

CJ and V A Turnbull

25 July 2023

Iona Holsted
Secretary for Education
Ministry of Education

Dear Madam

Please accept this letter as a complaint against David Wales, Director of Learning Support at the Ministry of Education.

We told David Wales we didn't know there was Ministry of Education (MoE) guidelines until the Chief Ombudsman found them in 2017. Mr Wales interjected, "He didn't find them. We gave them to him."

That may have been the case, however he had not provided these guidelines to MoE Investigator Terri Johnstone or Police.

In 2015 Terri Johnstone, when investigating Ruru Specialist School in Invercargill, reported she could not locate MoE guidelines around timeout/seclusion. She recommended a working group be set up – *I was surprised there were no guidelines when making enquires and that was the rationale behind the recommendation 'to develop guidelines'*. (Ms Johnstone email 1/5/19)

This was false. There was existing 1998 MoE guidelines which stated, ***Timeout rooms should not be used. They are not necessary and can result in teachers and schools being accused of using inhumane and cruel punishments.***

David Wales reviewed the Johnstone Report and gave his approval knowing that this was false. He made no attempt to correct her. The Ruru School Report was published. David Wales established the national working party which included Terri Johnstone.

The Ministry of Education is writing up guidelines for schools to help deal with students who need to be secluded when their aggression gets out of hand. (MoE media release about the working party May 4, 2015)

In 2016 Terri Johnstone was then contracted again by the MoE to investigate seclusion at Miramar Central School in Wellington. In her Report, Ms Johnstone attributed no blame to Miramar or any NZ school using seclusion, inferring there were no current MoE guidelines to base school policies on.

Once again, David Wales reviewed and approved the Johnstone Report knowing the findings were false. The Miramar School Report was published.

When giving evidence at the Abuse in Care Royal Commission hearing - David Wales was asked, "[why could the Ministry not locate those guidelines to provide to the Investigator?" He replied, "I'm sorry I can't tell you that."

In 2016-2017 police investigated the use of seclusion and abuse allegations at Ruru Specialist School in Invercargill. Mr Wales advised us he was provided the Police Investigation conclusion. The 2017 Police Report referenced draft Seclusion Guidelines (which allowed for seclusion) that were provided by MoE and stated – "[at the relevant time, no National Guidelines were in existence with regard Restraint and Seclusion]".

Once again, as with the Terri Johnstone investigations, David Wales did not correct, or inform police their findings were false.

We were frustrated and disappointed to hear Mr Wales respond to questions during the Royal Commission hearing in 2022.

David Wales understood the trauma seclusion caused children and young people, saying "*the overall message though is consistent with the earlier advice in the harm it (seclusion) causes.*"

He said, "*there was plenty of evidence and advice before that that it should not be used.*"

Yet the working party he had set up in 2015, and oversaw, was prepared to sacrifice harm to children and young people, so that New Zealand schools could use seclusion for at least 3 more years.

Had it not been for media attention the Miramar complaint received in 2016, the Seclusion Guidelines Mr Wales working party had had spent 17 months creating, would have been promulgated, allowing for this inhumane and cruel practice to continue.

David Wales did not make child safety and wellbeing a priority – instead his goal was to mitigate the risk of legal liability and cover up abuse that was happening in New Zealand schools.

Yours sincerely



Callum and Victoria Turnbull

cc: Jan Tinetti, Erica Stanford, Green Party, Chris Baillie