



Education Report: Initial advice to support attendance at Ministerial Leadership Group on Disability Issues: Wednesday 11 December

To:	Hon Tracey Martin, Associate Minister of Education		
Date:	27 November 2019	Priority:	Medium
Security Level:	In Confidence	METIS No:	1213177
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Messaging seen by Communications team:	N/A		

Purpose of report

This paper provides advice for the Ministerial Leadership Group on Disability Issues (the Leadership Group) on 11 December. It recommends that you forward Annex 1 to Minister Sepuloni's office before the meeting.

Summary

1. You have been invited to attend a Joint Ministerial Meeting hosted by Hon Carmel Sepuloni, Minister for Disability Issues, on 11 December 2019. The meeting brings together Ministers with a responsibility for disability issues and the Independent Monitoring Mechanism (IMM). The IMM is the independent body which ensures that disabled people are involved in the governance of the United Nations Convention on the Rights of Persons with Disabilities.
2. Minister Sepuloni has invited agencies to outline supports they require to progress two cross-cutting issues in the Disability Action Plan 2019-2023 (the Action Plan). These are:
 - a. enable disabled people to be involved meaningfully in government decisions which impact them; and
 - b. disaggregate data by disability.
3. The paper outlines:
 - a. that we have made some progress on implementation of both these cross-cutting issues since the last Leadership Group meeting;



- b. the supports the Ministry feels it needs to make further progress on these cross-cutting issues;
- c. some questions from the Ministry for the IMM.

Recommended Actions

The Ministry of Education recommends that you:

- a. **note** that the Ministerial Leadership Group on Disability Issues will meet on 11 December Noted
- b. **forward** Annex 1 of this Education Report to Hon Carmel Sepuloni, Minister for Disability Issues Agree / Disagree

Proactive Release

- c. **agree** that this Education Report is proactively released following the meeting. Agree / Disagree

Ben O'Meara

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27/11/2019



Hon Tracey Martin
Associate Minister of Education

28/11/19

Background

1. You are scheduled to attend the Ministerial Leadership Group on Disability Issues on Wednesday 11 December from 3.15-4.15pm. This meeting will be the fifth scheduled meeting of the Leadership Group with the IMM.
2. The IMM is made up of:
 - a. The Human Rights Commission;
 - b. The Office of the Ombudsman; and
 - c. The Disabled Persons' Organisations Coalition (which consists of Blind Citizens New Zealand, the Disabled Persons' Assembly, the Muscular Dystrophy Association, Deaf Aotearoa, Kāpo Māori Aotearoa and Balance New Zealand).
3. At the last Leadership Group, Ministers and the IMM discussed progress on the six priority issues for disabled people identified by the IMM. These include:
 - a. data
 - b. education
 - c. employment
 - d. seclusion and restraint
 - e. access to information and communications
 - f. housing.
4. Since the last Leadership Group, the Disability Action Plan 2019-2023 (the Action Plan) has been approved by Cabinet. The Action Plan consists of 25 significant work programmes that seek to address key issues for disabled people. These are being led by individual agencies, including the Ministry.
5. The Action Plan includes two issues which have been identified as cross-cutting and the responsibility of all agencies:
 - a. ensuring that disabled people are involved in decision-making that impacts on them;
 - b. ensuring that data collected as part of work programmes is disaggregated by disability.
6. Minister Sepuloni as Chair has indicated that she would like the Leadership Group to discuss how agencies are actioning or considering actioning the two cross-cutting issues. She has invited agencies to provide a short report outlining:
 - a. what actions they are taking already to progress the two cross-cutting issues;
 - b. what supports they feel they need to progress them further; and
 - c. what questions they have for the IMM around how they would like to see the issues progressed.

Next Steps

7. We will send another briefing to your office on 6 December outlining possible talking points to support your discussion at the meeting.

Annexes

- Annex 1: Report on the Ministry of Education's contribution to the cross-cutting issues of the Disability Action Plan (2019-2023)

Proactively Released

Annex 1: Report on the Ministry of Education's contribution to the cross-cutting issues of the Disability Action Plan (2019-2023)

Actions taken by the Ministry to further the cross-cutting issues

Ensuring that disabled people are involved in decision-making that impacts on them

1. The Ministry has engaged regularly with the Disabled Persons' Organisations Coalition (the DPO Coalition) through monthly meetings. A range of topics have been discussed at DPO Coalition meetings including the impact on disabled people of the Tomorrow's Schools Reform Programme and the proposed changes to the Statement of National Education and Learning Priorities. The Ministry has been invited to undertake further engagements with the DPO Coalition on a regular basis.
2. The Coalition also engaged with the Ministry at a half day meeting. The Ministry's Education Work programme leads introduced their work to the DPO Coalition. There was also an opportunity for the DPO Coalition to provide feedback on the work programme from the perspective of disabled people, which has been incorporated where possible.
3. The Ministry has also ensured that disabled people have been involved and will continue to be involved in ongoing consultation and co-design processes. For example, the Learning Support Action Plan has committed to co-designing with user groups (including disabled people) a flexible range of specialist supports, building on existing supports and programmes
4. The Ministry has also committed to involving disabled people in implementing the Government's response to the Tomorrow's Schools Review, including inputting to the design of new supports and services, such as the Education Service Agency (ESA) and the disputes panels. Consistent with General Comment 7 from the Committee on the Rights of Persons with Disabilities, this input is being sought on an early and consistent basis.
5. To support the Ministry to ensure that engagements with disabled people are effective and maximise their involvement in decision making, *Te Kiwai Whaikaha* has been produced. This toolkit provides practical guidance on:
 - a. what full and effective participation looks like for disabled people;
 - b. language use and identity;
 - c. accessibility considerations for different impairments;
 - d. when to engage with diverse voices in the disability sector.
6. *Te Kiwai Whaikaha* was developed with input from the DPO Coalition. Disabled people who attended the Education Summits were surveyed to inform what effective engagement means to them. There is also a specific section on disabled young people and what engagement with Government may mean for them. This is consistent with the United Nations Convention on the Rights of Persons with Disabilities (the UN Convention) which makes specific references to the inclusion of children and young disabled people in decisions which impact them.

Data collection and disaggregation by disability

7. We are working on a data model for the standardised learning support register which seeks to describe learning support needs and responses to those needs. It is proposed that this include both language that teachers will be familiar with as well as having scope to record common categories of diagnosis where a qualified professional has diagnosed a child with a specific impairment
8. We have also undertaken an analysis of participation and success in tertiary education using the 2013 Disability Survey. This broke down impairment by types including:
 - a. Learning impairment
 - b. Hearing
 - c. Seeing
 - d. Agility
 - e. Mobility.
9. This analysis showed that:
 - a. disabled adults generally had lower level school qualifications than non- disabled people;
 - b. disabled students were more likely to be enrolled in foundational tertiary education about as likely to be enrolled in vocational education and less likely to be enrolled in degree level courses;
 - c. among younger students (aged 16-39 years old), disabled students had lower course pass rates. There was no difference in course pass rates for disabled students aged 40-64.
10. The Ministry is also involved in the Disability Data and Evidence Working Group which is convened twice a year to address questions of disability data with the disability community and sector.

Areas where the Ministry would welcome support and proposed questions for IMM

Ensuring that disabled people are involved in decision-making that impacts on them

11. At the Leadership Group in June, the DPO coalition indicated that they wished to see genuine community-led co-design. Your office indicated that it was important to have a shared understanding of what genuine co-design is and what it would look like in practice.
12. The Ministry would also welcome this shared understanding. In particular, having an understanding on which elements of work would most lend themselves to a co-design approach would be very useful.
13. The Ministry's view is that long term pieces of work that have multiple implementation steps and have a significant impact on disabled people are most open to co-design. We would welcome the DPO coalition's view on this.

14. The Ministry would also welcome advice from the coalition on:
 - a. how it can ensure that the timeliness of translation services balances the competing needs of tight deadlines, last minute changes and the need to ensure that disabled people with a range of impairments have timely access to information which impacts them;
 - b. guidance on how to ensure that engagement with disabled people at all levels of the system is not burdensome to them and amplifies their voices.

Data collection and disaggregation by disability

15. The Ministry and other education agencies (such as TEC) agree that the current collection of data on disabled learners can be improved. In many aspects of education data collection disabled people are not strongly represented.
16. The Ministry would appreciate any advice on a cross government approach to identifying disabled people through administrative data.
17. The Ministry has also noted limitations in the Washington Group Short Set of questions in relation to certain impairment groups. For example, it is not clear how learning and neurodiverse impairment is identified through the Washington Group Short Set. The Ministry would welcome advice on this given that the Learning Support Action Plan has a priority focusing on neurodiverse learners.
18. One of the ongoing questions facing the Ministry in terms of data collection and disaggregation is striking a balance between how best to identify disabled learners in ways that get useful, systemic data and respect people's dignity and privacy. We would welcome any thoughts the DPO coalition have on how to strike this balance appropriately.