

BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL

NZTD 2022/33

UNDER
WĀHANGA

the Education and Training Act
2020

IN THE MATTER
MŌ TE TAKE
BETWEEN
I WAENGA I A

of a charge referred to the Tribunal

**COMPLAINTS ASSESSMENT
COMMITTEE (CAC)**

Prosecutor/Referrer | Kaiwhiu

AND
ME

ROBERTA LITTLE

Respondent | Kaiurupare

Hearing | Te Rongonga

28 November 2023

Representation | Hei Māngai

E McCaughan for the CAC

Respondent self-represented

Tribunal panel | Pae Taraipiunara

T J Mackenzie (Deputy Chair), R
McInerney, L Arndt

DECISION OF THE TRIBUNAL

TE MENETI O TE RŪNANGA RONGONGA TŌMUA I WHAKATŪRIA
5 December 2023

Background | Tāhuhu korero

[1] Ms Little is a registered teacher. In 2020 she was convicted of several dishonesty offences. Her conduct has been referred to the Tribunal by the CAC under section 401(3) of the Education Act 1989. This is our decision on liability, penalty and costs.

The agreed facts

[2] Ms Little held a practising certificate from June 2005 to 1 September 2020. In 2010 she began employment at Te Kura o Waikaremoana, a bi-lingual primary school situated in Tuai, a small rural settlement approximately 50 kilometres north-west of Wairoa. Ms Little became acting Principal in 2013 and this became permanent in 2014. She resigned in 2018.

[3] From 2015 to 2017 Ms Little and a co-offender (the then Chair of the Board of Trustees) defrauded the school to the sum of \$103,086.29. Of that, \$45,005.76 was received into Ms Little's bank account. The mode of offending appears to have been false creditor expenses.

[4] Ms Little pleaded guilty to one charge of theft by a person in a special relationship, and eight charges of using a document to obtain a pecuniary advantage. The maximum penalty for each offence is seven years imprisonment.

[5] On 20 August 2020 Ms Little was sentenced in the District Court at Gisborne to nine months home detention. She was also ordered to repay the money she had received.

Adverse finding

[6] The threshold for making an adverse finding is much the same as with a serious misconduct charge. On either front, there is no doubt that the conduct is at a high level. Ms Little engaged in a sustained campaign of theft from her small school. She was in a trusted and respected position. The school was vulnerable. Significant harm was caused.

[7] This conduct reflects very adversely on Ms Little, completely undermines her fitness to teach, and brings the profession into significant disrepute.

[8] We have no difficulty in making an adverse finding.

Penalty

[9] This conduct on its own would be difficult to respond to with anything but cancellation.

[10] We have considered Ms Little's position. She has had little engagement in the CAC process although to her credit has reached an agreed summary of

facts with the CAC in the Tribunal.

[11] What little advance was made has then been undone by the material which followed. In her own letter and in a number of references, Ms Little appears to minimise, or even deny, the offending. We however are bound by the convictions as their presence is conclusive proof that Ms Little committed the offences: section 47 Evidence Act 2006. In any event we would not entertain what is now said, particularly in the absence of any appeals process being having even been pursued.

[12] We are left in a position where we conclude that there is a complete lack of insight and responsibility being taken.

[13] Coupled with the high level of dishonesty conduct, we are driven to the view that a censure¹ and cancellation of registration is the only appropriate outcome.² We so order.

Costs

[14] This was a matter that the CAC referred to the Tribunal, which was not a self-report under section 397 of the Act. Accordingly a costs liability arises under section 404(1)(h). The costs claimed by the CAC are reasonable and are now ordered:

Costs of Complaints Assessment Committee \$1,618.94

Legal costs and disbursements for Tribunal proceedings \$2,350.00

Total costs: \$3,968.94

Total costs sought (40 per cent): \$1,587.58

[15] Tribunal costs are \$1455. 40% = \$582 and is now also ordered.

Publication

[16] There are no non publication orders.



T J Mackenzie
Deputy Chair
New Zealand Teacher's Disciplinary Tribunal /
Te Upoko Tuarua o Te Rōpū Whakaraupapa o Aotearoa

¹ Section 404(1)(b).

² Section 404(1)(g).