

# **Towards a non-disabling New Zealand**

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The annual report from the Minister for Disability Issues  
to the House of Representatives on implementation of  
the New Zealand Disability Strategy

**December 2016**



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# Minister's foreword

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Hello

It gives me great pleasure to release the annual report on implementation of the New Zealand Disability Strategy. This is my third report since I took up the Disability Issues portfolio in October 2014.

It has been another busy year. I have spent quite a lot of time getting out and about and meeting with disabled people, their families and whānau and organisations working in the disability sector.

I am pleased to report on some significant Government achievements over the past year.

An exciting development this year was the launch of the New Zealand Disability Strategy 2016-2026 in November. This new Strategy will provide the mandate for and guide the work of government agencies on disability issues for the next 10 years. The vision underpinning the Strategy is a non-disabling society, a place where disabled people have an equal opportunity to achieve their goals and live the lives they choose. Eight key interconnected outcome areas for targeted action are set out in the Strategy. An Outcomes Framework, to be developed next year, will monitor how the implementation of the Strategy is progressing.

Another significant achievement was New Zealand's accession to the Optional Protocol to the Convention on the Rights of Persons with Disabilities in October. The Optional Protocol provides a legal channel for individuals or groups of individuals to complain to the Committee on the Rights of Persons with Disabilities, if they believe that their rights have been breached. Accession to the Optional Protocol builds on our international reputation, and demonstrates the Government's

commitment to protecting the rights of disabled New Zealanders.

I am committed to the Enabling Good Lives approach to the provision of support services for disabled New Zealanders. The Enabling Good Lives approach, focused on empowering disabled people to make their own choices about the supports they need in their daily lives, is contributing to the creation of a non-disabling society in New Zealand. The Christchurch demonstration of the Enabling Good Lives approach finished in June this year, whilst the demonstration in the Waikato will continue into 2017. The evidence from the Christchurch and the Waikato demonstrations will inform advice to the Government on the options to transform the disability support system.

Employment continues to be one of my top priorities. Disabled people around New Zealand continue to tell me that they can and want to work. The implementation of the Health and Disability Long Term Work Programme to improve employment outcomes for disabled people has been completed.

New initiatives in the employment area continue. The Government is now taking a lead in employing disabled people and providing paid internships. The Lead Toolkit for Employing Disabled People in the State Sector was launched in March this year.

The Government is also encouraging employers in the private sector to employ disabled New Zealanders. A Disability Confident campaign, focused on building employer awareness of the benefits of taking on disabled employees, has been launched. More information can be found at [www.msd.govt.nz/DisabilityConfidentnz](http://www.msd.govt.nz/DisabilityConfidentnz).

# Introduction

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In New Zealand, there are several frameworks that set out strategies to address the barriers disabled people experience.

1. Convention on the Rights of Persons with Disabilities (CRPD) - this is a United Nations treaty that the Government ratified in 2008. The CRPD is the most comprehensive global tool that outlines the human rights of disabled people.
2. New Zealand Disability Strategy – the revised Strategy was agreed late this year. The first Strategy was agreed in 2001.
3. Disability Action Plan (DAP) 2014-2018– this brings together key priorities and actions that require cross-agency collaboration. The DAP provides more detailed, shorter-term planning on priority issues.

These frameworks are supported by several governance, monitoring and coordination mechanisms:

- Ministerial Committee on Disability Issues
- Chief Executives' Group on Disability Issues
- Senior Officials' Group on Disability Issues
- Independent Monitoring Mechanism
- DAP governance mechanism
- Joint Disabled People's Organisation (DPO) and government agency governance meetings – The Chief Executives' Group on Disability Issues, senior officials and the DPOs meet together quarterly to oversee progress

The relationship between these mechanisms is illustrated in Appendix one.

Every year, the Minister for Disability Issues reports to Parliament on progress with implementing the New Zealand Disability Strategy. In recent years, the annual report has also included reporting against progress on the implementation of the CRPD and the DAP.

This annual report has three broad sections:

1. Key achievements in 2016.
2. Progress against the Disability Action Plan.
3. Looking forward to 2017 and beyond.



## **Section one: Key achievements in 2016**

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Several achievements in 2016 have continued work towards improving the identification and removal of barriers that disabled people experience, and to ensure they have the same opportunities and outcomes as other New Zealanders. These include:

- the launch of the New Zealand Disability Strategy 2016-2026
- accession to the Optional Protocol to the CRPD
- extension of the Enabling Good Lives approach
- the approval of the New Zealand Sign Language Board's three-year Action Plan and completion of the second funding round of the New Zealand Sign Language Fund
- the implementation of the Disability Data Evidence Working Group work programme

This section outlines what has happened with each of these achievements and why they are so important.

### **The launch of the New Zealand Disability Strategy 2016-2026**

The revised New Zealand Disability Strategy 2016-2026 (the Strategy) was launched on 29 November 2016. It will provide the mandate for and guide the work of government agencies to identify and remove barriers faced by disabled people for the next ten years. The Strategy can also be used as a tool to inform the work of other organisations, including non-government organisations, that make decisions on issues that impact on and are important to disabled people.

Underpinning the new Strategy are what disabled people said was the most important issues for them. A first phase of consultation was held during April and May 2016. This focused

on understanding what was most important to disabled people and what an inclusive New Zealand society should look like in the future. A wide range of people participated in the consultation, including disabled people, their families, whānau, Disabled People's Organisations (DPOs), allies, service providers and government agencies. Five hundred people attended 21 workshops, focus group discussions and presentations, and over 600 submissions were received. A new draft Strategy was then developed from this feedback and advice from the New Zealand Disability Strategy Revision Reference Group.

In July 2016, Cabinet approved the draft Strategy for a second phase of public consultation. This took place in July and August 2016. The purpose of this second phase was to check whether the draft Strategy accurately reflected the issues raised during the first phase. Over 630 people attended 30 workshops, focus group discussions and presentation, and around 170 submissions were received.

The vision grounding the new Strategy is a non-disabling society, a place where disabled New Zealanders have an equal opportunity to achieve their goals and aspirations. The Strategy has two broad approaches:

- a long-term approach which means investing in disabled people's whole lives
- a twin-track approach that recognises that:
  - mainstream supports and services are developed within a universal design framework to accommodate everyone, including disabled people
  - high quality specific supports and services may be required by some disabled people for part or all of their lives.

Eight key interconnected outcome areas for targeted action are set out in the Strategy. These include education, employment

and economic security, health and wellbeing, rights protection and justice, accessibility, attitudes, choice and control and leadership.

## **Accession to the Optional Protocol to the Convention on the Rights of Persons with Disabilities**

In October 2016, New Zealand acceded to the Optional Protocol to the CRPD (OP-CRPD). The OP-CRPD provides a mechanism for individuals or groups of individuals to complain to the Committee on the Rights of Persons with Disabilities (the Committee), if they believe that their CRPD rights have been breached. Complaints may only be received by the Committee after all effective domestic channels have been exhausted. Findings from the Committee are not binding on States, but they have considerable moral force. The OP-CRPD also allows the Committee to inquire into the situation of disabled people's rights in a State Party, where grave or systematic violations of the CRPD are suspected.

Accession to the OP-CRPD demonstrates the Government's commitment to safeguarding the rights of disabled people in New Zealand. While most complaints can be resolved through domestic channels (eg Office of the Ombudsman, the courts or the Human Rights Commission), the OP-CRPD means that disabled New Zealanders will have access to the full range of human rights protections available internationally.

In November 2016, the OP-CRPD came into force in New Zealand.

## **Extension of the Enabling Good Lives approach**

In July 2013, Cabinet agreed to a small demonstration of the Enabling Good Lives (EGL) approach in Christchurch from 2013 to 2016. In December 2014, Cabinet agreed to another demonstration in the Waikato region from 2014 to 2017.

Each of the demonstrations was designed in partnership with a local advisory group (made up of disabled people, families and service providers), which determined its target group.

The key characteristics of both the demonstrations include:

- a vision and a set of principles to guide decision-making
- independent facilitation
- development of a personal plan
- making better use of mainstream services
- new assessment and funding processes
- capacity building for disabled people, families and providers
- pooled funding from the Ministry of Health (MOH), Ministry of Education (MOE) and the Ministry of Social Development (MSD), which can be used by each individual to flexibly purchase supports and services.

## **The Christchurch demonstration of the EGL approach**

The Christchurch demonstration of the EGL approach ended on 30 June 2016. This demonstration focused on supporting school leavers aged 18 to 21 years, who had been assessed with High Needs or Very High Needs through the MOE's Ongoing Resourcing Scheme, transition from secondary school. A total of 246 school leavers participated in the demonstration.

From 1 July 2016, interim arrangements have ensured that school leavers are able to access one of the key components of demonstration – up to six hours of independent facilitation.

Independent facilitation supports disabled people and their families to make their own decisions about what a good life means to them, and helps to identify options to progress this.

As at 18 November 2016, 47 eligible school leavers had accessed the EGL approach since 1 April 2016.

The final evaluation of the Christchurch demonstration is being finalised, and is expected to be available by the end of the year.

## **The Waikato demonstration of the EGL approach**

The demonstration in the Waikato is now in its second year. It continues to attract strong interest from people wanting to participate. The minimum target of 155 participants in the demonstration over two years has been exceeded. There are currently 196 people engaged in the demonstration, and 36 people on the waiting list. Thirty-one percent of the participants identify as Māori.

In November 2016, EGL Waikato celebrated 109 participants receiving their budget, 88 of whom (81 percent) are receiving their funding directly. Participants have said that it has enhanced their confidence, allowed them to make their funding go further, and allowed them to have greater flexibility. This has also allowed families to reconnect with their wider community and their culture, given that they experience less stress about the supports they were previously receiving or even missing.

The evaluation of Phase One of the demonstration has been completed and was made publicly available on 22 September 2016. The second evaluation is currently being compiled and is expected to be released by the end of the year. As with the Christchurch demonstration, the lessons from the Waikato, along with the evaluations, have helped to inform the

development of advice to the Government on the options to transform the disability support system.

## **The National EGL Leadership Group**

The National EGL Leadership Group is actively promoting the EGL approach to disability support service providers. The New Zealand Disability Support Network (NZDSN), with the National Enabling Good Lives Leadership Group (NEGL), will be holding a series of workshops, with the first in Palmerston North on 29 November 2016.

The workshops focus on giving providers a better understanding of the EGL vision and principles, and what this means for them in relation to:

- organisational development
- renegotiating relationships with people using services
- being person driven and what this looks like in practice.

The providers who attend the workshop will be expected to have completed the organisation self-review, which the Ministry of Social Development contracted the Standards and Monitoring Services to develop. The self-review can be found on the Enabling Good Lives website at:

<http://www.enablinggoodlives.co.nz/about-egl/resources/provider-resources/organisational-self-review-stage-1/>

## **The approval of the New Zealand Sign Language Board's three-year Action Plan and the completion of the New Zealand Sign Language Fund's second funding round**

New Zealand is one of the few countries around the world that recognises sign language as an official language. Approximately 11,000 Deaf people use New Zealand Sign Language (NZSL) as their primary form of communication and 20,000 people in

total use NZSL according to Statistics New Zealand (Census, 2013). NZSL is an integral part of Deaf people's cultural identity.

In the course of the development of the NZSL's Board three-year Action Plan, members of the NZSL community were consulted in 13 meetings across New Zealand. This consultation process provided an excellent platform to raise awareness of the NZSL Board.

In February 2016, the Ministerial Committee on Disability Issues approved the NZSL Board's three-year Action Plan. The Action Plan progresses the five initial priorities for NZSL that Cabinet approved when the NZSL Board was first established. These priorities include:

- promoting NZSL in education
- including NZSL in the home
- providing access to information and services
- providing access for Māori Deaf
- developing interpreter standards.

There are, in total, 13 actions to be implemented under the Action Plan.

The second funding round for the NZSL Fund was completed in 2016. Twenty-four projects that will support, promote and maintain NZSL across New Zealand were approved, and received a total of \$751,114. Deaf children and their families and whānau, in particular, will benefit from the opportunities created by this year's projects. Successful projects include:

- the development of a youth mentorship programme
- a series of NZSL Immersion Courses in Otago, where there is limited access to NZSL for families and whānau with Deaf children

- a national conference for families and whānau with Deaf children.

Funding projects to support Deaf children and their families and whānau are of paramount importance to ensure the transfer of Deaf culture and sign language to the next generation.

Further information on these projects is available on the ODI website: <http://www.odi.govt.nz/what-we-do/nzsl/nzsl-fund/index.html>.

In addition to the funding for community projects, the NZSL Fund contributed \$295,000 to support NZSL Week 2016.

## **The implementation of the Disability Data and Evidence Working Group work programme**

Statistics New Zealand (SNZ) and ODI began to jointly lead the implementation of the Disability Data and Evidence Working Group's (the Working Group) work programme in 2016. This work programme is Action 9E in the DAP.

The aim of the work programme is to develop a Disability Data and Evidence Plan. The purpose of the Disability Data and Evidence Plan is to develop a shared understanding of the strengths, gaps, overlaps and deficiencies in data and evidence relating to disabled people in New Zealand. It will help make sure that we collect the right information on disability to ensure that the right decisions are made on issues that impact on disabled New Zealanders. There are four steps involved in the development of the Disability Data and Evidence Plan:

1. Develop an agreed set of enduring questions to identify long-term needs for data and evidence on disabled people.
2. Carry out a stocktake of disability data and evidence currently available in New Zealand.



3. Analyse the stocktake with respect to the enduring questions to determine gaps or deficiencies in meeting data needs.
4. Identify and prioritise initiatives to address gaps or deficiencies in meeting data needs.

The stocktake of disability data and evidence held by government agencies and organisations outside government has been completed. The enduring questions are currently being finalised. The gap analysis which maps the enduring questions against available disability data and evidence sources began in October 2016. The final step in the development of the Disability Data and Evidence Plan, the prioritisation of initiatives to address gaps and deficiencies, will be completed in early 2017.

Further information on the Working Group is available on the ODI website: <http://www.odi.govt.nz/what-we-do/better-evidence/index.html>.

## **Section two: Progress against the Disability Action Plan 2014-2018**

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Section two focuses on the DAP and includes reporting on actions being progressed under each of the four shared result areas.

### **The implementation of the Disability Action Plan 2014-2018**

Making sure disabled people are involved in decision-making that concerns them is very important. This is because disabled people themselves are experts on their own lives and are best-placed to advise on issues and solutions to barriers they experience. It is also included in the CRPD Article 4(3) as a specific obligation for Governments:

*In the development and implementation of legislation and policies..., and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations.*

The DAP, approved by the Ministerial Committee on Disability Issues and then Cabinet in mid-2014, was co-designed by government agencies working together with disabled people, through DPOs. The update of the DAP in 2015 was also a joint effort between government agencies and DPOs. This collaborative way of working is an example of putting Article 4(3) of the CRPD into practice.

In line with the Government's priority to deliver Better Public Services, the DAP prioritises actions that require more than one government agency to work together. It also ensures that DPOs and other organisations with relevant expertise on the area are involved. As many of the barriers disabled people face span

different government agencies' and disability organisations' responsibilities, this collaborative approach is very important.

The DAP's shared vision is that 'All New Zealanders experience equal rights of citizenship'. Supporting this vision are five person-directed outcomes that focus activity on making a positive difference in disabled people's everyday lives:

- **Safety and autonomy:** I am safe in my home, community, and work environment. I feel safe to speak up or complain, and I am heard. Those assisting me (professionals and others) have high awareness, and I do not experience abuse.
- **Wellbeing:** I feel dignity and cultural identity through a balance of family/community, mental, physical and spiritual wellbeing. I can earn and grow my wealth on an equal basis with others.
- **Self-determination:** I make my decisions myself based on my aspirations. I have access to information and support so that my decisions are informed.
- **Community:** I feel welcomed by my community. I feel respected for my views and my contribution is received on an equal basis with others.
- **Representation:** DPOs represent collective issues that have meaning for me (based on lived experience) in a way that has influence and impact. DPOs are sustainable with the capacity to deliver their role and evolve over time.

Actions in the DAP are grouped into four shared result areas:

1. Increasing employment and economic opportunities.
2. Ensuring personal safety.
3. Transforming the disability support system.
4. Promoting access in the community.

There are 28 actions across all four shared result areas.

Governance of the DAP is managed through quarterly joint meetings of the Chief Executives' Group on Disability Issues and DPOs. This joint governance group is responsible for agreeing priorities and actions, and monitoring progress with implementation. Senior officials and DPOs also meet regularly as part of the governance mechanism.

The DAP is available on the ODI website:

<http://www.odi.govt.nz/what-we-do/ministerial-committee-on-disability-issues/disability-action-plan/index.html>.

## **Increase employment and economic opportunities**

This shared result area focuses on building employers' confidence to:

- employ disabled people
- provide accessible workplaces
- provide opportunities for work experience
- contribute to educational and skill development
- encourage entrepreneurship.

Five actions being progressed under this shared result area are:

- Action 1 (a), led by MOE, is about increasing the number of disabled people who transition from school and tertiary education into employment. The project is guided by the CRPD, in particular, Article 27: Work and Employment.

A cross-agency working group is meeting regularly and a Project Steering Group comprising Government, DPO and NGO representatives has been established. It is expected that a progress report and briefing to Government will be completed by December 2016.

- Action 2 (a), led by MSD, has been completed. This action was focused on the implementation of the Health and Disability Long Term Work Programme to improve employment outcomes for disabled people, including the development of guidelines on reasonable accommodation. The Work Programme built on the 2013 health and disability welfare reforms, which implemented the first phase of a new approach to working with disabled people. The new approach is based on the health benefits of work and the principle of self-management.

A review of the Health and Disability Long Term Work Programme was completed in June 2016 and discussed with the Health and Disability Long Term Work Programme Reference Group in July 2016.

A small number of outstanding actions in the Health and Disability Long Term Work Programme will be consolidated under other MSD priority work such as the Better Public Service work programme.

The purpose and role of the Health and Disability Long Term Work Programme Reference Group is being reviewed. A new Terms of Reference relating to how the Group will continue to provide input and advice into MSD's health and disability work and governance arrangements was finalised in October 2016.

- Action 2 (b), builds on work in Action 2 (a). It is focused on identifying better and more equitable ways to support disabled people who are working and receiving minimum wage exemptions, so that the Minimum Wage Exemption process can be removed. It is led by MSD and the Ministry of Business, Innovation and Employment (MBIE).

Officials have provided preliminary advice to Ministers.

- Action 3 (a), led by MSD, relates to Government taking a lead in employing disabled people and providing paid

internships. The focus is on the 29 Government Departments generally referred to as the public service. This includes increasing the number of disabled people employed in the public service, and providing work experience through paid internships.

In March 2016, the Government launched the Lead Toolkit for Employing Disabled People in the State Sector. The Toolkit is supported by a video and is hosted on the States Services Commission (SSC) website. It contains a range of information and resources for leadership teams, managers and human resources teams to help them employ disabled people within their organisations. MSD is currently working with SSC to update the Toolkit. The Toolkit can be accessed at: <http://www.ssc.govt.nz/lead>.

MSD has agreed to fund an *Improving diversity and inclusiveness within the public sector Excellence Award* in the Institute of Public Administration Awards for 2017.

SSC is leading the work around improving data, monitoring and reporting on disabled people in the public sector. To assist with this, MSD carried out an internal survey of employees in December 2015. This was a 'first test' to establish a baseline measure of how many disabled people are employed by MSD. The survey will be repeated again in May 2017 to further enhance what was learned from the first survey.

SSC has provided advice and guidance on employing disabled people to government agencies that provide internship opportunities. MSD has contacted DPOs and Achieve (a national network of disability coordinators in the tertiary sector), asking that they let their networks know that government internships are available. In addition, MSD will meet with government agencies to

discuss how they can provide reasonable accommodations and support to their interns.

Action 3 (b), led by MSD, has a focus on working with the private sector to progress employment of disabled people. The scope of this action is to identify changes to policy and services for businesses and workplaces to support them to build disability confidence.

The objective of the Christchurch Employment Trial (known as Project 300), launched in April 2015, was to get 300 disabled people and people with health conditions, who were currently on a benefit, into sustainable work over a 12-month period. What was different about Project 300 was that there was not only a focus on a disabled person's capacity to work, but also on building employers' confidence to hire qualified disabled people.

When Project 300 finished in mid-2016, 505 clients had been placed into full-time sustainable employment, consisting of 492 Jobseeker Support and 13 Supported Living Payment clients. There were also 79 people in part-time jobs and 36 people undertaking study.

EmployAbility, launched in the Bay of Plenty in July 2016, is an extension of Project 300. Like Project 300, EmployAbility is using a targeted approach to engage with employers to find suitable jobs, working intensively with clients to understand their skills and the type of work they are interested in, and identifying the services and level of support they need to find and stay in work.

The EmployAbility approach is, currently, being rolled out across eleven regions. EmployAbility ensures that employers have access to Work and Income disabled clients and clients with health conditions who are prepared for the local labour market. In addition, each client has access to the services and support that are right for them.

Information about EmployAbility is now available on the Work and Income website at: [www.workandincome.govt.nz/employers/employ-disabled-people-or-people-with-health-condition](http://www.workandincome.govt.nz/employers/employ-disabled-people-or-people-with-health-condition).

In November 2016, a Disability Confident Campaign was launched and will run until June 2017. The Campaign aims to build employer awareness of and access to a wide range of existing programmes, services and resources to support employers to hire and retain disabled people. It also aims to raise employers' awareness of the benefits of employing disabled people, and provide them with easily accessible and practical guidance and assistance to do this.

As part of Disability Confident, a toolkit for use in the private employment sector (based on the Lead Toolkit for Employing Disabled people in the State Sector) was also created.

Research on effective methods to increase disability confidence in employers is currently underway and is expected to be completed by December 2016. This will include exploring an information portal.

## **Transform the disability support system**

This shared result focuses on ensuring effective engagement with disabled people and coordination across sectors and agencies to focus on outcomes and maximum progress from available resources.

Six actions are being progressed under this shared result area:

- Action 4 (a), led by MSD, MOE and the Ministry of Health (MOH), has to do with DPOs advising and working with government agencies and the National Enabling Good Lives Leadership Group to support changes to the



disability support system, including learning from the EGL approach and other initiatives.

A Working Group (comprising representatives from DPOs, the National Enabling Good Lives Leadership Group, the New Zealand Disability Support Network, Inclusive NZ, MSD, MOE, MBIE, MOH and the Treasury) has been established. It will undertake a systematic analysis of the evidence from the demonstrations of the EGL approach in Christchurch and the Waikato, and other innovative approaches taken by government agencies and the disability sector.

- Action 4 (b), led by MOE, is about developing policy options to improve government supports for parents, families and whānau of disabled children aged 0-6 years. The supports and services funded or delivered by MOE and MOH are a focus, particularly, MOH's funded Child Development Services and MOE's Early Intervention Services.

A progress report and initial advice to Government is expected to be provided by the end of 2016.

- Action 5 (a), led by ODI and DPOs, is concerned with progressing the partnership between DPOs and the Government to meet New Zealand's obligations under the CRPD, specifically Article 4.3, pertaining to the inclusion of DPOs in decisions that affect disabled people.

ODI is currently scoping this work with DPOs.

- Action 5 (b), led by ODI and DPOs, relates to improving DPOs' capability (individually and collectively) to engage with government agencies and their wider community, and considering representation of different population groups in DPOs.

ODI is currently scoping this work with DPOs.

Action 6 (a), led by MOH, has been completed. It was focused on developing and implementing effective ways for disabled people and DPOs to provide feedback (both qualitative and quantitative) safely about the quality of services. There was also a focus on scrutinising and making providers accountable to funders for achieving outcomes.

Malatest has completed a survey, based on the Schalock Quality of Life Framework, on people living in MOH funded community residential services. The results were presented to the Disability Consumer Consortium on 13 October 2016, and to the five Disability Support Services provider forums between 3 and 11 November 2016.

- Action 6 (b), led by MOH, has a focus on ensuring providers are responsive to disabled people and provide choice and tailoring of services. This action also relates to exploring how provider performance should be assessed.

A completion of MOH Request for Information has been carried out and closed in September 2016. The 21 responses are currently being analysed.

## **Ensure personal safety**

This result area focuses on three key priorities:

- reducing barriers to disabled people making decisions to determine their own lives
- reducing the number of disabled people who are victims of violence, abuse and neglect
- ensuring that civil defence and emergency management responds appropriately to disabled people.

Four actions are being progressed under this shared result area.

- Action 7 (a), led by ODI, is focused on ensuring disabled people can exercise their legal capacity, including through recognition of supported decision making.

The Donald Beasley Institute completed a literature review, *Exploring Article 12 of the Convention on the Rights of Persons with Disabilities*, on domestic and international thinking and practice on support to exercise legal capacity in October 2016. It is available at:

<http://www.odi.govt.nz/what-we-do/promoting-choice-and-control/index.html>. This literature review and other material will inform the next steps on this work.

- Action 7 (b), led by MOH, has to do with exploring the framework that protects the bodily integrity of disabled children and disabled adults against non-therapeutic medical procedures, including the issue of consent. This action will focus initially on options to protect against non-therapeutic sterilisation without the fully informed consent of the individual.

A scope for this action has been approved and the MOH lead position was filled in October 2016. It is expected that a report with advice on options will be sent to the Associate Minister of Health and the Minister of Justice by the end of March 2017.

- Action 8 (a), led by the MSD, has been completed. This action involved reviewing the current care and support arrangements for disabled children who are (or are likely to be) subject to care under the Children, Young Persons and their Families Act 1989 (the Act).

The summary consultation findings and the research report prepared by the Donald Beasley Institute on the experience of young people who have been in out-of-home care have been publicly released and are available on the Disabled Children Project webpage at:

<https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/policy-development/disabled-children-project/in-home-support-and-voluntary-out-of-home-placement-review.html>.

Many of the concerns raised by submitters during the consultation for the Review have been addressed in the recommendations of the Expert Panel for Modernising Child, Youth and Family in its final report, *Investing in New Zealand's Children and their Families*.

The Government has endorsed a number of the Expert Panel's recommendations that will affect disabled children in care. This includes repealing sections 141 and 142 of the Act, and establishing a new support pathway within the statutory care system which will be available to families caring for disabled children.

The Government has agreed to extend the current provision in the Act pertaining to upholding children's rights to be involved in decision-making. This includes a requirement to take active steps to engage children and young people who experience barriers to participation relating to disability, language and age.

In related work, the Donald Beasley Institute has been provided with a grant by MSD to develop a resource on how disabled children's voices can be encouraged and facilitated, alongside those of disabled adults, in formulating and implementing legislation and policies affecting disabled people.

- Action 8 (b), led by the MSD, is focused on exploring options to reduce violence, all types of abuse (including bullying) and neglect of disabled people, and understanding the impact of different cultural contexts.

The establishment of the new Ministry for Vulnerable Children, Oranga Tamariki, has delayed work on this action.

## **Promote access in the community**

This shared result area focuses on promoting access for disabled people in the community, by increasing:

- levels of accessible buildings and spaces, transport and urban design
- accessible information and communications
- access to health and justice services
- political and civic participation.

Promoting disabled people's access in the community is underpinned by three key priorities:

- increasing government services' responsiveness to disabled people
- increasing the accessibility for disabled people of the built environment and transport services
- promoting disabled people participating in political and civic processes.

These priorities are supported by 13 actions that are being progressed:

- Action 9 (a), led by MSD and DPOs, relates to improving disabled people's access to information provided by government agencies. It also aims to provide disabled people with a consistent experience when accessing information.

Once a 'common accessibility' statement has been agreed with the DPO Working Group, it will be tabled at a Chief Executives' Group on Disability Issues meeting for discussion.

- Action 9 (b), led by the Ministry of Justice, is concerned with understanding the journey through the justice sector

for disabled adults, disabled children and their families and whānau.

The Ministry of Justice is communicating with ODI and other agencies on ways to progress this action.

- Action 9 (c), led by MOH, has to do with increasing access to health services and improving health outcomes for disabled people, with a specific focus on people with learning/intellectual disabilities.

A scope for this action needs to be drafted in order to outline how implementation will be carried out as part of the New Zealand Health Strategy.

- Action 9 (d), led by the MOH, is focused on exploring how the Mental Health (Compulsory Assessment and Treatment) Act 1992 relates to the New Zealand Bill of Rights Act 1990 and the CRPD.

This project is taking a phased approach, with a projected completion date in April/May 2017.

- Action 9 (e), led by SNZ and ODI, involves the implementation of the Disability Data and Evidence Working Group's (the Working Group) work programme, including a focus on Māori and Pasifika.

The focus of the Working Group's work programme is the development of a Disability Data and Evidence Plan (the Plan). A few steps in the development of the Plan have been completed. It is expected that the prioritisation of initiatives to address gaps and deficiencies in meeting the needs for data on disabled people will occur in early 2017.

- Action 9 (f), led by ODI and DPOs, relates to carrying out a stocktake to identify any legislation that is not consistent with the CRPD and exploring options to improve consistency.

ODI is currently scoping this work with DPOs.

- Action 9 (g), led by ACC, has a focus on investigating opportunities for technology to increase disabled people's participation in work, community and political life, including through both assistive and access to mainstream technology.

This action has yet to be scoped.

Action 9 (h), led by ACC and MSD, relates to developing a framework for understanding the costs of disability and mechanisms for meeting these. Progressing this action will involve setting out the frameworks used by ACC and MSD to estimate the costs of disability, the nature of these costs and the mechanisms used by ACC and MSD to meet these costs.

- Action 10 (a), led by the Ministry of Transport and the New Zealand Transport Agency (NZTA), has a focus on implementing the five recommendations which were identified through the stocktake on the accessibility of public transport, and agreed by the Chief Executives' Group on Disability Issues. The five recommendations include:
  - Consider issues of access to public transport, including for disabled people, when developing the Government Policy Statement on Land Transport.
  - Develop further NZTA's Guidelines for public transport infrastructure and facilities to provide best practice guidance on the provision of information and signage for public transport.
  - Investigate how the training of bus drivers can better guide them in interacting and assisting passengers, including how the guidance specifically relating to disabled people can be further developed.
  - Investigate how many councils have formally adopted and incorporated NZTA's Pedestrian Planning

and Design Guide and Road and Traffic Standards for Facilities for Blind and Vision Impaired Pedestrians into their codes of practice.

- Investigate what data is already available regarding trips made by disabled people on public transport, and consider how this data can be used more effectively to measure disabled people's accessibility.
- Action 10 (b) concerns the implementation of the Accessibility Plan: Public Buildings. This action is led by MBIE. The purpose of this action is to provide building owners, designers, consenting authorities and managers with the knowledge and skills to fully comply with the requirements of the Building Act, and achieve equitable access to and use of publicly accessible buildings by all New Zealanders.

A promotion plan is being developed and an education programme for building owners and developers is being drafted.

- Action 10 (c) has to do with understanding the impact of disability on housing needs, and influencing the social housing reform programme to meet the needs of disabled people.

This action has been deferred until the completion of the revision of the Strategy, when capacity of ODI is available.

- Action 11 (a), led by DPOs, has been completed. This action involved DPOs completing a stocktake of what are the areas needing the most attention, and which will make the biggest difference to promote disabled people's participation in political and civic processes. The priorities identified in the stocktake include:
  - Lack of accessible information on candidates in general and local elections.



- A fully confidential vote, including an online voting option, is needed.
- Disabled people can be elected not only to Parliament, but to governing roles on local authorities, District Health Boards, schools and so on.
- Disabled people need to be able to form organisations, with the capacity to effectively represent the voice of disabled people at the local, national and international level.
- More training of polling officials on the rights and needs of disabled people is required.
- Strategies are required to ensure that consultation processes such as the recent flag referendum include disabled people.

Action 12 (a), led by Ministry for Culture and Heritage (MCH), has been completed. This action has focused on investigating the feasibility of introducing a companion card programme in New Zealand.

## **Section three: Looking forward to 2017 and beyond**

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The launch of the New Zealand Disability Strategy 2016-2018 (the Strategy) in November 2016 has laid a solid foundation for work in 2017.

A significant focus will be on action to begin implementation of the Strategy. This will involve the development of the Strategy Outcomes Framework which will run in parallel to work already underway to develop a Disability Data and Evidence Plan. An update of the DAP will also be undertaken.

### **The development of the Outcomes Framework and the Disability Data and Evidence Plan**

In November 2016, the Chief Executives' Group on Disability Issues approved combining the development of the Strategy Outcomes Framework and the Disability Data and Evidence Plan in a single programme of work. This approach will make sure that the Outcomes Framework is supported by the Disability Data and Evidence Plan.

The Outcomes Framework will outline how progress against the Strategy outcome areas and actions in the DAP are monitored. The Disability Data and Evidence Plan will focus on how gaps in information will be addressed.

The New Zealand Disability Strategy Revision Reference Group will provide strategic advice on the Outcomes Framework, focusing on priorities for monitoring the Strategy. The Working Group will provide technical advice on the Disability Data and Evidence Plan, focusing on how gaps in data and evidence should be addressed.

## **The update of the Disability Action Plan 2014-2018**

In October 2016, Cabinet approved the DAP as the primary vehicle for implementing the new Strategy over the next decade. The DAP will be organised around the Strategy's eight outcome areas. As a transition measure under the revised Strategy, a limited update of the DAP will be undertaken in the first half of 2017.

# Appendix one: Governance arrangement for disability issues

This diagram shows the relationship between the government mechanism to promote implementation of disability issues (coordinated by the Ministerial Committee on Disability Issues), the monitoring mechanism (consisting of the Independent Monitoring Mechanism and the government mechanism), and the Disability Action Plan governance involving DPOs and other disability sector organisations.



