



Disability Access and Inclusion Plans (DAIPs): Agents and contractors guide

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People with disability

The Australian Bureau of Statistics' Survey of Disability, Ageing and Carers 2012 estimated that 389,800 people report having a disability. This equates to over one-sixth or 16.2 per cent of West Australians with a disability. By 2026, it is expected this will increase to one in four West Australians. More than 45 per cent of people aged 60 years are reported to have a disability and around 2.7 per cent or 57,000 of people under 65 years of age are reported to have severe or profound disability. There are approximately 236,200 people who identify themselves as carers of a person with disability.

Improving access and inclusion for people with disability is a legislative requirement of The Disability Services Act 1993 (amended 2004). For people with disability to have the same opportunities as others to participate in community life, it is important that services and facilities are accessible. This also benefits others, including parents with prams, seniors and people from culturally and linguistically diverse (CaLD) backgrounds.

For more information refer to [the Disability Services Commission's website \(www.disability.wa.gov.au\)](http://www.disability.wa.gov.au).

Disability Access and Inclusion Plans

West Australian public authorities (state and local government authorities) are required to develop and implement a Disability Access and Inclusion Plan (DAIP) under the Disability Services Act 1993 (amended 2004)(the Act).

The requirements of DAIPs ensure that people with disability can access services, facilities, buildings and information provided by public authorities in Western Australia in a way that facilitates increased independence, opportunities and inclusion within the community.

The Act makes DAIPs mandatory and prescribes their development, implementation and reporting. It requires that DAIPs are implemented by public authority staff and also applies to agents and contractors providing a service to the public.

Section 29B of the Act states **“a public authority that has a disability access and inclusion plan must take all practicable measures to ensure that the plan is implemented by the public authority and its officers, employees, agents or contractors”**.

The Disability Services Commission (The Commission) has developed a range of resources to assist public authorities with developing and implementing DAIPs, and facilitating sound reporting.

In the Act, Schedule 3 of the Disability Services Regulations 2004 specifies seven outcomes that DAIPs must achieve:

1. People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with disability have the same opportunities as other people to make complaints to a public authority.
6. People with disability have the same opportunities as other people to participate in any public consultation by a public authority.
7. People with disability have the same opportunities as other people to obtain and maintain employment within a public authority.

Requirements of agents and contractors

The Act does not give a specific definition of the term “agent” or “contractor” in regard to DAIP compliance. However, to clarify:

- an agent is a person or business authorised to act on another's behalf
- a contractor is an entity who performs a service or delivers a product under an agreement (or contract) with a public authority
- there is an exchange of money for services (this includes grants).

It is not unusual for legislation to omit definitions, as this means that the intent of the legislation is not limited when changes in use of particular terms occur over time.

The Act does not require agents or contractors to develop their own DAIP. The intent of the Act is that when agents or contractors are used to carry out work that may have an implication for a DAIP strategy that the agent or contractor takes into account the needs of people with disability.

The work may be completely unrelated to a DAIP strategy but its execution may have implications on the strategy. For example, contractors may be called in to fix a footpath that has not been listed as a strategy under Outcome

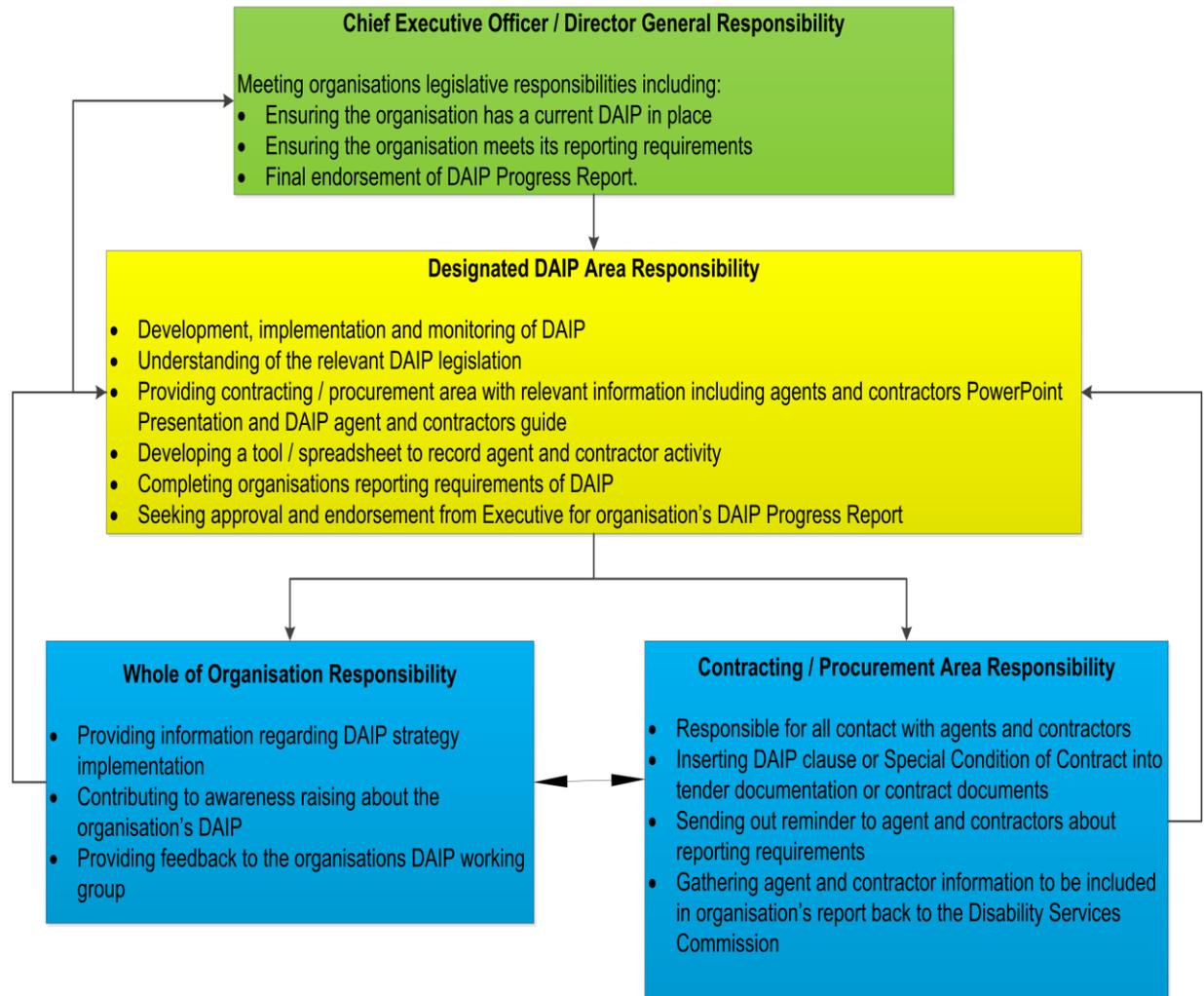
2 “People with disability have the same opportunities as other people to access the buildings and services of a public authority”. However, fixing the footpath will benefit people with disability and the community as a whole and it is beneficial to the public authority to advise contractors of (at the very least) Occupational Health and Safety requirements of the public authority to avoid an accident and possible legal action should a mishap occur. These actions benefit the community and all people are better able to access information, buildings, facilities and services of public authorities.

There is no minimum contract value for contractor reporting. All contracts should be judged on an individual basis as to whether or not the agent and contractor should be informed about the public authorities DAIP.

Role of agents and contractors in the DAIP Framework

All public authorities are expected to have in place internal mechanisms and processes to facilitate reporting by agents and contractors. These processes may vary depending on the structure of each public authority. A suggested process and common DAIP framework is outlined below.

Role of Agent and Contractors in the DAIP Framework



Each public authority usually has a contact person or area responsible its DAIP. A PowerPoint presentation is available for Contract and Procurement staff to inform them of the legislative requirements of the Act in relation to agents and contractors. The presentation should, if possible, be provided by the officer or area who administers the DAIP as they would have a good understanding of the legislative requirements and be in a position to answer questions if they arise.

After officers see the PowerPoint presentation the next step **could** be to prepare a spreadsheet or tool to record agent and contractor activity.

Two examples of spreadsheets have been provided and both contain the names of separate sections within a public authority listed on individual tabs (Attachments 1 and 2).

The spreadsheet or tool would be sent to each section to populate with agent and contractor information (that is any section that uses an agent or contractor to fulfil specific contracts related to strategies in the DAIP outcomes completes the spreadsheet relevant to them).

Once completed the spreadsheet or tool is returned to the designated DAIP officer or area.

The information provided on the spreadsheet gives the DAIP officer or area a database of DAIP agent and contractor contact information prior to the reporting period.

The suggestion made here is not prescriptive and how each public authority goes about setting up a reporting process is a matter of choice.

Agents and contractors should be reminded of their reporting obligations prior to 4 July each year when the public authority is requested to submit a progress report to the Commission. An example is attached along with a contractor reporting template that can be adapted to suit strategies for each outcome (Attachments 5 and 6).

Where contracted organisations are delivering community services on behalf of a public authority, a report on the extent to which the contracted organisation has implemented the DAIP is required. This is part of Clause 5 of the ‘General Provisions for the Purchase of Community Services by Government Agencies – 2008 Edition’.

The [Department of Finance website](#) has best practice guidelines outlining recommended steps to make contracted services accessible for people with disability (www.finance.wa.gov.au/cms/Government_Procurement/Guidelines_and_templates/Goods_and_Services_Templates,_Guides_and_Conditions_of_Contract.aspx)

Tenderers must state their intended compliance with all conditions and any special conditions of a tender. If the tenderer becomes the preferred provider the agency can then enter into negotiations about the special condition.

(It is highly recommended that the DAIP, or a hyperlink to the document, be provided in tender documentation).

The State Solicitor’s Office developed the following clause as a special condition to be inserted into relevant contracts to facilitate the provision of accessible services under the Act.

Special Condition of Contract

Note: This clause should only be used if the Customer is required to have a Disability Access and Inclusion Plan under the Disability Services Act 1993.

i. Disability Access and Inclusion Plan

If the Contract involves the supply of Services to the public, then the successful Respondent will:

- (i) to the extent practicable, implement the Customer's "Disability Access and Inclusion Plan" prepared under the Disability Services Act 1993; and
- (ii) provide a report to the Customer by [] in each year of the Contract Term reporting on the extent to which the successful Respondent has implemented the Customer's Disability Access And Inclusion Plan.

For the purpose of this clause the customer refers to the public authority. The clause is broad, but is consistent with the general intent of the Disability Services Act.

The clause will:

- apply only to new contracts or contract variations
- apply to services provided to the public
- not apply to services provided directly to the public authority itself, such as cleaners and rewiring of telephones.

In agreeing to the special condition the tenderer agrees to:

- undertake the contract in a manner consistent with their principal's DAIP
- provide an annual report to the public authority about DAIP outcome areas supported.

Local government public authorities can choose whether to use the special condition or develop their own clause. However, even if this special condition is not used by a local government, contracted services to the public still need to comply with the requirements of the Act. For this reason the use of the special condition by local governments is strongly encouraged. It also acts as a reminder of:

- the legal obligations of the DAIP
- ways in which agents and contractors can meet the access requirements of each outcome and specific to the area in which they are being contracted
- ways in which contractors met the actions listed for a specific outcome.

Agent and contractor questions and answers:

Are all agents and contractors required to provide a report to the Public Authority?

The Act requires DAIPs to be implemented by agents and contractors as well as the staff of a public authority. This furthers the expectation that services or facilities provided through public money are accessible for all members of the community. Contracted services in which the public authority itself is the recipient of the services are not relevant to the DAIP.

The Commission acknowledges that many public authorities have a range of agents and contractors. For some of these, their services may have little or no impact on their DAIP strategies, and/or have no contact with the public. A decision to exclude particular agents and contractors from reporting should follow a considered process. The Commission has developed a decision making resource to support public authorities (Attachment 3).

If disability access requirements are already built into design plans for a building then is the contractor required to comply with the DAIP requirement?

Yes. Standards on access don't necessarily cover a range of finer details in the construction of facilities such as appropriate fittings and effective signage for people with disability. Also referencing the DAIP can also be viewed as a community education exercise so agents and contractors are made aware of the range of access needs of people with disability.

What about situations where a business comes in and pays to use the facilities of the public authority (for example, a business paying to use premises for an event?)

If an outside organisation pays a public authority to use their facilities they would **not** be considered to be an agent or contractor. It would be useful however (in order to avoid any complaints under the Disability Discrimination Act 1992) that the needs of people with disability are considered particularly if this was a community event. The hire of the facilities can be an opportunity to promote good practice by providing information about the public authority's DAIP as well as access resource information such as the accessible events checklist which is available on [the Commission's website](http://www.disability.wa.gov.au) (www.disability.wa.gov.au).

What are some examples of the type of contracts that are covered by DAIP requirements?

Please see Attachment 4 which will provide you with some examples of contractors under the specific areas of:

- Building and works
- Direct service delivery

- Information and communication

What about contracts that are awarded under Department of Finance “Building Management and Works (BMW)”. Who would they report to?

- Public authorities that have contracts for works or maintenance being carried out by another public authority will not be required to collect DAIP progress reports from these agents or contractors.
- Agents and contractors are required to provide a safe and accessible working environment legislated under the Disability Access and Inclusion Plan of the public authority. An example of this would be where state government authorities that have contracts managed on their behalf by Building Works and Management. These agents and contractors are appraised on criteria such as Occupational Health, which includes providing a safe and accessible working environment.

Ways to provide access for people with disability

Making contracted services accessible need not be expensive or complex. Agents and contractors should undertake activities that are generally consistent with the seven DAIP outcome areas.

It does not necessarily mean that contractors will replicate every access strategy that the contracting agency is undertaking in its DAIP.

Examples of accessible services related to each outcome area provided by agents and contractors can include:

1. People with disability have the same opportunities as other people to **access services and events**:
 - Provide services in a flexible manner so that people with disability get the same outcome from that service as other members of the community.
 - Produce clear and easy-to-read invitations and flyers for events that include contact details, preferably in bold print.
 - Hold events in an accessible venue.
 - Design invitations to events which ask invitees if they have any specific access requirements (eg Auslan interpreters).
2. People with disability have the same opportunities as other people to **access buildings and other facilities**:
 - Provide clear access ways free of boxes, displays and other obstructions.

- Use buildings that are accessible – if there isn't a lift, make sure all service points are located on the ground floor.
 - Ensure a continuous accessible path of travel.
 - Provide adequate space into doorways and within rooms to allow for wheelchair access.
 - Place colour contrast strip on the outer edge of steps.
 - Ensure ground and floor surface are slip resistant and free of hazards to minimise risk of injury.
 - Provide signage with clear lettering and good colour contrast.
 - Provide an appropriate number of accessible parking bays.
3. People with disability receive information in a format that will enable them to **access information** as readily as other people are able to access it:
- Provide clear and easy-to-read information by using a sans serif font such as Arial or Helvetica in a minimum size of 12 point.
 - Ensure there is significant colour contrast between the text and the background.
 - Display important information in bold font, avoid using upper case text only, use a minimum of italics.
 - Design websites to meet accessibility guidelines developed by the World Wide Web Consortium (W3C).
 - Provide Auslan interpreters when requested by people who are deaf or have a hearing impairment.
 - Incorporate captioning in DVDs and TV advertisements.
 - Provide business cards with good colour contrast and easy-to-read font size.
 - Be prepared, if requested, to provide information in alternative formats.
4. People with disability receive the **same level and quality of service from staff** as other people receive:
- Make the Disability Access and Inclusion Plan information available to all staff.
 - Provide staff with information about the needs of people with disability and where to locate extra resources and support as required.

- Provide disability awareness training for staff.
5. People with disability have the same opportunities as other people to **make complaints**:
 - Accept complaints in a variety of formats such as by telephone, email, written or in person.
 - Allow others such as family members to make complaints on behalf of a person with a disability.
 6. People with disability have the same opportunities as other people to **participate in any public consultation**:
 - Provide media releases and advertisements about public consultation in both print and electronic media, including Information Radio and the website.
 - Consult people with disability using a range of different consultation methods, eg focus groups, interviews, surveys.
 - Request information about access requirements from participants prior to attending consultations.
 - Hold consultations in accessible buildings.
 7. People with disability have the same opportunities as other people to obtain and maintain **employment** within a public authority:
 - Use inclusive recruitment practices.
 - Improve methods of attracting, recruiting and retaining people with disability.
 - Work with key disability employment support provider(s) to employ a person with a disability.

Reporting requirements

The Commission must provide a progress report each year to the Minister for Disability Services about DAIP implementation across Western Australia. The Minister's report is produced from information submitted to the Commission by public authorities in their annual DAIP Progress Report, including progress by their agents and contractors.

Public authorities must provide a progress report to the Commission by 4 July each year.

Key points in the reporting process to note include:

- Agents and contractors are given a link to the public authority's DAIP.
- Prior to the reporting period contractors are reminded of their reporting obligations and given an "Agent and Contractor Reporting Template" (Attachment 6).
- Reports from agents and contractors are sent to contract or procurement managers or the relevant DAIP area (processes will vary depending on staff ratio).
- If the report is sent to Contract or Procurement Manager they will need to advise the DAIP officer how the reporting information has been received. For example, did the contractor complete and return a contractor progress reporting template or was the information gathered through progress report meetings or by email?
- The DAIP officer uses this information to complete the DAIP progress report which is then sent to the Commission by 4 July. The reporting template is available from the DAIP Section of the Disability Services Commission's website.
- Contractors will not be identified in the progress report that agencies provide to the Commission.
- The information provided by public authorities is collated by the Disability Services Commission to form the basis of the overall statewide report for the Minister for Disability Services. The Minister is required to table this report in Parliament.

Disability Services Commission resources

The following access resources can be found on [the Commission's website \(www.disability.wa.gov.au\)](http://www.disability.wa.gov.au) or by contacting the Commission's Access and Inclusion section on 9426 9353 or 6104 9551.

Access and Inclusion Resource Kit: contains checklists to assess levels of access to a public authority's buildings, facilities, information and services.

Accessible Information Training Package: contains information on how to make information accessible to people with disability. It also contains information on accessible websites, customer service to people with disability and an accessible events checklist.

Disability Access and Inclusion Plan Training Package for State and Local Governments: can be used by public authorities and others for disability awareness training including DAIP requirements and customer service to people with disability.

You Can Make a Difference to Customer Relations for People with Disability in Local Government and State Government Agencies: a DVD to assist state government agencies and local governments improve customer service to people with disability.

You Can Make a Difference to Customer Relations for People with Disability in the Hospitality, Tourism, Retail and Entertainment Industries: a DVD to assist organisations in the hospitality, tourism, retail and entertainment industries to improve customer service to people with disability.

Other resources

Access to Premises Standards: The new standards were introduced on 1 May 2011 and are available from the [Australian Attorney General's Department website](http://www.ag.gov.au) (www.ag.gov.au).

Guideline on the Application of the Premises Standards: the Australian [Australian Human Rights Commission website](http://www.humanrights.gov.au) (www.humanrights.gov.au) has guidelines to assist in implementing the new standards.

Australian Standards on Access: Details of current Australian Standards covering access are available from the [Standards Australia website](http://www.standards.com.au) (www.standards.com.au).

Improving Access to Heritage Buildings: Sets out guidelines and practical solutions for making heritage properties accessible to people with disability while conserving their heritage character and value. It can be found on the [Australian Heritage Council's website](http://www.ahc.gov.au) (www.ahc.gov.au).

ACROD Parking Program in Western Australia: The [ACROD website](http://www.app.org.au) (www.app.org.au) provides information on accessible parking in Western Australia.

W3C Web Content Accessibility Guidelines (WCAG): The [W3C website](http://www.w3.org) (www.w3.org) has information to assist web designers to create websites that are accessible to a wide audience, including people with disability.

Further information

Additional information about creating access for people with disability is available on [the Commission's website](http://www.disability.wa.gov.au) (www.disability.wa.gov.au).

Other contact details

Contact an officer from the Access and Inclusion Branch at the Commission.

Address: 146–160 Colin Street
West Perth WA 6005

Telephone: 9426 9353 or 6104 9551

Facsimile: 9226 2306

TTY: 9426 9315

Country: 1800 998 214

Postal: PO Box 441

West Perth WA 6872

Email: access@dsc.wa.gov.au

Website: www.disability.wa.gov.au

This document is available in alternative formats on request.

Publication update: November 2014

Attachment 2

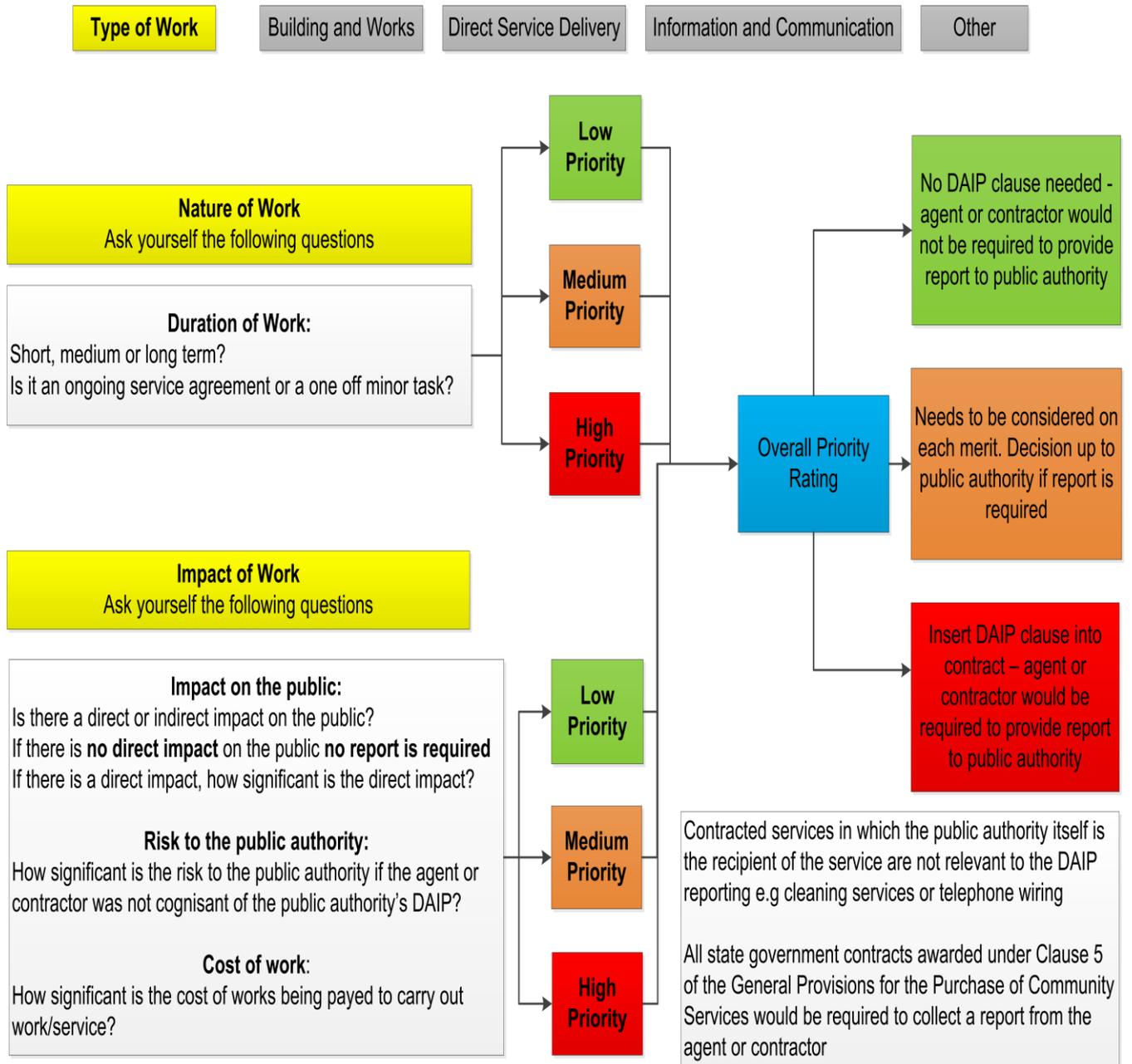
Collecting information tool example 2 from a communications department who use contractors

Contractor	Service provided	Contact Name	Mailing address	Suburb	State	Postcode	Phone	Email
Display company	Community fair – wheelers/ joiners for display	John Brown	PO Box 40	Joondalup DC	WA	6919	0430 678 900	jbrown@dc.com.au
WA Deaf society	Interpreting for Anzac Day	Jo Smith	PO Box 5	Leederville	WA	6007	0419 777 234	jo@wadeafsociety.com.au
Cater for people	Catering for events	Sandy Long	150 James Street	Northbridge	WA	6219	0418 987 654	sandy@cfp.com.au

Attachment 3

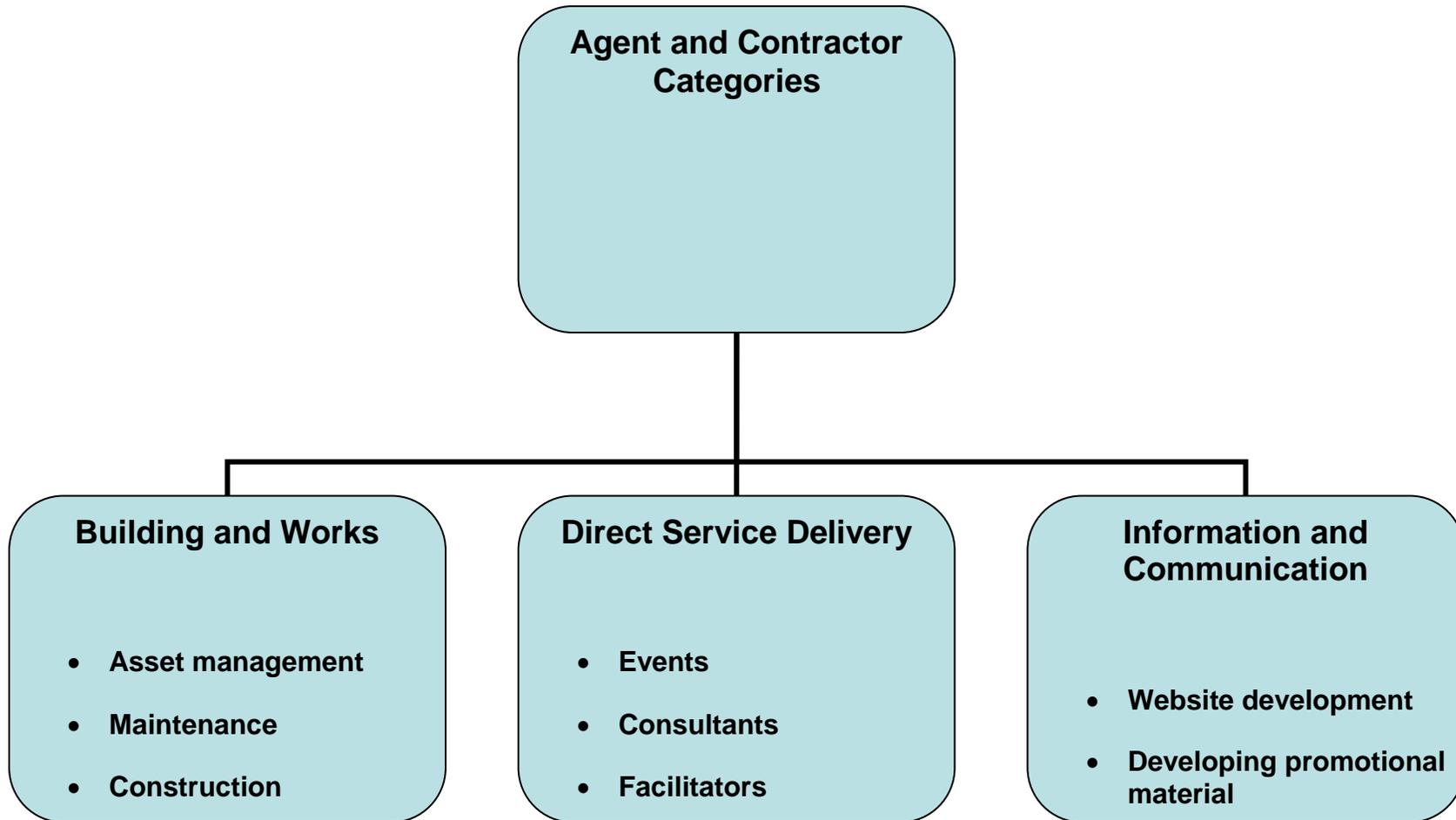
Agent and contractor reporting decision tree

Agent and Contractor Reporting Decision Tree



Attachment 4

Examples of contractors



Attachment 5

Sample text sent to agent and contractors

The Disability Services Act (1993) requires all public authorities to have a Disability Access and Inclusion Plan (DAIP). The DAIP is to be implemented not only by the public authority, but also by its agents and contractors who provide services to the public on behalf of the contracting public authority.

The (name of public authority) Disability Access and Inclusion Plan is available to download from the web site at: (address of website) or by phoning (list telephone number).

To ensure that the plan is being implemented, contractors are required once a year, to provide a brief list of activities undertaken to support the (name of public authority) DAIP.

To avoid delays in processing the information would you please complete the attached form and return it to (name) as soon as possible, **but no later than Friday 20 June 2015.**

Preferably, forms should be submitted via email to (name of contact) or alternatively in person at the (address).

Attachment 6

DAIP agent and contractor progress reporting template

The Disability Services Act 1993 (amended 2004), requires a DAIP Progress Report from each public authority to show how DAIP strategies meet the desired outcomes specified in the Act. The Disability Service Regulations 2004 requires public authorities to report progress of the outcomes made by the public authority and any agents and contractors that have been used. The Regulations also require the methods used to inform its agents and contractors of its DAIP.

Agents, contractors, funded and sponsored agencies can include non-government and not-for-profit organisations and businesses that undertake work on behalf of a public authority involving interaction with the community. Contracted employees should not be considered as contractors for this report.

This template is to assist public authorities with monitoring and reporting on agent and contractor progress. The template is for your use and may be adapted to suit your requirements. Alternatively, you may choose to continue to use the previous template provide by the Commission or your own reporting template.

A copy of the template is available on [the Commission's website](http://www.disability.wa.gov.au/business-and-government1/business-and-government/disability-access-and-inclusion-plans/daip-progress-reporting/) (<http://www.disability.wa.gov.au/business-and-government1/business-and-government/disability-access-and-inclusion-plans/daip-progress-reporting/>)

Please contact the Access and Inclusion Branch on 9426 9353 or 6104 9551 if you have any questions regarding reporting requirements.

Agent and Contractor Report

DAIP Agent and Contractor Progress Report 2014–2015

Name of contracted service: _____

Name of contact person: _____

Phone number: _____

Email: _____

Purpose

This reporting sheet assists contractors to identify which outcome areas they are working in. It also serves as a reference for all contractors and their staff about how to provide a more accessible service.

It is noted that not all outcomes will be applicable to the services you provide on behalf of your Public Authority.

On completion please forward contractor reporting template back to the public authority that you are contracted to by requested return date.

Actions by contractors consistent with DAIP outcome areas:

DAIP Outcome	Example of actions (Please mark if appropriate)
1. People with disability have the same opportunities as other people to access services and events.	Ensured contracting and procurement staff were aware of DAIP responsibilities <input type="checkbox"/>
	Ensured events organised and or promoted were accessible for people with disability <input type="checkbox"/>
	Other actions implemented (please describe):
	Not applicable <input type="checkbox"/>

2. People with disability have the same opportunities as other people to access buildings and other facilities	When carrying out work on public buildings or facilities we ensure access is not obstructed	<input type="checkbox"/>
	Ensured entry and exit ways remain obstruction free	<input type="checkbox"/>
	Ensured the correct signage was displayed when work was being undertaken	<input type="checkbox"/>
	Other actions (please describe):	
	Not applicable	<input type="checkbox"/>
3. People with disability receive information in a format that will enable them to access information as readily as other people are able to access it	Pursue the State Government Guidelines to Information, Services and Facilities to ensure information is delivered in an accessible format.	<input type="checkbox"/>
	Ensured information was made available in alternative formats upon request.	<input type="checkbox"/>
	Reviewed our website to ensure it was accessible	<input type="checkbox"/>
	Other actions implemented (please describe):	
	Not applicable	<input type="checkbox"/>
4. People with disability receive the same level and quality of service from staff as other people receive.	Improved staff awareness of disability and access issues and improve skills to provide a good service to people with disability.	<input type="checkbox"/>
	Staff was provided with training to assist with customer service.	<input type="checkbox"/>
	Accessibility information is regularly reviewed and readily available to staff.	<input type="checkbox"/>
	Other actions implemented (please describe):	
	Not applicable	<input type="checkbox"/>
5. People with disability have the same opportunities	Accept complaints in a variety of formats such as by telephone, email, written or in person.	<input type="checkbox"/>
	Have grievance mechanism processes available to meet the needs of people with disability.	<input type="checkbox"/>

as other people to make complaints.	Ensured that complaints policy and procedure are accessible for people with disability.	<input type="checkbox"/>
	Other actions implemented (please describe):	<input type="checkbox"/>
	Not applicable	<input type="checkbox"/>
6. People with disability have the same opportunities as other people to participate in any public consultation.	Making sure the consultation process is held in an accessible venue	<input type="checkbox"/>
	Ensure information is available in alternative formats (if required) including AUSLAN interpreters.	<input type="checkbox"/>
	Other actions implemented (please describe):	<input type="checkbox"/>
	Not applicable	<input type="checkbox"/>
7. People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.	Providing job related information in alternative formats upon request.	<input type="checkbox"/>
	Holding the interview in an accessible venue.	<input type="checkbox"/>
	Other actions implemented (please describe):	<input type="checkbox"/>
	Not applicable.	<input type="checkbox"/>

Assistance

For details of the DAIP and related access strategies for your contracting agency contact:

Contract or Procurement Manager:

Phone:

Email:

