

## Disability Policy and Procedure

<b>Purpose:</b>	The purpose of this document 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; and to provide staff with direction and guidance in identifying, and planning for, students with a disability.	
<b>Scope:</b>	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.	
<b>Status:</b>	Approved	<b>Supersedes:</b> Previous
<b>Authorised by:</b>	Board Chair	<b>Date of Authorisation:</b> May 2021
<b>References:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Anti-Discrimination Act 1991 (Qld)</a></li> <li>• <a href="#">Australian Human Rights Commission Act 1986 (Cth)</a></li> <li>• <a href="#">Disability Discrimination Act 1992 (Cth)</a></li> <li>• <a href="#">Disability Standards for Education 2005 (Cth), including Guidance Notes</a></li> <li>• <a href="#">Australian Education Act 2013 (Cth)</a></li> <li>• <a href="#">Nationally Consistent Collection of Data on School Students with Disability</a></li> <li>• <a href="#">Planning for Personalised Learning and Support: A National Resource</a></li> <li>• <a href="#">ACARA: Students with Disability</a></li> <li>• <a href="#">ISO Education Adjustment Program</a></li> <li>• <a href="#">EAP Handbook</a></li> <li>• <a href="#">Inclusion Toolkit for Educators</a></li> <li>• Darlingia Forest School Child Protection Risk Management Policy</li> <li>• Darlingia Forest School Complaints Handling Policy &amp; Procedure</li> <li>• Darlingia Forest School Privacy Policy</li> </ul>	
<b>Policy Owner:</b>	School Board	<b>Next Review Date:</b> May 2023

### Policy Statement

All students at Darlingia Forest School (DFS) have the right to learn in an environment free from unlawful discrimination. Students with a disability are entitled to have the same educational opportunities as other students.

We aim to be an inclusive school, reflecting the diversity of our community, and celebrating diversity in ability as well as in cultural, racial, and social background. We also place equal importance on ensuring that no students' education and progress is impaired by the disability of another student.

Our legal responsibilities are to take reasonable steps to prevent unlawful discrimination, including harassment and victimisation, against students (and associates) on the basis of disability in all facets of education at our school, including:

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

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

Any instances of disability discrimination, harassment or victimisation should be reported using the *Darlingia Forest School Complaints Handling Policy & Procedure*.

## Responsibilities of The School

Our responsibilities are to take reasonable steps to make sure that a student with a disability is able to:

- **Apply for enrolment in Darlingia Forest School** on the same basis as a prospective student without a disability, and without experiencing discrimination.
- **Use our educational facilities and services** on the same basis as a student without a disability, and without experiencing discrimination.
- **Participate in our educational program** (including assessment) on the same basis a student without a disability, and without experiencing discrimination.
- **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** - We 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 be taken dependent 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 us will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the *Darlingia Forest School Privacy Policy*.

## Responsibilities of Students and Employees

All students and employees at Darlingia Forest 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, they are able to make a complaint using the *Darlingia Forest School Complaints Handling Policy & Procedure*.

## Implementation

### ***Awareness & Accessibility of Processes***

We 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 we will make these processes available on our website and on request from the school office.

### ***Training***

We will train our staff on this Policy and any related processes on their induction and will refresh training every two years.

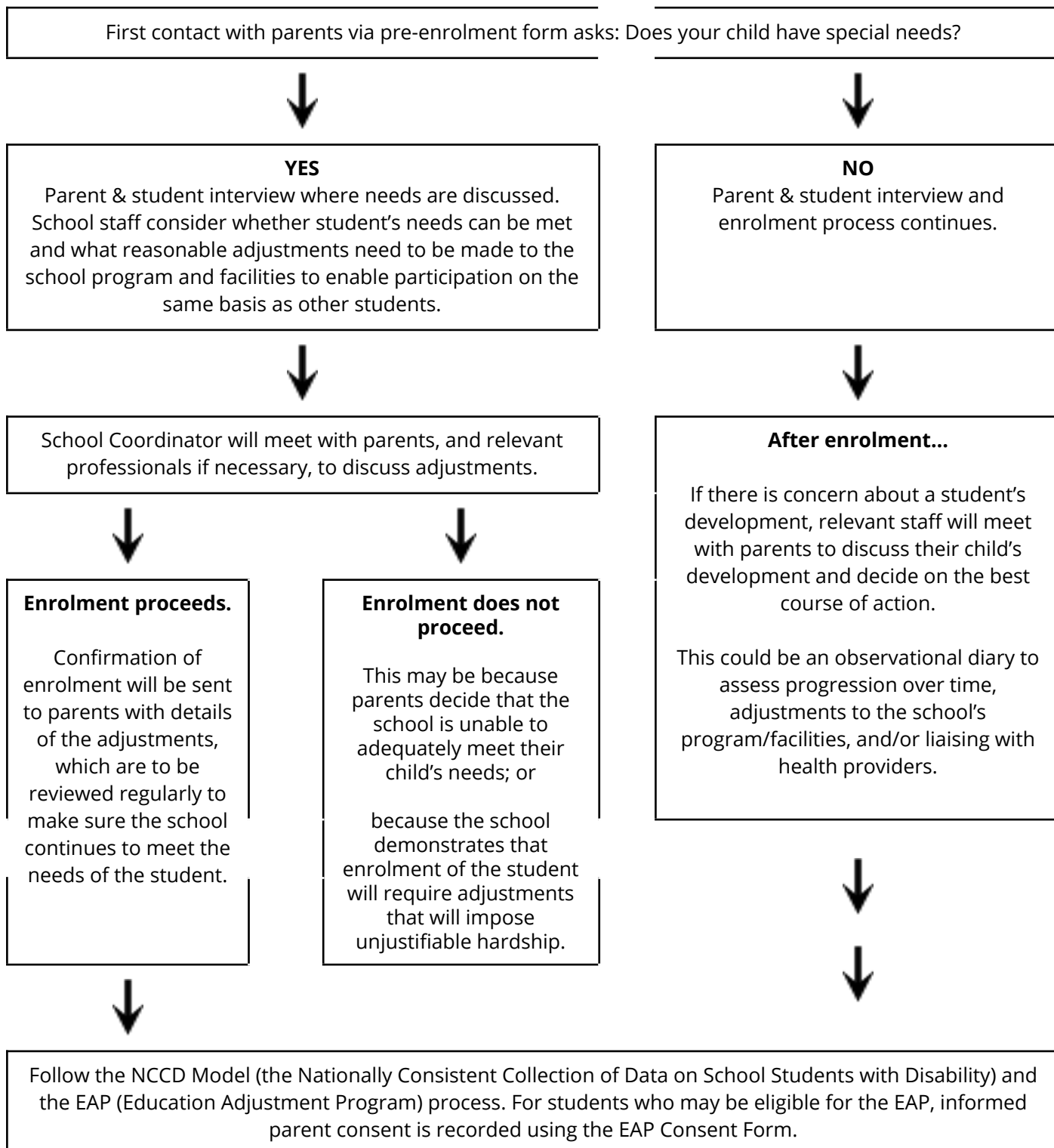
### ***Implementing the Processes***

We will ensure we are implementing this Policy and any related processes by auditing compliance with this Policy and related processes annually.

## Complaints Procedure

Suggestions of non-compliance with this Policy and any related processes may be submitted as complaints under *Darlingia Forest School Complaints Handling Policy & Procedure*.

## Identifying Students with a Disability



# Planning for Personalised Learning and Support

Once a student with a disability has been identified, his/her parents will receive in writing an outline of the adjustments the school will make in order for their child to participate in the educational program.

School staff responsible for planning and implementing adjustments will use the document: *"Planning for Personalised Learning and Support: A National Resource"* for guidance around personalised learning and support. The document outlines four key steps in implementing personalised learning and support, which are:

1. Get to know the student;
2. Consult with the student and family and relevant experts;
3. Plan and implement personalised learning and individualised support measures; and
4. Evaluate the impact of personalised support measures provided to the student.

## Definitions

- 1) **'Associate'**, in relation to a person includes:
  - a) a spouse of the person; and
  - b) another person who is living with the person on a genuine domestic basis; and
  - c) a relative of the person; and
  - d) a carer of the person; and
  - e) another person who is in a business, sporting or recreational relationship with the person.
- 2) **'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; and
  - 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.

- 3) **'Disability'** in relation to a person, means:
  - a) total or partial loss of the person's bodily or mental functions; or
  - b) total or partial loss of a part of the body; or
  - c) the presence in the body of organisms causing disease or illness; or
  - d) the presence in the body of organisms capable of causing disease or illness; or
  - e) the malfunction, malformation or disfigurement of a part of the person's body; or
  - f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
  - 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; or
  - i) previously existed but no longer exists; or
  - j) may exist in the future (including because of a genetic predisposition to that disability); or

- 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.

- 4) **'Imputed disability'**: An 'imputed' disability is something that someone believes another person has. To impute a disability the school team must have reasonable grounds to make such a judgement. At a minimum the student's parent, guardian or carer must have been consulted about concerns the school has and been involved in identifying reasonable adjustments to address the identified concerns.

A personalised learning plan or behaviour management plan does not equate to a child having a disability, but may be an indicator of an imputed disability when it documents the teaching and learning adjustments that have been made so that the child can access the curriculum.

Social disadvantage and/or disrupted parenting can be addressed through evidence-based quality teaching and in and of itself does not constitute a disability under the DDA.

- 5) **'Inclusive Education'**: Inclusive education involves supporting each child in belonging, participating, and accessing ongoing opportunities, being recognised and valued for the contribution that he or she makes, and flourishing.

- 6) **'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; and
- 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
- 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; and
- 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
- c) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.

- 7) **'Reasonable Adjustments'**: an 'adjustment' is a measure or action taken to assist a student with disability to participate in education and training on the same basis as other students. An 'adjustment' is reasonable if it achieves this purpose while taking into account the student's learning needs and balancing the interests of all parties affected, including the student with disability, the school, staff and other students.