

## Chief Ombudsman issues opinion on seclusion complaint: family was ‘let down’

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Chief Ombudsman Peter Boshier has released his Final Opinion on the seclusion of an autistic child at Ruru Specialist School, saying the child and his family were let down by the school and the Ministry of Education.

Peter Boshier acknowledged the role of the child’s parents in pursuing their concerns, and said their actions were instrumental in bringing about a law change banning the use of seclusion in schools.

The Chief Ombudsman’s investigation focused on the actions of Ruru school during 2011 to 2014, when the student was on several occasions transported from his satellite classroom and put in a small corner room at Ruru’s main site.

The school’s crisis management procedure provided for a student to be placed in the room as a ‘last resort’, when their behaviour was thought to pose a risk of serious harm. While evidence indicated that a staff member remained close by at all times, Peter Boshier said the practice met the definition of seclusion.

‘Seclusion is when a student is involuntarily placed alone in a room from which they cannot, or believe they cannot, freely exit’, Peter Boshier said.

‘This is what happened to this very vulnerable boy on a number of occasions. Using the room in this way was inappropriate, and the school failed to provide the parents with the information they were entitled to about how it was managing their child’s behaviour.

‘The school had failed to follow its own procedures, and acted unreasonably in using the room for a purpose it was unfit for. Record keeping was incomplete and unclear.

‘Among my recommendations is that Ruru school formally apologises to the student and his parents.’

Peter Boshier also criticised the Ministry of Education for failing at the time to provide schools with unambiguous and up-to-date guidance on why and how to avoid using seclusion to manage difficult behaviours; guidance it has since sent to all schools.

'The Acting Secretary for Education wrote to all schools in November last year, instructing all schools using seclusion to stop immediately,' Peter Boshier said.

'The Ministry had been preparing guidelines aimed at working toward the elimination of seclusion, and the final guidelines confirmed an immediate end to the practice. This was followed by a law change through the Education (Amendment) Act 2017 that prohibited the use of seclusion in our early childhood centres and schools,' he said.

'While I found no evidence of unlawful behaviour according to the legislation of the time, I believe that Ruru school and the Ministry of Education have let this family down', Peter Boshier said.

'Ruru, the Ministry, and the Education Review Office have made a number of changes as a result of this complaint. I will be following up with Ruru to confirm that the improvements I expect to see around its procedures for behaviour management and for physical interventions with students have been made', he said.

The full opinion is available [here](#).

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