

The BUSY School Ltd

Anti-Discrimination/Inclusion Policy

Purpose:	The BUSY School is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur.		
Scope:	Students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements.		
Status:	Approved	Supersedes:	v1 26/04/2023
Authorised by:	Board Chair	Date of Authorisation:	06/12/2023
References:	<ul style="list-style-type: none">• Anti-Discrimination Act 1991 (Qld)• Australian Human Rights Commission Act 1986 (Cth)• Age Discrimination Act 2004 (Cth)• Disability Discrimination Act 1992 (Cth)• Racial Discrimination Act 1975 (Cth)• Education (General provisions) Act 2006• Sex Discrimination Act 1984 (Cth)• Sex Discrimination Amendment (Sexual Orientation, Gender Identity & Intersex Status) Act 2013• The BUSY School (TBS) Sexual Harassment Policy• TBS Workplace Bullying Policy• TBS Disability Discrimination Policy• TBS Student Code of Conduct• TBS Employee Code of Conduct• TBS Complaints Handling Policy• TBS Complaints Handling Procedure• TBS Recruitment and Selection Policy		
Review Date:	Bi-Annually	Next Review Date:	06/12/2025
Policy owner:	The BUSY School Ltd - Board of Directors		

Policy Statement

The BUSY School (TBS) is committed to providing all staff and students a safe and supportive environment where all staff can teach, and students can learn free from discrimination based on gender, language, sexuality, culture, ethnicity, religion, health, disability or socioeconomic background.

All students and employees at TBS have the right to learn and work in an environment free from unlawful discrimination. TBS will provide a fair and safe learning and teaching environment where all students and employees have equal opportunities.

TBS is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur, including possible disciplinary action. Any instances of discrimination should be reported under TBS Complaints Handling Policy and TBS Complaints Handling Procedure.

In accordance with relevant law, TBS will act to prohibit unlawful discrimination towards its students and employees, on the basis of “protected attributes” relevant to the school, whilst students and employees are engaging in their education and work at TBS. Both direct and indirect unlawful discrimination are prohibited.

In accordance with the relevant law, TBS prohibits unlawful discrimination against students in all facets of education at including:

- admission and enrolment applications
- terms of admission and enrolment
- variation of the terms of a student's enrolment
- denial or limitation of benefits normally resulting from enrolment
- exclusion or suspension of students
- assessment and examination
- access to resources and facilities
- treatment of a student regarding training or instruction

In accordance with the relevant law, TBS prohibits unlawful discrimination against employees undertaking all categories of work, whether it be full-time, part-time, permanent, fixed-term, casual, work experience, vocational placement or voluntary, and in every aspect of work, including:

- recruitment
- terms and conditions
- training
- promotion
- termination of employment.

Attributes of unlawful discrimination

State and Commonwealth law set out “attributes” on which unlawful discrimination is based, including:

- Sex
- Age
- Race
- Impairment (disability)
- Relationship status
- Pregnancy
- Parental status
- Lawful sexual activity
- Gender identity
- Sexuality
- Intersex status
- Breastfeeding
- Family responsibilities
- Religious Beliefs
- Trade union activity
- Criminal record
- Association with, or relation to, a person identified on the basis of a prohibited attribute.

The Queensland Human Rights Commission provides definitions for the above attributes.

<https://www.qhrc.qld.gov.au/your-rights/discrimination-law>

Exemptions: Not all treatment that may appear unfair is necessarily unlawful. The *Anti-Discrimination Act 1991* lists some exemptions that allow conduct that would otherwise be discriminatory. Whether or not an exemption applies will depend on individual circumstances. Below are some exceptions:

- *Welfare and equal opportunity measures:* ‘Special measures’ provisions are designed to benefit or promote equal opportunity for a member of a disadvantaged group or a person with particular needs – for example, special tertiary education entry programs for Indigenous Australians recognise the severe disadvantage they experience compared to others in terms of access to education.
- *Educational institutions:* Educational institutions for students of a particular sex or religion, or for students who have general or specific impairment, can lawfully exclude students who are not of the particular sex or religion or who do not have a general or the specific impairment.
- *Qualifying age:* Students may be selected for educational programs on the basis of a minimum qualifying age.

- *Supplying special services or facilities:* It can be lawful to discriminate on the basis of impairment where special services or facilities are needed for a person or people with an impairment, and supplying these would impose an unjustifiable hardship on the educational institution. 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.

Definitions

Discrimination occurs when a person is treated less or more favourably than another person on the grounds that the person possesses any of the above attributes.

Direct discrimination: 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 is or would be treated in circumstances that are the same or not materially different.

Indirect discrimination: Indirect discrimination on the basis of an attribute happens if a person imposes, or proposes to impose, a term –

- a) with which a person with an attribute does not or is not able to comply
- b) with which a higher proportion of people without the attribute comply or are able to comply

Implementation

The legislation establishes a legal responsibility on employers to provide workplaces free from discrimination.

TBS takes reasonable steps to prevent unlawful discrimination in the school, as follows:

- Develop and implement an anti-discrimination/inclusion policy and disability discrimination policy to assist in preventing any instances of discrimination.
- Educate and train relevant employees and students to assist in preventing any instances of discrimination and to appropriately respond to any instances of discrimination.
- Establish appropriate grievance and complaints procedures via TBS Complaints Policy and Procedures to appropriately respond to any instances of discrimination.
- Remove any discriminatory or offensive materials, rules and practices to assist in preventing any instances of discrimination.
- Encourage employees and students to contribute to a healthy workplace/school culture to assist in preventing any instances of discrimination.
- Curriculum content will be free of discriminatory content but will analyse the effects of discrimination and assist students to develop attitudes and skills that discourage, challenge and report discriminatory practices.
- Support student and staff wellbeing as a priority
 - Support and counselling is available by confidential assistance to staff through AccessEAP and students through the Education Youth Worker and access to external providers. Students and staff are encouraged to seek support.
- Ensure respectful arrangements are made that consider the needs of all students.
- Implement strategies to ensure the student is not discriminated against, either directly or indirectly.
- Maintain privacy and confidentiality of student information, including information about education adjustments (consider what information needs to be shared about the student and with whom).
- Ensure consent is obtained, as required, if student information needs to be shared.

Student transitions

The BUSY School offers support to students transitioning while at school. At times, it may be appropriate to consult and collaborate with the student, Education Youth Worker, Campus Principal and parents/carers to complete an Individual Transition Plan. Information from the plan will be replicated in the student management system, Compass, to store information relevant to the student's transition including their name, pronouns and other considerations, as appropriate. The Education Youth Worker may offer to facilitate an appointment with external support organisations such as BUSY Health and referral to Queensland Childrens Gender Clinic.

Only at the time of initial enrolment does the Anti-Discrimination Act 1991's single-sex exemption take effect. Enrolment also reflects relevant students as outlined in the Education (Accreditation of Non-State Schools) Regulation 2017 (s13). Students who transition or decide not to transition, while in single-sex schools may elect to

remain at the school where they have established friendships and support, even if it means they are the only boy in a girl's school. These students have the right to remain, and their requirements must be met.

Curriculum, Teaching and Learning

Curriculum offered at The BUSY School promotes inclusivity.

Principles of decision making

- Support student wellbeing as a priority
- Ensure respectful arrangements are made that consider the needs of all students
- Implement strategies to ensure the student is not discriminated against, either directly or indirectly
- Maintain privacy and confidentiality of student information, including information about education adjustments (consider what information needs to be shared about the student with whom)
- Ensure consent is obtained, as required, if student information needs to be shared
- Discuss with the student, their parent/carer, any considerations regarding the sharing of information (including self-disclosure).

Student name

Students may refer to themselves by a name of their choosing.

Students and school staff are expected to use a student's preferred name and gender when requested.

It is a legal requirement that school records are made and kept accurately. Therefore, school enrolment records must reflect the sex as stated on the student's birth certificate or passport.

However, student academic reports may use the student's identified name and gender if parents/carers request this. Students who are living independently from their parents/carers may request this change directly through the Campus Principal.

Student and employee responsibilities

All students and employees at TBS have a responsibility to engage in non-discriminatory conduct and to uphold the school's policy.

If students or employees believe that this type of behaviour is occurring in the school, they should make a complaint under TBS Complaints Policy.

Compliance and monitoring

TBS will keep appropriate records, monitor and report on discrimination issues. TBS is committed to protecting students and staff from unlawful discrimination and to responding appropriately should such discrimination occur, including possible disciplinary action. Any instances of discrimination should be reported under TBS Complaints Policy.

Version Control

Version no.	Date Effective	Approved by	Changes
1.0	April 2023	Endorsed by TBS Governance, Compliance and Strategy Committee Approved by TBS Board of Directors	Initial draft version
2.0	December 2023	Endorsed by TBS Governance, Compliance and Risk Committee Approved by TBS Board of Directors	Inclusion program added.