



Disability Discrimination Policy

Version DDP2021-1.0

| | | |
|-----------------------|--|--|
| 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: | Ohana College Board of Directors, Officers, Workers, Contractors and Service Providers, Other Persons associated with the College, including students and parents and third-party providers. | |
| Status: | APPROVED | Supersedes: DDP2020 |
| Authorised by: | Board Chair | Date of Authorisation: 19 August 2021 |
| References: | 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) Enrolment Procedures Anti-Discrimination statement Privacy Policy Anti-Bullying Policy Code of Conduct | |
| Review Date: | Annual | Next Review Date: August 2022 |
| Policy Owner: | Ohana College Board | |

Policy Statement

Document Location: /Users/jcirocco/Downloads/2021 OHA_Disability Discrimination Policy (1).docx

Approval Date: 19 August 2021 **Review Date:** August 2022

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

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

Ohana College will endeavour to make reasonable adjustments, that do not cause unjustifiable hardship to the College, to ensure equality of access and participation. Ohana College is committed to responding appropriately should such discrimination, harassment or victimisation occur, including disciplinary action where appropriate. Any instances of disability discrimination, harassment or victimisation should be reported in accordance with the College's 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

including a disability that:

- a. presently exists;
- b. previously existed but no longer exists;
- c. may exist in the future (including because of a genetic predisposition to that disability); and/or
- d. 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; and/or
- e) another person who is in a business, sporting or recreational relationship with the person.

Disability discrimination: Disability discrimination is when a person with a disability is treated less favourably than a person without the disability in the same or similar circumstances. It can be either:

- Direct – if a nightclub or restaurant refused a person entry because they are blind and have a guide dog.
- Indirect - if the only way to enter a public building is by a set of stairs because people with disabilities who use wheelchairs would be unable to enter the building.

Responsibilities

Ohana College will endeavour to 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 College acknowledges that its responsibilities are as follows:

- Enrolment - Ohana College will take reasonable steps to enable a student with a disability is able to seek admission to, or apply for enrolment in, the College on the same basis as a prospective student without a disability, and without experiencing discrimination.
- Participation - Ohana College will take reasonable steps to enable a student with a disability is able to participate in the courses or programs provided by the College, 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 - Ohana College will take reasonable steps to enable courses and programs to be 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 - Ohana College will take reasonable steps to enable a student with a disability to use support services used by other students of the College in general on the same basis as a student without a disability, and without experiencing discrimination.
- Harassment and victimisation - Ohana College 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 on the College. When considering an adjustment for a student with a disability, any confidential information provided to Ohana College will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the Privacy Policy.

Student and Employee Responsibilities

All students and employees at Ohana College have a responsibility not to engage in discriminatory conduct, including harassment and victimisation, and to uphold the College's policies on these issues. If students, parents or employees believe that this type of behaviour is occurring in the College, they are able to make a complaint under the Ohana College Complaints Handling Policy.

Implementing the Policy

Enrolment

The Ohana College enrolment policy is inclusive of all students. The criteria for enrolment are clearly set out in the application for enrolment form, including how decisions are made with regard to priority in the enrolment process. Ohana College uses the process set out in the 'Enrolment Guidelines for Independent Schools SA' appended to this policy.

Where the number of places available is limited, priority is decided considering the operational requirements of the organisation. This will include consideration of:

- Siblings of current students;
- Date of receipt of a completed enrolment application;
- Safety of current students; and
- Family support and commitment to the College's mission.

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

Document Location: /Users/jcirocco/Downloads/2021 OHA_Disability Discrimination Policy (1).docx

Approval Date: 19 August 2021 **Review Date:** August 2022

If a child has Individual learning needs, social and emotional challenges, or behavioural concerns, parents/caregivers are asked to sign a permission form, which allows the College to collect information from specialist personnel who may have information to assist in meeting the needs of their child. Specialist personnel may include the child's previous College, disability agencies, medical and allied health professionals.

The collection, use and disclosure of information about a child is protected by the provisions of the College's Privacy Policy, a copy of which can be obtained from our website.

Identification

The level of specialist educational support required by students with disabilities is identified through the Student Support Plan process. This includes the collection of information from parents or caregivers at interview, including diagnosis of disability, a completion of a parent-student questionnaire and consultation with the College's psychologist.

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

- Physical access - equipment, building modification;
- Personal care;
- Health care management – medication, emergency procedures;
- Communication; and/or
- Specific teaching strategies.

Based on the information gathered, the Head of Campus or delegated staff member/s will make a preliminary assessment of the student's curriculum support needs, and the College's ability to meet these needs.

At this time the Head of Campus, or delegated staff member/s, will meet with parents/caregivers to discuss the outcomes of the information-gathering process and to present the educational program the College can offer.

This discussion may involve:

- the student, where appropriate;
- special education advisers from Independent Colleges Queensland;
- agency representatives;
- therapists, counsellors, other professionals;
- an advocate; and/or
- an interpreter.

It is possible at this time that the enrolment will not proceed because parents/caregivers form the view that the College cannot meet their child's needs, or the College can demonstrate that the enrolment will cause unjustifiable hardship.

Education Program

On confirmation of enrolment, parents may be asked to attend an appointment to support the College with specific learning needs. After observation of the student over a period of time an Educational Plan will be put in place to support what the College can offer the student in order for them to access the curriculum successfully.

The Educational Plan will include such matters as:

- a) 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 formation of the Education Plan.
- b) the documentation of curriculum/assessment modifications and issues related to behaviour management, liaison with parents/caregivers and outside agencies, as appropriate. It will outline resource requirements, including facilities , equipment, and reporting requirements.
- c) the development of Health Care Plans for students with health support needs.

The Education Plan will be reviewed at the end of each semester and at this time parents will be requested to meet with the Head of Campus, or delegated representative/s, in order to discuss the progress of their child.

Appendix

FLOW CHART

(Taken from: Students with Disabilities: Enrolment Guidelines for Independent Schools, SA Independent Schools Targeted Programs Authority Inc., Adelaide: Hyde Park Press)

