

# HORIZONS COLLEGE – POLICY & PROCEDURE

## 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.

- References:**
- [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 \(Cth\)](#)
  - Horizons College Anti-Discrimination Policy
  - Horizons College Student Bullying Policy
  - Horizons College Child Protection Policy
  - Horizons College Student Code of Conduct
  - Horizons College Employee Code of Conduct
  - Horizons College Complaints Handling Policy
  - Horizons College Privacy Policy
  - Horizons College Work Health and Safety Policy

<b>Policy Name:</b>	Disability Discrimination Policy		Version 202202_01
<b>Policy Type:</b>	Mandatory Policies, Frameworks and Strategies*		
<b>Supersedes:</b>	Disability Discrimination Policy – Version 202106_01		
<b>Authorised by:</b>	Board Chair	<b>Date of Authorisation:</b>	February 2022
<b>Review Date:</b>	Annually	<b>Next Review Date:</b>	February 2023
<b>Policy Owner:</b>	Principal		

Note: Policy types marked with asterisks as follows are:

\* published on school website

\*\* only mandatory for schools incorporated through the *Corporations Act 2001* (Cth)

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### Policy Statement

All students at Horizons College have the right to learn in an environment free from unlawful discrimination. Horizons College will provide a fair and safe learning environment where all students have equal opportunities. In particular, Horizons College 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, Horizons College 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, Horizons College 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 Horizons College, including:

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

Horizons College will make reasonable adjustments that do not cause unjustifiable hardship to ensure this equality of access and participation.

Horizons College 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 Horizons College Complaints Handling Policy.

### 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
  - 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
  - g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviourand 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.

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To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

- **An 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:** 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.

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### Responsibilities

#### School Responsibilities

Horizons College 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 - Horizons College 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.
- Identification - Horizons College will take reasonable steps to identify students requiring educational adjustments both at enrolment and during the course of time at the school, including those with a disability, and consult with families/carers to develop a support plan. Students may also be identified by obtaining information from previous schools from whom we request transfer notes. Where a student has an existing EAP as indicated on the transfer note, a copy of this EAP is requested through independent Schools Queensland (ISQ) should the school not have already supplied this with the transfer note.
- Participation - Horizons College 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 - Horizons College 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 - Horizons College 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 - Horizons College 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 Horizons College will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the Horizons College Privacy Policy.

#### Student and Employee Responsibilities

All students and employees at Horizons College 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 Horizons College Complaints Handling Policy.

### Implementation

#### Generally

Horizons College will:

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- Provide training for all employees and volunteers in both their rights and obligations and the College policies and procedures relevant to discrimination issues.
- Ensure that students are aware of their right to equitable treatment.
- Ensure that people/students who make complaints, or witness an instance of discrimination, are not victimised in any way.
- Investigate promptly any reports of discrimination in an impartial manner and, as far as reasonably possible, confidentially.
- Guarantee that no employee will be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

### **At Enrolment**

To enable the school to meet the educational needs of each child, parents/caregivers are required to complete all questions on the school enrolment form. The utmost good faith requirement forms a condition of enrolment, that the school is provided with all relevant information to enable determination of resources required to meet each individual student's needs.

If a child has a disability, parents/caregivers will be requested to provide a copy of relevant documentation which may include verification documentation, other medical/specialist reports and/or any Education Adjustment Plan/Individual Plan from the student's previous school.

### **Identification Process**

The level of specialist educational support required by students with disabilities is identified through the Educational Adjustment Program (EAP). This includes the collection of information from parents or caregivers and consultation with specialist personnel, if appropriate, and subject to parent consent.

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

- Curriculum
- Communication
- Social Participation / Emotional Wellbeing
- Health and Personal Care
- Safety
- Learning Environment / Access

Based on the information gathered, the Principal or delegate will make a preliminary assessment of the student's curriculum support needs and the school's ability to meet these needs. The Principal or delegated staff member will contact parents/caregivers to discuss the outcomes of the information-gathering process and to present the educational program the School can offer.

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 to the student and/or the school.

### **Education Program**

On confirmation of enrolment, the school will compile information about the needs of students with disabilities. The information collected will be use to assist the school in developing a support plan. The Student Support Plan will be reviewed at the end of each semester and at this time parents may be requested to meet with the Principal, or delegated representative, in order to discuss the progress of their child.

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Partnerships will be developed with key stakeholders including teachers, family, students and relevant Professionals. Further relevant evidence will be gathered about the learner and used to inform educational decisions, including managing change or transition within the educational environment.

### Compliance and Monitoring

Horizons College will ensure ongoing compliance and monitoring of discrimination by ensure ongoing training and awareness for students and staff.

This will be carried out by:

- Induction for new staff and ongoing training and awareness during staff/team meetings and professional development and training days.
- Reminding students at morning assemblies of their responsibilities not to engage in discriminatory conduct and to uphold the school's policy.
- School community reminders via newsletters, parents/carers emails.
- Recording all complaints of discriminatory behaviour in the school's Complaints and Incident Register, including the outcome of all investigations.

### Consequences for Breach of This Policy

Once reported, allegations of breach of this policy will be investigated by the school, so far as is reasonably possible:

- On a confidential basis;
- In a timely way; and
- In a fair and impartial manner.

A person who makes a complaint will not be victimised.

Disciplinary action, up to and including termination of enrolment or employment, may be taken against a student or Staff member who is found, by the Principal or the Board (as appropriate), to have breached this policy.

If a person is found to have raised a false or malicious complaint against another person in order to prejudice that other person, they may be subject to appropriate disciplinary action. Where a person is alleged to have breached anti-discrimination legislation, it is also possible that legal action could be taken against them personally.