



Education Report: Advice to support attendance at the Ministerial Leadership Group on Disability Issues: 9 December 2020

To:	Hon Jan Tinetti, Associate Minister of Education		
Date:	8 December 2020	Priority:	Medium
Security Level:	In Confidence	METIS No:	1246110
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This report provides you with advice to support your attendance at the Ministerial Leadership Group on Disability Issues (the Ministerial Leadership Group) on Wednesday 9 December 2020 from 12 noon – 1pm. The Leadership Group coordinates New Zealand's implementation of the United National Convention on the Rights of Persons with Disabilities (the Convention) and the New Zealand Disability Strategy (the Strategy).

Recommended Actions

The Ministry of Education recommends you:

- a. **note** that the Ministerial Committee on Disability Issues will meet on 9 December 2020

Noted

- b. **Proactively release** this report after the meeting

Release/Not release



Rose Jamieson
Deputy Secretary
Parent Information and Community Intelligence

08 / 12 / 2020



Hon Jan Tinetti
Associate Minister of Education

8, 12, 20

Background

- 1 You are scheduled to attend the Ministerial Leadership Group which will be held on Wednesday 9 December 2020 between 12 noon and 1pm.
- 2 The Ministerial Leadership Group is a process by which the Government can coordinate its response on disability issues. It is key to the successful implementation of both the UN Convention and the Disability Strategy. You have been invited in your delegated capacity as Associate Minister of Education with responsibility for both the Learning Support Action Plan and for maintaining relationships with disability organisations.
- 3 Twice a year, the Ministerial Leadership Group meets with the Independent Monitoring Mechanism (the IMM). The IMM was established in accordance with Article 33 of the Convention. This requires governments to establish an independent way in which governments could be held to account for their implementation of the UN Convention.
- 4 The IMM is made up of the
 - Human Rights Commission
 - The Office of the Ombudsman
 - The Disabled Persons' Organisation Coalition (The DPO 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.
- 5 The Ministry meets regularly with all members of the IMM and will be hosting a half day workshop with members of the DPO Coalition on Thursday 10 December 2020. This meeting will seek the DPO Coalition's feedback on
 - a review of how schools are funded for teacher aides agreed with the Accord between the Ministry, PPTA and the NZEI
 - an internal Disability Strategic Framework which seeks to provide principles based on the Convention and the Strategy to help guide Ministry policy development and implementation

The Ministry has a strong working relationship with all members of the IMM.

- 6 You have requested a Ministry official support your attendance at this meeting. Matt Frost (Principal Advisor Lived Experience) has a long standing relationship with all civil society participants at the meeting and experiences autism.

Advice regarding items on the agenda

Data collection and disaggregation by disability

- 7 You have received advice regarding the development of the Learning Support Register (LSR) and its incorporation into Te Rito (Metis 1245388 refers). The Ministry is seeking to incorporate the standardised LSR into Te Rito.

- 8 This has several advantages for disabled learners
- Information will be able to travel with the learner throughout their education. This means that if a learner changes schools, the information about the learner will be made available to the school electronically. This includes any disability related information which has been registered on the LSR. This reduces the possibility that learners or their families/whanau have to repeat this information on several occasions.
 - Other services that may sit on Te Rito that will further enrich disabled people's learning to include the Record of Learning and School Entry Assessment.
 - The incorporation of the LSR into the wider Ministry capability is also consistent with the Disability Strategy which seeks to ensure that decision-making on issues regarding the education of disabled people is informed by robust data and evidence and is not seen as separate from data and evidence collected about the education system as a whole.
- 9 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.
- 10 The IMM are seeking to ensure that the Washington Group Short Set of Questions (the Short Set) are used in any data collection or surveys related to disabled learners. The Short Set were developed by a group specifically tasked by the United Nations with developing robust indicators for monitoring adherence to the UN Convention.
- 11 The Short Set is a series of questions which ask about difficulties disabled people may functioning because of a health problem (such as seeing, hearing, or self-care).
- 12 There appear to be limitations in the Short Set in relation to certain impairment groups. For example, it is not clear how learning and neurodiverse impairment is identified through the Short Set. The Ministry would welcome advice on this from the IMM given that the Learning Support Action Plan has a priority focusing on neurodiverse learners.
- 13 One of the ongoing questions facing the Ministry in terms of data collection and disaggregation is making decisions around striking a balance between how best to identify disabled learners and developing an approach that balances getting useful, systemic data and respecting people's dignity and privacy.
- 14 We are conscious that any data work on identifying disabled students will assist but is not a substitute for making other data we collect inclusive of the needs of disabled students.
- 15 Te Rito is in the very early stages of deployment and detailed plans are in place for its continued development. The Ministry will continue to work with the IMM around possibilities around how the Short Set could be incorporated into the LSR.
- 16 The Ministry has also been examining how it can incorporate the Short Set into questions asked on enrolment at tertiary institutions. There has been variable feedback as to the ease with which the Short Set could be applied in this area.

Strengthening outcomes for disabled people by improving policy and legislation

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9(2)(g)(i)

21 This does not preclude the incorporation of UN Convention commitments on a case by case basis.

22 The IMM have also indicated that they wish to see the Cabinet Manual strengthened in terms of the consideration of disability issues, including engagement with them as organisations with a mandate to represent disabled people under Article 4.3 of the Convention.

23 Prioritising meetings with organisations such as the IMM is consistent with your delegation to maintain relationships with disability organisations. The Ministry's advice would be that maintaining relationships with these organisations will be very helpful in terms of other elements of your delegations (such as gaining disabled people's perspectives on the Learning Support Action Plan and the Curriculum Centre of Excellence).

Family and sexual violence experienced by disabled people, and the role of Government in addressing and preventing this issue

24 Family and sexual violence affects disabled people disproportionately. Disabled children are up to 4 times more likely than non-disabled children to experience some form of violence than non-disabled children. They are 3.6 times more likely to be victims of physical violence and 2.9 times more likely to be victims of sexual violence.

25 An element particular to disabled people is the role of care support in their lives. Recent changes in the domestic violence legislation made it clear that people performing care and support tasks in the homes of disabled people but who were not family members could be additionally liable if they committed domestic violence (including coercion) against those they were supporting.

26 Recent changes to both the Education and Training Act and the National Education and Learning Priorities emphasise the key role of schools in ensuring:

- a safe physical and emotional environment for students
- an environment free of discrimination and stigma.

There is strong evidence that one of the main contributing factors to violence against disabled children is discrimination and stigma against them.

- 27 As well as this legislative focus, as part of the Child and Youth Wellbeing Strategy, the Ministry is co-leading work with the Ministry of Justice to help ensure children and young people are free from racism and discrimination. Work is on-going to identify initial actions in this space, especially for specific groups such as children and young people with disabilities as they are a group significantly discriminated against across multiple sectors such as health, employment and education.
- 28 Aotearoa has an internationally high rate of bullying in schools. We know some of the success factors for schools seeking to address bullying, such as the Bullying-Free NZ School Framework's nine elements. However, what is missing is a clearer picture of what good looks like and how exactly to achieve it, from student, school/kura staff, and wider community perspectives. To gain more clarity in this space, the Ministry and the Office of the Children's Commissioner have partnered together to do a case study analysis of bullying prevention in schools and kura identified as having a supportive and inclusive culture. In addition to hearing what conditions and enablers contribute to an inclusive culture, we also want to specifically hear from certain cohorts of students which our data tells us experience more bullying than others, which include students with disabilities.
- 29 Minister Davidson in her role as Minister in charge of Family and Sexual Violence has recently announced that she wishes to prioritise a National Strategy on Family and Sexual Violence. The Ministry is exploring how it can be further connected to this work.

Proactive Release

- 30 "It is intended that this Education Report is proactively released as per the expectation that information be released as soon as possible. We recommend that this report is released after the meeting with the Ministerial Leadership Group. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982."

Appendix One: Possible Talking Points for the meeting

- I am very pleased that my delegations include key areas of interest to the disability community – including the Learning Support Action Plan, the collection of data and the development of the Curriculum Centre of Excellence.
- I believe there is an opportunity to consider how these can work together. I would welcome any insights or feedback from the IMM about how you see these delegations working together to better support disabled learners.
- I understand the importance of the UN Convention and the Disability Strategy in ensuring the rights of disabled young people and I value your role as independent monitors.
- I have had a demonstration of the Learning Support Register. It is great that this Register is incorporated within the wider Ministry data collection repository Te Rito and this is consistent with decision-making on the education of disabled people being informed by robust evidence.
- I acknowledge that consistent data collection is important to the IMM and that you have identified the Washington Group Short Set of Questions as the good way to do this.
- I have received advice that it is unclear how neurodiverse impairments like autism are identified within the Washington Group Short Set.
- I would welcome your views on this given that the Learning Support Action Plan has a priority focused on neurodiverse learners.
- I understand the importance of the UN Convention and the Disability Strategy in ensuring the rights of disabled young people and I value your role as independent monitors.
- I understand that the rights of the child (including the UN Convention) underpinned the Tomorrow's School Review and that Paula Tesoriero in her Disability Rights Commissioner role has been part of governance oversight of the Education Services Agency. At the same time, I believe we need to consider carefully before we incorporate Convention principles into legislation.
- You can be assured that I will prioritise disability related meetings given the intersecting nature of my delegations as I am able.
- I acknowledge that disabled children are four times more likely than non-disabled children to be the victims of family and sexual violence and that a main reason for this is discrimination and stigma which still happens too often to disabled young people.
- I'm pleased that the Ministry is co-leading work with the Ministry of Justice which seeks to reduce discrimination and stigma against young people and that the Ministry has partnered with the Office of the Children's Commissioner to do a case study analysis of bullying prevention in schools, in which the experience of disabled learners is a specific focus.