

Mr C J and Mr V A Turnbull

28 May 2015

Hon Hekia Parata
Parliament Office
Suite 6. 4
Executive Wing
Parliament Buildings
Wellington

Dear Madam

We are writing with grave concern and fear for the mental and physical wellbeing of students at Ruru Specialist School, Invercargill.

We withdrew our son from this school on 2 December 2014, believing he was at risk. This was apparent due to:

- Ongoing unexplained bruising
- Psychological abuse, through threats
- Gobos driver reporting he witnessed a teacher aide assaulting our son
- Knowledge of 3rd party allegations involving student abuse

We raised these serious concerns with the school management. The Principal responded to the alleged assault witnessed by the Gobus driver by contacting the bus company manager, demanding the driver be removed from the Ruru School bus route. She then helped source references for the teacher aide.

At a following BOT meeting the Principal raised the 3rd party allegations, with misleading, inaccurate detail, dismissing claims as 'possible retaliation' or 'alcohol talk'.

Immediately following this meeting we made a formal complaint and met with school management and BOT Chairperson. Nearing the conclusion of this meeting we requested to be shown 'the little room' which our son had verbalized in the past to us. We were taken through 2 locked doors, and shown a seclusion room at the school in which our son had been confined without our knowledge.

The room measured 1.3 x 1.8m and 3.3m in height. It had no windows to view, no light, no heating, no way of getting out (no door handle, and swipe card access) old carpet on walls, and an aged raw concrete floor. It was barbaric.

We contacted the police who in turn contacted CYFS. The CYFS interviewer who met with us, had strong connections to the school and therefore 'conflict of interest.' We gave the CYFS interviewer all details surrounding our son's treatment at Ruru Specialist School, as well as 3rd party allegation details. After liaising, both police and CYFS decided not to continue further with an investigation and we were told by police "it's a well-used room" and "the ministry are aware of it." The police also told us they did not investigate abuse at schools. We were advised by police and CYFS, it was a matter for Ministry of Education.

Asked recently, Ministry of Education Manager, Murray Roberts confirmed the Ministry of Education was not aware of the seclusion room at Ruru Specialist School, apart from it being a space on a floor plan.

Further research now indicates the protocol between MoE, NZSTA and CYF 2009 was not followed. Most recently on 21 April 2015, we met with CYFS Invercargill Site Manager seeking an explanation as to why CYFS resolved not to investigate our complaint. After a number of follow ups, 4 weeks on, we have yet to be advised. It took 30 hours for them to reach their decision not to investigate, and so far, over 30 days to tell us how they reached that decision.

Having received advice from the police and CYFS we made a formal complaint to the Ministry of Education. After some pressure Murray Roberts closed the seclusion room 7 school days after we viewed it. Murray Roberts advised us an investigation was pending. The investigation took place in February 2015. We were very concerned that the appointed investigator was a mediator (Terri Johnstone) and not a person with extensive investigation experience. Ms Johnstone's first line of questioning was 'how can we find a resolution?' This confirmed our fears that she was sent in to mediate, not investigate.

We now question if Mr Roberts was unwilling to find the truth, or just unable to find the truth. This question is based on:

- Who he appointed to investigate
- How the investigation was narrowed by Ministry of Education
- The continued lack of urgency in relation to this matter, which enabled the school to make alterations to the room at the centre of the investigation

The investigator failed to talk with key people, such as our son's teacher of 3 years, the person who was responsible for authorising our son to be collected from his satellite school, restrained, and transported in a van to the seclusion room at Ruru Specialist School. The investigator reported that she sighted documents signed by this teacher stating we had been advised this was happening to our son. More recently when we questioned the investigator about this, she admitted she doubted this documentation, but let the reader to draw their own conclusion.

Other BOT members were not interviewed, yet the investigator herself questioned whether in fact the BOT had knowledge of the seclusion room.

Ms Johnstone failed to interview staff who were responsible for confining other students in the seclusion room. Her report states the room was not used in 2013, however during a phone conversation with an ex Deputy Principal, who only worked at the school in 2013, he admitted he had restrained our son in the seclusion room at least twice during 2013. He also admitted

restraining other students in the room during that time. This witness was not ever spoken to by Ms Johnstone. We have spoken directly to this person who, having later realised he had implicated the school sought to retract his admissions. We have also spoken to another ex teacher who has asked for anonymity and is described in records as XY. XY has described physical abuse and her statement conflicts with the findings made by Ms Johnstone as regards to the use of the seclusion room. The investigator did not speak to ex teachers notwithstanding our concern that current staff would simply tow the party line.

The investigator did not interview staff who made changes to the seclusion room whilst it was closed, pending the Ministry of Education investigation. Ms Johnstone reported that she spoke to Christine Menzies the Ministry of Education Manager who viewed the room on December 12. Ms Menzies had stated that the room did not have a lock. However at a recent meeting we questioned Ms Menzies whether the door had a lock and she said, "I don't remember." We asked her, "Did you see a door handle on the inside?" She replied, "No." The investigator had relied on an unreliable record.

We found a large number of flaws, untruths, and unanswered questions in the investigation report. Our lawyer prioritized our review findings and forwarded these along with interviews we and/or our lawyer had conducted with 2 ex-teachers which we believe demonstrate that the investigator was misled by school management.

Ms Johnstone's investigation should have addressed whether the Ruru Schools use of a 'timeout/safe room' or similar withdrawal space in the school was lawful. In her report she expressed surprise that such rooms could be lawful. The report is therefore incomplete in relation to a critical matter leaving several unanswered questions.

It was recently suggested to us by Ministry of Education management that such a report to a school BOT and management should be accepted and regarded as extremely serious. Mr Roberts even commented the report found the BOT "woefully inadequate." However in April we received from the school's lawyer a copy of the unconfirmed 2015 ERO Report. The report was sent to us to assist in changing our perception of our experience. The school was delighted to comment "ERO visit 2015 discussion while viewing the safe area; carpeted and soft walls and floors, natural lighting, well ventilated, not too big so students won't run and hurt themselves, handles both sides and no locks. Ticks all the boxes."

The unconfirmed ERO report we received states that the school is based on a strong ethic of care, staff communicate frequently and effectively with each other and with family members. It goes on to say Trustees have a thorough knowledge of all aspects of the school.

EROs unconfirmed report is a stark contradiction to the findings of the Ministry of Education investigation. ERO's review of the school took place shortly after the Ministry of Education Investigation Report was released. The ERO team was aware of this. Based on the ERO report it seems clear that the school rejects any negative findings made by Ms Johnstone.

Seclusion is the placing of a person at any time for any duration, alone in an area where he/she cannot freely exit. Seclusion has been shown to cause not only physical but also emotional and mental harm. Locking someone up on their own is the very opposite to valuing and including them.

We believe the seclusion room at Ruru Specialist School has been misused and operated in secrecy for many years, as a form of punishment on scared, challenged students who have difficulty

communicating, breaching their human rights. The secrecy shrouding the use of the room suggests staff and management knew what they are doing to students was wrong.

The students of this school and their families are extremely vulnerable and have in most cases, like us, exhausted all other suitable education options. These people, however deserve to know the truth, and above all else, the students deserve the right to be treated with care, respect, and dignity.

We are deeply saddened, carrying the weight of having unknowingly put our son into a harmful setting. We believe he has been severely, psychologically damaged by the treatment he received by staff at Ruru Specialist School.

To this point we have followed all correct, necessary procedures relating to our concerns, addressing them with teachers, Principal, BOT, CYF, Police, and MoE. We feel there are major cover-ups taking place and we would like to give you, as Minister of Education an opportunity to investigate and respond.

Our son remains withdrawn from school. We have had reports of continuing abuse of students at the school by staff, and have recently been sent a photo of a student being restrained face down on the ground behind a classroom at the school. The student was not posing physical danger to herself or others. She was isolated. The staff were heard swearing.

We were advised by senior management of the Ministry of Education, as well as Terri Johnstone, that our allegations of child abuse, the abuse described by 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 CYFS by us. Our lawyer has forwarded a letter to police, on our behalf, to this effect, but they have not responded to date.

We remain hopeful the Ministry of Education will conduct a full and thorough investigation into our concerns. We would welcome the opportunity to meet with you.

Yours faithfully

Callum and Victoria Turnbull

Refer attachments:

1. Turnbull's complaint to MoE Murray Roberts – includes relevant email's, complaint to BOT, letter detailing 3rd party abuse allegations, accident report
2. Victoria Turnbull email to Murray Roberts – Details of discussion at 24/11/14 BOT meeting
3. BOT response letter in relation to 3rd party abuse allegations
4. Principal formal complaint to SESTA about Andrew Bayne Gobus Manager and driver Dusty
5. Turnbull's email to Murray Roberts requesting urgency
6. Lawyer J Eaton QC to Murray Roberts – letter advising representation
7. J Eaton QC letter to BOT requesting information
8. J Eaton QC letter to BOT - OIA Request
9. Terri Johnstone, Catalyst for Change letter to J Eaton QC

10. J Eaton QC letter to Terri Johnstone
11. J Eaton QC letter to Terri Johnstone requesting photo evidence
12. Catalyst for Change Terri Johnstone – Investigation into Complaint Ruru School Invercargill Feb 2015
13. Investigation Review – Turnbull
14. J Eaton QC Letter to Murray Roberts – concerns arising from the Johnstone Report
15. Ex Deputy Principal Paul Anderson-Kereti phone interviews
16. Notes of interview between J Eaton QC and XY
17. Murray Roberts letter to J Eaton QC – Terri Johnstone response to Turnbull's concerns
18. Email V Turnbull to ERO - Russell Wallace advising conflict, complaint, investigation
19. R Wallace email response
20. School lawyer Tony Irvine email Unconfirmed Education Review Office Report
21. BOT meeting 23 Feb 2015 draft copy of BOT minutes
22. V Turnbull phone conversation with Sharon Rogers BOT about inaccuracies in draft BOT minutes.
23. V Turnbull BOT resignation letter
24. J Eaton QC letter T Irvine following up OIA request
25. J Eaton QC email T Irvine OIA request and T Irvine response
26. J Eaton QC letter to Police

Not included:

Child and Adolescent Psychiatrist reports Feb 2011 to September 2013

Photo of facial bruising on our son, November 2015

Video recording of our son, talking about 'the little room' 10 Feb 2015

Recent photo sent to us of student being restrained by staff

Photos of seclusion room door and surrounding area, indicating changes made to door and locks, 12 April 2015

Audio recording of phone call between Callum Turnbull and Murray Roberts MoE, 15 April 2015

Audio recording of meeting involving Turnbolls, MoE management Murray Roberts, Christine Menzies, Julie Anderson, and investigator Terri Johnstone, 28 April 2015

Points of reference:

NZS 8134.2:2008 Health and Disability Services (Restraint Minimisation and Safe Practice) Standards

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

Restraint and Seclusion “Hear our stories” – a 27 min film by Dan Habib, 4 young people telling their experience of seclusion.

Schools advised on child restraint – [Stuff.co.nz](http://www.stuff.co.nz)
5 May 2015



Office of Hon Hekia Parata

Minister of Education

E15.00872

29 May 2015

Mr and Mrs Callum and Victoria Turnbull

Tēnā koe Mr and Mrs Turnbull

On behalf of Hon Hekia Parata, thank you for your letter received on 29 May 2015 regarding your concerns about Ruru Specialist School in Invercargill.

The matter you have raised falls within the responsibility of the Ministry of Education. Your letter has been referred to the Ministry of Education, for direct reply on the Minister's behalf.

The Ministry of Education will respond to you as a matter of priority.

Thank you once again for writing.

Yours sincerely

Michelle Tingey
Senior Private Secretary

cc Ministry of Education
Thorndon
Wellington



Office of Hon Hekia Parata

Minister of Education

30 JUN 2015

Mr CJ and Mrs VA Turnbull

Tēnā kōrua Mr Turnbull rāua ko Ms Turnbull

Thank you for your letter of 28 May 2015 about your concerns with use of time out and restraint at Ruru Specialist School.

Ministry of Education officials have advised an independent investigator was engaged to investigate the concerns you raised. I understand the Director of Education Otago/Southland, the Regional Manager and District Manager Special Education met with you to discuss the outcomes of the investigator's report you and the Ministry received.

The Ministry has asked the Ruru Specialist School Board of Trustees to develop a full action plan around the specific recommendations from the report. The action plan requires the Board to regularly report on milestones achieved implementing the plan.

As also recommended in the report, the Ministry is developing *Guidelines for Time Out and Restraint* which will be used nationally to inform and support schools and parents in this area.

Should you have any additional complaints about the school, these should be directed to the Board of Trustees in the first instance as they are responsible for the school's governance.

If you are not satisfied with how your complaints have been managed, you can contact the Office of the Ombudsman at www.ombudsman.parliament.nz. The Ombudsman is an independent body appointed by the Governor-General to investigate complaints from individuals about actions and decisions of organisations, including schools. The Ombudsman can investigate the process the Board used to deal with your complaints and make recommendations if appropriate.

If you have evidence of a criminal nature and wish to make a complaint, please provide the information to the Police.

I understand Sarah Hailes, Special Education Advisor, Southland District is working with you to provide advice and support around your son's education and the implementation of the Home School Programme.

I wish your son well with his schooling.

Heoi anō

Hon Hekia Parata
Minister of Education