



ACT
Government

DISABILITY JUSTICE STRATEGY

Third Annual Progress Report

Community Services
Directorate and Justice and
Community Safety
Directorate

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DISABILITY JUSTICE STRATEGY

Annual Progress Report 2022

INTRODUCTION

This is the third annual progress report for the Disability Justice Strategy 2019-2029.

As with the previous two progress reports, this third report provides a summary of the progress made against each of the actions in the First Action Plan. It also provides further information about key actions.

The First Action Plan (2019-2023) sets out the actions for the first four years of the Disability Justice Strategy, many of which are intended to provide the foundations for change in the justice system. Real progress has been made and it is important to acknowledge the ongoing support of the Disability Justice Reference Group and stakeholders both within government and external to government. Without ongoing commitment to change by organisations the progress achieved so far would not have been possible.

The Disability Justice Strategy needs to be seen in the context of other Territory and national efforts to respond better to people with disability which both inform and support the strategy.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability is continuing to listen to the experiences of people with disability through a variety of formats and although its final report is not due until September 2023, themes and issues are emerging which provide both confirmation of the current actions and direction for future work.

Australia's Disability Strategy 2021-2031 was released in December 2021 and follows on from the National Disability Strategy. Central to the new strategy is a commitment to an inclusive society that ensures people with disability can fulfill their potential, as equal members of the community. Safety, Rights and Justice is one of the outcome areas of Australia's Disability Strategy with policy priorities for all levels of government which strongly align with the goals and focus areas of the ACT's Disability Justice Strategy.

The ACT is also developing a new ten-year Disability Strategy which will support the ACT's commitments under Australia's Disability Strategy. The ACT Disability Strategy is in the development phase and is providing an opportunity to talk to the disability community, their families, and carers about justice-related issues as the Disability Justice Strategy plans for the Second Action Plan (2023-2027).

At national level, there is work underway to develop a National Disability Data Asset (NDDA) which will integrate, share and link data to provide a more complete picture of the needs of people with disability and the services they access. It is hoped that justice data will allow an improved understanding of the characteristics of people with disability in contact with the justice system and their needs which will allow for planning of appropriate supports and services.

This report shows the ACT is making positive changes for people with disability in contact with the justice system, while acknowledging that significant improvements are still needed. In addition, as part of a broader suite of work at Territory and national level, the Disability Justice Strategy continues to emphasise the importance of ensuring that people with disability are able to participate equally in society.

The First Action Plan and Disability Justice Strategy along with an Easy English translation can be read here:

https://www.communityservices.act.gov.au/disability_act/disability-justice-strategy

FIRST ACTION PLAN 2019–2023

The Disability Justice Strategy is a ten-year strategy. The strategy is an overarching plan, designed to inform and guide how more detailed work is formulated and acted on. It has three key goals (Figure 1) and five focus areas aimed at achieving those goals.

Figure 1 Goals of the Disability Justice Strategy



HIGHLIGHTS

The Disability Justice Strategy First Action Plan 2019-2023 is based on a series of commitments and engagements made by agencies across the ACT to move towards equality before the law for people with disability. The First Action Plan sets out actions, all of which relate to one of the five focus areas identified as being critical to achieving the goals of the Disability Justice Strategy. Each action identifies the outcome being sought, including what it will look like for people with disability, and a break-down of the activities which will be undertaken over the first four years.

This section highlights the actions in the third year of implementation of the plan where notable progress has been achieved. A summary of all the actions within each of the five focus areas is outlined in the next section.

Action 1.1 and 4.1 - Community of Practice

Focus Area 1 INFORMATION AND COMMUNICATION & Focus Area 4 BETTER SERVICE DELIVERY	
Action	Outcome
A community of practice will be created through the phased introduction of Disability Justice Support Workers in key agencies. The networked members employed by a range of justice agencies will provide direct one to one navigation and support to individuals in those services and foster cultural change through internal expertise and advocacy.	<p>People with disability will experience the provision of practical supports and reasonable adjustments as they engage with justice agencies, to support them to navigate the system.</p> <p>Justice agencies will have increased confidence in supporting people with disability and making reasonable adjustment to enable access to justice. This action will mean there will be a core network of dedicated disability justice workers to support people with disability, their carers and supporters to navigate the justice system and receive necessary adjustments.</p> <p>Community of practice designed and established with two (2) dedicated justice agency staff in early 2020 building to eight (8) dedicated staff by 2023.</p>

Progress

The Community of Practice is a critical foundational action under the First Action Plan and cuts across two focus areas: information and communication and better service delivery. In June 2022, nine disability justice support workers, referred to as disability liaison officers (DLOs), were working in the justice sector as a result of the Disability Justice Strategy.

There is a DLO placed at Legal Aid ACT, Children Youth and Families, the Office of the Director of Public Prosecutions, Canberra Community Law, Victims Support ACT, ACT Courts and Tribunal, ACT Policing, ACT Corrective Services Community Corrections and at the Alexander Maconochie Centre. The DLOs have continued to work together as a Community of Practice to support individuals to navigate the justice system and to identify and work on systemic issues to improve access to justice for people with disability. The Community of Practice meets fortnightly to collaborate with each other and with other service providers to address barriers for people with disability.

Within their organisations, the DLOs continue to support individuals to navigate the justice system by implementing reasonable adjustments for people, providing advice and training to colleagues about best practice and reasonable adjustments, and working across agencies through the Community of Practice to ensure people have access to appropriate adjustments and services along their journey in the justice system. The case study below shows one example of the type of work the DLOs are doing to improve outcomes for people with disability in the justice system.

Case Study

A person with intellectual disability accessed legal support from Legal Aid ACT after experiencing domestic violence. This person was also experiencing homelessness and had significant debt as a result of being coerced into signing documents they did not understand.

The Legal Aid DLO supported the person's lawyer to understand their reasonable adjustment needs, made referrals to services for support with financial advice, counselling and housing. The DLO also used the functional assessment pathway, available through the Disability Justice Strategy, to obtain appropriate assessments for the person which enabled them to access disability supports. The person is now living in their own home with security features in place and the debt has been cleared. A protection order was obtained against the perpetrator of domestic violence.

Action 1.2 – Accessible Information

Focus Area 1 INFORMATION AND COMMUNICATION & Focus Area 4 BETTER SERVICE DELIVERY	
Action	Outcome
All government agencies develop accessible information through a variety of formats to ensure people with disability are able to understand their rights, access information and better understand the justice system.	<p>People with disability, their carers and supports have accessible information to enable equal access to justice in ways meaningful to them.</p> <p>First round of accessible information completed by June 2020. First workshops on accessible information September 2019.</p>

Progress

The development and dissemination of accessible information is a critical part of ensuring people with disability have equal access to information, that they are able to understand their rights and their responsibilities and have those rights respected. Since the commencement of the Disability Justice Strategy, agencies have been identifying critical information and working to translate that information into a range of accessible formats. In the past year, examples of the development of accessible information include the development of videos to provide information about attending court and attending an ACT Civil and Administrative Tribunal hearing, the translation into Easy English of the [Working Together for Kids](#) series which provides information for parents and families in contact with the child protection system, and auditing of the Canberra Community Law website to include accessibility features, such as a text-to-speech function, larger icons and tool to support people with dyslexia.

Of particular note, ACT Government supported Canberra Community Law to develop a series of social scripts in partnership with people with disability. Social Scripts are person centred narratives that use simple language and images to help a person know what to expect from a new situation, event or interaction. Canberra Community Law worked with Autism Spectrum Australia to produce thirteen social scripts which were co-designed with people with cognitive disability. The scripts cover events such as meeting with a lawyer and going to an ACT Civil and Administrative Tribunal hearing. The scripts are publicly available at [Social Scripts - Canberra Community Law](#). Six of the scripts are customisable templates which come with instructions, images, customisable pages and lists of examples of information to include. This means that other services can adapt and distribute their own social scripts to people accessing their service.

Training to support the translation of information into accessible formats continued. To date, 151 staff members across the justice system or working in ACT Government

communications teams have participated in training on accessible information including how to develop Easy English documents.

Action 2.2 – Police Best Practice Guide

Focus Area 2 EDUCATION AND GUIDANCE	
Action	Outcome
A guide to assist ACT Policing in interacting with people with disability.	<p>A best practice guide is developed in partnership with ACT Policing. This will provide practical guidance to police in their interactions with people with disability to enable people with disability to understand and exercise their rights and have reasonable adjustments made.</p> <p>Best practice guide is developed in 2021 and tested in 2022.</p>

Progress

The Best Practice Guide has been developed in collaboration with ACT Policing and the Disability Justice Strategy team from the Community Services Directorate and the Justice and Community Safety Directorate. It was informed by research, interviews and workshops with people with disability, carers and other stakeholders.

Now called the 'Better Practice Guide on Interactions with People with Disability' (the guide), the guide is designed to help members of ACT Policing identify when a person may have diverse needs and/or a disability and interact in a way that best meets those needs. The guide has been adopted by ACT Policing as an official ACT Policing internal document and forms part of the Australian Federal Police's governance framework.

The guide was completed in June 2022 and implementation post internal clearance processes is scheduled to occur in the first quarter of the 2022-23 financial year.

Action 3.1 – Screening and Identification

Focus Area 3 IDENTIFICATION, SCREENING AND ASSESSMENT	
Action	Outcome
Screening and Identification of disability for reasonable adjustments.	This action will enable service providers and justice agencies to better identify people with disability to provide reasonable adjustments. Trial of screening tool in 2021.

In the first year of implementation of the Disability Justice Strategy, a tool was developed to support the identification of any reasonable adjustment requirements an individual may have as a result of having a disability. This process enables justice agencies to determine if a person requires reasonable adjustments to be made during their interaction with the justice system to ensure they understand their rights and responsibilities and can engage in programs and services.

After development of the tool, further work has been undertaken by the ACT Government to identify a variety of reasonable adjustments that can be implemented both immediately and in particular areas of the justice system to support trials of the tool in different locations. For example, a series of reasonable adjustments appropriate for young people at the Bimberi Youth Justice Centre were identified and developed by staff with the support of allied health professionals.

Child and Youth Protection Services and Bimberi Youth Justice Centre began a trial of the tool for identifying reasonable adjustments at Bimberi Youth Justice Centre (Bimberi) from January 2022. During the initial trial period more than half of the young people involved identified a need for a reasonable adjustment. The trial is continuing, and learnings are being used to better embed the tool into Bimberi processes.

Since March 2022, the tool is being trialled with the Child and Youth Protection Services Therapeutic Assessments team. A staged roll-out across Child and Youth Protection Services will continue to expand the use of the Tool. To complement this work, Child and Youth Protection Services is also working to improve the client information system's recording of disability and reasonable adjustments to capture this information and more easily make the recorded information available to staff.

ACT Policing have been supported to identify appropriate reasonable adjustments for people with disability who are detained in custody at the City Watch House. ACT Policing have undertaken work pre-trial to adjust and test their induction processes and workflow to best accommodate the screening tool. A trial commenced on 1 July 2022.

Other agencies and organisations have also begun to incorporate identification or reasonable adjustment requirements into their processes. For example, ACT Courts and Tribunal have developed a pamphlet to allow people to identify reasonable adjustments they require, Victims Support ACT use the tool to identify reasonable adjustment requirements for new clients, and Canberra Community Law has begun work to revise their triage process, so disability and reasonable adjustment requirements are identified prior to a client's appointment.

Action 4.2 – Disability Action and Inclusion Plans

Focus Area 4 BETTER SERVICE DELIVERY	
Action	Outcome
Disability Action and Inclusion Plans are developed and implemented to improve access and participation of people with disability. DAIPs are active plans written by an organisation as a commitment to improve access and participation for people with disability.	<p>This action will enable services to identify where people with disability come into contact with their systems and means ACT Government agencies and the justice sector will focus on the needs of people with disability within their service deliver, reasonable adjustments needed to be made and information which should be made more accessible. A DAIP also ensures the engagement of people with disability in the development of the plan.</p> <p>DAIPs are in place by 2022.</p>

Progress

This action committed a range of agencies to developing and implementing a Disability Action and Inclusion Plan (DAIP). DAIPs set out an organisation's commitment to improving access and inclusion for people with disability in contact with that organisation, whether as a user of services or as a staff member.

The successful collaboration with the Australian Network on Disability (AND) which supported the development of ACT Corrective Services Disability Action and Inclusion Plan 2021-2023 demonstrated the importance of accessing expertise in developing DAIPs. AND were approached to see what level of support could be offered to other justice agencies which resulted in agencies being able to participate in AND's new Action and Inclusion Plan Master Class. ACT Courts and Tribunal, the Office of the Director of Public Prosecutions, Legal Aid ACT, the Public Trustee and Guardian and Children, Youth and Families (Community Services Directorate) are all currently participating in the Master Class which will result in the development of DAIPs.

Action 4.3 – Third Person Support Trial

Focus Area 4 BETTER SERVICE DELIVERY	
Action	Outcome
A trial providing a third person independent advocate for individuals with disability when interacting with the justice system is implemented.	This trial will test providing a community advocate/support person to individual people with disability to assist them to navigate the system, be listened to and communicate when involved in legal issues or proceedings such as court or tribunal.
	Trial commenced mid-2020

Progress

The Third Person Support Trial commenced in September 2021 as a telephone only service (due to the COVID-19 pandemic) before changing to a face-to-face service in March 2022. It operates from 5pm Friday to 9am Monday (plus public holidays) at the City Watch House and is staffed by lawyers from Legal Aid ACT. The service is available to all arrested people at the Watch House who are at risk of being remanded in custody for court or who are participating in a record of interview.

The trial is not restricted to people who have informed ACT Policing that they have a disability, noting that people with disability may be reluctant to declare disability particularly in certain circumstances and some people may not be aware they have a disability. The scheme operates by ACT Policing offering access to a lawyer during operational hours.

In the Second Annual Progress Report, early indications reported that the scheme had limited take up, but it was anticipated this was a consequence of public health measures and lockdown. Since then, referrals by ACT Policing to Legal Aid have remained static at around 1-2 people per weekend. The Disability Justice Strategy team, ACT Policing and Legal Aid meet fortnightly to discuss the trial and to resolve any issues that may arise. The low referral numbers have been a regular point of discussion and ACT Policing has worked to amend custody intake forms to encourage uptake and identify people who may benefit from participation – see Action item 3.1 Needs Adjustment Identification Tool. The low referral numbers are a concern for the viability of the scheme and work is continuing to identify barriers to uptake.

SUMMARY OF ALL ACTIONS

Focus Area 1 Information and Communication

Focus Area 1 INFORMATION AND COMMUNICATION		
Action Plan initiative	Action to date	Commitments
1.1 Community of Practice A community of practice will be created through the phased introduction of DLOs in key agencies. The networked members employed by a range of justice agencies will provide direct one to one navigation and support to individuals in those services and foster cultural change through internal expertise and advocacy. CoP is maintained and led by Disability Justice Strategy Team.	<ul style="list-style-type: none"> DLOs are in place at Legal Aid ACT, ACT Corrective Services - AMC, ACT Corrective Services – Community Corrections, Director of Public Prosecutions, Victims Support ACT, ACT Policing, Child and Youth Protection Services, Canberra Community Law and ACT Courts and Tribunal. A community of practice comprising the DLOs, and others employed in similar roles across the justice system, is operating. The group meets fortnightly and works together as a network to support individuals in contact with the justice system and to address systemic barriers impacting people with disability. 	<p>Lead: Community Services and Justice and Community Safety Directorates</p> <p>Includes: Partnership with relevant agencies and organisations including commitments from:</p> <ul style="list-style-type: none"> Office of the Director of Public Prosecutions Legal Aid ACT Policing ACT Corrective Services - AMC ACT Corrective Services - Community Corrections Child and Youth Protection Services ACT Courts and Tribunal Canberra Community Law

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<p>1.2 Accessible Information</p> <p>All government agencies develop accessible information through a variety of formats to ensure people with disability are able to understand their rights, access information and better understand the justice system.</p>	<ul style="list-style-type: none"> • Legal Aid ACT have developed Easy English documents to support applications of Family Violence Orders and Personal Protection Orders. These will be published in 2022. An accessibility banner has been added to the Legal Aid ACT website supporting various reasonable adjustments for individual communication needs. • Office of the Director of Public Prosecutions have: <ul style="list-style-type: none"> ○ Developed story boards to assist clients to understand the Court process. Social scripts to support people who are required to give evidence are currently in development. ○ Developed plain language documents based on information on the DPP website to be uploaded to the website in the coming month. • ACT Civil and Administrative Tribunal have released an Easy English guide and video about Guardianship and Management of Property. • ACT Courts and Tribunal have released pamphlets to support people with reasonable adjustment requirements who are coming to court including: <ul style="list-style-type: none"> ○ Easy English guide providing directions and parking instructions for the Remote Witness Suite. ○ A 'Canine support' and 'Remote witness suite' pamphlet to provide information about supports available. ○ A 'Request for assistance' pamphlet outlining the courts commitment to providing reasonable adjustments when they are available. • ACT Corrective Services have identified a suite of videos for development: <ul style="list-style-type: none"> ○ a short induction video for offenders taken into custody by the Court Transport Unit, ○ a video of key information for offenders reporting to Community Corrections, ○ a video outlining the visits process for visitors to the AMC, and ○ a longer induction video for detainees following review of content and translation of the detainee handbook into plain English. <p>Scoping of these videos has been progressing in partnership with the JACS Communications & Engagement team, including</p> 	<p>Lead: All ACT Government agencies</p> <p>Includes:</p> <ul style="list-style-type: none"> • Legal Aid • Office of the Director of Public Prosecutions • ACT Courts and Tribunal • Public Trustee and Guardian • Human Rights Commission • Justice and Community Safety Directorate • ACT Corrections • Child and Youth Protection Services • Canberra Community Law • Housing ACT • Community Legal Sector.
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	<p>reviewing Corrective Services NSW induction videos.</p> <ul style="list-style-type: none"> • Canberra Community Law have: <ul style="list-style-type: none"> ○ Worked with Aspect Australia to develop social scripts and social script templates. Eight scripts and free templates are available on the CCL website. ○ The DLO is working with teams to improve document accessibility. This has included CCL's client agreement and Street Law checklist. ○ An accessibility audit of the CCL website was completed, and changes implemented in December 2021, including the addition of a text-to-speech function, larger icons, and the Dyslexie tool. ○ The DLO has provided support and advice to individual lawyers in relation to email structure using the principles of plain language, and tips for using free, built-in Microsoft Outlook accessibility tools. • Accessible Communication training, including how to write documents in Easy English, continues to be offered to justice agencies and media and communications teams once a quarter. These sessions are well attended. • Child and Youth Protections Services have translated the four Working Together for Kids guides into Easy English. Key information for young people at Bimberi Youth Justice Centre are also currently being translated into plain and Easy English. • The Human Rights Commission: <ul style="list-style-type: none"> ○ Victim Support ACT (VSACT) participated in Easy English training to develop and translate documents into Easy English. VSACT have developed their resource "what help can I get if a violent crime happens to me?". This resource is currently being printed and set to be available before the end of financial year. VSACT also produced two short animations which are accessible for people with a disability and people with low literacy (one with general client information and one with information for Aboriginal and Torres Strait Islander clients). They were shared on social media and on the Commission website. ○ The Public Advocate has developed a plain English brochure about its services, inclusive of some easy English 	
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	<p>graphics to cover key concepts.</p> <ul style="list-style-type: none"> ○ The Disability & Community Services Commissioner (DCSC) has published a number of short animations targeted toward people with a disability, carers and advocates about the complaint process; these are being distributed through social media channels; and via the HRC website. (A poster was also produced targeting people with a disability and carers & advocates, using illustrations from one of the animations. It was distributed to stakeholders.) DCSC has produced a number of short community PSA's being run on community radio in community languages promoting the vulnerable person complaint jurisdiction for multicultural community members. DSDC has also run some advertising, targeted toward people with a disability and carers & advocates, about the complaint process. Ads have run in the Sunday Times and City News. ○ Accessibility web training for staff from the Human Rights team: two staff attended a training with the Inclusion Advisor from the Information Access Group. Session covered making online and website information as accessible as possible and allowing users to customise website viewing, by toggling colour/tone, font size and dyslexic font. with a toggle button ● ACT Policing's DLO has gathered examples and resources to support different business areas in ACT Policing, including the Sexual Assault and Child Abuse Team and the Family Violence Unit to develop resources that aid people with disability. ● Public Trustee and Guardian has developed accessible information in its business units and has reformatted information in preparation for an updated website and information delivery. 	
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<p>1.3 Supported Decision making</p> <p>Supported Decision Making (SDM) is understood and promoted across community and justice agencies. SDM provides an alternative way of ensuring a person retains autonomy and independence in their lives. It provides an alternative to substitute decision makers and guardians.</p>	<ul style="list-style-type: none"> • A working group has been convened to progress this action together with action 4.8.(guardianship reform). The working group consists of the DJS Team and representatives from Public Trustee and Guardian, ADACAS, AFI, JACS -Legislation, Policy and Programs (Civil), the Public Advocate and the ACT Human Rights Commission. • A public consultation with people with disability and other community members about decision making occurred in May 2022 as part of the ACT Disability Strategy consultations to inform supported decision making and guardianship reform. • A trial of a SDM approach to support young people with disability in specialist schools was undertaken by ADACAS. Fourteen young people and their families were supported through this trial. The program will continue over the next twelve months and has been expanded to include support for people where guardianship is being considered. • Child and Youth Protection Services prepared a SDM discussion paper to inform a CYPS wide approach to the use of SDM. Child and Youth Protection Services will develop SDM processes following the full implementation of the Tool to Identify Reasonable Adjustments across CYPS. • The Public Trustee and Guardian actively represents and advises on supported decision making as an alternative to substitute decision making and promotes active decision making with all people with disability who are in contact with justice agencies. Supported decision making is also promoted and discussed in local, national and international forums to inform best practice guidelines and evidence-based approaches to reform. • Work is underway to deliver legislative reform to the <i>Guardianship and Management of Property Act 1991</i> in line with the commitment in the First Action Plan 	<p>Lead: Office for Disability, Community Services Directorate</p> <p>Delivered by: Community disability advocacy partners and the Public Trustee and Guardian</p>
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<p>1.4 Identification of intervention points</p> <p>Intervention points for information are identified and advice is given to problem noticers. Problem noticers are individuals and systems which are uniquely placed to engage early or proactively in the life of an issue.</p>	<ul style="list-style-type: none"> • The Disability Justice Strategy team has commenced work with the community of practice to identify intervention points in the justice system through case studies. 	<p>Lead: Community Services and Justice and Community Safety Directorates</p> <p>Includes:</p> <ul style="list-style-type: none"> • ACT Health Directorate • Education Directorate • Justice and Community Safety Directorate • Community Services Directorate • Community sector
<p>1.5 Community engagement and consultation with people with disability</p> <p>Ongoing consultation is undertaken with people with disability and the community sector on the issues which impact their experience and ability to contribute as citizens.</p>	<ul style="list-style-type: none"> • The Disability Justice Reference Group meets twice a year with additional out of session papers provided as required. • Communiqués are made public after the meetings and the annual report for the DJS is also released publicly. • The Disability Justice Strategy team consults the Aboriginal and Torres Strait Islander Justice team in JACS to ensure a good level of engagement with the community on disability justice issues, including through attending the Aboriginal and Torres Strait Islander Justice Caucus meetings. • A public consultation with people with disability and other community members about justice issues occurred in July 2022 as part of the ACT Disability Strategy consultations. • Consultation with people with disability and their carers occurred to inform the development of the police Best Practice Guide. 	<p>Lead: Community Services and Justice and Community Safety Directorates</p> <p>Includes: All ACT Government agencies</p>

Focus Area 2 Education and Guidance

Focus Area 2 EDUCATION AND GUIDANCE		
Action Plan initiative	Action to date	Commitments
<p>2.1 Justice Sector education and guidance</p> <p>Disability justice specific ACT training resources are developed.</p> <p>Justice organisations undertake training and utilise resources developed.</p>	<ul style="list-style-type: none"> • Training has been developed by ADACAS and AFI. Training sessions to test and evaluate the training were delivered in July and August 2021 to justice sector participants. These training sessions were interrupted by the ACT lockdown and will be rescheduled when restrictions ease. • It has been identified more tailored training would be beneficial for frontline agencies such as ACT Policing and ACT Corrective Services and options are being considered on how to progress this. • DLOs have been providing training to staff within their organisations in relation to reasonable adjustments. • Canberra Community Law presented two 'Working with Vulnerable Clients' sessions in March 2022 for CIT Community Services students, and for ANU students undertaking clinical law placements at CCL. The sessions included information on disability discrimination law and supporting clients with disability engaged in the justice system. • Legal Aid ACT has mandated disability awareness training for all staff. 	<p>Participation from</p> <ul style="list-style-type: none"> • Office of the Director of Public Prosecutions • Legal Aid • ACT Corrections • Child and Youth Protection Services • ACT Courts and Tribunal • Human Rights Commission • Victims of Crime Commissioner • Community Legal Sector • Bimberi Youth Justice Centre • Alexander Maconochie Centre • Justice Health • PCYC • One Link • Community disability advocacy partners.
<p>2.2 Best practice guide for ACT police</p> <p>A guide to assist ACT Policing in interacting with people with disability.</p>	<ul style="list-style-type: none"> • Development of the guide has been completed. 	<p>Lead: ACT Policing</p> <p>Supported by:</p> <ul style="list-style-type: none"> • Justice and Community Safety Directorate and Community Services Directorate

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<p>2.3 Supporting Victims to give evidence guidelines</p> <p>Guidelines on supporting victims with disability giving evidence are developed, disseminated and utilised.</p>	<ul style="list-style-type: none"> • Social scripts to support victims to give evidence are in development. These are expected to be complete and available in 2022. 	<p>Lead: Office for Disability, Community Services Directorate</p> <p>Delivered by: Community disability advocacy partners and the Public Trustee and Guardian</p>
<p>2.4 Legal capacity guidance for legal profession</p> <p>'Legal capacity guidelines' are developed for legal practitioners to assist in identification of clients who may need additional supports.</p>	<ul style="list-style-type: none"> • Complete – the guidelines and toolkit were publicly launched on 1 December 2020. 	<p>Lead: Legal Aid ACT</p> <p>Supported by:</p> <ul style="list-style-type: none"> • Justice and Community Safety Directorate • Community Services Directorate • Public Trustee and Guardian
<p>2.5 Education outreach on rights of people with disability</p> <p>Disability focused rights outreach from the Human rights Commission is undertaken, targeting people with disability and the non-government sector.</p>	<ul style="list-style-type: none"> • The ACT Human Rights Commission has provided training on its jurisdiction to handle complaints about the treatment of vulnerable people including people with disability. 	<p>Lead: ACT Human Rights Commission</p> <p>Supported by: Community Services Directorate and Justice and Community safety Directorate</p>
<p>2.6 Implementation of Courts and Tribunal Training Tool</p> <p>Provide training for ACT Courts and Tribunal staff to improve their awareness of disability.</p>	<ul style="list-style-type: none"> • An e-learning module will be made available to ACT Courts and Tribunal staff in the later part of 2022 raising awareness of needs of people with disability. 	<p>Lead: ACT Courts and Tribunal and People and Workplace Strategy (Justice and Community Safety Directorate)</p>

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<p>2.7 Development of best practice guide for Child and Youth Protection Services</p> <p>Child and Youth Protections Services develop a best practice guide for frontline workers. The guide includes best practice for how to support people with disability engaged with Child and Youth Protection Services.</p>	<ul style="list-style-type: none"> • In late 2020, a Practice Guide for Child and Youth Protection Services staff about working with families with disability was released. The guide was informed by feedback from ACT disability organisations such as ADACAS, AFI and the ACT Government Office for Disability. The guide has been used as a basis for training staff across Child and Youth Protection Services. • Targeted disability training was completed for Melaleuca Place and the Therapeutic and Assessment Planning team, all 12+ operational staff, and a Lunch and Learn session for all of CYPS, to support the use of best practice guide. 	<p>Lead: Child and Youth Protection Services</p> <p>Supported by: Office for Disability, Community Services Directorate</p>
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Focus Area 3 Identification, Screening and Assessment

Focus Area 3 IDENTIFICATION, SCREENING AND ASSESSMENT		
Action plan initiative	Action to date	Commitments
<p>3.1 Screening and Identification of disability for reasonable adjustments</p> <p>Screening and assessment tools are sourced for use in both the services and justice systems.</p>	<ul style="list-style-type: none"> • A tool, based on the Washington Group short set of questions (WGQ) combined with an observational component, was developed to support identification of reasonable adjustment requirements for people with disability in 2020. • Victims Support ACT continue to use the tool to identify and then implement reasonable adjustments. • ACT Courts and Tribunal developed a script for frontline staff to use, based on the tool, to identify reasonable adjustment requirements of people coming to court. A pamphlet, based on the tool was also developed to allow people to share their reasonable adjustment requirement needs with court staff. • Office of the Director of Public Prosecution and ACT Policing are working collaboratively to improve information sharing about reasonable adjustment requirements for victims and defendants. • ACT Policing were supported to incorporate the tool into their intake process in the City Watchhouse and to identify appropriate reasonable adjustments for people with disability detained in the City Watchhouse. A three-month trial commenced on 1 July 2022 following a pre-trial period of three months to refine the induction process around identifying and supporting people with disability. • The Child and Youth Protection Services (CYPS) and Bimberi Youth Justice Centre began a trial of the tool at Bimberi Youth Justice Centre from January 2022. • Since March 2022, the tool is currently being trialed with the CYPS Therapeutic Assessments team. A staged roll-out across CYPS will continue to expand the use of the Tool. • CYPS is working with ACT Together and the Public Advocate to ensure young people with disability are supported as they 	<p>Lead: Office for Disability, Community Services Directorate</p> <p>Includes:</p> <ul style="list-style-type: none"> • ACT Corrections • Child and Youth Protection Services • Legal Aid • Office of the Director of Public Prosecutions • Victims of Crime Commissioner • ACT Policing • Community legal sector

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	<p>transition out of care including through the identification and use of reasonable adjustments as required.</p> <ul style="list-style-type: none"> • The CYPS client information system enables the recording of reasonable adjustments for Child and Youth Protection clients. CYPS is working on improving the way reasonable adjustments appear on the client information system and how staff are alerted to the need for reasonable adjustments. • Legal Aid ACT has implemented a protocol for first legal appointments which prompts for information regarding a client's reasonable adjustment requirements and if they identify as having a disability. • Canberra Community Law has commenced work to revise their triage process so disability and reasonable adjustment requirements are identified prior to a client's appointment. • ACT Corrective Services is exploring a range of options and tools to assist in better understanding the prevalence of functional impairment among detainees at the AMC. This will inform advice to Government regarding future investment in resources and services to assist those who need it most. • The development of functional screening questions for detainees entering AMC is being progressed as a part of the induction stage in the new Integrated Offender Management Framework. • A complex case planner has been employed at AMC, and a model of care has been developed to enable this role to focus on improved pathways and care for detainees with disabilities. • The AMC DLO has established a working relationship with NDIA and is working collaboratively with internal and external services to support detainees to navigate disability support services. • The AMC DLO has supported increased awareness amongst AMC staff about the National Disability Insurance Scheme and as a result, the number of detainees engaged and accessing the NDIS has increased. 	
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<p>3.2 Referral for functional assessment</p> <p>A process for justice agencies to have ready access to functional assessments is established to inform service responses to people with disability through funding administered by Community Services Directorate.</p>	<ul style="list-style-type: none"> • A trial enabling access to funding for functional assessments for people with suspected disability who are experiencing a legal issue was launched in December 2021. • Referrals have been received from Legal Aid ACT, Community Corrections and Child and Youth Protections Services. 	<p>Lead: Office for Disability, Community Services Directorate</p> <p>Includes:</p> <ul style="list-style-type: none"> • ACT Corrections • Child and Youth Protection Services • Legal Aid • Office of the Director of Public Prosecutions • Victims of Crime Commissioner • ACT Policing • Community legal sector
<p>3.3 Therapeutic assessment for Children in CYPS</p> <p>Therapeutic assessments are undertaken for children and young people engaged with Child and Youth Protection Services.</p>	<ul style="list-style-type: none"> • Therapeutic assessments for children in Out of Home Care are occurring including the recording of disability status of children or young people. 	<p>Lead: Child and Youth Protection Services and Community Services Directorate</p> <p>Supported by: Education Directorate</p>

Focus Area 4 Better Service Delivery

Focus Area 4 BETTER SERVICE DELIVERY		
Action Plan initiative	Action to date	Commitments
4.1 Community of Practice A Community of Practice will be created through the phased introduction of Disability Liaison Officers in key agencies. The networked members employed by a range of justice agencies will provide direct one to one navigation and support to individuals in those services and foster cultural change through internal expertise and advocacy. CoP is maintained and led by Disability Justice Strategy Team.	See 1.1	Lead: Community Services and Justice and Community Safety Directorates Includes: <ul style="list-style-type: none"> • ACT Policing • ACT Corrections • Legal Aid • Office of the Director of Public Prosecutions • Child and Youth Protection Services • ACT Courts and Tribunal • Canberra Community Law

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<p>4.2 Disability Action and Inclusion Plans (DAIP)</p> <p>DAIPs are developed and implemented to improve access and participation of people with disability.</p> <p>DAIPs are active plans written by an organisation as a commitment to improve access and participation for people with disability.</p>	<ul style="list-style-type: none"> • ACT Corrective Services completed and launched their DAIP on 3 December 2020. The DAIP action plan has been developed and Tranche 1 and Tranche 2 actions are well progressed. A first-year report is available here: https://correctiveservices.act.gov.au/about-us/disability-action-inclusion-plan • An expressions of interest was released seeking individuals with lived experience or other expertise to form a Disability Reference Group. • JACS Network for Employees with Disability, which meets regularly to advise on and influence JACS disability initiatives, has been promoted to all ACTCS staff via communiques from the ACTCS Champion for Disability. • Office of the Director of Public Prosecutions is in the process of developing a DAIP with staff attending DAIP masterclass workshops. Primary research has been collected with office-wide survey completed. DAIP is expected to be completed by the end of 2022. • The ACT Human Rights Commission had Disability Action Plans from 2014 to 2019. In 2020 the ACT Human Rights Commission introduced a Social Inclusion Plan with priority areas relating to people with disability; LGBTIQ people; older people; and multicultural people. The ACT Human Rights Commission has a working group which reviews the Social Inclusion Plan monthly. • Legal Aid ACT commenced development of a DAIP in late 2021. Initial communications about the DAIP have been distributed and research through surveys with staff and preparations for interviews and focus groups has commenced. • ACT Courts and Tribunal representative attended the Australian Network on Disability Masterclass on the development of DAIPs. A draft DAIP has been developed which will be circulated to stakeholders in mid to late 2022 with a view to obtain feedback and input into the plan. • Canberra Community Law is finalising their fourth DAIP which has been structure according to the five focus areas of the Disability Justice Strategy. A focus group through 	<p>Lead: All directorates</p> <p>Includes:</p> <ul style="list-style-type: none"> • Public Trustee and Guardian • ACT Courts and Tribunal • Office of the Director of Public Prosecutions • Legal Aid • Canberra Community Law • Child and Youth Protection Services • Community legal sector • Canberra Health Services
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	<p>Next Level Inclusion provided feedback on the draft. The focus group was comprised of people with lived experience of disability and feedback has been incorporated into the draft. Scope Australia is currently developing the Easy English version of the DAIP for CCL. The next steps are to seek feedback from a range of other stakeholders, obtain CCL Board approval, add the DAIP to the website, and register the DAIP with the Australian Human Rights Commission.</p> <ul style="list-style-type: none"> • Canberra Health Services have undertaken public consultation on a draft DAIP. This is due for release later in 2022. • Staff from CYPS are participating in the Disability Action and Inclusion Plan (DAIP) masterclasses delivered by Australian Network on Disability. The masterclasses will assist staff in the development of CYPS specific DAIPs as blueprints for change which outline action-oriented, time-sensitive and measurable goals to improving inclusion. The DAIPs will be informed by input from key stakeholders and will be developed by December 2022. • Staff from the Public Trustee and Guardian also participated in the Australian Network on Disability Masterclass and are in the process of developed a Disability Action and Inclusion Plan, with consultation underway. 	
<p>4.3 Third person support trial</p> <p>A trial providing a third person independent advocate for individuals with disability when interaction with the justice system is implemented.</p>	<ul style="list-style-type: none"> • A trial has commenced where free a legal service and early linkages to disability and other supports are provided to people detained in the City Watchhouse on the weekend. 	<p>Lead: Community Services and Justice and Community Safety Directorates</p> <p>Includes: Justice agencies and legal service providers</p>

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4.4 Specialist disability legal and forensic services An examination is undertaken of the necessity and feasibility of specialist disability services for legal issues and supports to people in the criminal justice system.	<ul style="list-style-type: none">• Workshop planned for second half of 2022.	Lead: Community Services Directorate and Justice and Community Safety Directorate Includes: Justice agencies and legal service providers
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<p>4.5 Intermediary Scheme</p> <p>The intermediary scheme will commence in January 2020 with a view to expanding in its scope in the third year, to include adults with a communication difficulty.</p>	<ul style="list-style-type: none"> • The ACT Intermediary Program continues to operate 24/7 to provide intermediaries at police interviews, court matters and at engagements with legal professionals across the ACT. Intermediaries have been providing specialised advice at police investigative interviews, to lawyers and at court to facilitate the giving of evidence by vulnerable witnesses, so they can provide their best evidence. • As of 31 May 2022, the ACT Intermediary Program has received 465 referrals from ACT Police, 78 requests from ACT Courts (Supreme and Magistrates) and 12 requests from legal professionals, primarily Legal Aid. Of these referrals, 75% involved children and young people aged 18 years and under. • Referrals have also involved witnesses with a range of communication difficulties other than young age, with approximately 57% of all referrals identifying the witness as having an additional communication difficulty. These include communication issues such as learning disabilities (mild to severe), autism spectrum disorder, cognitive impairments, language delays, physical disabilities, mental health issues and trauma. By undertaking a communication assessment, intermediaries with relevant expertise provide tailored recommendations to police, court and legal professionals on the best strategies for engagement with relevant witnesses to ensure they are able to provide their best evidence. • To date, 100% of referrals received by the Program have been matched to a suitable intermediary. 	<p>Lead: Victims of Crime Commissioner, Justice and Community Safety Directorate and Community Services Directorate</p>
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<p>4.6 ACT Corrections Disability Framework</p> <p>A Corrections Disability Framework is developed and implemented.</p>	<ul style="list-style-type: none"> • Progress on the ACTCS Disability Framework has been delayed. This project is now strongly linked with the implementation of the Integrated Offender Management Framework that considers individual needs at various stages throughout the continuum of service. • A project manager has been appointed and project planning is being revised against the Integrated Offender Management Framework. • An expressions of interest seeking individuals with lived experience or other expertise was released for appointment to the DAIP Steering Committee, Disability Expert Reference Group and to support general consultation opportunities. 	<p>Lead: ACT Corrections and Justice and Community Safety Directorate</p>
<p>4.7 Information Sharing</p> <p>The collection and sharing of personal information of people with disability, with consent, is improved to ensure relevant information is available in a timely way to better support people with disability.</p>	<ul style="list-style-type: none"> • This has been progressed through the Disability Justice Reference Group resulting in a consent-based approach to information-sharing. 	<p>Lead: Community Services Directorate and Justice and Community Safety Directorate</p> <p>Includes:</p> <ul style="list-style-type: none"> • Directorates • Justice agencies • Community sector
<p>4.8 Guardianship reform</p> <p>Explore opportunities to reform decision making laws in the ACT to provide greater options for supported decision making by people with disability.</p>	<ul style="list-style-type: none"> • See action 1.3 	<p>Lead: Justice and Community Safety Directorate</p> <p>Includes:</p> <ul style="list-style-type: none"> • ACT Courts and Tribunal • ACT Health Directorate • Public Trustee and Guardian

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<p>4.9 Criminal justice diversion project</p> <p>An examination is undertaken of options for diversion from the criminal justice system for people with disability.</p>	<ul style="list-style-type: none"> Research undertaken to identify current criminal diversion options in other jurisdictions in Australia and in the ACT. Paper has been presented to the Disability Justice Reference Group for consideration in March 2022. A workshop is planned for further discussion and consultation in late 2022. 	<p>Lead: Community Services Directorate and Justice and Community Safety Directorate</p> <p>Includes:</p> <ul style="list-style-type: none"> Justice agencies
<p>4.10 Cognitive impairment and mental health review</p> <p>Given co-morbidity of mental health and disability, a review is undertaken of current arrangements and options for reform and service delivery improvements are identified.</p>	<ul style="list-style-type: none"> ACT Health Directorate have undertaken a review of mental health services for people with cognitive impairment (with a focus on intellectual disability) in the ACT. A position statement is being developed based on a review of evidence and stakeholder feedback. A targeted consultation period was extended until end of May 2022. Feedback is being incorporated into the draft position statement which will be finalised shortly. The position statement will be guided by and inform the ACT Disability Health Strategy currently in development. 	<p>Lead: ACT Health Directorate supported by Justice and Community Safety Directorate</p> <p>Includes:</p> <ul style="list-style-type: none"> ACT Health Directorate Office for Mental Health and Wellbeing Canberra Health Services Justice agencies Community sector
<p>4.11 Continuation of Canberra Community Law's Socio-Legal Practice Clinic</p> <p>The clinic will continue to provide socio-legal services to residents in the ACT and surround who have public housing, social security or disability discrimination problems.</p>	<ul style="list-style-type: none"> The Socio-Legal Practice (SLP) Clinic continues. Approximately 80% of SLP Clinic's clients identify with having a disability. Socio-Legal Practice Clinic - Canberra Community Law 	<p>Lead: Canberra Community Law</p>

Focus Area 5 Data Research and Review

Focus Area 5 DATA, RESEARCH AND REVIEW		
Action Plan initiative	Action to date	Commitments
<p>5.1 Data collection and publication project</p> <p>Data collection points and collection methods are examined and mapped to improve data capture and reporting with a view to annual statistical collation.</p>	<ul style="list-style-type: none"> • Child and Youth Protection Services is undertaking ongoing work to improve the client information system's recording of disability and reasonable adjustments to capture this information and more easily make the recorded information available to staff. • ACT Courts and Tribunal DLO is collecting data on the reasonable adjustment requirements of clients referred to the Court Assistance team. • Office of the Director of Public Prosecutions has upgraded software to allow more data to be easily collected from victims and defendants with disability. • Legal Aid ACT is recording reasonable adjustment requirements on their electronic data system. • The project within ACT Corrective Services to address this initiative will be linked to the implementation of the Integrated Offender Management Framework, however, preliminary work exploring how data related to disability is identified and captured has occurred. • Victim Support ACT are in the process of reviewing their internal data capturing systems with the intention to improve data capture and reporting, with a focus on reasonable adjustments. • The Disability and Community Services Commissioner collects a range of data on people with disability utilising or being a participant in the HRC's complaint process. • ACT Policing is in the process of digitising the intake process at the City Watch House to replace manual data acquisition process with an electronic process, thereby providing more consistent and timely data. 	<p>Lead: Community Services Directorate and Justice and Community Safety Directorate</p> <p>Includes:</p> <ul style="list-style-type: none"> • Justice agencies • Chief Digital Office

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<p>5.2 Evaluation</p> <p>A formal evaluation of the strategy and the First Action Plan is undertaken in year 3 to inform strategy direction and Second Action Plan.</p>	<ul style="list-style-type: none"> • An evaluation framework, to inform the evaluation plan and implementation, has been developed in consultation with people with disability, disability advocacy organisations and justice stakeholders. Evaluation of the Disability Justice Strategy achievements to date is planned for the end of 2022. 	<p>Lead: Community Services Directorate and Justice and Community Safety Directorate</p> <p>Includes:</p> <ul style="list-style-type: none"> • External evaluator
<p>5.3 Governance and Oversight</p> <p>Oversight of the strategy implementation and outcomes is undertaken by the Disability Justice Reference Group. Government oversight will be provided by the senior leadership of the Strategic Board Human Services Committee comprising the Directors General of Health, Justice and Community Safety, Education and Community Services Directorates, and representatives of Chief Minister, Treasury and Economic Development Directorate, Office of the Coordinator General for Family Safety and Office for Mental Health and Wellbeing.</p>	<ul style="list-style-type: none"> • The Second Annual Report was released in December 2021. • The report was tabled in the Legislative Assembly. • The Disability Justice Reference Group continues to provide oversight of the implementation of the Disability Justice Strategy and met in March 2021 and August 2021. 	<p>Lead: Community Services Directorate and Justice and Community Safety Directorate</p> <p>Includes justice agencies, relevant directorates and community sector:</p> <ul style="list-style-type: none"> • Public Trustee and Guardian • ACT Courts and Tribunal • Human Rights Commission • Victims of Crime Commissioner • Office of the Director of Public Prosecutions • Legal Aid • Aboriginal and Torres Strait Islander Elected Body • ACT Health • Education Directorate • Aboriginal Legal Service

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<p>5.4 Ongoing Development of the Disability Strategy and action plans</p> <p>The Disability Justice Strategy and actions under the First Action Plan will be monitored and reviewed. This will inform the development of the Second Action Plan.</p>	<ul style="list-style-type: none">• The workplan continues to be progressed through both virtual and face-to-face meetings with stakeholders.• ACT Government will be developing the Disability Justice Strategy Second Action Plan during 2022 and 2023. Consultation with people with disability, the community and other justice system stakeholders will be undertaken to inform actions in the Second Action Plan.	<p>Lead: Community Services Directorate and Justice and Community Safety Directorate</p>
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NEXT STEPS

The First Action Plan has established a solid foundation to improve access to justice for people with disability in the ACT. Significant progress has been achieved in a number of areas including: the development of accessible information across the system; the establishment of a community of practice of DLOs to support individuals through the system; and a commitment to continual improvement in relation to inclusive and accessible systems and practices through the development and implementation of Disability Action and Inclusion Plans in our justice agencies and organisations.

The coming year will be an opportunity to consolidate changes made to improve access to justice and address challenges identified through the implementation of the First Action Plan. In this final year of the First Action Plan an evaluation of progress and outcomes will be undertaken in line with the evaluation framework developed in 2021. This will provide valuable information to guide future work under the strategy.

During the next year the ACT Government will be developing the Disability Justice Strategy Second Action Plan 2023-2027 in preparation for implementation to start in mid-2023. Many actions in the First Action Plan will continue beyond the first four years, such as the community of practice and the translation of information into accessible formats. Consultation with people with disability, the community, the Disability Justice Reference Group and other justice stakeholders will be undertaken. These consultations, along with local and national developments and learnings about best practice in creating an inclusive and equal justice system for people with disability, such as the findings from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, will inform further actions for the Second Action Plan.

The Disability Justice Strategy team will continue to work closely with people with disability and other stakeholders, to meet the goals of the Disability Justice Strategy 2019-2029.



Community Services Directorate and Justice
and Community Safety Directorate

September 2022