

**BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL**

**NZTDT 2019-31**

**IN THE MATTER** of the Education Act 1989

**AND**

**IN THE MATTER** of an application to recall a decision issued by the  
New Zealand Teachers Disciplinary Tribunal

**BETWEEN** **TEACHER R**  
**Applicant**

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**SUPPLEMENTARY DECISION DATED 21 OCTOBER 2020**

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**HEARING:** Held on the papers on 22 October 2019

**DECISION:** Issued on 16 January 2020, recalled and revised 2 June 2020

**TRIBUNAL:** Theo Baker (Chair)  
Stuart King and Maria Johnson (members)

**REPRESENTATION:** Ms Lim for the CAC  
Ms King for the respondent

1. In a decision dated 28 May 2020 we recalled our decision and revisited the question of name suppression. Having previously declined name suppression for the respondent, we considered new medical information and revised that decision on the basis of the personal interests of the respondent's partner, Student A.
2. This decision is supplementary to our May decision.
3. Ms King has asked us to suppress the outline of the following medical details included in our recall decision:
  - a) *A medical certificate dated 22 January 2020 from a GP and Primary Mental Health Psychiatry Registrar who had seen Student A that day. The doctor said that Student A was suffering from generalised anxiety, depression reacting to social stresses in her life causing one attempt at suicide in 2019. At the time of the letter Student A was under treatment. Any publication of her name in media relating to her relationship with her previous teacher can definitely worsen her situation.*
  - b) *A medical certificate dated 30 January 2020 from another doctor at the same medical centre. This doctor said, "Since the proceedings and updated from that, which attributed to the stress of the ongoing investigation, [Student A] started the symptoms of moderate depression and anxiety after the attempt of suicide in April 2019." She was prescribed anti-depressants but presented in June 2019 when she attempted suicide.*
  - c) *A letter 31 January 2020 from Student A's University Student Support Advisor who confirmed that the emotional and mental pressures connected to the proceedings involving her partner. She has engaged in a range of support via university Health and Counselling Services and has had to re-arrange her study plan and request a number of aegrotat/compassionate considerations for her assessments. She has recently expressed her concern of name suppression not being granted and is worried about discrimination against her. Her advisor has encouraged her to reengage with counselling services and develop strategies for coping with these challenges.*
  - d) *A letter dated 17 February 2020 from a consultant psychiatrist who had seen Student A that day. It was his opinion, based on her history and the assessment undertaken that day, that publication of her name would pose significant risk to*

*both her wellbeing generally (in terms of further escalation depression) but also of worsening suicidal thinking and planning. The psychiatrist had no doubt that it would have a significant detrimental impact.*

e) *The psychiatrist's clinical record of the psychiatric assessment.*

4. We have been provided with two letters in support. In a letter dated 19 July 2020, Ms A's psychologist has said:

*My clinical opinion, as her therapist, is that any disclosure of her personal information to the public, related to the investigation of the conduct as a teacher, of her partner the respondent, will create irreparable damage to her psychological stability. I am urging you to refrain from such disclosure. Teaching Council will be at breach of the Privacy Act, Principle 11 if such disclosure is made*

5. There is no expert evidence of how an anonymised decision will create irreparable damage to Student A's psychological stability. We have received no legal submissions on how the inclusion of this information in the decision is a breach of any Privacy Principal.

6. According to a letter from Ms A's GP:

*These details do effectively identify [Student A], due to the nature of the information included, and as such this would seem to breach her rights under the privacy act and related health information code. However separate to this, the impending publication of these details has caused her to have a return of symptoms of depression and anxiety necessitating an increase in her medication, so is clearly having an adverse impact on her health. As such these details of her medical history should not be published on health grounds.*

7. The CAC does not oppose the application to suppress this information.
8. We have difficulty understanding how someone reading the decision would identify Student A from the information set out in paragraphs a) to e) above.
9. The information set out is highly relevant to our decision to recall our earlier decision and revise our decision to order our earlier decision about non-publication of the respondent's name.
10. We have already suppressed the location of the school where the couple met. In our decision, we did not mention the names or locations of any of the health providers or

the University and we will now formally order non-publication of the names of any health provider given in any information before the Tribunal as well as the location of those health providers and name and location of the University. This order is made under section 405(6) of the Education Act 1989.



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Theo Baker  
Chair