



Six-Monthly Report on the New Zealand Disability Action Plan (2019-2023)

**For the period covering
July to December 2023**

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Executive Summary

This is the eighth and final progress report on the 2019-2023 Disability Action Plan. It is the final progress report relating to the 2016-2026 New Zealand Disability Strategy (NZDS).

The Future of the New Zealand Disability Strategy

Over the course of 2025, the Ministry of Disabled People – Whaikaha (MDP) is developing a refreshed NZDS that focuses on tangible, measurable deliverables or actions which will benefit disabled people over the next five years. The new Strategy is expected to commence in 2026.

Information on the refresh and its progress can be found here: [Refresh of the New Zealand Disability Strategy | Whaikaha - Ministry of Disabled People](#)

The Disability Action Plan's purpose is to improve accessibility for, and the wellbeing of, disabled people

The Disability Action Plan (DAP) sets out 29 work programmes aligned with the NZDS.

Six-monthly reporting on the DAP is completed by MDP, in conjunction with the Disabled People's Organisations (DPO) Coalition and government agencies responsible for the work programmes.

This executive summary highlights progress made, and ongoing work required to improve outcomes for disabled people

This report covers DAP progress over the period July to December 2023. Agencies were invited to provide an update on their work up 31 August 2024. Where provided, updates are summarised at the end of each outcome section.

Twelve government agencies were responsible for 28 DAP work programmes. One additional work programme is a cross-government commitment to improve disability data and evidence.

Overall work programme progress ratings

July 2023 to December 2023 reports indicate the progress status in each reporting area (the numbers in brackets refer to the previous reporting period January to June 2023):

Complete	2 (1) 6.9%
On track or ahead	5 (8) 17.2%
On track, minimal risks	19 (17) 65.6%
Off track, minimal risks	3 (2) 10.3%
Off track, significant risks	0 (0) 0%

Total number of reports 29 (28) 100%

Note: Each agency self-rates their progress.

Outcome One – Education

“We get an excellent education and achieve our potential throughout our lives” (New Zealand Disability Strategy 2016 – 2026).

The Ministry of Education (MOE) has five work programmes under this outcome area. (although when reporting the Early Learning Action Plan and the Learning Support Action Plan are reported on separately. The projects and how the agency performed are detailed below.

NCEA Review

Embedding inclusive design into all aspects of the re-development of the NCEA. Status: On track, minimal risk.

Tomorrow’s Schools

Tomorrow’s Schools is not specifically aimed at supporting disabled students, rather the changes impact all students. Status: On track.

Learning Support Action Plan

The Learning Support Action Plan is made up of several workstreams. Some workstreams directly benefit disabled learners e.g. strengthening early intervention services.

Other workstreams have less direct impact on disabled learners e.g. increasing the level of learning support available in Māori medium education. While this initiative will positively impact Māori learners in these settings, the impact for Māori disabled learners is unclear as no relevant data is being collected. Status: On track, minimal risk.

Curriculum Refresh Progress and Achievement

This programme focusses on ensuring the refreshed New Zealand Curriculum is accessible to all learners including disabled learners. Status: On track, minimal risk.

Early Learning Action Plan

All children are able to participate in quality early learning and have the support they need to learn and thrive. Status: Paused.

Reform of Vocational Education

The reform of vocational education meets the needs of all learners including disabled learners. Status: On track.

Key highlights from the reporting period include:

- The new Notification Gateway for Schools making applications for reasonable adjustments to NCEA exams is operational. Schools can decide on reasonable adjustments for their own students without having to ask NZQA.
- The Social and Emotional Learning, whānau Guide was launched in October 2023.
- As part of the Learning Support Action Plan, the MoE continued supporting Te Kōhanga Reo National Trust to create practical resources to support the needs of disabled learners.
- The Inclusive Design Modules, to build capacity and capability of teachers to become inclusive practitioners, were published in August 2023.
- A Ministerial Advisory Group was convened in December 2023 for the Curriculum Refresh work. This Group will provide the Minister of Education with advice on the refreshed English, Mathematics and Statistics learning areas.

- The reform of vocational education work programme has progressed. A report 'Let's get accessible: Disabled students experiences navigating the tertiary education system' is underway. The literature review, survey, and focus groups are all completed.

Some MOE work programmes did not progress as anticipated. Changes to government priorities have impacted work, for example:

- the National Curriculum Refresh was replaced with work to implement structured literacy and numeracy programmes into primary schools.
- The Highest Needs Review¹ was replaced with six key priorities: clearer curriculum; better approach to literacy and numeracy; smarter assessment and reporting; improved teacher training; stronger learning support and greater use of data.

Updates on the MoE's progress during January to August 2024 include:

- Most Learning Support Action Plan priorities are now included as part of a broader Ministerial priority work programme.
- Engagement with the Disability Voices Group on the curriculum refresh has continued.
- Elements of the Common Practice Model have been incorporated into the new draft Mathematics and Statistics learning area for Years 0-8 and the English learning area for Years 0-6.

The Tertiary Education Commission's DAP work programme enables Tertiary Education Organisations (TEO) and the tertiary education sector to improve tertiary education for disabled people. The success of this work programme will be demonstrated by an increasing number of disabled people accessing, participating, and achieving in tertiary education.

This work programme is on track, with the Tertiary Education Commission (TEC making progress on:

- Working in partnership with TEOs to understand how they support the progress and achievement of disabled learners.
- Developing a more accurate picture of the number of disabled learners who access Tertiary Education, through a new disability question on

¹ considered how the education system was enabling disabled children and young people with the highest needs to achieve their full potential in an inclusive education system that delivers fair and excellent outcomes.

the Single Data Return (SDR) to be rolled out as part of the 2025 SDR process.

- Developing new resources for tutors who support Māori and Pacific disabled learners. These resources will add to other online resources as part of 'Kia Orite, supporting disabled learners toolkit'.

The TEC reported all work was progressing as expected. They did not provide a progress report for January to August 2024.

Outcome Two – Employment and Economic Security

“We have security in our economic situation and can achieve our potential” (New Zealand Disability Strategy 2016 – 2026).

The Ministry of Social Development (MSD) leads four work programmes, with some support from the Public Service Commission (PSC) and MDP in the Accessible Employment Programme. MDP has sole responsibility for the Government Internship Programme.

Working Matters Disability Employment Plan

Aims to ensure disabled people have an equal opportunity to access quality employment. Status: Complete due to a shift in government priorities

Replacing Minimum Wage Exemption Permits

Aims to ensure that the 900 New Zealanders being paid less than minimum wage due to their disability can be paid at least the minimum wage. Status: Complete due to a shift in government priorities.

National Information Portal and Regional Hubs

This programme examines the feasibility of developing regional hubs across New Zealand to promote and support the employment of disabled people. Status: On track. This work is now considered Business as usual for MSD.

Accessible Employment (Lead Toolkit, Government Internships, We Enable Us, disability employment resources).

The Lead Toolkit, Government Internship programme and We Enable Us network and resources are the key pieces of work that MSD and the wider

public service are undertaking to promote the employment of disabled people within the public sector. Status: On track.

Key highlights from the reporting period include:

- The Employment Service in Schools (ESIS) programme is continuing to operate in five regions. This programme provides careers and transition advice, work experience and job placements to disabled school students.
- The Lead toolkit refresh has continued with the Public Service Commission taking on this aspect of the work.
- A Disability Awareness training programme for staff in the public service has been procured.
- Role descriptions for future cohorts of disabled interns entering the public service have been planned.

The National Information Portal and Regional Hubs work programme has changed and is now MSD's business-as-usual work. The programme provides information on general and specific employment events for disabled people.

Progress on the MSD summer internship programme for 2023/24 was limited. This is because MDP took over the work close to the summer internship start date.

MSD provided the following updates on their progress during January to August 2024:

- A single Employment Action Plan has replaced all the targeted action plans including the Disability Employment Action Plan.
- Funding for the Employment Service in Schools project has been extended to June 2026.

Outcome Three - Health and Wellbeing

"We have the highest attainable standards of health and wellbeing" (New Zealand Disability Strategy 2016 – 2026).

Five work programmes sit under this outcome area. The Ministry of Health oversees four, and Sport New Zealand oversees one.

Safeguarding Bodily Integrity rights

Protecting disabled people from unwanted treatment. For example, sterilisation and growth attenuation treatment. Status: Off track, minimal risk.

The DPO Coalition is concerned limited progress was made on the 'Safeguarding Bodily Integrity rights' programme, meaning disabled people may be unnecessarily subjected to invasive treatments.

Health Outcomes and Access to Health Services

Transformative work is required to improve health outcomes and reduce inequities facing disabled people accessing healthcare in New Zealand. Status: On track, minimal risk.

Repeal and replace the Mental Health Compulsory Assessment and Treatment Act (1992)

Develop new legislation that takes a human-rights based approach and promotes Supported Decision-Making. The legislation must align with the recovery and wellbeing model of mental health, and provide measures to minimise compulsory or coercive treatment. Status: On track, minimal risk.

Removal of Seclusion and Restraint

Removing the use of all seclusion and restraint, including chemical restraint, from the New Zealand health system. Status: On track, minimal risk.

Sport New Zealand Action Plan

Improve the quality and equity of play, active recreation and sport participation opportunities for disabled children and youth. Status: On track, minimal risk.

Key highlights from the reporting period include:

- The provisional Health of Disabled People strategy progressed.
- Work to collate data on disabled peoples' experiences with abortions and sterilisations continued.

- The Parliamentary Counsel Office (PCO) received instructions to draft new mental health legislation. Proposed changes include placing people seeking mental wellness at the centre of care.
- The Office of the Director of Mental Health and Addiction Services Regulatory report identified information on the levels of seclusion and restraint used on disabled people.
- The Sport New Zealand Action Plan “Everybody Active” is inclusive of disabled people.

The DAP Review Group recommended disability community voices should be strengthened across all health reports.

The Ministry of Health and Sport New Zealand provided the following updates on their progress during January to August 2024:

- The Minister of Health approved the implementation of a Health of Disabled People work programme for improving access to the health system and health services.
- A Cabinet paper to repeal and replace the Mental Health (compulsory assessment and treatment Act) was lodged in August 2024.
- The Sport New Zealand Strategic Plan 2024 – 2028 with a stronger focus on diversity and inclusion, was released in March 2024.

Outcome Four – Rights Protection and Justice

“Our rights are protected; we feel safe, understood and are treated fairly and equitably by the justice system” (*New Zealand Disability Strategy 2016 – 2026*).

Three work programmes sit under this Outcome. The Department of Corrections, the Ministry of Justice and MDP are responsible for the work programmes.

Implementation of Safeguarding Responses for Disabled and Vulnerable Adults Te Aorerekura Action 28.

This programme is overseen by MDP. Increasing supports for disabled adults at risk of family/sexual violence. Status: On track.

Department of Corrections Disability Action Plan implementation

Implement the new Corrections Disability Action Plan. Status: On track, minimal risk.

Ministry of Justice (MOJ) work programme

Includes several smaller programmes aimed at making the justice system more accessible to disabled people. Status: On track, minimal risk.

Key highlights from the reporting period include:

- A prototype Disability Abuse Prevention and Response team (DAPAR) to support disabled people at risk of family violence/sexual violence was established.
- Information and resources about the family court processes were translated into alternate formats.
- The 'Young adult list' neurodiversity project developed a screening tool to determine whether young offenders appearing in court are neurodivergent and require extra support.

The Ministry of Justice's work to produce Parenting order journey maps has been delayed. These journey maps support parents going through separation and navigating the family court system.

The DAP Review Group recommended more information on the specific impact of initiatives on disabled people was required across all reports.

No agencies provided updates on their work for the period January to August 2024.

Outcome Five - Accessibility

"We access all places, information and services with ease and dignity" (New Zealand Disability Strategy 2016 – 2026).

Work under this outcome is undertaken by the following agencies:

- Better Later Life – He Oranga Kaumātua. Agency: Office for Seniors, MSD. Status: On track, minimal risk.
- Accessibility for New Zealanders Bill. Agency: MDP, Status: Off track, minimal risk.
- Accessible public information. Agency: MSD. Status: On track.
- Accessibility Work Programme. Agency: Kāinga Ora. Status: On track, minimal risk.
- Improving accessibility across the NZ Housing Sector. Agency: Ministry of Housing and Urban Development (HUD). Status: Off track, minimal risk.

- Joint Transport Disability Action Plan. Agencies: The New Zealand Transport Agency (NZTA) and Ministry of Transport. Status: On track, minimal risk.

Key highlights from the reporting period include:

- Research on New Zealand's age friendly cities (which are generally more accessible) was conducted by the Office for Seniors.
- MSD's Alternate Formats coordination service continued to function well.
- Kāinga Ora conducted an analysis into their clients' disability status, enabling the organisation to better understand and meet clients' needs.
- NZTA's National Ticketing Solution project continued to progress and both physical and digital accessible designs were considered.
- The Ministry of Transport produced draft discussion papers about the Total Mobility review, for circulation to stakeholders.

Work programmes not progressing as expected included:

- The Accessibility for New Zealanders Bill paused prior to the October 2023 General Election.
- HUD paused work on the review of Kāinga Ora's 15% target for new builds to meet full Universal Design Standards, prior to the General Election.
- Kāinga Ora's work on their Accessibility Policy was paused due a ministerial review.

The DAP Review Group identified reporting under Outcome Five may not fully reflect the level of actual risk.

Updates between January and August 2024 included:

- The Minister for Disability Issues withdrew the Accessibility for New Zealanders Bill on 14 August 2024.
- The Alternate Format Coordination Service moved from MSD to MDP.

Outcome Six - Attitudes

"We are treated with dignity and respect" (New Zealand Disability Strategy 2016 - 2026).

Outcome six does not have specific work programmes. All other work programmes contribute towards improving New Zealanders' attitudes towards disabled people and tāngata whaikaha Māori.

Outcome Seven – Choice and Control

"We have choice and control over our lives" (New Zealand Disability Strategy 2016 – 2026).

This Outcome has two work programmes led by MDP.

Disability Support System Transformation

Transform the way Disability Support Services are delivered and ensure services adhere to Enabling Good Lives Principles. Status: On track, minimal risk.

Supported Decision-Making

Draft guidance to introduce Supporting Decision-Making for disabled people who require this. Status: On track, minimal risk.

Key highlights from the reporting period include:

- Under the Disability Support System Transformation programme – a Transformation Management Board was appointed.
- The Supported Decision-Making Advisory Group completed guidance documents for creating and procuring online resources.

The DAP Review Group was concerned about slow progress to transform Disability Support Services.

Updates between January and August 2024 include:

- The Minister for Disability Issues announced Disability Support Services would move from MDP to a standalone branded business unit in MSD.
- A Māori rōpū to improve te ao Māori perspectives in the Supported Decision-Making project was established.

Outcome Eight – Leadership

“We have great opportunities to demonstrate our leadership” (New Zealand Disability Strategy 2016 - 2026).

One work programme is managed by MDP.

Nominations Database

Increase the representation of disabled people on public sector Boards.
Status: On track.

Key highlights include the creation of an ongoing relationship with the Institute of Directors (IoD). MDP staff will work with the IoD to create more governance opportunities for disabled database members.

The DAP Review Group recommend developing a targeted communications plan to promote the Nominations Database to disabled people.

Disability Data and Evidence

This cross-government work programme is led by MDP, in conjunction with Statistics (Stats) New Zealand.

The aim of this programme is to make disability data available to ensure the development of sound policy and service delivery, that meets the needs of disabled people. Status: On track, minimal risks

A key highlight of the work programme included the establishment of an inclusive Community of Practice to meet regularly to workshop ideas and learn disability measurement progress.

The report identified all aspects of the work are progressing well. However, the DAP Review Group expressed concerns that the Washington Group Short Set Questions (WGSSQ) used for gathering disability data do not include all disabled people. Therefore, relying on WGSSQ only, potentially underestimates the number of disabled people using a particular service.

In March 2024, MDP established a Data and Insights team to provide robust, high-quality disability data, insights and advice, within MDP and across the data system.

Conclusion

This is the final progress report for the 2019 – 2023 Disability Action Plan. Of the 29 work programmes 2 were complete, 24 were on track, and 3 programmes were off track with minimal risk.

Several agencies stated their DAP work programmes became part of business as usual. Some work programmes have been impacted by changes in Government priorities.

The New Zealand Disability Strategy 2016-2026, previous DAP reports and executive summaries, including alternate formats, can be found at: [Disability Action Plan reports | Whaikaha - Ministry of Disabled People](#). For further information about this report, email contact@whaikaha.govt.nz.

Outcome One – Education

Ministry of Education DAP Work Programme (MOE)

The Ministry of Education has six major programmes of work that support the Disability Action Plan:

- National Certificate in Educational achievement (NCEA) Review.
- Tomorrow's Schools.
- Learning Support Action Plan, 2019-2025.
- Curriculum, Progress and Achievement.
- Early Learning Action Plan.
- Reform of Vocational Education

Overall Status

On Track, with minimal risks/issues

Programme Summary

The Ministry's Disability Action Plan (DAP) work programme aims to achieve a curriculum, assessment framework, and learning support system that is inclusive, honours Te Tiriti o Waitangi, and delivers the right support at the right time, so that neurodivergent and disabled learners can get an excellent education that allows them to be present, participate, make progress, and experience positive wellbeing in education. This is the goal across the education system, from early learning to tertiary, and requires that the needs and views of neurodivergent and disabled learners are considered in all the major education system changes that are underway.

Alignment

Outcome one of the New Zealand Disability Strategy is: "we get an excellent education and achieve our potential throughout our lives". The Ministry's work programmes will strengthen the education system's support for this outcome and enable the Ministry to progress our obligations under the United Nations Convention on the Rights of Disabled Persons (UNCRPD).

Work on the Learning Support Action Plan (LSAP) has involved the Ministry working with several agencies/partners as well as supporting Te Kōhanga Reo National Trust (TKRNT), Te Rūnanganui o Ngā Kura Kaupapa Māori o Aotearoa (TRN), and Ngā Kura-a-Iwi (NKaI) with work across LSAP Priorities one and three. The NCEA Change Programme has also involved cross-agency work with the New Zealand Qualifications Authority (NZQA).

Across several of the work programmes there is alignment with the Enabling Good Lives (EGL) principles. The draft content of the refreshed New Zealand curriculum has been tested against the EGL vision and principles and shows strong alignment. Te Tūāpapa o He Pikorua² is founded on the principles of He Pikorua which align with and reflect the intent of the EGL principles. Two of the six LSAP priorities are Early Identification of Learning Support Needs (priority 2) and Strengthening Early Intervention (priority 3). These are consistent with the EGL principles of beginning early and using mainstream options first.

There is ongoing engagement with the disability sector to ensure their voices are reflected in the Ministry's work.

Progress against plan for the period

Action one - NCEA Review

- NCEA Change Programme

Actions completed

In October the new Notification Gateway for Special Assessment Conditions (SAC) was announced and opened.

From October to December, NZQA began transitioning from the current approvals model of SAC to a more equitable, responsive, and sustainable notifications model. This new process will be introduced as a trial with the following changes being made to level 1 starting in 2024:

- Schools and kura will have the option to decide SAC on behalf of learners.

² This is an integrated model of support for learning and is part of He Pikorua which is the whole framework,

- Schools and kura will have the option to notify NZQA of SAC on behalf of learners.
- Schools will not have to provide NZQA with supporting evidence.

The Ministry and NZQA have worked closely to ensure that information about this change in process has been made available to schools and kura, learning support professionals and disability agencies.

The Disability and Learning Support panel have continued to provide advice and lived perspectives to guide and strengthen the inclusive design of NCEA products.

Links have also been established with Arts Access Aotearoa and the regular Blind Low-vision Education Network New Zealand (BLENNZ) Digital Citizens hui, who have begun providing support for NCEA development teams to ensure assessments are designed to be as inclusive and accessible as possible.

Training on applying Universal Design for Learning (UDL) to strengthen inclusive design and practice in NCEA has been provided to National Implementation Facilitators (NIFS) and Learning Area Leads. These teams will be providing support directly to schools and kura and subject associations during the implementation of level 1 in 2024.

The piloting of NCEA Level 1 Standards was successfully completed in 2023 and from the start of 2024 the new Level 1 Standards will come into effect. Three evaluation reports regarding the NCEA Level 1 pilots have been completed and published by Evaluation Associations.

Barriers to progress

N/A

Status

On track with minimal risks

Action two – Tomorrow's Schools

Tomorrow's Schools is composed of many workstreams, most of which do not have a specific focus on disabled learners. Key actions under this workstream that do have a focus on disabled learners are part of the LSAP which are referred to in other sections of this report.

Actions completed

Please see above

Barriers to progress

N/A

Status

On track with Minimal risks

Action three – Learning Support Action Plan

LSAP Priority 1: Learning Support Coordinators (LSC)

- Learning support coordination in Kaupapa Māori and Māori Medium Education

Actions completed

The Ministry is partnering with Te Rūnanganui o Ngā Kura Kaupapa Māori o Aotearoa (TRN) and Ngā Kura-a-Iwi (NKaI) to lead the work to strengthen learning support coordination in Kaupapa Māori and Māori Medium education.

The initial focus has been environmental scans within these settings to understand learning support needs, priorities, and aspirations of ākonga and whānau.

Barriers to progress

N/A

Status

On track with Minimal risks

Action Four – LSAP Priority Two

LSAP Priority 2: Screen and early identification of learning support needs

- Kōwhiri Whakapae

Actions completed

Kōwhiri Whakapae

In September 2023, Kōwhiri Whakapae, the early learning practice and progress tool for social and emotional learning was launched for the early learning sector. This tool provides information to support educators to notice, recognise and respond to learners' growing capabilities over time.

The Social and Emotional Learning Whānau Guide was released in October 2023. This Whānau Guide is part of a set of resources designed for whānau to foster their children's social and emotional learning in the home.

Work is underway to complete the Kōwhiri Whakapae suite to include Oral Language and Literacy, and Maths practices and progressions. Changes have been made to these in response to user testing.

In December 2023 six members of the Ministry's Disability Voices Group reviewed the progressions for oral language & literacy and maths.

Barriers to progress

N/A

Status

On track with Minimal risks

Action Five – LSAP Priority Three

LSAP Priority 3: Strengthening Early Intervention

- Te Tūāpapa o He Pikorua
- Partnership with Te Kōhanga Reo National Trust

Actions completed

Te Tūāpapa He Pikorua

Te Tūāpapa o He Pikorua (He Pikorua) enables a greater focus on universal and targeted supports, as well as individualised support. It positions learning supports within teaching and learning, benefiting

learners with additional learning needs in an inclusive and more timely way. We have continued to focus on strengthening the use of He Pikorua.

Partnership with Te Kōhanga Reo National Trust

We continued supporting Te Kōhanga Reo National Trust to lead the work creating practical resources to support the needs of mokopuna, including those with disabilities and other learning support needs.

Hui were also planned to continue strengthening local relationships.

Barriers to progress

N/A

Status

On track with Minimal risks

Action six – LSAP Priority Four

LSAP Priority 4: Flexible supports for neurodiverse children and young people

- Response to the Highest Needs Review
- Inclusive Design Modules
- Taonga Takiwātanga Wānanga

Actions completed

Response to the Highest Needs Review (HNR)

The Ministry has revised its approach to responding to the findings of the Highest Needs Review and is positioning this in the context of a broader inclusive education work programme. This change of approach has been discussed with representatives of the disability and education sector.

The intent is to ensure a coherent and evidence-based approach to responding to the issues experienced by learners with learning support needs, simplifying and improving the current service through continuous improvement, making the best use of limited resources to improve outcomes for these learners.

Inclusive Design Modules

The Inclusive Design Modules were launched in August 2023 at the Resource Teachers Learning and Behaviour forum. These were published online³ and are intended to help build teacher capability and confidence to be more inclusive with their practice.

The Modules have been connected into the New Zealand Curriculum refresh as part of a suite of resources that will support schools to implement Te Mātaiaho.

Taonga Takiwātanga Wānanga

The Taonga Takiwātanga Charitable Trust, in partnership with the Ministry and iwi, hosted marae-based wānanga for Iwi-led Education Service providers to build capacity to understand and support takiwātanga ākonga and their whānau. During this reporting period, 6 wānanga were held.

Barriers to progress

N/A

Status

On track with Minimal risks

Action seven – LSAP Priority Six

LSAP Priority 6: Improving education for children and young people at risk of disengaging

- Review the stand-downs, suspensions, exclusions and expulsions (SSEE) guidelines

Actions completed

Review SSEE guidelines

The user testing conducted by BERL (Business and Economic Research Limited) in August 2023 showed that the SSEE guidelines have a good mix of practice advice to support schools to minimise the use of SSEE

³ [Inclusive design modules - Planning for diversity | Inclusive Education \(tki.org.nz\)](https://www.tki.org.nz/Inclusive-Design-Modules-Planning-for-diversity)

and, if they do need to use SSEE, explain how to use these within the rules and legislation.

Barriers to progress

N/A

Status

On track with Minimal risks

Action Eight – Curriculum, Progress and Achievement

Curriculum, Progress and Achievement

- Refresh of the New Zealand Curriculum
- Literacy, Communication and Maths Strategy and the Common Practice Model

Actions completed

Refresh of the New Zealand Curriculum

Work has continued on the six-year work programme to refresh the New Zealand Curriculum (NZC). This work is guided by the NZC Refresh design standards, which includes expectations and key indicators of being inclusive of all learners. There is ongoing engagement with the disability community through representation on the Curriculum Voices Group and through Te Poutāhū Disability Voices Group and the Youth Voices Group (disability caucus).

Te Mātaiaho, the refreshed NZC framework was finalised in October 2023, ready for release. It is pending Ministerial approval.

The science, technology and the arts learning areas were refreshed, ready for engagement with the sector and the public in October 2023. They are also waiting for Ministerial approval.

A Ministerial Advisory Group convened in December 2023 to provide the Minister with advice on the refreshed English and mathematics and statistics learning areas, the draft Common Practice Model, and phase-by-phase guidance.

Literacy, Communication and Maths Strategy and the Common Practice Model

The Common Practice Model will provide greater clarity and guidance for teachers through explicit evidence informed pedagogical approaches and practices that support teaching and learning in literacy, communication, and maths for all learners, including disabled learners.

The Inclusive Practices Common Model Group ensured that the design of the common practice model was inclusive of all learners from the outset. This group has representation from the disability sector.

The common practice model and the phase-by-phase guidance is being reviewed by the Ministerial Advisory Group.

The guidance and Frequently asked questions (FAQ) for the hour a day policy was developed in December 2023 by the Literacy & Communication, and Maths Strategy team. The Ministry of Education's Chief Advisor – Inclusion, provided extensive feedback to ensure that it was inclusive and empowering for learners with disabilities in the education system.

Barriers to progress

N/A

Status

On track with Minimal risks

Action Nine - Reform of Vocational Education (RoVE) and related work

- Let's Get Accessible: Disabled students' experiences navigating the tertiary education system⁴
- Disability Indicators

⁴ Formerly known as the Disabled Tertiary Population Survey

Actions completed

Let's Get Accessible: Disabled students' experiences navigating the tertiary education system

The literature review, survey, and focus groups have been completed during this period and the data for the project has been analysed for the report. The survey had 235 responses and 10 students engaged in a mixture of online and in-person focus groups. The survey was translated into NZSL, and a focus group was held with NZSL translation available to enhance accessibility. The literature review has been published and is now available on the National Disabled Students' Association (NDSA) website.⁵

Disability Indicators

In September 2023, the Ministry released a paper reporting on a feasibility study into using health and disability services data in Stats NZ's Integrated Data Infrastructure (IDI) to provide an indicator of disability in the adult population.⁶ The study demonstrates that it is feasible to combine data in the IDI from health and disability services to create an indicator of disability that can be used in research and analysis.

Barriers to progress

N/A

Status

On track with minimal risks

Narrative

Over the July - December 2023 reporting period, there have been significant developments in furthering the Ministry's work programme under the Disability Action Plan.

Work continued on the NCEA review with the Ministry working closely with NZQA on Special Assessment Conditions. From October to December, NZQA began transitioning from the approvals model of SAC to a more

⁵ [Literature Review — National Disabled Students' Association \(ndsa.org.nz\)](https://www.ndsa.org.nz/)

⁶ [Can health and disability services data in the IDI provide a useful indicator of disability? | Education Counts](#)

equitable, responsive, and sustainable notifications model which will be introduced as a trial in 2024. Training on applying Universal Design for Learning to strengthen inclusive design and practice in NCEA has been provided to National Implementation Facilitators and Learning Area Leads who will be providing support directly to schools and kura.

The purpose of the LSAP was to drive progress towards an education system where all learners are welcome and where their achievement, progress, wellbeing, and participation is valued and supported. However, because the priorities focussed on specific groups of learners, the actions were not always integrated in a way that supported an overall inclusive approach. This created challenges for collaboration, encouraged duplication of resources, and has slowed progress toward a fully inclusive education system. Under LSAP Priority 1, the Ministry partnered with Te Rūnanganui o Ngā Kura Kaupapa Māori o Aotearoa and Ngā Kura-a-Iwi to lead the work to strengthen learning support coordination in Kaupapa Māori and Māori medium education. As of December 2023, 177 LSCs were actively participating in the Learning Support Network of Expertise which provides a hub for sharing resources, engaging in professional development, and discussing evidence-based practice.

As part of the Kōwhiri Whakapae set of resources, the Social and Emotional tool and the Social and Emotional Learning Whānau Guide were launched. In December 2023, the Disability Voices Group reviewed progression for the two other tools within Kōwhiri Whakapae: Oral Language & Literacy, and Maths.

Under LSAP Priority 3, work continued on strengthening the use of He Pikorua to enable a greater focus on universal, targeted, and individualised supports. Our support for Te Kōhanga Reo National Trust also continued as it leads the work creating practical resources to support the needs of mokopuna.

The Ministry revised its approach to responding to the findings of the Highest Needs Review under LSAP Priority 4. This change of approach has been discussed with representatives of the disability and education sector. The Inclusive Design Modules were published online and have been connected as part of a suite of resources that will support schools to implement Te Mātaiaho. The Taonga Takiwātanga Charitable Trust held 6 wānanga during this reporting period.

Te Mātaiaho, the refreshed New Zealand Curriculum framework, was finalised in October and is awaiting Ministerial approval for release. The

Science, Technology and the Arts learning areas have also been refreshed and are awaiting Ministerial approval for engagement with the sector and public.

A priority focus within the Literacy, Communication and Maths Strategy has been the development of the Common Practice Model (CMP). The Inclusive Practices Common Model Group ensured that the design of the CPM was inclusive of all learners from the outset. The CPM is being reviewed by the Ministerial Advisory Group.

Work on 'Let's Get Accessible: Disabled students experiences navigating the tertiary education system' progressed with the literature review, survey, and focus groups having all been completed during this period. The data for this project has also been analysed for the report.

The purpose of the LSAP was to drive progress towards an education system where all learners are welcome and where their achievement, progress, wellbeing, and participation is valued and supported. However, because the priorities focussed on specific groups of learners, the actions were not always integrated in a way that supported an overall inclusive approach. This created challenges for collaboration, encouraged duplication of resources, and has slowed progress toward a fully inclusive education system.

Risks/Issues that are or may impact progress and mitigations

NCEA Review

All initiatives have comprehensive risk management plans which are monitored regularly and updated as required.

The Learning Support Action Plan

The Learning Support Action Plan includes several priorities and actions which were subject to future funding for implementation. Funding was not prioritised for some of these planned actions due to competing priorities for the Government and the Ministry. These budget constraints have limited the progress of several actions such as the design and implementation of further tranches of LSCs and the ability to offer training opportunities more widely to enable better use of the resources that have been created.

There have also been significant system changes since the LSAP was developed. Changes include the Education and Training Act 2020 which outlines the rights of learners with learning support needs, the refresh of the New Zealand Curriculum and the redesign of Te Marautanga o Aotearoa, and the launch of our integrated model of learning support, Te Tūāpapa o He Pikorua. These changes have emphasised the need to strengthen inclusion for learners with learning support needs and provide a more visible platform to share and promote inclusive practices.

Curriculum, Progress and Achievement

All initiatives have comprehensive risk management plans which are monitored regularly and updated as required.

Reform of Vocational Education

‘Let’s Get Accessible: Disabled students’ experiences navigating the tertiary education system’.

The project has slowed as resources have been diverted to fulfilling the priorities of the new government. This has caused some frustration with our student partners as the goal was that the full report would be published by February 2024. To mitigate, we have created an A3 to be released in February 2024 on the thematic findings of the report and are aiming to follow up with the full report in mid-April 2024. To minimise risks of inaccessibility the A3 has been created with contrast colours and large fonts. The full report, and a brief summary of it, will be made accessible through translations in easy-read, braille, audio, and NZSL.

Impacts on Inequities

Learning Support Action Plan

One of the key areas to achieve an education system where all learners are welcome and where their achievement, progress, wellbeing, and participation is valued and supported is through building capability across the system to meet the diverse learning needs of all learners.

Across the LSAP priorities and actions there is a focus on building sector confidence and capability to notice, recognise and respond to learners with learning support needs.

Curriculum, Progress and Achievement

Refresh of the New Zealand Curriculum

Te Mātaiaho, the refreshed New Zealand curriculum, gives effect to Te Tiriti o Waitangi and is centred on learning that is inclusive, connected, and equitable for every learner. This curriculum emphasises the values of inclusion, through a focus on positive inclusive relationships, a sense of belonging for every student, and the promotion of diversity as ordinary and expected.

Reform of Vocational Education

‘Let’s Get Accessible: Disabled students’ experiences navigating the tertiary education system’.

This project has a focus on collecting data about the lived experiences of disabled tertiary students. The report aims to be a basis for future advocacy and influencing the development of policies that reduce barriers and inequities faced by disabled students in tertiary education.

While the majority of survey respondents, and all focus group participants, were from universities we did have a sizable portion of survey responses from polytechnics (32%) which is a group of disabled students we previously lacked any qualitative data on. We are hopeful that this will be a useful foundation to continue work helping disabled Vocational Education and Training students.

Disability Indicators

The study demonstrates that it is feasible to combine data in the IDI from health and disability services to create an indicator of disability that can be used in research and analysis. The indicator will not be identical to the disability indicators in the censuses or New Zealand Disability Surveys but will identify an overlapping group of people with similar characteristics and life outcomes.

Disruptions to the planned workflow

Nil.

Next Steps

NCEA Review

Next steps of this work include:

- Support implementation and evaluation of NZQA's new Notification Gateway for Special Assessment Conditions.
- Inclusive design of NCEA Level 2 and 3 products.
- Peer coaching in inclusive design and inclusive practice across the NCEA teams.
- Continue to facilitate partnerships between disability agencies and NCEA development teams to support access to specialist knowledge and expertise.

Learning Support Action Plan

The main focus for the LSAP is to continue strengthening He Pikorua.

LSAP Priority 2

Kōwhiri Whakapae

The Kōwhiri Whakapae suite, including the Oral Language & Literacy, and Maths areas of learning are being prepared for launch in mid-2024.

We are continuing to work with Curriculum Leads and Learning Support Practice Advisers to raise awareness and support the use of the Social and Emotional tools.

LSAP Priority 4

Response to the Highest Needs Review

The findings from the Highest Needs Review are being used to prepare advice and information for the Minister on improving education for learners with learning support needs.

Taonga Takiwātanga Wānanaga

Three wānanga are planned for 2024. The Ministry is also due to receive an updated evaluation report highlighting how the outcomes of these wānanga have been incorporated into schools and RTLB practices.

Curriculum, Progress and Achievement

Refresh of the New Zealand Curriculum

We are awaiting Ministerial review and approval of Te Mātaiaho | the refreshed NZC and the refreshed Science, Technology, and the Arts learning areas to determine next steps for these components of the curriculum.

Schools and kura are still required to use the refreshed English and Mathematics learning areas from the start of 2025. We are recommending to schools and kura that they should continue to prepare to implement the refreshed NZC, but to be aware that there may be some changes following the Ministerial Advisory Groups' recommendations to the Minister.

The fully refreshed NZC is still intended to be implemented from the start of 2027.

Literacy, Communication and Maths Strategy and the Common Practice Model

Our future actions will be confirmed following review by the Ministerial Advisory Group, set up as part the Government's 100-day plan. It is anticipated that future actions will include work on reading, writing and oral language sequence. There will be an inclusive practices contributor group established to ensure that this work is inclusive of all learners.

Reform of Vocational Education

'Let's Get Accessible: Disabled students' experiences navigating the tertiary education system'.

The first draft of the report work will go out for consultation with NZQA, TEC, and National Disabled Students Association (NDSA) from January 12 – February 16, 2024. An A3 summary of the project has also been

created and will be signed out by agencies and published on February 9, 2024 in time for NDSA's hui.

Disability Indicators

The Ministry will be doing further work this year to apply this method to look at the participation and achievement of disabled students in tertiary education.

Updates – As at Augst 31st 2024

Learning Support Action Plan

Most of the work under the Learning Support Action Plan priorities are now being included as part of the broader Ministerial Priority work programme: targeting effective learning support interventions for students with additional needs. More detail about this programme is available here: [Targeting learning support for better student achievement – Education in New Zealand](#).

Curriculum, Progress and Achievement

The refresh of the New Zealand Curriculum

In December 2023, the Minister of Education indicated her desire to review the national curriculum to better align with the Government's priorities for education, including the need for teachers to have a curriculum that provides them with the clarity they need about what to teach, when, and how to support student progress based on the science of learning.

A Ministerial Advisory Group (MAG) was established to provide the Minister with advice on the refreshed English and mathematics and statistics learning areas, the draft Common Practice Model, and phase-by-phase guidance. The MAG delivered their report to the Minister of Education in March 2024.

The Ministry has continued to engage with the Disability Voices Group (DVG) throughout 2024. Now that the reset direction of the curriculum and assessment work programme is clear, we are working with the co-chairs to identify areas that are a priority for DVG input. This includes how the updated Year 0-6 English curriculum and its supports (including phonics checks) are inclusive of all learners.

The Ministry's Curriculum Voices Group (CVG), developed to support the refresh of the NZC, met on 23 August and 10 September this year. Representatives include voices from BLENNZ, Whaikaha, Ko Taku Reo Deaf Education New Zealand, Disabled Persons Assembly NZ, Special Education Principals Association. The CVG has reviewed the updated Mathematics and Statistics Years 0-8 and English Years 0-6 content and provided feedback on the content, as well as how best to engage with their networks and implement change.

Literacy, Communications, and Maths Strategy and the Common Practice Model

Elements of both the Strategy and the Common Practice Model have been incorporated into the new draft Mathematics and Statistics learning area for Years 0-8 and the English learning area for Years 0-6.

Reform of Vocational Education

The "Let's Get Accessible: Disabled students experiences navigating the tertiary education system" Report was completed and published in May. The report is now available on Education Counts⁷ and is available in NZSL, easy-read, braille and audio versions.

As part of the disestablishment of Te Pūkenga and a redesign of the vocational education sector. The Ministry is consulting on changes to the funding system that supports it.

Highest Needs Review

The Highest Needs Review was stated as completed in a previous report. This report refers to this action as a response to the review (now that we've done the review, how do we respond to its findings) and explains that it was going to be repositioned within the broader inclusive education work programme. This work has now been superseded by the Ministerial priority work programme: targeting effective learning support interventions for students with additional needs. This work programme will bring together a combined response to several reviews and inquiries, including the Highest Needs Review. More detail on this work programme is available here: [Targeting learning support for better student achievement – Education in New Zealand](#).

⁷ https://www.educationcounts.govt.nz/publications/tertiary_education/education-learners/lets-get-accessible-disabled-students-experiences-navigating-the-tertiary-education-system

Improving outcomes for disabled learners in tertiary education - Tertiary Education Commission (TEC)

Overall Status

On Track

Programme Summary

The combined effect of work under this programme seeks to enable tertiary education organisations (TEO) and the tertiary education sector to better support disabled learners, to greatly improve the access to, participation in, and achievement in, tertiary education for disabled persons.

As an outcome of our work, we expect to see increased numbers of disabled people accessing, participating, and achieving in tertiary education.

Please note: TECs report on our activities covers the whole tertiary sector, as our activities relate to the whole tertiary sector and cover all disabled learners. We do not specifically report on any subsectors activities/ impairments unless these are specific to one of our work areas, we are using them as an example, or reporting against a fund.

Alignment

New Zealand Disability Strategy: This programme of work primarily contributes to Outcome 1 – Education. It also contributes to aspects of Outcome 7 – Choice and Control, through seeking to improve the way disability support services within tertiary organisations respond to and engage with disabled learners; aspects of Outcome 5 – Accessibility, through supporting tertiary organisations to better understand and respond to the access needs of disabled learners; Outcome 6 – Attitudes, through supporting tertiary organisations with best practice guidance and training materials to support staff in their interactions with disabled learners; aspects of Outcome 2 – Employment and Economic Security, through working to support the tertiary system to improve work experience opportunities for disabled learners and to improve employment outcomes through enabling disabled learners to achieve at the tertiary education level.

The TEC work programme also aligns with the Internal Monitoring Mechanism (IMM) Making Disability Rights Real Report recommendations:

Education: Recc 78: TEC's work programme is strongly focused on more collaborative and inclusive work with disabled people in the design of system improvements. Disabled people are currently leading or heavily involved in work in the programme via community engagements and employment within TEC. Recc 80: The Unified Funding System work (part of the Review of Vocational Education - RoVE), has a component to address underfunding for learner support in the tertiary sector. Work on this incorporated co-design with disabled people.

This work programme also aligns with the Enabling Good Lives (EGL) Principles:

TEOs are being supported to understand disabled people as disabled by systems, not impairments through TECs resources and learning modules (Ordinary life outcomes); TEOs are focusing more on the voice and needs of disabled people through developing and implementing their Disability Action Plans (DAPs) which require significant learner participation in development (Mana enhancing; Relationship building); TEOs are improving their practice for disabled learners through implementing TEC guidance (Easy to use).

In addition, TEC Works with other agencies: For example, TEC works with the Ministry of Education (MOE) on all aspects of its work programme, to ensure alignment and to create sustainable pathways across the whole education sector. We are also working with the Ministry of Social Development (MSD) and the Ministry of Health (MOH) to understand potential funding and other supports for disabled learners.

TEC partners and contracts with peak bodies and representative groups to support our work. These relationships include, Disabled Peoples Organisations (DPO's), NZ Disabled Students Association, ACHIEVE (the national network to ensure equal opportunity and access to post-secondary education and training for people with impairments – www.achieve.org.nz), Altogether Autism, the NZ Neurodiversity Community of Practice, ADHD NZ and other civil sector organisations across the disability and neurodiversity space.

Progress against plan for the period

Action One

Capture more data around disabled learners – equity funding reporting. Annual activity, ongoing for life of programme. (Work is focused on increasing disability reporting and collection of more disability specific data).

Actions completed

Data for the 2022 educational year has been received and analysed. The sector report can be found here:

[Monitoring and reporting – Equity Fund | Tertiary Education Commission \(tec.govt.nz\)](https://tec.govt.nz/monitoring-and-reporting-equity-fund)

Barriers to progress

N/A

Status

On track or Ahead

Action two

Partnering with TEOs to understand what they are doing to support disabled learners. Annual activity, ongoing for life of programme.

Actions completed

Data for the 2022 educational year has been received and analysed. The sector report can be found here:

[Monitoring and reporting | Tertiary Education Commission \(tec.govt.nz\)](https://tec.govt.nz/monitoring-and-reporting)

Barriers to progress

N/A

Status

On track or Ahead

Action three

Changes to the collection of disability information on the generic enrolment form for the 2025 data system refresh

Actions completed

Provider concerns regarding the adjustments to the single data return (SDR) question around disability have been addressed. TEO data warehouse managers and system vendors have begun the process of updating processes for collecting and storing the information. The new question is required to be introduced for 2025 enrolment.

Barriers to progress

N/A

Status

On track with low risks /issues

Action four

Ongoing requirement for Disability Action Plan's (DAP) for tertiary education organisations (TEO's).

Actions completed

We received 10 DAPs as part of the investment round, with other providers voluntarily submitting updates to their plans. TEO's DAPs have set targets for Disabled Learner outcomes, these can be seen in individual DAPs. DAPs were assessed by TEC staff. Plan required TEOs were provided with a feedback letter in December, with a feedback sector report to follow early in 2024.

Barriers to progress

N/A

Status

On track or Ahead

Action five

Development of Kia Ōrite Toolkit resources – Māori and Pasifika Disability Capability

Actions completed

We engaged with Māori and Pacific experts and have begun the process of translating their experiences into a learning resource. This will sit alongside the disability confidence e-learning modules in the Kia Ōrite toolkit, while maintaining the mana with which their experiences were shared.

Barriers to progress

N/A

Status

On track or Ahead

Narrative

There continues to be a strong focus on disabled and neurodiverse learners across the education sector. This, combined with continuing interest and support from the current Government, has ensured TEC is in a good position to support sector capability improvements in this area. Work programmes have steadily progressed, and we are always looking at ways to identify gaps in knowledge and how we can help the sector set global trends in improving equitable outcomes for disabled learners.

There has been on-going engagement with TEOs in producing Disability Action Plans, with private training establishments (PTEs) being the majority of those required to submit in 2023. A sector feedback letter will be released in early 2024 that will cover key themes and trends identified. As DAPs become published, we will see a trend towards yearly updates against their DAP from TEOs rather than resubmission of full plans. This follows the continuous development cycle that is best practice.

The Kia Ōrite toolkit is accessible as a living document with associated e-learning modules, both hosted on the ACHIEVE website. We will be expanding the resources available as work programmes are completed. The e-learning modules released to accompany the toolkit have been well utilised across the sector. As of 28 November 2023, there were 1800 registrations with 1176 completions across the three modules.

We have reviewed the recommendations by the Internal Monitoring Mechanism (IMM) and the United Nations Convention on the Rights of People with Disabilities (UNCRPD) concluding examination, and we are confident that we are meeting our obligations under the UNCRPD by including disabled people in our work programmes, as we build towards a more learner-centric tertiary education system.

We would be pleased to provide an in-person update to the Disabled Peoples Organisations (DPO) Coalition on this work at any stage. More detail on this is included in Next Steps, below.

Risks/Issues that are or may impact progress and mitigations

With the change of government and new tertiary education minister, there may be a shift in priorities that impact the progress of our work plans. At this stage the risk is low, and we are continuing as intended.

Impacts on Inequities

The TEC's work programme is focused on longer-term system change, to improve the way the tertiary system supports and enables disabled learners. As a result, there are no immediate impacts on inequity that we can report.

Disruptions to the planned workflow

No specific changes.

Next Steps

Yearly reporting on equity and special supplementary grant funding - data analysis and consideration of implications for wider TEC / MOE work programs.

Engagement with Māori and Pacific communities for feedback on draft of e-learning module.

Continue data collection project, with focus on determining standardised data collection sets (needs whole of Government input).

Support TEOs to continue development of their Disability Action Plans (applies for all providers who get over \$5M TEC funding).

Monitoring of DAPs and progress against plans as part of the TEC Investment Plan process. Ongoing provision of advice and support to sector.

Partnering with TEOs to understand what they are doing to support disabled learners. (Ongoing for life of programme).

Outcome Two – Employment and Economic Security

Working Matters Disability Employment Action Plan (MSD)

Overall Status

Complete

Programme Summary

'Working Matters', the Disability Employment Action Plan aimed to help ensure that disabled people, including people with health conditions, are provided an equal opportunity to access quality employment. 'Working Matters' provided guidance for government agencies and industry (including employers, trainers, regulators, and unions), especially where they were working on employment support initiatives.

The core objectives of 'Working Matters' were to:

1. Support people to steer their own employment futures – this included prioritising pathways for disabled school leavers into employment or training and other career pathways.
2. Back people who want to work and employers with the right support – this included increasing both employment services and information and support available for employers.
3. Partner with industry to increase good work opportunities for disabled people and people with health conditions – this included partnering with businesses and innovators to grow employment opportunities for people with diverse support needs, e.g., part time or intermittent work, job tailoring, as well as creating more inclusive workplaces (with the public sector taking a lead).

Alignment

'Working Matters' supported the New Zealand Disability Strategy (2016-2026) and Disability Action Plan (2019-2023) Outcome Two (Employment and Economic Security). 'Working Matters' was one of several plans under the previous Government's Employment Strategy that aimed to create a productive, sustainable, and inclusive labour market.

There were 24 initial actions in 'Working Matters' for various responsible Government agencies including the Ministry for Social Development (MSD), the Ministry of Education (MOE), the Tertiary Education Commission (TEC), The Ministry of Business, Innovations and Employment (MBIE), Manatū Hauora (MOH), the Public Service Commission (PSC), and the Human Rights Commission (HRC). These actions aim to help disabled people (including people with health conditions) to participate in employment, as they wish, on an equitable basis with others.

Progress against plan for the period

Action One

A six-monthly monitoring and reporting dashboard to the Minister of Social Development and Employment for public release.

Actions completed

No monitoring and reporting dashboard was provided to the Minister or released publicly due to the formation of the new Government.

Barriers to progress

No monitoring and reporting dashboard was provided due to the formation of the new Government.

Status

Off track with minimal risks

Action Two

A six-monthly update briefing led by MBIE with input from agencies for Employment, Education and Training Ministers Group (EETMG).

Actions completed

No report was provided during the formation of the new Government.

Barriers to progress

N/A

Status

Complete

Action three

Employment Service in Schools (ESiS) pilots continuing to support disabled learners to achieve improved wellbeing through further education, training, and employment.

MSD's Employment Service in Schools pilot provides access to students who are in their final two years of secondary school who have a disability, mental illness, neurodiversity, or health condition(s) lasting at least six-months. The programme provides career and transition support, work experience, placements, and on-the-job employment support.

There are 10 providers currently contracted by MSD to deliver the ESiS programme across five regions: Otago-Southland, Canterbury, Wellington, Waikato, and South Auckland.

Actions completed

Through Budget 23, the previous Government invested \$2m in 2023/24 to continue the ESiS pilot until June 2024. This pilot has provided disabled learners with career and transition support, work experience, job placements and on-the-job employment support to participate fully in the labour market.

ESiS is operating in five pilot regions and has brought together the support provided by schools, employers, whānau and communities to promote and sustain employment for disabled people.

Barriers to progress

This is a time-limited programme, now due to finish in June 2024

Status

Complete

Action four

Through Budget '23, the previous Government invested \$3.394 million over two years (2023/24 to 2024/25) to test delivery of vocational rehabilitation and pain management services from ACC providers in two urban regions and deliver them to 150 people living with musculoskeletal pain or impairments.

Actions completed

A procurement plan and service model has been drafted for this work.

Barriers to progress

Confirmation of government priorities

Status

Off track with minimal risks

Action five

Continued support for disabled people to enter and remain in employment through Oranga Mahi supports. To increase referrals, a communications plan will be developed for MSD frontline staff to increase awareness of the programmes.

Actions completed

Through Budget '23, the previous Government invested \$36.262 million for six health and employment trial services, along with operational support (including FTEs) to enable continued delivery of the Oranga Mahi programme for an additional two years (2023/24 to 2024/25).

The communications plan was completed, and communications collateral developed and posted on MSD's intranet for staff.

Barriers to progress

N/A

Status

Complete

Narrative

The 'Working Matters' Disability Employment Action Plan has been completed, with actions in place that have produced positive outcomes for disabled people. Some actions have been placed on hold or deferred whilst Ministerial direction is confirmed. However, work aligning with the objectives of and reflecting the actions within 'Working Matters' has continued.

Progress has included the stated actions above that received Budget '23 funding, as well as other ongoing work such as disabled people receiving the Training Incentive Allowance, and policy work to better support disabled people into employment where appropriate, including people experiencing mental health issues.

Risks/Issues that are or may impact progress and mitigations

Whilst Ministerial direction is confirmed on the future of Employment Action Plans, there is a risk that stakeholder expectations (from the wider disability community) will not be met.

Uncertainty can also impact on planning for future services, for instance the ability to integrate trials into business as usual, or to extend services to wider cohorts.

Impacts on Inequities

Trial services such as Oranga Mahi and the vocational rehabilitation trial are designed to address inequities.

Oranga Mahi is a programme of cross-agency trials and services delivered in partnership with Primary Health Organisations, District Health Boards health organisations, iwi and community providers. Services respond to a range of aspirations, circumstances, and needs to reduce inequity. For example, Rākau Rangatira is an integrated Kaupapa Māori health and employment service that uses a by Māori, for Māori approach and is targeted to people with mild to moderate mental health and addiction

issues. It supports participants and their whānau to improve their wellbeing and employment outcomes across a number of domains.

Take Charge and E Ara E are adapted Individual Placement Support services delivered in partnership with community services and are specifically targeted to young people (aged 18-24 years) with common mental health and addiction issues.

Vocational rehabilitation services are specifically for people with musculoskeletal conditions, which are predominantly experienced by older people. Māori are also overrepresented with these conditions.

Disruptions to the planned workflow

Given the tight fiscal environment, the Government is prioritising cost-savings. This could have implications for this work.

Next Steps

A review and refresh of 'Working Matters' was scheduled for the end of 2023. With a change of Government at this time, this refresh has been paused until officials receive further Ministerial direction. Ministerial direction is also required for addressing the UNCPRD recommendations.

The Minister of Social Development and Employment is responsible for the overall employment strategy that the employment action plans sit within. MBIE will engage with the Minister to understand how she would like to proceed with the strategy and action plans.

Update as at 31 August, 2024

Employment Action Plans

The new Employment Action Plan has replaced both the Employment Strategy and the previous EAPs, and they are no longer considered to be active. As noted, some of the actions were completed, but many actions are no longer relevant to the current economic and labour market landscape and the Government's priorities.

There were areas of focus in the previous EAPs that are still broadly relevant, and Ministers have set work programmes with agencies on these (for example, work on reforming the vocational education and training system, workforce planning, and improving educational outcomes) –

where agencies feel that actions from the previous EAPs are still relevant, discussions with their relevant Minister on integrating those actions into current work programmes may be needed.

Employment Service in Schools (ESIS)

As at 29 August, there are 375 learners and 110 schools participating in the ESiS programme and a total of 1135 students have received support through ESiS since it began in 2022.

Funding for the pilot has been extended to 30 June 2026 and MSD is developing future options for the service.

Service metrics from the ESIS pilot are as follows

- 100% of students enrolled in the service have an collaboratively developed Education to Employment Plan.
 - 80% of students improve work-readiness as measured by changes in pre- and post- service evaluation
 - 100% of students have a seamless transition
 - 100% of students are supported to remove or reduce employment related barriers
 - 75% of students and their families/whānau/aiga improve their perception of employment as the best post school option as measured by changes in pre- and post- service evaluation.

Some of the successes of the ESiS programme include:

- An evaluation of the pilot in 2022 found that the programme was highly successful. It found that ESiS was effective in making progress towards the programme's objective of supporting learners to plan for life after school including training and employment outcomes, and built strong partnerships with families, schools, and other stakeholders, while empowering participants.
- The programme supports employers to provide appropriate work environments for young people with disabilities and equips whānau and schools to assist the transition of young disabled people into education, training, and employment.
- Since the pilot launched there has been high demand for the ESiS programme, including requests to scale up and implement the programme across more regions.

Vocational Rehabilitation and Pain Management

- Through Budget F23, MSD was allocated funding to test delivery of vocational rehabilitation and pain management services from ACC providers as part of a new service designed by MSD over a two-year period. Due to cost saving exercises required to be carried out by the business, this initiative was paused.
- ACC funded Vocational Rehabilitation services are currently not available to the people within the welfare system with musculoskeletal impairments who are ineligible for ACC support, many of whom remain on benefit long term due to gaps in support. This test pilot intends to trial these supports for MSD Clients with Musculoskeletal conditions and pain using ACC contracted providers.
- For F25, VOC rehab was allocated a significantly reduced budget from the original, to implement a pilot in two regions – Auckland Central and Wellington, which was originally agreed to in our initial stages following Budget F23 announcements. The design, implementation and provider management is all being done in the Regions between the Regional Contracts Managers and Regional Commissioners. Our National Office team is playing a supportive role and will have oversight through monitoring and reporting due to the change in Scope and timeframe to test this initiative.
- The original Budget Bid noted: “The scoping and approach for this initiative was informed by previous consultation with disabled people, communities and reference groups on employment including Working Matters – the Disability Employment Action Plan, the Disability Strategy, and the Welfare Overhaul.”
- The Regional teams are procuring providers through a closed tender process which was approved by the Procurement Board in August, and are making the decision this week on who will be contracted to deliver this service in partnership with the regions.
- This initiative is likely to go live at the end of September 2024 and is funded to 30 June 2025.

Accessible employment (Lead Toolkit, Government Internships, We Enable Us, Disability Employment Resource) (MSD)

Overall Status

On Track

Programme Summary

The Accessible employment work programme is supported by several streams of work as listed below

- The Lead Toolkit, which is a resource designed to promote and support the employment of disabled people within the public sector.
- All of Government (AOG) Disabled Internship Programme, which works to promote and support disabled students to access mainstream public sector internship programmes.
- Disability Employment Resources.
- We Enable Us, the AOG Disability Employment Network.

Alignment

This work programme aligns with Outcome Two of the New Zealand Disability Strategy, Employment and Economic Security. Additionally, it aligns with and supports the intention of Papa Pounamu - the All of Government Diversity & Inclusion work programme. This work also aligns with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) Concluding Recommendation 52 (a), (b) and (c), with a number of these cross-agency employment initiatives contributing to the outcomes of the Disability Employment Action Plan, as referenced in supporting “Work and Employment (art.27)”.

Progress against plan for the period

Action One

Refresh of the Lead Toolkit

Actions completed

The refresh of the Lead Toolkit continues. This is now a key action as part of Te Kawa Mataaho's Diversity and Inclusion work programme, Papa Pounamu.

Barriers to Progress

Previous Full Time Equivalent (FTE) resource for this work programme ended and there was an extended period of time without resource. This has now been rectified.

Status

On track with Minimal risks

Action Two

AOG Disabled Internships work programme review.

Actions completed

MSD began the recruitment of a newly developed FTE role to support the development of a twin-track programme to increase opportunities and remove barriers to enable a wider range of disabled employees to enter the public sector workforce. Part way through this process, this work was transferred to Whaikaha in September 2023 and no longer sits with MSD.

(Editors Note: for future details about this part of the work programme, please see the separate report below from Whaikaha – Ministry of Disabled People).

Barriers to progress

This programme has moved to Whaikaha which may slow progress, through a transition period.

Status

Responsibility for this action has moved to Whaikaha.

Action Three

Disability Awareness training

Actions completed

A sub-committee of the disabled public sector continue to work on the development of a disability awareness training resource. During this period a number of current government programmes were reviewed and a base programme was chosen for adaptation.

Barriers to progress

No barriers at this time.

Status

On track with Minimal risks

Narrative

Work continues on the Lead Toolkit, and additional content is being created. Work has been undertaken to align this with the 2024 Te Taunaki Public Sector employee survey and new advice provided by Te Kawa Mataaho around Gender and Ethnicity Pay Gap. MSD will continue to align messaging within the Lead Toolkit with ongoing Disability and Rainbow Pay Gap work currently being undertaken.

A sub-committee of the AOG Principal /Lead Disability Advisors with lived experience of disability reviewed current government offerings and have chosen to adapt a training currently offered by the Tertiary Education Commission (TEC) called Disability 101. This has been graciously offered without cost by TEC. This is being adapted to become a 3-module online training, which will be available for all government agencies as a baseline introduction to disability within the public sector. Work continues on ensuring tāngata whaikaha Māori and Pacific understanding of disability are included.

Risks/Issues that are or may impact progress and mitigations

Timeframes for other pieces of work which impact on the Lead Toolkit may delay its finalisation for example, the newly established work on the Disability and Rainbow Pay Gap. It will be important to align the Lead Toolkit with any resulting messaging from this activity.

Impacts on Inequities

The widening of the scope of the Lead Toolkit to include neurodiversity, aging-related disorders and additional mental health content will additionally support these population groups. By working alongside Te Kawa Mataaho and results of the Te Taunaki survey, MSD can further explore and speak to intersectionality within the resource.

Intersectionality of inequities is noted within the Disability Awareness training. Data results from Te Taunaki which introduce the concepts of intersectionality will also be included.

Disruptions to the planned workflow

Nil

Next Steps

Work continues on the Lead Toolkit resource, with development of case studies and use of personal stories to be included. This will provide a more positive tone to the document.

The disability awareness training module development will continue over the next 6 months.

Supplementary Report - Internship Programme (Whaikaha – Ministry of Disabled People)

Overall Status

On track with Minimal Risks

Programme Summary

In October 2023 Whaikaha launched a Summer Internship Programme in partnership with the National Disabled Students Association (NDSA). This work was formerly undertaken by MSD and was passed to Whaikaha halfway through this reporting period.

The programme provides internships that aim to grow and develop the skills of disabled young people with limited work experience (but essential life experience) through inclusive pathway opportunities. Most participants were current tertiary students or recent graduates. Interns would undertake varied work programmes tailored to their individual needs, backgrounds, and experience.

Alignment

The programme is in alignment with Outcome two: Employment and Economic Security in the New Zealand Disability Strategy (2016 – 2026) and the New Zealand Disability Action Plan (2019-2023). The programme is also in alignment with Outcome Eight: Leadership.

The work programme further aligns with EGL principles; person-centred, ordinary life outcomes and mana enhancing.

The programme does not align with recent recommendations made by the Independent Monitoring Mechanism (IMM) or the recommendations from New Zealand's second review from the United Nations Committee on the Rights of Persons with Disabilities in September 2022.

Progress against plan for the period

Action one

Establish a Project Lead role in the People and Culture team.

Actions completed

Given the short lead-in time the Internship Programme was led by the DCE People and Culture.

Barriers to Progress

Short lead in time.

Status

Off track with minimal risks.

Action two

Build a disabled-person led steering group to confirm the high-level scope and outcomes expected, and to agree a shared approach for undertaking the project.

Actions Completed

This action was not completed.

Barriers to Progress

Given the short lead in time, Whaikaha opted to limit the 2023/24 internship programme to be own-agency rather than government wide. The reason for this decision was to learn and test in our environment. Governance requirements for future years will be considered as part of the next phase of establishing an intern programme.

Status

Off track with Minimal Risks

Action three

Complete the initial design of the pilot programme.

Actions completed

The initial design of the pilot programme was agreed by the DCE People and Culture with NZDSA input and work to implement it was completed

by members of the People and Culture Group in collaboration with the expected managers and buddies of the intern cohort.

Barriers to progress

Nil.

Status

Complete.

Action four

Confirm the role descriptions, and remuneration (at least living wage) for participants, as well as ensuring any entry criteria, such as security checks are accessible.

Actions completed this period

A role description was established, and remuneration set at living wage. An accessible recruitment process was used.

Barriers to progress

Nil.

Status

Complete.

Action five

Identify the initial cohort and work through a selection process.

Actions completed

In partnership with the NDSA the roles were advertised through core tertiary institutions and their relevant Disabled Student Associations (DSA). Five interns were recruited by Whaikaha and placed across three Business Divisions (1 x Policy, 1 x People and Culture and 3 x Commissioning, Design and Delivery). This initial cohort were pilot participants giving valuable feedback on potential improvement opportunities.

Barriers to Progress

Nil.

Status

Complete.

Action six

Onboard and provide ongoing pastoral support, including linking with disabled employee networks and mentoring.

Actions completed

Interns were onboarded and provided with ongoing pastoral support, including a mentor. Access to the disabled employee network at Whaikaha was available. All interns were invited to participate in the Whaikaha cohort induction programme.

Barriers to progress

Nil.

Status

On track with Minimal risks

Narrative

The opportunity to carry out a detailed design phase for the pilot programme at Whaikaha was constrained given the timeline for transfer of the programme from MSD to Whaikaha. The Internship Programme was identified as an opportunity for the People and Culture Intern to scope and design the Whaikaha Internship Pathway for future years. This work is on track for the 2024-25 intake.

Given the short lead-in time in the first year, the work involved in ensuring the intern programme was delivered in 2023/24 was led by the DCE People and Culture with tasks shared by members of the People and Culture Group depending on their areas of responsibility, and with ongoing advice and support from NZDSA. In particular, the Principal Advisor Recruitment played a key role in implementation. In future

years, it is expected that the intern programme and its development will be led by the Employment Pathways Lead, with that person ensuring that appropriate governance structures are in place.

Role descriptions were created based on an existing Enabling Good Lives Intern role. Amendments may be recommended for future years.

Remuneration was offered at living wage as planned. To ensure the removal of barriers faced by applicants during the application process; accessibility and reasonable accommodations were carefully considered. For example, the recruitment process was stated ahead of time so that candidates were made aware of the whole process. Shortlisted candidates were sent the interview questions in advance to allow preparation and the environment/panels were kept the same for each area to ensure fairness and consistency. Reasonable accommodations were routinely asked about throughout the process, and how each candidate preferred to be communicated with was understood from the start. The application process asked for a video from candidates to help identify their strengths, aspirations and needs and in turn, allow meaningful employment. Interim feedback from interns indicate that they took immense pride in knowing the work they undertook would contribute to both disabled people and the wider community. The police vetting was provided in accessible word form. Assistance was made readily available, if required.

The internship programme presented an opportunity for a pre-existing Whaikaha employee with lived experience of disability to take on a leadership role acting as a mentor to the intern cohort. Their leadership potential and extensive knowledge of disability issues was recognised and contributed significantly to the success of the programme. The ongoing pastoral support provided included informal 1-1 catchups and some whole cohort catch-ups. Some interns were asked to lead out on projects therefore the presence of mentorship and support was invaluable.

Risks/Issues that are or may impact progress and mitigations

The key risk with the programme is the time commitment required to successfully host intern cohorts. There are also substantial financial costs associated with providing a comprehensive programme. An assessment of how the pilot programme impacts on workloads, workflows and future resourcing is required to support the programme and is being carried out as part of future recommendations.

Impacts on Inequities

Given the small size of the cohort and the way it was set up this time, we cannot report on impacts on inequities and intersectionality. We will consider how to do this meaningfully as part of the recommendations for future years.

Disruptions to the planned workflow

None

Next Steps

Evaluation of the pilot internship programme to form recommendations for the future, including how the programme should be offered across the public service, considering lessons learned from the Whaikaha experience.

Update as at 31st August 2024

Early preparations for the 2024/2025 cohort of interns began during this period to reflect the learnings from last year's cohort. The actions achieved include the appointment of the Employment Pathways Programme Lead who is responsible for leading this work as part of Te Kairangi Tūrama Muri, the Disability Four-point plan. Engagement with potential intern hosts within Whaikaha was promising and progress was made in designing a virtual information evening. There was interest to raise the diversity of the intern cohort, including tāngata whaikaha Māori, Pacific peoples and tāngata Turi (Deaf People). Plans were being made to better support managers to lead interns successfully and raise their disability confidence.

The independent review of Whaikaha paused work regarding the internship programme. Once Whaikaha is established as a standalone public service department we are exploring the set-up of a steering committee, and an AOG summer internship programme piloting with Whaikaha and MSD.

The standalone organisational priorities and new structure gives the opportunity to fully understand the scope of this programme and mitigate the risks.

National Information Portal and Regional Hubs (MSD)

Overall Status

On Track

Programme Summary

This work is now Business as usual.

Alignment

This work programme aligns with the New Zealand Disability Strategy (2016-2026) Outcome Two: Employment and Economic Security. This work also aligns with the UNCPRD Concluding Recommendation 52 (a), (b) and (c), with a number of these cross-agency employment initiatives contributing to the outcomes of the Disability Employment Action Plan, as referenced in supporting "Work and Employment (art.27)".

Progress against plan for the period

Action One

This work programme now falls under BAU for MSD.

Actions completed

Ongoing dedicated Jobs and Skills Hubs and Connected events delivered nationally.

Barriers to progress

Nil

Status

On track

Narrative

Ongoing dedicated Jobs and Skills Hubs nationally, as well as cross-agency Connected events supported by MSD Work Brokers, Employment Liaison Advisors and MSDs Regional Disability Advisors.

Risks/Issues that are or may impact progress and mitigations

There are no risks associated with this programme.

Impacts on Inequities

Connected events are supported by local agencies, including Kaupapa and Pacific-led organisations.

Disruptions to the planned workflow

Nil

Next Steps

Business as Usual.

Replacement of Minimum Wage Exemption (MWE) (MSD).

Overall Status

Complete

Programme Summary

Section 8 of the Minimum Wage Act 1983 allows Labour Inspectors to issue MWE permits to individual employees if the inspector is satisfied that the employee is “significantly and demonstrably limited by a disability” in carrying out their work. This means the employer can pay those employees less than the minimum wage, sometimes as little as \$1 – \$2 an hour.

In 2014 and 2022, the United Nations Committee on the rights of Persons with Disabilities (UNCRPD) recommended New Zealand explore alternatives to the MWE scheme.

Work has been ongoing since 2015 to replace MWE permits with a wage supplement. The wage supplement is a government funded subsidy that will ‘top up’ the wages of disabled employees that are named in MWE permits. The wage supplement is intended to create an environment where the repeal of Section 8 of the Minimum Wage Act 1983 is possible.

Alignment

The wage supplement to replace MWE permits aligns with outcome 2, ‘employment and economic security’, of the New Zealand Disability Strategy (2016-2026). This work programme supports this outcome by ensuring that all disabled people in New Zealand are paid at least the minimum wage, thus increasing the economic security of disabled people in New Zealand.

The wage supplement to replace MWE permits directly responds to the United Nations Committee on the Rights of Persons with Disabilities (UNCRPD) 2022 concluding observation. In 2022, the UNCRPD recommended that New Zealand “repeal section 8 of the Minimum Wage Act of 1983 and ensure that persons with disabilities are paid on the principle of equal pay for work of equal value”. The purpose of the wage

supplement is to create an environment where the repeal of Section 8 of the Minimum Wage Act 1983 is possible.

The Independent Monitoring Mechanism (IMM) recommended in 2022 that a “moratorium should be put in place immediately on any new MWEs, and work to change the law should be completed within a specified period of time, in order to eliminate discrimination and exploitation of disabled people in employment”. The wage supplement to replace MWE permits aligns with this recommendation as the purpose of the wage supplement is to create an environment where MWE permits are no longer used and legislative change is possible.

Action One

The main actions that were planned for the past 6 months for this work programme were:

- development of wage supplement design options
- confirmation of the new Minister for Social Development and Employment’s interest in progressing with the wage supplement following the 2023 general election.

Actions completed

Wage supplement design options were successfully developed in the past 6 months. Options for a wage calculation method (how MSD will calculate its financial contribution to the wage supplement) and eligibility for the supplement were developed and tested with the wage supplement Steering Group.

Officials provided advice to the Minister for Social Development and Employment to confirm their interest in progressing with the wage supplement to replace MWE permits. The Minister confirmed that they do not wish to progress with the wage supplement. All work on the wage supplement has since ceased and Budget 2023 funding for the supplement will be returned to the centre as part of the Budget 2024 process.

Barriers to progress

Work on the wage supplement has been completed following the Minister of Social Development and Employment's decision to discontinue the wage supplement in December 2023.

Status

Complete.

Narrative

During the past 6 months, officials worked on developing options for the design of the wage supplement. There were two key design issues that we were seeking to address; the wage calculation method (how MSD will calculate its financial contribution to the wage supplement) and eligibility criteria for entrance onto the supplement. Design options were developed and tested with the wage supplement Steering Group.

Following the introduction of the new Government, officials at MSD tested the new Minister for social Development and Employment interest in progressing with the wage supplement to replace MWE permits. In December 2023, the Minister directed officials at MSD to discontinue the wage supplement. Work on the wage supplement has now been ceased and is complete. The Minister has yet to indicate whether they are interested in alternative approaches to replacing Section 8 of the Minimum Wage Act 1983.

While the wage supplement would have created an environment where the repeal of Section 8 of the Minimum Wage Act 1983 was possible, it was an imperfect solution. The wage supplement was controversial and unpopular with the employers utilising MWE permits, and whānau members of employees named in MWE permits. These groups were concerned the wage supplement would make employers utilising MWE permits financially unviable and as such, cause disabled people to lose their jobs. In addition to being controversial, the wage supplement was a costly solution. The wage supplement would have cost the Government \$48.921M in operating funding and \$10.001M in capital funding. Considering the current fiscally constrained environment, this is a significant sum to be spent on one initiative.

Risks/Issues that are or may impact progress and mitigations

Progress on the wage supplement has been stopped following the Minister of Social Development and Employment's decision to discontinue the wage supplement to replace MWE permits. Work on the wage supplement has now ceased and is complete.

Impacts on Inequities

The wage supplement to replace MWE permits would have positively impacted disabled people who are named in an MWE permit. The wage supplement would have ensured that all disabled people named in MWE permits were paid at least the minimum wage. This would have primarily impacted people with intellectual and developmental disabilities, as well as psychiatric conditions, as these groups make up the majority of MWE permit holders.

Disruptions to the planned workflow

The Minister for Social Development and Employment's decision to discontinue the wage supplement to replace MWE permits has disrupted this work programme. Work on the wage supplement has been ceased and is complete.

Next Steps

Officials at MSD will work to develop external communications for stakeholders regarding the discontinuation of the wage supplement. Key stakeholders include:

- MWE permit holders
- Employers utilising MWE permits
- Whānau of MWE permit holders
- Disabled Peoples Organisations.

Officials at MSD will be seeking direction from the Minister for Social Development and Employment on their interest in alternative approaches to replacing Section 8 of the Minimum Wage Act 1983. While the wage supplement has been discontinued, the Minister may be interested in taking an alternative approach to respond to this concluding observation.

Update as at 31st August 2024

Through Budget 2024, Cabinet agreed to return \$56.345 million in operating funding and \$10.001 million in capital funding for Vote Social Development (while reducing Vote Revenue by \$7.424 million) to the centre and cease work on replacing Minimum Wage Exemption permits.

Outcome Three Health and Wellbeing

Health outcomes and access to health services (MOH)

Overall Status

On track with minimal risks

Programme Summary

The Ministry of Health | Manatū Hauora (the Ministry) has a commitment to better health and wellbeing outcomes under the Pae Ora (Healthy Futures) Act 2022 (the Pae Ora Act), which identifies disabled people as a key equity group.

The Pae Ora Act required the Minister of Health to develop 6 health strategies (the Pae Ora Strategies):

- the New Zealand Health Strategy
- Pae Tū: Hauora Māori Strategy
- Te Mana Ola: The Pacific Health Strategy
- the Provisional Health of Disabled People Strategy
- the Women's Health Strategy
- the Rural Health Strategy.

The Provisional Health of Disabled People Strategy (the provisional strategy) was published in July 2023. It sets the direction and long-term priorities for the health system to move towards achieving equity in disabled people's health and wellbeing outcomes over the next 10 years. The provisional strategy was informed by engagement with disabled people and their whānau, disability organisations and other government agencies, including Whaikaha | Ministry of Disabled People (Whaikaha).

The provisional strategy identifies 5 key priority areas for the health system to focus on to achieve improved health outcomes for disabled people and their whānau. These are:

- Priority 1: Embed self-determination of disabled people and their whānau as the foundation of a person and whānau-centred health system.
- Priority 2: Ensure the health system is designed by and accessible for disabled people and their whānau and provides models of care that suit their needs.

- Priority 3: Ensure the health system is part of a coherent cross-government system that addresses broader drivers of poor health and wellbeing.
- Priority 4: Build health workforce capacity and capability to meet the needs of disabled people and their whānau.
- Priority 5: Increase the visibility of disabled people in health data, research and evidence as part of an active learning system.

The Pae Ora Act, 2022 requires the development of the Government Policy Statement on Health (GPS). This sets out the specific priorities and expectations for the health system over a 3-year period. It is the key document for the Government to set its priorities, confirm actions for entities and funding for the health system and outline how success will be measured. The GPS, published in June 2024, outlines the 3-year focus for the health system, underpinned by the longer-term direction outlined by the 6 Pae Ora strategies, including the Provisional Health of Disabled People Strategy.

Alignment

This work programme aligns with:

- New Zealand Disability Strategy 2016-2026 (the New Zealand Disability Strategy) Outcomes Three (health and wellbeing) and Outcome Five (accessibility) and contributes to Outcome Seven (choice and control)
- Recommendation 50 of the United Nations Committee on the Rights of Persons with Disabilities' (UNCRPD Committee's) Concluding Observations to New Zealand.

Progress against plan for the period

Action One

The Health of Disabled People Strategy

Actions completed

Ongoing.

The Provisional Health of Disabled People Strategy sets out the priorities for improving disabled people's health outcomes and explicitly identifies

the need to ensure the health system is designed by and accessible for disabled people and their whānau (Priority two).

During this reporting period, the Ministry has continued to analyse existing evidence, including evidence from the Waitangi Tribunal Health Services and Outcomes Kaupapa Inquiry (Wai 2575), to inform work to improve outcomes and access to health services for disabled people and particularly tāngata whaikaha Māori. This analysis work is ongoing.

Barriers to progress

See 'Risks/Issues' section below.

Status

On track with minimal risks

Action two

Health System Disability Data

Actions completed

Priority 5 of the provisional strategy identifies the need to improve health data and analytics on disabled people's health status, health care experience and outcomes, and monitoring of health sector performance in relation to disabled people and their whānau. The Ministry is working with Health New Zealand | Te Whatu Ora on a project aimed at improving health data and analytics for disabled people.

Barriers to progress

See 'Risks/Issues' section below.

Status

On track with minimal risks

Action three

Health workforce disability awareness and capability

Actions completed

The provisional strategy identifies the health workforce as its fourth priority area: 'Build health workforce capacity and capability to meet the needs of disabled people and their whānau.' The Ministry will continue to work with Health New Zealand | Te Whatu Ora through the GPS framework on how to build a better trained health workforce that is responsive to disabled people and their health needs.

Barriers to progress

See 'Risks/Issues' section below.

Status

On track with minimal risks

Narrative

See 'Programme Summary' section above.

Risks/Issues that are or may impact progress and mitigations

Following the health and disability system reforms of 2022, the Ministry has established a new Health of Disabled People Policy team. This team was fully staffed in August 2023 and leads work to improve health outcomes for disabled people.

The Ministry is providing advice to the new Minister of Health seeking their direction on work to improve health outcomes for disabled people, including this work programme.

To mitigate the risk of any delays in confirming Ministerial direction on this work programme, we are working to ensure disability issues are included in the Ministry's work to progress the Minister's health priorities.

Impacts on Inequities

Tāngata whaikaha Māori experience significant inequities in health outcomes. Māori are more likely than non-Māori to be disabled. Tāngata whaikaha Māori experience inequities in life expectancy and rates of amenable mortality (deaths potentially avoidable through health care). This is an important ongoing challenge for the health and disability system.

This work programme must take a Te Ao Māori approach. Engagement with Māori, including tāngata whaikaha Māori, is required in the scoping, development, monitoring, and review of the work programme to ensure that Te Tiriti o Waitangi | Treaty of Waitangi principles of partnership and active protection are adhered to.

There are other population groups who experience inequities, including:

- Pacific disabled peoples, who report higher levels of unmet health need than non-Māori non-Pacific non-disabled people
- disabled children and young people, who face specific barriers to health
- disabled women, who are an underserved group.

We will work to ensure greater inclusion of the perspectives of Pacific disabled peoples, disabled children and young people, disabled women and other sub-population groups in our ongoing work.

We will also continue to progress work under the other 5 Pae Ora Strategies to improve health outcomes and access to health services for disabled people.

Disruptions to the planned workflow

See 'Risks/Issues' section above.

Next Steps

Following Ministerial direction, the next milestones will be planned.

Safeguarding bodily integrity (MOH)

Overall Status

Off track with minimal risks

Programme Summary

The Ministry is exploring a framework to protect the bodily integrity of disabled people from non-consensual, non-therapeutic interventions and procedures.

In 2023, the then-Government accepted with modification two recommendations by the United Nations Committee on the Rights of Persons with Disabilities (UNCRPD) regarding the bodily integrity of disabled people. These recommendations are part of the Committee's Concluding Observations on New Zealand's implementation of the UNCRPD.

Alignment

Key considerations of the bodily integrity work programme are safeguarding disabled people from bodily integrity violations and ensuring disabled people have access to safe services and supports. This programme aligns with:

- New Zealand Disability Strategy Outcomes three (health and wellbeing), four (rights protection and justice) and seven (choice and control)
- two IMM report recommendations:
 - legislation to prohibit the use of sterilisation or any other non-therapeutic medical procedure on disabled children and adults without their prior, fully informed, and free consent
 - improving methods of collecting and reporting on statistics on sterilisation and other non-therapeutic medical procedures in New Zealand, whilst ensuring all data collection is anonymised in such a way to prevent identification
- two recommendations regarding the bodily integrity of disabled people made by the UN Committee on the rights of Disabled People:
 - Recommendation 36A: immediately place a moratorium on sterilisation, contraception and abortion procedures performed

without personal consent, and take urgent action to adopt uniform legislation prohibiting such procedures on women and girls with disabilities

- Recommendation 36D: adopt legislative provisions to prohibit growth attenuation treatment (Ashley Treatment), including a prohibition on procedures sought outside New Zealand
- other government work programmes, including:
 - the Law Commission's review of laws related to adults with impaired decision making
 - the Supported Decision-Making DAP work programme
 - the Waitangi Tribunal Health Services and Outcomes Kaupapa Inquiry (Wai 2575)
 - the Abuse in Care Royal Commission investigations.

Progress against plan for the period

Action One

Undertake work to better understand these issues, including review of the Ministry's data collection practices.

- Support the government response, led by Whaikaha, to the Concluding Observations to New Zealand by the UNCRPD Committee.

Actions completed

Ongoing.

- This reporting period saw the publication of the Provisional Health of Disabled People Strategy in July 2023. Priority 1 of the provisional strategy is 'Embed self-determination of disabled people and their whānau as the foundation of a person and whānau-centred health system'. This includes enabling disabled people to exercise their bodily autonomy.
- Work is underway to better understand these issues, including considering ways to improve data collection on abortions and sterilisations as required by the Contraception, Sterilisation and Abortion Act 1977.
- The Ministry is providing ongoing support to Whaikaha as part of the government response to the UNCRPD Committee's Concluding Observations.

Barriers to progress

Refer to 'Risks/Issues' section below.

Status

Off track with minimal risks

Narrative

Refer to 'Programme Summary' section above.

Risks/Issues that are or may impact progress and mitigations

- Following the health and disability system reforms of 2022, the Ministry has established a new Health of Disabled People Policy team. This team was fully staffed in August 2023 and leads work to improve health outcomes for disabled people.
- The Ministry is providing advice to the new Minister of Health seeking their direction on work to progress improving health outcomes for disabled people, including this work programme.

Impacts on Inequities

This is an issue with a significant gender dimension. Globally, the majority of instances of sterilisation without consent are experienced by disabled women and girls. People with learning/intellectual disability are at higher risk of non-consensual, non-therapeutic procedures; and tāngata whaikaha Māori experience higher rates of disability. This work will include consideration of gender inequity, people with learning/intellectual disabilities and tāngata whaikaha Māori.

Disruptions to the planned workflow

Refer to 'Risks/Issues' section above.

Next Steps

The Ministry is providing advice to the new Minister of Health seeking their direction on work to progress improving health outcomes for disabled people, including this work programme.

Progress as at 31 August 2024

In July 2024, the Minister of Health approved the implementation of a Health of Disabled People Work Programme for improving access to the health system and health services for the disabled population. This three-year programme of work:

- initiates the implementation of the Health of Disabled People Strategy (2023);
- sets out ten foundational actions to enable the health system to respond in an appropriate and timely manner to disabled peoples' health needs;
- aligns with a wide range of actions underway for disabled people across key Health agencies;
- is guided by what disabled communities have said is most important to them and what will have the most impact and value on their health, as outlined in the Health of Disabled People Strategy and the other Pae Ora Health strategies.

The Work Programme's actions;

- focuses on those with highest health need, including tāngata whaikaha Māori (Māori disabled), Pacific and intellectually disabled groups, considering models of care that are appropriate and responsive to their needs;
- focuses on improving disabled people's access to primary and community health care;
- prepares a disability-competent and more confident health workforce in caring for and supporting the choices and decisions that disabled people make about their health; and
- strengthens the Ministry's data and monitoring capabilities for tracking progress on improving the health outcomes of disabled people.

Safeguarding is a key consideration across the Work Programme. There will be a focus on safety of disabled people in their use and experience of health services. There is a specific action on improving Supported

Decision-Making. This action recognises disabled community concerns that decision-making regimes can deny disabled people the right to make their own choices and decisions over their medical treatments and aspects of their lives, such as enforced sterilisation.

Repeal and Replace the Mental Health (Compulsory Assessment and Treatment) Act 1992 (MOH)

Overall Status

On track with minimal risks

Programme Summary

Mental health is a priority for the Government – this is reflected through the creation of a ministerial portfolio with a focus on increasing timely access to mental health and addiction services, growing the mental health and addiction workforce, strengthening the system’s focus on prevention and early intervention, and improving the effectiveness of mental health and addiction support.

To ensure the mental health and addiction system has effective regulatory and legislative settings for people experiencing the most severe mental distress, the Ministry of Health is progressing*** a work programme to repeal and replace the Mental Health (Compulsory Assessment and Treatment) Act 1992 (the Mental Health Act).

In 2019, the Government agreed to repeal and replace the Mental Health Act as part of its response to ‘He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction’. Consistent with the recommendation of ‘He Ara Oranga’, the intention is to develop new mental health legislation that reflects a human rights-based approach, promotes supported decision-making, aligns with the recovery and wellbeing model of mental health, and provides measures to minimise compulsory or coercive treatment. This would result in greater alignment with the UNCRPD.

Alongside the development of new legislation, this work programme also focuses on improving the application of the existing legislation in a manner that better respects human rights and better aligns with the UNCRPD.

Alignment

Developing new legislation with respect for, and protection of, human rights at the centre will assist the progression of outcomes three (health

and wellbeing), four (rights protection and justice), and seven (choice and control) from the New Zealand Disability Strategy.

This work programme includes consideration of the use of seclusion and restraint practices as part of the policy development for new legislation. This is expected to contribute to, or support, the work programme for reducing the use of seclusion and restraint.

Progress against plan for the period

Action One

Supporting the implementation of the changes in the revised 'Guidelines to the Mental Health (Compulsory Assessment and Treatment) Act 1992' through education and training and regular engagement with providers and services.

Action completed

In January 2023, Te Pou launched new training and resources, developed with the Ministry of Health, to support the implementation of the revised 'Guidelines to the Mental Health (Compulsory Assessment and Treatment) Act 1992'.

The training supports a shift towards improving the services provided to people treated under the Mental Health Act, including a greater focus on human rights and Te Tiriti o Waitangi | the Treaty of Waitangi. The training will support the mental health workforce by:

- strengthening workforce values and attitudes grounded in people-centred, human rights, least-restrictive, trauma informed, and equity approaches around the use of the Act, including upholding obligations under Te Tiriti o Waitangi | the Treaty of Waitangi
- building knowledge and understanding of the Act and people's rights under the legislation
- promoting greater national consistency in the training of responsible clinicians, duly authorised officers, and district inspectors.

The first two e-learning modules (introduction and advanced) were launched first, and the third and final module (specialist) was completed and launched on 21 August 2023. The modules and resources are

available for free on Te Pou's website to all staff working in the mental health sector.

In addition, the Ministry published new 'Guidelines for Reducing and Eliminating Seclusion and Restraint Under the Mental Health (Compulsory Assessment and Treatment) Act 1992' in April 2023, as outlined in the seclusion and restraint report.

The Ministry continues to meet with Directors of Area Mental Health Services on a quarterly basis. The implementation of the Guidelines is a regular topic at these meetings.

Barriers to progress

NIL

Status

On track with minimal risks

Action two

Development of policy proposals for new mental health legislation.

Actions completed

Work has been completed on the development and confirmation of policy proposals for new mental health legislation. This work was guided by the findings of public consultation and the advice from the Mental Health Act Expert Advisory Group (EAG).

In December 2022 and July 2023, Cabinet confirmed the suite of policy proposals for new mental health legislation.

The policy proposals for new legislation place tāngatā whaiora (the person who is seeking wellness) at the centre of their mental health care. The proposals will recognise tāngatā whaiora decision-making capacity and support them to make their own decisions and choices, enabling greater self-determination and autonomy in their lives. The new legislation will also recognise the key role that a strong support network of whānau and trusted people have in supporting tāngatā whaiora on their recovery journey.

Following Cabinet decisions, drafting instructions were provided to the Parliamentary Council Office (PCO) to draft a Bill.

Barriers to progress

Broader priority considerations across government have had some minor impacts on the timing of confirming Cabinet decisions.

Status

Complete

Action three

Development of a Bill to repeal and replace the Mental Health Act.

Actions completed

Following Cabinet agreement to the policy proposals, drafting instructions were issued to PCO to draft the Mental Health Bill (the Bill).

The Ministry has been working with PCO to ensure the Bill is drafted in line with the policy intent for new mental health legislation.

Barriers to progress

Broader priority considerations across government may have impacts on the timing to develop and progress the Bill through all the required stages through to enactment.

Status

On track with minimal issues

Action Four

Implementation planning and preparation to support new mental health legislation.

Actions completed

Implementing new legislation will form part of the overall changes to deliver better mental health and addiction outcomes, with a focus on those experiencing acute mental distress requiring State intervention.

There will be a programme of work to prepare the mental health sector to implement new legislation. Implementation work will take place alongside the development of a Bill and phased to align with the progress of the Bill through the parliamentary process.

The initial focus will be on areas of the legislation that are not reliant on new legislation and where there are opportunities to build on current efforts and improve current practice. This includes reducing the use of restrictive practices, supported decision making including capacity and also cultural assessments.

Barriers to progress

As this work needs to progress with the development of the Bill, the timing must align with and adapt to the overall timeline for developing the legislation.

Status

On track with minimal issues

Narrative

Guidelines training

The Ministry has continued to work with Te Pou, one of the national mental health and addiction workforce development centres, to develop new training and education materials to support the implementation of the revised 'Guidelines to the Mental Health (Compulsory Assessment and Treatment) Act 1992' (the Guidelines).

Te Pou worked with Māori, people with lived experience, practitioners, and whānau to develop these e-learning modules. This work highlights the importance of relationships and values when supporting people through times of mental distress or crisis.

The specialist module completed the series of three e-learning modules for the workforce on the practices outlined in the Mental Health Act Guidelines. Alongside these are the two informational booklets and an animated video for people who are experiencing the Mental Health Act, and their whānau, which were also made available earlier in 2023.

While these Guidelines and training materials relate to improving practice under the current Mental Health Act, they will help pave the way for a stronger focus on rights-based approaches in preparation for new legislation.

Repeal and replacement of the Mental Health Act

Now that the policy development phase has been completed, work to develop new legislation has shifted into the next phase which includes legislation development and implementation planning.

The development of policy proposals for new legislation was informed by evidence, including what is happening overseas and known issues, as well as feedback received through public consultation and advice from ***an Expert Advisory Group (EAG).

A three-month public consultation process was completed in January 2022 with a focus on ensuring all voices and viewpoints were heard. This took place early in the policy development phase to ensure these voices guided the development of new legislation. The Ministry took a flexible approach to consultation. This included making the consultation as accessible as possible, particularly for tāngatā whaikaha and tāngatā whaiora. Dedicated consultation sessions were held with disabled people who have lived experience which were facilitated by a lived experienced facilitator to ensure the psychological safety of participants. The volume of feedback received provided a wealth of viewpoints across the topics that need to be addressed.

Following public consultation, the Ministry established an EAG to help balance the diverse views received through public consultation and provide further perspectives from different viewpoints. The membership of this group was carefully considered and included strong Māori and lived experience perspectives as well as clinical, NGO and academic views. The EAG concluded its work in March 2023.

Cabinet confirmed a suite of policy proposals for new mental health legislation, and the Ministry of Health worked with PCO to draft the Mental Health Bill.

Once Cabinet has approved the Bill for introduction it will proceed through the Parliamentary stages. This includes consideration of the Bill by a select committee where the public will be able to comment on the Bill before it becomes law.

Risks/Issues that are or may impact progress and mitigations

The main risk related to educating and training mental health practitioners as part of implementing the revised Guidelines for the current Mental Health Act is that this is a process that will take time to ensure new ways of working are fully embedded. The Ministry is working to mitigate the risk by continuing to discuss this at quarterly meetings with Directors of Area Mental Health Services, and by progressing and supporting this action as an ongoing programme of work that will be reviewed and monitored.

The timeframes for progressing a Bill to repeal and replace the Mental Health Act through the required stages will be affected by the priorities of the government of the day. The Ministry is working with the Minister for Mental Health's office to mitigate any potential risks in relation to the timeframes for this piece of legislation.

Impacts on Inequities

There are considerable differences in the way the Mental Health Act works for different population groups, in particular Māori, Pacific peoples, and disabled people. For example, Māori are significantly more likely to be subject to compulsory mental health treatment than non-Māori. An equity lens has been embedded in the work from the outset.

When this work programme was set up, Cabinet agreed to a set of principles to guide the policy development for new mental health legislation. The principles emphasise the importance of culturally appropriate care and approaches that support greater self-determination for Māori and others under new legislation. These principles informed the

planning and design of the public consultation process and establishment of the EAG:

- The public consultation approach and format of consultation sessions were developed in collaboration with tāngata whaiora including Māori. The approach sought the views from specific stakeholders and groups, including Māori, where feedback was gathered from tāngata whaiora Māori, whānau, hapū, Iwi and the Māori mental health sector.
- The EAG included members with a range of views and groups including tāngata whaiora, Māori, clinicians and the disabled community.

The policy proposals for new legislation are expected to benefit specific population groups who require compulsory mental health care, including Māori, Pacific peoples, children and young people, and older peoples.

In particular, new legislation will embed supported decision-making approaches to enable people to make decisions on their own mental health care based on their will and preferences, include new principles and rights to support people to make decisions and express their views, provide access to independent support and advocacy, enable a wider range of care and broader range of people involved in key processes, and strengthen complaints resolution mechanisms emphasising accessibility.

Disruptions to the planned workflow

NIL

Next Steps

Over the next 6 months, the Ministry will:

- continue to support the implementation of changes in the revised Guidelines by working with Te Pou to develop education and training materials and continue regular engagement with providers and services during the implementation of the training package
- work with PCO to draft a Bill and prepare to seek Cabinet agreement for a Bill to be introduced into the House of Representatives
- continue implementation planning for new legislation.

Progress as at 31 August 2024

- In May and April 2024, the Ministry of Health held regional meetings with Health New Zealand, who will be largely responsible for implementing the requirements in new legislation. This was an opportunity to provide an overview of the policy proposals for new legislation and to begin working through the implementation considerations across four key areas: cultural approaches, decision-making capacity assessments, the ongoing focus to reduce restrictive practices, and supported decision-making.
- The Ministry of Health has continued to work with PCO to draft a Bill, including consultation with affected government agencies. In August 2024, the Bill was finalised for lodging for Cabinet consideration. Once Cabinet has approved the Bill it will be introduced into the House of representatives and will then proceed through the Parliamentary stages before it becomes law.
- Definitive dates on the timing for the Bill to progress through the Parliamentary stages cannot be provided as this is managed by the Office of the Leader of the House not the Ministry of Health. However, this process includes first reading where it will be referred to select committee. Select committees generally have 6 months to examine a Bill and prepare a report for the House. Once the select committee reports the Bill back to the House it will proceed through second reading, committee of the whole House, third reading and then enactment where the Bill becomes law.

Seclusion and Restraint (MoH)

Overall Status

On track with minimal risks

Programme Summary

There are longstanding concerns about high and inappropriate use of seclusion and restraint in New Zealand, particularly in prison and mental health service settings, with Māori secluded more than non-Māori.

The Ministry is committed to the goal of reducing and eventually eliminating seclusion. It is now recognised that seclusion and restraint have no therapeutic benefit, and in fact can be harmful and traumatic to tāngata whaiora, their whānau, and staff in mental health inpatient units. While seclusion is permitted under the Mental Health Act, it should only be used as a last resort to prevent harm in emergency situations, when other less restrictive strategies have not worked.

The mental health sector has been working to reduce and eliminate seclusion in mental health services, as part of the 'Zero seclusion - safety and dignity for all' collaborative national project between the Health Quality and Safety Commission | Te Tāhū Hauora, mental health services, and Te Pou.

This is a joint work programme with the Department of Corrections and each agency reports separately.

Alignment

Developing new legislation and guidelines with respect and protection of human rights at the centre will assist the progression of outcomes three (health and wellbeing), four (rights protection and justice), and seven (choice and control) from the New Zealand Disability Strategy. The work also broadly aligns with UNCRPD concluding observation recommendation 30: 'take immediate action to eliminate the use of solitary confinement, seclusion, physical and chemical restraints and other restrictive practices in places of detention'.

Progress against plan for the period

Action one

Publication of seclusion statistics in the Office of the Director of Mental Health and Addiction Services: Regulatory Report 1 July 2021 to 30 June 2022.

Actions completed

The 'Office of the Director of Mental Health and Addiction Services: Regulatory Report 1 July 2021 to 30 June 2022' was published in September 2023. The report shows that the number of people secluded decreased by 4% compared with 2020/21, but this did not include tāngata whaiora Māori, for whom there was an increase in the rate of seclusion compared with non-Māori. The report is available on the Ministry's website, at <https://www.health.govt.nz/publication/office-director-mental-health-and-addiction-services-regulatory-report-1-july-2021-30-june-2022>.

Barriers to Progress

Nil

Status

Complete

Action two

Development of a programme of work with Whaikaha to update the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (the IDCCR Act) guidelines, including for seclusion.

Actions completed

The Ministry of Health has developed a joint work programme with Whaikaha to update guidance for the IDCCR Act. One of the priorities is to update the guidelines for seclusion and restraint, and background research on the use of seclusion in other countries has begun to help feed into the guideline development.

Barriers to Progress

None

Status

On track with minimal risks.

Action Three

Ongoing: repeal and replacement of the Mental Health Act.

Actions completed

Ongoing: repeal and replacement of the Mental Health Act – see separate update on progress.

Barriers to progress

None

Status

See separate update on progress.

Action four

Ongoing: Zero seclusion – safety and dignity for all project (Health Quality and Safety Commission).

Actions completed

Ongoing: Zero seclusion – safety and dignity for all project (Health Quality and Safety Commission). The project focus for 2023 was to reduce the national variation in seclusion rates in adult mental health inpatient units and reduce the rates in those services to 5% or less.

Barriers to progress

Nil.

Status

on track with minimal risks.

Narrative

As reported in the previous six-monthly report, the Ministry published new 'Guidelines for Reducing and Eliminating Seclusion and Restraint Under the Mental Health (Compulsory Assessment and Treatment) Act 1992' in April 2023. These guidelines came into force on 1 July 2023 to allow some time for mental health services to implement changes to the policies and procedures. While it is too early to judge the impact of the new guidelines, the intention of the guidelines is to support a further reduction of seclusion and eventual elimination over time. The guidelines are part of a suite of actions to help shift practices towards a more rights-based, person and whānau-centred, and culturally appropriate approach in anticipation of new mental health legislation coming into force.

The new guidelines do not cover the use of sedative medications in a way that may constitute 'chemical restraint'. The prescribing of medications is a clinical matter that falls outside the scope of the 'Guidelines for Reducing and Eliminating Seclusion and Restraint Under the Mental Health (Compulsory Assessment and Treatment) Act 1992', which are statutory guidelines to support the lawful use of the Mental Health Act. However, we know that this is an important issue for people and that the use of sedative medication for the purpose of controlling someone's behaviour is a significant intervention.

The guidelines refer to sector guidance on complying with 'Part 3: Pathways to wellbeing' in Ngā Paerewa Health & Disability Services Standard 2021. The guidance states that 'service providers prescribe and use all medications for valid therapeutic indications. They never use medications to force compliance or render a person incapable of resistance; use of medications in this way could be classed as chemical restraint and is in breach of this standard' (with reference to Ngā Paerewa criterion 3.4.2).

There is no requirement for service providers to report the use of sedative medication. *** In addition, sometimes the purpose of treatment with medications may be to relieve someone's severe distress. This makes defining and measuring chemical restraint very challenging as it in part requires understanding the intent of the prescriber. In addition, Te Whatu

Ora Health New Zealand currently has no ability to accurately record the use of sedative medications at a national level and no ability to link it to the purpose of the prescription.

However, someone who felt that chemical restraint had been used on them could complain to the Health and Disability Commissioner or a district inspector of mental health (if the person was subject to the Mental Health Act at the time of the incident).

Changes proposed in the Mental Health Bill include greater protections for people receiving compulsory care. For example, the Bill proposes to introduce advanced care directives, care plans based on a person's needs and specific controls on emergency treatment. The focus is on a person either consenting if they have capacity, supporting them to make decisions if lacking in capacity, and where necessary providing compulsory care with specific oversight mechanism and limitations.

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Zero seclusion – safety and dignity for all project

This project is led by the Health Quality and Safety Commission.

The mental health sector has been working to reduce and eliminate seclusion in mental health services, as part of the 'Zero seclusion - safety and dignity for all' collaborative national project between the Health Quality and Safety Commission, mental health services, and Te Pou. The project is part of a wider mental health and addiction quality improvement programme led by the Health Quality and Safety Commission. The project has an intentionally aspirational goal of zero seclusion.

The Health Quality and Safety Commission is supporting mental health services to work with community mental health providers, kaupapa Māori mental health providers, police, lived experience/peer support services and whānau to identify approaches for preventing seclusion. These are tested and refined using quality improvement methodology.

The approaches have been compiled into a package of online resources available to mental health services to support adoption of successful approaches. The Health Quality and Safety Commission is updating this resource to include more consumer change concepts.

The project focus for 2023 was to reduce the national variation in seclusion rates in adult mental health inpatient units and reduce the rates in those services to 5% or less. This percentage relates to the proportion

of mental health inpatients who have experienced seclusion in a given month.

At the beginning of the project, 9 out of 17 units had seclusion rates of 5% or less for non-Māori, non-Pacific patients, and 2 out of 17 units had achieved rates of 5% or less for Māori. This has increased to 11 out of 17 units achieving rates of 5% or less for non-Māori, non-Pacific patients, and 6 out of 17 for Māori.

During the project, 7 of the 17 units achieved zero seclusion for 3 months or more.

IDCCR Act guidelines

The Ministry of Health has developed a joint work programme with Whaikaha to update guidance for the IDCCR Act. One of the priorities of this work programme is to update the guidelines for seclusion and restraint. Initial background research on the use of seclusion for this population group in New Zealand and other countries has begun to help feed into the guideline development.

Seclusion and restraint are permitted under the IDCCR Act; however, it is recognised that they do not have a therapeutic benefit and can be harmful to people in care. The updated guidelines will make clear that the Ministry's expectation is that these restrictive practices are used only as a last resort. The guidelines will also reflect a Positive Behavioural Support approach to try and reduce situations where seclusion or restraint may be used. This approach encourages more functional behaviours and supports a therapeutic rehabilitative method.

Risks/Issues that are or may impact progress and mitigations

An appropriately skilled and trained workforce is essential to reducing and eliminating seclusion. Services are struggling to recruit and retain appropriately qualified health practitioners, including kaimahi Māori.

Some services have buildings or facilities that are outdated and do not support least restrictive practice.

Health New Zealand | Te Whatu Ora has significant programmes of work underway focused on both mental health workforce development and mental health infrastructure to help mitigate these risks. While those

programmes are outside the scope of this report, Health New Zealand | Te Whatu Ora has published information about both workforce development and infrastructure initiatives on its website:

<https://www.tewhatauora.govt.nz/whats-happening/what-to-expect/for-the-health-workforce/health-workforce/>.

Zero Seclusion project issues

As noted above, there is a shortage of suitably trained and experienced clinical staff and mātauranga Māori practitioners. In addition, the Health Quality and Safety Commission notes the need to strengthen practice and processes around effective transitions between teams, involving whānau and family, after-hours leadership, and access to after-hours Māori services.

IDCCR guidelines issues

The Ministry is in the process of establishing a working group to help develop the guidelines, including members with lived experience, clinical skills, and cultural knowledge. Once this has been completed, we will be in a position to continue guideline development. The Ministry is working with Whaikaha to establish this group.

Impacts on Inequities

Māori and Pacific peoples are secluded at a higher rate compared with other ethnicities.

The new guidelines focus on preventing and safely reducing and eliminating seclusion and restraint using culturally appropriate person-centred approaches that reflect our human rights obligations. Person-centred approaches focus on the individual, based on their preferences, needs, and values to guide decisions about treatment and support. For Māori, these approaches should be culturally appropriate and reflect te ao Māori.

The Health Quality and Safety Commission has produced a cultural kete of resources to help services reduce and eliminate seclusion for Māori, such as undertaking cultural assessments, cultural supervision, pōwhiri, rongoā Māori, sensory modulation, and engaging whānau in a person's care and treatment. The number of services that were able to reduce the seclusion

of tāngata whaiora Māori increased during the 'Zero seclusion – safety and dignity for all' project, as noted above.

Disruptions to the planned workflow

Nil

Next Steps

The Ministry expects that the work on the following projects/programmes will continue over the next 6 months:

- The Office of the Director of Mental Health and Addiction Services: Regulatory Report 1 July 2022 to 30 June 2023.
- Ongoing: IDCCR Act guidelines.
- Ongoing: repeal and replacement of the Mental Health Act and implementation plan.
- Ongoing: Zero seclusion – safety and dignity for all project (Health Quality and Safety Commission)

Progress as at 31 August 2024

The above initiatives to reduce and eliminate seclusion, and ensure the safe use of restraint, have continued. However, due to changes in organisational structure and resourcing, the development of guidelines has been delayed but remains a priority. The focus in 2024 has been on the development of the Mental Health Bill.

It is worth mentioning, in addition to the above initiatives, that the Ministry expects services to provide regular and ongoing training of staff authorised to use seclusion and restraint. Safe Practice Effective Communication (SPEC) is a national training course that has a strong emphasis on prevention and therapeutic communication skills and strategies aimed at reducing restrictive practices. The principles of SPEC are person-centred, least restrictive, and trauma-informed, and are underpinned by the principles of Te Tiriti. The SPEC training programme and national collaborative was launched in late 2016.

Delivery of the Sport NZ Disability Plan (Sport NZ)

Overall Status

On track with minimal Risks

Programme Summary

The Sport NZ Disability Plan, launched in 2019, aims to improve the quality and equity of play, active recreation and sport opportunities for disabled tamariki and rangatahi of their choice.

The Disability Plan contains ten commitments that Sport NZ has made to the play, active recreation and sport sector that focus on:

1. Working in partnership to create a more inclusive play, active recreation and sport system
2. Investing to create better quality experiences for disabled tamariki and rangatahi with a range of impairments
3. Building system wide capability to deliver better outcomes for disabled tamariki and rangatahi.

Over the last four years, positive progress has been made against the commitments through a variety of initiatives and programmes.

Alignment

The Sport NZ Disability Plan is anchored in an Outcomes Framework for disabled people in play, active recreation and sport which links to the NZ Disability Strategy, Outcome three Health and Wellbeing and the Convention on the Rights of Persons with Disabilities, Article 30.

One of the commitments of the Sport NZ Disability Plan is to leverage existing cross government (local and national) relationships to promote the value of participation in play, active recreation and sport and influence government policy across disability, health, education and social welfare. Sport NZ is developing relationships with Whaikaha to integrate the value of play, active recreation and sport into initiatives such as Enabling Good Lives and the disability data and evidence community of practice.

Note: When the UNCRPD assessed New Zealand against the articles in the convention it did not include Article 30 – Participation in cultural life, recreation, leisure and sport in the assessment. There were no

recommendations for Sport NZ from the UNCRPFD assessment of NZ. Sport NZ has, through their own initiative used our Outcomes Framework to link to Article 30.

Progress against plan for the period

Action one

Work with and support Sport NZ staff and partners to ensure the needs of disabled tamariki and rangatahi are met.

Action completed

The following is a list of projects where Sport NZ has provided advice and support:

- Review the use of the Washington Short Set in Sport NZ research with the Sport NZ Evaluation and Insight Team and Athletics NZ,
- Host a monthly Disability and Inclusion community of practice with the Healthy Active Learning workforce to share and learn from challenges and successful approaches to disability and inclusion in education.
- Sport NZ Partnership Manager supports Tennis NZ and NZ Wheelchair Tennis to collaborate.
- Support Sport Canterbury to establish an Accessible Sport and Physical Activity working group.
- Support Basketball NZ to develop a Basketball for all plan to assist them to be more inclusive of disabled people.
- Link Sport Waikato and Sport Canterbury to their local Enabling Good Lives managers. It is hoped this will lead to connections between Active As (Sport NZ initiative in secondary schools) to Enabling Good Lives participants and make them aware of the initiative so they may contribute to the development of plans at their school.
- Support Aktive, Halberg and Basketball NZ to collaborate on the development of training for Auckland Basketball.
- Lead a strategic education engagement group to support National Disability Partners: Halberg, Paralympics NZ and Special Olympics NZ to develop their value proposition for the education sector and a strategic engagement plan.

Barriers to progress

There were no significant barriers; advice and support is well received.

Status

On track with minimal risks

Action two

Continue working across government to promote the value of play, active recreation and sport for disabled tamariki and rangatahi.

Actions completed

Sport NZ prioritises opportunities to engage and collaborate with Whaikaha. Collaboration opportunities include: regular meetings with senior managers, connection to Enabling Good Lives, contributing to the Disability Data and Evidence Community of practice and contributing to the system transformation process and My Home My Choice.

Sport NZ also leads the cross government physical activity and play working group. The group has recently endorsed an application to MBIE Endeavour Fund Research Programme for "Tama Tū - Enhancing youth wellbeing through positive physical activity experiences and systems". This research will have a focus on disabled young people and intersectionality.

Sport NZ also has internal working groups for engaging education and health and disability and inclusion is integrated into these conversations.

Barriers to progress

There were no barriers that prevented this action from being completed.

Status

On track with minimal risks

Action three

Build system wide capability to deliver better outcomes for disabled tamariki and rangatahi.

1. The delivery of the 2023 Ko au, ko koe, ko tātou Disability Hui Collaborating for Impact.
2. The delivery of disability sector virtual connects.

Actions completed

The 2023 Ko au, ko koe, ko tātou Disability Hui, "Collaborating for Impact" was hosted by Sport NZ on the 4th and 5th of September 2023 at the Waipuna Hotel and Conference Centre in Auckland. One hundred and twenty people from the play, active recreation and sport sector attended to share a learn from each other.

The hui had four keynote sessions including Paula Tesoriero from Whaikaha and Robyn Smith from Inclusive Sport Australia, a youth perspectives panel, various workshop and breakout sessions. whanaungatanga, wananga and hui dinner.

In the post hui survey participants rated the extent the hui met their expectations as 3.87/5 and the effectiveness to strengthen connections and opportunities to collaborate as 4.2/5.

Disability Sector Virtual Connect - shared successes and learning from Healthy Active Learning, a Sport NZ initiative supporting primary schools. Ninety one people from the play, active recreation and sport sector attended this connect to hear how the needs of disabled tamariki are being catered for in 900 primary schools.

Barriers to progress

There were no barriers that prevented this action from being completed.

Status

Complete

Action four

Influencing the development of the Sport NZ Strategic Plan, Everybody Active 2024 – 2028, to ensure the participation of disabled tamariki and rangatahi continues to be a priority.

Actions completed

Insights and research have been used to inform the development of the Sport NZ Strategic Plan, Everybody Active 2024 – 2028. Through this input diversity, equity and inclusion are key components of the strategic plan and disabled tamariki and rangatahi remain as a target population.

Barriers to progress

There were no barriers that prevented this action from being completed.

Status

Complete

Action five

Monitoring and supporting Sport NZ Investment.

1. Regional and National Disability Sport Organisations
2. Disability Inclusion Fund investment

Actions completed

In November and December 2023 Sport NZ hosted mid-year reporting meetings with all Regional and National Disability Organisations and Disability and Inclusion fund recipients, to ensure they are implementing their agreed initiatives.

Sport NZ also offers ongoing support to these organisations through regular meetings. These meetings are an opportunity to discuss their projects, identify any issues they may have and ensure the Project Leads are aware of other initiatives or activities that could assist them and reduce duplication.

Barriers to progress

There were no barriers that prevented this action from being completed.

Status

On track with Minimal risks

Action six

The development and release of a Disability Plan Progress Report to understand and showcase the impact the plan is having against its commitments.

Actions completed

A framework for the progress report has been developed and initial data has been collected.

Barriers to progress

Due to the extra complexity of the 2023 Disability Hui and additional requirements of the Disability Lead, it was decided to delay the development and release of the progress report at the start of 2024.

Status

Off track with minimal risks

The completion of the progress report prior to July is a priority for Sport NZ.

Narrative

Supporting Sport NZ staff, partners and the wider sector continues to be the most significant way the Sport NZ Disability Lead and the Diversity, Equity and Inclusion Team can improve the quality and equity of play, active recreation and sport participation opportunities for disabled tamariki and rangatahi of their choice.

Connecting with and supporting Whaikaha and connecting with other government ministries is important to enable Sport NZ to demonstrate how important play, active recreation and sport is and how it can enhance

the lives of disabled tamariki and rangatahi in the areas of health and education etc, especially with the development of a new Disability Action Plan in 2024.

Sport NZ hosted the 2023 Ko au, ko koe, ko tātou Disability Hui Collaborating for Impact, and a Disability Sector Virtual Connect to meet two focus areas of the Sport NZ Disability Plan, working in partnership and building system wide capability. Both opportunities enabled the play, active recreation and sport workforce to come together to share and learn from each other about how we can make play, active recreation and sport more inclusive of disabled tamariki and rangatahi.

Through input from the Disability Lead and the Diversity Equity and Inclusion Team, diversity, equity and inclusion are key components of the Sport NZ Strategic Plan, Everybody Active 2024 – 2028 and disabled tamariki and rangatahi have been identified as a target population for Sport NZ.

Sport NZ maintains a relationship with Regional and National Disability Sport Organisations and recipients of the Disability Inclusion Fund to assist these organisations with initiatives and projects that Sport NZ have invested into through the Sport NZ Disability Plan.

There was a delay in the development and release of a Sport NZ Disability Plan Progress Report to understand and showcase the impact the plan is having against its commitments. It is a priority of Sport NZ to complete this report prior to July 2024.

Risks/Issues that are or may impact progress and mitigations

Sport NZ is entering a period of financial constraint. This could impact the implementation of the Sport NZ Disability Plan.

To mitigate this risk Sport NZ will:

- Ensure disability remains as a priority population in the Sport NZ Strategic Plan Everybody Active 2024 – 2028.
- Build on current work and prioritise future work programmes to ensure work is targeted and prioritises impact.

Impacts on Inequities

The delivery of the Sport NZ Disability Plan was designed to reduce inequities and support disabled tamariki and rangatahi to have access to quality and equitable play, active recreation and sport participation opportunities of their choice.

Choice is critically important in reducing inequalities for disabled tamariki and rangatahi to participate in play, active recreation and sport. Choice requires Sport NZ to ensure that all components of the sector are inclusive, welcoming and able to cater for the needs of disabled tamariki and rangatahi.

Two inequities that were identified in the sector scoping project of 2020 informed the development of the Disability Inclusion Fund were:

1. Limited participation opportunities for tamariki and rangatahi with intellectual and invisible impairments
2. Limited inclusionary practices by play, active recreation and sport organisations.

Through the Disability Inclusion Fund, we have invested into projects specifically to reduce those inequities. This continues to be a challenge that we are looking to review to build on in our next strategic period.

Intersectionality is also an important concept that we recognise and advocate for in current work and future strategy.

Disruptions to the planned workflow

Due to change in government, a review of organisational priorities for our new strategic plan and financial constraints, Sport NZ has had to reprioritise timelines. This is impacting decisions and communication to the sector on future disability investment. The sector is well informed of these delays.

Next Steps

Influence the implementation of the Sport NZ strategic Plan, Everybody Active 2024 – 2028 to ensure the participation of disabled tamariki and rangatahi continues to be a priority. Opportunities include:

- The development of partnerships investment initiatives

- The development of internal work plans for the next strategic period.

Use the new Sport NZ strategic plan to engage with partners and government organisation to promote the value of play, active recreation and sport for disabled tamariki and rangatahi.

Share the Sport NZ Strategic Plan, Everybody Active 2024 – 2028 with Whaikaha and meet to discuss opportunities to collaborate.

Monitor current investment into Regional and National Disability Sport Organisations and the Disability Inclusion Fund, with a focus on demonstrating the impact of these investments.

Develop and release a Sport NZ Disability Plan Progress Report to demonstrate the impact the plan has had against its commitments 2019-2023.

Update as at August 31st 2024

This year has seen the release of the Sport NZ 2024 – 28 Strategic Plan which has a stronger emphasis on diversity, equity and inclusion, and reaffirms our commitment to improving outcomes for disabled tamariki and rangatahi.

So far, we have developed and signed new investment initiatives with Regional and National Disability Sport Organisations, allocating a total of \$756,000 for the 24-25 financial year.

For the first time Sport NZ has followed the same process for these organisations when developing their initiatives that Sport NZ partners follow, bringing our internal processes and funding streams into closer alignment.

Disability Sport and Recreation Futures Report

In conjunction with Paralympics NZ, the Halberg Foundation and Special Olympics NZ, Sport NZ has undertaken a strategic foresight process to better understand and address the current and future challenges faced by disabled young people in accessing and participating in sport and recreation activities.

Engagement in the process was positive with over 100 responses to the survey and over 80 people attending the foresight session either in person or online.

The report is in the final draft phase and will be disseminated to the sector next quarter.

2025-28 Future Disability Investment

For 2025-28 Sport NZ has \$1.3m per year to invest into organisations for disability outcomes.

To build on the 2021-24 disability investment, Sport NZ has led a consultation with 27 key disability stakeholders to refine and improve the disability investment for 2025-28. The consultation has provided good insight into the challenges and opportunities that exist.

Sport NZ is now reviewing and refining our approach to future investment which is going to the Sport NZ board for approval in October.

Disability Sector Virtual Connects

Two Disability Sector Virtual Connects were hosted by Sport NZ.

April 2024

This online hui focused on profiling how Sense Rugby NZ uses play in their programmes, how play was used in the Hawkes Bay to assist with the recovery following the cyclone and the development and use of the Magical Bridge Playground in Hamilton. 77 people attended online, and the recording was sent to a database of over 280 people

July 2024

This online hui focused on the countdown to the Paris 2024 Paralympic Games and the Sport Pathways Framework developed by Sport NZ - that shows how foundation, social, competitive and performance sport fit together and complement each other. A total of 76 people attended online, and the recording was sent to a database of over 280 people.

Sport NZ Disability Plan Progress Report

This report will be released in September and has been produced to understand and showcase the impact that Sport NZ has made in the delivery of the commitments in the Sport NZ Disability Plan.

Support and Advice to Disability Inclusion Fund recipients

A process has been developed to collect information from Disability Inclusion Fund recipients as they finish their projects.

Four out of 16 Disability Inclusion Fund recipients have now finished their projects and the remaining 12 will finish before July 2025.

Outcome Four – Rights, Protection and Justice

Disability Action Plan Implementation Work Programme - Ara Poutama Aotearoa Department of Corrections (Corrections)

Overall Status

On track with minimal risks

Programme Summary

In February 2023, Corrections launched its first Disability Action Plan 2023 – 2027. The plan was created with input and insights from tāngata whaikaha Māori, disabled people, whānau, Corrections staff, and from across the wider disability sector.

The Disability Action Plan (DAP) represents Corrections' response to supporting the wellbeing, goals, and aspirations of tāngata whaikaha Māori and disabled people in prison.

The New Zealand Disability Action Plan 2019 - 2023 includes a joint segregation and restraint action for Corrections and Ministry of Health, noting each agency reports separately.

Alignment

Corrections' work programme aligns with Outcome Four (Rights protection and justice) of the NZ Disability Strategy 2016 – 2026, which focuses on protecting rights and ensuring people feel safe, understood, and are treated fairly and equitably by the justice system. The Corrections' programme also contributes to Outcome Five (Accessibility) of the New Zealand Disability Strategy, which focuses on ensuring the accessibility of places, services and information with ease and dignity. In addition, the New Zealand Disability Action Plan 2019 – 2023 Health and Wellbeing action speaks to Corrections' commitment to reduce the use of seclusion and restraint.

The programme objectives also align with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) by:

- ensuring there are sufficient resources to lead the development of supported decision-making (article 12). Through releasing alternate versions of Corrections Disability Action Plan with the intent of identifying other key documents for translation.
- improving data collection to ensure information about the justice sector is fully accessible, providing training on accessibility within the sector (article 13)
- collecting appraisal information, including statistical and research data, to enable policy development to give effect to the Convention (article 31).Through the integration of the Washington Group Short Set (WGSS) into all health assessment tools.
- acting around the use of solitary confinement, seclusion, physical and chemical restraints, and other restrictive practices in places of detention (Concluding Observation 30, accepted with modifications, noting Corrections as a supporting agency).
- acting to amend legislative and policy frameworks that facilitate violence, abuse, and neglect in institutions, to remove persons with disabilities from institutional settings with adequate support for living in the community, to investigate and sanction institutions and perpetrators and to provide victim and recovery support services and redress (Concluding Observation 34, accepted with modifications, noting Corrections as a supporting agency).

Progress against plan for the period

Action one

Corrections DAP Immediate Action - Include the Washington Group Short Set (WGSS) of Questions in all remaining health assessments by the end of 2023/early 2024.

Actions completed

Scoping work for integrating the WGSS into the final tool the Ageing Well health assessment has begun, provided there is sufficient resource this work is on track for completion within the next reporting period.

Barriers to progress

Sufficient resource is required to refresh the entire Ageing Well health assessment, not just include the WGSS. Recruitment of a Principal Adviser into the team leading this work is underway.

Status

On track with minimal risks

Action two

Corrections DAP Immediate Action - Form a Disability Advisory Group to oversee the successful implementation of the Disability Action Plan by the end of 2023/early 2024.

Actions completed in the period

During the reporting period, Corrections engaged internal and external representatives including disabled people to form an advisory group. This group will hold its first meeting in February 2024. The purpose of this group is to support the successful implementation of the Corrections' DAP, and to provide input and insights into relevant initiatives, projects, and work programmes to ensure disability is a key consideration.

Barriers to progress

None

Status

Complete

Actions three

Corrections DAP Immediate Action - Develop and make available Te Reo, Easy Read, large print, Audio, Braille ready and New Zealand Sign Language (NZSL) versions of Ara Poutama Aotearoa Disability Action Plan by the end of 2023.

Actions completed

Corrections engaged with the all-of-government providers and their partner agencies to develop alternate formats of the DAP. This work was completed in September 2023 with alternate formats available on Corrections' internal and external websites, along with hardcopies available from Health Centres in prisons. The NZSL version was also released on Prison TV (an internal channel). ***This work has enabled greater engagement with Corrections Disability Action Plan for people in prison, many of whom provided input and insights in the development phase of the plan that helped shape the actions.

Barriers to progress

None

Status

Complete

Action four

Corrections DAP Immediate Action - Trial a model using a qualified social worker or similar role, such as, a social support coordinator for disabled and older people by the end of 2023/early 2024.

Actions completed

Corrections has created four new regional Social Worker Disability and Older Persons roles. These roles will facilitate tāngata whaikaha Māori, disabled persons, and older persons access to supports and services that aim to create better continuity of care while in prison and on their reintegration to the community. Corrections have recruited to two of the four roles in the Northern and Lower North regions, with ongoing recruitment activities currently underway for the remaining roles in the Central and Southern regions. ***These roles are already having a positive impact for tāngata whaikaha Māori, disabled people and whānau in connecting people to disability supports in prison and reintegration to the community.

Barriers to progress

Corrections experienced challenges in recruitment of the Social Worker Disability and Older Persons roles likely due to pay equity issues with the broader sector. However, once an updated Corrections Collective Employment Agreement was ratified there was a significant uplift in the remuneration scale recognising the specialist nature of Social Work practice within Corrections context. This supported an increase in applications which we anticipate will lead to all roles recruited to within the next reporting period.

Status

On track with minimal risks

Action five

New Zealand Disability Action Plan Health and Wellbeing Action outlines Corrections' commitment to reduce the use of seclusion and restraint.

Actions completed

The use of segregation and some physical restraints are important tools for ensuring the safety of prisons. Corrections is committed to improving the use of these tools, without eliminating their use entirely.

Corrections is implementing a long-term programme of work to improve the way prisoners experience segregation. In 2023, Corrections completed four short-term actions:

implemented an interim assurance system for directed segregation orders

explored the Intervention & Support Unit (ISU) dashboard, currently under development, for adaptation to directed segregation orders

implemented an interim escalation process for directed segregation orders, and

began providing targeted support to custodial systems managers.

In the longer term, a resolute team are developing a plan to make substantive operational improvements to Corrections' management of prisoners kept apart from the mainstream population (including using segregation). Corrections acknowledges that change will take time and

appropriate resourcing and needs to be delivered in a context of prison environments that are facing ongoing staff shortages.

Legislative policy work to consider amendments to the Corrections Act is also underway, which will include consideration of recommendations from the Ombudsman and the Office of the Inspectorate that Corrections has received in relation to the use of segregation in prisons.

Barriers to progress

None

Status

On track with minimal risks

Narrative

In February 2023, Corrections launched its first DAP 2023 – 2027. The plan sets the direction for achieving:

- (1) Equitable access and choices.
- (2) Mana enhancing practice for all tāngata whaikaha Māori and disabled people.
- (3) tāngata whaikaha Māori and disabled people-led participation – “Nothing about us without us”.

It establishes priority areas of action for achieving aspirations and reducing barriers that may impede tāngata whaikaha Māori, disabled people and their whānau from achieving better outcomes.

The development of this plan saw a collaborative approach that emphasised the importance of bringing key stakeholders and partners into a co-development process of shared responses, outcomes, and solutions. This included consulting with tāngata whaikaha Māori and disabled people currently in prison, tāngata whaikaha Māori and disabled people who have recently been in prison and their whānau, Corrections staff, government agencies and the wider disability sector.

The DAP outlines six focus areas which seek to enable equitable access and outcomes for tāngata whaikaha Māori/disabled people in prison. The focus areas are guided by what Corrections heard during the consultation process, and include:

- National Leadership
- Using Evidence to Make a Difference
- Responding to Disability Support Needs
- Developing the Workforce
- Research and Evaluation
- Working with tāngata whaikaha and their whānau

Focusing on these strategic focus areas will result in outcomes that support and empower tāngata whaikaha Māori and disabled people in prison to live better lives, enable equitable access and choices and engage in mana enhancing practice for all tāngata whaikaha Māori and disabled people. The voices of disabled people were essential during the development of the DAP, and they remain critical to its successful implementation. These outcomes will be measured through achievement of the actions and through feedback and engagement with tāngata whaikaha Māori and disabled people.

In respect to the WGSS as an ongoing measure, we note it was developed in response to article 31 of the United Nations Convention of the Rights of Persons with Disability (UNCRPD), which obliges state parties to collect appraisal information, including statistical and research data, to enable them to develop policies to give effect to the Convention. The concluding comments of the New Zealand examination on the UNCRPD indicated the need for New Zealand to develop improved disability data. Corrections uses the WGSS to identify individuals who are at greater risk than the general population of experiencing restricted social participation because of difficulties undertaking activities. The WGSS is used alongside information gathered from more informal sources about the experiences of disabled people to inform policy development and service planning. In addition, the Corrections' DAP acknowledges that the WGSS may be replaced in time by an improved screening mechanism or a more sophisticated process that would be designed specifically for Aotearoa's circumstances.

Regarding reducing the use of seclusion and restraint, the use of tie down beds has not been permitted since a change to Corrections Regulations in December 2019. Corrections does not use chemical restraint. The use of segregation and some physical restraints are important tools for ensuring the safety of prisons. It would not be feasible to eliminate the use of these tools entirely.

According to the Corrections Act (2004), segregation is a direction, initially given by the Prisoner Director, to restrict or deny a prisoner's opportunity to associate with other prisoners for the purposes of security, good order, safety, protective custody, or medical oversight. Corrections uses segregation when required and in accordance with the Corrections Act (2004) and Corrections Prison Operations Manual. When the Prison Director is considering an application for segregation, they must decide and justify their decision based on the facts, which legislative provision the person is to be segregated under. They must not automatically restrict or deny the person's association with other people in prison. The direction must clearly state the reason and how the selected association status mitigates the risk the prisoner presents. People in prison can also request voluntary segregation or voluntary protective custody. All people in prison are eligible to request this and will be assessed by Corrections Officers, with the final decision made by the Prison Director. Physical restraints are only used when necessary for safety reasons, and staff aim to engage in de-escalation and tactical communication before resorting to force or physical restraint.

To support the successful implementation of its Disability Action Plan, Corrections' Health Services have established a disability advisory group. The membership of this group includes disabled people and internal and external representatives with strong interests in disability and subject matter expertise within the disability community. This group will oversee the implementation of the Disability Action Plan with a particular focus on bringing to life Corrections' commitments in the plan while also providing input into relevant policies, operating approaches, and programmes of work.

Risks/Issues that are or may impact progress and mitigations

If Corrections do not have dedicated resources to oversee the implementation plan of the Disability Action Plan, then there is a risk that Corrections will not meet our responsibilities and commitments to tāngata whaikaha Māori and disabled people and their whānau.

Impacts on Inequities

In prison, high-quality health and disability support services are critical in addressing inequitable outcomes and in ensuring continuity of support when reintegrating back into the community.

As of 5 September 2023, a total of 10,292 people in prison responded to the WGSS between 1 July 2022 and 5 September 2023. Of the 10,292 people who completed the WGSS, 2624 (25.5%) responses identified as having one or more functional impairment. Of the 2624 people in prison who identified as having one or more functional impairment, 1307 (49.8%) identified as Māori, 209 (7.9%) identified as Pasifika, and 1108 (42.2%) people were Non-Māori Non- Pasifika.

Māori are also disproportionately represented in the Corrections system, with 52 percent of the total prison population identifying as Māori, addressing the over-representation of Māori is a key part of Corrections organisational strategy Hōkai Rangi: Ara Poutama Aotearoa Strategy 2019-2024.

Disruptions to the planned workflow

Regarding the action to integrate the WGSS into the Aging Well Health Assessment, progress has been impacted by vacancies within the team who are responsible for leading the implementation. It is expected that the team will be fully staffed by the end of February 2024.

Next Steps

- Complete the integration of the WGSS into the Aging Well Health Assessment within the next reporting period.
- Recruitment of the remaining two Social Worker Disability and Older Persons role within the next reporting period.
- Developing an early intervention framework for working with tāngata whaikaha Māori and disabled people who have complex and interconnected needs to better support their reintegration to the community. Estimated completion late 2024.
- Legislative policy work to consider amendments to the Corrections Act which will include consideration of recommendations from the Ombudsman and the Office of the Inspectorate that Corrections has received in relation to the use of segregation in prisons.

Implementation of Safeguarding Responses for Disabled and vulnerable adults Te Aorerekura Action 28 (Whaikaha)

Overall Status

On track with Minimal Risks

Programme Summary

Whaikaha is responsible for the implementation of Te Aorerekura Action 28 (Safeguarding Responses for Disabled and vulnerable adults). Budget 2023 allocated \$6.11 million over 4 years to increase access to specialist supports through the Waitematā Safeguarding response and expanding the initiative to other localities, while also supporting improved access to mainstream family violence and sexual violence services.

As part of this Whaikaha has developed a plan to implement a safeguarding approach that protects and promotes disabled people's rights, culture, identity, and wellbeing. Whaikaha also, using an Enabling Good Lives lens, is committed to prevention of and, response to violence, abuse, and neglect.

The Waitemata team alongside Te Whatu Ora developed the baseline for this work, provided in part by the Waitemata evaluation completed on 30 June 2023. Publication of this report in plain language is pending.

Alignment

This work aligns with the New Zealand Disability Strategy (2016-2026) and the Disability Action Plan (DAP) 2019-2023 Outcome Four: Rights Protection and Justice 'Our rights are protected, we feel safe, understood, and are treated fairly and equitably by the justice system'.

DAP Outcome Seven: Choice and Control 'We have choice and control over our lives' (The New Zealand Disability Strategy 2016 – 2026).

Te Puna Aonui Te Aoereukura Action 28 as part of the wider Strategy.

This work also aligns with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Equality and non-discrimination (art. 5) Implementation of twin track approach to safeguarding adults from abuse.

Accessibility (art. 9) Twin track approach building mainstream and tailored specialist services.

Equal recognition before the law (art. 12): implement a nationally consistent supported decision-making framework that respects the autonomy, will and preferences of persons with disabilities. – building supported decision making and mainstream capacity including influencing the justice system.

Freedom from exploitation, violence, and abuse (art. 16) Develop measures to address the high rates of violence experienced by persons with disabilities and to combat all forms of gender-based violence for inclusion within outcome area four of the New Zealand Disability Strategy; this programme is specifically responding to violence and abuse and encouraging disclosure of such abuse previously unreported.

Health (art. 25) programme implements strategies to ensure fair access to health and timely health responses to adults at risk - building health service capacity and capability.

Progress against plan for the period

Action one planned for the period.

Establishment of a disability led specialist resource as a prototype.

Building on cross agency cross settings work in Waitemata, a disability led specialist resource was planned as a prototype. Phase one of establishment occurred between July and December 2023. During this time, it was expected a full team would be employed to reflect the disability and clinical expertise required.

Actions completed in the period.

- A prototype with national reach to build on the Waitemata approach was designed and implemented July 2023 following a successful budget bid announced in Budget 2023. The prototype is an approach to enact the responsibilities under Action 28
- The prototype began with the Disability Abuse Prevention and Response team (DAPAR). The team consists of an expert family

violence team of social workers skilled in risk assessment and an Enabling Safer Lives team to support and enhance the clinical response. The latter is a diverse group of experts who engage with tāngatā whaikaha Māori and Pacific, disabled people and whanau and aim to prevent people from serious abuse and neglect by appropriate early engagement.

- This team has a service component led by social workers who had been involved in the Waitemata work known as the "Safeguarding Adults from Abuse (SAFA) response.
- The team was gradually built up and overseen by the Disability Advisory Group who had oversight of Waitemata and was supported by Whaikaha.
- The first part of the scope for DAPAR is to address the safety of people in Whaikaha funded services who are referred due to situations of family violence.
- A referral process and operating procedures were agreed as well as an information sharing agreement between Whaikaha and DAPAR.
- People First acts as the fundholder for the budget reflecting the high degree of trust between People First and the disability community built over some years.
- In the first six months 80 people were supported with advice and coordination. Over 30 have been closed while some remain open with close monitoring.

Barriers to Progress

A lack of joined up systems such as mental health, health and housing significantly disadvantages disabled people and those who are working hard to ensure their safety.

Status

Complete (Phase One)

Action two planned for the period

Establishment of a developmental evaluation approach.

Establishment of a developmental evaluation, Try, Learn and Adjust Approach for the prototype. This involves agreement between Whaikaha,

staff members and an evaluator on key questions regarding progress and documentation of system outcomes as the work progresses.

Actions Completed during this period.

Whaikaha began a process of evaluating DAPAR as a prototype using a developmental evaluation approach based on the Monitoring, Evaluation, Analysis and Learning framework (MEAL published June 2023). The MEAL framework ensures a robust developmental approach to gathering data and including voice mechanisms. The approach used allows flexibility and change to happen easily.

Data collected by DAPAR and Whaikaha has included feedback from disabled people. The sector and statistical data reflect good engagement with the prototype and in the first six months 86 disabled people have moved through the system.

Overall, at this early stage the feedback and data demonstrate excellent results for the first six months. This includes system learning for future development. Whaikaha has been ensuring by using this approach that not only do we know what the outcomes for people are but that the national reach (not ever achieved previously) of the prototype is proving to be value for money. The original plan was to consolidate Waitemata work but this approach now provides national coverage.

Barriers to progress

None

Status

On track with minimal issues

Action Three planned for the period.

Establishment of a Situations of Concern Panel.

Action Planned for the period.

Establishment of a 'Situations of Concern' panel to provide transparency across Whaikaha and the community for review of significant situations of concern. The panel was planned to ensure a cross Whaikaha understanding of and response to disabled people at risk of or who were experiencing abuse and neglect. An expert group of people from

Whaikaha and DAPAR were selected to be on the panel. Members included DAPAR clinicians, Quality team leads Clinical, legal and tangata whaikaha Maori expertise.

Actions Completed in the period.

The clinical panel was in place for six months and achieved transparency across Whaikaha of the number of disabled people who were identified as at risk of abuse and neglect. Most of these people were referred to DAPAR with support from Whaikaha staff. The purpose subsequently was changed to review strategic and system issues.

The approach meant that staff had a point of contact when they were unsure what to do for people in significant situations of concern. An agreement was then made on next steps, referral, and feedback loops.

By December the in-depth review of situations was no longer required as systems were in place to ensure referrals to DAPAR were appropriately made and that Whaikaha senior staff felt confident that the prototype approach was working.

A new strategic panel will review strategic and system issues arising from the experiences gifted by disabled people as they engaged with DAPAR.

Barriers to Progress

None

Status

Complete

Action Four planned for the period

Cross sector engagement about the prototype and Action 28.

Engagement with the wider sector to describe what DAPAR does (described in action one) what the prototype seeks to do and how people can contact them. Whaikaha will co-develop a one-page document to define the key terms when working with a family violence lens.

Barriers to Progress

The Whaikaha restructure delayed communications out to the sector and due to a weather event, our Ministers cancelled the media launch of Budget 2023 Family Violence funding.

Status

On track with minimal risks

Action Five planned for the period.

Finalise the Waitemata evaluation and publish in accessible formats.

Finalise the Waitemata evaluation. Synergia was commissioned to provide evidence of the value of the Waitemata work and to make recommendations out to the family violence sector.

Actions completed in the period.

- In collaboration with Te Puna Aonui and Whaikaha, Synergia (the evaluators) finalised the evaluation of the Waitemata Safeguarding Adults from Abuse work.
- This is a formative evaluation which is available, and findings have been shared across interested agencies, but it is long and difficult to read.
- A plain language version of the evaluation is now being developed for release in 2024.

Barriers to Progress

None

Status

On track with minimal risks

Narrative

To date Whaikaha has:

- Established the Disability Abuse Prevention and Response team (DAPAR). The team consists of an expert family violence team of social workers skilled in risk assessment and an Enabling Safer Lives team to support and enhance the clinical response. The latter is a diverse group of experts who engage with tāngatā whaikaha Māori and Pacific, disabled people and whanau and aim to prevent people from serious abuse and neglect by appropriate early engagement.
- Set up a Situations of Concern Panel to receive and consider referrals from disabled people and providers, relating to abuse, violence, neglect, and any other form of human rights infringement and to make recommendations on action to be taken. Once DAPAR became more established over the first six months the panel decided to move to a strategic model during 2024. Within this context the members will review only extraordinary situations of concern in the context of system barriers and learning
- Established that referrals have arrived through the general Whaikaha email Contact@ inbox, individual staff and through quality mechanisms relating to individual situations of concern. Whaikaha has come to an agreement on information sharing with DAPAR which streamlined the process and escalated referrals. Whaikaha has further developed the process in agreement with DAPAR and is open to referrals more widely using a streamlined approach. In phase two in 2024 the referral point will be open to the community.
- Continued to consolidate and improve the work of the Waitemata team. Te Puna Aonui and Whaikaha will confirm a second location later in 2024, While Waitemata continues to strengthen, the cross-agency approach on which the work has been built, this has enabled us to address the imperatives of Action 28 in a national context. In this way we are reaching adults at risk and disabled people funded by Whaikaha who are in situations of abuse and neglect.
- Developed an investment plan for the implementation of the safeguarding framework.
- Funded and co-developed with tāngatā whaikaha Māori a draft Kaupapa Māori community approach to safeguarding. This aims

to action the intention to ensure safeguarding is Māori focused with a whānau centric, Māori-led model.

Risks/Issues that are or may impact progress and mitigations.

The Family violence Minister had planned a media briefing when the budget was allocated but a severe weather event occurred which resulted in cancellation. This impeded the official communication with disabled people and the sector. People from the sector who work closely with the safeguarding team understand what is happening but there is some confusion being expressed in the wider sector.

Whaikaha has been undertaking a restructure which has further delayed the engagement out to the sector about the work. The Policy Stewardship and Partnerships group took over the safeguarding work in October 2023.

The safeguarding team has mitigated this risk by requesting leadership by the Whaikaha Executive Leadership Team and the CEO of Whaikaha to communicate clearly what Whaikaha is doing and what the DAPAR approach is. This engagement will now occur during March and April 2024.

Systemic barriers such as homelessness and interface with health and mental health services. The Whatu ora restructure and kainga ora review have made it difficult to engage across these services.

There is an ongoing risk of a significant increase in referrals pre and post communication. Whaikaha and the DAPAR team has mitigated the risk by establishing a clear prioritisation process. They have also designed a preventative approach with the establishment of the Enabling Safer Lives team, this is disabled led culturally diverse team.

Impacts on Inequities

Disabled people / Tāngata Whaikaha Māori are systemically and specifically vulnerable to abuse by people they know and by those who provide care for them (Hague et al 2008). Disabled people are not however, inherently vulnerable due to their disability experience. Impacts on disabled people, Tāngata Whaikaha Māori and Pacific Disabled People may remain at the same level for some time to come. The family violence sector often believes the situations disabled people are in, occur because of their disability requiring a disability response. This leaves disabled

people and those who support them at a disadvantage. However more mainstream responses will be possible once the family violence sector accepts that disabled people experience higher levels of violence and are entitled to a family violence response. In addition, the goal of the prototype seeks to educate and train both the disability sector and the Family Violence sector about safeguarding and understanding how to respond appropriately with accessible and timely services.

Support from Te Whatu Ora is critical to provision of national coverage, and this continues to be slow to achieve due to ongoing restructure in the health service. Limited change has occurred based on recent evaluations and the evidence from the Waitangi hearings. Pacific disabled people and d/Deaf people of all ethnicities also experience higher levels of violence.

Synergia (A entity whose core business is evaluation) alongside tāngatā whaikaha Māori leaders completed Phase one of a Kaupapa Māori led piece of research July 1. Whaikaha is supporting a plan to complete Phase two in the next six months.

Disruptions to the planned workflow

As noted in Action Four above the one-day severe weather event in Wellington resulted in the Minister not being able to make a budget announcement as planned in front of the media. Therefore, the vital communications out to the sector were delayed.

Next Steps

- Work will occur intensively on planning and implementing the safeguarding framework. As part of this work, Whaikaha will:
 - Provide a clear and achievable roadmap for implementing the Safeguarding framework.
 - Improve our established quality and monitoring mechanisms and processes so we prevent further abuse from occurring.
 - Develop and implement a Safeguarding approach that puts into practice the Enabling Good Lives approach and Te Tiriti o Waitangi articles.
 - Continue to support as a priority, the community-led Disability Abuse Prevention and Response team (DAPAR). The immediate priority in the first year is advice and coordination

of responses for disabled people funded by Whaikaha. DAPAR will continue to implement a cross agency twin track approach nationally and in Waitemata. Funding has enabled this team to provide national coverage for people using Needs Assessment and Coordination Services (NASC) as well as Enabling Good Lives sites. This is a prototype and an evaluation team alongside DAPAR are documenting outcomes using a developmental approach to data collection aligned with the MEAL framework noted in Action Two.

- The evidence gathering includes understanding what disabled people are experiencing and the systemic barriers to timely responses.
- Communicate widely to the sector, endorse the approach, and encourage providers and NASCS to engage positively with DAPAR as it evolves and builds capacity.
- Further work to strengthen the cross government and cross agency collaboration will occur in 2024. This enables Whaikaha to hold other agencies to account for their responsibilities under Action 28.

New Zealand Crime and Victims Survey (Ministry of Justice)

Overall Status

On track with Minimal Risks

Programme Summary

The New Zealand Crime and Victims Survey provides detailed insights and analysis of crime and victimisation in New Zealand. It contains mostly descriptive statistics and does not include analysis of relationships between variables.

The New Zealand Crime and Victims Survey is the most comprehensive source of data on adult (aged 15 and older) victims of crime in Aotearoa New Zealand. Without the survey there would be little reliable information on New Zealanders' experiences with crime because not all crime is reported to police. The results from the survey cycles help government agencies to create safer neighbourhoods and communities. More information regarding how the survey is carried out, and the results of the survey, are included at the following link, [New Zealand Crime & Victims Survey \(NZCVS\) | New Zealand Ministry of Justice](#).

The Office for Disability Issues has outlined key findings relating to disabled people from the New Zealand Crime and Victims Survey Cycle 5 report, which can be read at, [Data on disabled people from the latest NZ Crime and Victims Survey - Office for Disability Issues \(odi.govt.nz\)](#).

Alignment

The New Zealand Crime and Victims Survey strengthens the intersectional collection and analysis of data about disabled people at risk of violence to accurately record, monitor, and provide insights to decision-makers on how to reduce violence towards those at risk.

This work aligns with the New Zealand Disability Strategy, Outcome 4 – Rights, Protection and Justice, 'our rights are protected; we feel safe, understood and are treated fairly and equitably by the justice system'. Starting in Cycle 4, the survey now also produces annual statistics on disabled peoples' perceptions of safety (including retrospective statistics

going back to Cycle 1). These new statistics also align with Outcome 4 of the New Zealand Disability Strategy.

This programme of work also aligns with paragraph 14(b) of the UN's concluding observations, from New Zealand's second examination by the United Nations Committee on the rights of Persons with Disabilities, August 2022. By strengthening measures for close consultation and active participation in the development and delivery of awareness raising programmes. By reporting on disabled people's experiences, the New Zealand Crime and Victims Survey raises awareness of the experiences disabled people face as victims of crime. It also aligns with paragraph 32(b) by developing measures which can inform policy to address the high rates of violence experienced by disabled people.

Progress against plan for the period

Action One

Preliminary data collection for Cycle 6.

Actions completed

The Ministry completed data collection for Cycle 6 of the New Zealand Crime and Victims Survey (NZCVS) in September 2023 and is currently preparing to release data in mid-2024.

Barriers to progress

Nil.

Status

Complete

Actions two

Initiate mixed methods research on disability.

Actions completed

In July 2023 the Ministry completed a contract with a provider exploring victimisation trends related to disabled people using the NZCVS and the

Integrated Data Infrastructure (IDI). Results from this analysis will be published online by the end of April 2024. In August 2023, the Ministry contracted a provider to undertake qualitative research on disabled people's experience of crime. The researchers recently completed interviews and are due to submit their final report by the end of June 2024.

Barriers to progress

Nil.

Status

On track – with minimal risks/issues.

Narrative

In comparison with previous reports the survey findings from the Cycle 4 report and data tables were improved to provide more detailed statistics about the experiences of disabled people in New Zealand by combining the samples from the last four cycles of the survey. Specifically, the Cycle 4 report was able to produce more statistics on specific types of offences experienced by disabled people (i.e., family and sexual violence) and the frequency of offences experienced by disabled people (i.e., repeat victimisation).

For the first time this report also provided two-dimensional victimisation analysis looking at the intersection of disability with other key demographics including sex, age, ethnicity, and sexual identity. There was also an expansion of analyses and reporting on perceptions of safety, including disabled peoples' perceptions of safety. These new in-depth and intersectional analyses were continued in Cycle 5 and are available in the Cycle 5 data tables.

In Budget 22, funds were allocated to initiate some mixed methods research that would expand upon the findings of the New Zealand Crime and Victims Survey. One of these projects was a mixed methods project examining the victimisation experiences of disabled people. Substantial stakeholder engagement with representatives from across the disability sector and within government informed the research proposal. The Ministry anticipates a final report will be ready for publication by the end of April 2024.

Risks/Issues that are or may impact progress and mitigations

The New Zealand Crime and Victims Survey does not cover adults living outside of residential housing, such as aged-care facilities. More research is needed to gauge the scale of sexual violence against vulnerable people in these contexts, including older people and disabled people.

Impacts on Inequities

The New Zealand Crime and Victims Survey helps inform decision makers of New Zealanders' experiences and perceptions of crime. The statistics produced by the survey are used widely across government agencies to demonstrate the inequities in victimisation experienced by disabled people. From Cycle 4 onwards the survey expanded on this by looking at the intersection of inequities for disabled people, that is, the intersection of disability with sex, age, ethnicity, sexual identity, and other personal/household demographics.

Disruptions to the planned workflow

The 2022 Omicron outbreak had a noticeable impact on respondent behaviour and impacted the final sample size and response rate for cycle 5, all impacts were fully documented in the cycle 5 reports.

Next Steps

The New Zealand Crime and Victims Survey Cycle 6 Annual Report is scheduled to be published in mid-2024 and the mixed methods research is scheduled to be published in April 2024.

Sexual Violence Legislation Act 2021 (Ministry of Justice)

Overall Status

Complete

Programme Summary

The Sexual Violence Legislation Act 2021 received Royal assent on 20 December 2021. Some of the changes required a longer lead-in time and came into force on 21 December 2022. The Sexual Violence Legislation Act amended evidence law and court procedures to reduce the re-traumatisation that complainants of sexual violence experience in the trial process, while maintaining fundamental fair trial rights for defendants. The Act aims to provide all necessary witnesses (including defendants, and whether in sexual cases or otherwise) with communication assistance when giving evidence. Sexual violence complainants will be automatically entitled to give their evidence in alternative ways, for example by pre-recorded video. The Act also requires the Secretary of Justice to make reasonable efforts to ensure appropriate court facilities for sexual violence victims, considering their physical and emotional comfort and safety.

Alignment

This programme aligns with Outcome 4 of the Disability Strategy – Rights protection and justice. This outcome is focused on protecting rights and ensuring people feel safe, understood, and are treated fairly and equitably by the justice system.

Progress against plan for the period

Action One

Finalise the re-written Evidence Regulations 2007.

Actions completed

The new Evidence (Video Records and Very Young Children's Evidence) Regulations 2023 came into force on 6 July 2023. The new regulations update the regime for dealing with police video evidence of witnesses.

Barriers to progress

Nil.

Status

Complete

Narrative

Te Aorerekura (the National Strategy to Eliminate Family Violence and Sexual Violence) outlined that rates of violence against disabled people in Aotearoa New Zealand are much higher than those experienced by the rest of the population. For example, Te Aorerekura specifically notes that 'disabled adults are 52% more likely than non-disabled adults to be sexually assaulted in their lifetime'.

The Ministry has a Family Violence and Sexual Violence Operational Improvements work programme, which aims to improve the experience of participants in court proceedings. This includes upskilling workforce capability, using data and evidence to inform service delivery, and looking at the overall District Court Operating Models for Family Violence and Sexual Violence proceedings.

One aspect of the Sexual Violence Legislation Act requires a Judge to intervene if the Judge considers a question, or the way in which it is asked, is improper, unfair, misleading, needlessly repetitive, or expressed in language that is too complicated for the witness to understand. Matters that may be taken into consideration for inappropriate questions are outlined under s 85 of the Evidence Act 2006. The Sexual Violence Legislation Act amended the Evidence Act to include the vulnerability of the witness, as well as the nature of previous questions and any cumulative impact the questioning may have on the witness.

The Sexual Violence Legislation Act also expands existing restrictions on evidence about a complainant's sex life, to cover their sexual experience with the defendant and their 'sexual disposition'. Under s 44A, an

application must be made to offer evidence or ask a question about the sexual experience or sexual disposition or sexual reputation of a complainant. The application must outline persons involved in evidence/question, the question itself, scope, and reasons it is claimed that the evidence meets the heightened relevance test in section 44(2) or 44AA(4).

The Sexual Violence Legislation Act will help improve the justice response to sexual violence victims by reducing the sources of unnecessary trauma in court. The changes the Act has made will ultimately improve the trust and confidence complainants have in the court system. These impacts will support more victims, and particularly those who distrust the justice system to come forward and seek justice.

Risks/Issues that are or may impact progress and mitigations

Work to ensure courts can video record cross-examination evidence, both prior to trial and at the trial itself, is complex. Supply chain challenges when procuring new technologies may add to the complexity.

Once the Act is fully implemented, it is possible that the first cases adopting some of the changes will be subject to appeals. It is expected the reforms will be embedded once those appeals are decided.

Impacts on Inequities

The Act's impacts on both complainants and defendants will be reviewed once the changes have had a chance to be embedded.

Disruptions to the planned workflow

Not applicable.

Next Steps

Some changes, including the requirement for judges to intervene in inappropriate questioning, came into force on 21 December 2021. Other changes with more significant operational implications, including allowing Sexual violence complainants to pre-record their evidence, came into force on 21 December 2022.

To facilitate complainants pre-recording their evidence, the Ministry designed a solution to enable video recording, editing, storing, sharing and playback of videos; and delivered training to staff on the use of the new technology and associated operational processes. The technology became operational on 31 August 2023 and on 15 January 2024 the first pre-recording hearing under the Act took place.

Family Court (Supporting Children in Court) Legislation Act 2021 (Ministry of Justice)

Overall Status

On Track

Programme Summary

The Family Court (Supporting Children in Court) Legislation Act received Royal assent on 16 August 2021 and came into force on 16 August 2023. The Act includes requirements that children involved in care of children proceedings are given reasonable opportunities to participate in decisions affecting them, and that lawyers representing such children are suitably qualified through their training and experience. The Family Court (Supporting Children in Court) Legislation Act is one element of wider changes underway in the family justice system and aims to enhance the participation of children (including disabled children) in the decisions that affect them.

Tools will be implemented to support the legislation, with the intention that this will promote and provide guidance, and consistent practice within Family Dispute Resolution to ensure the safety of children (including children with disabilities) who are participating in decisions about their care.

Alignment

This programme aligns with Outcome 4 of the Disability Strategy - Rights, Protection and Justice, which focuses on protecting rights and ensuring people feel safe, understood, and are treated fairly and equitably by the justice system.

Progress against plan for the period

Action one

Compliance with the legislation

Actions completed

Contracts for family dispute resolution suppliers and the employment of child specialist roles

Contracts with suppliers for the employment of eight child specialists are now in place.

These new child specialist roles will engage with mediators (or with the children directly) so they can participate in family dispute resolution in an age-appropriate, developmentally appropriate, and safe way.

Suppliers are now actively recruiting and filling these roles.

Barriers to progress

Nil.

Status

Complete

Action two

Training on child inclusion

Actions completed

The Ministry has completed a procurement process to secure a training provider to deliver training for mediators, child specialists, Voice of Child practitioners, and anyone working with children as part of the family dispute resolution process, which will soon take place.

With a provider now in place, the training will offer best practice principles on all aspects of child participation, from screening to assessment, parental participation, child inclusion and follow up.

Whilst the training is not prescriptive, it will highlight the core principles that must be included in all child participation models such as joint parental agreement, child safety, and confidentiality.

Barriers to progress

Nil.

Status

On track

Action three

Development of a Quality Practice Framework

Actions completed

To support this work, a quality practice framework has been developed, in addition to amendments to the existing family dispute resolution practice guidelines.

Barriers to progress

Nil.

Status

On track

Narrative

This omnibus Act amends the Care of Children Act 2004 and the Family Dispute Resolution Act 2013 to assist in enhancing child wellbeing in care-of-children proceedings, both directly and by assisting parents to resolve parenting disputes.

Implementation of the Act will enable family justice professionals to support safe and effective participation by children.

Risks/Issues that are or may impact progress and mitigations

There are minimal risks that could affect this work programme.

Impacts on Inequities

An estimated 16,000 children are the subject of Care of Children Act proceedings in the Family Court each year. The legislation responds to the Te Korowai Ture ā-Whānau Report, which found that there was a lack of

child participation in the early stages of decisions about their care, reducing their influence and input, and that the benefits of participation to children and to decisions made about them are clear in the academic literature but not adequately reflected in practice. The report showed that disabled people face barriers to engaging with family justice services. It noted that disabled children want to have a say in decisions about their care, but often could not access the support necessary for their full participation. This implementation of tools to support the legislation will help support children, including disabled children, to participate in decisions about their care.

Disruptions to the planned workflow

Not applicable.

Next Steps

The Ministry of Justice will work towards implementation. The Act came into force in August 2023.

The successful Family Dispute Resolution – Child Participation Cost Pressure Budget Initiative provides \$5.33m funding over four years to fulfil the new legislative requirement (Section 11 of the Family Dispute Resolution Act 2013) by:

- providing funding for eight Child Specialist Full Time Equivalents to expand and enhance the current Voice of Child practice within Family Dispute Resolution to protect the wellbeing of children: and
- developing a quality practice framework and supporting tools for the Child Specialists and mediators when engaging the children of parents involved with Family Dispute Resolution. Name of Work Programme

Strengthening the Family Court Initiative – Resources and Information for Care of Children (Ministry of Justice)

Overall Status

On track with Minimal Risks

Programme Summary

The Resources and Information for Care of Children project aims to ensure that children, parents and whānau have the information and resources they need to understand their options (both in and out of court), make informed decisions, and confidently navigate the family justice system for care of children matters.

Information and resources will be accessible, consistent, and clear to a wide range of people regardless of disability, literacy level, age, culture, or ethnic background.

Alignment

This programme aligns with Outcome 4 of the Disability Strategy – Rights protection and justice, which focuses on protecting rights and ensuring people feel safe, understood, and are treated fairly and equitably by the justice system.

The project's objectives also align with the Independent Monitoring Mechanism and the United Nations Convention on the Rights of Persons with Disabilities by:

- promoting that the best interest of the child shall be a primary consideration in all actions concerning children with disabilities (Article 7 of the Convention)
- promoting other appropriate forms of assistance and support to persons with disabilities to ensure their access to information (Article 9 of the Convention)
- ensuring there are sufficient resources to lead the development of supported decision-making (Article 12 of the Convention).

Progress against plan for the period

Action one

Accessible formats

Actions completed

The Ministry has translated the information booklets to accessible formats including audio, braille, New Zealand Sign Language, and large print. These were made available through the new web pages in August 2023.

The final accessible formats deliverable is to translate the information booklets into Easy Read format, which is currently underway and on track for completion by April 2024.

Barriers to progress

Nil.

Status

On track with Minimal risks

Action two

Develop a parenting order journey map

Actions completed

The project has designed a high-level process map which helps users identify the correct processes to follow when managing parenting arrangements for children after separation.

The process maps are currently being built and will be published on new web pages in May 2024.

Barriers to progress

Nil.

Status

Off track with minimal risks

Action three

Website refresh

Actions completed

The project worked with a web developer to refresh the Care of Children, Family Court, and Family Violence web pages on the Ministry's website. The refreshed content is easier to navigate, understand, and enables participants to understand their options (both in and out of court) to make informed decisions. The website refresh went live in August 2023.

Barriers to progress

Nil.

Status

Complete

Narrative

The project engaged with a range of stakeholders to determine what will be delivered. To understand the needs of disabled people, the project engaged with the Office for Disability Issues (now part of the Whaikaha Partnership and Voice Team) and member organisations of the Disabled People Organisation (DPO) Coalition.

Information and resources are printable, compatible with assistive technology and available in a range of formats including Easy Read, different translations, different font types, videos, and audio only. Project deliverables will also be in plain English and have a reading age of 12 and under. Design principles have been created by the project team to guide them when developing the information and resources including adhering to the Web Content Accessibility Guidelines.

The Ministry will be adhering to Web Content Accessibility Guidelines Level AA at a minimum standard and will aim to meet Level AAA as much

as possible. The project is aiming to have zero critical bugs to ensure information can be accessed and tasks can be completed by participant's who use assistive technology. The Ministry is designing with an accessibility first mind-set rather than trying to apply accessible features retrospectively. When designing and testing, consideration will be given to colour contrast, layout, and the information itself to ensure it is accessible to disabled and neurodiverse communities.

Risks/Issues that are or may impact progress and mitigations

Not applicable.

Impacts on Inequities

Making resources and information accessible regardless of age, literacy level, disability, or ethnic or cultural background will ensure anyone can access the information they need, when they need it, in a way that best suits them. This will lead to participants being able to understand their options, make informed decisions and help them to confidently navigate the family justice system for care of children matters.

Disruptions to the planned workflow

Not applicable.

Next Steps

The Easy Read format information booklets and the Care of Children process maps will be published on the Ministry's website by May 2024, concluding the project.

Adoption Law Reform (Ministry of Justice)

Overall Status

On track with Minimal Risks

Programme Summary

The Adoption Law Reform Programme involves a comprehensive review and reform of New Zealand's adoption laws, including the Adoption Act 1955, Adoption (Intercountry) Act 1997 and Adult Adoption Information Act 1985. Reform will focus on addressing inequities within the current setting, with the intention to support disabled people, among others, to be free from discrimination during the adoption process.

Alignment

This programme aligns with Outcome 4 of the Disability Strategy – Rights protection and justice, which focuses on protecting rights and ensuring people feel safe, understood, and are treated fairly and equitably by the justice system. This programme also contributes to outcome five of the Disability Strategy – Accessibility.

This work also aligns with paragraph 46(a)-(c) in the concluding observations of the UN by addressing inequities within the current setting, ensuring that disabled parents are treated on an equal basis with other parents.

Progress against plan for the period

Action One

Development of final policy proposals.

Actions completed

Final policy proposals continued to be developed.

Barriers to progress

Nil.

Status

On track with Minimal risks

Narrative

An objective of this work is to ensure Aotearoa New Zealand meets its relevant international obligations, particularly those under the UN Convention on the Rights of the Child and the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. This also includes international obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The Ministry is using feedback from previous engagements, conducted during 2022, alongside other research, to refine and finalise a package of policy proposals. Advice will be provided to the Government in due course.

Risks/Issues that are or may impact progress and mitigations

Not applicable.

Impacts on Inequities

Aspects of New Zealand's adoption laws have been found to be discriminatory by the Human Rights Review Tribunal based on age, sex, disability, and marital status. Section 8(1)(b) of the Adoption Act 1955 provides that a parent's consent to an adoption may be dispensed with on the ground that the parent is indefinitely unfit to have care and control of the child due to physical or mental incapacity. Reform provides a positive impact on inequities by providing an opportunity to ensure adoption laws meet Aotearoa New Zealand's international human rights obligations, including the right to be free from discrimination.

Inequities that have arisen as part of historical adoption practice are being considered by the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions.

Disruptions to the planned workflow

Not applicable.

Next Steps

The Ministry plans to provide a background information briefing to the Associate Minister of Justice, who has been delegated authority for all policy relating to adoption and surrogacy.

Young Adult List – Neurodiversity Project (Ministry of Justice)

Overall Status

On Track

Programme Summary

The Young Adult List is a judicially led initiative in the Criminal District Court for defendants aged 18 to 25 years. The list uses best practices approaches such as plain language, improved information sharing, and solution focused judging to improve outcomes for defendants and enhance participation in the court process for all participants. Currently located in the Porirua, Gisborne, and Hamilton District Courts, the Young Adult List is part of Te Ao Mārama - the Chief District Court Judge's vision for the future of the District Court.

Neurodiversity is a term used to describe differences in the way people's brains work. These differences can include conditions such as attention deficit hyperactivity disorder (ADHD), Autism, dyslexia, and fetal alcohol spectrum disorder (FASD). Participants in the criminal jurisdiction are more likely to experience these brain differences. This has important implications for their ability to understand and participate in the court process.

In late 2024, the Neurodiversity Project will pilot new approaches in the Porirua Young Adult List to improve the court's response to neurodiversity. These approaches include training for staff about neurodiversity, resources, and guidance to enable the court to respond to neurodiversity, and a screening tool to identify defendants who might benefit from procedural supports and accommodations.

This work seeks to equip staff with the knowledge and tools they need to ensure that all court participants, regardless of brain differences, can understand and participate in the court process, increasing access to justice. Additionally, the court can consider information about the neurodiverse challenges and needs of defendants when making community referrals, increasing the likelihood of successful engagement with community supports and rehabilitation activities.

Alignment

This programme aligns with Outcome 4 of the Disability Strategy – Rights protection and justice, which focuses on protecting rights and ensuring people feel safe, understood, and are treated fairly and equitably by the justice system. This programme also aligns with Article 13 of the Independent Monitoring Mechanism (IMM) Making Disability Rights Real Report recommendation 38(i), “increasing an understanding of ‘neurodisability’ within the justice system and developing specific cognitive and communication responses to people with neurological impairments”.

Progress against plan for the period

Action One

Exploring improvements to identify and respond to neurodiversity in the context of the Young Adult List Court.

Actions completed

- A draft screening tool has been developed and a stakeholder review process is underway.
- Additional components required to support the implementation of the screening process in court are in development.
- Stakeholder insights, along with key themes and recommendations from the neurodiversity evidence base, are being incorporated into the design approach for the response (workstream two) and training (workstream three) packages. These packages will be implemented in the Porirua Young Adult List alongside the screening (workstream one).

Barriers to progress

Nil.

Status

On track

Narrative

The Young Adult List, first trialled in Porirua District Court in March 2020, adjusts traditional court processes by using best practice methods for the benefit of all participants. As a result, it is expected young adult defendants can better understand what is happening and participate effectively in the court process.

The list shifts to an active solutions-focused approach and brings a wrap-around multi-disciplinary approach into the court to support participants. Use of plain language supports the understanding of the proceedings for participants and improved information sharing is provided to the court to support decision making. Together these elements provide a greater understanding of the participant and factors that may have contributed to offending, enabling the court to facilitate access to appropriate interventions and support.

The Neurodiversity Project was established in August 2022. The project seeks to improve the court's response to neurodiversity by introducing three new elements to the Young Adult List:

- **Workstream one "Identify"** to design, develop, and test a neurodiversity screening process in the Young Adult List Court.
- **Workstream two "Respond"** to design, develop, and test best practice guidance for responding to neurodiversity in court.
- **Workstream three "Training"** to design, develop, and test a neurodiversity training package for court professionals.

Risks/Issues that are or may impact progress and mitigations

Not applicable.

Impacts on Inequities

The Young Adult List aims to provide a safe, effective, and fair court experience for all participants, victims and whānau, that is responsive to neurodiversity.

Disruptions to the planned workflow

Not applicable.

Next Steps

The List has been fully implemented. The Ministry will continue to support the judiciary and work with the justice sector agencies to continue the growth and expansion of the Young Adult List in the District Court. The Neurodiversity Workstream will continue to develop the neurodiversity screening and engage with stakeholders on response and training packages.

Foundational family violence and sexual violence training for the court-related workforce on responding safely to people affected by family violence/sexual violence (Ministry of Justice).

Overall Status

On Track

Programme Summary

As part of the action plan for Te Aorerekura – the national strategy for the elimination of family violence and sexual violence, the Ministry of Justice contracted a consortium of providers to develop and deliver the training for the court-related workforce on responding safely to people affected by family violence and sexual violence. One of the intended outcomes of the training is to support the workforce to understand the dynamics of family violence and sexual violence.

Alignment

This work programme supports Te Aorerekura Shift 3 towards skilled, culturally competent, and sustainable workforces and concludes the delivery of Action 15: Build court workforce capability.

This work programme contributes to Outcome 4 of the New Zealand Disability Strategy around rights protection and justice. This means “our rights are protected; we feel safe, understood, and are treated fairly and equitably by the justice system.”

The actions under Te Aorerekura that the Ministry is responsible for aligns with paragraphs 31 and 32 of the UN’s Concluding Observations through the consultation that the training provider engaged in with the disability sector on the development of the training.

Progress against plan for the period

Action One

Implementation of the training package.

Actions completed

A Family Violence and Sexual Violence Response Training Package has been developed by specialists Shine and RespectEd Aotearoa.

Shine was contracted as the provider for national delivery of the training package.

The national rollout of the training package began in November 2023.

Barriers to progress

Nil.

Status

On track

Narrative

Disabled people experience family violence and sexual violence in different ways and at higher rates than other groups of people. The training package aims to enhance the mana of disabled people as they go through the court process and to ensure that each person who supports court proceedings understands the dynamics and impacts of family violence and sexual violence and knows how to respond safely.

Risks/Issues that are or may impact progress and mitigations

Not applicable.

Impacts on Inequities

The training package aims to enhance the mana of disabled people as they go through the court process.

Disruptions to the planned workflow

The training package is designed to be facilitated via face-to-face sessions so that anticipated disclosures can be handled appropriately.

Next Steps

Action 15 began rollout in late 2023. The Ministry will continue to monitor its implementation. The Ministry has ensured throughout development of the training that the needs of the disability community are taken into consideration. These needs have also been considered in the delivery of the training sessions which will take place over the next three years.

Te Ao Mārama - Enhancing Justice for All (Ministry of Justice)

Overall Status

On track with Minimal Risks

Programme Summary

Te Ao Mārama – Enhancing Justice for All is a judicially-led initiative that partners with Māori and communities to ensure all court participants, including victims and whānau, are seen, heard, and understood. It draws on proven ways to reduce reoffending and is intended to enhance justice for everyone who attends the District Court.

This change will be achieved by taking best practice approaches from solution-focused and therapeutic courts and integrating modified versions of those practices in the mainstream court. These best practice approaches will be supported and strengthened by government agencies and other local service providers working together with iwi and the community to enhance the support available to all who access the courts (including disabled people).

Alignment

This programme aligns with Outcome 4 of the Disability Strategy – Rights protection and justice, which focuses on protecting rights and ensuring people feel safe, understood, and are treated fairly and equitably by the justice system.

Te Ao Mārama Programme also aligns with the Independent Monitoring Mechanism and the United Nations Convention on the Rights of Persons with Disabilities by:

- ensuring persons with disabilities have access to justice on an equal basis with others (Article 9 of the Convention).
- ensuring there are sufficient resources to lead the development of supported decision-making (Article 12 of the Convention).
- improving data collection to ensure information about the justice sector is fully accessible, providing training on accessibility within the sector, and increasing resources for providers such as Community Law (Article 13 of the Convention).

Te Ao Mārama Programme contributes to recommendation 38 of the Making Disability Rights Real Report, namely recommendations:

- 38c. ensuring information about the justice sector is fully accessible, both in terms of its individual components and the various journeys that an individual may take through the justice system.
- 38i. increasing an understanding of 'neurodisability' within the justice system and developing specific cognitive and communication responses to people with neurological impairments.

Progress against plan for the period

Action one

Building relationships with iwi: Kaitāia District Court.

Actions completed

Following the Te Ao Mārama announcement in July 2022, there have been several local engagements and hui to progress Te Ao Mārama in the Kaitāia District Court. In October 2023, Oi Collective, the iwi-mandated design partner, held a community photo exhibition compiled by whānau that have been through the Family Court. A series of community-based workshops were also held with discussions focused on the Family Court and how the system may better enable conciliation and restoration.

Oi Collective developed a Community Action Plan on behalf of Te Hiku o te Ika Trust focusing on Te Ao Mārama in the Kaitāia Family Court. The report will be presented to the judiciary and senior Ministry leaders in January 2024, and will inform implementation options and planning for the next steps of Te Ao Mārama in Kaitāia.

Barriers to progress

Nil.

Status

On track or Ahead

Action two

Building relationships with iwi: Gisborne District Court.

Actions completed

The Ministry continues to develop its relationship with iwi in Gisborne and received a report from the local iwi on potential solutions for Te Ao Mārama in the Gisborne District Court. The Ministry is testing these ideas to inform a rangatira hui that is being explored for early 2024.

Barriers to progress

Te Ao Mārama related engagements with iwi in locations affected by Cyclone Gabrielle were revised considering regional recovery efforts. The Ministry re-engaged with Gisborne District Court and local iwi once a 'green light' was received from iwi/ local court staff.

Status

On track or Ahead

Action three

Building relationships with iwi: Hamilton District Court

Actions completed

The Ministry is working with Waahi Paa Marae to plan for engagements and design work for implementing Te Ao Mārama in the Hamilton District Court. These are due to take place in February 2024.

Barriers to progress

Nil.

Status

On track or Ahead

Narrative

The core of the Te Ao Mārama vision for the District Court is to take best practice approaches from solution-focused and therapeutic courts and integrate into the mainstream court. It also envisages government agencies and other local service providers working together with iwi and the community. The full suite of Te Ao Mārama Programme interventions that will be delivered are:

- Solutions-focused and therapeutic courts best practice approaches. This will improve the court experience for defendants, victims, children and young people, parents, and whānau, and provide better information about the participants to judges to enable a solution-focused approach. The interventions in each District Court location will be tailored to the needs of the local community and within the constraints of the physical courthouse, but will likely include:
 - best available information to judges about participants, to enable solution-focused judging
 - screening for addiction, neurodiversity, and mental health issues,
 - using plain language in the courtroom.
- Iwi and community designed and delivered services. Bringing the strength of iwi and communities into the court is a key enabler for a solution-focused approach. Iwi and communities will be funded to design and deliver services for court participants (defendants, victims, children and young people, parents, and whānau).
- Services tailored to the specific needs of the local community, to complement and leverage existing services in those sites to avoid unnecessary duplication of effort. The design and delivery of the services will reflect local community demographics. Services will likely vary between sites depending on specific community needs.
- Guidelines and training for the judiciary and court staff. Guidelines and training are critical enablers to ensure that the judiciary and court staff can effectively implement the initiatives set out above. These initiatives will include:
 - judicial guidelines to support solution-focused approaches
 - alternative courtroom layout guidelines
 - flexible courtroom spaces guidelines
 - te ao Māori capability resources

- plain language guidelines and resources
- information-sharing guidelines
- training in tikanga and te ao Māori capability, including partnering with iwi to develop this training, and
- training in unconscious bias and racism.

Risks/Issues that are or may impact progress and mitigations

Not applicable.

Impacts on Inequities

Te Ao Mārama will make it easier for participants to engage with court processes, and participants will have better access to supports and services they need, increasing trust and confidence in the justice system. It will be available for all participants who interact with the court – including defendants, victims, children and young people, parents, whānau, civil litigants, and parties to disputes.

Disruptions to the planned workflow

Not applicable.

Next Steps

The Ministry is continuing to work and/or explore opportunities to work closely with its Disability Network and Whaikaha, the Ministry of Disabled People, in the design and scoping phase of Te Ao Mārama in each site to ensure the voices of disabled people are included at a local level when local solutions are explored.

Outcome Five - Accessibility

Better Later Life – He Oranga Kaumātua strategy and action plan (Office for Seniors – MSD)

Overall Status

On track with Minimal Risks

Programme Summary

Better Later Life – He Oranga Kaumātua is the Government’s strategy for New Zealand’s ageing population led by the Office for Seniors. The strategy aims to create a better future for New Zealanders where they can lead valued, connected and fulfilling lives as they age.

The Action Plan - He Mahere Hohenga, launched in September 2021 outlines the Government’s priorities and commitments to deliver the Better Later Life He Oranga Kaumatua strategy from 2021 to 2024.

The three priority areas in the Action Plan He Mahere Hohenga are:

Employment – supporting older workers to use their skills and experience, and facilitating the development of a resilient, multigenerational workforce,

Housing – providing a wide range of safe, secure and affordable housing options that meet the needs of older people, and

Digital Inclusion: Enabling older people to embrace technology by providing support to learn digital skills and gain confidence to participate in digital technologies. Helping to ensure everyone can access essential services that are increasingly exclusively available online.

Alignment

There is a commitment under Better Later Life: He Oranga Kaumātua 2019 to 2034 to contribute to the implementation of the Disability Strategy 2016 and action plan. We know that older disabled people experience unique challenges, older people who have a long term disability from birth or a young age compared to older people who develop a disability later in life experience different challenges. The

strategy enables us to advocate for the interests and wellbeing of older people, including disabled older people.

The 35 actions set out in He Mahere Hohenga are at different stages of implementation, with some advanced to a significant degree and others being scoped for further work. The actions reported below are likely to have greater crossover with the Disability Strategy and Action Plan.

Progress against plan for the period

There is a commitment under Better Later Life: He Oranga Kaumātua 2019 to 2034 to contribute to the implementation of the New Zealand Disability Strategy (2016 – 2026) and Disability Action Plan. We know that older disabled people experience unique challenges, older people who have a long-term disability from birth or a young age compared to older people who develop a disability later in life experience different challenges. The strategy enables us to advocate for the interests and wellbeing of older people, including disabled older people.

There are several overlapping interests and issues between the Seniors and Disability Issues portfolio, such as increasing access to housing, employment, and increasing the health and wellbeing for all older people, including older disabled people.

The 35 actions set out in He Mahere Hohenga are at different stages of implementation, with some advanced to a significant degree and others being scoped for further work. The actions below are likely to have greater crossover with the Disability Strategy and Action Plan.

Action one

ACTION 13: Investigate how accessibility of public buildings is addressed in the Building Code.

Actions completed

No further update provided from MBIE.

Previous update for January to June 2023 stated: Further meetings have been held with disabled people's representatives. An agreement has been reached on the process for ongoing engagement and creating a formal disabled people's advisory group as well as a less formal group of two senior's representatives.

Barriers to progress

Time taken with engagement process could result in delays to work programme decision-making.

Status

On track with minimal risks

Action two

ACTION 28: Improve support for socially isolated and other vulnerable people and

ACTION 29: Address the physical and social determinants of health

Actions completed

No further update provided from MSD.

Previous update for January to June 2023 stated: A data insights report demonstrating where compounding hardship (or multiple disadvantage) is occurring across different communities was published in early June 2023 on the Social Wellbeing Agency (SWA) and the Ministry of Social Development (MSD) websites. This work has been well received by community service providers and Government and academic stakeholders.

Ongoing community engagement is occurring to test and socialise these initial insights which is helping to better contextualise and situate the data insights and highlight areas of potential policy focus. Work is also being done to further validate and refine the initial data analysis and insights, including building the data for people aged 50-64.

Barriers to progress

None identified

Status

On track

Action three

ACTION 35: Continue to promote the development of Age friendly Aotearoa New Zealand

Actions completed

A literature review on Age Friendly research has been completed and presented to OFS by AUT. The OFS is supporting AUT research into how age friendly Auckland is for Pacific people. The OFS is supporting a New Zealand pilot research project in Napier measuring how age friendly a city is using City & Co project work developed and supported by the Hague University.

A plan is being developed to address the Decade of Healthy Ageing together with key stakeholders.

A variety of stakeholders have been engaged with. A type of guidance document has been identified through NEMA that may be appropriate to use to disseminate information. The next focus is to produce draft guidance for review by key stakeholders.

Barriers to progress

None identified

Status

On track

Action four

ACTION 19: Analyse the housing needs for New Zealand's ageing population

Actions Completed

Office for Seniors (OfS) recently contracted NZIER to complete research into levels of mortgage stress among older people in NZ. Using Centrix data, this research looked into rates of older people in mortgage arrears and the uptake of reverse mortgages. This will be shared with the Minister and stakeholders in March 2024. OfS and MSD previously conducted desk-based research into the current state of existing and recently

divested Council housing to better understand the impacts on older people.

Barriers to progress

None identified

Status

On track

Narrative

Older adults make up an increasingly large proportion of the New Zealand population and this demographic is growing rapidly. As too will the diversity of people within this group such as an increase in the number of people living with a disability. Findings in the New Zealand Disability Survey show that one in four New Zealanders identified as disabled in 2013. This number encompasses people 65 and over who have an age-related disability, experiencing impairments as part of the ageing process, and those who have pre-existing physical impairments and are entering into later life.

The intersectionality of age and disability exacerbates many experiences of discrimination. Older people who have experienced life-long impairments or early onset impairments are less likely than their peers to have achieved educational outcomes or been in full time employment, and less likely to have owned a house or acquired cash assets. The wellbeing of these disabled people will be very different to other older people, which calls for consideration amongst older persons policy and within wider welfare systems.

While some of the barriers that disabled people experience earlier in their lives remain the same or are exacerbated by older age, those who gain a disability later in life may be facing those barriers for the first time, and such barriers are also compounded by age barriers.

Risks/Issues that are or may impact progress and mitigations

None

Impacts on Inequities

Nil

Disruptions to the planned workflow

None

Next Steps

We will continue to report on progress implementing the Better Later Life Strategy. In 2024 we will develop a revised Better Later Life Action Plan that will reflect current priorities of the Government.

Accessibility for New Zealanders Bill (Whaikaha – Ministry of Disabled People)

Overall Status

Off track with Minimal risk

Programme Summary

The Accessibility for New Zealanders Bill (the Bill) aims to create an accessibility framework that takes a progressive approach to identifying, preventing, and removing barriers to participation for disabled people, tāngata whaikaha Māori and their families and whānau and others with accessibility needs in New Zealand. The Bill would do this by:

- Establishing a new legislative framework to create a consistent way of addressing accessibility barriers and growing accessibility practices across New Zealand over successive governments
- Creating an Accessibility Committee (the Committee) to consider accessibility barriers and provide recommendations to the Minister for Disability Issues on how to improve accessibility in Aotearoa
- Ensuring the majority of Committee members identify as disabled, are nominated by their communities and can represent disabled people, tāngata whaikaha Māori, and their families or whānau
- Requiring the Minister for Disability Issues to provide the Committee's recommendations to all Members of Parliament as soon as possible after they are made
- Requiring responsible agencies to be accountable for their responses to the Committee's recommendations through publishing a State of Accessibility Report.

Alignment

The Bill would provide a framework to support interventions that align with all outcome areas in the New Zealand Disability Strategy 2016-2026:

- Education: Removing barriers in education will support disabled children and young people to thrive alongside their peers and live up to their full potential.

- **Employment and Economic Security:** Addressing barriers in housing, transport, education, and in workplaces will enable more disabled people to work and build independent lives.
- **Health and Wellbeing:** Removing barriers will directly improve health and wellbeing by improving access to health services and resources. It will indirectly improve health and wellbeing through enabling disabled people to participate in society like anyone else.
- **Rights, Protection and Justice:** Miscommunication, attitudes and inaccessibility are key challenges for disabled people in accessing justice. Addressing these will help ensure more equitable outcomes in this area.
- **Accessibility:** The Bill aims to create a framework that will accelerate progress towards a fully accessible Aotearoa where disabled people can live with fewer barriers.
- **Attitudes:** Many accessibility barriers relate to peoples understanding of and attitudes towards disability and disabled people. The Bill will consider attitudes alongside other barriers.
- **Choice and Control:** Improving access to services, spaces, and information will increase choice and control for disabled people in everyday life.
- **Leadership:** Barriers across education, health, employment, and other areas remove opportunities for disabled people to be leaders. By addressing these barriers, more disabled people will have more equitable opportunities to grow and become leaders.

Accessibility is also one of eight guiding principles underpinning the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD). Article 9 of the UNCPRD outlines the specific accessibility obligations of countries that have signed the Convention. It makes clear that those countries must not only ensure disabled people's equal access to all key life areas, but also identify and eliminate obstacles and barriers to accessibility.

Progress against plan for the period

Action one

Steward the Bill through the Select Committee process.

Progress the Bill to its Second Reading in Parliament.

Actions completed in the period

The Bill was considered by the Social Services and Community Select Committee. The Committee reported back on the Bill on 22 June 2023. A link to the Bill and Select Committee commentary is available [here](#). The Select Committee recommended, by a majority, that the Bill should be enacted.

The Bill is now awaiting its Second Reading.

Barriers to progress

The Bill was paused ahead of the 2023 General Election. The incoming Minister for Disability Issues paused further work on the Bill pending further policy work (see below for more detail).

Status

Off Track with Minimal Risks

Narrative

When the Select Committee's report on this Bill was published, Whaikaha – the Ministry of Disabled People took over responsibility for the Bill from the Ministry of Social Development.

The previous Minister for Disability Issues paused the Bill to allow for community consultation on concerns raised in the Select Committee process. The main concern was that the Bill lacked 'teeth' and that accessibility legislation should be more binding in nature.

Whaikaha supported the Minister with advice during this process, in the lead-up to the 2023 General Election.

A new government was formed Following the election. The new Minister for Disability Issues commissioned Whaikaha to research and review overseas legislation to inform policy decisions on the future of the Bill in early 2024. Whaikaha is now progressing this work and will provide an update to the Minister by July 1 2024.

Risks/Issues that are or may impact progress and mitigations

Following the further work commissioned by the Minister for Disability Issues, a decision will be made on the future direction of the Bill.

Impacts on Inequities

The legislative framework proposed in the Bill aims to reduce barriers to accessibility, and should therefore assist with addressing the additional inequities and disadvantages experienced by some groups of disabled people, such as tāngata whaikaha Māori, Pacific Peoples, older people, women, and children. The policy work programme arising from a new legal framework should have positive impacts for these groups.

Whaikaha is particularly mindful of the views expressed by tāngata whaikaha Māori me o rātou whānau in the Wai2575 proceedings about the need for them to access support that responds both to their identity as disabled people and as Māori. The Bill would support interventions to promote access to culture, language, and important spaces such as marae.

Disruptions to the planned workflow

With the change in Government, the previously planned workflow is no longer applicable. Once the Minister has considered advice on the gaps in the current Bill and how other jurisdictions are addressing accessibility issues, the Minister will decide on the future of the Bill in early 2025. Following this, a new work plan will need to be developed for progressing accessibility legislation.

With the change in Government the previously planned workflow is no longer applicable. Once the Minister has considered advice on the legislative gaps and how other jurisdictions are addressing accessibility issues, they will decide on the future of this Bill, in early 2025. Following this, a new work plan will need to be developed for progressing accessibility legislation.

Next Steps

Whaikaha will continue its review and provide an update on this work by July, 1, 2024 with substantive advice to the Minister due by 1, December, 2024.

Update as at 31 August 2024:

On 14 August 2024, the Minister for Disability Issues withdrew the Accessibility for New Zealanders Bill. The Minister noted that while most submitters expressed that they supported accessibility legislation, they did not view this Bill as being fit for purpose. The Minister has directed officials to progress an accessibility work programme to make concrete, tangible improvements in accessibility in New Zealand within the current regulatory framework.

Accessible public information (MSD)

Overall Status

On Track

Programme Summary

This work programme supports the translation of government information into Alternate Formats by coordinating an All Of Government (AOG) process for Alternate Format productions and translations.

Alignment

The work programme aligns with Outcome Five, Accessibility of the New Zealand Disability Strategy (2016-2026). Additionally, it aligns with and supports the intention of Papa Pounamu – the All of Government Diversity and Inclusion work programme and aligns with the intent of the proposed Accessibility for New Zealanders Bill. This work aligns with the UNCRPD Concluding Recommendations 44 (a), (b), (c) and (d) which refer to additional activities to support the “Freedom of expression and opinion, and access to information (art. 21)”.

Progress against plan for the period

Action One

Continuation of Alternate Formats coordination service

Actions completed in the period

The Alt Formats team continues to provide coordination of Alternate Formats (Easy Read, New Zealand Sign Language (NZSL), Braille, Audio and Large Print) for the entire Public Sector. Over this period of time, over 1200 translations were delivered across government. This included support of the 2023 NZ Government Election.

Barriers to progress

This programme is under-resourced with only one MSD Senior Advisor as the only dedicated and ongoing FTE person. While the programme has

been utilising a second FTE person to support coordination of the service, this role is not substantiated and requires ongoing six-monthly requests for the continuation of this resource.

Status

On track with Minimal risks

Action two

Continuation of support across government for Accessible Information, including Accessibility Charter.

Actions completed

Continuation of the AOG Accessible Information monthly training

- Cross-agency discussions continue around the role of the Accessibility Charter and its integration with Whaikaha's wider accessibility work lead role.

Barriers to progress

Discussions regarding the role of the Charter have been ongoing for some time and no clear decision has yet been made or shared with the disability community. This does not however impede progress around accessible information with all supportive activities continuing.

Status

On track with Minimal risks

Narrative

The Alternate Formats service continues to coordinate and support the translation of government information for the disabled community. This has included conversations with NEMA and other emergency response organisations to educate and drive better information responses during these events; and form new agreements about ways of working which will streamline responses.

The AOG Alternate Formats service continues to grow, with additional support for those providing Easy Read translations which has increased

their capacity significantly. An Easy Read training for government and NGO organisations is being developed by People First. This will be supported by the Easy Read Accreditation service and will allow employees who have completed the training to draft Easy Read documents, which will then be accredited by the Easy Read Accreditation Service. This will both increase community knowledge and skill, and reduce demand on the Easy Read translation service – meaning that the population group who use Easy Read will have greater access to information.

MSD continues to provide monthly Accessible Information Training. This continues to be a popular event, with approximately 40-50 people attending each training. Ad hoc training is also provided on request to other groups or agencies.

Risks/Issues that are or may impact progress and mitigations

This MSD work programme continues to be under-resourced.

Impacts on Inequities

This work programme directly ensures that all disabled population groups are able to access government information.

Disruptions to the planned workflow

Nil

Next Steps

Business as Usual.

Kāinga Ora Accessibility work programme

Overall Status

On track with Minimal Risks

Programme Summary

The Kāinga Ora Accessibility Policy has three key outcomes that guide the work we undertake as part of our accessibility work programme:

- Increasing the number of our homes that meet universal design standards with at least 15 percent of our public housing new builds meeting our full universal design standards.
- Meeting the individual needs of our customers, including through modifications of properties.
- Improving the information we have about our customers' needs and the accessibility of our properties.

The Accessibility Policy is currently being refreshed into an Accessibility Plan. The development of the refreshed Accessibility Plan provides the opportunity to identify outcomes to commit to, which will shape the future of our Accessibility Work Programme.

Alignment

The Kāinga Ora Accessibility work programme aligns with the New Zealand Disability Strategy's (2016 – 2026) Outcome 5: Accessibility. It also aligns with the IMM Making Disability Rights Real Report's recommendations 25, 27, and 28.

The Kāinga Ora Accessibility work programme also overlaps or aligns with the following other external programmes:

- MSD's Accelerating Accessibility programme
- MSD Office for Seniors' He Oranga Kaumatua Better Later Lives Strategy 2019-2034
- Human Rights Commission's Decent Home Guidelines
- Ministry of Health's Healthy Ageing Strategy
- Whaikaha – Ministry of Disabled People's Enabling Good Lives transformational programme
- Auckland Council's initiative: "Age Friendly Auckland"

- New Zealand Green Building Council Homestar Programme.

Progress against plan for the period

Actions planned for the period

1. Improving information about our customers' needs – improving the information Kāinga Ora has about its customers accessibility needs and how it uses this information to deliver better accessibility outcomes.
2. Asset data – collecting asset information about the accessibility features of Kāinga Ora properties and updating our asset management systems.
3. At least 15 percent target – the Kāinga Ora Accessibility Policy has a target that at least 15 percent of our public housing new builds will meet our full universal design standards. We continue recording against this target.
4. Modifications – Kāinga Ora, Whaikaha, Oranga Tamariki, Ministry of Social development and ACC have established a joint government initiative (led by Kāinga Ora) to improve the modifications process across government.
5. Accessibility Policy review – we are currently working to refresh our Accessibility Policy to ensure it remains fit for purpose and supports Kāinga Ora customers to live well in their homes.

Action One

Improving information about our customers needs

Actions completed

Since November 2023, Kāinga Ora has been invited as a regular participant in the Disability Data and Evidence Working Group (DDEWG) made up of government officials, representatives from Disabled People's Organisations and groups interested in disability research. This group has a focus on the types of data required to ensure the development of sound policy and appropriate services to meet the needs of disabled people in New Zealand.

In mid-2023, we sought to gain further insights into the disability status of our customers. We are currently undertaking a deep dive analysis of our internal data sets.

There is potential for improving the information we hold about our disabled customers by analysing our internal data and updating how we record accessibility related information. We have deployed natural language processing (NLP) techniques to identify where there may be an accessibility related need in the data. This will help to improve the quality of our information about our individual customers and household members, and potentially enable us to address their needs more quickly and effectively.

Kāinga Ora also conducted a recent survey to better understand how satisfied Supported Housing Providers are with the services and properties they receive from Kāinga Ora. The results from this survey will help us develop a more detailed understanding of Providers' needs and their customers' needs, including property modifications to meet accessibility needs.

- Kāinga Ora have continued our work using Natural Language Processing (NLP) to analyse the unstructured text data we hold about our customers needs. This project is ongoing and continually evolving. The long-term goal is to productionise the NLP classifiers and run them regularly on all text data as it is recorded, performing analysis in near "real time". By improving the information we hold about our customers, we will be better able to meet their needs.
- Kāinga Ora are also setting up a Disabled Customer Working Group pilot. This group will be made up of 5-8 Kāinga Ora customers with experience living with a disability, or caregivers. The focus of this group is to hear the voices and lived experience of customers to help inform accessibility related work across the organisation. Recruitment for this group began in September 2024.

Barriers to progress

No barriers to progress in this reporting period.

Status

On track or Ahead

Action two

Asset data

Actions completed

Kāinga Ora has incorporated a modification/accessibility assessment into its Health and Safety Annual Inspection programme for the 2023-2024 period and assessments commenced in July 2023. An external contractor is currently conducting a one-time assessment that aims to confirm the number of properties with accessibility features (e.g. ramps, Lifts, Ceiling hoists, handrails, wet area showers/toilets, lowered kitchen benches etc.) and specify the areas that have been modified, such as bathrooms, kitchens, toilets, entrances, and interiors.

Between July 2023 and end of December 2023, approximately 29,000 property inspections were conducted; of those, 11,585 properties had modifications or accessibility features. As this process continues we will gain a better understanding of the total percentage of our properties that have modifications or accessibility features.

Two dashboards have been created as initial outcomes of this initiative. These platforms serve as repositories for the notes, data, and photos collected by contractors during the inspections. These reports could play a crucial role in identifying the accessibility attributes of our properties and are highly valuable for a range of accessibility purposes including placement decisions for customers with accessibility needs.

The first four months of collected accessibility asset data has been manually cross-checked with the Kāinga Ora master asset records system, and property records have been updated as needed. We are currently exploring methods to streamline the validation process and systematically update our master asset records system while optimising the utilisation of collected data.

The modification/accessibility assessment has continued to be incorporated into our Health and Safety Annual Inspection, with some houses still to be inspected. This is a one-off assessment due to be completed end of June 2025. Between 1 July 2023 and 31 July 2024, 59,819 properties were inspected for accessibility features—representing approximately 80% of our portfolio. Of these properties, 16,258 were found to have modifications or accessibility features. This excludes some minor modifications that can be temporary in nature (such as handrails).

Barriers to progress

No barriers to progress in this reporting period.

Status

On track or Ahead

Action three

At least 15 percent target

Actions completed

Kāinga Ora has a target of at least 15 percent of our new build properties meeting the Full Universal Design (fUD) specifications set out in the Accessibility Policy. As at 31 November 2023, Kāinga Ora has delivered 95 new built homes that meet the fUD specifications in the financial year 2023/24. There are a large number of projects scheduled to be delivered in the fourth quarter of the financial year that put us on track to meet the at least 15 percent target for the 2023/24 financial year.

From 1 July 2023 – 30 June 2024, Kāinga Ora had delivered 564 new built homes that meet the fUD specifications. This was 20% of the total number of homes built, which meets the 15% target for the 2023/24 financial year. The only year that Kāinga Ora has not met the 15% target was the first year the target was introduced.

Barriers to progress

No barriers to progress in this period.

Status

On track with Minimal risks

Action Four

Modifications

Actions completed

The cross-agency report consolidating the findings and feedback from the various workshops held throughout 2022 has been finalised. This report identified a range of challenges for our customers and for those seeking to support them to access housing modifications. The report identified six

priority areas of focus that would greatly improve the current housing modifications processes for disabled customers and their whānau.

Discussions are underway cross-agency to determine how we can collectively use the recommendations outlined in the report to improve the current housing modifications processes for disabled customers and their households.

Kāinga Ora has also been working to improve its internal modifications processes so these are clear and can be consistently applied. This included discussions with regional teams involved in the modifications process, and updating our internal process documents in response to their feedback.

Kāinga Ora has continued work over 2024 to improve its internal modification process. This has included improving the way modification data is tracked, standardising processes across regions, and drafting a new modification process document expected to be published in November 2024.

Barriers to progress

No barriers to progress in this period.

Status

On track with Minimal risks

Action Five

Accessibility Policy review

Actions completed

Kāinga Ora has been refreshing its Accessibility Policy to ensure it remains fit for purpose and supports Kāinga Ora customers to live well in their homes. The refreshed Accessibility Plan intends to build on the progress made under the current Accessibility Policy.

Over the course of 2023, we have identified the progress we have made under the current 2019 Accessibility Policy and confirmed the areas of focus still underway.

The intention is to engage with government agencies, the sector, tāngata whaikaha Māori, Pacific Peoples with disabilities, and Kāinga Ora customers with lived experience of disability on ***any*** refreshed commitments.

An independent review of Kāinga Ora was undertaken earlier this year, and a turnaround plan is currently being developed in response to this. Work to refresh the Accessibility Policy will not be completed until the mandate of Kāinga Ora is confirmed. However, Kāinga Ora are still working to the 2019 Accessibility Policy, the outcomes of which remain relevant and focus on meeting the needs of their customers. Kāinga Ora will continue working under the 2019 policy until such time as a new policy is introduced, ensuring the organisation continues to have a focus on accessibility.

Barriers to progress

While we had intended to undertake stakeholder engagement by the end of 2023, after consultation with the Kāinga Ora Board it was decided that we would be best placed to ensure any new Accessibility Plan proposals are aligned with the new government priorities relating to accessibility. Briefing and guidance from the Minister will be required before we can undertake our external stakeholder engagement.

Status

Off track with Minimal risks

Narrative

Kāinga Ora have been working to progress the actions outlined in this report. The refresh of our Accessibility Policy into an Accessibility Plan is a particularly important piece of work as it will help to shape the rest of the Kāinga Ora accessibility work programme moving forward. Kāinga Ora is also focused on ensuring our accessibility related work is endorsed by the new government and aligns with their priorities. This will require briefing and seeking further guidance from the Minister.

In addition to the progress we have made through our accessibility work programme outlined in this report (aligned to our Accessibility Policy objectives) we have developed a work programme to address other accessibility initiatives. For example:

- Working to implement our Supported Housing Strategic Plan which recognises that supported housing is an integral component of our role within the housing system and to support people with disabilities.
- A roadmap outlining future activities has been developed to deliver targeted internal communications promoting Supported Housing and the accessibility needs of our customers.
- Working to build internal capability around disability awareness and responsiveness.
- Producing the document 'Masterplanning for Universal Design'. This has been produced with considerable input from external experts. It was most recently reviewed by the DPO Coalition in December 2023 and is intended for online publication following their feedback. This document is intended for use across the built environment professions in Aotearoa, to deliver accessible streets and spaces, as standard, that work for as many people as possible.
- Initial scoping/planning for the implementation of an Accessible Customer Working Group Pilot. This group would be made up of Kāinga Ora customers with lived experience of disability. The establishment of this group is subject to approval.

Risks/Issues that are or may impact progress and mitigations

- Kāinga Ora is currently undergoing an independent review. The results of this review are not yet known and could impact on the timing and focus of our work programme.
- Delivering to 15 percent universal design is an end of financial year target. Predicting the end of the year results will be an ongoing issue, however, we continue to track our pipeline delivery activity to monitor progress on delivery of Universal Design homes.
- The volatility in the construction market will continue to be a factor that Kāinga Ora will need to monitor closely to ensure it does not impact delivery to our Universal Design target.
- Competing agency priorities will impact our cross-agency work to improve housing modification processes.
- Progressing our accessibility work programme includes potential risks around resourcing and funding. Kāinga Ora will continue to monitor these risks as work continues.

Impacts on Inequities

We acknowledge the proportion of Māori and Pasifika families in our homes in general and those Māori and Pasifika families with disabled family members. Engagement with tāngata whaikaha Māori and Pacific Peoples with experience of disability is a focus of our engagement for our refreshed Accessibility Plan. It is important to hear the voices of these groups to ensure they are well represented as we shape our accessibility work programme moving forward.

Kāinga Ora have also implemented Te Rautaki Māori o Kāinga Ora (Māori Strategy) 2021-2026 which prioritises and supports iwi and rūpū Māori aspirations for housing.

Disruptions to the planned workflow

Kāinga Ora are focused on ensuring our accessibility work programme aligns with the new government's priorities. We are currently working on briefing our Minister and receiving guidance for our accessibility work moving forward.

Next Steps

1 January to 31 June 2024

- Brief the Minister for Housing on our accessibility work programme and confirm the government's priorities for Kāinga Ora regarding accessibility.
- Engage on our draft refreshed Accessibility Plan with our government partners, the disability sector, customers, Pacific disability representatives and tāngata whaikaha Māori.
- Finalise and publish the Accessibility Plan.
- Continue work cross-agency to determine how we can collectively improve the current housing modifications processes for disabled customers and their households.
- Work will continue on the development of a Memorandum of Understanding between Kāinga Ora and Whaikaha, along with corresponding information sharing agreements between ACC, Oranga Tamariki and MSD with regard to data and information specific to housing modifications.

- Work to better understand our customers and data will continue to be progressed, through stakeholder mapping, annual inspections and development audit processes. Work is underway to determine how we may use this data in the future to better inform our policy initiatives, strategy and asset planning programmes.
- Planning for the possibility of setting up an Accessible Customer Advisory Group as a pilot (in the first instance) to seek to better understand the unique needs and challenges faced by our customers and their households with disabilities.

Improve accessibility across the New Zealand housing system (Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development HUD)

Overall Status

Off Track with Minimal Risks

Programme Summary

The Disability Action Plan 2019-2023 established a work programme for HUD to increase accessibility across the housing system. In 2019 Cabinet agreed that HUD would:

- Consider ways to incentivise the provision of accessible rentals.
- Consider how housing delivered through Kāinga Ora – Homes and Communities can support the needs of disabled people.

This work programme aims to incentivise the supply of accessible properties for disabled peoples through the levers that HUD owns directly – the funds and programmes HUD delivers and HUD’s policy role in relation to Kāinga Ora delivery; and through exploring opportunities with other agencies and partners who own different levers.

Alignment

This work programme aligns with:

- The Independent Monitoring Mechanism’s recommendation that housing is a key issue to be addressed for disabled people.
- The New Zealand Disability Strategy (2016-2026), Outcome Five – Accessibility.
- The Government Policy Statement for Housing and Urban Development (GPS-HUD)
- The UN Committee on the rights of persons with disabilities concluding observations for New Zealand in relation to accessible housing.

Progress against plan for the period

Action one

The piece of work previously planned was work to understand the conditions necessary to expand the Kāinga Ora Full Universal Design (fUD) target above 15 percent and progress further analysis to inform the conditions, options, and timeframes under which the target could be expanded.

Actions completed

The above action was not completed in this reporting period. Reasons for this included preparing for a potential change in government and reprioritisation of work post-election. It is also necessary to ensure that work on Kāinga Ora's Accessibility Policy refresh and an approach to universal design have been finalised before making further progress on the original action.

HUD has remained in contact with Kāinga Ora over this reporting period as they undertake the necessary foundational work to progress this work programme. We understand Kāinga Ora is making progress in gathering evidence to inform increasing the application of universal design features in new build social homes. HUD will continue to work with Kāinga Ora to support this work programme as required.

Barriers to Progress

No extraordinary events occurred during this reporting period

Status

Off Track with Minimal Risks

Narrative

HUD has taken steps in pursuit of the actions agreed at Cabinet over the course of the DAP period. However, this has primarily been through a system lead role, supporting other agencies who hold the levers required to achieve these actions.

Beyond this, HUD has taken steps to improve accessibility across the housing system where it is within its scope, and these are included below.

Explore options for incentivising the provision of accessible rental properties

HUD has progressed some work internally to further its understanding of the current need for and barriers to accessing accessible housing, as well as options to incentivise the provision of accessible rental properties, particularly in the private market. This work identified levers that would make a significant difference, such as the building regulatory system, tax system, and Local Government systems (e.g. consenting times). However, HUD does not own any of these levers and action would be required across government agencies to achieve outcomes. As system steward, we will consult with relevant agencies to inform them of this work, and to ascertain what actions are possible. Any decisions on whether this work is progressed will be up to the relevant lead agency.

Working with key agencies to ensure the funding mechanism delivers housing modifications to approved households in a timely manner

Whaikaha administers the funding and application process for disabled applicants. Whaikaha advised that in collaboration with Kāinga Ora and ACC, a project has been undertaken to consider how to streamline the application process for housing modifications in relation to public housing.

As a part of this project, Kāinga Ora led a consultation process that included MSD, providers, assessors, and clients. This helped identify barriers relating to the ACC and Whaikaha processes to meet the needs of people who require housing modifications. A draft report has been provided by Kāinga Ora to Whaikaha.

Key agencies involved in this project are considering how to progress the recommendations. Please refer to the Kāinga Ora Disability Action Plan update for further detail.

Consider how housing delivered through Kāinga Ora – Homes and Communities can support the needs of disabled people

Kāinga Ora builds and provides the majority of New Zealand's government funded social housing. HUD provides overarching policy

advice as required. Kāinga Ora is working towards completion of a refresh of its Accessibility Policy, the first of which included a specific target for universally designed new build public homes, and for the rest to meet as many universal design features as possible. The review underway includes a review of their full Universal Design (fUD) standards and how these can be applied to achieve the greatest outcomes for accessibility in new build public housing. HUD will continue to support Kāinga Ora as required on this programme of work.

Broader work across HUD to support improved housing outcomes for disabled people

Homelessness Action Plan

The Aotearoa New Zealand Homelessness Action Plan (2020-2023) was developed to prevent and reduce homelessness. HUD and partner agencies continue to deliver a range of initiatives from the plan, including housing and support for rangatahi and people transitioning from Oranga Tamariki care, health inpatient units, and prison. The following groups are a focus for support under the plan: disabled people, Pacific peoples, older people (aged 50+), LGBTQIA+ people, and ethnic communities. While it is not known how many disabled people experience homelessness in New Zealand, research on the experiences of disabled people found for at least some this does occur. The Ministry of Social Development (MSD) is leading work on preventative measures for at-risk groups. HUD continues to progress work to prevent and reduce rangatahi homelessness.

HUD provided guidance for Social and Transitional Housing Providers

HUD produces design guidance for government funded social housing developed by Community Housing Providers (CHPs). The most recent iteration of the Public Housing Design Guidance seeks to promote understanding and encourage uptake of universal design features with the inclusion of a section on design for accessibility. There is no requirement for CHPs to incorporate Universal Design into their properties, however HUD does take accessibility into account when approving funding where a CHP has provided this information and/or is targeting a specific cohort.

The Code of Practice for Transitional Housing sets expectations around healthy and safe housing, pleasant living environments, fair and transparent exit processes and issues management. It was developed with a high level of engagement from transitional housing providers, including kaupapa Māori providers, as well as advocacy organisations including CCS Disability Action, sector peak bodies and relevant government agencies. The code is now incorporated in a Schedule to each of the Transitional Housing Provider Services Agreements with HUD. Providers are required to “ensure that properties contain sufficient space and are physically accessible for the Household Members occupying them”. They are also required to “take all reasonable steps to ensure properties are physically safe for the household members occupying them.” By July 2024 all properties must also meet the Healthy Home Standards.

Indicators to improve understanding of experiences and measure progress

In 2022, HUD published indicators to track progress towards the long-term outcomes set out in the GPS-HUD. Reporting on progress against the indicators will include information on people living with disabilities, where this information is available. The development and publication of the indicators is a key part of HUD’s work to improve its understanding of people’s diverse experiences of housing and urban development, including the housing and accessibility needs and experiences of disabled New Zealanders. We acknowledge there are significant gaps at present in data on disabled peoples housing circumstances. As broader work across government to gather and share data on disabled peoples experience occurs, we will start to fill these gaps over time.

HUD work programmes with opportunities to support delivery of accessible housing

HUD delivers \$150 million through the Affordable Housing Fund’s Affordable Rental Pathway to support the building of new homes for people who struggle to meet the cost of a market rental but can’t access public housing. This fund encourages applications that offer accessibility and universal design features. Two proposals whose target cohort included people with accessibility requirements were approved in the first funding round, with housing in the developments due to begin delivery in

2024. Several applications in the second funding round, which are awaiting final approval, include homes with accessibility features.

Whai Kāinga Whai Oranga, jointly delivered by HUD and Te Puni Kōkiri, provides \$730 million of investment and support for Māori to determine their own housing solutions. Māori have higher rates of disability than the general population, 26 percent compared to 24 percent among the total New Zealand population, and the difference for Māori children is greater, 15 percent for tamariki Māori compared with nine percent of non-Māori children. Many Māori housing providers funded through the programme are seeking to support the most vulnerable/at-risk members of their community, including whānau members with disabilities. In response, universal design features have been incorporated as part of these developments.

Risks/Issues that are or may impact progress and mitigations

HUD, while overall housing system steward, does not hold responsibility for many of the levers pivotal to making progress under the action assigned to it. For example, the building regulatory system (which could be used to incentivise accessibility measures in private homes) is held by the Ministry for Business, Innovation and Employment (MBIE). HUD has sought to work collaboratively with the key agencies responsible to provide appropriate support as necessary.

Impacts on Inequities

Around a quarter of New Zealanders have disabilities. However, research estimates that few homes in New Zealand meet basic levels of physical access and usability for disabled people. This results in inadequate and unsafe living situations, leading to negative impacts on disabled people's wellbeing.

This work programme aims to increase accessibility across the housing system. As part of HUD's stewardship role, HUD works with stakeholders and partners in the housing system to consider how housing initiatives can be used to support the needs of disabled people.

Disruptions to the planned workflow

N/A

As system steward, HUD remains connected with key agencies who own levers related to accessibility, in particular, public housing delivery through Kāinga Ora, and MBIE's work on the building regulatory system.

Further consideration is required to determine HUD's role in improving accessibility across the housing system, including where the opportunities lie, and how we can leverage these.

With the Disability Action Plan due for a refresh in 2024, HUD is committed to working with Whaikaha to identify the areas where HUD can have the greatest impact for inclusion in the next iteration of the Disability Action Plan.

New Zealand Transport Agency Component of the joint transport Disability action plan 2019 – 2023 (Waka Kotahi, NZTA)

The full title of this report is, 'NZ Transport Agency Waka Kotahi (NZTA) component of the 'Joint Transport Disability Action Plan 2019-2023: Improving accessibility to public information, employment, and the transport system to enable safe and equitable participation in social, educational, and economic opportunities for all'.

Overall Status

On track with minimal risks

Programme Summary

The NZTA programme aims to address the issues faced by disabled people through internal and operational policy development, planning, and delivery, including:

understanding of how services, current policies, and new policy developments are progressing the rights and opportunities of disabled people.

effectively engaging disabled people and getting better disability data.

making public information accessible.

supporting the employment and effective support for disabled people in the public service.

Alignment

This work programme aligns with Outcome Five (Accessibility) of the NZ Disability Strategy (2016-2026) - 'We access all places, services and information with ease and dignity' and the inclusive access outcome of the Transport Outcomes Framework which is described as enabling all people to participate in society through access to social and economic opportunities such as work, education and healthcare.

In 2021, NZTA responded to recommendations in two Independent Monitoring Mechanism (IMM) reports: the first, on disability in New Zealand in general - Making Disability Rights Real 2014-2019 (2020), and

the second, on the experiences of disabled people during a pandemic - Making Disability Rights Real in a Pandemic Report (2021). The main recommendations in both reports relevant for NZTA were that we address the poorer socio-economic outcomes for disabled people by involving them in decision-making in all phases of policy development and that we ensure disabled people have equitable access to public transport. NZTA is actively addressing these recommendations through its research projects and operational policy outlined in this report.

NZTA is working closely with Te Manatū Waka – the Ministry of Transport (MoT) on areas such as Total Mobility (NZTA commissioned research to build understanding of the transport experiences of disabled people to be used to inform MoT's upcoming review of the Total Mobility Scheme) and the Accessible Streets Regulatory Package (NZTA undertook a Disability Impact Assessment on this work).

Progress against plan for the period

Action One – Research Projects

- "Characteristics of subsidised mobility services": Completion of literature review and report preparation.
- "Establishing the costs of essential transport": Pilot Study. (This project does not relate specifically to disabled people, but it will contribute to better disability data).

Actions completed

Both projects have produced reports which have been through the editing phase and are currently going through final review. This research will be publicly reported on via publication of the associated reports on NZTA's website in 2024.

Barriers to progress

We do not anticipate any disruptions to the planned workflow, though once the research has been completed, it will be "handed over" to the relevant groups within NZTA and the Ministry of Transport for further consideration and action as appropriate.

Status

On track with minimal risks

Action two - National Ticketing Solution (NTS):

The NTS project continued to progress through the design phase.

Actions completed in the period

The NTS project continued to progress through the system design phase including consideration of accessibility aspects for both physical and digital design elements where appropriate.

Barriers to progress

Nil

Status

On track with minimal risks

Action Three – Pedestrian Network Guidance

- Ratify Pedestrian Network Guidance, develop the continuous improvements programme, and embed guidance through a capability building programme.

Actions completed

Pedestrian Network Guidance is still in the process of being ratified. A continuous improvement programme has been developed by which the guidance will continue to be updated as best practice evolves. An example is enhancing our guidance for blind and low vision people.

An initial Training and Capability workshop was held in July 2023 on the Application of the Pedestrian Network Guidance. A focus on the course was on understanding the wide range of pedestrian characteristics and their accessibility needs and how we can provide safer and more supportive environments.

Barriers to progress

Nil

Status

On track with minimal risks

Action four - Develop Public Transport Design Guidance (PTDG)

Develop Best-practice guidance to support regional and local councils to deliver high quality, user-centric public transport. One of the principals of the guidance is accessibility.:

- Upload Interchanges section of the Public Transport Design Guidance (PTDG).
- Continue developing and delivering Capability building programme to embed PTDG.
- Further progress on Priority and Optimisation topic and begin to process feedback and finalise existing PTDG topics available on the web.

Actions completed

- Uploaded Interchanges section of the PTDG. The Interchanges guidance includes optimising interchange and station locations for accessibility and also designing for people to support safety, security, accessibility, legibility and navigability.
- Delivered on capability building programme which included advice to support inclusive public transport design (e.g. safe, obvious and step-free access) including webinar and Bus Infrastructure Design workshop. Further details about the workshop can be found at the link below: <https://www.nzta.govt.nz/walking-cycling-and-public-transport/public-transport/public-transport-design-guidance/training-and-capability/>.
- Uploaded Priority and Optimisation topic which provides guidance on optimising public transport services and includes accessibility considerations.
- Progressed processing feedback and drafting some revisions for live PTDG topics.

Barriers to progress

Nil

Status

On track with Minimal risks

Action five - Accessible Public Information:

- Heavy vehicle road code rewritten and published using plain language and accessible content principles by end of 2023.
- Continue update of regulatory manuals, guides, and web pages, in line with accessibility and plain language guidelines.
- Deliver an online version of our Design System by end of 2023 including accessibility guidance for components and patterns.
- Bulk communications accessibility tested, and guidelines developed.
- Our online forms are under review and we're currently looking for a fit for purpose online solution.

Actions completed in the period

- Heavy vehicle road code content rewrite is in progress.
- Plain language learning module went live in October 2023.
- Two disability learning modules (one aimed at leaders and one for all staff) went live at the end of 2023.
- Testing processes have been updated because of the new web accessibility standards (WCAG 2.2 released in October 2023). Accessibility content on our main website and in our writing and brand guidelines for staff has also been updated.
- We don't yet have an online version of our Design system but do have a shareable file format being used by external suppliers.
- There is a project underway to replace our legacy platform for sending bulk mail and email communications to customers, and accessibility testing of the new platform is in scope.
- Online forms solution options are still being investigated.

Barriers to progress

Nil

Status

On track with minimal risks

Narrative

NZTA has wrapped up the majority of actions committed to in the DAP. Work that is ongoing includes continuous programmes and documents (for example the Pedestrian Network Guidance) and large-scale projects not due for completion (NTS).

Much of NZTA's accessibility work is integrated into the life cycle of its work programmes as opposed to operating as separated out initiatives. Accessibility is a consideration in infrastructure design and implementation, as well as the policy and regulatory changes that NZTA enact or consult on.

Risks/Issues that are or may impact progress and mitigations

Nil

Impacts on Inequities

Many of NZTA's research programmes will benefit a range of groups beyond the main target group. For example, while the Subsidised Mobility report is mainly targeted at the Disability Sector (it will inform the review of the Total Mobility scheme) but it may also have implications for others (e.g. older New Zealanders).

The research on Costs of Essential Transport has possible positive benefits for all groups with limited access to the Transport System.

Disruptions to the planned workflow

Nil

Next Steps

Many of our DAP actions will continue as business-as-usual work into the future (collecting accurate disability data, regular updating of the Pedestrian Network Guidance in line with best practice). Other pieces of DAP work continue as capability allows (updating our web products and regulatory manuals in line with accessibility and plain language standards).

Ministry of Transport component of the Joint Transport Disability Action Plan 2019-2023 (Ministry of Transport)

Total Mobility scheme, Accessible Streets Regulatory Package

Overall Status

On track with Minimal Risks

Programme Summary

The Ministry of Transport's actions are focused on understanding how current policies and new policy developments are progressing the rights and opportunities of disabled people. These actions include undertaking a review of the Total Mobility scheme and progressing the Accessible Streets regulatory package.

Alignment

The Joint Transport Action Plan 2019-2023 aligns with Outcome 5 of the New Zealand Disability Strategy (2016-2026) – Accessibility. The review of Total Mobility aligns with Article 9 (Accessibility) of the United Nations Convention of the Rights of Persons with Disabilities, which includes accessible transport:

'To enable persons with disabilities to live independently and participate fully in all aspects of life, States parties shall take appropriate measures to ensure persons with disabilities access, on an equal basis with others, [...] to transportation, [...], and to other facilities and services open or provided to the public, both in urban and rural areas'.

The review also aligns with the United Nations Committee on the Rights of Persons with Disabilities concluding observations on the combined second and third periodic reports of New Zealand in September 2022. Under Article 9, the Committee stated that they were concerned about "continued barriers experienced by persons with disabilities in accessing the physical environment, transportation, information and communications, including information and communications technologies and systems".

While transport-related issues were not identified as one of the six key issues by the Independent Monitoring Mechanism (IMM), the feedback from the Disabled People's Organisations (DPO) Coalition and disabled communities highlighted the importance of improving disabled people's access to, and experience of, the transport system and providing them with more choices and control of their journey – access to the transport network enables safe and equitable participation in social, educational, and economic opportunities.

Progress against plan for the period

Actions One

- Total Mobility – development of draft discussion papers with input from stakeholders.
- Accessible Streets Regulatory Package – seek Cabinet approval to progress the package of rule changes.

Actions completed

- Total Mobility – contractor (MRCagney) engaged to carry out Task 2 and 3 of the Terms of Reference (reviewing the operational aspects of Total Mobility); review of the purpose of Total Mobility commenced.
- Accessible Streets Regulatory Package – deferred until 2024 by the previous government.

Barriers to progress

There were no unusual events that prevented the work being progressed.

Status

On track with Minimal risks

Narrative

No text has been provided by the Ministry.

Risks/Issues that are or may impact progress and mitigations

No text has been provided by the Ministry

Impacts on Inequities

Reviewing and improving the Total Mobility scheme to make it more fit-for-purpose is expected to improve equity for some disabled people, particularly:

- Māori – up to the age of 64, Māori are more likely to have a disability than other ethnicities (Stats NZ). Disabled Māori have less access to transport to meet their cultural needs, and they're at greater risk of transport-based exclusion than other disabled people (Waka Kotahi, 2022).
- Pacific Peoples – 19 percent of Pacific Peoples report having a disability (Waka Kotahi, 2022). Pacific Peoples aged over 65 are more likely to have a disability than other ethnicities (Stats NZ).
- Women – across all ethnicities, women aged over 65 are more likely to have a disability than men (Stats NZ).

Disruptions to the planned workflow

There are no disruptions to the planned workflow to report on for this reporting period.

Next Steps

- Total Mobility – engagement with stakeholders on draft discussion papers (Feb-May 2024); online hui with DPO member organisations in April/May 2024; and summary of feedback prepared and key themes shared with the Minister of Transport (June-July 2024).
- Accessible Streets Regulatory Package – We will brief the Minister on the package and seek feedback on his priorities and how he wishes to proceed with the proposals.

Outcome Seven – Choice and Control

Transform the Disability Support System (Whaikaha)

Overall Status

On track with Minimal risks

Programme Summary

Funding from Budget 2022 provides ring-fenced resourcing to support disability system transformation. The initial focus is on building the foundations for transformation including growing disability and community leadership, and developing the data and insights needed to make evidence-based investment decisions.

In August 2023, the Minister of Disability Issues and Minister of Finance approved the draw-down of funding to support disability system transformation. Re-phasing as part of the previous Government's rapid savings exercise reduced the four-year total from \$100m to \$73.7m. No change was made to the \$40.5 million outyear funding.

Funding for the 2023/24 financial year has been used to establish a small Transformation Management Office and appoint a Transformation Management Board. Funding has also been released to support the provision and evaluation of family and whānau-led facilitation services around the country, and to fund alternatives to respite care developed with disabled people and communities.

Alignment

This work programme responds to Outcome Seven - Choice and Control, in the New Zealand Disability Strategy 2016-2026.

It also responds to the following recommendations from the Independent Monitoring Mechanism (IMM) Making Disability Rights Real report that:

- Recommended that the Government advance innovative models of funding for integrated and flexible disability support, and provide adequate resourcing of those models, so that disabled people can

enjoy the highest attainable standard of health, including but not limited to accelerating equitable access nationally to an EGL approach.

- Noted that IMM hui participants were concerned about progress on national rollout and whether there is sufficient funding to enable people to live independently.
- Noted that the Mana Whaikaha Whānau Ora Interface Group have been talking to Te Pūtahitanga o Te Waipounamu about aligning system transformation with the Whānau Ora approach.
- Noted that Mana Whaikaha has a more systematic approach to supported decision-making, including dedicated resources for independent paid support for decision-making, but that this may only benefit a small number of disabled people initially.

System transformation work is a partnership between the Ministries of Health (MOH), Education (MOE) and Social Development (MSD) alongside the disability community.

This work programme contributes to and supports many of the work programmes within the *Disability Action Plan 2019-2023*. This includes:

- The education work programme.
- The 'Disability Employment Action Plan'.
- Supported decision-making work.
- Work on improving access to quality healthcare and health outcomes.
- Funded family care work.
- Work to reduce the use of seclusion and restraint.
- The 'Play, Active Recreation and Sport Action Plan'.
- Work related to accelerating accessibility.
- The cross-cutting action to involve disabled people in decision-making.

In September 2022 the United Nations Committee on the Rights of Persons with Disabilities (the UN Committee) provided the following concluding observations specifically related to Enabling Good Lives (EGL):

- 40 (a) Expedite the national rollout of the Enabling Good Lives programme and ensure that all persons with disabilities, including people with foetal alcohol syndrome disorder, are eligible.
- 54 (c) Ensure people with foetal alcohol syndrome disorder, chronic fatigue syndrome and other chronic and rare conditions have access to the disability support system and are included in disability policies and programmes.

Both of these observations were accepted with modification, signalling that while work would be done on these areas, there are Cabinet or Budget decisions required to fully implement the recommendations.

Progress against plan for the period

Action one

Establish the Transformation Management Board.

Actions completed

Transformation Management Board members appointed and the Transformation Management Board established.

Barriers to Progress

The approval process to secure the Budget 2022 funding took longer than planned, which then delayed the establishment of the Transformation Management Office and the appointment of the Transformation Management Board. The Board was appointed in December 2023. The shortened time-frame has meant around half of the forecast 2023/24 funding has been returned (\$5.97m of the allocated \$10.6m). Future funding amounts have been retained.

Status

Complete

Action two

Establish the Transformation Management Office.

Actions completed

Advertised for Transformation Management Office staff (3 FTEs in total). Whaikaha has started the process for recruiting the remaining Transformation Management Office staff.

Barriers to Progress

Delay in the release of Budget 2022 funding slowed the establishment of the Transformation Management Office, needed to support Whaikaha develop funding requests to the Transformation Management Board.

Status

Off track with Minimal Risk

Action three

Start to approve funding for transformation-related activity.

Action completed

Funding has also been released until June 2024 to support:

- The provision and evaluation of disabled person and whānau-led facilitation services in three areas. This will offer planning and support for disabled people, tāngata whaikaha Māori and whānau to create and enact individualized wellbeing plans, and create alternatives to facility-based respite care (a total of \$390,000).
- Extending the funding for nine disabled-person and whānau-led facilitation contracts so there was service continuity until the evaluation was completed (a total of \$790,000).

The evaluations for both these initiatives will help build understanding of what works for disabled people and their whānau and will help inform potential business cases and practice changes for funding consideration from 2024/25 onwards.

Forward planning and collaborative partnerships are being developed across Whaikaha for funding requests to present to the Transformation Management Board in February 2024.

Barriers to progress

The delayed establishment of the Transformation Management Office slowed the appointment of the Transformation Management Board until December 2023.

Status

On track with minimal risk

Narrative

Whaikaha established a Transformation Management Board, to ensure disabled people and tāngata whaikaha Māori, family and whānau are at the decision-making table and provide governance over a defined transformation work programme.

External members of the Transformation Management Board were selected by an independent panel Jonathan Godfrey, Anne Hawker and Nigel Ngahiwi, along with Paula Tesoriero, Chief Executive Whaikaha. The panel members all have lived experience of disability and bring Te Tiriti and sector insights.

The Transformation Management board is made up of the following members:

- 3 tāngata whaikaha Māori.
- 3 disabled people.
- 1 whānau member.
- 1 family member.
- 3 Whaikaha executive leaders.

The external Board members are:

Barry De Geest	Delia Nolan
Kellie McGrath	Pati Umaga
Peter Allen	Ray King
Renata Kotua	Robbie Francis Watene.

(Robbie Francis Watene resigned from the Board in early 2024, and has not yet been replaced).

The Whaikaha Board members are:

- Paula Tesoriero, Chief Executive.
- Ben O'Meara, Deputy Chief Executive Policy, Strategy and Partnerships.

- Amanda Bleckmann, Deputy Chief Executive Commissioning, Design and Delivery.

Risks/Issues that impact progress and mitigations

The longer timeframe taken to draw-down the contingency funding has slowed the establishment of the Transformation Management Office and the Transformation Management Board, and the development of funding requests for approval.

Impacts on inequities

Budget 2022 funding focuses on improving existing supports as well as building the infrastructure to support transformation (e.g. community leadership, independent voice mechanisms and mechanisms to collect data and insights). Over time this will help improve outcomes for disabled people and their families, as well as improve investment approaches (e.g. focusing on early intervention, allocative and productive efficiency).

Funding requests are developed with an equity lens, to ensure transformation activity focuses on inequities experienced by Māori, Pacific peoples, those in rural or rainbow communities, and other historically poorly served groups.

Disruptions to the planned workflow

See earlier comments on delay in drawing down the contingency funding.

Next Steps

Over the next six months the Transformation Management Office will develop resources and collaborate across Whaikaha and with the disability partnership groups to help the Transformation Management Board approve funding and track progress of transformation initiatives funded through Budget 2022. The Transformation Management Board will also receive updates and provide advice on other transformation activity across Whaikaha.

The key themes for Budget 2022 funding set out in the contingency draw-down paper signed by joint Ministers are to:

- Support the disability community as they lead the growth of partnership groups and networks, independent voice mechanisms and communities of practice to guide improvements.
- Support disabled people who are at risk of abuse through a mix of prevention (including safeguarding skills), early responses, greater community connections and more intensive responses (and advocacy), when needed.
- Improve equity of access to disability support services by extending Enabling Good Lives supports to historically underserved communities.
- Transform existing services by intervening early and supporting transitions, through changing what support is available.
- Build the system infrastructure required to support and embed the Enabling Good Lives approach, including through IT, data and insights, and legislative and policy settings.

Funding started in the 2023/24 financial year except for:

- Safeguarding - funding to start in 2024/25.
- Extending EGL to two historically under-served communities - funding to start in 2025/26.

Update as at 31 August 2024

Before the August 2024 Cabinet decision, \$5.57m from the 2024/25 Budget 2022 allocation had been committed. Funding supported FTE roles to support implementation of initiatives, including My Home, My Choice, which aims to reduce avoidable entry into residential care, create alternative options, and improve outcomes for disabled people in residential care and better public value across the residential care ecosystem. Other funding was directed towards expanding the peer support network beyond the existing EGL sites and investing in alternatives to residential-based respite care.

All of the Budget 2022 allocation of \$15.6m for the 2024/25 financial year to support system transformation has been moved to a new budget line, focused on supporting the sustainability of the Disability support system. [Cabinet paper, 12 August 2024 | Whaikaha - Ministry of Disabled People](#)

Supported Decision-Making: Guidance Resources (Whaikaha – Ministry of Disabled People)

Overall Status

On Track with Minimal Risks

Programme Summary

This project was initiated in late 2022 to build on work by the Ministry for Social Development (MSD) to draft guidance to introduce Supported Decision-Making to decision makers, their supporters, and organisations. This guidance document was not published but is available to provide source material for this project.

Adopting a cooperative approach with disabled people, Whaikaha and other organisations and agencies, the purpose of the reconvened Supported Decision-Making (SDM) advisory group is to support the:

- a) Review and revision of a completed but unpublished guidance document 'Introduction to Supported Decision-Making - An outline for decision makers, their supporters, and organisations' (the guidance document from a previous MSD project (2019-21).
- b) Oversight of the development of accessible online resources that provide guidance for family/whānau, service providers and tāngata whaikaha Māori.

Specific requirements for this project's deliverables are agreed with the SDM advisory group which means the understanding of the project's scope and deliverables continue to evolve as the project progresses.

A key focus of this reporting period was to scope the requirements for an online platform to host the guidance resources and develop options for its development.

Alignment

This work aligns with:

- Outcome 4 (Rights protection and justice) and Outcome 7 (Choice and control) of the New Zealand Disability Strategy (2016 - 2026) and proposes a tāngata whaikaha Māori approach.

- The purpose of paras. 21 and 22 of Concluding observations of the combined second and third periodic reports of New Zealand on the implementation of the United Nations Committee on the Rights of Persons with Disabilities (UNCRPD):
 - 21. “The Committee notes the review into adult decision-making capacity by the Law Commission, but it is concerned about the lack of progress made in abolishing the guardianship system and substituted decision-making regime, and the lack of a time frame to completely replace that regime with supported decision-making systems”.
 - 22. “Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party repeal any laws and policies and end practices or customs that have the purpose or effect of denying or diminishing the recognition of any person with disabilities as a person before the law, and implement a nationally consistent supported decision-making framework that respects the autonomy, will and preferences of persons with disabilities. ([CRPD/C/NZL/CO/2-3](#) refers)”.
- Internal Monitoring Mechanism (IMM) recommendations:
 - 37 of Making Disability Rights Real Whakatūturu Ngā Tika Hauātanga 2014-19
 - Para. 1, p. 23 ([PDF version](#)) of Making Disability Rights Real Whakatūturu Ngā Tika Hauātanga: An update report about the state of disability rights in New Zealand.

Progress against plan for the period

Action One: Procurement of online development services

SDM advisory group completed draft guidance for procuring and developing the online resources, including

- Requirements for online resource development.
- Describing how the supplier(s) will work with the advisory group.
- Identifying key third party resources about SDM.

This guidance informed a Supported Decision-Making website brief used to seek quotes for visual design and online platform development quotes.

The SDM advisory group agreed on a preferred supplier for online platform development. Quotes were received for visual design that will be presented to the advisory group in the next reporting period.

Barriers to progress

No significant barriers, see Narrative section below.

Status

On Track with Minimal risks

Action Two: Tāngata whaikaha Māori

The SDM advisory group provided support and advice as required for tāngata whaikaha.

This activity was rescheduled for the next reporting period to allow the recruiting process for the Whaikaha Kaihautū – Chief Advisor Māori to be completed.

Barriers to progress

No significant barriers, see Narrative section below.

Status

On Track with Minimal risks

Narrative

As previously reported, SDM advisory group members bring subject matter expertise and lived experience about SDM from a range of professional and personal contexts. This group will have an ongoing (but evolving) role to oversee the development of the resource which could include funding of specialist topics by organisations other than Whaikaha. The success of this project is contingent on the group's guidance and oversight (cf. a 'top-down' approach).

During this reporting period the SDM advisory group's focus was on providing advice on the scope and requirements for the platform to deliver guidance resources. The SDM advisory group finalised the

background information and requirements drafted to inform subsequent procurement processes, and a list of resources to provide key information and content for developing the guidance resources.

The SDM advisory group decided to separate the development of the online platform and guidance content to increase the options for providers that could deliver the required services. The SDM advisory group also agreed that while the resources will be hosted on the Whaikaha website, they need their own identity because they are being hosted on behalf of a broad range of people and organisations. This is a similar approach to that taken by the cross-sector Bullying Prevention Advisory Group in developing the Bullying Free NZ online resources (see <https://bullyingfree.nz/>).

The SDM advisory group agreed on a preferred supplier for online platform development. Quotes received for visual design towards the end of December 2023 will be presented to the advisory group in the next reporting period.

The SDM advisory group also discussed the domain name for the online resources and will finalise its decision in the next reporting period.

In October 2023, Whaikaha began the recruiting process for its Kaihautū – Chief Advisor Māori. The discussion about te Ao Māori perspectives being included from the outset of online platform and content development process will be taken up with the incoming Kaihautū in the next reporting period.

Risks/Issues that are or may impact progress and mitigations

- Availability of suitable providers – this risk is mitigated by the decision to separate online platform and content development.
- Suitability of the Whaikaha website as host platform for the SDM guidance resources – this risk is mitigated by engaging the Whaikaha Communications and Engagement team in this project's development.
- Maintaining SDM advisory group engagement as the pace of project progress varies – this is mitigated by showing the group the progress being made and ensuring the group has meaningful oversight of the project's direction.

Impacts on Inequities

Research has shown that supported decision-making can increase a person's wellbeing through the promotion of self-determination, control, and autonomy.

Supported decision-making can also:

- Minimise the use of guardianship or administration and/or guide processes within guardianship arrangements.
- Enable people to retain their legal capacity through being an alternative to enduring documents or powers of attorney.
- Enable people to make arrangements of their choosing to be implemented in the future if required (advance directives).
- Help minimise the need for compulsory mental health treatment by empowering people to make their own decisions about mental health care and treatment.

Support for the exercise of legal capacity is considered a fundamental right that underpins the exercise of most other human rights. The SDM advisory group believes the point of supported decision-making is people should be supported to make the decisions they want to, even if others would decide differently (and might even consider the decision unwise).

Te Aka Matua o te Ture – The Law Commission is currently carrying out a review of laws relating to Adult Decision-Making Capacity and intends to make recommendations by 30 June 2024 on how the law may change. However, the SDM advisory group's view is that there is no need to wait for legislation for those working with disabled people and others to use SDM principles.

Disruptions to the planned workflow

The project has not experienced significant disruptions in this reporting period.

Next Steps

- Engage the incoming Whaikaha Kaihautū – Chief Advisor Māori.
- Confirm the visual design and platform development suppliers.
- Initiate online platform development.
- Agree the content development approach.

Update as at 31st August 2024

Since the end of 2023 there has been significant progress for this project.

- In late February the new Whaikaha Kaihautū – Chief Advisor Māori was engaged to discuss ways to embed te ao Māori perspectives in this project and the resources it is creating.
- Subsequently, in April 2024 a Māori rūpū was stood up to improve te ao Māori perspectives in this project.
- Whaikaha engaged an external provider to design the website branding. This work was directed and agreed upon by the advisory group.
- Whaikaha engaged Ministry of Social Development to build the wireframes for the website.
- Ministry of Social Development website team has since:
 - completed the website wireframes
 - given access to select members of the advisory group to upload content in future
 - trained these members in how to upload content to the website
- The advisory group agreed on NZ Dementia Foundation as the primary provider of content for the website, under the direction of the advisory group.
- Content creation has begun and a subgroup will be meeting regularly to complete this work.
- The advisory group continues to meet on a six-weekly basis with support from Whaikaha.
- The Law Commission is currently carrying out a review of laws relating to Adult Decision-Making Capacity. The advisory group acknowledges this work will potentially influence future developments in the legal framework for decision making and supported decision making.
- The review's final report is due in 2025 and may include recommendations for changes to the legislative framework. In the interim, the advisory group feels it is appropriate to continue work on this project to support those working with disabled people and others to use Supported Decision-Making principles.

Outcome Eight - Leadership

Nominations Database (Whaikaha – Ministry of Disabled People)

Overall Status

On Track

Programme Summary

Whaikaha leads the programme of work that aims to increase the representation of disabled people on public sector boards and advisory groups and promotes the development of leadership and governance skills within the disability community.

The Partnership and Voice Team (PaV) at Whaikaha hosts a database of disabled people interested in seeking positions on government-appointed boards, committees, and advisory groups. PaV works as a conduit between appointing agencies and disabled candidates to promote greater diversity in public sector governance. The PaV team works hard each year to increase the number and diversity of people on the Nominations database.

Whaikaha promotes opportunities both within the Ministry itself and in other agencies across government. Some members of the database are only interested in pursuing governance opportunities within the disability sector, whilst others, are interested in serving the wider New Zealand community.

As well as increasing the numbers of disabled people in public sector governance, Whaikaha seeks to build disabled people's leadership and governance capability by providing or linking people to training and development opportunities, including the Future Directors Scheme for positions on boards. In particular, the PaV Nominations team at Whaikaha (Nominations team) collaborates closely with the nominations teams at the other four population agencies, as well as the Governance experts at the Public Service Commission (PSC).

Consistent monitoring is needed to determine whether the number of disabled people serving on boards and other bodies is increasing. This

data needs to be collected annually so that progress can be monitored over time. As a result, PaV is working on an initiative to include disability as a category in the annual board stocktake undertaken each year in January by the Ministry for Women and the Department of Prime Minister and Cabinet.

Alignment

This work programme primarily aligns with the New Zealand Disability Strategy (2016 – 2026) Outcome 8: Leadership. To a lesser extent, it also aligns with Outcome 2: Employment and economic security, Outcome 5: Accessibility, and Outcome 6: Attitudes.

Additionally, as outlined in Article 29 (Participation in Political and Public Life) of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), States Parties should “promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and furthermore, States Parties should encourage disabled people’s participation in public affairs”.

Central to this work programme is the need for disabled people to have equitable opportunities to build their capacity to represent themselves in public life, and the need to recognise the intersectionality of disabled people.

At its most recent appearance (August 2022) in front of the United Nations Committee on the Rights of Persons with Disabilities, New Zealand was told: “The Committee is concerned about the lack of support for persons with disabilities to form their own sustainable organisations and build their capacity to represent persons with disabilities, and in particular the lack of organisations to represent Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities, and women and girls with disabilities’ (para. 55. [CRPD/C/NZL/CO/2-3](#) refers).

This work programme also aligns with Enabling Good Lives Principles particularly, self-determination, Mana Enhancing and Ordinary life outcomes.

Progress against actions planned for the period

Action One

Ongoing maintenance of the database and updates to ensure the data is current.

Actions completed

As part of their wider roles in the PaV team, one Senior Advisor and an Advisor manage the Nominations Database, with some technical support being provided by an administrator. Nomination requests are received via the survey monkey tool which is checked at least monthly. Once added to the database members receive information about the nominations service and about governance opportunities.

Barriers to progress

Due to staffing changes and extended leave arrangements, it was difficult to enrol new database members in a timely manner in November and December 2023.

Status

On track with minimal risks/issues

Action Two

Contact all people on the Nominations Database to check they still want to be part of the database.

Actions completed

The reduced Nominations team staffing level during this period meant it was not feasible to contact all people on the database who hadn't responded to either the email or the phone calls that had been made previously. As there are now fewer than ten people in the database who have been inactive, it has been decided to not continue with this action, and to instead focus on welcoming new members as they join and to ensuring people who wish to leave are removed promptly.

Barriers to progress

As most database members are active participants, this action is no longer necessary.

Status

On track or Ahead

Action Three

Ongoing promotion of the database to government agencies who manage appointments to boards / advisory groups.

Actions completed

This work continues each time the PaV team communicates with an appointing agency and puts forward the names of disabled candidates for positions, ensuring that the agencies know that all nominees are disabled people.

In the last six months, PaV has been asked to comment on several Cabinet papers that provide details about the new members for a given government board. The theme of all Whaikaha feedback was that there were no known disabled people on those boards.

Participating in the Future Directors Scheme (see below) has brought the Nominations team into contact with nominations teams from other ministries, such as MBIE and Treasury.

Furthermore, working alongside the other four population agencies, providing professional development opportunities to our members run by appointments teams from other agencies has enabled the Nominations team at Whaikaha to develop closer working relationships with some agencies. Whaikaha now meets quarterly with the appointments team at the Ministry of Health and has a stronger working relationship with the Ministry of Culture and Heritage.

Barriers to progress

Insufficient time and resource to liaise with other agencies outside of the ones mentioned above.

Status

On track with minimal risks/issues

Action Four

Provide ongoing professional development opportunities to build the capacity and capability of disabled people to enable them to acquire governance skills.

Actions completed

Nominations database members identified a need for professional development around Te Ao Māori. Whaikaha had hoped to deliver this in the second half of 2023 with the guidance of the Kaihautū, Chief Advisor Māori, Whaikaha. Unfortunately, insufficient progress was made to set this up and is planned for continuation in 2024.

Alongside, the other four population agencies, PaV offered three training sessions for database members during the period. The seminars included a presentation by MBIE about their appointments process and what they look for in a board member. The most recent seminar was about the Board Appointments Process at the Ministry of Health and a third seminar was run by the Institute of Directors with an introduction to governance. The seminars have been well received with between 100-200 people attending, across the five agencies and between 10-14 people from Whaikaha attending.

One of the biggest developments during the July to December 2023 reporting period was the introduction of the Future Directors Scheme. This scheme is a partnership between the Institute of Directors and the Public Service Commission. It includes offering non-voting positions on boards where new people can gain experience. Future Director Board Positions were open to people on the five population agency databases who have not yet sat on a government board but have some governance and management experience at a senior level. Each agency had other criteria they were seeking from their future directors. Nominations agencies were limited to submitting five candidates for any one position. Initially, five future director positions were advertised but only two were recruited to. More Future Director positions will become available in 2024 and it is hoped that this will become an ongoing piece of work.

Barriers to Progress

Staff availability delayed planning for provision of Te Ao Māori training to members of the Nominations Database. The change in government caused a level of uncertainty which resulted in two of the five Future

Director Positions being withdrawn. Of the two that were offered, one was awarded to a member of the Whaikaha Nominations Database.

Status

On Track with Minimal Risks

Action Five

Establish relationships with other organisations involved in governance, both internal and external to the Public Service.

Actions completed

Whaikaha has continued to build relationships with the other four population agencies. Over the past year we have worked more closely together to organise professional development workshops for our members.

Whaikaha, has worked closely with the Public Service Commission on the Future Directors Scheme, and we have now joined the MAGNet Governance group which met once during this period.

Most significant is the work Whaikaha has done with the Institute of Directors (IoD), meeting people both on the national executive and within the local Wellington Branch. The IoD has found innovative ways of supporting database members, including working with the population agencies to provide a free governance webinar for members and providing a reduced-price CV checking service.

Barriers to Progress

Nil

Status

On track or Ahead

Action Six planned

Include Disability as a variable in the annual board stocktake.

Actions Completed

No action was completed during this period. The then Minister decided to not put this matter before Cabinet prior to the October general election. Since that time, the government has made no decisions about taking this matter forward.

Barriers to Progress

The general election and formation of the new government prevented this work from progressing.

Status

Off Track with Minimal Risks

Narrative

Whaikaha has continued to work with the nominations teams in the other four population agencies, as well as the Public Service Commission to share ideas and run training sessions for our database members. We have also worked together with the Institute of Directors. We have found that working together strengthens our ability to attract agencies to work with us and to support our members. One result of working more closely with the Ministry of Health regarding governance training for members was that their nominations team has started meeting with the population agencies every three months to provide an update on board opportunities.

The Partnerships and Voice team is investigating a new way of working which would see more than one person having responsibility for the Nominations database. Whilst this may take some time to implement, it is a positive move as it allows the work to be covered if one team member is away.

The membership of the Nominations database has changed substantially over the past twelve months. Many more people became members while only some opted to leave. There are currently 268 people on the database, an increase from 205 in July 2023. Of those, 231 are disabled and 18 are family/whānau members. Nineteen have incomplete records. All people with incomplete records are followed up to encourage them to complete their record and so become full members of the database.

Of the four other population agencies, two, the Ministry for Women and the Ministry of Ethnic Communities, provided data about their membership. On 31 December 2023, the Ministry for Ethnic Communities had 261 people registered on their database and reported that six people successfully gained a board position. A seventh person was reappointed to

a board between July to December 2023. The Ministry for Women reported that at the end of last year they had 1850 women registered on their database. Their nominations team sent out approximately 27 nominations opportunities, including the four Future Director positions but were unaware of any of their members successfully gaining a position on a board.

During the same period Whaikaha sent out twenty-one opportunities to our database members, including the five Future Director positions. Ten people have so far gained a board position. This number is higher than usual, probably because Whaikaha recruited members for its Transformation Management Board. Four disabled people and one disabled person who is also a parent of disabled children were appointed to the Transformation Management Board.

One of the most anticipated developments of the latter half of 2023 was the development of the Future Directors Scheme. This programme was set up conjointly between the Public Service Commission and the Institute for Directors and was some time in the planning. Unfortunately, it was the latter half of an election year before the programme could be launched and this placed additional pressure on some of the agencies that were originally very keen to be part of this programme.

Seven people from the Whaikaha Nominations Database applied for three of the five Future Director positions advertised last year. Whaikaha database members were shortlisted for both the ACC Board and the IANZ Board. Of these two positions, a Whaikaha nominated person was appointed as Future Director to the IANZ board.

Unfortunately, due to uncertainties around the change of government and government priorities, two boards withdrew their offer to host a Future Director. Whaikaha had two candidates shortlisted for one of these positions.

Another benefit of the Future Directors Scheme was that senior officials in the agency appointments teams reviewed the CVs of our Whaikaha applicants and were impressed with the calibre of the candidates. We hope that this experience will positively influence appointments officials when other board vacancies arise and people from the Whaikaha database apply.

In terms of the Cabinet Paper requesting that disabled people are counted in the annual board stocktake, Whaikaha's actions will be guided by the new minister's priorities for the disability portfolio.

Whaikaha has continued to build a relationship with the Institute of Directors. The IoD has also played a significant role in developing the Future Directors Scheme in partnership with the Public Service Commission. These roles are only available to people registered on one or more of the five population agency databases.

As part of its commitment to growing governance capacity amongst disabled people, Whaikaha has funded Be.Institute to provide a leadership and Governance course. During July to December 2023 Be. was busy preparing for its 2024 Leadership and Governance course which they run with the support of the Institute of Directors. The course was advertised in October and received 46 applications. Of these, 41 people were interviewed, 24 people were offered a place, and 23 people accepted with the potential of another person from the waiting list being offered a place.

Of the 23 participants only two are currently registered on the Nominations Database. This provides Whaikaha with an opportunity to reach out to the others who are undertaking the course. There were six people from the 2023 cohort that are now registered on our Nominations Database. A newsletter is produced by Be.Institute for its current course attendees and alumni and it would seem appropriate for Whaikaha to advertise the Nomination Database in this

Risks/Issues that are or may impact progress and mitigations

During the six-month period covered by this report, there was only one instance of a board position not being advertised because there was no one on the database with the specific skills required. There were no instances of vacancies not being advertised due to lack of capacity in the Nominations team.

The major issue that affected the progress of the work in this area was the general election. Nominations work almost entirely ceased in the lead-up to the general election and very few nominations came through between the election and the Christmas break while the government was being formed and initiating its 100-day plan.

The period of political uncertainty during the change in government had a dampening effect on the Future Directors Scheme, with at least two entities withdrawing from the programme and others who had previously shown great interest not creating a Future Director position. It is hoped that more agencies and their boards will offer Future Director positions in 2024.

Impacts on Inequities

Of the 268 people registered on the Database 244 (91%) are disabled, 18 (7%) are family members of disabled people and six (2%) of people have not declared any association with the disability community. There are 142 (53%) women, 120 (45%) men and six (2%) people who identify as gender diverse. When considering primary ethnicity 234 (87%) people identified as New Zealander or other European, 24 people as Māori (9%), five people (2%) from the Pacific and five (2%) as Asian. In the past six months the proportion of New Zealand and other Europeans has increased, and the proportion of Māori has decreased from 14% to just 9%. The proportion of Pacific people has remained the same.

Of the nine people who were successful in gaining a board position 6 were women and three men, seven were European and two Māori.

Disruptions to the planned workflow

Please see the risks/issues section above.

Next Steps

During the next six-months the Nominations team in PaV will focus on the following areas of work:

- Continue to promote professional development opportunities to build the capacity and capability of disabled people on public sector boards, particularly in Te Ao Māori. This may be more achievable with a permanent Kaihautu employed at Whaikaha.
- Work with the Kaihautu and Principal Advisor Pacific, to increase the number of Māori and Pacific people on the Nominations Database.
- Train a new Senior Advisor and Administrator to support the work of the Nominations team.

- Provide a briefing to the new Minister for Disability Issues with regard to including disability as part of the annual board stocktake.
- Continue to work with the other population agencies and partners [appointment agencies, the Institute of Directors, and the Public Service Commission] to promote diversity on public sector boards.
- Engage with other governance professionals [such as governance New Zealand] to determine if they would work with Whaikaha to increase the capability of disabled people in governance.

Update post August 31, 2024

Since this report was completed in February, 2024, there have been some additional actions:

- A briefing paper was presented to the Minister for Disability Issues regarding including Disability Data as part of the annual board stocktake from January, 2026. Unfortunately, the Minister felt unable to progress this issue further.
- Another Senior Advisor and Administrator have been 'trained' to work on the Nominations Database, meaning that the workload can be shared.
- Three professional development seminars have been run in conjunction with other population agencies including:
 - Writing a compelling cover letter,
 - The Pathway to Governance and,
 - Writing a Governance CV.
- Whaikaha is about to host the other four population agency nominations officials and members of IoD at a meeting later this year.
- There are now 250 disabled people registered on the nominations database.

Cross Agency Work Programme

Disability Data and Evidence (Whaikaha – Ministry of Disabled People and Stats NZ)

Overall Status

On Track – with minimal risks/issues

Background

Established in 2015, the Disability Data and Evidence Working Group (DDEWG) was composed of representatives from government agencies, the disability community, disability support service providers, and University researchers, and chaired by the Office for Disability Issues together with Stats NZ. DDEWG met quarterly with a focus on making disability data available to ensure the development of sound policy and service delivery that meets the needs of disabled people in New Zealand. The Crown has obligations under Article 31 (Statistics and data collection) of the United Nations Convention on the Rights of Persons with Disabilities, and the need to improve data collection and statistics on disabled people was a key recommendation for New Zealand in 2022.

Programme Summary

This programme of work was previously managed by MSD, through the ODI, in collaboration with Stats NZ. It is now managed by the Ministry of Disabled People - Whaikaha, and co-chaired with Stats NZ. This programme covers work undertaken by both agencies separately, as well as through DDEWG, which was split in the second half of 2023 into a smaller Advisory Group and a larger Community of Practice. Terms of Reference were revised and accepted in June 2024. The Advisory Group meets on an as-needed basis to progress work (minimum quarterly), and the Community of Practice has monthly hui. All meetings are online for accessibility reasons.

Due to previous efforts of DDEWG and the Office for Disability Issues (no longer a separate entity since August 2023), many government agencies have integrated the Washington Group Short Set of questions into their surveys. The WGSS questions are a useful tool in identifying people with activity limitations that are more likely to impact their day to day lives. The questions are designed for use in surveys that are not disability

specific and identify a well-defined disabled population to allow comparison with the non-disabled cohort and observe differences in outcomes. The questions attempt to capture functional limitations which are experienced by a wide range of disabled people. They are not on their own meant to capture prevalence and do not identify many forms of disability such as neurodiversity or include indigenous perspectives. The questions also do not measure barriers in participation, which is a key part of the social model of disability.

Over the past 5 years at least 15 surveys have included Washington Group questions, to allow data to be disaggregated by disability status, more than any other country. Surveys incorporating WG questions include:

- Census (data was collected in 2018 and 2023, 5-yearly).
- Crime and Victims Survey (annual).
- Disability Survey (data was collected in 2023, 10-yearly).
- General Social Survey (bi-annually).
- Growing up in NZ (yearly data collection, reports every few years).
- Health Survey (annual).
- Household Economic Survey (annual).
- Household Labour Force Survey (annual).
- Health Quality and Safety Commission Surveys (quarterly).
- Oranga Tamariki (some survey data).
- Sport NZ (survey data, ad hoc).
- Te Kupenga (Due 2028, 10-yearly).
- Te Taunaki (3-yearly).
- Waka Kotahi (surveys, ad hoc).
- Youth Health & Wellbeing Survey (3-yearly).

However, the sample sizes of current surveys mean they are limited in their ability to provide robust data for small population groups, including intersectional groups within the disabled community, such as tāngata whaikaha Māori.

Other sources of disability data include research from the Education Review Office, the Donald Beasley Institute, and advocacy and disabled people's monitoring reports e.g., IHC and IMM reports.

Administrative (admin) data is information collected by government agencies or other organisations as part of their normal work e.g., Ongoing Resource Scheme (ORS) for primary and secondary school students with

high and very high needs. Primarily this data is collected to enable the provision of appropriate services but can also be used to produce statistics that may, for example, identify need for future services, inform design, delivery, and resourcing, and provide a tool for accountability purposes.

By combining survey and administrative data, it is possible to build a much fuller picture of outcomes for disabled people, however, disability information is not currently being collected routinely, or in a robust and consistent way, in admin data across the public service. Improving administrative data collections to include better disability information have been identified as a key area for improvement if government agencies are to fully include disabled people in their services and understand their experiences as clients. This information will support agencies to improve outcomes for disabled people.

The Disability Data and Evidence work programme includes producing guidance on how administrative data should be collected, and what questions should be asked. Emphasis is being placed on how the social, rather than the medical, model of disability can guide the development of resources to support the collection of disability data.

Te Whatu Ora Patient Profile and National Health Index Project (PPNHI) is a pilot that aims to bridge the administrative data gap and identify all disabled people and their access needs in health datasets using a National Health Index (NHI) identifier. If successful, this will enable health entities and Whaikaha to identify and monitor outcomes for the broader disabled population and tāngata whaikaha Māori. It is hoped that this pilot will enhance service responsiveness and accessibility at an individual level within the context of accessing health services.

Looking at disability in the Integrated Data Infrastructure

Whaikaha commissioned the Social Wellbeing Agency to conduct exploratory analysis in the IDI of flux in the disabled population. The WGSS is not sensitive to disability duration and while the population may stay relatively stable, it is composed of different individuals as some move out and others move into the disability space. It is important to grow the understanding of rate of entry/exit and different experiences of disability.

The Social Wellbeing Agency also conducted research in the IDI for Whaikaha to understand the cohort of disabled people receiving Disability Support Services, using 2018 data from Socrates in the Integrated Data Infrastructure (IDI). The research sought to explore the characteristics of people receiving DSS and estimate the number of people who might benefit from DSS because they share similar characteristics to current recipients.

To summarise the findings, ***105 different descriptive indicators were included in the analysis. The SWA predictive model worked by assigning individuals a probability that they receive DSS. Common conditions that are strongly linked to receiving DSS include Intellectual Disability and Autism. Rare conditions that are strongly linked to receiving DSS included Cerebral Palsy and Down Syndrome. Conditions that are sometimes linked to receiving DSS included ADHD, and conditions where few people receive DSS include Major Depressive Disorder.

DSS clients have a complex mix of interactions with multiple agencies, this reinforces the need for Whaikaha to work alongside other agencies to improve outcomes for those eligible for DSS. Using its most conservative criteria, the model was able to identify a small group of people who are potentially eligible (approximately 2,400 people have a very high probability of receiving DSS but do not, or 1 for every 13 clients). A broader predictive estimate, however, identifies a much larger group of roughly 1 for every 3 current clients (10,070). This estimate does carry a greater risk of including people who do not need to be included.

Those who are potentially eligible are disproportionately children, Māori, and Pacific, and are much more likely to have invisible disabilities for example, ADHD. In the potentially eligible population, there is a substantial group of people who used to receive DSS. For every three current DSS clients, another two used to receive DSS but no longer do. Exit data with 15 different categories for reason for departure is collected in Socrates, but this is not currently available in the IDI. Further internal analysis needs to be carried out to better understand the reasons for the flux in the number of people entering and exiting DSS services. Analyses will be refreshed once data from the 2023 Census is available in the IDI.

Alignment

Disability Data and Evidence is identified as a cross-cutting issue in the Disability Action plan and this work programme supports progress in this area. It aligns with Government's stewardship responsibility under Te Tiriti o Waitangi, and with the following recommendations of the UNCRPD:

- Statistics and data collection (Article 31): The Committee recommends that the State Party, in conjunction with Statistics New Zealand, develop a national disability data framework to ensure appropriate, nationally consistent measures for the collection and public reporting of disaggregated data on the full range of obligations contained in the Convention, especially with regard to Māori, Pasifika, LGBTIQ+, children and women and girls with disabilities.
- Children with disabilities (Article 7): Strengthen the collection of comprehensive disaggregated data on children with disabilities, including on Māori children with disabilities to inform effective early intervention, particularly in the fields of education, care and protection and youth justice.
- Protecting the integrity of the person (Article 17): Develop measures to ensure reporting and data collection on sterilisation, contraception and abortion procedures performed without personal consent, on non-urgent medical interventions performed on intersex children and on growth attenuation treatment.
- Work and employment (Article 27): Incorporate in the Disability Employment Action Plan, concrete measures, with resources, timeframes and monitoring mechanisms that ensure the transition from segregated employment to the open labour market.
- Right to life (Article 10): The Committee recommends that monitoring and review mechanisms for the End-of-Life Choice Act 2019 provide publicly available information on the impact on persons with disabilities, including the effectiveness of safeguards to counteract negative perceptions held by medical professionals and to prevent coercion in decision-making.
- National implementation and monitoring (Article 33): Strengthen its accountability processes and its partnership with the IMM to track and publicly report on the outcomes and implementation of recommendations of IMM reports; Allocate adequate resources, including financial support to the Disabled People's Organisations

Coalition to enable it to effectively fulfil its mandate as one partner of the IMM.

In 2023 Whaikaha developed a Cabinet paper to compile agency responses to the UN recommendations: United Nations Convention on the Rights of Persons with Disabilities: Government Response and proposed mechanisms to support implementation. Recommendations about Articles 7, 10 and 33 were accepted by Government. The Article 17 recommendation was accepted with modification. Agencies agreed to the spirit of the recommendation while acknowledging that there may need to be changes in the way it is implemented to fit the New Zealand context. The recommendations are, except for Article 33, not the direct responsibility of Whaikaha to implement. Whaikaha will work with Stats NZ to implement recommendations for Article 31.

Progress against plan for the period

Action one

Review of the Terms of Reference.

Actions Completed

Terms of Reference were reviewed.

Barriers to Progress

Leadership of the Disability Data and Evidence Working Group/Advisory Group was in flux over this time due to structural changes in both Whaikaha and Stats NZ.

Status

Complete

Action two

Establishment of a more inclusive Community of Practice that meets on a regular basis to workshop ideas and learn about progress in the field of disability measurement.

Actions completed

Community of Practice was established with over 30 government agencies and 90+ members. Monthly meetings came into effect, and a newsletter on an as-needed basis.

Barriers to progress

See above

Status

Complete

Action three

Keeping up to date and providing advice to agencies in their disability data work.

Actions completed

Agencies updated DDEWG/DDEAG on their progress and advice was provided to agencies e.g., Stats NZ for the 2023 Census and Disability Survey and the Public Service Commission questions on disability for Te Taunaki Public Service Census 2024.

Barriers to progress

See above

Status

On track with minimal risks

Narrative

This period has been marked by the 2023 Census and post-censal Household Disability Survey being collected. It has also been marked by two important government inquiries that have gathered evidence and data on disabled people and tāngata whaikaha Māori:

- The Royal Commission of Inquiry into Abuse in Care (the Inquiry), established in 2018 to investigate children, young people, and

vulnerable adults' experiences of abuse and neglect in State and non-State care between 1950-1999.

- The Waitangi Tribunal Health Services and Outcomes Kaupapa Inquiry (Wai 2575).

The Ministry of Social Development is the lead Crown agency for the Royal Commission, and the Ministry of Health - Manatū Hauora is the lead Crown agency on Wai 2575. The Ministry of Disabled People – Whaikaha has been participating in the disability phase since August 2022.⁸ Whaikaha, with input from Manatū Hauora and Stats NZ, prepared the draft Crown Brief of Evidence, filed in early 2024 in support of Crown witnesses from Whaikaha and Manatū Hauora.

Disability measurement in general is maturing in New Zealand. The call for more data on tāngata whaikaha Māori is a consequence of disability in general not previously being prioritised as an area for monitoring.

Other key progress over this period includes:

- The Disability Data and Evidence Working Group/Advisory Group has discussed and provided advice to Stats NZ on disability related products and outputs from the 2023 Census. In addition, the group prioritised 60+ tables, and the disaggregation of results by level of difficulty vs binary disability variable. The Group noted that Census 2023 should extensively publish disability data especially given how scarce disability data is and given that Census is one of the only data sources for which disability data can be disaggregated further (to analyse intersectionality).
- The Foundation for Equity Research New Zealand (FERNZ) presented their research on tāngata whaikaha Māori (Dr Tristram Ingham, Bernadette Jones and Meredith Perry, University of Otago). Among their findings was the suggestion to begin exploring outcomes of those experiencing “some Difficulty” (traditionally not included in the disabled category that normally only includes those experiencing a lot of difficulty and those who cannot do some activities at all).

⁸ www.whaikaha.govt.nz/about-us/programmes-strategies-and-studies/programmes-and-strategies/wai-2575-health-services-and-outcomes-inquiry.

- In December 2023, the New Zealand Health Survey published results that disaggregated children's outcomes by disability for the first time.

Risks/Issues that are or may impact progress and mitigations

Several summary data reports have been prepared over the years that highlight inequities faced by disabled people and tāngata whaikaha Māori. One key issue with survey data is that sample sizes are typically not large enough to produce meaningful or statistically significant insights for intersectional groups. Methods such as aggregating data across years can help to determine whether disabled people and tāngata whaikaha Māori are experiencing a reduction in inequity.

The Disability Data and Evidence Advisory group works to influence the public service and others to collect disability data; while it cannot compel other agencies, it could be more directive.

Impacts on Inequities

Data collected by agencies through surveys and administrative records will be used by service providers and policy makers to improve outcomes for disabled people. More agencies are developing their own disability strategies for example, Oranga Tamariki and Corrections, which include monitoring service provision for disabled people.

Disability intersects with age group, gender, ethnicity and sexual orientation. The experience of disability is strongly related to deprivation, and this is being explored by MSD in research on the cost of disability.

Intersectional data on tāngata whaikaha Māori is currently attained by analysing disability indicators against ethnicity indicators, not by applying a te ao Māori perspective of disability. A question on identification as tāngata whaikaha Māori, still a relatively new term, is beginning to be included in administrative data and surveys.

Inter-agency work is progressing as a response to the Inquiry into Abuse in State Care on how Māori data is collected, including tāngata whaikaha Māori data.

Disruptions to the planned workflow

See the section on barriers above.

Next Steps

Discussion over the feasibility of a disability data standard is required in 2024, as there is lack of clarity regarding its composition. Disability is not currently a standard demographic variable akin to ethnicity, age, and gender in administrative data sets. This is partly due to the complex nature of disability measurement, which is an interplay of individual impairment, activity limitations, and context-dependent needs.

Identification as a disabled person is not a robust measure on its own.

The Disability Data and Evidence Advisory Group and Community of Practice will consider the following in 2024:

- Results of 2023 Census and Disability Survey.
- Engaging with Stats NZ on the future census approaches and implications, including the proposed shift to an administrative data first approach.
- The feasibility of a disability data standard.
- Developing the Disability Data Framework in response to the UNCRPD 2022 recommendations. Stats NZ has prepared a draft multi-year approach that will allow strong foundations to be built, best practice to be identified, and ensure engagement with stakeholders and partners throughout the framework's development. Broader engagement on its proposed approach will begin in early 2024.

Update to 31 August 2024

- In March 2024, Whaikaha established a small Data and Insights team within the Policy, Strategy and Partnerships Directorate. The team's role is to provide robust, high-quality disability data, insights and advice, both within Whaikaha and across the data system. Priorities to date have included updating data for the DAP monitoring dashboards, providing advice on disability data and measurement across agencies, and supporting Crown witnesses for Wai 2575.
- Formal engagement on the disability data framework has yet to begin, although Whaikaha and Stats NZ officials have been engaged

in informal discussions regarding this. The framework will be progressed in 2025 and is expected to include the development of an administrative measure of disability across agencies, and integrate with the updated New Zealand Disability Strategy, as well as a refreshed Whāia Te Ao Mārama strategy, for tāngata whaikaha Māori, and a Pacific disability strategy.

- The final report of the Royal Commission of Inquiry into Abuse in State Care was tabled in Parliament on Wednesday 24 July 2024.⁹ The Ministry acknowledges tāngata whaikaha Māori survivors who shared their experiences. The Ministry will provide support to respond to the final report and act on the Commissions' recommendations to undertake research, data analysis and build evidence on the risk, extent and impact of abuse and neglect in care, and publish data and statistics on complaints of abuse and neglect to monitor outcomes (see recommendations 51, 54, 68, 81-84 and 87).
- The Ministry and the Disability Data and Evidence Advisory Group provided two reports with detailed feedback and advice to Stats NZ on the proposal for Future Census to help mitigate the risk that the proposed admin-first approach prejudices disabled communities and tāngata whaikaha Māori. For instance, we signalled potential bias in administrative data as some disabled people have limited contact across government services and it will be difficult to establish indicators of unmet need. The Ministry stressed that when implementing the new approach to 2028 Census, Stats NZ prioritise disability, Māori wellbeing, and health and social outcomes data in the supplementary surveys to support our monitoring and reporting obligations under the UNCPRD, the New Zealand Disability Strategy and Whāia te ao Mārama – the Māori Disability Action Plan.
- In August, Whaikaha witnesses spoke to Crown evidence in the Waitangi Tribunal for the Wai 2575 Inquiry. The Data and Insights team assisted in preparing for cross-examination and in responding to written questions.
- The Code Modules Initiative is an all-of-data system effort to make New Zealand's integrated data assets easier to use, and understandable for everyone, including non-technical

⁹ www.abuseincare.org.nz/research-and-engagement/public-hearings/state-and-faith-based-redress/public-hearing-state-redress-evidence-from-survivors-of-abuse/ [note content is sensitive in nature and may be distressing to readers]

people.¹⁰ Through this initiative we are progressing work to develop disability-related code modules to support researchers to include a disability perspective in their work in a consistent way. Over the past few months, Whaikaha has been working on an Intellectual Disability code module to identify individuals who have been diagnosed as intellectually disabled and/or with other conditions that may be associated with intellectual disability. This is building on work by Kōtāta Insights (based on earlier analysis by the Social Wellbeing Agency) for the recent IHC report From Data to Dignity.¹¹

- Te Taunaki has been postponed to March 2025.

¹⁰ <https://www.stats.govt.nz/integrated-data/code-modules-initiative/>

¹¹ <http://www.ihc.org.nz/publications/from-data-to-dignity-health-and-wellbeing-indicators-for-new-zealanders-with-intellectual-disability>