

1 We do explore, and this goes to the point that, I think you were questioning Ms
 2 Holsted yesterday, we do explore deeply, and so the guidance for our evaluation partners
 3 working in schools is that they will dig and dig deep and probe into the use of restraint and
 4 seclusion, particularly following on the events that you described yesterday with respect to
 5 Ruru special school.

6 **CHAIR:** How does that accord with what you've said in your Notice to Produce, which is that you
 7 have no power to monitor seclusion and restraint, but what you're describing here --

8 **MR POLE:** We're not in there every day, we're not -- we can't ensure the practices of every
 9 classroom teacher --

10 **CHAIR:** You're not being the police officer sitting there watching and waving.

11 **MR POLE:** No, but we will go into a school and ensure that they understand the policy settings,
 12 the requisite practice and those practices, from my perspective, are about how you ensure
 13 that you have good behaviour management strategies, and I've talked about those earlier.

14 **CHAIR:** To that extent it is monitoring, isn't it?

15 **MR POLE:** It is monitoring, it's not --

16 **CHAIR:** It's oversight.

17 **MR POLE:** It's oversight.

18 **CHAIR:** Yes, okay. Thank you.

19 **MS SHARKEY:** Just on Ruru school, you'll be well familiar with that situation. Do you accept
 20 the information sharing was not accurate nor reliable?

21 **MS LEE:** I can answer that question, it's Jane speaking. Yes, we could consider there was a lack
 22 of information sharing in a timely way at the time of the 2015 review.

23 **MS SHARKEY:** I think we had heard an example of that before about Police not telling you there
 24 was an investigation. Well, they were telling you that there was no investigation?

25 **MS LEE:** Correct, we were unaware at the time of the review in 2015 that there was a Ministry
 26 investigation into the use of a seclusion room, and also that there had been a Police
 27 investigation. We did know that in 2016. As a result of the report coming to light and the
 28 Police investigation coming to light, we put the 2015 review and report aside and
 29 conducted a new review in 2016.

30 **MS SHARKEY:** And just before tying that part off, the Ministry of Education also didn't inform
 31 you?

32 **MS LEE:** That is correct.

33 **MS SHARKEY:** Does that show this kind of, --why there's that silo approach; would you agree
 34 with that?

1 **MS LEE:** At the time the Ministry of Education, that particular investigation was being handled
2 out of another office in the Ministry as opposed to the office where the review team were
3 situated. For example, the complaint was handled out of Canterbury, or the investigation,
4 and the ERO team was from the Otago office.

5 **MS SHARKEY:** Okay. So there's an issue with sharing that information and it all coming into the
6 place where it needs to?

7 **MS LEE:** At the time, yes, there was an issue with the sharing of information, we've
8 acknowledged that.

9 **MS SHARKEY:** Is it my understanding that there was this ERO report done, we're talking about
10 2016 now, and a refusal to amend the report?

11 **MS LEE:** That's not correct. I do have to declare that I was the lead review officer into Ruru in
12 2016 and that I wrote that report along with the review team.

13 **MS SHARKEY:** Right, so there weren't discussions about information that was held to be
14 incorrect and a request for you to amend it or withdraw it?

15 **MS LEE:** At the time of the review we had followed up --on site with the school and the board as
16 to how they had addressed the recommendations in the Ministry report during the 2016
17 review. We also contacted the Ministry office in relation to that particular investigation as
18 to how did they perceive that the school had addressed those recommendations and they
19 were satisfied at the time.

20 **MS SHARKEY:** But was it the family that were not happy about how --with the ERO report or
21 the exclusion or omission in relation to seclusion?

22 **MS LEE:** I believe the family were not happy with the fact that their child had been secluded, and
23 were probably not happy with the fact that we did not make mention of that in the report.
24 What we made mention of in the 2016 report that there had been an investigation around
25 seclusion. That was our acknowledgment.

26 **MS SHARKEY:** But you wouldn't go as far as to what the family would have liked to have seen
27 in that report?

28 **MS LEE:** Our reports are to report on the quality of education and care to its community, not to
29 redress specific issues for families. As I said, in the 2016 report we referred to the
30 recommendations being addressed by the school.

31 **MS SHARKEY:** Okay. So just on ERO reports, schools can come to you and do they see a draft,
32 they can say something about it and say, "Look, we're not happy with that"?

33 **MS LEE:** Correct.

MS SHARKEY: I'm just wondering about that process, because --it seems to me that schools do wield a bit of power in that respect then. Is the same afforded to others, or is it just the school?

MS LEE: The board are from the parent community in relation to-- if you're suggesting whether parents have an opportunity to respond to our report, the board are from that parent community and are representatives of the parents.

MS PURAWATSON: I'd just like to add, the review process itself enables all participants to be a part of the sense making, and by that I mean contribute their views, the evidence is gathered and then the evaluative team creates the sense making around it. The report is the final artifact, it's not the absolute end in terms of a community not having more than the board, the community not having a contribution to the findings of an ERO report.

So -- and in our mandate, review and report, both go hand in hand and are equally as strong as the other. So the contribution of all of those we interview will inform the findings which will be discussed and shared and then we report on those. So I just wanted to create a link between our really structured and very careful process for reviewing and the report. So it's an and and, not just the final artifact that's discussed with the board.

MR POLE: Can I also add, the process of a board getting a draft report is one where they have provided the opportunity to correct facts. It is not that we negotiate a settled position, and we stay steadfast to the judgments that we make on the basis of the evidence that we have collected.

CHAIR: Was this a case really where there was a divergence of opinion between the board and the parents?

MR POLE: I think the Ombudsman's report into Ruru paints that picture.

CHAIR: That's right, and so here you have, although you consulted with the board as representatives of the parents, all of the parents, the parent community, it didn't specifically set out the views of the actual parents in this case. Was that really one of the reasons for the grievance of the parents?

MR POLE: Yes, and can I say here, and to the Turnbills, what their child experienced with atrocious, and so I've got to acknowledge that and I've got to acknowledge that as an organisation we did not spot it and we let that family down.

It has, however, resulted in substantial changes, so as I referred to before, our probing in every single school in the nation, issues of seclusion and restraint came on the basis of our learnings from that school.