

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	
Status:	Approved	Supersedes: Version 31/07/2023
Authorised by:	Board Chair	Date of Authorisation: 22/08/2024
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 Rainforest School Inclusive Education Policy • The Rainforest School Disability Procedures • The Rainforest School Anti-Discrimination, Harassment & Bullying Policy • The Rainforest School Child Protection Policy • The Rainforest School Staff Code of Conduct • The Rainforest School Complaints Handling Policy & Procedure • The Rainforest School Privacy Policy 	
Review Date:	Review every 2 years	Next Review Date: October 2026
Policy Owner:	The Rainforest School (Governing Body)	

Policy Statement

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

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

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

Adjustment: a measure or action (or a group of measures or actions) taken by an education provider that has the effect of assisting a student with a disability:

- a) in relation to an admission or enrolment — to apply for the admission or enrolment; and
- b) in relation to a course or program — to participate in the course or program; and
- c) in relation to facilities or services — to use the facilities or services; on the same basis as a student without a disability, and includes an aid, a facility, or a service that the student requires because of their disability;

Reasonable Adjustment: an adjustment is reasonable in relation to a student with a disability if it balances the interests of all parties affected.

In assessing whether a particular adjustment for a student is reasonable, regard will be had to all the relevant circumstances and interests, including the following:

- a) the student's disability;
- b) the views of the student or the student's parents/carers (provided during consultation)
- c) the effect of the adjustment on the student, including the effect on the student's:
 - i. ability to achieve learning outcomes; and
 - ii. ability to participate in courses or programs; and
 - iii. independence;
- d) the effect of the proposed adjustment on anyone else affected, including the education

- provider, staff and other students;
- e) the costs and benefits of making the adjustment.

Responsibilities

School Responsibilities

The Rainforest 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:

- **Enrolment** - The Rainforest 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.
- **Identification** – The Rainforest School will take reasonable steps to identify students requiring educational adjustments including those with a disability both at enrolment and during the course of time at the school. Identification may occur as a result of disclosure from parents/carers or through observations and/or assessment by teachers and staff.
- **Participation** - The Rainforest 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. Reasonable adjustments will be made in consultation with students, their parents/carers and other relevant medical and allied health professionals. This may include the development of individualised support plans.
- **Curriculum development, accreditation and delivery** - The Rainforest 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) of the course and program on the same basis a student without a disability, and without experiencing discrimination.
- **Support services** - The Rainforest School will take reasonable steps to ensure that a student with a disability is able to use support services used by other students at the school in general on the same basis as a student without a disability, and without experiencing discrimination.
- **Harassment and victimisation** - The Rainforest 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 are aligned to our school philosophy and values and do not impose an unjustifiable hardship. The Rainforest School will provide access arrangements and reasonable adjustments to minimise, as much as possible, barriers for a student whose disability, impairment, medical condition or other circumstances may affect their ability to read, respond to or participate in assessment. Where possible, making the reasonable adjustment for the student, in reasonable time.

When considering an adjustment for a student with a disability, any confidential information provided to The Rainforest School will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with The Rainforest School Privacy Policy.

Principal Responsibilities

The Principal is responsible for:

- Overseeing the development, ongoing monitoring and review of Individual Education Plans (IEP).
- Ensuring the collection and maintenance of records and evidence for the Nationally Consistent Collection of Data (NCCD).
- Maintaining up to date records of reasonable adjustments being made by teachers for individual students

Before making any adjustment for a student, the School's process includes:

- Consultation with the student (and their parents/carers)
- Consultation with other relevant specialists
- Consideration of whether an adjustment is necessary;
- Consideration of whether the adjustment may need to be changed over the period of a student's education
- Consideration of the need to ensure that the School maintains the academic requirements of the course or program, and other requirements or components that are inherent in or essential to its nature
- If an adjustment is necessary, identification of a reasonable adjustment
- Consideration of whether there is any other reasonable adjustment that would be less disruptive and intrusive and no less beneficial for the student
- If a reasonable adjustment is identified, assessment of whether that reasonable adjustment would affect the education provider, staff and other students.
- If a reasonable adjustment is identified, assessment of whether that reasonable adjustment would impose an unjustifiable hardship.

Teacher Responsibilities

Teachers are responsible for:

- Identifying students who may need adjustments to access the educational program.
- Recording differentiation for students in the class for which they are responsible.
- Working with the Principal to develop and implement IEP's.
- Providing reasonable direction to Teacher Aide's to support the implementation of reasonable adjustments.
- Participate in a practice of review, reflection and evaluation of the success of adjustments in achieving individualised educational goals.

Teacher Aide Responsibilities

Teacher Aides are responsible for:

- Implementing adjustments as directed by teachers and/or the Principal
- Providing timely feedback to the teacher or Principal on the implementation of adjustments

Parent/Carer Responsibilities

Parents and Carers of students enrolled at The Rainforest School should:

- Provide the school with up-to-date relevant information about their students learning needs including current reports and assessments from medical and other allied health professionals.
- Raise any concerns about their students learning with the classroom teacher in a timely manner.
- Participate in consultation with the Principal/teacher around the development and review of IEP's or other support plans.

Student and Employee Responsibilities

All students and employees at The Rainforest 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 Rainforest School Complaints Handling Policy.

Implementation

The Rainforest School will ensure that:

- Awareness of this Policy is raised
- This Policy is accessible
- This Policy is implemented
- Training on this Policy is provided
- A complaints mechanism is provided

Further details of these measures are provided below.

Awareness

The Rainforest School will inform staff, students and parents of this Policy and any related processes relating to the health, safety and conduct of staff and students in communications to them and it will publish these processes on its website, newsletter and handbooks.

Training

The Rainforest School will train its staff on this Policy and any related processes on their induction and will refresh training annually.

Implementing the Processes

The Rainforest School will ensure it is implementing this Policy and any related processes by auditing compliance with this Policy and related processes annually.

Accessibility of Processes

This Policy and any related processes are accessible on the school website and will be available on request from the school administration.

Complaints Procedure

Suggestions of non-compliance with this Policy and any related processes may be submitted as complaints under The Rainforest School Complaints Handling Policy.

Version Control

Approval Details

Approval authority	The Rainforest School
Version Number	4
Date for next review	October 2026

Modification History

Version no.	Approval Date	Implementation Date	Details
2.	27/02/2021	27/02/2021	<ul style="list-style-type: none">• Replaced 'Dispute Resolution Policy' with 'Complaints Handling Policy'• Updated The Rainforest School Policies in References:<ul style="list-style-type: none">○ Anti-Discrimination, Harassment & Bullying Policy○ The Rainforest School Child Protection Policy○ The Rainforest School Staff Code of Conduct○ The Rainforest School Complaints Handling Policy & Procedure○ The Rainforest School Privacy Policy○ Process for Identifying Disability & Devising an Educational Program• Training changed to annually
3.	31/07/2023	31/07/2023	<ul style="list-style-type: none">• Paragraph ' Identification' was added to section ' Responsibilities'
4.	22/08/2024	22/08/2024	<ul style="list-style-type: none">• Added in definition of 'Adjustment' and 'Reasonable Adjustment'.• Changes were made to the 'School Responsibilities' section• Added 'Principal Responsibilities', 'Teacher Responsibilities', 'Teacher Responsibilities', 'Teacher Aide Responsibilities' and 'Parent/Carer Responsibilities'.