BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL

NZTDT 2019/1

IN THE MATTER	of the Education Act 1989
AND	
IN THE MATTER	of charges referred by the Complaints Assessment Committee to the New Zealand Teachers Disciplinary Tribunal
BETWEEN	**COMPLAINTS ASSESSMENT COMMITTEE**
AND	**JOCELYN NAWA GILLESPIE** **Respondent**

DECISION OF THE TRIBUNAL

6 January 2020

HEARING:	Held on 18 June 2019 (on the papers)
TRIBUNAL:	Chris Merrick (Deputy Chair) David Spraggs and Simon Williams (members)
REPRESENTATION:	Mr Lewis for the Complaints Assessment Committee Stan Austin (Employment Consultant) for Ms Gillespie

Reasons for referral

1. The Complaints Assessment Committee ("CAC") has referred the respondent to the Tribunal for the following reasons outlined in the notice of charge:

    - Failed to notify her employer, EBOPLET, of her convictions or provide a copy of the Disciplinary Tribunal's decision of 23 September 2013 (NZTDT 2013/42) to her employer, in breach of the conditions imposed on her practising certificate by the Disciplinary Tribunal on 23 September 2013.

2. The CAC allege that conduct alleged in paragraph 1 amounts to serious misconduct pursuant to section 378 of the Education Act 1989 and rule 9(1)(o) of the Education Council Rules 2016 (as they were prior to the September 2018 amendments), or alternatively amounts to conduct which otherwise entitles the Disciplinary Tribunal to exercise its powers pursuant to section 404 of the Education Act 1989.

Evidence

3. The parties were not able to agree to a summary of facts, although some of the key aspects of the alleged conduct are agreed.

4. In a hearing on the papers, we considered the following evidence:

    - Affidavit of Tom Eathorne, Investigator for the Teaching Council of Aotearoa, New Zealand, dated 2 May 2019.

    - Affidavit of Jocelyn Gillespie, the respondent, dated 29 May 2019.

5. In addition to the affidavit evidence, we have also considered the written submissions filed by each party.

23 September 2013 decision and failure to disclose to EBOPLET

6. The essential facts are: (Eathorne affidavit paragraphs [6] – [8] and *TE-2*).

    - Mrs Gillespie had conditions on her practicing certificate which were imposed by the New Zealand Teacher Disciplinary Tribunal on 23 September 2013. The conditions remained for a period of three years. She was released from her conditions on 11 October 2016.

    - The conditions on Mrs Gillespie's practicing certificate were that she must notify any existing or prospective employer (in relation to a job for which requires that

she hold registration as a teacher) of her convictions and provide any existing or prospective employer with a copy of the 23 September 2013 Tribunal decision.

- Mrs Gillespie failed to disclose the conditions on her practicing certificate to her employer EBOPLET. Mrs Gillespie accepted a job at Life Education in May 2016. Mrs Gillespie was not released from her conditions until 11 October 2016.
- On 1 August 2017 the Council received notification from John O'Connell, Chief Executive at EBOPLET indicating that Mrs Gillespie may have breached the conditions on her practicing certificate.
- Mrs Gillespie was referred to the Complaints Assessment Committee by the Education Council's own motion as per section 400(2) of the Education Act 1989.

7. On those facts, which are not disputed, the respondent has breached the conditions of the 23 September 2013 Tribunal decision. The issue for the Tribunal is whether the breach in this instance, amounts to "serious misconduct", "misconduct", or neither.

8. The context to the failure to disclose has been fully canvassed in the material filed by both parties to this Tribunal. Relevant aspects of the context are summarised below.

The respondent using different names

9. In addition to those essential facts, counsel for the CAC has pointed to the fact that the respondent has at times used different names. In particular, the CAC points out that (Eathorne affidavit *TE-10 at [39] – [41]*):

- Mrs Gillespie applied for the job using the surname "Gillespie-Wano". Jocelyn's registration and fraud conviction are both under the name Jocelyn Gillespie. In her conversation with the Investigator, Jocelyn indicated her original teacher registration was under "Gillespie" and whilst she was married in 2002 and changed her name to "Gillespie-Wano", she did not change her surname on the Council's records. She indicates that her passport is under the surname "Gillispie" and only uses the surname "Gillespie-Wano" for IRD.
- Ms Gillespie's birth certificate was provided by Life Education and shows that she uses the surname "Purewa".
- Given Mrs Gillespie's registration is under the 'Gillespie' name and given the time which has passed since her marriage in 2002, it is unclear why she used Gillespie-

Wano for her application to Life Education. Although, it is pointed out that through communication with John Spring of EBOPLET, that the signed employment agreement for 13 May 2016 has Jocelyn Gillespie-Wano with the respondent's signature J Gillespie.

Employment investigation

10. In the Eathorne affidavit, at *TE-15 – TE-21* documentation is attached relating to the employment investigation of EBOPLET in respect to the respondent's failure to disclose.

11. The conclusion of the investigation is summarised in a letter from Mr John Spring of EBOPLET to the Disciplinary Tribunal dated 13 August 2017 (TE-16). In it he states:

> *EBOPLET EBOP employed Jocelyn Gillespie-Wano in May 2016. Jocelyn has worked for us as an Educator, teaching in schools around the EBOP area since August 2016 and we have only had good feedback from those schools.*
>
> *In June 2017 we came across online national articles both on Jocelyn's 2011 conviction for benefit fraud, and the subsequent Teacher's Council registration hearing on the issue in 2013.*
>
> *Attached are the minutes of the subsequent disciplinary meetings we held to investigate this issue and which led to us issuing Jocelyn with a final warning, to be in effect until July 2018. Jocelyn had the support of the majority of our board members, who felt that with some performance management going forwards, this offending did not warrant dismissal as they feel she is very remorseful about these mistakes made in the past.*
>
> *Jocelyn has worked hard for us and loves her job. We are keen to support her and help her be a success as an educator with EBOPLET. Whilst we have taken her indiscretions seriously by giving her a final warning, we also want to give Jocelyn another chance.*

The respondent's affidavit evidence

12. In an affidavit dated 29 May 2019 the respondent deposes:

- She completed her diploma in Teaching in 1997 and then completed a Bachelor in Māori Education in 1999. In 2009, she completed a Graduate Diploma in Māori Medium in Teaching (Pokairua).
- She completed full registration in 2000.
- She confirms that following a decision of the Tribunal on 23 September 2013, a condition to notify prospective employers of her convictions and provide a copy of

the decision was put on her practising certificate for three years.

- She confirms that she failed to notify EBOPLET of those matters when applying for her job with them.

13. In explanation, the respondent deposes that what occurred was a mistake on her behalf (Respondent affidavit dated 29 May 2019 at [8]):

> *8. I wish to explain that my failure to do this was because I made an error in calculating the period that the Tribunal's order applied. When I applied for the position with EBOPLET* I did not refer back to the written decision of the Tribunal but because I was in somewhat of a rush I relied on my memory and calculated the three years as applying from the date of my convictions rather than the date of the Tribunal's decision.
>
> *I did not become conscious or aware of this error until EBOPLET brought this matter to my attention in July 2017*.
>
> *This was an inadvertent error on my part for which I am sorry*. *I do say that I never set out to try and avoid the Tribunal's orders but simply did not accurately recall that the commencement of the three year period as being for the date of the Tribunal's decision rather than the date of my conviction. I also want to stress that this mistake should not be taken to imply any disrespect of the Tribunal. I do understand and respect the role of the Tribunal in relation to my profession. But for my mistake I would have provided EBOPLET with a copy of the Tribunal decision at the time of my application as I did previously at Tāneatua School and Te Kura o Te Paroa*.

14. The respondent deposes that on two prior occasions she had in fact disclosed her convictions and the 23 September 2013 decision of the Tribunal in the process of applying for jobs at Tāneatua School and Te Kura o Te Paroa (Respondent affidavit dated 29 May 2019 at [10]-[11]:

> *In 2014 I gained employment at Tāneatua School as a relief teacher for several periods. When applying for this position I provided School Principal Gary Climo with a copy of the Tribunal decision. On 10 April 2019 Gary Climo provided Stan Austin, my representative, with a statement confirming this*.

15. At exhibit A to the Respondent's 29 May affidavit, Mr Climo writes:

> *This is to confirm that Jocelyn Gillespie was employed for several short periods of time in 2014 as a relief teacher at Tāneatua School. I confirm that when she applied for the relief teaching positions she provided me with a copy of the Educational Tribunals decision dated 23 September 2013. While I appreciated being informed of the Tribunal's decision, I did*

not consider that the matters contained in the decision related to or would affect Jocelyn's teaching. Jocelyn proved to be an effective teacher. I was also Jocelyn's mentor for EBOPLET. I believe she fulfilled all criteria necessary to ensure her teaching that position was effective.

16. In respect to employment at Te Kura o Paroa, the Respondent deposes:

I was also employed as a teacher at Te Kura o Te Paroa for a short period in late 2014. I informed Aroha Ngaropo, Acting Principal of the Council decision when applying for that position and she discussed the matter with me.

17. At exhibit B to the Respondent's 29 May affidavit, Ms Ngapo wrote in a letter dated 7 November 2014:

Tēnā koe Jocelyn

Thank you for meeting with me to discuss the conditions attached to your Teaching Registration status.

I am fully satisfied that the issue relating to these conditions are personal and unrelated to your ability to perform as a professional competent teacher. I acknowledge that it took a lot of courage for you to disclose the issue and I understand the conditions are fixed and will expire soon.

For that reason, I have agreed to sign off your practising certificate which has recently expired as well as complete a re-enrolment notification on your behalf to the New Teachers Council.

If you require any further support or confirmation of your competence, please do not hesitate to contact me.

Noho ora mai I raro I ng~manaakitanga o tō tātau Matua i te rangi.

18. In response to the issue of at times using different names, the respondent deposes:

Counsel for the CAC has claimed that in using a different name (Gillespie-Wano) when I applied for the position with EBOPLET I "sought to deceive my employer". That claim is untrue. Gillespie-Wano is my full legal name which I am entitled to use and have used with Inland Renue Department. Using my full name in my employment with EBOPLET would have aligned my employment records with IRD records.

As I recall, when I applied for the position with EBOPLET I was not asked to provide a copy of my certificate of registration as a teacher. I did provide EBOPLET with a copy of my current driver's licence which is in the name of Jocelyn Gillespie.

Issues in dispute

19. The primary issue in dispute is whether the respondent's conduct amounts to serious misconduct, or misconduct otherwise entitling the Tribunal to exercise its powers under s 404 of the Education Act.

20. Resolution of this issue will require the Tribunal to consider the circumstances surrounding the failure of the respondent to notify the EBOPLET about her previous convictions and provide a copy of a previous decision of The Tribunal regarding her failure to notify the Teacher's Council of those convictions.

21. The CAC has invited the Tribunal to make a finding of "serious misconduct" based on the affidavit evidence provided to the Tribunal (which includes the Investigation report and associated documents), and seeks to discredit the explanations provided by the respondent in her affidavit.

22. The respondent submits that the CAC, upon whom the burden of proof rests, has failed to establish on a balance of probabilities, that the respondent's conduct was a *conscious failure* on behalf of the respondent to abide by the conditions placed on her practicing certificate. Rather, the respondent submits the conduct was a result of a genuine mistake made by the respondent, and there is evidence to suggest that is so.

23. We will consider the respective submissions in more detail below, but first, will consider some of the applicable legal principles.

Threshold "serious misconduct" - principles

24. Section 378 of the Act defines "serious misconduct" as conduct by a teacher, that:

- adversely affects, or is likely to adversely affect, the wellbeing or learning of 1 or more students; or
- reflects adversely on the teacher's fitness to be a teacher; or
- may bring the teaching profession into disrepute; and
- that is of a character or severity that meets the Teaching Council's criteria for reporting serious misconduct.

25. As confirmed in the case of *Teacher Y v Education Council of Aotearoa New Zealand,*

the test under s 378 is conjunctive, that is at least one of features (a) – (c) must be present as well as that behaviour being of such severity that meets the Teaching Council's criteria for reporting serious misconduct.[1]

26. Here, the CAC allege that the conduct meets the criteria at rule 9(1)(o) of the Education Council Rules 2016. Namely, "an act or omission that brings, or is likely to bring, the discredit to the profession".

27. That test will be satisfied if reasonable members of the public, informed of the facts and circumstances, could reasonably conclude that the reputation and standing of the profession was lowered by the Respondent's behaviour.[2]

28. In relation to the failure to comply with an agreement to conditions, counsel for the CAC have cited, NZTDT 2015/21 (29 July 2015), where after citing NZTDT 2014/3 and NZTDT 2014/20, the Tribunal noted that there was no doubt that the teacher had not complied with the condition and observed:

> *[31]…there is authority for the proposition that the conscious failure of the teacher to comply with conditions imposed on him or her by agreement constitutes serious misconduct.*
>
> *[32] In the absence of any explanation from the respondent in relation to this failure, we conclude that the Complainant has made out its case of serious misconduct*".

CAC submissions – "serious misconduct"

29. The CAC cites NZTDT2014/20 and submits that the respondent's failure to disclose the 23 September 2013 Tribunal decision and her previous convictions reflect adversely on the Respondent's fitness to teach and have the potential to adversely affect students.

30. It is further submitted that, by failing to do so, the reputation and good standing of the profession would be lowered in the eyes of the public, and that the public would not have faith in conditions imposed, if they are simply ignored.

31. The CAC submits that this was not a "simple mistake", and points to the contractual obligation to disclose any previous convictions to the employer. The CAC submits that a prudent teacher would take steps to ensure she had done everything she needed to when applying for a new position. The CAC points to the use of the last name "Gillespie-

[1] Teacher Y v Education Council of Aotearoa New Zealand [2018] NZDC 3141, 27 February 2018, at [64].
[2] Collie v Nursing Council of New Zealand [2001] NZAR 74 at [28]; CAC v Collins NZTDT 2016/43, 24 March 2017.

Wano" in her curriculum vitae as being suggestive of an effort to deceive her employer, the CAC submits that the respondent's explanations lack credibility.

32. The CAC submits these factors, combined with a previous conviction for "benefit fraud", creates an overall impression of dishonesty, non-disclosure, and a failure to follow instructions and to meet her professional obligations.

33. As a result it is submitted that when applying the *Collie* test that the reputation and good standing of the teaching profession had been lowered, the conduct reflects adversely on her fitness to practice, and brings the profession into disrepute.

Respondent's submissions – "serious misconduct"

34. On behalf of the respondent, it is submitted that the failure to disclose as a genuine mistake. The respondent submits that the CAC, on whom the burden of proof rests, has not shown that the failure to disclose was deliberate or calculated.

35. The respondent points to the two previous instances where she had applied for employment and notified those employers of her convictions and the 23 September 2013 Tribunal decision.

36. In relation to the use of the name Jocelyn "Gillespie-Wano", the respondent submits, that whilst that was the name used on the CV provided, that her driver's licence was provided which was in the name "Gillespie", in addition it is pointed out that she was simply using the name consistent with that used in her dealings with the IRD.

37. The thrust of the respondent's submission is that in assessing all of the circumstances, the CAC have not shown that the conduct in question was a *conscious failure* by the respondent. In those circumstances, the respondent submits the Tribunal cannot make a finding of "serious misconduct". It is further submitted that in the circumstances, a genuine mistake by the respondent cannot amount to "misconduct".

Threshold "serious misconduct" – discussion

38. We record our finding that the respondent did in fact breach the conditions of her practising certificate imposed on 23 September 2013. She did this by failing to advise EBOPLET BOP about her previous convictions and providing a copy of the 23 September 2013 Tribunal decision. We note that simply providing the 23 September decision would mean compliance with both conditions as the convictions are discussed in the decision.

39. Having made that finding, we go on to consider whether that conduct, in these circumstances amounts to "serious misconduct" or "misconduct". Section 378 of the Act defines "serious misconduct" as conduct by a teacher, that:

- adversely affects, or is likely to adversely affect, the wellbeing or learning of 1 or more students; or
- reflects adversely on the teacher's fitness to be a teacher; or
- may bring the teaching profession into disrepute; and
- that is of a character or severity that meets the Teaching Council's criteria for reporting serious misconduct.

40. As confirmed in the case of *Teacher Y v Education Council of Aotearoa New Zealand,* the test under s 378 is conjunctive, that is at least one of features (a) – (c) must be present as well as the behaviour being of such severity that meets the Teaching Council's criteria for reporting serious misconduct.[3]

41. Here, the CAC allege that the conduct meets the criteria at rule 9(1)(o) of the Education Council Rules 2016. Namely, "an act or omission that brings, or is likely to bring, the discredit to the profession".

42. That test will be satisfied if reasonable members of the public, informed of the facts and circumstances, could reasonably conclude that the reputation and standing of the profession was lowered by the Respondent's behaviour.[4]

43. Essential to resolving the issue is whether the failure to disclose was in this case a "conscious failure" on behalf of the respondent. We come to that conclusion having regard to the s 378 criteria, the *Collie* test, and the comments of the Tribunal in NZTDT 2015/21 (29 July 2015), where after citing NZTDT 2014/3 and NZTDT 2014/20, the Tribunal noted that there was no doubt that the teacher had not complied with the condition and observed:

> *[31]…there is authority for the proposition that the conscious failure of the teacher to comply with conditions imposed on him or her by agreement constitutes serious misconduct.*

[3] Teacher Y v Education Council of Aotearoa New Zealand [2018] NZDC 3141, 27 February 2018, at [64].
[4] Collie v Nursing Council of New Zealand [2001] NZAR 74 at [28]; CAC v Collins NZTDT 2016/43, 24 March 2017.

[32] In the absence of any explanation from the respondent in relation to this failure, we conclude that the Complainant has made out its case of serious misconduct".

44. We make the following points in the circumstances of this case.

45. First, the standard of proof is a balance of probabilities. In this instance, the issue is whether it is more likely than not that the respondent intentionally failed to disclose her convictions and the 23 September Tribunal finding to EBOPLET BOP.

46. We are of the view that on the state of the evidence placed before us, that we are not satisfied that the CAC has established on a balance of probabilities that the respondent *consciously failed* to disclose her previous convictions and the 23 September 2013 decision. In short, we are not satisfied that what occurred here was not a genuine mistake on behalf of the Respondent.

47. We come to that conclusion for the following reasons.

48. First, the respondent has provided an explanation for her omission in a sworn affidavit. This was not the case in the decision of NZTDT 2015/21 (29 July 2015) outlined above. It is the respondent's explanation that she wrongly calculated the end date of her conditions as being based on her conviction date (23 April 2012) not the date of the decision (23 September 2013).

49. It is clear that the respondent disclosed her convictions and the 23 September 2013 Tribunal decisions in the two jobs she held prior to applying at EBOPLET BOP. Accordingly, she had previously abided by the conditions imposed on 23 September 2013.

50. In the letter of Ms Ngapo of 7 November 2014, there is a reference made by her which may lend itself to support the proposition that the respondent was operating wrongly on the basis of the date of conviction (23 April 2012) being the marker of the condition. In that letter, Ms Ngapo states, *".. I understand the conditions are fixed and will expire soon."* It is hard to understand such a statement being made if the understanding was that the conditions were to expire in October 2016.

51. Further, it is difficult to understand based on the evidence, what would motivate the respondent to intentionally withhold her convictions and the 23 September 2013 Tribunal decision. The reason we are of this view is the fact that having worked in two previous teaching positions in the Eastern Bay of Plenty area, it would not be out of the realms of

possibility for the respondent to expect that Life Education may speak to her previous employers about her work, and any information that may be helpful in assessing her job application. The point is, it would have been apparent to the respondent that there would have been a good chance that Life Education would find out about the convictions and decision through inquiries made in the course of the employment application process.

52. In respect of evidence and submissions regarding the respondent's use of "Gillespie" and "Gillespie-Wano" based on the evidence put before us, we are not convinced this is a matter which supports the suggestion of deception. The respondent's explanation is that she sought to use the name for this application which was in line with the name she used with the IRD, further there is evidence that EBOPLET had in the form of her driver's licence, and signature on the employment contract information which showed the respondent also went by the name of "Gillespie". Given the competing evidence before us regarding the name issue, we are in doubt as to the value of that evidence in supporting the submission of deception.

53. These matters are critical in our view in providing a probable explanation as to what has occurred here. Based on the evidence considered by the Tribunal in this case, we are not satisfied that this explanation has been displaced, and therefore it being established that the failure to disclose was wilful and designed to deceive. In short, we are not satisfied that this was not simply a genuine mistake.

54. In light of our finding that we are not satisfied that the failure to disclose was wilful and designed to deceive, we go on to consider the conduct, which still constitutes a breach of conditions, in assessing the s 378 and *Collie* criteria.

55. It is important to note that no evidence has been put before this Tribunal that suggests that the respondent's performance and conduct in her role, has placed her students or employer EBOPLET at risk of harm. To the contrary, the material put before this Tribunal in respect of the employment investigation carried out by EBOPLET illustrates that the respondent is hard working, passionate about her job, and as outlined in *TE-21*, *"John agrees that Jocelyn has done a good job in her role, improving the damaged reputation of the trust, and seeing improved school feedback statistics"*.

56. This is supported by the letter provided by Mr Climo of Tāneatua School cited above. It was his view that the previous decision and convictions were personal matters which did not impact on her ability to perform well as a teacher.

57. We also note the suggestion that the original convictions, for benefit fraud, were serious convictions, and the associated Tribunal conditions were designed to protect the community (CAC submissions at [20]). Whilst we agree such convictions are not trivial matters, and any fraudulent offending is a matter of serious concern, the context to the respondent's original convictions is covered in the 23 September 2013 decision; it was in short offending borne out of desperation, at a time when the respondent's whānau were in difficulty. The submission around community protection needs to be balanced by the context of the original convictions and conditions decision, as well as the evidence before this Tribunal regarding the respondent's conduct as a teacher, and expressions of those that have employed her since that those experiences did not impact her fitness to teach.

58. Having regard to the analysis above, we are of the view when assessing the s 378 criteria, that the lack of care taken by the respondent in ensuring she was compliant with the condition when applying for the job with EBOPLET, fulfils s 378(1)(a)(iii), that is we are satisfied it is conduct which may bring the teaching profession into disrepute. We are not satisfied the criteria in s 378(1)(a)(i)&(ii) are met here.

59. We come to this conclusion as the ability of the Tribunal to impose conditions on practising certificates of teachers is designed to ensure the profession's professional standards are maintained, and where teachers have fallen short of those standards, they are monitored and supported to ensure such conduct is not repeated again.

60. Next, we are required to consider whether the conduct is of a character or severity that meets the Teaching Council's criteria for reporting serious misconduct, we do so considering the reasonable test outlined in *Collie*. Given our finding that we are not satisfied that this was a wilful omission on behalf of the respondent, we do not agree that the "serious misconduct" test has been made out. This conduct can be categorised by a lack of care in preparing for the application, and what was likely a genuine mistake on behalf of the respondent.

61. Accordingly, we decline to make a finding of serious misconduct.

Misconduct and penalty

62. The alternate proposition of the CAC is that if not serious misconduct, this is misconduct of the kind that the Tribunal can still exercise it's powers under s 404(1) of the Education Act. We agree.

63. We do so in order to make clear that when conditions of this nature are put on the practising certificate of a teacher, the onus is on them to disclose their previous convictions and decisions of the Tribunal (where those conditions are imposed).

64. Whilst we have accepted that the explanation provided here as to genuine mistake leaves us unsatisfied that the CAC has made out its case, we wish to re-iterate to the respondent that care must be taken in applying for a new position, especially when there is knowledge that conditions have previously been imposed regarding disclosure of certain information.

65. In our view, the failure to take that care in these circumstances is misconduct, and we need to respond accordingly.

66. On that basis we place the following condition on the respondent's practising certificate:

    - For a period of 12 months from when the respondent is medically able to work again (a condition necessary due to her being unwell and which will commence upon her returning to work in a role which requires she hold registration as a teacher), the respondent must provide a copy of this Tribunal decision and the Tribunal decision of 23 September 2013 to any prospective employer (in relation to a job for which requires she hold registration as a teacher).

Name Supression

67. The respondent sought interim name suppression which was granted at pre-hearing conference on 28 March 2019. However, permanent name suppression has not been sought and accordingly, the interim suppression order will lapse on release of this decision.

Costs

68. CAC costs: we have given consideration to the submissions on costs by each of the parties. In respect to CAC counsel and investigation costs ($2,818.94) and costs of

representation for the respondent ($2,092.50), we decide that those costs should lie where they fall.

69. *Tribunal costs:* will be set at 40%, accordingly the respondent is to pay $458.00 towards tribunal costs.

Chris Merrick
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).