

Principals And Board of Trustee Members - Whakatipu,

We are writing as a group of concerned parents, grandparents, and carers of children in the Wakatipu Basin. We have formed a group in 2022 called Queenstown Families United. This group represents a number of families in excess of 100 and we are growing our database at present.

There seems to be a significant amount of confusion around the recommendations from the Govt and the 'strong guidelines' issued to the local schools by the MoE regarding mask wearing as we begin Term 3, 2022. We wish to call to your attention, and express our concerns around the 'duty of care' that all schools and Boards of Trustees are to operate under for the safety and wellbeing of our children. We as the caregiver entrust the duty of care to the Board of Trustees, whilst our children attend a state-run school (primary/secondary).

Our key areas of concern:

1. The statements issued by some schools that mask wearing as of the start of Term 3, July 2022 is mandated and will be enforced, and recourse/punishment can be used against students that do not comply.
2. The concerning nature of the communication with students around what constitutes an exemption. In some cases, principals' of local schools are advising parents and students that all existing/previously issued govt exemption cards are "not valid"
3. Short notice exemption requirements being enforced - emails being sent out on Sunday 24th July late in the evening that all mask exemption cards must be the newer version type exemptions for children to attend school unmasked from yr 4 and above. In some cases only giving parents and students 12hrs to gain an exemption or they will be forced to comply with mask coverings against medical advice. Some students have not attended school due to this requirement.
4. The nature of the communication and enforcement being discrimination based – children will be 'singled out' for not complying by teachers and/or other students. This position unfortunately supports a destructive dialogue of both bullying and coercion.
5. Up to date medical studies do not support mask wearing in educational settings. There is no benefit, in fact there is substantial research showing emotional and physical harm to children from mask wearing, and for children with disabilities masks are extremely harmful.

To clarify our position on each of the points mentioned above 1-5:

1. The guidelines issued by the MoE recommending masks in an educational setting for the next 4 weeks is NOT a mandate. It is NOT a law. You have no right to impose this on all students. You can give a 'strong recommendation ' if you wish, but you cannot force this extremely harmful practice on the students.
2. The Govt official Covid 19 website very clearly states that all exemptions are valid. It further states that NO card is required at all. It is entirely self-imposed and regulated. For anyone in a position of power within a school environment to say the old mask exemptions are invalid is incorrect.
<https://www.beehive.govt.nz/release/new-mask-exemption-card-remove-uncertainty>
3. Parents are extremely busy and enforcing mask requirements at short notice creates stress for the students and parents. We expect all schools to act in a fair and reasonable manner to support families. Refusing to allow anybody the right to not wear a mask as they have the 'incorrect exemption' is illegal. It is a direct breach of the Human Rights Act and the NZ Bill of Rights Act. This approach leaves the BoT and schools open to legal action and we would strongly advise all Board of Trustees and Principals' to adhere to and comply with all Human Rights requirements under NZ Law .[Human Rights Act 1993](#) and act in a reasonable manner.
4. Discrimination is enhanced and encouraged when students are noted to be different to their peers, when students or teachers are encouraged to call out differences, and **where a difference is seen as a 'behaviour that needs to be corrected'**. Mask wearing and the individuals need to wear a mask is an individual's right to keep private. The school has no authority to collect information from students or ask for information related to wearing of masks. In respecting a students position on mask wearing and each individuals situation, the school sets up a precedence for students teachers and others to act without discrimination, to foster kindness and openness to differences. Discrimination and bullying comes from the direct messaging of the school leaders - in particular the principal and the teachers who are in the greatest position of power. Unfortunately, students in the Whakatipu are being subjected to bullying and discrimination around mask exemptions, and they have described to our group representatives instances of emotional harm and families are reporting back to QT Families United that their children are constantly being 'singled out'. The following link is a good example of what happens when targeted segregation is promoted within the school environment. This psychological experiment remains as a standard for identifying the severely negative effects of such discrimination on children at school. Please refer to this video
https://www.youtube.com/watch?v=dLAI78hluFc&ab_channel=chel.by.the.seas
5. Health and safety laws – Schools have to take all practicable steps to ensure no physical or mental harm happens to students during school hours, on school grounds, or at school-related activities. The reduction and transfer of Coronavirus (Flu and Covid) being reduced by mask wearing is not substantiated. As far as we know, medical advice

from a medical professional or psychologist has not been sought by the Boards of Trustees and instead the **govt guidelines are being implemented as ‘mandates’ by the BoT’s of local schools without an understanding of the legal duty of care.**

It is clear the MoE guidelines are being passed onto the schools for their own decision-making processes and implementation. This in effect passes on the PCBU (undertaking)

<https://www.worksafe.govt.nz/managing-health-and-safety/getting-started/understanding-the-law/primary-duty-of-care/what-is-the-primary-duty-of-care/> responsibility to the school BoT. The (PCBU) primary duty of care means that each individual school has the primary responsibility for the health and safety of the children on-site. “The PCBU must ensure, so far as is reasonably practicable, the health and safety of students and teachers.” The BoT must also make decisions that look after people who could be at risk - this includes all children and young people, children with disabilities including learning disabilities (students with varying levels of adhd, autism, sensory disorders, dyslexia, or any number of learning difficulties within the mainstream school system). We strongly urge all board members to seek out expert advice as to the responsibility and requirements of the PCBU.

The wellbeing of students is of our primary concern and we wish to draw your attention to the law around holistic student wellbeing being pushed aside in favour of the ‘perceived protection from wearing a mask to possibly minimise the spread of a virus’. Wellbeing encompasses social, physical and mental wellbeing. Children in a mask wearing environment have effects on their emotional and mental wellbeing and social connections and learning is also impaired by the impact masks have on the communication between student to student and student to teacher especially for younger children. **Recently the UK government has released a new “Evidence Summary” looking at the use of face coverings in education settings.** The BBC <https://www.bbc.com/news/health-59895934> looks at the study finding “it did not provide proof of a statistically significant impact...The government admits the evidence for using masks in schools to reduce spread of Covid is ‘not conclusive’. Please refer to expert studies and a range of information about mask wearing. <https://www.voicesforfreedom.co.nz/storage/app/media/Masks/ADDITIONAL%20MASK%20REFERENCES%202021.pdf>

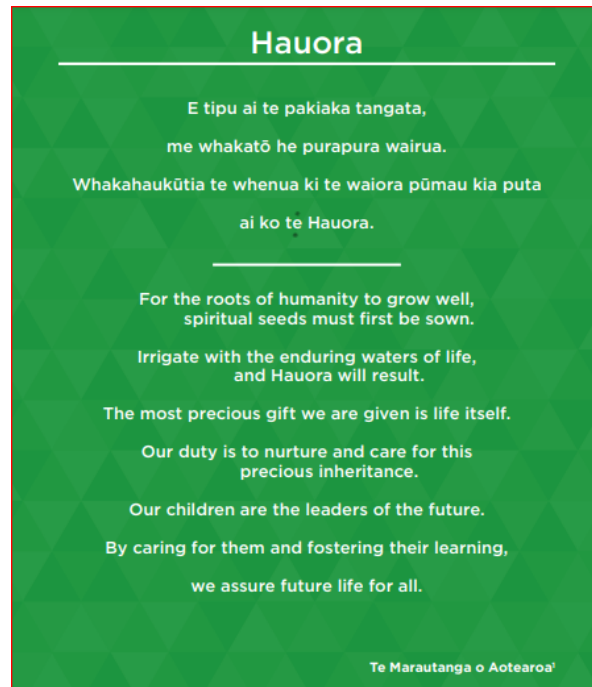
Boards of trustees are responsible for the care of students and for providing a safe learning environment. They have key obligations in the following areas: Duty of care under civil law – Schools also owe a duty of care to their students under the civil law of negligence, and a student who suffers harm may be able to bring a claim in the courts for a breach of this duty of care. Many students and parents are reporting to us that their children are suffering from continual anxiety and emotional harm as they are

waiting to be or are singled out/pulled up in front of other kids for mask wearing adherence. There have also been recorded death threats against some of these children by other students and severe bullying that caregivers and local medical practitioners are very concerned about.

Education policy and guidelines – School boards are required by government education guidelines to provide a safe physical and emotional environment for students. Schools should have policies to achieve a safe environment. Please refer to the following documents relating to ‘duty of care’ for students in NZ.

[Accident Compensation Act 2001](#) [Education Act 1989 No 80 \(as at 01 August 2020\)](#), [Public Act Contents](#), [The National Administration Guidelines \(NAGs\) Health and Safety at Work Act 2015](#) [Guidelines for the provision of pastoral care, guidance and counselling in secondary schools](#) - duty of care in an educational setting

MOE website - TE PAKIAKA TANGATA our children are our future



The fact that the government, the MoE and the Prime Minister says schools can implement mask policies that punish or discriminate against students is irrelevant. The school is the PCBU and must make decisions under the laws relating to the duty of care of all students. The govt has noted schools can construct and implement policies themselves.

<https://www.newshub.co.nz/home/politics/2022/07/pm-jacinda-ardern-says-schools-don-t-have-t-o-punish-students-who-won-t-wear-masks-but-they-can-choose-to.html>

There is really no confusion as the BoT are responsible for the wellbeing and duty of care of all students. We wish to note that this letter is being circulated to all schools and BoT's in the local district and is going on record with our legal counsel Todd Walker Law. There seems to be confusion as to who is the PCBU for schools and who should make decisions for students' wellbeing under the legal duty of care. The govt has noted they are 'not responsible' and have pushed the mask policy and guidelines back to the schools as **strong recommendations you can enforce with punishment as deemed appropriate. Please be aware that the government has no legal recourse for its recommendations.** The onus is placed squarely on the shoulders of the schools Board of Trustees to create safe learning environments should you choose to implement those recommendations. Please be very careful as the BoT for the school holds all the risk not the government - you are opening yourself up to legal recourse should anything "go wrong".

Action:

We urge you to revisit your policies relating to:

1. The medical privacy of students, and 'singling out' or approaching students without masks. How will this scenario be managed in your school? There is no legal requirement to show a mask exemption (Check with NZ Police). It is against the Privacy Act to demand a person's medical status and students have no obligation to answer questions if they do not wish to
2. Exemptions - past and present are they valid/invalid? The official govt Covid 19 website states students can be exempt from mask-wearing for any reason of a physical or mental/emotional nature
3. Punishment - relating to mask adherence for all students, please clarify.
4. Inclusiveness plus the emotional/physical safety within the school environment of all students, mask wearing or not. Please explain your schools discrimination policies and mask adherence policy and messaging to students.

Can you please advise us how you are creating a safe learning environment under your duty of care in relation to our concerns raised in writing.

We wish to also arrange a meeting with a BOT representative on Thursday 28th or Friday 29th July to personally cover off all of the above mentioned concerns and discuss the school specific policies relating to mask wearing. Please provide times and availability for our group to respond too.

Yours Sincerely,

QT Families United



We strongly recommend that you view these videos:

https://www.youtube.com/watch?v=J3dnkbKoj4A&t=0s&ab_channel=Co-Immunity that shows an American PPE expert, and the latest up to date medical information on mask wearing, (Stephen Petty BSc.E Msc.E MBA) and his evidence deposition before a USA Public Hearing.

<https://www.youtube.com/watch?v=Emj2kkh2hQM&authuser=0> Mothers speaking out against masking children and the health and emotional harm created, including suicide

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