



26 July 2017



Blind Citizens NZ

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Submission in response to the Code of Banking Practice Review

Emailed to New Zealand Bankers Association at: nzba@nzba.org.nz

Introduction

The Association of Blind Citizens of New Zealand Inc (Blind Citizens NZ) is pleased to take advantage of the opportunity to participate in the Code of Banking Practice (Code) Review, and comment on the proposed draft Code.

Blind Citizens NZ is a disabled people's organisation (DPO). Our members are blind, vision impaired or deafblind, hereafter referred to as blind. Our response to the draft Code will predominantly be from a blindness perspective.

We are pleased to advise this submission has the support of Kāpō Māori Aotearoa NZ (refer <http://www.kapomaori.com/>)

In our submission, we use the term "alternative formats". This refers to the various means by which blind people access information other than through standard print, i.e. large print, braille, audio, audio description, electronic devices, email and the telephone. For Deaf or hard of hearing this may be captions or sign language, and for people with a learning disability, this may be easy read.

We agree to the release of any comments made in our submission.

In the event an opportunity to speak to and, elaborate on the extent of feedback provided in our submission is available, we would welcome this. Please contact the Executive Officer Rose Wilkinson via either of the following options:

Phone: 021 222 6940

Email: rwilkinson@abcnz.org.nz

About the Code of Banking Practice

Blind Citizens NZ supports the high-level, less prescriptive approach taken in the draft Code. We support the five principles of good banking practice should be regarded as the minimum standard that banks have with customers. However, we believe banks should be encouraged to do more than be seen to "observe" good banking practice as a minimum.



Additionally, words that encourage banks to aspire to do more than meet the minimum standard would strengthen the statement to which we refer.

Blind Citizens NZ recognises the Banking Ombudsman plays a significant role when it comes to customers needing to raise a complaint or concern. However, for anyone in this position and needing to find out more about banking issues, the only reference made at this initial point, is to a website. Although at the end of the Code, there is a full set of contact details, customers without internet access, may feel information is lacking if led to believe at this early stage of the document, that there is but one option available to them, that is out of their reach.

Blind Citizens NZ encourages an amendment to the last statement in this section so that it is clear the Code is available from more than one source. While it is helpful to know where the Code can be located on line, we prefer the document to identify it is available in a range of alternate formats for blind people, and from where they might obtain them.

What we will do for you

We restate our support for each of these five principles, which set the threshold and expectations for customers, about how banks will interact with them.

Blind Citizens NZ believes a further principle that both recognises and honours pertinent international conventions and domestic elements that embody commitments to disabled and older customers will enhance and strengthen the Code and stated commitment to each of these communities. Referring to disabled people for example, New Zealand has ratified the United Nations Convention on the Rights of Persons with Disabilities, and Government implemented in 2016, its New Zealand Disability Strategy to 2026. Compliance with domestic legislation and standards such as the Building Code and NZS4121, and Website standards that contribute towards accessibility of access in both a sensory and physical context. In our view, introducing and recognising compliance requirements in the principles will strengthen the Code.

Additionally, we believe the voluntary guidelines for banks (we refer to these later in our submission), should be formally introduced into the Code.

We will treat you fairly and reasonably

From our perspective, we need clarification about what element of banking this principle addresses. In the belief this principle intends to talk about banking behaviours as opposed to conduct and behaviours of bank personnel and customers, the principle in our view, should include pertinent terminology that ensures clarity of purpose. We draw to your attention an area we believe highlights where confusion or misunderstanding might occur: “What may be fair and reasonable in any case will depend on the circumstances, including our conduct and yours, what our terms and conditions say, what the law says, and good banking practice.”

Blind Citizens NZ applauds the statement thus commitment towards “...making reasonable efforts to assist and accommodate the needs of all customers, including older and disabled.”

However, we suggest that the statement we refer to would be stronger and carry more weight by ending the statement as follows “...older and disabled people are customers too.” We explain why...

Whilst accepting footnote 1 refers to voluntary guidelines for banks to assist them meet the needs of disabled and older customers, in today’s environment we believe that much of what is included in the guidelines should be mandatory and not voluntary.

Advances in technology influence changes in the way we do things, including banking. The voluntary guidelines recognise this by encouraging banks to keep pace with changing technologies involving ATMs, electronic and internet banking. They also ask banks to consider for example, use of international W3C web accessibility best practice standard, accessibility-related New Zealand e-government web standards, etc. The voluntary guidelines also suggest that banks should “...consider the provision of alternative banking services to those older and disabled customers who may be unable to use technological innovations.” In our view however, the voluntary guidelines fall short of banks being required (as opposed to considering), the need to incorporate accessibility features so they are designed, implemented and usable, from the outset.

Much as we identified earlier in this submission, the Code must require banks to ensure that information and technology is available, usable, and accessible to everyone. ATMs, websites, kiosks, smartphone apps and EFTPOS terminals to name a few, must be designed and built with accessibility features that are functional from the outset. For example, the introduction of technology with audio capability but which is not functioning, and EFTPOS terminals with screen displays that do not incorporate use of corresponding function keys and the number pad, prevent blind customers using these technologies independently and may be discriminatory. Designing accessibility features and incorporating these for implementation and usability from the outset, is far more cost-effective and avoids the much greater expense of retrospectively upgrading technology to meet accessibility requirements.

Moving along to print requirements, the voluntary guidelines identify fundamental elements Blind Citizens NZ supports as these meet the needs of customers who are vision-impaired. We take this opportunity to refer to the Roundtable on Information Access for People with Print Disabilities Inc where guidelines for a range of alternate formats can be located, including for the production of clear print. Resources such as these are invaluable and can be located via the following web-link <http://printdisability.org/guidelines/guidelines-for-producing-clear-print-2011/>

It appears the guidelines were last updated in 2009 – if these are to remain in some form, in our view they must be pertinent, fit for purpose and reviewed once every three years at a minimum. We urge the New Zealand Bankers Association to remain mindful of the Convention, and to refer to Article 1 Purpose, Article 3 General Principles, and Article 9 Accessibility (refer appendix 1). Collectively these articles identify fundamental requirements for disabled people, and parameters for meeting accessibility requirements.

We will communicate with you clearly and effectively

Blind Citizens NZ agrees and supports the need for information to be available in plain language.

However, we propose an amendment to numbers one and two of this section to recognise customers have differing access needs, some of whom may require information in an alternate format. Taking this approach will in our view, reinforce the commitment of the Code to meet the diverse needs of customers.

We will respect your privacy and confidentiality and keep our banking systems secure

Blind Citizens NZ supports the set of statements that sit within this principle.

We will act responsibly if we offer or provide you with credit

Blind Citizens NZ supports the set of statements that sit within this principle.

We will deal effectively with your concerns and complaints

Recognising this set of statements includes references to information being easily available, we refer to earlier comments we have made on this topic i.e. there is a need for the Code to recognise the diversity of alternate formats, and from where these can be obtained. Additionally, technology that facilitates access to information must be accessible to, and usable by anyone who may chose this option.

Conclusion

Blind Citizens NZ has working relationships with a number of banks, which we value. The influence we have had over time is evident and there is no doubt these make a blind bit of difference because when information and technology such as ATMs and EFTPOS terminals are accessible, they ensure blind people too, can carry out their banking requirements, safely, confidently, and independently.

As we conclude our feedback, we urge again, the need for the Code to reflect high-level values and compliance elements currently set out in the voluntary guidelines for banks. The expectations of blind people, disabled people and older people, and anyone else with specific needs is not to be reliant on the goodwill of others to receive a committed, dedicated service. We take this opportunity to highlight that internationally people are living longer and that disability-related conditions such as loss-of sight, hearing, and mobility occurs in an aging population. Ensuring accessibility (and usability) of information and technology for disabled people will go a long way towards delivering on the commitment for all customers to be treated fairly and reasonably.

Blind Citizens NZ has a set of “briefs” that identify specific requirements across a range of areas. In relation to the issues raised in our submission, we include for your reference and guidance, briefs that address access to public information (published 2017), banking (published 2011), websites (published 2011) and The Great Barrier Brief (2nd Edition/published 2017).

About Blind Citizens NZ

Founded in 1945, the Association of Blind Citizens of New Zealand Inc (Blind Citizens NZ) is New Zealand's leading blindness consumer organisation and one of the country's largest organisations of disabled consumers. Blind Citizens NZ's aim is to heighten awareness of the rights of blind and vision impaired people and to remove the barriers that impact upon their ability to live in an accessible, equitable and inclusive society.

Appendix 1: Excerpt from the United Nations Convention on the Rights of Persons with Disabilities

Article 1: Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 3: General principles

The principles of the present Convention shall be:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 9 Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

(a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) Provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.