




<b>Policy Category:</b> WHS and Wellbeing	
<b>Number of pages:</b> 6	<b>Appendices:</b>
<b>Version:</b> 1.2	<b>Status:</b> Approved
<b>Reviewed by:</b> Principal	<b>Endorsed by:</b> Board
<b>Approved by:</b> Amica Gordon	<b>Date:</b> 11 March 2021
<b>Signature:</b> 	
<b>Recommended frequency of review:</b> 1 year for new policies, and then at least every 3 years unless otherwise approved by the Executive Team. Next review: 2024	
<b>Related Legislation and Documents:</b> <i>Disability Discrimination Act 1992</i> – to eliminate discrimination against persons on the grounds of disability, ensure people with disability have the same rights to equity before the law and promote recognition and acceptance that people with disability have the same fundamental rights as the rest of the community. <i>Age Discrimination Act 2004</i> <i>Racial Discrimination Act 1975</i> <i>Sex Discrimination Act 1984</i> <i>Australian Human Rights Commission Act 1986</i> <i>Northern Territory Anti-Discrimination Act 1996 NT</i> <i>Fair Work Act 2009</i> <i>Disability Standards for Education 2005</i> – makes explicit the obligations of education and training service providers under the Disability Discrimination Act 1992 and the rights of people with disabilities in relation to education and training. <i>Education Act 2015 (NT)</i> - promotes high-quality contemporary education to develop students' potential and maximise their educational achievement. <i>Education and Care Services (National Uniform Legislation) Act 2011 (NT)</i> - sets a national standard for children's education and care across Australia. <i>Framework for Inclusion 2019-2029</i> – promotes an environment in Northern Territory schools which is inclusive, fair and focused on delivering learning to meet individual needs. <i>National School Improvement Tool<sup>1</sup></i> (a culture that promotes learning) - assists schools to review and reflect on their efforts to improve the quality of classroom teaching and learning.	
<b>Additional Information:</b> Replaces <i>Anti-discrimination policy 2019</i> and <i>Learning and Disability Policy 2014</i>	

<sup>1</sup> <https://www.acer.org/au/school-improvement/improvement-tools/national-school-improvement-tool>

## Document history:

Version	Date	Nature of Amendment
1.1	2019	Version approved
1.2	2021	Minor amendments

## INCLUSION AND ANTI-DISCRIMINATION

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## DEFINITIONS AND ABBREVIATIONS

**MSSA:** Milkwood Steiner School Association

**NCCD:** Nationally Consistent Collection of Data

**Students with additional or special needs** refers to students affected by disability or medical or emotional condition or trauma, or neglect, may face additional challenges when attending school or in the community. When a child has additional needs, this may restrict them from being able to do some of the things that other children can do. In the Anti-Discrimination Act these students with additional needs are described as having 'special needs'.

**Students with disability** refers to children, students or learners who require special assistance or adjustments and support because of cognitive, physical, social, emotional or sensory impairment that impacts their ability to participate in education on the same basis as their peers. For the purposes of this policy, diagnosis of disability includes: intellectual/cognitive, sensory, physical, social/emotional, language/communication disability; a specific learning disability; or multiple disabilities and trauma. However, this does not preclude other disabilities or impairments identified in the Disability Discrimination Act and the Anti-Discrimination Act.

**Discrimination** refers to any behaviour or practice based upon an assumption that one group is superior to another, any behaviour that disadvantages people on the basis of the real or perceived membership of a group, and includes behaviour such as less favourable treatment, unfair exclusion, and asking discriminatory questions.

**Direct Discrimination** occurs when a person with a particular attribute is treated unfavourably due to that attribute.

**Indirect Discrimination** occurs when a person, or group of people, with an attribute is/are unreasonably disadvantaged as a result of a requirement, condition or practice being imposed on that person or group of people.

In both of the above, the motive for the discrimination is irrelevant.

**Vilification** is a public act that incites others to hate a person or group because of their race, religion, sexuality or gender identity and is unlawful. Where a person or their property is threatened with physical harm in a discriminatory manner is also an act of vilification and therefore unlawful.

**Disability Harassment:** It is unlawful to harass a person because of their disability or their association with someone who has a disability. This includes but is not limited to; humiliating comments or insults about a person's disability; making comments which create a hostile environment; or overbearing or abusive behaviour towards others who have intellectual disabilities.

**Victimisation** occurs when a person is treated or threatened with detrimental treatment as a result of making or threatening to make a complaint about an alleged breach of anti-discrimination laws.

Victimisation also occurs when a person is exposed to detrimental treatment because a person has, for example;

- Refused to take part in a breach of anti-discrimination laws;
- Helped to support the claim of another person;
- Supplied information or documents to a person performing a function under anti-discrimination laws.

In this instance, motive is irrelevant and a complaint of victimization can succeed even if the underlying complaint is not successful.

It is unacceptable and unlawful for any person to be treated differently because they decided to exercise their legal rights under anti-discrimination laws or to help someone do the same.

**Twice exceptional** refers to intellectually gifted children who have some form of disability. These children are considered to be exceptional 'both because of their intellectual gifts and because of their special needs... [A 2e child] usually refers to a child who, alongside being considered intellectually above average, is formally diagnosed with one or more disabilities...'.<sup>2</sup>

## **PURPOSE**

This policy outlines the responsibilities of MSSA and its staff to promote a safe and equitable environment. It reflects a commitment to creating a welcoming, safe space for children and community, to celebrate diversity and inclusion, and to engender a culture of belonging and wellbeing.

This policy includes general information pertaining to the prevention of discrimination at Milkwood Steiner School.

## **SCOPE**

This document applies to all areas of the school, including the Milkwood Steiner School Association Board (the Board), staff, students, Playgroup, After School Care, families, carers and friends of Milkwood Steiner School, volunteers and visitors to the school.

This policy applies to all interactions while in school or off site, including school related functions such as excursions, camps, social events or conferences.

This policy covers students with disability, under Section 32 of the Disability Discrimination Act and as articulated in the Disability Standards for Education and the Anti-Discrimination Act.

## **POLICY STATEMENT**

Discrimination in any form is unacceptable. The legislative requirements relating to discrimination are upheld.

All staff at Milkwood Steiner School are responsible to provide teaching and learning environments that are free from discrimination.

MSSA is committed to ensuring students with disability and diverse learning needs are valued and supported in all aspects of school life.

The Disability Standards guide MSSA in providing learning and cultural participation opportunities that meet the needs of students with disability.

MSSA addresses curriculum and participation adjustment needs via Educational Adjustment Plans and other adjustments as required. Teachers lead adjustment processes in partnerships with students, families, the College of Teachers, the Principal and external interventions.

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<sup>2</sup> "Twice exceptional". <https://nagc.org/resources-publications/resources-parents/twice-exceptional-students>.

MSSA values staff diversity, and addresses staff inclusion, capacity and support needs via Flexible Working Agreements, mentoring and other adjustments as required, in partnership with staff, management and external support services.

## **Employment**

In employment circumstances, the MSSA reserves the right to consider the delivery of a Steiner education and the commitment and ability of an individual to work with the school ethos and guidelines such as employment contract, position description and *MSSA member code of conduct*. Where this raises tensions, from a discrimination point of view, further guidance will be sought from legislation, the Association of Independent Schools of the Northern Territory (AISNT), and other relevant bodies.

## **Enrolment**

The MSSA will consider, with respect to school enrolment, the capacity of Milkwood Steiner School to meet the student's needs and the duty of care to other staff and students. Where this raises tensions, from a discrimination point of view, further guidance will be sought from legislation, the Association of Independent Schools of the Northern Territory (AISNT), and other relevant bodies.

## **Accountabilities**

The Principal is responsible for developing and maintaining MSSA's organisational capacity for inclusion and anti-discrimination, including:

- Removing discriminatory access barriers to staff, student and community participation in the life of the school, including removing offensive materials, rules and practices to prevent discrimination.
- Ensuring Inclusion and Anti-discrimination is embedded in the Strategic Plan and annual operational plans
- Ensuring records are kept for Nationally Consistent Collection of Data (NCCD) evidence
- Educating and training staff to assist in preventing discrimination
- Fostering a school culture which celebrates diversity and models inclusion
- Responding to any reported instances of discrimination in accordance with the Communication Police
- Ensuring compliance with the Disability Standards, including making reasonable adjustments to accommodate students with disability
- Making reasonable adjustments to include and engage staff and volunteers with disability

Teachers are responsible for

- Developing, implementing, evaluating and reviewing Educational Adjustment Plans every six months
- Developing, implementing, evaluating and reviewing other personalised learning/inclusion plans, according to best practice
- Leading learning adjustments, including providing direction to Teacher Assistants and other support staff for implementation.
- Supporting reasonable interventions in the classroom that promote inclusion and participation
- Consulting with parents/carers of a student in the decision to enrol/recommend enrolment of a child at MSSA, with a focus on the placement providing the best outcomes for the student

- Ensuring the Disability Standards are met
- Maintaining records for Nationally Consistent Collection of Data (NCCD) evidence
- Filing diagnosis reports and information in student's confidential file

Student and Staff are responsible for

- Contributing to a school culture which celebrates diversity and inclusion
- Reporting any alleged instances discrimination within the Milkwood Steiner community.
- Attend any training provided by the school to ensure a full understanding of this policy.

Parents are responsible for

- initiating and maintaining constructive communication and relationships with schools, and any other providers involved, to achieve the best educational, social and emotional outcomes for the student
- actively participating in the planning, implementation, and review of EAP and other appropriate plans designed to assist the student with disability to achieve optimum educational outcomes.

## Reporting

The Communication Policy guides the process for reporting and responding to breaches of this policy.

Complaints about discrimination may be made to the Principal or the MSSA Board.

Complaints can also be lodged with the Anti-Discrimination Commission Northern Territory or the Australian Human Rights Commission.

Any person making such a report will not be victimised in any way.

If a person is found to have made a false or malicious report against another, then that person will be the subject of appropriate disciplinary action. Disciplinary action will follow the MSSA Discipline Policy and may involve termination of employment or enrolment for any member of staff or student who is found by the Principal or the Milkwood Steiner Board to have breached this policy.

This policy does not negate the possibility of legal action being taken by a complainant against a perpetrator who has breached the Anti-Discrimination Legislation of Australia or the Northern Territory.