

C J and V A Turnbull

18 June 2024

IPCA Chair

Judge Kenneth Johnston KC

IPCA

Dear Judge Johnston KC

We are writing to seek clarification and confirmation from you, the IPCA will not be considering new information provided in relation to our complaint against Police. The message conveyed in a recent email we received from Cath Anyan IPCA is incomprehensible - that information Police accepted and IPCA *reviewed*, is false, but our complaint will not be reconsidered or reviewed.

#### Background

2016 During the Police interagency investigation into allegations of abuse at Ruru Specialist School, Police request MoE guidelines several times from Ministry of Education (MoE) representative, Christine Menzies.

2017 Police Investigation Report – *Ministry of Education – Christine MENZIES – District Manager, Southland identified that, at the relevant time, no National Guidelines were in existence with regard Restraint and Seclusion and that individual Schools were responsible for establishing their own Policies as determined by their Board of Trustees. Any breach of Policy was thus a matter for the individual School.*

2023 After making a complaint to Police about Christine Menzies withholding from Police requested information during Police investigation, Detective Inspector Shona Low interviews Christine Menzies. Police Job Sheet states – ***[Christine was aware of guidelines that were about at the time..]***

2023 At a meeting (audio recorded), concerns are raised about the Police/Christine Menzies interview. DI Low advises - *It's not an offence to tell us a lie.*

November 2023 We write an IPCA complaint against DI Low for her handling of our Police complaint against Christine Menzies. (see attached)

November 2023 IPCA Manager Cath Anyan writes in a response letter – *She (Christine Menzies) 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.* This was new information and was not recorded by DI Low in the Police File we received under OIA.

November 2023 In a letter to Cath Anyan, IPCA we request a copy of the **MoE internal protocols** she referenced in her response. (see attached)

December 2023 The IPCA Case Resolution Review Panel respond by email – *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.*

March 2024 We write a letter to the IPCA Case Resolution Panel, after receiving an OIA response from the MoE. We advise the MoE OIA response confirms there was no "internal protocol" that would allow MoE staff to pick and choose what Ministry documents should be given to Police, when requested by Police, during a Police investigation into allegations of abuse in a school setting. We request the new evidence be considered and our complaint against Police be, reconsidered. (see attached)

June 2024 We write to the IPCA Case Resolution Panel following up on our March letter.

June 2024 Cath Anyan IPCA responds by email - *I appreciate you don't accept our finding but we will not be reconsidering your case. Your complaint remains closed and the Authority will not respond to further correspondence.*

#### Ministry of Education response

It is important to explain we also made a formal complaint about Christine Menzies directly to MoE CEO Iona Holsted, in 2023. The MoE responded – *You have raised concerns that Christine withheld information from Police and as a result the Police investigation was flawed. These matters have also been considered by the Ombudsman.*

#### Office of the Ombudsman response

The Office of the Ombudsman wrote – *I am unsure as to precisely what the Ministry was referring to when it advised you in its letter of 19 October 2023 that '[t]hese matters have been considered by the Ombudsman', but I can confirm that the veracity of evidence gathered for the purposes of the Police investigation was not within the scope of Mr Boshier's investigation.*

After the Chief Ombudsman sought comment from the MoE, the MoE has now reworded its response to our complaint against Christine Menzies - *We cannot address the concerns about Police processes, as that is a matter for Police. Any further concerns regarding the Police Investigation should be raised directly with Police.*

#### IPCA

It is worth noting here, in 2023 Cath Anyan IPCA reiterated the Authority's 2018 findings which were – *The Authority notes that the Police decision is supported by the findings of the Ombudsman, who was satisfied that, while there was unreasonable use of a seclusion room, there was no evidence of specific unlawful actions.*

However, when referring to our specific concerns, in March 2024, about MoE Investigator Terri Johnstone's inability to determine lawfulness, the Office of the Ombudsman responded, *The Chief Ombudsman would likely agree with Ms Johnstone's caution in expressing a view on the lawfulness of such rooms, as ultimately that would have been a matter for the courts to decide.*

Exceptional circumstances

We have been advised the Authority has a one-review policy and reviews thereafter are only done in exceptional circumstances.

We believe this is an exceptional circumstance as the **MoE internal protocols** *relied on by Ms Menzies* and *reviewed by the IPCA Case Resolution Panel*, do not exist.

Christine Menzies withheld information from Police with the intention of misleading the 2016-2017 investigation into allegations of abuse of vulnerable children and young people. The reasons she gave Police are deceptive and have all been rebutted by evidence provided to Police and IPCA.

DI Shona Low's personal view on secluding disabled students may have influenced the way she conducted her inquiries into our complaint against Christine Menzies. She said, "Whether I believe her or not, the point is I don't... when you say to me putting the children into seclusion, which I don't disagree that that's happened, but the reasons they done it are for good reason."

As the Authority, we would appreciate you confirming your position regarding this matter by email.

Thank you.

Yours sincerely

A handwritten signature in green ink, appearing to read 'e 72 Lina W. W. 11'.

Callum and Victoria Turnbull

cc: Hon Ginny Andersen – Spokesperson for Police

Hon Paul Goldsmith - Minister of Justice of New Zealand

Royal Commission of Inquiry in Abuse in Care

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**From:** "Cath Anyan" <[cath.anyan@ipca.govt.nz](mailto:cath.anyan@ipca.govt.nz)>  
**Date:** Monday, 2 September 2024 9:45 a.m.  
**To:** <[kevin.currie@ipca.govt.nz](mailto:kevin.currie@ipca.govt.nz)>  
**Subject:** IPCA complaint 23-20305

Kia ora Mr and Mrs Turnbull

Thank you for your letter. The Authority's role is to consider whether there has been any Police misconduct or neglect of duty. It is not our role to determine whether Ms Menzies deliberately misled the Police. As we advised in our letter of 16 November 2023, the Authority is satisfied that the Police determination that there was insufficient evidence to prove that Ms Menzies deliberately misled the investigator was reasonable in the circumstances.

The information you provided in your letter does not change our decision that there has been no misconduct or neglect of duty by Police.

Your complaint remains closed and the Authority will not respond to further correspondence about this matter.

Regards

Kevin

**Kevin Currie**

General Manager

Independent Police Conduct Authority, PO Box 25221, Wellington 6140, Aotearoa New Zealand

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