

OUR HANDS WERE TIED

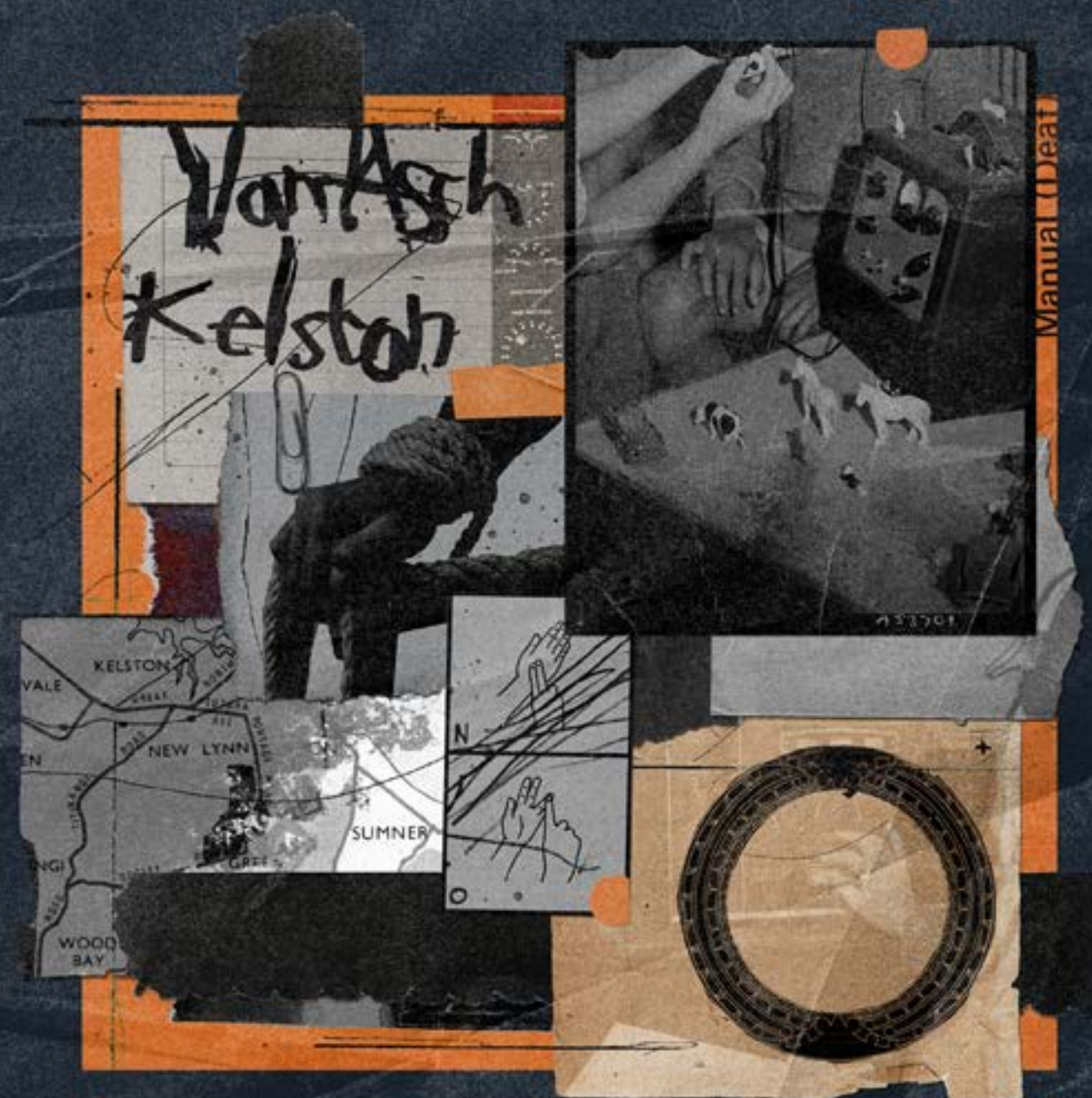
VAN ASCH COLLEGE AND KELSTON SCHOOL FOR THE DEAF

A case study of audism abuse at Deaf Schools

JUNE 2024



Abuse in Care
Royal Commission of Inquiry



He karakia

E tāmara mā, koutou te pūtake o ēnei kōwhiringa, kua horaina nei
E tohe tonu nei i te ara o te tika
E ngaki tonu ana i te māra tipu
Anei koutou te whakairihia ki te tihi o
Maungārongo, kia tau te mauri.

Rukuhia te pū o te hinengaro
kia tāea ko te kukunitanga mai o te whakaaro nui.
Kia piere ko te ngākau mahora
kia tūwhera mai he wairua tau.

Koinei ngā pou whakairinga i te tāhuhu
o te Whare o Tū Te Mauriora.
Te āhuru mōwai o Te Pae o Rehua,
kaimuru i te hinapōuri,
kaitohu i te manawa hā ora,
kaihohou i te pai.

Nau mai e koutou kua uhia e ngā haukino
o te wā, kua pēhia e ngā whakawai a ngā tipua nei,
a te Ringatūkino rāua ko te Kanohihuna.

Koutou i whītiki i te tātua o te toa,
i kākahu i te korowai o te pono,
i whakamau i te tīpare o tō mana motuhake,
toko ake ki te pūaotanga o te āpōpō e tatari mai nei i tua o te pae,
nōu te ao e whakaata mai nei.

Kāti rā, ā te tākiritanga mai o te ata,
ā te huanga ake o te awatea,
kia tau he māramatanga,
kia ū ko te pai, kia mau ko te tika.
Koinei ko te tangi a te ngākau e Rongo,
tūturu ōwhiti whakamaua
kia tina, tina!
Hui e, tāiki e!

– Waihoroi Paraone Hōterene

To you upon whom this inquiry has been centered
Resolute in your pursuit of justice
Relentless in your belief for life
You have only our highest regard and respect,
may your peace of mind be assured.

Look into the deepest recesses of your being
and discover the seeds of new hope,
where the temperate heart might find solace,
and the blithe spirit might rise again.

Let these be the pillars on which the House of Self,
reconciliation can stand.
Safe haven of Rehua,
dispatcher of sorrow,
restorer of the breath of life,
purveyor of kindness.

Those of you who have faced the ill winds
of time and made to suffer,
at the hands of abusers and the hidden faces of persecutors, draw near.

You who found courage,
cloaked yourselves with your truth,
who crowned yourself with dignity,
a new tomorrow awaits beyond the horizon,
your future beckons.

And so, as dawn rises, and a new day begins,
let clarity and understanding reign,
goodness surrounds you and
justice prevails.

Rongo god of peace, this the heart desires,
we beseech you,
let it be,
it is done.

– Waihoroi Paraone Hōterene



Pānui whakatūpato

Ka nui tā mātou tiaki me te hāpai ake i te mana o ngā purapura ora i māia rawa atu nei ki te whāriki i ā rātou kōrero ki konei. Kei te mōhio mātou ka oho pea te mauri ētahi wāhanga o ngā kōrero nei e pā ana ki te tūkino, te whakatūroro me te pāmamae, ā, tērā pea ka tākirihia ngā tauwharewarenga o te ngākau tangata i te kaha o te tumeke. Ahakoa kāore pea tēnei urupare e tau pai ki te wairua o te tangata, e pai ana te rongoi i te pouri. Heoi, mehemea ka whakataumaha tēnei i ētahi o tō whānau, me whakapā atu ki tō tākuta, ki tō ratongo Hauora rānei. Whakatetia ngā kōrero a ētahi, kia tau te mauri, tiakina te wairua, ā, kia māmā te ngākau.



Distressing content warning

We honour and uphold the dignity of survivors who have so bravely shared their stories here. We acknowledge that some content contains explicit descriptions of tūkino – abuse, harm and trauma – and may evoke strong negative, emotional responses for readers. Although this response may be unpleasant and difficult to tolerate, it is also appropriate to feel upset. However, if you or someone in your close circle needs support, please contact your GP or healthcare provider. Respect others' truths, breathe deeply, take care of your spirit and be gentle with your heart.

Our hands were tied

The name for this case study is a partial quote from a survivor.

Survivor acknowledgement

The Inquiry thanks all survivors who so bravely shared their experiences of abuse and neglect in care. We also acknowledge those who were not able to come forward, for whatever reason, we send you aroha and understanding. Our hope is that this case study shines a light on your experiences and echoes survivors' calls to ensure such atrocities are never allowed to happen again in Aotearoa New Zealand.



Contents

Executive summary	8
Chapter 1: Context and history	11
Van Asch College	11
Kelston School for the Deaf.....	13
Ko Taku Reo	15
Van Asch & Kelston Timeline	16
Ngā wheako o te purapura ora – Survivor experience: Ms MK	19
Chapter 2: Circumstances that led Deaf children to be placed at Van Asch and Kelston	23
Experience of being diagnosed Deaf	23
Lack of support for children and whānau to communicate at home	24
Advice from educators, medical and health professionals.....	24
Pathway from mainstream and other schools	25
Lack of support to educate children at home	25
Children from the Pacific Islands.....	25
Ngā wheako o te purapura ora – Survivor experience: Hēmi Hema	27
Chapter 3: Nature and extent of abuse and neglect at Van Asch and Kelston	31
Survivors experienced sexual abuse.....	31
Survivors experienced physical abuse	33
Survivors experienced psychological and verbal abuse	36
Survivors experienced neglect.....	37
Survivors experienced linguistic abuse and neglect	37
Survivors experienced educational neglect	40
Survivors experienced a lack of support for Deaf identity from staff	44
Survivors experienced racial abuse and cultural neglect in care.....	44
Māori survivors' experiences of racial abuse and cultural neglect	45
Pacific experiences of racial abuse and cultural neglect.....	46
The extent of abuse and neglect.....	46
Chapter 4: Impacts of abuse and neglect at Van Asch and Kelston....	49
Survivors who boarded were impacted by being away from family	49
Ongoing psychological and mental health outcomes for survivors.....	50
Limited educational achievement	51
Barriers to employment.....	52

Disconnection from te ao Māori	53
State denial of tino rangatiratanga.....	54
Pathway to gangs and criminal justice system.....	55
Ngā wheako o te purapura ora – Survivor experience: Mr LF	57
Chapter 5: Factors that caused or contributed to abuse and neglect at Van Asch and Kelston	61
The people at the centre of abuse and neglect	61
Personal factors related to survivors	61
Factors related to abusers	62
Staff abused children and young people.....	62
Peer-on-peer abuse	62
Factors related to bystanders.....	62
Institutional factors that caused or contributed to abuse and neglect	63
Vetting, training and development, and supervision of staff	63
Complaints processes	66
Oversight and monitoring.....	69
Systemic factors that caused or contributed to abuse and neglect.....	69
Insufficient oversight and monitoring by the Department of Education.....	69
State policy of institutional care	70
Societal factors that caused or contributed to abuse and neglect	71
Societal attitudes of not understanding te Tiriti o Waitangi.....	72
Chapter 6: Institutional and State response to post-1999 complaints about Van Asch and Kelston	73
1999–2001 complaints	73
2002 complaints.....	73
Multiple complaints about Kelston teacher Mr 222	74
Chapter 7: Redress for survivors of Van Asch and Kelston.....	77
Chapter 8: Key findings on Van Asch and Kelston	80
Circumstances that led to individuals being taken or placed into care	80
Nature and extent of abuse and neglect.....	81
Impacts of abuse and neglect.....	82
Factors that caused or contributed to abuse and neglect.....	83

//

**ABOUT THREE TIMES,
BOARDING STAFF SAW
THIS SAME GROUP OF
BOYS TARGET ME, TAKE
MY PANTS OFF AND
TRY TO ASSAULT ME.
EVERY TIME, THE STAFF
JUST LAUGHED AND DID
NOTHING. THEY FOUND
IT FUNNY.**

//

MR JS
NZ EUROPEAN

Executive summary

1. Sumner Institution for the Deaf and Dumb, renamed Van Asch College (Van Asch) in 1980, and Kelston School for the Deaf (Kelston) were the main public providers of Deaf education during the Inquiry period.¹ Both schools were run and funded by the State.
2. The two schools were chosen for this case study as survivors frequently described being denied Sign Language and Deaf culture in the classroom, suffering educational neglect, being removed from their families into a residential setting, experiencing regular physical abuse and sexual abuse perpetrated by staff and peers.
3. Sumner Institution for the Deaf and Dumb opened on 10 March 1880 and 78 years later Kelston opened in 1958. Both schools followed the strict oralist approach² to Deaf education, with Sign Language banned until 1979.
4. The Inquiry primarily investigated the two schools through survivor statements both individually and in group settings, including hui held at Rūaumoko Marae (located at Kelston) in 2021 and Papatūānuku Kōkiri Marae with tāngata Turi Māori in 2022. A Deaf expert reference group was established to advise the Inquiry. The resounding themes identified in survivor statements, including systemic issues, were also voiced at the Inquiry's Ūhia te Māramatanga Disability, Deaf and Mental Health Institutional Care Hearing in July 2022 and State Institutional Response Hearing in August 2022. Many Deaf people do not consider themselves as being disabled, rather they are disabled by society and are part of a cultural and linguistic group for whom Sign Language is a key marker of identity. This is particularly so for those born Deaf or who become Deaf prior to the acquisition of language. Those who lose their hearing as an adult are more likely to see themselves as hard of hearing and disabled by this. Kiwi survivor Ms Bielski told the Inquiry:

*"I cannot properly explain to hearing people what Deaf culture is, or what it is like to be Deaf. Deaf people are not disabled. I might be financially disabled, but I am not disabled in any other way."*³
5. Deaf children and young people of Van Asch and Kelston experienced audism, which is a form of systemic oppression that disempowers Deaf people, based on a view of deafness as pathology and speaking / hearing as normal. Audism manifests as discriminatory attitudes and actions by hearing or Deaf individuals towards Deaf people, and through institutionalised practices such as oralist education and employment discrimination.⁴

1 Both schools have had several name changes over time. Van Asch College was first named Sumner Institution for the Deaf and Dumb. The name changed to Sumner Institution for Deaf-Mutes, Sumner School for the Deaf, Van Asch College and Van Asch Deaf Education Centre. When the school merged with Kelston Deaf Education Centre, it changed to its current name of Ko Taku Reo.

2 Oralism refers to the education of Deaf children to produce oral language using lipreading, mimicking mouth shapes, using breathing patterns and vocal exercises of speech.

3 Witness statement of Ms Bielski (18 October 2021, para 3.8).

4 Lane, H, The mask of benevolence: Disabling the Deaf community (Knopf Publishing Group, 1992).

6. For Deaf children and young people of Van Asch and Kelston, the combination of institutionalisation and the audist approach of oralism had a number of outcomes:
 - a. Generations of Deaf children and young people were denied their own language (Sign Language) and Deaf culture in the classroom.
 - b. Many Deaf children and young people experienced educational neglect due to barriers to learning imposed by the Department of Education (later the Ministry of Education) supporting hearing teachers to only teach by oral methods and later with Total Communication.
 - c. Tāngata Turi Māori, a distinct cultural identity within both te ao Māori and Deaf culture, were denied both their Deaf and Māori cultures in the classroom.
 - d. Deaf children were often away from their families at residential schools from a young age and experienced isolation and disconnection from their whānau.
 - e. Tāngata Turi Māori were impacted both by being away from their whānau, and the lack of Māori teaching staff at Van Asch and Kelston.
 - f. Parents of Deaf children were discouraged from communicating with their children using Sign Language, resulting in generations of Deaf children who were unable to communicate with their parents, including being unable to communicate complaints of abuse.
 - g. Teaching and residential staff inflicted physical abuse under the guise of corporal punishment.
 - h. Survivors were sexually abused by staff and peers.
 - i. Boarders were particularly at risk and frequent abuse in this environment was experienced.
 - j. Van Asch and Kelston and the State failed to protect Deaf children from physical and sexual abuse by both staff and peers.
 - k. Van Asch and Kelston and the State repeatedly failed to sufficiently act on complaints of abuse and multiple complaints against teaching staff over lengthy periods.
 - l. The Department of Education failed to provide adequate oversight of the Van Asch and Kelston.
 - m. Outside class and in the boarding hostels, children and young people socialised and were able to explore Sign Language, Deaf culture and identity and make lifelong friends.
7. Most of the Deaf survivors the Inquiry heard from have not sought or received redress for the abuse and neglect they suffered at Van Asch and Kelston.

//

**... MĀORI COMMUNITIES WERE
EXPERIENCING SIMILAR LOSS
OF LANGUAGE, IDENTITY,
AND MANA THROUGH RAPID
COLONISATION AND LOSS
OF LAND AND RESOURCES.
FOR THOSE OF US WHO ARE
HEARING AND PĀKEHĀ, IT'S
DIFFICULT TO IMAGINE THE
EFFECTS OF THIS DOUBLE
MARGINALISATION ON
TURI/DEAF MĀORI.**

//

DR DENISE POWELL
KO TAKU REO BOARD CHAIR

Chapter 1: Context and history

Van Asch College

8. The Education Act 1877 made education compulsory for all Pākehā children between the ages of 5 and 14 years old. Although handicapped children (wording of the time) were exempt from school attendance, they were not specifically excluded from education. In 1878, Christchurch politician William Rolleston was instrumental in advocating for the Government to set up and fund a deaf school.⁵ At the time, parents had to either provide private tuition or send their children to a deaf school in Australia. Rolleston thought this was wrong.
9. Sumner Institution for the Deaf and Dumb (later named Sumner School for the Deaf and then renamed Van Asch College in 1980). Sumner Institution for the Deaf and Dumb was one of the first State schools in the world providing education for Deaf children. The school was established in Sumner, a seaside suburb of Ōtautahi, Christchurch. The school was initially a residential school and opened with five people, which quickly increased to 10 people by June 1880.⁶ By 1891 the school had 21 people aged between 6 and 19 years old.⁷
10. Gerrit van Asch was appointed the first director of the school because of his training and experience teaching the oral method in Europe, which the New Zealand Government saw as the modern approach to Deaf education. The State's early adoption of that approach was endorsed at the Second International Congress on Education of the Deaf (commonly referred to as the Milan Conference) in September 1880, where an international congress of Deaf educators declared the oral method to be the superior method for Deaf education and passed a resolution banning the use of Sign Language in schools.⁸ The school (later renamed Van Asch College) adopted the oral method for Deaf education six months before the Milan Conference.
11. Gerrit van Asch was known as a strict teacher and taught the new entrants himself to ensure they didn't sign. He used corporal punishment to enforce discipline at the school, and the practices of oralism and corporal punishment continued after his retirement in 1906.
12. Compulsory education was extended to Māori children by the School Attendance Act 1901, which along with subsequent amendments stated that it was the duty of parents of Deaf children to provide "efficient and suitable" education between the ages of 7 and 16 years old. Parents who could not do so were obliged to send their children to an institution decided by the Minister of Education. It is unknown whether the mandate to attend deaf schools was applied in practice to tāngata Turi Māori, but the wording of the Act applied to all children.

5 Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master's Thesis, University of Otago (10 December 1982, pages 17–19).

6 Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master's Thesis, University of Otago (10 December 1982, page 27).

7 Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master's Thesis, University of Otago (10 December 1982, page 34).

8 Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master's Thesis, University of Otago (10 December 1982, page 36).

13. Herbert Pickering was appointed principal in 1940 and was in the role until he died in 1973. He was instrumental in establishing deaf schools in Tāmaki Makaurau Auckland from 1942 to accommodate North Island pupils during the Second World War, and in establishing units attached to mainstream schools from the 1950s.
14. The roll increased significantly from 126 in 1943 to 175 in 1944 due to the impact of a rubella epidemic in 1939.⁹ By 1945, 215 people were enrolled at Van Asch.¹⁰ In 1946, there were 143 people at Van Asch and 90 percent were boarders.¹¹
15. Numbers declined¹² until two epidemics of maternal rubella in the 1960s again swelled enrolment numbers. Reports from Van Asch school principals noted the difficulty in planning for capacity as the numbers of Deaf infants rose and fell with waves of epidemics, especially maternal rubella, which was thought to account for half of hearing loss in the 1960s.
16. An inspection report by the Department of Education in 1952 reflected the strong emphasis on learning to speak and lipread at Van Asch:

*"In the playing fields as well as in the classrooms, they display a natural willingness to express themselves in speech, while in the upper rooms, lipreading reaches a high degree of proficiency. Comparison with previous inspection visits indicates that a pleasing measure of success is attending the efforts to promote the quality of naturalness in speech, an important consideration in ensuring easy and intelligible oral intercourse with those who hear."*¹³
17. In 1962, Māori enrolments comprised 10 percent of the school roll. A 1991 Ministry of Education report on Van Asch noted of the 73 people on campus, six were Māori (8 percent), and three were noted to be of 'other' ethnicity (4 percent). Two reports from Van Asch in 1974 and 1975 noted that 'Polynesian' people made up 8 percent and 11 percent respectively of the school roll. 'Polynesian' was not defined.
18. Herbert Pickering introduced initiatives to reduce the number of people who had to board away from home, recognising that children should be with their families. He noted that in 1973, 169 children and young people would attend Department of Education unit classes attached to mainstream schools in their hometown and could have a normal home life. He reported that 31 families had moved to Ōtautahi Christchurch so their children could be day pupils, following his long-held policy to encourage children and young people to have a normal home life.

9 Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master's Thesis, University of Otago (10 December 1982, pages 141–142).

10 Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master's Thesis, University of Otago (10 December 1982, page 143).

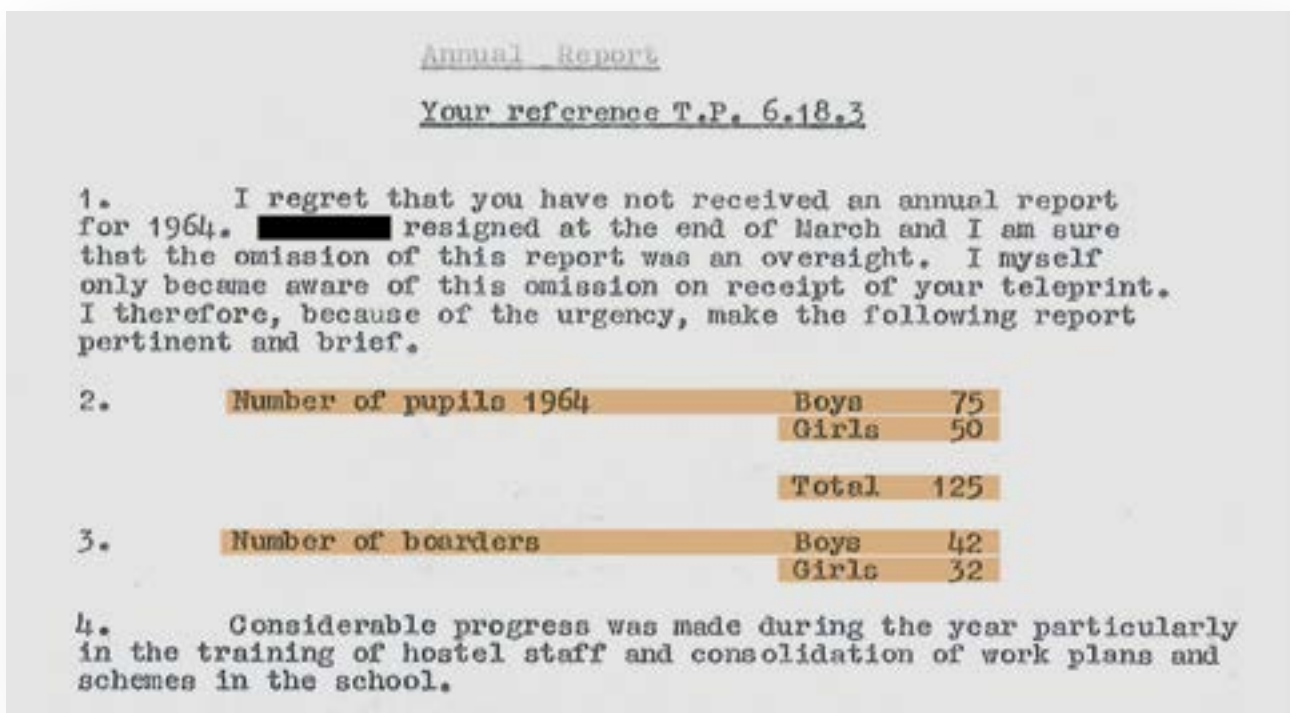
11 Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master's Thesis, University of Otago (10 December 1982, page 188).

12 Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master's Thesis, University of Otago (10 December 1982, page 171).

13 Education Department, Inspection report: Sumner School for the Deaf (September 1952, page 2).

Kelston School for the Deaf

19. Kelston School for the Deaf (Kelston) was established in 1958 in Tāmaki Makaurau Auckland, replacing temporary State schools for the Deaf at Mount Wellington and Titirangi (Lopdell House), which were established from 1942. Like Van Asch, Kelston followed the oralist method of education.
20. During the 1960s enrolment numbers grew and ranged from 125¹⁴ in 1964 to 279 by 1969¹⁵, with boarding numbers increasing from 74 to 115 across that period. Boys outnumbered girls both at the school and as boarders.



Portion of the letter from L.B. Hogue, Acting Principal to The Superintendent, Child Welfare Division, April 15 1965

21. The principal of Kelston noted in his annual report for 1968 that a greater proportion of boarders came from underprivileged backgrounds and most of them had "little or no effective home training before coming to school".¹⁶ It seems likely that as boarding numbers declined, children from disadvantaged backgrounds may not have received an adequate education.
22. The school had a high proportion of Māori and Pacific children and young people. In 1974, 35 percent of people at Kelston were recorded as 'Polynesian'.¹⁷ As with Van Asch, 'Polynesian' was not defined.

¹⁴ Kelston School for the Deaf, Annual Report (15 April 1965, page 1).

¹⁵ Kelston School for the Deaf, Annual Report (22 December 1969, page 1).

¹⁶ Kelston School for the Deaf, Annual Report (7 February 1969, page 3).

¹⁷ Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master's Thesis, University of Otago (10 December 1982, page 211).

23. Enrolments at Kelston in the 1970s declined from 218 in 1970¹⁸ to 102 in 1979.¹⁹ Boarding numbers declined significantly from 108 to 14 across the same period.
24. In 1979, Van Asch and Kelston moved away from oralism with the introduction of Total Communication, an artificial form of communication that combines spoken English with signing, with some teachers using Australian Signed English.
25. A 1994 Education Review Office (ERO) report noted that there were 162 children and young people at Kelston—56 percent were boys and 44 percent were girls. Although limited ethnicity records were available for the Inquiry period, the ERO report noted that 28 percent were Māori, 27 percent were Pākehā, 31 percent were Pacific Island, 10 percent were Asian and 4 percent were recorded as 'Other'.²⁰
26. The 2005 Kelston Annual Report noted that 23 children and young people were in residence and that 36 percent were European, 54 percent were Māori, 5 percent were Asian and 5 percent were Pacific Island.²¹
27. The 2010 Kelston Annual Report noted 14 students were in residence with ethnicity recorded as 21 percent European, 30 percent Māori, 21 percent Pacific Island, 14 percent Asian and 14 percent African.²²
28. Participants in a study who attended Van Asch and Kelston during the 1950s to the 1970s reported that a high proportion of pupils were Māori. However, despite the large Māori peer group, school was a monocultural, Pākehā environment.²³ The high proportion of Māori students at Kelston may have been due to poor Māori health access and outcomes during outbreaks of rubella, meningitis and measles, which were known causes of deafness.²⁴

18 Kelston School for the Deaf, Annual Report (11 February 1971, page 1).

19 Kelston School for the Deaf, Annual Report (18 December 1979, page 7).

20 Education Review Office, Confirmed effectiveness review report for Kelston Deaf Education Centre (7 October 1994, page 1).

21 Kelston School for the Deaf, Annual Report 2005 (10 May 2006, page 31).

22 Kelston School for the Deaf, Annual Report 2010 (25 May 2011, page 35).

23 Smiler, K and McKee, RL, "Perceptions of Māori deaf identity in New Zealand," *Journal of Deaf Studies and Deaf Education* 12(1), (2007, page 99).

24 Witness statement of Stephanie Awtheto (26 October 2022, para 49).

Ko Taku Reo

29. In 2020, Van Asch and Kelston were combined into one national organisation called Ko Taku Reo – Deaf Education New Zealand. Examples of Ko Taku Reo's approach to Deaf education includes teaching and embracing Sign Language, developing a Deaf studies curriculum and bringing children from mainstream education to Ko Taku Reo's residential hui.
30. At the Inquiry's Ūhia te Māramatanga Disability, Deaf and Mental Health Institutional Care Hearing held in July 2022, Ko Taku Reo Board Chair Dr Denise Powell acknowledged that it had failed survivors: "I want to begin by acknowledging the many hundreds of survivors of abuse in care who have shared their stories and experiences with this Royal Commission of Inquiry, and in particular, those who have experienced abuse while in our care, Deaf Education. I acknowledge your whānau, your friends, the many people who have supported and listened to you over the years when our institutions failed you."²⁵
31. Dr Powell said that the Milan Conference marked the beginning of global language deprivation for the Deaf community and sadly Aotearoa New Zealand became a world leader in oralism, which prevailed for more than 100 years.²⁶ Dr Powell further acknowledged the disproportionate impact on Māori: "At the same time Māori communities were experiencing similar loss of language, identity, and mana through rapid colonisation and loss of land and resources. For those of us who are hearing and Pākehā, it's difficult to imagine the effects of this double marginalisation on Turi / Deaf Māori."²⁷
32. Dr Powell delivered an apology to all survivors of Van Asch and Kelston on behalf of Ko Taku Reo: "As the kaitiaki of Deaf Education in New Zealand, today we say we are sorry. We are sorry that you were not given a language, your birth right to learn and use and own as part of your identity. We are sorry for the physical violence and harm that you endured. We are sorry for the sexual abuse that you endured. We are sorry for the emotional and psychological damage and trauma that you endured."²⁸

25 Transcript of opening statement of Ko Taku Reo at the Inquiry's Ūhia te Māramatanga Disability, Deaf and Mental Health Institutional Care Hearing (Royal Commission of Inquiry into Abuse in Care, 15 July 2022, page 443).

26 Transcript of opening statement of Ko Taku Reo at the Inquiry's Ūhia te Māramatanga Disability, Deaf and Mental Health Institutional Care Hearing (Royal Commission of Inquiry into Abuse in Care, 15 July 2022, page 444).

27 Transcript of opening statement of Ko Take Reo at the Inquiry's Ūhia te Māramatanga Disability, Deaf and Mental Health Institutional Care Hearing (Royal Commission of Inquiry into Abuse in Care, 15 July 2022, page 444).

28 Transcript of opening statement of Ko Take Reo at the Inquiry's Ūhia te Māramatanga Disability, Deaf and Mental Health Institutional Care Hearing (Royal Commission of Inquiry into Abuse in Care, 15 July 2022, page 445)

VAN ASCH & KELSTON

TIMELINE

10 MARCH 1880

Sumner Institution for the Deaf and Dumb, later renamed Van Asch College in 1980 (Van Asch) opened with five children and young people, which quickly increased to 10 students by June 1880.

SEPTEMBER 1880

Second International Congress on Education of the Deaf (Milan Conference), passed a resolution banning the use of Sign Language in schools. Sumner School adopted the oral method for Deaf education six months before the Conference.

1940

Herbert Pickering was appointed principal of Van Asch in 1940 and was instrumental in establishing deaf schools in Auckland from 1942 to accommodate North Island pupils during World War II, and in establishing units attached to mainstream schools from the 1950s.

1952

An inspection report by the Department of Education reflected the strong emphasis on learning to speak and lipread at Van Asch.

1959

The Department of Education's Director of Education Clarence Beeby acknowledged that residential care may have been harmful to Deaf children and young people.

1962

Some Deaf children were brought from the Pacific Islands to be educated at Kelston.

1891

Van Asch school had 21 children and young people aged between 6 and 19 years old. Gerrit van Asch taught the new entrants himself to ensure they didn't sign.

1943–1946

The roll increased significantly at Van Asch from 126 in 1943 to 175 in 1944 due to the impact of a rubella epidemic in 1939. By 1945, 215 children and young people were enrolled at Van Asch. In 1946, there were 143 enrolled at Van Asch and 90 percent were boarders.

1958

Kelston was established in Auckland, replacing temporary State schools for the Deaf at Mount Wellington and Titirangi (Lopdell House), which were established from 1942. Kelston also followed the oralist method of education.

1960s

Numbers grew at Kelston and ranged from 125 in 1964 to 279 by 1969, with boarding numbers increasing from 74 to 115 across that period. The principal of Kelston noted in his annual report for 1968 that a greater proportion of boarding students came from underprivileged backgrounds.

1966

Van Asch Principal said in 1966: "Educational retardation is a natural consequence of deafness and it is rare for our pupils to achieve academic success."

1974

In 1974, 35 percent of those enrolled at Kelston and 8 per cent at Van Asch were recorded as 'Polynesian'. 'Polynesian' was not defined.

1983

Department of Education inspection report for Van Asch noted its curriculum was different to mainstream schools.

2000

An ERO report for Kelston noted that the board needed to "urgently develop documentation to guide the operation of the residential area to ensure the safety of children, young people and staff".

JULY 2022

At the Inquiry's Ūhia te Māramatanga Disability, Deaf and Mental Health Institutional Care Hearing, Ko Taku Reo Board Chair, Dr Denise Powell, acknowledged that it had failed survivors and offered an apology.

1970-1979

The numbers at Kelston in the 1970s declined from 218 in 1970 to 102 in 1979. Boarding numbers reducing from 108 to 14 across the same period.

1979

The schools moved away from oralism with the introduction of Total Communication, an artificial form of communication that combines spoken English with signing, with some teachers using Australian Signed English.

1994

ERO report for Kelston stated that the school had no school-wide information on individual achievement, and this should be addressed by the school.

1994

Up until 1994, neither of the deaf schools had a documented complaints procedure.

2020

Van Asch and Kelston were combined into one national organisation called Ko Taku Reo – Deaf Education New Zealand. Examples of Ko Taku Reo's approach to Deaf education includes teaching and embracing Sign Language, developing a Deaf studies curriculum and bringing children from mainstream education to Ko Taku Reo's residential hui.



“

**IT'S LIKE BROKEN
GLASS – YOU CAN PUT
IT BACK TOGETHER,
BUT IT'S STILL UGLY.**

”

**MS MK
NZ EUROPEAN**

Ms MK

Hometown: Rangitikei District

Age when entered care: 4 years old

Year of birth: 1958

Time in care: 1962–1973

Type of care facility: Foster care; schools for the Deaf – Van Asch College in Ōtautahi Christchurch, Deaf unit at Sumner School in Ōtautahi Christchurch; residential home – Randall Home

Ethnicity: NZ European

Whānau background: Ms MK has three siblings, and 13 half siblings on her father's side. She has two children and two grandchildren. Her three siblings also went into care.



**My hearing loss may be from being hit in the head as a child.
I don't know for sure.**

When I was 3 years old, Dad went to jail. Then my mum died when I was 4 years old, so my siblings and I went into care. I was sent to Van Asch at 6 years old and was there for nine and a half years.

Once I arrived at Van Asch I went straight to bed, because I thought the school was a hospital. It took me a couple of days to realise where I was.

I was at Van Asch School for most of the time I lived at the boarding school, but I also went to the Deaf unit at Sumner School from 1967 to 1969. At Sumner School, I was in a Deaf unit with seven other children. The teacher would give me the strap because I didn't know how to do math. The strap would usually come around lunchtime, and I would put my hand in hot water before lunchtime so it wouldn't hurt as much. After I got used to it, he started giving me the strap on the other hand, and on the tops of my hands too. I never learned properly there because I was so scared of him.

At Van Asch, we weren't allowed Sign Language. If we got caught signing we had our hands smacked. Sometimes we had to put our hands behind our backs. They didn't teach Sign Language – the teachers didn't know how to sign, and they would write on the blackboard instead. When staff weren't looking we used to sign our own sign language – not taught by teachers or other people, but taught by kids. We developed our own way of communicating and learnt about our own culture.

From 1964 until 1973 I was in 35 different foster homes during the school holidays. I struggled to concentrate at school because I was often scared thinking about which foster family I would be going to next holidays. I didn't get any qualifications, because I couldn't concentrate properly with all the anxiety, and I used to get nightmares. I felt unsettled and on edge. I was sexually abused in some of the foster homes, and sometimes physically abused too.

I hated being at boarding school. I didn't know what was going to happen next, because some staff were good but some were very horrible to me. Sometimes I would wet my pants because I was so scared of the staff. One of the worst was my teacher. She used to pick on me and was cruel to me for four years.

When I was about 13 years old a boy from the boarding school down the road came to the girls' dormitory where I was sleeping and tried to do things to me that I didn't want to do. I said no and pushed him away. He pulled the blanket back and pissed all over my sheets, then he ran off. The sheets were wet, but my pyjamas were dry. My teacher came and pulled my blanket back. I told her I had done a wee on the bed, because I couldn't tell her a boy had come along. She got the wet sheet and wiped it on my face. All the kids were looking at me and I just had to stand there.

Another time, the kids had to transfer all the beds from one dormitory to another, but I was really sick. I told my teacher I was going to vomit and couldn't move the beds. She pushed me and slapped my head. Then I vomited in the corridor. The teacher made me mop up my vomit, but I couldn't because I was too sick. She cleaned up the vomit then slapped the mop in my face.

I sometimes felt uncomfortable at Van Asch. When I was 6 years old the staff taught us to wash ourselves in the bath. I didn't wash myself properly, so my teacher put the soap in my private parts and it burnt. When I was 7 years old, the staff made me go in a cold water bath with the boys because I was a tomboy. It was embarrassing.

Sometimes I was locked up in a room by myself for being naughty.

The staff treated me worse than other kids because they knew I didn't have a family I could turn to or complain to if things went wrong. I was too scared to complain to anyone at Van Asch in case the abuse got worse, and I knew they wouldn't believe me anyway. I was the one in the trash and I just had to carry on.

Social Welfare would take me to the shops every three or four months to get new clothes, but the clothes weren't as good as the other kids' clothes and I would get teased.

I didn't know my birthday until I was 12 years old, and I didn't know my middle name for a long time either. The first birthday present I got was from a teacher – she gave me a gift with some lollies, books, pencils and other things. I wasn't used to it – we didn't celebrate birthdays or holidays at Van Asch. We didn't get Easter eggs, Christmas or birthday presents. We didn't have special things of our own, like toys or pictures of our families.

I left Van Asch in 1973, and stayed with foster families and went to a school with a Deaf unit. I met my best friend there. We had lots of laughs. It was nice having someone who understood me. In my last year of high school, I was with one family who were nice and generous and I was a little bit happy. After care, I found a place to board and got a job. I reconnected with my dad and met him when I was 22 years old. I love him because he's my dad, but he's on the wrong track.

I often get premonitions, and I got them when I was younger too, I think because I've had to learn things on my own. It's like a stray dog can look after itself better than a spoiled cat. My time in care taught me how to look after myself.

Being separated from my family had a huge impact on me. Foster families were never the same as my real family. I wasn't in touch with any of my siblings or my dad for most of my life. No one in the system thought it was important that we stay in contact. I only re-established contact with my siblings on my 60th birthday. We keep in contact, and I'm glad I'm in contact with them but I'm sad about all the years we lost.

I focus now on making sure my children and family don't go through what I went through. It might be nice if the government acknowledged what happened and apologised, but it is hard to get back those pieces. I carry the long-term impacts from my time in care. I feel sad inside and suffer from anxiety. I still have nightmares about the abuse and neglect. These things stay with you, and you can't just get rid of them. It's like broken glass. You can put it back together, but it's still ugly.³⁰

³⁰ Witness statement of Ms MK (28 June 2022).

//

**AT VAN ASCH,
WE WEREN'T ALLOWED
TO USE SIGN LANGUAGE.
IF WE GOT CAUGHT
SIGNING WE HAD OUR
HANDS SMACKED.**

//

MS MK
NZ EUROPEAN

Chapter 2: Circumstances that led Deaf children to be placed at Van Asch and Kelston

33. Deaf children were sent to deaf schools at a very young age on a day or boarding basis on the advice of educators, medical and health professionals, and due to lack of support for education and communication at home and at mainstream schools. Audist societal attitudes meant parents of Deaf children were told that an institution was the best place for their children, so they could be taught to adapt to the hearing world.
34. This chapter describes the circumstances that led children and young people being taken or placed at Van Asch College (Van Asch) and Kelston School for the Deaf (Kelston) during the Inquiry period.

Experience of being diagnosed Deaf

35. A child is presumed to be born with the capacity to hear until there is an indication of hearing loss, which is usually diagnosed by a medical professional. Some children sent to the deaf schools were born Deaf. This could have been due to several factors, including, for example, their mothers contracting rubella during pregnancy or genetic factors. Other children became Deaf due to childhood illnesses.
36. Most Deaf children had hearing parents who may not have initially realised their children were Deaf. In some cases when a child had previously been hearing, a parent may have thought the child's lack of response to speech was simply being naughty. Māori survivor Whiti Ronaki (Te Arawa), who was at Kelston from 1959 to 1969, said:
- "I was born hearing but when I was 3, I got the meningitis and lost my hearing ... When I lost my hearing, I used to get hit and yelled at. [My adoptive parents] thought I was being cheeky, but I was Deaf."*³¹
37. Official diagnosis was often delayed for years. NZ European survivor Ms JR said: "I was not diagnosed with a hearing impairment until I was 8 years old ... Soon after I started school ... my teacher rang my mother and said, 'what the fuck are you doing about your daughter's hearing?' This was very strong language for the time. My mother burst into tears and explained that she had been trying to get the doctors at Wellington Hospital to help her for three years, but no one listened to her. She was labelled as a neurotic mother. The doctors refused to see us ... Wellington Hospital finally agreed to give me a proper assessment. I was diagnosed with severe hearing loss."³²

³¹ Witness statement of Whiti Ronaki (20 June 2022, paras 1.1 and 1.5).

³² Witness statement of Ms JR (16 February 2022, paras 1.3–1.4).

Lack of support for children and whānau to communicate at home

38. The dominant education mode for Deaf children was oral education until 1979. Parents generally did not have the knowledge to teach their children to lipread or speak, and were not offered the option to use Sign Language. When a child reached school age, families were told to enforce strict oralism. NZ European survivor Mr JS said: "A specialist confirmed I was Deaf when I was 9 months old [in 1965] ... My mother found this difficult to cope with. No one in my family used Sign Language. At the hospital, my mother had asked the doctors how to communicate with me and someone who looked like a nun said that she should only ever speak to me, and signing was bad. My mother believed what the experts told her. She mainly communicated with me by drawing pictures."³³
39. Parents' inability to communicate with their children contributed to some being sent away to school at a very young age. NZ European survivor Mr JT said: "I was born profoundly Deaf ... My early childhood was pleasant. My family communicated with me orally and with lipreading ... it was hard work communicating with my family. I remember I had to ask them to repeat things all the time and I was often dismissed because we could not understand each other. I was sent to Kelston School for the Deaf when I was 4 years old [as a boarder]".³⁴
40. Some families and whānau developed their own way of communicating with their Deaf child. Māori survivor Mr LF (Ngāti Maniapoto) was the only Deaf member of his immediate family, and although he found it difficult to communicate, he was able to disclose physical abuse at Kelston to his mother, who contacted the school.³⁵ Maliah Turu (Te Whānau a Apanui, Ngāti Pūkenga Manaia, Whakatōhea) described how her family initially made up their own "home signs" which came "naturally" to communicate with her Deaf brother.³⁶

Advice from educators, medical and health professionals

41. Education was compulsory for all children from 5 years old. Educators and medical and health professionals, who were predominately Pākehā and hearing, advised family and whānau across Aotearoa New Zealand to send their children to deaf schools. They were sent to board in Ōtautahi, Christchurch or Tāmaki Makaurau, Auckland.³⁷ Māori survivor Milton Reedy (Ngāti Porou) said: "At the age of 5, on a doctor's recommendation, my parents decided to send me to Kelston. My siblings were not sent to boarding school. Kelston told my parents only to speak to me in English, so unfortunately te reo was never passed on to me."³⁸

³³ Witness statement of Mr JS (27 May 2022, paras 1.2 and 1.5).

³⁴ Witness statement of Mr JT (20 December 2021, paras 1.2–1.4).

³⁵ Witness statement of Ms RJ on behalf of Mr LF (13 February 2020, page 3, paras 2.3–2.4).

³⁶ Witness statement of Maliah Turu (20 October 2022, para 4).

³⁷ St Dominic's School for the Deaf (1944–1989) was also a residential option for some Deaf children to receive a Catholic-based education in Island Bay, Wellington. The school later moved to larger premises in Feilding in 1953.

³⁸ Witness statement of Milton Reedy (20 May 2022, paras 1.7–1.8).

Pathway from mainstream and other schools

42. A lack of support at mainstream schools often led to Deaf children failing at school, being bullied by hearing children and punished by teachers for not understanding oral teaching. Some mainstream schools had Deaf units within the school, which provided some support for Deaf children. However, the parents of many Deaf children were encouraged to move their families to be close to the deaf schools and enrol them as day children or send them to board.
43. NZ European survivor Mr JS, who went to many different schools, said:
- "I experienced mainstream education, Deaf units within mainstream schools and Deaf Schools ... I spent three years altogether in mainstream schooling and it put me so far behind. It was really bad. I was always told off for getting my school work wrong. It was a disaster. I became violent from all the frustration."*³⁹

Lack of support to educate children at home

44. Professionals advised families and whānau to send Deaf children away to deaf schools as there was no assistance to raise and educate them at home, or any consideration given to establishing Māori organisations to provide tāngata Turi Māori education and care at home. The absence of children and tamariki from home impacted the whole family or whānau. Māori survivor Maliah Turu (Te Whānau a Apanui, Ngāti Pūkenga Manaia, Whakatōhea), whose brother went to Van Asch, said:
- "Back then, the doctors said that there was no help for the parents, so they had to send kids to deaf school. However, for us as Māori whānau at home waiting for my brother to come back, it was heartbreaking."*⁴⁰

Children from the Pacific Islands

45. From 1962, some Deaf children were brought from the Pacific Islands to be educated at Kelston.⁴¹ In 1974, Kelston Principal Darcy Dale questioned this practice – the children were from a very different background and in most cases had been learning to lipread in their own native language. He suggested a better solution might be to have a trained teacher to educate the children at home.⁴²

³⁹ Witness statement of Mr JS (27 May 2022, paras 1.8 and 2.10).

⁴⁰ Witness statement of Maliah Turu (20 October 2022, para 6).

⁴¹ Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master's Thesis, University of Otago (10 December 1982, page 210).

⁴² Stewart, PA, To turn the key: The history of deaf education in New Zealand. Master's Thesis, University of Otago (10 December 1982, page 210).



“
**KELSTON SCHOOL
WAS RACIST,
OPPRESSIVE
AND VIOLENT.**
”

HĒMI HEMA
MĀORI (WHAKATŌHEA, NGĀTI KAHUNGUNU)

Hēmi Hema

Hometown: Ōtautahi Christchurch

Age when entered care: 5 years old

Year of birth: 1970

Time in care: 1975–1987

Type of care facility: Schools for the Deaf – Van Asch College in Ōtautahi Christchurch, Kelston School for the Deaf in Tāmaki Makaurau Auckland

Ethnicity: Māori (Whakatōhea, Ngāti Kahungunu)

Whānau background: Hēmi is the only child of both his biological parents; his father had other children. He grew up with one sister, who is the daughter of his mother's sister. She was whāngai into his whānau so they grew up as siblings.

Currently: Hēmi has been strongly involved with the Deaf community. He is president of Tū Tāngata Turi, a registered charitable entity for Māori Deaf. In 2012 he received a Queen's Service Medal for his services to the tāngata Turi Māori community.



My mum had measles while she was pregnant with me and I was born Deaf. I went to Van Asch in 1975, at 5 years old, as a day student for a few months, then as a residential student. On weekends I stayed with my aunty.

I didn't like being at boarding school. It was very isolating and I didn't like the staff. It was very strict, there were specific times when you had to eat dinner, and if you didn't like the kai you were sent straight to bed.

At Van Asch I recall being taught Total Communication and not New Zealand Sign Language. English was the big focus, but we developed our signing outside of the classroom with other Deaf kids in the playground. The other classes, like science and maths, were quite visual which was good. Total Communication didn't have that, so it was pretty pointless.

The teachers were all hearing Pākehā – there were no Deaf or Māori teachers. While I was there, about half the students were Māori but we didn't learn anything about te ao Māori.

My family moved to Ōpōtiki and I went to primary school there but I was the only Deaf person and it was hard to learn. I was sent to Kelston, but I desperately wanted to go home. I felt very disconnected from my whānau, in a new place where I didn't know anyone. A teacher saw me crying and they hit me with a wooden ruler. I was about 10 years old and this was my first experience of my new school.

I was at Kelston almost six years. The staff were all hearing Pākehā. There was a focus on oralism – they tried to teach us to lipread and vocalise, but I didn't understand. In speech therapy, the teachers would make me press on my throat to feel the vibrations. If I got it wrong, they'd say I wasn't pressing on the right place. It made no sense to me because I couldn't hear anything. There wasn't any learning.

We were taught to lipread but it was a waste of time. We were taught the alphabet, how to pronounce the letters, but it was really hard to understand the teachers. If I asked other students for help, I'd use sign, but teachers would tell us off. We were just trying to learn but they didn't understand Deaf culture – they thought we weren't paying attention.

The staff at Kelston were very abusive and they did whatever they wanted – the violence happened all the time. If we were caught using sign we'd be smacked with a belt or a ruler. If we cried from being smacked, we'd be sent to sit in the corner, and often we'd be smacked again. Once, a staff member hit me on the head, slamming it against the floor until my skin broke. I had a black eye and was bleeding a lot. I had to have butterfly stitches.

There was a lot of racism at Van Asch and Kelston. The Māori and Pacific kids were put down and stereotyped, and we were punished more. I've talked to other Māori who were there and it's all the same – their anger and hatred towards us.

It wasn't just the staff. The senior students would beat us up and sometimes sexually abuse the younger students. There were no staff around to stop this happening. When I had just arrived at Kelston, the older boys tried to intimidate me into doing sexual things with them. It was traumatic.

From when I was 13, a male staff member would have sex with me in my room at night, and he was abusing other boys as well.

I didn't tell the staff, I wasn't confident enough. This kind of abuse was very common at Kelston. There were others who abused me – I don't know where they learnt this behaviour from, but I think maybe it happened to them.

Once, I got quite aggressive in response to all the fighting and violence, and I got my hands on a knife. I was about 14 or 15 years old. The staff called the NZ Police and I was taken away to a boys' home, which felt like a prison. I was the only Deaf boy there and I couldn't communicate with anyone. I had to go to court, and I just wanted to go home – I was tired, the staff were abusive and I was worn out from all of it. I was let off with a warning.

When I returned to Kelston I was kept separate from other students for two days. My mum came to Kelston and met with the principal, who said I was a safety risk. Eventually I went back but I kept getting into trouble. The staff were oppressive, and I was permanently kicked out when I was about 16 or 17.

My dad took me to Deaf Club when I was about 19 years old. When I got there, people were signing, there were even Deaf sports. It was lovely. I joined the Deaf rugby team, and I got involved in the Deaf community in every way I could, finding my own mana.

When I was 26, I was doing a disabilities studies course at the polytechnic in Ōtautahi and I went back to Van Asch to observe for a 12-week period. I sat in on classes, and even though many years had passed, a lot of the same problems were still happening. I often swapped with the teacher and helped out – just being able to have relevant communication as Māori Deaf with the kids in class made them so much more responsive.

Hearing teachers who don't know how to sign don't understand this.

We need better protection of our tamariki Turi in schools. When I visit Van Asch, I am careful to keep my role professional. We need to make sure our tamariki are safe.⁴³

⁴³ Witness statement of Hēmi Hema (21 November 2022).

//

**AT BOTH VAN ASCH AND KELSTON,
THE MĀORI AND PACIFIC ISLAND
KIDS WERE PUT DOWN AND
STEREOTYPED, MAINLY BY THE
STAFF AND TEACHERS. WE WERE
CONSIDERED NAUGHTY KIDS
AND THE PĀKEHĀ WERE THE
WELL-BEHAVED KIDS. WE WOULD
DO SILLY LITTLE THINGS, THAT ALL
KIDS DO, BUT THE PUNISHMENT
WAS FULL ON.**

//

HĒMI HEMA

MĀORI (WHAKATŌHEA, NGĀTI KAHUNGUNU)

Chapter 3: Nature and extent of abuse and neglect at Van Asch and Kelston

46. Survivors of Van Asch College (Van Asch) and Kelston School for the Deaf (Kelston) endured serious sexual abuse including rape and sexual assault by staff and older children during the Inquiry period. Physical abuse by staff and from their peers occurred regularly, creating an environment of fear in some classrooms and in the hostels. Some students were bullied, harassed and verbally abused by staff and peers. Children and young people were punished for using Sign Language, and experienced linguistic neglect as they were not taught Sign Language. The majority of children and young people received an inadequate education, particularly those with other disabilities. Deaf identity was not supported by staff. Tāngata Turi Māori experienced racism and cultural neglect at schools staffed by hearing Pākehā. Pacific children may have similarly experienced racism and discrimination.
47. This chapter describes the abuse and neglect that survivors of Van Asch and Kelston reported to the Inquiry.

Survivors experienced sexual abuse

48. Sexual abuse experienced by survivors included rape, serious sexual assaults and sexual abuse under the pretext of cleaning their bodies. Survivors were sexually abused by staff and older peers. The abuse occurred in the hostel dormitories, in bathrooms, in the playground, and at times off-site. The boarding dormitories were not supervised at night, which increased the likelihood of both staff and students abusing boarders. Survivors spoke of significant peer-to-peer sexual abuse, a lack of sex education and lack of language to describe what was happening to them.
49. Māori survivor Milton Reedy (Ngāti Porou) was sexually abused by a male staff member during shower time at Kelston when he was around 8 to 10 years old. He described the abuse:

“He inserted his finger in my anus and would poke and rub it a number of times. I didn’t understand whether what he was doing was right or wrong because I was so young ... An older Pākehā Deaf student taught me how to masturbate. I was 7 or 8 years old and he was 14 or 15 ... This happened in the toilets, in a cubicle ... No staff member ever spoke to me or educated me on sex or sexual abuse. I never told anyone about what the older boy was doing ... There was no sign at that time for sexual abuse. We had no knowledge of words related to sex.”⁴⁴

⁴⁴ Witness statement of Milton Reedy (20 May 2022, paras 2.24, 2.32, 2.33, 2.34 and 2.35).

50. NZ European Survivor Mr JS said the extent of sexual abuse at Van Asch was "too much" for him to talk about. It started when he was 14 years old and continued for three years:

*"The older boys would often act as a pack and they would target me. There were many occasions when they would bully and sexually assault me. These boys would grab me and remove my pants and underwear. About three times, boarding staff saw this same group of boys target me, take my pants off and try to assault me. Every time, the staff just laughed and did nothing. They found it funny. When I was about 15, a male Deaf student raped me. When I was about 17, I was also sexually assaulted in the common room at lunch time."*⁴⁵

51. NZ European survivor Mr JT told the Inquiry he was sexually abused at Kelston by several staff members:

*"[One teacher] took me through to the toilets and took my pants down. He directed my hand to touch him in certain ways, on his genitals. He also touched my genital area. When this was finished, he told me to go back to the boarding school dorms ... [Another staff member] worked in the boarding school looking after the residential students ... [He] mostly abused me in his home ... He took his pants off and put Vaseline on my bottom. He rubbed my bottom and tried to insert his penis into my anus. He pushed hard. I screamed and screamed and screamed. He put his penis in me about three or four times. Then, [he] turned me around and ejaculated into my mouth."*⁴⁶

52. NZ European Survivor Mr PI was born Deaf and with cerebral palsy. He went from St Dominic's School for the Deaf in Feilding (not associated with Van Asch or Kelston), where he suffered physical and sexual abuse. He went to board at Van Asch College in 1983 at 13 years old.⁴⁷ At Van Asch College, Mr PI was sexually abused by a peer in the bath.⁴⁸

⁴⁵ Witness statement of Mr JS (27 May 2022, paras 2.66, 2.71 and 2.72).

⁴⁶ Witness statement of Mr JT (20 December 2021, pages 4–6).

⁴⁷ Private session transcript of Mr PI (31 May 2023, page 10).

⁴⁸ Private session transcript of Mr PI (31 May 2023, page 12).

Survivors experienced physical abuse

53. A number of survivors were harmed and assaulted at Van Asch and Kelston. This included punching, hitting, slapping to the head and ears, caning, strapping, smacking with a belt or ruler, kneeing, kicking, grabbing someone's face or neck, and bullying behaviour.
54. Physical discipline of children and young people, such as corporal punishment, was accepted and legislated for a large part of the Inquiry period.⁴⁹ Schoolmasters were: "justified in using force by way of correction towards any child or pupil under [their] care, if the force used is reasonable in the circumstances."⁵⁰ However, even legal practices were abusive at times and much of the punishment described by survivors went beyond the bounds of acceptable corporal punishment.
55. Deaf children and young people experienced regular physical abuse by teachers and hostel staff. While many survivors recall teachers and hostel staff who were caring of their students, many recall staff who physically abused children and young people on a regular basis. Some students had the same teacher for several years and survivors recall good and bad years depending on who their teacher was.
56. Several survivors recalled physical abuse at Kelston from teacher Mr 222 who gave a child "a hiding" by punching him and kneeing him around the kidneys for no apparent reason⁵¹ and:
- "Mr 222 had a black and orange striped cane. He always hit us over the hands with it. It really, really hurt. He would also slap us around the head and ears. It was such an ongoing thing. We were all constantly hit, slapped, kicked and caned. Mr 222 created an environment of fear in the classroom."*⁵²

49 Corporal punishment was unlawful in schools from 23 July 1990: section 139A of the Education Act 1989.

50 Crimes Act 1961, section 59, as it was worded between 1 January 1962 to 22 July 1990.

51 Witness statement of Mr EV (17 January 2022, para 2.21).

52 Witness statement of Mr EV (17 January 2022, para 2.17).

57. NZ European survivor Ms JQ, who attended Van Asch from 5 years old in 1977 to 18 years old, told the Inquiry she was about 5 years old when she was physically abused by her teacher. She described the incident:

*"[She] really was a bitch ...There was one time we had to draw a picture, and I picked out a pink crayon. I was drawing a cake – I wasn't sure if I was using the right colour. She came up to me and said, 'What is that?' I turned away from her because I was scared. She grabbed me by the jaw and held me so that I had to look at her and said, 'You have to draw a chocolate cake'. I couldn't figure out what she was saying ... Again, she banged on the table. She took the brown crayon and scribbled hard over my paper and through my drawing saying, 'It should be a chocolate cake. It can't be pink, it needs to be brown.' She was holding my jaw again and saying something to me and I tried to move back and she smacked me really hard on the ear. I turned my head and when I turned she smacked me on the other ear too. I was so shocked. I could feel something warm trickling from my ears. Both my ears were bleeding. I was wearing the old FM system that we used to have as a hearing aid. They had really hard resin earpieces. When the teacher hit me, the earpieces had broken off inside my ears and made it bleed."*⁵³

58. The right to human dignity recognises the intrinsic worth of all people.⁵⁴ All forms of inhumane treatment, humiliation and degradation infringe upon this right.⁵⁵ The survivor evidence indicates that some staff at Van Asch and Kelston did not respect the universal right to protection of human dignity. Failure to respect and protect human dignity can negatively impact on Māori survivors' individual mana, as well as causing a loss of mana to their whānau, iwi, and hapū.
59. Some survivors were not kept safe by staff. Many survivors were bullied by older peers, and some staff wilfully ignored what was occurring and failed to protect younger children. This occurred in both the boarding hostels and the schools.

⁵³ Witness statement of Ms JQ (8 November 2022, paras 2.10, 2.13, 2.15 and 2.16).

⁵⁴ Universal Declaration of Human Rights, Article 1.

⁵⁵ Universal Declaration of Human Rights, Article 5.

60. Māori survivor Whiti Ronaki (Te Arawa) told the Inquiry he was bullied over food at Kelston:

*"We had lunch bags with our names on them, and the big kids used to take my lunch bag. The big Māori kids would pick on the little Māori kids. I would go hungry because they took my lunch. We would say to the teachers my lunch is gone when the lunches were given out, we would go to the teacher who would just gesture back to us, but we were unable to understand what they were saying, which was frustrating. We would be really hungry. Sometimes on the weekends we were given a bag of lollies with our names on it and the bigger Māori boys would say 'come here' and then take your bag of lollies, give you two of them and take the rest."*⁵⁶

61. An ERO report for Kelston in 2000 noted that the Board needed to "urgently develop documentation to guide the operation of the residential area to ensure the safety of children, young people and staff".⁵⁷ ERO referred to the need for guidelines for maintaining records, managing behaviour, strategies for resolving conflict and developing individual programmes for students. ERO stated that the lack of documentation created a potential safety risk.⁵⁸ ERO specifically noted the lack of agreed procedures to manage difficult situations or for children and young people to express concerns and recommended that the board consider appointing an independent advocate for students to ensure key issues could be raised and addressed.⁵⁹

The quality of documentation related to residential services needs to be improved. An information booklet outlining guidelines for living in the Totara Village cottages and a code of conduct for students are up-to-date and useful. However, in other areas the documentation is inadequate. The board policy on Totara Village only includes guidelines for admission to the cottages. There is a lack of documentation to guide the wider operation of the cottages. The board should develop an operations manual that provides clear guidelines for maintaining appropriate records, managing behaviour, strategies for resolving conflict and developing individual programmes for students. These individual programmes

EDUCATION REVIEW OFFICE
CONFIRMED ACCOUNTABILITY REVIEW REPORT
Page 12

JANUARY 2000

A portion of the 2000 ERO report for Kelston

⁵⁶ Witness statement of Whiti Ronaki (20 June 2022, para 2.29).

⁵⁷ Education Review Office, Confirmed accountability review report: Kelston Deaf Education Centre (2000, page 3).

⁵⁸ Education Review Office, Confirmed accountability review report: Kelston Deaf Education Centre (2000, pages 12–13).

⁵⁹ Education Review Office, Confirmed accountability review report: Kelston Deaf Education Centre (2000, page 13).

Survivors experienced psychological and verbal abuse

62. NZ European survivor Ms JR spoke of experiencing bullying and harassment from peers and having to adapt to survive the negative environment at Van Asch:
- "I experienced so much harassment and bullying that I quickly developed survival skills. I survived by learning how to avoid people and how to get away at a moment's notice. I started eating my lunch behind this hill on the school grounds ... The boarding staff would never look after or support the newcomers ... The psychological abuse and torment never stopped once, the whole time I was at Van Asch. The boarders would play mind games with me. Sometimes I felt like I was on the brink of losing my sanity. It was unbearable."*⁶⁰
63. Some survivors were bullied or discriminated against for having disabilities (for example, some Deaf children and young people had additional support needs), or being 'different'. NZ European survivor Ms NH was bullied by other Kelston students because she was blind in one eye: "They would pull faces to mimic my blind eye and that was hurtful. I didn't tell any of the staff as I didn't know what 'bullying' meant and didn't know how to communicate, and I also knew if I did say anything the students would tease me more."⁶¹ NZ European survivor Mr PI told the Inquiry how he received "extra discrimination" at Van Asch because he had cerebral palsy.⁶²
64. Survivors described being belittled and verbally abused by both teachers and hostel staff. Some survivors were put in solitary confinement, others had punishments such as being made to brush their teeth with soap.⁶³ Māori survivor Milton Reedy (Ngāti Porou) told the Inquiry a favourite phrase staff used to describe students at Kelston was 'Deaf and dumb', saying: "No wonder you're here, you are Deaf and dumb." Milton Reedy said he had tried to forgive and forget. "It is not easy. I am also upset by what I witnessed. It made me feel sorry for other students."⁶⁴
65. NZ European survivor Ms JQ said her teacher at Van Asch was quick to react in physically abusive ways if she got even a small thing wrong: "She would grab me by the arm and drag me to a room and shut the door. The room was dark – pitch black – and I didn't know what to do. It was a tiny narrow storage room where they would keep paint, paintbrushes and crayons. There was no one there and I would panic. I don't know how long I would be left there for. She would open the door and then shout at me again while I was panicking. It was just awful. [She] put me in this room so many times. It was terrifying."⁶⁵

⁶⁰ Witness statement of Ms JR (16 February 2022, paras 2.12, 2.13 and 2.20).

⁶¹ Witness statement of Ms NH (28 November 2022, para 2.6).

⁶² Private session transcript of Mr PI (31 May 2023, page 12).

⁶³ Witness statement of Milton Reedy (20 May 2022, para 2.39).

⁶⁴ Witness statement of Milton Reedy 2022, paras 2.38–2.39).

⁶⁵ Witness statement of Ms JQ (8 November 2022, paras 2.22–2.24).

66. Ms JQ's evidence illustrates psychological abuse as Deaf people rely predominantly on vision for orienting to the environment (without sound cues). Being shut in the dark would have felt much more acutely frightening and powerless for Ms JQ than for a hearing child.⁶⁶
67. The humiliation and degradation of some Deaf children and young people by staff reflects a failure to protect and respect human dignity and inherent human value.⁶⁷ Discrimination against Deaf children and young people also infringes the right to equality and non-discrimination recognised in both domestic and international human rights law.⁶⁸

Survivors experienced neglect

68. Neglect is a form of abuse that can take many different forms such as emotional, educational and cultural neglect. At Van Asch and Kelston, survivors experienced neglect including: not being taught or allowed to use Sign Language, not being provided with an adequate level of education, Deaf culture and identity not being supported, Māori children and young people were culturally neglected, and it is likely that Pacific cultures were similarly neglected.

Survivors experienced linguistic abuse and neglect

69. Deaf children and young people experienced linguistic abuse and neglect at Van Asch and Kelston. From the 1950 to 1970s children and young people were taught using oral methods by staff who were Pākehā and hearing. Due to the Department of Education's policies of the time, Sign Language did not develop in the classroom. Children and young people were not allowed to sign and were not taught Sign Language. Children and young people were expected to learn to lipread and vocalise to be accepted by hearing society. Those who were caught signing were physically punished.

⁶⁶ Witness statement of Ms JQ (8 November 2022, paras 2.22–2.24).

⁶⁷ Human dignity is a right recognised in various international human rights instruments such as the Universal Declaration of Human Rights, Article 1; International Covenant on Civil and Political Rights, Article 10(1); and the Convention on the Rights of Persons with Disabilities, Article 16(4).

⁶⁸ Freedom from discrimination is recognised in various international human rights instruments and domestic law including the International Covenant on Civil and Political Rights, Article 26; Convention on the Rights of Persons with Disabilities, Article 5; New Zealand Bill of Rights Act 1990, section 19; Human Rights Act 1993, section 21.

70. Kiwi survivor Ms Bielski was told she was not allowed to use Sign Language as soon as she arrived at Van Asch at 5 years old, in 1978. At home she had used a mixture of signing and speaking, switching between the two, and because of this she was confused and shocked:

"I remember crawling under a table and crying. Being told I could not sign was like a slap in the face ... I hadn't been at Van Asch long when my teacher tied my hands to my chair to stop me from talking. You would never make a hearing student shut up by gagging them, or taping their mouth shut, so why is it okay to tie a Deaf person's hands up?"⁶⁹

71. Children and young people continued to sign in secret at school, in the playground and at the hostels because this was their most accessible natural language. Sign Language existed underground. To sign in public was considered embarrassing and shameful. Māori survivor Whiti Ronaki (Te Arawa) said children and young people at Kelston learned how to sign by watching each other: "We made up our own way of communicating [and] when the teachers were gone we would teach each other"⁷⁰. Māori survivor Milton Reedy (Ngāti Porou) told the Inquiry the version of signing they used at Kelston wasn't the formal sign language used now:

"It was more gestures and lipreading of each other. We would make up our own signs, which would then be disseminated and thrown into our language pool ... I think what they did to us at Kelston was wrong. Not being able to sign was upsetting. We were all upset. It was like being in a concentration camp."⁷¹

72. Parents were told not to let their children sign at home as it would undermine their oral education. This left children unable to communicate with their parents, except by 'home signs' or gestures understood within the family context.

73. Maliah Turu, whose brother attended Van Asch, recalled her family was told to stop using sign and only communicate with him orally:

"Van Asch tried to prevent us from using sign with [my brother] ... They said we should want 'them' to be as 'normal' as possible. I remember being in the room when the school staff were telling my mum this."⁷²

74. Brian Hogue was a teacher at both deaf schools between 1952 and 1967. He said: "Personally I found the pure oralist philosophy of those 'in power' repressive. It worked for a few very bright and gifted pupils, the rest were expected to follow with tragic results."⁷³

⁶⁹ Witness statement of Ms Bielski (18 October 2021, paras 2.1, 2.17 and 2.18).

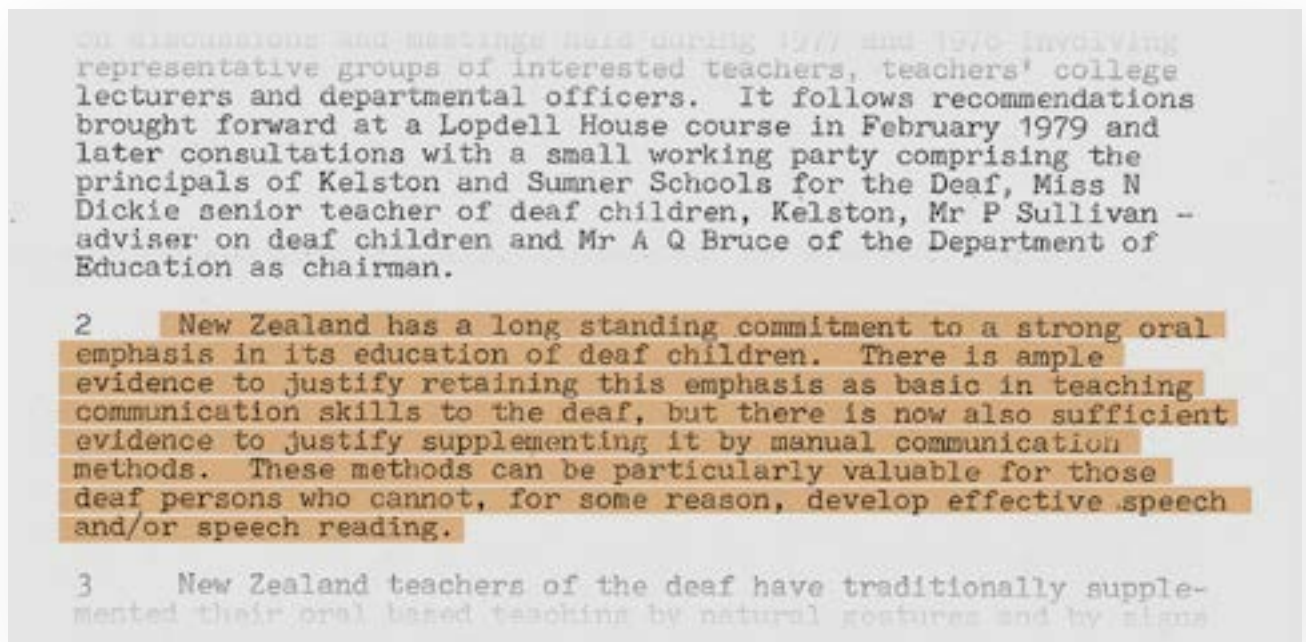
⁷⁰ Witness statement of Whiti Ronaki (20 June 2022, para 2.11).

⁷¹ Witness statement of Milton Reedy (20 May 2022, paras 2.10, 2.12 and 2.13).

⁷² Witness statement of Maliah Turu (20 October 2022, para 5).

⁷³ Van Asch Deaf Education Centre, Deaf Studies Curriculum Resources: History (2000, page 4).

75. In 1979 Total Communication was introduced, as it was clear that the dominant ideology of oralism was not working after 100 years of it being mandatory. However, a 1979 letter from the Director-General of Education to Van Asch and Kelston expressed a reluctance to acknowledge the failing of the oral approach and move on from this method of teaching: "New Zealand has a long standing commitment to a strong oral emphasis in its education of deaf children. There is ample evidence to justify retaining this emphasis as basic in teaching communication skills to the deaf, but there is now also sufficient evidence to justify supplementing it by manual communication methods. These methods can be particularly valuable for those deaf persons who cannot, for some reason, develop effective speech and / or reading."⁷⁴



Portion of a letter from the Director-General of Education to the deaf schools

76. Despite the move away from oralism, Total Communication used a form of signing based on the English language and Australian Sign Language vocabulary and was not an effective method of learning for Deaf children who did not yet have a command of spoken English. Kiwi survivor Ms Bielski described the problems with the approach:

*"[Total Communication] was better than nothing at school because we could use signs as part of our communication with speaking. The problem was that they wanted us to use a new type of sign language that was based on the grammar and syntax of the English language and sign language from Australia, not New Zealand. I describe this sign language as 'signed English'. It was not as intuitive for Deaf people as the purer version of New Zealand Sign Language and it did not make conceptual sense. The translations were too literal."*⁷⁵

⁷⁴ Letter from Director-General of Department of Education re Total Communication for Deaf children (23 August 1979, page 1).

⁷⁵ Witness statement of Ms Bielski (18 October 2021, para 2.23).

77. NZ European survivor Ms JQ who attended Van Asch from 1977 to 1990, told the Inquiry that Total Communication was difficult because children and young people had to sign every word they would say in English and ensure it was in the right order:
- "It was too difficult ... I could understand a little more TC [Total Communication] than some of my peers. I could see that TC didn't help their literacy but caused more confusion. TC was supposed to aid us in writing English, but it didn't. For example, sometimes the teacher would speak to us in TC and we would have to write down what they had said. Every student in the class would write a different sentence."*⁷⁶
78. At the Inquiry's State Institutional Response Hearing, Secretary for Education and Chief Executive of the Ministry of Education Iona Holsted accepted Counsel's proposition that oralist policies adopted in Aotearoa New Zealand "prevented Deaf children and young people from exercising their choice to use sign language".⁷⁷ Ms Holsted also accepted evidence that Deaf survivors were punished for using Sign Language.⁷⁸
79. Overall, Deaf children and young people's right to human dignity was breached. This right includes the assurance of individual choice, autonomy and decision making. Deaf children and young people were denied the opportunity to exercise individual choice to use Sign Language and Deaf culture in their education.⁷⁹

Survivors experienced educational neglect

80. The education at Van Asch and Kelston was inadequate for the majority of students and as a result they suffered educational neglect. For most Deaf children and young people, the impact of oralism and Total Communication meant they learnt very little at school.
81. Some students were frustrated at the constant repetition and lack of progress. Māori survivor Whiti Ronaki (Te Arawa) said he learnt little at Kelston:
- "I did learn about 15 English words, and they would test me on the same words. There were no new ones, just the same 15 words over and over again."*⁸⁰

⁷⁶ Witness statement of Ms JQ (8 November 2022, paras 2.42 and 2.45).

⁷⁷ Transcript of evidence of Secretary for Education and Chief Executive Iona Holsted for the Ministry of Education at the Inquiry's State Institutional Response Hearing (Royal Commission of Inquiry into Abuse in Care, 18 August 2022, page 391).

⁷⁸ Transcript of evidence of Secretary for Education and Chief Executive Iona Holsted for the Ministry of Education at the Inquiry's State Institutional Response Hearing (Royal Commission of Inquiry into Abuse in Care, 18 August 2022, page 392).

⁷⁹ Human dignity is a right recognised in various international human rights instruments such as the Universal Declaration of Human Rights, Article 1; International Covenant on Civil and Political Rights, Article 10(1); and the Convention on the Rights of Persons with Disabilities, Article 16(4); Convention on the Rights of Persons with Disabilities, Article 21 (New Zealand ratified the Convention on the Rights of Persons with Disabilities in 2008) provides that State Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion including: (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.

⁸⁰ Witness statement of Whiti Ronaki (20 June 2022, para 2.17).

82. NZ European survivor Mr JS started at Van Asch in 1979 aged 14 years old. He said that at first the education was okay but it declined quickly: "I was gaining access to language and all of the students were Deaf, so it made the class environment much easier to learn in. However, when I was around 16, the schoolwork got very boring. They gave us work suitable for primary school children. It was insulting and frustrating. I was bored so I got into trouble again. I was getting the strap and being sent to the headmaster regularly."⁸¹
83. Some teachers taught the same group for a number of years, and what was taught could sometimes depend on the teacher's preference rather than a set curriculum. Pākehā survivor Mr EV told the Inquiry he wasn't taught normal lessons at Kelston by his teacher of two years, Mr 222, but instead was taught "army stuff", such as Morse code, as Mr 222 had experience in the army:
- "Morse code was not a normal part of our school programme ... If we got the Morse code wrong, [Mr 222] would make us do it again and again until we got it right. It was not fair to try to make us learn Morse code. We were never going to be able to master it. It didn't make sense to us."*⁸²
84. Teaching resources were put into a small number of children and young people who were considered more likely to succeed in learning. Kiwi survivor Ms Bielski told the Inquiry:
- "Our class was used for show, to make the school look good. They invested so much into my class, but the other students were completely neglected. Four out of the six people in my class went onto to tertiary education, and one went onto to become a tradesman. My classmates and I all did well academically, and all went on to be successful. We were taught in a different way from the other students, we were able to use purer [New Zealand Sign Language] with [Total Communication] and we worked with our teachers to develop a teaching style that worked for us. None of the other classes at Van Asch got to experience the quality of education that we did. Most of them failed academically because the teachers took no interest in their success. The question I have today is, why? Why us? Why did none of the other students get this opportunity? They could have done so much better. This was educational neglect."*⁸³

81 Witness statement of Mr JS (27 May 2022, para 2.38).

82 Witness statement of Mr EV (17 January 2022, paras 2.12–2.13).

83 Witness statement of Ms Bielski (18 October 2021, paras 2.33–2.34).

85. Academic expectations for Deaf children and young people were low. It was assumed that Deaf children and young people were unlikely to succeed in education. In 1966, Sumner School (later renamed Van Asch College) Principal Herbert Pickering said: "Educational retardation is a natural consequence of deafness and it is rare for our pupils to achieve academic success."⁸⁴ In Kelston's 1969 Annual Report Principal Alan Young said: "Generally a high school programme which is geared towards a School Certificate syllabus is suitable for only exceptional deaf children."⁸⁵
86. At the Inquiry's State Institutional Response Hearing, Secretary of Education and Chief Executive of the Ministry of Education Iona Holsted acknowledged that the education system often had lower expectations for certain groups and communities, including Deaf people, and this was an extremely powerful determinant for learning outcomes.⁸⁶
87. The Inquiry received evidence in the form of Department of Education inspection reports for Van Asch and Kelston completed by the Department's special education staff during the Inquiry period. Following its formation in 1989, ERO conducted periodic reviews of Van Asch and Kelston.
88. A 1983 Department of Education inspection report for Van Asch noted its curriculum was different to mainstream schools: "The school caters for residential and non-residential pupils, many of whom are multiple-handicapped and some of whom have been discovered to be so handicapped at late stages in their development. The nature of the pupil population and the severity of the handicaps represented amongst the pupils dictates the type of curriculum and the skills required of the teachers. This is somewhat different from the manner in which the curricula are implemented in normal hearing schools."⁸⁷
89. A 1994 ERO report for Kelston stated that the school had no school-wide information on individual achievement, and this should be addressed by the school.⁸⁸ ERO reported that most classrooms provided suitable learning environments but would benefit from detailed student achievement objectives. The report stated that the recognition of Deaf culture was strong and the school board had responded to requests for the employment of Deaf staff, funding of Deaf studies, purchase of interpreter services, and establishment of a position for a New Zealand Sign Language teacher. ERO noted the board's decision to introduce New Zealand Sign Language.⁸⁹

84 Sumner School for the Deaf, Annual Report (3 March 1967, page 4).

85 Kelston School for the Deaf, Annual Report (22 December 1969, page 4).

86 Transcript of evidence of Secretary for Education and Chief Executive Iona Holsted for the Ministry of Education at the Inquiry's State Institutional Response Hearing (Royal Commission of Inquiry into Abuse in Care, 18 August 2022, page 357).

87 Department of Education, Van Asch College: Inspection Report (October 1983, page 26).

88 Education Review Office, Confirmed effectiveness review report: Van Asch Deaf Education Centre (7 October 1994, page 3).

89 Education Review Office. Confirmed effectiveness review report: van Asch Deaf Education Centre (7 October 1994, page 8).

Deaf survivors with other disabilities experienced educational neglect

90. Historically, Deaf children and young people with other disabilities received insufficient training and education due to a lack of resources available at Van Asch and Kelston.
91. The annual reports of Van Asch and Kelston show that they enrolled many Deaf children with other disabilities, and this increased with the closure of psychopaedic institutions. In 1966, Kelston Principal Alan Young said the school had 19 “multiply handicapped children” and he questioned whether the “purely oral approach” was meeting their educational needs.⁹⁰ By 1970, Kelston had three classes for Deaf children with other disabilities, which Mr Young considered needed a more “realistic” training programme for “those children who do not respond to our regular teaching methods”.⁹¹
92. Van Asch’s 1980 report observed that there were resourcing issues for children who were Deaf with other disabilities and who required continued special help. Principal Sefton Bartlett wrote that some of these children had previously been in psychiatric units.⁹² The above suggests a lack of resources for the education of these children and young people.
93. At the Inquiry’s State Institutional Response Hearing, Secretary of Education and Chief Executive of the Ministry of Education Iona Holsted acknowledged educational neglect in Deaf education: “I acknowledge that historically the State has failed to provide education fit for different groups, including blind, Deaf, [and] disabled tamariki.”⁹³ Ms Holsted also said: “I further acknowledge there are instances where some disabled and Deaf tamariki are still not able to access the full curriculum and wider education experience.”⁹⁴

90 Kelston School for the Deaf, Annual Report 1965 (17 March 1966, page 2).

91 Kelston School for the Deaf, Annual Report (11 February 1971, page 5).

92 Van Asch College, 101st Annual Report 1980 (1 December 1980, pages 9–12).

93 Transcript of evidence of Secretary for Education and Chief Executive Iona Holsted for the Ministry of Education at the Inquiry’s State Institutional Response Hearing (Royal Commission of Inquiry into Abuse in Care, 18 August 2022, page 334).

94 Transcript of evidence of Secretary for Education and Chief Executive Iona Holsted for the Ministry of Education at the Inquiry’s State Institutional Response Hearing (Royal Commission of Inquiry into Abuse in Care, 18 August 2022, page 335).

Survivors experienced a lack of support for Deaf identity from staff

94. Survivors reported that a positive aspect of attending a deaf school was that all of the children and young people were Deaf. As most students were the only Deaf person in their family, their only exposure to other Deaf people was at school.
95. The Inquiry heard that outside class, and in the boarding hostels, children and young people could explore their own sign language and Deaf culture, socialise and make lifelong friends. However, due to the ban on Sign Language and a complete lack of recognition of Deaf culture this was done in secret, and most staff did not allow or support Deaf language and culture to flourish. Many survivors spoke of the conflict between the joy of developing their own language and culture, while experiencing the neglect and abuse of the institution. Pākehā survivor Ms KF said while children and young people were subjected to so much abuse at Van Asch, it was also a site of identity development:

“For a lot of Deaf people, Van Asch is their tūrangawaewae. It is where they developed their culture and identity. Many Deaf people could not get this from their families; they only found their sense of self at Van Asch.”⁹⁵

96. Māori survivor Milton Reedy (Ngāti Porou) said his time at Kelston was a mixture of good and bad: “Bad because it was a really difficult time. I still feel the trauma. Good because I gained Deaf friends who became my second whānau.”⁹⁶

Survivors experienced racial abuse and cultural neglect in care

97. Human rights law recognises indigenous groups have the right to enjoy and practise their own culture and language.⁹⁷
98. Tamariki and rangatahi Māori were disconnected from both their Māori and Deaf cultures and languages. Te reo Māori and tikanga were not taught, and many tamariki and rangatahi did not even understand they were Māori, as their families had no way to describe this to them. As signing was not allowed, Sign Language could not develop, and this limited the vocabulary development of tāngata Turi Māori. Had Sign Language been allowed, there would have been greater opportunities for tāngata Turi Māori to develop signs for Māori concepts.

⁹⁵ Witness statement of Ms KF (20 December 2021, para 2.33).

⁹⁶ Witness statement of Milton Reedy (20 May 2022, para 2.6).

⁹⁷ International Covenant on Civil and Political Rights, Article 27; United Nations Declaration of the Rights of Indigenous Peoples, Articles 11(1) and 12(1); The right to take part in cultural life may also require other positive measures, see: International Covenant on Economic, Social and Cultural Rights, Article 15(1).

Māori survivors' experiences of racial abuse and cultural neglect

99. Both Māori and Pākehā survivors observed that some staff were racist, and tamariki and rangatahi Māori were disproportionately neglected and abused by staff in the schools and hostels. Further, few staff at Van Asch and Kelston were Māori, so there were few tāngata Turi Māori role models. Māori survivor Whiti Ronaki (Te Arawa) said he was confused about his identity and didn't know he was Māori:

*"People would ask me if I was Māori, Islander or Indian. I didn't know, and Mum and Dad didn't explain anything to me. I learnt really late what it is to be Māori. I used to come home for the holidays, and I saw a beautiful house. It took a long time for me to know and realise that the beautiful house was a marae. I didn't understand until I was older."*⁹⁸

100. Māori survivor Mr JU (Ngāti Porou, Te Rarawa) attended Van Asch from around 6 years old in 1963. He described visiting Ngāti Porou marae with his whānau when he was 11 years old and being frustrated and confused that he was unable to communicate with people. He said his introduction to te reo Māori at 11 years old was a life-changing revelation:

101. NZ European survivor Mr JS told the Inquiry that Van Asch Principal Sefton Bartlett was "an incredibly cruel man" who was racist towards tamariki and rangatahi Māori:

*"I think Mr Bartlett was racist towards Māori, he always targeted them. It was clear to me that he hated the Māori students. I wondered if maybe he moved to Van Asch because there were more white people there. The Māori Deaf students who knew him from Auckland all hated him."*⁹⁹

102. The absence of tikanga took a long time to be recognised at Kelston. Rūaumoko Marae opened on Kelston school grounds in 1992 and tāngata Turi Māori were able to learn signed kapa haka, waiata, karanga and whaikōrero. Rūaumoko Marae became a base for the tāngata Turi Māori community, whose presence was a vital part of the marae. Tino rangatiratanga was visible on the marae. "My parents wanted me to learn te reo Māori. They wrote some down for me, but I had no idea what it was. When I got back to school, I showed it to my friends but they had no idea either. When I showed it to my teachers, they said 'no we don't speak that language here'. It was at this moment that I realised that there are two languages, one for English and one for Māori ... I was dealing with two different cultures, so that meant two different languages. But it was not until I was in my early 20s that I really started to understand the full implications of this."¹⁰⁰

98 Witness statement of Whiti Ronaki (20 June 2022, paras 2.25–2.27).

99 Witness statement of Mr JS (27 May 2022, para 2.59).

100 Witness statement of Whiti Ronaki (20 June 2022, paras 2.25–2.27).

Pacific experiences of racial abuse and cultural neglect

103. The Inquiry did not receive any statements from Deaf Pacific survivors, although it is known that many Pacific children and young people attended the schools, particularly Kelston.
104. It is possible that Deaf Pacific children and young people also experienced similar discrimination as tāngata Turi Māori. In addition to the denial of Deaf language and culture, Deaf Pacific children and young people were also likely alienated from their culture due to lack of language and being expected to assimilate into a Pākehā hearing education system.
105. Māori survivor Hēmi Hema (Whakatōhea, Ngāti Kahungunu) told the Inquiry that both Māori and Pacific children were treated worse than Pākehā children and suffered racial discrimination at Van Asch and Kelston:
- “At both Van Asch and Kelston, the Māori and Pacific Island kids were put down and stereotyped, mainly by the staff and teachers. We were considered naughty kids and the Pākehā were the well-behaved kids. We would do silly little things, that all kids do, but the punishment was full on. Māori and Pacific Island kids were punished more. They picked on us. We would get the strap and be made to sit in the corner of the room for hours. It crushed your body and crushed your heart. We never forgot. It is stuck in our heads ... their anger and hatred towards us.”¹⁰¹*
106. It appears that little was done at Van Asch and Kelston to provide for and nurture Pacific students children’s unique cultures. Pacific children and young people presented many problems for teachers, particularly as little English was spoken at home.¹⁰²

The extent of abuse and neglect

107. Complaint data was not collated or analysed at either Van Asch or Kelston, so it is not possible for the Inquiry to accurately report on the full extent of abuse at these schools. However, it is clear from the evidence received, that abuse was pervasive and educational neglect was universal at Van Asch and Kelston.
108. Tāngata Turi Māori experienced racism and cultural neglect at schools staffed by hearing Pākehā. Pacific children may have similarly experienced racism and discrimination.

¹⁰¹ Witness statement of Hēmi Hema (21 November 2022, paras 29–31).

¹⁰² Stewart, PA, To turn the key: The history of deaf education in New Zealand, Master’s Thesis, University of Otago (10 December 1982, pages 210–211).



//

**EDUCATIONAL RETARDATION
IS A NATURAL CONSEQUENCE
OF DEAFNESS AND IT IS RARE
FOR OUR PUPILS TO ACHIEVE
ACADEMIC SUCCESS.**

//

HERBERT PICKERING
SUMNER SCHOOL PRINCIPAL 1966

//

THE BOARDING STAFF WOULD NEVER LOOK AFTER OR SUPPORT THE NEWCOMERS ... THE PSYCHOLOGICAL ABUSE AND TORMENT NEVER STOPPED ONCE, THE WHOLE TIME I WAS AT VAN ASCH. THE BOARDING STUDENTS WOULD PLAY MIND GAMES WITH ME. SOMETIMES I FELT LIKE I WAS ON THE BRINK OF LOSING MY SANITY. IT WAS UNBEARABLE.

//

MS JR

NEW ZEALAND EUROPEAN

Chapter 4: Impacts of abuse and neglect at Van Asch and Kelston

109. Survivors suffered a range of significant long-term impacts from the neglect and abuse they experienced at Van Asch College (Van Asch) and Kelston School for the Deaf (Kelston). Survivors were often traumatised as children from being sent away to a deaf school from as young as 4 years old. Like many boarders of mainstream education institutions, survivors were particularly affected by being away from family. This trauma was compounded by the abuse and neglect survivors then suffered during their time at Van Asch and Kelston. The impact was felt into adulthood.
110. This chapter describes the impact of abuse and neglect that survivors of Van Asch and Kelston reported to the Inquiry.

Survivors who boarded were impacted by being away from family

111. Survivors who were sent to board at deaf schools at around age 5 were significantly impacted by being removed from their families at such an early stage of their development. Survivors described being put on a plane or train or being dropped off at a school and left by their parents as a traumatising experience. Many had no understanding of what was happening to them because of language barriers and their age.
112. During the Inquiry period, school terms at Van Asch and Kelston were the same as mainstream schools, so many boarders only saw their families three times a year. Birthdays and holidays such as Easter were not celebrated at school. NZ European survivor Mr JT, who was at Kelston between 1975 and 1984, told the Inquiry: "I was only 4 years old when I arrived at Kelston as a boarding student. I remember being upset and unsettled. It was quite nerve-wracking. I missed my parents a lot. I never really felt at home at Kelston, I remained unsettled the whole time I was there. I was homesick. I was not really told why I was there at first, I just remember my parents disappeared and did not come back."¹⁰³
113. NZ European survivor Ms MK went to Van Asch aged 6 years old in 1964 until 1973. Her aunt told her she had to go to Ōtautahi Christchurch because she was Deaf and there was no room for her in the family. Ms MK told the Inquiry:
- "I didn't know what was happening, she just came and packed my bag, but [my brother] didn't have a bag. I said he's coming with me. She said no you're going on your own. I grabbed [my brother] because I want to be with him. We drove to the train station together, then she chucked me on the train and [my brother] stayed on the footpath. I watched him get smaller and smaller and smaller as the train drove away. It was really hard. I remember going on [a] big ship overnight to get to the South Island."*¹⁰⁴

¹⁰³ Witness statement of Mr JT (20 December 2021, para 1.7).

¹⁰⁴ Witness statement of Ms MK (28 June 2022, paras 3.8–3.11).

114. Māori survivor Milton Reedy (Ngāti Porou) attended Kelston from 1975 to 1984 and was 5 years old when he arrived. He was put on a plane by himself from Tūranga-nui-a-Kiwa, Gisborne and didn't know what was happening. He screamed on the plane and because he was crying so much, he had to get off the plane. His parents drove him to Kelston instead. He said:
- "I experienced a real culture shock when I got there, because Mum and Dad weren't with me. I was so upset, I just cried and cried when I went to bed. I was heartbroken."*¹⁰⁵
115. As early as 1959 the Department of Education's Director of Education Clarence Beeby acknowledged that residential care may have been harmful to Deaf children and young people: "Because of the small number of Deaf children in any one town, it is necessary in New Zealand to continue with residential schools as the principal means of educating Deaf children. We should, however, look for opportunities of associating the special education required for Deaf children more closely with that of normal pupils."¹⁰⁶
116. Deaf schools recognised the benefits of children living at home. In its 1972 annual report, Sumner School (later known as Van Asch College) Principal Herbert Pickering described how some families were relocating to be nearer to the centres of Deaf education: "This is all to the good – not only for the benefit of the child, as we are sure it is, in all but a very few exceptional cases. All the evidence suggests that further impetus could usually be given to reduce still further the number of deaf children for whom it will be necessary to provide hostel facilities."¹⁰⁷

Ongoing psychological and mental health outcomes for survivors

117. Survivors of Van Asch and Kelston told the Inquiry about the trauma of being sent to boarding school at ages as young as 4 years old. Many spent all or most of their school years there. Separation from family and whānau at such a young age and the resulting lack of attachment created issues such as separation anxiety and cultural disconnection. This trauma was compounded by the abuse and neglect survivors suffered at the deaf schools, which included the way they were educated.
118. Survivors shared how the trauma of their time at Van Asch and Kelston has affected them into adulthood, including abusing alcohol to cope with the trauma. NZ European survivor Ms JQ said alcohol became a problem for her and when she drank, she got really angry. She has also suffered from flashbacks, anxiety and panic attacks due to what happened to her at school.¹⁰⁸

¹⁰⁵ Witness statement of Milton Reedy (20 May 2022, paras 2.3–2.5).

¹⁰⁶ Ministry of Education, Response to Royal Commission of Inquiry into Abuse in Care Notice to Produce 422 (17 June 2022, page 84).

¹⁰⁷ Sumner School for the Deaf, Annual Report (19 January 1972, page 14).

¹⁰⁸ Witness statement of Ms JQ (8 November 2022, paras 3.4–3.5 and 3.16–3.21).

119. Survivors told the Inquiry about the lack of mental health resources for Deaf people. Māori survivor Hēmi Hema (Whakatōhea, Ngāti Kahungunu) said the tāngata Turi Māori community had many mental health issues but were not supported by counsellors who were Deaf or could sign as these services were underdeveloped, and that mental health services needed to be more accessible.¹⁰⁹ Kiwi survivor Ms Bielski echoed this, pointing out a lack of empathy for Deaf people and insight into Deaf trauma:
- “I am always asking, where are the Deaf people? Where are the Deaf staff members? Even at the Royal Commission, where are the Deaf interviewers? Hearing people do not properly understand Deaf people.”*¹¹⁰
120. At the Inquiry's State Institutional Response Hearing, Acting Chief Executive Geraldine Woods of Whaikaha – Ministry of Disabled People acknowledged the ongoing impact on survivors: “Deaf people, in particular, were denied access to their language and their place in their community. These impacts are ongoing and have always impacted on whānau of disabled people and Deaf people.”¹¹¹

Limited educational achievement

121. Many survivors of Van Asch and Kelston were unable to access higher education due to the inadequate education and skills gained at the deaf schools. Academic expectations were low for Deaf children. Compounding the inadequate education, Kiwi survivor, Ms Bielski told the Inquiry that no one properly paid attention to the Deaf children, and they weren't taught how to deal with their frustrations.¹¹²
122. NZ European survivor Mr JT described how the abuse he experienced at Kelston caused his behaviour to deteriorate, leading to problems in the classroom:
- “I became aggressive and I couldn't handle the way other students, who had also been abused, were treating me ... I was kicked out of school at 14 years old, without School Certificate, because the school said my behaviour was rebellious and disruptive ... Because of the lack of education, my English language skills have made studying for employment impossible. I have enrolled in many courses, but failed due to poor literacy.”*¹¹³

¹⁰⁹ Witness statement of Hēmi Hema (21 November 2022, para 89).

¹¹⁰ Witness statement of Ms Bielski (18 October 2021, para 3.6).

¹¹¹ Transcript of evidence of Acting Chief Executive Geraldine Woods for Whaikaha – Ministry of Disabled People at the Inquiry's State Institutional Response Hearing (17 August 2022, page 15).

¹¹² Witness statement of Ms Bielski (18 October 2021, para 3.2).

¹¹³ Witness statement of Mr JT (20 December 2021, paras 3.1 and 3.4).

123. NZ European survivor Ms JQ spoke of the poor English language levels at Van Asch:
- “Most of us had really poor English language. It was Mum, not the school, who taught me to read and understand. Other students who were at school with me, their English levels are so low, even today ... I got School Certificate in English, but not in any other subjects ... When I left school, I couldn’t tell the time and had no concept of measurement. The school system failed us.”*¹¹⁴

Barriers to employment

124. After leaving school, young Deaf people experienced multiple barriers to employment due to discrimination, language issues and a lack of formal qualifications. Some Deaf survivors returned to Van Asch and Kelston as staff, as there were very few alternative employment options. However, hearing teachers holding qualifications were still favoured over Deaf teachers at Van Asch and Kelston.
125. NZ European survivor Ms JQ experienced discrimination in employment. She was mocked and laughed at her job at an airline by hearing colleagues who said she had a “monkey voice”. She felt self-conscious, quit her job, and hasn’t used her voice in public for 30 years because of the incident.¹¹⁵
126. Pākehā survivor Ms KF went to Teachers’ College for two years but was unable to enter the third year because she could not pass second year music. Consequently, she left and completed a Bachelor of Arts in Education. Despite the qualification and extensive work experience she has had difficulties with teaching jobs as she is not technically a “registered teacher”.¹¹⁶
127. NZ European survivor Mr JT told the Inquiry about the impact of Kelston on employment opportunities and his quality of life:
- “The impact of language and access to education throughout my schooling, along with long term sexual abuse in school, has made gaining employment opportunities almost impossible. This has impacted my quality of life as I have not had the same opportunities to provide for my family.”*¹¹⁷

¹¹⁴ Witness statement of Ms JQ (8 November 2022, page 8).

¹¹⁵ Witness statement of Ms JQ (8 November 2022, pages 11–12).

¹¹⁶ Witness statement of Ms KF (20 December 2021, paras 3.5–3.7).

¹¹⁷ Witness statement of Mr JT (20 December 2021, para 5.5).

Disconnection from te ao Māori

128. Tāngata Turi Māori experienced double discrimination with disconnection not only from their Deaf culture and language, but also from te reo Māori and tikanga. This impact has also been recognised in literature exploring perceptions of tāngata Turi Māori identity in Aotearoa New Zealand.¹¹⁸
129. Survivors spoke of the difficulty of finding their identity as adults and disconnection from te ao Māori due to the lack of linguistic access. Additionally, there are few New Zealand Sign Language signs for Māori concepts and a lack of trilingual interpreters available to go to a marae. Māori survivor Whiti Ronaki (Te Arawa) described the challenges:

*"I feel that due to how and what I was taught at Kelston, I was alienated from both the Deaf and the Māori community. I couldn't understand the Deaf community because I wasn't allowed to learn in Sign Language. I got frustrated in the classroom and I gave up on education because I couldn't understand. I was alienated from the Māori community, because I was not taught any language or cultural practices that would help me understand and be able to live as a Māori man. I had to learn later in life, so I know a lot more now."*¹¹⁹

130. Māori survivor Mr JU (Ngati Porou, Te Rarawa) told the Inquiry it took him a long time to learn about his identity and connect with his Māori culture due to the lack of access at Van Asch:

*"My schooling did not give me any access [to] te ao Māori at St Dominic's or Sumner School. No access to Māori culture, no access to kapa haka or marae or te reo Māori. We were removed from our whānau and from our culture."*¹²⁰

131. Māori survivor Hēmi Hema (Whakatōhea, Ngāti Kahungunu) described not being taught anything about te ao Māori at Kelston and didn't even realise he was Māori for a long time. Therefore, it has been hard for him to connect with his Māori culture:
- "I've done a lot of research into my whānau, my whakapapa, lots of different people have given me little bits of information. It was quite difficult to find out this information and to connect with some of my whānau, because I am Deaf. It is also difficult to connect with my iwi. For example, it has been very difficult to be involved in the Whakatōhea settlement process."*¹²¹

¹¹⁸ Smiler, K and McKee, RL, "Perceptions of Māori deaf identity in New Zealand," Journal of Deaf Studies and Deaf Education 12(1), (2007, page 98).

¹¹⁹ Witness statement of Whiti Ronaki (20 June 2022, paras 3.11–3.27).

¹²⁰ Witness statement of Mr JU (27 October 2022, para 37).

¹²¹ Witness statement of Hēmi Hema (21 November 2022, paras 63–64).

132. Deaf survivors' isolation from whānau, hapū and iwi prevented them from connecting to their taha Māori, which included access to and participation in their heritage language, cultural customs, knowledge and traditions. This transgression against whakapapa strikes at the core of Māori survivors' right to their identity, their tūrangawaewae and their understanding of their place in the world. The long-term impact of the disconnection means that even if survivors have since had the opportunity to reconnect with their culture, whakapapa and identity, the trauma associated with their cultural disenfranchisement can make cultural restoration difficult. It can be hard to reconnect not only with the culture and knowledge, but also with the community and holders of that knowledge, and they can be left feeling whakamā.

State denial of tino rangatiratanga

133. Tino rangatiratanga as guaranteed to Māori by Te Tiriti o Waitangi includes the authority to care for and protect their own.¹²² Part 7 of the Inquiry's final report, Whanaketia – Through pain and trauma, from darkness to light, addresses the Crown's intrusion into the sphere of tino rangatiratanga.
134. The tino rangatiratanga of Māori in relation to the care and protection of tāngata Turi Māori was not respected by the Crown.¹²³ This failure included not ensuring effective participation of Māori in the provision of care and making policy, law and regulation, and also in Māori not receiving funding to provide care for tāngata Turi Māori in te ao Māori ways. The need to fund and promote signing for tāngata Turi Māori is equally important but did not occur.
135. Oralism and institutionalisation were able to continue for more than 100 years because decision-making around Deaf education excluded the voices of Deaf people individually, collectively and in leadership roles. Decisions were made by Pākehā hearing people for Deaf people and tāngata Turi Māori through the lenses of ableism, disablism and audism.

¹²² Witness statement of Dr Moana Jackson (25 October 2019, para 47).

¹²³ Transcript of evidence of Dr Tristram Ingham from the Kaupapa Māori Panel at the Inquiry's Ūhia te Māramatanga Disability, Deaf and Mental Health Institutional Care Hearing (20 July 2022, pages 633–634).

Pathway to gangs and criminal justice system

136. Some survivors of Van Asch and Kelston spoke of becoming adult offenders because of their trauma, the difficulty with the NZ Police and the court system with no access to interpreters and experiencing discrimination. NZ European survivor Mr JS said he did not trust NZ Police, due to his experiences of the justice system: "Because of my upbringing and the abuse I experienced, I have had times when I became violent. One time, I had to go to court for assaulting someone. The police and the court did not provide me with an interpreter. They said they were arresting me, but at that time I did not even know what the word 'arrest' meant. I was only 20. I turned up to court, but no one explained anything to me. I had no idea what was happening. Someone tried to communicate with me, but it was terrible. The police were so awful to me. I still do not know what happened. I do not know what the outcome of the court hearing was."¹²⁴
137. Māori survivor Whiti Ronaki (Te Arawa) became a gang member when he was young and attributes this to the abuse and trauma he experienced in childhood, but later he found a sense of belonging among the Deaf community:

"I was attracted to the gangs because it was a place that I had power and mana that I didn't have before. It was like family, whānau ... were there ... The police were hard on me. I didn't understand the way they communicated or the words they used ... When I went to court, I didn't have a court interpreter. I had no idea what was going on ... I met another Deaf man, and I told him I was in the gangs. He said, 'What are you doing that for? Come to the Deaf club. You can talk, and we do fun things. We play sports, you should come.' ... I did some self-reflection and I realised that I wanted to go back to my Deaf community and join the Māori Deaf community to help them and the young ones, the youth. ... I left the gang when I was 25 ... When I left the gang life, the Māori Deaf community pressured me to change. It made me relax from the police always getting at me."¹²⁵

¹²⁴ Witness statement of Mr JS (27 May 2022, paras 3.17–3.18).

¹²⁵ Witness statement of Whiti Ronaki (20 June 2022, paras 3.11–3.27).



//

**KELSTON DID NOTHING
TO STOP THE ABUSE.**

//

MR LF
MĀORI (NGĀTI MANIAPOTO)

Mr LF

Hometown: Te Kūiti / Ōtautahi Christchurch

Age when entered care: 13 years old

Year of birth: 1970

Time in care: 1983–1987 (Kelston School for the Deaf);
1992–2003 (Sunnyside Hospital)

Type of care facility: School for the Deaf – Kelston School for the Deaf in Tāmaki, Makaurau Auckland; psychiatric hospital – Sunnyside Hospital in Ōtautahi Christchurch.

Ethnicity: Māori (Ngāti Maniapoto)

Currently: Mr LF's mother has been a critical support for him emotionally in his life and she continues to advocate for him.



I am the only Deaf member of my immediate family and I suffer from Asperger's Syndrome. I went to Kelston as a boarder in the 1980s, between 1983 and 1987. My siblings lost their brother and my parents lost a son. It fractured our family.

At Kelston, there was a particular teacher there who all the children and young people were afraid of. I was repeatedly physically and emotionally abused at Kelston by this teacher, to the point where there are too many instances to remember. I was smacked around the head and pushed hard in the chest in the classroom. I was punched in the stomach at a swimming pool and hit on the head with a wooden duster, which he also threw at me many times. I was often hit on my hands with a ruler or other objects. I saw him push my friend into the swimming pool.

We were intimidated and discouraged not to use Sign Language – this teacher would hit me when I used it to communicate with other children and young people. I also witnessed him hitting other children and young people who used Sign Language on several occasions, and I saw him break the arm of one of my friends. This really upset and distressed me.

I told my mum about the abuse. She told the Kelston staff about it, and spoke to either the deputy headmaster or the headmaster. But nothing was investigated or done to stop the teacher's behaviour, so it continued. On one occasion, the boarding matron called my mother and voiced concern about the treatment I was receiving at Kelston. I believe that at least some of the staff were aware of the abuse and did nothing to stop it from happening.

I felt powerless and it was difficult to communicate what was happening because I was so afraid. My mother tried to get answers but was always pushed aside. I didn't know who I could turn to.

Trying to get redress has been a lengthy, drawn-out process over many years, which has caused unbearable stress to me, my mother and my whānau. There was no government department or central person to support me, or families like mine, who wanted to bring claims. We knew nothing about how claims were being assessed and by whom, or what sort of compensation was available. There have been so many delays and no clarity around timeframes. The process was very unclear and uncertain.

I did not know that it would be many years, and a long struggle, to get any kind of recognition. It has only been because of the determination and advocacy of my mother that I got through the process at all. It has been retraumatising, not only because I have to relive my experiences of abuse, but also because of the uncertainty. It was never clear who I could or should speak to, or if people would listen to me or take me seriously, which made my feelings of anxiety and disillusionment even worse.

There was a lack of proper record keeping and that has been one of the most difficult parts of this process – it undermines a system of redress if no accurate records are kept, and it makes the whole process stressful. It also made it difficult to provide the evidence the Ministry of Education required to take my claim seriously. Neither the ministry nor Kelston were able to give me a copy of any relevant records about my time at Kelston. They could not even work out among themselves who held my original personal files. This made the redress process frustrating as I could not be precise about when things happened.

The Ministry undertook its own investigation of my claims of my experience at Kelston. We received a letter from Crown Law that stated it found there was no documentary evidence of the teacher hitting children and young people before 1990. It said the complaints were dealt with at the time. We were told that the teacher was disciplined, and investigated by NZ Police, but no prosecution was made because there was no evidence.

The Crown's letter accepted that I was smacked by the teacher but it also said that there was no evidence of the other allegations I made. There apparently was no evidence of my mother's previous complaint to the school, nor any evidence that the school did not follow appropriate process. The constant reliance on a 'lack of evidence' has been frustrating, to say the least. Relying on a poor system of record keeping and processes to deny the seriousness of my claims makes this whole thing more traumatic.

The process of investigation needs to be independent and not carried out by a ministry that is interested in protecting its conduct and reputation, and those of the teachers. The focus of the redress process should be on the survivors. It should be made as easy to engage with as possible, given it is already dealing with vulnerable, traumatised people. It takes a lot of courage to challenge the system and speak up about what happened.

Allegations about abuse are not made lightly because they come at such a huge personal cost.

This has never been about the money for us. Money doesn't even come into it. This is about getting recognition and being believed. To me, the whole process was defeating and demoralising.

What happened at Kelston meant I always felt powerless and unable to do anything. I was so traumatised by the teacher that I couldn't talk about the abuse for long periods of time or in extended interviews, and this made the process more difficult. I still push clothes against my door at night to stop the teacher from coming into my room and abusing me.¹²⁶

¹²⁶ Witness statement of Ms RJ on behalf of Mr LF (13 February 2020).

//

**BACK THEN, THE DOCTORS
SAID THAT THERE WAS NO
HELP FOR THE PARENTS,
SO THEY HAD TO SEND
KIDS TO DEAF SCHOOL.
HOWEVER, FOR US AS
MĀORI WHĀNAU AT HOME
WAITING FOR MY BROTHER
TO COME BACK, IT WAS
HEARTBREAKING..**

//

MALIAH TURU MĀORI

(TE WHĀNAU A APANUI, NGĀTI PŪKENGĀ MANAIA,
WHAKATŌHEA), WHOSE BROTHER WENT TO VAN ASCH

Chapter 5: Factors that caused or contributed to abuse and neglect at Van Asch and Kelston

138. A number of factors have caused or contributed to abuse and neglect at Van Asch College (Van Asch) and Kelston School for the Deaf (Kelston) and allowed it to persist over many decades.
139. The Inquiry has divided them into four categories: personal factors, institutional factors, structural and systemic factors, and societal attitudes. All of these factors are inter-related.

The people at the centre of abuse and neglect

Personal factors related to survivors

140. There was a lack of support for whānau of deaf children to educate and communicate with their children at home and at mainstream schools. Families of Deaf children were advised by medical and health professionals and educators to enrol them at Van Asch and Kelston at a very young age. The Inquiry heard from international inquiries that age and distance from family and community can influence an individual's susceptibility to sexual abuse.¹²⁷
141. A distinct feature of the abuse and neglect experienced by Deaf children and young people at Van Asch and Kelston was the inability of children and young people to communicate their concerns due to the denial of their language (NZ Sign Language). The Inquiry heard that children and young people did not receive education on sex or sexual abuse, there was no sign at that time for sexual abuse, and they had little or no knowledge of words related to sex or sexual abuse. This is consistent with international inquiries that abusers will target people who have less capacity to speak out, for example young children, Deaf children and disabled children.¹²⁸

¹²⁷ Australian Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Our Inquiry, Volume 2 – Nature and cause (December 2017, page 17); Independent Inquiry into Child Sexual Abuse, The Report of the Independent Inquiry into Child Sexual Abuse (2022, pages 3, 134–138).

¹²⁸ Australian Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Our Inquiry, Volume 2 – Nature and cause (December 2017, page 17); Independent Inquiry into Child Sexual Abuse, The Report of the Independent Inquiry into Child Sexual Abuse (2022, page 122).

Factors related to abusers

142. Abusers of children and young people at Van Asch and Kelston included teaching staff, hostel staff and other, particularly older, young people. In both groups, abusers exploited the power imbalance they had over younger Deaf children. Abuse was often perpetrated one-on-one, but sometimes a group or pack of students targeted and abused an individual.

Staff abused children and young people

143. Some staff abusers were opportunistic, but some abuse involved a high degree of planning or pre-meditation, for example in the form of grooming a child or young person (such as on the pretext of cleaning the child or young person's body). Some male abusers among teaching staff had a military background and brought this approach to their role in the form of a very punitive and physically abusive approach.

Peer-on-peer abuse

144. Survivors described very serious peer-on-peer sexual and physical abuse, including rapes and violent assaults. Sometimes a group targeted a younger child or young person. The unsupervised boarding hostels at night may have contributed to the prevalence of this form of abuse in that setting.

Factors related to bystanders

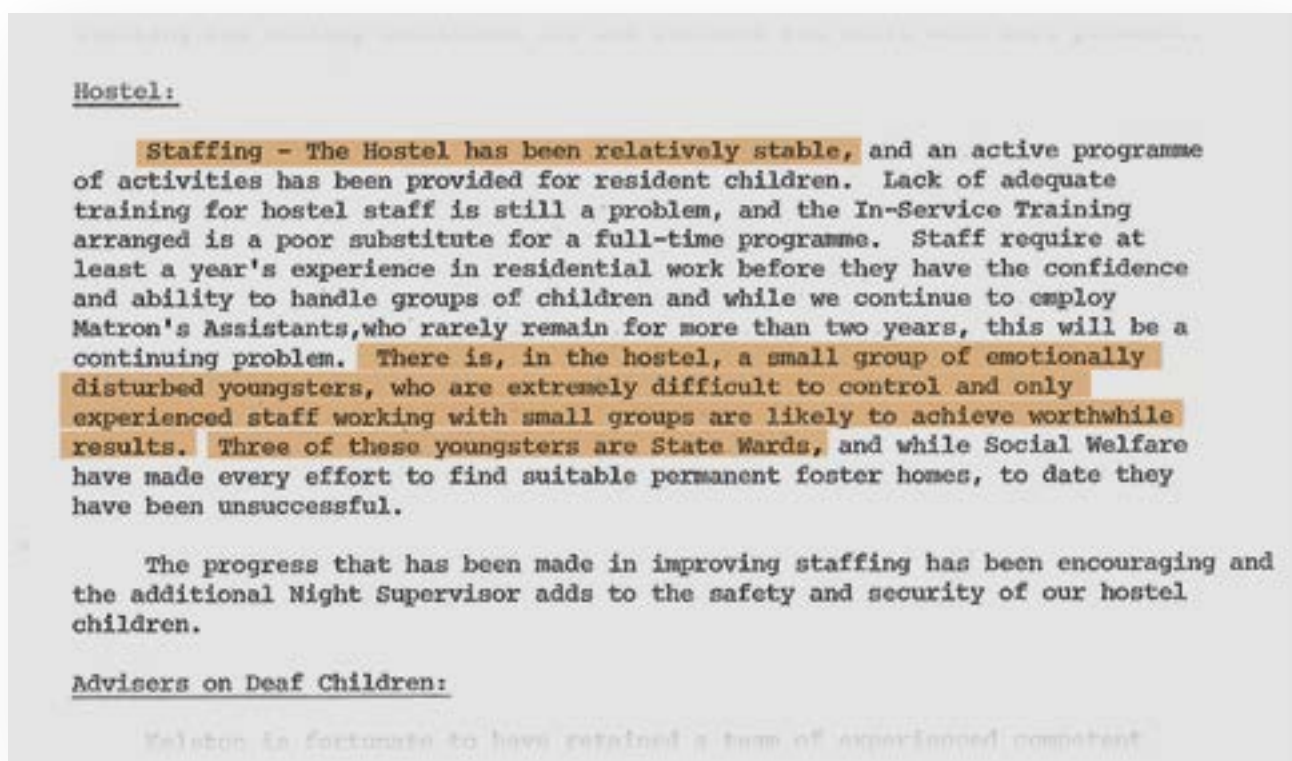
145. Part 7 of the Inquiry's final report, Whanaketia – Through pain and trauma, from darkness to light, discusses 'bystanders', referring to individuals who worked or volunteered in care settings and who saw or knew about abuse and neglect occurring. Many bystanders failed to intervene or to stop or report abuse.
146. The Inquiry received evidence of this behaviour at Van Asch and Kelston, particularly in the hostels. Some survivors told the Inquiry they had been abused by a peer or peers in the presence of staff, or with knowledge of staff, who did nothing to stop the abuse. One survivor described staff members laughing whenever a group of older boys were trying to take his pants off and assault him.

Institutional factors that caused or contributed to abuse and neglect

Vetting, training and development, and supervision of staff

Insufficient staff resources, high turnover of staff, and untrained staff

147. Under staffing contributed to abuse and neglect in care through staff being over worked, tired and under pressure which affected their ability to provide individual care. In Kelston's 1972 annual report, Principal Alan Young advised the Department of Education that staffing levels were difficult and had remained virtually at the same levels when the school opened in 1958. Mr Young said that work at the hostel with young Deaf children was very demanding work: "Staff require at least a year's experience in residential work before they have the confidence and ability to handle groups of children and while we continue to employ Matron's Assistants, who rarely remain for more than two years, this will be a continuing problem."¹²⁹ Mr Young further stated that a small group of emotionally disturbed youngsters in the hostel were "extremely difficult to control" and only experienced staff working with small groups were likely to be able to achieve worthwhile results.¹³⁰ The difficult group of youngsters included three State wards.



An extract from Kelston School for the Deaf's Annual Report 1972.

¹²⁹ Kelston School for the Deaf, Annual Report (19 December 1972, page 2).

¹³⁰ Kelston School for the Deaf, Annual Report (19 December 1972, page 2).

148. While Van Asch and Kelston recognised that high turnover and calibre of hostel staff contributed to the problems in the hostels, there does not appear to have been any recognition that the method of teaching contributed to the inability to communicate with children and young people and their behavioural difficulties. That is the case despite staff knowing that the children and young people communicated with each other using New Zealand Sign Language.
149. A combination of high staff turnover, untrained staff and insufficient staff numbers provided for by government funding meant that overall staffing was inadequate to ensure that children and young people were safe, particularly in the hostels. The schools' annual reports suggested this in 1969 when Kelston Principal Alan Young said he needed extra staff in the evenings when the children were being bathed and put to bed, because young children weren't getting the individualised attention they needed.¹³¹ In 1961, Sumner School (later renamed Van Asch College) Principal Herbert Pickering observed the new matron in her first year "has shown a warmth and affection for children which was not always apparent in some of her predecessors".¹³² The above evidence suggests that hostel residents were often not receiving the individualised care and emotional support that they needed to thrive.
150. From the evidence received by the Inquiry, it is unclear what staff vetting procedures were in place at Van Asch and Kelston, if any.

Inadequate staff knowledge and training in relevant cultural practices

151. Although many rangatahi and tamariki at Van Asch and Kelston were Māori, particularly at Kelston, staff providing care to these tamariki and rangatahi were non-Māori. This was due to the lack of available Māori teachers. Further, Māori culture was not incorporated into the care of tāngata Turi Māori. There was little knowledge, understanding and acceptance of tikanga Māori and te reo Māori. Similarly, it appears there were few, if any, Pacific staff at Van Asch and Kelston and little was done to provide for and nurture unique Pacific cultures. This was due to the lack of available Pacific teachers and contributed to a lack of culturally informed practices in the provision of care at Van Asch and Kelston.

¹³¹ Kelston School for the Deaf, Annual Report (22 December 1969, page 5).

¹³² Sumner School for the Deaf, Annual Report (26 April 1961, page 14).

Institutional racism and discrimination towards tāngata Turi Māori

152. Tāngata Turi Māori children and young people at Van Asch and Kelston suffered more abuse and neglect than their Pākehā peers. Additionally, tāngata Turi Māori were expected to assimilate into a dominant Pākehā hearing culture with no access to te ao Māori. Tāngata Turi Māori were physically separated from whānau, but also linguistically and socially isolated from te ao Māori. Disregard of tino rangatiratanga meant the State did not consider funding iwi, hapū or whānau to provide efficient and effective education for their tāngata Turi.
153. The separation of tāngata Turi Māori from their whānau, hapū and iwi and their placement at Van Asch and Kelston was a transgression against whakapapa. The lack of visibility and public scrutiny over the lives of whānau members in care and their lack of rangatiratanga over the decisions impacting the lives of those whānau members prevented those with kinship links from upholding their collective whakapapa rights and responsibilities to those tamariki and whānau members in care. This likely contributed to an increased risk to tāngata Turi Māori as they were not only away from whānau who provide care, but whānau were unable to have oversight and protect them from harm.

Lack of diversity in staff and management

154. Due to a lack of availability and resources, the governance, management, teachers and staff of the deaf schools were predominantly hearing Pākehā with no lived experience of being Deaf, knowledge of Deaf culture, awareness of te ao Māori, or awareness of Pacific Peoples' unique cultures.
155. The lack of diversity among staff and management contributed to the cultural neglect experienced by tāngata Turi Māori and Deaf Pacific children and young people at Van Asch and Kelston.

Complaints processes

Absence of complaints processes until 1994

156. Institutions should have complaints processes, including a policy that sets out the channels and methods the organisation will use to receive complaints and a detailed explanation of the complaints handling process. This should include:
- a. who is responsible for decisions
 - b. a clear outline of the issues that may make a complaint high priority
 - c. timelines
 - d. recording the complaint on a centralised system
 - e. when a complaint should be escalated and to whom, including when complaints might be escalated to NZ Police
 - f. the consequences of not handling the complaint in a timely manner
 - g. regular reporting of the nature and extent of complaints.
157. Documentation received by the Inquiry indicates that up until 1994, neither Van Asch nor Kelston had a documented complaints procedure. Children and young people therefore did not have a formal or clear process for making a complaint.
158. Both Van Asch and Kelston reported annually to the Department of Education from at least the 1960s. In the annual reports the Inquiry has found no reference to complaints, complaints policies, or any indication of the oversight of complaints by the Department of Education.

Kelston introduced a complaints against staff members policy in 1994

159. From 1994, Kelston had a general complaints policy that covered complaints made against staff.¹³³ The policy had nine purposes, the first two of which were “to ensure minor concerns are not blown out of proportion putting the staff member under undue stress” and “to ensure individual staff members are not unfairly harassed or unreasonably impeded from carrying out their allotted tasks”.¹³⁴ This demonstrates that the policy was geared towards protecting staff and minimising reputational damage rather than ensuring children and young people had a safe environment for disclosing abuse.

¹³³ Kelston Deaf Education Centre, Policy for complaints against staff members (14 July 1994).

¹³⁴ Kelston Deaf Education Centre, Policy for complaints against staff members (14 July 1994, page 1).

160. The policy provided for serious complaints to be investigated by the principal and a record of the response to be kept on the staff member's personal file. A verbal warning would be given if the complaint was found to have some basis. A written warning was the next step if the behaviour or issue continued to cause concern. The final step was for the principal to make a recommendation to the school board. Nothing in the process prevented summary dismissal for serious misconduct. In the case of dismissal, the emphasis was on minimising potential reputational risk: "It may be appropriate to disclose certain information about the dismissal to reduce damage to the school, the employee or other employees. This should be done following consultation with the dismissed party and their advisors."¹³⁵
161. This policy, and the way it was later applied, was unduly weighted towards protecting staff and did not sufficiently recognise the interests of safeguarding children. Examples of its application to specific complaints after 1999 are set out in chapter six.

Barriers to making complaints for Deaf children

162. Survivors of Van Asch and Kelston often did not have the language to complain both to family and school management. Māori survivor Hēmi Hema (Whakatōhea, Ngāti Kahungunu) was repeatedly sexually abused by a staff member in his hostel room at Kelston at night but couldn't complain: "This staff member was known to other children and young people as an abuser, but we did not have the language to describe what was happening to us, so we couldn't speak up about this to the other staff."¹³⁶
163. This was compounded by the disconnection some felt to their families, and the limited ability to build a relationship with their parents due to the language barriers and time spent apart.
164. If children and young people did make a complaint to staff, they had no confidence it would be addressed appropriately. Children and young people felt that if they complained, staff would ignore their complaint or misinterpret what they were saying, and they would end up in trouble. The Deaf students who were often frustrated in their schooling were seen as the ones at fault for not conforming. Māori survivor Whiti Ronaki (Te Arawa) complained to the principal at Kelston about physical abuse but was not believed.¹³⁷

¹³⁵ Kelston Deaf Education Centre, Policy for complaints against staff members (14 July 1994, page 3).

¹³⁶ Witness statement of Hēmi Hema (21 November 2022, para 42).

¹³⁷ Witness statement of Whiti Ronaki (20 June 2022, para 2.20).

165. NZ European survivor Mr JS described the environment at Van Asch in which children and young people tried to disclose abuse:

*"You could tell that the hearing staff member was changing and twisting the story so you would look like a liar. Even when I could communicate, I was never believed. Most of the time, I would have no idea what was being said between the two adults but suddenly they would turn around and have a go at me. Suddenly I would be the one in trouble, but I had no idea what they had said. In fact, it felt like if you tried to stand up and push back, you were likely to be expelled. Van Asch seemed to expel so many students."*¹³⁸

Barriers to making complaints for tāngata Turi Māori

166. Tāngata Turi Māori faced additional hurdles to making complaints due to the racism and discrimination they experienced. They were unlikely to have felt comfortable complaining, or being believed, by the hearing Pākehā staff responsible for their care.

Failure to report complaints to NZ Police

167. Despite the prevalence of abuse and neglect at Van Asch and Kelston, when abuse and neglect came to the knowledge of management or staff, they were not referred by management or staff to NZ Police, and therefore not investigated or prosecuted by NZ Police.

168. NZ Police Commissioner Andrew Coster gave evidence at the Inquiry's State Institutional Response hearing and acknowledged a lack of support by NZ Police for the Deaf community:

*"I acknowledge that the police has historically had relatively few policies, processes and procedures aimed at supporting the Deaf community and people with disabilities to engage with us. Police continues to work on the gaps which have existed and how we have engaged with some Deaf [survivors] and disabled survivors of abuse. We recognise we can do more to improve services and relationships with disabled people."*¹³⁹

¹³⁸ Witness statement of Mr JS (27 May 2022, paras 2.87–2.89).

¹³⁹ Transcript of evidence of NZ Police Commissioner Andrew Coster at the Inquiry's State Institutional Response Hearing (Royal Commission of Inquiry into Abuse in Care, 16 August 2022, page 97).

Oversight and monitoring

Inadequate staff supervision, particularly in boarding hostels

169. Abuse was prevalent in the boarding hostels attached to Van Asch and Kelston. Some hostel staff physically and psychologically abused children and young people in plain view of other staff. Peer-to-peer physical, psychological and sexual abuse was also common and happened in an environment of inadequate staff supervision and oversight.
170. It appears that the most at-risk children and young people were left in a boarding situation. In 1969, Kelston Principal Alan Young wrote that some parents had moved to centres where their children could attend as day pupils. However, Mr Young stated: "It is now apparent that a greater number of our hostel children come from the lower socioeconomic group and a high proportion of these children have had little or no effective home training before coming to school. Coping with these youngsters is an extremely difficult task and requires a great deal of skill, patience and effort by our hostel staff."¹⁴⁰

Systemic factors that caused or contributed to abuse and neglect

Insufficient oversight and monitoring by the Department of Education

171. A formal relationship existed between the schools and the Department of Education and its Special Education Unit. From the 1960s, the principals of Van Asch and Kelston produced and submitted annual reports to the Department of Education. However, from the records received by the Inquiry, critical oversight and monitoring of the schools created and funded by the Government appears to have been minimal. The little monitoring and review that did occur was more concerned with funding, administration and logistics rather than educational achievement, safety and wellbeing for Deaf children and young people.
172. The principal of Sumner School noted in its 1968 annual report that it was the first time the report had been directed to the Director-General of Education: "The writer can recall vividly a time when it was unusual for any aspect of the management of school for deaf to be dealt with by professional educationalists (other than those actually employed in the schools) either at head office or at local level."¹⁴¹ This comment indicates that deaf schools were not afforded the same degree of educational oversight as mainstream schools.

¹⁴⁰ Kelston School for the Deaf, Annual Report (7 February 1969, page 3).

¹⁴¹ Sumner School for the Deaf, Annual Report (3 March 1969, page 1).

173. Management staff at Van Asch and Kelston were seen as pioneers and experts in their field, which may have led to deference by the Department of Education. The Ministry of Education's 1991 review of Van Asch noted that the school was pioneering in the areas of speech language therapy for hearing children, assistance with Deaf adults, and the establishment of Deaf unit classes in mainstream schools and had working relationships across the education sector. The Ministry of Education review concluded a part of the report regarding the overlap of services by stating: "The experience and development of Van Asch College does put it in a special position which means it would be difficult to recommend any change to the current delivery of services."¹⁴²
174. Van Asch and Kelston were not required to have a complaints policy, or any policy that ensured the safety and wellbeing of children and young people. School principals made numerous references in their annual reports to the Department of Education about concerns relating to the boarding hostels. For example, in 1972 Sumner School (later known as Van Asch College) Principal Herbert Pickering wrote that "the hostel situation" was the most concerning aspect of Deaf education at that time, because of the inability to "recruit, train and retrain staff of the calibre to provide a home atmosphere for children who for up to 10 or 12 years of their lives for 40 weeks in each year will be required to live in a hostel". He further stated that it was in their ability to communicate with Deaf children that hostel staff were most often found wanting.¹⁴³

State policy of institutional care

175. State policy emphasis on institutionalisation for Deaf education contributed to the abuse that occurred at Van Asch and Kelston. Consistent with government policy towards disabled people throughout the 20th century, Deaf children who had disabilities were sent to psychopaedic hospitals, and those labelled 'only Deaf' were sent to deaf schools. This policy was clearly articulated in the Education Act 1901 and subsequent Education Acts, where separate compulsory education provision was provided for Deaf and blind children and young people.¹⁴⁴
176. The original intention of the Sumner Institution for the Deaf and Dumb (later known as Van Asch College) in 1880 was to educate Deaf children so they could be productive workers in society. Boys were to be taught a trade, gardening or farming, while girls were to be taught home economics and needlework. It was considered that in order to be 'productive', Deaf people needed to be able to communicate with their employers and coworkers. The emphasis on productivity reflected the dominant Pākehā worldview.

¹⁴² Ministry of Education, Review of Van Asch College (October 1991, page 60).

¹⁴³ Sumner School for the Deaf, Annual Report (19 January 1972, pages 14–15).

¹⁴⁴ Education Act 1904, section 159.

177. The level of institutionalism experienced by survivors depended on whether they attended as day or boarders. However, common to all children and young people was the denial of Deaf language and culture through oralism, which was enforced by physical punishment. Those who boarded at the schools experienced similar abuse and neglect to those sent to other State institutions and for the same reasons.
178. State policy creating deaf schools in Aotearoa New Zealand had both positive and negative impacts. A positive impact was the development of Deaf culture and identity among students outside the classroom.
179. A negative impact, which contributed to abuse and neglect, was the congregation of young Deaf children, away from the support of their family or whānau as day or boarders. Children and young people were isolated and did not have the close support network of loved ones to protect them from abuse and neglect. Boarding students were particularly at risk of abuse due to their greater isolation and the unsupervised environment in the hostels.

Societal factors that caused or contributed to abuse and neglect

Societal attitudes relating to audism

180. Through the lens of audism, Deafness was considered a deficit by society. As hearing people are the majority and cannot communicate with Deaf people without learning Sign Language, Deaf people were discriminated against and considered to be unproductive members of society as they could not communicate orally. This reflected a medical model and attitude towards Deaf people that focused on their deficit in hearing and framed it as a defect of the individual.¹⁴⁵ This contrasts with a cultural-linguistic model that focuses on the strengths of being Deaf, and belonging to a linguistic minority group. This also contrasts with a human rights model, which directly recognises the full rights of the Deaf person, of which linguistic rights are a part.
181. An audist view was widely held and reinforced by specialists and educationalists. Parents of Deaf children reached out for support and guidance on how to communicate with their child as Deaf language and culture was not typically learned in the home. Both medical specialists and educationalists recommended that the best path for rehabilitation was for children to learn to lipread and speak, which in many cases led to their residential placement at a deaf school.

145 Discussed in Ladd, P, "Deafhood: A concept stressing possibilities, not deficits," *Scandinavian Journal of Public Health* (2005, pages 12–17).

182. For decades in Aotearoa New Zealand, oralism was seen as the superior approach to education, which meant that Deaf people had to adapt to a hearing world rather than hearing people adapting to a Deaf world. The adoption of the oralism approach in the 1880s set the course of harmful educational practices for deaf children for more than a century to come.

Societal attitudes of not understanding te Tiriti o Waitangi

183. Societal attitudes that were ignorant of te Tiriti o Waitangi were reflected in Van Asch and Kelston. It was not well known in society at the time that te Tiriti o Waitangi provided for the active protection of Māori language and culture, requiring the Crown to take reasonable protective steps in the circumstances. It is likely this lack of knowledge was reflected at Kelston and Van Asch as Māori cultural identities, heritage and language were not understood or recognised.

Chapter 6: Institutional and State response to post-1999 complaints about Van Asch and Kelston

184. This chapter reviews evidence of documented complaints of abuse and neglect received by the deaf schools and the State after 1999.

1999–2001 complaints

185. In June 1999, the Principal of Kelston, Eileen Smith, received a complaint from a staff member that a residential social worker had hit or acted in a physically threatening manner toward a student on three separate occasions. Ms Smith considered that the residential social worker had hit the child. The person was given a warning that any similar conduct in future could result in dismissal.¹⁴⁶
186. In July 2001, Kelston CEO David Foster received a complaint from a female staff member about the same social worker touching her inappropriately on more than one occasion, and verbally abusing her.¹⁴⁷ The social worker denied the allegations. The outcome of the independent investigation was unclear, although the social worker continued in his role at Kelston. A month later another staff member made a complaint about the same social worker who they had observed, was extremely agitated while telling off boys in class, to the point of physical assaults. They complained because they thought the situation could get out of hand, and expressed concern about that person's ability to manage his anger.¹⁴⁸ The outcome of this complaint is unclear from the documentation.

2002 complaints

187. In March 2002, Van Asch received complaints that a teacher had smacked a child's hand because she had her fingers in her mouth, and smacked another child on the foot because she had her legs on her chair. Concerns were also raised about the teacher yelling loudly at the class. The teacher received a formal warning and was advised that further incidents could result in dismissal.¹⁴⁹

¹⁴⁶ Letter from Kelston Principal Eileen Smith to a social worker about hitting allegation (17 June 1999).

¹⁴⁷ Letter of complaint from a Kelston staff member to Kelston chief executive about a colleague (19 July 2001).

¹⁴⁸ Handwritten letter from a Kelston staff member expressing concern about a colleague (6 August 2001).

¹⁴⁹ Letter from Van Asch principal to a teacher regarding complaints against the teacher (6 May 2002).

188. In October 2002, Van Asch received a further complaint about the same teacher from a trainee teacher in regard to incidents witnessed in August 2002.¹⁵⁰ The trainee teacher said that the teacher had hit one individual hard on the shoulder and hit another on the arm and tipped out the contents of her pencil case. The complainant said there were short bursts of temper in the classroom and observed that some children were fearful of him. The complainant was concerned about how this was affecting the children's learning. The principal concluded that the matter was an "unfortunate accident" that constituted 'misconduct' rather than serious misconduct.¹⁵¹ The matter was not referred to the school's board for further consideration.

Multiple complaints about Kelston teacher Mr 222

189. Several survivors named a Kelston teacher, Mr 222, whom they allege physically assaulted and terrorised them during the 1970s and 1980s. Complaints were made by survivors to NZ Police, with later civil claims brought against the Crown, however no criminal prosecution has been brought against Mr 222.
190. On 2 October 1991, the Ministry of Education received a letter from the parents of a individual alleging that Mr 222 had physically assaulted their son. The letter said that Mr 222 had created so much fear in their child that he had threatened to take his own life if he was sent back to the teacher. The parents had met with the school and were not happy with the response to the complaint.¹⁵² The Inquiry has not received any evidence of the Ministry of Education's response, or any action taken in response to the letter, and assumes there was none.
191. In 1993, a complaint was made to NZ Police by Kelston Principal Eileen Smith alleging that Mr 222 had struck a child to get her attention. The principal investigated and found that Mr 222 had struck the student on the side of the head to stop her misbehaving. Ms Smith found that Mr 222's conduct was "seriously unacceptable behaviour" and in breach of Kelston's rules on corporal punishment. The principal gave Mr 222 a final written warning and stated any further incidents could result in dismissal.¹⁵³ In 2000, a NZ Police officer took a statement from Ms Smith about Mr 222.¹⁵⁴ From the documentation received, it appears that no action was taken by NZ Police against Mr 222 in relation to this complaint.

¹⁵⁰ Handwritten letter of complaint from Van Asch trainee teacher to Van Asch principal (8 October 2002, pages 2–4).

¹⁵¹ File note of meeting recording the Van Asch principal's decision on the complaint (30 October 2002, page 1).

¹⁵² Letter from parents to the Minister of Education (31 September 1991, page 1).

¹⁵³ Letter from Kelston Principal Eileen Smith to teacher [Mr 222], (5 October 1993, page 115).

¹⁵⁴ Police statement of Kelston Principal Eileen Smith (23 February 2000, pages 33–34).

192. In November 2008, a group of survivors met with a police constable (who had been learning New Zealand Sign Language and about Deaf culture) and a qualified New Zealand Sign Language interpreter to discuss allegations that multiple survivors had been physically and verbally abused by Mr 222. A subsequent NZ Police report stated: "This report relates to a large number of Deaf people who are wanting to come forward and make a complaint about physical abuse / assault that occurred on them during their school years [1970s–1980s]." The report listed the many instances of alleged physical abuse as well as several instances of inappropriate sexual behaviour. The report noted that some principals and teachers had witnessed the alleged physical abuse, but nothing was ever done about removing the teacher. The group wanted Mr 222 held accountable for his actions and ideally wanted to see him arrested, charged and jailed: "To date there are at least 80 Deaf people wanting to make a complaint about [Mr 222] and this list is growing regularly."¹⁵⁵ The report was to be forwarded to a detective for follow-up action.
193. NZ Police told the Inquiry that they considered the initial meeting between NZ Police and survivors to be an informal discussion with the group about their options should they wish to make a formal complaint, but they did not consider the meeting to be a formal complaint and hence did nothing further to investigate the allegations.¹⁵⁶ NZ Police Commissioner Andrew Coster gave evidence at the Inquiry's State Institutional Response Hearing: "I understand there was a misunderstanding about next steps in terms of where the initiative sat for what would happen next and that the officer's belief was that there was a larger list of names to come, and beyond that it was not followed up, which clearly is a miss on our part."¹⁵⁷ Commissioner Coster accepted this was a failing by NZ Police.
194. In 2010, the Confidential Listening and Assistance Service contacted NZ Police on behalf of the group of survivors to follow up on the status of their complaint. However, it was not until July 2012 that the file was reassigned to a detective constable to investigate the complaint. NZ Police have acknowledged this was an unacceptable delay.¹⁵⁸

155 NZ Police response to Royal Commission of Inquiry into Abuse in Care Notice To Produce 489, Written statement of David Kirby on behalf of NZ Police (31 May 2022, page 20).

156 NZ Police response to Royal Commission of Inquiry into Abuse in Care Notice To Produce 489, Written statement of David Kirby on behalf of NZ Police (31 May 2022 para 3.7).

157 Transcript of evidence of NZ Police Commissioner Andrew Coster at the Inquiry's State Institutional Response Hearing (Royal Commission of Inquiry into Abuse in Care, 16 August 2022 page 149).

158 Transcript of evidence of NZ Police Commissioner Andrew Coster at the Inquiry's State Institutional Response Hearing (Royal Commission of Inquiry into Abuse in Care, 16 August 2022, page 150).

195. The evidence available to the Inquiry indicates that in 2012 the investigator did not seek to take a statement or conduct an evidential interview with any of the survivors yet decided that the complaints did not meet the threshold to proceed to trial.¹⁵⁹ Commissioner Coster was asked for comment on why the complainants weren't spoken to and whether this was an adequate investigation: "It doesn't reflect the kind of depth we would expect to see in an investigation of this kind, and which I believe we would see in an investigation of this kind today."¹⁶⁰
196. Several survivors later brought civil claims against the Crown for harm caused by Mr 222's conduct. The Inquiry understands that some of these claims have been settled by the Crown.

¹⁵⁹ NZ Police Job Sheet (26 June 2012, page 2).

¹⁶⁰ Transcript of evidence of NZ Police Commissioner Andrew Coster at the Inquiry's State Institutional Response Hearing (Royal Commission of Inquiry into Abuse in Care, 16 August 2022, page 144).

Chapter 7: Redress for survivors of Van Asch and Kelston

197. As set out in more detail in the Inquiry's redress report, He Purapura Ora, he Māra Tipu: From Redress to Puretumu Torowhānui, survivors could make a redress claim through the responsible State agencies' out-of-court claims process. The redress available varied between agencies but could include an apology, a financial payment, a contribution towards legal aid debt, and counselling. However, as set out in that report, many survivors who did use such processes found them to be slow, difficult to navigate and inconsistent in terms of what they offered.¹⁶¹
198. Most of the Deaf survivors the Inquiry heard from have not sought or received redress for the abuse they suffered at Van Asch College (Van Asch) and Kelston School for the Deaf (Kelston). In some cases, survivors were unaware that they could do so. Māori survivor Milton Reedy (Ngāti Porou), who gave evidence at the Inquiry's Ūhia te Māramatanga Disability, Deaf and Mental Health Institutional Care Hearing, boarded at Kelston from 5 years old and suffered physical and repetitive sexual abuse by a staff member and an older individual. Milton Reedy explained that he has never made a claim for the abuse he suffered at Kelston and he only learned from the Inquiry that this was even an option.¹⁶²
199. The few survivors that the Inquiry heard from who have received redress are summarised below. In terms of financial redress, the amounts received are low.
200. Māori survivor Mr LF (Ngāti Maniapoto) sought redress from Kelston for physical and emotional abuse he suffered by Mr 222. He said the process was lengthy, stressful, retraumatising and impacted his whānau. The Ministry of Education undertook an investigation into his complaint. Crown Law advised in July 2016 that the investigation found there was no documentary evidence of Mr 222 hitting children and young people before 1990.¹⁶³ Mr LF considered that he was being punished for Kelston's poor record keeping. The letter further advised that Mr 222 had been investigated by NZ Police, but no prosecution was brought because there was no evidence. After three years of fighting for redress, he was offered \$5,000 as settlement for being smacked by Mr 222. He rejected the offer. Mr LF ultimately settled his claim in 2018 for \$10,000 and he received an apology from the Ministry of Education.

161 Royal Commission of Inquiry into Abuse in Care, He Purapura Ora, he Māra Tipu: From Redress to Puretumu Torowhānui, Volume 1 (December 2021, page 144).

162 Witness statement of Milton Reedy (20 May 2022, para 4.1).

163 Witness statement of Ms RJ on behalf Mr LF (13 February 2020, pages 8–9).

201. Pākehā survivor Mr EV sought redress from the Ministry of Education for abuse he suffered at Kelston from Mr 222. In 2018 he received \$5,000 from the ministry, which he considered inadequate. He reported Mr 222 to NZ Police, who took a statement from him, but Mr EV is not aware of any further action being taken. Mr EV fears that Mr 222 will pass away due to his age without ever being held accountable for his actions.
202. The Inquiry is aware of other former survivors at of Van Asch and Kelston seeking redress with legal assistance from Cooper Legal. Many of the claims had not been assessed or settled as of the date of this report. Cooper Legal told the Inquiry about the significant delays faced by claimants in dealing with the Ministry of Education, which causes further trauma to survivors.

//

"I REMEMBER CRAWLING UNDER A TABLE AND CRYING. BEING TOLD I COULD NOT SIGN WAS LIKE A SLAP IN THE FACE ... I HADN'T BEEN AT VAN ASCH LONG WHEN MY TEACHER TIED MY HANDS TO MY CHAIR TO STOP ME FROM TALKING. YOU WOULD NEVER MAKE A HEARING STUDENT SHUT UP BY GAGGING THEM, OR TAPING THEIR MOUTH SHUT, SO WHY IS IT OKAY TO TIE A DEAF PERSON'S HANDS UP?

//

MS BIELSKI

KIWI

Chapter 8: Key findings on Van Asch and Kelston

203. The Inquiry finds:

Circumstances that led to individuals being taken or placed into care

1. There were different pathways for Deaf children and young people to come into the care of Van Asch College and Kelston School for the Deaf, including:
 - a. Some were sent by whānau to attend the schools by day or to board on the advice of educators and medical professionals.
 - b. Many experienced a lack of support from mainstream schools and a lack of support for whānau to educate Deaf children and young people at home. This led to them boarding or attending by day and some whānau having to move to live closer to the schools.
 - c. Kelston in particular had a high proportion enrolments of Māori and Pacific children and young people as students. For Māori this was likely due to poor health access and outcomes during outbreaks of childhood illnesses.
 - d. The State failed to engage with and properly support hāpori and whānau Māori to educate and care for tāngata Turi Māori at home.
 - e. Some Deaf children and young people were brought from the Pacific Islands to be educated as boarding students at Kelston rather than being supported and educated at home.
 - f. A higher proportion of boarders at Kelston were children and young people from lower socio-economic backgrounds. attended as boarding students at Kelston in particular.

Nature and extent of abuse and neglect

2. Deaf children and young people suffered abuse and neglect at Van Asch College and Kelston School for the Deaf in various forms.
3. Physical violence was normalised and pervasive. Some Deaf children and young people experienced regular physical abuse from teaching staff and hostel staff (for boarders), including to a degree and extent outside the acceptable corporal punishment standards of the day.
4. Some Deaf children and young people experienced physical abuse from other peers and staff failed to protect them.
5. Sexual abuse was pervasive. Some Deaf children and young people were raped and sexually abused by staff and older peers. Boarders were particularly at risk of sexual abuse in the boarding hostels due to the unsupervised environment. Some survivors were sexually assaulted by peers in front of staff, who did nothing.
6. Some Deaf children and young people experienced verbal and psychological abuse from teaching and hostel staff and from their peers, which was often discriminatory, humiliating and degrading.
7. All Deaf children and young people experienced linguistic abuse and neglect and language suppression. Deaf children and young people were banned from using Sign Language at school and forced to learn by oral methods. Deaf children and young people were punished for using Sign Language. Deaf culture and identity were not supported.
8. Tāngata Turi Māori experienced racial abuse from staff and their culture was neglected. This was a transgression against whakapapa.
9. Tāngata Turi Māori experienced double discrimination with disconnection from Deaf culture and language, and from te tikanga and te reo Māori. Tāngata Turi Māori were not educated on te ao Māori concepts (including tikanga, te reo and matauranga Māori) through sign. They experienced racism from teaching staff, and in some cases from their peers. There was a lack of Māori teaching staff at the deaf schools, which were governed and operated by mostly hearing Pākehā teachers.
10. Deaf Pacific children and young people experienced similar racism and double discrimination.
11. Most Deaf children and young people received an inadequate education and had limited opportunities to develop academically.
12. Deaf children and young people with other disabilities received insufficient training and education for their needs.

Impacts of abuse and neglect

13. The abuse and neglect at Van Asch College and Kelston School for the Deaf harmed Deaf survivors' physical and mental health, their psychological, emotional, cultural and spiritual wellbeing, and their educational and economic prospects.
14. Separation from whānau at a young age and the resulting lack of attachment created issues such as separation anxiety, loss of cultural connection and mental distress for Deaf survivors.
15. Barriers to learning due to being taught by oral methods and Total Communication resulted in limited academic achievement because of inadequate education provided at the deaf schools.
16. Tāngata Turi Māori experienced a lack of access to their culture and identity. This diminished their mana and was also a transgression against their whakapapa.
17. A lack of qualifications, discrimination and language barriers meant that Deaf survivors faced barriers to employment.
18. Some survivors found themselves in the criminal justice system or gangs due to the ongoing impact of the abuse, neglect and trauma they experienced at the deaf schools.
19. Few Deaf survivors received redress, counselling or rehabilitation for the physical and sexual abuse they endured and were therefore less prepared to thrive as adults.
20. The harm to Deaf survivors has been transferred over generations.

Factors that caused or contributed to abuse and neglect

21. The following personal factors caused or contributed to abuse and neglect of children and young people at Van Asch College and Kelston School for the Deaf:
- a. Abuse was carried out by staff who exploited the power imbalance they had over the Deaf children and young people in their care.
 - b. Abuse was carried out some older peers who exploited the power imbalance they had over some of the younger Deaf children and young people.
 - c. Disconnection from whānau at a young age and the absence of positive family and Deaf role models, together with no day-to-day love and care from family, contributed to older individuals abusing younger Deaf children and young people.
 - d. Some survivors were abused in the presence of or with the knowledge of bystanders who were staff, who did nothing to stop the abuse or neglect.

22. The following institutional factors caused or contributed to abuse and neglect at Van Asch College and Kelston School for the Deaf:

- a. Deaf culture and Sign Language were denied through the mandated oral approach to education.
- b. Deaf people were not involved in school leadership or decision-making positions at the schools to shape the education of Deaf children.
- c. Families and whānau were not supported to learn to communicate through Sign Language with their Deaf child, and to understand Deaf culture.
- d. The schools were understaffed. There was a high turnover and many staff lacked relevant qualifications and expertise and were not properly trained for their positions of trust. There were no vetting procedures for staff.
- e. Māori did not receive funding or support to provide care for tāngata Turi Māori in te ao Māori ways in the community.
- f. Racism toward tāngata Turi Māori meant they suffered more abuse and neglect than their Pākehā peers.
- g. Survivors were unable to communicate abuse and neglect due to the denial of Sign Language, and a lack of education on sex and sexual abuse.
- h. Inadequate complaint policies and practices led to inadequate responses to abuse and neglect, and likely contributed to the underreporting of abuse and neglect.
- i. There were barriers for Deaf children and young people to make complaints, including not having the language to complain to family and school management.
- j. Abuse and neglect were seldom reported by management or staff to NZ Police. When abuse and neglect was reported, NZ Police failed to carry out adequate and timely investigations.
- k. Insufficient staff supervision of the boarding hostels led to prevalent abuse and neglect in that environment.

23. The following structural, systemic, practical and societal factors caused or contributed to abuse and neglect at Van Asch College and Kelston School for the Deaf:
- a. State policy emphasis on institutionalisation for Deaf education, and insufficient oversight and monitoring by the Department of Education and its Special Education Unit, contributed to abuse and educational neglect occurring and continuing at the deaf schools.
 - b. Audist views contributed to Deaf children, young people and adults being viewed by society as having a deficit and being unproductive. These views continued inside the deaf schools with discrimination and abuse against Deaf children and young people because they could not communicate orally.
 - c. There was a lack of diversity among the governance, management and staff at the deaf schools, which were predominantly hearing Pākehā with no lived experience of being Deaf.
 - d. Societal attitudes that were ignorant of te Tiriti o Waitangi were present in the deaf schools where Māori cultural identities, heritage and language were not recognised.

He waiata aroha mō ngā purapura ora

Kāore te aroha i ahau mō koutou e te iwi i mahue kau noa
i te tika

I whakarerea e te ture i raurangi rā

Tāmia rawatia ana te whakamanioro

He huna whakamamae nō te tūkinō

He auhi nō te puku i pēhia kia ngū

Ko te kaikinikini i te tau o taku ate tē rite ai ki te kōharihari o tōu

Arā pea koe rā kei te kopa i Mirumiru-te-pō

Pō tiwhatiwha pōuri kenekene

Tē ai he huringa ake i ō mahara

Nei tāku, 'kei tōia atu te tatau ka tomokia ai'

Tēnā kē ia kia huri ake tāua ki te kimi oranga

E mate pūmahara? Kāhorehore! Kāhorehore!

E ara e hoa mā, māngai nuitia te kupu pono i te puku o Kareāroto

Kia iri ki runga rawa ki te rangi tihore he rangi waruhia ka awatea

E puta ai te ihu i te ao pakarea ki te ao pakakina

Hei ara mōu kei taku pōkai kōtuku ki te oranga

E hua ai te pito mata i roto rā kei aku purapura ora

Tiritiria ki toi whenua, onokia ka morimoria ai

Ka pihi ki One-haumako, ki One-whakatupu

Kei reira e hika mā te manako kia ea i te utu

Kia whakaahuritia tō mana tangata tō mana tuku iho nā ō rau kahika

Koia ka whanake koia ka manahua koia ka ngawhā

He houkura mārīe mōwai rokiroki āio nā koutou ko Rongo

Koia ka puta ki te whaiao ki te ao mārama

Whitiwhiti ora e!

– Paraone Gloyne

A Love Song for the Living Seeds

The love within me for you, the people, remains unchanged

Left alone, abandoned by justice and order

Subjected to the silent suffering of mistreatment

A heaviness in the core, silenced into stillness

The gnawing of my heart cannot compare to the anguish of yours

Perhaps you are hidden in the depths of the night, Mirumiru-te-pō

A night dark and dense

Where there may be no turning in your memories

But here's my thought: 'Do not push open the door to enter'

Instead, let us turn to seek life and well-being

Is memory dead? No, certainly not!

Arise, friends, let the truth resound loudly from the heart of Kareāroto

To ascend to the clear skies, a sky washed clean at dawn

Emerging from the troubled world to a world of promise

A path for you, my flock of herons, to life

So, the precious core may blossom within you, my living seeds

Scattered across the land, cherished and growing in abundance

Rising in One-haumako, in One-whakatupu

There, my friends, lies the hope to fulfil the cost

To restore your human dignity, your inherited mana from your ancestors

Thus, it will thrive, flourish, and burst forth

A peaceful feather, a treasured calm, a serene peace from Rongo

Emerging into the world of light, into the world of understanding

A crossing of life indeed!

– Paraone Gloyne







Abuse in Care

Royal Commission of Inquiry

Presented to the Governor-General by
the Royal Commission of Inquiry into
Historical Abuse in State Care and in
the Care of Faith-based Institutions
on 25 June 2024

ISBN 978-1-0670299-3-7 (print)
ISBN 978-1-0670300-6-3 (online)

Crown Copyright New Zealand 2024