



Disability Discrimination Policy

DDP2020-1.3

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:	Approved	Supersedes: Disabilities Policy
Authorised by:	Academy Governing Board	Approval Date: 18 th August 2020
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) Enrolment Procedures Anti-Discrimination statement Privacy Policy Anti-Bullying Policy Code of Conduct	
Reviewed:	Annually	Next Review: 18 th August 2021
Responsibility:	CEO	Point of Contact: Head of Campus

Policy Statement

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

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

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

The Spot Academy 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 The Spot Academy 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 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: 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

Responsibilities

The Spot Academy 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** - The Spot Academy 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 Spot Academy 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 Spot Academy 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 as a student without a disability, and without experiencing discrimination.
- **Support services** - The Spot Academy 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 Spot Academy 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 The Spot Academy will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the Privacy Policy.

Student and Employee Responsibilities

All students and employees at The Spot Academy 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 The Spot Academy Complaints Handling Policy.

Implementing the Policy

Enrolment

The Spot Academy enrolment policy is inclusive of all students. 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:

- Siblings
- Children of old scholars
- Date of receipt of application

It is important to us that we, as an Academy, can meet the educational needs of each child. For this reason, all parents are required to complete the questions attached to the Academy 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 Academy 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 Academy's Privacy Policy, a copy of which can be obtained from our website.

Identification

The level of specialist educational support required by students with disabilities is identified through the Student Support Plan process. 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 the School's support teacher.

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

- Physical access- equipment, building modification
- Personal care
- Health care management – medication, emergency procedures
- Communication
- Specific teaching strategies.

Based on the information gathered, the Head of Campus 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 Head of Campus, 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 Academy can offer.

This discussion may involve:

- the student, if appropriate
- special education advisers from Independent Schools Queensland

- agency representatives
- therapists, counsellors, other professionals
- an advocate
- an interpreter.

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

Education Program

On confirmation of enrolment, parents will receive in writing an outline of the support the school can offer the student in order for them 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 Head of Campus, or delegated representative, in order to discuss the progress of their child.

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(Taken from: Students with Disabilities: Enrolment Guidelines for Independent Schools, SA Independent Schools Targeted Programs Authority Inc., Adelaide: Hyde Park Press)

