

Report

Date: 17 June 2022 **Security Level:** IN CONFIDENCE

To: Hon Poto Williams, Minister for Disability Issues
From: Brian Coffey, Director, Office for Disability Issues
Report No. REP/22/4/348

NZSL Board Annual Report 2022

Purpose of the report

- 1 This report provides you:
 - with information on progress made by the New Zealand Sign Language (NZSL) Board (the Board) and NZSL Fund allocations since July 2021
 - fulfils a requirement in the Terms of Reference for the Board that they report to you on progress on an annual basis
 - notifies you of eight NZSL Community Grants applications to Round Nine of the NZSL Fund which the Board has recommended for MSD. The recommended grants total \$213,661.50 for the 2022/23 financial year.

Executive Summary

- 2 The NZSL Board is a non-statutory Board established in 2015 and made-up of users with a lived experience of using NZSL on a daily basis in New Zealand. The purpose of the Board is to:
 - maintain and promote the use of NZSL by ensuring the development and preservation and acquisition of the language
 - ensure the rights of D/deaf people and NZSL users to use NZSL as outlined in:
 - the NZSL Act 2006
 - the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)
 - other national and relevant international legislation
 - provide expert advice to government and the community on NZSL.
- 3 Key programmes of work are being progressed by the Board to give effect to the NZSL Strategy 2018-2023. The NZSL Strategy outlines the goals for each of the language planning priorities. Over the past year work has been undertaken to develop indicators for measuring the outcomes and identifying data sources to track and report on progress over time.

- 4 The Terms of Reference outlines how the Board operates including key relationships within Government and membership skills. The Terms of Reference were last updated in June 2020 making changes to the role of the Disabled People's Organisation (DPO) on the Board.
- 5 The Office for Disability Issues (ODI) recommend an update to the role of the DPO nominee, a change to the maximum term for serving on the Board and the inclusion of the Ministry for Disabled People as a key Government agency for the Deaf community.

Recommended actions

We seek your approval for several proposed changes to the NZSL Board Terms of Reference. It is recommended that you:


- 1 **Note** that the New Zealand Sign Language Board continued to undertake its responsibilities during 2021/22 as established by Cabinet, including through allocation of the New Zealand Sign Language Fund.
- 2 **Agree** that the restrictions on the DPO nominee participation in funding decisions is removed to enable the Board to function and make good decisions.
- 3 **Agree** that the Ministry for Disabled People role in monitoring and evaluating the NZSL Board is noted in the Terms of Reference.
- 4 **Agree** that the expanded role and function of the Secretariat is acknowledged with the change of name to the NZSL Office.
- 5 **Agree** that the maximum time for serving on the NZSL Board consecutively is increased to three terms (nine years).

Agree / Disagree

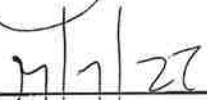
Agree / Disagree

Agree / Disagree

Agree / Disagree



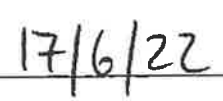
 Hon Poto Williams
 Minister for Disability Issues



 Date



 Rhian Yates
 Chair, New Zealand Sign Language Board



 Date



Brian Coffey
Director, Office for Disability Issues

27/6/2022
Date

Changes to the Terms of Reference

- 6 The Terms of Reference are reviewed at least every two years. There are several recommended changes to the Terms of Reference based on changes within the Government sector and advice from a Governance expert about the roles of Board members.
- 7 The Terms of Reference for the NZSL Board was last reviewed in June 2020 when the Board composition was considered.
- 8 A copy of the revised Terms of Reference are attached as **Appendix D**.

Member roles and responsibilities

- 9 In 2020, changes implemented were intended to reduce and manage actual and perceived Conflicts of Interest (COI) within the Board. This included managing the role of Senior Managers, Deaf business owners and the DPO nominee as follows:
 - Members: Senior managers, owners or others closely related to a Deaf Business may be excluded from Board membership or excluded from voting on funding decisions as recommended by ODI.
 - Specific roles: Disabled People's Organisation nominee: The Disabled People's Organisation nominee is a member of the Board but is excluded from voting on funding decisions.
- 10 Governance advice clarified that the designation of DPO nominee is only used during the appointment process however once appointed becomes an individual Board member and therefore any exclusion from funding decisions hampers the Board's ability to function and make good decisions.
- 11 ODI recommends that the Terms of Reference are updated to remove the related clause, regarding the Disabled People's Organisation nominee, and use existing processes to manage any COI issues.

Member term

- 12 The current Terms of Reference state that members can serve for two consecutive terms (six years).
- 13 Nominations for NZSL Board positions are openly advertised within the Deaf community and sector. The Deaf community is small with few opportunities to develop the governance skills required for a government advisory board.

- 14 The NZSL Board fund community governance workshops to develop these skills within the Deaf community however the time needed to increase community capability.
- 15 ODI recommend that the maximum term is extended to three terms (a maximum of nine years) to retain the skills and experience being developed on the current Board to support future potential Board members. The development of governance skills and experience develops over time, and the full benefit of that development is lost if the term of members is always restricted to six years.

Ministry for Disabled People

- 16 In October 2021, Cabinet announced the establishment of the Ministry for Disabled People who would lead the partnership between the disability community and government and will drive the transformation of the disability system. Cabinet also agreed that ODI would move into the new Ministry to strengthen its cross-Ministry leadership role.
- 17 The current Terms of Reference highlights sector relationships, identifying four agencies whose work is critical to the maintenance and promotion of NZSL in the public sector, namely the Ministry of Education, Ministry of Justice, Ministry of Health and Ministry of Social Development.

NZSL Board investment in the NZSL Team

- 18 When the Board was established in 2015, provision for Secretariat support of 1 FTE was included to support Board meetings. In October 2021, ODI reported [REP/21/5/549] on the Board work and the NZSL Secretariat that delivered the work programme by contracting external suppliers to deliver a range of projects.
- 19 ODI undertook a review of the work programme, including consideration of the Deaf sector as a context in which work was being completed. The review determined that the work programme of the secretariat had changed considerably and the capacity of the Deaf sector to deliver projects was limited.
- 20 The Board approved a proposal to increase the efficient use of the NZSL Fund and build capability by adding two new positions to lead the NZSL Board work programme.
- 21 The NZSL team now comprises of a Manager and three Advisors; all of whom are fluent NZSL users and three of whom are Deaf. They are able to progress work programmes rather than always contracting out projects.

Keeping the Deaf community engaged and informed

- 6 The Board is active in engaging with and commissioning a range of projects to strength the Deaf community and sector.

Community Cohesion

- 22 The NZSL Board and ODI want to achieve greater commitment between leaders and organisations to achieve greater 'collective impact' with respect to the maintenance and promotion of NZSL. This is because, at times, the

Deaf community's lack of cohesion is a potential barrier to progressing the NZSL kaupapa.

- 23 The purpose of the Board's Collective Impact initiative is to work with leaders in the Deaf community (individuals and organisations) to encourage them to work together for the maintenance and promotion of NZSL.
- 24 A community organisation, *Lead*, who specialises in leadership, including collective impact was contracted to carry out the work.
- 25 A total of 12 groups were identified by ODI and Deaf Aotearoa to participate in an initial interview to understand their aspirations and concerns. That *Lead* is not led by Deaf people was raised as an issue early on and additional funding was allocated to bring in two Deaf community members to work alongside *Lead*. This gives the community organisations greater confidence and would also provide experience and training for the two Deaf community members.
- 26 Due to Covid-19 lockdowns, this work is delayed, but it is still progressing.

Meeting our treaty obligations

- 27 Engaging with the tāngata turi (Māori Deaf) community has been on the work programme since 2020 but has been hindered by two factors:
 - The complexity of establishing systems for working in partnership with tāngata turi and to empower them to claim their cultural identity as Māori and to participate in te Ao Māori.
 - Barriers to kanohi te kanohi kōrero due to the pandemic.
- 28 To create long lasting change, the Board has committed to a partnership model firmly placing tāngata turi in leadership roles to determine which projects to prioritise.
- 29 A position statement released in April 2022 (see **Appendix A**) provides clarity on the Board's partnership model and guidance to other organisations that aspire to create better outcomes for tāngata turi.
- 30 A Rōpū Kaitiaki has been appointed to provide guidance on a five-year commitment and to provide advice to the Board on the allocation of the NZSL Fund to progress tangata turi access to Māori identity, culture and te ao Māori.

Quality NZSL teaching

- 31 The NZSL Strategy identifies the acquisition of NZSL as the key priority for maintaining NZSL, with an initial focus on Deaf children, their family/whānau, and the professionals working alongside them.
- 32 Considerable investment has been made since 2017 to strengthen the teaching of NZSL. This has included the creation of new teaching materials and supports for the New Zealand Sign Language Teachers Association (NZSLTA).
- 33 To complement this work, a Working Group has been established to understand the needs of NZSL learners including children, families/whānau, NZSL interpreters, and members of the public.

34 The Board will receive recommendations from the Working Group in August 2022.

Supporting the NZSL Interpreter workforce

35 The visibility and interest in NZSL interpreting has increased because of the continued provision of NZSL interpreters at Government press conferences, including for national emergencies.

36 The Board and ODI have updated data on the interpreter workforce and Deaf community needs which was previously documented in NZSL Interpreter standards reports. The report found:

- The lack of workforce co-ordination contributes to supply and demand issues faced by interpreters and the Deaf community.
- Limited and ad hoc career pathways with no structure in a highly competitive environment.
- There is a small workforce of around 80 interpreters and a low number of graduates each year which means the workforce is not growing.
- Lack of a robust complaints and feedback system for both interpreters and the Deaf community.

37 ODI has approached the Sign Language Interpreters Association of New Zealand (SLIANZ) to discuss ways of developing functional Te Reo Māori skills and establishing a network for Māori NZSL Interpreters with existing fluency to increase the number of interpreters who can work in English, Te Reo Māori and NZSL.

Building on progress

NZSL in education

38 Access to NZSL in education is critical for the maintenance of NZSL. Deaf learners need fluent adult models of sign language and to learn alongside other Deaf learners. Appendix B provides a copy of the World Federation of the Deaf (WFD) Position statement on Inclusive Education.

39 Internationally changes to increase access to bilingual education are being implemented, most recently in the state of Los Angeles which has made a bilingual approach for pre-school aged Deaf children the default option.

40 In July 2021, Minister Sepuloni met with Minister Tinetti to discuss a range of barriers in education [REP/21/6/579] including systems and policies that prevent children learning NZSL and accessing the curriculum in NZSL.

41 Further commitment was made by the Ministry of Education to further understand these barriers and propose solutions that could help make access to NZSL and learning in NZSL readily available for Deaf children and their families/whānau.

42 The Board has picked up work started by the Ministry of Education to deliver

43 NZSL assessments for adults with a priority on adults working with Deaf children and their families/whānau. The assessments aim to support increasing fluency of NZSL in Deaf education to ensure children have fluent

language models of NZSL in education settings. The work undertaken provides a structure to:

- Deliver up to 80 funded assessments per year for adults working with Deaf children and their families/whānau.
- Develop a sustainable Assessor workforce, including the training of new Assessors and ongoing professional development to maintain consistent assessment practice.

Monitoring the NZSL Strategy and NZSL Act 2006

- 44 The NZSL Act 2006 made NZSL an official language of New Zealand and provided for the use of NZSL in legal proceedings. It also set out principles for Government agencies to guide work relating to the Deaf community regarding NZSL.
- 45 After an initial review of the NZSL Act identified a lack of understanding in how to implement the principles of the Act, work was commissioned to identify practical steps that agencies can take to meet their obligations under the NZSL Act.
- 46 This guidance was released in November 2021 as an online resource on the ODI website. This resource was developed with support from the Deaf community and the Public Services Commission. It uses a cultural and linguistic approach to meeting the needs of the Deaf community.
- 47 Progress has also been made on developing indicators and to collect data and evidence relevant to progressing the NZSL Strategy. The indicators include data points from Deaf education on opportunities for Deaf children to access NZSL, the use of NZSL interpreters to access public information, and the range of opportunities available for learning NZSL.
- 48 A survey was released this month to gather data from the community of Deaf and NZSL users to measure satisfaction on the provision and use of NZSL in New Zealand.

Setting quality standards for NZSL Interpreters

- 49 The establishment of standards for NZSL Interpreters was mandated in the establishment paper for the NZSL Board.
- 50 The certification system of an Australian authority, the National Accreditation Authority of Translators and Interpreters (NAATI), has been adopted by the Ministry for Business, Innovation and Enterprise (MBIE) as the standard for spoken language interpreters working in the public sector in New Zealand.
- 51 MBIE is now at the end of the first year of a three-year transition programme to support all spoken language interpreters to become NAATI certified interpreters. This includes a package of support for interpreters to be provided through the New Zealand Society of Translators and Interpreters (NZSTI).
- 52 ODI held community consultation meetings to understand if this standard could be applied to NZSL Interpreters. The consultation was held from June to November 2021.

- 53 The Board believes that NAATI certification could meet the sector needs for assessing interpreter skills and for an ongoing requirement to engage in professional development to maintain their skill proficiency as an interpreter.
- 54 Key NZSL interpreting stakeholders have identified some risks with the NAATI approach. The NZSL Board will work with these stakeholders to monitor the risks and identify appropriate mitigations.
- 55 The Board will scope work to cover interpreter needs currently identified by the workforce and Deaf community that are not covered by NAATI certification. These needs include:
- A robust complaints and feedback system.
 - Co-ordination of the workforce to cover high stakes areas such as afterhours health and justice system demands.
 - Specialisations in areas such as legal, medical and education settings.
- 56 MBIE is also open to SLIANZ supporting the delivery of professional development opportunities for NZSL Interpreters.

Amending the New Zealand Sign Language Act 2006 (the NZSL Act)

- 57 In November 2019, the Minister requested the Board provide her with advice on options to amend the NZSL Act. We provided this advice in December 2020, and the Minister agreed, in principle, to amend the NZSL Act, and instructed MSD officials to develop policy proposals for her consideration in early 2022
- 58 In April 2022, the Minister received advice from MSD officials on the proposals to amend the NZSL Act. The Board has been working with MSD officials on developing the proposals to amend the NZSL Act and we support the direction of the proposals. We signalled our support for the proposals by including a comment from us in the advice. The next step is for MSD officials to prepare a Cabinet paper seeking agreement to consult with the Deaf community on the proposals, before Cabinet agrees to the final policy proposals. We will continue to work with MSD officials by providing our feedback.
- 59 We will work with MSD officials on developing the plan for engaging with the Deaf community on the proposals to amend the NZSL Act to ensure that the Deaf community are able to fully participate in the process. We have signalled our willingness to attend hui with the Deaf community to support the community.

Investment of the NZSL Fund to maintain and promote NZSL

Community grants – local initiatives

- 60 Each year, the NZSL community has an opportunity to apply for funding to support local initiatives. The key focus of the community grants is to support local groups to maintain and promote NZSL through events and projects led by the community, for the community. The maximum grant amount allowed has been reduced and other requirements have been eased to encourage uptake.

- 61 Round nine of the contestable process opened in March 2022, inviting projects that align with the NZSL Strategy priorities. The Board considered 15 applications and has recommended 8 grants for the 2022/23 financial year, totalling \$221,650. Details of the successful applications are attached at Appendix C.
- 62 We aim to notify applicants of the outcome in July and to then publish a list of the successful applications on the NZSL Board webpage.

Documentation of NZSL

- 63 Alongside the Community Grants, the NZSL Board has commissioned and funded a range of other projects which are necessary to progress the maintenance of NZSL.
- 64 An analysis of the NZSL Fund investment from 2015 to 2020 identified low investment in the documentation of NZSL in comparison to other strategy areas. Documentation is defined as the systematic recording of the use of NZSL for research and reference. Its purpose is to develop and maintain comprehensive records of NZSL that enable current and future use, and the understanding and further analysis of the language.
- 65 The Board allocated funding to deliver high cost, high quality projects with long term benefits for maintaining NZSL. The successful projects will be completed in 2023. These will expand the vocabulary held in the Online NZSL Dictionary and future-proof the digital platform. This will support those teaching and learning NZSL, while also supporting research into sign languages in New Zealand and overseas.
- 66 The Online NZSL Dictionary is viewed as a critical resource for NZSL learners at all levels. The Board already funds the ongoing site maintenance as a key strategic priority for the NZSL Strategy. This project will use the crowd sourcing site, NZSL Share, to identify signs for validation by Deaf community members.
- 67 The existing digital platform was developed years ago and does not support a range of functionality of current software suitable for hosting video data. The new platform will not only house the Online NZSL Dictionary for years to come but will also contribute internationally into sign language research.