

# DISABILITIES POLICY

	Fairholme College (Toowoomba ) Pty Ltd ABN 78 096 814 130 CRICOS Provider Code 00651J		
<b>Purpose</b>	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.		
<b>Scope</b>	This policy applies to employees, students, parents/carers, contractors, vocational placements and volunteers		
<b>References</b>	<i>Anti-Discrimination Act 1991 (Qld)</i> <i>Anti-Discrimination Regulation 2005 (Qld)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Australian Education Act 2013 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Disability Standards for Education 2005 (Cth)</i> <i>Education (Accreditation of Non-State Schools) Act 2001(Qld)</i> <i>Education (Accreditation of Non-State Schools) Regulation 2001(Qld)</i> Anti-Discrimination Policy Child Protection Policy Community Code of Conduct Complaints and Dispute Resolution Policy Conditions of Entry Privacy Policy Risk Management Policy and Strategy Staff Code of Conduct Workplace Bullying Policy		
<b>Policy Type</b>	Public		
<b>Policy Location</b>	College Website		
<b>Version</b>	2.0		
<b>Supersedes</b>	All previous versions of this policy		
<b>Policy Owner</b>	Deputy Principal/Head of Senior School		
<b>Review Date</b>	1 June 2016	<b>Next Review Date</b>	1 June 2018
<b>Authorised By</b>	Principal	<b>Date of Authorisation</b>	

## Rationale

All students at Fairholme College have the right to learn in an environment free from unlawful discrimination. Fairholme College 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 the above mentioned relevant laws, Fairholme 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; and
- Harassment and victimisation on the basis of disability,

In accordance with the above mentioned relevant laws, Fairholme 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 Fairholme College, including:

- Enrolment;
- Participation;
- Curriculum development, accreditation and delivery; and
- Student support services.

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

Fairholme College 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 Fairholme College Complaints and Dispute Resolution Policy.

## Definitions

Disability<sup>1</sup>, 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;
  - previously existed but no longer exists;
  - may exist in the future (including because of a genetic predisposition to that disability);
  - is imputed to a person.

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<sup>1</sup> *Disability Discrimination Act 1992*. Section 4.

To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability (*Disability Discrimination Act 1992* (Cth)).

- **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.
- **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.

- **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.

The *Disability Standards for Education 2005* provide the following as a guide to the Rights and Requirements for students with a disability.

<b>ENROLMENT: RIGHTS</b>	<b>ENROLMENT: REQUIREMENTS</b>
Right to seek admission and enrol on the same basis as prospective students without disability including the right to reasonable adjustments.	<ul style="list-style-type: none"> <li>• Take reasonable steps to ensure that the enrolment process is accessible.</li> <li>• Consider students with disability in the same way as students without disability when deciding to offer a place.</li> <li>• Consult with the prospective students or their associates about the effect of the disability on their ability to seek enrolment; and any reasonable adjustments necessary.</li> </ul>
<b>PARTICIPATION: RIGHTS</b>	<b>PARTICIPATION: REQUIREMENTS</b>
Right to access courses and programs; use services and facilities; and have reasonable adjustments, to ensure students with disability are able to participate in education and training on the same basis as students without disability.	<ul style="list-style-type: none"> <li>• Take reasonable steps to ensure participation.</li> <li>• Consult with the student or their associate about the effect of the disability on their ability to participate.</li> <li>• Make a reasonable adjustment if necessary.</li> <li>• Repeating this process over time as necessary.</li> </ul>
<b>CURRICULUM DEVELOPMENT, ACCREDITATION AND DELIVERY: RIGHTS</b>	<b>CURRICULUM DEVELOPMENT, ACCREDITATION AND DELIVERY: REQUIREMENTS</b>
Right to participate in courses and relevant supplementary programs that are designed to develop their skills, knowledge and understanding, on the same basis as students without disability and to have reasonable adjustments to ensure they are able to participate in education and training.	<ul style="list-style-type: none"> <li>• Enable students with disability to participate in learning experiences (including assessment and certification).</li> <li>• Consult with the student or their associate.</li> <li>• Take into consideration whether the disability affects the student's ability to participate in the learning experiences.</li> </ul>
<b>STUDENT SUPPORT SERVICES: RIGHTS</b>	<b>STUDENT SUPPORT SERVICES: REQUIREMENTS</b>
Right to access student support services provided by education institutions, on the same basis as students without disability. Students with disability have the right to specialised services needed to participate in the educational activities they are enrolled in.	<ul style="list-style-type: none"> <li>• Ensure that students with disability are able to use general support services.</li> <li>• Ensure that students have access to specialised support services.</li> <li>• Facilitate the provision of specialised support services.</li> </ul>
<b>HARASSMENT AND VICTIMISATION: RIGHTS</b>	<b>HARASSMENT AND VICTIMISATION: REQUIREMENTS</b>
Right to education and training in an environment that is free from discrimination caused by harassment and victimisation on the basis of their disability.	<ul style="list-style-type: none"> <li>• Implement strategies to prevent harassment or victimisation.</li> <li>• Take reasonable steps to ensure that staff and students are informed about their obligation not to harass or victimise students with disability.</li> <li>• Take appropriate action if harassment or victimisation occurs.</li> <li>• Ensure complaint mechanisms are available to students.</li> </ul>

*Rights and Requirements under the Disability Standards for Education<sup>2</sup>*

To comply, an education provider must make 'reasonable adjustments' to accommodate a student with a disability. An adjustment is a measure or action taken to assist a student with a disability to participate in education and training on the same basis as other students.

<sup>2</sup> Disability Standards for Education 2005 Factsheet, Australian Government Department of Education

### **Reasonable Adjustments**

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 Fairholme College will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with Fairholme College Privacy Policy.

### **Disability Guidelines – Fairholme College Policy**

Fairholme College values the diversity of all students including those with special educational needs, recognises the right of all students to equitable access to the curriculum, and offers education programs specific to the educational needs of students with disabilities.

### **The Process**

#### **Parental Engagement and Consultation**

Fairholme College promotes parental engagement and consultation when considering the educational needs of students with a disability. In line with the expectations contained within the *Disability Standards for Education 2005*, the College will assist the full participation of students with disabilities by:

- valuing all students as individuals and identifying and responding to their needs;
- consulting with the student and parents to make well-informed decisions about the education program to be developed for each student with a disability/ies;
- identifying and addressing barriers that limit students' opportunities, participation and benefits from schooling;
- providing an appropriate level of resources, within available funds, in order to reasonably accommodate the needs of students with disabilities;
- making reasonable adjustments in modifying, substituting or supplementing curricula, course work requirements, timetables, teaching methods and materials, and assessment procedures to meet the needs of students with disabilities;
- facilitating options and pathways for students with disabilities;
- providing physical environments that are accessible, stimulating, safe and welcoming;
- devising fair and transparent enrolment procedures for all students, including those with disabilities;
- respecting the rights of people with disabilities to privacy and confidentiality;
- fostering and encouraging among staff and students, positive, informed and unprejudiced attitudes towards people with disabilities; and
- supporting and assisting students to make alternative satisfactory educational arrangements when the College is unable to meet their needs.

In line with the *Disability Standards for Education 2005* Fairholme College actively fosters and nurtures the relationship between the College and the family to ensure an effective partnership. The College works with the Student and her family within the key elements of Communication, Commitment, Equality, Skills, Trust and Respect to create a positive partnership in providing key educational support and assistance in line with any special needs identified.

### **Implementation**

Fairholme College adopts the Key Elements to a successful College – Family Partnership within its Disability Policy in order to maintain a positive relationship with the Student in line with the standards contained within the *Disability Discrimination Act 1992* (Cth) and the *Disability Standards for Education 2005* (Cth).

### **Enrolment**

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. Where the number of places available is limited, priority is decided as follows:

- Religious or philosophical affiliation
- Siblings
- Children of old scholars
- Date of receipt of application

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.

If a child has special education needs, 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 school, 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 or from College reception.

Fairholme College endeavours to improve the outcomes for students with a disability through effective consultation that is student focussed and mutually respectful to provide for transparency when meeting the educational needs of students with a disability.

### **Identification**

The level of specialist educational support required by students with disabilities is identified through the process of developing a student support plan. This includes the collection of information from parents or caregivers at interview, possibly completion of a parent-student questionnaire and consultation with specialist personnel, including staff from the College's Learning Enhancement Centre.

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
- Specific teaching strategies.

Based on the information gathered, the Principal or delegated staff member 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 Principal, or delegated staff member, 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, if appropriate
- special education advisers from Independent Schools Queensland
- agency representatives
- therapists, counsellors, other professionals
- an advocate
- an interpreter.

It is possible at this time that the enrolment will not proceed because parents 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 enrolment, or at the time a disability is identified, an outline of the support the College can offer the student will be developed collaboratively with families in order for the student to access the curriculum successfully.

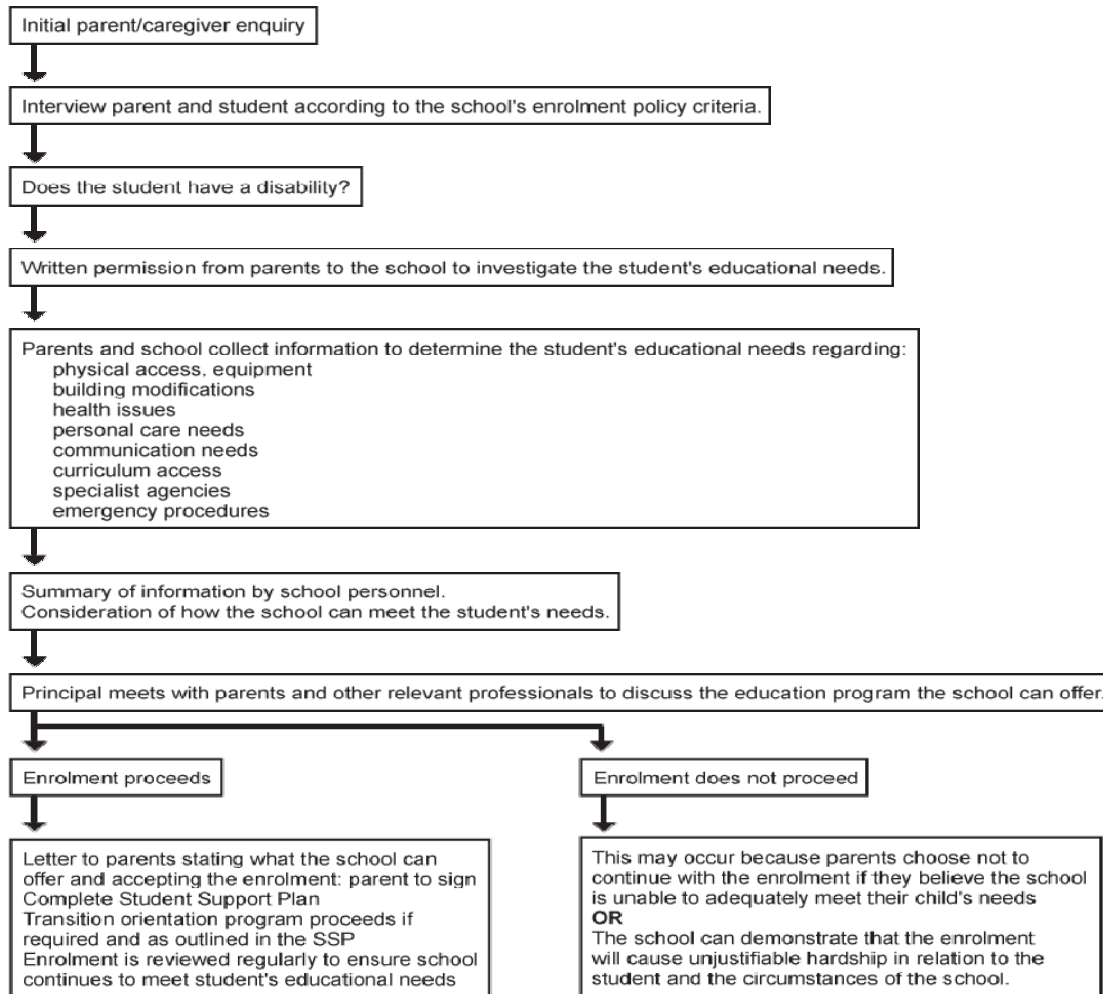
The student support plan will include such matters as:

- (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 Support Plan.
- (b) the documentation of curriculum/assessment modifications and issues related to behaviour management, liaison with parents and outside agencies, as appropriate. It will outline resource requirements, including facilities and equipment, evacuation and emergency procedures, reporting requirements, and training requirements for staff or others who work with the student.
- (c) the development of health care plans for students with health support needs.

The student support plan will be reviewed at the end of each semester and at this time parents will be requested to meet with the Principal, or delegated representative, in order to discuss the progress of their child.

**FLOW CHART<sup>3</sup>**

The Enrolment and Interview Process to determine the ability of the College to meet the needs of the student without unjustifiable hardship.



<sup>3</sup> Taken from: *Students with Disabilities: Enrolment Guidelines for Independent Schools*, SA Independent Schools Targeted Programs Authority Inc., Adelaide: Hyde Park Press