Kia Ōrite Toolkit for achieving equity

A New Zealand code of practice to achieve an inclusive and equitable tertiary education environment for disabled learners

Acknowledgements

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Foreword

Education is a right in itself and is also a means to enjoying other civil, political, social and economic rights. But many disabled learners have been denied this right for far too long. As Disability Rights Commissioner I meet many young disabled people whose recent education experiences have been exclusionary and negative. This is also reflected in complaints to the Human Rights Commission.

The United Nations has indicated that the New Zealand education system is failing disabled learners and falling short of international standards for inclusive education and reasonable accommodation.

While there have been some positive initiatives in recent years, these have not been at the systemic level required to uphold Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD), which requires:

- equality of access to an inclusive, quality education (Art 24(2)(b))

- reasonable accommodation of the requirements of disabled students (Art 24(2)(c))

- the delivery of support within the general education system (Art 24(2)(d))

- support measures that are effective, individualised, provided in an environment that maximises academic and social development, and consistent with the goal of full inclusion (Art 24(2)(e)).

We have missed opportunities to embed the CRPD itself, and the associated features of inclusive education, in recent policy and law. Levels of tertiary participation for disabled students is more likely to occur at lower levels than non-disabled students. And tertiary participation reflects the lack of inclusion, participation and achievement in primary and secondary schools.

Change is long overdue. Real change requires sustained effort, leadership and partnership with disabled learners.

I therefore warmly welcome this Kia Ōrite toolkit that provides clear guidance and practical tools for achieving equity for all learners. Together with the guidance for the development of Disability Action Plans, the toolkit equips education providers to embed inclusive leadership, policy and practice across the whole system.

Key to achieving change is a commitment to the principle of adaptability. Adaptability of thinking, of curriculum design, of facility design, and of assessment processes. Adaptability is underpinned by universal design principles which result in environments and structures that are easily adapted for diverse needs.

All students benefit from inclusive environments. And all of Aotearoa benefits when we fully value the vibrant diversity of all our citizens and design with and for everyone.

I urge you take advantage of the guidance in this toolkit to create positive change. I look forward to conversations with young disabled people about excellent tertiary experiences that nurtured their potential and inspired a hopeful future.

Paula Tesoriero, MNZM

Introduction

He aha te mea nui o te ao?

He tangata, he tangata, he tangata.

What is the most important thing in the world?

It is people, it is people, it is people.

Disabled learners are one of the most educationally disadvantaged groups within Aotearoa New Zealand. Barriers to their academic achievement at tertiary level are disabling and must be identified and removed.

Learning environments designed only for non-disabled students create barriers for academically capable disabled learners. These disabling learning environments are created by social expectations and exclusionary assumptions of ableism, as well as inadequate infrastructure. The social model of disability exposes the reality that it is people who are responsible for dominant assumptions and practices and it is people, therefore, who must dismantle disabling environments.

Social inequality is also built on hierarchies of privileged identity. Intersectional social forces position disabled people inside hierarchical environments already layered with discriminatory practices based on race and ethnicity, class, gender, sexual orientation and other social identities. Māori disabled, for example, face greater challenges in accessing education and training due to historic segregation of Māori in schooling and systemic marginalisation of Māori language, knowledge and ways of knowing. Māori disabled women and queer Māori disabled, additionally, face further layers of exclusion when trying to access further education, training and employment.

"No student is just a disabled student – if we do not take an intersectional approach then we are likely to continue to cater to the dominant demographic and reinforce a narrow range of best practice responses which exclude many and make their needs invisible."

Wānanga staff member

Since Kia Ōrite Achieving Equity was first published in 2004, there has been some progress towards tertiary education providers recognising that diversity is fundamental to their ongoing sustainability as they seek to enhance equity of access.

The new Kia Ōrite Toolkit puts the responsibility for practising equity – through meeting best practice standards – onto all people providing and participating in all levels of every tertiary learning environment.

1.1   Practising equity

In 2004, ACHIEVE, in association with the Tertiary Education Commission and Ministry of Education, developed 'Kia Ōrite: Achieving Equity – The New Zealand Code of Practice for an Inclusive Tertiary Education Environment for Students with Impairments'.

It was designed to assist tertiary education providers to achieve a fully inclusive environment for disabled learners through the ongoing identification and removal of barriers in all areas of their learning experience.

The 2004 Code of Practice was a policy document and created a framework for the development of tertiary disability support services. Now in 2021 it is time for all tertiary staff to see the value of disabled learners and to take responsibility to practise equity by implementing systems across their learning environments that assist all disabled learners to realise their academic potential.

Disabled learners and disability support staff tell us there is still a lack of systemic endorsement within tertiary institutions for creating and implementing inclusive policies and procedures to support disabled learners through the issues they face.

"There is no systemic thought given to most issues that face disabled students."

Current academic and former student, tertiary institution

Throughout this document, there will be quotes and brief stories of the lived experience from participants consulted for the project. Examples of the current situation for disabled learners and disability support staff will help to clarify ways in which the real world context has not reached the goal of an inclusive education environment.

While many disabled learners receive invaluable assistance from disability support staff, we are also told that much of this support is still very reliant on only these staff. Disability support services show a rising demand for learning support arrangements. The time has come to move from an individualised service approach to a wider, 'top down' or senior leadership-directed, all-of-institution approach.

Learning supports, known legally as reasonable accommodations, allow disabled learners to access the curriculum, pedagogy, lab work, field work, assessment and examination in ways that meet their needs. Reasonable accommodations apply to invisible impairments as well as more obvious impairments. Not meeting the need for reasonable accommodations of academically capable disabled learners places tertiary providers at risk of Human Rights Act complaints – and some have already had costly complaints to resolve.

It is time for all tertiary staff to see the value of disabled learners. From 2022 the Tertiary Education Commission will require tertiary providers to develop a Disability Action Plan (DAP) to eliminate barriers in all areas of the learning environment for disabled learners.

This Kia Ōrite Toolkit has various tools to assist tertiary education providers with the development of your DAP. We recommend you use this toolkit alongside the DAP guidance issued by the Tertiary Education Commission (TEC).

1.2 Treaty of Waitangi

Central to the Treaty partnership and the implementation of Treaty principles is a common understanding that strategies for Māori disabled learners associated with the tools and resources in this Kia Ōrite Toolkit are to be developed and implemented in partnership with Māori disabled learners and their support networks.

Support networks include family, whānau and community supports such as Māori tertiary staff, Māori tauira associations, iwi and other community networks. Partnership should occur in good faith with mutual respect, co-operation and trust.

The 2013 New Zealand disability survey showed that 26% of Māori live with an impairment of some kind. This is the highest rate for any cultural group in New Zealand, despite an overall young age profile. Māori are more likely to have impairments and Māori have higher disability rates in all age groups compared to other ethnic groups.

Overall, disabled Māori are less likely to be employed or gain qualifications by a significant margin when compared to non-disabled people. Outcomes for Māori disabled people are much worse than those for other cultural groups, according to 2013 statistics.[1]

The Kia Ōrite Toolkit is an evolving resource with ongoing development and implementation processes that will continue in partnership with Māori disabled learners and their support networks. We recognise that the Kia Ōrite Toolkit still contains gaps and we are therefore keen to get feedback about the toolkit from specific stakeholders such as Māori disabled learners and tertiary providers including wānanga.

Language is also important. It provides meaning, context and provenance to concepts that matter. The languages of Aotearoa New Zealand support and protect values and knowledge that have adapted over time and this is true of the experiences of disabled learners.

We have chosen to use two simple terms: learner and tauira to convey the word for 'student' in English and Māori. Additionally, learners and tauira may prefer to be called disabled learners and tauira or learners and tauira who are disabled.

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1   Statistics New Zealand. (2013). *Labour Market findings from the 2013 New Zealand Census.* Wellington, New Zealand: Statistics New Zealand.

The Kia Ōrite Toolkit is a living document intended to be used collaboratively by learners and tauira of the ethnicities and cultures in Aotearoa New Zealand and their tertiary providers.

The preferred language used by disabled people to describe themselves in the area of accessible tertiary education is continually evolving and our documentation aims to reflect this.

It is also essential that all tertiary education providers actively consult with Māori disabled learners and their support networks as they develop and implement their DAP with this toolkit.

1.3 Disability Action Plan (DAP)

The Government recognises that New Zealand's economic growth and improved social outcomes depend on equal access and equal opportunities for all learners, including disabled people.

A fully inclusive tertiary education system recognises and values diversity, including disabled learners, and is fundamental to the ongoing sustainability of tertiary education. Disabled learners have the same right to education and to realise their potential as non-disabled people, and are increasingly seen as a priority group.

In the future, the Tertiary Education Commission will require all tertiary providers to develop a DAP to eliminate barriers in all areas of the learning environment for disabled learners of all ethnicities, and especially tauira.

Tertiary providers will be expected to cover the following in a DAP:

- review of current activities – including how disabled learners are achieving

- devising of policies and programmes

- goals and targets

- evaluation strategies

- allocation of responsibility and resources

- communication of policies and programmes.

The Kia Ōrite Toolkit has tools and resources to develop an effective DAP.

Twenty-four percent of people in our community have impairments. So the potential growth of disabled learners as fee paying students is enormous and fundamental to the sustainability of tertiary providers.

The Tertiary Education Commission infosheet Education and employment outcomes for disabled people (2019) shows that disabled learners are equally likely to complete their Bachelors or higher qualifications as non-disabled people.

1.4 Myth busting

The Statistics New Zealand 2013 and 2018 Census' for household labour force information indicates that: [2] [3] [4] [5]

- 24% of our total population has an impairment lasting six months or more.

- The rate of impairment increases with age.

- Māori are more likely to have impairments and have higher disability rates in all age groups than any other ethnic groups, despite their young age profile.

- Education and employment outcomes are much worse for Māori disabled people than any other ethnic group.

- Disabled people are less likely than non-disabled people to hold a formal qualification. In June 2018, 59.6% of disabled people held a formal qualification, compared with 83.2% of non-disabled people, a gap of 23.6% and 19.5% for those aged 15-64 years.

- 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.

- Between 2012 and 2017 [6] only 2% of disabled people gained a Bachelors or higher qualification compared to 8% of non-disabled people. However, of the disabled learners enrolled in Bachelors or higher qualifications, 58% completed their qualification, a rate similar to their non-disabled peers.

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2   Statistics New Zealand. (2013). *Labour Market findings from the 2013 New Zealand Census.* Wellington, New Zealand: Statistics New Zealand.

3   Statistics New Zealand. (2020). *The disability gap 2018.* Wellington, New Zealand: Statistics New Zealand.

4   Statistics New Zealand. (2020). *Disability Status: The findings from the 2018 New Zealand Census.* Wellington, New Zealand: Statistics New Zealand.

5   Statistics New Zealand. (2020). Measuring inequality for disabled New Zealanders: 2018. Wellington, New Zealand: Statistics New Zealand.

6   Tertiary Education Commission. (2019). TEC Infosheet: Education and employment outcomes for disabled people. Tertiary Education Commission. p. 1-2.

- In 2019, the TEC found that if given the right support these disabled learners were equally likely to complete their qualification as their non-disabled people. The difference in completion rates at Bachelors and all other levels, compared with non-disabled learners, wasn't statistically significant.

- Disabled people are less likely to be employed than non-disabled people by a significant margin, a gap of 39.6% (December 2020, 38.7% vs 78.3% of those 15-64 years).

- Disabled people are also more likely to work part time, mostly in manual, low skilled and low income jobs, and are under-represented in higher-income occupations.

- It has been reported that disabled people with qualifications were employed at the same rate as non-disabled people without qualifications.

- In 2013, 74% of disabled people not employed wanted a job and only 10% of employed disabled people required modifications or equipment to help them do their job, and only 28% had difficulty doing some tasks or duties.

- Therefore, the majority of disabled people required similar workplace support as the general population.

1.5 What is disability? [7] [8]

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."

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

For the purposes of this toolkit we have used the New Zealand disability strategy definition of disability, which embraces the social model of disability.[9]

We refer to disabled people or disabled learners, to make the point that people with impairments are often "disabled by their environment", rather than "disabled" themselves. This occurs because of negative attitudes, lack of physical, communication and information access, and so on.

For example, [Massey University research](#) provides an insight into the barriers that young disabled people face in New Zealand.

Disabled people or disabled learners include those with permanent impairments, those with impairments resulting from long or short-term injury or illness, the deaf community and those with learning disabilities, neurological or cognitive difficulties, mental health conditions and other hidden impairments. These impairments may last for six months or more.

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7   Ministry of Social Development. (2016). New Zealand Disability Strategy 2016–2026. Wellington, New Zealand: Ministry of Social Development. pg. 12-13.

8   Ministry of Health. (2001). The New Zealand disability strategy: Making a world of difference. Whakanui oranga. Wellington, New Zealand: Ministry of Health. p. 1.

9   We acknowledge the different viewpoints that exist with regard to the language around disability. The language we have chosen fits with the social model of disability. By referring to disabled learners, and to the interaction between the student with the impairment and the tertiary environment as creating disability, we separate out what can be changed. This is a useful tool for creating an inclusive environment.

1.6 Obligations of tertiary providers under the New Zealand Human Rights Act

All organisations, including all tertiary providers that offer goods, services, public facilities, transport, employment, education, training and accommodation must provide **reasonable accommodations** *for* disabled people defined under the New Zealand Human Rights Act.

This includes all aspects of providing an inclusive environment, such as enrolment procedures, teaching practices, support services, the provision of enrolment information or course material and so on.

Disabled people may complain to the Human Rights Commission if they feel that they have been discriminated against on the grounds of disability. **Discrimination** occurs when a disabled person is treated **unfairly or less favourably** than someone else, for example a non-disabled person, and such treatment cannot be justified. When a disabled learner is declined enrolment to a course on the grounds of disability without assessing how they could complete the course with learning supports, or upon entry to the course a disabled learner is refused learning supports (reasonable accommodations), such practices constitute discrimination. The following examples from the Disability Rights Commission in the United Kingdom illustrate discrimination.[10]

A person with a learning disability applies to do a degree in English. The university tells her it has a policy not to accept people with learning disabilities for English degrees.

They have not asked the student if they use any reasonable accommodations such as speech recognition software, text help or audio books to successfully complete the course. This student has been treated unfairly or less favourably because the tertiary provider has assumed an English degree is not possible for someone with a learning disability, without justifying this.

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10   The Disability Rights Commission. (2003). Code of practice for providers of post 16 education and related services - Legal rights and requirements under the Disability Discrimination Act 1995: Part 4. pg.45.

A student with a facial disfigurement is taking an evening class in Tai Chi. The tutor spends time with all the students individually, helping them with their technique. The tutor does not spend any time individually with the student with the impairment because he feels uncomfortable with her.

No other student has been treated in this way and the disabled student has been treated unfairly or less favourably because the tutor feels uncomfortable. This is a great example of how negative attitudes can impact on a disabled student's right to education and training.

Indirect discrimination occurs when a rule or practice exists which appears neutral, but in fact has a detrimental effect on a person. For example, placing enrolment information and forms on a website that is inaccessible for screen readers without alternatives being available, such as Word documents.

Discrimination may also occur when a tertiary provider fails to provide **reasonable accommodations (learning support)** in relation to a disabled person and cannot show the failure is justified. These examples from the Disability Rights Commission in the United Kingdom illustrate failure to provide reasonable accommodations.[11]

A student who is partially deaf and lip-reads is attending a business studies course. A lecturer continues to lecture while simultaneously writing on the whiteboard. The student asks him to stop speaking when he turns his back to use the whiteboard so that she can follow what he is saying and he refuses.

A campus has a policy of not allowing dogs onto its premises. A person who is blind and needs his guide dog to navigate around the premises is refused entry.

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11   The Disability Rights Commission. (2003). Code of practice for providers of post 16 education and related services - Legal rights and requirements under the Disability Discrimination Act 1995: Part 4. pg. 29-110.

> A tutor delivers one of his modules through a computer-based learning environment and awards marks for students' participation in online discussion. The system does not work with the software of a student with a vision impairment, so they find it hard to read the content to be discussed and to participate in the online discussion. The student would be disadvantaged if the tutor didn't find an accessible way to share the content to be discussed.

In all these cases the tertiary provider failed to provide reasonable accommodations.

Reasonable accommodations include:

- Assessing whether particular modifications or learning supports would allow a disabled learner to enrol in a course by talking to them about what they require

- Making adjustments to the facilities or how a task is completed.

- Supplying additional training or support.

- Acquiring or modifying equipment.

- Modifying instructions, communication processes or information manuals.

- Modifying procedures for testing or assessment.

- Providing a note taker, reader/writer, sign language interpreter or other support staff to improve reading and communication.

- Providing regular support from staff to discuss support needs.

A tertiary provider must be able to give a justification for not providing reasonable accommodations on the following grounds, and be able to show evidence that they have tried to find a solution to these issues with the disabled person and their support networks:

a. Unreasonable disruption

b. Undue hardship

c. A risk to health and safety.

According to the Human Rights Commission and the Office of the Ombudsman (2019): [12]

- It is important that a service provider, employer, or education organisation bear in mind the need to provide reasonable accommodation in all actions, services and decisions.

- Individual requests for reasonable accommodation must be considered constructively and careful thought given as to whether any modifications can be made to assist persons with disabilities to participate, for example, in a course of study.

- Every reasonable effort should be made to accommodate people with disabilities, and in circumstances where this is not practical, alternative options should be explored.

- It is important to clearly communicate with the individual who has asked for reasonable accommodation when considering their request, and advise what you will or won't do.

- The presumption that a service provider, employer, or education organisation will provide necessary accommodations is balanced against "reasonableness". If there is a risk of harm to the individual or others, but measures can be taken to reduce the risk without unreasonable disruption, then the service provider, employer, or education organisation should take those measures.

- If the risk or the measures necessary to reduce the risk to a normal level are unreasonable, then a service provider, employer, or education organisation may be justified in not providing the accommodation.

12 *Reasonable accommodation of persons with disabilities in New Zealand.* The Human Rights Commission and the Office of the Ombudsman. 2019: https://www.hrc.co.nz/files/7814/4848/7923/imm_reasonable_accommodation_guide.pdf

Consideration must be given as to whether modifications can be made to assist a disabled person to participate in a course of study. It is important that all staff are given guidance and training in the use of non-discriminatory practices, so they're aware of these legal obligations.

While there may be an exception if a disabled learner cannot complete the core components of a course, staff must be able to justify such an exception and thought must be given to how modifications can be made, including discussing possible solutions with the disabled person and their support networks.

Teaching staff should look at alternative ways a disabled learner could complete a task. There may be a disability-related solution that teaching staff are unaware of.

Staff should remember learners are being trained to take on a range of roles in an industry. For example, learners enrolled in nursing training can take on professional roles in hospitals, GP practices, nursing education, case management, poison control centres, and nursing administration, and so on. Training pathways must consider these wider roles in setting core components (also called **inherent requirements**).

New Zealand human rights cases on the grounds of disability:

- For many years the largest category of human rights complaints have been on the grounds of disability.

- There have been tertiary education cases in New Zealand which found in favour of the complainant, a disabled learner, with significant financial consequences for the tertiary providers involved.

- Therefore the risk of complaints in terms of disability are real and should be taken seriously. The development and implementation of a DAP can guard against this.

- The Human Rights Commission newsletter Tūrangawaewae often contains information about cases that illustrate how human rights principles apply to actual situations.

1.7 How to use the Kia Ōrite Toolkit

We have developed the Kia Ōrite Toolkit to assist all tertiary providers with the implementation of Kia Ōrite and the development of a DAP.

This toolkit can be used in a variety of ways by different providers.

It is essential that implementation is in partnership with disabled learners with different impairments, so they can give their feedback about the learning environment, services and systems.

The information gathered from using this toolkit can form the basis of a DAP for the learning environment of the tertiary provider.

There are two key parts to be completed within this Kia Ōrite Toolkit:

1. The management responsibilities implementation toolkit.

2. The learning support responsibilities implementation toolkit.

Critical implementation steps

- The governance and senior management/leadership team endorse using this Kia Ōrite implementation toolkit to support the development and implementation of their DAP.

- A senior manager is chosen to drive and promote the development and implementation of a DAP using this Kia Ōrite Toolkit.

- A disability reference group is established involving staff from various parts of the organisation, disabled learners with different impairments, and relevant community networks.

- The reference group works with the senior manager to develop and implement a DAP, using the standards, resources and tools in the relevant implementation toolkits, according to their own timeline.

- The reference group reports back to the governance and senior management/leadership team with the DAP.

Different ways to use the management and learning support implementation toolkits

A team, including disabled learners, gradually works through each of the implementation toolkits.

Begin with areas where you know you can make rapid progress. For example, since most people know where the greatest barriers for disabled learners are, start there. There may also be some simple things that would make a real difference for disabled learners.

Ask disabled learners what would make the biggest difference for them. Do some brainstorming about barriers in the learning environments and possible actions for solutions. Use the tools provided as templates and reuse them.

You don't have to review all areas of organisational operations in the first 12 months. Your organisation's DAP should have a 3 to 5-year timeframe, within which you can prioritise the areas you will review each year.

OR

Those coordinating the development of your organisation's DAP delegate parts of the toolkit to those staff responsible for specific activities, to review in partnership with disabled learners and report back to the Disability Reference Group.

The management and learning support implementation toolkits contain best practices and resources that are divided into different areas of the learning environment and those responsible for different areas could review their area with disabled learners using these services.

For example, staff responsible for property, facilities and IT infrastructures review these sections with disabled learners and other staff, and those responsible for learning support and teaching review those sections.

Remember

- It is essential that you get feedback from disabled learners with different impairments as part of this review process.

- Staff from disability support services can be a resource for this review process.

- To spend time preparing and using the tools provided to chart your progress.

Staff within different locations, faculties or departments can also decide to review and implement parts of the management and learning support implementation toolkits that are relevant for disabled learners associated with their location, faculty or department.

How to start

Preparation

- Read the preparation section for the implementation toolkit being reviewed.

Step 1: Choose an area or activity

- Choose an area or activity, for example recruitment, and read through the best practice standards, ideas and resources. Take plenty of time to inform yourself about this area of the tertiary environment you will be reviewing before starting to use the implementation toolkit.

Step 2: Find resources and build a partnership with disabled learners

- Consult the hot tips, links and other resources on any aspect of practice that you're unsure about or you need more information about.

- Your organisation may have other information, policies, procedures or systems related to the area or activity that may help you to complete the questions in the toolkit.

- Think about how you will build a partnership with disabled learners with different impairments to review this area or activity – through a focus or project group, disabled learner group, representatives on a reference group, etc.

- Identify other staff you need to talk to, including disability support services staff.

Step 3: Look at the implementation toolkit

- Look at the implementation toolkit, choose an area or activity to review in partnership with disabled learners. Answer the questions to determine if you have met the best practice standards for that area or activity. This will determine what actions are required.

Step 4: Identify lack of provision

- Identify any barriers that exist for disabled learners with this area or activity and solutions to resolve these barriers to participation and achievement.

Step 5: Identify further actions

- Identify where a best practice standard has been partially or not met. Using the planning chart, plan the next steps, including the actions required to resolve any gaps.

Step 6: Peer review your thinking

- Go back to the reference group to peer review your findings.

Return to Step 2: Choose the next area or activity to review.

The review of these areas or activities will lead to development of your DAP. Have some fun and be transformative!

1.8 Building a partnership with disabled learners to implement this toolkit

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"We have a human-centred approach, in that we treat the students as the experts in their disability and they contribute actively to our focus groups or to our testing or to our buildings. And I think that's really, really important, that we acknowledge them and what they have to contribute in terms of their lived experience."

Manager disability services, tertiary institution

Tertiary providers need to work with disabled learners from the start of the process. This includes the design of buildings, course content, teaching practices, information and communication processes and support.

It is essential that disabled learners with different impairments are active partners in the development and review of these activities and the overall development of the DAP. It is also crucial that providers remember that disabled learners may experience additional barriers arising from membership of other equity groups. Groups such as Māori student associations, Pacific people's student associations, and international student associations should also be involved.

Valuing their expertise will save you time and money and provide you with valuable insights you may not have considered in your design and planning. Disabled learners are key partners in this process.

There are multiple ways of partnering with disabled learners and their representatives in the implementation of this toolkit. Disabled learners should have representatives on a reference group/s overseeing the development of a DAP and discussing wider equity and diversity issues. When reviewing a particular area or activity, it is important to hear from disabled learners through the use of focus groups or by membership of project teams. Those responsible for property or facilities, for instance, could work with an ongoing focus group of disabled learners who meet regularly to discuss the design of buildings, facilities and access routes. This group could also have a wider brief, used by other staff to get feedback about other areas or activities.

In acknowledgment of the work that disabled learners do, they should be compensated for their involvement. A meaningful partnership will also require equitable engagement, and therefore the process of partnership and consultation itself needs to be accessible. More information about moving from learners "voice" to learners partnership can be found in Whiria ngā rau, (available via Ministry of Education late August 2021). This was developed for and by learners and is conscious of the equity barriers facing disabled learners.

Some tertiary providers have representative disabled student associations that are equipped and mandated to co-develop these plans, such as the Victoria University Disabled Student Association. Otago University also has a representative disabled student association, and some providers have positions in their mainstream student union for disability representation, such as the Otago Polytechnic's Disability Representative and the AUTSA Disability Representative.

Ideal partnership would not be with ad hoc learners, but those with a mandate to represent the whole learner body. Providers should support these student leaders and their associations to engage in meaningful partnership. We would encourage tertiary providers that don't already have a disabled learner group to help establish these.

It is important that these groups are learner led and learner developed so they have the independence required to advocate for the learners' body. However, tertiary providers can help support the development of the groups through resourcing, training and shouldering some of the administrative burdens which act as barriers for these associations. When the learners' voice is valued by providers in these ways, it already creates the foundations for a partnership based on mutual respect and trust. Providers could do this by identifying and supporting learners who may be interested in creating these associations. They could provide administrative support by offering accessible meeting rooms, helping out with food costs for events and meetings, and providing governance training to student leaders.

Regular engagement surveys with disabled learners are also essential for hearing from the wider population. This is a great way to identify and resolve barriers to their participation and achievement, especially when done in partnership with already established disabled student groups.

Nationally, building a disabled learner voice is seen as a priority. At the beginning of 2021, a National Disabled Students Association (NDSA) was established. NDSA is led by disabled learners and advocates on their behalf with the Government, TEC, NZUSA and other networks to better meet the needs of disabled learners. The NDSA hopes this will eventually lead to all tertiary providers having a representative disabled learners association. Students and staff from institutions without an association can ask the NDSA about the process of establishing disabled student groups.

NDSA and other disabled persons organisations and groups such as I.Lead provide a great way to work in partnership with and get feedback from disabled learners and their key networks.

1.9 What is the purpose of this Kia Ōrite Toolkit?

Key objective

To support tertiary education providers to implement a fully inclusive tertiary education environment for disabled learners within New Zealand by assisting them to:

- Understand the status of disabled learners in tertiary education in New Zealand.

- Develop a DAP that includes objectives, performance indicators and timeframes, and allows them to monitor their progress towards creating a fully inclusive environment for disabled learners.

- Identify potential barriers to participation and achievement that disabled learners face.

- Improve tertiary outcomes for disabled learners by providing guidance and resources.

- Be aware of policy and legal obligations relating to disabled learners in tertiary education.

General principles

There are some important approaches that underpin the creation of a fully inclusive tertiary education environment for disabled learners.

These require tertiary education providers to ensure that:

- Disabled learners have equitable opportunities to achieve their individual capabilities and participate in all aspects of tertiary education life.

- All interactions with disabled learners are characterised by respect for their rights, dignity, privacy, confidentiality and equality, and building a partnership with these learners to identify their learning support needs and the barriers to participation and achievement they face.

- Policies, procedures, services and facilities, including strategic planning and resource allocation, enable disabled learners to achieve equitable access to tertiary education and the full range of activities that encompass all aspects of their learning environments.

- An equitable learning environment is created by considering the needs of disabled learners in all aspects of the learning process, including course design, curriculum, delivery, placements, assessment and support strategies.

- Staff are trained to meet the requirements of disabled learners and they invite these learners to discuss their requirements and treat requests promptly and seriously.

- They create a safe environment for disabled learners to:

  - Make known their requirements in advance, so appropriate services are provided.

  - Where possible, share responsibility for negotiating and developing solutions.

  - Advise institutions of difficulties they encounter.

10-point plan for creating an inclusive environment for disabled learners

A fully inclusive tertiary education system recognises and values disabled learners.

- People at all levels of a tertiary learning environment take responsibility for practising equity through meeting the best practice standards in this Kia Ōrite Toolkit.

- Create an all-of-institution approach to supporting disabled learners, with senior management endorsing inclusive policies and procedures, so that disability support services can be a resource for supporting other staff to implement these inclusive practices and support disabled learners with more complex needs. Support of disabled learners should not just be the responsibility of disability support services staff.

- Build a partnership with disabled learners with different impairments in planning and design through representative disabled student associations and groups.

- Plan ahead and assume there will be an increasing number of disabled learners, so include their learning support needs in all planning, rather than waiting for them to arrive.

- Use the Principles of Universal Design in Education and Universal Instructional Design in the design of buildings, access routes, course design, curriculum, delivery, assessment, learning support strategies, information and communication processes.

- Arrange flexible learning supports (reasonable accommodations) for classes, lectures, tutorials, field trips, tests, exams and other assessments that consider disabled learners with different impairments and allow them to show their academic potential.

- Publicise institution-wide training and resources on how to provide accessible information, communication and learning support for disabled learners with different impairments. Invite disabled learners to co-design these training programmes and resources focusing on inclusive practices.

- Provide guidance and training on the use of non-discriminatory practices, so staff are aware of their legal obligations under the Human Rights and Privacy Act, HDC Code of Rights and other relevant legislation.

- Remove barriers to learning environment facilities, services and systems. Remember disabled learners are often 'disabled' by their environment.

- Review and analyse outcomes for disabled learners in an ongoing review/reflect/response cycle.

1.10 What is the next stage?

The Kia Ōrite Toolkit is a living and evolving document.

Between September and October 2021 TEC will actively seek input from tertiary providers regarding the toolkit, as part of their ongoing work of engaging with you around the creation of your DAP.

We are keen for you to try using this toolkit and provide any feedback and additional ideas and resources to include, so we can make adaptations as required.

Through this "live trial" period, we will add more content to the toolkit to enhance it.

We also recognise that the Kia Ōrite Toolkit still contains some gaps.

We are therefore keen to get feedback about the toolkit from some specific stakeholders. This includes Māori and Pacific peoples, disabled learners and tertiary providers including wānanga, other cultural groups, NDSA representatives, learners from other equity groups, PTEs and ITOs and so on.

1.11 Conclusion

The aim of the Kia Ōrite Toolkit is to assist all staff to become more "disability confident" and for managers and wider staff to take more responsibility for implementing this toolkit, their DAP and the support of disabled learners.

In order to achieve the top-down approach required to resolve the barriers to participation and achievement many disabled learners still face, this toolkit should be delegated to staff outside of disability support services to implement.

This toolkit can assist all tertiary providers to create a framework that enables all staff to become "disability confident" by developing the infrastructure to ensure they can confidently and effectively support disabled learners.