Tertiary Education Commission
Te Amorangi Mātauranga Matua

Disability Action Plans

A guide for the tertiary education sector

Authors

The Tertiary Education Commission

Acknowledgements

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Foreword

The education sector has initiated many reforms in recent times to make compulsory education more accessible for disabled children and young people. We have also seen some good initiatives and outcomes in the tertiary sector. However, overall participation and success of disabled people in tertiary education falls below that of non-disabled persons. Disabled people are over-represented in negative education related statistics. In June 2020 48.2% of young disabled people (15–24 years) were not in employment, education or training, compared with 10.6% for non-disabled youth.[1]

The **United Nations Convention on the Rights of Persons with Disabilities 2008**[2] (the Convention), Article 24, commits New Zealand to "ensure an inclusive education system at all levels". Supported by related legislation and guidelines,[3] the Convention requires that disabled people be given equal opportunity to participate in and contribute to the full range of social, political and cultural activities. Access for disabled people, including access to the goods, services and facilities provided by tertiary education organisations, must not be an afterthought. The intent of the Convention is not about limited or 'parallel' access, or additional rights, it is intended to promote and protect equality of access – physical, informational and attitudinal.

The introduction of Disability Action Plans (DAPs) at tertiary education organisations is a further step towards the tertiary sector improving its response to disabled learners.

Enabled through the **Kia Ōrite Toolkit** for Achieving an Inclusive and Equitable Tertiary Education Environment for Disabled Learners, DAPs have the capacity to support the systemic change that is required to eliminate disability discrimination whether it be intentional or unintentional. A DAP will assist a tertiary education organisation to better meet its objective of providing high-quality educational services to the whole community, of which disabled people constitute some 25% (lifetime prevalence).

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[1] Statistics New Zealand (2020) Measuring Inequality for disabled New Zealanders.

[2] https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html

[3] Human Rights Act 1993; NZ Government Disability Action Plan 2019 - 2023; the Education Act 1989; the Crown Entities Act 2004; Employment Relations Act 2000 and Government Accessibility Standards (1.1)

Providing a copy of your DAP to the Tertiary Education Commission (TEC) as part of your Investment Plan process is an important component of your organisation's commitment to equality of opportunity for all.

We recommend this guide to you, and look forward to the tangible advantage that will result for the whole community as disabled people are able to benefit from and effectively contribute to the educational, social, cultural, political and economic environment in which we all live.

Paula Tesoriero MNZM,
Disability Rights Commissioner, Human Rights Commission

A. Introduction and framing

1. What is a Disability Action Plan?

A Disability Action Plan (DAP) is a strategy for changing those practices of tertiary education organisations that might result in discrimination (intentional or unintentional) against disabled people and to improve outcomes for disabled learners in their education journey. A DAP will help your organisation to identify these practices and offer a blueprint for change.

A DAP must include certain components:

- clear evidence of use of the Kia Ōrite toolkit and the best practice standards described therein

- goals and targets

- evaluation strategies

- allocation of responsibility

- communication of policies and programmes.

This guide outlines each of these requirements and is specifically designed for tertiary education organisations.

2. How a Disability Action Plan can assist your organisation

DAPs are not just designed to ensure compliance with a funding requirement. Implementation of a DAP will produce many benefits for an organisation. Through implementation of a DAP your organisation can do the following.

Encourage broader participation

Approximately 25% of New Zealanders will experience living with a permanent or temporary disability. When the relatives, friends, carers and colleagues or associates of disabled people are added, this group represents a sizeable share of the New Zealand population of potential capable learners, the talents of which the tertiary education sector should not ignore.

A DAP will encourage disabled people to use your organisation's services, and your learner population will become more reflective of the broader New Zealand community.

Boost prestige and maintain high levels of demand

Learners want to study at reputable tertiary education organisations.

As a public statement about commitment to practices which eliminate discrimination, a DAP will boost the prestige of your organisation – not just within groups of disabled people, but within the broader community as well.

There are many indicators of success as a place of learning, but one important indicator is learner demand. The success of an organisation will also be marked by the extent to which it serves the community – academically capable disabled people are an ordinary and integral part of the wider community of those seeking lifelong learning and training opportunities.

Minimise discrimination and avoid complaints

The implementation of a DAP will make it far less likely that an educational organisation will inadvertently practise discrimination. A successful DAP involving student engagement throughout the process will also act as an insurance policy against complaints.

Of course, not all discrimination is unlawful. The Human Rights Act states that discrimination will not be unlawful where, for example, the elimination of all discriminatory practices would be unreasonable in the circumstances for a person or organisation. Development of a DAP will ensure that, in the event a complaint is made, the organisation concerned can be confident they have already have considered complex issues like 'unjustifiable hardship' in partnership with disabled learners.

Meet government expectations

Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD) provides that States Parties (in this case, New Zealand) shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities. An entity providing the public function of tertiary courses or vocational training must deliver its services in a manner consistent with national and international legislation and obligations. Disabled people have a legitimate expectation of access to education on the same basis as their academically capable peers unless there is good and compelling reason for why it is not possible.

Creation of a DAP also supports New Zealand Government expectations under the Tertiary Education Strategy (TES). Undertaking the work to develop and implement a DAP, alongside the improvements in outcomes for disabled learners, gives effect to the TES – specifically Objective Two: Barrier free access.

3.　Who should develop a Disability Action Plan?

Having a disability-friendly tertiary organisation, where disabled people are welcomed, supported and empowered to achieve, has tangible benefits for learner and staff attraction and retention, as well as leading wider community change to ensure discrimination against disabled people is removed. The TEC strongly encourages development of DAPs from all TEC funded providers to ensure they are taking all possible steps to reduce discrimination against disabled people, including staff, learners and the wider community with whom they engage.

For Plans submitted for investment from 2023, DAPs must be developed and submitted as part of the Investment Plan by those providers receiving over $5 Million in funding from the TEC, who are submitting a full plan (strategic intent). Any changes to this requirement will be directly notified to providers.

The **Kia Ōrite Toolkit – A New Zealand Code of Practice to achieve an inclusive and equitable tertiary education environment for disabled learners** has been developed to support the creation and implementation of the DAP in all tertiary organisations. Chapter one of the toolkit provides the outline of an implementation process which will guide your DAP development. We recommend you utilise this as a resource early in your DAP process.

4. How is the Disability Action Plan expected to recognise disability?

For the purposes of this guidance we have used the New Zealand Disability Strategy definition of disability, which utilises the social model of disability. The New Zealand Disability Strategy states that, "disability is not something individuals have. What individuals have are impairments. They may be physical, sensory, neurological, psychiatric, learning or other impairments."

Therefore, "disability is the process which happens when one group of people create barriers by designing a world only for their way of living, taking no account of the impairments other people have."

We refer to disabled people or disabled learners, to make the point that people with impairments are often disabled by their environment. That is, disability is something that happens when people with impairments face barriers in society; it is society that disables, not an individual's impairments. This occurs through negative attitudes, lack of physical, communication and information access, etc.

5.   Disability Action Plans and employment policies

This requirement to have a DAP is targeted at educational organisations as service providers, rather than as employers. However, while it is not essential for DAPs to include employment strategies, it makes sense to develop your DAP in association with a review of employment policies and practices and disabled staff as the DAP may also have benefits for them.

A good source of advice in this area is the Lead Toolkit for employing disabled people in the state sector, at <u>Lead Toolkit - For employing disabled people - Ministry of Social Development (msd.govt.nz)</u>.

6.   Disability Action Plans and people from Māori, Pacific and non-English speaking backgrounds

Māori and Pacific disabled people, and those from and non-English speaking backgrounds often encounter additional barriers in attempting to access services. Access is made difficult not only due to the impact of the person's disability or impairment, but also because services are not offered in a way which is culturally and/or linguistically appropriate.

Tertiary education organisations have developed significant expertise in ensuring cultural sensitivity in service provision, such as through the provision of culturally appropriate support and spaces for Māori and Pacific learners. This sensitivity will also be an important requirement of any initiatives to make your services more accessible for disabled people.

Tertiary education organisations will need to be mindful of these issues in developing a DAP.

B. Putting your Disability Action Plan into action

7. Kia Ōrite – your blueprint to developing your DAP

The DAP of a tertiary education organisation must show clear evidence that the provider uses the various processes and is measuring its progress against the Kia Ōrite Toolkit and the best practice standards described in.

The main resource that will support you with your DAP development is the **Kia Ōrite Toolkit – A New Zealand code of practice to achieve an inclusive and equitable tertiary education environment for disabled learners**.

Following extensive work with the tertiary sector in 2020 and early 2021, the **Kia Ōrite Toolkit** provides current, New Zealand-specific guidance to help you better support disabled learners in your organisation. It includes both management and learning support implementation toolkits to assist tertiary education organisations with the implementation of best practices and the development of their DAP, covering all aspects of a learner's life.

The aim of the toolkit is to assist all staff to become more 'disability confident' and for managers and the wider institution to take responsibility for implementing the toolkit and DAP. Frontline support staff (such as those currently supporting disabled learners) should not be expected to develop or drive the DAP – it is a plan requiring full engagement and commitment from all parts of your organisation.

Frontline student support staff should be seen as an internal resource to assist with the development of your DAP. They can offer ideas and give feedback about the different parts of the Management and Learning Support Implementation Toolkit and peer review the completion of different activities.

Another critical input for the DAP is the experience of disabled learners. It is essential that implementation is in partnership with disabled learners with different impairments, so that they can give their feedback about learning facilities (either campus or work-based), services and systems.

There are two components within the **Kia Ōrite Toolkit:**

- Management responsibilities
- Learning support responsibilities.

These are underpinned by critical implementation steps:

- The tertiary education organisation's council and senior management/ leadership team endorse the development and implementation of a DAP.
- A senior manager is chosen to drive and promote the development and implementation of a DAP, using the toolkit.
- A disability reference group is established involving staff from various parts of the organisation, disabled learners with different impairments and relevant community networks.
- They work with this senior manager to develop and implement a DAP, using the toolkit.

The **Kia Ōrite Toolkit** provides guidance on options for implementation:

- A team, including disabled learners, gradually works through the toolkit (the disability reference group).
- Look at what you can accomplish efficiently. Most people know where the greatest barriers for disabled learners are, so start there.
- Ask disabled learners what would make the biggest difference for them and do some brainstorming about barriers to success and possible actions for solutions.
- You don't have to review all areas of learner's activities in the first 12 months. Develop a three-year DAP and prioritise which areas you will focus on each year.

- Delegate parts of the toolkit to staff responsible for specific activities, for them to review and report back to the disability reference group.

- Remember that it's essential to get feedback from disabled learners with different impairments as part of this process.

- Staff within different faculties, departments or work-based learning sites can also review and implement parts of the toolkit that are relevant for disabled learners associated with their faculty or department.

Using the management and learning support implementation toolkits step-by-step actions:

- Choose an activity and answer the questions to find out if you have met the best practice standards for that activity. This may determine some actions that are required.

- Identify any barriers that exist for disabled learners with each activity, and solutions to resolve those barriers to participation and achievement of disabled learners.

- Develop some actions to assist you to meet these standards. The toolkit includes an action plan for each area or activity that can form the basis of your DAP.

The **Kia Ōrite Toolkit** also includes various ideas and resources to assist with the development of your DAP.

8. Ensuring the future of your Disability Action Plan

The DAP of a tertiary education organisation must evidence appropriate long-term commitment to the activities within the Plan.

Set an appropriate timeframe

Your DAP should have a three-year timeframe to allow for development, the activity to take place, and monitoring and assessment of outcomes. Plans should be reviewed annually, with reporting on progress to senior leadership and governance on a regular basis.

Develop policy

Incorporation of the DAP into policy will ensure that the commitment to the DAP continues beyond the employment of a few key people and will inspire public confidence that the commitment is real rather than transitory. DAP policy will:

- demonstrate commitment to the DAP's objectives

- indicate the support of management for the initiative

- legitimise the allocation of resources to the implementation of the DAP.

International experience shows us the most effective DAPs are those which link clearly to a tertiary organisation's broader strategic vision and goals. This clear line of sight is a powerful tool to attract senior leadership and governance interest, as well as providing clear rationale for funding and resource requests to support DAP activities.

Integrate your Disability Action Plan

In the short term, it may be that a DAP will be a separate component of your organisation's strategic plan. However, over time the DAP should become part of your general approach to forward planning.

The DAP will become less of an independent strategy and more of a thread running through all organisation plans, including those plans relating to capital works and property management, recruitment, academic programmes, learner needs, information technology, software procurement, library services and activities organised through the student union and other relevant associations.

Alternatively, the DAP may inform all decision making across the organisation from the outset. This will be a decision for each individual organisation.

Consider plans and policies which are being superseded

Ensure you plan to communicate the retirement of any old plans or processes which will be superseded by the DAP.

9.   Promoting your Disability Action Plan

> The DAP of a tertiary education organisation must include provisions relating to the promotion and championing of the plan.

If your organisation is to reap the full benefits of having a DAP it will need to market the plan effectively to current and potential disabled learners and service users. It will also have to involve people by offering them the opportunity to make suggestions about ways to improve the DAP.

Ensure information is publicly available

Access to the DAP and its implementation process will encourage a sense of ownership of the DAP among staff, learners and service users. This sense of ownership, of having a stake in the success of the plan, will encourage people to make contributions.

You must ensure the latest version (or draft in progress) of your DAP is available on publicly-facing web pages, clearly labelled, in accessible formats[4] and easily found in search results. This is to ensure disabled learners and community stakeholders can understand your work and outcomes.

A copy of your DAP must be given to the TEC with your Investment Plan as part of this regular process. Providing your DAP to the TEC is a clear statement of your organisation's commitment to non-discriminatory practices. By reporting on progress towards DAP goals, for example through annual reports, evaluation reports and audits, an organisation can confirm and renew this commitment.

Establish grievance procedures

An effective grievance procedure encourages confidence in the DAP and facilitates feedback on ways it may be improved. It may also be an effective way of supporting learners to stay engaged with their learning through resolution of disputes at an early stage. Grievance procedures need to be publicised, quick and efficient, free of charge, dealt with by management and capable of delivering results.

10. Evaluating your Disability Action Plan

> The DAP of a tertiary education organisation must include provisions relating to the means of evaluating the policies and programmes [included in the plan].

Without evaluation you will have no way of determining whether you are achieving your goals or whether your implementation programme is producing value for money and effort expended. Evaluation strategies should be developed in connection with goals, targets and timeframes.

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[4] www.digital.govt.nz/standards-and-guidance/nz-government-web-standards/web-accessibility-standard-1-1/

The success of an effective DAP may be illustrated by any number of changes such as:

- greater use of services by disabled members of the public

- increased numbers of disabled learners

- higher levels of academic achievement by disabled learners

- increased employment outcomes for disabled learner

- noticeable changes in staff understanding of disability discrimination issues

- improvements in the physical accessibility of education facilities.

Make a date to review your DAP following any evaluations conducted, or to reconsider your strategies in light of your experiences in implementing the plan.

11. Communication and training

The DAP of a tertiary education organisation must include provisions relating to the communication of policies and programmes, and training to persons within the tertiary education organisation.

For the DAP to succeed a team effort will be required. In order for all staff to appreciate the value of successfully implementing a DAP, as well as understand what they are required to do to ensure success, you will need to work out ways to communicate the plan to staff.

Training in DAP responsibilities will need to be undertaken with all staff. The DAP must incorporate strategies for encouraging current and future staff to undertake training. In-house training provided by disability support and other staff must involve disabled learners and disabled staff members (if available) and must be resourced outside business as usual activities.

A useful tool to improve information and communication access across your organisation is the adoption of the Accessibility Charter. The process to adopt the charter can provide a practical way of getting people to see the unintended barriers that exist for disabled people around information and communication access and initiate a wider conversation. You can find out more about the charter at <u>Accessibility - Ministry of Social Development (msd.govt.nz)</u>.

C. Summary

Diversity is fundamental to the ongoing sustainability of tertiary education. The successful implementation of a Disability Action Plan will not only have a positive spin-off for disabled learners and staff, but will also ensure tertiary education organisations are able to successfully target and support this significant demographic group of potential fee-paying students.

The Disability Action Plan process is similar to any best practice approach to running your tertiary organisation. It will fit comfortably with your organisation's objectives of pursuing academic excellence, maintaining a viable and prestigious place of learning, and ensuring that all goods, services and facilities are accessible to all members of the community.

Your key resource to support this work is the **Kia Ōrite Toolkit**. It will support you as you strive at all times to create a responsive, diverse and inclusive environment for engaged, diverse and capable disabled learners.