



BRISBANE GRAMMAR SCHOOL

# Inclusive Education Policy for Students with Disabilities

(V1.0 2021-08)

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# INCLUSIVE EDUCATION POLICY FOR STUDENTS WITH DISABILITIES V1.0 2021-08

## 1. Purpose and Application

Brisbane Grammar School (**School**) is committed to providing an inclusive teaching and learning environment where students with a disability are appropriately supported and are free from unlawful discrimination, harassment and/or victimisation on the basis of their disability.

This policy applies to all:

- Students (including prospective students); and
- Staff members, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements (**Staff**).

Members of the broader School community, including parents/guardians, are also required to comply with and support this policy. Collaborative and effective family-school partnerships give students with disability the best chance to achieve their potential.

## 2. Commitment

The School strives to promote and foster an inclusive, supportive and safe (physically and emotionally) teaching and learning environment where all students, including those with disabilities, are treated with dignity and enjoy the benefits of education in an environment that values and encourages participation by all students, including students with disabilities.

The School will take reasonable steps to provide students with a disability with opportunities to realise their potential through accessing and participating in curricular and cocurricular activities on the same basis as other students. This applies to (but is not limited to) the following areas:

- Enrolment;
- Participation in curricular and cocurricular activities and use of facilities and services;
- Curriculum development, accreditation and delivery;
- Student support services; and
- Elimination of harassment and victimisation.

Discrimination, harassment and victimisation are also addressed in the School's *Anti-Discrimination Policy*. The School will provide reasonable adjustments for students with a disability to ensure equality of access and participation in learning.

## 3. Definitions

### 3.1. What is a disability?

In this policy, the term disability encompasses both 'disability' and 'impairment' as defined in applicable State and federal anti-discrimination legislation. The term is broad and includes physical, intellectual, psychiatric, sensory, neurological and learning disabilities.



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Specifically, a 'disability' includes:

- 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 a 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, perceptions of reality, emotions or judgement or that results in disturbed behaviour; and
- h) Reliance on a carer or assistant, assistance animal, wheelchair or other disability aid.

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.

### **3.2. Who is affected by a disability?**

A student is affected by a disability if they have a disability as defined in applicable State and/or federal anti-discrimination legislation. A student will also be affected by disability if they have an associate with a disability.

An associate in relation to a student includes:

- a) A relative of the student;
- b) A carer of the student; and
- c) Another person who is in a sporting or recreational relationship with the student.

### **3.3. What are the types of disability discrimination?**

It is unlawful to discriminate against a person because of a disability or the disability of an associate. Disability discrimination may be direct or indirect.

Direct disability discrimination occurs when a person with a disability is treated unfavourably due to that disability. Direct disability discrimination also occurs if:

- a) Reasonable adjustments are not made, or proposed to be made, for a person with a disability; and
- b) This has the effect that the person with a disability is treated unfavourably due to their disability.

Indirect disability discrimination occurs when a person, or group of persons, with a disability is unreasonably disadvantaged as a result of a requirement, condition or practice being imposed on that person or group of persons, including where the disadvantage arises due to a failure to make a reasonable adjustment.

In respect of both direct and indirect discrimination, the motive for the unfavourable treatment is irrelevant.



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### 3.4. What is disability harassment?

Harassment in relation to a person with a disability includes an action taken in relation to the person's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person. Harassment in relation to a person who has an associate with a disability, includes an action taken in relation to the associate's disability, that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person or the associate.

### 3.5. What is victimisation?

Victimisation occurs when a person is treated or threatened to be treated in a detrimental manner as a result of making or threatening to make a complaint about an alleged breach of anti-discrimination laws. Victimisation can also occur when there is detrimental treatment because a person has:

- a) Refused to do something that might breach anti-discrimination laws;
- b) Supported the complaint of another; or
- c) Supplied information or documents to a person performing a function under anti-discrimination laws.

### 3.6. What is the meaning of "on the same basis"?

The School treats a student with a disability "on the same basis" as a student without the disability if the student has opportunities and choices which are comparable with those offered to students without disabilities in relation to enrolment and participation in curricular and cocurricular activities, and use of facilities and services.

## 4. Responsibilities

### 4.1. School's responsibilities

The 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** – the School will take reasonable steps to ensure that a student with a disability is able to apply for enrolment on the same basis as a student without a disability, and without experiencing discrimination. In making decisions about enrolment of a student with a disability, the School will treat the student on the same basis as a student without a disability, and without experiencing discrimination.
- **Participation** – the School will take reasonable steps to ensure that a student with a disability is able to participate in curricular and cocurricular activities offered 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** – the 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.



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- **Student support** – the 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. If a specialised support service is necessary for a student to be able to participate in curricular or cocurricular activities, the School must take reasonable steps to ensure that the student has access to the service (either provided by the School or the School to arrange or facilitate its provision by another person or agency).
- **Harassment and victimisation** – the 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. The School will take reasonable steps to ensure that Staff and students are informed about the prohibition against harassment and victimisation, as well as the appropriate action to be taken if it occurs and the complaint mechanisms available.

### 4.2. Student and Staff responsibilities

All students and Staff at the School have a responsibility not to engage in unlawful discriminatory conduct, including harassment and victimisation, and to uphold the School's policies on these issues.

If students, parents/guardians or Staff believe that a student is being unlawfully discriminated against, harassed or victimised on the ground of the student's disability (or a disability of a student's associate) they are able to make a complaint under the *Complaints Policy (Staff)* or *Complaints Policy (Parents and Students)*.

## 5. Reasonable Adjustments

An adjustment is a measure or action (or group of measures or actions) taken by the School to assist a student with a disability to apply for enrolment, to participate in curricular or cocurricular activities and/or to use the School's facilities or services on the same basis as students without a disability.

An adjustment is reasonable if it achieves this purpose while taking into account the student's learning needs and balancing the interests of all parties affected. What is reasonable for a student or group of students with a particular disability may change over time. The School is not required to make an adjustment unless it is necessary and is not required to make unreasonable adjustments.

In assessing whether a particular adjustment for a student is reasonable, the School will have regard to all of the relevant circumstances and interests, including:

- The student's disability and information provided by or on behalf of the student about how the disability affects the student's ability to participate and the student's preferred adjustments;
- The views of the student and/or the student's associate about proposed adjustments;
- The effect of the adjustment on the student, including the effect on the student's:
  - Ability to achieve learning outcomes; and
  - Ability to participate in courses or programs; and





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- Independence;
- The effect of the proposed adjustment on anyone else affected, including the School, staff and other students; and
- The costs and benefits of making the adjustment.

Before making any adjustment for a student, the School's process includes:

- Consultation with the student (and their family);
- Consideration of whether an adjustment is necessary;
- Consideration of whether the adjustment may need to be changed over the period of a student's education;
- Consideration of the need to ensure that the School maintains the academic requirements of the course or program, and other requirements or components that are inherent in or essential to its nature;
- If an adjustment is necessary, identification of a reasonable adjustment;
- Consideration of whether there is any other reasonable adjustment that would be less disruptive and intrusive and no less beneficial for the student;
- If a reasonable adjustment is identified, assessment of whether that reasonable adjustment would impose an unjustifiable hardship; and
- Where possible, making the reasonable adjustment for the student, in reasonable time.

The School provides access arrangements and reasonable adjustments to minimise, as much as possible, barriers for a student whose disability, impairment, medical condition or other circumstances may affect their ability to read, respond to or participate in assessment. This includes that access arrangements are made by the School so that students with an eligible impairment that may not be covered by the definition of a disability can access assessment. Access arrangements and reasonable adjustments in relation to assessment are covered in more detail in the School's *Assessment Policy*.

Professional expertise may be required in order to determine what adjustments are necessary for a student. When considering an adjustment for a student with a disability, the School is entitled to information about a student's disability and individual requirements (provided that information is directed towards providing the adjustment or to clarify the student's ability to comply with non-discriminatory requirements).

Any information of this nature provided to the School will be treated as confidential and will not be disclosed except for the purposes of making adjustments or in accordance with a lawful requirement. Refer to the School's *Privacy Policy and Standard Information Collection Notice*.



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### 6. Implementation

The School takes reasonable steps to actively prevent discrimination and other behaviour in breach of this policy occurring at the School, including that the School will:

- Develop and implement this policy and other materials and/or awareness activities to promote the purpose of this policy. This includes the development and implementation within the School of the *Anti-Discrimination Policy* and the *Bullying Policy*;
- Educate and provide appropriate resources to Staff to improve their knowledge and understanding, to assist in preventing any instances of disability discrimination or other behaviour in breach of this policy, and to appropriately respond should an alleged breach occur;
- Educate and provide appropriate resources to students and parents/guardians to improve their knowledge and understanding and to assist in preventing any instances of disability discrimination or other behaviour in breach of this policy;
- Promote the School's complaints policies to ensure that Staff, students and parents/guardians understand how complaints are properly and effectively dealt with in accordance with those policies; and
- Encourage students and Staff to contribute to a healthy School culture.

### 7. Breaches of this Policy

Disciplinary action, up to and including termination of enrolment, employment or other engagement by the School, may be taken against a student or Staff member who is found, by the Headmaster or the Board (as appropriate), to have breached this policy.

If a person is found to have raised a false or malicious complaint against another person in order to prejudice that other person, they may be subject to appropriate disciplinary action. Where a person is alleged to have breached anti-discrimination legislation, it is also possible that legal action could be taken against them personally.

### 8. Record Keeping

The School will maintain documentation which adequately reflects the frequency, range and complexity of reasonable adjustments made for students with disabilities including (but not limited to):

- Curriculum planning documents identifying reasonable adjustments and access arrangements;
- Timetables for students and Staff;
- Support or action plans in place for any student with disability; and
- Parent/guardian consent forms including information from any medical practitioner, service provider, organisation or professional involved in supporting a student.

Refer also to the *Assessment Policy*.



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### 9. Reporting Policy Breaches

Any breach of this policy will not be tolerated by the School. Anyone who believes there has been a breach of this policy should report it immediately to, the Head of Senior School, Head of Middle School or Deputy Headmaster Teaching and Learning.

The Director of Counselling and Academic Services, School Counsellors and Head of Academic Services:

- Are available to answer questions about this policy or about what constitutes behaviour that might breach this policy;
- Can discuss concerns and assist understanding of the rights and options;
- Can provide support to resolve concerns in a manner appropriate to the nature and seriousness of the matter; and
- Will not be responsible for investigating concerns or determining resolutions.

Once reported, allegations of breach of this policy will be investigated by the School, so far as is reasonably possible:

- On a confidential basis and having regard to privacy requirements;
- In a timely way; and
- In a fair and impartial manner.

A person who makes a complaint will not be victimised.

Action taken by the School following investigation will be decided by the Headmaster and/or the Board (as appropriate) and may include, but is not limited to, implementing reasonable corrective action (see Section 7), and providing students, parents/guardians and Staff with appropriate counselling and resources.

A complaint can also be lodged with an external agency such as the Queensland Human Rights Commission ([www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au)) or Australian Human Rights Commission ([www.humanrights.gov.au](http://www.humanrights.gov.au)).

### 10. References and Related Documents

Relevant Legislation and Other Documents	Related School Policies
<ul style="list-style-type: none"><li>• <i>Anti-Discrimination Act 1991 (Qld)</i></li><li>• <i>Australian Human Rights Commission Act 1986 (Cth)</i></li><li>• <i>Disability Discrimination Act 1992 (Cth)</i></li><li>• <i>Disability Services Act 2006 (Qld)</i></li><li>• <i>Disability Standards for Education 2005 (Cth)</i>, including Guidance Notes</li><li>• <i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i></li><li>• <i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i></li><li>• <i>Education (General Provisions) Act 2006 (Qld)</i></li><li>• QCE and QCIA policy and procedures handbook 2020 v2.0</li></ul>	<ul style="list-style-type: none"><li>• Anti-Discrimination Policy</li><li>• Assessment Policy</li><li>• Bullying Policy</li><li>• Code of Conduct (Staff)</li><li>• Code of Expectations and Behaviours (Students)</li><li>• Complaints Policy (Staff)</li><li>• Complaints Policy (Parents and Students)</li><li>• Counselling Policy</li><li>• Privacy Policy and Standard Information Collection Notice</li></ul>





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### 11. Contact Information

If you have any questions regarding this document, please contact:

- Head of Senior School
- Head of Middle School
- Deputy Headmaster Teaching and Learning
- Director of Counselling and Academic Services
- School Counsellors
- Head of Academic Services

### 12. Policy Management

The School may, from time to time, review and update this document to take account of new laws, changes to the School's operations and practices and to make sure it remains appropriate to the changing school environment.

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