Disability Action and Inclusion Plan

2023-2026

Legal Aid ACT

Table of Contents

2 Foreword from Dr John Boersig

3 Non-Discrimination and Disability Definition

5 Legal Aid ACT DAIP Plan

6 Overview

7 Information and Communication Plan

8 Education and Guidance Plan

9 Identification, Screening and Guidance

10 Better Service Delivery

11 Our Vision for the Future

12 Implementation Timeline

Acknowledgement of Country

Legal Aid ACT would like to acknowledge the traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We recognise and respect their continuing culture and their contribution to the life of this city and this region.

Acknowledgement of Lived Experience

Legal Aid ACT would also like to acknowledge people with lived experience of disability, their family members, carers, and supporters. We respect and honour their resilience and strength in challenging generations of discrimination, coercion, and neglect to achieve inclusion, empowerment, and rights. We recognise the substantial contribution of people with lived and living experience to the ACT community.

Foreword from Dr John Boersig PSM (CEO)

I am pleased to present Legal Aid ACT's Disability Action and Inclusion Plan (DAIP). Legal Aid ACT provides legal information, advice and representation, and non-legal support services to the ACT community. Through this plan we aim to aim to provide a service that is accessible and inclusive to all. Through our Community Liaison Unit (CLU), we provide holistic services and support, understanding that a range of barriers, including societal attitudes to disability, can obstruct access to justice.

This three-year DAIP is the next step in our efforts to ensure those with a disability in the ACT community can access practical legal assistance.

We will enhance information access, revamp our website to facilitate easier information retrieval for users with disabilities, provide AUSLAN assistance for our clients, optimise the accessibility of our premises, and implement various other measures to ensure that ACT residents living with disabilities can actively seek legal assistance. Legal Aid is committed to principles of equality and non-discrimination, and we want to improve our accessibility and inclusion practices to reflect these values in our work.

This plan has been designed in consultation with a non-discrimination expert living with a chronic condition and has in mind diverse forms of disability inclusive of Mental Ill health. It is client-oriented and considers many different conditions that may make access to legal assistance difficult. Understanding these differences, we are committed to the ongoing inclusion of people living with a disability.

Therefore, the plan includes ongoing client surveys to ensure it remains a dynamic instrument, able to adjust to the community's needs.

We are also committed to eliminating barriers for those employed by the Legal Aid ACT who may live with a disability or chronic condition. Implementing these positive steps for change will help us better align our practices with our commitment to human rights and inclusion for all ACT residents. We are looking forward to its implementation over the coming three years.

DAIP Stakeholder Engagement

We have initiated stakeholder engagement and have worked closely with people with lived experience, Community Organisations, and Government services to implement this plan.

Non-Discrimination and Disability Definition

Australia ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) 2008. The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all people living with disability and to promote respect for their inherent dignity (AIHW, 2022) [1].The social model of disability articulated in the UNCRPD and in the Royal Commission into Violence, Abuse, Neglect and Exploitation of people with disability (The Royal Commission), places the obligation on social organisation and culture. The social model of disability acknowledges the significance of adapting environments and attitudes, as well as eliminating or reducing barriers to promote equal participation because society does not inherently include people with disabilities [2].

Legal Aid ACT acknowledges that disability may:

- Be present at birth or acquired
- Occur at any stage during a person's life
- Be permanent, temporary, or episodic
- Be observable or invisible
- Have varying impacts on individuals
- Fluctuate and vary in its impact depending on the context and degree of support available

The following principles underpin the ACT Disability Justice Strategy (2019-2029):

- Equality before the law and access to justice are fundamental human rights (as expressed in articles 12/13 of the UNCRPD and section 8 of the Human Rights Act 2004 (ACT).
- People living with disability are significantly disadvantaged members of society in being able to access justice.
- An ACT justice system that provides equal access to justice for people with disabilities will be a better justice system for everyone [3].

According to AIHW (2022), disability can be viewed as an umbrella term for impairments, activity limitations and participation restrictions, all of which can interact with a person's health condition(s) and environmental and individual factors to hinder their full and effective participation in society on an equal basis with others [4]. This action plan will support people who experience mental ill health, other “invisible disabilities” and those who do not wish to disclose disabilities but require adjustments equally.

People living with disabilities experience higher rates of violence, abuse, and neglect than people without disabilities to assert their rights before the law. In terms of disability prevalence and interaction with the criminal justice system [5]:

- 1 in 6 people in Australia have a disability (approx. 4.4 million people).
- 1 in 10 people (15+) experienced disability discrimination in the last year.
- 4 in 9 (44%) people aged 15-64 with a disability have avoided situations because of their disability in the last year.
- First Nations people aged 15 and over with disability (29%) are more likely to have problems accessing services than those without disability (20%).
- People with a disability are overrepresented in the criminal justice system in Australia and makeup around 50% of detainees entering prison.
- People with disabilities have the greatest increased occurrence of legal issues of any disadvantaged group and less satisfactory resolution of legal issues [6].
- People with a disability face a wide range of disadvantages, leading to increased contact with the justice system, issues with accessing the justice system, and barriers to equal access to justice. [7].
- People with disabilities, while demonstrating resilience and adaptability, may encounter the criminal justice system more frequently. This can be attributed to a complex interplay of factors such as concurrent substance abuse issues, mental health conditions, societal exclusion, lack of stable housing, and past traumatic experiences [8].

We want to ensure that our action plan is focused on each individual and improves access to our services.

Legal Aid ACT Disability Action and Inclusion Plan

In the ACT, approximately 80 000 people identify as having a disability [9]. People living with a disability are identified as a group that is vulnerable to a wide array of legal problems, which often include multiple intersecting legal and non-legal problems. These may include homelessness, bail, substance abuse, and criminal-related charges (e.g., theft or burglary). Legal Aid ACT's clients are often disadvantaged relative to the general population due to disability, mental health conditions, homelessness, socioeconomic background, financial difficulties, and language and cultural barriers [10]. People living with disability are also more often than others affected by carer abuse or family violence [11]. At Legal Aid ACT we take these issues seriously, and this plan provides a list of proactive actions for developing and implementing changes for clients and people with disability. Legal Aid employs Cultural, First Nations and Mental Health Liaisons and a Disability Justice Liaison. This team proactively tackles intersectionality within the justice space by sharing resources, maintaining regular connections, and customising our services to each individual we work with.

We also aim to be a competitive employer who acts against discrimination in employment. For this reason, this plan reviews our internal policies and aims to improve access and inclusion of staff across Legal Aid ACT.

Legal Aid ACT's DAIP five focus action areas consider:

- Different ways people living with a disability access information and Legal Aid ACT services.
- Improve the way Legal Aid ACT asks for and records information about people living with disability.
- Enhance the delivery of information and services to people living with a disability.
- Improve the understanding of how people with a disability experience and use Legal Aid ACT's services.
- Review of Legal Aid ACT recruitment, employment and retention approaches to better include people living with a disability.

Overview

The ACT Government's Disability Justice Strategy 2019-2029 (The Strategy) is designed to achieve equity and Inclusion for Canberrans with a disability by addressing barriers to justice, such as equitable legal support and accessible information.
The Strategy identifies the following three goals:

- Goal 1: People living with a disability are safe, and their rights are respected.
- Goal 2: The ACT has a disability-responsive justice system.
- Goal 3: Change is measured and achieved.

The Legal Aid ACT's DAIP focuses on these goals and actions. It encompasses the aims of the Strategy and aligns them with the strategic objectives of Legal Aid ACT. This includes ensuring that services deliver just outcomes for vulnerable and disadvantaged people and employment opportunities that are equitable, accessible, and responsive to the needs of people living with a disability.

The Legal Aid ACT DAIP identifies actions within five focus areas to be implemented over the next three years.

These are:

Disability Justice Strategy Focus Areas

Focus Area 1: Information and Communication

Focus Area 2: Education and Guidance

Focus Area 3: Identification, Screening and Guidance

Focus Area 4: Better Service Delivery

Focus Area 5: Data, Research and Review

Legal Aid ACT, Information and Communication Plan:

We recognise that disability affects people differently. Some of our clients may need help accessing our information and communicating with us through conventional means. People may need support when accessing information, understanding our day-to-day operations and what supports we can offer. We are therefore committed to a range of actions that can help our clients understand information and communicate with us. We also know that the best way to improve our services is to do so in consultation with our clients. Therefore, we intend to implement the following improvements:

- Improve accessibility of the website by offering audio description options, large font and Easy English and Braille options.
- Provide Legal Aid Documents, information and pamphlets in accessible formats, including large print, Easy English, audio description and Braille.
- Development of an Easy English bail wallet card.
- Work with AUSLAN interpreters during consultations, interviews and proceedings.
- Take part in fortnightly Community of Practice meetings to discuss emerging issues and strategy goals.
- Ensure that clients with disability are visible on our website and in our materials by including photographs and representations of people living with disability in our materials.
- The Disability Action Inclusion Plan will be available in Easy English, large font, and audio formats to inform our clients and staff with disability about our commitment.

Legal Aid ACT, Education and Guidance Plan

At Legal Aid, we recognise that education, training and continuous development are necessary for an effective DAIP and action against discrimination. Discrimination on the grounds of disability can be explicit or implicit. Therefore, we are committed to the ongoing training of our staff and the inclusion of people living with disability as our teachers and educators. We want to ensure that our staff understand the needs of our clients and colleagues living with disabilities and chronic conditions. We are committed to the following developments:

- Develop consistent and ongoing disability and inclusion awareness training programs in partnership with the ACT government and the Community Sector.
- Establish relationships with disability organisations to review and prepare training sessions, ensuring that people with disabilities are included as our teachers and educators.
- Provide induction material to new staff, including training on disability and inclusion issues as online or face-to-face modules regularly, accessible at least once a year.
- Create an information package on the rights of staff with disability and a range of reasonable adjustments in accessible places, i.e. intranet and internal systems.
- Establish an induction suite highlighting tools for new and external staff we regularly work with when supporting someone with a disability.

Legal Aid ACT, Identification, Screening and Guidance

We at Legal Aid ACT recognise our responsibility to design our processes, policies, practices, and systems in ways that further inclusiveness to the greatest extent possible and to ensure that reasonable adjustments are readily available. We are committed to ensuring that everyone who needs reasonable adjustments can access them and that everyone's rights are respected. We also understand that disclosure of disability status is a personal preference and that people living with disability often experience discrimination based on disclosure alone. Therefore, we want to make sure that any disclosure of status is purely voluntary and solely for accessing adjustments. We also want to make sure that our staff feel safe to disclose any condition for adjustments and can benefit from our commitment to providing them. Additionally, we understand that for any of these steps to be effective, our office must be accessible to all. We therefore commit to taking the following actions:

- Provide an option to apply for additional assistance while applying for Legal Aid. We will accomplish this by incorporating a straightforward and optional question at the end of the application. 'Can we provide any adjustments that would support you in accessing and understanding our services?' this option will also be available through our website email and over the phone.
- Train staff members to provide clear communication and verbal or written adjustments so that our clients can understand us and feel confident interacting with us regardless of their disability.
- Provide simple applications for those struggling with complex forms and legal language.
- Create an opportunity for a verbal form of application for those who may have difficulties with written forms.
- Review the accessibility of our front door and implement changes necessary for easy access to allow universal physical accessibility.
- Explore options for designated mobility parking spaces.
- Review our interview rooms for easy access to allow universal physical accessibility.
- Develop relationships and partnerships with other Community Organisations to develop a simple referral process allowing for smooth and confident interaction when a referral is required.
- Survey what our clients identify as the greatest barriers to their access to services. This survey will be available in Easy English and with an Audio Description.
- Review our HR processes so that people living with disability feel safe disclosing any disabilities.
- Provide training for our managers to respond to the needs of staff with disability effectively.

Better Service Delivery

Providing better services is at the heart of our DAIP. In our daily operations we encounter various situations and a great diversity of clients seeking legal assistance and representation. We want to ensure that our services prioritise transparency and accessibility when supporting people with disability.

Statistically, one-third of people living with disabilities stop using commercial service providers when the providers do not treat them with respect [12]. While we are not a commercial service provider, we want to make sure that this statistic does not apply to services provided by Legal Aid ACT. We aim to ensure that people with disabilities see our services as respectful and proactive in addressing their needs. We also want to actively counteract negative stereotyping or discrimination when people access our services. Better service delivery also means better recognition of the needs of our staff living with disability and attracting new staff who may have a disability. Reviewing our HR policies is necessary to ensure no explicit or implicit discrimination occurs in our interactions with clients and colleagues.

We therefore commit to take the following actions:

- Work with the Disability Liaison Officer to ensure our clients have ongoing support.
- Access to Auslan interpreters, Easy format case documentation, Easy English, large print and audio options for clients during their proceedings and legal appointments
- Improve the awareness of and use of remote witness suites at the Courts.
- Create a formal process for internal referrals between the First Nations, Cultural, Disability and Mental Health Liaison where appropriate.
- Review our policies to make sure staff with disability have access to remote work arrangements or partial remote work arrangements.
- Ensure that staff who voluntarily disclose any conditions can have their workstation and shared spaces (i.e., Kitchens, Amenities) adjusted to their needs.
- Review our policies to ensure that staff with a disability or chronic illness can access additional sick leave provisions to consult with their doctor or specialist on days they are unwell due to their condition.
- Publish Legal Aid ACT's policies/procedures to help with transparency and access to information.
- Review Legal Aid ACT's website to improve access and transparency.
- Lodge this plan with the Human Rights Commission and Publish it on the website.

Data Research and Review

To ensure the implementation of this plan, we need to continually collect data, conduct further research, and regularly review our policies and interactions. For these reviews to be effective, we want to make sure that we align with Australia's Disability Strategy and include disability organisations and clients with disabilities in providing feedback on our policies and progress with the implementation of this plan.

Our commitment to collecting data and the ongoing review includes the following:

- Our Disability Justice Liaison Officer and our Community Liaison Unit will explore and align our reporting needs for Australia's Disability Strategy.
- Collection of feedback from clients with disability on the accessibility of our services and improvements needed. Legal Aid will regularly review this feedback.
- The Disability Justice Liaison Officer and Community Liaison team will review the feedback and agree on the actions required.
- Include data from the research and feedback in our annual reports and reviews.
- Ongoing review of this plan and collection of data on further needs for improvement.
- Collection of staff feedback surveys, including sections on disability and required adjustments by staff who want to identify as having a disability.

Our Vision For the Future

We hope that this plan makes us more accessible to all who need legal assistance or representation and that it can strengthen our commitment to human rights and equality in action. We are mindful that the needs of our clients vary, as do their needs for assistance. During this plan's implementation, we will learn more, review and strengthen our commitment to inclusion of all ACT residents. We also hope that this plan will help us improve our relationships with other organisations who represent people with disability and can positively impact the effort to promote change in attitudes and strengthen the commitment to the rights of people living with disability. We want to ensure that it does not remain a paper-only commitment but translates to direct actions that can help create positive change for our clients and staff who live with disability. We also look forward to reviewing and improving it at the end of 2026 and hearing your feedback. If you would like to discuss this plan further, don't hesitate to contact our Disability Liaison Officer.

Implementation Timeline

2023 - 2024

Action	Responsible Officer
Recruit a Disability Liaison Officer	Supervisor, Community Liaison Officer
Lodge this plan with the Human Rights Commission and publish it on the website	Human Resources
Ensure that clients with a disability are visible on our website and in our materials by including photographs and representations of people with disability in our materials	Community Legal Education
Ensure that the Disability and Inclusion Action Plan is available in Easy English, large font and audio format	Disability Justice Liaison Officer
Create a base line survey to distribute to staff, clients and other community organisations	Disability Justice Liaison Officer
Improving awareness of and use of remote witness suites at the Courts	Disability Justice Liaison Officer and Supervisor, Community Liaison Unit

2024 - 2025

Action	Responsible Officer
Review our policies to ensure staff living with a disability have access to remote work arrangements or partial remote work arrangements and can access extra sick leave provisions to consult with their doctor or specialist	Disability Justice Liaison Officer and Supervisor, Community Liaison Unit and Human Resources
Revise policies to promptly implement reasonable adjustments when a staff member identifies their need for them	Human Resources
Develop HR processes to support people living with a disability to feel safe disclosing their status when requesting adjustments	Disability Justice Liaison Officer and Supervisor, Community Liaison Unit and Human Resources
Train managers to respond to the needs of staff living with disability effectively	Disability Justice Liaison Officer and Supervisor, Community Liaison Unit
Create an information packet on the rights of staff living with a disability and a range of possible adjustments available to them. We will upload this to our intranet and internal systems	Disability Justice Liaison Officer and Supervisor, Community Liaison Unit, and Community Legal Education
Train internal and external staff about communication alternatives to support people with disability	Disability Justice Liaison Officer and Supervisor

Action	Responsible Officer
Revise our Grant of Aid form to allow clients to disclose their disability and suggest reasonable adjustments to meet their needs. This option will be available through website, email, and phone interactions	Disability Justice Liaison Officer and Supervisor, Community Liaison Unit
Improve accessibility and access to the website by offering audio description options, large formats, including large print and Easy English options	Disability Justice Liaison Officer and Supervisor, Community Liaison Unit, and Community Legal Education
Provide a suite of highly used Legal Aid Documents, information and pamphlets in accessible formats, including large print, Easy English, and audio description	Disability Justice Liaison Officer and Supervisor, Community Liaison Unit
Develop an Easy English bail wallet card	Disability Justice Liaison Officer and Supervisor, Community Liaison Unit
Build relationships with AUSLAN interpreters during consultations, interviews and proceedings, and create a business-as-usual process for requesting one in client interactions	Disability Justice Liaison Officer and Supervisor, Community Liaison Unit
Review accessibility of our front door and implement changes necessary for improving universal physical accessbility	Chief Executive Officer

Action	Responsible Officer
Develop a formal process of internal referrals between the Aboriginal Liaison, Cultural Liaison and Disability Liaison where appropriate	Community Liaison Unit Supervisor
Create a verbal and simple version of the Grant of Aid form	Disability Justice Liaison Officer and Community Legal Education
Build relationships with other community organisations to develop warm referral processes	Disability Justice Liaison Officer
Provide disability awareness, inclusion and accessibility training to staff members	Disability Justice Liaison Officer
Provide simple applications for those struggling with complex forms and legal language	Disability Justice Liaison Officer
Include data from the research and feedback in our annual reports and reviews	Disability Justice Liaison Officer and Supervisor, Chief Executive Officer and Community Support Unit
Collect staff surveys, including a section on disability and required adjustments by staff who want to identify as having a disability	Community Liaison Unit

2026

Action	Responsible Officer
Develop a consistent and ongoing disability and inclusion awareness training program in partnership with the ACT Government	Human Resources
Develop relationships with disability organisations in reviewing and preparing training sessions to make sure people living with disability are included as our teachers and educators	Disability Justice Liaison Officer
Provide induction material to new staff including training on disability and inclusion issues as online or face-to-face modules regularly, accessible at least once a year	Human Resources

Ongoing

Action	Responsible Officer
Collect feedback from clients with a disability about the accessibility of our services and needed improvements	Disability Justice Liaison Officer
Create a business-as-usual approach to the collection of feedback	Disability Justice Liaison Officer, Human Resources and Chief Executive Officer
Take part in a fortnightly Community of Practice meetings to discuss emerging issues and strategy goals	Disability Justice Liaison Officer
Survey what our clients identify as the greatest barriers to their access to services. This survey will be available in Easy English with an audio description	Disability Justice Liaison Officer
Review this plan annually and collect data on further needs for improvement	Disability Justice Liaison Officer

References

[1] Australian Institute of Health and Welfare, People with Disability in Australia 2022 (AIHW,2022).
[2] Shane Clifton, Hierarchies of power: Disability theories and models and their implications for violence against, and abuse, neglect, and exploitation of, people with disability (2020)
[3] ACT Government, Disability Justice Strategy 2019-2029 (ACT Government, 2019).
[4] AIHW (n1) 11.
[5] AIHW (n1) 7, 8, 161, 179.
[6] Law Council of Australia, People with Disability (Law Council of Australia, 2018) 10.
[7] Leanne Togher and Susan Balandin, 'Development of a Communication Training Program to Improve Access to Legal Services for People with Complex Communication Needs' (2006) 26(3) Topics in Language Disorders 199, 200.
[8] Gaye Lansdell et al., 'Enhancing the rights and wellbeing of people with acquired brain injuries in the criminal justice system' (2018) 53 Australian Journal of Social Issues 89.
[9]
[10] Legal Aid ACT, Annual Report (2021-2022) (Legal Aid Commission, 2022) 12.
[11] Australian Institute of Health and Welfare, People with disability in Australia, Web Report, 7.7.2022.
[12] Australian Human Rights Commission, Disability Action Plan Guide 2021, p.15