

Disability Policy - Removing the Barriers

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Introduction

Twenty percent of our population have a long-term impairment. Many people living with impairments face major discrimination in many areas of their lives. The resulting barriers often leave them isolated and segregated, preventing them from using their skills and talents to benefit their communities. Many cannot even access basic human rights and remain vulnerable to exploitation and abuse. In the past most of the way society has viewed people living with impairments has been based on a medical model of disability which sees a disabled person as a person with a restriction or lack of ability to perform "normal" activities as a result of the impairment. However the Green party supports a social model of disability which acknowledges that the real obstacle to full participation in society by people with impairments is not the impairment itself but rather physical, environmental, social and organisational barriers, poorly informed attitudes, and inadequate support services. Although some Māori services are now available, the majority of Māori have their needs met by mainstream services which rarely meet their cultural needs, and in fact too often do not meet the needs of people of any culture.

Definitions

(Definitions derived from the NZ Disability Strategy)

"Impairment" is a physical, sensory, neurological, psychiatric, or intellectual condition that negatively affects a person's functional capacity.

"Disability" is a process that happens when one group of people create barriers for others by designing a world only for their way of living, taking no account of the impairments other people have, thereby restricting their ability to participate in society.

"Disabled People" is the term used in the NZ Disability Strategy to mean people with impairments who are disabled by barriers created by others.

"Inclusion" is the valuing, and continuing enhancement of full participation in society, of people living with impairments.

"Communities" includes both local geographical communities and communities of interest (e.g. hapū, ethnic, gay or church communities).

"Independent advocacy organisation" means an organisation that is run by and for people with impairments and their families and that is independent of disability services providers.

Vision

The Green Party is committed to a New Zealand in which all people with impairments can access their full rights, actively participate in their communities, are valued for their abilities and gifts and lead rich and satisfying lives.

Key Principles

People living with impairments must be able to:

1. Access information about their rights in a suitable form.
2. Access a quality education with appropriate support.
3. Access income support and other services according to their needs, not the cause of their impairment.
4. Gain equitable access to paid employment based on ability.
5. Access disability services that are responsive, flexible, accessible and culturally appropriate, focussed on inclusion and empowerment and able to meet the individual needs of people living with impairments and their families.
6. Have a direct input in the decision-making processes of the service providers that they use.
7. Access essential services such as public transport, communication services, health, law.
8. Participate in our democratic process.
9. Take leadership roles and have a powerful voice in order achieve effective change in communities and services.
10. Be consulted on and have input to legislative and policy changes that affect people living with impairments.
11. Actively contribute their talents, skills and abilities to their communities, through both employment and voluntary work.
12. Be safe from discrimination, abuse, exploitation and neglect.
13. Be supported in making their own choices about their relationships, sexuality and reproductive potential'.
14. Have their reproductive autonomy and bodily integrity respected.
15. Have the barriers to their active participation in society removed through affirmative action and other programmes to reduce discrimination.

Specific Policy Points

1. Human Rights

Australian and NZ representatives played a large role in the recent negotiation of the 2006 United Nations Convention on the Human Rights of Persons with Disabilities adopted by the United Nations in Dec 2006.

The Green Party will:

1. Immediately establish a process to implement the recommendations of United Nations Convention on the Human Rights of Persons with Disabilities.

2. Inclusion, Access and Affirmative Action

High levels of discrimination and a lack of support and access still exclude many people living with impairments from active participation in education and from contributing their skills, talents and abilities to their communities, through paid and

voluntary work. A lot of rights education for people living with impairments has been ineffective. Very few people living with learning or intellectual impairments understand about their rights or advocacy services. There are websites with written information but there is considerable scope for improvement.

The Green Party will:

1. Continue to support and fund awareness projects to raise public awareness of disability issues and support community based action to promote respect and equity for children and adults living with impairments.
2. Support affirmative action to enable people with impairments to counteract the effects of past and present barriers to inclusion and take up active roles in their communities, in paid and voluntary work and in business.
3. Support and encourage companies to register with a jobs website or disability employment consultants such as Workbridge, or show by other means, their willingness to be an affirmative action employer of people with impairments.
4. Ensure implementation of measures that increase the access of people with impairments to communities: such as sign language interpreters; barrier free buildings; plain language documents.
5. Develop and implement a comprehensive action plan to ensure all people with impairments can access their democratic and voting rights
6. Work to improve access for people living with impairments to all forms of passenger transport including:
 - a. Ensuring passenger rail services purchased with government funding allow access for people with impairments
 - b. Ensuring that all of the urban bus fleet and intercity coaches are accessible to people with impairments
7. Ensure that disability awareness is part of all induction courses for the public service sectors, particularly those that deal directly with the public every day
8. Implement mandatory on-going training programmes about disability issues, needs and rights for all employed in public services; and as part of all teacher education
9. Support development of a fully accessible national website to inform and educate and empower people with impairments on their rights
10. Make it unlawful to discriminate against people living with impairments in connection with employment, the provision of goods, facilities and services (including education) or the disposal or management of premises; along the lines of the U.K. Disability Discrimination Act
11. Revise the building code so that new houses and building premises are required to be accessible by design unless specifically exempted

3. Leadership

The Green Party believes that people living with impairments are entitled to take leadership roles and to have a powerful voice in order for effective change in communities and services. Some progress towards this has been made in the mental health field where consumer and peer support organisations are funded and scholarships are available for leadership training. In contrast, in the disability field, independent advocacy organisations (including Disabled Persons Assembly, People First and the Downs Syndrome Association) struggle to get the resources they need to be effective. If we nominate a percentage of funds allocated to services to go directly to these initiatives, their share will increase automatically as services grow. Current auditing and evaluation systems are ineffective and fail to uncover systemic abuses, such as those that came to light in 2006 and led to a parliamentary select committee

inquiry. Many of the audits are done by teams who lack the skills to evaluate whether the needs of tangata whenua and other groups are being met by a particular service. To address these issues the Green Party will:

1. Advocate for effective and empowering processes and networks to support people with impairments, to strengthen them as individuals, as part of the workforce, as a movement run by and for people with impairments and their families, and as a collective at the national level.
2. Advocate that 3% of the Disability Services budget is set aside to directly fund leadership training for people living with impairments and independent advocacy organisations.
3. Ensure people with impairments are entitled to take leadership roles in evaluation and auditing of services, and that auditing focuses on the ability of services to meet individual needs, provide inclusive support and improve quality of life.
4. Ensure that tangata whenua are involved in auditing all mainstream and kaupapa Māori service users.

4. Work and Education

Obtaining a quality education is essential for achieving a non-disabling society and schools remain an area of real concern. At the moment parents constantly have to advocate so school principals and trustees understand their obligations and work in positive, non-discriminatory ways. Some teacher education still does not include any component on supporting children with diverse needs. Many children living with impairments are made to feel unwelcome when enrolling at their local school, partly because of prejudice, but mainly because resources are not adequate to meet their needs. Some schools are sending children home at lunchtime or telling them to stay at home on days when there is no teacher aide.. With individual funding capped this means that children with moderate needs often miss out; they rely on the goodwill of schools to meet their needs. The Disabled Persons Assembly (DPA) recommends that schools need to be brought into the New Zealand Disability Strategy implementation and reporting process.

Work

People living with impairments are still over represented in lower paid occupations, among the unemployed and have many more people on benefits. Some sheltered workshops have opposed the repeal of the Disabled Persons Employment Promotion Act. Others have shown that it is possible to turn things around and work to ensure everyone has a valued place in their community. Supported employment has been shown to be cost effective but only a very small number of people benefit from this. Increasing numbers of people with impairments are setting up small businesses with little support. The government's mainstream programme, which provides subsidies for government departments employing people with impairments, can be effective but urgently needs expanding.

The Green Party will:

1. Ensure education (pre-school to tertiary) is accessible to all and well resourced, and flexible, alternative approaches are available to meet the needs of all children and adults.
2. Introduce needs based funding for children with impairments and to double the percentage receiving individual funding
3. Support the 2006 IHC Code for Schools and ensure that schools come under the New Zealand Disability Strategy implementation and reporting process.

4. Ensure all children have the absolute right to education in their local school and have the resources to support this, and that schools are accountable for the way they use disability funding.
5. Advocate for the replacement of segregated sheltered workshops with services that promote inclusion and enable all people to contribute their skills to their communities.
6. Ensure that people with impairments who are in employment have the same employment rights as all other workers (see [Industrial Relations](#) policy). In particular, remove exemptions to the obligation of employers to pay the statutory minimum wage to workers with impairments, while making a transparent distinction between people who are employed versus those taking part in community participation programmes.
7. Explore other mechanisms to pro actively support people with impairments that affect their ability to work into paid work, such as extending the employer top up scheme and expanding the range of employment support services to workers with impairments.
8. Increase support for people with impairments to gain employment and self-employment until equity is achieved.
9. Provide financial assistance to employers of people with impairments for adaptations and to employees with impairments for equipment and personal support

5. Service provision

Currently the service system is not operating effectively. There is no real leadership in this area with both the Ministry of Social Development (MSD) and the Ministry of Health (MOH) failing to implement endless government and National Health Committee (NHC) reports/strategies. There is an Office of Disability Issues but this is under MSD and without the mandate to take the leadership role needed. By proposing establishment of a Disability Issues Commission we can avoid going back down the path of trying to get MSD/MOH to make the changes needed. In the mental health field, the Mental Health Commission has made a real difference and has turned things around, although there is still a long way to go. Similar leadership is needed in the disability field. Funding support for people with impairments is immensely complex. One woman receives funding for her son's day/work experience programme from 5 different agencies. Each has its own staff and reporting requirements. The cost of the bureaucracy in the 5 agencies probably far exceeds the minimal amount he receives and the advocacy support and time she has to give to this is huge. Individualised funding has been trialled with some people - usually those whose needs are so complex that no service can meet them. It bypasses bureaucracy and the complexity that has evolved, giving control back to individuals and their families. There is also concern about the inequities which result from having one level of funding for people whose impairments were caused by accident (ACC) and a lower level for people whose impairments result from illness or genetics. Staff in the disability sector are too often on low wages without adequate recognition of or career development opportunities within their chosen profession. Twenty years of trying to get some of the major services to take cultural needs of Māori service users seriously have changed a few policies but not practices.

The Green Party endorses the NZ Disability Strategy and the recommendations of He Anga Whakamana (1995) and To Have An Ordinary Life (1993) and will:

1. Support any government initiatives to put the recommendations of He Anga Whakamana (1995) and To Have An Ordinary Life (1993) into effect.

2. Establish a Disability Issues Commission to provide the leadership needed to ensure that disability services become more responsive, flexible and empowering. The Commission would work with key sector leaders and families to develop a national strategy, oversee and monitor its implementation, and provide advice to the Minister.
3. Support individualised funding for all people living with impairments and their families who wish to choose this option.
4. Make services available based on level of need, not cause of impairment.
5. Ensure Tangata Whenua can access culturally appropriate support, whether in Māori or mainstream services.
6. Encourage provision of services able to meet diverse cultural needs.
7. Resource and implement improved pay, conditions and training for disability service staff and caregivers. (See our [Income Support](#) policy)
8. Provide further support for families struggling to cope with children with high needs and difficult behaviours
9. Review the Child Disability Allowance with a view to increasing the levels in acknowledgement of the extra financial needs that parents and caregivers have when raising a child with special needs (See our [Income Support](#) policy)
10. Introduce further service provision in rural areas to ensure equity with cities.
11. Improve inter-agency cooperation, streamline services and reduce the complexity of funding and the need for constant advocacy for basic entitlements.
12. Ensure that those needing intermittent care or support can access services without having to go through a screening process every time.
13. Establish a voluntary register for people living with impairments to provide relevant information to people providing services and government agencies.

6. Protection and Advocacy

Some services still restrict access to advocates and advocacy organisations such as People First. People who need support to communicate are especially vulnerable. The HDC advocates do not have the resources and skills to meet the needs of people who are most vulnerable.

The Green Party will:

1. Support the right of people with impairments to self-advocate.
2. Provide a free, easily accessible, well-resourced advocacy service for people living with impairments whose lives are encompassed by services. This service will also have the power to monitor services where people are at risk, and to educate about rights and speak out against abuse.
3. Support measures to encourage people, staff and services to speak out against abuse.
4. Reinstate the Parent Advocacy phone line to support parents needing to advocate for their children's needs.

7. Reproductive rights and antenatal screening

Many people living with impairments, particularly those with intellectual impairments, are subjected to discriminatory treatment when it comes to sexual and reproductive rights. Currently some people with intellectual impairments are subjected to compulsory sterilisation and/or chemical castration. The Green Party believes that as far as possible, people with impairments are entitled to the protection of their bodily integrity as much as anyone else, and should not be subject to treatment or invasive

processes that they would not be otherwise subject to if it was not for their impairment. For example, we do not force sterilisation on non-disabled women who have poor parenting skills, so we should not force a disabled woman with poor parenting skills to undergo sterilisation either. However, there are sometimes cases where the disability is so severe that informed consent from the individual may not be possible. In these cases compulsory sterilisation and/or chemical castration should only be considered if there is a significant threat to the individual's health (including mental health) or life. Such decisions should be made only on a case-by-case basis, and needs to balance the impact of compulsory sterilisation with the impact of an unwanted pregnancy or termination on the individual's health and wellbeing.

The Green Party will:

1. Ban all sterilisations/chemical castrations of individuals under the age of 18 years, unless it is being performed as a life saving measure or medical emergency. Implicit in this is the recognition that individuals under the age of 18 years cannot be expected to provide informed consent to sterilisation/chemical castration.
2. Ensure that sterilisations occur only at an age where the ability to give informed consent can be determined.
3. Prohibit sterilisation/chemical castration of adult women and men with impairments in the absence of the informed consent of the individual concerned, except in those circumstances where there is a serious threat to the individual's health (including mental health) or life.

Antenatal screening for babies with impairments is a complex and contentious issue.

The Green Party will:

4. Ensure that any antenatal screening programme is not biased towards termination of pregnancies when an impairment is diagnosed.
5. Ensure that any antenatal screening allows for the preparation of the birth, and life, of children with impairments. Prospective parents would be informed about the likely and/or potential experience of people with similar impairments without presuming that such an impairment is a tragedy. Parents also should be fully informed about available or potential supports for people living with impairments and their families.