence Assurance Act 2003 (HPCAA) states:

*“No applicant for registration may be registered as a health practitioner of a health profession if –
... (c) he or she has been convicted by any court in New Zealand or elsewhere of any offence punishable by imprisonment for a term of 3 months or longer, and he or she does not satisfy the responsible authority that, having regard to all the circumstances, including the time that has elapsed since the conviction, the offence does not reflect adversely on his or her fitness to practise as a health practitioner of that profession; ...”*

1. All applicants for registration are required to submit a police report on criminal convictions no older than six months on receipt by the OTBNZ.
2. Police reports must be obtained from every country that the person has lived in for period of 6 months.
3. All applicants must submit a birth certificate and passport details to assist in establishing their identity. If an applicant has changed their name they must provide proof of name change such as a deed poll or marriage certificate etc. Applicants are also required to submit their consent for the OTBNZ to obtain a police report on their behalf that searches them in all their names.
4. An application for registration must be submitted before the OTBNZ can consider the convictions.
5. Convictions will be considered on a case-by-case basis, following principles of fairness and natural justice.
6. Students with convictions prior to enrolment, or convictions occurring during the training programme, will be subject to the policies of the educational institution. However, the OTBNZ cannot be bound by decisions made by educational institutions in respect of enrolling a student with convictions. The OTBNZ will consider each case on its merits in order to be satisfied that the person is fit to practise as an occupational therapist in New Zealand.
7. The OTBNZ will ensure that each applicant with criminal convictions has an opportunity to make a submission in writing and to be heard in respect of those convictions.
8. The OTBNZ may consider, amongst other matters, the following:
 - the nature and seriousness of the conviction
 - the circumstances of the conviction
 - the age at the time of offending
 - the time that has lapsed since the offence
 - the number of convictions
 - any patterns of offending
 - recent testimonials and character references
 - evidence of remedial action or interventions.

The OTBNZ, in its role of setting and maintaining standards for the profession, will consider the above factors in light of the OTBNZ's current documents governing code of ethics, competencies for registration, and competence standards for occupational therapists. In particular the OTBNZ will seek to be satisfied that the person will not bring the profession into disrepute. In this regard it will consider, for example, any possible threat to public safety if the person was allowed to practise, and risks associated with good practice in relation to dishonesty offences.