# Independent Monitoring Mechanism Quarterly Strategic Meeting Minutes

**Date:** 21 March 2017

**Time**: 9:30am – 11:30am

**Location**: Wellington Office of the Ombudsman, Level 7, Solnet House, 70 The Terrace

Auckland Office of the Ombudsman, Forsyth Barr Tower Level 10, 55-65 Shortland Street

**Attendees**:

Human Rights Commission: Paul Gibson (W), Douglas Hancock (W), Erin Gough (W),

Ombudsman: Judge Peter Boshier (A), Andrew McCaw (W), Paul Brown (A), Simon Latimer (A), Vicki Hall (A)

Convention Coalition: Mary Schnackenberg (A), Pati Umaga (W)

Office for Disability Issues (from 11.00am): Brian Coffey (W), Paul Dickey (W), Jacinda Keith (W)

Invited guests: Rose Wall (HDC), Kevin Allan (HDC), Sarah Hayward (OCC)

**Apologies**: Emma Leach (Ombudsman), Judge Andrew Becroft (OCC)

**Agenda Items**

### 1. Karakia, welcome and introductions

Judge Peter Boshier chaired the meeting, opening with a Karakia.

Those attending introduced themselves. Vicki took meeting notes.

### 2. Agenda check

The agenda was agreed and confirmed.

### 3. Minutes of previous meeting

The minutes from the IMM’s previous Quarterly Strategic Meeting on 7 December 2016 were confirmed by agreement.

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All action items listed subsequent to the meeting on 7 December 2016 have been followed-up or completed.

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### 4. Draft project plan for IMM’s next Making Disability Rights Real Report The next IMM monitoring report will have a thematic overview with specific, targeted topics to ensure its integrity on both the international and domestic stage. It will offer an overview of how New Zealand is doing under its international treaty obligations and highlight issues that need addressing. The Convention Coalition, Human Rights Commission (HRC) and Office of the Ombudsman (OOTO) need to agree the range of topics and how this report overlaps with other international human rights instruments.

A number of issues also arose in discussion including:

* Importance of getting both the cultural perspective and voice of Māori and Pacific in international reporting
* The separation of HRC Shadow Report and the Monitoring Report (separate project plans)
* Resourcing and staffing; and
* Ombudsman Steering Group member either Emma Leach or Bridget Hewson [Action: IMM Working Group to meet to discuss how IMM report will be managed and what resources will be needed – group to include a project manager from the OOTO and HRC.]

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### 4a. IMM meetings with Ministers

A letter from Hon. Amy Adams (date stamped 14 March 2017) in response to a letter from Peter of 14 February was discussed. HRC and OOTO to raise issues at meeting with Minister Wagner on the afternoon of 21 March 2017. The 2011 and 2016 Cabinet Minutes to be sent to OOTO staff attending the meeting [Action: Outcome from meeting to be reported to IMM members.]

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### 5. Discussion on services available to persons with intellectual disabilities

HRC and OOTO staff recently met with Professor Werry, who has a long standing interest in services for people with intellectual disabilities. Points raised:

* Concern about services for people with intellectual disabilities and mental health issues
* Autism and behavioural challenges need to be addressed using a rights based vision of a good life; and
* Look to international good practice (Social Investment Model) to inform our own practice by engaging purposefully with local communities.

[Action: OOTO and HRC to research scope of work in this area.]

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### 6. Update on submission ‘Mental Health Act and human rights’.

Simon raised key points of OOTO submission and advised group that MoH are currently reviewing submissions received. Other points raised:

* Moving from substituted decision making to supported decision making
* Those with intellectual disabilities have not been served well in the judicial system
* Complaints received by HDC highlight issues for those with high complex needs, the competency of the workforce to deal with these, and the ability to access mainstream services successfully
* A need for further discussion around those with complex needs in the prison service in relation to the Code of Health and Disability Services Consumers’ Rights; and
* Concern over the relationships between mental health services and the capacity to deal with service users due to gaps in specialist care in primary health care providers and DHBs.

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### 7. Confidentiality of IMM Meetings

Mary raised confidentiality of IMM meetings with regard to advising DPOs where IMM has raised issues with government ministers and officials. It was noted:

* IMM should be open and transparent; and
* IMM minutes, agendas and other papers should be publicly available [Action: Discuss at next meeting how to progress uploading IMM agenda, meeting minutes and reports onto HRC National Action Plan website].

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### 8. Updates from agencies

Time did not allow for agency specific updates, but it was agreed that these had largely been covered during the meeting – it was agreed any updates to be emailed to Paul Brown to be sent out with minutes. [Action: Attendees to send agency updates to Paul Brown.]

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### 9. Updates from ODI

9a. Update on review of Disability Led Monitoring in New Zealand (conducted by Malatest)

ODI advised that a draft of the review report is about to be distributed to key stakeholders for fact checking , and that a stakeholder group will meet to discuss recommendations and options arising from the report. Timescale – draft out next week (w/c 27/03).

9b. Exploring supported decision making (and associated issues) with stakeholders in the disability community with feedback from the Roundtable Discussion

ODI advised that they are:

* Producing notes from the Roundtable discussion; and
* Undertaking a piece of work on the disability cohorts most adversely affected by substituted decision making.

9c. Update on meetings between IMM and Ministerial Committee

See agenda item 4a.

9d Update on NZDS Outcomes Framework

ODI advised public consultation on Outcomes Framework in July, and finalised in November.

9e Update on consultation on Disability Action Plan

ODI’s updates included:

* Action Plan to be reviewed and updated in June 2017
* Action plan to be updated in 2018 following public consultation, and input from the IMM and UN Disability Committee’s Concluding Observations.

9f Update on other matters of interest from ODI

Updates included:

* Director—ODI Director currently being sought
* UN Disability Committee—ODI supported Robert Martin as a Member of the Committee, and provided the committee with advice on reasonable accommodation and direct support to Robert
* NZSL Board—ODI support the NZSL Board and have been assisting the Board in reviewing its strategic plan
* Disability Consultation Toolkit—ODI is currently developing a toolkit for Government departments and agencies on providing reasonable accommodation and determining appropriate costs when engaging with DPOs in consultation processes and meetings.

### Next meeting

* HRC to take up chair and administration immediately following this meeting; and
* Next meeting date suggested for early June to fall before Chief Executives Group meeting.

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### Closure

The meeting was closed at 11.30am by Paul Gibson, reflecting on Race Relations Day and World Down Syndrome Day (both marked on 21 March).

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### Action item list from IMM Quarterly Strategic Meeting (21 March 2017)

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| No. | Description | Responsible |
| 1 | Outcome from meeting with Minister Wagner (21 March) to be reported to IMM members.  | Judge Peter Boshier/Emma Leach |
| 2 | IMM Working Group to meet to discuss how IMM report will be managed and what resources will be needed – group to include a manager from the OOTO and HRC.  | HRC |
| 3 | OOTO and HRC to research scope of work around services for people with intellectual disabilities. | Simon Latimer/Andrew McCaw |
| 4 | Discuss at next meeting how to progress uploading IMM agenda, meeting minutes and reports onto HRC National Action Plan website. | All |
| 5 | Attendees to send agency updates to Paul Brown. | All |
| 6 | Optional Protocol Fact Sheet draft prepared and distributed to the IMM Working Group by end of April.  | Paul Brown |
| 7 | Next meeting date set (ideally before CE meeting in early June).  | HRC  |

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**Ends**