

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 Terri Johnstone, Investigator contracted by the Ministry of Education 2014 – 2017.

Terri Johnstone's Ruru School Investigation Report – a catalyst for cover-up

When we asked Ministry of Education (MoE) managers if they would allow us to view the *dark and grimy* storeroom Ruru Specialist School staff had been secretly shutting our autistic son in – Terri Johnstone, MoE Investigator piped up, “Do you really want to go there?”

We did. We wanted to see the changes that Ruru staff had made to the room, when they found out the room was going to be the subject of a MoE investigation.

We saw the alterations made to the room during the investigation, as deliberate intent to mislead. Terri Johnstone wrote to us, “I too saw it as that.”

“The changing of the environment was so obviously wrong, that I let the pictures speak for themselves.”

Terri Johnstone had written in her 2015 Investigation Report, *I spoke with the DP (Hera Fisher) who was adamant that since her employment at the school in 2002 the room has never had a lock.*

In fact, Terri Johnstone shared with us at a meeting that because Hera Fisher Deputy Principal (DP) had used *very emotive words (swearing on her lives)* – she could guarantee that the door has not been locked.

Terri Johnstone reported she spoke to Christine Menzies, MoE manager - she and another manager saw the room on the 12 December 2014. Terri reported, *they also reiterated that the room did not have a lock.*

However, we asked Christine Menzies, at a meeting with the managers, whether the door had a lock and she said, "I don't remember."

We asked her, "Did you see a door handle on the inside?" She replied, "No."

Whether the door had a lock, did not really matter. If the room had no internal door handle, students could not exit. If the door was blocked by staff using their bodies or by staff sitting on chairs blocking the door – as described to us by ex DP Paul Anderson-Kereti, student could not exit.

When we called Paul Anderson-Kereti (DP 2013) in February 2015, we asked him, "so was he (Rovin) freely able to leave the room?"

"No, as I would sometimes sit in front of the door on a chair or would stand in front of the door and block it with my foot."

"I would sit on the chair and block his exit. If I was standing, I would use my foot and weight against the door to stop him getting out."

We shared this with MoE managers and Terri Johnstone at the meeting. We asked them to stop calling the seclusion room at Ruru a 'safe room'. If children were unable to freely leave the room – it is seclusion.

Terri stated, "Okay, on that point I agree on how that room was used and Hera Fisher has also said how that room was used. The DP (Paul Anderson-Kereti) that came forward was consistent with my understanding of how that room was used."

Both DP's changed their account of how the room was used, later, for the Chief Ombudsman Investigation.

In a letter to our lawyer, she wrote – *All of my interviews with staff were consistent with his description. I was well aware that the staff sat on chairs outside the room and that the child was not permitted to leave the room.*

Terri Johnstone did not write about that in her 2015 Report – that students could not freely exit the room, once shut inside the room. She did not write about it being seclusion.

This was important because in May 2015 we wrote to the Minister, Hekia Parata explicitly referring to the seclusion room at Ruru. In that letter we defined – ***Seclusion is the placing of a person at any time for any duration, alone in an area where he/she cannot freely exit.***

Later in 2016, Hekia Parata was asked about her knowledge of schools using seclusion rooms and she claimed she only found out about seclusion in 2016, despite our letter to her a year earlier.

When asked about our complaint, Ms Parata stood by her statement that she had not heard about seclusion rooms before July 2016. She said the room at Ruru was deemed not to be a seclusion room, referring to Terri Johnstone's Report.

"I am saying that's not what the investigation found in the Report, and I am also saying that the term 'seclusion' was used very loosely over the past year or two."

"What we have now done is define specifically what it is and ruled it out."

Terri Johnstone's Report covered up years of abuse at Ruru Specialist School in Invercargill.

MoE Investigator Terri Johnstone was "unable to locate MoE Guidelines"

February 2015 – Ruru School Investigation Report by Terri Johnstone.

- *I also contacted the Ministry of Education regarding the use of time-out facilities or safe rooms and I have been unable to locate any MoE Guidelines about the use of these rooms.*

April 2015 - Terri Johnstone responds to Turnbull's lawyer letter

- *I have been unable to find clear guidelines on the use of safe rooms on the Ministry of Education website.*

The dearth of information *regarding the use of time-out facilities or 'safe rooms'* was due to timeout room being unacceptable and not appropriate, some 15 years earlier.

In 1998 Ministry of Education employee and registered psychologist Ingrid Dunckley wrote Ministry of Education Guidelines – *Managing Extreme Behaviour in Schools*.

These guidelines clearly 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.

We only found out about the 1998 Guidelines through an Ombudsman Investigation in 2017, when the MoE gave the 1998 Guidelines to the Chief Ombudsman. We wrote to Ms Johnstone in 2019 to ask her when she was first aware of these guidelines. She replied, "*I think it was after the Report. Not 100% sure.*"

Catalyst for corruption

As a final recommendation in her 2015 Ruru School Investigation Report, Terri Johnstone wrote - *I recommend the Ministry of Education convene a national working party to consider the use of seclusion and restraint in schools and to investigate best practice models.*

"It's a national working party!" Terri Johnstone and MoE managers suggested we pat ourselves on the back for that.

Ms Johnstone had secured future work with the MoE as a result of her recommendation as she was included in the working party. Ironically, she prepared the background papers, providing them to the Advisory Group, when she was unable to locate the existing MoE guidelines.

By October 2015 the Group had draft Seclusion Guidelines finalised. In effect our complaint had initiated the development of guidelines that would make unacceptable, intolerable treatment of children, like the years of seclusion at Ruru, "acceptable".

In August 2016 Ms Johnstone was again contracted by the MoE to conduct the "Investigation of Parent Complaint at Miramar Central School Wellington" regarding their use of timeout. She reported:

10 years is a long time, and with literature and research on best practice constantly being updated, significant changes have occurred in approaches to timeout rooms. In recognition of the variance of practice, the Ministry of Education has recently developed National Guidelines around the use of locked timeout rooms (now defined as seclusion). They are currently in the process of being ratified and socialised, and will assist schools in the development of best practice around timeout rooms.

Terri Johnstone went on to use the Seclusion Guidelines (which were still in draft form), that the Advisory Group (she was included in) had developed, in her Miramar Investigation Report. She reported:

Table 3 below can be used to compare the use of timeout at Miramar Central School with what is now considered best practice. These guidelines can provide future tools of reflection and guidance for Miramar Central School in their use of timeout. However, it is unfair to judge Miramar in relation to these guidelines as they are not yet published. This means Miramar Central School, along with all New Zealand schools, would have been unable to reference these guidelines and therefore would have had few parameters from which to draw their timeout room processes and policies.

With these words MoE investigator Terri Johnstone let all New Zealand schools, that had been using seclusion, off the hook. Like Ruru, Terri Johnstone's Miramar Report did not say - *here is a school acting outside guidelines*. Her Report is saying - *the school acted because there were no guidelines*, which was untrue and Terri Johnstone knew this through her involvement in Advisory Group, if not before.

The MoE provided Police the draft Seclusion Guidelines in September 2016. The draft (that allowed for seclusion) was used and referred to by the Police investigating the use of seclusion at Ruru School in 2016-2017, when the draft was in stark contrast to the MoE guidelines that were current at the time of our complaint, and the 15 years prior.

Shortly after the draft Seclusion Guidelines were used for the MoE Miramar Investigation Report and provided to the Police to use for their ongoing investigation at Ruru, they were scrapped, and new Guidance was issued by the MoE that stated – *Seclusion should no longer be used in New Zealand schools*.

A few months later, a Ministry of Education survey found 38 New Zealand schools had seclusion rooms, for the purpose of secluded students.

Terri Johnstone – catalyst for abuse

At the meeting we had with Terri Johnstone and MoE managers in April 2015, Terri Johnstone interjected, "Let's cut to the chase here."

She reiterated she was not a criminal investigator and said, "Nor is it wise to look at things historically."

"If you ask me is there abuse now at Ruru School – and I'm not saying there was in the past, but is there now, I would say confidently, and I would, and I did have my eyes open believe me because I have a mental health background which is a distrusting model, I would say there is not abuse at that school. I wouldn't, and I am also very aware that you have Rovin, sitting at home, and when I looked at the Verdon site, I guess, as a mother also, I would have liked to have seen Rovin there."

This summed up Terri Johnstone thoughts – she had seen the dark and grimy storeroom Ruru staff had been shutting children in for punishment. We had told her about the bruises on our son. We had just read aloud to her the xy Interview Notes from an ex-staff member, taken by our lawyer. We had just told her about teacher, who we had trusted, who signed forms saying we were informed about the seclusion, when we were not. We had just told her about the teacher aide, that we were saying physically assaulted our son, and *as a mother* she wanted to see him back in that environment.

Terri Johnstone's investigation was not child centred. Student safety and wellbeing did not come first. Her goal was to mitigate the risk of legal liability and cover up abuse.

Yours sincerely



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