

Whānau and learner video script, July 2018

The Disciplinary Tribunal - information for learners and their whānau

When a teacher's alleged misconduct is serious, it's considered by the New Zealand Teachers Disciplinary Tribunal which is like a court. The tribunal makes decisions independently of the Education Council and the Complaints Assessment Committee which refers cases to it. The tribunal is made up of experienced teachers and a lawyer.

A teacher before the tribunal may have a lawyer or representative helping them through the process. The prosecutor for the case is from the Complaints Assessment Committee. If as a learner you have been affected by the teacher's behaviour, we can help you and your whānau understand what's happening.

Many cases are resolved with an agreement about what happened. In those cases, a summary of facts is prepared which shows the key parts of the evidence. If there isn't agreement on what happened, a public hearing, similar to a Court case, will be arranged.

If there is a hearing, the evidence is provided in writing although witnesses can be asked to attend and answer questions. It is very unusual for learners to be asked to give evidence in person.

Decisions on how to manage the hearing are made at a pre-hearing conference. This includes deciding whether any witnesses are needed. The pre-hearing happens over the phone. It only involves the tribunal chair, the teacher and their representative, and the prosecutor.

The pre-hearing might also include a discussion about name suppression and suppression of sensitive evidence. Tribunal hearings are public and sometimes media is there. No one can publish any names that have been suppressed. The tribunal must consider whether to suppress the identity of learners. We can provide you with information about the name suppression process and the input you can have into it.

After the hearing, the tribunal decides whether the allegations have been proven, and if they have, what action it should take. Action might include suspending or cancelling the teacher's registration or practising certificate. In other cases, the teacher may keep teaching but with some conditions they have to meet. These conditions are monitored by the Council.

Sometimes the tribunal decides no further action is needed.

Our liaison team can tell you what to expect at each stage of the investigation and what your rights are. We can also give you information about other agencies who can provide you with support and advice.

It's important that where appropriate, you can have your voice heard. We want to make sure you are supported to do that.

See our website for more information including a graphic showing the tribunal hearing room and who usually attends. If you're involved in a case that is going through the tribunal process, our liaison staff can help you understand what's happening. You can find their contact information on our website.

