

Student Disability Discrimination Policy

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1. Purpose and Objectives

The purpose of this policy is to set out the framework Canterbury College implements to assist in protecting students with a disability, and students who are associated with someone with a disability, from unlawful discrimination based on that disability.

2. Definitions, Terms, Acronyms

Reasonable Adjustment	<p>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:</p> <ul style="list-style-type: none"> • in relation to an admission or enrolment — to apply for the admission or enrolment; and • in relation to a course or program — to participate in the course or program; and • 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 their disability.
Associate	<p>The <i>Disability Discrimination Act 1992 (Cth)</i> defines ‘associate’ in relation to a student to include:</p> <ul style="list-style-type: none"> • a spouse of the student; or • another person who is living with the student on a genuine domestic basis; or • a relative of the student; or • a carer of the student; or • another person who is in a business, sporting or recreational relationship with the student. <p>The <i>Anti-Discrimination Act 1991 (Qld)</i> 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.</p>
Canterbury College	Canterbury College Ltd or any controlled entities of Canterbury College Ltd.
Direct discrimination	<p>Direct discrimination against a student due to disability refers to where the student is treated, or is proposed to be treated, less favourably than they would be treated without the disability in similar circumstances.</p> <p>Direct discrimination also includes against a student on the ground of their disability if:</p> <ul style="list-style-type: none"> • reasonable adjustments are not made, or proposed to be made, for the student; and • the failure to make the reasonable adjustments has, or would have, the effect that the student, because of the disability, is treated less favourably than a person without the disability would be treated in circumstances that are not materially different.

<p>Disability</p>	<p>The term ‘disability’ in this document includes physical, intellectual, psychiatric, sensory, neurological and learning disabilities and is used to encompass both of the legal meanings of ‘disability’ and ‘impairment’, being differently defined in State and Commonwealth legislation as follows -</p> <p><i>Disability Discrimination Act 1992 (Cth)</i> - ‘disability’ in relation to a person, means:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p><i>Anti-discrimination Act 1991 (Qld)</i> - 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:</p> <ul style="list-style-type: none"> • the total or partial loss of the person’s bodily functions, including the loss of a part of the person’s body; or • the malfunction, malformation or disfigurement of a part of the person’s body; or • a condition or malfunction that results in the person learning more slowly than a person without the condition or malfunction; or • 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 • the presence in the body of organisms capable of causing illness or disease; or • reliance on a guide, hearing or assistance dog, wheelchair or other remedial device; • whether or not arising from an illness, disease or injury or from a condition subsisting at birth, and includes an impairment that— • presently exists; or • previously existed but no longer exists.
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Harassment	<p>Under the <i>Disability Standards for Education 2005 (Cth)</i>, 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 <i>Disability Discrimination Act (1992) (Cth)</i>. The <i>Anti-Discrimination Act 1991 (Qld)</i> only prescribes sexual harassment as unlawful.</p>
Indirect Discrimination	<p>A school indirectly discriminates against a student on the grounds of their disability if:</p> <ul style="list-style-type: none"> (a) the school requires, or proposes to require, the student to comply with a requirement or condition; and (b) because of the disability, the student 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. <p>A school also indirectly discriminates against a student on the ground of their disability if:</p> <ul style="list-style-type: none"> (a) the school requires, or proposes to require, the student to comply with a requirement or condition; and (b) because of the disability, the student would comply, or would be able to comply, with the requirement or condition only if the school made reasonable adjustments for the student, but the school 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.
Unjustifiable hardship	<p>The term unjustifiable hardship is defined differently in the Commonwealth and State legislation as follows -</p> <p><i>Anti-Discrimination Act 1991 (Qld)</i> - It can be lawful to discriminate based on 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.</p> <p><i>Disability Discrimination Act 1992 (Cth)</i> - In determining whether a hardship that would be imposed on a school would be an unjustifiable hardship, all relevant circumstances of the case must be considered, including the following:</p> <ul style="list-style-type: none"> (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.
Victimisation	Under the <i>Disability Discrimination Act (1992) (Cth)</i> , 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 <i>Anti-Discrimination Act (1991) (Qld)</i> .

3. Policy Scope/Coverage

This policy applies to students (including prospective) and employees, including full-time, part-time, permanent, fixed term and casual employees, contractors, volunteers and people undertaking work experience or vocational placements in the school.

Discrimination against school employees with disabilities is not addressed in this policy. The Workplace Behaviour Policy addresses school employees with disabilities and discrimination on other grounds.

4. Policy statement

In Queensland, both the *Anti-Discrimination Act 1991 (Qld)* and the *Disability Discrimination Act 1992 (Cth)* regulate disability discrimination in schools. A disability discrimination claim may be brought by a student against a school in either jurisdiction.

This policy outlines written processes for how Canterbury College will identify students with a disability, and how the school devises educational programs specific to the educational needs of students with a disability. These processes comply with the *Anti-Discrimination Act 1991 (Qld)* and the *Disability Standards for Education 2005 (Cth)* (the Disability Standards) under the *Disability Discrimination Act 1992 (Cth)*.

All students at Canterbury College have the right to learn in an environment free from unlawful discrimination. Canterbury College will provide a fair, supportive and safe learning environment where all students are treated with dignity and are educated in an environment that values and encourages participation by all students. Canterbury 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.

The discrimination laws also protect the rights of students who have an associate with a disability. Where this policy refers to discrimination against students, it should also be read to include discrimination against a student who has an associate with a disability.

Provided that adjustments do not cause unjustifiable hardship for the school, Canterbury College will make reasonable adjustments to ensure equality of access and participation by students with a disability.

In accordance with relevant law, Canterbury College is committed to protecting students with a disability from both direct and indirect discrimination based on disability while engaging in their education, including but not limited to the areas of:

- enrolment
- participation in curricular and co-curricular activities and use of facilities and services
- curriculum development, accreditation and delivery
- student support services
- elimination of harassment and victimization.

Canterbury College may at times still be required to directly comply with other specific laws which may mean that the school is exempt from having contravened a discrimination law in some circumstances. In limited circumstances, there are also certain public health requirements which schools must comply with which may require a school to isolate, or discriminate against, a student with a disability to protect the health and welfare of the student with disability or others.

Canterbury College is committed to responding appropriately to allegations of discrimination, including promptly investigating and bringing disciplinary action when warranted against individual employees. The school is also committed to eliminating the harassment and victimisation of students who have a disability.

5. Guidelines/Procedure/Process

Identification of students with disability There are several ways in which students are identified as having a learning disability and subsequently require in class adjustments to enable them access to the curriculum:

5.1.1 At enrolment:

- 5.1.1.1 Parents are asked to provide details of any learning support needs in their initial application and again in their enrolment contract when accepting our offer of enrolment. We ask for any additional documentation to be provided such as paediatric letters, diagnosis confirmations, student profiles, occupational /speech therapist reports etc.

- 5.1.1.2 Students and parents meet with the relevant Head of School, or Assistant Head of School for an enrolment interview, at which time matters relating to point 5.1.1.1 would be discussed. Sometimes there will be a meeting with Learning Support staff during this enrolment process
- 5.1.1.3 Sometimes an appropriate staff member may contact the child's previous school to obtain additional information.
- 5.1.1.4 At the student interview, enrolling staff may identify that there is a need for learning support which hasn't yet been diagnosed. Possible reactive steps include the Head of School referring to Learning Support staff or seeking further assessments from outside professionals.
- 5.1.1.5 All the gathered information is shared with parents/carers, as appropriate to create appropriate plans for support within the student's classes and academic program.
- 5.1.2 **During enrolment:**
- 5.1.2.1 A parent/carer may alert teachers to concerns they have with their child in terms of their academic performance and difficulties they are having in class. Collaboratively, these staff gather information to assess and plan any necessary meetings with parents/carers. Seeking outside professional input/assessments may be part of this plan.
- 5.1.2.2 Teachers may alert key staff, such as the Head of School, Head of Learning Support or Wellbeing Staff about concerns they have with a student in their class in terms of their academic and or social/emotional performance. Collaboratively, these staff gather information to assess and plan any necessary meetings with parents. Seeking outside professional input/assessments may be part of this plan.

5.2 Reasonable Adjustments

- 5.2.1 Students with a disability may require reasonable adjustments to enable them to access all curriculum areas and participate on the same basis as other students.
- 5.2.2 At the College, reasonable adjustments are developed in consultation with the student, their parents/carers and their teachers as well as other relevant teachers and stakeholders, such as Learning Support and Care Central. Reasonable adjustments are individual to each student and are flexible to take in the changes in needs over time, in agreement with all parties.
- 5.2.3 When parents, carers or allied health professionals make recommendations regarding reasonable adjustments for a student, the College will give due consideration to these recommendations and, in consultation with relevant stakeholders, implement reasonable adjustments that support the student's access to and participation in education, consistent with legislative obligations.

As developing independence is an important educational outcome, the College will apply professional judgement when considering these adjustments.

- 5.2.4 Student safety is paramount for all students, including students with disability. Where a student's behaviour presents a risk to the safety of themselves, other students, or staff, the College has a responsibility to take reasonable steps to ensure the safety of all parties.

In meeting this responsibility, the College will consider and implement reasonable adjustments where required, in consultation with the student and/or their parents or carers, unless doing so would impose an unjustifiable hardship. Where, after reasonable adjustments have been considered and implemented, the safety risks cannot be adequately mitigated, the College may review the student's enrolment in accordance with procedural fairness and legislative obligations.

5.3 Record of Reasonable Adjustment

- 5.3.1 A Student Profile is created for individual students who have been determined to have a disability as defined by the federal government, and for whom the school receives government funding. The profile is intended to help students access the curriculum by helping teachers and support staff to understand and address the student's disability and how disability impacts the learning process.
- 5.3.2 Student Profiles address the needs presented by the student's disability and the reasonable adjustments required in the classroom to ensure they can access the curriculum. The Student Profile is developed by a team of people including the Learning Support team, the classroom teachers, parents/carers and often the student themselves. The information within the Student Profiles comes from a combination of professional assessment documents which provide the parents and school recommendations on the student's pathways to access the curriculum's learning experiences. Student Profiles are reviewed and updated yearly, or earlier when required. Specific adjustments are entered on TaSS.

All teachers from P – 12, who teach a student identified as having a learning disability, document the adjustments they make in their classes. The adjustments are then stored within individual databases, taking privacy requirements into account.

- 5.3.3 Students who have a need for additional support have, where reasonable, classroom and assessment adjustments which could be based on recommendations from an outside professional. These are also monitored by learning support, by teachers and parents (as required) on a regular basis.
- 5.3.4 Where modifications of curriculum year level are required, an Individual Curriculum Plan will be created in consultation with stakeholders to ensure access to learning at an appropriate juncture. Where this applies, students will be taught and assessed at the agreed year level, impacting on viable pathways in senior pathways.

5.4 Intervention

- 5.4.1 Targeted intervention and extension programs provide structured, differentiated learning opportunities that support students across both the Junior School and Senior School. These programs ensure that students receive focused instruction in Literacy and Numeracy through a combination of small-group intervention (and targeted extension sessions). During these timetabled blocks, classroom teachers work with the remaining students to deliver differentiated learning that meets their varied needs. This time is intentionally dedicated to small-group instruction, reinforcing key concepts and deepening understanding, rather than whole class teaching or catchup activities.

5.5 Available Supports and Services

External Bodies

Canterbury College invites external people with specialist knowledge and skills in disability areas to conduct environmental scans and assessments.

The main role of this external person is to support school staff to make reasonable adjustments to provide accessibility to the student to their education program.

5.6 NCCD Data Collection

- 5.6.1 The Nationally Consistent Collection of Data on School Students with Disability ('NCCD') collects information (data) about Australian school students with disability on an annual basis and the data is reported to the Australian Government in accordance with the *Australian Education Regulation 2023 (Cth)*.
- 5.6.2 The purpose of the data collection is to enable schools, education authorities and governments to better understand the needs of students with disabilities and how they can be best supported at school.
- 5.6.3 Under the *Disability Discrimination Act 1992* and the *Disability Standards for Education 2005*, Australian students with disability must be able to access and participate in education on the same basis as their peers.

5.6.4 To ensure this, students with disability may receive adjustments to access education, based on the professional judgement of teachers, in consultation with the student and/or their parents, guardians or carers. In accordance with the *Australian Education Regulations 2023 (Cth)*, Canterbury College has a legal obligation to report the following information for each student with disability – and all information submitted is deidentified (i.e. does not identify any students). Each student must have the following reported:

- category of disability
- level of adjustment
- year of schooling; and
- if not full-time, the fraction of their full-time study load they are undertaking (i.e. part-time)
- any other information instructed by the NCCD Guidelines; and
- any other information determined by any legislation as being necessary for the purposes of this data collection.

The collection of data for students identified with a disability for NCCD purposes is managed in line with the NCCD guidelines for data collection.

6. Roles and Responsibilities

6.1 Head of Teaching and Learning

This position is responsible for:

6.1.1 Guiding learning support staff in requirements relating to student profiles.

6.2 Head of Learning Support:

This position is responsible for overseeing:

- 6.2.1 the development, ongoing monitoring and review of student profiles
- 6.2.2 the enrolment process and that it adequately identifies and supports students with disability
- 6.2.3 the collection of records of reasonable adjustments being made by teachers for individual students
- 6.2.4 ensuring teachers and learning assistants have appropriate professional development during induction and on an ongoing basis
- 6.2.5 the process followed during the enrolment process and throughout enrolment, before any adjustment is made for a student, including:
 - 6.2.5.1 Consultation with the students (and/or their associates)
 - 6.2.5.2 Consultation with other relevant specialists
- 6.2.6 Consideration of whether an adjustment is necessary
- 6.2.7 Consideration of whether the adjustment may need to be changed over the period of a student's enrolment
- 6.2.8 Consultation with the previous school
- 6.2.9 Consideration of the need to ensure that the College maintains the academic requirements of the course or program, and other requirements or components that are inherent in or essential to its nature
- 6.2.10 If an adjustment is necessary, identification of the particular, reasonable adjustment
- 6.2.11 Consideration of whether there is any other reasonable adjustment that would be less disruptive and intrusive and no less beneficial for the student
- 6.2.12 Identification of situations where an adjustment may impose an unjustifiable hardship on the school and referral to the Executive Leadership Team for consideration.

6.3 Teacher Responsibilities

Teachers at Canterbury College are responsible for:

- 6.3.1 Identifying students who may need adjustments to access the educational program
- 6.3.2 Recording differentiation for students in the class for which they are responsible
- 6.3.3 Working with the Head of Learning Support and their team to develop and implement support plans
- 6.3.4 Planning for the effective use of Learning Assistants to support the implementation of reasonable adjustments
- 6.3.5 Participating in a practice of review, reflection and evaluation of the success of adjustments in achieving individualised educational goals.
- 6.3.6 Referring students who require additional support to the relevant Learning Support Department.

6.4 Learning Assistants' Responsibilities

Learning Assistants at Canterbury College are responsible for:

- 6.4.1 Implementing adjustments by assisting teachers and/or the Head of Learning Support
- 6.4.2 Providing feedback on the implementation of adjustments to the teacher or Head of Learning Support on the implementation of adjustments.

6.5 Parent/Carer Responsibilities

Parents and Carers of students enrolled at Canterbury College should:

- 6.5.1 Provide the school with all relevant information about their student’s learning needs during the enrolment process
- 6.5.2 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
- 6.5.3 Raise any concerns about their students learning or behaviour with the classroom teacher in a timely manner
- 6.5.4 Participate in consultation with the Learning Support teams around the development and review of support.

6.6 Student and Employee Responsibilities

All students and employees at Canterbury College have a responsibility not to engage in unlawful discriminatory conduct and to uphold the school’s policies.

If students, parents/carers or employees consider that discriminatory conduct is occurring in the College, they can make a complaint under the Canterbury College Complaints Management Policy.

7. Review

This policy and its associated procedures, quick reference guides and protocols will be reviewed every two years. Canterbury College, however, reserves the right to review this policy at any time.

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Responsible Officer	Principal
Approval Authority:	Board
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Related Policies/Procedures:	Canterbury College Code of Conduct Canterbury College Complaints Handling Policy Canterbury College Privacy Policy Student Behaviour Policy Parent Code of Conduct
Acknowledgements:	<i>Anti-Discrimination Act 1991 (Qld)</i> <i>Australian Education Act 2013 (Cth)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Disability Services Act 2006 (Qld)</i> <i>Disability Standards for Education 2005 (Cth), including Guidance Notes</i> <i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i> <i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i> <i>Education (General Provisions) Act 2006 (Qld)</i> <i>Privacy Act 1988 (Cth)</i> <i>NCCD guidelines for data collection</i>