

## **New Zealand Disability Action Plan 2019-2023 (DAP): Summary for the fifth progress report, January to June 2022.**

In response to community feedback, the Partnerships and Stewardship team, formerly the Office for Disability Issues and now part of Whaikaha - Ministry of Disabled People, has produced a longer summary document for the 5<sup>th</sup> round of DAP progress reports, for January to June 2022.

The DAP was launched in November 2019. It aims to improve the wellbeing of disabled people through establishing work programmes that align with the eight outcomes of the New Zealand Disability Strategy 2016-2026 (the Disability Strategy). There are 29 work programmes: 28 are overseen by distinct ministries and one takes a cross-government approach to improving disability data and evidence. In total, 12 agencies are represented. The Partnerships and Stewardship team manages six-monthly reporting on these work programmes as the key DAP monitoring mechanism.

Progress on the 29 work programmes is recorded as follows:

- |  |    |
|--|----|
| • Work programmes on track or ahead                | 7  |
| • Work programmes on track with minimal risks      | 14 |
| • Work programmes off track with low risks         | 5  |
| • Work programmes off track with significant risks | 3  |

It is encouraging to see that the agency reports are tracking well. Of work programmes, 72% were recorded as being on track, or on track with minimal risks/issues, whilst 24% were on track or ahead. Overall, 28% of projects (8 in total) were off track, with 5 being off track but considered low risk, and three being significantly off track.

The ongoing impact of COVID-19 on people and services was the most common reason cited for work programmes being off track during this period. In this regard, the DPO Coalition has expressed the view that, given that agencies have had two years to deal with COVID-19, systems should be in place to ensure the continuation of work, even if an agency is encountering challenges. The agencies having most difficulty keeping on track with their work programmes include Ministry of Health (MOH), Ministry of Housing and Urban Development (HUD), and the Ministry of Transport (MOT).

The DAP Review Group (comprised of representatives of the DPO Coalition, officials from Whaikaha and officials from other government agencies) made several general comments about the status of the reports received in this period, including:

- Being “on track” is not the same as being “on the right track”. Some agencies are on track with the work they have set themselves but

are not doing the work agreed to in the DAP. It is difficult for the DPO Coalition to clarify if agencies are reporting on the “right” mahi, given the “big picture” focus and the DPO Coalition’s reliance on the six-monthly reports.

- There is a lack of clarity regarding the audience for the reports (e.g., the public, the government agency, or ministerial colleagues).
- Agencies could do more to highlight emerging issues and trends.
- Entire work programmes sometimes seem to be delayed by a single piece of work being held up.
- There is a lack of concrete timeframes and reasons as to why work has not been completed.
- Some of the reports focus on the direct impact of the relevant work programme on disabled people, whereas others discuss a generalised work programme with only a minor reference to the impact on disabled people.
- The best progress is being made where there is ongoing communication and consultation between the agency concerned and disabled people and their organisations.
- Aspects of some work programmes should by now be considered business-as-usual and not held up as a significant achievement (e.g., providing information in alternate formats).
- The reports should reflect the 2023 recommendations of the Independent Monitoring Mechanism (IMM) Domestic Forum.

Below is a summary of some of the key DAP actions aligning with the eight outcome areas of the Disability Strategy. The major projects a few key project outcomes are listed for each outcome area.

### **Outcome One – Education**

The two agencies involved in this work are the Ministry of Education (MOE) and the Tertiary Education Commission (TEC).

There are five major pieces of work under the DAP overseen by MOE:

- The Learning Support Action Plan, 2019-2025 (which includes the Early Learning Action Plan)
- Tomorrow’s Schools
- The NCEA Review
- The Reform of Vocational Education
- Curriculum, Progress and Achievement.

Most of the work is on track with minimal risks/issues, including:

- Under Tomorrow's Schools, work on improving the capability of school board governors is proceeding well.
- Under the NCEA Review, work has been undertaken to write resources for teachers and Learning Support Assistants about Universal Design for Learning (UDL).
- In line with the reform of Vocational Education, Te Pukenga has released its first Disability Action Plan.
- The Curriculum Refresh work continues (e.g., occurrence of further consultation with the disability community on the impact of the new curriculum).

Some MOE work programmes are not progressing as anticipated:

- Work under the Learning Support Action Plan and the Early Learning Action Plan has been delayed.
- Improving the education of children at risk of disengaging has continued to be hampered by COVID-19 and is off track.

Most of the work being undertaken by TEC is ongoing in nature, with a great deal of reporting due in the third quarter of 2022 (just outside the scope of this report). All work was on track, given TEC's adaptation to online working under COVID-19 disruptions, with one completed piece of work being the production of web content about dyslexia.

Overall, the Review Group for MOE and TEC work programmes was pleased with the reporting and the level of detail in both reports. TEC's future funding models and engagement with the disability community were commended.

However, the Review Group expressed concern about the following issues in MOE's work programmes:

- MOE's approach to Residential Special Schools and its continued support for such schools
- the way funding is linked to schools rather than individual students, making it difficult to guarantee the continuation of funding if a child moves school
- the need for the provision of more expert advice about the learning support needs of neurodiverse learners
- parts of the Learning Support Action Plan being off track.

## **Outcome Two – Employment and Economic Security**

There are four projects underway, all of which are led by various parts of the Ministry of Social Development (MSD). The work programmes are:

- Working Matters, Disability Employment Action Plan
- Increasing the employment of disabled people within the public sector (e.g., Lead Toolkit)

- National information portal and regional hubs
- Replacing the Minimum Wage Exemption Permits.

Progress on the implementation of the work programmes includes:

- Under Working Matters, funding for MSD's pilot to provide access to employment services for disabled school students has been approved for a further year.
- Under the Lead Toolkit strand, several disabled interns have sought employment support. Of note is that, in response to feedback from 2021, the definition of "public service" has been widened to include Crown entities, City Councils, and DHBs. This has added 15 programmes to the range of internship opportunities.
- Under the removal of the Minimum Wage Exemption project, work has been re-scoped, allowing the project to move forward.

The concerns expressed by the Review Group for the Employment and Economic Security Outcome included:

- MSD's reports did not provide sufficient information about emerging issues, nor did they set out clear aims or timelines.
- More feedback is required as to how various actions link into the UNCRPD.
- More information is called for on data (both qualitative and quantitative) that to demonstrate successes and failures in the work programmes.

### **Outcome Three - Health and Wellbeing**

There are five work programmes, four overseen by MOH and one by Sport New Zealand. The work programmes are as follows:

- Improving health outcomes and access to health services for disabled people
- Reduction of the use of seclusion and restraint
- Safeguarding bodily integrity rights
- Repeal and replace the Mental Health (Compulsory Assessment and Treatment) Act
- Delivery of the Sport New Zealand Disability Plan.

Progress on the implementation of the work programmes includes:

- Significant progress has been made on the Patient Profile National Health Index (PPNHI).
- Under the work programme, 'repeal and replacement of the Mental Health Act', the Public Consultation, "Transforming Our Mental Health Law", has been completed and is about to be published on the MOH website. The Expert Advisory Group for this work has also been established.
- The Disability Lead at the Ministry for Sport and Recreation has continued to work with Sport NZ staff, programmes and initiative

leads, partners, and cross-government groups to promote the value of play, active recreation, and sport for disabled children and youth.

MOH work programmes which are not progressing include:

- The Improving Health Outcomes is off track with minimal risk. The scoping of this work programme was deliberately put on hold during this period to account for the changes in the Health and Disability reforms process.
- The Interim Health GPS work and the Health Research Disability Capability Project were paused during this period due to the lack of clarity around ongoing responsibility for this work once Whaikaha was about to be established.

The Review Group for the Health and Wellbeing outcome expressed serious concern about the overall status of MOH's reports. They were, in particular, very concerned about the lack of progress on both the Bodily Integrity and Seclusion and Restraint work programmes. Moreover, the Review Group requested that MOH works more closely with Balance Aotearoa on the repeal and replacement of the Mental Health Act.

#### **Outcome Four – Rights Protection and Justice**

There were four work programmes for the January to June 2022 period:

- Developing a Shared Understanding of Supported Decision Making
- Te Tāhū o te Turi - The Ministry of Justice (MOJ) Disability Action Plan
- Corrections
- Te Puna Aonui: Implementing Te Aorerekura – the National Strategy Against Family Violence/Sexual Violence.

Progress on the implementation of work programmes includes:

- The MOJ Disability Action Plan, comprised of numerous work programmes that potentially influence the lives of disabled people accessing the justice system, was reported as on track or ahead of schedule. Highlights from the Disability Action Plan include:
  - In April 2022, the New Zealand Law Society delivered training for Lawyers and Judges about the Communication Assistance Scheme and how to identify someone who may need the service.
  - Cycle Four of the New Zealand Crime and Victimization Survey was able to provide more data about disabled persons' experiences of crime.
  - Consultation was held with the Office for Disability Issues (ODI) and the DPO Coalition about Strengthening the Family Court initiative to ensure resources and information for Care of Children are accessible and appropriate for disabled people.

- Corrections is on track with its work under the DAP. For example, it has started to incorporate questions about disability in its health screening questionnaires for prisoners. In addition, all tie-down beds have been removed from prisons across the motu.
- Key outcomes regarding implementing Te Aorerekura include:
  - The Safeguarding Adults At Risk of Violence Project, based in the Waitematā region, was expanded to cover disabled people and set to continue for a further twelve months.
  - Funding for a national roll out of Safeguarding Adults At Risk of Violence has been agreed by MOH, and a cross-government group has been established to support implementation of this work across key government agencies.

The concerns expressed by the Review Group for the Rights Protection and Justice Outcome included:

- No work was undertaken on the Supported Decision-Making Project during this reporting period. However, a next-steps plan is underway to get this work back on track, including re-establishing a Supported Decision-Making Advisory Group.
- Some of MOJ's Disability Action Plan's work programmes need to provide details about consultation with disabled people (e.g., the training of court staff about family violence/sexual violence).

### **Outcome Five - Accessibility**

Work is undertaken by MSD, HUD, MOT, Waka Kotahi – NZ Transport Agency (NZTA), and Te Tari Kaumātua - the Office for Seniors as follows:

- Accelerating Accessibility
- Accessible Public Information
- Improving Accessibility across the New Zealand housing system
- Kāinga Ora Disability Action Plan
- Better Later Life Disability Action Plan
- Joint Transport Disability Action Plan
- Waka Kotahi (NZTA) Disability Action Plan.

Progress on the implementation of Accessibility work programmes includes:

- The MSD Accelerating Accessibility work programme is responsible for the Accessibility Legislation. Stakeholder consultation was held with the disability community from January to June 2022 and drafting instructions were issued following approval of a Cabinet paper.
- MSD has stewardship over the Accessibility Charter. This aims to provide accessible public information to disabled people and has been signed by 46 public service agencies. This programme is on track with accessibility training being offered monthly. MSD also continued to run the Alternate Formats service over this period.

- HUD developed a training package, including a training video on universal design, which it is distributing widely.
- The Better Later Life Plan, published by the Office for Seniors (MSD), is on track with minimal issues. The three priority areas in the Plan are Employment, Housing, and Digital Inclusion.
- The NZTA Disability Action Plan, relating to the improvement of accessibility to public information, employment, and the transport system, is on track. In addition, the Pedestrian Network Guidance website was almost complete, and progress has been made on the Bus Stop Design Guidance.

Work programmes which are not progressing well include:

- The HUD Disability Action Plan, focused on exploring opportunities to increase accessible housing in the rental market, was significantly off track for the second consecutive reporting period. This work was placed on hold due to COVID-19.
- Kāinga Ora's goal of having 15% of its housing stock accessible to disabled people is off track.
- The MOT work programme, with the focus areas being Review of the Total Mobility Scheme and the Accessible Streets Regulatory Package, was off track.

The concerns expressed by the Review Group for the Accessibility Outcome include:

- Doubts were expressed that the Accessibility Legislation work programme would lead to satisfactory outcomes for disabled people, given that a substantial number of people in the disability community are opposed to the legislation in its current form.
- The Office for Seniors was asked to make the link between their work under the DAP and disabled people more explicit, or perhaps highlight some actions in the Better Later Life Action Plan that more closely align with the DAP.

### **Outcome Six – Attitudes**

This Outcome had no agreed work programme during this reporting period. It is hoped that work programmes delivered under other outcome areas will contribute positively to attitude change in favour of agencies actively including the perspectives of disabled people in all future work programmes.

### **Outcome Seven – Choice and Control**

The Disability Support System Transformation was the only project during the January to June 2022 reporting period. This work was being undertaken by MOH and is listed as being on track with minimal risk. MOH

provided services for approximately 43,000 eligible disabled people over the reporting period with long-term supports provided through Disability Support Services (DSS). This includes Behaviour Support Services, support with personal care or household management, and supported residential care. In addition, over 100,000 disabled New Zealanders with a sensory disability accessed DSS equipment and modification services and supports. Work has been underway for over a decade to transform DSS using the Enabling Good Lives (EGL) Principles and Vision.

The three EGL pilot sites were changed to permanent services during the reporting period. In March 2022, Cabinet agreed to a national roll out of EGL. Officials continued to work with the Disability Sector to develop a plan and tools for the national rollout, for example, a Connector Guide and 'EGL is for Everyone'.

### **Outcome Eight – Leadership**

This Outcome is about encouraging and enabling more disabled people to take up positions of leadership within the New Zealand Public Sector by promoting opportunities on Crown boards and advisory committees. This work programme is managed by ODI and was reported as being on track with minimal issues. During the January to June reporting period, work focused on restructuring the webform and database to make it more user-friendly, resulting in a more efficient system for disabled nominees.

ODI initiatives during this reporting period included:

- Continuing to nominate disabled people for board positions
- Running two professional development events for database members
- Liaising with the other population agencies and the Public Service Commission to develop training resources for disabled people interested in Public Sector Governance
- Funding Be. Institute to provide a new Leadership and Governance Programme which will run from October 2022.

The concerns expressed by the Review Group for the Leadership Outcome include:

- The intermittent nature of resources allocated to this work.
- The inability to check whether people on the Nominations database were adequately trained and had the relevant experience to serve on boards.
- The improvement of the Nominations database being dependent on the Public Service Commission's development of a joint database.

### **Cross Cutting Project – Disability Data**

MSD leads the Cross Agency Disability Data and Evidence Working Group (DDWEG). DDEWG's work programme is on track with minimal risk. The

Working Group provides government agencies with the resources and information required to incorporate information about disabled people into their data collection systems.

DDEWG initiatives during this reporting period include:

- placing an increased amount of disability data on the ODI website for easy reference
- developing a standard question determining if someone identifies as disabled for use by agencies for future data gathering.

## **Conclusion**

Most DAP work is on track, with some agencies are finding it challenging to implement their work programmes.

Unfortunately, the COVID-19 pandemic is still being used as the reason for work being off track when it was expected that this work would be business-as-usual by the reporting period January-June 2022.

It is also a reasonable expectation that agencies ensure that their reports are written for disabled people as the primary audience and adhere to tighter work programme deadlines.

The DAP Review Group recommended that future reports focus on the measurable outcomes within the agency work programmes and address the recommendations made by the IMM Domestic Forum and the UN Committee on the Rights of Persons with Disabilities.

The Disability Strategy and earlier DAP reports and executive summaries, including alternate formats, can be found at:

<https://www.odi.govt.nz/disability-action-plan>