**What’s in a Good Disability Action Plan?**

Disability officers can have a critical role to play in advising on a Disability Action Plan for their university or training organisation. In many cases, responsibility for this work is given over to Human Resources or to Access and Equity units in universities. Consultation with people who have disabilities over many years has consistently shown that this approach does not deliver an Action Plan that is global enough in its scope to meet the requirements of the [Disability Discrimination Act 1992](http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/) (DDA), the [Disability Standards for Education](https://www.comlaw.gov.au/Series/F2005L00767) (the Standards) or the institution. Disability officers, with their extensive knowledge of disability, can add valuable insight to this process. An Action Plan can assist with identifying and reducing potentially discriminatory practices, a good Plan should be seen as an opportunity to promote respect, value diversity and to make the organisation an inclusive environment for all.

According to the DDA, a disability is defined as an impairment that lasts for more than six months. However, the DDA intersects with Work Health and Safety (WHS) legislation in that an employer has an obligation to ensure that staff and users of the campus are safe and as much as possible, protected from acquiring a disability. While the issue of temporary disability and minor impairments may be included in a DAP, these issues are best dealt with by WHS officers and human resources staff and accommodations such as adjustable desks, anti-glare monitors, large print keyboards and non-standard office chairs would normally be dealt with at a local level and be funded by the institution itself.

Policy regarding temporary impairments for students (such as broken limbs for example) varies from institution to institution, but where accommodations must be made, a formalised process involving the Disability Officer(s) on campus may aid in providing a consistent and equitable approach, especially when accommodations similar to those implemented for students with long term or permanent disabilities are concerned.

**Why have a comprehensive Disability Action Plan?**

The Australian Human Rights Commission (AHRC) states that an Action Plan works as a strategy for changing business practices which might result in discrimination against people with disabilities. An Action Plan will help education and training institutions identify potentially discriminatory practices and offer a blueprint for change.

Disability Action Plans, sometimes called Disability Access and Inclusion Plans, are also sound business as preventive action in order to avoid becoming involved in complaints lodged with the Commission. Complaints may develop into expensive and time consuming matters. The implementation of an Action Plan will make it far less likely that a business will commit discriminatory acts in the first place. A successful Action Plan can, in a sense, act as an insurance policy against DDA complaints.

**The development process**

The Australian Human Rights Commission targets businesses and education and training providers as service providers rather than as employers. While it is not essential for Action Plans to include employment reforms, it makes sense to develop your Action Plan in association with a review of employment policies and practices. Community consultation conducted over the past decade in South Australia, Western Australia, Victoria and New South Wales has raised the issue of *employment of people with a disability* as one that *should be included in Disability Action Plans.*

It is important that the development process and implementation makes it clear that all staff have this responsibility to uphold the DAP. In best practice, awareness of the DAP should be written in to professional development requirements and reference to the DAP as being part of the responsibilities of all staff and students should be included in all Unit Outlines. It should be a living document that is updated on a regular basis, with progress being reported and promoted.

While there are almost 200 DAPs for higher education and training institutions registered with the [Australian Human Rights Commission](https://www.humanrights.gov.au/our-work/disability-rights) and these can provide valuable guidance, it should be recognised that each institution has its own culture and should develop a DAP unique to itself.

Consultations across the country and advice on the website of the [Australian Human Rights Commission](https://www.humanrights.gov.au/our-work/disability-rights) advise a number of strategies be employed for development of a comprehensive and successful Disability Action Plan.

**1. Establish an Advisory Committee**

**2. Conduct an environmental scan and review of current status**

**3. Develop policies and the draft DAP**

**4. Gain executive approval**

**5. Dissemination and promotion**

**First: Advisory Committee.** There should be an advisory committee established comprised of stakeholders in the institution’s various areas of operation – and where possible that representation of people with a disability be included and experts be used to collect and process information (for example: qualified access consultants to review building access, signage etc).

A number of universities in Australia allow an Honours or Post Graduate student to act as Executive Officer to the Advisory Committee and Plan developer, with credit toward their qualification being given for the work. This may be a useful strategy that ensures the work doesn’t fall behind schedule or get shelved because of staff priorities. *However, this strategy should only be used if a highly appropriate student can be sourced.*

**Second: Review.** A review of current methods of operation in the area of disability access and inclusion should be conducted before planning begins; with the following areas being examined:

* information about current practices;
* physical barriers which limit access;
* communication barriers including web, print, signage and other forms of communication;
* attitudinal barriers that may require disability awareness training; and
* Confidentiality practices.

**Third: Developing Policies and Plans.**  When developing the Plan, disability community consultation and AHRC advises that policies and plans be devised which:

* utilise available expertise. In other words, who in your organisation can add value to the Plan through their expertise. This might include facilities officers, HR specialists and disability officers;
* are fully resourced with resources detailed in the Plan;
* are incorporated into long term planning and where possible are included in management performance agreements;
* have actions allocated against positions, roles or personnel;
* have established review dates that are included in business plans;
* have a mechanism available for people to provide feedback on, and ongoing implementation of, the Plan;
* are publicly available through published documentation, websites and through the Plan’s registration with the AHRC;
* are inclusive of complaint and grievance procedures that are promoted to people with disabilities; and
* make provision for acceptance of advocates, associates and carers.

**Fourth: Gain Executive Approval.** Once a Plan has been developed that the Advisory Committee believes meets the requirements of the DDA and Disability Standards for Education, is responsive to consultation and reviews undertaken and meets the needs of the University or training institution, It should be forward to executive decision making bodies for endorsement. Experience has shown that this process is more successful when done with a live presentation by an executive sponsor and a member of the Advisory Committee. If this option is not available, a briefing explaining the need for the Plan and the benefits it will bring should be prepared to accompany te draft Plan.

**Fifth: Dissemination and Promotion.** Ensure that the Plan contains a marketing strategy. Promotion to students, potential students and staff might occur through:

* use of emails and webpages referring to locations from which the Plan can be downloaded;
* scheduled announcements regarding elements of the Plan that have been achieved;
* promotion of training and development activities that meet the goals and targets in the Plan;
* inclusion on team, faculty etc agendas, with introduction from Advisory Committee members;
* posters etc that promote elements of the Plan;
* creation of alternate formats such as plain text that doesn’t use tables so that screen readers can use them more easily; and
* other promotional activities as appropriate.

Compliance with these guidelines will help ensure that the Disability Action Plan is compliant with [Section 61 of the Disability Discrimination Act (1992).](http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s61.html)

**Structuring a successful Disability Action Plan**

There are in excess of 500 [registered plans](https://www.humanrights.gov.au/our-work/disability-rights/action-plans/register-disability-discrimination-act-action-plans) on the AHRC website, with many providing a useful template that could be tailored to an education or training institution’s needs. Most Plans that have been acknowledged for excellence by the disability community are set out in tables, with columns for each of the elements. For example:

* Description of the activity/strategy
* Who is responsible for the implementation of the strategy
* Timeline for review or completion
* Resources to be applied to the strategy
* Outcome of the activity/strategy

A sample:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Strategy** | **Responsible** | **Timeline** | **Resourcing** | **Outcome** |
| Disability and related conditions are included in purchasing and procurement policies and decisions | Procurement  All units | July 2015  and  Ongoing | Within current resources | Products and services purchased and procured reflect the needs of the people who will be using them. |

*\*Resourcing may also be expressed (for example) as 1xHEO6x4 hoursx4 weeks*

Consultation with people with disabilities has universally emphasised the need for the application of resources to be detailed in Disability Action Plans, even where this does not involve the application of funds.

Strategies should be further organised under headings addressing sections of the DDA. For example:

* Access
* Information and communication
* Awareness
* Consultation
* Grievance and complaints
* Employment of people with disabilities

Alternatively, strategies could be organised under the criteria in the Disability Standards for Education:

* Enrolment and Participation
* Curriculum development, accreditation and delivery
* Student support services
* Elimination of harassment and victimisation

However, since education and training institutions also operate as businesses, a good Action Plan will encompass both.

**Alternative study methodologies and working from home**

A good DAP for an education or training institution needs to be inclusive of students who study externally or use flipped classroom methodologies as well as for staff who work from home.

It is generally accepted that for students with a disability studying via non-traditional methodologies, the education or training institution is only responsible for access to learning materials. For example: provision of alternative formats such as Braille, electronic files, transcriptions, captioned videos for the deaf as well as ensuring the accessibility of online learning materials in line with current standards and delivery software such as Moodle. An education or training provider may also be responsible for provision of special adaptive software such as Jaws to make learning environments and materials accessible. On the whole, though, the DDA would not make it a requirement for the Provider to provide equipment such as computer hardware, internet connections and office equipment such as chairs and modified desks. The student’s needs should be determined through the Access Plan development process.

For staff with a disability who elect to work from home on a part time or full time basis, a similar principle can be applied. The Provider would be considered responsible for supply of software required for the person to do their job, while office equipment and furniture for the most part would be considered the responsibility of the individual, though this might be negotiated between employer and employee and provision of a laptop etc may be commonly provided. Any other equipment might be provided through the [Employment Assistance Fund](https://employment.gov.au/employment-assistance-fund) (EAF). The EAF might also be used to fund modifications for when staff with disabilities are present on campus. Common workplace modifications include specialised equipment and building modifications such as ramps and automatic doors.

Provision for staff and students engaging with education or training providers should be included in all DAPs.

**Exemptions**

Not all discrimination is unlawful. The DDA states that discrimination will not be unlawful where the elimination of all discriminatory practices would impose ['unjustifiable hardship'](https://www.humanrights.gov.au/quick-guide/12105) on a person or business. Development of an Action Plan will ensure that, in the event that a complaint is made, the business concerned will have already considered complex issues like 'unjustifiable hardship'. However, very few universities or large training providers such as Tafes would be successful in claiming unjustifiable hardship in order to be deemed exempt from discriminatory practices when the global budgets and assets of the institutions are taken into consideration.

The other area where an education or training provider may be exempt is where participation by a student with a disability would cause harm to the student or other students and/or staff. This can include psychological harm. Further, some claim has been made that if accommodating a student’s disability impacted negatively on the education of other students, that the education or training provider could be exempt from making such accommodations, though this has yet to be successfully tested in law.

*It is useful to keep these exemptions in mind when developing a Disability Action Plan and ensure that information about harm to self or others potentially being reason for exemption from disability inclusion should be made readily available to students and staff alike.*

**Resources:**

[Australian Human Rights Commission (Disability Rights)](https://www.humanrights.gov.au/our-work/disability-rights/action-plans/register-disability-discrimination-act-action-plans)

[Disability Action Plans Register](https://www.humanrights.gov.au/our-work/disability-rights/action-plans/register-disability-discrimination-act-action-plans)

[Victorian Department of Human Services resources](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/disability-action-plans)

[NSW Department of Ageing, Disability & Home Care guide](https://www.adhc.nsw.gov.au/__data/assets/file/0020/228260/DAP_guidelines.rtf) (.rtf)

[SA Department for Communities and Social Inclusion resources](http://www.dcsi.sa.gov.au/services/disability-sa/disability-access-and-inclusion-plans)

[Tasmanian Government Disability Framework for Action 2013-2017](http://www.dpac.tas.gov.au/divisions/csrt/policy/our_policies/disability_framework_for_action)

[WA Disability Services Commission resources](http://www.disability.wa.gov.au/business-and-government1/business-and-government/disability-access-and-inclusion-plans/)

NSW: <http://www.adhc.nsw.gov.au/about_us/strategies/disability_action_planning>

[National Disability Strategy 2010-2020](https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-strategy)

[United Nations Convention on the Rights of Persons with Disabilities](http://www.un.org/disabilities/convention/conventionfull.shtml)

[Carer Recognition Act 2010](https://www.comlaw.gov.au/Details/C2010A00123)

[National Disability Agreement](https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-agreement)

[National Disability Insurance Scheme](http://www.ndis.gov.au/)

[Employment Assistance Fund](https://employment.gov.au/employment-assistance-fund)

[DDA Guide for the Tertiary Education Sector](https://www.humanrights.gov.au/disability-discrimination-act-action-plans-guide-tertiary-education-sector)

**State and Territory Bodies**

Guides issued by some State and Territory equal opportunity agency for dealing with disability discrimination issues under the legislation they administer:

[AntiDiscrimination Board NSW](http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_disability)

[Anti Discrimination Commission Queensland](http://www.adcq.qld.gov.au/)

[South Australia Equal Opportunity Commission](http://www.eoc.sa.gov.au/eo-resources/publications/fact-sheets)

[Tasmanian Office of the Anti-Discrimination Commissioner](http://www.antidiscrimination.tas.gov.au/links)

[Northern Territory Anti-Discrimination Commission](http://www.adc.nt.gov.au/index.html)