

C J and V A Turnbull

16 September 2016

Deputy Chief Review Officer

Education Review Office

Southern

Dear Ms Patterson

Reference: ERO Report 08-08-2016 Ruru Specialist School

I am writing with a number of concerns relating to the recently released ERO report for Ruru Specialist School. Issues of most concern are as follows:

With reference to Context you state: *In 2014 the MoE commissioned a report in relation to how well the school was providing a safe emotional and physical environment for students.*

1. The report being referred to was released March 2015 after Terri Johnstone Investigator, carried out an investigation at Ruru Specialist School in February 2015.
2. The MoE commissioned an investigation because of our complaints, in relation to:
 - *The Board of Trustees handling of a complaint by us (Turnbulls)*
 - *Ruru School's use of a 'timeout/safe room' or similar withdrawal space in the school and its lawfulness*
 - *Use of the 'timeout/safe room' specifically relating to our son*
 - *Policies and procedures for the use of the 'timeout/safe room' or such space in the school*

The reference you make to the report in *Context* is a misrepresentation of the MoE Investigation Report and is misleading to parents and prospective parents of the school.

- In respect of the first point (2.) the investigator states:

In my opinion a significant factor in the Board's handling of the complaints was the minimisation of the seriousness of the two allegations that the parent raised at the end of the meeting. The comments in the Board minutes appear scant and dismissive.

Any issue relating to student safety and well-being are very serious. For this reason, I believe the Board have potentially failed the school community.

- In respect of the points (2.) relating to the restraint and seclusion of students in a small, dark and grimy storeroom at the school since 1999, the investigator has stated:

Allegations which relate to potential abuse warrant robust discussion. I was surprised at the lack of enquiry from the Board members relating to Ruru's Policies and Procedures, how the use of the room is monitored, the legality surrounding the use of such rooms and what other special schools use. The scant discussion led me to wonder if all Board members had in fact seen the safe room.

"While I could not find the use of the safe room unlawful, I was surprised that rooms like that of Ruru School could be lawful".

In December 2015, IPCA recommended a Police Investigation into the use of the seclusion room at Ruru Specialist School should take place. The Police are currently investigating the School. It is concerning that your review of the school makes no reference to this ongoing Police Investigation into a procedure and practice that has been used at the school since 1999.

The parents we have spoken to, pre/post MoE Investigation have no knowledge of the seclusion/storeroom (described in the report as 'timeout/safe room') existence or use.

The MoE Investigation Report was released to the School on 4 March 2015, prior to ERO's review of the school in 2015, however the report was not made available to ERO during that review and Russell Wallace (ERO) did not seek a copy of the MoE Investigation Report even after being advised (by V Turnbull BOT member at that time) that we had made serious complaints to the School and MoE about mistreatment of students at the school, by staff and management.

In April 2015 we were sent the Unconfirmed ERO Report for Ruru Specialist School by their lawyer, who expressed how delighted the Board was with the ERO Review. The same day we were also sent 93 comments ("rejections") made by the Board in their response to the MoE Investigation Report.

At the time we were extremely concerned that the Unconfirmed ERO Report was a stark contrast to the MoE Investigation Report released a month earlier. We were concerned that the Board quoted comments from the Unconfirmed ERO Review, to reject claims made in the MoE Report.

- Ministry of Education Regional Manager Murray Roberts has stated to us that the MoE Investigation Report found the Board of Trustees "woefully inadequate".

With reference to Context you state: *MoE has informed ERO that the board has responded to the recommendations in the report and has made changes to policies, procedures and practices.*

3. The board responded to the recommendations by sending the same 93 comments they made about the MoE Report to MoE Management. Eg:

- Recommendation 2. That Ruru Board of Trustees thoroughly review Health and Safety Policies and Procedures relating to the use of the seclusion (safe rooms) and restraint, and strengthen where required. **Commented [BOT84]: We are already doing this as per our BOT and staff review of Health and Safety Policy and Procedures biannually.**
- Recommendation 10. That the Board of Trustees considers less restrictive options when managing behaviour other than seclusion and restraint, in accordance with current best practice. **Commented [BOT89]: Disagree with use of this word, Commented [BOT90]: Ruru school do not use the word restraint instead using the word 'Physical Intervention'.** Please refer to the attached photo sent to us in March 2015, of a student being restrained by staff face down. The student was not posing danger to themselves or others. The student was isolated. The staff were heard swearing.
- Recommendation 12. That the Board review the school's Complaints Policies and Procedures and ensure that the staff and board members are fully conversant with these documents when managing complaints. **Commented [BOT 92]: The BOT have already signalled that they will review this in term 2 2015 and this is documented on the Triannual review cycle.**
- The investigator states in the report: *Moving forward, it will be paramount that all parties are explicitly clear on all aspects of the use of the safe room and the procedures designed to support appropriate use.* **Commented [BOT72]: Will do this if we keep it and will be based on proposed MoE guidelines.** However, 18 months have passed since the release of the MoE Investigation and we reference the June/July 2016, SEPANZ newsletter to Principals, the President comments and the Ministry of Education Advisory Group that has been working on guidelines – "Currently the 'resource' is in Draft so I am unable to share it with you."
- In December 2015 we were contacted by a teacher at the school who was leaving the country. When questioned, this teacher who worked at the school until the end of 2015 had no knowledge of the seclusion room being closed. This was absolutely devastating to hear as we refer to **Recommendation 1. That the *current* safe room at Ruru Specialist School be closed.**

With reference to Sustainable Performance you state: board and senior leaders acknowledge that the MoE-commissioned report in 2014 has been beneficial in helping them look more closely at how well these procedures and practices positively support student learning and safety.

4. We are very concerned that any changes made to procedures and practices will be non-effective as the procedures and practices that have been superseded, were not being followed or adhered too, monitored or cross checked, in the first instance. This was evident upon requesting a copy of the schools Procedures through OIA request. We discovered that the Procedures in place pertaining to the "Safe Area" prior to the investigation were seriously lacking, not being followed and were unmonitored. This point was raised throughout the MoE Report eg:

"My findings indicate the Board did not adequately follow the school Complaints Procedure." **Commented [BOT46]: We disagree**

"Documentation relating to individual student use of the safe room needs to be significantly improved, particularly in relation to the behaviours listed on the recording form."

"My investigation finds the Ruru safe room, in relation to size, sparseness, and general feel is inadequate. I believe it likely that a child removed to this safe room may feel they are being punished..." **Commented [BOT73]: Reviewer opinion not fact.**

"Parents and caregivers need to give permission for the use of the safe room and be explicitly informed if and when the room is used."

"In reviewing the Ruru School Procedures for the Safe area, I found that these procedures are loosely written and are too open to interpretation. There are many gaps, leaving me with several questions:"

5. On Monday 4 July 2016 we contacted ex-BOT (Deputy Chair) Kerry Fenwick. We had not spoken with her since Victoria resigned from the BOT 2015. Kerry said, "I have absolutely no problem with the room." She quickly ended the call, yelling "go away Callum! You tried to f*** over the school, and you failed!"

We then contacted Barry Tangney who is a newly appointed BOT member. He was unaware that we had left the school, he told us he had not seen the room, knew nothing about the room, apart from what he had read in the newspaper.

- With reference the Unconfirmed ERO Report 2015 **Sustainable Performance** it states:
School leaders have developed well documented systems and procedures for all aspects of the school operations. This applies particularly to the many procedures requires for the physical and emotional care of the school's students with very high and complex needs. This statement is false.

It is extremely concerning to us that the 2016 ERO Review of Ruru Specialist School makes no reference to the ongoing Police Investigation into the use of the seclusion room at the school, which includes allegations of mistreatment of students by staff and management.

Upon further investigation by ourselves we have discovered that the room was consented and built as a small storeroom in 1999. The intended use of the small storeroom was a seclusion room for disabled children and young people.

We have received advice from Katrina Casey Ministry of Education, that the room would have been viewed by the Ministry's School Property Officer in 1999, once the construction contract was completed, however the MoE have never monitored the seclusion room's usage since then.

Under the Official Information Act 1982 (the Act) please formally advise us:

- During the 2002, 2006, 2009, and 2016, ERO reviews of Ruru Specialist School had ERO Review Officers reviewing the school, viewed/inspected the seclusion room at Ruru Specialist School? (Plan attached)
- During the 2002, 2006, 2009 and 2016, ERO reviews of Ruru Specialist School had ERO Review Officers reviewing the school, reviewed all documentation relating to the seclusion room's usage, systems and procedures? If so, why has ERO never reported specifically to the school community?
- Did ERO question Ruru Specialist School Board of Trustees why they withheld the Investigation Report commissioned by the Ministry of Education 2015 during the 2015 review of the school? If so, what was the Board of Trustees response to this question? If not, why was this question never asked?
- When was ERO first aware that the seclusion room at Ruru Specialist School was in fact a small storeroom?
- How many New Zealand Schools operate a seclusion room? Please provide ratio.
- How many Special Needs/Specialist Schools operate a seclusion room? Please provide ratio.
- Has ERO ever reported specifically on school's seclusion rooms in ERO Reports?

It is our understanding that the purpose of ERO's reviews is to give parents and the wider school community assurance about the quality of education that schools provide and their children receive. We relied heavily on ERO's reviews when choosing to shift our family to Southland so our son could attend this school. If we had known Ruru Specialist School operated a seclusion room, we would never have exposed our son to this harmful environment.

....the use of seclusion....in mental health settings creates significant risk for adults and children with psychiatric disabilities. These risks include serious injury or death, re-traumatizing people who have a history of trauma, loss of dignity, and other psychological harm.

We look forward to your response.

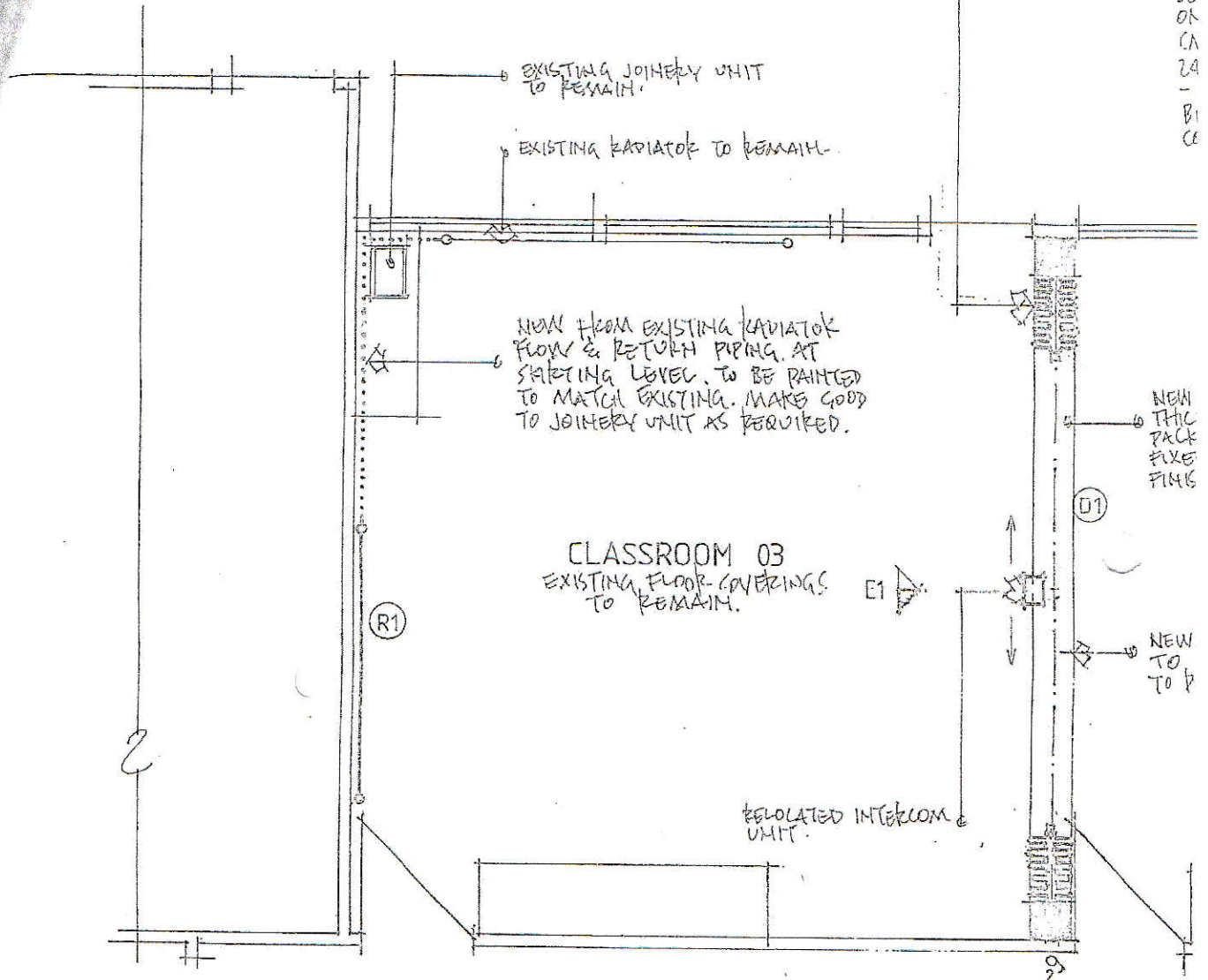
Yours sincerely

Callum and Victoria Turnbull



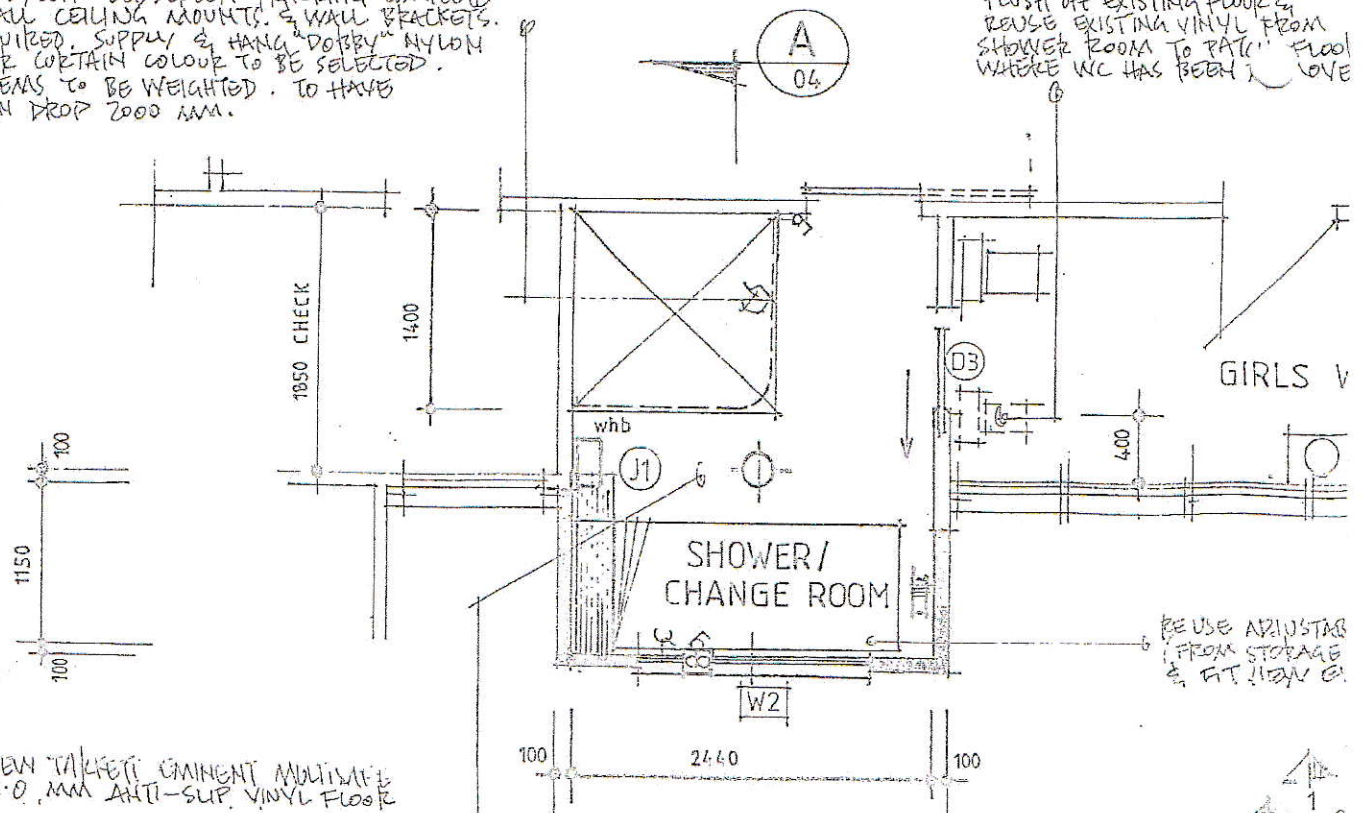
SUPPLY 24 HRS. HOT WATER AND
DUPASOUND STL 43 ACCORDION
BI-PARTING FOLDING PARTITION
DOOR OF SELECTED COLOUR. REFER
TO SHEET 05.

NE
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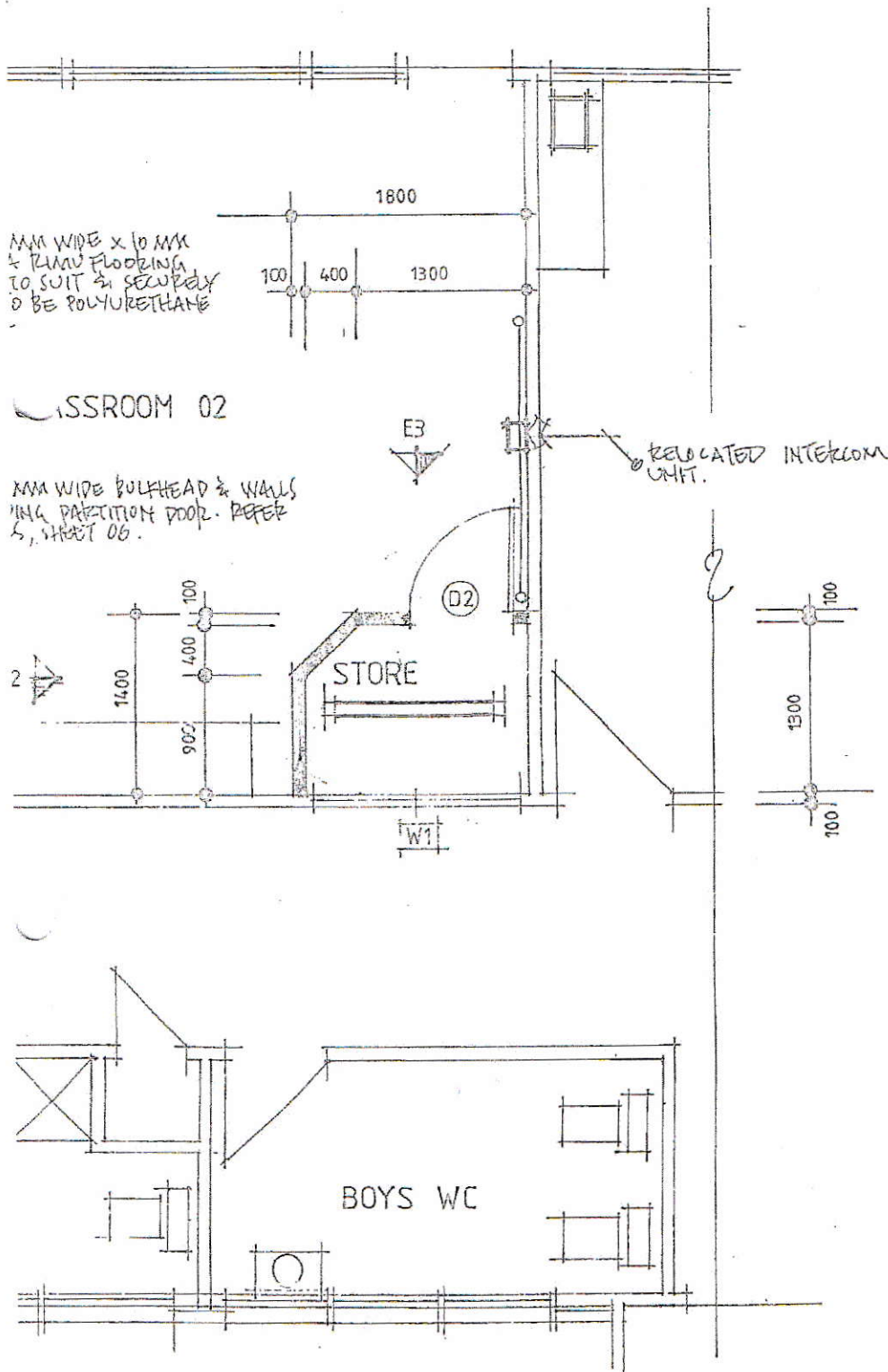
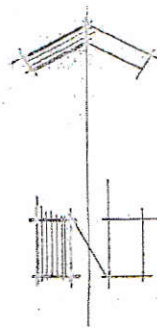
NEW "SYLON" BEDSCREEN TRACKING COMPLETE
WITH ALL CEILING MOUNTS & WALL BRACKETS.
AS REQUIRED. SUPPLY & HANG "DORBY" NYLON
SHOWER CURTAIN COLOUR TO BE SELECTED.
ALL HEMS TO BE WEIGHTED. TO HAVE
CURTAIN DROP 2000 MM.

FLUSH OFF EXISTING FLOOR &
REUSE EXISTING VINYL FROM
SHOWER ROOM TO PAVE FLOOR
WHERE WC HAS BEEN. LOVE



NEW TAHERI EMINENT MULTIMAT
2.0 MM ANTI-SUP. VINYL FLOOR

AVAUER BRENNWORTH 40 02
 RUAL HEAVY DUTY, "KARATEX"
 FUEL LOOP PILE CARPET OF
 ED GLOVE TO CLASS 02 & STORE
 ALL INSTALLATION WORK FOR
 SHALL COMPLY WITH A.S./N.C.S.
 : 1995 "TEXTILE FLOOR COVERINGS
 AUTION. PRACTICE". CARPET TO
 CURELY ADHESIVE FIXED TO EXISTING
 BTE FLOOR.



LEGEND

- whb REVISED/RECESSED
- (R1) EXISTING RADIA POSITION & PIP. SUIT.
- NEW 100 X 50 FRAMING, LINED
- EXISTING MISTRI SWITCH & CABLE AS SHOWN.
- EXISTING LIGHT
- EXISTING DOUBLE LIGHT RELOCATE SWITCHING CIR
- EXISTING INCAN RELOCATED ON CIRCUIT.
- EXISTING HIGH BATHROOM HEA
- STANDARD SINE OUTLET.
- NEW 2 GANG UG MOUNTED TO EX TO BE FITTED D FIRE ALARM CALL TO RUN NEW W DUCTING.

ELECTRICAL - Extent of Work

FLOOR COVERINGS - Extent :

- Classroom 02, 03 and Store
- Remove existing Carpet and Vinyl