



DIETITIANS BOARD

Te Mana Matanga Matai Kai

Criminal convictions/police reports

Policy Statement

This document sets out Board policy concerning the requirement to apply for criminal convictions report(s) for (1) a candidate for registration or (2) a practitioner returning to work from overseas or (3) candidates for re-registration.

Purpose

In determining fitness for registration, the Dietitians Board is required to take criminal convictions into consideration.

Section 16(c) of Health Practitioners Competence Assurance Act 2003 ('The Act') 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 practice as a health practitioner of that profession.'

Board

- All new applicants for registration are required to provide an original or certified copy of a police report from every country in which they have lived.' In the case of residence in New Zealand this must be in the form of a criminal conviction history from the Ministry of Justice.
- New-Zealand registered practitioners returning to practice in New Zealand after an absence overseas are required to provide an original or certified copy of a criminal convictions report/police report from every country in which they have lived since they **last practised**² in New Zealand. Practitioners who held registration with dietetic regulatory body/bodies overseas are not required to provide such reports for the period for which they can demonstrate registration.
- All applicants for re-registration (restoration to the Register) are required to provide an original or certified copy of a criminal convictions report/police report from every country in which they have lived (including New Zealand) from the date they **last practised** in New Zealand. In the case of residence in New Zealand this must be in the form of a criminal conviction history from the Ministry of Justice.

For the avoidance of doubt, these requirements apply to applicants who were aged **17 years and over** whilst living in a jurisdiction.

Reports must be no older than twelve months on receipt by the Board. However, the Board

¹ An overseas applicant for registration can meet the Board's requirements by submitting a **certified copy of a current work, student or resident visa** issued by the New Zealand Government.

² 'Last Practised' means the last day practitioner practised dietetics in NZ — it may not necessarily be the day a practitioner last held a practising certificate in NZ.

may accept a report that is older than twelve months on receipt, if the applicant can satisfactorily demonstrate that they have not lived in the relevant country or countries since the issue of the report/s.

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, and this is clearly stated in the report.

Board requirements in the case of one of more criminal convictions

If an applicant or a practitioner has one or more convictions that meet the threshold set out in section 16(c) of the Act the Board must satisfy itself that these matters do not reflect adversely on the practitioner's fitness to practice as a Dietitian. To assist the Board in making its decision, a practitioner may be required to provide the Registrar with some or all of the following additional information:

- a full explanation regarding the nature of the conviction(s), and the circumstances which gave rise to them. The explanation must provide as much information as possible so that the Board may consider fitness for registration having regard to all the circumstances; and
- a certified or original copy of the 'Summary of Facts' submitted to the court by the Police, in relation to the charge(s) which resulted the conviction(s); and
- a certified or original copy of the Judge's decision regarding each conviction, if this is available; and
- any references the Board may require; and
- any further information as requested by the Board

In reaching its decision, the Board may consider, amongst other factors, the following:

- the nature and seriousness of the conviction
- the circumstances
- the age at the time that the conviction was recorded.
- the time that has elapsed
- the number of convictions
- any patterns of behaviour/offending
- recent testimonials and character references
- evidence of remedial action or interventions

The Board, in its role of setting and maintaining standards for the profession and its responsibility for public safety, will consider the above factors in light of the Board's code of ethics and registration competency requirements. In particular the Board will seek to be satisfied that the individual will not bring the profession into disrepute. It will consider, for example, any possible threat to public safety if the individual were allowed to practice, and risks associated with dishonesty offences.

As soon as the Board has made its decision, the Registrar will write to the practitioner setting out the reasons for its decision and will give the practitioner 10 working days in which to make representations about the decision in writing or to be heard in person/by their representative.

How to apply

All applications for a criminal conviction history in respect of residence in New Zealand must be made using the form which can be found here:

<https://www.justice.govt.nz/criminal-records/get-your-own/>

New Zealand graduates intending to register with the Board do not need to wait for final confirmation of their examination results before making an application for a criminal conviction history.

Applications to the authorities of other countries should be made in accordance with the relevant processes in those countries and the original certificate or a certified copy sent to the Board.

Confidentiality and storage of information

Where an applicant provides personal information requested by the Board for registration or renewal, the Board will hold that personal information in accordance with the Privacy Act 1993. The Board will only use personal information for the purposes for which it was supplied or, in exceptional situations, for other reasons permitted under the Privacy Act 1993.

In the case of any report that gives rise to Board concerns about fitness for registration, the report(s) will be shared with the applicant as part of the Board's decision-making process.

Reports will be filed in a practitioner's personal file and held in perpetuity. A file may be held securely in the Board's offices or off-site in the Board's secure file storage system.

Further information

All registered practitioners should be familiar with the provisions of the Health Practitioners Competence Assurance Act 2003.

The Board's [Privacy policy](#) should be read in conjunction with this policy.