

IPCA: 23-20305

16 November 2023

Mr Callum and Mrs Victoria Turnbull

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[www.ipca.govt.nz](http://www.ipca.govt.nz)

Tēnā kōrua Callum and Victoria

I'm writing to let you know the outcome of your complaint that police have failed take appropriate action regarding a Ministry of Education Employee, Christine Menzies misleading police during their investigation into use of seclusion rooms in schools.

The Authority reviewed the appropriateness of the underlying police re-investigation of your 2014 report in your previous complaint (IPCA: 17-0070 *refers*). The Authority advised that we considered the re-investigation was appropriate in our letter dated 25 May 2018.

I note you have since pursued complaints with the Royal Commission of Inquiry into Abuse in State Care and the Ministry of Education regarding the use seclusion rooms in schools.

I can see from the information you provided that police spoke with Ms Menzies in August 2023 about your concerns. Police advised you of their determinations by letter dated 6 September 2023 and met with you in October 2023 to discuss this further.

Ms Menzies informed police that all the information she provided was on behalf of the Ministry of Education. She said she complied with the Ministry's internal protocols and took advice in accordance with those protocols in deciding what should be given to Police. She denied deliberately misleading police.

The Authority is satisfied police made a reasonable determination that there is insufficient evidence to prove that Ms Menzies deliberately misled the investigator. I do not believe the specific comments you raise by Detective Inspector Low amount to potential misconduct or neglect of duty. I find that it was reasonable of DI Low to take Ms Menzies' statement at face value, given the lack of evidence to rebut her explanation.

To charge someone with misleading Police, Police must be able to prove beyond reasonable doubt that the person deliberately gave false information with the intention of misleading the investigation. It appears that DI Low was trying to explain to you that Ms Menzies had a credible defence and Police wouldn't be able to prove a charge of misleading Police.

While I acknowledge the use of *seclusion rooms* is of great concern to you, the Authority remains of the view that police appropriately investigated this matter, and we will not be revisiting our previous findings. Because we have found no misconduct or neglect of duty on the part of Detective Inspector Low, the Authority will take no further action on your complaint.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Cath Anyan', with a large, sweeping loop at the end.

Cath Anyan

Manager: Case Resolution Team

INDEPENDENT POLICE CONDUCT AUTHORITY

Callum and Victoria Turnbull

30 November 2023

The Manager

Cath Anyan

IPCA

P O Box 25221

WELLINGTON 6140

Dear Cath

Firstly, thank you for your letter dated 16 November 2023.

The Police investigation that Ministry of Education (MoE) representative Christine Menzies was a part of, was not *into the use of seclusion rooms in schools*. The Police investigation was into ***Ruru School Allegations of Physical and Emotional Abuse***.

You have stated, "*The Authority is satisfied police made a reasonable determination that there is insufficient evidence to prove that Ms Menzies deliberately misled the investigator.*" Ms Menzies not only deliberately misled DS Brian Cameron, when she withheld *current* guidelines, DS Brian Cameron kept requesting during the 2016-17 Police Investigation – she also misled DI Shona Low recently, giving her false, invalid reasons for withholding the MoE guidelines from Police. DI Shona Low was comfortable with being misled, and we understand from your letter you are satisfied with this.

It was unreasonable for DI Shona Low to take Ms Menzies' statement at face value, because as our complaint to Police stated, Ms Menzies had already withheld requested guidelines from DS Brian Cameron.

We asked DI Shona Low prior to our recent meeting with her,

- "*Did you check any of the 3 reasons Christine Menzies gave you for not providing D/S Cameron the current/existing guidelines (not policy, small booklet, not available in all schools), when he requested them during the 2016/17 potential mass allegations investigation?*"

**We provided evidence to prove that Ms Menzies was again misleading Police**

Reason 1. "*not policy*"

**Evidence:** *Education Act: requires schools to follow Ministry of Education policies and guidelines - (Schools and the Right to Discipline – sponsored by Wellington Community Law and Office of the Children's Commissioner)*



Reason 2. "small booklet"

**Evidence:** 1998 Ministry of Education Guidelines (updated 1999, 2005) has **54 pages**

- 'draft' Seclusion Guidelines has 14 pages – (the "draft" that Christine Menzies gave Police that was never going to be promulgated, or made *policy*)
- *Guidance for New Zealand Schools on Behaviour Management to Minimise Physical Restraint* – issued by MoE October 2016 has 16 pages

Reason 3. "not available in all schools"

**Evidence:** The Ministry of Education provided information **under OIA** (you will see from your review of our previous IPCA complaint, we forwarded this OIA to Nic Johnstone, IPCA 2/2/18)

- *the 1998 version of the document was sent to all schools in hard copy. Hard copies of the publication were also available to Ministry behaviour practitioners, who provided additional copies to schools and others when Ministry staff were working with a school to support a student."*

After we provided evidence to DI Shona Low she said, "I've got to believe what she tells me."

"That is what she told me."

We said, "well it's non true, it's not true." DI Shona Low said, "we'll agree to disagree."

"We said, "So you think it is a small booklet, it's not policy and it wasn't available to all schools? Is that what you're going with?"

DI Shona Low replied, "That is what she told me at the time."

We responded, "And that's what you believe even though we've showed you evidence that says otherwise?"

She said, "I am not going back to her. The Ministry of Education have told you, no more."

She said, "They have already had a final conversation with you."

DI Shona Low did not make basic checks or accept evidence we handed her. Christine Menzies reasons were invalid and deceptive.

You have raised the point, "She said she complied with the Ministry's internal protocols and took advice in accordance with those protocols in deciding what should be given to Police." Could you please provide us with a copy of the MoE protocols she referred to, that advise a MoE representative can withhold important information from Police, when requested during a Police Investigation.

The investigation was a potential mass allegation interagency Police Investigation and under Child Protection Protocol (CPP) –

- *The agencies will apply the paramouncy principle and follow the agreed process which defines roles and responsibilities to ensure the safety of children and young people.*

- *The parties agree to: communicate regularly in an open, honest and timely way, including responding promptly to requests by the other parties.*

During our discussion, DI Shona Low said, "There's no reason...what would be the reason for Christine to deceive us?"

#### **Possible reasons to deceive Police**

1. She may have thought, if she withheld the Guidelines that 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 punishment"* the Police may think, **there are no issues.**  
e.g.

On 1 August 2016 DS Brian Cameron emailed Christine Menzies and other members of the interagency investigation –

*"I have been unable to identify any legislation or industry guidelines that dictate how a Safe (or Seclusion) Room in an educational facility is to be set up or constructed. If any of you have information that would assist it would be appreciated.*

*In the absence of any such legislation the only question to be answered centres around whether the room is fit for purpose.*

*If it is fit for purpose, **there are no issues.**"*

2. Christine Menzies had also failed to inform the MoE investigator of the *current* guidelines during the earlier MoE investigation, who then reported she was unable to locate MoE guidelines.
3. In her role as MoE District Manager, Christine Menzies was responsible for MoE staff supporting schools in the region. MoE staff had *Practice Guidelines for the Management of Serious and Challenging Behaviour* – *"The purpose of these internal guidelines is to support staff to reduce any inappropriate use of time-out in Early Childhood or School settings."* MoE staff under her watch, were meant to be keeping children safe, ensuring there was no unacceptable restraint and seclusion practices occurring in schools, like that at Ruru, for at least 15 years.
4. She was protecting or coerced by other MoE officials covering up abusive treatment of children in schools, like that at Ruru.

We believe it is important to point out – Christine Menzies provided Police the 'draft' Seclusion Guidelines (and after obtaining authority and legal advice), which allowed for seclusion, when the then Education Minister Hekia Parata had already introduced an SOP to Parliament, *"to prohibit seclusion"* banning the practice.

We reject your findings regarding Detective Inspector Shona Low and Christine Menzies.

Thank you.

Your sincerely



Callum and Victoria Turnbull



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**From:** "Case Resolution" <  
**Date:** Thursday, 30 November 2023 2:54 p.m.  
**To:** <  
**Subject:** Acknowledgement of receipt of email and attached letter

Kia ora Mr and Mrs Turnbull,

We have received your email which has been made in response to our outcome letter to you regarding your IPCA Complaint 23-20305.

The Authority's process for questions or complaints about our decisions is to refer them to a panel of senior staff who will decide what action is required. We will let you know the panel's decision once it has been made. We aim to let you know the outcome within 20 working days.

Please note the Authority has a one-review policy. We will carefully consider the matters you have raised and let you know our decision. Once we have done that, we will not consider further requests for review unless there are exceptional circumstances.

Ngā mihi,

**Sydney**

**Team Coordinator: Resolution Team**

Independent Police Conduct Authority, PO Box 25221, Wellington 6146, Aotearoa New Zealand

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Mana Whanonga Pirihimana Motuhake

Caution: If you have received this message in error please notify the sender immediately and delete this message along with any attachments. Please treat the contents of this message as private and confidential. Thank you.

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**From:**   
**Sent:** Thursday, November 30, 2023 12:29 PM  
**To:** Case Resolution  
**Cc:** RC <contact@abuseincare.org.nz>  
**Subject:** Turnbolls - IPCA ref:23-20305

Good afternoon

Letter attached for Cath Anyan – Manager Case Resolution Team

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**From:** "Case Resolution" >  
**Date:** Thursday, 14 December 2023 3:33 p.m.  
**To:**  
**Subject:** RE: Turnbulls - IPCA ref:23-20305

Tēnā kōrua Mr and Mrs Turnbull,

Thank you for your email. Your response to our decision has been internally reviewed by our case resolution review panel. We have reviewed the matters you raised and have not identified any new evidence or information which has made us reconsider our original decision.

We acknowledge you remain dissatisfied with our decision. However please note our role is to determine if there has been any Police misconduct or neglect of duty in relation to either a) their investigation or b) their failure to charge someone with an alleged crime. Having reviewed all the material, we are satisfied this is not the case. Please also note the Authority has no power to direct Police on their charging decision.

The Authority is unable to provide you with any of the information we have reviewed in respect to your complaint. We're not subject to the Official Information Act 1982 and our Act limits the personal information we can provide under the Privacy Act 1993. You will need to apply to the Ministry of Education if you wish to seek any further documents including the internal protocols relied on by Ms Menzies you have asked for.

While we acknowledge this long-standing matter has caused you significant distress, the Authority is satisfied there is no evidence of Police misconduct or neglect of duty, and we will not be taking any further action on your complaint. Our file will remain closed.

Ngā mihi,

Anaru

On behalf of the Case Resolution Review Panel

Independent Police Conduct Authority, PO Box 25221, Wellington 6146, Aotearoa New Zealand

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