

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 based on 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:	Current	Supersedes: New – separated from Discrimination Policy
Authorised by:	Board Chair	Date of Authorisation: 3 rd March 2020
References:	<ul style="list-style-type: none"> • Anti-Discrimination Act 1991 (Qld) • Australian Human Rights Commission Act 1986 (Cth) • Disability Discrimination Act 1992 (Cth) • Disability Standards for Education 2005 (Cth), including Guidance Notes • Australian Education Act 2013 (Cth) • Cairns Hinterland Steiner School Anti-Discrimination Policy • Cairns Hinterland Steiner School Student Bullying Policy • Cairns Hinterland Steiner School Child Protection Policy • Cairns Hinterland Steiner School Staff Code of Conduct • Cairns Hinterland Steiner School Complaints Handling Policy • Cairns Hinterland Steiner School Complaints Handling Procedure • Cairns Hinterland Steiner School Privacy Policy 	
Review Date:	Every 2 years	Next Review Date: 31 st March 2022
Policy Owner:	School Governing Body Cairns Rudolf Steiner School Ltd.	

Issued by the:

Governing Body of the Cairns Rudolf Steiner School Limited



Mr Alan MacLean
Chairperson
Cairns Rudolf Steiner School Limited
Issued: 15th June 2020

Policy Statement

At Cairns Hinterland Steiner School, we understand that each child brings unique gifts and their individual talents to our school. Teachers strive to understand each child and provide learning opportunities to foster individual growth in their learning journey. This is carried out in conjunction with parent or guardian support through communication and an understanding that the child's home life is supported through our school ethos.

All students at Cairns Hinterland Steiner School have the right to learn in an environment free from unlawful discrimination. Cairns Hinterland Steiner School will provide a fair and safe learning environment where all students have equal opportunities. Cairns Hinterland Steiner 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 relevant law, Cairns Hinterland Steiner 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:

- discrimination on the basis of disability;
- harassment and victimisation on the basis of disability;

In accordance with the relevant law, Cairns Hinterland Steiner 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 Cairns Hinterland Steiner School, including:

- enrolment;
- participation;
- curriculum development, accreditation and delivery;
- student support services.

Cairns Hinterland Steiner School will make reasonable adjustments that do not cause unjustifiable hardship to ensure this equality of access and participation.

Cairns Hinterland Steiner 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 Cairns Hinterland Steiner School Complaints Handling Policy and Procedure.

Definitions

Disability: 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. See exceptions https://www.health.qld.gov.au/data/assets/pdf_file/0022/426820/timeout_poster.pdf

Disability: in relation to a person, means – Cont.

- d) the presence in the body of organisms capable of causing disease or illness. See exceptions https://www.health.qld.gov.au/_data/assets/pdf_file/0022/426820/timeout_poster.pdf
Temporary exclusion from school may be called for in exceptional circumstances as directed by Federal or State Governments or a medical practitioner.
- 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
- 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;
- i) previously existed but no longer exists;
- j) may exist in the future (including because of a genetic predisposition to that disability);
- k) 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.

• **Associate, in relation to a person: includes:**

- a) a spouse of the person;
- b) another person who is living with the person on 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:**

- o 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.

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. *See link below.*

<https://www.legislation.gov.au/Details/F2005L00767>

Meaning of *on the same basis* p2 2.2 (1), (2), (3)

Meaning of *reasonable adjustment* p3 3.4 (1), (2), (3)

Meaning of *unjustifiable hardship* p10 10.2 (1), (2), (3)

Meaning of *harassment* p8 (a), (b)

Meaning of *victimisation* p8 (1), (2)

Responsibilities

School Responsibilities

Cairns Hinterland Steiner 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:

- **Enrolment** - Cairns Hinterland Steiner 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.
- **Participation** - Cairns Hinterland Steiner 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.
- **Curriculum development, accreditation and delivery** - Cairns Hinterland Steiner 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.

- **Support services** - Cairns Hinterland Steiner 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.
- **Harassment and victimisation** - Cairns Hinterland Steiner 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 Cairns Hinterland Steiner School will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the Cairns Hinterland Steiner School Privacy Policy

Student and Employee Responsibilities

All students and employees at Cairns Hinterland Steiner 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 Cairns Hinterland Steiner School Complaints Handling Policy and Procedure.

Implementation

Cairns Hinterland Steiner School's Disability Discrimination Policy shows that it clearly acknowledges the Disability Discrimination Act 1992 and the Disability Standards applying to the following areas:

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

CHSS takes further steps in preventing discrimination based on a disability, including the following:

- **awareness** - regularly making all relevant employees and students aware of the need to avoid discrimination, harassment, and victimisation. This would include issuing a Disability Discrimination Policy as well as more direct advice to employees, such as through related procedures, and via the clear support and promotion of the policy by the Executive Management Team.
- **training** - regularly taking reasonable measures to ensure that employees have enough information and expertise concerning non-discriminatory methods of service delivery. This includes sessions conducted at staff meetings.
- **dispute resolution** - promoting your school's Complaints Handling Policy and Procedure and ensuring that complaints are properly and effectively dealt with in accordance with this policy.
- **recording, monitoring, reporting** - implementing other reasonably available monitoring strategies, in addition to complaint mechanisms, including internal monitoring through supervisory and management responsibilities and external monitoring.
- Appointment of an employee as an Equity Contact Officer to provide confidential and impartial information about the school's relevant policies and processes.
- **culture** - removing any discriminatory or offensive materials, rules, and practices.
- **encouraging** - students, parents, and employees to contribute to a healthy school culture.

Appendices

Screening Test Process

Request form is filled out after specific learning difficulties have been observed by teacher, parent or others.

The referral is discussed in either the core care group or in a smaller meeting with the teacher, learning support and/or EC.

Evidence of learning difficulty is provided; such as evidence of observations, copies of work, PAT-maths and PAT-reading results, peer-comparisons.
Learning support decides in collaboration with the teacher the most appropriate screening test.

Learning support and teacher/guardian and parent/carer have a meeting. When appropriate the child can be present.

Parent/carer signs the form for *“Approval for screening”* of the child, being aware of the process. This form will be saved on CHSS and in the child’s file. The parent is also informed of the expected time frame.

Learning support decides a date and time in the morning for the screening test, and a quiet room is booked. To avoid stress the child and parent are not informed of this precise date. Admin and teachers are informed of date and time. The screening test takes place with registered and qualified teacher.

The screening test results will be discussed in the core care group meeting, and then in a meeting with the teacher and parent. Adjustments will be followed up in a school adjustment plan (SAP). The test will be stored as a confidential document in CHSS and in the child’s file. The parents /carer are offered a copy.
Small fees may be charged for the booklets.