



Briefing Note: Disability Strategic Framework Development and Next Steps

To:	Hon Chris Hipkins, Minister of Education		
Cc	Hon Jan Tinetti, Associate Minister of Education Hon Kelvin Davis, Associate Minister of Education Hon Aupito William Sio, Associate Minister of Education		
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Purpose of Report

This paper informs you of the development of a Disability Strategic Framework for the Ministry of Education. The framework is for Ministry staff and seeks to grow their capability in how to apply the New Zealand Disability Strategy and the United Nations Convention on the Rights of Persons with Disabilities in an education context.

Agree that this Briefing will be proactively released.

☒ **Agree** / ☐ **Disagree**



Rose Jamieson
Deputy Secretary
Parent Information and Community Intelligence

24/05/2021



Hon Chris Hipkins
Minister of Education

17/6/2021

Background

1. This paper informs you of the development of a Disability Strategic Framework (DSF) for use within the Ministry of Education (the Ministry)
2. The Ministry identified many of our staff have a capability gap in their understanding of disability rights and how they related to education. We have developed a Disability Strategic Framework (DSF) that seeks to fill this knowledge gap by providing principles and guidance about how to apply those rights in education settings.
3. The principles of the DSF are based on the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the New Zealand Disability Strategy (NZDS). This is because the UNCRPD is the most comprehensive international human rights instrument covering disability and the NZDS is New Zealand's implementation vehicle for realising those rights.

The Disability Strategic Framework

4. The principles of the framework are:
 - *How we understand disability is evolving* – recognising disability as a social construct rather than just a medical issue
 - *The disabled population is diverse* – honours 1.1 million disabled people in New Zealand and the range of impairments that impact learners may be visible or not
 - *Te Tiriti provides an obligation to acknowledge intersectionality* – the impairment rates for Māori and Pacific learners are higher than for Pākehā and recognising disability and culture reduces disabling barriers
 - *Nothing about us without us* – a key underpinning of international disability rights is to include disabled learners and their families/whānau and supporters in decisions being made about disability – both at an individual and systemic level
 - *The education of disabled learners is everyone's responsibility* - in order to improve disabled learners' outcomes, all parts of the education system need to grow their own capability and capacity to improve disabled rights
 - *A focus on wellbeing – enables progress* – disabled learners have the right to be celebrated for who they are. Recognising this helps to reduce barriers identified by disabled learners such as bullying, discrimination and lack of understanding
 - *Inclusive practice is key to learners' progress* – inclusion is not a one size fits all. Key to the success of disabled learners is the use of practices and pedagogies which meaningfully include all children.
5. The DSF also includes:
 - Broader explanations of the principles based around disability rights theory
 - Practical examples of how the principles can be applied in education
 - Prompting questions to trigger understanding and be a catalyst for the consideration of disability rights

6. The DSF was tested with a range of business groups within the Ministry, disability sector and community stakeholders including the Disability Rights Commissioner, the office of the Children's Commissioner, and the Disabled Persons' Organisations Coalition. All groups were pleased to see the development of such a framework and provided feedback on the principles, its application and use.
7. The DSF has been approved by the Ministry's Leadership Team for internal use. The DSF was socialised with the Ministry's senior leaders at a recent hui. At that meeting seven disabled young people with a range of impairments reinforced the importance of applying all principles to the success of education for disabled young people. They provided examples of how not applying the principles throughout their education had caused disabling barriers for them. And they also provided practical insights into how that could be improved.

Next Steps

8. The DSF development was led by the Principal Advisor, Lived Experience, Matt Frost. Matt has 15 years' experience in the disability sector and community and experiences autism. This is a practical expression of the "Nothing About Us without Us" principle in the DSF.
9. A work programme is being developed to support the broader adoption of the DSF within the Ministry's work. This includes:
 - The development of supplementary information explaining the framework and providing links to key disability organisations (including groups representing parents and disabled young people).
 - Linking to work programmes such as the refresh of the New Zealand Curriculum, Review of Achievement Standards, Te Pūkenga operating model, the review of interventions for students with the highest needs, and standdowns, suspensions, exclusions, and expulsions.
 - Consideration of how the DSF principles could be incorporated into the work of the Education Services Agency.
 - Setting up regular engagement with the disabled young people who supported the socialisation of the DSF so that they can provide practical insights into the experience of disabled people around policy and practice. We will also liaise with your Youth Advisory Group in doing this work.
10. The DSF is deliberately targeted at building internal Ministry capability in disability rights. It is not intended for use in schools or early childhood centres.

Proactive Release

11. We recommend that this Briefing is proactively released as per your expectation that information be released as soon as possible. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Annex 1: Design Principles for Education Disability Framework

Principle	What does this mean?	What might this mean for education?	Questions to support understanding
How we understand disability is evolving	Disability is being increasingly seen as a social construct. Disability happens when environments and systems are not designed with disabled people in mind.	It is the role of the entire education system to reduce disabling barriers. This is different from the condition which disabled people have – this is their impairment. A practical example is: A learner can be a wheelchair user due to impairment. If a school is not physically accessible this is not the learners' fault and it is a system responsibility to ensure that the school is accessible.	<ul style="list-style-type: none"> Have you considered what disabling barriers may be facing learners? Has your framing of disabled people recognised that society disables learners not their impairment?
The disabled population is diverse	Disabled learners (like all learner groups) are not homogenous.	It is important to remember that 1.1 million New Zealanders are disabled. This means that there are a whole range of impairments which impact learners (not just physical ones or ones you can see).	<ul style="list-style-type: none"> Have you taken time to consider the range of impairments which disabled learners have and their impacts? What steps has your work taken to ensure that the whole disability population is represented?
Te Tiriti provides an obligation to acknowledge intersectionality	It is the system's responsibility to acknowledge and honour the intersectional nature of disability and ethnicity/race/gender.	<p>The Māori disablement rate is higher than any other cultural group. Disabled Māori learners may have a stronger connection to identity and culture than disablement.</p> <p>Māori exercise authority and agency in education; Identity, language and culture matter for Māori learners.</p>	<ul style="list-style-type: none"> How does your work acknowledge the often-intersectional nature of impairment and race? Does your work provide a gender lens on disability?
Nothing about us without us	This recognises that disabled learners and their whānau, or disabled whānau, have the right to exercise agency over their learning. This also acknowledges a shift in decision making from decisions being made for or on behalf of disabled people to decisions being made with or by them and their whānau	In education, this provides the opportunity to obtain solutions to problems and issues with disabled people and their whānau and supporters.	<ul style="list-style-type: none"> Have you planned early for the involvement of disabled people? Does your work recognise that it can often take longer due to disabling barriers for disabled people to be involved? Have you considered the accessibility of your work?
The education of disabled learners is everyone's responsibility	All parts of the education system should grow their own capability and capacity to ensure that disabled learners can achieve their aspirations.	In education this includes but is not limited to, practical aspects like support, teacher training and inclusive curriculum development.	<ul style="list-style-type: none"> Have you recognised your own biases and assumptions around disabled people's learning (for example, that disability is just the concern of Learning Support)?
A focus on wellbeing – thereby enables progress	Disabled learners have the right to an environment that maximises their wellbeing.	It is a system responsibility to ensure that disabled learners are celebrated, not just tolerated, for who they are. Key disabling barriers identified by learners with impairments and their whānau are bullying, discrimination and lack of understanding. Disabled learners can often be bullied because of prejudice about who they are perceived to be.	<ul style="list-style-type: none"> Does your work start from a strengths-based approach for disabled learners before exploring challenges? How does your work address stigma, discrimination and increasing understanding of disabled people?
Inclusive practice is key to learners' progress – and inclusion is not one size fits all	Key to the success of disabled learners is the use of practices and pedagogies which meaningfully include all children. In practice this might mean education needs to do things differently to fully embrace disabled people's potential.	It is the role of the education system to ensure both inclusive practice and recognise that inclusion does not mean a one size fits all approach. An example of this might be the modification of curriculum resources to ensure full participation of all learners.	<ul style="list-style-type: none"> Does your work enable the meaningful inclusion of all children? How does your work explain how we might need to adapt elements to ensure full participation?