

# TEACHING COUNCIL

NEW ZEALAND | Matatū Aotearoa

## Complaints Assessment Committee (CAC) v Batang NZ Disciplinary Tribunal Decision 2018/47

Teacher's registration cancelled for serious misconduct after failing to work in the best interests of learners and promote the wellbeing of learners and protect them from harm.

Ms Cristina Batang was employed as a relief teacher at a school catering for learners who have special educational needs, including severe learning physical and/or communication difficulties. During 2016, Ms Batang regularly pulled the hair of children in her class. She also pulled a child's ear and in 2017, Ms Batang put her hand on a child's back and used a plastic toy lizard to hit him on his lower back.

The Teaching Council Complaints Assessment Committee (CAC) investigated and the case was referred to the New Zealand Teachers Disciplinary Tribunal (Tribunal). Ms Batang admitted the behaviour, expressed remorse and advised that she did not wish to renew her practising certificate due to experiencing ongoing medical issues. Ms Batang suggested that difficulties with her physical well-being had impacted on her actions; however, the Tribunal found there was no plausible connection between the two. The Tribunal acknowledged that Ms Batang had fully engaged with the disciplinary process.

The Tribunal considered aggravating factors to be Ms Batang's repeated use of force against the students (aged between eight and nine years) and that they were particularly vulnerable given their disabilities.

The Tribunal referred to s 139A of the Education Act 1989, which prohibits teachers from using force for the purposes of correction or punishment. The Tribunal stated s139A makes it clear that discipline is not a justification or excuse for the use of violence. Ms Batang's conduct amounted to physical abuse. The Tribunal also had no hesitation in finding that Ms Batang's actions were likely to adversely affect the wellbeing of her students, and to bring the teaching profession into disrepute.

The Tribunal found Ms Batang's conduct was unacceptable, made worse by the children's special needs. The Tribunal found her actions amounted to serious misconduct, and ruled that cancellation of Ms Batang's registration was the only outcome able to protect learners, the public and the profession from Ms Batang's teaching practice. The Tribunal ordered that Ms Batang be censured, her registration cancelled and that she pays 40 percent of the costs from the Complaints Assessment Committee (CAC) and Tribunal..



**BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL**

**NZTDT 2018/47**

**IN THE MATTER** of the Education Act 1989

**AND**

**IN THE MATTER** of a charge referred by the Complaints Assessment  
Committee to the New Zealand Teachers  
Disciplinary Tribunal

**BETWEEN** **COMPLAINTS ASSESSMENT COMMITTEE**

**AND** **CRISTINA BATANG**

**Respondent**

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**TRIBUNAL DECISION**

**3 December 2018**

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**HEARING:** Held on 7 November 2018

**TRIBUNAL:** Theo Baker (Chair)  
Nikki Parsons and David Hain (members)

**REPRESENTATION:** Ms Mok for the CAC  
The respondent represented herself

1. The Complaints Assessment Committee (CAC) has referred to the Tribunal a charge of serious misconduct and/or conduct otherwise entitling the Disciplinary Tribunal to exercise its powers. The charge reads:
  1. The CAC charges that **Cristina Batang**, registered teacher of Auckland:
    - a. In August 2017, struck a student on his back with a plastic toy lizard;
    - b. In 2016, pulled the hair and/or ears of students.
2. The respondent and Ms Mok for the CAC signed an Agreed Summary of Facts (**ASF**) which is now set out in full:

**AGREED SUMMARY OF FACTS**

1. *At all material times, Cristina Batang (**respondent**) was a registered teacher working as a relief teacher at Mt Richard Special School (**school**). The school caters for students who have special educational needs, including children with ongoing severe learning, physical and/or communication difficulties.*
2. *During 2016, the respondent regularly pulled the hair of children in her class. The respondent also pulled the ear of one student, student C.*
3. *On or around 31 August 2017, the respondent was teaching a class. One of the students in the class, student A, an eight-year-old boy, was attempting to take off the trousers of another student, student B, a nine-year old boy. Both students have Down Syndrome with associated intellectual disability.*
4. *On observing the interaction between the students, the respondent approached student A holding a plastic toy lizard. As student A started moving away, turning his back towards the respondent, the respondent placed her hand on student A's back and used the plastic toy to hit student A on his lower back.*

*Investigation and report to Education Council*

5. *On 4 September 2017, the school made a mandatory report regarding the respondent's conduct to the Education Council.*
6. *The school had undertaken an investigation in relation to the respondent's conduct. During the school's investigation, in relation to her conduct in 2016, the respondent denied pulling children's hair or ears, but said she sometimes held students' ears as a reminder to listen.*

7. *In explanation for the second incident in August 2017, during the school's investigation the respondent said that she had tapped student A on the back several times with a plastic toy.*
8. *After the school's investigation into the respondent's conduct, the respondent resigned from teaching at the school.*
9. *In one of her responses to the Education Council's investigator on 12 April 2018, the respondent stated that the pulling of students' hair and ears "might have happen[ed] when [she was] having the signs and symptoms of stroke which then [she] was not aware of or happened after the stroke". She stated that "I deeply regret the situation I caused when I was stressed".*
10. *The respondent provided medical evidence that she had suffered a stroke in November 2015, and experienced calcific tendonitis in early 2016, which limited her range of motion and caused ongoing shoulder pain. The school stated that, prior to returning to the school after her stroke, the respondent had advised on recovering that she was available for relief work.*
11. *The respondent subsequently advised the Education Council that she does not intend to renew her practising certificate due to her medical issues.*
12. *In her response to the Education Council on 12 April 2018 regarding the second incident, the respondent stated:*

*With regards to hitting the child, student A and B were not fighting. A student gave me a toy which I am supposed to be afraid of [sic] so I hold it in the tail. He then pointed student A and B scene [sic] while laughing. A is pulling down the trousers of B who is half lying down on sofa. By instinct I told A to stop but he was not listening. I tried to separate A from B while telling him it is not a funny game. While still holding the toy in the tail, I was taking A's hand off the trousers of B and told A to go.*

3. The evidence in support of the second allegation is found in paragraph 2 of the ASF. The respondent accepts that she regularly pulled children's hair and that she pulled Student C's ear.
4. The evidence in support of the first allegation is found in paragraphs 3 and 4 of the ASF. On or about 31 August 2013 she placed her hand on Student A's back and used

a plastic toy lizard to hit his lower back.

5. Although the respondent's explanations contained in the ASF seem to retract from a full admission of the facts, these were given in the course of the investigations. By signing the ASF, she is deemed to have accepted the facts as outlined in paragraphs 1 to 4 of the ASF. The charge is therefore proved.

### **Serious misconduct**

6. Section 378 of the Act provides:

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

(a) *that—*

(i) *adversely affects, or is likely to adversely affect, the well-being or learning of 1 or more students; or*

(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 Education Council's criteria for reporting serious misconduct.*

7. The criteria for reporting serious misconduct are found in r 9 of the Education Council Rules 2016 (**the Rules**). The Notice of Charge refers to rr 9(1)(a), or (o):

#### ***Criteria for reporting serious misconduct***

(1) *The criterion for reporting serious misconduct is that an employer suspects on reasonable grounds that a teacher has engaged in any of the following:*

(a) *the physical abuse of a child or young person (which includes physical abuse carried out under the direction, or with the connivance, of the teacher):*

...

(o) *any act or omission that brings, or is likely to bring, discredit to the profession.*

8. For the CAC, Ms Mok submitted that the respondent's conduct meets each limb in s 378, and was physical abuse. She referred to the following Tribunal decisions: NZTDT 2017/1,<sup>1</sup> *CAC v Haycock*,<sup>2</sup> *CAC v Maeva*<sup>3</sup> and *CAC v Allen*,<sup>4</sup> and the following

<sup>1</sup> NZTDT 2017/1, 6 March 2017.

<sup>2</sup> *CAC v Haycock* NZTDT 2016/2, 22 July 2016.

<sup>3</sup> *CAC v Maeva* NZTDT 2016/37, 24 May 2017.

<sup>4</sup> *CAC v Allen* NZTDT 2015/15, 26 May 2015.

relevant statutory provisions and excerpts from previous Tribunal decisions:

- a. Section 139A of the Act provides that teachers employed by registered schools are prohibited from using force “by way of correction or punishment” towards any child or young person at the school. As the Tribunal stated in *CAC v Rangihau*,<sup>5</sup> it is incumbent on all the teaching profession to have a clear appreciation of the prohibition on the use of corrective and disciplinary force under s 139A of the Act.
  - b. The importance of ensuring the protection and safety of children in educational settings has been reinforced by the enactment of the Vulnerable Children Act 2014 (**VC Act**), and the amendments to the Act in 2015. The Tribunal in *CAC v Mackey*<sup>6</sup> found that the VC Act reinforced the importance of closely scrutinising the ongoing fitness to teach of any practitioner who faces a disciplinary charge for behaviour of a type that may pose an ongoing risk to students.
  - c. The Tribunal stated in NZTDT 2014/18 that any breaches of the Education Council’s Code of Ethics for Certificated Teachers (which has now been replaced by the Code of Professional Responsibility) will be a highly relevant consideration as to whether there has been serious misconduct.<sup>7</sup> The Code of Professional Responsibility provides that teachers “will work in the best interests of learners by promoting the wellbeing of learners and protecting them from harm”, and that teachers shall “manage the learning setting...to maximise learners’ physical...and emotional safety”.<sup>8</sup>
9. Ms Mok further submitted that the conduct is likely to bring discredit to the profession, referring to the following passage from *Collie v Nursing Council of New Zealand*, in the context of the Nurses Act 1977:<sup>9</sup>

*[28] To discredit is to bring harm to the repute or reputation of the profession. The standard must be an objective standard with the question to be asked by the Council being whether reasonable members of the public, informed and with knowledge of all the factual*

<sup>5</sup> *CAC v Rangihau* NZTDT 2016/18, at [58].

<sup>6</sup> *CAC v Mackey* NZTDT 2016/60, 24 February 2017.

<sup>7</sup> NZTDT 2014/18, 5 June 2016 at pp 5–6.

<sup>8</sup> Pages 10 and 20.

<sup>9</sup> *Collie v Nursing Council of New Zealand* [2001] NZAR 74 (HC) at [28].

*circumstances, could reasonably conclude that the reputation and good-standing of the nursing profession was lowered by the behaviour of the nurse concerned.*

### *Discussion*

10. Dealing first with r 9, we have no hesitation in finding that pulling a student's ear, pulling a students' hair, and hitting a student with a plastic toy amount to physical abuse. The reasons for the hair-pulling and ear-pulling are not clear from the Summary of Facts. The use of the plastic lizard appears to have been for corrective purposes. Whether the use of force is for punishment or corrective purposes does not necessarily make the conduct more or less serious; rather, s 139A makes it clear that discipline is not a justification or excuse for the use of violence. As we said in *CAC v Welch* NZTDT2018-4:<sup>10</sup>

*Section 139A makes it clear that a teacher has no unique right to use force. We assume most teachers would not hit another adult if unhappy with their behaviour. A teacher's position does not legitimise actions that amount to crimes if committed in the community. Therefore teachers must be careful not to abuse the position of authority that they have in a classroom.*

11. We also find that reasonable members of the public would conclude that the reputation and good-standing of the teaching profession is lowered by the respondent's behaviour.
12. The criteria under rr 9(1)(a) and (o) are therefore met.
13. We have no hesitation in finding that the conduct was likely to adversely affect the wellbeing of one or more students (s 378(1)(a), and for the reasons it meets the criterion under r 9(1) of the Rules, it also is likely to bring the teaching profession into disrepute (s 378(1)(c). We have also considered whether the conduct reflects adversely on the respondent's fitness to be a teacher under s 378(1)(b). In *Professional Conduct Committee v Martin*, (unreported) a case of disciplinary proceedings against a nurse, the High Court described "fitness" as:

*"Fitness" often may be something different to competence. ... Aspects of general deterrence as well as specific deterrence remain relevant. So, too, is the broader*

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<sup>10</sup> *CAC v Welch* NZTDT2018-4, 23 June 2018

*consideration of the public or community's confidence and the upholding of the standards of the nursing profession.*<sup>11</sup>

14. The reference to community's confidence in the profession echoes the earlier High Court view of "reflects adversely on fitness to practise" in *Collie*.<sup>12</sup> We add the following observation: as a result of these events, we seriously question the respondent's suitability for the role of a teacher. We find that the respondent's conduct reflects adversely on the respondent's fitness to be a teacher.

### **Penalty**

15. Section 404 (1) of the Act provides:

#### **404 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 401(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:*
  - (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:*

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<sup>11</sup> *Professional Conduct Committee v Martin* (unreported, Gendall J, High Court, Wellington CIV-2006-485-1461), at paragraph 46, but see *Z v Dental Complaints Assessment Committee* [2008] NZSC 55; [2009] 1 NZLR 1 (25 July 2008) at paragraph 128, footnote 195, where the purpose of professional discipline is distinguished from exemplary damages, whose function is punish and deter.

<sup>12</sup> See note 6 above

- (i) *require any party to pay a sum to the Education Council in respect of the costs of conducting the hearing:*
- (j) *direct the Education Council to impose conditions on any subsequent practising certificate issued to the teacher.*

16. The disciplinary functions of the Education Council and Disciplinary Tribunal are found in Part 32 of the Education Act 1989, and the purpose of the Education Council is set out in s 377.

*The purpose of the Education Council is to ensure safe and high quality leadership, teaching, and learning for children and young people in early childhood, primary, secondary, and senior secondary schooling in English medium and Māori medium settings through raising the status of the profession.*

17. This section provides for protection of the public in the sense that the Council must ensure safe and high-quality leadership, teaching and learning for the children and young people, in other words, the “users” of teaching services. As with other professional regulatory acts, professional discipline is only one of the means by which this purpose may be achieved.

18. The purpose of disciplinary proceedings has been expressed by the High Court in *Dentice v Valuers Registration Board* [1992] 1 NZLR 720:<sup>13</sup>

*Disciplinary charges exist to enforce a high standard of propriety and professional conduct; to ensure that no person unfitted because of his or her conduct should be allowed to practise the profession in question; to protect both the public and the profession itself against persons unfit to practise; and to enable the profession or calling, as a body, to ensure that the conduct of members conforms to the standards generally expected of them.*

19. And by the Supreme Court in *Z v Dental Complaints Assessment Committee* [2008] NZSC 55:<sup>14</sup>

*... to ascertain whether a practitioner has met appropriate standards of conduct in the occupation concerned and what may be required to ensure that, in the*

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<sup>13</sup> *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724

<sup>14</sup> *Z v Dental Complaints Assessment Committee* [2008] NZSC 55; [2009] 1 NZLR 1 (25 July 2008), at para128

*public interest, such standards are met in the future. The protection of the public is the central focus.*

20. When discharging the responsibilities owed to the public and profession, the Tribunal is required to arrive at an outcome that is fair, reasonable and proportionate in the circumstances.<sup>15</sup>

21. Ms Mok also referred us to the following relevant cases:

*CAC v de Jong*,<sup>16</sup> where a teacher who became frustrated with a Year 5 student who was fidgeting and playing with his socks, hit the student on the back of his left shoulder with a wooden dowel in front of the class. The student became upset and was sent outside. The force used resulted in a bruise on the student's shoulder. The teacher was formally warned by the Police for an assault on a child. He accepted that his actions amounted to serious misconduct. He asked to have his registration cancelled, given he had no plans to teach in the future. In light of mitigating factors, including the teacher's cooperation with the investigative process, the Tribunal noted that, had the teacher wanted to continue teaching, it would have considered conditions on his practising certificate.<sup>17</sup> However, given the teacher did not wish to continue teaching, the Tribunal censured the teacher and cancelled his registration.<sup>18</sup>

*CAC v Welch*,<sup>19</sup> where a relief teacher, having observed a Year 7 student hitting another student with his exercise book, approached the student, picked up his exercise book and hit him on the side of the face. When the student later hit the teacher with the book, the teacher apologised, saying she understood why the student had hit her. The teacher then apologised to the class. Following the incident, the teacher received a formal Police warning for assault on a child. We concluded that a penalty short of cancellation could meet the purposes and principles of disciplinary proceedings taking into account: the teacher's acceptance that her conduct amounted to serious misconduct, and her cooperation with the CAC investigation; the teacher's offer to apologise to the student and his family; the teacher's willingness to attend anger management; the teacher's lack of previous disciplinary history; and given the

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<sup>15</sup> *Roberts v Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354, at [51].

<sup>16</sup> *CAC v de Jong* NZTDT 2017-11, 31 October 2017

<sup>17</sup> At [33].

<sup>18</sup> At [33].

<sup>19</sup> NZTDT 2018/4, 23 July 2018.

lack of further incidents since resuming relieving work at another school. The teacher was ordered to undergo mentoring, complete an appropriate classroom management or anger management course, and show a copy of the Tribunal's decision to her current employer, and future employers for two years.

In *CAC v Noronha*,<sup>20</sup> when an eight-year-old student with autism refused to remove teddy bear counters from his mouth, the teacher repeatedly hit the back of the student's head, and squeezed the student's cheeks together to force his mouth open. The student slapped the teacher. The teacher then took the student to the bathroom and squirted liquid hand soap in the student's mouth. The Tribunal considered that the teacher's actions amounted to physical abuse and constituted serious misconduct. The Tribunal observed that it did not find the teacher's explanation for her conduct plausible, and stated that the teacher seemed to have no appreciation of the impact of her actions on the student, and demonstrated no empathy for him.<sup>21</sup> The Tribunal considered that the teacher appeared to remain resentful towards the student, and saw herself as a victim. It did not accept that she was remorseful. Taking into account the gravity of the teacher's conduct (in particular the soap incident), and the teacher's lack of remorse and insight, the Tribunal concluded that censure and cancellation were appropriate orders.<sup>22</sup>

22. In the present case, the CAC submitted that, the appropriate starting point was cancellation, on the basis that the respondent's conduct was at the more serious end of the spectrum having regard to the following aggravating factors:
- a. This was not a case involving the one-off isolated use of force – there were a number of occasions where the respondent inappropriately used force against her students prior to the incident with the lizard toy which resulted in the mandatory report.
  - b. The affected students were young (between eight and nine years old) and were particularly vulnerable given their disabilities.
  - c. The use of force appears to have been for a corrective purpose. The respondent stated that she sometimes had held students' ears as a reminder to listen, and

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<sup>20</sup> *CAC v Noronha* NZTDT 2016/49, 10 October 2016 .

<sup>21</sup> At [31].

<sup>22</sup> At [56].

that (for the toy incident) she had been attempting to stop one of the students from pulling the other student's pants down.

23. The CAC acknowledged the following mitigating factors. The respondent:
- has no previous disciplinary history;
  - has accepted that her conduct amounts to serious misconduct and has expressed remorse for her actions;
  - has experienced ongoing medical issues following a stroke in 2015, prior to when the relevant conduct occurred.
24. Ms Mok submitted, however, that although the respondent has stated that she regrets her conduct, she lacks proper insight into her conduct and its effect on the relevant students. In her response to the investigator for the Education Council (set out at paragraph 9 of the agreed summary of facts), the respondent stated that the pulling of students' hair and ears may have occurred when she was experiencing the signs and symptoms of her stroke. In a response to the investigator on 12 April 2018 (attached to the CAC submissions), the respondent also commented that "kids know who they can manipulate", and that "in my heart, I want this [sic] kids to be productive and be a part of the community where the members have expectations of each other. In my mind, train the child in the way he should go and when he is old he will not depart from it."
25. Ms Mok further submitted that the respondent's medical issues should not be taken into account as a mitigating factor of her conduct (as opposed to the respondent's personal circumstances). She submitted it is difficult to see how the respondent's medical issues (which limited her range of motion and caused ongoing shoulder pain) could have prompted the respondent's conduct in pulling on students' ears and hair.
26. Ms Mok submitted that the students in the present case were also particularly vulnerable because of their disabilities, similar to the student in *CAC v Noronha*. and that the respondent lacks insight into her conduct and its effect on the relevant students. The CAC acknowledges, however, that the conduct in *CAC v Noronha* was more serious, particularly given the prolonged nature of the incident and the level of premeditation involved in the soap incident and the impact on the student.
27. Ms Mok submitted that a penalty less than cancellation (for example censure and

conditions, or censure and a period of suspension) would typically be appropriate, but because the respondent has indicated that she does not intend to teach any longer. Accordingly, the Committee submits that censure and cancellation are the appropriate orders in the present case.<sup>23</sup>

### *Discussion*

28. Other cases involving similar conduct are: *CAC v Leau*<sup>24</sup> where a teacher pulled a student's hair in order to remove them from under a table, had also failed to disclose a previous censure for physical abuse to her employer which was a breach of the conditions that had been imposed; and *CAC v Maeva*<sup>25</sup> where a teacher pulled a 7-year-old student's ear in order to make him stand up to his feet and also hit him on the leg and hit him on the back.
29. In *CAC v Leau*, the parties agreed that censure and cancellation were appropriate. There is very little information about the circumstances of the offending, including the age of the child, or impact on him or her, or the respondent's circumstances.
30. In the latter case conditions were placed on the teacher's practice, she was censured, and the register was annotated.
31. We agree with the CAC that the conduct in the present case does not appear as serious as that in *Noronha*, but the repetition is concerning. The hitting with a plastic toy might not warrant cancellation, but the repeated pulling of hair, (we do not know exactly how many times the respondent pulled students' hair), the pulling of a student's ear alongside the incident with a toy take this offending into a much more serious class.
32. We agree with the CAC that the age and abilities of the students involved along with the repeated offending are aggravating features. As noted above, we are not sure that the use of force for corrective purposes is any worse than where there is no such motivation.
33. We acknowledge the respondent's cooperation with these proceedings and her admission of guilt are mitigating factors, and we accept that she may have suffered some misfortune with her health, but we fail to see any connection between the

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<sup>23</sup> Education Act 1989, ss 404(1)(b) and (g).

<sup>24</sup> NZTDT2014-75, 10 December 2014

<sup>25</sup> Above note

respondent's physical well-being and her behaviour. Such an explanation is implausible. She has displayed no insight into her conduct.

34. We also find the respondent's attitude as outlined above at paragraph 21 indicative of someone ill-suited to teaching, particularly of students with special needs.
35. The respondent's treatment of students was completely unacceptable, only made worse by the vulnerable nature of these young people. It is difficult for us to see how any penalty short of cancellation would meet the protective purpose of disciplinary proceedings. Accordingly, we order:
- Censure under s 404 (1)(b)
  - Cancellation under s 404(1)(g)

### **Costs**

36. Given the respondent's co-operation in this proceeding, the CAC sought a contribution of 40% of the CAC costs under s 404(1)(h) of the Act.
37. The Tribunal orders the respondent to pay 40% of the costs of conducting the hearing, under section 404(1)(h) and (i), that is 40% of the Tribunal's costs and 40% of the CAC's actual and reasonable costs. The Tribunal delegates to the Chairperson authority to determine the quantum of those costs and issues the following directions:
- a) Within 10 working days of the date of this decision:
    - i. The Secretary is to provide the Chairperson and the parties a schedule of the Tribunal's costs
    - ii. CAC to file and serve on the respondent a schedule of its costs
  - b) Within a further 10 working days the respondent is to file with the Tribunal and serve on the CAC any submissions she wishes to make in relation to the costs of the Tribunal or CAC.
  - c) The Chairperson will then determine the total costs to be paid.
38. No applications have been made for non-publication. The names of the students are not in any material before the Tribunal.



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Theo Baker

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).