



FAMILY COURT OF AUSTRALIA

# **Disability Strategy**

**2009-2011**

# Disability Strategy 2009-2011

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## Introduction

This Disability Strategy is a commitment by the Family Court of Australia to comply with the *Disability Discrimination Act 1992*. This Strategy builds on the Court's commitment to the principles of workplace diversity and equality of access to employment and other opportunities.

Commonwealth agencies, including the Court, are required to develop an action plan based on the Commonwealth Disability Strategy. The Strategy identifies five key roles performed by Government agencies. These are: policy advisor, regulator, purchaser, provider or employer. Each agency must report against the 'employer' role objectives. These objectives are outlined in the 2006 Management Advisory Committee Report – 'Employment of people with disability in the APS'. Reporting against the 'employer role' is required pursuant to the Australian Public Service Commission's Agency Survey for the annual State of the Service Report.

In addition to the 'employer' role, the 'provider' role is also applicable as it describes the core activities of the Court. The 'provider' role usually involves delivering the services that the Court has been contracted to provide under specified conditions. The Court must report against the 'provider' role, as outlined in the Commonwealth Disability Strategy, in the Court's Annual Report.

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## Definition

**Disability**, in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions, or
  - (b) total or partial loss of a part of the body, or
  - (c) the presence in the body of organisms causing disease or illness, or
  - (d) the presence in the body of organisms capable of causing disease or illness, or
  - (e) the malfunction, malformation or disfigurement of a part of the person's body, or
  - (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction, or
  - (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour,
- and includes a disability that:
- (h) presently exists, or
  - (i) previously existed but no longer exists, or
  - (j) may exist in the future, or
  - (k) is imputed to a person.

(Definition from the ABS 'Disability, Ageing and Carers: Summary of findings 2003' survey.)

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## Disability Strategy 2009-2011, Continued

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### Benefits and costs

A large-scale study of the benefits and costs to Australian employers of employing a person with disability found people with disability generally perform better than their colleagues without disability on factors like attendance, sick leave, OHS, compensation and insurance costs. The study also stressed the positive impact that people with disability can have on the productivity of teams around them.

From: Graffam J, Shinkfield A, Smith K, and Polzin U 2002, 'Employer benefits and costs of employing a person with a disability', *Journal of Vocational Rehabilitation*, vol. 17, pp. 251-263.

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### Reporting obligations under the 2006 MAC Report

The Court is required to provide data and performance information under the Commonwealth Disability Strategy 'employer role' in the Australian Public Service Commission's Agency Survey for the annual State of the Service Report. The performance measures are provided in the following table:

Objective	Performance Measure
1	A culture that values diversity and actively promotes the employment of people of disability
2	Flexible recruitment strategies that are accessible to applicants with disability
3	Accessible training, cadetship and mentoring opportunities for people with disability
4	Special employment measures to employ people with intellectual disability
5	Accessible premises, workplaces and supportive work environments for people with disability
6	Reduced complexity, cost and risk for managers employing people with disability
7	Consistent conceptual framework for defining disability
8	Continuous improvement in recruiting and retaining people with disability

These objectives and performance measures are outlined in more detail in the 2006 Management Advisory Committee Report – Employment of people with disability in the APS.

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## Disability Strategy 2009-2011, Continued

### Reporting obligations under the Commonwealth Disability Strategy

The table below shows the indicators and measures in the Commonwealth Disability Strategy for the 'provider role'. The Court is required to report the current level of performance, goals and actions against these indicators and measures in the Court's Annual Report each year. This is an ongoing requirement. The performance reporting for the Annual Report 2007-2008 is included at Appendix A.

Performance indicator	Performance measure
The provider established mechanisms for quality improvement and assurance.	Evidence of quality improvement and assurance systems in operation.
Providers have an established service charter that specifies the roles of the provider and consumer and service standards which address accessibility for people with disabilities.	Established service charter that adequately reflects the needs of people with disabilities in operation.
Complaints/grievance mechanisms, including access to external mechanisms, in place to address concerns raised about performance.	Established complaints/grievance mechanisms, including access to external mechanisms, in operation.

### Responsibilities

The Workforce and Policy Manager is responsible for coordinating the responses to the Commonwealth Disability Strategy. The Manager, Human Resources, coordinates the Court's Annual Report process. The Executive Director Corporate Services has the organisational responsibility for this overall process.

### Disabled staff at the Family Court

The table below shows the percentage of people with a disability employed by the Family Court compared to the average across the whole Australian Public Service (APS), as at 30 June in each respective year.

Family Court (%)				APS (%)	
2005	2006	2007	2008	2007	2008
5.77	4.71	4.42	4.11	3.3	3.1

The decline in the employment of people with disability is indicative of the current situation across the entire APS. Notwithstanding this, the Court has a higher average number of employees with disability than the average across the APS. However, there is room for improvement.

According to the APS, 'the low levels of overall employment of people with disability largely reflect the low levels of recruitment' (State of the Service Report 2006-07). Additionally, this trend is continuing across all classification levels (State of the Service Report 2007-08).

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## Disability Strategy 2009-2011, Continued

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**Commitment at all levels** Publicly stated, high-level commitment to the employment of people with disability is very important. It is, however, up to managers at all levels to foster workplaces where the diverse skills, abilities and cultural perspectives of individuals are respected and disability is seen as nothing more than another point of difference.

People with disability are the best judge of what they need and prefer to be asked what would best suit their needs.

Senior leaders and line managers are responsible for ensuring that people in their workplaces understand the value of diversity. They are also responsible for ensuring that their workplace is accessible and provides support where needed to people with disability.

All Commonwealth agencies have an obligation under Section 23 of the *Disability Discrimination Act 1992* to provide access to premises to people with disability, except where that would impose 'unjustifiable hardship' on an employer. This provision also applies to existing buildings which contain workplaces.

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**Monitoring and evaluation** Progress against the strategies and actions of this plan will be:

- reported to the Court's Registry Management Group
- fed back through the Court's National Consultative Committee
- reported annually in the Court's Annual Report, and
- reported annually in the APS State of the Service Report.

Data will be used to plan future directions and initiatives of workplace diversity and will be included in the Court's business planning processes.

All consultation with staff will be instigated through the Court's National Consultative Committee (NCC).

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**Strategies** The Court's Disability Strategies are aligned with the Court's Human Resources Management Framework which focuses on the following Key Result Area (KRA):

KRA 3: Improved Judge and Staff Capability - Increased human resources capability for the Court through excellence and quality in the delivery of HR advice, services and activities. Within this KRA, disability actions will be applied to all of the following HR services:

- Organisational Change Management
  - Recruitment and retention
  - Workforce management
  - Performance management
  - Planned human resources development
  - Workplace wellbeing
  - Workplace relations
  - HR pay, reporting and HRMIS management
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## Family Court of Australia Disability Strategy 2009-2011

<b>Corporate Strategies</b>				
<b>Strategies</b>	<b>Actions</b>	<b>Timeframes</b>	<b>Responsibility</b>	<b>What success will look like</b>
Executives actively promote the employment of people with disability	Through day-to-day contact with managers/supervisors the employment of people with disability will be promoted	Ongoing	CEO and Executive	Managers and supervisors will know the value of employing people with disability and create more opportunity/positions
Executives promote APS performance culture and APS merit	Through day-to-day contact with managers/supervisors the APS performance culture and APS merit will be promoted	Ongoing	CEO and Executive	Managers and supervisors will understand an APS performance culture and APS merit
Executives establish clear expectations of managers in developing a diverse workforce	Through day-to-day contact with managers/supervisors expectations of what a diverse workforce involves will be made clear	Ongoing	CEO and Executive	Managers and supervisors will have clear expectations of what a diverse workforce looks like and how to develop one
Executives identify an SES officer to act as a senior-level advocate for employees with disability	An SES officer is appointed as a senior-level advocate through the CMG to support a workplace network for people with a disability	2009	CEO and Executive	Employees with disability feel valued by the Court.

## Recruitment and Retention Strategies

Strategies	Actions	Timeframes	Responsibility	What success will look like
Develop a Disability Recruitment Strategy	Disability Recruitment Strategy to be developed separately to the Workplace Diversity Strategy	2009	Recruitment and HR Workforce and Policy team	The Court has a separate strategy for Disabled Recruitment that assists in attracting disabled recruits to the Court
Review policy and procedures on recruitment and selection	Ensure recruitment documents do not discourage people with a disability from applying for jobs, including traineeship and cadetship programs	Ongoing	Recruitment	An increase in the amount of people with a disability applying for Court jobs
	Advertisements to include 'we are an equal opportunity employer'	Ongoing	Dependent on the Court's property section compliance on disabled access	An increase in the amount of disabled applicants applying for Court jobs
	Advertise vacancies through disability employment and support services/networks	Ongoing	Recruitment	An increase in the amount of people with a disability applying for Court jobs
	Ensure any recruitment agencies contracted by the Court encourage and support people with disability	Ongoing	Recruitment	An increase in the amount of people with a disability applying for Court jobs
	Allow additional time for lodgement of applications and accept different formats (i.e. print, Braille, oral)	Ongoing	Recruitment	An increase in the amount of people with a disability applying for Court jobs
Develop a policy on the recruitment of EEO groups	Write policy on recruitment of EEO groups	2009	Recruitment and HR Workforce and Policy team	Recruitment of EEO groups is managed in a fair and equitable way
	Write guidelines for selection committees	2009	Recruitment	Selection committees manage the recruitment process in a fair and equitable way
Induction to position to include information specifically for people with a disability	Ensure induction buddy/ mentor is aware of requirements for people with disabilities and points out facilities of importance, including the benefits of engaging a Rehabilitation Consultant for expert assistance.	2009	Recruitment and HR Workforce and Policy team	Buddy/mentor supports person with a disability  Rehabilitation Consultant is engaged to support the individual with a disability to transition successfully to their new work environment.
	Provide contact information for HR staff in case the employee doesn't feel comfortable talking with their buddy or manager	2009	Recruitment and HR Workforce and Policy team	HR supports person with a disability

## Recruitment and Retention Strategies - continued

Strategies	Actions	Timeframes	Responsibility	What success will look like
Develop links to organisations specialising in placing people with disability	Contact specialist organisations (i.e. National Disability Recruitment Coordinator or the Disability Employment Network) when there is a position that may be suitable for a person with disability.	Ongoing	Recruitment	Specialist organisations will be used more frequently to place suitably qualified people with disability
	Increase the amount of information that is provided to agency recruiters about the principle of reasonable adjustment	Ongoing	Recruitment	Agency recruiters are provided with the APSC publication 'Ability at work'
Ensure selection criteria reflects only the inherent requirements of the position and methods of selection do not indirectly discriminate against people with disability	Review recruitment processes, including position selection criteria, to ensure these do not indirectly discriminate against applicants with disability	Ongoing	Recruitment	Selection criteria and methods of selection are non-discriminatory
Develop a fact sheet for selection panels/managers about the needs of disabled applicants/staff	Include information about access to buildings, software programs and links to external sources for information and assistance	2009	Recruitment and HR Workforce and Policy team	Applicants with disabilities feel that their needs are met and that they weren't discriminated against
Collect data on number of people with disability that are new to the Court	Add a section to the Equal Employment Opportunity Form that asks about disability, offering the services of a rehabilitation provider that can be accessed to help with induction	2009	Recruitment	Encourages new employees to identify as having a disability so that more comprehensive data is collected about new employees
Develop a procedure for the Wellbeing Officer to engage rehabilitation providers for induction of people with disability	Write a procedure for inducting people with a disability utilising a rehabilitation provider.	2009	HR Workforce and Policy team/Wellbeing Officer	Managers and the Court supports new employee with a disability



### Workforce Management Strategies

Strategies	Actions	Timeframes	Responsibility	What success will look like
Review Collective Agreement	Ensure the agreement encourages and supports people with a disability as per Section 67 and 68 of the CA	2010	HR Workforce and Policy and HRMIS teams	The Collective Agreement provides flexible working practices in a fair and equitable way
Consider flexible working arrangements for staff with a disability, if required	Offer Common Law Contracts that tailor flexible work arrangements on an individual basis	Ongoing	HR team and managers	People with disability feel supported in their need for flexible working arrangements
	Offer flexible arrangements to cover absences – i.e. job sharing, relocating priorities and deadlines, funding additional positions	Ongoing	HR team and managers	People with disability, and their managers, feel supported in the need for flexible working arrangements
Develop a workplace complaints/grievance dispute resolution policy	Write and implement a policy on workplace complaint/grievance dispute resolution – include information from CA and link to Whistle Blower Policy	2009	HR Workforce and Policy	People with disability feel supported in any complaint or grievance they may have.

### Performance Management Strategies

Strategies	Actions	Timeframes	Responsibility	What success will look like
Staff are given the opportunity to raise any barriers during their PDS	Managers include disability barriers in their discussions with staff	Ongoing	All managers	Court staff feel comfortable raising issues about any barriers that concern them
Managers provide the same opportunities to all staff	Training and development opportunities are provided to all staff regardless of position	Ongoing	All managers	Court staff feel that they are being treated fairly and equitably in their training and development needs
	Study assistance requests to be considered in an equal and fair manner for all staff	Ongoing	All managers	Court staff feel that they are being treated fairly and equitably in any requests for study assistance

## Planned Human Resources Development Strategies

<b>Strategies</b>	<b>Actions</b>	<b>Timeframes</b>	<b>Responsibility</b>	<b>What success will look like</b>
Raise awareness of the APSC publication 'Ability at work' with all managers	Place a link on the Court's Intranet site to the APSC publication	2009	HR Workforce and Policy	Court staff are aware of the publication and how it relates to the Workplace Diversity Plan
Provide training for all staff to raise awareness of the needs of people with disability	Incorporate within the Integrated Client Service Development Program's diversity section	2009	ICSDP project team	Court staff are aware of the various types of disabilities and the needs of people with disability
	Increase the percentage of training and development programs that consider the needs of staff with disabilities	Ongoing	HR Workforce and Policy and SDC	Training programs incorporate the needs of staff with disabilities
Support the higher education aspirations of employees with disability	Encourage people with disability to use study assistance	Ongoing	HR Workforce and Policy	People with disability feel supported in their aspirations for higher education
Include mental health training for all employees	Continue the Integrated Client Service Development Program which includes mental health training	Ongoing	ICSDP project team	Court staff are trained in recognising and understanding mental health issues
Participate in the 'Stepping into Law' program	Provide paid employment for a final year law student with disability to work at the Court during Semester break	Ongoing	All managers	Managers will expose law students to the Court system and show Court staff the value and abilities of people with disability
Investigate training programs for managers	Equip managers to implement the disability strategy	2009	HR Workforce and Policy	Managers will have a better understanding of disability issues within the workplace and will have practical strategies to apply.

## Workplace Wellbeing Strategies

Strategies	Actions	Timeframes	Responsibility	What success will look like
Raise awareness of EAP as a support network	Review EAP information on the Intranet and improve if required	2009	HR Workforce and Policy	Improved Intranet site raises awareness of EAP for all staff
	Provide articles for <i>Courtside</i> annually to raise awareness	Ongoing	HR Workforce and Policy	Articles assist in raising awareness of the EAP service
Review Court buildings for compliance with disability access	Each Registry manager or NSO manager to make their workplace compliant	Ongoing	Property and all managers	Court buildings are made compliant for disability access
	Ensure new premises/modifications are readily accessible by disabled staff.	Ongoing	Property	Court buildings are made compliant for disability access
Assess the workspace of any new employee with disability before they commence	Ensure the workspace is adjusted to suit the disability of the individual – could involve a specialist organisation	Ongoing	All managers	Special needs of staff are addressed before the employee begins work.
	Increase the amount of information provided to managers about the principle of reasonable adjustment	Ongoing	HR Workforce and Policy	Managers are aware of and understand the need for reasonable adjustment.
	Follow up and monitor each employee who reports a disability in order to identify any reasonable adjustments they may need.	Ongoing	All managers	Special needs of staff are monitored to ensure the workspace continues to meet their needs.
Involve other Court staff in the induction of a person with disability	Consult and inform co-workers about reasonable adjustments where the changes will impact on them in the workplace	Ongoing	All managers	All staff feel valued and included in any changes to their workplace
Promote Health and Safety representatives	Highlight the service these officers provide through the Intranet and <i>Courtside</i> , and link to the APS 'Respect' model	2009	HR Workforce and Policy	Intranet site and <i>Courtside</i> article raises awareness of Health and Safety representatives for all staff
	Representatives are up-to-date with training	Ongoing	Health and Safety representatives	Representatives' skills are constantly updated/ refreshed
Review IT support technology for eligible staff	Provide adaptive technology or other practical support, ie. voice recognition software	Ongoing	HR Workforce and Policy and IC&TS	Staff feel supported by the Court in their working environment
	Refer to the Australian Government Better Practice checklist for any assistive technology	Ongoing	HR Workforce and Policy and IC&TS	Staff feel supported by the Court in their working environment

<b>Workplace Wellbeing Strategies - continued</b>				
<b>Strategies</b>	<b>Actions</b>	<b>Timeframes</b>	<b>Responsibility</b>	<b>What success will look like</b>
Provide pre-employment assessments where necessary	Ensure future staff are assessed for any special needs that may need to be acted on	Ongoing	HR Recruitment and Workforce and Policy team, and managers	Future recruits' special needs are considered before work commences
Participate in Workplace Modification Scheme	Approach JobAccess* to pay for any costs in modifying the workplace or purchasing special or adaptive equipment for eligible employees with disability	Ongoing	HR Recruitment and Workforce and Policy team, and managers	Managers will increase the levels of staff with disability as the cost associated with their workspace is not required through registry budgets
Audit recruitment practices	Organise for the Australian Employers Network on Disability to do an audit of recruitment practices	2010	Recruitment	Audit will highlight areas that require adjustment for recruiting people with disability
Complaint/grievance mechanism to address issues of concern	Provide avenue for internal complaints to be directed to the Court's recognised whistle blower	2009	HR Workforce and Policy	Employees with disability will feel supported in airing complaints/ grievances to the Court
	Provide avenue for external complaints to be directed to the Human Rights & Equal Opportunity Commission (HREOC)	2009	HR Workforce and Policy	Employees with disability will feel supporting in airing complaints/ grievances to an external organisation if the internal avenue does not address issues of concern

\*Job Access' Workplace Modifications Scheme covers the costs of modifying the workplace or purchasing special/adaptive equipment for eligible employees if they have had a change in duties, career progression, change in disability and/or new modification becomes available that would increase their productivity. For more information, go to: [www.jobaccess.gov.au](http://www.jobaccess.gov.au) and then follow the pathway to Job Access>Government services>A-Z list>Workplace Modifications Scheme

### HR - Pay, Reporting and HRMIS Management Strategies

Strategies	Actions	Timeframes	Responsibility	What success will look like
Collect disability information for reporting purposes	Actively encourage employees to update their disability status in the HRMIS with reference to the definition of 'disability' used by the ABS <i>Disability, Ageing and Carers: Summary of Findings 2003 survey to collect data and statistics from APS employees</i>	2009	HR - Pay and Reporting Team	All data collected conforms with data collected by ABS and APSC for consistency
	Collect and report on disabilities in Aurion	Ongoing	HR Workforce and Policy Team	Reports are provided to CMG annually
	Report on disabilities in the Court's Annual Report and the APS State of the Service Employer Survey	Annually	HR - Pay and Reporting Team	More detailed reports are used in the Court's Annual Report and State of the Service Report

The table below shows the Court's indicators and measures in place to respond to the reporting obligations under the Commonwealth Disability Strategy 'provider role' in the Court's Annual Report each year. This is an ongoing requirement.

### Commonwealth Disability Strategy performance reporting

**Table 6.15: Performance indicators**

Performance Indicator	Performance Measure	Current level of performance 2007–2008	Goals for 2008–2009	Actions for 2008–2009
#1 The Family Court has established mechanisms for quality improvement and assurance.	Refurbishment works meet the Building Code of Australia requirements.	The Family Court complies with the Building Code of Australia for building modifications and alterations. The Code incorporates requirements to comply with disabled access for staff, clients and visitors. This includes areas such as ramps, signage and toilets.	Identify areas for improvement for access for staff, clients and visitors to Family Court facilities.	Undertake an audit of the Family Court of Australia's accommodation.
	Employment policies, procedures and practices comply with the requirements of the Disability Discrimination Act 1992.	The Family Court incorporates requirements to comply with legislative requirements in its new employment policies, procedures and practices and when revising existing policies, procedures and practices.	Identify areas for quality improvement for employees and prospective employees of the Family Court.	Include continuous improvement strategies in annual corporate business plans including the human resources management business plan.
#2 The Family Court has an established service charter that specifies the roles of the provider and consumer and service standards which address accessibility for people with disabilities.	Established service charter that adequately reflects the needs of people with disabilities in operation.	The Family Court's service charter identifies areas for clients to advise the Court of particular problems or needs. However, the current charter is not specific in addressing the needs of people with disability.	The service charter to be reviewed to incorporate the Court's commitment to meeting the needs of people with disability.	Prepare a revised service charter as part of the annual review.
The Family Court complaints policy complies with Australian Standard AS 4269-1995 and the Commonwealth Ombudsman's Good Practice Guide for Effective Complaint Handling.	The Family Court has comprehensive complaints guidelines, including a client fact sheet and detailed procedures published on the Family Court website ( <a href="http://www.familycourt.gov.au">www.familycourt.gov.au</a> ).	During the year the Family Court has clarified and published on the Family Court website details about the process of lodging judicial complaints.  In all but 10 per cent of cases, non-judicial complaints are finalised within 20 days.  With judicial complaints the time lines are longer where it is necessary to await the outcome of proceedings, in which case the complainant is advised accordingly.	Apply the Family Court's policy to acknowledge complaints within 5 days and respond within 20 days, except where it is necessary to: <ol style="list-style-type: none"> <li>1. await the outcome of proceedings before the Court,</li> <li>2. obtain transcript and analyse a large and complex file.</li> </ol>	Continue to monitor the validity of complaints and analyse the number received and issues raised.

# Appendices

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## Relevant legislation

**Public Service Act 1999**

**Public Service Regulations 1999**

**Public Service Commissioner's Directions**

**Disability Discrimination Act 1992**

**Human Rights and Equal Opportunity Commission Act 1986**

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## Further information

### **HR Contact**

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### **Family Court of Australia Collective Agreement 2007-2010**

#### **Australian Public Service Commission Publications**

Ability at work: Tapping the talent of people with disability

Cracking the code: Fact sheet #8 – Supporting the employment of people with disability

MAC Report: Employment of people with disability in the APS

Respect: Promoting a Culture Free from Harassment and Bullying in the APS

State of the Service Report 2006-07

State of the Service Report 2007-08

**JobAccess – An Australian Government Initiative** at: [www.jobaccess.gov.au](http://www.jobaccess.gov.au)

**Australian Employers Network on Disability** at:

[www.employersnetworkondisability.com.au](http://www.employersnetworkondisability.com.au)

Includes information about the 'Stepping into Law' program

**Diversity at Work** at: [www.diversityatwork.com.au](http://www.diversityatwork.com.au)

**Commonwealth Disability Strategy** at: [www.facs.gov.au/disability/cds/intro.htm](http://www.facs.gov.au/disability/cds/intro.htm)

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