




Disability Discrimination Policy

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| 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. |

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| Status: | RATIFIED | Supersedes: | 2022 Disability Discrimination Policy |
| Review Date: | Biannually | Next Review Date: | 16 January 2026 |
| Authorised by: | Elizabeth Goor Board Chair | Signature: |  |
| Policy Owner: | School Governing Body (Education for Generations Ltd) | | |

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| References: | <ul style="list-style-type: none"> • Anti-Discrimination Act 1991 (Qld) • Australian Human Rights Commission Act 1986 (Cmwth) • Disability Discrimination Act 1992 (Cmwth) • Disability Standards for Education 2005 (Cmwth) • Disability Standards for Education 2005 Guidance Notes • Australian Education Act 2013 (Cmwth) • Montessori Noosa Child Protection Policy • Montessori Noosa Staff Code of Conduct • Montessori Noosa Complaints Resolution Policy • Montessori Noosa Complaints Resolution Procedure • Montessori Noosa Privacy Policy |
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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 on the basis of 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 Complaints Resolution Policy and Procedure.

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 capable of causing disease or illness. See exceptions https://www.health.qld.gov.au/data/assets/pdf_file/0022/426820/timeout_poster.pdf Temporary exclusion from school may be called for in exceptional circumstances as directed by Federal or State Governments or a medical practitioner.
 - d. the malfunction, malformation, or disfigurement of a part of the person's body
 - e. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
 - f. 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:**
- g. presently exists;
 - h. previously existed but no longer exists;
 - i. may exist in the future (including because of a genetic predisposition to that disability);
 - j. 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. *See link below.*

<https://www.legislation.gov.au/Details/F2005L00767>

Meaning of *on the same basis* p2 2.2 (1), (2), (3)

Meaning of *reasonable adjustment* p3 3.4 (1), (2), (3)

Meaning of *unjustifiable hardship* p10 10.2 (1), (2), (3)

Meaning of *harassment* p8 (a), (b)

Meaning of *victimisation* p8 (1), (2)

Responsibilities

School Responsibilities

Montessori Noosa *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** - 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 as 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 of 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 to the school.

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

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 are able to make a complaint under the Montessori Noosa Complaints Resolution Policy and Procedure.

Implementation

Montessori Noosa's Disability Discrimination Policy shows that it clearly acknowledges the Disability Discrimination Act 1992 and the Disability Standards applying to the following areas:

- Enrolment;
- Identification;
- Participation;
- Curriculum development, accreditation and delivery;
- Student support services; and
- Elimination of harassment and victimization.

Montessori Noosa takes further steps in preventing discrimination based on a disability, including the following:

- **awareness** - regularly making all relevant employees and students aware of the need to avoid discrimination, harassment, and victimisation. This would include issuing this 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 Principal.
- **training** - regularly taking reasonable measures to ensure that employees have enough information and expertise concerning non-discriminatory methods of service delivery and is committed to appropriately training relevant employees (especially senior staff) on how to resolve complaints in line with this policy and the related procedures.
- **dispute resolution** - promotion of the school's Complaints Resolution Policy and Procedure amongst staff, students and the community to ensure that complaints are properly and effectively dealt with. Records of any discrimination complaints will be kept, monitored through to their resolution. The Principal will report regularly on a high-level basis to the school Board about all complaints at the school.
- **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.
- **culture** - removing any discriminatory or offensive materials, rules, and practices.
- **encourage** - students, parents, and employees to contribute to a healthy school culture where complaints are resolved with as little formality and disruption as possible.