

Chief Ombudsman releases opinion on second seclusion complaint

18 December 2017

Chief Ombudsman Peter Boshier has today released his Final Opinion on the complaint about seclusion of a child with autism at Miramar Central School, saying the school had acted unreasonably and oppressively in secluding the boy in a locked room a number of times.

‘Given the particular circumstances and nature of this boy’s seclusion, I have recommended that the school pay the family \$3000 along with making a formal written apology.

Records show that over a period of just three weeks in 2016 the boy was locked in what the school called its ‘time-out room’ multiple times, as a means of managing his behaviour. I found this use of the room was unacceptable.

On one occasion the boy was found by his therapist, locked in the room, crying loudly and pleading to be let out, and with no staff member monitoring him. It transpired that he had been locked in the dark room for ten minutes or longer.

I feel the use of the time-out room for this purpose was oppressive in light of the circumstances in which the child was put in the room, his disabilities, the periods of time he spent in the room, and the lack of supervision,’ Mr Boshier says.

As in his recent opinion concerning seclusion at Southland’s Ruru Specialist School, Peter Boshier found that the Ministry of Education had acted unreasonably in not providing schools with up-to-date and unambiguous guidance on the definition and use of seclusion. He also found the Education Review Office needed systems for checking the use of rooms used for time out or managing challenging student behaviour.

‘Both the Ministry and ERO have made substantial changes to their policies and processes in light of this case and the case at Ruru School. The Ministry has done intensive work with the school to revise its policies and practice and ensure staff have the tools to manage challenging student behaviour without resorting to seclusion.’

Peter Boshier says that in November last year the Acting Secretary for Education wrote to all schools instructing them to stop using seclusion immediately. This was followed by a law

change in May of this year, through the Education (Amendment) Act 2017, making it explicit that seclusion must not be used at any school.

'The Ministry has also provided updated guidelines to schools on ways to manage challenging student behaviour without using seclusion.

The parents involved in the complaints at both Ruru and Miramar Central School have been instrumental in the law change, and I acknowledge their role in this,' he says.

Final opinion [here](#)