

Joint Briefing Note: Planning the education contribution to disability support transformation work

To:	Hon Jan Tinetti, Associate Minister of Education Hon Andrew Little, Minister of Health Hon Carmel Sepuloni, Minister for Disability Issues		
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Key Contact (MoE):	Ben O'Meara	DDI:	
Key Contact (MoH):	James Poskitt	DDI:	
Key Contact (MSD):	Julia Bergman	DDI:	
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of paper

The purpose of this paper is to support a meeting between the Minister of Health, Minister for Disability Issues and Associate Minister of Education on 24 June where opportunities for education to contribute to the disability support transformation work will be discussed.

Summary

- The Minister of Health and Minister for Disability Issues are due to report back to Cabinet in September 2021 with advice on machinery of government arrangements for the Disability Support Services and an implementation plan for the national expansion of the Enabling Good Lives approach to Disability Support Services, 9(2)(f)(iv)

9(2)(f)(iv)

Proactive release

Agree that this Briefing will not be proactively released until decisions are made on the wider piece of work.

Agree / Disagree

Ben O'Meara

Ben O'Meara
Group Manager, System and Schooling Policy
Education System Policy
Ministry of Education

Hon Jan Tinetti
Associate Minister of
Education

23/06/2021

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Adri Isbister
Deputy Director-General
Disability
Ministry of Health

Hon Andrew Little
Minister of Health

23/6/21

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[Signature]

[Signature]

ben for

Julia Bergman
General Manager, Disability, Seniors
and International Policy
Ministry for Social Development

Hon Carmel Sepuloni
Minister for Disability
Issues

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Background

1. In 2018, Cabinet agreed to establish the MidCentral prototype trialling the Enabling Good Lives (EGL) approach [SWC-18-MIN-0029 refers]. Some funding from Vote Health and Vote Social Development was included in the prototype. Consideration was given to including some funding from Vote Education in the prototype, but it was ultimately excluded as development of the Learning Support Action Plan 2019–2025 (the LSAP) was underway at the time.
2. The 2018 advice to Cabinet, however, outlined that consideration would be given to whether any Vote Education funding should transfer in the future as part of the nationwide transformation of Disability Support Services (DSS). The Department of Prime Minister and Cabinet Policy Advisory Group has now asked whether Education funding will be included as part of the national DSS transformation.
3. The Minister of Health and Minister for Disability Issues are due to report back to Cabinet in September 2021 with advice on machinery of government arrangements for the DSS and an implementation plan for the national expansion of the EGL approach to DSS.
4. Machinery of Government arrangements for the DSS is not the full picture of disability system transformation. Achieving the New Zealand Disability Strategy's vision for a non-disabling society, and the EGL vision of disabled people and their families having greater choice and control over their lives and supports, will require action across the whole of government.
5. Functions that are relevant to these visions range from:
 - a. specialist 'disability supports' (e.g. DSS, DHB services for older people, MSD-funded disability supports, and ACC injury-related services);
 - b. universal services and regulation (e.g. primary health care, building codes) which need to be accessible and achieve equitable outcomes for disabled people; and
 - c. complaints, advocacy, and monitoring functions (e.g. the Ombudsman, the Office for Disability Issues, or the Health and Disability Commission).
6. The September 2021 Cabinet paper will likely seek direction on whether and how to pursue transformation of the wider disability system, 9(2)(f)(iv)
9(2)(f)(iv)
7. The Minister for Disability Issues intends to seek decisions on a legislative framework for accelerating accessibility at the same time as Cabinet considers system transformation decisions.

Next steps to progress towards Disability Support Services Transformation

8. Officials will provide decision papers for the Minister of Disability Issues and the Minister of Health in:
 - a. Mid-July to provide and seek agreement to refine options for DSS transformation, including Machinery of Government, and the scope of cross-government support and funding (including funding from Vote Education); and
 - b. Mid-August to seek agreement to the content of the Cabinet paper.

Significant Health and Education Reforms provide an opportunity to change how we work together

9. Officials will provide advice through these decision papers about how the intentions of the DSS Transformation and EGL vision and principles can be progressed through work currently underway as part of significant Health and Education reforms.
10. Recent changes to learning support include the Learning Support Delivery Model; the LSAP and *He Pikorua: Our Practice Framework* for Ministry staff, Resource Teachers, and Learning Support practitioners. These changes mean focusing less on services and criteria, and more on collaboration at a local community level for flexible, responsive and joined-up services to support children, young people and the adults around them in ways that build on their strengths and respond to needs. These changes align to the principles of EGL, will help improve flexibility, enhance the ability of disabled children and young people and their families and whānau to have control over decisions that impact them, and provide improved connection points for disability support services.
11. We recognise that disabled children, and young people and their families and whānau face challenges created by disconnected funding and a lack of agency collaboration. There are multiple ways that agencies can better join up to create a seamless experience of services and support. Any decision to

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MoE's Review of interventions for students with the highest level of learning support needs (the Review). MoE is currently designing the Scope and Terms of Reference for this review in consultation with Te Tiriti partners, the education sector, ākonga, parents and caregivers, Pacific communities, and the disability community.

14. MoE intends to seek Cabinet agreement on the Scope and Terms of Reference of the Review in August 2021. A Cabinet report back on the Review, including recommendations for change is planned for October 2022.

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15. MoE will consider ways to link to the DSS Transformation and EGL as the review progresses.

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16. The DSS transformation uses the EGL approach which aims to empower disabled people to have more choice and control over the supports they need to go about their everyday lives. It also seeks to assist whānau and friends in acquiring the skills, confidence, and information they need to support disabled people to live an everyday life in everyday places. A key mechanism to achieve this is flexible funding (i.e. personal budgets).
17. There are currently three sites trialling the EGL approach – Christchurch, the Waikato and MidCentral (Mana Whaikaha). Personal budgets in the Waikato and Mana Whaikaha pool funding from both the Ministry of Health (MoH) and MSD. Christchurch also includes ORS funding from the MoE.

Learning Support is broader than Disability Support

18. The MoH DSS are for people (generally under 65 years of age) with a long-term (at least 6 months) physical, intellectual and/or sensory impairment that limits their ability to function independently, to the extent that ongoing support is required. It does not generally fund support for personal health conditions or mental health and addiction support. The MSD disability support funding also focuses on long-term physical, intellectual and/or sensory impairments and may also include eligibility for people with health conditions.
19. In contrast, Learning Support is the key way that the education system helps to lower the barriers that children and young people face to being present, participating, progressing and experiencing positive wellbeing at their early learning service or school.
20. At least one in five ākonga | learners will need learning support at some time during their journey through the schooling system (including around 1% verified through the Ongoing Resourcing Scheme). The eligibility for learning support is broader than disability. It also covers ākonga who have learning difficulties; experience disadvantage; have physical or mental health or self-regulation issues; or experience other barriers to progress. Learning support needs can be one-off, medium term or long-term and ongoing. The barriers to learning faced by our ākonga can be overlapping and have multiple causes.
21. The MoE captures data on some services and response times, but not disability specific data. This is because diagnosis or disability status is not used as part of learning support access criteria. We do know that some forms of learning support are accessed mostly or exclusively by children and young people who fall within the scope of DSS (i.e. they have a physical, cognitive and/or sensory disability). These include: the Ongoing Resourcing Scheme (ORS); the Special Education School Transport Assistance; Assistive Technology; support for children and young people who are Deaf and hard of hearing; support for children and young people who are blind and low vision; and the Physical Disability Service.

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Learning Support is delivered using system-based approach not the individual entitlements received through Disability Support

23. Where a person is eligible for DSS or MSD disability support funding, they generally receive an individual entitlement.
24. In contrast, learning support in the schooling system encompasses the range of practices, systems, supports and services that help children and young people with diverse strengths and needs to experience success in their learning and relationships. Children and young people with learning support needs are part of the natural diversity of every learning environment and access to support is based on need and barriers to education, not diagnosis or medical perspectives of treatment.
25. For ākonga | learners with more significant needs, education providers can draw on external services for individualised support. This support includes services provided by MoE specialists, Resource Teachers, community organisations, other health and social services, and specialist support networks.
26. Most learning support is provided at a school or classroom level (i.e. indirectly), with a focus on improving universal practices and building teacher and kaiako capability and confidence. This focus helps drive toward an inclusive and accessible schooling system. It also enables other ākonga in the schooling system to benefit from quality teaching opportunities designed to reflect the diversity in the classroom.
27. One benefit of this system is that pooling resources at a school level enables each learner within that school to access more resourcing than they would if it was individualised. On the other hand, it is difficult to quantify what resources a child or young person is receiving and to know how these resources are being used to support them, although we assume it is used less flexibly than an EGL approach.

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Learning Support helps the Secretary for Education and Boards of Trustees meet responsibilities

28. Section 34 of the Education and Training Act provides that children and young people with special education needs (whether because of disability or otherwise) have the same rights to enrol, attend, and receive education at State schools as students who do not.
29. The primary objectives of School boards in governing a schools include ensuring that the school is a physically and emotionally safe place; gives effect to relevant student rights; takes all reasonable steps to eliminate discrimination within the school; and is inclusive of and caters for students with differing needs. School boards must also meet their obligations under other legislation, such as managing risks to health and safety.¹

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¹ Health and Safety at Work Act 2015.

Improving integration across agencies, including through Enabling Good Lives

31. Improving integration across agencies has been a key focus of work to date within the Disability System Transformation through the 2 EGL demonstration sites (Christchurch and Waikato) and the prototype in Midcentral (Mana Whaikaha). This will continue to be a feature of future design work to scale the transformation of DSS through an EGL approach. There are two key areas where the EGL demonstrations have shown that significant improvements could be made: Support in early years; and Support for successful transitions to life beyond school.

Support in early years

32. Having a good start in life has a huge impact on later educational achievement and has long-term health, social and wellbeing impacts. Through engagement on the draft LSAP, we heard widespread support for aligning MoE and MoH supports for the early years, with a significant number of submitters attesting to the need for the two ministries to work more closely and effectively together.
33. The 2019 Wellbeing Budget provided an additional \$8.75 million per annum over a four-year period for MoH Child Development Services (CDS). CDS is delivered by 31 providers across New Zealand, including DHBs and non-government agencies. The purpose of the additional funding is to improve and expand CDS nationally and the MoH has worked with CDS to take a regional approach that increases the capacity within CDS and moves all CDS towards a national operating framework through a series of connected innovations. Some of these innovations have specifically focussed on improved integration with other agencies, including the MoE's Early Intervention Service.
34. The CDS improvement work also draws in the work on Good Start in Life, a cross-government project led by the MoE between 2014 and 2019 to improve government supports for disabled children aged 0-8 years and their whānau. Good Start in Life identified three priorities for change including: development of an overarching common practice framework/guidance; capability building for providers and whānau to work in partnership as a catalyst for change; and work to develop integrated models of service delivery. To support these priorities for change, the project published two research reports and the Good Start in Life Practice Guidance.

² Actions include: reducing wait times for existing early interventions; improving early interventions for young children and their families and whānau, and improving alignment with MoH, MSD, Oranga Tamariki and other agencies.

Support for successful transitions to life beyond school

The Christchurch demonstration

37. The Christchurch demonstration made a specific commitment to working with disabled young people who are still in school and assist them with making successful transitions to life beyond school. The MoE provides funding to the Christchurch demonstration for ORS verified young people until the end of the year they turn 21 (CAB Min (13) 24/6 refers). The MoE does not provide this funding to any other sites.
38. The MoH has provided some snapshot evidence on how the EGL programme is supporting young people and their families and whānau. There are examples of EGL participants achieving their goal of paid work and leaving school at the same time as their non-disabled peers. Sometimes these outcomes are achieved via links with MSD Work Brokers, or through referrals to independent employment coaches/brokers, because supports via personal budgets are flexible and work well, or a combination of the above.
39. The intention was for the MoE's contribution to the EGL Christchurch demonstration to be cost neutral by offsetting the ORS allocation to schools. However, there were unexpected complexities with this arrangement that were not apparent until after the funding arrangement was in place. These complexities include:
- a lack of mechanism to transfer ORS funding to the EGL budget line;
 - difficulty disaggregating funding for school leavers from other ORS funding as it is tied up in pooled teacher aide funding and school supports for more than one learner; and
 - participating disabled young people leave the education system and therefore no longer fit within the appropriations of Vote Education.

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Employment Services in Schools collaboration

41. The MSD and the MoE are working together to pilot an Employment Service in Schools for disabled students who plan to leave school within the next two years. It will work in collaboration with students, whānau, schools and kura to provide support for up to 1000 disabled young people as an alternative to the current Transition Service offered by the MSD. The pilot will be in schools from term one 2021 and run until end of June 2022. It will be in parts of Auckland, Waikato, Wellington, Canterbury, and Otago/Southland.
42. The service is for young people who face barriers to employment because of a disability or health condition. This includes young people whose needs have been identified as neurodiverse. The aims of the service are to promote employment as the best option for when the students leave their school or kura, to encourage employment related training, to increase work preparedness, and to change attitudes towards employment and jobs for disabled people.

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