



Student Disability 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/or victimisation on the basis of that disability.	
Scope:	<p>This policy applies to all 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.</p> <p>Unlawful discrimination, harassment and/or victimisation on the basis of disability involving employees is addressed under the PMSA EEO, Anti-Discrimination, Sexual Harassment and Bullying Policy.</p>	
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 • Education (Accreditation of Non-State Schools) Act 2017 • Education (Accreditation of Non-State Schools) Regulation 2017 • Education (General Provisions) Act 2006 • ISQ's Students with Disability Resources • BBC Anti-Bullying Policy • BBC Anti-Bullying Parent Protocols • BBC Anti-Bullying Student Protocols • BBC Anti-Bullying Staff Protocols • BC Complaints Policy and Procedure • BBC Privacy Policy • BBC Student Anti-Discrimination Policy and Procedures • BBC Student Diary • BBC Student Discipline Policy and Procedure • PMSA Code of Conduct • PMSA EEO, Anti-Discrimination, Sexual Harassment and Bullying Policy • PMSA Employee Complaints Policy and Procedure • PMSA Employee Discipline Policy and Procedures 	
Authorised by:	Headmaster	Date of Authorisation: 25 th August 2016
Review Date:	Every two years, or as appropriate, to take account of new laws, changes to school's operations and practices and to make sure it remains appropriate to the changing environment.	Next Review Date: 1 st July 2018
Policy Owner:	Headmaster	

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1.0 Policy Statement

All students at Brisbane Boys' College have the right to learn in an environment free from unlawful discrimination. BBC will provide a fair and safe learning environment where all students have equal opportunities. In particular, BBC 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, Brisbane Boys' College is committed, during the enrolment process and 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 relevant law, Brisbane Boys' 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 the College, including:

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

Brisbane Boys' College will consider reasonable adjustments that do not cause unjustifiable hardship to ensure this equality of access and participation.

2.0 Reasonable Adjustments

In order to treat a student with a disability on the same basis as a student without a disability, Brisbane Boys' College is committed to making all decisions about the student's admission, enrolment, participation in a course or program and use of facilities and services on the basis that reasonable steps will be taken dependent upon the specific circumstances at the time, but may include reasonable adjustments that do not impose an unjustifiable hardship. This process includes:

- Consultation with the student (and their family);
- Consideration of whether an adjustment is necessary;
- If an adjustment is necessary, identification of a reasonable adjustment;
- Whether the adjustment would impose an unjustifiable hardship on the school; and
- Making the reasonable adjustment

When considering an adjustment for a student with a disability, any confidential information provided to Brisbane Boys' College will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the BBC Privacy Policy.



3.0 Responsibilities

3.1 School Responsibilities

Brisbane Boys' College 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** – Brisbane Boys' College 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** – Brisbane Boys' College 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** – Brisbane Boys' College 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.
- **Pastoral Care and support services** – Brisbane Boys' College 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** – Brisbane Boys' 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.

3.2 Student and Employee Responsibilities

All students and employees at Brisbane Boys' College have a responsibility not to engage in unlawful discriminatory conduct, including harassment and victimisation, and to uphold the school's and PMSA's policies on these issues.

If students, parents or employees believe that a student is being unlawfully discriminated against, harassed or victimised on the ground of the student's disability they are able to make a complaint under the BBC Complaints Policy and Procedure.

Employee complaints are addressed and managed under the PMSA Employee Complaints Policy and Procedure.

4.0 Implementation

Brisbane Boys' College undertakes the following steps in preventing discrimination on the basis of disability, including the following:



- Awareness - BBC regularly makes employees and students aware of the need to avoid discrimination, harassment and victimisation. This includes the development and implementation of a Student Disability Policy and the implementation within the College of the PMSA EEO, Anti-Discrimination, Sexual Harassment & Bullying 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 school executive;
- Training - regularly providing professional development to ensure employees have sufficient information and expertise concerning non-discriminatory methods of service delivery;
- Dispute resolution - promoting BBC's Complaints Policy and Procedure ensuring that complaints are properly and effectively dealt with in accordance with the Policy and Procedures;
- 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, and encouraging students, parents and employees to contribute to a healthy school culture.

5.0 Breaches of this Policy

Brisbane Boys' College is committed to responding appropriately should discrimination, harassment or victimisation occur and may take action against any individual when a breach of this policy is identified. Where inappropriate behaviours such as discrimination, harassment and/or victimisation on the basis of disability are found to be substantiated, the consequences for the person against whom the complaint is made will be determined under the BBC Student Discipline Policy and Procedure or the PMSA Employee Discipline Policy and Procedures where an employee is found to have engaged in inappropriate behaviour such as discrimination, harassment and/or victimisation of a student on the basis of disability.

6.0 Compliance and Monitoring

Brisbane Boys' College maintains documentation which adequately reflects the **frequency, range** and **complexity** of adjustments recorded for students with disabilities including:

- curriculum planning documents identifying adjustments such as weekly plan and unit overview;
- timetables for students and staff;
- current confirmation of verification letter;
- current IEP/Support Plan or equivalent in place for any student with disability;
- student data/reporting including Confirmation of Enrolment and Census requirements;
- facilitation of collaboration in supporting students with disabilities through the completion of Parent/Carer Consent forms including information from any medical practitioner, service provider, organisation or professional involved in supporting a student.



7.0 Definitions

'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

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.

'Disability' in relation to a person, means:

- a) total or partial loss of the person's bodily or mental functions; or
- b) total or partial loss of a part of the body; or
- c) the presence in the body of organisms causing disease or illness; or
- d) the presence in the body of organisms capable of causing disease or illness; or
- e) the malfunction, malformation or disfigurement of a part of the person's body; or
- f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- 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 includes a disability that:

- h) presently exists; or
- i) previously existed but no longer exists; or
- j) may exist in the future (including because of a genetic predisposition to that disability); or
- 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.



'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.

Amendment Register

Date of Issue	Page Number	Detail of and reason for amendment
1 st September 2016	All	New policy, endorsed by BBC Executive
1 st January 2018	Pg 1	Reference to Education (Accreditation of Non-State Schools) Act 2001 and Education (Accreditation of Non-State Schools) Regulation 2001 amended to Education (Accreditation of Non-State Schools) Act 2017 and Education (Accreditation of Non-State Schools) Regulation 2017