



# Kutta Mulla Gorinna Inc

## DISABILITY DISCRIMINATION POLICY

Kutta Mulla Gorinna Inc acknowledges the traditional custodians of country and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the culture and the elders past, present and emerging.

Version 3

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# Kutta Mulla Gorinna Inc

## *POLICIES AND PROCEDURES HANDBOOK*

Section:	1 - Student Learning and Welfare	Pages: 7
Item:	Policy – Disability Discrimination	
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### **PURPOSE**

The purpose of this policy is to meet the educational needs of students with disabilities in a manner that complies with relevant anti-discrimination and accreditation legislation and takes into account student learning needs while balancing the interests of all parties affected.

### **SCOPE**

This policy applies to employees, volunteers, parents/carers and students and outlines the procedures for identifying and enrolling students with disabilities and the process undertaken to develop individual education programs for students so identified.

### **REFERENCES**

- [Anti-Discrimination Act 1991 \(Qld\)](#)
- [Australian Human Rights Commission Act 1986 \(Cth\)](#)
- [Disability Discrimination Act 1992 \(Cth\)](#)
- [Disability Standards for Education 2005 \(Cth\)](#)
- [Australian Education Act 2013 \(Cth\)](#)
- [Kutta Mulla Gorinna School Disability Procedures](#)
- [Kutta Mulla Gorinna School Anti-Discrimination Policy](#)
- [Kutta Mulla Gorinna School Student Bullying Policy](#)
- [Kutta Mulla Gorinna School Child Protection Policy](#)
- [Kutta Mulla Gorinna School Student Code of Conduct](#)
- [Kutta Mulla Gorinna School Employee Code of Conduct](#)
- [Kutta Mulla Gorinna School Dispute Resolution Policy](#)
- [Kutta Mulla Gorinna School Dispute Resolution Procedure](#)
- [Kutta Mulla Gorinna School Privacy Policy](#)
- [Kutta Mulla Gorinna School Enrolment Procedures](#)

## DEFINITIONS

**Disability:** in relation to a person, means:

- total or partial loss of the person's bodily or mental functions
- total or partial loss of a part of the body
- the presence in the body of organisms causing disease or illness
- the presence in the body of organisms capable of causing disease or illness
- the malfunction, malformation or disfigurement of a part of the person's body
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
- 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
- previously existed but no longer exists
- may exist in the future (including because of a genetic predisposition to that disability)
- 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
- another person who is living with the person on a genuine domestic basis
- a relative of the person
- a carer of the person
- 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
- 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:

- the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition
- 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
- 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 grounds of a disability of the aggrieved person if:

- the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition
- 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
- the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.

## **POLICY STATEMENT**

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

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

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

Kutta Mulla Gorinna 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 Kutta Mulla Gorinna School Dispute Resolution Policy.

## **RESPONSIBILITIES**

### **School Responsibilities**

Kutta Mulla Gorinna School will not unlawfully discriminate, harass or victimise a student on the grounds of the student's disability or a disability of any associate of a student. The school acknowledges that its responsibilities are as follows:

- Enrolment - Kutta Mulla Gorinna 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 - Kutta Mulla Gorinna 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 - Kutta Mulla Gorinna 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 as a student without a disability, and without experiencing discrimination.
- Support services - Kutta Mulla Gorinna 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 - Kutta Mulla Gorinna 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 Kutta Mulla Gorinna School will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the Kutta Mulla Gorinna School Privacy Policy.

### **Student and employee responsibilities**

All students and employees at Kutta Mulla Gorinna 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 Kutta Mulla Gorinna School Dispute Resolution Policy.

## **IMPLEMENTATION**

The Disability Discrimination Act 1992 and the Disability Standards specify how education is to be made accessible to students with a disability. Kutta Mulla Gorinna School policy makes it clear that it applies in the following areas:

1. enrolment
2. participation
3. curriculum development, accreditation and delivery
4. student support services
5. elimination of harassment and victimisation.

Kutta Mulla Gorinna School has taken further steps in preventing discrimination on the basis of disability, including the following:

- awareness - regularly making all relevant employees 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 school Executive.
- training - regularly taking reasonable measures to ensure that employees have sufficient information and expertise concerning non-discriminatory methods of service delivery. This may include the provision of formal training.
- dispute resolution - promoting the school's Dispute Resolution Policy and Procedures and ensuring that complaints are properly and effectively dealt with in accordance with 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.
- consider appointing 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.

### **Enrolment**

Kutta Mulla Gorinna Inc enrolment policy is inclusive of all students. The criteria for enrolment is clearly set out in the application for enrolment form including on how decisions are made with regard to priority in the enrolment process.

It is important to Kutta Mulla Gorinna Inc that we as a school can meet the educational needs of each child. For this reason, all parents are required to complete the questions attached to the school's enrolment form which facilitates the enrolment process and enables us to determine the resources required to meet individual student's needs.

If a child has a special education need, parent/caregivers are asked to sign a permission form which allows the school to collect information from specialist personnel 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 school's Privacy Policy, a copy of which can be obtained from the school website or from the general administration office.

## **Identification**

The level of specialist educational support required by students with disabilities is identified through the Student Support Plans 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 Head of Curriculum.

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

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

Based on the information gathered, the Executive School Director will make a preliminary assessment of the student's curriculum support needs and the school's ability to meet those needs. At this time the Executive School Director will meet with parents/caregivers to discuss the outcomes of the information-gathering process and to present the educational program the school can offer.

This discussion may involve:

- The student, if appropriate
- Special education advisers from Independent Schools Queensland
- Agency representatives
- Therapist, 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 school cannot meet their child's needs or the school can demonstrate that the enrolment will cause unjustified 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:

- 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 Support Plan.
- The documentation of the 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.
- 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 Executive School Director, or delegated representative, in order to discuss the progress of their child.

## COMPLIANCE AND MONITORING

In order to treat a student with a disability on the same basis as a student without a disability, Kutta Mulla Gorinna Inc have made the decisions about the student's admission, enrolment, participation in a course or program and use of facilities and services, on the basis that reasonable adjustments will be provided.

The Disability Standards set out a process whereby Kutta Mulla Gorinna Inc will meet this obligation, and this is covered by the school's policy. The process includes:

- consultation with the student (and their family)
  - consideration of whether an adjustment is necessary
  - if an adjustment is necessary, identification of a reasonable adjustment
  - whether the adjustment would impose an unjustifiable hardship on the school
  - making the reasonable adjustment.
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