



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 based on 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: 25/08/2021
Authorised by:	School Governing Body Chairperson	Date of Authorisation: 25/10/2022
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) • Montessori Noosa Disability Procedures• Montessori Noosa Anti-Discrimination Policy• Montessori Noosa Student Bullying Policy• Montessori Noosa Child Protection Policy• Montessori Noosa Student Code of Conduct• Montessori Noosa Employee Code of Conduct• Montessori Noosa Complaints Handling Policy• Montessori Noosa Privacy Policy	
Review Date:	Review every 2 years	Next Review Date: 25 Oct 2024
Policy Owner:	School Governing Body	



Policy Statement

All students at Montessori Noosa have the right to learn in an environment free from unlawful discrimination. Montessori Noosa will provide a fair and safe learning environment where all students have equal opportunities. Montessori Noosa 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, Montessori Noosa 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 based on disability
- harassment and victimisation on the basis of disability,

In accordance with the relevant law, Montessori Noosa 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 Montessori Noosa, including:

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

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

Montessori Noosa 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 Montessori Noosa <<Dispute Resolution 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 behavior

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, 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

School Responsibilities

Montessori Noosa 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 - Montessori Noosa 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 - Montessori Noosa will take reasonable steps to identify students requiring educational adjustments both at enrolment and during time at the school, including those with a disability, and consult with families/carers to develop a support plan.
- Participation - Montessori Noosa 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 - Montessori Noosa 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 a student without a disability, and without experiencing discrimination.
- Support services - Montessori Noosa 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 - Montessori Noosa 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 Montessori Noosa will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the Montessori Noosa <<Privacy Policy>>.

Student and Employee Responsibilities



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All students and employees at Montessori Noosa 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 can make a complaint under the Montessori Noosa Dispute Resolution Policy.

Implementation

Education for Generations Ltd is committed to raising awareness of the process for resolving complaints of bullying at the school, including by the development and implementation of this policy and related procedures, and via the clear support and promotion of the policy and procedures.

Education for Generations Ltd is also committed to appropriately training relevant employees (especially senior staff) on how to resolve complaints in line with this policy and the related procedures.

Education for Generations Ltd will keep appropriate records of bullying complaints, will monitor complaints and their resolution, and will report on a high-level basis to the school Board on complaint handling at the school.

Education for Generations Ltd will act to encourage students, parents, and employees to contribute to a healthy school culture where complaints are resolved with as little formality and disruption as possible.