

BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL

NZTDT 2020-52

IN THE MATTER of the Education Act 1989

AND

IN THE MATTER of a charge referred by the Complaints Assessment
Committee to the New Zealand Teachers
Disciplinary Tribunal

BETWEEN **COMPLAINTS ASSESSMENT COMMITTEE**

Referrer

AND

Teacher E

Respondent

TRIBUNAL DECISION

30 August 2021

HEARING: Held at Wellington on 11 May 2021 (on the papers)

TRIBUNAL: Ian Murray (Deputy Chair)
Rose McInerney and Neta Sadlier (members)

REPRESENTATION: C Paterson and A-R Davies for the CAC
Janette Brown for the respondent

Charge

1. The Complaints Assessment Committee (**CAC**) has referred to the Tribunal a charge of serious misconduct and/or conduct otherwise entitling the Tribunal to exercise its powers.
2. In a Notice of Charge dated 14 December 2020, the CAC alleged that the respondent committed four separate dishonest acts:
 - a. On three occasions in September 2017 [REDACTED] ticked 'paid' by each of her three children's names on lunch forms but no money was received by the school for the lunches; and/or
 - b. In December 2017 [REDACTED] collected money from students intended for a gift for a netball coach. No gift was purchased with the money; and/or
 - c. In December 2017 [REDACTED] purchased a large amount of food for a school function. Some items were not used or returned to the school; and/or
 - d. On or about 4 August 2017 [REDACTED] did not provide money fundraised by students to the Cure Kids charity.
3. In relation to the conduct referred to in paragraphs (c) and (d), The respondent was prosecuted and pleaded guilty to two charges of theft by a person in a special relationship.¹ [REDACTED] was convicted of both charges on 17 June 2020 in the [REDACTED] District Court. [REDACTED] was sentenced to 4 months' community detention and ordered to pay \$2,000 reparation. She was not criminally prosecuted for the conduct referred to in paragraphs (a) and (b)
4. The CAC contends that this conduct individually and cumulatively amounts to serious misconduct pursuant to section 378 of the Education Act 1989 (**the Act**) and Rules 9(1)(g), (h), (j), (k) and (o) of the Education Rules 2016² (**the Rules**); or conduct that otherwise entitles the Disciplinary Tribunal to exercise its powers under section 404 of the Act.

Evidence

5. Before the hearing, the parties conferred and submitted an Agreed Summary of Facts (**ASF**), signed by the counsel for the respondent and counsel for the CAC. The ASF is

¹ Pursuant to section 220 of the Crimes Act 1961.

² The Education Council Amendment Rules 2018 were amended on 18 May 2018 and the conduct in this case spans before and after the Rule changes.

set out in full below:

SUMMARY OF FACTS

Introduction

1. [REDACTED] is a registered teacher (registration number [REDACTED]). Her practising certificate expired on [REDACTED].
2. At the relevant time, [REDACTED] was employed by [REDACTED] which is a primary school in [REDACTED].
3. [REDACTED] worked at the School from [REDACTED] until [REDACTED].
4. [REDACTED] is not currently teaching.

Conduct

Convictions

5. On 11 December 2019, [REDACTED] pleaded guilty to, and was convicted of, two charges of theft by a person in a special relationship pursuant to sections 220 and 223(a) of the Crimes Act 1961.
6. The NZ Police summary of facts in relation to the offending, which was the accepted basis for sentencing stated:

- [1] The defendant was at the time of the alleged offending a senior teacher at [REDACTED]. She had taught there for around [REDACTED] years.
- [2] The defendant was in a position of trust at the school, not only with her fellow teachers but the children at the school as well.
- [3] She had [REDACTED] children at the school.

CRN: [REDACTED]

- [4] For the past five years the defendant has been in charge of the [REDACTED] held in December.
- [5] She has been sole charge of the purchasing of food for the event.
- [6] On 4 December 2018, the defendant and another teacher went to [REDACTED] to purchase food for the dinner for the 123 guests, 40 of which were children.
- [7] The defendant told the other teacher to go to the Warehouse to buy rice cookers while she purchased the food from [REDACTED]. She took some time to do this and required more than one trolley. She did not get the other teacher to come back until she had finished and some of the food was stowed in her van already.
- [8] When the defendant and the other teacher arrived back in [REDACTED], the defendant refused to let the other teacher help her unload the food and was forceful about

that.

[9] The defendant purchased a large amount of food items totalling \$1,935.32.

[10] This included four large 5-6 kg rolled pork roasts, two x pork shoulder boned rolls (5kg each), three x pork shoulder roller roast (total weight 7.2kg) along with 4 kg of rump steak, 12kg chicken breast fillets, 4kg of diced beef, 5kg of beef mince, a whole leg of ham.

[11] A number of other items were in large quantities.

[12] There was also half a leg ham purchased at another shop for the dinner which was not used and has not been recovered.

[13] The steak and mince were not used at the dinner and have not been recovered.

[14] A large number of the items were only partially used.

[15] The defendant kept some of the items for herself that were not used for the dinner and failed to return them to the school. It was school policy that left over food was brought into the school.

[16] A small amount of items were returned to the school without any knowledge of the staff and they only found them in a cupboard when they were sorting other things.

[17] Some of the partially used items were also kept at her house which were located when Police executed a search warrant.

[18] Two of the 5-6kg pork rolled roasts, and a small amount of chicken breast fillet were located in a freezer.

[19] The defendant was interviewed in a meeting with the principal about this and said that the mince and steak were not used at the [REDACTED] and it must have been a mistake. CCTV from [REDACTED] shows the defendant purchasing the food including the mince and steak.

CRN: [REDACTED]

[20] During August 2017 [REDACTED] took part in the Tough Guy Tough Girl challenge for the charity Cure Kids.

[21] The students had gathered sponsorship. Cure Kids had an incentive that if the children raised \$100 or more they would receive a Cure Kids t-shirt.

[22] The Tough Guy Tough Girl organisation sold merchandise at the event including their own t-shirts for \$20.00.

[23] The defendant was in charge of the sponsorship forms and collecting the money which was put in the office safe at school.

[24] The defendant has done this in previous years so was aware of the correct procedure.

[25] Once the money had been collected it was to be counted and banked into the school account where it would be transferred to Cure Kids via Internet banking and it would all be receipted.

[26] On the day of the event the defendant took the money raised from the temporary office worker at the school who was only relieving in the position.

[27] She went to the event. She used some of the money to buy the children that had raised \$100 or more a t-shirt from the Tough Guy Tough Girl organisation. That would have been approximately 5 or 6 children who had raised \$100 or more.

[28] The defendant kept the remaining money which the children had raised for Cure Kids for herself.

[29] Cure Kids have not received any fund raising money from [REDACTED].

[30] It is believed the total amount of money raised by the school for the event was between \$700 - \$2000. However as the defendant ran sponsorship for the school only she is aware of the amount raised.

DEFENDANT'S COMMENTS

[31] The defendant offered no explanation and declined to comment.

[32] The defendant has not previously appeared before the Court.

REPARATION

[33] A Court Order is sought for reparation as per the attached schedule.

7. On 17 June 2020, [REDACTED] was sentenced by Judge Edwards to 4 months community detention on each of the charges, and ordered to pay reparation of \$2000.

8 A copy of the certified copy of conviction is attached at **Tab 1** and the sentencing notes from Judge Edwards are attached as **Tab 2** and form part of this summary of facts.

Further conduct

9. For three weeks during September 2017, the School ran a [REDACTED] Fundraiser. The School was fundraising for a beach day. The [REDACTED] were \$4 per child. [REDACTED] put down her [REDACTED] children's names for the [REDACTED] each week and ticked that these had been paid for, [REDACTED] children received the [REDACTED]. [REDACTED] did not pay the \$12 per week. As a result, the fundraiser lost a total of \$36.

10. In December 2017, [REDACTED] organised a leaving gift for a netball coach. [REDACTED] discussed the gift with the Principal of the School. The Principal gave [REDACTED] a \$50 gift card to use as the leaving gift. [REDACTED] had also collected money from students in the netball team (\$35) and the Principal had said to buy a bottle of wine or flowers with this

money. However, when the leaving present was given, the coach only received the \$50 gift card and no other gifts or money.

Teacher's comments

11. In a brief of evidence filed with the District Court on 6 December 2019, which was subsequently provided to the Committee by [REDACTED], [REDACTED] stated:

- a. With respect to the large amount of food purchased for the function, [REDACTED] states that, in hindsight, the amount purchased was excessive and that she overpurchased, but that she had no intent to steal the goods for personal use.
- b. With respect to the money collected for the Cure Kids, [REDACTED] states that the money went to the office not to her.
- c. [REDACTED] accepts that she wrote her children's names on the [REDACTED] forms and that she did not pay for the [REDACTED]. [REDACTED] states that she forgot to pay for the [REDACTED] and that she did not intend to obtain the [REDACTED] dishonestly.
- d. [REDACTED] acknowledges that she collected \$35 in cash from some of the students in the netball team, [REDACTED] states that she forgot to buy anything for the netball coach and that she still has the money (which she had left in her car glove box). [REDACTED] states she offered to give the money to Police when she was arrested.

6. Before we can impose a disciplinary sanction on a teacher, we must be satisfied on the balance of probabilities that the CAC has proved the charge. On the basis of the respondent's guilty pleas and convictions, we find paragraphs c and d established. The respondent does not dispute the circumstances of the conduct in paragraphs a and b so we also find the conduct described in those paragraphs established. As a result, we are satisfied that the charge is proved.

Serious misconduct

7. The respondent has accepted that her conduct amounts to serious misconduct. Notwithstanding that concession, we must still be satisfied that the conduct we found established does amount to serious misconduct (or conduct otherwise entitling the Tribunal to exercise its powers).

Test for serious misconduct

8. The definition of serious misconduct is contained in s 378 of the Act. That section provides:

serious misconduct means conduct by a teacher—

(a) that—

(i) adversely affects, or is likely to adversely affect, the well-being or learning of 1 or more students; or

(ii) reflects adversely on the teacher's fitness to be a teacher; or

(iii) may bring the teaching profession into disrepute; and

(b) that is of a character or severity that meets the Teaching Council's criteria for reporting serious misconduct

9. The criteria for reporting serious misconduct are contained in Rule 9 of the Teaching Council Rules 2016 (the Rules). These Rules have been amended, and the amended version of the Rules came into effect on 19 May 2018. In this case the respondent's conduct spans both the pre-amendment and post- amendment versions of the Rules.³ This has created a degree of complexity and we need to ensure that we apply the correct version of the rules to the particular conduct in question.
10. The CAC argue that the incidents that did not result in convictions fall under the earlier version of the Rules. We agree. They also argue that the conduct that resulted in convictions fall under the amended version of the Rules. We only partially agree. While the latter version of Rules applies to the most serious of the two convictions (for the purchase of items for the leavers dinner), the fundraising for the Tough Guy/Girl challenge was in 2017 so we are of the view that the earlier version of the Rules applies to this conduct.
11. While ultimately it is for the CAC to decide how to frame their case, it was open to the CAC to have simply referred the convictions to us. In our view that would likely have captured the essential criminality of the respondent's actions while simplifying the case and also avoiding potential cost implications for the respondent.

Analysis

12. For the conduct before 19 May 2018, the CAC relies on rules 9(l)(h) and/or 9(l)(o) of the Rules.

Criteria for reporting serious misconduct

(1) *A teacher's employer must immediately report to the Education Council in accordance with section 394 of the Act if the employer has reason to believe that the teacher has committed a serious breach of the Code of Professional Responsibility, including (but not limited to) 1 or more of the following:*

(h) theft or fraud:

...

(o) any act or omission that brings, or is likely to bring, discredit to the profession.

13. For the conduct after 19 May 2018, the CAC relies on (9)(l)(g), (9)(l)(j) and/or (9)(l)(k) of the latter version of the Rules.

Criteria for reporting serious misconduct

(1) *A teacher's employer must immediately report to the Education Council in accordance with section 394 of the Act if the employer has reason to believe that the teacher has committed a serious breach of the Code of Professional Responsibility, including (but not limited to) 1 or more of the following:*

(g) acting dishonestly in relation to the teacher's professional role, or committing theft or fraud: (h) theft or fraud:

... *(j) an act or omission that may be the subject of a prosecution for an offence punishable by imprisonment for a term of 3 months or more:*

(k) an act or omission that brings, or is likely to bring, the teaching profession into disrepute.

Is this serious misconduct?

14. While not excusing the respondent's behaviour, there did not appear to be particularly robust processes around financial transactions at the school which probably have helped her offend. Notwithstanding that, the conduct occurred while the respondent was in a position of trust at her school and involved her breaching the trust of her employer, her colleagues, the parents, and children that attended the school. The offending was repetitive, occurred over a period of time, and involved a not insubstantial amount of money. The defendant initially denied it when confronted and then she sought to downplay her behaviour.

15. In all of these circumstances we are satisfied that the respondent's actions impact on the respondent's fitness to be a teacher. The Tribunal has noted before that behaviour of this kind is unacceptable and clearly impacts on a teacher's fitness to teach.⁴
16. The test for deciding whether a teacher's actions are likely to bring the teaching profession into disrepute is informed by the conclusions of the *Court in Collie v Nursing Council of New Zealand*.⁵ It is an objective test and requires consideration of whether reasonable members of the public informed of the facts and circumstances, could reasonably conclude that the reputation and good standing of the profession is lowered by the respondent's actions.
17. We consider that a member of the public would reasonably conclude that the reputation and good standing of the profession is lowered by such repetitive dishonesty in a professional setting with such a serious abuse of trust.
18. Turning to the criteria for reporting serious misconduct, we are satisfied that conduct involved both theft and the respondent acting dishonestly in her professional role. It also involved potential offending with a maximum penalty of at least three months' imprisonment.
19. As a result, we have concluded that this is serious misconduct.

Penalty

20. The next step is for us to decide what sanction is warranted for the established misconduct. In *CAC v McMillan*,⁶ we summarised the role of disciplinary proceedings against teachers as:

... to maintain standards so that the public is protected from poor practice and from people unfit to teach. This is done by holding teachers to account, imposing rehabilitative penalties where appropriate, and removing them from the teaching environment when required. This process informs the public and the profession of the standards which teachers are expected to meet, and the consequences of failure to do so when the departure from expected standards is such that a finding of misconduct or serious misconduct is made. Not only do the public and profession know what is

⁴ See *CAC v Teacher*, (2012) NZDT 2012-29.

⁵ *Collie v Nursing Council of New Zealand* [2001] NZAR 74.

⁶ *CAC v McMillan* NZTDT 2016/52, 23 January 2017, paragraph 23.

expected of teachers, but the status of the profession is preserved.

21. Section 404 of the Act provides:

404 Powers of Disciplinary Tribunal

- (1) *Following a hearing of a charge of serious misconduct, or a hearing into any matter referred to it by the Complaints Assessment Committee, the Disciplinary Tribunal may do 1 or more of the following:*
- (a) *any of the things that the Complaints Assessment Committee could have done under section 401(2):*
 - (b) *censure the teacher:*
 - (c) *impose conditions on the teacher's practising certificate or authority for a specified period:*
 - (d) *suspend the teacher's practising certificate or authority for a specified period, or until specified conditions are met:*
 - (e) *annotate the register or the list of authorised persons in a specified manner:*
 - (f) *impose a fine on the teacher not exceeding \$3,000:*
 - (g) *order that the teacher's registration or authority or practising certificate be cancelled:*
 - (h) *require any party to the hearing to pay costs to any other party:*
 - (i) *require any party to pay a sum to the Education Council in respect of the costs of conducting the hearing:*
 - (j) *direct the Education Council to impose conditions on any subsequent practising certificate issued to the teacher.*

CAC submissions on penalty

22. The CAC argue for cancellation of the respondent's registration. The basis of their submission is as follows:

- a. There were a number of aggravating factors: it was dishonesty on multiple occasions within different contexts and over a not insignificant period of time; the respondent repeatedly abused her position of trust, the funds involved were not negligible, theft of fundraising money was particularly egregious, and the conduct occurred within the context of school events.

- b. There are no mitigating factors relevant to the offending and even if the respondent was undergoing personal difficulties at the time of her offending, this does not excuse or justify her ongoing dishonest conduct.
- c. Personal mitigating features were that she had no previous disciplinary history, her guilty pleas to the criminal charges and that she paid \$2,000 reparation to the school in the criminal proceedings, and that she cooperated with and engaged in the disciplinary process.
- d. Cancellation was appropriate to reflect the nature and gravity of the respondent's conduct and is also necessary to ensure maintenance of proper professional standards and public protection.
- e. The ongoing instances of dishonesty were serious and raise real questions about the respondent's fitness to practise as a teacher in the future. The respondent has not demonstrated genuine remorse for or insight into her conduct, and nor has she voluntarily taken steps (or indicated any willingness to take steps) to mitigate the risk of her engaging in similar conduct in the future.

Respondent's submissions

23. The respondent agreed that the aggravating features of her conduct were that there were four incidences of theft from the school, there was a substantial breach of trust and she continued to deny the theft. Counterbalancing that she submitted that there were powerful mitigating features. These were that:
- a. The respondent has no previous convictions and has had a long unblemished career;
 - b. She pleaded guilty and accepted that her conduct amounted to serious misconduct;
 - c. She in part stole food which showed a real or perceived need;
 - d. She has ongoing mental health issues which clouded her judgment;
 - e. she had significant stress at home and work and since these events her relationship ended so that she now is the sole parent of four children;
 - f. She paid reparation to the school;
 - g. The value of what was stolen is relatively small; and

- h. She and her family have paid a high personal cost already. They feel isolated from their community and their mental health has broken down even further.
24. The respondent argues that the appropriate penalty is
- a. Censure,
 - b. Annotation of the register
 - c. A requirement to disclose the Tribunal's decision to future employers for two to three years.

Our analysis

25. We have considered the outcome of a number of Tribunal cases involving fraud. The outcome ultimately depends on the circumstances of the case, but it is clear that behaviour of this kind puts the teacher's registration in jeopardy. However, cancellation is not automatic or inevitable but the teacher's response to the proceedings and attitude to the offending is ordinarily a key factor in determining the penalty.
26. Ultimately, we agree with the respondent that cancellation of her registration is not required. While this is moderately serious offending, it is not of the most serious kind. From the material before us it was difficult to get a sense of the reasons for the respondent's conduct. That would have assisted us to understand her motivations. However, we agree that there are strong mitigating features as described by the respondent.
27. We concluded that it was significant that the conduct had no direct impact on students. Further the respondent has been through the Courts and punished there for some of the conduct. In the end, we gave her the benefit of the doubt that a penalty short of cancellation could be imposed.
28. We consider that this case is most similar to the *Niuiia-Tofa*⁷ and consider that a broadly similar penalty is appropriate. The appropriate penalty is one which recognises the inherent seriousness of what she has done but also tries to assist her rehabilitation and re-entry into the profession if she wants and if that is possible. The penalty we impose is:

⁷ CAC v *Niuiia-Tofa* NZTDT 2019/136

- a. Censure.
- b. Annotation of the register for three years.
- c. The imposition of the following conditions on the respondent's practising certificate:
 - i. That she is not involved in any management position, in particular one involving access to money, for three years
 - ii. That she engages in mentoring and supervision about professional responsibility through her employer for a period of 12 months.

29. While we have not imposed a condition to that effect, we are of the view that the respondent's mental health issues should be addressed before she re-enters profession.

Costs

30. The CAC sought a contribution of its costs and the costs of the tribunal. The respondent's initial position was that no costs were payable as a result of 404(2). In supplementary submissions she accepted that costs could be imposed but argued that they should not be.
31. That concession was well made because the disciplinary proceedings came about not because of mandatory reporting of her conviction but because of mandatory reporting of her conduct by the school, so section 404(2) is not engaged, and the respondent could be liable for costs.
32. The CAC sought a contribution of 40% of its costs under s 404(1)(h). The Tribunal has previously indicated that such a level of costs will ordinarily be appropriate in cases determined on the papers.

Should we impose costs and if so what should they be

33. In the end we have to decide whether or not to exercise our discretion to impose costs. In making that decision we were influenced by the Tribunal's decision in *CAC v Jesse James Williams*⁸ where we concluded:

⁸ *CAC v Jesse James Williams* NZTDT 2018 - 70 at [29].

Our interpretation of s 404(2) is that ordering costs is prohibited only where the referral to the Tribunal is under s 397. That said, we think it is unlikely that we would order costs where a teacher has been the subject of a conviction and therefore already been ordered to pay costs in a different jurisdiction. There may be an exception, and we imagine that the conduct of the teacher in the course of the Teaching Council process might give rise to an award of costs, but clearly the full merits of the case would need to be considered.

34. Initially we were minded to order costs at a reduced level (in the range of 20%) because a portion of alleged conduct related to convictions and if those convictions had been referred to us under s 397, then the respondent would not have been liable for costs.
35. However, having given the case careful consideration, ultimately, we were convinced by the reasoning in *Williams* and concluded that costs were not appropriate in the circumstances. Therefore, we make no order for costs against the respondent.

Non-publication

36. Presently there is an order prohibiting publication of particulars identifying the respondent.⁹ She seeks that the order is made permanent on the grounds that publication [REDACTED]
[REDACTED]
[REDACTED] The respondent also requested to be permitted to appear personally by Zoom at our meeting to support this application. For reasons that will become clear, that was not necessary.

General Principles on Non-Publication

37. Section 405(3) provides that hearings of this Tribunal are in public. This is consistent with the principle of open justice. The provision is subject to subsections (4) and (5) which allow for whole or part of the hearing to be in private and for deliberations to be in private. Subsection (6) provides:

- (6) *If the Disciplinary Tribunal is of the opinion that it is proper to do so, having regard to the interest of any person (including (without limitation) the privacy of the complainant (if any)) and to the public interest, it may make any 1 or more of the following orders:*
- (a) *an order prohibiting the publication of any report or account of any part of any proceedings before it, whether held in public or in private:*

⁹ See minute dated 2 February 2021.

(b) an order prohibiting the publication of the whole or any part of any books, papers, or documents produced at any hearing:

(c) an order prohibiting the publication of the name, or any particulars of the affairs, of the person charged or any other person.

38. In deciding if it is proper to make an order prohibiting publication, we must consider relevant individual interests as well as the public interest. If we decide that it is proper, then we may make such an order.

39. As we noted in *CAC v Finch*,¹⁰ we apply a two-stage approach. The first stage involves an assessment of whether the particular consequence is "likely" to follow. This simply means an "appreciable" or "real" risk. If we are so satisfied, our discretion to forbid publication is engaged and we must determine whether it is proper for the presumption in favour of open justice to yield. There is no onus on the applicant and the question is simply whether the circumstances justify an exception to the fundamental principle.¹¹ In essence we must strike a balance between the open justice considerations and the interests of the party who seeks suppression.¹²

40. As a preliminary matter, we note that the respondent sought suppression from the District Court in her criminal prosecution, but it was declined. While that does not prevent us from granting suppression because the threshold for suppression in a criminal Court is at a higher level, it does inform our decision. Of course, it also means that there is no prohibition on publicity of her conviction and sentence on the charges she was convicted of, and we are aware that there has been such publicity.

41. [REDACTED]

42. [REDACTED]

43. [REDACTED]

¹⁰ *CAC v Finch* NZTDT 2016/11

¹¹ *ASB Bank Ltd v AB* [2010] 3 NZLR 427(HC) at [14].

¹² *Hart v Standards Committee* (No 1) of the New Zealand Law Society [2012] NZSC4 at [3].

¹³ Affidavit of the respondent at paragraph 3.

[REDACTED]

44.

[REDACTED]

45.

[REDACTED]

Relevant Tribunal decisions

46. In *Gittins*,⁹ we made the following observations about the effect on the children of teachers who are the subject of a disciplinary finding:

We do not want to see children being used as an automatic shroud over the principle of transparency. Rather, we would encourage teachers to think carefully about the possible effects of their actions on their families, in particular their children. In the present case, we think it unlikely that there will be any significant harm to the respondent's children. Any embarrassment and discomfort is not sufficient to outweigh the public interest in publication.

47. In *CAC v Teacher*¹⁴ we made the following observations:

Without wishing to sound unsympathetic to its sufferers, anxiety (and associated mental conditions) is not an unexpected consequence of a proceeding involving allegations of serious professional misconduct. It is important that the nature and effects of any such condition are carefully scrutinised when it is put forward as a ground for name suppression. A bare assertion that a condition exists, or that it may render an applicant seeking suppression more vulnerable to harm, will not suffice.

¹⁴ *CAC v Teacher* NZTDT 2016/27 at [63].

48. *Smith*¹⁵ and *Teacher*¹⁶ are examples of cases where suppression was granted because [REDACTED]. What is required clear from these cases is that we need to make a careful and fact specific analysis of the circumstances to decide if it is proper to grant suppression.

Analysis

- 49. [REDACTED]
[REDACTED]
[REDACTED]
- 50. [REDACTED]
[REDACTED]
- 51. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- 52. [REDACTED]
[REDACTED]
[REDACTED]

¹⁵ *CAC v Smith* NZTDT 2018-27

¹⁶ *CAC v Teacher* NZTDT 2016/27

Decision

53. On balance, we have decided that it is proper to make an order under s 405(6) for non-publication of the respondent's name and identifying details which includes the name of the school. We also suppress the reasons for our suppression order [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



Ian Murray
Deputy Chair

NOTICE - Right of Appeal under Section 409 of the Education Act 1989

1. This decision may be appealed by teacher who is the subject of a decision by the Disciplinary Tribunal or by the Complaints Assessment Committee.
2. An appeal must be made within 28 days after receipt of written notice of the decision, or any longer period that the court allows.
3. Section 356(3) to (6) applies to every appeal under this section as if it were an appeal under section 356(1).