



Anti-Discrimination Policy

ADP2020-1.3

Purpose:	The Spot Academy is implementing this policy to ensure that students and staff are aware of their right to be treated with equity and fairness, and without discrimination.	
Scope:	This policy applies to employees, volunteers, parents/carers/students, and people visiting the Academy site; and to: enrolment of all students; employment; and students with disabilities.	
Status:	Approved	Supersedes: N/A
Authorised by:	CEO	Approval Date: 7 th April 2020
References:	Anti-Discrimination Act 1991 (Qld) Australian Human Rights Commission Act 1986 (Cth) Age Discrimination Act 2004 (Cth) Disability Discrimination Act 1992 (Cth) Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) Sexual Harassment Policy Workplace Bullying Policy Disability Discrimination Policy Student Code of Conduct Employee Code of Conduct Dispute Resolution Policy Dispute Resolution Procedures Anti-Bullying Policy Work Health and Safety Policy	
Reviewed:	Annually	Next Review: 7 th April 2021
Responsibility:	Head of Campus	Point of Contact: CEO/Head of Campus/ Deputy Principal/Chair of Board

Definitions

“Discrimination is treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit.”

Subject to the specific exemptions detailed in State and Federal Anti-Discrimination Laws, discrimination on the following grounds is against the law:

- | | |
|------------------------------|------------------------|
| sex | trade union activity |
| pregnancy | breast-feeding |
| age | race |
| impairment | religion |
| political belief or activity | lawful sexual activity |
| social origin | |
- association with, or in relation to, a person identified based on any of the following attributes:

- marital status

- parental status
- race
- religion
- lawful sexual activity
- Sexual Preference (LGBTIQ+)
- social origin

Policy

The Spot Academy is an equal opportunity organisation, which is committed to providing an environment that is safe for its staff and students.

The policy of the Academy is to treat all staff and students on their merits, in an environment free of discrimination and harassment. The Academy does not tolerate any form of discrimination.

If you feel that you have been discriminated against you should contact one of the following designated anti-discrimination officers in the Academy who have been nominated to give advice and/or investigate complaints:

- Aaron Devine, CEO
- Kathy Hadley, Head of Campus
- Elaine Makepeace, Deputy Principal
- Kathleen Hennigan, HR
- Trina Hockley, Chair of Board

You are likely to be asked to put your complaint in writing. The Officer will carefully investigate your complaint and will report to you within 14 days on the results of his/her investigation.

If you are not satisfied with the manner in which your complaint has been dealt with then you have recourse to the Anti-Discrimination Appeals Officer (Trina Hockley 'Chair of Board').

False and/or malicious complaints may lead to legal action being taken against the complainant.

With regard to staff, disciplinary action may be taken against anyone who discriminates against a co-worker and may involve a formal warning, counselling, demotion or dismissal, depending on the circumstances.

With regard to students, disciplinary action as per the Academy's Positive Behaviour Management or Anti-Bullying Policies may be taken against a student who discriminates against another student.

Employment

Job descriptions

The Spot Academy maintains a database that clearly states the duties for all categories of employees in the Academy.

This includes the position responsibilities and to whom the person is responsible.

Selection Criteria for appointment and promotion

The qualities sought in an employee for a specific position are reflected in all job descriptions and refer to (at least) qualifications, skills, abilities, knowledge and experience. Once an employee is engaged then the same criteria apply in relation to promotion.

Interviews

The position selection criteria form the basis upon which questions are asked during interviews but are not the only basis.

Relevant exemptions

In relation to employment, the Act provides an exemption in the following areas applicable to The Spot Academy:

- where there is a genuine occupational qualification required;
- in educational institutions with a religious purpose;
- where job capacity is restricted by impairment and special terms are imposed;
- where special services or facilities are required by people with disabilities that would impose unjustifiable hardship on the Academy; or
- where special circumstances or impairment would cause unjustifiable hardship.

Some exemptions are absolute, some are not.

Enrolment

Prospective students

The Academy does not discriminate in:

- failing to accept a person's application for admission as a student;
- the way in which a person's application is processed;
- the arrangements made for, or the criteria used in, deciding who should be offered admission as a student; or
- the terms on which a person is admitted as a student.

Current students

The Academy does not discriminate:

- in any variation of the terms of a student's enrolment;
- by denying or limiting access to any benefit arising from the enrolment that is supplied by the Academy; or
- by treating a student unfavourably in any way in connection with the student's training or instruction.

Relevant exemptions

The Act provides an exemption in the following areas:

- in relation to sex or religion if a school operates wholly or mainly for students of a particular sex or religion;
- where selection criteria for an educational program are based on a minimum qualifying age;
- in relation to impairment where people with disabilities require special services or facilities that would impose unjustifiable hardship on the Academy.

Some exemptions are absolute, some are not.

Students with Disabilities

This statement should be read in conjunction with the Disability Discrimination Policy.

When there are available places and a student with a disability seeks admission, particular care is taken to ensure that the application is properly considered.

In considering the application the following procedures are followed:

1. The application is discussed with the parents or care-givers and the student (depending on the age of the student).
2. Detailed notes are kept of this meeting and of all subsequent conversations and meetings.
3. The **Head of Campus** or Enrolments Officer speaking with the parents or caregivers will advise them in an open, honest and straightforward manner of the services and facilities available within the Academy and an inspection of the Academy's facilities will be offered at the earliest opportunity.
4. The parent's views on the additional services and facilities that the student needs will be obtained with verification of this information sought where necessary.
5. The student seeking enrolment will be observed in his/her present setting and the advisors at the Academy presently attended will be consulted to ascertain the assistance the student is currently receiving. Advice will be sought about the services and facilities that may be required in the future.
6. The Teacher, and a child psychologist if appropriate, will be involved at an early stage of the process. Formal assessment of the student may be conducted.
7. Any additional services and facilities that may be required will be quantified and costed.
8. It may be necessary to engage an Occupational Therapist, building consultant or architect to obtain detailed costing of modifications that may be needed.
9. It may be appropriate to obtain reports from any Medical Practitioners or other professionals involved in treating or assisting the student.
10. Enquiries will be made to determine if additional funding might be available from the Commonwealth or State Governments. This additional funding may be in the nature of recurrent or capital funding.

If the student requires additional services and facilities because of the disability and the provision of these services and facilities by the Academy would cause unjustifiable hardship, the enrolment may be refused by the Head of Campus on that basis. Before this step is taken, the family seeking enrolment will be given advice about the Academy's preliminary view and offered the opportunity to comment.

Academy Responsibilities

The Academy will:

- Treat seriously and investigate promptly any reports of discrimination;
- Investigate all reports impartially and, as far as is possible, confidentially;
- Provide training for all employees and volunteers in both their rights and obligations and the Academy 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;
- Guarantee that no employee will be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.