

C J and V A Turnbull

3 December 2024

Lesley Hoskin

CEO Teaching Council Aotearoa New Zealand

chief.executive@teachingcouncil.nz

Dear Ms Hoskin

10 years ago today, was when we first saw the barbaric, dark and grimy storeroom that teachers and staff had been secretly shutting students in, for many years, at Ruru Specialist School in Invercargill. We were horrified. **Abuse** was the first thing that came to our minds.

We went straight to Police and CYF. We complained to the Ministry of Education. We wrote to ERO about our concerns and complaints when it was reviewing the school. We wrote to the then Education Minister and we also wrote to the Opposition Spokesperson for Education. We have written to subsequent Ministers, including the current Minister for Education. We complained to the Chief Ombudsman about the school, Ministry of Education, CYF, and ERO. We communicated with other politicians and we spoke with the media. We complained about Police failings to the IPCA. We contacted and were referred to the Office of the Children's Commissioner. We made teacher complaints to the Education Council (now Teaching Council of Aotearoa New Zealand). We wrote to Jacinda Ardern when she was Prime Minister. We knew children were being harmed at Ruru Specialist School, by teachers and staff, and no one, no agency cared about the students there.

Here we are, 10 years later, still writing letters. Still caring.

On 25 February 2023 we sent you our Royal Commission Statement (redacted due to a death). We explained it was for your information and asked for it to be also distributed to Phil Straw and Julia McCook-Weir.

The following timeline has been included to assist you, as you read our concerns about the Teaching Council of Aotearoa New Zealand responses to our 2023 complaints against 5 teachers and our experiences with the Council.

Timeline:

25/02/23 – Turnbolls send their Royal Commission Statement to Teaching Council as it referenced Phil Straw and Julia McCook-Weir

28/02/23 – Teaching Council write email – reaching out to confirm course of action – advising *Council could take this as a complaint*

15/04/23 – 5 Teacher Complaints formalised – multiple detailed allegations against each teacher, including evidence, submitted

03/07/23 – The Council emails Turnbulls - *The Teaching Council conducts investigations into allegations of teacher misconduct. We do not investigate school's per se.*

24/05/24 – Teaching Council Triage Committee reached the decision – no further action on these matters

19/07/24 – Teaching Council legal review of decision letters completed

24/07/24 – Royal Commission findings were made public

27/08/24 – Turnbulls write to follow-up complaints seeking an update on complaints

19/09/24 – Mose Poi phones Turnbulls advising complaint decisions had been reached

20/09/24 – Decision letters dated 20 September 2024, emailed to Turnbulls

We had questions about the 5 generic decision letters regarding the complaints we made against 5 teachers who previously and currently work at Ruru Specialist School in Invercargill.

*Could you please advise us of the date the Committee reached their decisions regarding the complaints we made against 5 teachers referred to in your email dated 20 September 2024.*

*Also, in each letter it states “given the circumstances” – could you please explain what is meant by the circumstances. We are unsure.*

More than 5 weeks passed. On the 12 November 2024 Leana Coetzee replied,

*The Triage Committee convened on 24 May 2024 and made decisions regarding your complaints against five teachers.*

*Regarding your second query, the phrase "given the circumstances" is used in all of our "no further action" correspondence.*

*Please feel free to reach out if you have any further questions.*

We did have further questions and wrote back to Leana Coetzee on 12 November.

*Once the decisions were made by the Triage Committee, regarding the complaints against 5 teachers, why did it take 4 months to advise us of the decisions?*

*What were the reasons “no further action” was taken in relation to the specific complaints made against 5 teachers?*

On 27 November we received a response email from Mose Poi, Manager Professional Responsibility, who advised us he was the person that called in September. He wrote:

*By 24 July these were ready to be provided to you as the initiator, and the teachers who were the subjects of the complaints. Due to the context that led to the Council receiving your complaints, for example the fact you had been involved in the Royal Commission of Inquiry into Abuse in Care, it was suggested that I should call you to first communicate these decisions verbally rather than you simply being sent an email. I wanted to take this extra step in your case to ensure that you understood the decision and the process that had been*



*taken to reach that decision and had the opportunity to ask questions or raise concerns with me directly.*

When Mose Poi called, he did not communicate the decisions verbally during the phone call; only that the decisions had been reached. He did not discuss the decisions or the process that had been taken. During the call he was asked, when were the decisions made. He advised he did not know, but he would make sure this information was included in the formal response we would be sent by the Teaching Council. He did not do this.

In his email, Mose Poi wrote:

*Our standard process is to contact initiators and teachers as soon as possible to reduce the time that a person is under stress and in this case the notification took longer than what we would expect.*

The Teaching Council of Aotearoa New Zealand sat on the decisions for 4 months and we are still trying to get a straight answer regarding the decisions made.

It was extremely disappointing to read Mose Poi's reasons for not calling us until 19 September, even though decisions had been reached in May. He advised he didn't get time to call until the end of August and then fabricated a story whereby an internal decision was made to further delay calling us, to allow us time to receive and process Whanaketia (Royal Commission of Inquiry into Historical Abuse in Care final report), when Whanaketia was publicly released on 24 July. You will see by the timeline, 16 months had already passed, with no contact from the Council. We had even written to the Council in August, following up on the complaints.

The delays and deception are totally unacceptable.

.We would like to know when the 5 teachers were first advised (phone calls or writing) of the decisions.

Regarding the reference made by Mose Poi that our involvement in *Royal Commission of Inquiry into Abuse in Care* led to these complaints, we would like to remind you that we made formal teacher complaints with the Council years earlier, in January 2016, which only resulted in the Council advising it would share the complaints and evidence provided with the teachers, the subjects of the complaints. Because of this we had to withdraw our complaints as a Police investigation was about to commence.

In 2016 we wrote to the Council (then Education Council):

*Please return the confidential file we sent to the Education Council regarding the complaint we made against Principal Erin Cairns, and Teacher Victoria McDonald and other unnamed teachers at Ruru Specialist School, for alleged emotional, physical and psychological abuse of past and present students of the school.*

*As indicated, you have had the opportunity to read the information provided, and as it stands no immediate action from the Education Council is likely. Vulnerable children and young people remain at risk.*

Following an IPCA investigation, Police commenced a Police Investigation. The Council wrote back:

*I have discussed your concerns with my manager; given the serious allegations, he has suggested we keep hold of your complaint for now.*

*Rest assured we will not take any action, including sending it to the teachers, until we have received further information or confirmation – either from yourselves or from the Police.*

Even when we requested our complaint be withdrawn and file, with evidence, be returned (due to us being advised the information would be shared with the teachers under investigation), Phil Straw held a copy.

Phil Straw Teaching Council (then Education Council) was a part of the 2016-2017 Police investigation *Ruru School Allegations of Physical and Emotional Abuse* as a member of the interagency response under the Child Protection Protocol (CPP). Meeting minutes on Police file state “Phil Straw - details complaint received by Education Council”.

Under the CPP the agencies investigating were to communicate regularly in an open, honest and timely way, including responding promptly to requests by the other parties. Despite this, as previously advised, Phil Straw failed to provide Police the 1998 Ministry of Education Guidelines after Police requested guidelines from him.

In relation to our concerns about Police writing to Phil Straw requesting guidelines – Pauline Barnes, Deputy Chief Executive, Teaching Council Aotearoa New Zealand wrote to us in 2023: *As the guidelines were owned by the Ministry of Education, it was the responsibility of the Ministry to provide these to Police. We are unable to confirm if that was done.*”

Neither Phil Straw or Ministry of Education representative Christine Menzies, provided investigating Police the guidelines, for Police to conclude “*no National Guidelines were in existence with regards to restraint and seclusion*” which was untrue.

The 1998 Ministry of Education Guidelines, which Phil Straw would have been very familiar with in the position he held at the Council, remained current up until October 2016. These guidelines 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.*

In 2017, after the Police investigation Phil Straw wrote to us:

*I picked up the physical file and missed that the complaint had been withdrawn, we will not be taking any action on the file unless we have a complaint or carry out an own motion complaint in which case we will not be disclosing your material without your approval.*

In 2017 when there were proposed changes to the Education Act 1989 relating to seclusion and the use of physical restraint, which came off the back of our Ministry of Education complaint in 2014, the Council submitted - *There are likely to be employment consequences for a person who is found to have acted inappropriately or illegally.*

So even after receiving our 2016 complaints with evidence, involvement in the *Ruru School Allegations of Physical and Emotional Abuse* Police investigation (where the Board, teachers and staff all refused the talk to investigating Police); in which Ministry guidelines (which stated *Timeout rooms should not be used*), were withheld from Police and with the knowledge of at least 36 NZ schools having seclusion rooms for the purpose of secluding students, the Council’s attitude still was - *there are already legal and professional consequences if a student is harmed or physical force is used inappropriately.*

Later in 2017, the Chief Ombudsman’s opinion was that our son was secluded.



During the Abuse in Care Public Hearing in 2022, Iona Holsted, (then) Secretary for Education acknowledged in her opening statement, "the Ministry doesn't always get it right. Some records show that the Ministry should have acted with greater urgency. For example Ruru."

During the Hearing, she was asked by the lawyer whether the Ministry accepts that seclusion is an abusive practice. She responded, "The reason it's in the law is because we knew the traumatic effect of it was so great, so that is why it's the law, so yes. I think – sorry, yes because it's a form of abuse it went into the law."

Mose Poi has advised the complaints, *did not meet a threshold of concern that warranted a referral to further disciplinary processes.*

If – **abuse**, failure to report abuse, failure to have regard to school policies and procedures and Ministry of Education Guidelines directly relating to child safety and wellbeing, deception, being untruthful during multiple investigations into allegations of abuse, allegations of assaults (including punching and stabbing), victimisation, unlawful use of physical force, refusing to talk to Police investigating abuse allegations, and more...*does not meet a threshold of concern*, at the Teaching Council of Aotearoa New Zealand, what does?

The email from Mose Poi stated - *There are a variety of reasons that the Committee can reach a decision of NFA, for example if another agency or authority has already investigated and dealt with the matter, or if there was insufficient evidence.*

If this is a direct reference to the Ombudsman investigation (as the Chief Ombudsman opinion was referenced in the 5 generic letters), please be advised that the specific complaints against 5 teachers were not within the scope of the Chief Ombudsman investigation.

The Chief Ombudsman wrote to us about what he intended to investigate in 2016.

*Some of the specific concerns you have raised are not matters about which I could reasonably form an opinion. Other concerns were considered as part of the Ministry's investigation, carried out by Ms Johnstone. I am aware that for a number of reasons you were dissatisfied with that investigation, but I note that Ms Johnstone did conclude that there were deficiencies in the school's handling of your concerns.*

*In all the circumstances, I cannot see that there is anything further to be gained by an Ombudsman's investigation into the concerns you have raised in addition to the issue of seclusion, or that such an investigation would achieve the resolution you are seeking.*

The specific complaints we made against 5 teachers have not already been investigated. The complaints are not matters that have been dealt with by any agency or authority.

Following on from this, in 2018 Julia McCook-Weir – Lead Lawyer at (then) Education Council, contacted Victoria. The Council was leading a conversation to review of the restraint law and guidelines, only 1 year after it came into effect. We, and 2 other parents were trying to join the conversation upon finding out about a meeting that was held.

She asked if Victoria would be interested in being part of a small focus group – she explained it was to help frame the issues for a series of podcasts the Council were planning. The first was to be on the topic of restraint.

The small focus group met on only 1 occasion and Victoira skyped into a meeting to share our experience with the Council. Without permission, this information was then used in a briefing to (then) Education Minister Chris Hipkins, easily identifying our involvement.

Later, when another parent (who was in the focus group) wrote to the (then) Minister expressing concern over the Physical Restraint Advisory Group having biased membership, Chris Hipkins responded (not knowing that the parent was one of “these parents”) : “View of parents, including those who attended an earlier workshop run but the Teaching Council of Aotearoa New Zealand, also informed this work [meaning the work of the advisory group]. I am aware these parents wanted even greater restrictions on restraint than the law currently provides.”

His response blatantly misrepresented the small focus group conversation, and he implied this misinterpretation informed the work of the Advisory Group.

Through communicating with Julia McCook-Weir, Victoria was shocked to be told that the Education Council had invited Paul Kennedy as a guest speaker during internal training at the Council on the issue of restraint, at this time. Julia McCook-Weir described Paul Kennedy as an “expert”, when really, he was the ex-Principal of Halswell Residential Specialist School, a school that was earlier found to be using seclusion rooms.

Paul Kennedy also set up and ran the SCM (Safe Crisis Management) - a programme being used at Ruru Specialist School – the programme the school informed the Chief Ombudsman during his investigation, allowed for the use of their *safe room*.

So, as you can see, Teaching Council Aotearoa New Zealand has known about the years of abuse at Ruru Specialist School - for years. The Council had plenty of information and evidence (our earlier complaints, Victoria sharing our experience with the Council during the law and guidelines review period, and Phil Straw’s (Council) inclusion in the 2016-2017 Police investigation), to carry out an own motion complaint - but did not.

Finally, each of the 5 generic letters state, *The complaint, along with this letter, will be confidentially held in our internal files. Please be assured that the information will not be publicly available. This information may be referred to in future if future reports or complaints are received.*

We note, in 2020 it was reported in the media parents claim Ruru Specialist School exploited autistic students for manual labour as well as claiming students were still being secluded there. Did this raise alarm bells for the Teaching Council?

When your office responded, after receiving our Statement to the Royal Commission of Inquiry, we had hope, because we felt like we were being heard. Now, after having to relive the dreadful details through your complaint process and months of waiting for responses, we are left baffled. It appears to have been all for show.

What did you see in our Royal Commission Witness Statement, that the Teaching Council’s Triage Committee couldn’t see, when it decided to take no further action on the 23 specific complaints that we made against 5 teachers?



We would very much appreciate a response, if you can shed any light on the matters we have raised.

Thank you.

Yours sincerely

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

Callum and Victoria Turnbull

cc:

Rt Hon Christopher Luxon – [Christopher.Luxon@parliament.govt.nz](mailto:Christopher.Luxon@parliament.govt.nz)

Rt Hon Chris Hipkins – [Chris.Hipkins@parliament.govt.nz](mailto:Chris.Hipkins@parliament.govt.nz)

Chloe Swarbrick – [Chloe.Swarbrick@parliament.govt.nz](mailto:Chloe.Swarbrick@parliament.govt.nz)

Debbie Ngarewa-Packer – [Debbie.Ngarewa-Packer@parliament.govt.nz](mailto:Debbie.Ngarewa-Packer@parliament.govt.nz)

Hon David Seymour – [David.Seymour@parliament.govt.nz](mailto:David.Seymour@parliament.govt.nz)

Rt Hon Winston Peters – [Winston.Peters@parliament.govt.nz](mailto:Winston.Peters@parliament.govt.nz)