

Office for Disability



Frequently
Asked
Questions
(DAPs)

Frequently Asked Questions (disability action plans) (September 2009)

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Q1. How do we find out if our organisation's buildings and facilities are accessible?

The Commonwealth **Disability Discrimination Act 1992** makes it a legal requirement for your buildings and facilities to be accessible. Until the **Disability (Access to Premises – Buildings) Standards** are introduced (they are currently before the Federal Parliament), current best practice in building accessibility is outlined in the Australian Human Rights Commission's **Access to buildings and services – Guidelines and information**.

The Commission has also produced a resource entitled **The good, the bad and the ugly: Design and construction for access**. This includes examples of good and bad practice and further details about technical specifications.

Both of these resources can be downloaded at:
www.hreoc.gov.au/disability_rights/buildings/good.htm

If possible, we recommend that you employ an accredited access consultant to conduct an access audit of your premises. Further details about access auditors can be found on page 34 of **aDAPting to Disability – A guide to disability action plans in Victoria** (see Resources). For a database of accredited access auditors, please refer to the Association of Consultants in Access, Australia inc. www.access.asn.au

Q2. Can my organisation apply for funding to make modifications to its buildings or facilities?

Community organisations, local government and philanthropic organisations are eligible to apply for Victorian Community Support Grants (Building Community Infrastructure) provided that they meet eligibility criteria. More information on the grants can be found at www.grants.dvc.vic.gov.au/web18/dvcgrants.nsf/AllDocs/CADF2D5199281C0CCA257180002185FA

Your organisation may be eligible to receive funding for modifications via the JobAccess Workplace Modifications Scheme (please see question 4).

Q3. We rent premises. We have spoken to our landlord about increasing the accessibility of the building but they are not interested. What is their legal obligation? What arguments can we make to convince them to make changes?

It is unlawful to discriminate in relation to access to premises, such as an office block, used by the public or a section of the public or to discriminate in the delivery of a service.

Under the Commonwealth **Disability Discrimination Act 1992** (DDA), both service providers (tenants) and building owners (landlords) have a responsibility to ensure that their services or buildings are accessible.

As a result both service providers and building owners could have a complaint lodged against them with either the Australian Human Rights Commission or the Victorian Equal Opportunity and Human Rights Commission if a person with a disability was unable to access premises or services.

The only defence available to a service provider or building owner would be if removing the barrier would cause an 'unjustifiable hardship'. Whether or not this defence exists can only be determined by the Federal Court when dealing with an actual complaint of discrimination.

There are a number of issues you might want to consider raising with your building owner when looking at the possibility of improving access:

- The fact that you, the building owner and other tenants in the building have a shared existing liability for complaint if there are barriers to access
- The consequences of you and other tenants looking elsewhere for more accessible premises when leases are up
- The fact that improving access will be attractive to other prospective tenants should areas of the building become available – for example no Government body would now consider moving into inaccessible premises as a tenant
- The fact that improving access means that the building owner and all tenants open up new business opportunities by being able to attract people with a disability into the building to conduct business or use services
- Finally, it is worth noting that there are proposals to introduce **Disability (Access to Premises – Buildings) Standards** in the near future. These standards will apply to all new buildings and new work (renovations) in existing buildings so any building improvements in the future are likely to trigger the need for improved access anyway. Addressing access issues now in a planned way will be beneficial in the long term.

Q4. Is funding available to make modifications for employees with a disability?

The Federal Government program JobAccess has a Workplace Modifications Scheme. Information on the scheme including eligibility criteria can be found at www.jobaccess.gov.au/JOAC/Services/A-Z_list/Workplace_Modifications.htm

Q5. What is a reasonable adjustment policy?

Employees with a disability may require adjustments in the workplace, such as changes to work processes or equipment, or adjustment to work schedules. Studies have shown that the majority of such adjustments are not costly. There are specific standards for physical access (Australian Standard AS1428.2) and accredited access auditors can provide further advice on how to meet these standards (see question 1).

A reasonable adjustment policy sets out your organisation's commitment to making adjustments to enable people to perform the requirements of their job. A good policy will be well communicated and offer guidance on how to make adjustments in a timely manner.

The following websites contain additional information:

Australian Employers Network on Disability website

Essential elements of a reasonable adjustment policy (information across two pages)
www.aend.org.au/index.php?option=com_content&task=view&id=219&Itemid=37

JobAccess website

- Frequently Asked Questions relating to reasonable adjustment
www.jobaccess.gov.au/JOAC/Employers/Before_you_start/Frequently_Asked_Questions/Reasonable_adjustments.htm
- How to modify the workplace
http://www.jobaccess.gov.au/JOAC/Employers/Before_you_start/Preparing_and_modifying_the_workplace/How_to_modify_the_work.htm

Q6. How can our organisation measure the satisfaction levels of people using our services?

The Office for Disability, Department of Planning and Community Development has produced a fact sheet on this topic entitled **Satisfaction surveys in relation to people with a disability**. It can be downloaded from the Office for Disability website at: http://www.officefordisability.vic.gov.au/developing_a_dap.htm

Q7. How can our organisation measure staff attitudes towards disability?

The Office for Disability, Department of Planning and Community Development has produced a fact sheet on this topic entitled **Conducting attitudinal surveys in relation to disability**. It can be downloaded from the Office for Disability website at: http://www.officefordisability.vic.gov.au/developing_a_dap.htm

Q8. Does my organisation need to report on the progress of its disability action plan in its annual report?

Some organisations are required by legislation to report on their disability action plan in their annual report. The Victorian **Disability Act 2006** requires that public sector bodies prepare a disability action plan and that they report on the implementation of

their disability action plan in their annual report (s. 38 www.legislation.vic.gov.au select 'Victorian Law Today', select 'Acts', select 'D' for disability, select 'Disability Act 2006').

All other organisations are encouraged to use their annual report as an opportunity to promote their disability action plan's achievements.

Q9. What information should my organisation include in its annual report?

For organisations with an existing disability action plan

The account of disability action planning within an annual report could include a summary of achievements for the financial year or take the form of a progress report. It is recommended that the account describe the outcomes that have been achieved rather than just the actions that have occurred. In this context, outcomes are those changes that have occurred that positively improve the lives of people with a disability in regard to the four outcome areas of a disability action plan.

In Victoria the outcome areas relate to:

- Goods, services and facilities being accessible to people with a disability
- People with a disability obtaining and maintaining employment
- Inclusion and participation in the community
- Positive changes in attitudes and a reduction in practices that discriminate

It is also preferable that an example of progress across each of the four outcome areas is provided.

For organisations developing their first disability action plan

If your organisation is in the early days of developing its first disability action plan, the reporting could include the forms of consultation and approaches that are under development.

For organisations developing their second or third disability action plan

A disability action plan is about continuous improvement and you can therefore follow the same guidelines for organisations implementing an existing plan. You may also wish to include information on consultation processes underway to inform your next plan.

Q10. What are the timeframes to have a disability action plan completed?

A disability action plan can take up to one year to develop, from the initial enquiries through to a plan ready to register with the Australian Human Rights Commission. One year allows ample time to consult with staff, people with a disability and other relevant stakeholders.

We would suggest that organisations attending training in disability action plans in May / June 2009 conducted by the Department of Planning and Community Development, aim to have a plan in place by 1 July 2010.

Q11. Who can assist our organisation to develop a disability action plan?

People with a disability are the best people to involve in your plan's development. They may be available to present at meetings, provide advice and guidance and be involved in consultative groups as you develop your plan. You can contact people with a disability by making use of the following networks and resources.

- **Rural and metro access workers**

You can contact your local rural or metro access worker via the Department of Human Services (DHS). They can in turn put you in touch with people with a disability in your local area. DHS has a webpage about the rural and metro access workers including a list of regional contacts:
www.dhs.vic.gov.au/disability/building_better_communities/ruralaccess_and_metroaccess

- **Disability Advocacy Resource Unit Advocacy Map**

The Disability Advocacy Resource Unit has produced an Advocacy Map. This lists the disability advocacy organisations in your area. Organisations may also be able to put you in touch with people with a disability in your area. The map can be located here <http://advocacyagencies.daru.org.au/>

- **Inclusive consultation and communication with people with a disability resource list**

This includes the details of various disability organisations and is available at www.officefordisability.vic.gov.au/research_and_resources.htm#communication

- **Diversity Register (Department of Planning and Community Development)**
The Diversity Register is an online database where individuals can register their interest in being on government boards and committees. People with a disability are included on the Register. Please contact the Office of Women's Policy, DPCD at womensregister@dpcd.vic.gov.au for more information.
- **Database of Disability Consultants**
The database lists consultants with a personal experience of disability. It includes people who have experience of developing disability action plans, can present as guest speakers or can undertake disability awareness training. It also identifies the geographical area/s covered by each consultant. The database can be located here: <http://www.disabilityconsultants.org.au/index.php>

Q12. How can our organisation promote the importance of developing a disability action plan to staff?

Staff can be reminded of the following points:

- **One in five Victorians has a disability and the rate of disability increases with age**
Statistics relating to disability in Victoria are available from the Australian Bureau of Statistics **Disability, Ageing and Carers: summary of findings report in 2003** www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4430.0Main+Features12003?OpenDocument (go to 'Downloads' and select 'Disability, Ageing and Carers, Australia: Summary of Findings - State Tables for Victoria')

Please refer to pages 18 to 21 of **aDAPting to Disability – A guide to disability action plans in Victoria** for further statistics, facts and figures (see Resources).

- **It is against the law under federal and state legislation to discriminate against people with a disability**
An overview of relevant legislation is provided on page 11 and pages 23 to 24 of **aDAPting to Disability – A guide to disability action plans in Victoria** (see Resources).
- **Employing people with a disability makes good business sense**
Safe Work Australia (formerly the Australian Safety and Compensation Council) has provided an overview of facts about people with a disability in the workplace entitled

Safe Diverse and Productive - A Workplace With People With Disability. This can be viewed on the Safe Work Australia website:
www.safeworkaustralia.gov.au/swa/aboutus/publications/safediverseandproductive-aworkplacewithpeoplewithdisability.htm

Use real stories

Wherever possible, it is recommended that a person with a disability makes a presentation to staff about the importance of developing a disability action plan in reducing barriers they experience. Please refer to the previous question for advice on contacting people with a disability.

Q13. Can my organisation's disability action plan be integrated with other plans that it is required to develop by the Department of Human Services?

Yes. However, in doing so it must be clear that your organisation's disability action plan addresses the four outcome areas as set out in Section 38 of the Victorian **Disability Act 2006**:

- a) reducing barriers to persons with a disability accessing goods, services and facilities;
- b) reducing barriers to persons with a disability obtaining and maintaining employment;
- c) promoting inclusion and participation in the community of persons with a disability;
- d) achieving tangible changes in attitudes and practices which discriminate against persons with a disability.

Q 14. Our organisation is required to complete accreditation around continuous quality improvement. Can we integrate our disability action plan into this framework?

Yes. A disability action plan can be an integrated component of your organisation's Continuous Quality Improvement (CQI) activities. Actions relating to the four outcome areas of a disability action plan can help you achieve quality standards such as providing quality services and programs and sustaining quality external relationships.

Incorporating your disability action plan into continuous improvement activities may align it with key strategic processes and mitigate the risk of the disability action plan being perceived as an 'add on' rather than a key aspect of core, on-going business.

Both CQI activities and disability action plans aim to develop excellent standards in meeting the needs of clients and stakeholders. A Quality Improvement Council accredited organisation demonstrates a commitment to ongoing continuous quality improvement and conducts a full review of activities. These points are relevant to the development and implementation of your disability action plan.

For more information on Continuous Quality Improvement you may like to visit the QICSA website: <http://www.latrobe.edu.au/aipc/qicsa>

Resources

aDAPting to Disability – A guide to disability action plans in Victoria

http://www.officefordisability.vic.gov.au/developing_a_dap.htm

This provides information on the four outcome areas of disability action plans in Victoria. It also includes information on the process of developing a plan, including timelines and key activities.

Research and resources (via the Office for Disability website)

www.officefordisability.vic.gov.au/research_and_resources.htm

Good practice guidance, details of organisations and film clips relevant to each outcome area of a DAP.