

catalyst *for* change

The whole is greater than the sum of its parts

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**Investigation into
Complaint
Ruru School
Invercargill**

NZ Police
O.I.A. Section
Private Security
Dunedin Office

February 2015

Terri Johnstone
Director
Catalyst for Change Limited
Christchurch

The following report is tabled in response to the Terms of Reference outlined in the Contract with the Ministry of Education dated 23rd of December 2014.

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Description of Services

The supplier will conduct an investigation which covers the following points:

1. The Board of Trustees handling of the complaint made by parents, as per the correspondence from the parents
2. Ruru School's use of a 'timeout / safe room' or similar withdrawal space in the school and its lawfulness
3. Use of the 'timeout / safe room' specifically relating to the child of the parents laying the complaint
4. Policies and procedures for the use of the 'timeout / safe room' or such space in the school

Introduction

To ensure the health and safety of all students and staff, schools are required to operate within the parameters of law. As well as the school's Charter (the BOT Governance document), Boards of Trustees should have Policies and Procedures in place, which comply with the:

- NZ Education Act 1989
- New Zealand Bill of Rights Act 1990
- Human Rights Act 1993
- Race Relations Act 1971
- UN Convention on the Rights of the Child (1989)
- National Administration Guidelines (NAG 5)
- Health and Safety in Employment Act 1992
- Health and Disability Act (2000)

It is within this framework outlined above, that I carried out an investigation at Ruru Specialist School on the 11th and 12th of February 2015.

During this period, I met with

1. Callum and Victoria Turnbull - Parents of Rovin
2. Robyn Clutterbuck/Palmer - Ruru Board Chair
3. Kerry Fennick - Ruru Deputy Board Chair
4. Erin Cairns - Ruru Principal
5. Hera Fisher - Ruru Deputy Principal
6. Sharyn Jefferies - Ruru Teacher Aide
7. Waiinu Wanakore - Ruru Teacher
8. Andrew Bayne - Supervisor GOBus
9. Belinda Von Randow - Manager GOBus
10. Alan (Dusty) Duston - Bus Driver GOBus



I also made telephone contact with Kerry Fennick (Deputy Board Chair) and two employees of the Ministry of Education- Mary Geary and Christine Menzies.

In addition, I visited Ruru Specialist School as well as Ruru's two satellite classes, one based at Donovan School and the second based at Verdon College.

I also visited a second special education day school for ORS (Ongoing Resourcing Scheme) funded students, with a similar range of disabilities and severity of need as those students attending Ruru School and its satellite classes. Throughout the investigation process I collected documentation, some of which supported Ruru School Policies and Procedures but which also, in several instances, was in breach of the school's Policies and Procedures.

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OIA Section
Private Bag 1624
Dunedin 9104

**I. THE BOARD OF TRUSTEE'S HANDLING OF THE COMPAINT AS PER THE
CORRESPONDENCE FROM THE PARENTS**

For ease in following the outline of events detailed in this investigation please make use of the following key hereon in:

- Victoria Turnbull, Parent
- Callum Turnbull, Parent
- Rovin Turnbull, Student
- Robyn Clutterbuck/Palmer BOT Chair
- Sharyn Jeffries, Teacher Aide
- Erin Cairns, Principal
- Hera Fisher, Deputy Principal (DP)
- Waiinu Wanakore, Teacher
- Andrew Bayne, Manager GObus
- Blair Docherty, Rovin's Teacher
- Deanna Cairns, Teacher
- Alan 'Dusty' Dunson, Bus Driver
- Kerry Fennick (Deputy Board Chair)
- Mary Geary, Ministry of Education
- Christine Menzies, Ministry of Education

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Dunedin 9054

The number in the column on the left hand side, are the emails, letters, and testimonials viewed as part of this investigation.

Timeline

5th November, Wednesday

- Alleged incident took place

6th November, Thursday

- Email from parent asking for teacher aide's account of incident.
- Principal's husband was in hospital having surgery, so asked DP to handle it.
- DP verbally asked teacher how Rovin's day was.

10th November, Monday

- DP forwarded email from teacher to parents. This email captured student's day at school and the alleged incident in the van.
- Email from parents requesting a meeting and recapping their version of the two incidents that took place on the van trip home.

11th November, Tuesday

- DP arranged meeting time with parents for the 12th of November.

Appendix

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- Principal offered to attend the meeting and arrange for someone to be with her husband, but parents said they were happy to meet with DP.

12th November, Wednesday

- 10.30am meeting between DP and parents. DP shared teacher aide's account of events reading from her laptop.
- Issues raised by the parents at the meeting were:
 - o Inadequate communication from class teacher
 - o Incident in the van
 - o General Organisation
 - o At the end of the meeting, the parents raised two generic concerns that a third party had relayed to them
 - An ex-teacher squirting water in students' faces
 - The use of a locked cupboard
- 11.51am DP emailed parents summarising agreed actions and outcomes from the meeting, and shared a communication template that the teacher could complete on a daily basis.
- Parents emailed to say the templates looked good, and to thank DP for listening.
- DP informed Principal, who was at the hospital with her husband.
- 3.00pm Principal and DP called a staff meeting which included all teachers and therapists. The following agenda items were discussed:
 - o Expectations of best practice
 - o Communication
 - o Health and Safety
 - o Policies and Procedures concerning behaviour management
- Parents requested teacher aide's email address.
- DP replied she would send the email the next day, as she did not have her laptop with her at the time.
- Parent (mother) responded "Cool, thanks"
- DP sought permission from Principal to share teacher aide's written response.
- Principal did not respond, as her husband's condition was deteriorating in hospital.
- DP failed to communicate this with parents. She had already read teacher aide's account of events from her laptop during the meeting and did not see the urgency. She was also aware of the stress Principal was under and did not want to pester her.

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13th November, Friday

- 9.00am DP and Principal called a second staff meeting, this time with teacher aides and support staff, and covered off the same agenda items as per the previous meeting with teachers.
- After the meeting, Principal spoke with teacher aide, and asked what happened with the van incident. Please note: DP had already received an email from teacher aide which she had shared with parents, so this was an extra check.



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17th November, Monday

- DP called a meeting with the Manager of GObus and discussed the protocol where the driver stays in the bus and staff take responsibility for seating the students.
- DP sent email to the GObus Manager summarising the content of the conversation. She also asked him to provide another incident report. This was because she had only had an account of events from the bus driver via the GObus Manager for the first incident, and a second incident that was witnessed by the Board Chair had not been reported.
- DP emailed parents, informing them that she had had a meeting with all of the staff around behaviour management and communication. She asked if they were finding the new template informative and shared general information around her plan to analyse observations and gain information from DC, a teacher, regarding a visit to the Verdon College satellite.
- The student's teacher emailed the parents a summary of his day at school.

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19th November, Wednesday

- Parents once again emailed requesting teacher aides incident report and in addition requested a copy of the bus driver's report.

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20th November, Thursday

- Parents sent another email requesting accounts of teacher aides and the bus driver's account of incident. They also said the student was confused around bus seating arrangements.
- 5.00pm DP sent the second report from the bus driver.
- DP contacted the Principal by phone saying parents were asking about information. Questioned the legality of releasing information (e.g. privacy).
- Principal gave permission to share the information
- DP spoke to the teacher to clarify what has been said around seating arrangements.
- An email was sent to parents with teacher aide's account of the incident in addition to the teacher's conversation with students around seating arrangements.
- DP sent the report from GOBus to parents, and said that WW and the teacher aide absolutely dispute any physical interaction between teacher aide and the student. Stated she will be forwarding an email to support this.

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24th November, Monday

- DP receives a letter from the teacher aide stating the information that has been provided by the bus driver is completely untrue.
- Board Meeting where Principal raised concern about an allegation raised by a 3rd party in relation to "locking children in a cupboard". A Trustee member reminded her of the 2nd allegation re an ex staff member squirting water in children's faces.

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25th November, Tuesday

- The parents write a letter of complaint addressed to the Board Chair

14

MT Police
G1 N. Section
P.O. Box 1024
Dunsmuir, CA 95934



26th November, Wednesday

- A letter is received from teacher aide in relation to the Principal's discussion regarding the allegation relating to an ex-teacher squirting water in students faces with her being present. The teacher aide disputed that the alleged action ever took place.
- DP received another letter from the teacher aide expressing concern around false allegations and expressing that she felt she had a right to know where those allegations came from.

The Board Chair collects the letter from Ruru School

1st December, Monday

- Board Chair responded to parent's complaint from the 25th of November. In this letter, she stated that she was satisfied that an adequate investigation had been conducted in response to the allegations. She also stated that she was unable to conduct a full investigation as requested in parent's letter (re: cupboard and water squirting), as she needed the informant to come forward so that this could be managed properly as opposed to through a third party. This email response did not go through however due to email error.

3rd December

- Meeting with parents, Board Chair, DP and the Principal whereby the school presents a package including:
 - o The student go to Verdon satellite class full time
 - o Weekly meeting with DP and classroom teacher
 - o Discussion around programme timetable

Board Chair suggested they go away and think about it

In the meeting parent (father) challenged several aspects of practice at Ruru:

- o The culture
- o The experience of staff
- o The personal and professional integrity of staff
- o What they knew or didn't know about autism
- o That the school did not teach holistically
- o That the Principal knew "nothing"

Despite finding parent (father) aggressive, the Principal and staff believed they took it on the chin as they were committed to finding a way forward. Father also accused management of hiding something around teacher aide and wanted to question every aspect of the process.

- At end of meeting parents requested to see the 'little room' and after viewing this room left visibly upset. This is the first time the student's mother had seen the room despite her being a trustee on the Board.
When DP said "Can I explain the purpose of this space", mother responded "We know".

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5 th December, Friday	
- Coralanne Child (Regional Director of Education) relays a summary of parents concerns to Murray Roberts (Regional Manager, Special Education, Ministry of Education) in memo format.	17
7 th December, Sunday	
- Murray Roberts receives a five page formal complaint from the parents.	18
8 th December, Monday	
- Murray Roberts receives a second email from the parents in relation to other concerns and the Complaint Process. The content of the email related to the Board Meeting on the 24 th of November.	19
23 rd December, Tuesday	
- Murray Roberts engages Terri Johnstone from Catalyst for Change to complete an investigation. Agreed to undertake this task at the start of the new school year.	
30 th January, Friday	
- Ruru Principal sends a formal complaint letter to Shirley Bond (SESTA Manager Transport) in relation to GOBus failing to comply with outcomes of a meeting with Andrew Bayne in January (GOBus Manager). (#13)	20
2 nd February, Monday	
- Email from Laurie Renwick (General Manager Schools and Charters) to Andrew Bayne (GOBus Manager) saying that he and Andrew will discuss and respond to the complaint. (#14)	21

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Meeting Summaries

As per the Ministry of Education's Terms of Reference, the scope of this report is limited to The Ruru Board of Trustees handling of the complaint, not the complaint itself.

Outlined below is a summary of three meetings, which supplies some additional context to the above correspondence and timeline:

1. A meeting with the parents
2. A meeting with the Principal
3. A meeting with the Board Chair

LET PAPER
CCLA EX-1007
Print to Bag
Dundee 1-3304

Meeting with Victoria and Callum Turnbull. I met with Victoria and Callum Turnbull on Wednesday the 11th of February. Both parents reiterated their concerns/complaints. These were consistent to what had been expressed to the Ministry of Education, along with additional concerns:

- Treatment of their son
- Poor communication
- Inhumane isolation room
- Van incident
- Honesty and integrity around the investigation process
- Son not eating his lunch
- Unexplained bruising
- Clothes covered in mud
- Younger children taunting their son and others on Donovan site
- Toileting issues
- Unsettled behaviour
- Mixed messages in relation to the promotion from Donovan to Verdon School
- Education not pitched at the right level
- Not working in a partnership with parents
- Other concerns around unprofessional behaviour concerning two teachers, one of which is an ex-employee
- Suspected abusive environment

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Both parents elaborated on all of the issues above, and expressed their very real concerns. At the time of the interview, their son was being home schooled pending the outcomes of the investigation.

Meeting with Ruru Principal, Erin Cairns. The Deputy Principal had kept Erin Cairns informed throughout the process, with intermittent delays due to her husband's illness. The Principal informed the Ruru Deputy Chair, as the Board Chair was overseas.

At the same time as keeping the Deputy Chair informed, the Principal was made aware of the second incident involving the van trip home on the 5th November. The Principal requested that the Deputy Board Chair and Bus Driver complete an incident report. The Principal sought advice from the Special Education Principals Association President (SEPAP) about managing discrepancies the recollection of events and reporting. The SEPAP suggested obtaining character references for the teacher aide. The Principal also asked her colleague

about the school's jurisdiction in relation to an ex teacher in connection to an allegation regarding potential abuse. Advice was given by the SEPAP that Ruru did not have jurisdiction because the ex-teacher was no longer an employee. The Principal also shared concerns about transport arrangements with the bus company, and how she should handle concerns regarding the bus driver's management of professional boundaries. The Principal did not make reference to the New Zealand School of Trustees Association.

When I met with the Principal she did not express concern or acknowledge weaknesses in the handling of the complaint, other than acknowledging the occasional time delay in correspondence and the acting up of both the DP and DBC in the BCs absence.

Meeting with Robyn Clutterbuck (nee Palmer, Ruru Board Chair). Robyn Clutterbuck (nee Palmer, Board Chair) was overseas at the time of the van incident. When she returned, she was worried about her son. She admits that she was highly stressed, exhausted and physically unwell, requiring visits to her doctor. When the Principal briefed her regarding the concerns raised by Rovin's parents, she suggested that the parents make a formal complaint in writing, so their concerns could be addressed. The written complaint from the parents was received on the 25th of November (Appendix 14). As Robyn was unwell, she was unable to travel to Invercargill to collect the letter of complaint, until the 29th of November. Robyn emailed the parents on Monday 1st December to acknowledge the receipt of the complaint. However, an error in the email address meant the acknowledgement of the receipt of the complaint went undelivered, Robyn being unaware of this until the principal rang to see whether she had replied. Robyn then resent to the correct email address, and communicated with the principal that she had responded. A meeting was set up for the 29th of November. During the meeting the principal and the Board Chair allowed the family to talk, attempting to find some commonality and a way forward. Towards the end of the meeting the Board Chair and Principal offered a way forward, suggesting a 'package' which could include:

- that the DP would meet with the parents weekly
- that Rovin would go to Ruru's satellite class at Verdon College from the beginning of 2015
- the timetable

The Board Chair expressed that she found Rovin's father's comments to be confronting during the meeting but thought they were making progress until, at the completion of the meeting, Rovin's mother requested they see the 'little room', where upon after viewing the room the parents left the centre.

The Board Chair did not appear to find the complaint process lacking, although took ownership for delays in correspondence. She voiced concerns about perceived conflicts of interest, and Trustees finding it difficult to separate out the Trustee role from the parental roles

Meeting with Hera Fisher (Deputy Principal). Hera Fisher is the Deputy Principal and at the time of the incident was in the position of Acting Principal. She believed the first meeting had gone well. She had also instigated staff training, spoken to the classroom teacher about

improving his communication with the family, and also explored seating arrangements in the van.

She felt the van incident had been misrepresented, and thought she had worked through concerns transparently and effectively. She had always made herself available and expressed disappointment that Mr and Mrs Turnbull hadn't come back to her if they were still unhappy.

The DP was the only one who asked if I thought the room was in line with best practice which indicated to me an element of reflective practice.

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Analysis of Concerns and Complaint Procedures in Relation to Turnbull Complaints

My findings indicate the Board did not adequately follow the school Complaints Procedure. The Deputy Principal initially handled the complaint relatively well, though the process was complicated through the blurring of roles and responsibilities with the principal stepping in and out of the process.

The school contributed to this complexity through sharing information about staff, rather than carrying out a closed investigation and sharing only the findings. The Deputy Principal did this at the request of the parent. This led to two parallel investigations being conducted, one by the school and the other by the parents.

Because of this parallel process, direct dialogue was limited, and was mostly through emails. Up until this stage there was open dialogue between parties. Following the meeting on the 12th of November, both parties agreed that progress was being made, with the student's mother sending an email indicating her appreciation for being listened to. An additional complicating factor was the intermittent involvement of the Principal, although she offered support to the DP in her absence it led to time delays and confusion.

Lines were also blurred in relation to board/parent parameters. For example, in the Complaints Policy it states that "trustees need to be clear in their mind of the difference between a complaint they have as a parent regarding their own child...and a complaint they have as a trustee".

It is not uncommon amongst school Boards of Trustees for members to have difficulty differentiating between the two distinctive roles, that of parent and that of Board member. This can be particularly fraught when there are issues which impact on the child of a Board member and which relate to the child's ongoing safety, wellbeing and happiness. At Ruru, an issue that is raised at Board level follows a different process than an issue raised by a parent. An example of this can be found in relation to the matter of an ex-staff member allegedly squirting water, and a further issue regarding concerns about a cupboard being used to contain students. These issues were raised at the end of a parent meeting on the 12th of November. The same parent was then present at the Board of Trustees meeting on the 24th November. Ideally, given the parent's (mother) concerns that her son had been put in such a space, it would have been appropriate for the Board Chair to call for any conflicts of interest and the Trustee to remove herself from the process.

117 Debra
 01/12/2014
 Paula King 1024
 December 2014

A further, and significant example of the blurring of roles, was the situation involving the bus driver. It is clear that the driver of the bus acted outside his own company policy by relaying information both from students and from an ex-staff member to the parents. The correct process is that this information be relayed to the bus driver's manager. In my opinion, the bus driver did not do this with anything other than good intent, but it was a significant contributing factor in how the complaint unfolded. By the time the parents met with the Principal, Deputy Principal and Board Chair in response to their letter of complaint, they had lost considerable trust in management. The discrepancies between staff accounts and that of the bus driver's had fuelled this mistrust.

In my opinion, a significant factor in the Board's handling of the complaints was the minimisation of the seriousness of the two allegations that the parent raised at the end of the meeting. The comments in the Board minutes appear scant and dismissive. Allegations which relate to potential abuse warrant robust discussion. I was surprised at the lack of enquiry from Board members relating to Ruru's Policies and Procedures, how the use of the room is monitored, the legality surrounding the use of such rooms and what other special schools use. The scant discussion led me to wonder if all Board members had in fact seen the safe room.

In relation to the second incident which concerns an allegation of squirting of water, I would also expect to see evidence of robust discussion in BOT minutes.

It is imperative that Board trustees are well informed regarding the role of governance and the accountability that goes with these roles. Board needs to feel confident that they are substantiate any decision they make.

Rather, the Board fell short of their obligations. They took the approach that the allegations couldn't be explored because they were based on hearsay and were from a third party. Risk is risk and as a Board, this needs to be managed appropriately. Any issue relating to student safety and well-being are very serious. For this reason, I believe the Board have potentially failed the school community.

NE Police
C.I.A. Section
Ref: 1059 1924
0134

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II. USE OF THE 'TIMEOUT/SAFE AREA' SPACE AND ITS LAWFULNESS

All students have the absolute right to an emotionally and physically safe environment. In order to safeguard this right, the school has in place policies and procedures that are centred on the use of proactive, non-intrusive, preventative strategies. However, given the complexity of behaviour within the school's population, it is important to acknowledge that there may be times when the students' behaviour escalates to a point where staff intervention (both physical and non-physical) is required to safeguard the student, other students, and/or staff.

In order to ensure the safety of staff and students, Ruru School has an accredited programme of crisis de-escalation, known as Safe Crisis Management. On checking school records, the last Accreditation renewal for SCM was 17 - 18 July, 2012 and the next renewal due on the 20 April, 2015. There is no certification in 2013 or 2014 (due to a lack of numbers) but the Instructors Certificate remains current.

I have also accessed information regarding a Safety Survey designed to check if students felt safe at school and had knowledge of safety and anti-bullying through classroom programmes being run. In 2014, from the 27 students canvassed:

- 77% of students always felt safe and felt able to talk to their teacher about concerns
- 100% of students understood that bullying was not ok and being bullied was not ok
- 100% of students were able to describe strategies that had been discussed in anti-bullying programmes including cyber safety

In all documentation cited, there was clear evidence that staff put considerable skill into managing and de-escalating the crises, thus seldom requiring the use of intrusive interventions or the use of the 'safe area'.

The *Safe Area Procedure* document identifies similar behaviours as can be found in the *Physical Restraint Procedure*. That is, that intervention may be necessary if the student presents serious harm to self, others, or property. Students can initiate using the area in an attempt to self-regulate behaviour and sensory overload. In reviewing the Ruru School Procedures for the Safe area, I found that these procedures are loosely written and are too open to interpretation. There are many gaps, leaving me with several questions:

- What is a reasonable time to be in the safe room?
- Is there a time limit?
- How robust are safe room use records?
- Is the use of the safe room integrated into an individualised student programme?
- Has a psychologist been involved in the decision for individual student use of the safe room?
- When does behaviour, or a crisis, call for another form of intervention?
- What is the involvement of parents - are parents required to sign a consent form for their child to be placed in the safe area if it is deemed necessary?
- If parents are not in agreement with the use of the safe room as a strategy for their child, what alternative are they offered?
- Are the parents informed of the safe room as part of their child's programme?

- Is there an opportunity for misuse?
- How does the school guard against misuse of the safe room, for example, students being in the safe area for an extended period of time, the door to the safe area being closed when the policy stipulates it must always be open?
- How does the use of the safe area keep the integrity of the young person intact?

The safe room is a room located in a classroom on the Ruru Specialist School site. The floor plan as per the diagram, shows that it is situated in the corner of a classroom. This classroom is in use. However, the Principal explained that wherever possible, the students are removed from the class when the safe room is in use.

In the photos you will see new vinyl on the floor. It had been carpeted until recently, with an interim period of exposed concrete. I have cited an email to the caretaker asking him to lift the old carpet. The room now has new carpet but when the parents saw the room it would have been exposed concrete.

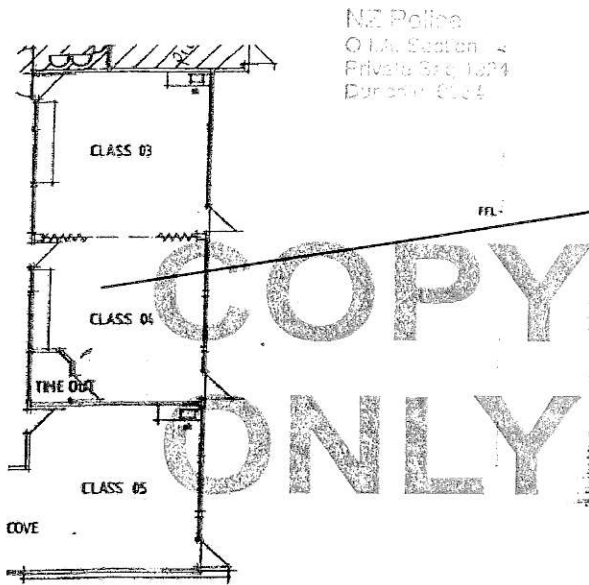
The room at Ruru School was specifically built as a 'time out' room and was not a converted storeroom. The room is ventilated through open lever windows. A screw is in place to ensure that these cannot be closed. There is no electric light in the room, relying on natural light from the windows. The room has no soft furnishings. The room has a sprinkler.

NZ Police
OIA Section
Private and Confidential
Date: 12/12/14

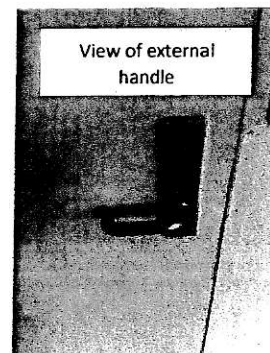
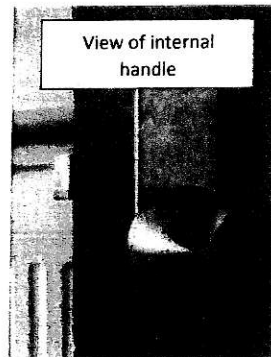
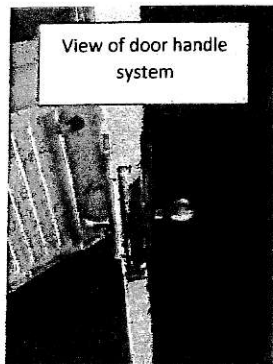
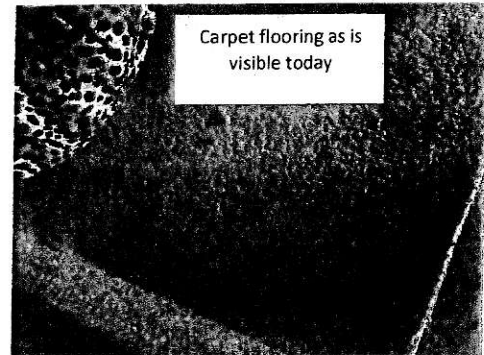
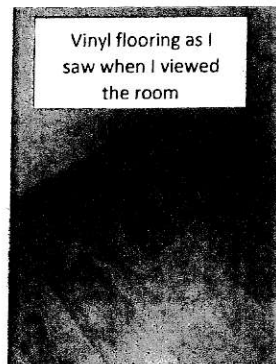
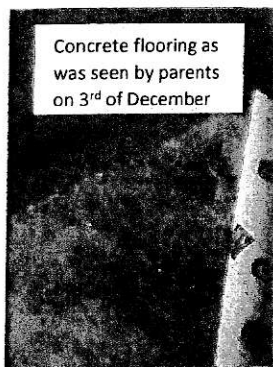
The room has an internal and external handle. These do not match. When I enlarged the photographs of the door handles of the safe room I observed old screw holes and old painting. I questioned when the handles were changed, and whether the door had been locked in the past. I spoke to the Deputy Principal, who is adamant that since her employment at the school in 2002 the room has never had a lock. The Board Chair supported this, saying that her child had been at Ruru Specialist School from the age of 8 years and is now 29 and in that time she cannot recall the room having a lock. I also spoke to Christine Menzies (MOE) and Mary Geary (MOE), for an account of what they saw at Ruru Specialist School on December 12th 2014, when they picked up documentation related to Rovin. They also reiterated that the room did not have a lock. The parents believed the room had a swipe card lock when they viewed it on the 3rd December.

The dimensions: 3.3 metres high and 1.3 x 1.8.

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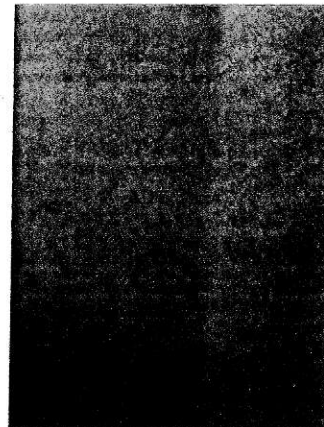
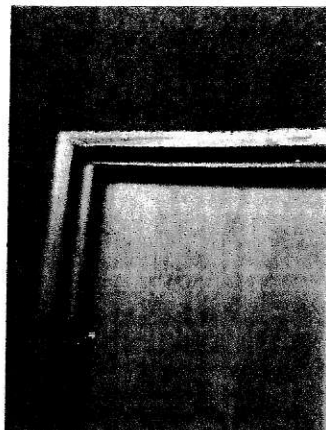
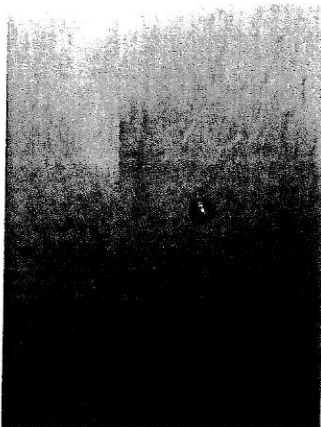
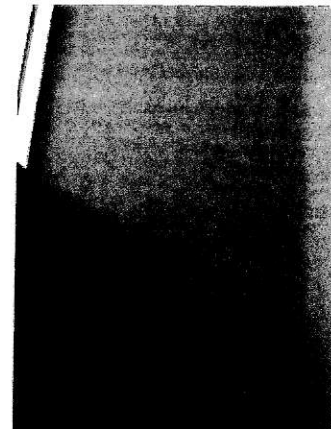
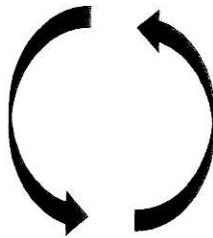
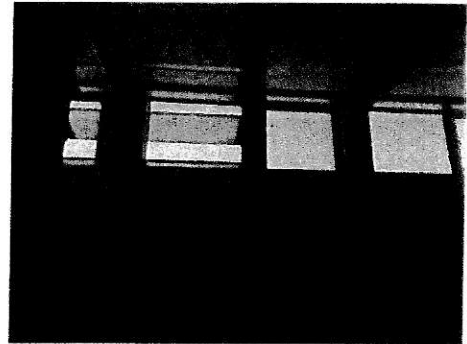
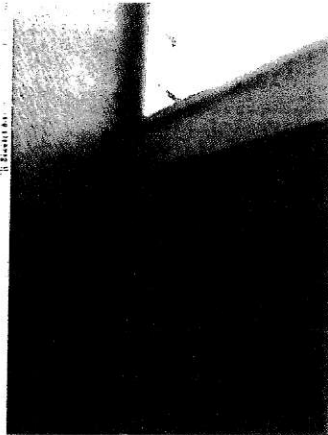
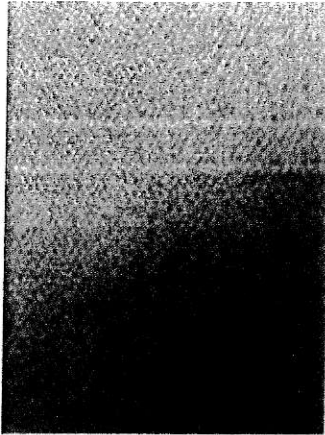


Proposed Floor Plan
SCALE 1:100



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MT Police
C-7, Section
Pawto Bag 1924
Cen. 0054



112 Police
C.A. Section
Rural Bag 1024
C.A. 100 0134



Comparison of Safe Room

Through conducting this investigation, I visited a second special education day school whose students have similar behavioural complexities to those at Ruru Specialist School. This school also used a 'safe area'. This room (pictured below) was approximately 2x2 metres, and was fully carpeted on the floor and walls. While a small space, this area seemed comfortable and had good lighting. The door to this room was constantly hooked open when not in use, and students would use it as a play space. It was situated opposite bag hooks.



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Use of the 'Safe Area'

As I have mentioned earlier in this report, the use of the safe room is considered by staff as the 'last resort'. Ruru Specialist School has adopted a culture of non-punitive intervention where the focus is on trying to de-escalate behaviours well before a crisis develops, so that the use of restrictive interventions such as safe rooms and physical restraint are not necessary. All student *Individual Sensory Plans* specifically outline sensory activities designed to positively manage behaviour.

Listed below is documentation recording when, who and for how long a student was put in the safe area from 2011 to 2014 inclusive.

Date and Time	Student Name	Reason for Use	Duration
28/03/2011 9.45am	Student A	Hitting and kicking staff and students as he passed.	6 minutes
29/03/2011 10.48am	Student A	Hitting, kicking, and threatening to harm staff and students.	5 minutes
05/07/2011 11.50am	Student A	Biting, hitting, and kicking.	6 minutes
09/12/2011 9.30am	Student B	Scratching staff member's face.	3 minutes

Date and Time	Student Name	Reason for Use	Duration
02/02/2012 11.30am	Student E	Self-harm, absconding, punching students and staff. Biting and scratching staff.	8 minutes
08/05/2012 11.40am	Student B	Attempting to throw furniture. Hitting and kicking staff and students.	2 minutes
12/06/2012 1.50pm	Student C	Kicked a student in the face.	10 minutes
19/11/2012 2.30pm	Student E	Threw chair at computer. Kicked another student.	8 minutes

Date and Time	Student Name	Reason for Use	Duration
2013	NO USE	NO USE	NO USE

Date and Time	Student Name	Reason for Use	Duration
25/02/2014 11.15am	Student D	Quiet space for sensory programme.	3 minutes
25/02/2014 2.15pm	Student C	Hitting, kicking, spitting.	8 minutes
25/09/2014 2.15pm	Student C	Breaking flower pots and windows at Waikiwis high	12 minutes
19/11/2014 2.15pm	Student C	Hitting, kicking, spitting at staff and students.	10 minutes

Date and Time	Student Name	Reason for Use	Duration
2015	NO USE	NO USE	NO USE

Summary of Safe Room Use					
Year	2011	2012	2013	2014	2015
Average time in Safe Room	5 minutes	7 minutes	0	8.25 minutes	0
Total time in Safe Room	20 minutes	28 minutes	0	33 minutes	0
Range	3 – 6 minutes	2- 10 minutes	0	3 – 12 minutes	0
Students	4	4	0	4	0

Total Time in 'safe area': 81 minutes since 2011

The criteria used to remove a child from a classroom setting and warranting the removal to the safe room, is when there is a clear risk of harm to self, others, and/or property. The time a student was in the safe room ranged from 3 minutes to 12 minutes, averaging 6.75 minutes. Five children used this room over the four year period that I reviewed. As you will see from the 2014 table, the room was used to trial a new sensory programme for a child specific to their need. On this occasion, a staff member worked in the room on a one on one basis. There was an increase in the use of the room for Student C, as this was a transitioning period for the student as they moved out of home. It is important to see these figures in context, for example, Student C was supported through a 3-1 staff to student ratio 24 hours a day during this transition. This student still requires a 2-1 ratio today. It is also important to understand that 'acting out' behaviours destabilize other students. Many of these students are highly anxious, and can be over-sensitive to environmental factors such as loud noise, light, movement and space, or lack of it. It is important not to view this data in isolation, but rather to be mindful also of the context in which the data is generated. Note: there are no entries for safe room use in 2013 at all.

Overall Review. As part of this investigation, I contacted the help desk at NZ School Trustees Association for information regarding the legal use of safe rooms in schools. In effect, these are areas designed to isolate the student for a number of reasons, but primarily because there are safety concerns for the student, or for others. NZSTA had very little information available and could not offer me any guidelines, other than many schools historically used old storage rooms with the shelves removed as areas where students could be isolated if required. NZSTA also reiterated the requirement that a student must be able to exit the room in the case of a fire. While the room at Ruru School was specifically built as a 'time out' room, its size was that of a disused storeroom or cupboard. The room has this feel. The safe room does have an internal handle and cannot be locked from either side. The door is left open so that the student can be observed at all times as determined in the use of the safe area procedure. However, if the door was closed inadvertently, I noted that the viewing peephole did not provide me with a clear view of the room.

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 spaces.

I then consulted the research report *Best Practice in the Reduction and Elimination of Seclusion and Restraint - Seclusion: Time for Change* (Te Pou o Te Whakaaro Nui, National Centre of Mental Health Research, Information and Workforce Development, 2008). This research report supports the goal of reducing and eventually eliminating seclusion, reinforcing the goal that clients with disabilities (children or adults) should have their needs met in the least restrictive setting. It is also widely espoused in the international literature that elimination of physical restraint and seclusion keeps the integrity of the person with disabilities, intact. Indeed, the Mental Health Commission has stated that it would like to see "significant reduction in seclusion use and its eventual eradication" (2004). This conclusion was based on the emerging consensus that seclusion is not therapeutic, that there are negative consequences on clients and also on staff, that there are human rights concerns and that there is evidence that seclusion can be reduced and even eliminated without increasing the risk of harm.

In the Health and Disability Services Standards (2007) design specifications for the use of seclusion rooms are outlined and specify that the room must:

- Demonstrate that every instance of "seclusion is clinically justified and clinical practice is clearly defined"
- Demonstrate that "seclusion only occurs in an approved and designated seclusion room" (Standards NZ, 2007).

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The Mental Health Act (1992) states "when considering the use of seclusion, the potential physical and psychological effect to the individual, and the consequential effect on all involved as a result of its use, or not, shall be carefully deliberated". The Act also determines that any room used for the purposes of seclusion must have:

- Adequate light, heat and ventilation
- Means to easily observe the person that also allows the person to see the head and shoulders of the observer
- Means for a secluded person to call for attention

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- Fittings recessed to avoid potential for harm
- Furnishings that are fixed to avoid the potential for harm.

In addition, it is desirable that:

- Doors open outwards, flush with the walls and the environment should be pleasant and minimally stimulating

As part of this investigation I viewed the safe room and found it to be dark and grimy. I could not describe the atmosphere in the safe room as 'pleasant'.

Current research increasingly states that seclusion and restraint should be seen in the context of risk management only, and that it should not be used by providers for punitive reasons. Instead, it should be used to manage safety, and these practices must eventually be eliminated because they are inconsistent with a recovery approach (Curie, 2005, Fisher 2003, Schreiner, 2004). Interestingly, where seclusion and restraint has been reduced, it also correlates with a decrease in injuries to staff and clients (Smith, 2005, Curie, 2005).

It is important to consider how seclusion may be interpreted, or misinterpreted, by students and parents. Ruru Specialist School requires student *Behavioural Management Visual Plans* to be written in conjunction with parents. These documents may reference *Safe Crisis Management* processes, which can include use of a safe room. Moving forward, it will be paramount that all parties are explicitly clear of all aspects of the use of the safe room and the procedures designed to support appropriate use.

Ruru Specialist School's criteria for removing a child to a safe room does not appear to be unlawful. There is no doubt that the use of such facilities in special education environments is common practice, and is under researched and problematic. There is a dearth of information or guidance for schools in best practice regarding seclusion and restraint and the legalities surrounding this complex issue. It must however, be extremely carefully managed. My investigation finds the Ruru safe room, in relation to size, sparseness, and general 'feel' is inadequate. I believe it likely that a child removed to this safe room may well feel they are being punished, rather than the desired outcome which should be that the room is a quiet space for self-regulation of escalating behaviour. My investigation finds that:

- Parents and caregivers need to give permission for the use of the safe room and be explicitly informed if and when the room is used
- The concept of transporting children from a satellite class to Ruru Base School to be held in the safe room needs to be reviewed. I consider this practice places unnecessary and additional stress on the student and staff, as a result of the transporting necessary to get back to base. I also believe that the transporting of a student in an elevated state, is unsafe practice
- If safe rooms are going to continue to be used I believe it would be preferable for the young person to avoid a van trip back to base. For this reason each setting needs to have access to a safe room, if the use of safe rooms is the direction the Board of Trustees intends to continue
- Documentation relating to individual student use of the safe room needs to be significantly improved, particularly in relation to the behaviours listed on the recording form. There is nothing alluding to frequency, intensity or duration of the

behaviour, the descriptors are not specific, and generic, for example 'kicking, hitting, acting out'

- It is my view that the *current* Ruru safe room should be closed. The Board may choose to consider building or adapting a safe room which more closely aligns with the Health and Disability Service Standards (2007), while also considering current literature and the move away from seclusion and restraint procedures, both in New Zealand and internationally.

Physical Restraint

Physical restraint is not one of the focus point in the MOE Terms of Reference. However, I have chosen to include this section; it is relevant given the nature of student behaviours and the likelihood that a student is not likely to 'self-refer' to the safe room but rather, needs to be transported to the safe room. There are strict guidelines at Ruru in the use of physical intervention, as documentation clearly illustrates that this is a 'final resort' (See *Ruru Specialist School Procedures*, Point Seven). Point seven in the *Managing Students Behaviour Procedure*, states that physical restraint, that is, the employment of an approved *Safe Crisis Management* restrictive intervention, is lawful *only* in specific situations. These are instances when the student is:

- Physically threatening the safety of another student, staff, or any other person
- Causing injury to self
- Causing or seriously threatening serious damage to property

Ruru Specialist School is accredited in *Safe Crisis Management* and I have no concerns about staff levels of skill in SCM. I also acknowledge the extensive training which staff undertake to keep their certification in SCM up to date. As an investigator, I acknowledge that physical restraint may need to be implemented from time to time with particularly challenging situations and within the current behaviour management system that Ruru uses.

In regard to best practice in the use of restraint, the Health and Disability Services (Restraint) Standards specify that facilities using restraint must:

- Demonstrate the use of restraint is actively and strategically avoided
- Monitor and provide education in restraint type and procedures
- Ensure staff are thoroughly assessed with regard to restraint
- Maintain accurate records of restraint use are maintained and demonstrate attempts to reduce risk associated with restraint
- Evaluate all episodes of restraint
- Monitor and review the use of restraint

The standards do not encourage the use of seclusion and restraint, but lay down the minimum requirements for safe practice, if and when these interventions are used.

Current research, in considering alternatives to seclusion and restraint, are focussing on *milieu management* - managing the environment, providing meaningful activities and creating an atmosphere of listening and respect. Research suggests that levels of agitation and aggression reduce in an environment where there is no overcrowding and where there



are quiet spaces where students may *choose* to go. There is a significant body of evidence indicating that violence and aggression are reduced when rewarding activities that enhance a feeling of well-being, such as creative expression through music or dance or exercise, are introduced, and that providing an atmosphere of listening, mutual respect, support and acknowledgement is effective in preventing escalation in behaviour. Ruru Board of Trustees may wish to look further into some of these alternative behaviour management strategies, which are gaining momentum in the disability sector.

Transportation from Satellite Schools

In my analysis on the use of the safe room, three of the students that required the safe room were transported from satellite classes to the Ruru base school site by van. As previously indicated, I believe this to be an unnecessary risk. Containment within a small space, such as in a van, when a student's behaviour is escalating and potentially volatile, is both unnecessary and extremely risky. In one incident report, I noted that a staff member was bitten whilst in the van, requiring medical treatment

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III. USE OF 'TIME OUT/SAFE ROOM' SPECIFICALLY RELATED TO RT

As seen in Section 2 as 'Student A', Rovin was removed to the 'safe area' 3 times in 2011 for durations of 6, 5, and 6 minutes. The behaviours identified in the incident reports and the 'safe area' records refer to Rovin hitting and kicking in all instances, as well as threatening harm to others and biting on one occasion.

Rovin's Behaviour Management Visual Plan

Date	Action and Definition	Response
2011	'Acting Out' <ul style="list-style-type: none"> - Breaking/throwing objects - Can become very aggressive towards others - Absconding - Screaming - Crying 	<ul style="list-style-type: none"> - Remind of 'big boy' voice - Do not touch or crowd - Remove from situation using SCM releases.
20/07/2012	'Acting Out' <ul style="list-style-type: none"> - Breaking/throwing objects - Can become very aggressive towards others - Absconding - Screaming - Crying 	<ul style="list-style-type: none"> - Remind of 'big boy' voice - Do not touch or crowd - Remove from situation using SCM transport to calm area - If Rovin's behaviour cannot be managed by Donovan staff or acting out behaviours last longer than 5-10 minutes, Ruru school must be called.
28/03/2013	'Acting Out' <ul style="list-style-type: none"> - Breaking/throwing objects - Can become very aggressive towards others - Absconding - Screaming - Crying 	<ul style="list-style-type: none"> - Remind of 'big boy' voice - Do not touch or crowd - Remove from situation using SCM transport to calm area - If Rovin's behaviour cannot be managed by Donovan staff or acting out behaviours last longer than 5-10 minutes, Ruru school must be called.

24/05/2013	<p>'Acting Out'</p> <ul style="list-style-type: none"> - Breaking/throwing objects - Can become very aggressive towards others - Absconding - Screaming - Crying - Falls to the floor - He'll run back and forth in the classroom - Role plays – e.g. Sword Fighting 	<ul style="list-style-type: none"> - Remind him "We don't scream in the classroom" - Do not touch or crowd - Final Resort: Remove from situation using SCM transport to calm area and if he does not settle call Ruru.
08/09/2013	<p>'Acting Out'</p> <ul style="list-style-type: none"> - Lashes out - Assaults (people or objects) - Self-injury - Chin moving/japing 	<ul style="list-style-type: none"> - Ensure safety (Rovin, self, others), - Call Ruru for support.
06/12/2014	<p>"Acting Out"</p> <ul style="list-style-type: none"> - Lashes out - Assaults (people or objects) - Self-injury - Absconding - Chin moving/japing and screaming 	<ul style="list-style-type: none"> - Ensure safety (Rovin, self, others) - Give chance to settle-if appropriate - Call Ruru for support.

On the exemplar of the *Behaviour Management Visual Plan* that outlines consequences for escalating behaviour, reference is made to a designated safe room at Ruru as 'last resort'. Rovin's individual plan makes no explicit reference to being removed to this safe room as a result of 'acting out'. While Rovin's 2011, 2012 and 2013 (March and May) plans refer to being "removed from the situation using *Safe Crisis Management* releases" as a response to 'acting out', there is no reference to the actual safe room. The *Safe Crisis Management Intervention* procedures state that the safe room can be used if necessary to ensure safety for all parties, but this information is not explicitly stated on Rovin's *Individualised Behaviour Management Vision Plan*. It is only in the 2014 plan that it states that as a "last resort Rovin should be removed to a calm area". While this area may be seen to reference the safe room, it is not categorically stated. Rovin's 2013 (September) and 2014 plan do not make reference to any form of removal to a safe room, either explicitly or otherwise.

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Another discrepancy noted, is that in Rovin's 2011, 2012, 2013 (March) and 2013 (September) *Behaviour Management Visual Plans* all state the direction to "not touch or crowd" him. I can imagine that to transport Rovin in the van to the safe room on the Ruru site from the satellite class would contradict the instructions on his visual plan.

There was no reference made of the 'safe area' in Rovin's Individual Health and Safety Management Plans from 2011-2014.

Throughout Rovin's time at Ruru, there have been numerous meetings about behaviour, as there has been for many students. An Incident Report is completed every time that the safe area is required. Incident reports have a section titled "Involved Students Parents/Caregivers Informed". There is reference made that Vicky Donaldson communicated this to parents. Rovin's incident reports dated the 28/03/2011, 29/03/2011, 5/07/2011 were signed by the teacher and Principal or DP. It is important to note that comments on the Incident Forms said things like "Rovin spent 6 minutes in the quiet room". I did not read the term 'safe area' or 'safe room'. I found this to be misleading as unless you had been shown the safe room you would have an image of bean bags, pastel colours and space. I totally understand the parents' reaction to the safe room when they saw the room that their son had spent time in during 2011.

I understand that communication was less than satisfactory last year from Rovin's teacher. Up until then a notebook had been used and before that parents touched base with the teacher on a daily basis when dropping him off and picking him up at the end of the day. Yet, regardless of the excellent relationship with Rovin's previous teacher, assumptions were made that Rovin's parents were fully aware and in agreement with the behaviour management system.

Discrepancies. During the compilation of this report I clarified conflicting information around how often the room was used. Victoria Turnbull understood from talking with her son that he may have been put in there 10 to 30 times. The school responded that as part of Rovin's timetable during his time at Donovan Satellite he came to Ruru for 'Friday Fun', swimming, assembly, therapies, kappa haka, choir, events e.g.: VIP visits, production practise, special Olympics. These visits were timetabled. If Rovin displayed anxious behaviours during these visits (which he did from time to time as they are often 'busy' events), then he would use the back playground, trampoline or spend time in the Multisensory room.

Although not specific to Rovin's case, similar inconsistencies were highlighted in a separate interview. Dusty (van driver) said that students spoke of the 'wee room', 'small room' or 'broom cupboard'. He spoke of one of the children being quite agitated on those days. When I asked him the names of the students he gave me 5 names. Three of the names were not on the Ruru safe room records. He remained vague about the room or location of the cupboard. For example- he thought the alleged space may have been located on Verdon satellite school site in addition to there being another room being on the Ruru site. (It is important to note there is no cupboard at Verdon College site or any space that could be used as a safe area). He assumed that when a student said they "never want to go back" having spent two days at the Ruru base school that the student had probably spent time in the 'cupboard'. Dusty also said that another student (who is recognised as being 'more

responsible' by staff) had conferred that students were put in 'a small room or broom cupboard'. Dusty was also under the impression that a child whilst in the 'wee room' wrote out lines as a punishment 'I should not'

Listed below is a response from Ruru staff in relation to the three children that were identified by Dusty and whose names were not on the safe room records.

1. A meeting was held with Student X's Mother regarding his ongoing inappropriate behaviours. Classroom teacher, Principal, and DP were in attendance. A decision was made that Student X would spend 3 days at Ruru in a class.' This was not the safe room.
2. In consultation with his mother and due to ongoing inappropriate behaviours, Student Y spent 2 days at Ruru in a class. Student Y did not spend any time in the designated safe room. During his time at Ruru School, student Y wrote out the Verdon class expectations daily and participated in the class programme. Student Y spent his 2 days at Ruru School in the class room 1. This is a smaller class room of the two in that wing of the school.
3. Student Z has never spent any time in the designated safe room.

Dusty had obviously formed opinion that Ruru school had a "bullying culture" (his words). I did not find Dusty untruthful as I can imagine the students sharing their day with him. His chatty and warm demeanour would invite this. I did however find him inconsistent. It also concerned me that he had shared his concerns with the Turnbull's and not his own management.

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IV. PROCESSES AND PROCEDURES FOR THE USE OF THE 'TIMEOUT/SAFE ROOM' OR SUCH A SPACE IN THE SCHOOL IN ACCORDANCE WITH THE SCHOOL'S POLICIES

Comparison of Ruru Safe Area

The safe room at another special education day school is only allowed to be used if the parents of the child have given explicit consent. In this case, the parents would be shown the room and would have the right to agree or disagree to the use of the room. The child would be walked through the protocol of the room when they were in a 'calm' state. A separate procedure for seclusion would be made up for each student, with specific instructions for staff observing the student. This procedure included the condition of the room (e.g. door open/closed, items allowed inside the room), as well as the time that the student was to be left in the room (e.g. 2 minutes and then ask if they are ready to come out).

Recommendations. I recommend:

1. That the *current* safe room at Ruru Specialist School be closed
2. That Ruru Board of Trustees thoroughly review Health and Safety Policies and Procedures relating to the use of seclusion (safe rooms) and restraint, and strengthen where required
3. That should the Board continue with safe room practice, Ruru develop a low stimuli room on each of Ruru's satellite sites so as to avoid transporting students back to base solely for the purpose of using the safe room
4. That documentation relating to safe room use is strengthened, including the opportunity for peer review of decisions made and debriefing by staff, following incidents
5. That debriefing with the student after safe room use is mandatory, with the goal of preventing future use of seclusion and restraint procedures
6. That explicit criteria which constitutes an 'Incident' be developed
7. That parents are educated as to the purpose and use of a safe room at Ruru and given the opportunity to view this space and make an informed decision as to whether it is a suitable 'last resort' option for their child in the event of escalating behaviour
8. That Ruru must have parent permission in writing, specifically for safe room use
9. That all parents are offered the opportunity to view Ruru's facilities, including the safe room
10. That the Board of Trustees considers less restrictive options when managing behaviour other than seclusion and restraint, in accordance with current best practice
11. That the Board review all Health and Safety policies relating to student management, including the safe transporting of students in vans and strengthen where required
12. That the Board review the school's Complaints Policies and Procedures and ensure that staff and board members are fully conversant with these documents when managing complaints
13. That Ruru develop an outdoor low stimulus area for de-escalation purposes

14. That private contractors such as bus companies are made familiar with Ruru's student management strategies and are briefed on lines of reporting in the event of any incident involving students
15. That a facilitated discussion takes place with the parents, the Principal and Board Chair, following this review, so that trust is restored between all parties.
16. That the student be offered the opportunity to attend the Verdon satellite with his friends
17. That the Board undertake Governance training through NZSTA in the self-review process and in risk management

Final Recommendation:

- 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

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