

C J and V A Turnbull

15 August 2024

Hon Erica Stanford

E.Stanford@ministers.govt.nz

Dear Erica

Please accept this letter as a formal complaint against Ministry of Education Hautū Nancy Bell, who responded to our July 2023 complaints against MoE staff and contractor, on behalf of the Secretary for Education Iona Holsted.

In her first letter to us dated 19 October 2023, Nancy Bell explained the long delay in responding to our complaint letters was due to her having to take time and seek advice and consider what information was needed to be able to respond. However, this did not match her response as it was inaccurate, dismissive and dishonest.

She then re-worded the letter regarding the Christine Menzies and Murray Roberts complaints.

Her re-worded letter dated 1 July 2024, is unacceptable. She failed to acknowledge or address the specific concerns we raised. In response to Christine Menzies withholding information from Police during a Police investigation she simply stated - ***Any further concerns regarding the police investigation should be raised directly with Police.***

However, in July 2023, we had also made a complaint against Christine Menzies to Police. Part of which, Nancy Bell advised in her letter, had been transferred by Police to the MoE for response.

For your information, we met with Police in October 2023 to talk about our Police complaint. During the meeting, Detective Inspector Shona Low stated, *"The Ministry of Education have told you no more."*

"They've already had a final conversation with you around this."

She said, *"I invited the MoE to come with me today so we could talk openly. They are finished having a conversation with you."*

We explained to Detective Inspector Shona Low, the Police investigation was a multiple agency investigation under the Child Protection Policy (CPP) where agencies come together, and the person responsible for representing the MoE was Christine Menzies. Under the CPP she was to - communicate in an open, honest and timely way, including responding promptly to requests by other parties. The Detective Inspector agreed.

We asked, *"So what do you think when Christine Menzies told Brian (Detective Inspector Brian Cameron) there was no current guidelines, when she knew there were?"*

Shona Low replied, **"So have you gone to the Ministry of Education about all this? Because that's where it sits."**

In relation to our complaint against Christine Menzies, Police told us, *"It's not an offence to tell us a lie."*

We have lost all confidence in Police, who said to us at the meeting – *"when you say to me putting children into seclusion, which I don't disagree that that's happened, but the reason's they done it are for good reason."*

We made a complaint against Police for their handling of our complaint against Christine Menzies and that only resulted in further deception, with IPCA Manager Cath Anyan writing in response - *She (Christine Menzies) said she complied with the Ministry of Education's internal protocols and took advice in accordance with those protocols in deciding what should be given to Police.*

Not only is there no record or reference to this statement being made by Christine Menzies in the Police interview notes or file - MoE internal protocols (that would allow MoE staff to pick and choose what MoE documents should be given to Police, when requested by Police, during a Police investigation into allegations of abuse in a school setting) - do not exist.

We appear to have exhausted all complaint avenues through the MoE, as cover-up by individual staff sits at the top level. Iona Holsted did not reply to the complaints, and we cannot help but wonder if this was because in her previous role as ERO CEO she was untruthful multiple times during a media interview regarding our complaint against Ruru Specialist School. (Please see letter attached.)

When Police questioned Christine Menzies in 2023 about withholding MoE guidelines, she told Police - *"I always sort authority or legal advice before releasing any information."* If this is correct, the Ministry officials that advised or authorised Christine Menzies, should be identified and held culpable too.

On behalf of the Secretary for Education, Nancy Bell does not address the specific matters in relation to our complaints against Ministry of Education staff. She does not address the specific concerns we have about the drafting of *Seclusion Guidelines*, when named staff involved knew seclusion was against existing guidelines for schools and MoE Practice Guidelines.

The work of the Advisory Group, which convened in June 2015, has not been *well traversed* as Nancy Bell advised in her re-worded response. In June 2023, under OIA, we sought information pertaining to this work, which spanned over 2 years. Part of our request under the Act, is a 'missing information complaint' that sits in a queue at the Office of the Ombudsman and is *currently awaiting the allocation to a dedicated Investigator.*

In July last year we copied you into our complaints against MoE staff and contractor. In February 2024 we copied you into the letter we wrote to Nancy Bell, after receiving her first response letter (before the re-wording). On the 9 April 2024 we wrote to you outlining wrongdoing and cover-up and you emailed us back "*your letter has noted*". We are now seeking your inquiry and action.

Ministerial intervention is required to ensure disabled and neurodivergent students are safe at school, especially those in segregated settings. It is heart-breaking to hear students are still being restrained and secluded in schools and that there is still no proper complaints process.

Our complaints of abuse and wrongdoing at Ruru Specialist School have been mishandled and covered up by multiple agencies who have not put children and young people first.

We have attached our Witness Statement for the Royal Commission of Inquiry into Abuse in Care and hope you are able to find the time to read it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Callum and Victoria Turnbull', written in a cursive style.

Callum and Victoria Turnbull

CJ and V A Turnbull

24 October 2016

ERO CEO

Iona Holsted

Tari Matua Level 1

101 Lambton Quay

WELLINGTON

Info @ero.govt.nz

Dear Madam

RE: Checkpoint with John Campbell interview "ERO had no idea Ruru Specialist School was being investigated" 21 October 2016.

During your interview with John Campbell you state "I repeat, we should have known there was a complaint, absolutely, and we would have acted on that..."

Please be advised that during the 2015 ERO review of Ruru Specialist School, ERO **was** formally advised of the complaint by the parent who was also an active Board member. ERO was advised that the Ministry of Education had completed an investigation of the school. Please refer to the email attachment for verification.

When John Campbell expressed confusion as to why the 2015 Unconfirmed ERO Report did not make mention of the seclusion room, you stated "it had already gone by then. It wasn't there." **This statement is not true.** The seclusion room was there, and in fact the ERO team viewed the room and was given a copy of procedure. This was confirmed in an email we received in July 2015, from Deputy Chief Review Officer, Graham Randell.

During the interview, you explained that the Board was commenting on the Ministry Investigation report at the same time the ERO review commenced, and that you assumed the Board had moved on by the time ERO had commenced the review. However, when the ERO team visited Ruru Specialist School in March 2015, the Board had only days earlier received the Ministry of Education investigation report. You stated "these people were trying to do the right thing actually..." when in fact **they did not do the right thing**. They did not disclose the complaint as a collective group. This disclosure was made by an individual Board member, and was ignored by ERO.

You were correct when you said the Board of Trustees responded to the Ministry regarding the investigation report by making comments. On 9 April 2015, we were sent the comments/corrections the Board made to the Ministry Investigation Report. We were also sent the Unconfirmed ERO report by the school and they expressed they were "delighted with the report."

The Board of Trustees had quoted from the Unconfirmed ERO Report to reject findings made in the Ministry of Education Report.

Commented [BOT5]: The BOT disagree and request evidence of this. ERO 2015 'Systems, processes and procedures for all aspects of the school operations and for governance in particular are comprehensive'

Commented [BOT58] ERO 2015 – Trustees know the school well and feel well informed – many ways to consider how students are being supported and how they are achieving – all this contributes to review.

Commented [BOT62] The ERO visit 2015 – "Systems, Processes and Procedures for all aspects of the school operations and the Governance in particular are comprehensive."

"Focus on ensuring a safe and supportive environment and on the positive behaviour management, so the emphasis can be on learning and positive interactions."

Comment [BOT67]: ERO visit 2015 discussion while viewing the safe area, Carpeted and soft floor and walls, natural lighting, well ventilated, not too big so students won't run and hurt themselves, handles both sides and no locks, ticks all boxes." ERO was given a copy of all our procedures.

Commented [BOT69]: ERO have viewed the safe area as part of their reviews since it was built.

Please refer to our complaint letter to ERO dated 16 September 2016. Under the Official Information Act 1982 (the Act) we asked: **During the 2002, 2006, 2009 and 2016, ERO reviews of Ruru Specialist School had ERO Review Officers reviewing the school, viewed/inspected the seclusion room at Ruru Specialist School?**

ERO responded: **ERO did not view/inspect the 'seclusion room' in 2002, 2006, and 2009.**

During your discussion with John Campbell you commented that "...it is a high trust model. These are self-managing schools..." **Regarding the Boards comment/correction 69, they have clearly lied to deceive both the Ministry and parents.**

Early on in your interview with John Campbell you explain "where we find anything that is harmful or risky to child safety we would either be raising that directly with the Board or report, or reporting to the Ministry." It is clear the ERO failed to recognise or report the harmful environment, risking child safety and wellbeing.

We can assure you that our son has been physically, emotionally, and psychologically harmed by the practise of restraint and seclusion by staff and management at Ruru Specialist School. Please refer to confidential photo attachment showing facial bruising only days before we withdrew our son from Ruru Specialist School. Also attached is a hospital report with details of an injury my son sustained whilst in 'timeout'.

When talking about the ERO review in 2015 during the interview you stated "We did start a review there (Ruru Specialist School), and then we learnt from the Ministry of Education that there had been a complaint."

- 4 December 2014 Complaint made to Police
- 8 December 2014 Formal complaint made to Ministry
- February 2015 Terri Johnstone commences investigation commissioned by the Ministry
- 4 March 2015 Ministry releases Investigation Report to School and parents (Turnbulls)
- 9 March 2015 ERO commence review at Ruru Specialist School
- 11 March 2015 Parent/Board of Trustee advises ERO of a serious complaint and recent Ministry of Education Investigation by email
- 9 April 2015 parents are sent copy of 2015 Unconfirmed ERO Review by the school who advise they will confirm report with ERO before 20 April 2015
- 9 April 2015 parents sent copy of Board of Trustees comments/corrections to Ministry Investigation Report
- 28 April 2015 Parents advise Ministry Management they have a copy of the Unconfirmed ERO Report and express concern over stark contradictions in the reports

The 2015 ERO Review was only days away from being released to the public. So, when you stated "we learnt from the Ministry of Education that there had been a complaint" not only was that untrue, due to having been formally advised during the review, it was also **only** because we (the parents) had advised the Ministry we had the report.

Ruru Specialist School has been using restraint and seclusion in secrecy for many years, impacting many children and young people's lives. This treatment has gone completely unmonitored by the Board of Trustees, Ministry of Education, and ERO. Seclusion is widely regarded as one of the most restrictive practises used in modern psychiatry. Management of restraint and seclusion has been left in the hands of Principal Erin Cairns and her management team. Who was watching the school? **Nobody.** Power without oversight is a recipe for abuse.

During the John Campbell interview on 21 October 2016, you reported untruths, misleading John Campbell and the New Zealand public. This is totally unacceptable. Please provide a formal retraction of the information you provided, that was untrue, summarised as follows:

- ERO did know about the parent's complaint and Ministry Investigation when reviewing the school in 2015. A Board of Trustee did disclose this information, but ERO ignored this advice.
- The seclusion room was "there" when ERO reviewed the school in 2015.

- ERO did view/inspect the room during the 2015 review of the school.
- The Ruru School Board of Trustees had not “already addressed the issues” or were not “somewhere else” as you suggested, when ERO was reviewing in 2015. Ruru Specialist School Board of Trustees withheld the critical investigation report commissioned by the Ministry of Education, then used the 2015 Unconfirmed ERO Report to reject the Ministry of Education Investigation Report.
- In the 2015 review of Ruru Specialist School ERO did not identify or report on a practice used by the school, that is regarded as absolutely intolerable, harmful, and risky to child safety.

We look forward to your immediate response.

Yours sincerely

Callum and Victoria Turnbull

cc: John Campbell

Checkpoint with John Campbell

Pip.Keane@radio.co.nz