



Approved:	Nov 2011
Reviewed:	April 2016
Next Review:	April 2018
Audience:	All Staff

POLICY NAME: Anti Discrimination

Peace Lutheran Primary School is implementing this policy to ensure that students and staff are aware of their right to be treated with equity and fairness, and without discrimination.

Scope

This policy applies to employees, volunteers, parents/carers/students, and people visiting the school site; and to enrolment of all students; employment; and students with disabilities.

Responsibility

Principal

Point of Contact

Principal, Business Manager, PA

DEFINITIONS

“Direct Discrimination” on the basis of an attribute happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute, or would be treated in circumstances that are the same or not materially different.

“Discrimination is treatment or consideration of, or making a distinction in favour of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit.”

Subject to the specific exemptions detailed in State and Federal Anti-Discrimination Laws, discrimination on the following grounds is against the law:

sex	trade union activity
pregnancy	breast-feeding
age	race
impairment	religion
political belief or activity	lawful sexual activity
social origin	

association with, or in relation to, a person identified based on any of the following attributes:

- marital status
- parental status
- race
- religion
- lawful sexual activity
- social origin

“Indirect Discrimination” on the basis of an attribute happens if a person imposes, or proposes to impose a term:

- with which a person with a attribute does not or is not able to comply; and
- with which a higher proportion of people without the attribute comply or are able to comply; and
- that is not reasonable.

Whether a term is reasonable depends on all relevant circumstances of the case, including for example:

- the consequences of failure to comply with the term; and
- the cost of alternative terms; and
- the financial circumstances of the people who imposes, or proposes to impose, the term.

It is not necessary that the person imposing, or proposing to impose, the term is aware of the indirect discrimination. 'Term' includes condition, requirement to practice whether written or not.

"Unlawful Discrimination" is Discrimination (Direct or Indirect) which would amount to a breach of State or Federal Anti-Discrimination laws.

POLICY

Peace Lutheran Primary School is an equal opportunity organisation, which is committed to providing an environment that is safe for its staff and students.

The policy of the school is to treat all staff and students on their merits, in an environment free of unlawful discrimination and harassment. The School does not tolerate any form of unlawful discrimination.

An unlawful discrimination concern/s (direct or indirect) can be directed to one of the following Peace Lutheran Primary School Contact Officers:

- Principal
- Business Manager

The School Contact Officer/s will explain the options available for resolution under:

- For staff members: Peace Lutheran Primary School's Complaints Handling Policy and Procedures under annexure D of the Queensland Lutheran Schools Enterprise Agreement 2013 (as amended or replaced from time to time) (**Enterprise Agreement**);
- For students, parents and/or other Peace Lutheran Primary School community members: the applicable School Grievance Policy.

If the matter is serious, it may be necessary to lodge the concern/complaint in writing in accordance with the School's formal resolution procedures.

False and/or malicious complaints may lead to legal action being taken against the complainant.

In the event that an unlawful discrimination concern is found to be substantiated, it may be dealt with under an applicable School Statement or contract, appropriate management or disciplinary action or as prescribed under an applicable Annexure to the Enterprise Agreement.

With regard to staff, disciplinary action may involve (but is not limited to) a formal warning, counselling, demotion or dismissal, depending on the circumstances.

With regard to students, disciplinary action as per the school's Relational Management or Anti-Bullying Policies may be taken against a student who unlawfully discriminates against another student.

EMPLOYMENT

Job descriptions

Peace Lutheran Primary School keeps a handbook that clearly states the duties for all categories of employees in the School. This includes the position responsibilities and to whom the person is responsible.

Selection Criteria for appointment and promotion

The qualities sought in an employee for a specific position are reflected in all job descriptions and refer to (at least) qualifications, skills, abilities, knowledge and experience. Once an employee is engaged then the same criteria apply in relation to promotion.

Interviews

The position selection criteria form the basis upon which questions are asked during interviews, but are not the only basis.

Relevant exemptions

In relation to employment, the Act provides an exemption in the following areas applicable to Peace Lutheran Primary School:

- where there is a genuine occupational qualification required;
- in educational institutions with a religious purpose;
- where job capacity is restricted by impairment and special terms are imposed;
- where special services or facilities are required by people with disabilities that would impose unjustifiable hardship on the school; or
- where special circumstances or impairment would cause unjustifiable hardship.

ENROLMENT

Prospective students

The School does not discriminate in:

- failing to accept a person's application for admission as a student;
- the way in which a person's application is processed;
- the arrangements made for, or the criteria used in, deciding who should be offered admission as a student; or
- the terms on which a person is admitted as a student.

Current students

The School does not discriminate:

- in any variation of the terms of a student's enrolment;
- by denying or limiting access to any benefit arising from the enrolment that is supplied by the School; or
- by treating a student unfavourably in any way in connection with the student's training or instruction.

Relevant exemptions

The Act provides an exemption in the following areas:

- in relation to sex or religion if a school operates wholly or mainly for students of a particular sex or religion;
- where selection criteria for an educational program are based on a minimum qualifying age;
- in relation to impairment where people with disabilities require special services or facilities that would impose unjustifiable hardship on the School.

STUDENTS WITH DISABILITIES

This statement should be read in conjunction with the Disabilities Policy.

When there are available places and a student with a disability seeks admission, particular care is taken to ensure that the application is properly considered.

In considering the application the following procedures are followed:

1. The application is discussed with the parents or care-givers and the student (depending on the age of the student).
2. Detailed notes are kept of this meeting and of all subsequent conversations and meetings.
3. The Principal speaking with the parents or caregivers will advise them in an open, honest and straightforward manner of the services and facilities available within the School and an inspection of the School's facilities will be offered at the earliest opportunity.
4. The parent's views on the additional services and facilities that the student needs will be obtained with verification of this information sought where necessary.
5. The student seeking enrolment will be observed in his/her present setting and the teachers at the school presently attended will be consulted to ascertain the assistance the student is currently receiving. Advice will be sought about the services and facilities that may be required in the future.
6. The Learning Support teacher, and a child psychologist if appropriate, will be involved at an early stage of the process. Formal assessment of the student may be conducted.
7. Any additional services and facilities that may be required will be quantified and costed; such costs to be borne by the parent/guardian.
8. It may be necessary to engage an Occupational Therapist, building consultant or architect to obtain detailed costing of modifications that may be needed.
9. It may be appropriate to obtain reports from any Medical Practitioners or other professionals involved in treating or assisting the student.
10. Enquiries will be made to determine if additional funding might be available from the Commonwealth or State Governments. This additional funding may be in the nature of recurrent or capital funding.

If the student requires additional services and facilities because of the disability and the provision of these services and facilities by the school would cause unjustifiable hardship, the enrolment may be refused by the Principal on that basis. Before this step is taken, the family seeking enrolment will be given advice about the school's preliminary view and offered the opportunity to comment.

SCHOOL RESPONSIBILITIES

The school will:

- treat seriously and investigate promptly any reports of unlawful discrimination;
- investigate all reports impartially and, as far as is possible, confidentially;
- provide training for all employees and volunteers in both their rights and obligations and the School policies and procedures relevant to discrimination issues (Valuing Safe Communities);
- ensure that students are aware of their right to equitable treatment;
- ensure that people/students who make complaints, or witness an instance of unlawful discrimination, are not victimised in any way; and
- guarantee that no employee will be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

RELATED POLICIES AND DOCUMENTS

Anti-Bullying Policy

Disabilities Policy

Enrolment Policy

Sexual Harassment Policy

Workplace Health and Safety Policy

Major source: ISQ Anti-discrimination Policy Template