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| Meeting minutes for  Independent Monitoring Mechanism quarterly governance meeting  Held on 13 August 2020 from 1:00 to 4:00pm by video conferencing. | | | |
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| Present Chief Ombudsman Peter Boshier  Disability Rights Commissioner  Paula Tesoriero MNZM (HRC) Chair  Chloe Longdin-Prisk (OOTO)  Leo McIntyre (DPO Coalition)  Dr Tristram Ingham (DPO Coalition) (late)  Rose Wilkinson (DPO Coalition)  Victoria Manning (DPO Coalition)  Frances Anderson (HRC)  Rosie Henley (NZSL interpreter)  Alan Wendt (NZSL interpreter)  Kevin Allan (HDC)  Rose Wall (HDC) (from 2:30pm)  From 3:10 pm:  Rae Nathan (in place of Chappie Te Kani) (SSC)  Brian Coffey (ODI)  Jacinda Allwood (ODI)  Anne Riley (MSD) | | Apologies Emma Leach (OOTO)  Judge Andrew Becroft (Children’s Commissioner)  Sarah Morris (OCC)  Douglas Hancock (HRC) | Minute-taker Tamzin Jordin (HRC) | |
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| Item number | Item |
| 1. Karakia (TI), welcome and introductions  (Paula) |  |
| 2. Apologies, minutes and actions from the meeting on 6 May 2020 (PT) | Note that due to time constraints the May 2020 minutes were not formally passed at the meeting but were approved by email following the meeting. |
| 3. Agenda check and confirmation (PT) | The order of agenda was re-set, to accommodate intermittent availabilities of some members. The change was approved by RW |
| 4. COVID-19 Thematic Report (CLP) | CLP: Provided an update on the Covid thematic report. There has been positive engagement in the consultation hui held to date and very useful information gathered. In light of recent restrictions under the L3 Auckland and L2 national Covid –19 Alert levels, changes were proposed to the schedule of consultation hui planned in the near future.  IMM agreed to the cancellation of immediate upcoming hui and to offer registered participants the option to move online or postpone. Review of later hui would be taken on 24/08.  RW noted concerns about offering only online options as that may capture only views of ‘elite’ with digital access, but contrarily there will be renewed concerns about travel and meeting face to face.  CLP Clarified that alternatives such as phone participation would be possible.  LM: suggested to adjust the focus of the report to reflect on learning and improvement over different lockdowns periods.  It was clarified that although the report was planned as a retrospective analysis of the ‘first lockdown’ that current experiences in L3, L2 and comparisons between them can be included. |
| 5. Making Disability Rights Real report:   * Any feedback received on the launch /report * Utilisation of the report (All) | PT: At six weeks post the launch of the MDRR report we have an opportunity to reflect on how the report has been received, and how we will actively use the report findings in the longer term.  Members reported positive feedback about the launch.  CLP: advised that they have been working with MFAT about the process of filing the report with the UN and with the agreement of the group they will file the report with the UN. **Agreed**.  PT: advised that largely positive feedback about the launch and report but also some confusion on the purpose of report - PT is referring to the findings and recommendations in speeches and statements.  FA Advised that the report had been provided as a resource for an online CRPD and Human Rights course. (Kia Noho Rangatira Ai Tātou)  Suggested we also send a copy of the report to those who registered for the various hui.  **Action** DPO and others to send hui registration lists to OOTO who will send links or hard copies of MDRR report as relevant.  PT: Advised that she had just recorded a statement for the 23rd session of the CRPD committee. Their work has been further delayed by Covid, which will inevitably affect the timing of the next NZ review so await with interest to see future phasing of committee work.  Discussion: Irrespective of the timing of NZ’s review, the report is a very valuable record which places a stake in the ground from which we can measure progress, it is also useful as an educational resource about the CRPD.  PT: Suggested that the report could serve as an IMM Briefing to incoming Ministers (BIM) and with a cover letter the IMM can indicate we look forward to working with govt on these issues. Will be especially important if there is a new Minister. COVID shone a light on existing inequities. We need to take every opportunity with central and local agencies to pick up on recommendations.  PB: Affirms the importance of report ‘not sitting on the shelf’ and assurance that OOTO will use as a platform for change.  PT: Advised of dialogue with officials regarding the Public Service legislation failing to include human rights, despite HRC advocacy.  **Action** HRC to prepare cover letter to the MDRR report to be submitted as an IMM Briefing to Incoming Ministers |
| 6. Updates from each agency on key pieces of work and priorities:   1. HRC 2. OOTO 3. DPO Coalition 4. Guests inc. HDC | **HDC** Kevin Allan: apologies from Rose Wall.  ***Covid related complaints*** in the period to the end of July comprised 11-12% of all complaints, e.g. Delayed access to care/treatment, cancellation of referrals. These concerns were conveyed to the MOH urging the need to improve systems for any future periods of restriction.  Gave a clear message that the Code of rights applies during lockdown circumstances –rights remain even if the ways they are upheld might different.  Released the Mental Health Commissioner Monitoring and Advocacy report in June –which will be the last due to the upcoming end of Kevin's term and the end of the role within HDC with establishment of the Mental Health and Wellbeing Commission (MHWC) and its full operation as of Feb 2021. Until then will continue to work with the initial MHWC and ensure continual progress.  ***Repeal of the Mental Health Act***. This MOH have been working on this at the policy level. HDC would like to see a shift to CRPD alignment and away from risk-based decision making.  This change will need a careful and nuanced discussion –the language used needs to be well thought out to navigate risk vs need.  The current Health and Disability Commissioner Anthony Hill’s term finishes August 2020. Morag McDowell is the new commissioner starting September 2020.  **Ombudsman.**  An overview of recent reports was provided.   1. *He Take Kōhukihuki: A Matter of Urgency*, an investigation into the practices and policies of Oranga Tamariki—Ministry for Children regarding the removal of newborn pēpi/children from their parents and whānau. The Chief Ombudsman found that all the cases he reviewed required a disability rights-based response from the Ministry. Over 20 percent involved parents with intellectual disability.  The report made a range of recommendations regarding disability rights and reasonable accommodations. 2. Off the Record: an investigation into the Ministry of Health’s collection, use and reporting of information about the deaths of people with intellectual disabilities receiving full-time residential support. The report found significant gaps in Ministry practice. It makes a number of recommendations, all of which have been accepted by the Ministry. 3. A systemic investigation into the facilities and services provided by the Ministry of Health for people with intellectual disabilities under the High and Complex Framework will be published in late 2020 or early 2021. The investigation has taken a case study-based approach and worked directly with people living in the facilities. 4. OPCAT inspection reports relating to health and disability facilities are now routinely being made publicly available. Most of the facilities visited are generally working well but some unacceptable practices have been the subject of recommendations by the Chief Ombudsman, including long-term inappropriate placement of service users with high and complex needs and/or intellectual disabilities, and prolonged placements in Intensive Care Units. 5. Also undertook inspections of secure aged care facilities during COVID-19 Alert Levels 3 and 4.  A thematic report on these inspections will shortly be available.   PB also advised that the Office had a further increase in appropriation passed on the last day of Parliament. This will allow a growth in the disability rights team and attention to disability across all operations of the office.  **DPOC**   * Leo clarified that Tristram is the official DPOC representative on IMM and Leo attends in virtue of being the current Chair. * DPOC have had valuable workshop with ODI on next steps on disability action plan (DAP) and what it needs to achieve. * The online version of the DAP didn’t get completed before lockdown started, so DPOC are awaiting finalisation on some items. * The DPOC has discussed whether some Covid related groups established during the ‘first wave’ should be resurrected for this second wave. The accessible communications group was re-established and two representatives from DPOC attend those meetings but may need additional DPO personnel to participate as it is difficult for only two people to cover. * Concern was expressed that the Ministry of Health has not involved Balance or DPOC in developments around the repeal of the Mental Health Compulsory Assessment and Treatment (MHCAT) Act, or the decision to split the guidelines to the current Act into a separate Human Rights companion document.   **Action** HDC, HRC, HDC and Balance to meet and discuss a response to the lack of disabled people's involvement in implementation of He Ara Oranga recommendations. |
| 7.Update on IMM Terms of Reference, including production of accessible formats (CLP) | CLP: Covid demands have created a backlog of translation work for People First so the Easy Read format of the terms of reference is not yet completed.  Once that is received, all alternative formats will be available. If everyone is comfortable these would be launched virtually.  This was **agreed**, with the proviso that alternative means of accessing the TOR are available for those who do not have access to online resources. |
| 8. Feedback on the meeting with the Ministerial Leadership Group on Disability Issues (MLGDI) | PT: Important to review the operation of the MLGDI meetings and ensure we follow up on them.  PT suggested discussing reinstating meetings with officials to focus on progressing matters between ministerial meetings.  Discussion included the view that the Ministerial meetings tend to be ‘headline’ so there is a need to debrief as an IMM, to follow up and reiterate discussion points with Ministers and to engage more directly with officials in between Ministerial meetings. In particular the IMM and DPCO keen to get traction on General Comment 7 and participation.  Need to maintain clear delineation between the role of the IMM in monitoring and that of the DPOC in governing the Disability Action Plan. DPOC and ODI have been discussing a new monitoring tool. DPOC can flag to the IMM, issues for our collective attention.  A preference was expressed for an approach that would target meeting to the officials connected to specific issues. This would give an opportunity to delve deeper into the issues than would a generic ‘all officials’ approach to the meetings.  Post-election will be a good opportunity to reset how things work both for IMM and for the Minister for Disability Issues whether that is the current Minister or a new one.  **Agreed** to reinstating meetings with officials and to ask Brian ODI to commence arrangements.  Tentatively six-monthly meetings with officials (must be with decision making capacity) and six-monthly meetings with Ministers equating to 4x 3 monthly meetings in total.  **Agreed** to convey to Brian that changes to the format of the Ministerial meetings at short notice can reduce accessibility for some IMM members. |
| 9. Consideration of IMM Priorities: Is it timely to review and/or refresh   * Framework for actively monitoring priorities (PT) | PT: With the completion of the MDRR report, it also seems timely to consider whether the priorities set 3 years ago remain current, and if so, what mechanism would best advance them.  Discussion included that the current priorities don’t explicitly include cross-cutting issue of ‘Voice’ and that stronger buy in is needed from agencies to embed the CRPD. Disability Rights are not an add on. Needs recognition across government.  Submissions from HRC routinely seek to have CRPD explicitly included in legislation but has not occurred.  Policy papers do not routinely include disability impacts unless a very obvious negative or positive impact. The Cabinet manual provides a prompt that disability impact should be included. ODI is implementing a more stringent push back on papers that do not address disability impact.  Election access was discussed including whether the DPOC expected improved accessibility for disabled voters. The DPOC are not confident that issues of accessibility and privacy discussed after the last election and the 2018 Census, are resolved. Local body elections possibly even less accessible. The digital divide and Covid impacts may push limit accessible democracy even further.  RW re-joined the meeting and indicated BCNZ had met with the Electoral Commission the previous week and they were thinking about communication with disabled people for which meeting with the DPOC was suggested.  **Action**. Paula to write to the Electoral Commission seeking assurance they are actively working to improve accessibility and privacy for disabled voters.  **Action.** IMM Working group asked to do some preliminary work on refreshed priorities to present to the next governance meeting.  Brief break before guests from Public Services Commission (PSC previously SSC) and ODI joined |
| 10. Update on Reasonable Accommodation guide (CLP) | CLP: This work is approx. 50% complete. Had to be put on hold during Covid. The team have met with HRC and ODI on suggestions. Yet to reschedule a postponed meeting with DPO.  Estimate the revised guide will be ready for publication April 2021. |
| 11. ODI will join the meeting at 3:10pm to discuss the:   * ODI reflections on the meeting with the Ministerial Leadership Group on Disability Issues. * Disability Employment Action Plan update * Chief Executives Group on Disability Issues. | ODI staff Joined the meeting at 3:10pm Jacinda Allwood, Anne Riley, Rae Nathan and Brian Coffey. Rae Nathan here on behalf of Chappie Te Kani  PT: Welcomed ODI and outlined the issues that we were interested to discuss with them primarily reflections on the Ministerial Leadership Group meetings and the potential reestablishment of meetings with officials.  Firstly the IMM was provided with an overview of the recently launched [Working Matters Disability Employment Action Plan.](https://www.msd.govt.nz/what-we-can-do/disability-services/disability-employment-action-plan/working-matters/index.html) Available on the MSD website in a range of accessible formats.  The origins of this plan lay in an Employment Design Day co-sponsored by ODI, HRC and DPOC in late 2018, in which stakeholders spent a day together to visualise what good initiatives/ outcomes might look like.  This resulted in a draft plan of priority initiatives. Cabinet agreed in July 2019 to develop and consult on an action plan. Covid-19 delayed finalising the plan but also highlighted some critical employment issues that could be incorporated into the final plan just launched. the final plan could  The plan was launched jointly by Ministers Sepuloni and Jackson, at Yes Disability with over 80 people present, including a diverse group of young people and employers. Minister Henare also there and spoke to action plan and youth plan. This plan also has links to the 2019 Youth Employment Action Plan and the 2020-2022 Youth Plan Turning Voice into Action Rebuilding and Recovering. Subsequent employment action plans linked to the employment strategy include for Māori Pacific people, older people, refugees and migrants.  Next step is to develop a light reporting framework, which MSD will consult about.  PT: Queried whether there would be data available on the impact of Covid on employment for disabled people?  **Action** ODI undertook to explore further whether data is available on impact of Covid on employment for disabled people and to report back to the IMM.  Better employment data is needed to be able to track progress.  LM queried whether the plan recommended any changes to abatement rates, this matter has been raised frequently as leaving disabled people worse off by participating in the job market. It was clarified that this is not included in the current plan but was one of the recommendations in the Welfare Expert Advisory Group report on welfare reform.  PT: Invited reflections on the Ministerial Leadership Group meeting from ODI before outlining the IMM reflections and thoughts for future arrangements.  BC: The view of the Minister (Disability Issues) was that there was good engagement and discussion, including follow up discussions. A positive sign that Ministers without items to speak to still attended.  The number of agenda items prevented in depth discussion. Having fewer items is something to consider for future meetings -and provide opportunity for better engagement, with Ministers briefed for discussion items rather than speak to lengthy reports.  PT: The IMM has been considering arrangements for these meetings. The IMM will write to an incoming Minister, whether the current Minister or a new Minister -to outline the IMM role and priority issues highlighted in the Making Disability Rights Real (MDRR) report. Reinstating meetings with officials could be one of the mechanisms suggested to accelerate progress on priority issues.  Meetings with officials could occur 6 monthly, in between meetings with Ministers, which would equate to 3 monthly engagement between the IMM and machinery of government.  As suggested a preference to focus on one or two topics or themes for each meeting and support the function of the IMM in holding decision makers to account.  **Action** ODI to initiate pre-election, renewed meeting processes for the MLGDI and meetings with officials so that there will be a proposal drafted to take forward post-election.  BC: Raised consideration of how to align reporting processes against the MDRR report and the Disability Action Plan. Suggested that a map of what is missing and has not been responded to and understand what requires attention first.  TI: Need a process whereby we ‘land’ decisions rather than just raising awareness. As an IMM we have room to continue to explore an overall semi quantitative monitoring framework  BC: Indicated that ODI had spent an hour contextualising the MDRR report with officials. Suggested that a means to get engagement from agencies with the MDRR report could be to treat it as a ‘practice run’ for State review and ask agencies to respond to the report as if they were doing so to the UN -we don’t need to wait for the formal review -respond to this report as if it were responding to the UN. about these recommendations -what would your response be?  PT: Noted a lot of affirmation amongst the IMM members for this approach. JA: Identifying gaps, thinking about putting together plan to address gaps  **Action** ODI to develop a matrix of MDRR recommendations against the DAP, and to provide IMM with a post-election plan for responding to recommendations in the MDRR report**.**  **Public Service Commission (PSC) previously State Services Commission (SSC)**  RN (SSC): There is a clear link with this discussion and the work of the public service commission -regarding what sort of actions plans agencies have. There is a five-point diversity and inclusion (D and I) action plan agreed. One of the requirements is that CEs and agencies report on their D and I initiatives. The new (PSC) legislation is a great platform for the PSC to leverage off. Rae will connect the IMM with the diversity and inclusion team and leadership. It was clarified that Heather Baggot is the assistant commissioner for that work.  **Action** Rae from PSC will ask Heather Baggot and Chappie Te Kani to provide an update on what agencies are doing with regard to disability. |
| Any other items? | BC: Acknowledged that the Disability Action Plan does not have a lot of actions or reporting for family or sexual violence towards disabled people, but the Minister is keen to have the FVSV as a priority topic. discussion  PT: Thanked the members and indicated HRC will endeavour to get the minutes and action points out rapidly so that actions are noted, and future meetings can get in the diary. |
| 12. Next meeting and closing karakia (PT) | 25 November, 9:00am to 12:00pm |

# Action items ongoing

| No. | Item | Responsible | Status |
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| 1. | OOTO to consider review of the IMM guide *Reasonable Accommodation of persons with disabilities in New Zealand* and report back to partners. | Chloe | Review is in progress |
| 2. | OOTO to scope a UNCRPD guide for local government and report back to partners. | Chloe | Ongoing |
| 3. | Partners to source and send images for the report to OOTO. | DPO Coalition and HRC | Completed |
| 4. | Draft correspondence to pursue a meeting with Minister Woods. | Tristram | Outstanding |
| 5. | Draft follow-up letter to Peter Hughes and Debbie Power to reinvigorate CEG meetings. | Peter | Superseded Action August 2020 |
| 6. | Determine if there is the potential for the DPO Coalition to have its own slot at the MLGDI meetings. | Brian | Ongoing |
| 7. | Covid Report: Working Group to manage changes to consultation hui and keep governance advised. | Chloe | Completed |
| 8. | Ministerial Leadership Group Meeting: Schedule debrief sessions post MLGDI meeting |  | Outstanding |

# Action items arising from August 2020 minutes

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| No. | Item | Responsible | Status |
| 1. | **Action:** DPO and others to send hui registrations lists to OOTO who will send the links or hard copies of MDRR reports relevant. | All |  |
| 2. | **Action:** HRC to prepare cover letter to the MDRR report to be submitted as an IMM Briefing to Incoming Ministers. | HRC |  |
| 3. | **Action:** HDC, HRC and Balance to meet and discuss response to the lack of disabled people’s involvement in implementation of He Ara Oranga recommendations. | Paula, HRC | Completed |
| 4. | **Action:** Paula to write to the Electoral Commission seeking assurance they are actively working to improve accessibility and privacy for disabled voters. | Paula, HRC |  |
| 5. | **Action:** IMM Working Group to do some preliminary work on refreshed priorities to present to the next governance meeting |  |  |
| 6. | **Action:** ODI undertook to explore further, whether data available on impact of Covid on employment for disabled people and to report back to IMM. | ODI |  |
| 7. | **Action:** ODI to initiate pre-election, renewed meeting processes for the MLGDI and meetings with officials so that there will be a proposal drafted to take forward post-election. | ODI |  |
| 8. | **Action:** ODI to develop a matrix of MDRR recommendations against the DAP, and to provide IMM with a post-election plan for responding to recommendations in the MDRR report**.** | ODI |  |
| 9. | **Action:** Rae from PSC will ask Heather Baggot and Chappie Te Kani to provide an update on what agencies are doing with regard to disability. | Rae, PSC |  |

# Meetings scheduled for the remainder of the 2020

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| 25 November 2020, 9:00am to 12:00pm | Quarterly Governance Meeting |
| 9 December 2020, 3:15pm to 4:15pm | Ministerial Leadership Group on Disability Issues |