

People with Convictions

Good Character – People with Convictions

Rationale

The purpose of this policy is to provide an open and consistent framework for considering whether a person who has been convicted of an offence can continue towards becoming a Member, or staying a Member.

Application of this Policy

1. This policy is written mainly in terms of a person who is seeking Provisional Member status within NZAC. The policy shall also apply to persons who are convicted of a crime while they are a Provisional Member or Member of NZAC.
2. This policy shall apply to any person who has been convicted by any court in New Zealand or elsewhere of an offence punishable by imprisonment for a term of three months or longer.
3. Normally this policy will apply at the point that a person has applied to become a Provisional Member. The Membership Committee will determine as usual whether the person would normally be recommended to the Executive to become a Provisional Member, and will forward this information, together with the fact of the conviction, to the Executive. Should the matter of a conviction become known at a later stage, or if the person is a Provisional Member or Member when they are convicted, the matter shall be brought to the Executive for consideration.
4. This policy is to be openly available, and educators and persons who are considering counselling as a career should make themselves aware of it.
5. NZAC will not make decisions under this policy until a person is seeking Provisional status within NZAC.

Policy

1. It is likely that the Executive will exclude from NZAC Membership a person convicted of certain crimes and given a custodial sentence for them. At present, such crimes would include murder, sexual crimes – including those related to pornography, and crimes against children. The Executive may change this list from time-to-time.
2. A person who has been convicted of an offence shall satisfy the NZAC Executive that the offence does not reflect adversely on their good character at this time and in such a way that the person should be excluded from Membership.
3. In making the decision the Executive shall have regard to all the circumstances around the offence including, but not limited to, the following:
 - a) The length of the sentence; and the time since the conviction;
 - b) The age of the person at the time of the offence; and
 - c) The social and cultural context of the situation, and generally, at the time of the offence.
4. The Executive shall also have regard to:
 - a) The person's rehabilitation and life journey since the conviction and the views of the person's professional, social and cultural communities, and the views of their employer(s) or placement provider(s);

- b) The current views of the wider society with regard to the crime, including how society may view NZAC; and
 - c) The impact it may have on a client who becomes aware of the conviction.
5. The Executive will not normally consult the victims' families.
6. The Executive shall, from time-to-time, add to this policy a brief outline of decisions made under this policy so that interested persons may be well informed.

Procedure

The Executive will normally follow the procedure below, taking the time needed to consider the whole situation properly and carefully, but also being mindful of the effect of the time taken on the person concerned and on their clients.

- a) Receive the information about a person with a conviction (e.g. from the Membership Committee), and decide how to proceed.
- b) Advise the person of this policy, and ask whether they wish to proceed, given that there is likely to be a cost to be borne by the Provisional Member, including the costs of an interview should the Executive decide to take that step. The Executive will estimate the cost, and advise the person accordingly.
- c) Obtain in writing from the person and from their supervisor(s) and/or educator(s) and/or employer(s) and/or other professionals, further information about the offence, the conviction, the person's journey since that time, their current practice and their clientele.
- d) The Executive will then normally appoint a Special Interview Panel of three or four people to interview the person. The Executive will provide to the Panel and to the person a list of matters the Executive wishes to have addressed. The Executive shall take care to ensure that all of their concerns are included at this point. The Executive may choose to appoint the Panel from among its own Members, or may call on the Membership or Ethics Committees or any other NZAC Members in good standing.
- e) The person may bring a support person or group if they wish.
- f) The Panel will carry out the interview, addressing the matters from Executive and such other matters as the Panel sees fit.
- g) The Panel will provide a majority recommendation and advice to the Executive, and shall include any dissenting views from individual panelists.
- h) The Executive shall make the final decision and advise the person accordingly, also giving some guidance as to whether this is a permanent decision, or whether the person may choose to reapply in the future.
- i) In cases where the person is allowed to continue towards NZAC Membership, the Executive will provide appropriate information to the Membership Committee who will advise the person's Membership Interview Panel accordingly when the person reaches that stage.

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