

C J and V A Turnbull

Seclusion and Restraint NZ

24 September 2026

Chief Ombudsman

John Allen

[info@ombudsman.govt.nz](mailto:info@ombudsman.govt.nz)

cc

Public Services Commissioner

Sir Brian Roche KNZM

[enquiries@publicservice.govt.nz](mailto:enquiries@publicservice.govt.nz)

**RE: Ministry of Education OIA complaints against Ministry of Education (case: 001791 and case: 041953)**

Dear Sir

This week the Minister of Education, Hon Erica Stanford, emphasised that her absolute expectation is for the Ministry of Education to follow the law transparently. She stated that operational conduct is a matter for the Secretary of Education.

The Minister confirmed that the Secretary is taking the OIA situation brought to media attention in the past few days, seriously, has launched an internal review and has proactively contacted both yourself and the Public Service Commission.

Please be advised that we have had multiple OIA complaints against the Ministry of Education, over multiple years with your office. We wish to highlight that our latest complaint letter (case: 041953), sent to you in May this year, also featured our August 2023 OIA complaint against the Ministry of Education. Please see attached timeline and correspondence relating to OIA complaints with your office, against the Ministry of Education.

In the last correspondence (June 2026) from your Senior Investigator Shreen Grewal-Sen she advised she had overlooked advising us that she received a Ministry response in April, but needed to consider the Ministry's comments in more detail. We are still waiting.

It is difficult for us to understand why our OIA complaint (case: 001791) has been with your office for so long, **over 3 years**, especially seeing as some of the missing official information (Ministry of Education Advisory Group Meeting **Minutes 24 July 2015**) was referenced by the Ministry of Education in a response to your Investigator's questions. In February 2024 the Office of the Ombudsman Investigator wrote to us:

*the Ministry has advised that it considers it has provided you with all the papers located in the Advisory Group meeting folders. In response to my latest inquiry, it looked through its files for the information you consider missing, and provided the following contextual information.*

*"The timeline in the Terms of Reference indicates that Ms Johnstone would review the 2007 Practice Guidelines for the Management of Serious and Challenging Behaviour and submit a summary of the review to the Advisory Group by July 2015. However, we note that this was not included in the agenda or minutes for the 24 July 2015 Advisory Group meeting, and no document fitting this description is filed in the Advisory Group folders."*

As we pointed out in correspondence, our request for the **24 July 2015 Minutes** under OIA seems straightforward – the Ministry has not provided us with this information, yet holds this information, as it referenced it in response to questions about other missing information. This part of our complaint could have been resolved years ago.

We believe refusal, delays and missing information is a way that the Ministry of Education circumvent providing official information – evading, in hope that requesters tire from the complaint process and give up.

We are not sure which is more unfair – the cover-up, deception and lack of compliance by the Ministry of Education or the dust that has gathered on our important, longstanding OIA complaints against the Ministry of Education.

We hope you are able to open the door on the Ministry of Education's OIA practises.

Yours sincerely

The image shows two handwritten signatures in black ink. The signature on the left is 'Callum' and the signature on the right is 'Victoria'. Both are written in a cursive, flowing style.

Callum and Victoria Turnbull

Seclusion and Restraint NZ

|          |                                                                                                                                                                                                                   |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/06/23 | Turnbulls send OIA request to Ministry of Education (MoE)                                                                                                                                                         |
| 30/06/23 | MoE respond sending links to publicly available information and did not include information in OIA request                                                                                                        |
| 02/07/23 | Turnbulls email MoE – “we still require the requested official information detailed in our Official Information Act request dated 31 May 2023”                                                                    |
| 08/07/23 | Turnbulls email MoE – “please advise when it is that our OIA request will be provided.”                                                                                                                           |
| 12/07/23 | Turnbulls email MoE – “Following up on our emails – 2 July and 8 July 2023.”                                                                                                                                      |
| 12/07/23 | MoE respond to Turnbulls – “your request is refused under section 18(d) of the Act”                                                                                                                               |
| 13/07/23 | Turnbull respond to MoE – “The information we are seeking is <u>not</u> covered in the published response already publicly available under a previous request”                                                    |
| 18/07/23 | MoE respond to Turnbulls - “Please accept our apologies if we misunderstood the information you were seeking” “we are currently downloading for assessment. We will get back to you on this as soon as possible.” |
| 04/08/23 | Turnbull email MoE following up on OIA request – “the request is well outside the 20 working days available under the Act.”                                                                                       |
| 04/08/23 | MoE email Turnbulls – “will come back to you with an update”                                                                                                                                                      |
| 16/08/23 | Turnbulls make a formal complaint to Secretary for Education/CEO Iona Holsted relating to the OIA request.                                                                                                        |
| 24/08/23 | Turnbulls write a complaint to the Chief Ombudsman regarding their request for official information, made to the MoE on 1 June 2023                                                                               |
| 24/08/23 | Ombudsman provide an acknowledgement – Case 001791                                                                                                                                                                |
| 14/09/23 | Turnbulls write to Ombudsman following-up “when is an investigator likely to be assigned?”                                                                                                                        |
| 18/09/23 | Rosie Walsh Office of the Ombudsman emails Turnbulls – “My name is Rosie Walsh, and I am the investigator now assigned to your complaint about the ministry of education’s response to your OIA request.”         |
| 18/09/23 | Turnbulls email Rosie Walsh – “we have not heard back from the Ministry regarding our OIA request.”                                                                                                               |
| 18/09/23 | Rosie Walsh emails Turnbulls – “I have made preliminary inquiries with the Ministry, and will update you as soon as I can.”                                                                                       |
| 04/10/23 | MoE responds with official information                                                                                                                                                                            |
| 01/11/23 | Rosie Walsh write to Turnbulls – “In light of the MoE response “could you please advise if your complaint with this office is now resolved?”                                                                      |
| 03/11/23 | Turnbulls advise Rosie Walsh – “We have received some redacted information and are currently going through it.”                                                                                                   |



|          |                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/11/23 | Rosie Walsh emails Turnbolls – “If you consider the release of the information has resolved your delay complaint, it would be great if you could let me know and I will close it off.”                                                                                                                                                                                                                              |
| 10/11/23 | Turnbolls email Rosie Walsh – “we view the refusal and delays as deliberate.”                                                                                                                                                                                                                                                                                                                                       |
| 13/11/23 | Rosie Walsh emails Turnbolls asking for clarification.                                                                                                                                                                                                                                                                                                                                                              |
| 15/11/23 | Turnbolls email Rosie Walsh – “after delays (and a refusal) we have some information requested, which has redactions, but some information appears to be missing.”                                                                                                                                                                                                                                                  |
| 15/11/23 | Rosie Walsh emails Turnbolls to confirm delay complaint and missing information complaint.                                                                                                                                                                                                                                                                                                                          |
| 16/11/23 | Turnbolls email Rosie Walsh providing her with further details/examples of delay complaint.                                                                                                                                                                                                                                                                                                                         |
| 07/02/24 | Rosie Walsh emails Turnbolls to relay information from MoE in response to concerns raised (by Turnbolls) about the 4 October 2023 release.                                                                                                                                                                                                                                                                          |
| 14/02/24 | Turnbolls email Rosie Walsh – “The response from MoE does <u>not</u> resolve our concerns.” They include “Additional missing information”                                                                                                                                                                                                                                                                           |
| 22/02/24 | Rosie Walsh emails Turnbolls – “Given that a resolution of your complaint has not been possible at an early stage (i.e. in the Early Resolution Team), your complaint will now be transferred to the Investigation and Resolutions Team for further analysis.”                                                                                                                                                      |
| 21/03/24 | Turnbolls follow-up with Office of the Ombudsman asking, “can you please provide an update on progress?”                                                                                                                                                                                                                                                                                                            |
| 26/03/24 | Nick Wright Manager – Investigation and Resolution Office of the Ombudsman responds – “Your complaint is currently in the allocation queue.”                                                                                                                                                                                                                                                                        |
| 06/06/24 | Turnbolls write to Nick Wright frustrated about the complaint regarding missing information – “The Ministry have referenced some of the missing information in response to questions about other missing information.” “The Ministry has not provided us with this information, yet it holds this information.”                                                                                                     |
| 05/08/24 | Turnbolls write to the Office of the Ombudsman following up – “An update would be much appreciated.”                                                                                                                                                                                                                                                                                                                |
| 09/08/24 | Scott Martin Manager – Investigation and Resolution Team Office of the Ombudsman write to Turnbolls – “Your email has been referred to me as the Manager responsible for your complaint. Unfortunately, at this time, I do not have any further update on your complaint against the Ministry of Education and your complaint is currently awaiting allocation to a dedicated Investigator.”                        |
| 15/08/24 | Turnbolls write a formal complaint to Hon Erica Stanford Minister for Education, against MoE Senior Official Nancy Bell. In that letter the Turnbolls write – “The work of the Advisory Group, which convened in June 2015, has not been <i>well traversed</i> as Nancy Bell advised in her re-worded response. In June 2023, under OIA, we sought information pertaining to this work, which spanned over 2 years. |



Part of our request under the Act, is a 'missing information complaint' that sits in a queue at the Office of the Ombudsman and is *currently awaiting the allocation to a dedicated Investigator*.

- 25/09/24 It was announced that the Secretary for Education/CEO Iona Holsted would be stepping down from her position as CEO.
- 25/10/24 Joseph Hewson Office of Ombudsman writes to Turnbulls – “Your complaint is being actively monitored and is awaiting allocation to an investigator.”
- 05/03/25 Turnbulls write to the Office of the Ombudsman – “We are seeking an update on our complaint.”
- 05/03/25 Scott Martin responds to Turnbulls – “At this stage, I do not have any further updates, however, I am hopeful that we may have capacity to allocate your complaint within the next few months.”
- 01/04/25 School Leaders Bulletin acknowledged – Nancy Bell left her role at the Ministry of Education in late March 2025.
- 09/06/25 Shreen Grewal-Sen Senior Investigator Office of the Ombudsman writes to Turnbulls – “I am writing to let you know that your Official Information Act complaint against the Ministry of Education has now been reallocated to me.” “I will be in touch again once I have finished reviewing our file.”
- 12/06/25 Turnbull email Shreen Grewal-Sen – “There has been no change in circumstances – we are still seeking the information.”
- 12/06/25 Shreen Grewal-Sen responds to Turnbulls – “I will be in touch again once I have finished reviewing our file. I expect this will be in a couple of weeks but will let you know if I need more time.”
- 19/12/25 Shreen Grewal-Sen writes to Turnbulls – “I am very sorry that it has taken much longer for me to review the matter and progress it. However, I am writing to confirm that we have commenced a formal investigation. I have attached a letter confirming this and seeking your comments on a couple of issues.”
- 20/01/26 Turnbulls write to Shreen Grewal-Sen in response to the issues that required clarification.
- 21/01/26 Turnbulls write email to Shreen Grewal-Sen further to their letter 20/01/26.
- 21/01/26 Shreen Grewal-Sen emails Turnbulls – “I will review and let you know if I have any further questions.”
- 16/03/26 Turnbulls email Shreen Grewal-Sen to follow up and ask for an update.
- 16/03/26 Shreen Grewal-Sen replies – “I am awaiting a response from the Ministry. I shall let you know when I hear back from them.”
- 27/05/26 Turnbulls write a formal complaint against the Ministry of Education, to the Chief Ombudsman regarding OIA request (MoE ref: GEMS-46969). The formal complaint raises the status of the August 2023 complaint (case; 0017910).

02/06/26

Shreen Grewal-Sen emails Turnbolls – “I received the Ministry’s response at the end of April. I am sorry I overlooked advising you of this at the time. I need to consider the Ministry’s comments in more detail before deciding our next step.”



CJ and V A Turnbull

31 May 2023

Ministry of Education

info@education.govt.nz

Good afternoon

Reference: Pursuant to the Official Information Act the following information/documents/records/correspondence are sought in relation to the **Restraint and Seclusion Advisory Group** which convened in June 2015.

Please provide:

1. All information about the decision-making process for constituting the Advisory Group in 2015 - the reasons for its establishment, including who authorised/approved this.
2. The terms of reference.
3. Copies of agendas, minutes, correspondence, meeting notes for all Advisory Group meetings.
4. Copies of all documents, reports, papers considered by the Advisory Group.
5. List all people and their positions, that contributed or provided input to the Advisory Group.
6. Copies of advice and papers provided by the Advisory Group to the Ministry and/or Minister responsible for the work.
7. All information and papers relating to the direction from the Minister for Education and/or the Chief Ombudsman to the Ministry of Education to end the work on Seclusion draft guidelines.
8. All information pertaining to amendments to the draft guidelines in August and October 2016.

Thank you.

Callum and Victoria Turnbull



**Subject:** Acknowledging your OIA Request  
**From:** "Enquiries National" <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>  
**Sent:** 2/06/2023 10:06:38 am  
**To:**  
**Attachments:** IME0E9~1.PDF

Kia ora Callum and Victoria

Thank you for your request for information attached. The Ministry will consider and respond to your request in accordance with the Official Information Act 1982 (the Act).

Under section 15(1) of the Act, we are required to make and inform you of our decision on your request as soon as reasonably practicable and in any case not later than 20 working days after the day on which your request is received. You can therefore expect to receive our decision on your request on or before 30 June 2023. If more than 20 working days are needed due to the potential workload and/or consultations involved in answering your request, we will notify you accordingly.

Please note, the Ministry may publicly release on our website the response to your request five days after you have received it. Any personal information will be removed.

In the interim, if you have any questions about your request, please email [info@education.govt.nz](mailto:info@education.govt.nz)

Ngā mihi

**Enquiries National Team | Ministry of Education | IB**  
8 Gilmer Terrace, Wellington

[education.govt.nz](http://education.govt.nz)

*He mea tārai e mātou te mātauranga kia rangatira ai, kia mana taurite ai ōna huanga*  
*We shape an education system that delivers equitable and excellent outcomes*



**Te Tāhuhu o  
te Mātauranga**  
Ministry of Education

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**Sent:** Thursday, 1 June 2023 1:29 pm  
**To:** Enquiries National <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>  
**Subject:** OIA request

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**Subject:** Re: OIA 1311966 - Restraint and Seclusion Advisory Group  
**From:** [Enquiries National](#)  
**Sent:** 2/07/2023 2:32:22 pm  
**To:** "Enquiries National" <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>

Thank you for the information provided in your response on Friday, however we still require the requested official information detailed in our Official Information Act request dated 31 May 2023.

We understand some of this information may be archived. We accept any fee or cost associated with the retrieval of this information.

Regards  
Callum and Victoria Turnbull

**From:** [Enquiries National](#)  
**Sent:** Friday, June 30, 2023 2:24 PM  
**To:** [Enquiries National](#)  
**Subject:** OIA 1311966 - Restraint and Seclusion Advisory Group

Tēnā koe Callum and Victoria –

Thank you for your email of 1 June 2023 requesting the attached information on the Restraint and Seclusion Advisory Group. Your request has been considered under the Official Information Act 1982 (the Act).

Your request as currently worded covers a large volume of official information dating back some years. Many records from this period have now been archived, particularly given the subsequent departure from the organisation of many key individuals involved in this work at the time. However, we have identified the following publicly-available responses to previous related requests under the Act, which we invite you to review:

<https://fyi.org.nz/request/10628-physical-restraint-advisory-group>  
[R-Response-1216490.pdf \(education.govt.nz\)](#)

Once you have reviewed this information, we invite you to come back to us if there is specific additional information that you require.

Nāku noa, nā,

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[education.govt.nz](https://education.govt.nz)

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*We shape an education system that delivers equitable and excellent outcomes*



**From:** [Enquiries National](#)  
**Sent:** Thursday, 1 June 2023 1:29 pm  
**To:** Enquiries National <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>  
**Subject:** OIA request



**Subject:** Re: OIA 1311966 - Restraint and Seclusion Advisory Group  
**From:**   
**Sent:** 8/07/2023 11:22:25 am  
**To:** "Enquiries National" <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>

Morena

With reference to our reply to your email below, dated 2 July, please advise when it is that our OIA request will be provided. Please note we were originally advised that the Act allows 20 working days and a week has now passed from the date the requested information was due. We look forward to your immediate response.

Thank you.

Callum & Victoria Turnbull

**From:** [Enquiries National](#)  
**Sent:** Friday, June 30, 2023 2:24 PM  
**To:**   
**Subject:** OIA 1311966 - Restraint and Seclusion Advisory Group

Tēnā koe Callum and Victoria –

Thank you for your email of 1 June 2023 requesting the attached information on the Restraint and Seclusion Advisory Group. Your request has been considered under the Official Information Act 1982 (the Act).

Your request as currently worded covers a large volume of official information dating back some years. Many records from this period have now been archived, particularly given the subsequent departure from the organisation of many key individuals involved in this work at the time. However, we have identified the following publicly-available responses to previous related requests under the Act, which we invite you to review:

<https://fyi.org.nz/request/10628-physical-restraint-advisory-group>  
[R-Response-1216490.pdf \(education.govt.nz\)](#)

Once you have reviewed this information, we invite you to come back to us if there is specific additional information that you require.

Nāku noa, nā,

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**From:**   
**Sent:** Thursday, 1 June 2023 1:29 pm  
**To:** Enquiries National <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>  
**Subject:** OIA request

**Subject:** RE: OIA 1311966 - Restraint and Seclusion Advisory Group  
**From:** "Enquiries National" <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>  
**Sent:** 4/08/2023 1:18:31 pm  
**To:**

Kia ora Callum and Victoria –

As previously advised, we have managed to source material that falls in scope of your revised request, which was stored on a now-defunct system and therefore required assistance from our Records team to locate. In terms of timing, we consider that we responded to your original request by pointing you to publicly available information that covers a significant portion of the information you are seeking. However, we have now undertaken to reconsider our approach to responding, and to provide you with an updated response without undue delay.

The team responsible for the subject matter is currently reviewing the material and we will come back to you as soon as practicable. Unfortunately, due to key staff involved in the work having now left the Ministry, this is not as straightforward as it would be for current material, and will take some time. We will endeavour to provide you with information in tranches and will come back to you with an update after the team reconvenes toward the end of next week.

Nāku noa, nā,

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**From:** >  
**Sent:** Friday, 4 August 2023 11:05 am  
**To:** Enquiries National <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>  
**Subject:** Re: OIA 1311966 - Restraint and Seclusion Advisory Group

Morena

Following up on the information we requested under OIA on 1 June 2023 – the request is well outside the 20 working days available under the Act. Please advise us immediately on when we can expect this information.

Thank you.

Callum and Victoria Turnbull

**From:** [Enquiries National](mailto:Enquiries.National@education.govt.nz)  
**Sent:** Tuesday, July 18, 2023 9:56 AM  
**To:**  
**Subject:** FW: OIA 1311966 - Restraint and Seclusion Advisory Group  
Mōrena Callum and Victoria –

Please accept our apologies if we misunderstood the information you were seeking, and thank you for clarifying and refining the scope of your request. We have reconsidered this based on your email below, and

have identified several archived folders of information that we are currently downloading for assessment. We will get back to you on this as soon as possible.

Nāku noa, nā,

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te Mātauranga**  
Ministry of Education

From

Sent: Thursday, 13 July 2023 9:03 am

To: Enquiries National <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>

Subject: Re: OIA 1311966 - Restraint and Seclusion Advisory Group

Morena

For your information – **The Advisory Group convened for the first time in June 2015. The Advisory Group met once or twice a month between June and October 2015.**

The information we are seeking is not covered in the published response already publicly available under a previous request e.g. the information already published, in the link provided, does not include the *terms of reference* for the Advisory Group which convened in 2015, the information does not include *agendas, minutes, correspondence, meeting notes for all the Advisory Group meetings* in 2015, 2016, 2017 etc.

We are not seeking different information from our original request, but we can narrow our request to cover the period 2015 – 2017.

You have invited us to come back to you with clarification. However, you did not ask for clarification within 7 working days, therefore our OIA request should not be treated as a new request and is now overdue.

We now require this information urgently and look forward to your immediate response.

Thank you.

Callum and Victoria Turnbull

From: [Enquiries National](#)

Sent: Wednesday, July 12, 2023 5:45 PM

To:

Subject: FW: OIA 1311966 - Restraint and Seclusion Advisory Group

Tēnā koe Callum and Victoria



We apologise if our previous response to you was unclear. Rather than set out technical refusal grounds under the legislation, we were endeavouring to point you to online sources of the information you requested. Your request was for:

1. All information about the decision-making process for constituting the Advisory Group in 2015 - the reasons for its establishment, including who authorised/approved this.
2. The terms of reference.
3. Copies of agendas, minutes, correspondence, meeting notes for all Advisory Group meetings.
4. copies of all documents, reports, papers considered by the Advisory Group.
5. List all people and their positions, that contributed or provided input to the Advisory Group.
6. Copies of advice and papers provided by the Advisory Group to the Ministry and/or Minister responsible for the work.
7. All information and papers relating to the direction from the Minister for Education and/or the Chief Ombudsman to the Ministry of Education to end the work on Seclusion draft guidelines.
8. All information pertaining to amendments to the draft guidelines in August and October 2016.

It is our view that the information you are seeking is covered by this published response to a previous request: <https://fyi.org.nz/request/10628-physical-restraint-advisory-group>. That request was for:

- name of the members of the advisory group and the organisations they represent
- the terms of reference for the group
- the name of the group's chair/convenor, and the organisation they represent
- the name and position of the person(s) the group is reporting to, and the expectations on the group for progress and final reporting to said person(s)
- copies of agendas and accompanying papers for all advisory group meetings
- copies of minutes and all meeting notes from advisory group meetings
- copies of papers and advice provided to the advisory group
- copies of advice and papers from the advisory group given to the person they are reporting to, the Ministry or Minister responsible for the work
- information about the decision making process for constituting the advisory group, the reason for its establishment, and why, how and when individual members were appointed.
- the groups forward meeting schedule
- information about budget for the work and remuneration rates for members of the advisory group
- since 1 January 2017, copies of reports/advice/papers provided to the Ministry of Education or Minister responsible about the physical restraint guidelines from the Teaching Council (or then Education Council), and the Ministry's/Ministers response to these.
- copies of all guidelines for schools related to physical restraint and seclusion/timeout room issued since 1995. Please include updated and amended versions.
- information about membership (names and organisations represented) of advisory groups or equivalent that the ministry has convened since 2000 to discuss or review guidelines or guidance related to physical restraint or seclusion/timeout rooms. Please also indicate the date range these groups were active, and the names these groups were known by.
- since 1 Jan 2016, correspondence from unions, union spokespeople, teacher representatives, and NZSTA related to the physical restraint guidelines, and any subsequent responses from officials or the minister.

We also provided a link to a further published response for reference.

On that basis, your request is refused under section 18(d) of the Act, as the information requested is publicly available. However, if you are in fact seeking different information to that provided in the response linked above, we invite you to come back to us with clarification, and we will open a new request.

Thank you again for your email. You have the right to ask an Ombudsman to review my decision on your

request, in accordance with section 28 of the Act. You can do this by writing to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā,

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**From:**

**Sent:** Wednesday, 12 July 2023 4:09 pm

**To:** Enquiries National <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>

**Subject:** Re: OIA 1311966 - Restraint and Seclusion Advisory Group

Following up on our emails - 2 July and 8 July 2023.

Please advise when you will provide the specific information we requested in our letter dated 31 May 2023. We appreciate you have provided some information that is already publicly available, however it is not the information we have requested under the Official Information Act 1982.

We look forward to your response.

Callum and Victoria Turnbull

**From:** [Enquiries National](mailto:Enquiries.National@education.govt.nz)

**Sent:** Friday, June 30, 2023 2:24 PM

**To:**

**Subject:** OIA 1311966 - Restraint and Seclusion Advisory Group

Tēnā koe Callum and Victoria –

Thank you for your email of 1 June 2023 requesting the attached information on the Restraint and Seclusion Advisory Group. Your request has been considered under the Official Information Act 1982 (the Act).

Your request as currently worded covers a large volume of official information dating back some years. Many records from this period have now been archived, particularly given the subsequent departure from the organisation of many key individuals involved in this work at the time. However, we have identified the following publicly-available responses to previous related requests under the Act, which we invite you to review:

<https://fyi.org.nz/request/10628-physical-restraint-advisory-group>  
[R-Response-1216490.pdf \(education.govt.nz\)](https://fyi.org.nz/request/10628-physical-restraint-advisory-group/R-Response-1216490.pdf)

Once you have reviewed this information, we invite you to come back to us if there is specific additional information that you require.

Nāku noa, nā,



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**Te Tāhuhu o  
te Mātauranga**  
Ministry of Education

**From:** [redacted]  
**Sent:** Thursday, 1 June 2023 1:29 pm  
**To:** Enquiries National <[Enquiries.National@education.govt.nz](mailto:Enquiries.National@education.govt.nz)>  
**Subject:** OIA request

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C J & V A Turnbull

16 August 2023

CEO

Iona Holsted

Ministry of Education

**Re: OIA request 1311966 - Restraint and Seclusion Advisory Group**

Dear Madam

Please accept this letter as a formal complaint relating to our request for information referenced above (as also attached). Information was requested on 1 June 2023, under the Official Information Act.

On the 30 June 2023, your office responded to our request by sending links to publicly available responses to previous related requests under the Act.

After a review of the links, we advised on the 2 July 2023, the information provided in the links did not cover the information detailed in our 1 June 2023 request. We offered to meet fees or costs associated with the retrieval of the information. We followed up this email again on 8 July 2023.

On the 12 July 2023 your office provided a long-winded breakdown of information covered in the already published response to a previous request for information and refused our request under section 18(d) of the Act.

On the 13 July 2023 we emailed your office reiterating the information we are seeking is not covered in the response already publicly available (referenced by links and breakdowns) and gave examples

which repeated the dates referred to in our original request, 1 June 2023. We also explained we are not seeking different information to our original request but offered to narrow our request.

On the 18 July 2023 your office apologised for misunderstanding our request and advised the information we sought was being downloaded but gave no date reference to when, or if, the information would be provided.

On the 4 August 2023, we followed up by email and advised the requested information was well outside the 20 working days available under the Act.

Your office emailed on the 4 August 2023 stating that a team responsible for the subject matter was reviewing the material but gave no specific timeframe or certainty about a response.

Failure to provide this information under the Act is very concerning to us due to the serious complaints we have made against Ministry managers and contractor involved with the 2015-2016 Advisory Group, central to the information we seek. Are these the people who are considering the approach to responding to our OIA? Are these the people reviewing the subject matter under request? Are these the people delaying the OIA response?

It is also concerning we have not received any response from you or your office, in relation to the serious formal complaints against the managers and contractor, given the significant amount of time you have had to consider the complaints.

We await your response.

A handwritten signature in blue ink, appearing to read 'Callum and Victoria Turnbull', is written over a horizontal line.

Callum and Victoria Turnbull

Cc:

Jan Tinetti

Erica Stanford

Greens

Chris Baillie

C J & V A Turnbull

24 August 2023

Chief Ombudsman

Judge Boshier

WELLINGTON

[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Dear Sir

**Complaint about a request for official information, which was made to the Ministry of Education on 1 June 2023 - ref: to attachment 1.**

On 30 June 2023 the Ministry responded to our OIA request, stating records from this period have now been archived. The Ministry also informed us "key individuals involved in this work" have departed from the organisation.

It is important to note that the **2015 Restraint and Seclusion Advisory Group** (pertinent to our OIA request) was made up of representatives from multiple agencies.

The Ministry provided links to publicly available responses to previous related requests under the Act, however the links did not include information we requested on 1 June 2023.

We wrote back notifying the Ministry the links did not include the information we were seeking and made an offer to cover costs to retrieve the archived information we sought.

After a follow up email from us the Ministry refused our request under section 18(d) of the Act. We wrote back again, referencing the dates and details in our original request.

After clarifying our request, the Ministry wrote back advising they had identified several archived files and that they were downloading them for assessment, however they have failed to provide any information to date. All email correspondence between ourselves and the Ministry of Education in relation to our OIA request is included for your reference (ref: attachment 2).

On the 16 August 2023 we wrote a complaint to Ministry of Education CEO Iona Holsted (ref: attachment 3.) Ms Holsted has not replied to our complaint letter.

Yours faithfully



Callum and Victoria Turnbull



**Subject:** RE: Acknowledgement – Ombudsman Case: CASE-001791  
**From:** "Rosie Walsh" <[Rosie.Walsh@ombudsman.parliament.nz](mailto:Rosie.Walsh@ombudsman.parliament.nz)>  
**Sent:** 18/09/2023 4:37:52 pm  
**To:**

Hi Callum and Victoria

Thank you for the update. I have made preliminary inquiries with the Ministry, and will update you as soon as I can.

Ngā mihi

**Rosie Walsh**

Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 889 7460 | Phone 04 473 9533 | Fax 04 471 2254

Email [rosie.walsh@ombudsman.parliament.nz](mailto:rosie.walsh@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

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**From:**  
**Sent:** Monday, 18 September 2023 3:03 pm  
**To:** Rosie Walsh <[Rosie.Walsh@ombudsman.parliament.nz](mailto:Rosie.Walsh@ombudsman.parliament.nz)>  
**Subject:** Re: Acknowledgement – Ombudsman Case: CASE-001791

Hi Rosie

Thanks for your email. No – we have not heard back from the Ministry regarding our OIA request.

Regards  
Callum & Victoria

**From:** [Rosie Walsh](#)  
**Sent:** Monday, September 18, 2023 2:02 PM  
**To:**  
**Subject:** RE: Acknowledgement – Ombudsman Case: CASE-001791

Kia ora Callum and Victoria

My name is Rosie Walsh, and I am the investigator now assigned to your complaint about the Ministry of Education's response to your OIA request.

Have you heard anything from the Ministry since you complained to this Office?

Once I have heard back from you, I will make inquiries with the Ministry. I look forward to hearing from you.

Ngā mihi

**Rosie Walsh**

Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 889 7460 | Phone 04 473 9533 | Fax 04 471 2254

Email [rosie.walsh@ombudsman.parliament.nz](mailto:rosie.walsh@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

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**Ombudsman**

Fairness for all

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---

**From**

**Sent:** Thursday, 14 September 2023 12:15 pm

**To:** Info <[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)>

**Subject:** Re: Acknowledgement – Ombudsman Case: CASE-001791

Good afternoon,

We are following up on our complaint about the Ministry of Education – when is an investigator likely to be assigned?

Thank you.

Regards

Callum & Victoria Turnbull

---

**From:** [Info](mailto:info@ombudsman.parliament.nz)

**Sent:** Thursday, August 24, 2023 2:06 PM

**To:** <mailto:cj.turnbull@xtra.co.nz>

**Subject:** Acknowledgement – Ombudsman Case: CASE-001791

Tēnā koe

We received your complaint about the Ministry of Education on 24 August 2023. Your case reference number is **CASE-001791**.

Once your complaint is assigned to an investigator, they will contact you.

You can contact us by calling 0800 802 602 or emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

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**Subject:** Re: Acknowledgement – Ombudsman Case: CASE-001791  
**From:** [\[redacted\]](#)  
**Sent:** 14/09/2023 12:15:17 pm  
**To:** "Info" <[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)>

Good afternoon,

We are following up on our complaint about the Ministry of Education – when is an investigator likely to be assigned?

Thank you.

Regards  
Callum & Victoria Turnbull

**From:** [Info](#)  
**Sent:** Thursday, August 24, 2023 2:06 PM  
**To:** [\[redacted\]](#)  
**Subject:** Acknowledgement – Ombudsman Case: CASE-001791

Tēnā koe

We received your complaint about the Ministry of Education on 24 August 2023. Your case reference number is **CASE-001791**.

Once your complaint is assigned to an investigator, they will contact you.

You can contact us by calling 0800 802 602 or emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

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**Subject:** Re: Acknowledgement – Ombudsman Case: CASE-001791  
**From:** \_\_\_\_\_  
**Sent:** 16/11/2023 8:06:51 am  
**To:** "Rosie Walsh" <[Rosie.Walsh@ombudsman.parliament.nz](mailto:Rosie.Walsh@ombudsman.parliament.nz)>

Morena

Thanks for that Rosie. You may also like to consider the following examples as part of the delay complaint.

Information in scope of number 6. of our request for information relating to the 2015-17 Restraint and Seclusion Advisory Group - "*Copies of advice and papers provided by the Advisory Group to the Ministry and/or Minister responsible for the work*" was not released to us, but not refused. The response refers to "*20 June 2016 Papers*". The "*Decision on release*" was – "***Soon to be publicly available***"

Information in the scope of number 7. of our request for information relating to the 2015-17 Restraint and Seclusion Advisory Group – "*All information and papers relating to the direction from the Minister for Education and/or the Chief Ombudsman to the Ministry of Education to end the work on Seclusion draft guidelines.*" This information was not released to us, but not refused. The response refers to "*12 October 2016 Papers*". The "*Decision on release*" was – "***Soon to be publicly available***"

The Ministry's letter dated 3/10/2023 refers us to the website searches, stating the documents "*will be processed for publishing in the coming days*" however the information does not appear to have been published. For reference, our OIA request was 1 June 2023.

Regards

Callum and Victoria Turnbull

**From:** [Rosie Walsh](#)  
**Sent:** Wednesday, November 15, 2023 2:28 PM  
**To:** \_\_\_\_\_  
**Subject:** RE: Acknowledgement – Ombudsman Case: CASE-001791

Kia ora both

Thanks for confirming that you wish to proceed with your delay complaint, and to raise a complaint that the Ministry's 3 October 2023 response was incomplete.

You have explained that the following are missing from the response:

1. MoE guidelines that were circulated to Advisory Group members (as referenced in the meeting minutes); and
2. Contractor's review of the MoE Practice Guidelines for the Management of Serious and Challenging Behaviour, and a summary of the review submitted to the Advisory Group (referred to in the Terms of Reference).

I will add this new ground of concern (incomplete response) to your complaint.

I will be in touch when I have progress to report.

Ngā mihi

**Rosie Walsh**

Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 889 7460 | Phone 04 473 9533 | Fax 04 471 2254

Email [rosie.walsh@ombudsman.parliament.nz](mailto:rosie.walsh@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

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**From:** [12](#)>  
**Sent:** Wednesday, 15 November 2023 11:05 am  
**To:** Rosie Walsh <[Rosie.Walsh@ombudsman.parliament.nz](mailto:Rosie.Walsh@ombudsman.parliament.nz)>  
**Subject:** Re: Acknowledgement – Ombudsman Case: CASE-001791

Hi again Rosie,

We are not happy about the delay as we believe it was deliberate. We have received some information requested, but believe some information is missing – for example; - Meeting Minutes refer to MoE guidelines being circulated to Advisory Group members (not included in OIA) - Terms of Reference refers to contractor reviewing the MoE Practice Guidelines for the Management of Serious and Challenging Behaviour and a summary of the review submitted to the Advisory Group (not included in OIA) etc.

So yes, after a delays (and a refusal) we have some information requested, which has redactions, but some information appears to be missing.

Regards  
Callum & Victoria

---

**From:** [Rosie Walsh](#)  
**Sent:** Monday, November 13, 2023 8:47 AM  
**To:**  
**Subject:** RE: Acknowledgement – Ombudsman Case: CASE-001791

Kia ora Callum and Victoria

Thanks for getting back to me.



My read of your email is that you are happy for your current (delay) complaint to be closed, and that you will write back to us if and when you wish to complain about the refusal.

Would you mind just confirming I've understood correctly?

Thank you

**Rosie Walsh**

Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 889 7460 | Phone 04 473 9533 | Fax 04 471 2254

Email [rosie.walsh@ombudsman.parliament.nz](mailto:rosie.walsh@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

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**From:**

**Sent:** Friday, 10 November 2023 7:33 pm

**To:** Rosie Walsh <[Rosie.Walsh@ombudsman.parliament.nz](mailto:Rosie.Walsh@ombudsman.parliament.nz)>

**Subject:** Re: Acknowledgement – Ombudsman Case: CASE-001791

Hi Rosie,

Apologies for the late reply to your email.

Yes, receiving information has resolved the delay, however we are disappointed that our OIA request was refused, then delayed by the Ministry of Education. Now that we have the information, and having read over it, we view the refusal and delays as deliberate. We are not happy about the information that has been redacted and are still considering what to do about that.

Thanks.

Have a good weekend.

Callum & Victoria

---

**From:** [Rosie Walsh](mailto:Rosie.Walsh@ombudsman.parliament.nz)

**Sent:** Friday, November 3, 2023 5:22 PM

**To:**

**Subject:** RE: Acknowledgement – Ombudsman Case: CASE-001791

[Kia ora Callum and Victoria](#)

Thank you for getting back to me.

If you consider the release of information has resolved your delay complaint, it would be great if you could let me know and I will close it off.

If you have any concerns with the decision once you have completed your review, you are of course welcome to complain about those separately.

If you could let me know by the end of next week, that would be much appreciated. I hope you enjoy your weekend.

Ngā mihi

**Rosie Walsh**

Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 889 7460 | Phone 04 473 9533 | Fax 04 471 2254

Email [rosie.walsh@ombudsman.parliament.nz](mailto:rosie.walsh@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

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**From:**

**Sent:** Friday, 3 November 2023 5:21 pm

**To:** Rosie Walsh <[Rosie.Walsh@ombudsman.parliament.nz](mailto:Rosie.Walsh@ombudsman.parliament.nz)>

**Subject:** Re: Acknowledgement – Ombudsman Case: CASE-001791

Hi Rosie

Thanks for the email. We have received some redacted information and are currently going through it.

Regards

Callum and Victoria Turnbull

**From:** [Rosie Walsh](mailto:Rosie.Walsh@ombudsman.parliament.nz)

**Sent:** Wednesday, November 1, 2023 9:39 AM

**To:**

**Subject:** RE: Acknowledgement – Ombudsman Case: CASE-001791

Kia ora Callum and Victoria

I write further regarding your complaint about the Ministry's delay in releasing information you requested (OIA request 1311966).

I have recently been advised that the Ministry wrote to you on 3 October 2023 with the outstanding information, along with some additional explanations and apologies.

In light of this response, could you please advise if your complaint with this Office is now resolved? I look forward to hearing from you.

Ngā mihi

**Rosie Walsh**

Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 889 7460 | Phone 04 473 9533 | Fax 04 471 2254

Email [rosie.walsh@ombudsman.parliament.nz](mailto:rosie.walsh@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

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**Ombudsman**

Fairness for all

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---

**From:** Rosie Walsh

**Sent:** Monday, 18 September 2023 4:38 pm

1

**Subject:** RE: Acknowledgement – Ombudsman Case: CASE-001791

Hi Callum and Victoria

Thank you for the update. I have made preliminary inquiries with the Ministry, and will update you as soon as I can.

Ngā mihi

**Rosie Walsh**

Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 889 7460 | Phone 04 473 9533 | Fax 04 471 2254

Email [rosie.walsh@ombudsman.parliament.nz](mailto:rosie.walsh@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

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---

**From**

**Sent:** Monday, 18 September 2023 3:03 pm

**To:** Rosie Walsh <[Rosie.Walsh@ombudsman.parliament.nz](mailto:Rosie.Walsh@ombudsman.parliament.nz)>

**Subject:** Re: Acknowledgement – Ombudsman Case: CASE-001791

Hi Rosie

Thanks for your email. No – we have not heard back from the Ministry regarding our OIA request.

Regards

Callum & Victoria

**From:** [Rosie Walsh](#)

**Sent:** Monday, September 18, 2023 2:02 PM

**To**

**Subject:** RE: Acknowledgement – Ombudsman Case: CASE-001791

Kia ora Callum and Victoria

My name is Rosie Walsh, and I am the investigator now assigned to your complaint about the Ministry of Education's response to your OIA request.

Have you heard anything from the Ministry since you complained to this Office?

Once I have heard back from you, I will make inquiries with the Ministry. I look forward to hearing from you.

Ngā mihi

**Rosie Walsh**

Investigator

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Fairness for all

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**From:**

**Sent:** Thursday, 14 September 2023 12:15 pm

**To:** Info <[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)>

**Subject:** Re: Acknowledgement – Ombudsman Case: CASE-001791

Good afternoon,

We are following up on our complaint about the Ministry of Education – when is an investigator likely to be assigned?

Thank you.

Regards

Callum & Victoria Turnbull

**From:** [Info](mailto:info@ombudsman.parliament.nz)

**Sent:** Thursday, August 24, 2023 2:06 PM

**To:**

**Subject:** Acknowledgement – Ombudsman Case: CASE-001791

Tēnā koe

We received your complaint about the Ministry of Education on 24 August 2023. Your case reference number is **CASE-001791**.

Once your complaint is assigned to an investigator, they will contact you.

You can contact us by calling 0800 802 602 or emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

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Phone 0800 802 602 (+64 4 473 9533) | Fax +64 4 471 2254

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**Subject:** RE: Acknowledgement – Ombudsman Case: CASE-001791  
**From:** "Rosie Walsh" <[Rosie.Walsh@ombudsman.parliament.nz](mailto:Rosie.Walsh@ombudsman.parliament.nz)>  
**Sent:** 22/02/2024 9:21:35 am  
**To:**

Kia ora Callum and Victoria

Many thanks for clarifying your concerns. I understand you are not satisfied that either your incomplete response complaint, or delay complaint, are resolved.

Given that a resolution of your complaint has not been possible at an early stage (i.e. in the Early Resolution Team), your complaint will now be transferred to the Investigation and Resolutions Team for further analysis. Once an investigator in that team has been assigned to your complaint, they will make contact with you.

I am no longer assigned to your complaint, so if you have any updates in the meantime, please send those to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Ngā mihi

**Rosie Walsh**

Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 889 7460 | Phone 04 473 9533 | Fax 04 471 2254

Email [rosie.walsh@ombudsman.parliament.nz](mailto:rosie.walsh@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

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---

**From:**  
**Sent:** Wednesday, 14 February 2024 5:24 pm  
**To:** Rosie Walsh <[Rosie.Walsh@ombudsman.parliament.nz](mailto:Rosie.Walsh@ombudsman.parliament.nz)>  
**Subject:** Re: Acknowledgement – Ombudsman Case: CASE-001791

Hi Rosie

**MoE response to our complaint about missing information**

The response from the MoE does not resolve our concerns. It is contradicting information – .



The missing documents are:

- the Ministry internal guidelines that were referred to in the *draft Terms of Reference, Terms of Reference, Meeting Minutes 4 June and 23 June 2015*, and distributed to the members of the MoE Advisory Group (which included Terri Johnstone) on 23 June 2015.
- the Terri Johnstone review of the internal guidelines
- the summary of the review of the internal guidelines, submitted to the Advisory

#### Additional missing information

- [Minutes 4 June 2015 - \*Timelines for the literature review, guidance document, and other agreed work\* Terri Johnstone – \*The first paper will be circulated at today's meeting\*](#) (this paper is also missing)
- [Minutes 23 June 2015 - E. \*Next steps\* Agreements: \*That the TOR will be amended to reflect the Group's new name and accompanying commitment. Secretariat to make above amendments to the ToR, and circulate to group members.\*](#) (amended TOR is missing)
- [Minutes 24 July 2015](#) (also missing – yet are the referenced in the MoE response below)
- [Minutes 3 May 2017](#) (also missing)

**2007 Ministry of Education Practice Guidelines for the Management of Serious and Challenging Behaviour** - *additional guidelines* did exist – they were referenced in documents and distributed

evidence

- these guidelines were written about in the **Draft Terms of Reference** (4 June 2015) under headings *Roles* Contractor and *Timeline and Deliverables*
- these guidelines were written about in the **Terms of Reference (TOR)** (23 June 2015) under headings *Roles* Contractor and *Timeline and Deliverables*
- these guidelines were referenced in *meeting Minutes 4 June 2015* under the heading *Timelines for the literature review, guidance document, and other agreed work* Agreements: and Actions: ***Circulate MoE internal guidelines.***
- the **Minutes 23 June 2015** confirm guidelines where circulated at the meeting – ***The Ministry internal guidelines were circulated.***

more evidence -

- when the Ministry issued new *2016 Guidance*, Ruru Specialist School Principal Erin Cairns wrote in a letter to the school community – *(the School) had input into the review published today* – indicating Ruru/Principal E. Cairns was involved with the Advisory.
- The Chief Ombudsman wrote in his opinion, Ruru advised – ***it (Ruru) was not provided with the 2007 Guidelines until after the Advisory Group was set up in 2015.*** This implies Ruru/Principal E Cairns' *input into* the 2016 Guidance through the Advisory, meant they were provided the MoE internal guidelines.

How can the MoE be confident that all papers considered by the Advisory Group and noted in the minutes were filed in the folders? This makes no sense. The existing internal guidelines were papers that were circulated, which is noted in the minutes, yet were not provided to us under the OIA, therefore they are missing. Please note, our OIA request was not limited to what was in the Advisory folders.

How can the MoE be confident about all papers being in the folders when we have minutes missing.

### **Excuses from the MoE are inconceivable**

- It is inconceivable that the Terms of Reference (TOR) was not amended, if the significant *Contractor review and summary* was in fact deleted from the TOR. On the basis of consistency and as an example, the TOR was amended *to reflect the Group's new name from "Time out and Restraint Advisory Group" to "Restraint and Seclusion Advisory Group" and accompanying commitment.*
- It is inconceivable that a significant *TOR Task* was not completed by the Contractor, yet the omission was not discussed, reported about, or referenced in meeting minutes (meeting minutes made available to us under OIA).
- It is inconceivable the delegated *TOR Task* list was not overseen/followed up by the MoE, Secretariat and/or Advisory. With reference to *TOR 23 June 2015, 4. Advisory Group – The contractor will work under the auspices of the Advisory Group. S/he will work according to the Terms of Reference (TOR) which will be approved by the Advisory Group.*
- The excuse/assumption, that Contractor Terri Johnstone may have incorporated the review of the internal guidelines, into other reviews she produced does not correspond to reality. The other reviews produced by Project Lead Terri Johnstone include *References* and none that we have read include the *2007 Practice Guidelines for the Management of Serious and Challenging Behaviour*. Also – the reviews produced by Terri Johnstone as Project Lead contain false information in stark conflict with the MoE internal guidelines. eg. *The Use of Seclusion Practices in Schools: A Literature Review by Project Lead Terri Johnstone – [there are currently no national guidelines or directions to unify the use of seclusion in New Zealand schools. [While many states in America have created policies to regulate the use of seclusion in schools, New Zealand does not currently have any guidelines for this practice. The Use of Physical Restraint Practices in Schools: A Literature Review by Terri Johnstone – There are no current policy guidelines or direction on the use of restraint in New Zealand.*

As mentioned above, our OIA request was not limited to what was in the Advisory Group folders. MoE Contractor, Terri Johnstone is still operating her business - Catalyst For Change and still being contracted by the MoE. Under section 2(5) of the OIA, any information held by an independent contractor engaged by a Department, Minister of the Crown or organisation in its capacity as such contractor, is deemed to be held by the Department, Minister of the Crown or organisation. Terri Johnstone could verify and provide information we have requested.

We think the information is missing, due to a cover-up of abuse and corruption by Ministry of Education. We complained about Terri Johnstone to the Ministry of Education. Please see attached complaint letter, which should provide you with a background of why we believe the MoE have deliberately missed information and delayed our OIA requests.



## Delay complaint

Regarding our delay complaint (in particular 7 and 8) - advice to Minister of Education dated 20 June and 12 October 2016 made publicly available recently, does not include directive from former Minister of Education Hon Hekia Parata, to the Ministry and/or Advisory, to work on ending the use of seclusion in schools. There is no reference to the cancellation of the seclusion guidelines, that the Advisory had been working on for over a year in any documentation we have been provided, or that has been made publicly available. It is unlikely that this controversial, body of work allowing for seclusion in New Zealand schools was cancelled without any documentation or written reference. Our delay complaint is now [part of our missing information complaint](#).

Thank you.

Regards

Callum and Victoria Turnbull

**From:** [Rosie Walsh](#)

**Sent:** Wednesday, February 7, 2024 9:44 AM

**To:**

**Subject:** RE: Acknowledgement – Ombudsman Case: CASE-001791

Kia ora Callum and Victoria

Apologies for the delay in responding. I hope you have been having a good summer.

I note your comments regarding the delay complaint. The purpose of this email is to relay to you the information I have received from the Ministry, in response to my inquiry in which I relayed your concerns about the 4 October 2023 release/decision having information missing.

### Your complaint about missing information

You advised that the following was missing from the Ministry's 4 October 2023 response:

1. Ministry of Education guidelines that were circulated to Advisory Group members (as referenced in the meeting minutes);
2. the contractor's review of the Ministry of Education Practice Guidelines for the Management of Serious and Challenging Behaviour; and
3. a summary of the review submitted to the Advisory Group (referred to in the Terms of Reference).

In response, the Ministry has advised that it considers it has provided you with all the papers located in the Advisory Group meeting folders. In response to my latest inquiry, it looked through its files for the information you consider missing, and provided the following contextual information.

#### 1. Ministry of Education guidelines that were circulated to Advisory Group members (as referenced in the meeting minutes)

*"Due to the passage of time and the subsequent departure of all Ministry staff involved in those meetings, we are unable to verify if any additional guidelines existed that were not filed in the meeting folders. However, we are confident that all papers considered by the Advisory Group and noted in the minutes were filed in these folders."*



2. The contractor's review of the Ministry of Education Practice Guidelines for the Management of Serious and Challenging Behaviour; and
3. a summary of the review submitted to the Advisory Group (referred to in the Terms of Reference).

*"The contractor, Terri Johnstone, conducted several reviews, such as the literature review, legal issues review and current practice review. This was set out in the draft Terms of Reference produced for the 4 June 2015 Advisory Group meeting and the final Terms of Reference produced for the 23 June 2015 Advisory Group meeting. Those reviews [have been provided] and are listed in the document table attached to the response to their request.*

*The timeline in the Terms of Reference indicates that Ms Johnstone would review the 2007 Practice Guidelines for the Management of Serious and Challenging Behaviour and submit a summary of the review to the Advisory Group by July 2015. However, we note that this was not included in the agenda or minutes for the 24 July 2015 Advisory Group meeting, and no document fitting this description is filed in the Advisory Group folders.*

*It therefore appears that this review was either not completed or was incorporated into the other reviews that Ms Johnstone undertook. Unfortunately, as noted above, due to the passage of time and the subsequent departure of all Ministry staff involved in those meetings, we are unable to verify this."*

**Please advise**

Does the above context from the Ministry, resolve your concerns that information is missing from the 4 October 2023 decision? If not, please explain what you think is missing and why. If so, I will close that off, and the focus will be solely on your delay complaint.

If of course, you no longer wish to proceed with the delay complaint (now that you have a decision), please let me know.

I look forward to hearing from you.

Ngā mihi

**Rosie Walsh**

Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 889 7460 | Phone 04 473 9533 | Fax 04 471 2254

Email [rosie.walsh@ombudsman.parliament.nz](mailto:rosie.walsh@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

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**Ombudsman**

Fairness for all

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**From:**

**Sent:** Thursday, 16 November 2023 8:07 am

**Subject:** Turnbull - update  
**From:**  
**Sent:** 21/03/2024 11:46:48 am  
**To:** "Info" <[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)>

Morena

Please be advised the Ministry of Education has now provided the information requested in our complaint letter to your office, date 6 March 2024.

Ombudsman case: 1791 – following up on our correspondence 14/2/24 (and response 22/2/24) regarding our OIA complaint against the Ministry of Education – can you please provide an update on progress?

Ombudsman case: 6184 – As yet we have not had a response to our letter to Chief Ombudsman Peter Boshier dated 9/12/23. We note that media releases recently state Peter Boshier has been forced to retire – does this mean he has retired without responding to our letter?

Thank you.

Regards

Callum and Victoria Turnbull

**Subject:** Fw: The Ombudsman: Your complaint about MoE - Ref. 001791  
**From:**  
**Sent:** 5/08/2024 11:59:05 am  
**To:** "Info" <[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)>

Good morning

We are following up on our complaint and email below, dated 6/6/24. We were advised in March that our complaint was in an allocation queue – we would appreciate a response regarding progress.

As outlined in our email below part of our complaint could be resolved immediately. As explained below, the Ministry have referenced some of the missing information ( **24 July 2015 Minutes**), in their response to your office, regarding other missing information.

An update would be much appreciated.

Thank you.

Callum and Victoria Turnbull

**From:**  
**Sent:** Thursday, June 6, 2024 1:26 PM  
**To:** [Nick Wright](#)  
**Subject:** Re: The Ombudsman: Your complaint about MoE - Ref. 001791

Good afternoon Nick

You have advised us our complaint is in a allocation queue.

As we previously wrote in an email to Rosie Walsh on 14/2/24, **24 July 2015 Minutes are missing**, yet the Ministry have referenced 24 July 2015 Minutes in their response to Rosie's inquiry about missing information -

*The timeline in the Terms of Reference indicates that Ms Johnstone would review the 2007 Practice Guidelines for the Management of Serious and Challenging Behaviour and submit a summary of the review to the Advisory Group by July 2015. However, we note that this was not included in the agenda or minutes for the 24 July 2015 Advisory Group meeting, and no document fitting this description is filed in the Advisory Group folders.*

It is extremely frustrating to have our missing information complaint sitting in an allocation queue, when the Ministry have referenced some of the missing information in response to questions about other missing information.

Our request for the **24 July 2015 Minutes** under OIA seems straightforward – the Ministry has not provided us with this information, yet it holds this information (as referenced above). This part of our complaint could be resolved immediately.

Please consider this.



Thank you.

Regards  
Callum and Victoria Turnbull

**From:** [Nick Wright](#)  
**Sent:** Tuesday, March 26, 2024 2:18 PM  
**To:**  
**Subject:** The Ombudsman: Your complaint about MoE - Ref. 001791

Dear Callum and Victoria

Thank you for your 21 March 2024 email – it was forwarded to me for reply.

To confirm:

- You have complained about how the Ministry responded to your request for information about the Restraining and Seclusion Advisory Group.
- A member of the Ombudsman's 'Early Resolution Team' contacted the Ministry to see if your complaint could be somehow resolved.
- Resolution was not possible, therefore your complaint was transferred to the Ombudsman's 'Investigation Team'
- Your complaint is currently in the allocation queue. It will be allocated to an Investigator as soon as there is capacity.
- Unfortunately I can't specify when that will be due to the volume of complaints we are dealing with at the moment.

Kind regards

Nick

**Nick Wright**

Manager – Investigation and Resolution  
Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

Phone 04 473 9533 | Fax 04 471 2254

Email [Nick.Wright@ombudsman.parliament.nz](mailto:Nick.Wright@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

 **Ombudsman**  
Fairness for all

**Subject:** RE: Ombudsman reference: 001791  
**From:** "Scott Martin" <[scott.martin@ombudsman.parliament.nz](mailto:scott.martin@ombudsman.parliament.nz)>  
**Sent:** 9/08/2024 4:26:40 pm  
**To:**

Kia ora Callum and Victoria

I refer to your email of 5 August 2024.

Your email has been referred to me as the Manager responsible for your complaint.

Unfortunately, at this time, I do not have any further update on your complaint against the Ministry of Education and your complaint is currently awaiting allocation to a dedicated Investigator. As you may have been advised previously, the Office of the Ombudsman receives a significant number of complaints.

I acknowledge your comments about progress on your complaint and while I can't provide you with a timeframe as to when your complaint will be allocated, I can assure you that the assigned Investigator will be in contact with you directly once this happens.

Thank you for your continued patience in this matter.

Ngā mihi

**Scott Martin**

Manager - Investigation and Resolution Team

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**From:** >  
**Sent:** Monday, 5 August 2024 11:59 am  
**To:** Info <[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)>  
**Subject:** Fw: The Ombudsman: Your complaint about MoE - Ref. 001791

Good morning

C J and V A Turnbull

15 August 2024

Hon Erica Stanford

[E.Stanford@ministers.govt.nz](mailto:E.Stanford@ministers.govt.nz)

Dear Erica

Please accept this letter as a formal complaint against Ministry of Education Hautū Nancy Bell, who responded to our July 2023 complaints against MoE staff and contractor, on behalf of the Secretary for Education Iona Holsted.

In her first letter to us dated 19 October 2023, Nancy Bell explained the long delay in responding to our complaint letters was due to her having to take time and seek advice and consider what information was needed to be able to respond. However, this did not match her response as it was inaccurate, dismissive and dishonest.

She then re-worded the letter regarding the Christine Menzies and Murray Roberts complaints.

Her re-worded letter dated 1 July 2024, is unacceptable. She failed to acknowledge or address the specific concerns we raised. In response to Christine Menzies withholding information from Police during a Police investigation she simply stated - ***Any further concerns regarding the police investigation should be raised directly with Police.***

However, in July 2023, we had also made a complaint against Christine Menzies to Police. Part of which, Nancy Bell advised in her letter, had been transferred by Police to the MoE for response.

For your information, we met with Police in October 2023 to talk about our Police complaint. During the meeting, Detective Inspector Shona Low stated, *"The Ministry of Education have told you no more."*

*"They've already had a final conversation with you around this."*

She said, *"I invited the MoE to come with me today so we could talk openly. They are finished having a conversation with you."*



We explained to Detective Inspector Shona Low, the Police investigation was a multiple agency investigation under the Child Protection Policy (CPP) where agencies come together, and the person responsible for representing the MoE was Christine Menzies. Under the CPP she was to - communicate in an open, honest and timely way, including responding promptly to requests by other parties. The Detective Inspector agreed.

We asked, *"So what do you think when Christine Menzies told Brian (Detective Inspector Brian Cameron) there was no current guidelines, when she knew there were?"*

Shona Low replied, **"So have you gone to the Ministry of Education about all this? Because that's where it sits."**

In relation to our complaint against Christine Menzies, Police told us, *"It's not an offence to tell us a lie."*

We have lost all confidence in Police, who said to us at the meeting – *"when you say to me putting children into seclusion, which I don't disagree that that's happened, but the reason's they done it are for good reason."*

We made a complaint against Police for their handling of our complaint against Christine Menzies and that only resulted in further deception, with IPCA Manager Cath Anyan writing in response - *She (Christine Menzies) said she complied with the Ministry of Education's internal protocols and took advice in accordance with those protocols in deciding what should be given to Police.*

Not only is there no record or reference to this statement being made by Christine Menzies in the Police interview notes or file - MoE internal protocols (that would allow MoE staff to pick and choose what MoE documents should be given to Police, when requested by Police, during a Police investigation into allegations of abuse in a school setting) - do not exist.

We appear to have exhausted all complaint avenues through the MoE, as cover-up by individual staff sits at the top level. Iona Holsted did not reply to the complaints, and we cannot help but wonder if this was because in her previous role as ERO CEO she was untruthful multiple times during a media interview regarding our complaint against Ruru Specialist School. (Please see letter attached.)

When Police questioned Christine Menzies in 2023 about withholding MoE guidelines, she told Police - *"I always sort authority or legal advice before releasing any information."* If this is correct, the Ministry officials that advised or authorised Christine Menzies, should be identified and held culpable too.

On behalf of the Secretary for Education, Nancy Bell does not address the specific matters in relation to our complaints against Ministry of Education staff. She does not address the specific concerns we have about the drafting of *Seclusion Guidelines*, when named staff involved knew seclusion was against existing guidelines for schools and MoE Practice Guidelines.

The work of the Advisory Group, which convened in June 2015, has not been *well traversed* as Nancy Bell advised in her re-worded response. In June 2023, under OIA, we sought information pertaining to this work, which spanned over 2 years. Part of our request under the Act, is a 'missing information complaint' that sits in a queue at the Office of the Ombudsman and is *currently awaiting the allocation to a dedicated Investigator.*

In July last year we copied you into our complaints against MoE staff and contractor. In February 2024 we copied you into the letter we wrote to Nancy Bell, after receiving her first response letter (before the re-wording). On the 9 April 2024 we wrote to you outlining wrongdoing and cover-up and you emailed us back "*your letter has noted*". We are now seeking your inquiry and action.

Ministerial intervention is required to ensure disabled and neurodivergent students are safe at school, especially those in segregated settings. It is heart-breaking to hear students are still being restrained and secluded in schools and that there is still no proper complaints process.

Our complaints of abuse and wrongdoing at Ruru Specialist School have been mishandled and covered up by multiple agencies who have not put children and young people first.

We have attached our Witness Statement for the Royal Commission of Inquiry into Abuse in Care and hope you are able to find the time to read it.

Yours sincerely

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

Callum and Victoria Turnbull

C J and V A Turnbull

24 October 2016

ERO CEO

Iona Holsted

Tari Matua Level 1

101 Lambton Quay

WELLINGTON

Info @ero.govt.nz

Dear Madam

**RE: Checkpoint with John Campbell interview "ERO had no idea Ruru Specialist School was being investigated" 21 October 2016.**

During your interview with John Campbell you state "I repeat, we should have known there was a complaint, absolutely, and we would have acted on that..."

Please be advised that during the 2015 ERO review of Ruru Specialist School, ERO **was** formally advised of the complaint by the parent who was also an active Board member. ERO was advised that the Ministry of Education had completed an investigation of the school. Please refer to the email attachment for verification.

When John Campbell expressed confusion as to why the 2015 Unconfirmed ERO Report did not make mention of the seclusion room, you stated "it had already gone by then. It wasn't there." **This statement is not true.** The seclusion room was there, and in fact the ERO team viewed the room and was given a copy of procedure. This was confirmed in an email we received in July 2015, from Deputy Chief Review Officer, Graham Randell.



During the interview, you explained that the Board was commenting on the Ministry Investigation report at the same time the ERO review commenced, and that you assumed the Board had moved on by the time ERO had commenced the review. However, when the ERO team visited Ruru Specialist School in March 2015, the Board had only days earlier received the Ministry of Education investigation report. You stated "these people were trying to do the right thing actually..." when in fact **they did not do the right thing**. They did not disclose the complaint as a collective group. This disclosure was made by an individual Board member, and was ignored by ERO.

You were correct when you said the Board of Trustees responded to the Ministry regarding the investigation report by making comments. On 9 April 2015, we were sent the comments/corrections the Board made to the Ministry Investigation Report. We were also sent the Unconfirmed ERO report by the school and they expressed they were "delighted with the report."

The Board of Trustees had quoted from the Unconfirmed ERO Report to reject findings made in the Ministry of Education Report.

Commented [BOT5]: The BOT disagree and request evidence of this. ERO 2015 'Systems, processes and procedures for all aspects of the school operations and for governance in particular are comprehensive'

Commented [BOT58] ERO 2015 – Trustees know the school well and feel well informed – many ways to consider how students are being supported and how they are achieving – all this contributes to review.

Commented [BOT62] .... The ERO visit 2015 – "Systems, Processes and Procedures for all aspects of the school operations and the Governance in particular are comprehensive."

"Focus on ensuring a safe and supportive environment and on the positive behaviour management, so the emphasis can be on learning and positive interactions."

Comment [BOT67]: ERO visit 2015 discussion while viewing the safe area, Carpeted and soft floor and walls, natural lighting, well ventilated, not too big so students won't run and hurt themselves, handles both sides and no locks, ticks all boxes." ERO was given a copy of all our procedures.

Commented [BOT69]: ERO have viewed the safe area as part of their reviews since it was built.

Please refer to our complaint letter to ERO dated 16 September 2016. Under the Official Information Act 1982 (the Act) we asked: **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?**

ERO responded: **ERO did not view/inspect the 'seclusion room' in 2002, 2006, and 2009.**

During your discussion with John Campbell you commented that "...it is a high trust model. These are self-managing schools..." **Regarding the Boards comment/correction 69, they have clearly lied to deceive both the Ministry and parents.**

Early on in your interview with John Campbell you explain “where we find anything that is harmful or risky to child safety we would either be raising that directly with the Board or report, or reporting to the Ministry.” It is clear the ERO failed to recognise or report the harmful environment, risking child safety and wellbeing.

We can assure you that our son has been physically, emotionally, and psychologically harmed by the practise of restraint and seclusion by staff and management at Ruru Specialist School. Please refer to confidential photo attachment showing facial bruising only days before we withdrew our son from Ruru Specialist School. Also attached is a hospital report with details of an injury my son sustained whilst in ‘timeout’.

When talking about the ERO review in 2015 during the interview you stated “We did start a review there (Ruru Specialist School), and then we learnt from the Ministry of Education that there had been a complaint.”

- 4 December 2014 Complaint made to Police
- 8 December 2014 Formal complaint made to Ministry
- February 2015 Terri Johnstone commences investigation commissioned by the Ministry
- 4 March 2015 Ministry releases Investigation Report to School and parents (Turnbulls)
- 9 March 2015 ERO commence review at Ruru Specialist School
- 11 March 2015 Parent/Board of Trustee advises ERO of a serious complaint and recent Ministry of Education Investigation by email
- 9 April 2015 parents are sent copy of 2015 Unconfirmed ERO Review by the school who advise they will confirm report with ERO before 20 April 2015
- 9 April 2015 parents sent copy of Board of Trustees comments/corrections to Ministry Investigation Report
- 28 April 2015 Parents advise Ministry Management they have a copy of the Unconfirmed ERO Report and express concern over stark contradictions in the reports

The 2015 ERO Review was only days away from being released to the public. So, when you stated “we learnt from the Ministry of Education that there had been a complaint” not only was that untrue, due to having been formally advised during the review, it was also **only** because we (the parents) had advised the Ministry we had the report.

Ruru Specialist School has been using restraint and seclusion in secrecy for many years, impacting many children and young people’s lives. This treatment has gone completely unmonitored by the Board of Trustees, Ministry of Education, and ERO. Seclusion is widely regarded as one of the most restrictive practises used in modern psychiatry. Management of restraint and seclusion has been left in the hands of Principal Erin Cairns and her management team. Who was watching the school? **Nobody.** Power without oversight is a recipe for abuse.

During the John Campbell interview on 21 October 2016, you reported untruths, misleading John Campbell and the New Zealand public. This is totally unacceptable. Please provide a formal retraction of the information you provided, that was untrue, summarised as follows:

- ERO did know about the parent’s complaint and Ministry Investigation when reviewing the school in 2015. A Board of Trustee did disclose this information, but ERO ignored this advice.
- The seclusion room was “there” when ERO reviewed the school in 2015.

- ERO did view/inspect the room during the 2015 review of the school.
- The Ruru School Board of Trustees had not “already addressed the issues” or were not “somewhere else” as you suggested, when ERO was reviewing in 2015. Ruru Specialist School Board of Trustees withheld the critical investigation report commissioned by the Ministry of Education, then used the 2015 Unconfirmed ERO Report to reject the Ministry of Education Investigation Report.
- In the 2015 review of Ruru Specialist School ERO did not identify or report on a practice used by the school, that is regarded as absolutely intolerable, harmful, and risky to child safety.

We look forward to your immediate response.

Yours sincerely

Callum and Victoria Turnbull

cc: John Campbell

Checkpoint with John Campbell

Pip.Keane@radio.co.nz



**Subject:** Office of the Ombudsman — Our ref CASE-001791  
**From:** "Info" <[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)>  
**Sent:** 25/10/2024 3:50:46 pm  
**To:** "

Tēnā koe Victoria

You have made an official information complaint to the Chief Ombudsman, with Callum Turnbull, about the Ministry of Education (our reference CASE-001791).

Your complaint is being actively monitored and is awaiting allocation to an investigator. We will allocate it as soon as we can, given our current capacity. The investigator will then contact you with any questions and to explain the next steps in our process.

If there has been any relevant change of circumstances, you have further information to add to your complaint, or you have any questions, then please feel free to contact [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Ngā mihi nui

**Joseph Hewson**

Investigations Support Officer

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**Subject:** RE: Ombudsman reference: 001791  
**From:** "Scott Martin" <[scott.martin@ombudsman.parliament.nz](mailto:scott.martin@ombudsman.parliament.nz)>  
**Sent:** 5/03/2025 5:54:11 pm  
**To:**

Kia ora Callum and Victoria

I again apologise for the time taken to progress this matter.

At this stage, I do not have any further updates, however, I am hopeful that we may have capacity to allocate your complaint within the next few months.

While I can't provide you with an exact timeframe as to when the complaint will be allocated, I can assure you that the assigned Investigator will be in contact with you directly once this happens.

Thank you for your continued patience in this matter.

Ngā mihi

**Scott Martin**

Manager - Investigation and Resolution Team  
Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

Email [scott.martin@ombudsman.parliament.nz](mailto:scott.martin@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)  
PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington



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**From:**  
**Sent:** Wednesday, 5 March 2025 10:57 am  
**To:** Scott Martin <[scott.martin@ombudsman.parliament.nz](mailto:scott.martin@ombudsman.parliament.nz)>  
**Subject:** Re: Ombudsman reference: 001791

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We are seeking an update on our complaint.

Thank you.

Regards  
Callum and Victoria Turnbull

**From:** [Scott Martin](#)  
**Sent:** Friday, August 9, 2024 4:26 PM  
**To:**  
**Subject:** RE: Ombudsman reference: 001791

Kia ora Callum and Victoria

I refer to your email of 5 August 2024.

Your email has been referred to me as the Manager responsible for your complaint.

Unfortunately, at this time, I do not have any further update on your complaint against the Ministry of Education and your complaint is currently awaiting allocation to a dedicated Investigator. As you may have been advised previously, the Office of the Ombudsman receives a significant number of complaints.

I acknowledge your comments about progress on your complaint and while I can't provide you with a timeframe as to when your complaint will be allocated, I can assure you that the assigned Investigator will be in contact with you directly once this happens.

Thank you for your continued patience in this matter.

Ngā mihi

**Scott Martin**

Manager - Investigation and Resolution Team  
Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

Phone 0800 802 602 | Fax 04 471 2254

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**From:**  
**Sent:** Monday, 5 August 2024 11:59 am  
**To:** Info <[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)>  
**Subject:** Fw: The Ombudsman: Your complaint about MoE - Ref. 001791



**Subject:** RE: Office of the Ombudsman: CASE-001791  
**From:** "Shreen Grewal-Sen" <[Shreen.Grewal-Sen@ombudsman.parliament.nz](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)>  
**Sent:** 12/06/2025 1:31:21 pm  
**To:** "

Ahiahī mārie kōrua

Thank you for your email. I will be in touch again once I have finished reviewing our file. I expect this will be in a couple of weeks but will let you know if I need more time.

You are of course welcome to ring at any point to discuss.

Ngā mihi  
Shreen

**Shreen Grewal-Sen (she/her)**

Senior Investigator | Investigation and Resolution Team 5  
Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 494 1670 | Phone 04 473 9533 | Fax 04 471 2254 | Free Phone 0800 802 602

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**From:**   
**Sent:** Thursday, 12 June 2025 10:10 am  
**To:** Shreen Grewal-Sen <[Shreen.Grewal-Sen@ombudsman.parliament.nz](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)>  
**Subject:** Re: Office of the Ombudsman: CASE-001791

Morena

Thanks for the email Shreen. There has been no change in circumstances – we are still seeking the information.

Regards  
Callum and Victoria

**From:** [Shreen Grewal-Sen](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)  
**Sent:** Monday, June 9, 2025 10:40 AM

**To:**

**Subject:** Office of the Ombudsman: CASE-001791

Dear Callum and Victoria

I am writing to let you know that your Official Information Act complaint against the Ministry of Education has now been reallocated to me.

I appreciate that you have been waiting for some time for your complaint to be reallocated. I sincerely apologise for the delay, and thank you for your patience.

I am in the process of familiarising myself with the material we have on our file. In the meantime, can you please let me know if there have been any change in circumstances. You are welcome to ring me on the number listed below if that would be easier.

Once again I am sorry for the delay and I will be in touch again once I have finished reviewing our file.

Kind regards

**Shreen Grewal-Sen (she/her)**

Senior Investigator | Investigation and Resolution Team 5

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

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**Subject:** Update Office of the Ombudsman: CASE-001791 - Ministry of Education  
**From:** "Shreen Grewal-Sen" <[Shreen.Grewal-Sen@ombudsman.parliament.nz](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)>  
**Sent:** 19/12/2025 10:51:35 am  
**To:**  
**Attachments:** 2025-12-19 Letter from the Office of the Ombudsman Mr and Mrs Turnbull  
OIA Investigation CASE-001791.pdf

Dear Callum and Victoria

I refer to previous communications about this case. I am very sorry that it has taken much longer for me to review the matter and progress it. However, I am writing to confirm that we have commenced a formal investigation. I have attached a letter confirming this and seeking your comments on a couple of issues.

I look forward to hearing from you in due course.

Please note I am on leave from around 3pm today but I will be available (on slightly reduced hours) during the week of 5 January 2026, and then back on board fully the following week onwards.

Ngā mihi  
Shreen

**Shreen Grewal-Sen (she/her)**

Acting Manager | Investigation and Resolution Team 5

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Please note that my usual hours of work are Monday and Tuesday from 7am to 4pm; Wednesday and Thursday from 9.30am to 6pm; and Friday 7am to 2.30pm.

 **Ombudsman**  
Tuia kia ōrite • Fairness for all



Our ref CASE-001791  
Contact Shreen Grewal-Sen  
19 December 2025



Victoria and Callum Turnbull

By email: [Victoria.Turnbull@parliament.nz](mailto:Victoria.Turnbull@parliament.nz)

Dear Mr and Mrs Turnbull

**Investigation of official information complaint  
Request to Ministry of Education for Restraint and Seclusion Advisory Group  
information**

I am writing on behalf of Chief Ombudsman John Allen.

On 24 August 2023, you made a complaint about the decision of the Ministry of Education on your request for information in June 2023 about the Restraint and Seclusion Advisory Group. Due to a substantial volume of complaints and competing pressures, we have not been able to progress this matter until now. I sincerely apologise for this. However, I am writing to confirm that we are formally investigating your complaint.

**Background**

I understand you have had various interactions with the Ministry and our office about your June 2023 request for information about the Restraint and Seclusion Advisory Group. In light of this, I have set out my understanding at **Appendix 1**. I appreciate this background is lengthy but for the sake of completeness and accuracy I believe it important to set it out in full.

Please let me know if you consider that there are any inaccuracies with my understanding.

**The complaint**

You remain dissatisfied with the Ministry's handling of your request, and you are concerned that there was an undue delay by the Ministry in releasing the information you requested on 1 June 2023; and the information that was later released on 4 October 2023 was incomplete or inadequate.

Specifically, you identified the following information that you consider should have been included in the material released on 4 October 2023:

- a. The minutes of the meeting on 24 July 2015 and 30 May 2017 – the agendas were released but not the minutes themselves. You also note that in its communication with our office in December 2023, the Ministry seems to refer to the minutes for the meeting of 24 July 2015 but they were not included in the material released on 4 October 2023.
- b. The minutes of 4 June 2015 (at Item D under the heading 'Timelines for the literature review, guidance document, and other agreed work') suggested that '*[t]he first paper will be*

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*circulated at today's meeting'* but no such paper was included in the material released on 4 October 2023.

- c. Similarly, the minutes of 23 June 2015 (at Item E under the heading 'Agreements') indicated that amendments would be made to the Terms of Reference and circulated to members but no amended Terms of Reference was included in the material released on 4 October 2023.
- d. The Ministry's internal guidelines that were referred to in the draft Terms of Reference [p6], Terms of Reference [p6], meeting minutes of 4 June [p3] and 23 June 2015 [p1], and confirmed in the latter as having been distributed to the members of the Advisory Group.
- e. Terri Johnstone's review of the internal guidelines and the summary of the review of the internal guidelines, submitted to the Advisory Group (referenced as a deliverable in the Terms of Reference [p6]).

Please confirm if I have misunderstood matters or if you consider that there is other information that should have been included.

In that regard, I am aware you have also noted:<sup>1</sup>

*...our OIA request for was not limited to what was in the Advisory Group folders. MoE Contractor, Terri Johnstone is still operating her business - Catalyst For Change and still being contracted by the MoE. Under section 2(5) of the OIA, any information held by an independent contractor engaged by a Department, Minister of the Crown or organisation in its capacity as such contractor, is deemed to be held by the Department, Minister of the Crown or organisation. Terri Johnstone could verify and provide information we have requested.*

Further, in terms of the Ministry's reliance on section 18(d) to refuse part 7 of your 1 June 2023 request, you advised that the material that was subsequently made publicly available:

*...does not include directive from former Minister of Education Hon Hekia Parata, to the Ministry and/or Advisory, to work on ending the use of seclusion in schools. There is no reference to the cancellation of the seclusion guidelines, that the Advisory had been working on for over a year in any documentation we have been provided, or that has been made publicly available. It is unlikely that this controversial, body of work allowing for seclusion in New Zealand schools was cancelled without any documentation or written reference.*

### **The investigation**

I have written to the Chief Executive of the Ministry to commence the investigation. I have asked the Ministry to comment on several aspects of your complaint, including the material that you consider should have been provided to you and your concern about the undue delay in releasing information.

---

<sup>1</sup> Your email of 14 February 2023 to our office refers.



In the meantime, there are two issues I would like to like clarify:

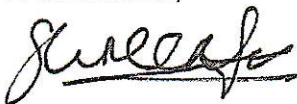
1. In terms of the Ministry's letter of 3 October 2023, some information was redacted under sections 9(2)(a) and 9(2)(h) of the Official Information Act 1982. I understand that you are not seeking an Ombudsman's findings on these specific redactions. Please let me know if I am mistaken.
2. It is clear from your email of 14 February 2024 to our office that you do not consider the proactively released advice to the Minister (dated 20 June 2016 and 12 October 2016) satisfied part 7 of your request, which was for information about any directive to the Ministry 'to end the work on the Seclusion guidelines'. In the regard, I note that the Ministry advised in its letter to you dated 3 October 2023:

*....former Minister of Education Hon Hekia Parata directed the Ministry to work on ending the use of seclusion in schools. As a result, the two sets of draft guidelines (Physical Restraint and Transitional Guidelines as we work towards the Elimination of the Use of Seclusion in New Zealand Schools) were combined into one document and amended to reflect the change in approach. A new legal framework for physical restraint was then created through the Education (Update) Amendment Act 2017 and the Education (Physical Restraint) Rules 2017.*

I note the wording used by the Ministry is quite different from your communications. In particular you seem to consider that the Minister directed the Ministry to **end the drafting of the seclusion guidelines** while the Ministry seems to have understood you to be asking about the directive to **end the use of seclusion**. I would be grateful if you could clarify matters; specifically, why you may be the view that the Minister directed the Ministry to 'cancel' work on the seclusion guidelines (as noted in your email to us of 14 February 2024).

I look forward to hearing from you in due course about these two issues as well as any of the other matters noted in this letter and the attached appendix.

Yours sincerely



Shreen Grewal-Sen  
Acting Manager

Encl Appendix 1 – Background



## Appendix 1. Background

### Requests to, and responses from, the Ministry

On 1 June 2023, Victoria and Callum Turnbull emailed a letter to the Ministry (dated 31 May 2023) in which they asked for:

1. *All information about the decision-making process for constituting the Advisory Group in 2015 - the reasons for its establishment, including who authorised/approved this.*
2. *The terms of reference.*
3. *Copies of agendas, minutes, correspondence, meeting notes for all Advisory Group meetings.*
4. *Copies of all documents, reports, papers considered by the Advisory Group.*
5. *List all people and their positions, that contributed or provided input to the Advisory Group.*
6. *Copies of advice and papers provided by the Advisory Group to the Ministry and/or Minister responsible for the work.*
7. *All information and papers relating to the direction from the Minister for Education and/or the Chief Ombudsman to the Ministry of Education to end the work on Seclusion draft guidelines.*
8. *All information pertaining to amendments to the draft guidelines in August and October 2016.*

The Ministry responded on 30 June 2023 advising:

*Thank you for your email of 1 June 2023 requesting the attached information on the Restraint and Seclusion Advisory Group. Your request has been considered under the Official Information Act 1982 (the Act).*

*Your request as currently worded covers a large volume of official information dating back some years.*

*Many records from this period have now been archived, particularly given the subsequent departure from the organisation of many key individuals involved in this work at the time. However, we have identified the following publicly-available responses to previous related requests under the Act, which we invite you to review:*

*<https://fyi.org.nz/request/10628-physical-restraint-advisory-group>  
[R-Response-1216490.pdf\(education.govt.nz\)](#)*

*Once you have reviewed this information, we invite you to come back to us if there is specific additional information that you require.*

Following this, Mr and Mrs Turnbull advised the Ministry (by emails on 2 and 8 July 2023) that the material provided at the FYI link did not satisfy their original request. Noting that some of this

information might be archived, they offered to meet the costs associated with retrieval. They wrote to the Ministry again on 12 July 2023 advising:

*Following up on our emails - 2 July and 8 July 2023.*

*Please advise when you will provide the specific information we requested in our letter dated 31 May 2023. We appreciate you have provided some information that is already publicly available, however it is not the information we have requested under the Official Information Act 1982.*

On 12 July 2023, the Ministry wrote to Mr and Mrs Turnbull:

*We apologise if our previous response to you was unclear. Rather than set out technical refusal grounds under the legislation, we were endeavouring to point you to online sources of the information you requested. ...*

*It is our view that the information you are seeking is covered by this published response to a previous request: <https://fyi.org.nz/request/10628-physical-restraint-advisory-group>*

*...*

*We also provided a link to a further published response for reference.*

*On that basis, your request is refused under section 18(d) of the Act, as the information requested is publicly available. However, if you are in fact seeking different information to that provided in the response linked above, we invite you to come back to us with clarification, and we will open a new request.*

On 13 July 2023, Mr and Mrs Turnbull advised the Ministry that the publicly available information did not satisfy their request and offered to narrow their request to cover between 2015-17 (emphasis original):

*For your information - **The Advisory Group convened for the first time in June 2015. The Advisory Group met once or twice a month between June and October 2015.***

*The information we are seeking is not covered in the published response already publicly available under a previous request e.g. the information already published, in the link provided, does not include the terms of reference for the Advisory Group which convened in 2015 the information does not include agendas, minutes, correspondence, meeting notes for all the Advisory Group meetings in 2015, 2016, 2017 etc.*

*We are not seeking different information from our original request, but we can narrow our request to cover the period 2015 - 2017.*

*You have invited us to comeback to you with clarification. However, you did not ask for clarification within 7 working days, therefore our OIA request should not be treated as a new request and is now overdue.*

*We now require this information urgently and look forward to your immediate response.*



The Ministry then apologised (by email on 18 July 2023) for misunderstanding matters and advised it had 'identified several archived folders of information that [it was] currently downloading for assessment'. Mr and Mrs Turnbull contacted the Ministry on 4 August 2023 asking for a timeframe for when they could expect the information requested. The Ministry responded on the same day stating:

*As previously advised, we have managed to source material that falls in scope of your revised request, which was stored on a now-defunct system and therefore required assistance from our Records team to locate. In terms of timing, we consider that we responded to your original request by pointing you to publicly available information that covers a significant portion of the information you are seeking. However, we have now undertaken to reconsider our approach to responding, and to provide you with an updated response without undue delay.*

*The team responsible for the subject matter is currently reviewing the material and we will come back to you as soon as practicable. Unfortunately, due to key staff involved in the work having now left the Ministry, this is not as straightforward as it would be for current material, and will take some time. We will endeavour to provide you with information in tranches and will come back to you with an update after the team reconvenes toward the end of next week.*

On 16 August 2023, Mr and Mrs Turnbull wrote to the Ministry again to make a complaint about their OIA request. They set out the history of their interactions with the Ministry and went on to note:

*Failure to provide this information under the Act is very concerning to us due to the serious complaints we have made against Ministry managers and contractor involved with the 2015-2016 Advisory Group, central to the information we seek. Are these the people who are considering the approach to responding to our OIA? Are these the people reviewing the subject matter under request? Are these the people delaying the OIA response?*

*It is also concerning we have not received any response from you or your office, in relation to the serious formal complaints against the managers and contractor, given the significant amount of time you have had to consider the complaints.*

### **Complaint to Ombudsman**

Having not had a response from the Ministry, Mr and Mrs Turnbull contacted our office on 24 August 2023:

*It is important to note that the 2015 Restraint and Seclusion Advisory Group (pertinent to our OIA request) was made up of representatives from multiple agencies.*

*The Ministry provided links to publicly available responses to previous related requests under the Act, however the links did not include information we requested on 1 June 2023.*



*We wrote back notifying the Ministry the links did not include the information we were seeking and made an offer to cover costs to retrieve the archived information we sought.*

*After a follow up email from us the Ministry refused our request under section 18(d) of the Act. We wrote back again, referencing the dates and details in our original request.*

*After clarifying our request, the Ministry wrote back advising they had identified several archived files and that they were downloading them for assessment, however they have failed to provide any information to date. All email correspondence between ourselves and the Ministry of Education in relation to our OIA request is included for your reference...*

*On the 16 August 2023 we wrote a complaint to Ministry of Education CEO Iona Holsted ... Ms Holsted has not replied to our complaint letter.*

### **Preliminary enquiries with the Ministry**

On 18 September 2023, our office undertook preliminary enquiries with the Ministry asking a series of questions about whether further information had been released to Mr and Mrs Turnbull. On 25 September 2023, the Ministry advised us that while it had not released any further information, it hoped to do so within 10 working days.

On 31 October 2023, our office contacted the Ministry again to confirm whether it had released any outstanding information. The Ministry confirmed that this was sent on 4 October 2023 and provided us with a copy of its email to Mr and Mrs Turnbull, along with its letter dated 3 October 2023, and the information that was released.

### **The Ministry's decision of 4 October 2023**

The Ministry's letter dated 3 October 2023 to Mr and Mrs Turnbull apologised for the delay in securing the relevant files from its archived document management system and went on to say:

*Information in scope of **parts one, two, three, four, five and eight** of your request is contained with the Advisory Group meeting papers set out in **Document Table A** below and attached in part as Appendix A. Please note that the papers listed for each meeting have been provided to you regardless of whether there is any duplication, to enable you to see any changes made over time.*

*Some information has been withheld from these documents under section 9 of the Act, as detailed in the tables below. As required under section 9(1) of the Act, I have considered the public interest in releasing the information withheld, and do not consider the public interest considerations favouring the release of this information are sufficient to outweigh the need to withhold it at this time.*

*Information identified in scope of **part six** of your request is set out in **Document Table B** below. Some of these documents have been proactively released on our website, and links have been provided. Those documents that are not already publicly available will be processed for publishing in the coming days. Advice seen by Education Ministers is now routinely published on our website and may be searched by year here:*

<https://www.education.govt.nz/our-work/informationreleases/advice-seen-by-our-ministers/>. In addition, please refer to further advice published on our issue-specific page here: <https://www.education.govt.nz/our-work/information-releases/issuespecific-releases/education-and-training-bill/>.

As regards to **part seven** of your request, as set out in the previous response provided at the link above, former Minister of Education Hon Hekia Parata directed the Ministry to work on ending **the use of** seclusion in schools. As a result, the two sets of draft guidelines (Physical Restraint and Transitional Guidelines as we work towards the Elimination of the Use of Seclusion in New Zealand Schools) were combined into one document and amended to reflect the change in approach. A new legal framework for physical restraint was then created through the Education (Update) Amendment Act 2017 and the Education (Physical Restraint) Rules 2017.

The Ministry's email to Mr and Mrs Turnbull on 4 October 2023 also noted:

*We note that you have also complained to the Ministry and the Minister about a delay in responding to six complaints you have raised relating to Ministry staff/contractors. I can confirm that these complaints are being considered in aggregate, and are going through a process of internal review. We expect to have a response to you shortly.*

#### **Further preliminary enquiries**

Our office then undertook enquiries with Mr and Mrs Turnbull. Following that we sought further clarification from the Ministry on 4 December 2023, noting Mr and Mrs Turnbull's concern that the material released on 4 October 2023 was incomplete.

On 11 December 2023, the Ministry advised our office that it had provided Mr and Mrs Turnbull with all the papers located in the Advisory Group meeting folders.

In terms of the additional information that Mr and Mrs Turnbull considered was missing, the Ministry explained:

*Due to the passage of time and the subsequent departure of all Ministry staff involved in those meetings, we are unable to verify if any additional guidelines existed that were not filed in the meeting folders. However, we are confident that all papers considered by the Advisory Group and noted in the minutes were filed in these folders.*

...

*The contractor, Terri Johnstone, conducted several reviews, such as the literature review, legal issues review and current practice review. This was set out in the draft Terms of Reference produced for the 4 June 2015 Advisory Group meeting and the final Terms of Reference produced for the 23 June 2015 Advisory Group meeting. Those reviews have been provided to the Turnbulls and are listed in the document table attached to the response to their request.*

*The timeline in the Terms of Reference indicates that Ms Johnstone would review the 2007 Practice Guidelines for the Management of Serious and Challenging Behaviour and submit a summary of the review to the Advisory Group by July 2015. However, we*



*note that this was not included in the agenda or minutes for the 24 July 2015 Advisory Group meeting, and no document fitting this description is filed in the Advisory Group folders.*

*It therefore appears that this review was either not completed or was incorporated into the other reviews that Ms Johnstone undertook. Unfortunately, as noted above, due to the passage of time and the subsequent departure of all Ministry staff involved in those meetings, we are unable to verify this.*

Our office conveyed this to Mr and Mrs Turnbull, and they confirmed that this did not resolve their concerns, noting that (amongst other matters):

*...our OIA request for was not limited to what was in the Advisory Group folders. MoE Contractor, Terri Johnstone is still operating her business - Catalyst For Change and still being contracted by the MoE. Under section 2(5) of the OIA, any information held by an independent contractor engaged by a Department, Minister of the Crown or organisation in its capacity as such contractor, is deemed to be held by the Department, Minister of the Crown or organisation. Terri Johnstone could verify and provide information we have requested.*

Further, in terms of the Ministry's reliance on section 18(d) to refuse part 7 of their 1 June 2023 request, Mr and Mrs Turnbull advised that the material that was subsequently made publicly available:

*...does not include directive from former Minister of Education Hon Hekia Parata, to the Ministry and/or Advisory, to work on ending the use of seclusion in schools. There is no reference to the cancellation of the seclusion guidelines, that the Advisory had been working on for over a year in any documentation we have been provided, or that has been made publicly available. It is unlikely that this controversial, body of work allowing for seclusion in New Zealand schools was cancelled without any documentation or written reference.*



Callum and Victoria Turnbull

20/1/2026

Office of the Ombudsman

[shreen.grewal-sen@ombudsman.parliament.nz](mailto:shreen.grewal-sen@ombudsman.parliament.nz)

Re: 1791

Dear Shreen

Thank you for your letter dated 19/12/2025.

With regards to the issues you would like us to clarify:

1. At this stage, we are not seeking an Ombudsman's findings on specific redactions.
2. Re: 7.

You are correct that the proactively released advice to the Minister (dated 20 June and 12 October 2016) did not satisfy part 7 of our request. The Education Reports the Ministry released are, in part, about launching **Seclusion Guidelines** (which **allowed** for the use of timeout rooms and seclusion) – seeking her approval and participation, when Ministry of Education guidelines already existed (a)

We know (then) Minister of Education knew about our complaint in 2015 and the Terri Johnstone Ruru Report, which recommended that the Ministry of Education form a national working party to consider the use of seclusion and restraint in schools.

We know the then Minister had been advised about the cross-sector Advisory Group producing new seclusion guidelines and that the work had been going on for over a year.

We do consider that the Minister directed the Ministry to **end the drafting of the seclusion guidelines** – as the draft Seclusion Guides (2 August 2016) referenced in the Education Reports dated 20 June and 12 October 2016, **allowed** schools to use seclusion.

You can see from the dates (12 October 2016) the Ministry of Education was seeking approval and participation from the Minister, intending to launch the Seclusion Guides even though, at the same time the Minister was being interviewed by media, calling the use of timeout and seclusion “absolutely intolerable”, saying “I’m absolutely horrified” when a parent engaged with media about the treatment of their son at Miramar Central School at the beginning of October 2016.

Similarly, the seclusion complaint was referred to the Office of the Ombudsman on the 12 October 2016 and the Chief Ombudsman wrote in his Ombudsman Opinion - *I asked the Ministry to issue an advisory to schools requiring that the use of seclusion in schools be discontinued pending the outcome of the investigations.*

Also, you will see by the Ministry's response dated 3 October 2023, "*..Hon Hekia Parata directed the Ministry to work on ending the use of seclusion in schools. As a result, the two sets of draft guidelines (Physical Restraint and Transitional Guidelines as we work towards the Elimination of the Use of Seclusion in New Zealand Schools) were combined into one document and amended to reflect the change in approach.*"

This is referenced in the Restraint and Seclusion Advisory Group Minutes 23 March 2017 – Guidance for New Zealand Schools on Behaviour Management to Minimise Physical Restraint was released on 3 November 2016, just after the announcement of the **Minister's change of direction.**

To be clearer:

- We request all information in relation to the directive from both the Ombudsman and the Minister (at the time), to the Ministry, to end the use of seclusion in schools.
- We request all information in relation to the draft Seclusion Guidelines being discontinued/scrapped/cancelled/"amended" – including dates, directives, correspondence, advice, authorisation and acknowledgements from Minister, Chief Ombudsman, Ministry of Education Advisory Group (that had spent 17 months creating Seclusion Guides) and other parties that had been issued or had received 'draft' Seclusion Guidelines e.g. Ministry of Education Managers, Ministry of Education Contractor, New Zealand Police.

I hope this letter clarifies why we hold the view that the Minister directed the Ministry to 'cancel' work on the seclusion guidelines – ultimately the Ministry have advised us that the Minister directed the Ministry to work on ending the use of seclusion in schools, even though seclusion was deemed *aversive* as per 1998 guidelines (current at time), which stated - *Timeout Room should not be used.*

This directive to the Ministry did not come after we wrote to the Minister in 2015 about our complaint, or after the Minister read the 2015 Ruru Report into our complaint, which stated – *"There is no doubt that the use of such facilities in special education environments is common practice"*

The directive from the Minister, to end the use of seclusion in schools, had to be in 2016 because the Ministry has advised us - **As a result** (of the directive from the Minister), the draft Seclusion Guidelines (dated 2/8/16) were effectively cancelled.

Right up until 12 October 2016, and even after seclusion complaints were being high-lighted in the media, the Ministry of Education was still trying to launch the Seclusion Guidelines, allowing seclusion in schools.

Thank you.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Callum and Victoria Turnbull'.

Callum and Victoria Turnbull

(a)

- 1998 Ministry of Education Guidelines on Managing Extreme Behaviour in Schools: 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, and
- 2007 Ministry of Education Time-out and Physical Intervention Practice Guidelines: The Ministry of Education, Special Education does not recommend any form of time-out procedure in an Early Childhood/School setting, which involves a child/young person being shut in a room, or screened area, by him or herself without any way of getting out unless someone comes to release them. This is a form of isolation (seclusion) and is not on appropriate practice in an Early Childhood/School setting.



**Subject:** 1791  
**From:** "cj.turnbull"  
**Sent:** 21/01/2026 8:15:21 am  
**To:** "Shreen Grewal-Sen" <[Shreen.Grewal-Sen@ombudsman.parliament.nz](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)>

Good morning Shreen,

Further to the letter we sent you yesterday, to better support our *view that the Minister directed the Ministry to 'cancel' work on the seclusion guidelines* (which allowed schools to use seclusion) and to better respond to wording we used, we refer you to the Chief Ombudsman Opinion under the Ombudsman Act, dated 7 November 2017. You will see at paragraph 99. the Chief Ombudsman's wording is similar to the wording used by the Ministry of Education on 3 October 2023:

99. In October 2016, the Minister for Education directed the Ministry to work on ending the use of seclusion in schools **as soon as possible**. The two sets of draft guidelines were combined into one document and amended to reflect the change in approach. On 3

November 2016, the Acting Secretary for Education wrote to all schools advising that the use of seclusion was no longer acceptable and the 2016 Guidance was issued.

However, the Ministry have omitted the key words written by the Chief Ombudsman (used by the Minister at the time), **"as soon as possible"**. This was a *change in approach* as the final draft of the Seclusion Guides (2/8/16), that the Ministry was trying to launch, allowed for schools to use seclusion (for at least 3 years).

Thank you.

Regards  
Callum and Victoria

**Subject:** RE: Re[2]: Update Office of the Ombudsman: CASE-001791 - Ministry of Education  
**From:** "Shreen Grewal-Sen" <[Shreen.Grewal-Sen@ombudsman.parliament.nz](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)>  
**Sent:** 16/03/2026 2:24:05 pm  
**To:**

Kia ora Callum and Victoria

I am awaiting a response from the Ministry. I shall let you know when I hear back from them.

Kind regards  
Shreen

**Shreen Grewal-Sen (she/her)**

Acting Manager | Investigation and Resolution Team 5  
Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata  
DDI 04 494 1670 | Free Phone 0800 802 602  
Email [shreen.grewal-sen@ombudsman.parliament.nz](mailto:shreen.grewal-sen@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)  
PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

Please note that my usual hours of work are Monday and Tuesday from 7am to 4pm; Wednesday and Thursday from 9.30am to 6pm; and Friday 7am to 2.30pm.



**From**  
**Sent:** 16 March 2026 14:09  
**To:** Shreen Grewal-Sen <[Shreen.Grewal-Sen@ombudsman.parliament.nz](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)>  
**Subject:** Re[2]: Update Office of the Ombudsman: CASE-001791 - Ministry of Education

Good afternoon Shreen

We are following up on our emails of 20-21/1/26. Do you have an update?

Regards  
Callum and Victoria

----- Original Message -----

From "Shreen Grewal-Sen" <[Shreen.Grewal-Sen@ombudsman.parliament.nz](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)>  
To  
Date 21/01/2026 8:09:58 am  
Subject RE: Update Office of the Ombudsman: CASE-001791 - Ministry of Education

Dear Callum and Victoria

Thank you for the attached letter. I will review and let you know if I have any further questions.

Ngā mihi  
Shreen

**Shreen Grewal-Sen (she/her)**

Acting Manager | Investigation and Resolution Team 5

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 494 1670 | Free Phone 0800 802 602

Email [shreen.grewal-sen@ombudsman.parliament.nz](mailto:shreen.grewal-sen@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

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**Ombudsman**

Tuia kia ōrite • Fairness for all

**From:**

**Sent:** 20 January 2026 20:06

**To:** Shreen Grewal-Sen <[Shreen.Grewal-Sen@ombudsman.parliament.nz](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)>

**Subject:** Re: Update Office of the Ombudsman: CASE-001791 - Ministry of Education

Hi Shreen

Attached is our response to your letter to us dated 19/12/2025

Regards

Callum & Victoria Turnbull

----- Original Message -----

From "Shreen Grewal-Sen" <[Shreen.Grewal-Sen@ombudsman.parliament.nz](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)>

To

Date 19/12/2025 10:51:35 am

Subject Update Office of the Ombudsman: CASE-001791 - Ministry of Education

Dear Callum and Victoria

I refer to previous communications about this case. I am very sorry that it has taken much longer for me to review the matter and progress it. However, I am writing to confirm that we have commenced a formal investigation. I have attached a letter confirming this and seeking your comments on a couple of issues.

I look forward to hearing from you in due course.

Please note I am on leave from around 3pm today but I will be available (on slightly reduced hours) during the week of 5 January 2026, and then back on board fully the following week



onwards.

Ngā mihi  
Shreen

**Shreen Grewal-Sen (she/her)**

Acting Manager | Investigation and Resolution Team 5

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 04 494 1670 | Free Phone 0800 802 602

Email [shreen.grewal-sen@ombudsman.parliament.nz](mailto:shreen.grewal-sen@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

Please note that my usual hours of work are Monday and Tuesday from 7am to 4pm;  
Wednesday and Thursday from 9.30am to 6pm; and Friday 7am to 2.30pm.

**Ombudsman**

Tuia kia ōrite • Fairness for all

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C J and V A Turnbull

27 May 2026

Chief Ombudsman

John Allen

[info@ombudsman.govt.nz](mailto:info@ombudsman.govt.nz)

Dear Sir,

**Ministry of Education OIA response: GEMS-46969**

Please accept this letter as a formal complaint against the Ministry of Education. We ask that the Chief Ombudsman review the decision on our OIA request (MoE ref: GEMS – 46969).

We have attached a timeline for your reference, and correspondence from the Manager Official and Parliamentary Information at the Ministry of Education, Emma Drysdale.

Emma Drysdale has advised part of our request *falls outside the scope of a request under the Act*, implying that the request *relates to an investigation conducted by an Ombudsman* under the Act. **This is not true.**

There was no investigation conducted by the Ombudsman in relation to the Ministry of Education (or Police) complaints we made against Murray Roberts. On 9 December 2023, we wrote to then Chief Ombudsman Peter Boshier seeking clarification, but this communication did not constitute an Ombudsman Investigation. Therefore, we challenge this part of the response.

Ministry of Education Manager of Ministerial Services, Emma Drysdale has referred to and quoted from Nancy Bell's letter dated 19 October 2023. This letter was officially reworded. She used a documented falsehood to justify the refusal.

The Ministry claims that a keyword search identified 4,000 items, making the request "unmanageable". We do not believe there are 4,000 items relating to our Murray Roberts complaints. However, at no point did the Ministry contact us to refine the scope or discuss narrowing the parameters, as required under Section 13 of the OIA.

While we have received communications concerning our complaints against Murray Roberts, the bulk of those communications contained proven inaccuracies. Specifically, the Ministry's primary communication (19 October 2023) which falsely claimed the Ombudsman had reviewed Murray Roberts' actions.

Despite "*multiple communications*" the Ministry has never produced a single investigation report, finding, or review regarding the concerns we raised regarding Murray Roberts actions and conduct.

Our recent discovery, that Police (via Jevon McSkimming), referred our Police complaint against Murray Roberts back to the Ministry in 2024 proves that there is a new chain of communication that the Ministry has sat on and failed to disclose.

We view the threat of labelling our request for information vexatious, as an attempt at intimidation. Our persistence is a direct result of the Ministry's documented history of providing inaccurate and misleading information. Seeking the truth about child safety and the lack of investigation into Murray Roberts is a matter significant public interest, not a "vexatious" act.

Finally, we complained to the Office of the Ombudsman on 24 August 2023 (case: 001791) about a request for official information, which we made to the Ministry of Education. This request is linked with our complaints against Murray Roberts as he was a member of the Ministry of Education Advisory Group, the subject of our information request.

On 16 March 2026 we followed up with Shreen Grewal-Sen, who advised us, "*I am awaiting a response from the Ministry. I shall let you know when I hear back from them.*"

Yours sincerely

A handwritten signature in black ink, appearing to read 'C 72 and Victoria Turnbull', written in a cursive style.

Callum and Victoria Turnbull



## OIA – Timeline reference

### **NZ Police and Ministry of Education re: Murray Roberts complaints**

#### Sequence of events:

25 July 2023 – Turnbulls write a formal complaint to Secretary for Education Iona Holsted – against Murray Roberts

5 September 2023 – Letter following up complaint sent to Hon Jan Tinetti (Education Minister at the time)

19 September 2023 – 2<sup>nd</sup> letter sent to Hon Jan Tinetti following up complaint to Secretary for Education Iona Holsted – against Murray Roberts

19 October 2023 – Nancy Bell Deputy Secretary for Education responds to Turnbulls –

“The Secretary for Education’s Office has asked me to respond to your correspondence about the conduct of former Ministry of Education staff members”

“I refer to your letter of 25 July about Murray Roberts, former Regional Manager for Special Education across the South Island. This letter raises issues with information provided or withheld to Police and his role in accepting Terri Johnstone’s report.

The evidence you have provided includes file notes created by Police during their investigation. The weight or inference that Police drew from comments made, and their subsequent actions are a matter for Police.

The concerns you raise about Murray Roberts’ role in the investigation and development of guidance have been reviewed including by the Ombudsman and I do not consider that the information you have provided warrants further investigation.”

9 December 2023 – Turnbulls write to Chief Ombudsman asking;

“Did you consider Murray Roberts’ role in the investigations and development of new guidance?” ref: 6184

27 February 2024 – Turnbulls write a response letter to Nancy Bell dated 19 October 2023

“Our concerns about the actions of Murray Roberts and Christine Menzies have been dismissed by you because you state the matters were reviewed by the Ombudsman.”

“We would like to advise you that we have written to the Chief Ombudsman seeking confirmation from him that your advice is correct, in relation to his review of matters. He has not yet replied, however after reviewing letters and documentation, as far as we know the specific concerns we raised in our complaint letters against Ministry of Education staff, fell outside the scope of his investigations in 2017.”

22 March 2024 – Turnbulls write a complaint letter to Police Commissioner Andrew Coster, against Murray Roberts

22 March 2024 – Automatic reply sent to Turnbulls,

“I’m out of the office until 8 April 2024.

During my period of leave, Deputy Commissioner Jevon McSkimming will be acting Commissioner."

27 March 2024 - Assistant Ombudsman Chloe Longdin-Prisk responds to Turnbills 9 December 2023 letter to Chief Ombudsman

"4. Did you consider Murray Roberts' role in the investigations and development of new guidance?

*I have noted the Ministry's advice to you in its letter of 19 October 2023, to the effect that Murray Roberts' role in the investigation and development of guidance was reviewed 'including by the Ombudsman'. Mr Boshier has written to the Ministry seeking comments on its characterisation of the investigation in this way."*

**5 April 2024 – Unknown to Turnbills the Police (via Jevon McSkimming) forwarded their Murray Roberts Police complaint to the Ministry of Education. Police recognised the Murray Roberts complaints (providing false information to Police during an investigation, discrediting a witness during a Police investigation, withholding evidence of child abuse from Police during an investigation, and directing staff to withhold information from Police during an investigation) as "an employment matter for the Ministry of Education".**

Police undertook this action even though the Turnbills had already informed Police, through their complaint, the Ministry of Education had advised the matters sat with Police.

At this time the Police also informed the Ministry of Education about information shared by the IPCA, relating to the Turnbills complaint against Detective Inspector Shona Low's handling of our Police complaint against former Ministry of Education District Manager, Christine Menzies.

9 April 2024 – Turnbills wrote to Minister for Education Hon Erica Stanford,

"The Ministry of Education has fabricated reviews by the Office of the Ombudsman in an attempt to exonerate the actions of Ministry staff".

15 April 2024 – Office of Hon Erica Stanford emails Turnbills,

"We appreciate you reaching out and your letter has noted."

**13 June 2024** - Assistant Ombudsman Chloe Longdin-Prisk writes to Turnbills, further to her letter 27 March 2024. She advises, the Ministry has **reworded** parts of its response regarding their concerns about Murray Roberts.

"In relation to Mr Roberts: The evidence you have provided includes file notes created by Police during their investigation. The weight or inference that Police drew from comments made, and their subsequent actions are a matter for Police.

***The drafting of guidelines and the investigation report are subjects that have been well traversed, and I do not consider that the information you have provided warrants further investigation."***

1 July 2024 – Nancy Bell writes letter to Turnbills, re-wording parts of her 19 October 2023 letter.

**2 August 2024 – Turnbills write email to Police Commissioner Andrew Coster, "We are following up the complaint we made against Murray Roberts (ex-Senior Manager Ministry of Education), dated 22 March 2024."**



15 August 2024 – Turnbulls write to Ministry for Education Hon Erica Stanford,

“Please accept this letter as a formal complaint against Ministry of Education Hauti Nancy Bell”.

20 August 2024 – Victoria Turnbull resubmitted the Murray Roberts Police complaint through the Police 105 system, after Police advised this was the best course of action to take, during a phone call Victoria made following up the 22 March Police complaint. (Police audio recording)

26 September 2024 – Turnbulls email Ministry for Education Hon Erica Stanford, following up on August complaint against Nancy Bell.

24 November 2025 – Turnbulls write to Police Commissioner Richard Chambers,

“Re: **No response from Police - Complaint against Murray Roberts**”

25 November 2025 – Turnbulls receive an email from the office of the Police Commissioner,

“The Commissioner has asked A/Deputy Commissioner Tusha Penny to review and respond on his behalf, you can expect to hear from her in due course.”

4 December 2025 – Tusha Penny Acting Deputy Commissioner responds to Turnbulls letter dated 24 November 2025

9 December 2025 – Turnbulls respond to Tusha Penny letter,

“you appear confused about complaint details, contact with the IPCA and timeline.”

23 January 2026 – Turnbulls receive an email response from Tusha Penny Acting Deputy Commissioner,

“In respect of your complaint regarding Mr Murray Roberts, I am advised that both Mr Roberts and Ms Christine Menzies were involved throughout the Police enquiries into this matter. As the Police enquiries into this matter have now closed, I have no further information for you at this time.”

27 January 2026 - Turnbulls send an email to Tusha Penny Acting Deputy Commissioner,

“It is not clear to us, from your response, what you are referring to when you state *the matter*.

The matter is our Murray Roberts Complaint dated 22 March 2024. Was there a Police enquiry into our complaint against Murray Roberts? If so, under the Official Information Act please provide all information including file records and interview notes in relation to the Police enquiries.”

20 February 2026 - Turnbulls receive an email response from Tusha Penny Acting Deputy Commissioner -



"Referring to your original letter to the previous Commissioner of Police on 22 March 2024, I note you made the following complaints against Mr. Murray Roberts:

- Provided Police with false information
- Discredited the character of witness
- Withheld XY interview notes from Police
- Directed staff to withhold MoE guidelines from Police

Each complaint has been reviewed in conjunction with the information you provided as appendices to the 22 March 2024 letter."

24 February 2026 – Turnbills email Tusha Penny Acting Deputy Commissioner, resubmitting OIA request, due to previous request not being acknowledged.

"Under the Official Information Act please provide all information held in relation to our complaint/s against Murray Roberts dated 22 March 2024 - to date. Please include all file records, correspondence, Police notes, notification, reviews, (including 105 complaint submission, correspondence, decision making/reviews, outcome)."

24 February 2026 – Turnbills email Ministry of Education.

"Under the Official Information Act (OIA) please provide all information held in relation to:

- **Police complaint against Murray Roberts** - NZ Police have advised, Police complaint against Murray Roberts dated 22 March 2024, was forwarded to Ministry of Education on 5 April 2024. Please include all correspondence, decision making, reviews, briefings, file notes, between the Ministry of Education, Chief Ombudsman, Office of the Ombudsman and Police and/or Minister/s
- **Ministry of Education complaint against Murray Roberts dated 25 July 2023.** Please include all correspondence, reviews, briefings, file/discussion notes, between agencies, Office of the Ombudsman (including Chief Ombudsman), Police and/or Minister/s

23 March 2026 – NZ Police respond to OIA request -

"Police require an extension of time in which to respond to your request, pursuant to section 15A(1) of the Official Information Act 1982 (OIA). Specifically, section 15A(1)(b), consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

Police requires until 17 April 2026 to provide a substantive response to your request, however we are endeavouring to provide this to you as soon as possible."

23 March 2026 – Ministry of Education respond to OIA request -

"OIA: GEMS-46969 – Complaints against Murray Roberts" (**see attached**)

22 April 2026 – NZ Police provide final OIA response

"Please find attached the response and documentation relating to your Official Information Act request, received by Police on 24 February 2026." (**see attached**)



**Te Tāhuhu o  
te Mātauranga**  
Ministry of Education

Callum and Victoria Turnbull

23 March 2026

Tēnā kōrua Callum and Victoria

**OIA: GEMS-46969 – Complaints against Murray Roberts**

Thank you for your email of 24 February 2026 to the Ministry of Education (the Ministry) requesting the following information:

*All information held in relation to:*

1. *Police complaint against Murray Roberts - NZ Police have advised, Police complaint against Murray Roberts dated 22 March 2024, was forwarded to Ministry of Education on 5 April 2024. Please include all correspondence, decision making, reviews, briefings, file notes, between the Ministry of Education, Chief Ombudsman, Office of the Ombudsman and Police and/or Minister/s*
2. *Ministry of Education complaint against Murray Roberts dated 25 July 2023. Please include all correspondence, reviews, briefings, file/discussion notes, between agencies, Office of the Ombudsman (including Chief Ombudsman), Police and/or Minister/s.*

Your request has been considered under the Official Information Act 1982 (the Act).

I note that you have received multiple communications from the Ministry, New Zealand Police and the Office of the Ombudsman relating to this matter. I also note that the definition of official information:

*"does not include information contained in any correspondence or communication which has taken place between the office of the Ombudsmen and any public service agency or Minister of the Crown or organisation and which relates to an investigation conducted by an Ombudsman under this Act or under the Ombudsmen Act 1975, other than information that came into existence before the commencement of that investigation."*

That part of your request therefore falls outside the scope of a request under the Act.

All key parties to this matter have now left the Ministry, so collating information in scope of your request would require a search of the Ministry's IT system. An initial keyword search based on the parameters of your request has identified around 4,000



items, which is an unmanageable volume of information to collate and assess for scope. As a result, your request is refused under section 18(f) of the Act, as the information requested cannot be made available without substantial collation and research.

I do not believe that any of the mechanisms provided for in the Act (such as charging, clarifying or extending the timeframe for response) would remove the administrative barriers to responding to your request.

As stated in Nancy Bell's letter to you on 19 October 2023:

*The evidence you have provided includes file notes created by Police during their investigation. The weight or inference that Police drew from comments made, and their subsequent actions are a matter for Police.*

*The concerns you raise about Murray Roberts' role in the investigation and development of guidance have been reviewed including by the Ombudsman and I do not consider that the information you have provided warrants further investigation.*

Again, the individual at issue no longer works for the Ministry, and given the steps taken by the named agencies to address your grievance, including independent investigation by the Ombudsman, and the information already provided to you on this and related matters, we consider that any further requests for the same or similar information may be considered vexatious.

You have the right to ask an Ombudsman to review my decision on your request, in accordance with section 28 of the Act. You can do this by writing to **info@ombudsman.parliament.nz** or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Emma Drysdale  
Manager Official and Parliamentary Information  
**Te Pou Rangatōpū | Corporate**



**Subject:** OIA Request  
**From:**  
**Sent:** 24/02/2026 9:30:44 am  
**To:** [info@education.govt.nz](mailto:info@education.govt.nz)

Morena

Under the Official Information Act (OIA) please provide all information held in relation to:

- **Police complaint against Murray Roberts** - NZ Police have advised, Police complaint against Murray Roberts dated 22 March 2024, was forwarded to Ministry of Education on 5 April 2024. Please include all correspondence, decision making, reviews, briefings, file notes, between the Ministry of Education, Chief Ombudsman, Office of the Ombudsman and Police and/or Minister/s
- **Ministry of Education complaint against Murray Roberts dated 25 July 2023.** Please include all correspondence, reviews, briefings, file/discussion notes, between agencies, Office of the Ombudsman (including Chief Ombudsman), Police and/or Minister/s

Thank you.

Callum and Victoria Turnbull

Callum and Victoria Turnbull  
seclusionandrestraint.nz

30 April 2026

Hon Erica Stanford  
Minister of Education | Lead Coordination Minister for the Government's Response  
to the Royal Commission's Report into Abuse in Care  
E.Stanford@ministers.govt.nz

cc: Public Service Commission, Jan Tinetti, Lawrence Xu-Nan, Debbie Ngarewa-Packer

Dear Erica,

We are writing to you regarding a fundamental failure of oversight within your portfolios. You have publicly championed "Charlotte's Change" to dismantle the dead ends survivors face when seeking justice. However, by failing to hold your own senior staff accountable for documented deceptions and allegations of cover-up of child abuse, you have personally become the very "dead end" Charlotte refers to.

Furthermore, it appears that disgraced former Deputy Commissioner Jevon McSkimming served as the primary dead end for the Police, facilitating the referral of our Police complaints against Murray Roberts, back to the Ministry (after being advised we had raised the complaints formally with Ministry of Education leaders, who advised matters sat with Police), without action or notification. This circular buck-passing between agencies has created an eternal loop of non-accountability.

In October 2023, Nancy Bell fabricated Ombudsman reviews to summarily dismiss our formal complaints against Murray Roberts and Christine Menzies. After we provided documented proof that these reviews never occurred, her reworded letter of 1 July 2024 merely shifted the deception.

The Ministry has never produced a single investigation report, finding, or independent review regarding Murray Roberts. A letter stating an investigation happened is not the same as the investigation itself – especially when the Ombudsman has confirmed he did not do one.

You "noted" the fabricated reviews by Ministry of Education Deputy Secretary Nancy Bell but failed to respond to our detailed complaint letter against Nancy Bell dated 15 August 2024, which ultimately lead to our request for information under the OIA.

By merely "noting" the fabrications without action, you have personally sanctioned a culture where leadership can hide the abuse of children.

Your response has empowered your department to **reuse these original fabrications** in its latest **March 2026 OIA response** to justify the refusal to provide information regarding these officials.

Assistant Commissioner Tusha Penny recently confirmed the Police (via Jevon McSkimming) sent our Murray Roberts Police complaint to the Ministry on **5 April 2024**. It is a documented lie for the Ministry to then tell us to go to the Police, on **1 July 2024**.

Minister, your Ministry has refused our OIA (GEMS-46969) threatening to label our family's continued pursuit of truth "vexatious." It is a further violation for us, as survivors and victims of the Ministry's own past failures, to now be insulted by this label simply for wanting to know what happened to our complaints.

**We do not want another "noted" reply. We do not want another non-response.**  
We require:

- **A Ministerial Inquiry** into why your Ministry continues to lie about the Ombudsman's findings and why these agencies are trading files to avoid their legal obligations regarding child abuse.
- **The removal of this case from Ministry oversight**, placing it under the **Crown Response Office** for independent adjudication.

We request a substantive response within **10 working days**. If your office remains a dead end, we will escalate this to the **Office of the Ombudsman** and the **Prime Minister**.

Yours sincerely,  
Callum and Victoria Turnbull





C J and V A Turnbull

15 August 2024

Hon Erica Stanford

[E.Stanford@ministers.govt.nz](mailto:E.Stanford@ministers.govt.nz)

Dear Erica

Please accept this letter as a formal complaint against Ministry of Education Hautū Nancy Bell, who responded to our July 2023 complaints against MoE staff and contractor, on behalf of the Secretary for Education Iona Holsted.

In her first letter to us dated 19 October 2023, Nancy Bell explained the long delay in responding to our complaint letters was due to her having to take time and seek advice and consider what information was needed to be able to respond. However, this did not match her response as it was inaccurate, dismissive and dishonest.

She then re-worded the letter regarding the Christine Menzies and Murray Roberts complaints.

Her re-worded letter dated 1 July 2024, is unacceptable. She failed to acknowledge or address the specific concerns we raised. In response to Christine Menzies withholding information from Police during a Police investigation she simply stated - ***Any further concerns regarding the police investigation should be raised directly with Police.***

However, in July 2023, we had also made a complaint against Christine Menzies to Police. Part of which, Nancy Bell advised in her letter, had been transferred by Police to the MoE for response.

For your information, we met with Police in October 2023 to talk about our Police complaint. During the meeting, Detective Inspector Shona Low stated, *"The Ministry of Education have told you no more."*

*"They've already had a final conversation with you around this."*

She said, *"I invited the MoE to come with me today so we could talk openly. They are finished having a conversation with you."*

We explained to Detective Inspector Shona Low, the Police investigation was a multiple agency investigation under the Child Protection Policy (CPP) where agencies come together, and the person responsible for representing the MoE was Christine Menzies. Under the CPP she was to - communicate in an open, honest and timely way, including responding promptly to requests by other parties. The Detective Inspector agreed.

We asked, *"So what do you think when Christine Menzies told Brian (Detective Inspector Brian Cameron) there was no current guidelines, when she knew there were?"*

Shona Low replied, **"So have you gone to the Ministry of Education about all this? Because that's where it sits."**

In relation to our complaint against Christine Menzies, Police told us, *"It's not an offence to tell us a lie."*

We have lost all confidence in Police, who said to us at the meeting – *"when you say to me putting children into seclusion, which I don't disagree that that's happened, but the reason's they done it are for good reason."*

We made a complaint against Police for their handling of our complaint against Christine Menzies and that only resulted in further deception, with IPCA Manager Cath Anyan writing in response - *She (Christine Menzies) said she complied with the Ministry of Education's internal protocols and took advice in accordance with those protocols in deciding what should be given to Police.*

Not only is there no record or reference to this statement being made by Christine Menzies in the Police interview notes or file - MoE internal protocols (that would allow MoE staff to pick and choose what MoE documents should be given to Police, when requested by Police, during a Police investigation into allegations of abuse in a school setting) - do not exist.

We appear to have exhausted all complaint avenues through the MoE, as cover-up by individual staff sits at the top level. Iona Holsted did not reply to the complaints, and we cannot help but wonder if this was because in her previous role as ERO CEO she was untruthful multiple times during a media interview regarding our complaint against Ruru Specialist School. (Please see letter attached.)

When Police questioned Christine Menzies in 2023 about withholding MoE guidelines, she told Police - *"I always sort authority or legal advice before releasing any information."* If this is correct, the Ministry officials that advised or authorised Christine Menzies, should be identified and held culpable too.

On behalf of the Secretary for Education, Nancy Bell does not address the specific matters in relation to our complaints against Ministry of Education staff. She does not address the specific concerns we have about the drafting of *Seclusion Guidelines*, when named staff involved knew seclusion was against existing guidelines for schools and MoE Practice Guidelines.

The work of the Advisory Group, which convened in June 2015, has not been *well traversed* as Nancy Bell advised in her re-worded response. In June 2023, under OIA, we sought information pertaining to this work, which spanned over 2 years. Part of our request under the Act, is a 'missing information complaint' that sits in a queue at the Office of the Ombudsman and is *currently awaiting the allocation to a dedicated Investigator.*

In July last year we copied you into our complaints against MoE staff and contractor. In February 2024 we copied you into the letter we wrote to Nancy Bell, after receiving her first response letter (before the re-wording). On the 9 April 2024 we wrote to you outlining wrongdoing and cover-up and you emailed us back "your letter has noted". We are now seeking your inquiry and action.

Ministerial intervention is required to ensure disabled and neurodivergent students are safe at school, especially those in segregated settings. It is heart-breaking to hear students are still being restrained and secluded in schools and that there is still no proper complaints process.

Our complaints of abuse and wrongdoing at Ruru Specialist School have been mishandled and covered up by multiple agencies who have not put children and young people first.

We have attached our Witness Statement for the Royal Commission of Inquiry into Abuse in Care and hope you are able to find the time to read it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Callum and Victoria Turnbull', with a stylized flourish at the end.

Callum and Victoria Turnbull



**Subject:** RE: Re[2]: Update Office of the Ombudsman: CASE-001791 - Ministry of Education

**From:** "Shreen Grewal-Sen" <[Shreen.Grewal-Sen@ombudsman.parliament.nz](mailto:Shreen.Grewal-Sen@ombudsman.parliament.nz)>

**Sent:** 2/06/2026 10:50:27 am

**To:** " " >

Kia ora Callum and Victoria

I received the Ministry's response at the end of April. I am sorry I overlooked advising you of this at the time. I need to consider the Ministry's comments in more detail before deciding our next step. I will be in touch when I have further progress to report.

Thank you for your ongoing patience.

Kind regards  
Shreen

**Shreen Grewal-Sen (she/her)**

Senior Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

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Email [shreen.grewal-sen@ombudsman.parliament.nz](mailto:shreen.grewal-sen@ombudsman.parliament.nz) | [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

Please note that my usual hours of work are Monday and Tuesday from 7am to 4pm; Wednesday and Thursday from 9.30am to 6pm; and Friday 7am to 2.30pm.

**Ombudsman**

Tuia kia ōrite • Fairness for all

**From:** Shreen Grewal-Sen

**Sent:** 16 March 2026 14:24

**To:** " " >

**Subject:** RE: Re[2]: Update Office of the Ombudsman: CASE-001791 - Ministry of Education

Kia ora Callum and Victoria

I am awaiting a response from the Ministry. I shall let you know when I hear back from them.

Kind regards  
Shreen

**Shreen Grewal-Sen (she/her)**

Acting Manager | Investigation and Resolution Team 5

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

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