

TEACHING COUNCIL

NEW ZEALAND | Matatū Aotearoa

29 November 2018

Tēnā Koe Ms

Response to two requests under the Official Information Act 1982 (the Act)

You have requested copies of all policies, procedures and guidance documents to schools and other authorities on the requirements for mandatory reporting. Attached is a copy of the schedule setting out the agreement between agencies in relation to how agencies respond to issues arising in schools. Also attached is the schedule which sets out the agreement between the former Teachers Council and the New Zealand School Trustees Association. The Teaching Council is now the name of the body that replaced the Teachers Council.

While an employer cannot contract out of their obligations under the Education Act to make a mandatory report, where a complainant does not wish to provide evidence or for some reason does not want an investigation to proceed, that is a matter that is relevant to the Teaching Council's decision whether to investigate or continue an investigation. We are conscious that where a person makes a complaint, and then withdraws it (for whatever reason), this is likely to pose challenges to any further investigation: there may be issues with natural justice and certainty for the teacher, the credibility of the complainant, the availability of witnesses, and issues regarding delay. In those circumstances, unless the conduct was very serious, the Council would be reluctant to pursue an investigation.

You have also requested a copy of the decision CAC v Teacher Y. A copy is attached. However, as you note it is subject to appeal. That appeal is against the District Court decision which should be sought from the District Court (the reference is [2018] NZDC 3141).

I hope that this information is sufficient for your purposes. However, you have the right to seek an investigation and review of this response by the Ombudsman who can be contacted by writing to: The Ombudsman, PO Box 10152, Wellington 6143, or emailing: info@ombudsman.parliament.nz. A complaint to the Ombudsman can also be made online at <http://www.ombudsman.parliament.nz/make-a-complaint/make-a-complaint-now>

Nāku noa, nā



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