Disability Services

Disability Services Policy 2004
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1. Commitment of the Departments

1.1 COMMITMENT

Both the Department of the Attorney General and the Department of Corrective Services are committed to preserving and enhancing the right to justice and safety for all people in Western Australia.

1.2 VALUES

Respect
We respect the right of every person to have their basic needs met in a way that will allow them the opportunity to develop their potential. We respect the inherent dignity of all persons at all times in all circumstances.

Integrity
We are honest, open and accountable in all that we do. Our behaviour and procedures are governed by the legal system, codes of ethics / conduct and agreed standards.

Unity and Diversity
We value the richness that a diversity of views, backgrounds and experiences bring to our departments and our society.

Justice
The rights to justice and safety govern our decisions and behaviours.

Collaboration
We foster interdependent co-operation within the justice system and are responsive to diverse and changing conditions.

1.3 CLIENT FOCUS

We respond to the needs of a variety of client groups in the justice system and provide a range of services that have the potential to affect almost all Western Australians.

Approaches to service provision are continuously improved to meet client needs that reflect the geographic, cultural and demographic diversity of the State. This includes developing better pathways for the resolution of justice issues, cross government cooperation that supports better justice outcomes and the development of more efficient business processes and integrated systems.

People with disabilities are often faced with barriers that reduce their opportunities to access information and services, and both Departments, through the deployment of this policy, make a commitment to ensure that all of its clients are able to fully access the range of Departmental services through the provision of professional and appropriate services.
1.4 SCOPE OF THIS POLICY

The scope of this policy relates to all our clients, but in particular those who have physical, intellectual, sensory or cognitive disabilities, as well as their carers and families.

While both Departments also have a responsibility towards addressing the needs of employees or potential employees with disabilities, this issue is managed through Human Resource Policies and related industrial legislation (e.g. the Equal Opportunity Act 1984 (WA) etc).

What Is Disability?

Disability affects the lives of more than half a million Western Australians. Australian Bureau of Statistics figures indicate that 381,500 people have some level of disability while a further 200,000 people provide care and support to family and friends with disabilities.

By 2021 the number of people with disabilities in Western Australia is expected to increase by more than 200,000, due mainly to our ageing population. The proportion of the State’s population consisting of people aged under 65 with a disability is expected to remain steady.

Types of disability

The main categories of disability are physical, sensory, psychiatric and intellectual. A physical disability is the most common (73 per cent), followed by mental/behavioural (17 per cent) and sensory (10 per cent). Many people with disabilities have multiple disabilities.

- Physical disabilities generally relate to disorders of the musculoskeletal, circulatory, respiratory and nervous systems.
- Sensory disabilities involve impairments in hearing and vision.
- Mental/behavioural disorders include intellectual and developmental disabilities, which relate to difficulties with thought processes, learning, communicating, remembering information and using it appropriately, making judgements and problem solving. They also include anxiety disorders, phobias or depression.

(Source: Disability Services Commission, June 2004)

It should be noted that the proportion of people with an intellectual disability in the justice system tends to be higher than that of the general population.
1.5 RECOGNISING BARRIERS TO ACCESS

A disability can affect a person’s capacity to communicate, interact with others, learn or get about independently. The recognition of specific barriers to accessing the services provided by the Departments is fundamental to access improvement.

Identifying creative solutions to eliminating access barriers requires careful thought and informed planning, but need not involve major expenditure. It is important to remember that any improvement to disability access also benefits the whole of the community.

Broadly, the major types of access barriers faced by people with disabilities are;

Access to information

The types of disability that impact on an individual’s ability to access information include hearing loss or deafness, impaired vision or blindness and disabilities that affect the ability to learn or process information (such as intellectual disability and psychiatric illness). Many communication difficulties can be avoided by providing people with a range of communication options so that they can use the one that best suits their needs.

Access to services

These types of barriers can be attitudinal and/or procedural.

Staff awareness of access barriers in the delivery of services is the most important factor in creating accessible services. Disability awareness is an integral part of staff awareness and orientation training programs, especially so for counter staff, receptionists, policy officers, management, educational staff, librarians, health staff, and transport drivers for example.

Programs and services need to be made available in formats that are appropriate to a variety of learning styles, as the provision of services in formats aimed only at the general population may exclude some people with disabilities.

People with disabilities and their advocates also need to be able to participate in consultative processes regarding policies, procedures and practices that determine the manner in which services will operate. This consultation may be by way of participation in advisory committees, complaints mechanisms, and quality assurance processes.
Access to buildings and facilities

Major developments are taking place to ensure that people with disabilities can have better access to buildings and facilities. These developments are particularly relevant to those in State Government departments responsible for designing, building, owning, managing, leasing, operating or regulating the use of public buildings and facilities.

Inappropriate design within the built environment frequently results in people with disabilities being unable to participate fully in community life because they have difficulty with everyday activities such as hearing public announcements, reading signs, opening doors, using stairs or entering public buildings.

Informed planning and design plays a vital role in enabling people of all ages and abilities to participate in community life. Given this, and the usual lifespan of buildings, it is crucial that current best practice guidelines are followed when buildings and facilities are being built or refurbished by government or with government funds.

In the case of custodial facilities the design response may differ between different user groups. For example, it may be more appropriate to design new facilities to the requirements of the Building Code of Australia, the State Government Access Guidelines, and the relevant sections of the Australian Standard 1428.1 for visitors and staff – while for prisoners it may be more appropriate to 'future provision' new accommodation to allow easy customisation of living areas to meet the specific needs of individuals with particular disabilities.
2. Government Legislative Framework

2.1 LEGISLATION & POLICIES

As State Government agencies, both Departments must comply with the following Western Australian legislation and Government policy specifically relating to disability services:

**State legislation & policy**

- Disability Services Act 1993 (WA);
- Disability Services Amendment Act 2004 (WA);
- Disability Services Amendment Act 1999 (WA);
- Premier’s Circular 2003/08;
- State Supply Commission policy ‘Buying Wisely to ensure access for people with disabilities’; and
- State Government Access Guidelines

These Acts and policies are very client focussed, and require all agencies to adapt services, programs and facilities appropriately to meet the needs of people with disabilities.

The Departments are also subject to the following federal legislation and codes:

**Commonwealth legislation & codes**

Disability Services Act 1986 (Commonwealth)
Disability Discrimination Act 1992 (Commonwealth)
Building Code of Australia (BCA96)
2.2 STATEMENT OF STANDARDS

Government policy, as defined through the Disability Services Act 1993, identifies specific standards to be achieved by both Departments (and all other agencies) in providing services to clients with disabilities. The six standards are:

1. People with disabilities have the same opportunities as other people to access the services of, and any events organised by the relevant public authority;

2. People with disabilities have the same opportunities as other people to access the buildings and facilities of the relevant public authority;

3. People with disabilities receive information from the public authority in a format that will enable them to access the information, as readily as other people are able to access it.

4. People with disabilities receive the same level and quality of service from the staff of the relevant public authority as other people receive from the authority;

5. People with disabilities have the same opportunities as other people to make complaints to the relevant public authority; and

6. People with disabilities have the same opportunities as other people to participate in any public consultation by the relevant public authority.

2.3 REPORTING

The state Disability Services Amendment Act 2004 (WA) requires agencies to have in place a Disability Access and Inclusion Plan (DAIP), and to report on the implementation of the plan’s access and inclusion initiatives each year in the annual report. Measures of ongoing success are to be couched in terms of the six key standards that are listed in Section 2.2 above.

In order to report confidently on these standards at a corporate level, both Departments must maintain a Disability Services Access and Inclusion Plan that incorporates these key standards. This plan must be a dynamic document.

Through the Annual Reporting Process the Departments are required to report on its performance against these standards, in line with whole-of-government requirements.

The primary aim of this planning and reporting is not to measure failures, rather to facilitate comprehensive long term planning, to highlight achievements along the way, and to identify future objectives.
3. **The Working Environment**

3.1 **SERVICE DELIVERY**

Both Departments respond to the needs of a variety of client groups in the justice system and deliver a range of services so that:

- the community have assistance and infrastructure that enables the effective progression of cases, enforcement of orders, victim support and counselling;
- the community and government have access to accurate, permanent and confidential records of birth, deaths and marriages;
- Government can best serve society by having effective legal advice and legislative preparation services;
- those people with decision making disabilities are protected;
- people have equitable access to trustee services;
- offending is reduced and the community feels safe and secure;
- offenders skills and knowledge are developed to enhance their integration within the community as law abiding citizens.

3.2 **SPECIAL PROVISIONS**

Both Departments have a number of services and programs that have been specifically designed to address the needs of people with disabilities.

**Office of the Public Advocate**

The Public Advocate is an independent statutory office holder established under the *Guardianship and Administration Act (1990)* to protect and promote the rights of adults with decision-making disabilities and reduce their risk of neglect, exploitation and abuse. A person may have a decision-making disability because of a mental illness, an acquired brain injury, an intellectual disability or dementia.

The Public Advocate conducts investigations to determine whether a guardian or administrator may need to be appointed by the Guardianship and Administration Board. The Public Advocate may also be appointed guardian for a person with a decision-making disability when the Board determines that there
is no one else suitable or willing to be appointed.

Public Trust Office

The Public Trust Office provides trustee services for all Western Australians, delivering professional and independent trustee management services. Within this client group are people who may suffer from physical and/or intellectual disabilities.

The Office recognises the importance for people with disabilities, their families and carers, to be able to access our full range of services. These range from; trust management, estate administration, will drawing, investment management, power of attorney management, agency assistance and a range of other trustee services. In doing so, we aim to protect and manage their future needs.

Disability Services Unit

The Disability Services Unit is the contact area for Prison Services staff who come into contact with offenders with intellectual disabilities and cognitive impairment.

The Unit supplies specialist input across Prison Services in regard to policy, programs, planning, identification and referral processes concerning adult offenders with intellectual disabilities and cognitive impairment.

The Department of Corrective Services and the Disability Services Commission have established a “paired resource” through the appointment of a Manager, Disability Services Unit and Justice Coordinator with their agencies. Their role is to establish processes between Disability and justice services to facilitate joint planning and programming to better meet the needs of people in custody and following their release.

Health Services

Department of Corrective Services’ Health Services provides health care across all prisons and juvenile detention centres to offenders in custody within the state of Western Australia. Direct health care provides for the assessment, identification, treatment, management, and/or rehabilitation of both juvenile and adult patients with physical disabilities, sensory disabilities, or mental/behavioural disorders.

Health Services also accesses and co-ordinates external secondary and tertiary care services from government or non-government agencies for our patients whilst detained and in
preparation for their return to the community.

Health Services provides resource information to both custodial and management staff on policy direction, access, rehabilitation and the requirements of chronically ill, impaired or disabled offenders in custody to assist in access equity. Health Services staff model behaviour consistent with acknowledgement of the rights of individuals and advocates for those with an impairment or disability when required.

Intellectual Disability Diversion Program

The Departments and the Disability Services Commission jointly fund the Intellectual Disability Diversion Program. It currently assists people who meet the criteria for Disability Services Commission level 3 services and who have minor, non-violent charges in Perth Magistrates’ Court.

The Co-ordinator works with the offender and staff from the Disability Services Commission to provide a program that will address the person’s offending. The plan is presented to the court, which may accept the person onto the programme and place them on bail. Their progress is reviewed in court at regular interviews. If successful, the person’s involvement with the program is taken into account when they are sentenced. The co-ordinator also provides support and referral to other people with disabilities attending the court.

3.3 DISABILITY ACCESS WITHIN A CUSTODIAL ENVIRONMENT

A number of the business areas operate in a custodial environment, and therefore encounter specific issues and problems with regard to disability access that may not be immediately obvious to the general community.

The Building Code, for example, is intended to cover standard buildings, but does not include the standards required for buildings that must incorporate the needs of at-risk offenders in combination with disability access.

So while this form of legislation sets a minimum standard, it is not a suitable compliance measure in a custodial environment. Therefore, it may be more appropriate to ‘future provision’ custodial accommodation to allow easy customisation of living areas to meet the specific needs of individuals with particular disabilities.
4. Policy Deployment

4.1 DEPLOYMENT

In addition to setting direction and parameters for its delivery of disability services, the Policy also provides specific guidelines for its effective and sustainable deployment in the long term.

4.2 CORPORATE RESPONSIBILITY

Organisational Performance Directorate

The Organisational Performance Directorate (OPD) within the Department of the Attorney General has overall responsibility for the development, maintenance and review of the Disability Services Policy & Access and Inclusion Plan. It also coordinates the annual reporting of performance against the six key standards.

OPD is also responsible for reviewing the status of the compliance of both Departments with the Western Australian Disability Services Act 1993 at regular intervals as required by JustComply.

OPD will provide the Corporate contact point for the Disability Services Commission and other agencies.

Assets Management Directorate/Capital Works Planning

Capital works planning has a key impact in achieving the outcome of improving access to buildings and facilities.

Improving access to buildings and facilities for people with disabilities is only one aspect of the total disability services package – though the one with the greatest potential capital cost impact.

In consultation with the Assets Management Directorate, consideration must be given to the inclusion of disability services strategies in both Departments’ Access and inclusion Plan.

The Assets Management Directorate is able to assist each business area with the capital component of the disability services strategies within their business plans.

4.3 BUSINESS LEVEL RESPONSIBILITY

Business areas must specifically articulate their plans for deploying and achieving the requirements of their Department’s Policy & Access and Inclusion Plan. Those Divisions, special service units and programs, whose core functions are to assist people with disabilities will have plans in place that complement the Policy & Access and Inclusion Plan.
The following chart illustrates the flow of responsibility throughout the Department.

4.4 WHOLE OF GOVERNMENT INITIATIVES

Access To Justice Working Party

Both Departments are represented on the Access to Justice Working Party. This inter-agency group encourages and supports agencies to develop services for people within the justice system.

Its terms of reference are to make recommendations to the Executive and Board of the Disability Services Commission on:
• Matters relating to legislative reform, legal policy and administrative matters;
• Reform which will protect the interests of persons with disabilities when they have contact with the criminal and civil justice systems.
• Co-operation and liaison between the Disability Services Commission, the Department of Corrective Services, the Department of the Attorney General and the WA Police Service and other agencies; and
• Legal policy matters of a general nature arising from State and Commonwealth legislation.

An internal committee monitors the implementation of the Access to Justice Working Party Plan, ensures a co-ordinated input to the Plan, and liaises with the co-ordinator of the Disability Services Policy & Access and Inclusion Plan to ensure alignment.

4.5 RESOURCING & SUSTAINABILITY

In order for this Policy and the Access and Inclusion Plan to be effective in the long term, adequate resources must be allocated at both corporate and business levels. Resources include provision for project and recurrent funding via the budgeting process, and the provision for adequate staff to meet disability services needs.

Where appropriate, a designated person in each operational area should be the point of contact for all Disability Access issues. This person is then well placed to identify local successes against the outcomes statements, and contribute knowledgeably to the development of future planning initiatives.

4.6 CONSULTATION

People with disabilities and their advocates need to have an opportunity to participate in consultative processes that determine the manner in which services will operate. Such consultation is one of the 6 measurable standards defined in the Legislation.

Disability Services Consultative Committee

To oversee the ongoing implementation of both Department’s Disability Services Policy & Access and Inclusion Plan, a consultative committee is required.

Roles and responsibilities of committee members include:

• Report and recommend to the Executive on matters related to the implementation and review of the Access and Inclusion Plan.
• Actively participate in the ongoing review and refinement of the Disability Services Policy.
• Provide advice and feedback on departmental initiatives aimed at addressing disability access issues.

Formal Terms of Reference are in place to guide the function of the standing committee.

A link to the Terms of Reference can be found in the Policy Supplement section on page 18

Committee Membership

• Customer Strategies Co-ordinator
• Disability Services Commission representative
• Representative from Executive
• Senior representatives from each of the criminal and civil justice components of the Department of the Attorney General and the Department of Corrective Services
• Public affairs representative
• Asset management representative
• Key disability representative bodies

4.7 COMMUNICATION STRATEGY

At both a Corporate and divisional level, both Departments are responsible for developing communication strategies appropriate to the special needs of its clients. This includes developing appropriate information about services available within each Department that meets the special needs of people with physical disabilities, sensory disabilities, or mental/behavioural disorders.

Communication strategies (to staff and to clients) should ensure that:

• staff are aware of where they can find guidance and advice to assist individuals;
• individual clients are aware of what special services and assistance is available to assist them to easily access each Department’s services and facilities; and
• this Policy will be publicly available.
4.8 PLANNING

Disability Services Access and Inclusion Plan 2005-2008

The Disability Services Access and Inclusion Plan details, at a corporate level, each Department’s disability services priorities for the period 2005 – 2008. It should be read in conjunction with the Disability Services Policy 2004.

The Access and Inclusion Plan includes:

- The Disability services goal
- Standard statements
- Indicators of success
- Key barriers
- Key strategies
- Deployment arrangements

This Plan has a 3-year outlook, with key strategies and time frames, and will provide the foundation for Disability Service planning at a business level.

Business Level Disability Services Plans

Divisions are required to interpret the Disability Services Access and Inclusion Plan in the context of their specific business needs. This should include any actions or strategies from the Plan that are relevant, plus any additional needs specific to the area.

Divisional disability services plans also needs to include operational details such as the prioritisation of strategies; time frames and achievement of milestones.

Divisions may either integrate disability requirements into their Divisional Business Plan OR create a separate plan.

Support for planning

The Disability Services Policy and Access and Inclusion Plan will be available on the intranet to assist planning at the divisional level.
Operational and project planning

Divisions are responsible for the operational deployment of their Disability Service Plans including any related projects.

Matters that need to be considered at the operational level are contained within the Disability Services Commission publication “State Government Access Guidelines for Information, Services, and Facilities.” (See link in Information section below)

4.9 MEASURING & REPORTING ON POLICY STANDARDS

Disability Service standards and indicators of gains are detailed in the Policy & Access and Inclusion Plan. More operational performance measures may need to be developed for Divisional Plans.

A standard outcomes template is available on Justnet for Annual Reporting Purposes.

End.
5. Useful Information & References

**Policy Supplements**

- Disability Services Consultative Committee Terms of Reference
  
- Disability Services Access and Inclusion Plan 2005-2008
  
- Annual Reporting pro forma [To be finalised]

**Links to further information**

- Intellectual Disability Rights Service

- State Supply Commission
  Buying Wisely to ensure Access for People with Disabilities - June 1998

- Disability Services Commission
  State Government Access Guidelines for Information, Services and Facilities

- Disability Services Commission
  Resource Manual for State Government

- Department of Justice
  Volunteers Policy

**Disability Services Commission direct contact**

The Departments have a representative within the Community Access and Information Branch of the Disability Services Commission who is available to provide direction and advice on this issue. Currently this representative is Mark Hutson, who can be contacted on:

- Ph: (08) 9426 9276 or for country callers 1800 998 214
- Fax: (08) 9481 5223
- TTY: (08) 9426 9315

**Internal Resources**

- Video

- Customer Service Training Package
  Includes a video and information on floppy disc. Created by the Disability Services Commission for local and State government agencies. Available from the DoJ Library on Level 10, 141 St Georges Terrace, Perth.