

LEGAL AID WA
Disability Access and Inclusion Plan
(“DAIP”)
2014-2019

Agency overview

Name of agency

Legal Aid Commission of Western Australia

Enabling legislation

Legal Aid Commission Act 1976

Our organisation

As at 30 June 2013, Legal Aid WA was employing 307 full time equivalent employees. Legal Aid WA’s head office is located at 55 St Georges Terrace, Perth. The organisation also maintains a significant presence in other parts of Western Australia, with regional offices located at Fremantle, Midland, Bunbury, Albany, Geraldton, Kalgoorlie, South Hedland, Broome, Kununurra and satellite offices on Christmas Island and in Carnarvon. In addition to the permanent office presence in major regional centres, Legal Aid WA maintains a presence in many towns and remote communities through attendance at circuit court visits and legal education programs.

Form of agency

Legal Aid WA is an independent statutory authority.

Responsible Minister

Attorney General of Western Australia

Accountable authority

Part II of the Legal Aid Commission Act establishes the Commission and Part III creates the position of Director of Legal Aid and the power to employ

staff. The Director and staff of Legal Aid WA are accountable to the Commission which exists by way of a Board of Commissioners.

Goal

Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

Agency Level Government Desired Outcome

Equitable access to legal services and information.

Agency Service Delivered

Legal Aid Assistance.

Our Services

The community and target groups require access to and the provision of quality legal services. This service responds to the demand for legal assistance through the application of priority guidelines. This is achieved through the provision of eligibility and merit tests to enable legal representation to be provided to legally aided clients by grants of aid and assignment of cases to in-house or private practitioners. Legal advice, duty lawyer services and community legal education is provided to assist the wider community to access fair solutions to legal problems at the earliest opportunity.

Legal Aid WA comprises of the following divisions:

Client Services Division

Client Services Division is responsible for assessing applications for grants of legal aid. It also provides an information and telephone referral (InfoLine) service for general queries from members of the public. Other services include providing legal advice and minor assistance for members of the public requiring initial advice and/ or assistance with handling their own legal issues. This division is also responsible for engaging the private profession to act in criminal, family and civil law matters.

InfoLine

A key frontline service provided by Legal Aid WA is the InfoLine, which in 2012-13 received 73,890 calls from members of the public. For many people, the InfoLine is a first point of contact for legal information or referral to

another legal assistance service. The InfoLine consistently records growth in the number of calls received each year.

Criminal Law Division

Criminal Law Division is responsible for providing duty lawyer services in the Magistrate's Courts and the Children's Court. It also provides legal advice and minor assistance to clients on criminal matters, legal representation for clients where grants of aid have been awarded, and the prison visiting information service. Criminal lawyers also prepare and present criminal appeals. Where appropriate the division briefs private practitioners.

Family Law Division

Family Law Division services include legal representation for children both as Independent Children's Lawyers in family law matters and child representatives in child protection matters. Parties involved in family law proceedings may get grants of legal aid for dispute resolution services in family law matters and legal representation for court proceedings. The division is also responsible for services provided by the Domestic Violence Legal Unit. Further services include duty lawyer services in the Family Court and the Children's Court. The duty lawyer service involves providing clients with legal advice, document preparation, legal representation in court and advocacy.

Civil Law Division

Civil Law Division provides advice and representation on a broad range of civil law matters, duty lawyer services at Administrative Appeals Tribunal (AAT) and the State Administrative Tribunal (SAT). This division also provides advice, minor assistance and advocacy in civil law matters through Legal Aid WA's Social Inclusion Program, for clients with complex or multiple needs.

Social Inclusion Program

Legal Aid WA's Social Inclusion Program provides access to justice for individuals whose personal circumstances create significant barriers when seeking to access remedies for legal problems. These circumstances may include, for example, physical or mental disability, homelessness or limited fluency in the English language. Through the engagement of Legal Aid WA

lawyers and support staff, assistance can be provided to resolve relatively small problems, which in turn make big differences in peoples' lives.

Regions Division

The Regions Division operates regional offices from locations outside of the Perth CBD, with offices at Fremantle, Midland, Bunbury, Albany, Kalgoorlie, Geraldton, South Hedland, Broome, Kununurra, and satellite offices at Carnarvon and Christmas Island. The regional offices operate as a microcosm of the broader Legal Aid organisation. For instance, they offer duty lawyer services and legal representation on criminal and family law matters. The Regions Division is also responsible for providing duty lawyer support for court circuits to remote areas of Western Australia, managing the Community Legal Centre funding program and the Country Lawyers Program, on behalf of external agencies.

Community Legal Centres Program

Independent community legal centres perform an essential role throughout Western Australia providing legal advice, information and representation to members of the community on a wide range of matters. Many community legal centres provide specialised services in areas such as tenancy, employment law, youth legal issues and consumer advocacy. Community legal centres are funded jointly by the Commonwealth and State Government, with Legal Aid WA managing the funding program and providing governance oversight on behalf of the funding bodies.

Legal Practice Development Division

The Legal Practice Development Division manages Legal Aid WA's annual Quality Legal Practice certification by the Law Society of WA and enhances professional practice standards through programs of continuing professional development, as required under the *Legal Profession Act 2008* and associated delegated legislation. It is also responsible for providing the legal training program for Graduates-at-Law and Restricted Practitioners and providing legal training services to Legal Aid WA lawyers, law graduates and the broader legal profession through the delivery of the annual 'Summer Series' professional development seminars, other in-person training, and through Legal Aid WA's online Train-N-Track platform. This division maintains a process of continuous improvement for the delivery of technology based training solutions.

Business Services Division

The Business Services Division provides corporate services to support the operation of all other divisions of Legal Aid WA. The key services delivered by Business Services Division include, finance, covering overall financial management, internal audit and administration services. Other services of the division include information management, including management of information systems and technology as well as human resources, including training, recruitment, performance monitoring and payroll services. This division also provides assistance on matters of policy which require coordination across Legal Aid WA and other parts of Government.

Disability Access and Inclusion Planning (“DAIP”)

People with disability

The *Disability Services Act (1993)* (“the Act”) defines ‘disability’ as meaning a disability:

-  which is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of those impairments;
 -  which is permanent or likely to be permanent;
 -  which may or may not be of a chronic or episodic nature; and
- which results in substantially reduced capacity of the person for communication, social interaction, learning or mobility and a need for continuing support services.

The Australian Bureau of Statistics (ABS), 2012 Survey of Disability, Ageing and Carers (SDAC) estimates that 4.2 million Australians, or 18.5% (or nearly 1 in 5) of the population, had a disability. SDAC defines disability as:

“any limitation, restriction or impairment which restricts everyday activities and has lasted, or is likely to last, for at least six months”.

The ABS also reported that in 2012, there were 2.7 million people in Australia who were providing informal care to an older person or someone with a disability or a long-term health condition.

Planning for better access

The Act requires public authorities to develop and implement a Disability Access and Inclusion Plan “DAIP”. This Act provides a mandate for people with disability to have the same opportunities to access Legal Aid WA’s services, information and facilities.

DAIPs must be reviewed at least once every 5 years by a process of public consultation with people with disability and stakeholders. The minimum legislative requirements are that public authorities, such as Legal Aid WA, must call for submissions regarding DAIPs “either generally or specifically” in the newspaper and on the website. Consultation is necessary to ensure that Legal Aid WA’s DAIP is relevant and responsive to the needs of our client base.

In January 2014, legislation was passed, determining that Legal Aid WA should have its own DAIP.

Prior to this requirement, Legal Aid WA has implemented a range of key initiatives that ensure the provision of equal access to services and information for people with disability. These initiatives include the following:

- ✚ Design planning of the new Legal Aid WA premises, which is currently under construction, is fully compliant with legislative requirements for access by people with disability. All office premises, including regional offices of Legal Aid WA are also compliant with these requirements.
- ✚ Legal Aid WA uses disability recruitment specialists, including Edge Employment Solutions. Ensuring that people with disability have access to practical work experience has increased awareness of Legal Aid WA as a potential employer for people with disability. Data of the number of people with disability including staff placed through supported work programs in Legal Aid WA, is reviewed annually.
- ✚ Review of Legal Aid WA’s car parking policy ensuring the allocation of parking bays for employees with disability.
- ✚ Legal Aid WA ensures that agency produced material is available in alternative formats on request.
- ✚ Legal Aid WA also maintains an accessibility page on its website. The website has been designed to be as accessible to as many users as

possible. The accessibility features available on this site includes text resizing.

- ✚ Legal Aid WA uses the services of accredited and confidential interpreters where needed, including the National Relay Service for people with hearing or speech impediments.
- ✚ A complaint can be made in person, by telephone, fax, email or by writing a letter to Legal Aid WA. Legal Aid WA will help people who require assistance for lodging a complaint by arranging special services such as the telephone interpreter service, the National Relay Service and appropriate assistance for the visually impaired.
- ✚ Legal Aid WA established the Social Inclusion Program, which provides legal assistance to particularly vulnerable sections of society, including people with cognitive or intellectual impairment, mental illness, physical disability or illness. The program focuses on early intervention and resolution of legal issues through a variety of means, including legal advice, advocacy and negotiations.

Access and Inclusion Policy Statement for People with Disability

This DAIP outlines Legal Aid WA's disability priorities for the period of 2014- 2019.

Legal Aid WA is committed to:

- ✚ consulting with people with disability, their carers and peak organizations representing the interests of people with disability to ensure that barriers to access and inclusion are addressed appropriately;
- ✚ ensuring that people with disability are able to access Legal Aid WA's services, facilities and information by providing an accessible and inclusive environment, taking into consideration potential barriers that may prevent access and taking steps to overcome these barriers;
- ✚ providing people with disability the same opportunities, rights and responsibilities enjoyed by all other people in the community, and
- ✚ ensuring that Legal Aid WA employees are aware of access issues relating to people with disability and are able to work towards the desired access and inclusion outcomes in this DAIP.

As part of this process Legal Aid WA will:

- ✚ consult with the public and staff, and where required disability organisations to ensure that barriers to access and inclusion are addressed, and
- ✚ ensure that the services provided by Legal Aid WA are in accordance with the seven identified DAIP Outcomes, as outlined in the following pages.

Community Consultation Process

To facilitate the development of the DAIP (2014-2019), a comprehensive process of review and consultation will be undertaken, including the following steps:

- ✚ Setting up a working group, comprising the Director of Business Services, the Manager of Human Resources, and other nominated staff;
- ✚ Examination of relevant documents and current policies and strategies in place to identify areas in need of improvement;
- ✚ Developing a draft version of the DAIP;
- ✚ Inviting community input through a formal process;
- ✚ Seeking further feedback and input from Legal Aid WA staff, including representatives from various areas, and
- ✚ Reviewing feedback from the consultation process and incorporating necessary amendments and changes to the draft DAIP.

DAIP Outcomes

Outcome 1:

People with disability have the same opportunities as other people to access the services of and any events organized by Legal Aid WA.

Outcome 2:

People with disability have the same opportunities as other people to access the buildings and facilities of Legal Aid WA.

Outcome 3:

People with disability receive information from Legal Aid WA in a format that will enable them to access the information as readily as other people are able to access it.

Outcome 4:

People with disability receive the same level and quality of service from Legal Aid WA's staff as other people receive.

Outcome 5:

People with disability have the same opportunities as other people to make complaints to Legal Aid WA.

Outcome 6:

People with disability have the same opportunities as other people to participate in any public consultation by Legal Aid WA.

Outcome 7:

People with disability have the same opportunities as other people to obtain and maintain employment with Legal Aid WA.

Legal Aid WA Access and Inclusion Plan 2014 – 2019

Outcome 1: People with disability have the same opportunities as other people to access the services of, and any events organised by Legal Aid WA.

STRATEGY		TIMELINE
1.1	Establish a corporate governance framework to implement, monitor and review the DAIP.	Ongoing
1.2	Improve awareness of our employees, contractors and service providers who deal with the public, of their responsibilities under the DAIP.	Ongoing
1.3	Ensure events organised and/or promoted by Legal Aid WA are accessible for people with disability.	Ongoing
1.4	Increase awareness of specialized services, such as the Social Inclusion Program, which offer additional services to disadvantaged people, including people with disability.	Ongoing
1.5	Develop and implement flexible strategies to improve access for people with disability, their families and carers.	Annually

Outcome 2: People with disability have the same opportunities as other people to access the buildings and facilities of Legal Aid WA.

STRATEGY		TIMELINE
2.1	Ensure the needs of people with disability are considered prior to undertaking any accommodation changes.	Ongoing
2.2	Ensure that all buildings providing services and facilities to the public are accessible, wherever possible.	Ongoing
2.3	Consider and identify where enhanced access features can be added to buildings.	Ongoing
2.4	Review and improve internal access issues that are the direct responsibility of Legal Aid WA.	Ongoing
2.5	Inform Building Management of building access issues they are responsible for and monitor their progress in rectifying the issues.	Ongoing

Outcome 3: People with disability receive information from Legal Aid WA in a format that will enable them to access the information as readily as other people are able to access it.

STRATEGY		TIMELINE
3.1	Ensure all new and updated communications are based on the <i>State Government Access Guidelines for Information, Services and Facilities</i> .	Ongoing
3.2	Ensure that Legal Aid WA's website meets contemporary good practice for the provision of information to people with disability.	Ongoing
3.3	Ensure staff are informed about the alternative formats that they can use to provide information to the public.	Ongoing
3.4	Facilitate the use of interpreters to improve the availability and quality of meetings with people with a speech or hearing impairment.	Ongoing

Outcome 4: People with disability receive the same level and quality of service from Legal Aid WA's staff as other people receive.

STRATEGY		TIMELINE
4.1	Improve staff awareness of disability access issues and improve their skills to provide better services to people with disability.	Ongoing

STRATEGY		TIMELINE
4.2	Review, and if necessary, develop policies and procedures for improving service accessibility to people with disability to ensure that they receive the same level of service as others.	Ongoing

Outcome 5: People with disability have the same opportunities as other people to make complaints to Legal Aid WA.

STRATEGY		TIMELINE
5.1	Ensure complaints procedures are compliant and made available in accessible formats.	Ongoing

Outcome 6: People with disability have the same opportunities as other people to participate in any public consultation by Legal Aid WA.

STRATEGY		TIMELINE
6.1	Ensure consultations with the public are held in accessible venues and in an accessible manner.	Ongoing
6.2	Promote the DAIP to staff and invite comment.	Ongoing

Outcome 7: People with disability have the same opportunities as other people to obtain and maintain employment with Legal Aid WA.

STRATEGY		TIMELINE
7.1	Continue to improve the attraction, recruitment and retention of employees with disability.	Ongoing
7.2	Continue to accommodate, where possible, the needs of people with disability.	Ongoing

Implementation of DAIP 2014-2019

Responsibility for implementing DAIP

As required under the Act, a public authority that has a DAIP must take all practicable measures to ensure that the plan is implemented by the public authority and its officers, employees, agents or contractors.

Responsibility for the Planning and Implementation Process

The Business Services Division of Legal Aid WA is responsible for the development and the implementation of the DAIP for 2014-2019.

The Act requires a public authority that has a DAIP to ensure that the plan is made available to people with disability and to the public generally by publication of the DAIP.

The DAIP will be communicated through:

- ✚ Legal Aid WA website;
- ✚ Advertising in The West Australian newspaper that the final DAIP is available on the Legal Aid WA website and in alternative formats upon request;
- ✚ A notice on the intranet homepage and
- ✚ A broadcast email to staff.

On request the DAIP will be made available in hard copy format in both standard and large print, electronic format, audio format on CD, by email and on Legal Aid Western Australia website.

Review and evaluation mechanisms

As required under the Act, the DAIP will be reviewed at least every 5 years.

DAIP Reporting

The Act sets out the minimum reporting requirements for authorities with a DAIP.

As per the Act, Legal Aid WA, a public authority that is required to report under Part 5 of the Financial Management Act 2006, must include in the Annual Report, a report about the implementation of DAIP.

The report will include information relating to the progress made by Legal Aid WA and any agents and contractors in achieving the outcomes of the DAIP as well as strategies implemented by Legal Aid WA to inform its agents and contractors of the DAIP.