



**Caloundra City
Private School**

DISABILITY DISCRIMINATION POLICY

Administration

July 2020

Disability Discrimination Policy

Purpose:	The purpose of this policy is to protect students with a disability or students who have an associate with a disability from unlawful discrimination, harassment and victimisation on the basis of that disability	
Scope:	Students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements	
Status:	12 August 2020 Version 1.01	Supersedes: New policy
Authorised by:	Board Chair	Date of Authorisation: 12 August 2020
References:	<ul style="list-style-type: none"> • <i>Anti-Discrimination Act 1991 (Qld)</i> • <i>Australian Human Rights Commission Act 1986 (Cth)</i> • <i>Disability Discrimination Act 1992 (Cth)</i> • <i>Disability Standards for Education 2005 (Cth), including Guidance Notes</i> • <i>Australian Education Act 2013 (Cth)</i> • <i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i> • <i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i> • CCPS Anti-Discrimination Policy • CCPS Student Bullying Policy • CCPS Child Protection Policy • CCPS Student Code of Conduct • CCPS Employee Code of Conduct • CCPS Complaint & Dispute Resolution Policy • CCPS Privacy Policy 	
Review Date:	Biennial	Next Review Date: July 2022
Policy Owner:	Board of Caloundra City Private School	

Policy Statement

Caloundra City Private School values the diversity of all students including those with special educational needs, recognises the right of all students to equitable access to the curriculum, and offers education programs specific to the educational needs of students with disabilities.

All students at Caloundra City Private School have the right to learn in an environment free from unlawful discrimination. Caloundra City Private School will provide a fair and safe learning environment where all students have equal opportunities. Caloundra City Private School will ensure that students with a disability are provided with opportunities to realise their potential through participating in education and training on the same basis as other students.

In accordance with the relevant laws referenced herein, Caloundra City Private School is committed, whilst students are engaging in their education, to protecting students with a disability, and students associated with a person where that person has a disability, from both direct and indirect:

- a) discrimination on the basis of disability; and
- b) harassment and victimisation on the basis of disability.

In accordance with the relevant laws referenced herein, Caloundra City Private School will take reasonable steps to prevent unlawful discrimination, including harassment and victimisation, against students on the basis of disability in all facets of education at Caloundra City Private School, including:

- a) enrolment
- b) participation
- c) curriculum development, accreditation and delivery
- d) student support services

Caloundra City Private School will make reasonable adjustments, that do not cause unjustifiable hardship, to ensure this equality of access and participation.

Caloundra City Private School is committed to responding appropriately should such discrimination, harassment or victimisation occur, including possible disciplinary action. Any instances of disability discrimination, harassment or victimisation should be reported under the Caloundra City Private School Complaints and Dispute Resolution Policy.

Definitions

Disability¹, in relation to a person, means:

- a) total or partial loss of the person's bodily or mental functions;
- b) total or partial loss of a part of the body;
- c) the presence in the body of organisms causing disease or illness;
- d) the presence in the body of organisms capable of causing disease or illness;
- e) the malfunction, malformation or disfigurement of a part of the person's body;
- f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction;

¹ *Disability Discrimination Act 1992*. Section 4.

- 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 include a disability that:

- a) presently exists;
- b) previously existed but no longer exists;
- c) may exist in the future (including because of a genetic predisposition to that disability);
- d) is imputed to a person.

To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability (*Disability Discrimination Act 1992* (Cth)).

Associate, in relation to a person includes:

- a) a spouse of the person
- b) another person who is living with the person in a genuine domestic basis
- c) a relative of the person
- d) a carer of the person
- e) another person who is in a business, sporting or recreational relationship with the person.

Direct disability discrimination

A person (the discriminator) discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if, because of the disability, the discriminator treats, or proposes to treat, the aggrieved person less favourably than the discriminator would treat a person without the disability in circumstances that are not materially different.

A person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

- a) the discriminator does not make, or proposes not to make, reasonable adjustments for the person
- b) the failure to make the reasonable adjustments has, or would have, the effect that the aggrieved person is, because of the disability, treated less favourably than a person without the disability would be treated in circumstances that are not materially different.

For the purposes of this section, circumstances are not materially different because of the fact that, because of the disability, the aggrieved person requires adjustments.

Indirect disability discrimination

A person (the discriminator) discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

- a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition
- b) because of the disability, the aggrieved person does not or would not comply, or is not able or would not be able to comply, with the requirement or condition
- c) the requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability.

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A person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

- a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition
- b) because of the disability, the aggrieved person would comply, or would be able to comply, with the requirement or condition only if the discriminator made reasonable adjustments for the person, but the discriminator does not do so or proposes not to do so
- c) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.

On the same basis

A person with a disability is able to seek admission to, or apply for enrolment in, an institution on the same basis as a prospective student without a disability if the person has opportunities and choices in admission or enrolment that are comparable with those offered to other prospective students without disabilities.

Reasonable adjustments

In order to treat a student with a disability on the same basis as a student without a disability, Caloundra City Private School is committed to making any decisions about the student's admission, enrolment, participation in a course or program and use of facilities and services on the basis that reasonable adjustments will be provided.

This process includes:

- a) consultation with the student (and their family);
- b) consideration of whether an adjustment is necessary;
- c) if an adjustment is necessary, identification of a reasonable adjustment;
- d) whether the adjustment would impose an unjustifiable hardship on the school;
- e) making the reasonable adjustment.

When considering an adjustment for a student with a disability, any confidential information provided to Caloundra City Private School will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with Caloundra City Private School Privacy Policy.

Unjustifiable hardship

When complying with the Disability Standards for Education imposes an excessive burden on the education provider, staff or other students. Examples may include the need to protect public health or comply with other legal acts or provisions. This might even occur in the case of an adjustment that the School and parents feel would achieve the desired goal. Unjustifiable hardship does not apply to the standards for harassment and victimisation.

Utmost Good Faith

The student, and their parents/caregivers, must provide full disclosure of information relevant to assist the School determine the need for potential adjustments, both prior to enrolment and during enrolment.

Victimisation

When a person is treated or threatened to be treated in a detrimental manner as a result of making or threatening to make a complaint about an alleged breach of anti-discrimination laws. Victimisation can also occur when there is detrimental treatment because a person has:

- a) refused to do something that might breach anti-discrimination laws;
- b) supported the complaint of another; or
- c) supplied information or documents to a person performing a function under anti-discrimination laws.

As with discrimination, motive is irrelevant. A complaint of victimisation can be successful even if the underlying complaint does not succeed. It is unacceptable and against the law for any person to be treated differently for the reason that he or she decided to exercise his or her legal rights under anti-discrimination laws or to help someone else to do the same.

Responsibilities

School Responsibilities

- a) Caloundra City Private School will not unlawfully discriminate, harass or victimise a student on the ground of the student's disability or a disability of any associate of a student. The school acknowledges that its responsibilities are as follows:
- b) Enrolment - Caloundra City Private School will take reasonable steps to ensure that a student with a disability is able to seek admission to, or apply for enrolment in, the school on the same basis as a prospective student without a disability, and without experiencing discrimination.
- c) Participation - Caloundra City Private School will take reasonable steps to ensure that a student with a disability is able to participate in the courses or programs provided by the school, and use the facilities and services provided by it, on the same basis as a student without a disability, and without experiencing discrimination.
- d) Curriculum development, accreditation and delivery - Caloundra City Private School will take reasonable steps to ensure that courses and programs are designed in such a way that a student with a disability is able to participate in the learning experiences (including the assessment and certification requirements) of the course and program on the same basis a student without a disability, and without experiencing discrimination.
- e) Support services - Caloundra City Private School will take reasonable steps to ensure that a student with a disability is able to use support services used by other students of the school in general on the same basis as a student without a disability, and without experiencing discrimination.
- f) Harassment and victimisation - Caloundra City Private School will develop and implement strategies and programs to prevent harassment or victimisation of a student with a disability, or a student who has an associate with a disability, in relation to the disability.

Reasonable steps will depend upon the specific circumstances at the time, but may include reasonable adjustments that do not impose an unjustifiable hardship.

When considering an adjustment for a student with a disability, any confidential information provided to Caloundra City Private School will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the Caloundra City Private School Privacy Policy.

Student and Employee Responsibilities

All students and employees at Caloundra City Private School have a responsibility not to engage in discriminatory conduct, including harassment and victimisation, and to uphold the School's policies on these issues.

If students, parents or employees believe that this type of behaviour is occurring in the School, they are able to make a complaint under the Caloundra City Private School Complaints and Dispute Resolution Policy.

Implementation

Enrolment

The criteria for enrolment are clearly set out in the application for enrolment form, including how decisions are made with regard to priority in the enrolment process. Where the number of places available is limited, priority is decided as follows:

- a) Siblings
- b) Children of old scholars
- c) Philosophical affiliation
- d) Date of receipt of application

It is important to us that we, as a School, can meet the educational needs of each child. For this reason, all parents are required to complete the questions attached to the School enrolment form which facilitate the enrolment process and enable us to determine the resources required to meet each individual student's needs.

If a child has special education needs, parents/caregivers are asked to sign a permission form which allows the School to collect information from specialist personnel who may have information to assist in meeting the needs of their child. Specialist personnel may include the child's previous school, disability agencies, medical and allied health professionals.

The collection, use and disclosure of information about a child is protected by the provisions of the School's Privacy Policy, a copy of which can be obtained from our website or from School reception.

Caloundra City Private School endeavours to improve the outcomes for students with a disability through effective consultation that is student focussed and mutually respectful to provide for transparency when meeting the educational needs of students with a disability.

Identification

The level of specialist educational support required by students with disabilities is identified through the process of developing a student support plan. This includes the collection of information from parents or caregivers at interview, possibly completion of a parent-student questionnaire and consultation with specialist personnel, including staff from Learning Support.

The collation of this information will help ascertain the student's need for:

- a) Physical access - equipment, building modification
- b) Personal care
- c) Health care management – medication, emergency procedures
- d) Communication
- e) Specific teaching strategies.

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Based on the information gathered, the Principal or delegated staff member will make a preliminary assessment of the student's curriculum support needs, and the School's ability to meet these needs.

At this time the Principal, or delegated staff member, will meet with parents/caregivers to discuss the outcomes of the information-gathering process and to present the educational program the School can offer. This discussion may involve:

- a) The student, if appropriate
- b) Special education advisers from Independent Schools Queensland
- c) Agency representatives
- d) Therapists, counsellors, other professionals
- e) An advocate
- f) An interpreter.

It is possible at this time that the enrolment will not proceed because parents form the view that the School cannot meet their child's needs, or the School can demonstrate that the enrolment will cause unjustifiable hardship.

Education Program

On enrolment, or at the time a disability is identified, an outline of the support the School can offer the student will be developed collaboratively with families in order for the student to access the curriculum successfully.

The student support plan will include such matters as:

- a) The basis for the comprehensive collection of the information about the needs of students with disabilities. A list of the information collected and the significance of the information to the formation of the Support Plan.
- b) The documentation of curriculum/assessment modifications and issues related to behaviour management, liaison with parents and outside agencies, as appropriate. It will outline resource requirements, including facilities and equipment, evacuation and emergency procedures, reporting requirements, and training requirements for staff or others who work with the student.
- c) The development of health care plans for students with health support needs.

The student support plan will be reviewed at the end of each semester and at this time parents will be requested to meet with the Principal, or delegated representative, in order to discuss the progress of their child.

Policy Responsibility: School Governing Body

Review Date: July 2020

Next Review Date: July 2022

APPENDIX 1

Enrolment Process Flow Chart

