



A Robinson
fyi-request-8451-00fdc78f@requests.fyi.org.nz

Dear Ms Robinson,

I refer to your email dated 7 August 2018 requesting information under the Official Information Act 1982 (the Act) in relation to the CAC v Ashton matter. You asked:

1. *How many complaints were received by the Education Council about the conduct of Natalie Ashton?*
2. *When was the first complaint made to the Education Council?*
3. *What was the nature of that first complaint?*
4. *What was your response to that first complaint?*
5. *How many complaints were received BEFORE the Education Council investigated?*
6. *What steps have been taken to investigate teachers who were present when the child abuse occurred and failed to report it, contrary to the teacher code of conduct?*

<https://educationcouncil.org.nz/sites/default/files/coe-poster-english.pdf>

This case has received significant media interest and generated social media commentary. On that basis, we consider there to be a public interest in responding to the matters you raise as fully as possible without breaching the privacy of those involved.

This case concerned a teacher whose conduct over a period of time fell well below the expectations the public and the profession has of teachers. The first we were aware of any issues related to the teacher was in May 2015, when her former employer sent a mandatory report to us. There were no previous complaints.

The mandatory report provided details of the teacher's resignation and the allegations made against her which are reflected in the Tribunal's decision.

The mandatory report was referred to the Complaints Assessment Committee to investigate. There were a significant number of issues raised, and as the allegations were denied by the teacher concerned, the case relied on the evidence of the other staff at the centre. Having received only one mandatory report, no other complaints were received before the decision was made to investigate.

You have asked what steps have been taken to investigate the teachers present when the child abuse occurred and failed to report it. We have not investigated the witnesses to the events. They gave evidence at the Tribunal hearing and because of their evidence, the prosecution was able to proceed and was eventually successful.

EDUCATION COUNCIL OF AOTEAROA NEW ZEALAND

While it is disappointing that any teacher would fail to act when they should to protect children, we suggest you read the decision as well as the decision suppressing the identity of the witnesses as to the reasons they may not have felt able to report her behaviour. In particular, the witnesses were vulnerable themselves because of fear of losing their jobs, and are described as having been traumatised, humiliated and embarrassed by the events. Although this does not excuse them, investigation of those witnesses for failing to act to protect children may well have been counter-productive in terms of ensuring that Ms Ashton was prosecuted to the fullest possible extent. The Tribunal's decision and the decision suppressing the identity of the witnesses is publicly available on our website at: https://educationcouncil.org.nz/site-search?search_api_views_fulltext=2015-39.

If you are not satisfied with my response you have the right to seek an investigation and review by the Ombudsman, who can be contacted by writing to: The Ombudsman, PO Box 10152, Wellington 6143, or emailing: info@ombudsman.parliament.nz.

Yours sincerely



Pauline Barnes
General Manager Professional Services