

In Confidence

Office of the Minister for Disability Issues

Chair, Cabinet Social Wellbeing Committee

DISABILITY ACTION PLAN 2019-2023

Proposal

1. This paper seeks Cabinet agreement to:
 - 1.1. the Disability Action Plan 2019-2023 (the Action Plan)¹
 - 1.2. publish a public-facing document of the Action Plan
 - 1.3. agencies submitting six-monthly status reports to the Office for Disability Issues (ODI) on progress with implementation of their work programmes
 - 1.4. the Ministerial Leadership Group on Disability Issues providing the formal mechanism for including new work programmes or actions in the Action Plan and removing completed work programmes or actions.
2. The Action Plan is a package of developmental change work programmes which will progress the eight outcomes in the revised New Zealand Disability Strategy 2016-2026 (Disability Strategy): education, employment and economic security, health and wellbeing, rights protection and justice, accessibility, attitudes, choice and control, and leadership.
3. The Disabled People's Organisations Coalition (DPO Coalition)² and agencies have worked in partnership to identify the work programmes for progressing the Disability Strategy.
4. The work programmes included in the Action Plan are drawn from:
 - 4.1. incomplete actions from the Disability Action Plan 2014-2018
 - 4.2. the six key issues raised by the Independent Monitoring Mechanism (IMM)³
 - 4.3. work programmes focused on disability issues planned or underway in various agencies

1 The Action Plan is attached as Appendix 1.

2 The DPO Coalition is a group of seven national representative organisations of disabled people (Association of Blind Citizens New Zealand, Balance Aotearoa, Deaf Aotearoa New Zealand, Disabled Persons Assembly NZ, Kāpo Māori Aotearoa, People First New Zealand Ngā Tāngata Tuatahi, and Muscular Dystrophy New Zealand) that collectively acts to provide leadership in engagement with government agencies and independent monitoring of implementation of the CRPD and the Disability Strategy.

3 The IMM promotes, protects and monitors implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in line with Article 33 of the CRPD. The three IMM partners include the DPO Coalition, the Human Rights Commission and the Office of the Ombudsman.

- 4.4. public consultation feedback on the development of the Action Plan
- 4.5. priorities for action raised in regional meetings with the Minister for Disability Issues across New Zealand in 2018.
- 5. Once the Action Plan has been approved by Cabinet, a public-facing document will be prepared detailing the content of the Action Plan.
- 6. Various mechanisms are in place or will be put in place to monitor progress in implementation of the Action Plan:
 - 6.1. submission of six-monthly status reports to the Office for Disability Issues (ODI)
 - 6.2. bi-annual meetings of the Ministerial Leadership Group on Disability Issues
 - 6.3. bi-annual meetings of the DPO Coalition with the Minister for Disability Issues
 - 6.4. DPO Coalition's option to request meetings with agencies, if required
 - 6.5. Minister for Disability Issues' annual report to Parliament in December of each year.

Background

- 7. One quarter of the New Zealand population were identified as having a disability.⁴ Disabled New Zealanders continue to experience consistently lower levels of participation in our society and poorer life-outcomes compared with their non-disabled peers.
- 8. Māori have higher rates of disability than the general population. Twenty-six percent of the Māori population (176,000) are identified as disabled compared with a rate of 24 percent among the total New Zealand population⁵. Among Māori children (under the age of 15), the disability rate is 15 percent, whereas the equivalent rate for non-Māori children is 9 percent.
- 9. The 2013 Disability Survey estimated that 59 percent of adults aged 65 or over are disabled. The number of disabled people will increase over the next 30 years, and they will also be living longer.
- 10. The Disability Action Plan 2019-2023 is the Government's fourth plan focused on improving outcomes to make a positive difference in the daily lives of disabled people in our society. The dates for the three previous disability plans were: 2010-2011, 2012-2014, and 2014-2018.
- 11. The Government's action plans are underpinned by the social model of disability. This means that: "Disability is something that happens when people with

⁴ Stats NZ Disability Survey 2013. Disability may include people with long-term conditions, age-related needs, mental health conditions, and intellectual/learning, sensory and physical impairments. The severity and duration of impairments may vary with people.

⁵ When the younger age profile of the Māori population is taken into account, the Māori disability rate rises to 32 percent.

impairments face barriers in society; it is society that disables us, not our impairments...”⁶

The disability context has changed since the previous Disability Action Plan 2014-2018

12. The Government’s broader focus on wellbeing is particularly pertinent for disabled New Zealanders, given their consistently poorer socio-economic outcomes compared to their non-disabled peers. For example, Stats NZ’s General Social Survey 2019 shows that over one-third of disabled people (35.2 percent) give a low rating for overall life satisfaction of 0-6, whereas the equivalent figure for non-disabled people is 17.5 percent⁷.
13. The UN Convention on the Rights of Persons with Disabilities (CRPD) is the most comprehensive global instrument that outlines the human rights of disabled people. The revised Disability Strategy, launched in November 2016, represents New Zealand’s approach for the progressive realisation of the CRPD. There are eight broad outcome domains for targeted action in the Disability Strategy: education, employment and economic security, health and wellbeing, rights protection and justice, accessibility, attitudes, choice and control, and leadership.
14. The Action Plan will align closely with the Disability Strategy. This new Action Plan will be the primary vehicle to progress government agencies’ work programmes against the Disability Strategy’s eight outcomes. These outcomes were identified through two rounds of public consultation in 2016. The Action Plan will include work programmes that fall within the responsibility of a single government agency as well as those involving cross-agency collaboration.
15. Consistent with the Disability Strategy, the Action Plan will promote the twin track approach to the delivery of services, focused on:
 - 15.1. ensuring mainstream services and supports are inclusive of, and accessible to, disabled people
 - 15.2. ensuring specialised services and supports are provided to disabled people, based on a level of need not met by the mainstream.
16. In line with the Disability Strategy, the Action Plan will also promote a whole-of-life and long-term approach in the development and implementation of work programmes to make a meaningful, long-lasting difference in the everyday lives of disabled people.
17. I am confident that I have the support of the DPO Coalition in the way that the Action Plan has been developed, and how it is going to be implemented and monitored.

The Action Plan is a package of work programmes

18. The Action Plan consists of the following work programmes as outlined in Tables 1 and 2 below.

⁶ New Zealand Disability Strategy 2016-2026 (p. 12).

⁷ Based on a scale where 0 is completely dissatisfied and 10 is completely satisfied.

Table 1: List of work programmes and responsible agencies

Disability Strategy Outcomes	Work Programmes	Lead Agency
Education	<p>Education Work Programme including, but not limited to:</p> <ul style="list-style-type: none"> • Tomorrow's Schools Review • Early Learning Strategic Plan • Curriculum, Progress and Achievement • NCEA Review • Review of Vocational Education • Learning Support Action Plan • Improve outcomes for disabled learners 	<p>Ministry of Education</p> <p>Tertiary Education Commission</p>
Employment and Economic Security	<ul style="list-style-type: none"> • Disability Employment Action Plan • Employment of disabled people in Public Sector • National Information Hub and Regional Networks • Replacement of Minimum Wage Exemption 	<p>Ministry of Social Development</p> <p>Ministries of Social Development/Business, Innovation and Employment (joint leads)</p>
Health and Wellbeing	<ul style="list-style-type: none"> • Repeal and replace the Mental Health (Compulsory Assessment and Treatment) Act 1992 with legislation aligned to the CRPD • Improve access to quality healthcare and health outcomes 	<p>Ministry of Health</p>

	<p>for disabled people</p> <ul style="list-style-type: none"> • Explore the framework that protects the bodily integrity of disabled children and disabled adults against non-therapeutic medical procedures • Funded Family Care policy change • Reduce the use of seclusion and restraint • Play, Active Recreation and Sport Action Plan for Disability • Better Later Life – He Oranga Kaumātua 2019-2034 	<p>Ministry of Health/Department of Corrections (joint leads)</p> <p>Sport NZ</p> <p>Office for Seniors</p>
Accessibility	<ul style="list-style-type: none"> • Accelerate Accessibility (including role of accessibility legislation) • Accessibility of Public Information • Improve accessibility across the New Zealand housing system • New Zealand Transport Agency Action Plan • Ministry of Transport Action Plan • Age-friendly Aotearoa/New Zealand 	<p>Ministry of Social Development</p> <p>Ministry of Housing and Urban Development and Housing New Zealand Corporation (joint leads)</p> <p>New Zealand Transport Agency</p> <p>Ministry of Transport</p> <p>Office for Seniors</p>
Rights Protection	<ul style="list-style-type: none"> • Improve justice services so that they 	<p>Ministry of Justice (lead agency), but all Justice Sector agencies</p>

and Justice	are accessible and able to be understood by disabled people	have agreed to progress this work programme: New Zealand Police, Department of Corrections, Oranga Tamariki, Serious Fraud Office, and Crown Law
Choice and Control	<ul style="list-style-type: none"> • System Transformation • Developing guidance on the effective use of Supported Decision-Making 	Ministry of Health Ministry of Social Development
Leadership	Currently, only two agencies have identified explicit work programmes related to leadership, specifically the Office for Disability Issues' Nominations Database and the New Zealand Transport Agency's focus on improving understanding and decision-making with the disabled community. However, within and across the work programmes leadership development will be progressed, particularly as agencies continue to engage with disabled people.	
Attitudes	Currently, only one agency has identified an explicit action related to changing attitudes, specifically the New Zealand Transport Agency's provision of disability awareness education for bus drivers. However, within and across the programmes of work attitude change will be progressed.	

Table 2: Cross-cutting issues supporting government agencies' work programmes

Cross-cutting issue	Work Programme	Lead Agency
Ensuring data is disaggregated by disability	<ul style="list-style-type: none"> Disability Data and Evidence Working Group's Work Programme Promotion of the use of the Washington Group sets of questions on disability in government surveys⁸ 	Stats NZ and ODI (joint leads)
Ensuring disabled people are involved in decision-making that impacts on them	<ul style="list-style-type: none"> Seeking effective engagement with disabled people on the part of government agencies 	Mechanisms in place to monitor progress in implementation of the Action Plan ⁹

19. The Action Plan is not an action plan in the traditional sense of the word. Rather, it is a plan that captures comprehensive work programmes consistent with the Disability Strategy's eight outcomes¹⁰.
20. Various work programmes in the Action Plan can be aligned with more than one of the Disability Strategy's outcomes, given that the outcomes are closely linked. For example, the Ministry of Urban Development's work programme to incentivise the provision of accessible rentals will also increase choice and control for disabled people.
21. Both the DPO Coalition and officials agree that these work programmes, addressing significant issues for disabled people, will contribute to improving their wellbeing.
22. These disability-focused work programmes are developmental change programmes intended to create a shift in outcomes for disabled people. They are not business-as-usual disability programmes.

The work programmes in the Action Plan will promote the twin track approach

23. The twin track approach underpins the Disability Strategy. This approach is about making mainstream services and supports inclusive of disabled people, alongside services and supports that are specific to disabled people.

⁸ The primary purpose of the Washington Group of Disability Questions on Disability Statistics is to focus on the challenge of defining disability and measuring disability in a way that is culturally neutral and reasonably standardised among the United Nations member states. The Washington Group has developed various surveys to collect disability data, including: Washington Group Short Set of Questions on Disability, Washington Group Extended Question Set on Functioning, and Washington Group/UNICEF Module on Child Functioning.

⁹ Refer to the list of mechanisms at the end of the paper.

¹⁰ Refer to Appendix 1 for a diagrammatic representation of the Action Plan.

24. For example, the Ministry of Education's work programmes are focused on ensuring all educational services and supports are inclusive of, and accessible to, disabled people which complement the specialised educational services and supports which are the focus of the Learning Support Action Plan.
25. Some of the work programmes in the Action Plan have a broader focus than disabled people (eg, Age-friendly Aotearoa/New Zealand). These work programmes have been included as agencies have identified them as a significant opportunity to improve disabled people's wellbeing.
26. The Action Plan is the oversight mechanism to monitor progress in implementation of the work programmes.
27. The DPO Coalition and agencies have worked in partnership to identify the work programmes for progressing the Disability Strategy. This process has been consistent with Article 4.3 of the CRPD (which enshrines the obligation of States Parties to "closely consult with and actively involve persons with disabilities" in the development and implementation of policies and legislation).

The Action Plan will demonstrate a strong commitment to achieving outcomes for Māori and working in partnership with disabled people

28. Demonstrating a commitment to partnerships with Māori and Te Tiriti will be crucial to the success of the Action Plan. This means that Māori disabled are engaged as programmes are developed, that the programmes of work reach and are relevant to Māori disabled, and that the programmes of work are achieving good results for Māori and their whānau.
29. An example of where we have had the opportunity to better design services in partnership with Māori - integrating their needs into broader service design, is the transformation of the Disability Support System also named 'Mana Whaikaha' which is being led by the Ministry of Health.
30. As the Mana Whaikaha prototype is delivered, government agencies, community groups, family and whānau have all worked in partnership to give effect to the Enabling Good Lives (EGL) principles whilst finding synergies with a Whānau Ora approach. The strong synergies between Whānau Ora and EGL have a mutual emphasis on building whānau capacity, collective leadership, whānau planning, and kaitūhono (connectors).

Agencies are in the process of completing more comprehensive work programme plans for submission to ODI by mid-October 2019

31. ODI has asked all agencies to demonstrate how their more comprehensive work programmes will progress outcomes for Māori. In addition, ODI has asked all agencies in their detailed planning to identify how their work programmes will improve equity of life-outcomes for Māori, Pacific peoples, children and youth, older people, women, and people with high support needs.

32. Agencies in the process of completing their more comprehensive work programme plans will be required to engage directly with disabled people through their own networks and/or through the DPO Coalition.

Two cross-cutting issues will be expected to underpin all government agencies' work programmes in the Action Plan¹¹

33. The first issue is the disaggregation of data by disability in the development and implementation of agencies' work programmes. This will be crucial to inform robust policy formulation and well-planned and effective service delivery, leading to positive outcomes for disabled people.
34. The second issue is ensuring disabled people are involved in decisions made by agencies affecting them. This is consistent with General Comment No. 7 issued by the UN Committee on the Rights of Persons with Disabilities in October 2018¹². The new legal guidance issued by the Committee as General Comment No. 7 upholds the rights of all disabled people to participate in and be involved in all issues impacting on them¹³.

The work programmes are drawn from various sources

35. The work programmes included in the Action Plan are drawn from:
- 35.1. incomplete actions from the Disability Action Plan 2014-2018
 - 35.2. the six key issues raised by the IMM
 - 35.3. work programmes focused on disability issues planned or underway in various agencies
 - 35.4. public consultation feedback on the development of the Action Plan
 - 35.5. priorities for action raised in regional meetings with the Minister for Disability Issues across New Zealand in 2018.

Incomplete actions in the Disability Action Plan 2014-2018 will be carried forward in the new Action Plan

36. Incomplete actions in the Disability Action Plan 2014-2018 will either continue as stand-alone actions in the new Action Plan or be incorporated into the Action Plan's work programmes. For example, the following are integrated into the new Action Plan:
- 36.1. identifying better alternatives to the Minimum Wage Exemption
 - 36.2. developing a shared understanding of supported decision-making

¹¹ See Table 2 above.

¹² General Comment No. 7 also clarifies States Parties' obligations to ensure the participation of disabled people, through their representative organisations, in the implementation and monitoring of the CRPD in line with articles 4 (3) and 33 (3).

¹³ Two mechanisms already in place to facilitate effective engagement with disabled people are: reporting to the Minister for Disability Issues on the Lead Toolkit and the Accessibility Charter work.

- 36.3. understanding the impact of disability on housing needs and influencing the social housing reform programme
- 36.4. working on incorporating the EGL principles and the approaches and principles of Whānau Ora, which have already been identified as having strong synergies, so that tāngata whaikaha and their whānau have greater choice and control over their lives and supports.

Some of the government agencies' current work programmes align with the IMM's six key issues

- 37. The IMM considers the most pressing issues for disabled New Zealanders to be¹⁴:
 - 37.1. Education: "Our education system is not fully inclusive. 42% of disabled young people aged 15-24 are not in education, training or employment."¹⁵
 - 37.2. Employment: "25% of disabled persons are in the labour force compared to 75% of non-disabled persons."
 - 37.3. Seclusion and restraint: "seclusion and restraint are overused and not always used as a last resort as part of a suite of options."
 - 37.4. Access to information and communication: "disabled people still are not getting fundamental information communicated in accessible ways."
 - 37.5. Housing: "there is a lack of accessible housing in New Zealand in all housing sectors."
 - 37.6. Data: "there are large gaps in disaggregated disability data in New Zealand."

The Government wants to continue with disability-focused work programmes planned or underway

- 38. DPO Coalition representatives and officials from various agencies met to discuss and confirm the work programmes that would be progressed in the Action Plan. Prior to this confirmation meeting, the DPO Coalition and officials had been meeting regularly to consider possible work programmes for inclusion in the new Action Plan.
- 39. I appreciate how officials have engaged with the DPO Coalition representatives throughout the process of considering work programmes for inclusion in the Action Plan. This engagement on the part of officials with the DPO Coalition has been reinforced at meetings of the Ministerial Leadership Group on Disability Issues.
- 40. I also acknowledge the work of my Ministerial colleagues in supporting the work programmes being progressed to advance the rights of and opportunities for disabled New Zealanders to live the best quality of life they can and, thereby, improve their overall sense of well-being.

¹⁴ See the Submission from New Zealand's Independent Monitoring Mechanism to Inform the Development of the List of Issues Prior to Reporting for New Zealand's 2nd Periodic Review under the Convention on the Rights of Persons with Disabilities (November 2017).

¹⁵ I acknowledge that learning is life long and that our education system is broad including early childhood, compulsory schooling and tertiary.

41. Government agencies retain full responsibility for overseeing their respective work programmes under the Action Plan. Work programmes such as those relating to accessibility are reliant on multiple agencies taking action. Work programmes also have their own timelines¹⁶.
42. Consistent with Article 4.3 of the CRPD, the DPO Coalition will have the opportunity to monitor progress and provide feedback and advice on the implementation of the work programmes.

ODI undertook a public consultation on the development of the Action Plan

43. ODI, working in partnership with the DPO Coalition, held 25 face-to-face workshops across New Zealand from November 2018 to mid-March 2019. Approximately 470 people, including representatives of key organisations in the disability sector, family and whānau, and disabled people themselves, attended.
44. Of the 25 workshops, there were a total of eight population-based workshops. It was important to ensure that diverse disabled voices were given the opportunity for input into the Action Plan. The population-focused workshops included:
 - 44.1. two Māori-only hui
 - 44.2. two Pacific peoples - only fono
 - 44.3. two youth-only
 - 44.4. one women-only
 - 44.5. one high and complex needs.
45. Submissions on suggested priorities for action in the Action Plan were also provided via an online engagement tool.
46. Workshop submissions and online submissions resulted in 864 ideas/themes being recorded in ODI's consultation database, aligned with the eight outcomes in the Disability Strategy. The ideas/themes which received the highest number of responses are prioritised in the following order:
 - 46.1. education
 - 46.2. accessibility
 - 46.3. employment and economic security
 - 46.4. health and wellbeing
 - 46.5. attitudes.
47. The remaining Disability Strategy outcomes receiving a high number of responses were: rights protection and justice, leadership, and choice and control.

¹⁶ See Appendix 2 for how agencies have represented their work programmes.

48. Most of the priorities for action raised during the public consultation on the Action Plan are in line with the work programmes committed to by government agencies¹⁷.
49. The targeted public consultation with the population-focused groups brought up similar issues to those raised in the general workshops. However, specific concerns were also raised such as: cultural competency, equity, flexibility of employment, disabled women's rights to sexual health and fertility services, and upskilling disabled youth for leadership roles¹⁸. As noted earlier, as work programmes are developed, agencies will be asked to give regard to these specific concerns of the population-focused groups.

Many priorities for action raised in regional meetings across New Zealand in 2018 are consistent with agencies' work programmes

50. Several hundred people in total attended the regional meetings. The most frequent issues raised with me included:
 - 50.1. schooling issues for disabled people
 - 50.2. lack of accessible transport
 - 50.3. accessible and affordable housing
 - 50.4. employment
 - 50.5. difficulties associated with low income and the costs of disability
 - 50.6. lack of respite care opportunities
 - 50.7. need to improve attitudes
 - 50.8. concerns about language use.

There are other work programmes in progress that are not currently integrated into the Action Plan

51. The Action Plan is a living document. Therefore, there is flexibility to incorporate new work programmes and actions. For example, yet to be identified actions from the work programmes below could be incorporated into the Action Plan, as well as work programmes that develop over the next four years.
 - 51.1. The Government's Welfare Overhaul
 - 51.2. The work programmes of the Child Wellbeing Unit and the Child Poverty Unit (Department of the Prime Minister and Cabinet)¹⁹
 - 51.3. Youth-led I-Lead Symposium

¹⁷ More detail on the public consultation feedback is provided in Appendix 3.

¹⁸ More detail on the issues raised by the population-focused groups is provided in Appendix 3.

¹⁹ For example, the "greater needs" cohort identified in the recently released Child and Youth Wellbeing Strategy will almost certainly include disabled children and young people.

- 51.4. Development of the New Zealand Carers' Strategy
 - 51.5. The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions
 - 51.6. New Zealand Health and Disability System Review
 - 51.7. Creative Spaces (Ministry for Culture and Heritage)
 - 51.8. Further work in Oranga Tamariki and the Ministry of Health following repeal of Sections 141 and 142 of the Oranga Tamariki Act 1989.
- 52. Actions from the work programmes of the Child Wellbeing Unit, the Child Poverty Unit, and Oranga Tamariki and the Ministry of Health may be particularly relevant for the wellbeing of disabled children and, thereby, for inclusion in the Action Plan. New Zealand households with disabled children are significantly more likely to experience income poverty than all households. For example, the 2013 Disability Survey data showed that 63 percent of New Zealand households with disabled children say they earn just enough or not enough money.
 - 53. Programmes of work or actions identified during the two-day youth-led I-Lead disability summit in September 2019 at Parliament may also be integrated into the Action Plan²⁰.
 - 54. As new programmes of work or actions are identified for inclusion in the Action Plan, I propose that the Ministerial Leadership Group on Disability Issues will provide the mechanism for formally including those new programmes of work or actions. The Ministerial Leadership Group will also be the mechanism for formally removing completed work programmes or actions.

There are various mechanisms in place to monitor progress in implementation of the Action Plan

- 55. Agencies will submit six-monthly status reports to ODI on progress in implementation of their respective work programmes. Agencies are being asked to report against the components of the work programmes that they expect to achieve for each six-month period. ODI will work with agencies and the DPO Coalition to agree on the right level of reporting to give confidence in the progress being made, whilst not creating any greater reporting compliance than would be expected within agencies. As was done for the Disability Action Plan 2014-2018, summaries of a sample of the status reports will be made publicly available on the ODI website.
- 56. The Ministerial Leadership Group on Disability Issues meets bi-annually to monitor progress in implementation of agencies' work programmes relating to the IMM's six key issues (education, employment, seclusion and restraint, access to information and communication, housing, and data).

²⁰ Sixty (60) disabled young people, aged 17-28 years, from diverse disability and community organisations and cultural backgrounds across New Zealand attended the two-day symposium on the 3 and 4 September at Parliament.

57. The DPO Coalition will have the opportunity to raise any concerns about the implementation of the Action Plan and its work programmes in the bi-annual meetings held with me.
58. The DPO Coalition has the option of requesting meetings with the government agencies responsible for the work programmes in the Action Plan whenever issues/concerns arise for them.
59. The DPO Coalition will also be available to agencies who may be seeking advice on work programmes, when issues arise.
60. The DPO Coalition and senior officials will take the opportunity at least once a year to meet and identify any cross-cutting issues that are emerging as the work programmes are implemented.
61. Under section 8 of the New Zealand Public Health and Disability Act 2000, the Minister for Disability Issues reports annually to Parliament. The purpose of the annual report is to comment on progress with implementing the Disability Strategy's eight outcomes. Given that the Action Plan is the primary vehicle for implementing the Disability Strategy outcomes, progress on the disability-focused work programmes will be recorded in my report.

In preparing the Cabinet paper, ODI invited comment from the DPO Coalition²¹

62. The DPO Coalition noted the following:
 - 62.1. The DPO Coalition has engaged widely across government agencies to ensure that the Action Plan involves an authentic, whole-of-government commitment to the realisation of disability rights in Aotearoa New Zealand.
 - 62.2. The DPO Coalition acknowledges agency officials' commitment to informed decision-making to meet the needs of disabled people.
 - 62.3. It is the expectation of the DPO Coalition that the new Action Plan completes work from the previous Disability Action Plan 2014-2018, including: incorporation of the Whānau Ora approach within the transformation of the disability support system, Transition into Employment, A Good Start in Life, Protection of Bodily Integrity of Disabled Adults and Children, and Supported Decision-Making²².
 - 62.4. The DPO Coalition recognises the significant progress being made on Accessibility Legislation, and the IMM's six key issues.
63. The DPO Coalition recognises the significant progress being made on Mental Health following the recommendations of He Ara Oranga. The work on seclusion and restraint and the commitment to repeal and replace the Mental Health Act in full deserve special mention. This is life-changing for people experiencing mental health issues. The Coalition notes that they have raised concerns with the Ministry of Health

²¹ See Appendix 4 for the DPO Coalition's commentary on the development of the Action Plan.

²² Refer to the Disability Action Plan 2014-2018 on the ODI website.

to ensure that the pace of work allows for the continued engagement and involvement of people with lived experience of mental health issues.

64. There is also concern that work started in 2017 by the Ministry of Business Innovation and Employment is not currently prioritised within the Action Plan, specifically the need to resource the roll out of the “Building for Everyone Guide – Designing for Access and Usability”.
65. The DPO Coalition made a commitment to continue working in partnership with the Government to deliver the Action Plan.

Consultation

66. Key government agencies that have been consulted on this Cabinet paper include: Accident Compensation Corporation, Department of Corrections, Department of Internal Affairs, Department of the Prime Minister and Cabinet (including the Ministry of Civil Defence & Emergency Management, Child Wellbeing Unit and Child Poverty Unit), Electoral Commission, Housing New Zealand Corporation, Ministry of Housing and Urban Development, Ministry for Women, Office for Seniors, Ministry of Business, Innovation and Employment, Ministry for Culture and Heritage, Oranga Tamariki – Ministry for Children, Ministry of Education, Ministry of Foreign Affairs and Trade, Ministry of Health, Ministry of Justice, Ministry for Pacific Peoples, Ministry of Social Development, Ministry of Transport, New Zealand Transport Agency, Police, Statistics NZ, Sport NZ, Te Puni Kokiri and The Treasury.

Financial Implications

67. The Action Plan will be implemented within government agencies’ baselines. However, future options resulting from some actions may be dependent on new funding.

Legislative Implications

68. There are no legislative implications arising from this paper. However, some work programmes progressed under the Action Plan may have their own legislative implications (e.g. Repeal and Replace the Mental Health [Compulsory Assessment and Treatment] Act 1992).

Impact Analysis

69. There are no regulatory implications proposed in this paper.

Human Rights

70. The Action Plan is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. It seeks to enable disabled New Zealanders to exercise their full rights of citizenship and remove any discriminatory practices.

Gender Implications

71. Disabled women face gender discrimination and are often more disadvantaged than disabled men in similar circumstances. The 2013 Disability Survey estimated that 24

percent of New Zealand women (545,000) have an impairment. Disabled women (15 years and older) generally have poorer socio-economic outcomes than disabled men and non-disabled women. For example, the Disability Survey showed that over one-third of disabled women have no educational qualification, less than a quarter are in full-time employment, and over 70 percent have a total income of \$30,000 or less. These findings are consistent with international research²³.

72. Disabled women are also more likely to experience intersectional discrimination, including age, being Māori, and belonging to ethnic, migrant, rainbow or rural communities. The work programmes listed in this paper aim to improve the wellbeing of disabled women.

Disability Perspective

73. This paper addresses specifically disability issues. The Action Plan progresses New Zealand's implementation of the CRPD and the Disability Strategy. The DPO Coalition played a significant role in the development of the Action Plan and will continue to provide oversight of and monitor the implementation of the Action Plan on behalf of disabled people.

Publicity

74. I intend to proactively release this Cabinet paper as soon as possible in accordance with proactive release guidelines.

Recommendations

75. I recommend that the Committee:
1. **note** that the Cabinet Social Wellbeing Committee agreed that ODI undertake public consultation on the Disability Action Plan 2019-2023 to seek input on what should be included in the Action Plan (SWC-18-MIN-0106)
 2. **note** that the Cabinet Social Wellbeing Committee agreed that some of the public consultation should target diverse population groups within the disability sector, including but not limited to, young people, Māori, and Pacific peoples (SWC-18-MIN-0106)
 3. **note** that ODI undertook a public consultation on the development of the Disability Action Plan 2019-2023 from November 2018 to mid-March 2019, including:
 - 3.1. 25 face-to-face workshops across New Zealand
 - 3.2. eight of the workshops were population-focused workshops, including two Māori-only hui, two Pacific peoples-only fono, two youth-only, one women-only, and one high and complex needs
 - 3.3. online and email submissions.
 4. **note** the positive engagement process that took place between the DPO Coalition and agency officials during the development of the Action Plan 2019-2023

²³ Stats NZ Disability Survey 2013

5. **agree** to the Disability Action Plan 2019-2023
6. **agree** to publish a public-facing document of the Disability Action Plan 2019-2023
7. **agree** to agencies submitting six-monthly status reports to ODI on how they are progressing towards implementing their respective work programmes
8. **agree** to the Ministerial Leadership Group on Disability Issues providing the formal mechanism for:
 - 8.1. including new programmes of work or actions in the Action Plan
 - 8.2. removing completed work programmes or actions.

Authorised for lodgement

Hon Carmel Sepuloni

Minister for Disability Issues

DISABILITY ACTION PLAN 2019-2023

ACCOUNTABILITY MECHANISMS

OVERSIGHT	GOVERNANCE	REPORTING	MONITORING
<ul style="list-style-type: none"> Disabled People's Organisations (DPO) Coalition 	<ul style="list-style-type: none"> Ministerial Leadership Group on Disability Issues (MLGDI) Ongoing engagement with CEs and senior officials 	<ul style="list-style-type: none"> Six-monthly status reports DPO 2x yearly meeting with Minister Annual Report 	<ul style="list-style-type: none"> Independent Monitoring Mechanism (IMM)

CROSS-CUTTING ISSUES

1. DISABILITY DATA <ul style="list-style-type: none"> Disability Data & Evidence Working Group Washington Group sets of questions on disability 	2. DISABLED PEOPLE'S INVOLVEMENT IN DECISION-MAKING <ul style="list-style-type: none"> Effective engagement with disabled people across agencies
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OUTCOMES AND PROGRAMMES

1. EDUCATION	2. EMPLOYMENT	3. HEALTH	4. ACCESSIBILITY
<p>Ministry of Education's Education Work Programme, including but not limited to:</p> <ul style="list-style-type: none"> Early Learning Strategic Plan Tomorrow's Schools Review NCEA Review Review of Vocational Education Curriculum, Progress and Achievement Learning Support Action Plan <p>Tertiary Education Commission:</p> <ul style="list-style-type: none"> Improve outcomes for disabled learners 	<p>Ministry of Social Development:</p> <ul style="list-style-type: none"> Disability Employment Action Plan Employment of disabled people in public sector National Information Hub and Regional Networks <p>Ministry of Social Development / Ministry of Business, Innovation and Employment:</p> <ul style="list-style-type: none"> Replacement of Minimum Wage Exemption 	<p>Ministry of Health:</p> <ul style="list-style-type: none"> Repeal and replace the Mental Health (CAT) Act 1992 Improve access to quality healthcare and health outcomes Explore the framework that protects bodily integrity <p>Funded Family Care</p> <p>Ministry of Health / Department of Corrections:</p> <ul style="list-style-type: none"> Reduce the use of seclusion and restraint <p>Sport NZ:</p> <ul style="list-style-type: none"> Play, Active Recreation and Sport Action Plan <p>Office for Seniors:</p> <ul style="list-style-type: none"> Better Later Life - He Oranga Kaumātua 2019-2034 	<p>Ministry of Social Development:</p> <ul style="list-style-type: none"> Accelerate Accessibility (including role of accessibility legislation) Accessibility of Public Information <p>Ministry of Housing and Urban Development / Housing New Zealand:</p> <ul style="list-style-type: none"> Improve accessibility across the NZ housing system <p>New Zealand Transport Agency:</p> <ul style="list-style-type: none"> NZTA Action Plan <p>Ministry of Transport:</p> <ul style="list-style-type: none"> Ministry of Transport Action Plan <p>Office for Seniors:</p> <ul style="list-style-type: none"> Age-friendly Aotearoa/ New Zealand
5. LEADERSHIP	6. CHOICE & CONTROL	7. RIGHTS	8. ATTITUDES
<p>Office for Disability Issues:</p> <ul style="list-style-type: none"> Nominations Database <p>NZTA: Improve understanding and decision-making</p> <p><i>Other programmes will have an impact on leadership</i></p>	<p>Ministry of Health:</p> <ul style="list-style-type: none"> System transformation <p>Ministry of Social Development:</p> <ul style="list-style-type: none"> Supported Decision-making 	<p>Ministry of Justice / Justice Sector agencies:</p> <ul style="list-style-type: none"> Improve justice services so that they are accessible and able to be understood 	<p>New Zealand Transport Authority:</p> <ul style="list-style-type: none"> Disability awareness education for bus drivers <p><i>Other programmes will have an impact on attitudes</i></p>

Appendix 2 – Advice from agencies on their work programmes included in the Action Plan and how they align with the Disability Strategy outcomes²⁴

Education

Ministry of Education – Programme of Education Transformation

- 1 Government has outlined an extensive and ambitious programme of education transformation to deliver a more equitable, inclusive and high-quality education system for the next 30 years.
- 2 The views of disabled people, disabled students, their families and whānau have been actively sought and integrated into this work and we will continue to emphasise this partnership within different parts of the work programme as each component progresses.
- 3 To support the outcomes, the Ministry of Education will:
 - Ensure disabled people are engaged in all aspects of the current education reforms providing a disability lens over policy development and implementation and practice.
 - Develop and implement a formal mechanism for disabled people to provide input and advice and to monitor reporting on outcomes for disabled children and young people, their families and whānau across the education sector.
 - Ensure that decisions about the education of disabled children and young people are based on current data and evidence that is robust, transparent, coherent and integrated across relevant agencies.
 - Develop and implement resources and training for boards of trustees, principals and teachers, families and whānau about the rights of disabled children and young people to an inclusive education and how best to identify and meet those rights within a framework of universal design.
 - Ensure that resources draw on a Māori world view and strengthen workforce confidence and capacity to meet the rights of disabled Māori.²⁵

Tertiary Education Commission – Improve Outcomes for Disabled Learners in Tertiary Education

- 4 This TEC programme is intended to support the TEC and tertiary organisations to improve outcomes for disabled learners.
- 5 It is designed to fill current gaps in data and knowledge about disabled learners' presence and performance in tertiary education, and sector activities to support these learners. It contains several actions the TEC will take in the short to medium term to improve sector focus on disabled learners and the support tertiary organisations provide to them.

²⁴ It should be noted that the Office for Disability Issues has only undertaken minor editing of the documentation provided by agencies.

²⁵

- 6 The TEC is seeking more information about disabled learners through the introduction of an equity reporting template; increasing our analysis of available data (via SDR and IDI); partnering with tertiary education organisations (TEOs) to access their in-house data regarding disabled learners and investigating the standardisation of information collected by TEO's about their disabled learners.
- 7 While we build our knowledge, we are working to identify and implement system improvements through introducing mandatory disability action plans for TEOs; undertaking the development of a disability action plan for the TEC; working with the sector to refresh Kia Ōriete (The NZ Code of Practice for an Inclusive Tertiary Education Environment for Students with Impairments); and supporting and promoting national and international best practice in the area of disability support.

Employment and Economic Security

Ministry of Social Development – Disability Employment Action Plan

- 8 In 2019 the Labour Market Ministers Group agreed that a cross-government disability employment action plan should be developed. This will be one of several action plans for people who experience disadvantage in labour markets and will underpin the Government's Employment Strategy. This plan will provide a call to action to all stakeholders as well as outlining ambitious but pragmatic actions that the government will implement. The development of the actions will draw on the disability action plan consultation findings. The plan will aim to help all disabled people who want a job to get a job and to build momentum in statistical trends towards closing the gap in employment outcomes between disabled people and non-disabled people.

Ministry of Social Development – Increase Employment in the Public Sector

- 9 It has been identified that the state sector should take a leadership role in increasing the employment of disabled people and thereby reduce the employment disparity.
- 10 Activities to achieve this include:
 - Targeted quarterly meeting of Lead Toolkit Champions
 - Promoting the development of Employer Networks
 - Bi monthly newsletter
 - Working with SSC on a common method of recording disability information
 - Articles in key Newsletters such as Diversity works; Bus.govt
 - Updating and developing new resources
 - Fostering internship initiatives
 - Sharing examples of best practice
 - Reporting to Minsters which is shared with all agencies and DPOs
 - Keeping Papa Pounamu, the D&I senior leaders forum informed on progress including holding a CEs Disability Master Class.

Ministry of Social Development – National Information Hub Supporting Regional/Local Employee Networks

- 11 One of the questions raised by employers is where I go for information. I want to employ disabled people but I'm unsure what to say and do.
- 12 To assist employers, the following actions are proposed:
- Development with Disabled People's Organisations of common messages. This also involved MBIE and HRC.
 - Working with MBIE to revise the current bus.govt.nz to modernise the information. The website is to be supported by their 0800 number.
 - Work with the Chamber of Commerce and Business NZ to support existing networks and
 - Host an all of NZ Employer Network meeting
 - Provide MBIE with regular articles for its newsletter
 - Develop and share success stories – not as heroes
 - Look at a mentoring programme in collaboration with Australian Network on Disability.

New Zealand Transport Agency – Ensure the Employment and Effective Support for Disabled People in the Public Service

- 13 The Transport Agency will implement the recently developed Diversity and Inclusion Work Plan and will undertake an audit of our internal policies and practices over the next six months to ensure they are inclusive for employees with disabilities.

Ministries of Social Development/Business, Innovation and Employment (joint lead) – An Alternative to Minimum Wage Exemption Permits

- 14 A wage supplement model has been proposed as an alternative to replace the existing Minimum Wage Exemption permits. The proposal includes government providing a supplement to top-up wages paid by businesses currently using MWEs. This would protect the job opportunities that are currently supported by the MWE system, while ensuring that those currently with MWEs are able to earn at least the minimum wage.
- 15 We have recently completed consultation on the work programme, and are in the process of collating the results to lead into a further report-back to Cabinet with advice on how to proceed with the work.

Health and Wellbeing

Department of Corrections – Intervention and Support Project and Implementation of the Six Core Strategies

- 16 The Intervention and Support Project (ISP) develops and implements initiatives to improve the management and care of people in prison who are vulnerable to self-harm and suicide. As part of this, a new model of care will be piloted in three prisons. The model of care will create a more therapeutic physical environment, and develop multi-disciplinary practice for providing individualised care. The Project will also progress improvements in prisons nationwide.

Under the ISP, Implementation of the Six Core Strategies will be progressed. The 'Six Core Strategies' are used in the mental health sector to reduce seclusion and restraint, but will be adapted for the Corrections context. Actions will be progressed under each of the six strategies. This will also support the decision to remove tie-down beds as an approved form of restraint. *Ministry of Health – Repeal and replace the Mental Health (Compulsory Assessment and Treatment) Act 1992 with legislation aligned to the CRPD*

- 17 The Government has accepted in full the recommendation from the Independent Inquiry into Mental Health and Addictions to repeal and replace the current Mental Health Act. The new legislation will be developed to ensure respect and protection for individual and whānau human rights.
- 18 To complete this project the Ministry of Health will engage with stakeholders to develop policy recommendations for Cabinet approval to commence the legislative process.

Ministry of Health – Improve access to quality healthcare outcomes for disabled people

- 19 The Ministry will work across the health and disability system, including District Health Boards to:
 - improve access to quality healthcare, including:
 - implementing disability actions in national health action plans
 - supporting and monitoring DHB action plans
 - explore options to improve access to healthcare for disabled people, with a focus on people with a learning/intellectual disability
 - improve disability data and evidence
 - improve disability awareness and capability of the health workforce.

Ministry of Health – Explore the framework that protects the bodily integrity of disabled children and disabled adults against non-therapeutic medical procedures

- 20 This work programme will complete Action 7B from the Disability Action Plan 2014-2018 to “explore the framework that protects the bodily integrity of disabled children and disabled adults against non-therapeutic medical procedures, with an initial focus on non-therapeutic sterilisation.”

Ministry of Health – Funded Family Care policy change

- 21 In September 2018, the Government announced its intention to change FFC. Targeted engagement and policy advice informed the Government's agreement to make the following key changes, which were announced on 7 July 2019:
 - repeal of Part 4A of the New Zealand Public Health and Disability Act 2000
 - eligibility for Funded Family Care will change to allow:
 - spouses and partners to provide FFC to people with high or very high support needs
 - children and young people under the age of 18 with high or very high needs to receive FFC from resident parents or family members (who are over 18)
 - remove the requirement for an employment relationship between a disabled person and their family member under the Ministry of Health's FFC policy

- raise pay rates for funded family carers under the Ministry of Health's FFC policy, to be consistent with the rates received by care and support workers.

Ministry of Health – Reduce the use of seclusion and restraint in mental health services

22 The Ministry will:

- Consider the use of seclusion and restraint practices in the work programme to repeal and replace the Mental Health Act
- Review the current Restraint Minimisation and Safe Practice standard as part of the statutory review of Health and Disability Services Standards due to be completed by December 2020
- Develop a shared understanding of what constitutes various forms of restraint (including seclusion and segregation) across different sectors/settings. This work will take a rights-based approach.

Sport NZ – Play, Active Recreation and Sport Action Plan for Disability

- 23 In December 2018 Sport NZ published a Disability Active Recreation and Sport Summary and Recommendations Report. Alongside this Report Sport NZ completed additional analysis of the Active NZ survey which highlights participation levels, motivations and barriers for disabled people.
- 24 Sport NZ are now working to develop a Disability Play, Active Recreation and Sport Action Plan. This will include resource and commitments to action from Sport NZ. The Play, Active Recreation and Sport for Disability Action Plan will have three outcomes areas. The long-term outcome areas are being finalised through consultation. They will be based around increasing participation, accessibility and leadership opportunities and experiences. These will include intermediate outcomes focusing on:
- increasing confidence to participate
 - providing support for disabled people
 - fostering inclusive attitudes in sport
 - improving physical infrastructure and environments
 - improving co-ordination, leadership and advocacy.
- 25 Sport NZ are hoping to publish their Action Plan alongside the Disability Action Plan 2019-2023 (date to be agreed).
- 26 Within the Play, Active Recreation and Sport for Disability Action Plan Sport NZ will:
- Recruit a Disability Advisor to lead the delivery of the Action Plan
 - Be an advocate for policies and programmes that support disabled young people to be actively engaged in play, recreation and sport
 - Share insights, data and case studies; and
 - Ensure an inclusive approach within their work and provide support for their partner organisations

- Invest in partnerships, funds and programmes that support young people with a range of impairments
- Support the development and training of a skilled and confident workforce that enables play, active recreation and sport for young people with a range of impairments
- Advocate for well-designed, inclusive and fit for purpose facilities, accessible parks, playgrounds and open spaces.

27 The Action Plan will be supported by additional investment from Sport NZ in:

- National Disability Organisations involved in sport, active recreation and play;
- A contestable fund available to boost access to opportunities for specific groups and to organisations working with disabled young people; and
- Programme funding from Sport NZ.

Office for Seniors – Better Later Life – He Oranga Kaumātua 2019-2034

28 The Office for Seniors is currently finalising the ‘Better Later Life – He Oranga Kaumātua 2019 to 2034’ strategy (BLL). BLL acknowledges the New Zealand Disability Strategy 2016-2026 and looks at factors that link to it. BLL will help progress the Disability Strategy through two of its five key areas for action – Improving access to health and social services and making environments accessible.

Accessibility

Ministry of Social Development – Accelerate Progress Towards Accessibility

29 The work programme relates to the Government’s commitment to move towards a fully accessible Aotearoa/New Zealand. An oral report back detailing progress was given to Cabinet in June 2019 and work is now underway looking at potential approaches to how accessibility issues can be addressed. At present, this includes assessing options for the introduction of a joint approach between legislation and awareness campaigns, ensuring that accessibility standards are met and that the public is aware of why they are important.

Ministry of Social Development – Accessible Public Information

30 Over the next five years, the public sector will implement a programme of work so accessible information becomes business as usual.

31 To assist government agencies in achieving this outcome, the following support is being developed over the coming year:

- Monthly training sessions
- Specialist information clinics
- A virtual network of accessibility experts
- A mechanism for sharing innovative practice
- An Accessibility Summit

- Updating the Accessibility guide
- Regular reporting to the Minister on progress.

New Zealand Transport Agency – Ensure Accessible Public Information is Available for Everyone

- 32 The Transport Agency will carry out an accessibility audit mid-2019 and develop an action plan for the next five years. We are aiming for the end of September 2019 for the audit to be completed.

New Zealand Transport Agency – Improve Collection of Data

- 33 The Transport Agency will undertake qualitative customer research to understand the barriers people face to accessing social and economic opportunities and how the land transport system can enable or inhibit desirable outcomes.

New Zealand Transport Agency – Continuation of Work to Understand How Services, Current Policies and New Policy Developments are Progressing the Rights and Opportunities of Disabled People

- 34 The Transport Agency will continue to work with disabled communities across all areas of our work to build a greater understanding of the diverse needs of the transport disadvantaged; identify transport gaps and understand which interventions work best for which groups.

35 Including:

- review Pedestrian Planning and Design Guide;
- develop public transport design guidelines;
- review the Requirements for Urban Buses (RUB) to achieve higher nationally-consistent bus standards; and
- provision of disability awareness education for bus drivers.

Ministry of Transport – Services for People with Different Transport Needs

- 36 The Ministry will undertake a strategic assessment of provision of services for people with different transport needs in the 2020-2021 financial year. This assessment will include a review of the Total Mobility Scheme.

Ministry of Transport – The Accessible Streets Regulatory Package

- 37 The Ministry of Transport, in collaboration with the Transport Agency, is developing a regulatory package aimed at improving the safety and accessibility of our footpaths and cycle paths.

Ministry of Housing and Urban Development/Housing New Zealand Corporation – Improve Accessibility Across the New Zealand Housing System

- 38 Action 1: Housing New Zealand (HNZ) is developing an accessibility policy
- HNZ are currently working to review its accessibility policy for properties. They will consider the current and future needs of their customers as well as the communities they live in. This includes considering a percentage target for new builds that will

meet universal design standards and an approach for the retrofit of existing properties.

- HNZ have a large proportion of houses earmarked for development or upgrade over the next 25 years. This is the perfect opportunity to create significant change in the portfolio to better meet the needs of its customers as they change over time.

39 Action 2: Consider ways to incentivise the provision of accessible rentals

- The Ministry of Housing and Urban Development (HUD) will consider ways to incentivise the provision of accessible rentals:
 - HUD officials have begun work with the Ministry of Business, Innovation and Employment to include more information on universal design and housing modification funding settings for the Tenancy Services website and expect this will be completed in September 2019. Officials also intend to explore ways to make it easier for disabled people to find where existing rentals are.
 - In the next six to twelve months, HUD officials will work with the Ministry of Health and the Accident Compensation Corporation to ensure the funding mechanism delivers housing modifications to approved households in a timely manner.
 - In early 2020, HUD will develop options for incentivising landlords to modify their properties to meet the needs of disabled people or use universal design for new builds.

40 Action 3: Consider how housing delivered through Kāinga Ora – Homes and Communities can support the needs of disabled people

- HUD is committed to increasing accessible housing in the long-term. The establishment of Kāinga Ora – Homes and Communities provides the opportunity to implement a joined-up approach to delivering accessible housing.
- HUD officials will explore how housing delivered through Kāinga Ora – Homes and Communities can support the needs of disabled people and develop advice on how this can be implemented, as well as milestones for progressing this work.
- This may include:
 - the development and inclusion of a cohesive set of standards or targets across the broader housing sphere, including KiwiBuild and public housing
 - incorporating universal design standards and accessibility into large-scale developments, such as UNITEC.

Office for Seniors – Age-friendly Aotearoa/New Zealand

- 41 To raise awareness of the changing age structure of the population and help prepare and support cities, towns and communities to assess and plan for the needs of older people at the local level. A key focus is to ensure the involvement of older people in all aspects of this work.
- 42 Our work will support the Disability Strategy outcomes because the interests of our populations are closely aligned.

- 43 The age-friendly approach includes a strong focus on accessibility, including buildings, open-spaces, transport and communication, so we are engaged with the work on progressing accessibility. It also includes a focus on social connection and participation, which is of critical interest to disabled people.
- 44 The Office for Seniors is working closely with the Office for Disability Issues to ensure that we provide co-ordinated and complementary advice on issues of mutual interest to disabled and older people.

Rights Protection and Justice

Ministry of Justice (lead agency), New Zealand Police, Department of Corrections, Orangi Tamariki, Serious Fraud Office, and Crown Law - Improve justice services so that they are accessible and able to be understood by disabled people through technology, procedural accommodations, service design, staff capability, accessible information, and property improvements

- 45 We recognise that the journey through the justice sector is at times complex, stressful, and difficult to understand; this is compounded for people with disabilities, including those with cognitive, visual, hearing, or speech impairments. The Justice Sector has the opportunity and challenge of improving access to justice for disabled people, so that they are on an equal basis with others to facilitate their effective role as direct and indirect participants in all legal proceedings, including at investigative and other preliminary stages. This is intentionally aligned with Article 13 of the United Nations Convention on the Rights of Persons with Disabilities.
- 46 The action proposes to improve justice services, so they are accessible and able to be understood by disabled people through:
 - **Technology:** Technology is designed and actively promoted to assist disabled people with the comprehension of justice services and information.
 - **Procedural accommodations:** Where legislation allows, procedural accommodations (including interpreters, intermediaries, and communication assistants) are provided to assist disabled people with the comprehension of justice services.
 - **Service Design:** Justice services are designed in a holistic manner to enable accessibility for all users.
 - **Staff capability:** All staff should be provided with training and guidance on best practices for responding to the needs of disabled peoples who access their services.
 - **Accessible information:** Information available to the public is presented in a way which is accessible to disabled people.
 - **Property improvements:** Ensuring our buildings/properties consider the design standards required for people with disabilities.

Choice and Control

Ministry of Social Development – Development of a Shared Understanding of Supported Decision-Making

- 47 MSD plan to develop a Resource/s (formats to be agreed) to provide a common understanding of what supported decision making means in practice - for people with decision-making impairment, their families, and the sector.
- 48 The Resource will be developed using a co-design approach through a working group representing key stakeholder organisations. The Resource will include a definition of supported decision making and checklist on good practice.

Ministry of Health – System Transformation

- 49 In October 2018, a prototype began of a transformed disability support system in the MidCentral District Health Board region, named Mana Whaikaha. Developing and implementing a transformed system creates a wide range of policy and operational issues to be addressed. A 'try, learn and adjust' approach is being used to refine the prototype.
- 50 The prototype is being governed by a number of governance and leadership groups comprising mainly of disabled people, families, whānau, Māori, Pacific Peoples, support workers, providers, and unions.
- 51 Decisions on the final model and expansion beyond MidCentral will be sought from Cabinet in late 2020.

Leadership

New Zealand Transport Agency – Improve Understanding and Decision-Making with Disabled Community

- 52 The Transport Agency will establish a Working Group made up of representatives from the DPOs, the Transport Agency and other relevant parties.

Office for Disability Issues – Expressions of Interest Nominations Database

- 53 The Office for Disability Issues is progressing implementation of the Disability Strategy's leadership outcome. This involves giving disabled people, their whānau and carers the opportunity to be nominated to represent the disabled community in NGOs and on central and regional government agencies' boards, working groups and advisory groups.

Appendix 3 - Summary of feedback from November 2018-March 2019 public consultation on the Disability Action Plan 2019-2023

Background to the public consultation

- 54 A total of 864 ideas were put forward on the New Zealand Disability Action Plan 2019-2022 consultation website through workshops, email, phone, and private submissions during the consultation period of November 2018-March 2019. No video submissions were uploaded. There were 25 consultation workshops held throughout the country which were attended by approximately 470 people. The participants included disabled people, service providers and family and whānau. The workshops also included targeted consultation with Māori, Pacific peoples, women, youth, and people with high and complex needs.
- 55 The Office for Disability Issues has focused on identifying key themes from the feedback. The responses differed according to who was responding and through what mechanism (ie, workshops versus online submissions or disabled people compared with a family or whānau member). The key themes are aligned with the New Zealand Disability Strategy 2016-2026 outcomes:
- education
 - employment and economic security
 - health and wellbeing
 - rights protection and justice
 - accessibility
 - attitudes
 - choice and control
 - leadership.
- 56 There was a total of eight population focused workshops. These included:
- two Māori-hui
 - two Pacific peoples-fono
 - two youth-only
 - one women-only
 - one high and complex needs.

Feedback on education

- 57 There was a total of 131 public consultation ideas submitted that related to education. Two key sub-themes under education included:
- transition from school to further education, post-school transition into the community, training, and employment
 - more inclusive education.
- 58 The importance of transition from school was very important to many who submitted ideas. Respondents suggested that vocational skills and independence or living skills (such as self-care and social skills) should be taught in schooling. Respondents also

felt that there should be more education taught around options or pathways post-school.

- 59 The other key theme that was very important for the respondents was more inclusive education. An extension of this theme was that Ongoing Resourcing Scheme (ORS) funding should be more inclusive of different types of schooling and education situations. Suggestions included making ORS funding easier to receive for home schooled children, New Zealand Sign Language interpreters, and assistive technology needs.
- 60 The youth-focused groups stressed the importance of more inclusive schools. Within the Māori and Pacific peoples' groups there were many comments about teacher aides. They wanted teacher aides to be able to understand the students and give them independence rather than taking control of the students. In this regard, the Pacific peoples group suggested teachers exercising more responsibility rather than just relying on teacher aides. The Pacific peoples group also suggested teacher aides in every classroom to normalise the practice. The Māori groups wanted more accessible ways to learn Te Reo. Both the Māori and Pacific peoples' groups wanted a focus on education and training to pathways post-school.

Feedback on accessibility

- 61 There was a total of 115 public consultation ideas submitted that related to accessibility. Two key sub-themes under accessibility included:
- physical accessibility (e.g. access to the built environment and transport)
 - societal accessibility (e.g. access to public services, information, and communication technologies).
- 62 Many respondents found that inaccessibility was a barrier in their everyday lives. Suggestions to address physical accessibility included considering its importance in all builds as well as reviewing the Building Code. Ensuring all places, such as workplaces, are designed with accessibility in mind was emphasised. For example, Changing Places was widely discussed and commented on as a response to address physical inaccessibility to clean bathrooms for disabled people with high and complex needs.
- 63 Accessibility of transport is also needed by many. This includes in rural areas around New Zealand where accessible public transport and accessible footpaths are lacking. Some respondents suggested financial support for accessibility such as taxi subsidies and cards similar to the SuperGold card.
- 64 Older people comprised most of the participants at one workshop. Concerns raised related to being able to move around and travel safely. Key issues for these older people included: making roads, pedestrian crossing and footpaths safer, and ensuring disability parking is available for all disabled people. In a similar vein, young people pointed out that public transport needs to be more accessible.
- 65 Barriers in the wider society were also seen as an issue for many respondents. This was particularly felt by population focused respondents. Young disabled people argued for the availability of better information on disability supports. Māori felt that they needed access to tikanga based services and more marae to be accessible. They also wanted more use of Te Reo. Pacific peoples felt that disability issues are made worse for Pacific peoples and this should be addressed by accessibility to services.

Feedback on employment and economic security

- 66 There was a total of 110 public consultation ideas submitted that related to employment and economic security. Two key sub-themes under employment and economic security included:
- support for disabled employees/those aiming for employment
 - inclusion in the working environment.
- 67 The importance of support for disabled people, while finding employment (and while in employment), was a key sub-theme under this topic. Support for those currently in employment to have opportunities for promotion was suggested. An extension of this sub-theme was that wages for disabled people should be based on the living wage. Many submissions wanted the Minimum Wage Exemption (MWE) to be reviewed or removed. However, others stressed the ramifications of removing MWE and how these also need to be looked at. Revising secondary income tax and abatement rates were also considered important, given that these processes are deterring many disabled people from working. Submissions demonstrated that disabled people want to work and want “real jobs”. They want to be included in the work environment.
- 68 Suggestions included allocating a disability employment quota and placing more disabled people in leadership roles within the workplace. Respondents also felt that employers need to change their attitudes towards hiring disabled people.
- 69 The population focused workshop responses reflected similar sub-themes. Pacific peoples felt that in order to be supported and included in the work environment, it needs to be recognised that the current system is a “one size fits all” approach which does not work for many disabled people. There were suggestions relating to customised budgeted services, flexible contracts, and flexible hours.
- 70 Māori population workshops strongly reflected the need for inclusion in the workplace and that trust needs to be built between employers and employees to change attitudes in the workplace. The women’s population-based workshop responses focused on flexibility of employment (eg, working from home hours) as well as employers and managers learning about disability awareness to include more disabled people in the workplace.

Feedback on health and wellbeing

- 71 There was a total of 101 public consultation ideas submitted that related to health and wellbeing. Two key sub-themes under health and wellbeing included:
- quality of healthcare for disabled people
 - better mental health and overall wellbeing services.
- 72 Quality of healthcare for disabled people was a key sub-theme among the responses. There were several “healthcare gaps” pointed out that need to be addressed. For example, it was suggested that continuity of care from childhood to adulthood (with a smooth transition) is required. Submissions also mentioned that better access to services and specialists is needed as well as shorter wait times and longer appointment times allowed for disabled people. The respondents felt disabled people should be on a priority list for quality specialist care.
- 73 Mental health services were also mentioned in responses. Respondents suggested that there is a lack of understanding of mental health issues experienced in the Deaf

community, and that Deaf people should have improved access to mental health information. Respondents suggested “packages of support” to include counselling with specialists that understand disabled people. Repealing the Mental Health Act 1992 was a popular suggestion. More funding for inclusion in recreation sport and exercise and for having clean and tidy environments were suggested to improve wellbeing.

- 74 The women’s population focused group strongly mentioned having rights to assisted reproduction and sexual health and fertility services, given that such services are deemed to be very difficult for disabled women to access. The Māori population groups wanted more emphasis on mental health support and counselling. The Pacific peoples’ population felt more promotion of traditional medicine and spiritual support is needed.
- 75 The high and complex needs respondents emphasised protection and safety for both the disabled person and the parent/caregiver. In this regard, issues around seclusion and restraint were raised, including the importance of a Crisis Assessment Team being available in crisis situations.
- 76 Concerns around workforce development were also brought up by the high and complex needs respondents. They stated that workers showing compassion was the important thing. In this regard, the youth-focused groups stressed the importance of more mental health sector training.

Feedback on attitudes

- 77 There was a total of 101 public consultation ideas submitted that related to attitudes. The key sub-theme under attitudes was to:
 - reduce stigma, discrimination and stereotypes in regard to disabled people.
- 78 The need for disabled people to be included and not face stigma and discrimination was strongly discussed by respondents. Suggestions included:
 - normalising disability in government agencies and through media streams to support more positive and respectful public reactions
 - removing barriers stopping disabled people from being able to fully participate in society
 - using education as a channel to create awareness of disabled people. For example, “Builders’ Disability Awareness Training” for all architects, builders and other similar fields, and staff training and community training around Deaf culture, education in the work place and schools.
- 79 The theme of attitudes was very important for disabled population groups such as disabled youth and disabled people in the LGTBQ community. Young people called for more collaboration with them on social change campaigns, and highlighted the importance of various professionals like real estate agents, property managers and drivers of public transport receiving disability awareness training. Māori and Pacific peoples also felt that through education their communities should be encouraged to have a good understanding of disability within a cultural context.

Feedback on rights protection and justice

- 80 There was a total of 86 public consultation ideas submitted that related to rights protection and justice. Two key sub-themes under rights protection and justice included:

- support in the justice system
- government responsibility.

- 81 Support in the justice system was a prominent sub-theme. Respondents discussed disabled people struggling to get justice as victims of crime as well as little support for those individuals throughout criminal proceedings and rehabilitation. Many respondents considered support in the justice system to be an issue for people on the autism spectrum. Suggestions were made that a support person should be available for disabled people going through the justice system. “Disabled people need advocates to ensure they are heard” within the justice system.
- 82 The second sub-theme under rights protection and justice was government responsibility. Submissions suggested that the Government needs to ensure all poverty conversations in New Zealand include disability. It was suggested that the Ministry of Social Development and Oranga Tamariki prioritise disability issues in their conversations about poverty and include these issues in all political conversations around poverty.
- 83 Extending from this sub-theme was the need for the Government to review many pieces of legislation. For example, legislation regarding legal capacity and Personal Property and Rights Act 1989 as well as designing a formal mechanism to ensure that the accessibility rights outlined in the UN Convention on the Rights of Persons with Disabilities, are implemented and enforced.
- 84 For Māori focused workshops, Te Tiriti o Waitangi (Te Tiriti) was very important to be honoured. Suggestions were made that Te Tiriti values be honoured in Enabling Good Lives. Māori had a focus on equity “being at the table, not just on the menu”. Marae justice was also important to Māori.
- 85 Participants in the Pacific peoples’ focused workshops likewise felt that Pacific peoples’ voices needed to be included in all disability policy. It was suggested that a Pacific peoples’ organisation could be set up to be this voice. Equity and equality were also important in the Pacific peoples’ responses.
- 86 The women’s focused workshop had a strong emphasis on equal rights and stopping violence. Suggestions relating to New Zealand introducing a Hate Crime Act (eg, against violence and abuse of disabled women) were made. A strong emphasis on zero tolerance for violence was noted in women’s responses.

Feedback on leadership

- 87 There was a total of 77 public consultation ideas submitted that related to leadership. Two key sub-themes under leadership included:
- representation in leadership positions
 - up-skilling disabled people, particularly youth, in leadership.
- 88 Increasing representation of disabled people in management, on government working groups and boards was suggested by many. Following on from this, there were many suggestions for disabled people being “at the table” of policy making and “being seen as contributors, not recipients”. To address this issue, some respondents suggested having quotas, for example, a minimum of one disabled person on each board.
- 89 Increasing representation was seen as very important within the targeted population groups. Māori, Pacific peoples, and women all felt strongly about having their “voices”

heard through disabled Māori, disabled Pacific peoples, and disabled women leaders. They also felt strongly about having “role models” in leadership positions. Ideas for disabled councils specifically made up of these populations were suggested. The high and complex needs respondents felt strongly about parents or carers having a voice, and felt they should be involved in decision making to give decision makers “an understanding of their reality”.

- 90 Respondents also made suggestions around creating workshops for leadership, investing in meaningful leadership training and funding leadership programmes and pathways. This was expressed to be particularly important for youth.

Feedback on choice and control

- 91 There was a total of 72 public consultation ideas submitted that related to choice and control. Two key sub-themes within leadership included:
- independence
 - flexibility.
- 92 Disabled people and their families and whānau want to be in control and make decisions about their own lives – “nothing about us without us”. This was demonstrated in many submissions around independence. The Māori and Pacific peoples’ focused groups wanted more independence through autonomy and mana. Much positive feedback was received about the Enabling Good Lives (EGL) approach to the delivery of services. It was suggested by those who had access to EGL that it should be rolled out nationwide and kept as a programme. Respondents felt that EGL allowed them to have more independence to make their own decisions.
- 93 The sub-theme of flexibility came through in many comments. Respondents felt that disabled people’s individual needs should come before contracts and guidelines since they do not always match. Disabled youth wanted more choice of accommodation to move out of home. Other groups wanted flexibility in funding, choosing how to parent one’s disabled child, and choosing one’s own living arrangements. This was also particularly pertinent in the high and complex needs group. The parents felt caring for their child required flexibility, given the needs were different from other disabled population groups.

Appendix 4 – DPO Coalition’s commentary on the development of the Disability Action Plan 2019-2023

- 94 The DPO Coalition has engaged widely across government agencies to make the Disability Action Plan 2019-2022 a truly whole-of-government commitment to the realisation of disability rights in Aotearoa New Zealand. Each activity in the Action Plan will have a clear statement on how it delivers value for disabled people under the UN Convention on the Rights of Persons with Disabilities and the New Zealand Disability Strategy 2016-2026.
- 95 Officials have shown a willingness to listen and an intent to demonstrate how their agencies will meet the needs of disabled people. Questions have been raised relating to when an issue will be addressed, not whether it will be addressed. A key feature in the development of the Action Plan has been officials’ commitment to informed decision-making based on engagement with disabled people and the use of quality data.
- 96 Issues suggested for inclusion in the Action Plan included:
- the six key issues raised by the Independent Monitoring Mechanism which sit within the wider set of issues reported by the UN Committee on the Rights of Persons with Disabilities
 - issues brought up in public consultation feedback
 - those issues remaining from the previous Disability Action Plan 2014-2018.
- 97 The DPO Coalition is pleased to see many of these issues included in the new Action Plan. We expect the new Action Plan to complete work from the previous Plan, including: Whānau Ora, Transition, A Good Start in Life, Bodily Integrity, and Supported Decision-Making.
- 98 The DPO Coalition recognises the significant progress being made on Mental Health following the recommendations of He Ara Oranga. The work on seclusion and restraint and the commitment to repeal and replace the Mental Health Act deserve special mention. This is life-changing for people experiencing mental health issues. However, disabled people in our communities are concerned that the pace of work is not allowing them enough time to provide input to the consultation process and documentation.
- 99 Efforts being made to progress Accessibility Legislation are another significant part of the new Action Plan.
- 100 We are concerned that the Ministry of Business Innovation and Employment has narrowed its accessibility focus to housing (KiwiBuild), and that other valuable initiatives, started in 2017, will not be funded moving forward – such as the “Buildings for Everyone Guide – Designing for Access and Usability”.
- 101 The DPO Coalition continues to work in partnership with the Government to deliver the Action Plan. Chief Executives have committed to delivering their part of the Action Plan and will be held to account through their own performance assessments. Progress reporting will be more real-time allowing issues or delays to be quickly addressed.