



## Disability Discrimination Policy

Policy number	QLD0020	Version	1.0
Drafted by	MSA	Approved by board on	July 2023
Responsible person	Principal	Scheduled review date	February 2027

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## 1 Organisational Statement

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1.1 Mastery Schools Australia (MSA or the School) is committed to providing a fair and safe learning environment where all students have equal opportunities. All students at MSA have the right to learn in an environment free from unlawful discrimination. In particular, the School will ensure that students with a disability are provided with opportunities to realize their potential by participating in education and training on the same basis as other students.

1.2 The School also expects all members of the school community to contribute to an inclusive and supportive environment where diversity is respected, and all students can access learning without barriers. Staff and educators will work collaboratively to implement reasonable adjustments and support strategies that promote equitable educational experiences for every student.

## 2 Scope

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This policy applies to all employees, board members and contractors in relation to the Queensland operations and it is the responsibility of all working at the school to understand and comply with the policy.

### 3 Purpose

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- 3.1 The Disability Discrimination Policy provides clear guidelines to all staff, students, and members of the school community regarding the protection of students with a disability, or those who have an associate with a disability, from unlawful discrimination, harassment, and victimisation.
- 3.2 To ensure such cooperation and support, this Policy outlines the school's expectations for maintaining an inclusive and supportive learning environment where all students have equitable access to education, free from discrimination and barriers to participation.
- 3.3 This policy outlines written processes for how the School will identify students with a disability, and how the school devises adjustments to educational programs specific to the educational needs of students with a disability.

### 4 References

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- (a) Anti-Discrimination Act 1991 (Qld)
- (b) Australian Human Rights Commission Act 1986 (Cth)
- (c) Disability Discrimination Act 1992 (Cth)
- (d) Disability Standards for Education 2005 (Cth), including Guidance Notes
- (e) Australian Education Act 2013 (Cth)
- (f) Education (Accreditation of Non-State Schools) Regulations 2017

### 5 Definitions

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- 5.1 **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 judgement or that results in disturbed behaviour
- and includes a disability that:
- (h) presently exists
  - (i) previously existed but no longer exists

- (j) may exist in the future (including because of a genetic predisposition to that disability)
- (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.

5.2 ***Anti-discrimination Act 1991 (Qld)*** - The term '**disability**' is not used in this Act. The term '**impairment**' is used, being an attribute for which discrimination is prohibited. Under this Act, 'impairment' in relation to a person is defined to mean:

- (a) the total or partial loss of the person's bodily functions, including the loss of a part of the person's body; or
- (b) the malfunction, malformation or disfigurement of a part of the person's body; or
- (c) a condition or malfunction that results in the person learning more slowly than a person without the condition or malfunction; or
- (d) a condition, illness or disease that impairs a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; or
- (e) the presence in the body of organisms capable of causing illness or disease; or
- (f) reliance on a guide, hearing or assistance dog, wheelchair or other remedial device;
- (g) whether or not arising from an illness, disease or injury or from a condition subsisting at birth, and includes an **impairment** that—
- (h) presently exists; or
- (i) previously existed but no longer exists.<sup>1</sup>

5.3 **Disability Discrimination Act 1992 (Cth)** - '**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

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<sup>1</sup> *Anti-Discrimination Act 1991 (Qld)*, Schedule 1

- (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.

A 'disability' includes past, present and future disabilities as well as imputed disabilities. A disability otherwise covered by the definition includes behaviour that is a symptom or manifestation of the disability

5.4 **Adjustment:** A measure or action (or a group of measures or actions) taken by a school that has the effect of assisting a student with a disability:

- (a) in relation to an admission or enrolment — to apply for the admission or enrolment; and
- (b) in relation to a course or program — to participate in the course or program; and
- (c) in relation to facilities or services — to use the facilities or services; on the same basis as a student without a disability, and includes an aid, a facility, or a service that the student requires because of his or her disability.<sup>2</sup>

5.5 **Associate, in relation to a person:** The *Disability Discrimination Act 1992 (Cth)* defines 'associate' in relation to a student to include:

- (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.

The *Anti-Discrimination Act 1991 (Qld)* makes it unlawful to discriminate against a student because of their association with, or relation to, another person who is identified as having an impairment.

5.6 **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

<sup>2</sup> Disability Standards for Education (Cth), s3.3

- (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.

5.7 **Harassment:** Under the *Disability Standards for Education 2005* (Cth), harassment means an action taken in relation to a student with disability that is reasonably likely to humiliate, offend, intimidate or distress the student. Harassment of students with disability by school employees is unlawful under the *Disability Discrimination Act (1992)* (Cth). The *Anti-Discrimination Act 1991* (Qld) only prescribes sexual harassment as unlawful.

5.8 **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:

- (d) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition
- (e) 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
- (f) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.

5.9 **Unjustifiable hardship:** The term unjustifiable hardship is defined differently in the Commonwealth and State legislation as follows –

***Anti-Discrimination Act 1991 (Qld)*** - It can be lawful to discriminate on the basis of impairment where special services or facilities are needed for a student with an impairment, and supplying these would impose an unjustifiable hardship on the school. Factors that are relevant include the nature of the special service or facility, cost of supplying it, the number of people to benefit, the financial circumstances of the organisation, the disruption that the supplying

of those services or facilities might cause and the nature of any benefit or detriment to all people concerned.

***Disability Discrimination Act 1992 (Cth)*** - In determining whether a hardship that would be imposed on a school would be an ***unjustifiable hardship***, all relevant circumstances of the particular case must be taken into account, including the following:

- (a) the nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned, including the community; and
- (b) the effect of the disability of any person concerned; and
- (c) the financial circumstances, and the estimated amount of expenditure required to be made, by the school; and
- (d) the availability of financial and other assistance to the school.

**5.10 Victimisation:** Under the *Disability Discrimination Act (1992)* (Cth), it is unlawful for a person to commit an act of victimisation against another person. The offence is made out in various circumstances where a person subjects, or threatens to subject, another person to detriment on the ground of various matters, for example, that they have made an allegation, raised a complaint or brought proceedings for disability discrimination. The offence differs under the *Anti-Discrimination Act (1991)* (Qld).

## 6 Policy

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6.1 In accordance with relevant law, Mastery Schools Australia 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:

- (a) discrimination on the basis of disability
- (b) harassment and victimisation on the basis of disability,

In accordance with the relevant law, Mastery Schools Australia 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 Mastery Schools Australia, including:

- (c) enrolment
- (d) participation
- (e) curriculum development, accreditation and delivery
- (f) student support services.

Mastery Schools Australia will make reasonable adjustments that do not cause unjustifiable hardship to ensure this equality of access and participation.

Mastery Schools Australia 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 Mastery Schools Australia Behaviour Policy.

## **7 Responsibilities**

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### **7.1 School Responsibilities**

Mastery Schools Australia 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:

- (a) **Enrolment** - Mastery Schools Australia 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.
- (b) **Identification** - Mastery Schools Australia will take reasonable steps to identify students requiring educational adjustments both at enrolment and during the course of time at the school, including those with a disability, and consult with families/carers to develop a support plan.
- (c) **Participation** - Mastery Schools Australia 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.
- (d) **Curriculum development, accreditation and delivery** - Mastery Schools Australia 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.
- (e) **Support services** - Mastery Schools Australia 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.
- (f) **Harassment and victimisation** - Mastery Schools Australia 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.
- (g) **Reasonable steps** will depend upon the specific circumstances at the time but may include reasonable adjustments that do not impose an unjustifiable hardship.
- (h) When considering an adjustment for a student with a disability, any confidential information provided to Mastery Schools Australia will not be disclosed except for the purposes of the adjustment or in accordance

with a lawful requirement, in compliance with the Mastery Schools Australia Privacy Policy.

## **7.2 Parent/Carer Responsibilities**

Parents and Carers (or other associates) of students enrolled should:

- (a) Provide the school with all relevant information about their child's learning needs during the enrolment process
- (b) Provide the student's classroom teacher with up-to-date relevant information about their students learning needs including current reports and assessments from medical and other allied health professionals
- (c) Raise any concerns about their students learning or behaviour with the classroom teacher in a timely manner
- (d) Participate in consultation with the teacher around the development and review of ILPs or other support plans for the student.

## **7.3 Student and Employee Responsibilities**

All students and employees at Mastery Schools Australia 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 Mastery Schools Australia QLD0054 - Complaints Handling Policy.

## **7.4 Implementation**

Mastery Schools Australia ensures that students with disability are included in all aspects of school life. This includes classroom lessons, lunchtime activities, excursions, sporting events, camps, and special events. We ensure this by:

- (a) Mandatory Disability Standards training for all staff
- (b) Social and emotional learning lessons for all students
- (c) Implementation of behaviour policy including student rights and responsibilities
- (d) Inclusive language, activities, and equipment used in all instances
- (e) Work collaboratively with all stakeholders, in particular parents
- (f) Provide adjustments to meet the disability needs of students within the scope of our staffing, structures, facilities, and resources

## **7.5 Educational Programs for Students with Disability**

In accordance with section 11 of the *Education (General Provisions) Regulation 2017 (Qld)*, Mastery Schools Australia ensures that each student with disability has an educational program that is specific to their identified needs. This process involves:

- (a) Identification of Student Needs

- (i) Obtaining diagnostic assessments, medical or allied health reports, and relevant student background information on enrolment.
  - (ii) Administering standardised assessments on entry and at regular intervals, with oversight by school psychologists.
  - (iii) Analysing testing data collaboratively with Lead Teachers and Leadership to determine achievement levels and areas of need.
  - (iv) Considering information provided by external professionals when planning adjustments.
- (b) Development of Individual Learning Plans (ILPs)
- (i) Establishing an ILP within the first three weeks of enrolment for students with identified needs.
  - (ii) Collaboratively developing ILPs with teachers, Lead Teachers, the Principal, families, and allied health professionals.
  - (iii) Reviewing ILPs at each semester, or as needed, to reflect progress and updated evidence.
- (c) Program Delivery and Adjustments
- (i) Grouping students into targeted intervention classes for English and Mathematics.
  - (ii) Implementing evidence-based programs grounded in explicit instruction and the science of learning.
  - (iii) Making reasonable adjustments to teaching, assessments, and environments to enable participation on the same basis as peers.
  - (iv) Providing targeted support through psychologists, support workers, and assistant teachers to ensure engagement and progress.
- (d) Ongoing Support and Collaboration
- (i) Monitoring student progress through regular staff meetings, spotlight reviews, and engagement with families.
  - (ii) Sharing ILPs, reports, and assessment data with parents each semester.
  - (iii) Aligning educational programs with therapy and professional recommendations.
  - (iv) Supporting staff through professional learning in evidence-based strategies for students with disability.
- (e) Mastery Schools Australia is committed to ensuring that all students with disability are provided with equitable, individualised educational programs that promote academic, social, and emotional growth

## **8 Compliance and Monitoring**

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8.1 The following policies are used to formally ensure that discrimination does not occur and to act appropriately if it does.

- (a) QLD0053 – Behaviour Policy
- (b) QLD0052 – Enrolment and Eligibility Policy
- (c) QLD0054 – Complaints Handling Policy

Disability reporting to the community will occur through school newsletters, website and the school annual report.

## **9 Breach of Policy**

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9.1 Breaches of this Policy:

- (a) are not acceptable by any employees, contractors and board members;
- (b) will be responded to promptly; and
- (c) may result in disciplinary action being taken.

## **10 Review**

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This policy is reviewed periodically as detailed in the policy review schedule. The next review date is February 2027.

## **11 Communication**

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This policy is made available to all staff in the onboarding and induction period. It is also readily available on the school' SharePoint.