



Report: Strengthening the Teaching Council's child protection role

To:	Hon Erica Stanford, Minister of Education		
Date:	10/06/2026	Deadline:	24/06/2026
Priority:	Medium		
From:	Andy Jackson Deputy Secretary, Policy	Phone:	9(2)(a)
Drafter:	9(2)(a)	METIS No:	1355962
Title ok for release?	No		

Why are we sending this to you?

- You received correspondence from the Teaching Council on 28 August and 12 September 2025 proposing legislative amendments following the Timothy Fisher case.
- Officials have since worked with the Teaching Council to test and refine these proposals and identify targeted changes to improve safeguarding settings.
- This briefing sets out recommended changes to legislation, as well as to Teaching Council Rules and criteria.

What action do we need, by when?

- We seek your in-principle agreement to progress targeted legislative changes following completion of the King's Counsel (KC) review of Teaching Council cases.
- We recommend forwarding this paper to the Minister of Justice, as the proposed changes to the Criminal Records (Clean Slate) Act 2004 fall within his portfolio responsibilities.
- Please indicate your decision by signing and returning this briefing by 24 June 2026.

Key facts, issues and questions

- There are some opportunities to strengthen and clarify the legislative framework for the Teaching Council and support its increased focus on child protection. These changes are more targeted than the suggestions put forward by the Council in 2025.
- We have not seen any evidence to support the claim that the outcome in the Fisher case would have been different had our recommended legislative changes been in place at the time. We recommend awaiting the findings of the KC review of Teaching Council cases before progressing legislative changes.

Alignment with Government priorities

1. This report aligns with Government priorities by identifying opportunities to strengthen child protection and improve the regulatory framework for the teaching profession.

Background

2. On 28 August and 12 September 2025, the then Chief Executive of the Teaching Council wrote to you outlining her concerns about perceived weaknesses in the child protection system that allowed Mr Timothy Fisher to offend. These briefing papers are attached as Annex 1 and Annex 2. The Council's primary recommendation was to expand the list of offences excluded from the Criminal Records (Clean Slate) Act 2004 (the Clean Slate Act) to include:
 - sexual offences that involve children, but do not include a named victim (such as accessing child pornography)
 - offences against children that are of a non-sexual nature (such as physical abuse).
3. The Council also identified a number of other areas for potential legislative reform, including:
 - a. amending the Education and Training Act 2020 and the Teaching Council Rules so that the Council can notify all relevant parties of undertakings not to teach and regulatory outcomes,
 - b. reviewing regulatory settings for the private tutoring sector with regard to safety checking of employees and requirements for teachers to hold a current practising certificate or LAT,
 - c. ensuring penalties for non-compliance act as an appropriate deterrent to both teachers and employers, and
 - d. amending Military Court information sharing settings to require information about registered teachers to be disclosed to the Council.
4. We provided initial advice to you on 17 October 2025 and 10 February 2026 on these issues [METIS 135413 and 1355069 refer]. In that advice, we noted that the offences the Council proposed be excluded from the Clean Slate Act are already captured by Schedule 2 of the Children's Act 2014, which sets out a broader range of offences that disqualify a person from becoming a core children's worker. These offences are therefore already included in Police vets for the Teaching Council.
5. We are separately considering whether the list of Schedule 2 offences should be expanded as part of our work on Part 3 of the Children's Act [METIS 1355106 and 1355438].
6. We have subsequently engaged further with the Teaching Council, the Ministry of Justice, the Police and the New Zealand Defence Force (NZDF) to explore the issues highlighted by the Council. Through this work we have identified practical changes to improve safeguarding settings and narrowed the Teaching Council's proposals to four main issues:
 - a. Expanding the scope of Police vetting for teachers
 - b. Strengthening practising certificate renewals
 - c. Enabling the Teaching Council to notify relevant parties about regulatory outcomes
 - d. Ensuring that principals have a clear obligation to undertake mandatory reporting.

7. The Teaching Council also raised a variety of other potential amendments focused on addressing concerns where registered teachers work in non-teaching children's worker roles. Following further discussion, the Teaching Council has agreed that these changes would unduly expand its remit beyond the regulation of the teaching profession. We consider that maintaining a clear focus on regulating practising teachers is preferable, particularly in light of the significant changes underway to its regulatory approach, and that broader issues relating to children's workers are better considered through the review of the Children's Act.
8. This advice focuses on the legislative tools available to the Teaching Council to promote child safety, noting that significant changes are already being progressed through the Education and Training (System Reform) Bill. The proposed amendment to section 478 would place the Council's role in ensuring the safety of children and young people on a clearer statutory footing, which strengthens the case for ensuring its legislative tools are fit for purpose. This advice does not address broader questions about the way the Teaching Council has operationalised its role. Changes to the statutory purpose, governance and monitoring arrangements of the Teaching Council that are already being progressed will also be relevant in this context.
9. In parallel, the Teaching Council has also commissioned a KC to undertake a review to identify any gaps and deficiencies in the Council's regulatory processes in terms of child safety. This review will look at a sample of conduct-related cases, including a comprehensive examination of the Fisher case, and use this as the basis to recommend improvements to the Council's child safety processes, systems and governance. While this review will focus on the decisions taken by the Council, the KC will engage with the Ministry on any perceived deficiencies in the Education and Training Act or other legislation.

Expanding the scope of Police vetting for teachers

Excluding teachers from the operation of the Clean Slate Act

10. At present, Police vets for the Teaching Council include all specified offences under Schedule 2 of the Children's Act, as well as any other convictions that have not been withheld under the Clean Slate Act. This means that serious or child-related offences are generally included in Police vets for the Teaching Council and will bar the applicant from becoming a teacher.¹ This includes the categories of offences highlighted by the Council in its advice.
11. As noted in our advice on Part 3 of the Children's Act [METIS 1355106 and 1355438] we are considering whether the list of specified offences should be expanded for all core children's workers, and whether they should also apply to non-core children's workers. In the longer term we will consider whether the scope of Children's Act safety checking should be expanded to sectors that are not currently regulated.
12. The operation of the Clean Slate Act nevertheless means the Teaching Council does not receive information about some convictions that, while not sufficient on their own to bar an applicant from being a children's worker, may still be relevant to its overall good character and fitness assessment for teacher registration.

¹ The Secretary of Education may grant an exemption for a worker convicted of a specified offence under section 35 of the Children's Act where they are satisfied the person would not pose an undue risk to the safety of children.

13. This is different from some other high-trust professions with comparable access to vulnerable individuals which are excluded from the operation of the Clean Slate Act entirely. Examples include applicants to register as a social worker, or to be employed in Police and Corrections roles. In those sectors, the regulator or employer has access to the applicant's full criminal history when making good character assessments or employment decisions.
14.  We consider that also excluding teachers from the operation of the Clean Slate Act would improve the overall quality and credibility of good character assessments and public confidence in the regulatory system. This would allow the Teaching Council to consider historical convictions as part of the overall good character assessment, particularly where those convictions form part of a broader pattern of behaviour, even if they would not individually bar someone from becoming a core children's worker.
15. This information would be most relevant at the point of initial registration, when prospective teachers are subject to a full good character and fitness assessment. Ordinarily, any subsequent convictions would be identified through 3-yearly practising certificate renewals, which require a satisfactory Police vet. As a result, most new convictions would be identified before they become eligible to be withheld under the Clean Slate Act (must be conviction-free for 7 years). However, historical conviction information could still be relevant at the renewal stage where a teacher is seeking to renew after allowing their practising certificate to lapse for a significant period of time.

Risks

16.  A key risk with this proposal is that it could undermine the purpose of the Clean Slate Act to support rehabilitation and reintegration for people with more minor, historical convictions. However, unlike some other core children's workers, Police vets for teachers are assessed by a professional regulator rather than an employer. The Teaching Council is required by statute to undertake a good character assessment and has an established process for making case-by-case judgements. It can therefore be expected to take a balanced and proportionate approach, appropriately weighing the relevance, age and seriousness of historic convictions as part of an overall assessment of suitability.
17. It would also be important to ensure that the Teaching Council has appropriate privacy protection arrangements in place to safeguard this information. As a statutory regulator, there should be greater confidence in the Council's ability to manage sensitive information. In addition, existing offences under the Clean Slate Act for the improper disclosure of concealed information would continue to apply, providing an additional safeguard against misuse.

Improving access to information about Court Martial convictions

18. The Council's advice also highlighted that the Teaching Council does not receive information on military (Court Martial) convictions. Courts Martial can convict service personnel of both specific offences in the Armed Forces Discipline Act 1971 and of 'civil offences', being any other offences against New Zealand law.
19. The Teaching Council has confirmed that it is not aware of any instances in which this gap has resulted in an unsuitable person being registered, but that it has been raised as a concern internally. The Police has confirmed that it does not hold information on Court Martial convictions and therefore cannot include them in a Police vet.

20. We have discussed this matter with the Ministry of Justice and the NZDF, who have confirmed that they are aware of it as a potential issue in the vetting system. The absence of Court Martial conviction information also has implications for the Clean Slate Act, as such convictions are not taken into account in the seven-year rehabilitation period.
21. As a risk mitigation, the Teaching Council could require applicants for registration to disclose any previous military service and to authorise the Council to seek information on their service history from the NZDF. This information could then be taken into account as part of the Council's good character assessment.
22. We think this is a workable operational solution and the Teaching Council has indicated that it will adjust its processes to incorporate this change. The Ministry of Justice and the NZDF have also indicated willingness to explore this issue further in the future if necessary.

Strengthening practising certificate renewals

23. As noted above, the registration stage is critical for identifying any convictions or other information that may be relevant to an assessment of whether an applicant is of good character to be registered as a teacher. However, in some instances (such as in the Fisher case) the Teaching Council becomes aware of additional information about the character of teachers that should be considered at the three² yearly practising certificate renewal stage.
24. The Council stated in its advice that it *must* issue or renew a practising certificate if the applicant is:
 - a. Registered as a teacher
 - b. Has had a satisfactory Police vet within the past 3 years²
 - c. Meets the standards and criteria for the issue of practising certificates set by the Teaching Council.
25. While this accurately reflects the position for the issuance of practising certificates, it is not accurate in relation to renewals. Under Schedule 3 clause 10(6) of the Education and Training Act, the Teaching Council *may* issue a renewed practising certificate only if it is satisfied that the teacher meets a broader set of requirements, including having satisfactory recent teaching experience, satisfactory professional development, and meeting the relevant standards and criteria.
26. This suggests that the Teaching Council has some broader discretion at renewal to take into account other relevant information when assessing whether it is satisfied that the teacher meets the required standards. However, given the specified nature of the requirements in clause 10(6), the extent of this discretion is not entirely clear and there is some risk of challenge if it is relied on too broadly.
27. Strengthening the standards and criteria applying to renewals would mitigate this risk and provide greater transparency than relying on a broader interpretation of the Council's discretion alone. This would include more clearly capturing expectations relating to

² The Police have confirmed that, where they are aware of matters of concern (such as an active investigation), current practice is to decline to issue a Police vet. In these circumstances, the Teaching Council would be unable to issue or renew a practising certificate, as it would not have received a satisfactory Police vet. However, the Council is not provided with any detail about the underlying concerns, other than an indication of when the Council should reapply for a vet. This approach replaced the previous "red stamp" system, under which the Council declined to renew Mr Fisher's practising certificate in 2014.

character, professional conduct and child safety so that these expectations form part of the criteria that must be met for renewal.

28. Under the Education and Training (System Reform) Bill, responsibility for setting standards and criteria for both registration and practising certificates will shift to the Secretary for Education. We propose to consider opportunities to strengthen these standards and criteria from a child protection perspective once the legislation is enacted. It will be important that both registration and certification criteria are reviewed regularly, and that this process takes into account emerging risks identified by the Teaching Council.
29. Given the existing scope within the current legislative framework, including some discretion at renewal, there may be scope for the Teaching Council to address some of the issues raised by the Fisher case without immediate legislative amendment. This would depend on strengthened standards and criteria, effective use of regulatory intelligence, and consistent application of the Council's judgement at renewal. However, the current legislative settings are not entirely clear in terms of incorporating other relevant information in practising certificate renewals, and legislative clarification would provide greater certainty. We therefore propose to clarify these provisions when a suitable legislative vehicle becomes available.

Enabling information sharing with employers of children's workers

30. The Teaching Council has raised through our engagement a number of related concerns about whether the current legislative framework adequately enables it to address child protection concerns where a registered teacher is working in a role that does not require a practising certificate. These issues centred on where the individual is working as a core children's worker (i.e. in roles that involve regular unsupervised contact with children or require them to have primary responsibility or authority over a child or children).
31. The regulatory framework for teachers is primarily designed to ensure the fitness of teachers while they are teaching. Registration is a one-off status, held indefinitely unless cancelled or suspended. Much of the framework relies on control over practising certificates, which must be renewed every three years and which can be refused, suspended or cancelled through the Teaching Council's disciplinary processes.
32. While the Teaching Council has agreed that it is not seeking to take on a broader responsibility for regulating the activities of registered (but not practising) teachers in these environments, it has identified expanding its ability to share information with employers of registered teachers who are children's workers as a priority. These changes respond to two main concerns:
 - **Following disciplinary processes:** where the Teaching Council has made findings or taken action (e.g. suspension or cancellation of a practising certificate), it may not be able to notify the relevant employer if that employer falls outside the current definition used in Teaching Council Rules.
 - **As part of safety checks:** while the Children's Act framework requires employers to seek information from the Teaching Council, there is not sufficient clarity on what non-public information the Council is permitted to disclose.
33. While there is likely scope to make incremental improvements to information sharing settings through amendments to Teaching Council Rules (for example, by expanding the definition of "employer" and clarifying notification triggers), a broader ability for the

Teaching Council to share non-public information with employers of children's workers would likely require legislative change.

34. Any such change would need to be carefully designed to ensure it appropriately manages privacy, natural justice, and proportionality considerations, including clearly defining the circumstances in which information may be disclosed and the safeguards that apply. Subject to your agreement, we propose to progress this with a view to developing options for potential legislative amendment through a future legislative vehicle.
35. We do not propose extending the Teaching Council's remit to non-teaching roles at this stage. The Council is currently undergoing significant change, and there would need to be clear justification for any broader expansion of scope, including consideration of focus, accountability and potential compliance impacts on teachers and employers.
36. At this stage, we consider the priority should be on strengthening the child protection system itself, including through the reforms currently being progressed and engagement underway with the sector.

Ensuring that principals have a clear obligation to undertake mandatory reporting

37. In our engagement with the Teaching Council, it has highlighted concerns that the obligation to undertake mandatory reporting to the Council about serious misconduct or conduct raising child protection concerns sits with the school and its board, rather than directly with principals. We understand this has led some principals to dispute that they are personally responsible for making such reports.
38. We note that, as a general rule, obligations in the Education and Training Act sit with the education provider (e.g. the school or university), rather than individual employees. The Act makes clear that principals are the chief executive of the school and are therefore responsible for ensuring the school meets its statutory obligations.
39. In our view, the current framework appears to place responsibility for mandatory reporting on principals through their role as chief executive. However, there may be value in further clarifying expectations through conduct settings, operational guidance, and Ministry communications rather than introducing a separate direct legislative obligation at this time.
40. In the first instance, we propose to work with the Teaching Council to clarify obligations within the existing framework. This could be achieved through the Teaching Council establishing and enforcing clear conduct expectations for principals (as a category of registered teacher) that explicitly recognise their responsibility to ensure mandatory reporting obligations are met. The Ministry would also reinforce this expectation through our communications to school principals.
41. We will progress this work and then revisit the case for legislative change once an appropriate legislative vehicle has been identified.

Next steps

42. We seek your agreement in principle to the Clean Slate Act changes to enable engagement with the Minister of Justice on this issue, while we progress further design work in consultation with the Ministry of Justice and agencies such as the Office of the Privacy Commissioner. We would also need to work with the Ministry of Justice to identify an appropriate legislative vehicle for this change.

43. We recommend waiting for the KC's independent regulatory review of child safety and safeguarding processes and approaches at the Teaching Council to be completed before seeking Cabinet agreement to the Clean Slate Act change or any other legislative changes. The review will provide a stronger evidence base for assessing the need for legislative change, particularly in relation to the Fisher case.
44. We expect the KC's review to be completed by the end of August. Once the KC review is completed, we will provide you with updated advice, including on proposed timeframes and legislative vehicles.
45. The Ministry will progress other changes, such as additional practising certificate renewal criteria, once the Education and Training (System Reform) Bill is enacted and responsibility for these functions shift to the Ministry. The Teaching Council has indicated that it will progress changes to address the Court Martial convictions concern and to ensure its Rules enable information sharing to the fullest extent possible under current legislation, alongside the Ministry's work on the wider legislative settings.

Annexes

- Annex 1: 28 August 2025 Teaching Council Briefing Paper [attached separately]
Annex 2: 12 September 2025 Teaching Council Briefing Paper [attached separately]

Recommended Actions

The Ministry of Education recommends you:

- a. **note** that some aspects of the Teaching Council's earlier advice did not accurately reflect the current legislation, but that there are targeted opportunities to strengthen the framework **Noted**
- b. **agree in principle**, subject to agreement by the Minister of Justice and confirmation of a legislative vehicle, to exempt teachers from the Criminal Records (Clean Slate) Act 2004 **Agree / Disagree**
- c. **forward** this report to the Minister of Justice for his consideration in relation to the proposed Clean Slate Act exemption **Yes / No**
- d. **note** that the NZDF has confirmed that the Teaching Council can require applicants to authorise access to information about Court Martial convictions. **Noted**
- e. **note** that the legislation appears to provide the Teaching Council with some discretion when assessing practising certificate renewals, but that this carries some risk of challenge if relied on too broadly and is best supported by strengthened standards and criteria **Noted**
- f. **note** that the Ministry will seek to strengthen standards and criteria once these functions transfer under the Education and Training (System Reform) Bill **Noted**
- g. **agree** that the Ministry should develop options to clarify the Teaching Council's ability to take into account character and conduct concerns when renewing practising certificates **Agree / Disagree**

- h. **agree** that the Ministry should develop legislative options to support the Teaching Council's ability to share non-public information with employers of children's workers

Agree / Disagree

- i. **note** that we will provide further advice on progressing these legislative changes after the KC's review has been completed, including on suitable legislative vehicles and timeframes.

Noted

Proactive Release:

- j. **agree** that the Ministry of Education release this paper once final decisions have been taken on any changes with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982.

Agree / Disagree



Andy Jackson
Deputy Secretary
Te Pou Kaupapahere | Policy

10/06/2026



Hon Erica Stanford
Minister of Education

20/6/26

Briefing Paper

TO:	Hon Erica Stanford
FROM:	Lesley Hoskin, Chief Executive Teaching Council of Aotearoa New Zealand
DATE:	28 August 2025
SUBJECT:	Ministerial Request: Report on Council's action regarding Timothy Fisher and consideration of vetting processes
Sensitivity:	CONFIDENTIAL – please do share further without checking with us.

Recommendations

It is recommended that the Minister:

- i. **Receives** this briefing which discusses the actions taken by Matatū Aotearoa | The Teaching Council of Aotearoa New Zealand (the Council) in relation to Mr Timothy Fisher.
- ii. **Note** in response to your second briefing request we have undertaken a review of the current vetting settings implemented by the Council, in the timeframe provided, and have identified areas for legislative change for discussion with the Minister. We will continue to consider this matter and provide advice on anything identified.
- iii. **Note** that the Council is also happy to provide the Minister with additional information and more detailed recommendations if needed.
- iv. **Agrees** that this briefing is not proactively released to protect the privacy of Mr Fisher.

Purpose

1. The purpose of this paper is to brief the Minister of Education on the Council's actions in relation to Mr Timothy Fisher, including why decisions were made and the framework and or law the decisions were made under.
2. The paper also provides an analysis of the current legislative settings and sets out some opportunities that we would be happy to discuss with the Minister.

Background

Mr Timothy Fisher Case

3. The case in question spans the period 2011 to 2025, and as such relates to decisions and actions of the Council (operating under the Education Act 1989), as well as the Education Council of Aotearoa New Zealand (now Teaching Council of Aotearoa New Zealand) operating under the Education Act 1989 and then Education and Training Act 2020.

4. The paper provides a summary of the Council's (and its predecessors) actions in Appendix One, and detailed timeline of Council's action in Appendix Two.
5. After careful investigation I believe that in the case of Mr Fisher that the Council and its predecessors have been careful and diligent when carrying their statutory functions in accordance with the requirements of the Education Act 1989 and Education and Training Act 2020.
6. We retrieved and reviewed archived paper-based documents boxes, and from our review, it does not appear that any mistakes were made.
7. The details of this case are complex, and involve a number of interventions. Notably, Mr Fisher had an application for a practising certificate declined in 2014 because of a "red stamp" on his Police Vet report. However, this red stamp was removed from subsequent Police Vet reports, and the Council was required to issue him with practising certificates. This is because Mr Fisher fulfilled all of the requirements specified under s.361(2) of the 1989 Act.
8. The relevant section in the 1989 Act has carried through to the 2020 Act, and so should the same circumstances arise today the Council would again have no option but to issue a practising certificate.

Review of current vetting settings implemented by the Council

Registration and certification: ensuring good character and fitness to teach

9. Under the Education and Training Act 2020 the Council is required to determine whether a person is of good character and fit to teach only at the time of Registration. Since Registration is for life, this effectively means it is only done once at the beginning of a teacher's career.
10. The Act says that for the purpose of determining whether a person is of good character and fit to be a teacher, the Council *must* obtain a Police vet of the person, but that it is not limited to the results of the Vet when determining character and fitness to be a teacher.
11. Unlike the Registration provisions, the Council cannot independently consider good character when considering an application for a practising certificate. Both the 1989 and current Act state that the Council *must* issue a practising certificate to every applicant who is:
 - a. registered as a teacher; and
 - b. has had a satisfactory Police vet within the past 3 years; and
 - c. meets the standards and criteria for the issue of practising certificates...
12. In the case of Mr Fisher, the Council was required to issue him with a new practising certificate in 2016 because he was a Registered teacher who met the criteria and had received a clear Police Vet. The Act did not allow us to make our own determination of good character.

13. Because the relevant provisions of the 1989 Act carried into the 2020 Act, the Council is still required to issue a practising certificate to an applicant who meets the criteria and has had a satisfactory Police vet within the past 3 years.
14. The requirements of the 2020 Act mean that if the events of 2016 and 2017 occurred more recently, the Council would still have been obliged to issue Mr Fisher with a practising certificate.
15. While the introduction of a “good character” test at the point of certification may appear to be a solution to this problem, it would not be without issues. In particular, any test would require a natural justice process in making a determination that a teacher is not of good character. Arguably, existing CAC and DT processes already provide a mechanism for many of these sorts of determinations to be made.
16. Further, there is no assurance that having a good character test at the point of certification would have made any difference in the case involving Mr Fisher. The “red stamp” that was issued during 2014 was on the basis of an allegation from a member of the public in 2010. Presumably the stamp was removed after the Police decided not to take further action on this allegation. In such circumstances, it would be very hard for the Council to determine that it had sufficient evidence to decline an application on grounds of character.
17. An issue that does not relate to the case involving Mr Fisher, but may warrant further consider, is that the Police Vet process does not capture findings from military court martial processes. These processes can often include serious offending resulting in a term of detention. At the moment, there is no process to notify the Council where such offending is committed by a person who holds registration as a teacher – even where that person subsequently applies for a practising certificate.
18. An issue that is known to us is that when a teacher has agreed to a voluntary undertaking not to teach, the undertaking is limited to only prevent teaching in a registered school. Any undertaking not to teach will not cover a teacher working outside of a registered school and a person may take employment with children in an unregulated environment such as tutoring, or working as a mentor with at risk youth.
19. A final issue which is also known is that outcomes reached in the complaints assessment committee or disciplinary tribunal can only be notified to current employers who are registered schools. Similar to the point above if a CAC decision or a DT decision is issued the Council is unable to notify other employers who are not registered schools even if the teacher is then employed to work with children or young people in unregulated environments, or in the education sector in an advisory or policy setting.

Opportunities for legislative change for discussion:

20. **Amending the Clean Slate Act so that the Council receives all criminal convictions in Police Vet reports for teachers.** We understand that changes to the Clean Slate Act would have a broad impact, including on individual’s right to privacy, employers and other regulatory bodies who rely on Police Vet reports.
21. **Amending Military Court information sharing settings to require information about registered teachers to be disclosed to the Council.**
22. **Amend the Act and the Rules so that the Council can notify relevant parties of undertakings not to teach and regulatory outcomes.**

23. **Review regulatory settings for the private tutoring sector with regard to safety checking of employees and requirement for teachers to hold a current practising certificate or LAT.**
24. **Amending the Act to allow or require the Council to determine whether a teacher is of good character and fit to be a teacher at the time of each application of a new practising certificate** (e.g. every 3 years), rather than only at Registration. As noted above, such a change should also provide for a natural justice process to allow such considerations to be made. It is also not clear how such a change could have made a difference in the case of Mr Fisher.

Registration and certification: Ensuring teachers and employers meet their legal obligations under the Act

25. Under the Education and Training Act 2020 it is unlawful for schools to employ a person in a teaching role who does not have a current practising certificate or Limited Authority to teach (LAT).
26. Provisions of the current Act are clear that a teacher commits an offence for being appointed to a teaching position or continuing to teach for more than 20 half-days in any calendar year without a current practising certificate and is liable for a fine upon conviction of up to \$2,000.
27. The employer also commits an offence for appointing or continuing to employ a person in a teaching role without a current practising certificate or LAT for more than 20 half-days in a calendar year and is liable for a fine upon conviction of up to \$5,000.
28. The Council charges a Late Fee of \$50 to teachers who apply to renew their practising certificate or LAT after the expiry date of the current authorisation if they are currently employed and sends automated reminders to teachers 3 months and 1 month prior to their expiry date. The Council monitors the level of Late Fees being paid and the vast majority of teachers apply to renew prior to expiry.
29. Many schools also have automated systems and processes in place to ensure compliance with Registration and certification requirements.
30. The Council and Ministry of Education are authorised under the Act to undertake data matching for the purposes of identifying the registration status and the status and currency of practising certificates for those people employed as teachers within schools.
31. The data matching occurs on a regular basis and is used by the Council to ensure teachers are reminded of their legal obligation to have a current practising certificate or LAT. An escalation process to Principals and potentially Boards of Trustees is in place if non-compliance is ongoing.
32. The effectiveness of data matching is limited, given that data matching only encompasses those teachers paid via Education Payroll.
33. The Education and Training Amendment Act 2024 strengthened requirements by providing the Council with the ability to prosecute either teachers or employers for non-compliance with the provisions of the Act in regard to Registration and Certification.

Opportunities for legislative change for discussion:

- **Ensuring penalties for non-compliance act as an appropriate deterrent to both teachers and employers.**

Proactively Released

Appendix 1. Summary of Council's Actions

34. Mr Fisher first applied for Registration and a provisional practising certificate in 2011. The Police provided the Council with a clear vet report with no convictions or warnings. The Council granted Registration and issued Mr Fisher with a provisional practising certificate valid to 30 June 2014.
35. Mr Fisher applied for new practising certificates in July 2014 and December 2014. These applications were declined by the Council because there was a red stamp warning on the Police Vet reports received at that time.
36. Mr Fisher appears to have worked unlawfully, and without a current practising certificate for some months in 2014 and 2015.
37. The Council received a Mandatory Report in April 2015 from Otamatea High School and the Complaints Assessment Committee (CAC) conducted an investigation into the matters raised, which included Mr Fisher's failure to disclose convictions and the fact that he had been working without a practising certificate.
38. The outcome of the investigation was that the CAC decided that referral to the Disciplinary Tribunal (DT) was not warranted and that the non-disclosure of historic convictions concealed under the Clean Slate Act and red stamp warning should be dealt with by the Council as a registration / certification issue rather than a conduct issue.
39. In November 2015 Mr Fisher again applied for a new practising certificate. The Police provided the Council with a new Police Vet report that contained no convictions or warnings of any kind, and the red stamp warning had been removed. In accordance with Act, the Council was required to issue Mr Fisher with a new practising certificate. Mr Fisher was issued with a new 3-year provisional practising certificate in May 2016.
40. In February 2017 Mr Fisher applied for a full practising certificate. The Council again sought a Police Vet report, and the report received was clear and contained no convictions or warnings of any kind. The Council issued Mr Fisher with a new practising certificate in February 2017, which expired on 22 February 2020.
41. In 2017 the Council received a new Mandatory Report relating to conduct matters arising from employment as a teacher at Wesley College. The matters raised were investigated by the CAC and referred to the DT who found serious misconduct and ordered censure and conditions.
42. In 2019 Mr Fisher gained employment as a teacher with a private tutoring business – an environment that does not require teachers to be Registered or to have a current practising certificate or a Limited Authority to Teach (LAT). His practising certificate expired in February 2020, and he did not subsequently seek to renew this.
43. In 2024 the Council was advised by the Police of new charges laid against Mr Fisher relating to alleged offending.
44. In 2025 Mr Fisher was convicted, and the Council initiated a process to deregister him, as required for any Registered teacher convicted of a specified offence under the Children's Act 2014.

Appendix 2. Detailed timeline of Council's actions

2011

45. Mr Timothy Fisher applied for the first time to the New Zealand Teacher's Council on 4 May 2011 for Registration and a provisional practising certificate.
46. As required under the Education Act 1989, the Council obtained a Police Vet report as part of ensuring the applicant was of good character and fit to be a teacher¹.
47. As the 2011 Police Vet report received by the Council contained **no convictions and no warnings**, and the applicant met all other requirements for Registration under the Act, Mr Fisher was granted Registration and a provisional practising certificate valid for 3 years ending on 30 June 2014.

2014

48. Mr Fisher's practising certificate expired on 30 June 2014. We have no records of an application for renewal having been received before the expiry of his practising certificate.
49. Mr Fisher applied for a new practising certificate in July 2014.
50. In this application for a new practising certificate Mr Fisher applied for renewal of his provisional certification, he did not apply for full certification as his employer (Stratford High School) felt that he had not met the requirements for full registration and needed a continued advice and guidance programme (with a mentor) for another term.
51. In July 2014 Stratford High School was aware that Mr Fisher did not have a current practising certificate and needed to renew his practising certificate as they wrote a letter to accompany his application for renewal, as referred to above, which set out the concerns they had about his moving to full certification.
52. As required under the 1989 Act, the Council applied for a new Police Vet report on 25 July 2014 as part of ensuring the applicant had a 'satisfactory Police Vet' before the Council could issue a new provisional practising certificate.
53. On the July 2014 Police Vet report contained no convictions but included a 'red stamp' warning stating "Police recommend this person does not have unsupervised access to children, young people, or vulnerable members of society".
54. The Council did **not** issue Mr Fisher with a new practising certificate at this point due to concerns raised by the Police red stamp warning. At this point Mr Fisher did not have a current practising certificate and was not entitled to be working in a school as a teacher.
55. On 23 December 2014 the Council received two applications from Mr Fisher, the first for a renewal of his provisional practising certificate and the second for a move to full registration. Both applications noted that his certification had expired on 30 June 2014 and were signed by the principal of Stratford High School.

2015 - 2016

56. Despite the fact that Mr Fisher did not have a practising certificate it appears that Mr Fisher continued his employment at Stratford High School unlawfully in a full-time fixed term position through to the end of 2014 continuing when he moved to a permanent full-

¹ S355, Education and Training Act 1989

time position at Otamatea High School on 28 January 2015. When Mr Fisher started at Otamatea in January 2015 Mr Fisher did not hold a practicing certificate, this employment was unlawful.

57. On 7 April 2015 the Council received a Mandatory Report dated 31 March 2015 from the Principal of Otamatea High School. This report was triggered by the resignation of Mr Fisher. Section 392 of the Education Act 1989 required that an employer make a Mandatory Report when a teacher resigns following notice that the employer is dissatisfied with, or intended to investigate, any aspect of the teacher's conduct or competence.
58. The information included with the report shows that Mr Fisher failed to inform Otamatea High School that he did not have a current practising certificate and that he failed to disclose his previous convictions during his interview with the High School.
59. The information that we know from Otamatea High School shows us that on 17 March the principal of Otamatea High School met with Mr Fisher regarding his start to the year at the school. It appears during this meeting that Mr Fisher disclosed to the principal that he had not yet received his full practising certificate. On 18 March 2015 having realised that Mr Fisher did not hold a practising certificate the principal submitted an online extension request and rang the Council to check on progress. The principal was informed that she needed to submit to the Council that she was aware of the issues surrounding the Police report. The principal met with Mr Fisher the following day at which Mr Fisher disclosed his previous convictions.
60. On 19 March 2015 the principal suspended Mr Fisher from teaching as he did not have a practising certificate, and the principal was not in a position to verify Mr Fisher's account of the Police report. The principal was provided with a copy of the Police vet with the red stamp warning on Monday 23 March from Mr Fisher. Following this Mr Fisher chose to resign from the school.
61. As part of investigating the Mandatory Report, in the period April to June 2015 the CAC undertook an investigation and sought further information from the New Zealand Police and Mr Fisher on the red stamp warning.
62. In response, Mr Fisher disclosed to the Council three convictions in 2002 for committing an 'indecent act' and a drug offence which had been clean slated and provided his explanation of the events that led to the convictions.
63. The Council asked the New Zealand Police to confirm if the Red Stamp warning was in relation to the clean slate convictions or some other matter. On 22 May 2015 the Police advised the Council that the red stamp warning was **not** in relation to Mr Fisher's 2002 convictions and was instead in relation to concerns from a member of the public reported to Police in 2010. The Police advised that the red stamp warning should have more properly comprised of a summary which they then provided and also further advised that the 2011 vetting result released no information because the Police record of the 2010 incident was incomplete at that time.
64. On 17 June 2015 the CAC wrote to Mr Fisher to advise that they had met to consider the matter and that they had been made aware that the red stamp warning was not in relation to his previous clean slate convictions. The CAC asked for further information from Mr Fisher. Mr Fisher provided a detailed response as to the allegation contained in the red stamp warning denying the allegation.

65. The CAC met again following Mr Fishers response on 25 June 2015 where they considered the Mandatory Report and the responses received and made a decision to take no further action for several reasons:
66. Mr Fisher's convictions were covered by the Clean Slate legislation, which meant he was not required to disclose them to his employer or the Council.
67. The CAC felt that Mr Fisher had not practised unlawfully and that it was Mr Fisher who had alerted the school to delays in obtaining a renewal of his practising certificate as he had not received correspondence from the Council due to a change of address.
68. The CAC concluded that the information in the mandatory report did not warrant further disciplinary action and that any concerns raised by the red stamp should be addressed by the Council during the renewal of Fisher's practising certificate rather than through referral to the New Zealand Teachers' Disciplinary Tribunal (DT).
69. The CAC summarised that it had no option but to take no further action on this matter. It set out its reasons and the facts relied on in full so this information can be accessed in the future should it be relevant to for the Education Council or should any matter of a similar nature be referred to the CAC in the future.
70. At the completion of the CAC investigation, Mr Fisher and Otamatea College were advised of the outcome by way of letter dated 21 July 2015.
71. On 25 November 2015 an application was received from Mr Fisher requesting the Council to reconsider his 2014 application for a practising certificate.
72. As required under the 1989 Act, the Council obtained a new Police Vet in December 2015. The Vet report provided to the Council on 12 January 2016 contained **no convictions and no warnings**, with the 2014 red stamp warning having been removed by the Police. The Vet stated, *"this is a response for New Zealand Police to a vetting application. This application is now complete and New Zealand Police have no information to release on this person under the details supplied"*.
73. Section 361(2) of the 1989 Act stated that the Council must issue a practising to a Registered teacher that meets application criteria and has a satisfactory Police Vet. Because Mr Fisher met these requirements, the Council was required to issue him with a practising certificate. It therefore issued Mr Fisher with a new 3-year provisional practising certificate on 11 May 2016.
74. In August 2016 Mr Fisher took up employment with Waitakere College in a full time fixed term position until December 2016.

2017 - 2019

75. On 4 January 2017 the Council received an application from Mr Fisher (dated 16 December 2016) for the issue of a full practising certificate. The application was supported by a letter from Waitakere College which advised that Mr Fisher had been employed as an acting Head of Department and Social Studies teacher for a fixed term position from 8 August 2016 to 27 January 2017. They had provided the necessary mentoring and induction programme, their conclusion was that he was meeting the practising teacher criteria, and the principal recommended him for full registration at the end of the 2016 school year.
76. At this time, Mr Fisher's Police Vet report **contained no convictions or warnings** of any kind. As Mr Fisher met the requirements of s.361(2) of the 1989 Act, the Council was

required to issue a practising certificate. That practising certificate was issued on 22 February 2017.

77. On 28 January 2017 Mr Fisher started a permanent full-time position at Wesley College.

78. In September 2017 the Education Council received a Mandatory Report from principal of Wesley College on Mr Fisher, this was submitted due to Mr Fisher having resigned.

79. The Mandatory report alleged Mr Fisher:

- a. Failed to engage in ethical and professional relationships with learners that respect professional boundaries by:
 - i. Using inappropriate language in class;
 - ii. Making a sexual hand gesture in class; and
 - iii. Interacting in an over familiar way with students by discussing personal, sexual, and other inappropriate subjects in class.
- b. Failed to demonstrate a commitment to provide high quality and effective teaching by:
 - i. Failing to record assessment evidence for Year 12 and Year 13 drama students;
 - ii. Failing to maintain effective classroom control and management and ensure students were focused and consistently engaged in structured learning during class;
 - iii. Failing to get up to date administration records including roll records, course outlines and assessment schedules.

80. The mandatory report writer stated that the recommended outcome was no further action as poor health was a contributing factor to the resignation. Therefore, it was unclear whether or not the teacher would have been able to make the required improvements to teaching practice or if it was the ill-health that caused the issues to arise. It was suggested that the report should be stored on the file.

81. In October 2018, after investigation, the CAC made the decision to refer the matter to the DT.

82. The Disciplinary Tribunal hearing occurred on 10 October 2019. The CAC argued that Mr Fisher's actions brought the profession into disrepute and constituted serious misconduct warranting cancellation.

83. In February 2020 Mr Fishers practicing certificate expired. No application to renew was received.

84. On 18 January 2021 the DT decision issued its decision. Mr Fisher was found guilty of serious misconduct, and censure and conditions were ordered.

85. The conditions placed on Mr Fisher's practising certificate included:

86. to undergo professional development regarding both teacher/student boundaries and administration and course planning for a period of three years;

87. to engage supervision both internally and externally (externally by a provider approved by the Council) via a support and guidance programme for at least two years;

88. not hold any position of managerial responsibility including the role of Principal, Deputy Principal, Associate Principal, Head of Department or Dean for a period of three years.

Post-2019

89. Mr Fisher's practising certificate expired on 22 February 2020 and no subsequent application for renewal has been received by the Council.
90. On 7 March 2024 the Council received a phone call from Police about Mr Fisher. At this stage, it does not appear that Mr Fisher was aware that Police had initiated a new investigation.
91. On 12 March the Council was notified by Police that Mr Fisher was aware of the investigation.
92. On 12 March the Council's Triage Committee met to consider whether there is an immediate risk to learners if Mr Fisher were to return to teaching. Triage committee agreed to seek an undertaking not to teach for Mr Fisher and the matter was put on hold pending outcome of court proceedings. Mr Fisher failed to sign the undertaking not to teach, however because there was no current practising certificate the Council could not consider seeking an interim suspension of his practising certificate.
93. In August 2025, after receiving notification that Mr Fisher has been convicted of a specified offence, the Council initiated the process to cancel Mr Fisher's Registration.

Further notes

94. Between 1 July 2014 and 10 March 2016 Mr Fisher did not have a current practising certificate and was not able to be lawfully employed as a teacher under the Act.
95. After Mr Fisher's last practising certificate expired on 22 February 2020, he was not able to be lawfully employed as a teacher under the Act.
96. We believe that Mr Fisher was employed by Edu Experts some time in 2019 through to 2024. Our understanding is that Edu Experts is not a registered school and is a private tutoring business. There is no requirement under the Act for persons employed as teachers in this context to be Registered or to have practising certificates.
97. The Council has yet to receive any official information from the Police or Courts pertaining to Mr Fisher's 2002 convictions and sentencing. The only account we have has been provided by Mr Fisher.

Briefing Paper

TO:	Hon Erica Stanford
FROM:	Lesley Hoskin, Chief Executive Teaching Council of Aotearoa New Zealand
DATE:	12 September 2025
SUBJECT:	Ministerial Request: Weaknesses in the system that allowed Mr Fisher to offend
Sensitivity:	CONFIDENTIAL – please do share further without checking with us.

Recommendations

It is recommended that the Minister:

- i. **Receives** this briefing which discusses weaknesses in the system that allowed Mr Timothy Fisher to offend.
- ii. **Note** my suggestion that you engage with the Ministers of Police and Justice and the Minister for Children, as well as the Ministry of Education, on expanding the list of specified offences currently included in s.4 of the Criminal Records (Clean Slate) Act 2004.
- iii. **Note** the areas for legislative review discussed in my briefing of 28 August 2024, and repeated in summary in this paper. They include:
 - a. Amending the Act and the Rules so that the Council can notify relevant parties of undertakings not to teach and regulatory outcomes.
 - b. Review regulatory settings for the private tutoring sector with regard to safety checking of employees and requirement for teachers to hold a current practising certificate or LAT.
 - c. Ensuring penalties for non-compliance act as an appropriate deterrent to both teachers and employers.

Purpose

1. The purpose of this paper is to brief the Minister of Education on systemic weaknesses that may have allowed Mr Timothy Fisher to commit offences against children.

Background

Mr Timothy Fisher Case

2. The case in question spans the period 2002 to 2025, and the details are complex and involve a number of different possible intervention points

3. Notably, Mr Fisher committed offences in 2002. By the time he sought registration and certification with the Teaching Council in 2011, these offences had been “clean slated” under the Criminal Records (Clean Slate) Act 2004. These offences were therefore not disclosed by Mr Fisher in applying for a practising certificate, nor reported by Police as part of vetting processes.
4. Furthermore, Mr Fisher had an application for a practising certificate declined in 2014 because of a “red stamp” on his Police Vet report. This red stamp was removed from subsequent Police Vet reports. Because there was no “red stamp”, the Council was required to issue him with practising certificates in 2016 and 2017. This is because Mr Fisher fulfilled all of the requirements specified under s.361(2) of the 1989 Act.

Potential weaknesses in the system

Registration and certification: ensuring good character and fitness to teach

5. My briefing to you on 28 August 2025 addresses issues related to good character and fitness to teacher requirements under the Education and Training Act 2020. I refer you to that briefing for further information.
6. In short, the Council is required to determine whether a person is of good character and fit to teach only at the time of Registration. Since Registration is for life, this effectively means it is only done once at the beginning of a teacher’s career.
7. Unlike the Registration provisions, the Council cannot independently consider good character when considering an application for a practising certificate. Both the 1989 and current Act state that the Council *must* issue a practising certificate to every applicant who is:
 - a. registered as a teacher; and
 - b. has had a satisfactory Police vet within the past 3 years; and
 - c. meets the standards and criteria for the issue of practising certificates...
8. While the lack of a “good character” test at the point of certification may appear to be a weakness in the system, our view is that having such a test would not have made a difference in the case of Mr Fisher. This is because:
 - a. Mr Fisher’s 2002 offences were covered by the Criminal Records (Clean Slate) Act 2004, and could therefore be withheld from the Council and were not disclosed as part of Police vet reporting.
 - b. I understand that the “red stamp” that was issued during 2014 was on the basis of an allegation from a member of the public in 2010. Presumably the stamp was removed after the Police decided not to take further action on this allegation. In such circumstances, it would be very hard for the Council to determine that it had sufficient evidence to decline an application on grounds of character.
9. My view that the limited “good character” provisions of the Education and Training Act are not a weakness in the system that allowed offending to occur. However, I do believe that a review of the specified offences recognised under the Criminal Records (Clean Slate) Act would be useful. Please refer below.

Specified offences

10. Section 4 of the Criminal Records (Clean Slate) Act 2004 includes a list “specified offences” that are **not** covered by the Act i.e. cannot be ‘clean slated’. These offences must be disclosed by Police as part of child safety vetting.
11. We know that Mr Fisher was convicted of offences in 2002, and that these offences were not specified offences at that time and were therefore not reported to us as part of Police vetting processes. It is important to note that we cannot be sure what offences Mr Fisher was convicted of, and whether a law change such as that proposed below would have prevented him from gaining registration in 2011. Police have never disclosed the nature of Mr Fisher’s offending to us, and our only source of information has been Mr Fisher himself.
12. The current list of specified offences largely focuses on crimes that involve sexual offending against children.
13. My view is that consideration should be given to expanding this list of specified offences to include additional offences in particular:
- a. Sexual offences that involve children, but do not include a named victim (such as accessing child pornography)
 - b. Offences against children that are of a non-sexual nature (such as physical abuse).
14. My view is that any such change should not be limited to teachers, but should apply to all children’s workers. **I therefore recommend that you seek advice from Police, Oranga Tamariki, Ministry of Justice via their Ministers, and the Ministry of Education. These agencies are better placed to provide you with advice on application of the Criminal Records (Clean Slate) Act 2004 and potential legislative change.**

Teachers working outside of registered schools and centres

15. Mr Fisher’s last practising certificate expired in 2020, and the Disciplinary Tribunal found him guilty of serious misconduct on 18 January 2021. We believe that Mr Fisher was employed by Edu Experts some time in 2019 through to 2024. Our understanding is that Edu Experts is not a registered school and is a private tutoring business.
16. As noted in my 28 August briefing, there is currently no requirement under the Act for persons employed as teachers in this context to be registered or to hold a practising certificate.
17. In addition, when a teacher has agreed to a voluntary undertaking not to teach, the undertaking is limited to only prevent teaching in a registered school. Any undertaking not to teach will not cover a teacher working outside of a registered school and a person may take employment with children in an unregulated environment such as tutoring, or working as a mentor with at risk youth.
18. Furthermore, outcomes reached in the complaints assessment committee or disciplinary tribunal can only be notified to current employers who are registered schools. Similar to the point above if a CAC decision or a DT decision is issued the Council is unable to notify other employers who are not registered schools even if the teacher is then employed to work with children or young people in unregulated environments, or in the education sector in an advisory or policy setting.
19. As my briefing of 28 August noted, there is opportunity for legislative change to address these concerns. This might include:

- a. **Amending the Act and the Rules so that the Council can notify all relevant parties of undertakings not to teach and regulatory outcomes.**
- b. **Review regulatory settings for the private tutoring sector with regard to safety checking of employees and requirement for teachers to hold a current practising certificate or LAT.**

Better checking that teachers hold a current practising certificate

- 20. My briefing of 28 August also notes that it is currently unlawful for schools to employ a person in a teaching role who does not have a current practising certificate. However, while data matching between the Council and Education Payroll allows us to check the certification status of teachers employed in schools, the system relies on non-school employers to conduct checks of teachers they employ.
- 21. If you agree to review regulatory settings for the private tutoring sector, then some system change might be needed in order to ensure that teachers and employers are meeting their obligation to ensure that a current practising certificate is held.
- 22. My briefing of 28 August noted that one opportunity for legislative change to address this concern could be:
 - a. **Ensuring penalties for non-compliance act as an appropriate deterrent to both teachers and employers.**

Court martial processes

- 23. An issue that does not relate to the case involving Mr Fisher, but was also mentioned in my 28 August briefing is that the Police Vet process does not capture findings from military court martial processes. These processes can often include serious offending resulting in a term of detention. At the moment, there is no process to notify the Council where such offending is committed by a person who holds registration as a teacher – even where that person subsequently applies for a practising certificate.
- 24. My view is that there is a further opportunity for legislative change by:
 - a. **Amending Military Court information sharing settings to require information about registered teachers to be disclosed to the Council.**