



DISABILITY JUSTICE STRATEGY

Second Annual Progress Report

Community Services
Directorate and Justice and
Community Safety
Directorate

September 2021

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DISABILITY JUSTICE STRATEGY

Annual Progress Report 2021

INTRODUCTION

This is the second Annual Progress Report for the Disability Justice Strategy 2019-2029, which was launched in August 2019. The overarching aim of the Disability Justice Strategy is to ensure people with disability in the ACT have equal access to justice.

This second report summarises the progress made against each of the actions contained in the First Action Plan 2019-2023 and provides additional information about notable key actions.

This report marks the half-way point for the First Action Plan, which sets out the actions for the first four years of the Disability Justice Strategy. It provides an opportunity to acknowledge the changes which have occurred, the positive progress made, the challenges being experienced and to assess the work which still needs to be done.

In November 2020 the 10th Legislative Assembly for the ACT prompted changes in Ministerial portfolios however the Government's commitment to the Disability Justice Strategy remains unchanged. Both government and non-government agencies have reflected a continued commitment to their ongoing involvement and delivery of actions under the First Action Plan.

The impact of the COVID-19 pandemic continues to be felt although adaptation to new ways of working and, until mid-August, the lessening of restrictions had reduced this impact through the second year. Some actions have been affected by additional factors which required a shift in approach and resulted in implementation delays. For example, action 5.1 of the First Action Plan relating to data collection and publication, has been impacted by the COVID-19 pandemic and by plans at a national level to develop a national disability data asset. This project will inform and support collection and publication of data relating to disability by the ACT's justice sector agencies.

Looking to the future, work at a national level will continue to influence how the Disability Justice Strategy develops. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability has already heard important evidence about people with cognitive disability and the criminal justice system (public hearings 11 and 15). This evidence, and subsequent recommendations (due September 2023) will inform future work of the Disability Justice Strategy.

In December 2021, Australia's Disability Strategy 2021-2031 will be released by the Commonwealth following endorsement by all state and territory governments which will also influence the work of the Disability Justice Strategy.

There is a significant amount of work ahead but the Disability Justice Strategy is already bringing about real and meaningful change for people with disability in contact with the justice system. This report highlights both the successes to date and future challenges.

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 taken in the second 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 August 2021, seven disability justice support workers, referred to as disability liaison officers (DLOs), were working in the justice sector. There was a DLO placed at Legal Aid ACT, Children Youth and Families, the Office of the Director of Public

Prosecutions, Victims Support ACT, ACT Courts and Tribunal, ACT Policing, and ACT Corrective Services at the Alexander Maconochie Centre. The DLOs have been working 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 DLO position at Victim Support ACT is an extra position which has provided critical support to victims with disability and improved the ability of the community of practice to examine barriers to accessing justice for this group. The position is funded through the confiscated assets trust fund. Two remaining positions located in ACT Corrective Services - Community Corrections and Canberra Community Law will be filled before the end of 2021.

The community of practice has been collaborating to support people with disability to navigate the justice system. For example, the DLOs at Legal Aid ACT, ACT Courts and Tribunal and ACT Corrective Services worked together to support a person with disability who was remanded in custody at the Alexander Maconochie Centre. Information about the reasonable adjustment requirements for the person was shared, with consent, to ensure all three organisations were able to provide appropriate support. Support provided included coordinating with disability supports in the community, supporting the family when they attended court, and providing bail conditions in plain English. The person was released from custody on bail.

The community of practice is also working on solving systemic issues to improve access to justice for people with disability. For example, a person with disability disclosed they were the victim of an assault. A community of practice member supported the individual to make a report to police and to apply for a protection order. With regular support, a twelve-month personal protection order was granted by the Court. At a systemic level, the community of practice member identified processes which may act as barriers for people with disability when applying for protection orders. This challenge is now being examined by the Community of Practice to implement a solution to make this process more accessible for people with disability.

Community of Practice members have undertaken many other activities to support cultural change and improve access to justice for people with disability within their organisations. They are also working to support individuals to navigate the justice system and access services. Examples include:

- collaborating on the development of accessible information about attending court for young people detained at Bimberi Youth Justice Centre;
- identifying information and resources which require translation into accessible formats;
- providing in-service sessions to colleagues about disability and reasonable adjustments;
- providing education to colleagues regarding supporting people to access the National Disability Insurance Scheme (NDIS);
- supporting individuals to access the NDIS or review their NDIS plans;
- referring and linking individuals to other supports including Housing ACT, the Public Advocate, mental health services, disability advocacy organisations and the Intermediary Program; and
- supporting victims to prepare victim impact statements.

Action 2.1 – Justice Sector Education and Guidance

Focus Area 2 EDUCATION AND GUIDANCE	
Action	Outcome
Disability justice specific ACT Training resources are developed. Justice organisations undertake training and utilise resources developed.	<p>This action will foster a disability informed and responsive legal and justice sector so people with disability receive information, services and reasonable adjustments when they need them.</p> <p>Training packages and modules are developed and tested throughout 2019-2020.</p> <p>Training commences in 2019 with an ongoing schedule of training over the life of the plan.</p>

Progress

The development and testing of training for justice agencies is one of the actions which has been impacted by the COVID-19 pandemic along with other challenges which have emerged, as work to implement this has progressed. Initial trials of training resources already in existence in New South Wales indicated the importance of developing training which is tailored to support ACT justice organisations. Disability advocacy organisations, the ACT Disability, Aged and Carer Service (ADACAS) and Advocacy for Inclusion (AFI), were funded to work in partnership to develop the training. This was impacted by the COVID-19 pandemic and also by the emerging understanding of the complexity involved in targeting a diverse audience, ranging for example, from case workers in Child and Youth Protection Services, general duty police officers in ACT Policing, corrections officers at the Alexander Maconochie Centre and lawyers working in community legal services.

An initial training package was drafted and tested with community of practice members in April 2021. It was identified further testing with a wider audience of justice agency staff would assist to better adapt the training to the needs of the various agencies and frontline workers. ADACAS planned to deliver four test training sessions to staff from across the justice sector with the aim of testing and improving the suitability of the training through participation feedback. The first session ran in July 2021 with a further three sessions planned in August and September. The last three sessions were impacted by the ACT lockdown and have been put on hold at the time of writing this report. These training sessions will be rescheduled when restrictions ease. The feedback gathered will be used to further improve the training.

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

ACT Policing is working to develop the Police Best Practice Guide which is currently on schedule to be delivered in March 2022. The work is being supported and monitored by the Disability Justice Strategy team from the Community Services Directorate and Justice and Community Safety Directorate. The aim of this action is to produce a guide which is evidence-based, takes into account stakeholder experiences, including people with disability, and is both practical and usable at an operational level.

The guide is being informed by a literature review, a current practices review, stakeholder interviews, and consultation workshops. Both the interviews and consultation workshops will seek input from ACT Policing, the disability community and other stakeholders. The ACT Policing DLO is providing valuable support throughout the project.

The COVID-19 pandemic poses a risk to this project as it may impact on the availability of stakeholders for interviews due to competing priorities. It will also impact a workshop with stakeholders, which has been planned as a face-to-face event. Efforts are being made to mitigate these risks, including through planning for an alternative virtual workshop.

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

ACT Corrective Services launched its Disability Action and Inclusion Plan 2021-2023 (DAIP) on 3 December 2020 to coincide with International Day of People with Disability. It sets out the commitment of ACT Corrective Services to provide an inclusive and equitable service across its operations. The actions in the DAIP aim to address barriers experienced by people with disability, including staff members, detainees, offenders in the community, and community members.

The DAIP was developed in partnership with the Australian Network on Disability and the work was supported by the Disability Justice Strategy team. It was informed by consultation with staff, detainees, community members, family members and service partners through surveys, interviews and focus groups. The consultation identified five focus areas across the corrections system containing actions to be implemented in tranches over the life of the DAIP.

The ACT Corrective Services DAIP is publicly available at http://cdn.justice.act.gov.au/resources/uploads/ACT_Corrective_Services_Disability_Action_and_Inclusion_Plan_2021-23.pdf

Implementation of the DAIP commenced in 2021. ACT Corrective Services will report in more detail on progress in late 2021/early 2022.

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 Disability Justice Strategy team started work on implementing this action by looking at where an independent advocate might have the most impact in terms of assisting people with disability when interacting with the justice system. The team spoke to a range of stakeholders, in both the civil and criminal justice systems, and identified a service system gap for arrested people. This led to further conversations with stakeholders and the subsequent development of the Third Person Support trial which commenced in September 2021. The trial is being delivered by Legal Aid ACT, supported by ACT Policing and the Disability Justice Strategy team, and funded by the Disability Justice Strategy.

Consultation identified people with disability who have been arrested are often particularly vulnerable and there was no service which supported them, as individuals, while they were detained at the Watchhouse outside of usual business hours. In addition, there was no access to free legal advice out of hours. The trial was formulated with this in mind and within budgetary constraints.

The trial is designed to operate from 5pm Friday to 9am Monday at the City Watchhouse and is staffed by lawyers from Legal Aid ACT. The scheme is available to all people who have been arrested, are in detention at the City Watchhouse and who are at risk of being remanded in custody for court. There are no criteria in respect of identified disability as this would risk some people who do not chose to identify as a person with disability being denied access to the scheme. Initial contact with the on-duty lawyer is made by telephone, facilitated by ACT Policing, and the trial then provides for attendance at the Watchhouse and participation in any police interview, if requested by the arrested person. The lawyer will aim to identify any disability during this process and make reasonable adjustments to allow the person to participate fully in the process.

The trial aims to ensure early referral is made to appropriate services to support the grant of bail, either at the police station or at court. The Legal Aid ACT DLO has

provided disability training to the on-call lawyers and the Disability Justice Strategy team has supported the use of the needs identification tool (see action 3.1) to identify people with disability. The DLO will assist people with disability identified by the trial as they continue in their interaction with the justice system.

The lockdown in the ACT, which started in August 2021 has meant the scheme had to commence as a telephone service. The trial will revert to a face-to-face service as soon as restrictions permit. Very early indications show the process is working although referrals to the on-call lawyer have been limited, noting this was anticipated as a consequence of lockdown. Regular meetings with Legal Aid ACT, ACT Policing and the Disability Justice Strategy team are taking place, to identify and resolve any issues with the operation of the trial. Legal Aid ACT is gathering data about the scheme to support evaluation of its effectiveness.

Action 4.11 –Canberra Community Law’s Socio-Legal Practice Clinic

Focus Area 4 BETTER SERVICE DELIVERY	
Action	Outcome
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>Social barriers which impact on the resolution of legal problems are identified and a resolution is facilitated. It will also help people with disability to overcome the barriers to accessing justice and services and connect them with appropriate community support.</p> <p>Ongoing support identified and funded through the 2018-2019 budget.</p>

Progress

Canberra Community Law’s Socio-Legal Practice (SLP) Clinic continued to operate to provide intensive social work and legal support for people with urgent housing, disability discrimination and Centrelink problems. The majority of individuals assisted through the SLP identified as having a disability.

The following case study provides one example of how the SLP clinic has supported a person to overcome barriers preventing him from accessing justice and appropriate services during this period.

William

William was referred to the SLP clinic after Centrelink rejected his claim for Jobseeker due to the imposition of a compensation preclusion period. Following a serious accident at work, William received a compensation payment and was precluded from receiving Centrelink payments for several years. At the time of referral, William was facing extreme financial hardship. He had no income and no assets to rely on to sustain himself during the preclusion period. As a result, he was facing the likelihood of eviction.

William told the social worker he sustained a head injury requiring several months of rehabilitation following a serious accident when he was a child. This resulted in an acquired brain injury which also impacted William's mental health. William disclosed he started gambling several years ago as a means of coping.

William was assisted by the SLP clinic staff to obtain supporting documentation, including medical reports documenting his head injury and the resulting impact on his gambling addiction. The SLP clinic social worker and lawyer made a submission to Centrelink's Authorised Review Officer arguing the compensation preclusion period ought to be reduced based on special circumstances. The Authorised Review Officer agreed to waive the compensation preclusion period resulting in William accessing Jobseeker.

William is now engaged with a psychologist to address his gambling addiction and he has also received financial counselling. He was able to pay off his rental arrears and is now paying his rent regularly.

SUMMARY OF ALL ACTIONS

Focus Area 1 Information and Communication

Focus Area 1 INFORMATION AND COMMUNICATION		
Action Plan initiative	Action to date	Commitments
<p>1.1 Community of Practice</p> <p>A Community of Practice (CoP) 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.</p>	<ul style="list-style-type: none"> • DLOs are in place at Legal Aid ACT, ACT Corrective Services - AMC, Director of Public Prosecutions, Victims Support ACT, ACT Policing, Child and Youth Protection Services, and ACT Courts and Tribunal. • Recruitment is underway for a second DLO at ACT Corrective Services - Community Corrections and at Canberra Community Law. • DLOs meet regularly with support from the Disability Justice Strategy team. • Principles and operating behaviours for the CoP have been drafted in consultation with DLOs and the Disability Justice Reference Group and other justice stakeholders. 	<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

<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"> • Three Easy English training sessions were held this year to develop Easy English competency. Seventy-five people from across the justice sector have now participated in the training. • Translation of key documents into Easy English continues and documents translated include: <ul style="list-style-type: none"> ○ Vulnerable People factsheets and one-pagers (supporting the <i>Crimes (Offences Against Vulnerable People) Legislation Amendment Act 2020</i>); ○ Child and Youth Protection Services – Working Together for Kids Guides; ○ ACT Courts and Tribunal are preparing Easy English and plain language versions of letters, information sheets and brochures; ○ The ACT Human Rights Commission Client Service Charter; ○ Canberra Community Law - Factsheet on the rights of people with assistance animals (supported by a community education session on assistance animals); and ○ ACT Corrective Services – Disability Action and Inclusion Plan and the Walking with Women on the Pathway to Change Framework. • Canberra Community Law is developing social script templates to support individuals during their journey through the justice system. They have also completed a website accessibility audit leading to the inclusion of a range of new accessibility features on the website. • ACT Courts and Tribunal have made braille and large print copies of oaths and affirmations, videos about court and tribunal processes which are available on the website, and additional signage installed to improve wayfinding in the court. • Child and Youth Protection Services have developed plain language information sheet for parents and kinship carers about Therapeutic Assessments and Declared Care Teams. • ACT Corrective Services reviewed the visits process and visitor experience and are subsequently exploring the development of a short video to outline visiting the AMC for posting on the agency website. The initial induction process for detainees taken into custody at the Court Transport Unit is also being considered for video development. This work is anticipated to progress in 2022, following the easing of COVID-19 pandemic restrictions. • ACT Corrective Services have otherwise identified the following 	<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>documents for translation into easy English in this financial year:</p> <ul style="list-style-type: none"> ○ Detainee Handbook ○ Induction Handbooks for AMC and Court Transport Unit ○ Women's Handbook 	
<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 trial of a SDM approach to support young people with disability in specialist schools has commenced by ADACAS. • Child and Youth Protection Services (CYPS) have prepared a SDM discussion paper to inform a CYPS wide approach to the use of SDM. The discussion paper has been informed by a desktop review of existing SDM tools and their use and feedback from key stakeholders. The paper will inform the development of CYPS procedures where a reasonable adjustment for supported decision making is identified. 	<p>Lead: Office for Disability, Community Services Directorate</p> <p>Delivered by: Community disability advocacy partners and the Public Trustee and Guardian</p>
<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 CoP 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. 	<p>Lead: Community Services and Justice and Community Safety Directorates</p> <p>Includes: All ACT Government agencies</p>
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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. 	<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 commenced. The guide is scheduled to be completed in the first half of 2022. 	<p>Lead: ACT Policing</p> <p>Supported by:</p> <ul style="list-style-type: none"> Justice and Community Safety Directorate and Community Services Directorate

<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"> • Early consultation work is underway. 	<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"> • ACT Courts and Tribunal have developed the training content which is being formatted into eLearning module for roll out to ACT Courts and Tribunal staff in 2021. 	<p>Lead: ACT Courts and Tribunal and People and Workplace Strategy (Justice and Community Safety Directorate)</p>

<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 (CYPS) 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. • A lunch and learn training session for CYPS about the practice guide was held in March 2021. • Further training on working with families with disability is intended to take place later in 2021. 	<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"> • Consultation with stakeholders was undertaken to inform trials of a tool, developed by Occupational Therapist master's students, and based on the Washington Group Questions, which supports the identification of required reasonable adjustments an organisation or staff member can put in place to support a person in the justice system. • Justice Agencies are using the tool or developing processes to implement the tool including: <ul style="list-style-type: none"> ○ Victims Support ACT who are using the Washington Group Questions to identify and then implement reasonable adjustments. Victims Support ACT contributed to the working group established to develop trials of the Needs Identification Tool across the justice system. ○ ACT Policing who are working with the Disability Justice Strategy team to plan and implement a trial of the tool at the City Watchhouse. ○ Bimberi Youth Justice Centre and Child and Youth Protection Services and the Disability Justice Strategy team are preparing for the trial of the tool in the Bimberi Youth Justice Centre with a staged-roll out to follow more broadly across CYPS. ○ The Child and Youth Protection Services client information system has been modified to enable the recording of reasonable adjustments for CYPS clients. 	<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>3.2 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"> Initial consultations have occurred, and a process has been developed for trialing in late 2021. 	<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. Work is underway to improve reporting capabilities regarding Therapeutic assessments and is due for completion in 2022. 	<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

<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' Disability Action and Inclusion Plan was launched 3 December 2020 and an action plan has been developed. Tranche 1 actions (commencing in 2021) are well progressed, and Tranche 2 actions (commencing in 2022) have largely been scoped with some activity already commenced. An annual progress report will be developed in December 2021 to outline the first 12 months of progress. • 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. • Office for Disability continue to support Canberra Health Services in developing their Disability Action and Inclusion Plan, noting the overlaps with the Government's commitment to a Disability Health Strategy. • ACT Courts and Tribunal are in the early stages of developing a Disability Action and Inclusion Plan. • Child and Youth Protection Services is currently developing a reviewed case planning framework. The framework will provide updated guidance on developing case plans which reflect a child's needs, developing goals in consultation with family and service providers, and using functions from the CYPS client management system to improve case planning. The framework will include: <ul style="list-style-type: none"> ○ identifying disability and establishing how related needs will be reflected in case planning, ○ identifying and responding to reasonable adjustments, ○ implementing recommendations from Therapeutic Assessments, ○ reflecting Positive Behaviour Support Plans (when applicable). 	<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>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>
<p>4.4 Specialist disability legal and forensic services</p> <p>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.</p>	<ul style="list-style-type: none"> • No action to date – due for action in the third year of the Strategy. 	<p>Lead: Community Services Directorate and Justice and Community Safety Directorate</p> <p>Includes: Justice agencies and legal service providers</p>
<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 Intermediary Program will continue operation throughout 2021-22. 	<p>Lead: Victims of Crime Commissioner, Justice and Community Safety Directorate and Community Services Directorate</p>
<p>4.6 ACT Corrections Disability Framework</p> <p>A Corrections Disability Framework is developed and implemented.</p>	<ul style="list-style-type: none"> • ACT Corrective Services have commenced this project. In adjusting for COVID-19 pandemic restrictions, initial consultation of a literature review will be circulated to stakeholders for feedback and considered by December 2021. Face to face consultation is expected to commence from February 2022. 	<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
<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 work is underway 	<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 current 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 feedback received with further targeted consultation to be undertaken and planned completion by December 2021. 	<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 program is actively engaging with community and providing legal advice and socio legal supports to ACT residents with housing, social security and disability discrimination issues. https://www.canberracommunitylaw.org.au/ 	<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
5.1 Data collection and publication project Data collection points and collection methods are examined and mapped to improve data capture and reporting with a view to annual statistical collation.	Actions underway but delayed: <ul style="list-style-type: none"> • Trial of Washington Group questions. • Planning for stakeholder workshop underway. • Discussions with internal data excellence areas underway. • ACT Corrective Services will be commencing their internal data captures enquiry in October 2021. 	Lead: Community Services Directorate and Justice and Community Safety Directorate Includes: <ul style="list-style-type: none"> • Justice agencies • Chief Digital Office
5.2 Evaluation A formal evaluation of the strategy and the First Action Plan is undertaken in year 3 to inform strategy direction and Second Action Plan.	<ul style="list-style-type: none"> • The Institute of Governance and Policy Analysis at the University of Canberra has been contracted to develop an evaluation framework. The framework is due for completion by the end of 2021. 	Lead: Community Services Directorate and Justice and Community Safety Directorate Includes: <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 First Annual Report was released in September 2020. • 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
<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. • Some delays have occurred due to the COVID-19 pandemic, but efforts are being made to progress all actions to completion by 2023. 	<p>Lead: Community Services Directorate and Justice and Community Safety Directorate</p>

NEXT STEPS

Significant progress has been achieved in the second year of the First Action Plan including the establishment of an active community of practice whose members are driving cultural change to improve access to justice for people with disability. This core group will support the implementation of many of the remaining actions in the First Action Plan and help to imbed inclusive and accessible practices across the justice sector.

A key priority in the coming months will be the completion and implementation of the evaluation framework for the Disability Justice Strategy to ensure progress is measured and evaluated against better outcomes for people with disability. This will also help to track the sustainability of changes implemented during the First Action Plan and inform development of the Second Action Plan.

Other high priority items include finalisation and roll out of disability training for the justice sector, the trial of identification and screening tools in justice agencies and the development of Disability Action and Inclusion Plans across justice and government organisations. The Disability Justice Strategy team will continue to work closely with stakeholders including people with disability, to progress the First Action Plan and to meet the goals of the Disability Justice Strategy.



Community Services Directorate and Justice
and Community Safety Directorate

September 2021