

## **Where did it happen?**

Address/location Invercargill

Town/City Invercargill

## **Who was involved?**

### *Police officers*

Please provide Detective Mathew Wyatt contacted us by telephone. the names of any Police staff you wish to complain about. If you do not know the names, please provide any other identifying details such as rank, badge number, and/or a description of the officer.

### *Others*

If possible, please provide Detective Wyatt had consulted his own manager Detective Sergeant the names and Mark McCloy. contact details of any other people who may be able to help the Authority to resolve your complaint. This may include

witnesses or other people involved in the incident.

## **What happened?**

Please tell us about the Police actions you want to complain about.

Detective Mathew Wyatt contacted my husband by telephone to inform him that the police would not be investigating a complaint we had made alleging abuse of our son (a child/young person with autism) by staff and management at Ruru Specialist School. A bus driver had witnessed and reported a Ruru School staff member abuse (physical and emotional) our son, he had regular unexplained bruising on his body, we had knowledge of 3rd party allegations of student abuse, and we had witnessed a barbaric seclusion room at the school that our son had been restrained in without our knowledge. On the 4 December 2014 CYF Acting Supervisor Lynda Hereaka called and interviewed us and we reported all of this information to her. Ms Hereaka had a strong connection with the school, and during the interview she commented that her own child was being cared for by a Ruru teacher as we spoke. After consultation between CYF and Detective Wyatt, we were told by Detective Wyatt that "it's a well used room, which the Ministry (MoE) was aware of." He also told my husband that the police do not investigate abuse in schools. He told us this was a matter for the Ministry, and advised us to contact them. MoE commissioned an investigation. We have been advised by MoE Manager Murray Roberts that MoE was not aware of the seclusion room, apart from it being a space on a floor plan. The investigation report stated that the seclusion room was not "well used", however evidence gathered by our lawyer contradicts the report. He has interviewed a witness who has stated that it was used frequently (daily) to restrain disabled students.

## **Supporting Information**

Please provide information relevant to your complaint.

Please note that the Authority will assess your complaint and consider future

CYF have written that CYF and Police agreed that this matter sat outside a care and protection brief for Child Youth and Family and therefore did not meet criteria of the joint Child Protection Protocol. In April 2015 I met with CYF Site Manager Raewyn Hubbard and Supervisor Jan Oster. I referred to 'Reporting of Suspected or Actual Child Abuse and Neglect Protocol between the Ministry of Education, the New Zealand School Trustees Association and Child, Youth and Family 2009'. Jan Oster advised me that we were the only party talked to, therefore confirming no part of the Protocol was followed. I then

actions on the basis of this.

contacted Detective Wyatt by telephone and asked him how he came to the decision not to investigate and he said it was based on the information gathered by CYF. When I reminded him of the reason he had given us on the 5 December 2014, he said, "did I say that, did I?" I also informed Detective Wyatt during that call that we/our lawyer had statements from witnesses, one of which described specific examples of assaults by staff of pupils. Through our own private investigation we have evidence that school management have misled the MoE investigator eg: it was reported that the room was a purpose built timeout/safe room, and as part of a OIA request we were sent plans that refer to it as a timeout room, however the plans they forwarded did not relate to the building of the room. When we sited the correct plans held at ICC, we discovered the room was consented and built in 1999 as a "small storeroom". We were advised by senior management of the MoE, as well as the investigator, that our allegations of child abuse, the abuse described by witness (XY), and the misuse and deception surrounding the seclusion room at Ruru Specialist School is a criminal matter and therefore should be referred to police and CYF by us. Our lawyer has forwarded 2 letters and follow up emails, on our behalf, to this effect, but they have not responded to date. Information very relevant to our complaint is that Senior Detective Sean Cairns mother is the Principal of Ruru Specialist School, his wife is a teacher at the school, and he has 2 sisters that are also staff at the school.

### **Complaint Resolution**

Please tell us how you would like to see your complaint resolved

We would like the opportunity to make our complaint to police without any 'conflict of interest' by way of association or relationship. We would like Detective Wyatt to be held accountable for his part in the decision not to investigate our complaint in December 2014, relating to the allegations of abuse and mistreatment of our son and other students by staff and management of Ruru Specialist School.

IPCA: 15-0398/kfi



25 August 2015

Mrs Victoria TURNBULL

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Dear Mrs Turnbull

Receipt is acknowledged of your online complaint form received in this office today.

The Authority is making enquiries into the matter, following which a decision will be made on the appropriate way to deal with your complaint. If you have any other information relevant to your complaint you like the Authority to consider before making that decision please forward this to the Authority at [complaint.management@ipca.govt.nz](mailto:complaint.management@ipca.govt.nz) or to P O Box 25221, Wellington 6146.

Please refer to the Authority's website [www.ipca.govt.nz](http://www.ipca.govt.nz) for further information about the Authority or the complaints process.

Yours sincerely

K Irvine  
Senior Complaints Assessor  
INDEPENDENT POLICE CONDUCT AUTHORITY