



TSA Independent School
 YOS Lawnton and YOS Lawnton (Riverview)
 (A Queensland Non-State Independent School)

DISABILITY DISCRIMINATION FRAMEWORK		CODE: DDP2024
Scope of Application:	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	
Filing Instructions:	Sharepoint: <ul style="list-style-type: none"> - https://salvosau.sharepoint.com/sites/XFG0193/Shared%20Documents/Forms/AllItems.aspx?FolderCTID=0x012000BD0ADD4F6AB4E845AF5A501762B4A76F&id=%2Fsites%2FXFG0193%2FShared%20Documents%2FIndependent%20Schools%2FMASTER%20SCHOOL%20FOLDER%2FCurrent%20Policies%20and%20Procedures%2FFinalised%20Policies%20and%20Procedures&viewid=a5ce317b%2Deac0%2D4705%2D9ad3%2D72966d9bfd03 	
Related policies / legislation:	<ul style="list-style-type: none"> • The Salvation Army EEO, Discrimination, Harassment and Bullying Policy • 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 • Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) • Australian Education Act 2013 (Cth) • Nationally Consistent Collection of Data (School students with a disability) Guidelines • TSA Code of Conduct • TSA Independent Schools Anti-Discrimination Framework • TSA Independent Schools Student Bullying Framework • TSA Independent Schools Child Protection Policy • TSA Independent Schools Dispute Resolution Procedure • TSA Independent Schools Privacy Policy 	
Forms	<ul style="list-style-type: none"> • Dispute Resolution Form • Individual Learning Plan • EAP Parent Consent Form • Student Transfer Note 	

Change record / revision history:

Version	Prepared/ reviewed by	Date reviewed	Approved by	Authorised by	Review date
12.1	Helen Boardman	December 2018	Darren McGhee	Thomas Austin	December 2020
12.2	Helen Boardman	Amendments 29/4/2020	Darren McGhee	Rish Lefterys	December 2020
12.3	Helen Boardman	08/12/2021	Shontell Dougherty	Rish Lefterys	December 2022
12.4	Riley Hore	9/12/2023	Helen Boardman	ISAG	December 2025



The purpose of this framework in conjunction with The Salvation Army EEO, Discrimination, Harassment and Bullying Policy, is to protect students and employees with a disability or who have an associate with a disability from unlawful discrimination, harassment and victimisation based on that disability. While also ensuring processes are put in place to identify and assist students with a disability to access TSA Independent School on the same basis as other students.

Framework Statement

All students at TSA Independent School have the right to learn in an environment free from unlawful discrimination. TSA Independent School will provide a fair and safe learning environment where all students have equal opportunities. TSA 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.

In accordance with relevant law, TSA Independent 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 based on disability; and
- harassment and victimisation based on disability,

In accordance with the relevant law, TSA Independent School will take reasonable steps to prevent unlawful discrimination, including harassment and victimisation, against students based on disability in all facets of education at TSA Independent School including:

- enrolment;
- participation;

- curriculum development, accreditation and delivery; and
- student support services.

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

TSA Independent 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 TSA Independent School's Dispute Resolution Procedure

Definitions

- **Disability:** in relation to a person, means:

- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the presence in the body of organisms capable of causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of the person's body; or
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- 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:
 - presently exists; or
 - previously existed but no longer exists; or
 - may exist in the future (including because of a genetic predisposition to that disability); or
 - 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 spouse of the person; and
 - another person who is living with the person on a genuine domestic basis; and
 - a relative of the person; and
 - a carer of the person; and
 - 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; 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 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; 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.

Responsibilities

School Responsibilities

TSA Independent 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 – TSA Independent 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.
- Participation – TSA Independent 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.

- Curriculum development, accreditation and delivery – TSA Independent 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 and certification requirements) of the course and program on the same basis as a student without a disability, and without experiencing discrimination.
- Support services – TSA Independent School 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 – TSA Independent 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 do not impose an unjustifiable hardship on the student and school***

When considering an adjustment for a student with a disability, any confidential information provided to school will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the privacy legislation.

Student and Employee Responsibilities

All students and employees at TSA Independent Schools 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 TSA Independent School's Dispute Resolution Procedure

School Leadership Team

- provide consistent informed advice to students, parents/carers and colleagues
- raise staff awareness on harassment issues
- educate staff and students on the Policy and Procedures
- facilitate early resolution of incidents of discrimination or harassment
- provide a safe environment for staff to express concerns in a confidential manner
- make recommendations to management about ways to prevent further incidents
- assist in promoting a workplace free from discrimination and harassment

Implementation

TSA Independent School aims to provide a safe, supportive and non-judgmental learning environment for students, where they accept each other's individuality and can learn together. Some ways in which TSA Independent School hopes to achieve this is through:

- Identifying at enrolment any disabilities, impairments, learning difficulties and previous testing the student may have. TSA Independent School will also request to access records from previous schools the student has disengaged from. A transfer note will be requested with copies of any previous verification records.

- Discuss with student and guardian (if appropriate) past and possible new strategies around extra support, curriculum, access issues and how these can be managed/corrected.
- Follow the process of investigating the disability and using NCCD processes and procedures to access extra support and funding. This includes an Individual Learning Plan (ILP) and additional differentiation documentation and evidence to be completed by the education team, which outlines what is required for the student to maintain education at TSA Independent School and ensuring the curriculum, activities and delivery are appropriate.
- Make adjustments as deemed appropriate by education staff and student
- When appropriate ensuring the parents/carers are included in the process and assisting with what the Individual Learning Plan should include
- Accessing/researching specialist services for testing, information and support of the student
- Assist family with gaining formal assessments if required and to collaborate with other services in how we can offer the best education to those students.
- Ensuring that employees are aware of this framework and it is presented in meetings throughout the year.
- Training for employees on how to identify, prevent and manage discrimination and sharing this information with others through staff meetings.
- Establishing a Dispute Resolution Procedure that students can relate to and work towards a positive and constructive solution together.
- Keeping appropriate records, monitoring and reports on discrimination procedures and incidents.
- Ensuring that a transition plan has been put in place once completed schooling or moving to another education provider.
- The Manager of Student Support Services will assist with any disputes or offer information and support
- Encourage a healthy school culture by:
 - Not having offensive materials on the premises.
 - Encouraging students and parents to create and maintain a healthy learning environment and school culture by;
 - Having a positive and respectful attitude
 - Having appropriate programs/ workshops that promote team work and student cohesiveness.
- When working with students whose parents/carers have a disability, TSA Independent School will be mindful of what assistance they may require to advocate for their child and extra support they may need.
- Collate data in line with NCCD and other reporting requirements and submit on time

Compliance and Monitoring

TSA Independent School will ensure any discrimination is addressed in accordance with our Restorative Justice Framework and Dispute Resolution Procedure

Any forms that are completed will be kept on the student or staff member's file and made easily accessible. All notes will be recorded on SAMIS.

The Annual General Report will be distributed to members of the community and uploaded on the TSA website alongside this policy, which will outline statistics and further relevant information relating to this policy to show transparency with the community.



DISABILITY DATA COLLECTION AND REASONABLE ADJUSTMENT PROCEDURES

To assist students with their education, TSA Independent School follows a pathway to ensure reasonable adjustments are made to the students Individual Learning Plan and access to further funding to ensure these adjustments can be delivered. This is achieved using The Nationally Consistent Collection of Data – School Students with Disability (NCCD)

Individual Learning Plan

Each student within the TSA Independent School program develops (with support of the education team) an Individual Learning Plan which outlines the impact of a disability and the educational adjustments to be made in the areas of: curriculum, communication, learning environment / access and social participation / emotional wellbeing.

Unit Plans

Unit Plans also have a section specifically allocated to recording any adjustments needed for that unit.

Students with an impairment/disability can:

- receive extra support and funding and
- to assist with adjustments regarding their curriculum, to achieve curriculum outcomes and participate in school life

At Enrolment

For all students, where a disability/impairment has been identified, parents/carers are to complete a Consent Form at enrolment

Teaching staff and Education Support workers will collaborate with the student and parent/carer to identify whether any disabilities /impairments have previously been diagnosed.

If a student has disengaged from a previous school, contact should be made with the previous school for a [transfer note](#). This document provides information and assists with ensuring the continuity of the student's educational program and meeting duty of care obligations in relation to the student and school community. It also identifies if the student has previously had any disability/impairment diagnosed.

Nationally Consistent Collection of Data – School Students with Disability

The Nationally Consistent Collection of Data of Students with Disability (NCCD) is a mandatory annual collection of data about students with disability. The NCCD counts the number of school students with disability receiving educational adjustments to allow them to participate in education, on the same basis as students without disability.

“Under the Model, teachers and staff use their professional, informed judgment, based on evidence, to determine the level of adjustment students with a disability receive, in both the classroom and whole of school context, as well as the broad category of disability that relates to adjustments”¹

All data for the NCCD is submitted to the department as at the reference date of the first Friday in August.

Teaching staff are to ensure that any adjustments made to a student’s education is well documented and based in evidence through;

1. Individual Learning Plan
2. Unit Plans and Lesson Plans
3. Through Case Notes on SAMIS
4. Through the school’s diverse learners lists

All information, processes and links regarding NCCD can be found on the ISQ website at <https://www.isq.qld.edu.au/members/nccd>

NCCD Guideline - <https://docs.education.gov.au/documents/guidelines-nationally-consistent-collection-data-school-students-disability-2018>

¹ Retrieved from page 10 of <https://docs.education.gov.au/documents/guidelines-nationally-consistent-collection-data-school-students-disability-2018> on 12th December 2018