

## **Disabled Persons Assembly NZ**



2<sup>nd</sup> December 2014

More Effective Social Services Inquiry  
New Zealand Productivity Commission  
PO Box 8036  
Wellington 6143

To Whom it May Concern

Please find attached a submission on 'More Effective Social Services Inquiry' from the

**Disabled Persons Assembly NZ Inc.**

DPA Contact:

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## Introducing DPA New Zealand Inc.




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The Disabled Persons Assembly NZ Inc. (DPA) is the national assembly and collective voice of disabled New Zealanders.

DPA is a Disabled Person's Organisation (DPO) meaning it is a national Organisation governed by disabled people, and the organisation's main purpose is to articulate the aspirations of its members.

DPA has some 900 individual members who have disabilities themselves or are the parent, or guardian of a disabled person, and some 200 corporate members who represent or deliver services to disabled people. DPA members form a network of regional assemblies to debate local and national issues.

DPA's functions include:

-  to promote the interests and wellbeing of all disabled people regardless of age, for our whole lives
-  to engage with disabled people, DPOs and our valued allies
-  to progress the UN Convention on the Rights of Persons with Disabilities (CRPD) in Aotearoa New Zealand.

## Convention on the Rights of Persons with Disabilities

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### Government accountability

The CRPD provides the mandate for disabled people to hold the Government to account on ensuring the full and equal enjoyment of all human rights by disabled people.

### CRPD is the minimum standard

DPA uphold the CRPD as the minimum standard for our participation in society.

### Partnership with DPOs

The implementation of the CRPD depends on a partnership between DPOs and the Government. This is highlighted in Article 4.3 which says governments shall consult closely with and actively involve disabled people, including disabled children, through their representative organisations.<sup>1</sup> This partnership goes beyond just consulting with disabled people.

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<sup>1</sup> United Nations Convention on the Rights of Persons with Disabilities, Article 4.3

# CRPD on equality and non-discrimination

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Aspects of the CRPD that are particularly relevant to this submission:

1 The CRPD's General Principles<sup>2</sup>:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of disabled people as part of human diversity and humanity
- Equality of opportunity
- Accessibility
- Equality between men and women
- Respect for the evolving capacities of disabled children and respect for the right of disabled children to preserve their identities.

2 All disabled people have a right to respect for his or her physical and mental integrity on an equal basis with others<sup>3</sup>

3 To enable disabled people to live independently and participate fully Governments shall take measures to ensure access, on an equal basis with others, to facilities and services<sup>4</sup>

4 All disabled people have an equal right to live in the community, with choices equal to others, and Governments shall take effective and appropriate measures to facilitate full enjoyment by disabled people of this right<sup>5</sup>

5 The Governments is required to take all appropriate measures to ensure access to health and rehabilitation services.<sup>6</sup>

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<sup>2</sup> United Nations Convention on the Rights of Persons with Disabilities, Article 3

<sup>3</sup> United Nations Convention on the Rights of Persons with Disabilities, Article 17

<sup>4</sup> United Nations Convention on the Rights of Persons with Disabilities, Article 9

<sup>5</sup> United Nations Convention on the Rights of Persons with Disabilities, Article 19

<sup>6</sup> United Nations Convention on the Rights of Persons with Disabilities, Article 25 & Article 26

# More effective social services inquiry 2013

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## 1 DPA's role: the voice of disabled people

Disabled people receive a wide range of social services, involving both targeted disability services and accessing mainstream health services and educational opportunities.

Examples of targeted disability services include residential services, day services, employment services, rehabilitation services, mobility services, Needs Assessment and Coordination Services, home help and support people services, sign language interpreting services, independent living and parenting services.

The breadth of social services that disabled people engage with is very wide and diverse. DPA's submission raises some key issues and barriers that impact on disabled people in the commissioning and contracting of such social services. DPA's submission is not a comprehensive assessment of those issues and DPA requests further engagement with the inquiry leaders. DPA has a significant role in that it is a Disabled Persons Organisation with a mandate to represent the diverse range of disabilities.

Disabled people's voices must be central in the inquiry issues and discussions around the interface between social services and disabled people. DPA have a significant role in helping the inquiry to achieve this.

Given the size of disabled people's involvement in social services DPA also encourages further engagement with other organisations and experts in the disability sector.

Ensuring reasonable accommodations and a Human Rights Approach<sup>7</sup> in all work going forward will also help progress.

## 2 Disabled people

**24 percent** of New Zealanders have a disability or long-term health condition. This is 1.1 million people.

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<sup>7</sup> See description at the end of document. Human Rights Commission (2013) "Annual Report 2013 Pūrongo ā Tau 2013" Human Rights Commission: Wellington. P 9.

**20 percent** of adults **under 65** years of age have a disability

**60 percent** of adults **over 65** years of age have a disability.<sup>8</sup>

Our population is aging and living longer. The baby boomers have only just started moving into the over 65 age category. Disability rates are expected to increase significantly in the immediate future.

Improving disability services is about **future-proofing** our society.

Disabled people are one of the largest and growing **most vulnerable** marginalised groups in New Zealand.

Disabled people have said loudly and clearly that they **do not have equitable opportunities to live a good life**.

This has been documented in the Disabled Person's Organisations shadow report to the United Nations Committee on the Rights of Persons with Disabilities.<sup>9</sup> This report pulls together the many reports and research involving disabled people's voices from the last fifteen years.

Statistics show that disabled New Zealanders are **grossly overrepresented** in **unemployment rates** and **poor health** outcomes, and these statistics have not changed in over a decade.<sup>10</sup>

### 3 Engagement and involvement in decision-making

*“Nothing about us, without us.”*

Disabled people have made countless calls to be more involved in decisions that affect them, including in the services they receive.<sup>11</sup> The lack of value, involvement

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<sup>8</sup> Statistics New Zealand (2014). “Disability Survey: 2013. Key Facts” 17 June 2014.

<sup>9</sup> Disabled Persons Organisations network, (2014) “New Zealand Disabled Person's Organisations Report to the United Nations Committee on the Rights of Persons with Disabilities on New Zealand's Implementation of the Convention on the Rights of Persons with Disabilities. 31 July 2011”. Report prepared by the Disabled Persons Assembly NZ Inc.

<sup>10</sup> Statistics New Zealand (2014). “Disability Survey: 2013. Key Facts” 17 June 2014.; and Disabled Persons Organisations network, (2014) “New Zealand Disabled Person's Organisations Report to the United Nations Committee on the Rights of Persons with Disabilities on New Zealand's Implementation of the Convention on the Rights of Persons with Disabilities. 31 July 2011”. Report prepared by the Disabled Persons Assembly NZ Inc. P 28 – 31.

<sup>11</sup> Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012). P 30.; New Zealand Government Cabinet Paper. “Choice in Community Living.” Accessed on 18 June 2014 at <http://www.health.govt.nz/system/files/documents/pages/choice-in-community-living.pdf>; House of Representatives. (2008). “Inquiry into the quality of care and service provision for people with disabilities:

and support for disabled people's participation in decisions that affect them means their needs are often not well identified and service provider contracts do not well reflect disabled people's needs and aspirations.

Historically, disability support and services have been heavily steeped in paternalistic and charity approaches. Thanks to the civil rights, women's rights and disabled people's rights movements' things have moved on.

However, many disability support services are still operating in old and outdated frameworks and policies, and not realising disabled people can determine their own lives. Whilst the Government have developed some high level principles of engagement<sup>12</sup> and a few small pilot programmes looking at changing disability support services, most decisions continue to be made with little or no regard to the voice and perspectives of disabled people or the expertise of disabled advocates and Disabled Person's Organisations. The overall impression is that Government systems are still largely operating in paternalistic frameworks.

Some of the impacts of this lack of involvement of disabled people and DPOs in decision-making that we have heard about include:

- Service contracts being given to the cheapest provider instead of the provider that best fits the needs and aspirations of disabled people
- Service contracts being given to large generic or mainstream providers instead of providers who are better able to respond to the specialised nature of services required
- Wide discrepancies in the type, quality and amount of service charges across regions and among different providers.

This lack of involvement in decision-making can be seen in all levels of service provision. This may be seen in the day-to-day activities of disabled people, in governance of disability services and in the Government's contracting and policy decisions.

This must change. To change this there needs to be:

- 1 enforcement from the highest levels to involve disabled people in all decisions that affect them
- 2 recognition of the importance and value of disabled people's involvement in decision-making
- 3 greater support for, and investment in, the capacity and capability of disabled people and Disabled Person's Organisations to be meaningfully involved in decisions-making

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Report of the Social Services Select Committee." Forty-eighth Parliament (Russell Fairbrother, Chairperson) September 2008.

<sup>12</sup> Office for Disability Issues. (2014). "Disability Action Plan 2014-2018: New Zealand's priorities to advance implementation of the United Nations Convention on the Rights of Persons with Disabilities and the New Zealand Disability Strategy." (May 2014). P 3.

- 4 monitoring and reporting on the involvement of disabled people and DPOs in decision-making.

## 4 Strategic oversight

There is a lack of strategic oversight in disability services. This has been raised as problematic in:

- monitoring complaints and contractual issues
- monitoring and maintaining service quality<sup>13</sup>
- ensuring consistency in service quality and costs.

There are also wide discrepancies in the type, quality and service charges across DHB's, regions and providers.

The 2008 Parliamentary inquiry noted that not having one agency with overall accountability for the disability sector and the provision of disability services contributed to these problems.<sup>14</sup> The inquiry recommended the establishment of a lead agency with responsibility for disability issues and accountability for the disability sector and a role in monitoring the sector.<sup>15</sup>

The Government's response to this recommendation to improve leadership and accountability structures for disability services was to establish, in 2009, a Ministerial Committee on Disability Issues.<sup>16</sup> The Ministerial Committee "*provides leadership, coordination and accountability for implementing the New Zealand Disability Strategy and the United Nations Convention on the Rights of Persons with Disabilities. It sets a coherent direction for disability issues and priorities for action across government.*"<sup>17</sup> The Ministerial Committee meets only two or three times per year and does not have any disability expertise in its membership which severely limits its ability to provide disability leadership, ensure robust accountability systems and to effectively monitor disability services, as recommended by the 2008 Parliamentary inquiry.

The Government's new Disability Action Plan 2014-18 is the fourth Disability Action Plan since 2010 but only the first time the DPOs have been strategically involved in developing it. As a result, priorities are better aligned to disabled people's priorities and the plan supports the shift towards a more 'person-directed' approach. However, much of the Plan outlines more reviews and stocktakes and progresses work that was already underway. The Government's latest Disability Action Plan commits to

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid. P 10.

<sup>15</sup> Ibid. P 5 & 10.

<sup>16</sup> "Government Response to Report of the

<sup>17</sup> Office for Disability Issues website access on 2 December 2014 at: <http://www.odi.govt.nz/what-we-do/ministerial-committee-on-disability-issues/index.html>

minimal meaningful improvements to the everyday lives of disabled people over the next four years.

The 2008 Parliamentary inquiry also recommended that if significant change had not been achieved in six years' time that an independent Disability Commission should be established.<sup>18</sup> Six years has now passed and with little progress being achieved this recommendation should be re-visited and considered.

Thank you for considering **Disabled Persons Assembly NZ Inc.** submission on More Effective Social Services.

**DPA** would like to engage with the Productivity Commission's inquiry leaders further and requests a time to meet with you.

Sincerely



Rachel Noble

Chief Executive

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<sup>18</sup> House of Representatives. (2008). "Inquiry into the quality of care and service provision for people with disabilities: Report of the Social Services Select Committee." Forty-eighth Parliament (Russell Fairbrother, Chairperson) September 2008. P 5.



# Human Rights Approach

The human rights approach has been developed internationally and adapted for New Zealand by the New Zealand Human Rights Commission, it requires:

- a linking of decision-making at every level to human rights standards set out in the relevant human rights covenants and conventions
- b identification of all relevant human rights involved and a balancing of rights, where necessary prioritizing the rights of the most vulnerable people, to maximize respect for all rights and rights-holders
- c an emphasis on the participation of individuals and groups in decision-making affecting them
- d non-discrimination among individuals and groups through the equal enjoyment of rights and obligations by all
- e empowerment of individuals and groups by their use of rights to leverage for action and to legitimize their voice in decision-making
- f accountability for actions and decisions, enabling individuals and groups to complain about decisions adversely affecting them<sup>19</sup>.

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<sup>19</sup> Human Rights Commission (2013) "Annual Report 2013 Pūrongo ā Tau 2013" Human Rights Commission: Wellington. P 9.