

**BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL**

**NZTDT 2021/36**

**WĀHANGA**

*Under*

the Education Act 1989

**MŌ TE TAKE**

*In the matter of*

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

**I WAENGA I A**

*Between*

**COMPLAINTS ASSESSMENT COMMITTEE**

**ME**

*And*

**WINNIE MARIA PONGA**

**Kaiurupare**

*Respondent*

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**DECISION OF TRIBUNAL**

**2022**

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**HEARING:**

17 February 2022 in Palmerston North

**TRIBUNAL:**

Theo Baker (Chair)

David Spraggs, Neta Sadlier (Members)

**REPRESENTATION:**

Mr D Neild for the CAC

Ms Ponga did not attend

## Hei timatanga kōrero – Introduction

1. In a Notice of Charge dated 26 August 2021, the Complaints Assessment Committee (**CAC**) charged that Winnie Maria Ponga (**the respondent**) had engaged in serious misconduct or conduct otherwise entitling the Tribunal to exercise its powers under section 500 of the Education and Training Act 2020. In particular, it was alleged that on or about 26 November 2020 at or near Te Manawanui Kindergarten in Shannon, the respondent:
  - a. Used a loud and/or aggressive tone of voice with a pre-school aged child (Child R); and/or
  - b. Grabbed and/or pulled Child R by their arms with two hands and/or pushed Child R a short distance; and/or
  - c. Pushed Child R down to sit; and/or
  - d. Held Child R’s hand while walking and pulled Child R up as Child R kept dropping to the ground.
2. The charge was that the conduct alleged separately and/or cumulatively, amounts to serious misconduct pursuant to section 10 of the Education and Training Act 2020<sup>1</sup> and rule 9(1)(a) and/or (k) of the Teaching Council Rules 2016 or alternatively amounts to conduct which otherwise entitles the Disciplinary Tribunal to exercise its powers pursuant to section 500 of the Education and Training Act 2020 (**the Act**).<sup>2</sup>
3. The respondent did not attend the hearing. The hearing proceeded as a formal proof hearing on the basis of written statements and oral evidence from:
  - a. ██████████ at the Te Manawanui Kindergarten (**the Kindergarten**).
  - b. ██████████ at Te Manawanui

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<sup>1</sup> The definition of serious misconduct in section 10 replicates the definition found in section 378 of the Education Act 1989

<sup>2</sup> Section 500 replicates section 404 of the Education Act 1989.

Kindergarten in November 2020.

- c. Amanda Coulston, Chief Executive of He Whanau Manaaki o Tararua Free Kindergarten Association, of which Te Manawanui is a member.
4. The Tribunal also received a written statement from Cathryn Usher, Investigator at the Teaching Council (**the Council**), who produced two statements from the respondent in response to the CAC's investigation. She was not required for questions.
  5. Mr Neild provided submissions on liability and penalty.

### **Whakarapopotanga – Summary of decision**

6. The Tribunal found that the respondent had used a loud voice, but there was insufficient evidence to establish that it was aggressive or inappropriate. Particular (a) was not established.
7. Particulars (b) and (c) as framed were not proved, but the Tribunal amended them and found that the respondent had "*physically moved Child R with a hand on each of Child R's upper arms and placed her on the tyre with some degree of force.*"
8. Particular (d) was established.
9. The Tribunal found that the conduct in particular (d) amounted to serious misconduct. The amended particular (b) did not amount to serious misconduct, but the combination of the two particulars amounted to serious misconduct.
10. The conduct of itself was not sufficiently serious to warrant cancellation, but because of the respondent's stated intention not to return to teaching, and because she did not attend the hearing, her registration was cancelled. The Teaching Council was directed to place conditions on any future practising certificate, should she decide to return to teaching. These are outlined in paragraph 58 of this decision.
11. The practitioner was ordered to pay costs totalling \$7,681.28 as outlined in paragraph 61 of this decision.

12. There are non-publication orders for the names and job titles of two witnesses, [REDACTED] and [REDACTED].

### **Korero Taunaki – Evidence**

#### *Te Komiti – CAC*

- [REDACTED]
13. [REDACTED] at Te Manawanui Kindergarten in Shannon, [REDACTED]. [REDACTED] and the respondent started working together at the Kindergarten in [REDACTED].
14. [REDACTED] told us that on 26 November 2020, at approximately 11.15am the children were getting ready to go to the adjacent school for kapa haka and were lined up by the fence next to the gate.
15. The kindergarten is licensed for 30 children aged over 2.
16. Child R, was described as having some developmental delays, manifesting in behavioural issues, including regulating her emotions. The Kindergarten was working on strategies for not lashing out.
17. There were about 18 children at the Kindergarten that day, but not all of them were going to the school. The ratio of staff to children when leaving the site is 1 to 6. There were 2 staff inside with the children who were not going.
18. [REDACTED] said that the children were lined up in pairs, holding hands. The children who needed teacher support would be with a teacher. There were two other adults present, [REDACTED] and the respondent. [REDACTED] quickly ran back inside to get the roll. When she came out on to the deck of the Kindergarten, she heard the respondent speaking in a loud and aggressive voice to a child, R, who was 4 years old at the time.
19. The respondent grabbed Child R on the top of her arms, pushing her to a big tyre approximately 2 to 3 metres away and then pushing her down to sit on the

tyre. [REDACTED] heard the respondent talking loudly to the child about hitting another child and directing her to sit and stay on the tyre. On further questioning from the Tribunal, she described the respondent as “screaming” at Child R.

20. [REDACTED] said that at some point, the child returned to the line and they all left for kapa haka practice. She told us that during the walk to the hall, the respondent continued to hold Child R’s hand. Child R was screaming and crying all the way to kapa haka and kept collapsing to the ground. [REDACTED] saw the respondent pulling Child R up by her arm as she kept dropping to the ground. On further questioning she said that it was Child R’s hand or wrist. It was her lower arm, rather than upper arm. She said it happened a few times.
21. [REDACTED] said that once they were in the school hall, she approached Ms Ponga and asked her to let go of Child R’s hand. She said that the respondent refused and so she repeated her request. She clarified at the hearing that on her first request, the respondent completely ignored her.
22. [REDACTED] said that when a child keeps dropping to the ground, the normal practice is to try to get up again, offer the child options, or in some cases carry the child. In answer to questions from the Tribunal, she said that one option would have been to go back to the Kindergarten with Child R, give her time to calm down or carry her. She said that it is not common to carry a child; that it is reserved for when other children are in danger or maybe she would pick a child up for a cuddle.
23. [REDACTED] evidence was that when the respondent kept lifting the child from the ground, [REDACTED] did not want to intervene in front of the children [REDACTED]. She explained that there had been difficulty in her communication with the respondent and she did not want to fuel the situation. She said that she was not sure what reaction she would get, and there were other children to look after.

24. The respondent had started at the Kindergarten on and Advice and Guidance Programme on social competence and children self-regulating. [REDACTED] found it difficult to engage with the respondent over this, and the Senior Teacher took care of most of it.
25. In hindsight, [REDACTED] acknowledged that maybe she should have taken action. She also recognised that she might have used another person to intervene.
- [REDACTED]
26. [REDACTED]  
[REDACTED]
27. According to [REDACTED], on 26 November 2020 the children were lined up by the fence, getting ready for kapa haka practice. She said that they were in single file with their backs to the fence, and Child R was being slightly squashed on both sides by other children. Although in her statement, she described Child R as pushing the children on both sides, in the hearing she demonstrated moving her arms outwards and moving from side to side to get them out of her personal space. Child R did not use her hands to push the children.
28. [REDACTED] then observed the respondent grab Child R by the tops of her arms, with one hand on either arm, and pull her out of line. She then spun Child R around and pushed her about 4 metres to a large tyre and pushed her to sit down on the tyre. At the hearing [REDACTED] demonstrated the movement as the respondent took the child out of the line, pivoted and moved the child, who was walking backwards to the tyre. The respondent's hands remained on the upper arms throughout.
29. [REDACTED] told the Tribunal that she was going to intervene, but [REDACTED] came out and saw what was going on and so she left it to her. As they walked

to the school. [REDACTED] was at the front of the group and did not see anything further involving the respondent and Child R.

*Andrea Clouston*

30. Andrea Clouston is the Chief Executive officer of He Whanau Manaaki o Tararua Free Kindergarten Association. She produced a copy of the Mandatory Report that she made to the Council. Annexed were copies of staff emails about the alleged conduct as well as an email dated 27 November 2020 from the respondent in which she tendered her resignation.

*Catherine Usher*

31. Catherine Usher was the investigator for the CAC. Her statement outlined the Council's investigation and produced two statements from the respondent.
32. The first was dated 28 January 2021 and was in response to the Mandatory Report. She described events leading up to her employment at the Kindergarten. The respondent said that one of her own children had been a "runner" and she had been very vigilant about holding her firmly. On the day of the kapa haka excursion, she had the same sense of keeping tamariki safe, especially as the child she was paired with was prone to run.
33. The respondent said that the language used to describe her alleged actions was very dramatic. She wrote:

*"Pulling, pushing, grabbing, forcing, speaking harshly" implies bullying behaviour which is serious if it were the case. I do not accept that to be true. Of it were indeed true then it would have been noticed over a period of time and addressed. Yes I held the girl's hand and continued holding it when she sat down. As we were outside the kindergarten grounds I was being vigilant in keeping the child safe ... When [REDACTED] approached me in a highly agitated manner I thought something was wrong and was looking around to see what it was.*

*Because her manner was unusual I did not grasp what she was saying to me at all. It was not a case of purposefully not responding to her.*

...

*I would also like to add that I have permanently left teaching and have happily returned to my previous profession.*

34. In her response to the draft investigation report, the respondent did not address the allegations before us.
35. Ms Usher was not required for any questions from the Tribunal.

*Kaiurupare – the respondent*

36. The respondent also provided an email statement dated 12 December 2021 for the Tribunal hearing. She described a positive relationship with Child R. The respondent wrote:

*In this instance with [Child R] I acted swiftly and firmly in removing her from a child she was hurting. I spoke firmly to her. I fully believe my response to be acceptable and would expect to see my fellow teachers responding in such a manner to both protect a child that was being hurt and to communicate that hurting others is not acceptable. I see the language being used to describe my actions “grabbing; plonking; pushing; pulling” as being emotive and very misleading. By placing my hands on her arms to move her away from a child she was hurting was fully justified I believe.*

*As for raising my voice, I spoke firmly to [Child R] saying it was not ok to hurt someone. I am by nature a very soft spoken person and do not raise my voice.*

...

*As we were walking in a line to school with each child holding hands with either another child or an adult, I was conscious of those that were potentially runners, and aware that adults had been designated certain children to hold onto for that reason...My own child would do this in crowded places or*



*carparks, and I was always extra vigilant. Therefore when [Child R] dropped to the ground and we were outside of the kindergarten grounds, I did not let go of her hand. Other children in line behind us were walking into us and we were causing an obstruction, necessitating the need to encourage [Child R] to stand up and continue walking. I must stress that at no time was she screaming or crying as we walked to school!*

*Once inside the school hall, the kapa haka teacher was in the midst of encouraging the school children to use their loud voices, encouraging them to go louder. [Child R] dropped to the ground before we got to our spot and watched the school children. I was trying to encourage her to keep moving forward to our spot, She was calm and fully focussed on watching the children.*

*At this point [REDACTED] appeared in front of me highly agitated, her arms waving and excitedly trying to say something to me...I thought something had happened and looked around to see what it was. Because of the volume of the noise I was unable to hear her. When she repeated herself and I finally heard her say, "Let go", I did so immediately. At no time did I "refuse" as stated! [REDACTED] swept [Child R] up into her arms and carried her off....*

#### *Whakatau - decision*

37. The Tribunal must decide if the factual allegations in the charge are established and then whether the established facts amount to serious misconduct.
  - a. *Used a loud and/or aggressive tone of voice with a pre-school aged child (Child R); and/or*
38. We found that the respondent used a loud voice. She admits that she did this. Neither [REDACTED] nor [REDACTED] could remember the words used. They did not elaborate on what was meant by aggressive, apart from "growly". It was difficult for us to ascertain what was meant. Without receiving evidence of what words were used, the Tribunal is not satisfied that the loud voice was inappropriate. This particular is dismissed.

b. *Grabbed and/or pulled Child R by their arms with two hands and/or pushed Child R a short distance; and/or*

c. *Pushed Child R down to sit; and/or*

39. Our findings for particulars b) and c) are that the respondent had her hands on Child R's upper arms. We found that she physically moved Child R from the line, holding her by the tops of her arms and placed her on the tyre, and that was not appropriate. The words 'pulled' and 'pushed' connoted something rougher than the impression we gained from the witnesses' evidence. We therefore amend particulars b) and c) to an amended particular b) which reads:

*Physically moved Child R with a hand on each of Child R's upper arms and placed her on the tyre with some degree of force.*

40. The factual allegation in this new particular is established.

d. *Held Child R's hand while walking and pulled Child R up as Child R kept dropping to the ground.*

41. The Tribunal accepts the evidence of [REDACTED], who said that while walking to kapa haka, Ms Ponga pulled Child R up by her arm as she kept dropping to the ground. On further questioning she thought it was the child's arm or wrist. The respondent said in her statement that it was the child's hand. We find it more likely that it was her wrist, as it would be difficult to lift a child from the ground by holding her hand if she is resisting. Particular d is established.

### **Whanonga he taumaha - Serious misconduct**

42. Having found some factual allegations have been proved, we must now decide if the established conduct amounts to serious misconduct. Serious misconduct is defined in section 10 of the Act as follows:

***serious misconduct*** means conduct by a teacher–

(a) *that–*

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

(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.*

43. The criteria for reporting serious misconduct referred to in paragraph (b) are found in rule 9 of the Rules:

**9 Criteria for reporting serious misconduct**

*(1) A teacher's employer must immediately report to the Teaching 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:*

...

44. The CAC relies on rules 9(1)(a) and/or (k):
- rule 9(1)(a) – "using unjustified or unreasonable physical force on a child or young person or encouraging another person to do";
  - rule 9(1)(k) - "an act or omission that brings, or is likely to bring, the teaching profession into disrepute".
45. The Tribunal found the last particular the most serious. There was a repeated use of force to compel a child to move against her wishes. There was no need for such a response. In fact, Child R could have remained back in the classroom with other children and staff. The respondent could have asked another teacher to take Child R. This was not a case of using force to protect the child or another from harm.
46. The respondent's actions were likely to adversely affect Child R's well-being (section 10(a)(i)), reflect adversely on the respondent's fitness to be a teacher (section 10(a)(ii)) and may bring the teaching profession into disrepute. We also find that this is of a character and severity that amounts to the use of unjustified or unreasonable physical force on a child under rule 9(1)(a) and is conduct which is likely to bring the teaching profession into disrepute. We

find that reasonable members of the public, informed of the facts would consider lowers the reputation of the teaching profession.<sup>3</sup> Particular (d) amounts to serious misconduct.

47. The new particular b), which is physically moving Child R with a hand on each of Child R's upper arms and placed her on the tyre with some degree of force is misconduct. It is conduct which might adversely affect a child's learning or wellbeing and reflects adversely on the respondent's fitness to be a teacher and may bring the teaching profession into disrepute. Although there was a degree of force used, it was not of a character or severity that brings it into the serious breaches of the Code of Professional Responsibility. However, when the episode is viewed as a whole, the combination of particular b) and particular d) amounts to serious misconduct.

#### **Whiu - penalty**

48. Section 500 of the Act provides:

##### ***500 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 497(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:*

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<sup>3</sup> Adopting the test in *Collie v Nursing Council of New Zealand* [2001] NZAR 74 (HC) at [28]

- (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 Teaching Council in respect of the costs of conducting the hearing:*
- (j) *direct the Teaching Council to impose conditions on any subsequent practising certificate issued to the teacher.*

49. In *Roberts v Professional Conduct Committee*<sup>4</sup> his Honour Justice Collins discussed eight relevant factors in determining appropriate penalty under the Health Practitioners Competence Assurance Act. These have been more recently summarised in the decision of *Katamat v Professional Conduct Committee* [2019] NZHC 1633:

- a. Most appropriately protects the public and deters others;
- b. Facilitates the Tribunal’s “important” role in setting professional standards;
- c. Punishes the practitioner;
- d. Allows for the rehabilitation of the practitioner;
- e. Promotes consistency with penalties in similar cases;
- f. Reflects the seriousness of the misconduct;
- g. Is the least restrictive penalty appropriate in the circumstances; and

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<sup>4</sup>

*Roberts v Professional Conduct Committee* [2012] NZHC3354 at [44] to [51]

- h. Looked at overall, is a penalty which is “fair, reasonable, and proportionate in the circumstances”.
50. These principles have also been considered in this jurisdiction in decisions such as *CAC v Cook* 2018/50.
51. The Tribunal has also discussed the criteria to consider on cancellation, noting that whether it is necessary to cancel a teacher’s registration in order to discharge the Tribunal’s disciplinary obligations will often turn on the teacher’s rehabilitative prospects and the degree of insight he or she has demonstrated into the causes of the behaviour.
52. Cancellation is generally required in two overlapping situations, which are:<sup>5</sup>
- a. where the seriousness of the conduct is such that no outcome short of deregistration will sufficiently reflect its adverse effect on the teacher’s fitness to teach and/or its tendency to lower the reputation of the profession; and
  - b. where the teacher has insufficient insight into the cause of the behaviour and lacks meaningful rehabilitative prospects. In this scenario, there is an apparent ongoing risk that leaves no alternative to deregistration.
53. The CAC submissions were in this vane. It was accepted that the conduct was at the less serious end of the scale. Because the respondent had not attended the hearing, it was difficult to assess her prospects of rehabilitation. Mr Neild also referred to other cases where this approach had been taken where the conduct involved inappropriate use of force but at a lower level.<sup>6</sup>

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<sup>5</sup> See *CAC v Teacher* NZTDT2013/46, 19 September 2013 at [36]. *CAC v Campbell* NZDT 2016/35 at [27] as cited in several decisions since, including *CAC v White* NZTDT2017/29, 28 November 2017 at [23] and *CAC v Fulimakaua* 2017/40, 5 June 2017

<sup>6</sup> Including *CAC v Griffiths* NZTDT2017/22, where the registration was cancelled even though the finding was one of misconduct and *CAC v Adie-Cropley* NZTDT 2019/83

*Whakatau - Decision*

54. The Tribunal accepts the CAC submissions.
55. We would like to have heard from the respondent. She provided some favourable references. The behaviour of itself is not the type that would usually result in cancellation of registration, but without understanding whether she has learned anything from this episode, had undertaken any rehabilitation in the form of further education, engaging with mentoring or personal counselling, it is difficult to understand what measures if any are required for the protection of the public and to support her as a teacher.
56. In her written submission the respondent said that she had given up teaching altogether.
57. Accordingly, we agree that cancellation under section 500(1)(g)<sup>7</sup> is the appropriate penalty in the circumstances. We also make our disapproval with a censure under section 500(1)(b).
58. Because we do not discount the possibility that the respondent has a meaningful contribution to make to the education of children should she decide to return to the teaching profession, we also direct the Teaching Council to impose the followings condition on any future practising certificate under section 500(1)(j), that within the first 12 months of returning to practice the respondent:
  - a. completes the Teacher Education Refresh programme
  - b. engages in an Advice and Guidance on Social Competence with her employer.

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<sup>7</sup> In our oral decision we referred to section 404, which is the equivalent penalty section under the Education Act 1989.

### Utu Whakaea – Costs

59. Teachers who face disciplinary charges must expect to contribute to the costs of the proceedings. The starting point is 50% and it is usual to make a downward adjustment for an agreement on the facts. Where the teacher has provided evidence of financial means, that may be taken into account.
60. In the present case, the CAC is seeking 50% of its costs. After the hearing, a schedule was filed showing total costs of \$9,647.56. We agree that 50% is appropriate. The Tribunal's costs were estimated at \$5,715.00, of which 50% is \$2,857.50.
61. We order a contribution of \$4,823.78 under section 500(1)(h) and \$2,857.50 under section 500(1)(i), making a total of \$7,681.28.

### He Rāhui tuku panui – Non-publication

62. He Whānau Manaaki o Tararua Free Kindergarten Association Inc (“the Association”) as an interested party in this proceeding applied under section 501(6)(c) for an order prohibiting the publication of the names and identities of the following witnesses and parties:
- a. Te Manawanui Kindergarten
  - b. ██████████
  - c. ██████████
63. The grounds were that Shannon is a small community and so publication of the identities of ██████████ or ██████████ names or other identifying details in this proceeding could lead to them and/or their families being the target of criticism, victimisation or innuendo by members of the Shannon community, including by friends and associates of Ms Ponga. The Association is very concerned that the personal safety, privacy and reputations of ██████████ ██████████ and ██████████ are protected.



64. The Kindergarten has a staff of only 7 people, and accordingly any publication of the name or details of the Kindergarten itself could also adversely affect [REDACTED] and [REDACTED] and the other staff making them the target of criticism, victimisation or innuendo by members of the Shannon community.
65. It was submitted that it is in the public interest that teachers in small communities are prepared to raise any issues of concern with their employer and with the Teaching Council about the alleged misconduct of any person, and to also give evidence and appear as witnesses before the Tribunal without fear of criticism, victimisation or innuendo by members of their community. An order by the Tribunal prohibiting the publication of the names or identities of those witnesses, or their Kindergarten, would therefore serve the public interest.
66. The association's lawyer referred to the summary of principles outlined in *CAC v Jenkinson NZTDT 2018/14*, where the Tribunal concluded at paragraph 32:
- On 1 July 2014, the default position became for Tribunal hearings to be conducted in public and the names of teachers who are subject of these proceedings to be published.
67. And in *CAC v Teacher J NZTDT 2020/28* the Tribunal added:
72. Conversely, in certain instances, the public interest may include the suppression of information such as witness names (usually alleged victims of conduct) to ensure that they are prepared to come forward and give evidence in court proceedings.”
68. In an affidavit from the Chief Executive, it was confirmed that the population of Shannon in the last census was 1,398 people. There are two early childhood centres and this one has a staff of 7 people. There is a risk that if it is named there will be speculation about the names of the witnesses and they may be targeted.

69. The reference in the Tribunal's decision of 2020/28 was to the Court of Appeal's decision of *Y v Attorney General* [2016] 474 where one of the issues was whether the name of a victim of alleged non-sexual physical abuse should be suppressed.
70. In *CAC v Teacher B NZTDT 2019-120* we suppressed the name of a teacher who had assaulted members of his family on the basis that identification of him would lead to identification of the victims of family violence. In that decision we recorded that it "[sat] uneasily with us that a person who perpetrates violence on another can hide behind the privacy of the victims of that violence,"<sup>8</sup> but it was relevant that:
- It was one of the respondent's daughters who contacted the Police on the day of the assault. None of his family should be penalised by publication of his name, and none of them should be deterred by fear of publicity from seeking help in the event of any repetition. There is a public interest in having such matters reported and addressed.<sup>9</sup>
71. As a member of a profession, a teacher should be able to face one's colleagues and community knowing that in giving evidence against a colleague, the teacher has fulfilled their professional obligations to maintain standards for the profession and protect the public. Sometimes that takes courage.
72. In fact, those obligations start earlier in the process; a teacher should also have the courage to intervene to protect children and maintain standards when they see conduct that does not meet those standards. The Tribunal thought that the events that unfolded in this instance need not have reached this level.
73. However, in this case, bearing in mind the small size of the community, we appreciate that publication of the Tribunal's final decision on the respondent's

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<sup>8</sup> At paragraph 74

<sup>9</sup> At paragraph 75

conduct can have implications for staff that go beyond the common levels of discomfort that a teacher may have in giving evidence against a colleague.

74. The personal interests of the two teachers who gave evidence, that is [REDACTED] and [REDACTED] outweigh the public interest in publication of their names. Accordingly their names and job-titles are suppressed from any published decision.
75. The name of the respondent is not suppressed.



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Theo Baker  
Chair