

Disability Discrimination Policy

Policy Owner:	The Sycamore School Governing Body		
Version:	1.2	Supersedes:	1.1
Status:	Approved	Created by:	Sonya Marshall
Approved by:	The Sycamore School Governing Body	Date of Approval:	September 2020
Review Period:	Every 2 years	Scheduled Review Date:	September 2022

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
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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 (referred to as staff and students)
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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) The Sycamore School Anti-Discrimination Policy The Sycamore School Student Bullying Policy The Sycamore School Child Protection Policy The Sycamore School Employee Code of Conduct The Sycamore School Dispute Resolution Policy The Sycamore School Privacy Policy
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Policy Statement:	<p>All staff and students at The Sycamore School have the right to learn in an environment free from unlawful discrimination. The Sycamore School will provide a fair and safe learning environment where all students have equal opportunities. The Sycamore 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. Similarly, all staff with a disability will have the same opportunities as all staff members.</p> <p>In accordance with relevant law, The Sycamore 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:</p> <ul style="list-style-type: none"> Discrimination based on disability. Harassment and victimisation based on disability. <p>In accordance with the relevant law, The Sycamore School will take reasonable steps to prevent unlawful discrimination, including harassment and victimisation, against students based on disability in all facets of education at The Sycamore School including:</p> <ul style="list-style-type: none"> Enrolment
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- Participation
- Curriculum development, accreditation, and delivery.
- Student support services.

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

The Sycamore 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 Sycamore School Dispute Resolution Policy. This applies to both students and staff.

Definitions:

Disability: in relation to a person, means:

- Total or partial loss of the person's bodily or mental functions; or
 - Total or partial loss of a part of the body; or
 - The presence in the body of organisms causing disease or illness; or
 - The presence in the body of organisms capable of causing disease or illness; or
 - The malfunction, malformation, or disfigurement of a part of the person's body; or
 - A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
 - 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:
- Presently exists; or
 - Previously existed but no longer exists; or
 - May exist in the future (including because of a genetic predisposition to that disability); or
 - 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 spouse of the person; and
- Another person who is living with the person on a genuine domestic basis; and
- A relative of the person; and
- A carer of the person; and 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 grounds 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 grounds of a disability of the aggrieved person if:

- The discriminator does not make, or proposes not to make, reasonable adjustments for the person; and
- 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.

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:

	<p>a) The discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and</p> <p>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; and</p> <p>c) The requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability.</p> <p>A person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:</p> <p>a) The discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and</p> <p>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; and</p> <p>c) The failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.</p>
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Responsibilities:	<p>School Responsibilities</p> <p>The Sycamore 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:</p> <ul style="list-style-type: none"> • Enrolment - The Sycamore 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 - The Sycamore 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 - The Sycamore 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 - The Sycamore 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 - The Sycamore 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. <p>Reasonable steps will depend upon the specific circumstances at the time but may include reasonable adjustments that do not impose an unjustifiable hardship.</p> <p>When considering an adjustment for a student with a disability, any confidential information provided to The Sycamore School will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with The Sycamore School Privacy Policy.</p> <p>Student and Employee Responsibilities</p> <p>All students and employees at The Sycamore School have a responsibility not to engage in discriminatory conduct, including harassment and victimisation, and to uphold the school’s policies on these issues.</p>
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	<p>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 Sycamore School Dispute Resolution Policy.</p> <p>The Sycamore School:</p> <ul style="list-style-type: none"> • Supports the rights of people with a disability to work, study and participate in an environment free from discrimination and in an atmosphere that is conducive to realisation of their true potential. • Makes a commitment to provide staff members with resources to reasonably adjust their workplace, where doing so will not cause unjustifiable hardship to the School. • Takes all reasonable steps to ensure that adjustments for staff with a disability neither advantages nor disadvantages them in comparison to other staff members. • That no staff member will be disadvantaged as a result of a colleague’s disability. • Continues to plan, develop implement, and improve on strategies, programs, policies, and guidelines that provide equitable access to employment opportunities, professional development, and career opportunities. • Maintains confidentiality of information provided by staff in relation to their disability. Staff are not required to disclose their disability unless they are seeking accommodations or workplace adjustments. Detailed information may be required to support services and/or external agencies in order to make adjustments and request specialised equipment. • Takes all reasonable steps to identify and eliminate unlawful discrimination of staff with disabilities. • Deals with complaints in accordance with the dispute resolution policy.
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Implementation:	<p>Awareness - regularly raise awareness via the clear support and promotion of the policy.</p> <p>Training - regularly educate and train employees (especially senior staff) appropriately on how to manage any breaches of the policy.</p> <p>Record keeping, monitoring, reporting – keep appropriate records, monitor, and report on instances of discrimination.</p> <p>Culture - removal of any materials, rules and practices that may increase the discrimination, and encourage students, parents, and employees to contribute.</p>
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Compliance and Monitoring:	To be reviewed and approved by The Sycamore School Board every two years.
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Appendices:	Not Applicable
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