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:	EGM BUSY Education	**Date of Authorisation:**	November 2025

References:

- Anti-Discrimination Act 1991 (Qld)
- Australian Human Rights Commission Act 1986 (Cth)
- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (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
- Work Health and Safety Act 2011 (Qld)
- Queensland Human Rights Commission Employer toolkit
- Information Guide on the Positive Duty under the Sex Discrimination Act 1984 (Cth)
- 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:**	November 2027
Policy owner:	The BUSY School Ltd - Board of Directors		

Policy Statement

All students and staff at The BUSY School (TBS) have the right to learn and work in an environment free from unlawful discrimination. The BUSY School will provide a fair and safe teaching and learning environment where all students and staff are treated with dignity and respect and have equal opportunities.

The BUSY School is committed to complying with its legal obligations under relevant State and Federal discrimination laws, including protecting persons from unlawful discrimination, responding appropriately to complaints and considering action against staff should discrimination be found to have occurred.

The BUSY School has a legal obligation under the Sex Discrimination Act 1984 (Cth) (SD Act), being a positive duty1 to take reasonable and proportionate measures to eliminate, as far as possible, unlawful conduct that is sexual harassment, sex-based harassment, conduct that creates a hostile workplace environment on the ground of sex and victimisation. To fulfil this positive duty, <<School Name>> is committed to providing workers with a

safe working environment and meeting the Guiding Principles and Standards in the Australian Human Rights Commission's Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth) (Guidelines). The The BUSY School Sexual Harassment Policy provides further detail on this obligation.

Under both State and Federal discrimination laws, discrimination may be considered to be either direct or indirect 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.

Under the State legislation (the Anti-Discrimination Act 1991 (Qld)), 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; and
b) with which a higher proportion of people without the attribute comply or are able to comply; and
c) that is not reasonable.

The meaning of indirect discrimination slightly differs under federal discrimination legislation.

The BUSY School seeks to ensure that its staff do not discriminate against other staff and students on the basis of the protected attributes in the areas of activity listed in the Anti-Discrimination Act 1991 (Qld).

The Anti-Discrimination Act 1991 (Qld) prohibits discrimination in certain activity areas on the basis of the following protected attributes:

a) sex
b) relationship status
c) pregnancy
d) parental status
e) breastfeeding
f) age
g) race
h) impairment
i) religious belief or religious activity
j) political belief or activity
k) trade union activity
l) sex work activity
m) gender identity
n) sexuality
o) family responsibilities
p) association with, or relation to, a person identified on the basis of any of the above attributes.

Federal legislation also prohibits discrimination in protected areas on the basis of certain attributes, for example, age, race, disability, sexual orientation, sex (including intersex status and gender identity). Unlawful discrimination under Federal laws also includes sexual harassment.

The activity areas that are most relevant to the school's activities are the education area and the work area as defined under the legislation and there are some circumstances where exemptions will apply. In particular, in the education activity area, The BUSY School commits to ensuring that unlawful discrimination against students on the basis of a protected attribute does not occur by:

- failing to accept a person's application for admission as a student
- the way in which an application is processed
- the arrangements made for, or the criteria used in, deciding who should be offered admission as a student
- the terms in which a person is admitted as a student
- variation of the terms of a student's enrolment
- denial or limitation of access to any benefit arising from enrolment that the school supplies
- excluding a student
- treating a student unfavourably in any way in connection with the student's training or instruction.

In Queensland, the *Anti-Discrimination Act 1991 (Qld)*, the *Disability Discrimination Act 1992 (Cth)* and the *Disability Standards for Education 2005 (Cth)* regulate disability discrimination of students and their associates in schools, 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 victimisation.

To assist the school in meeting these statutory obligations, the school also has a Student Disability Discrimination Policy which outlines written processes for how The BUSY School will identify students with a disability and how the school devises educational programs specific to the educational needs of students with a disability.

The school is also committed to ensuring that discrimination against staff does not occur in accordance with obligations under various State and Federal legislation; for example, requirements in the *Anti-Discrimination Act 1991 (Qld), Fair Work Act 2009 (Cth), Disability Discrimination Act 1992 (Cth), Sex Discrimination Act 1984 (Cth), Age Discrimination Act 2004 (Cth) and Racial Discrimination Act 1975 (Cth).*

Responsibilities

School Responsibilities

The legislation establishes a legal responsibility on The BUSY School to provide a school and workplace free from discrimination.

The BUSY School takes reasonable steps to prevent unlawful discrimination in the school as follows:

- Develop and implement an anti-discrimination policy to assist in preventing discrimination and a Sexual Harassment Policy to assist in meeting the positive duty under the SD Act.
- Educate and train relevant staff to assist in preventing discrimination and to appropriately respond to discrimination and to meet the positive duty under the SD Act.
- Establish a complaints procedure via the The BUSY SchoolComplaints Handling Policy to appropriately respond to instances of discrimination.
- Remove any discriminatory materials, rules and practices to assist in preventing discrimination.
- Encourage staff, students and parents to contribute to a healthy school culture to assist in preventing discrimination.

Staff Responsibilities

All staff contribute to maintaining a discrimination-free and inclusive workplace and a healthy school and workplace culture.

All staff at The BUSY School have a responsibility not to engage in discriminatory conduct and to uphold this policy.

All staff have an obligation to model appropriate behaviour; promote this policy; treat all complaints seriously and attend to them promptly under the school's Complaints Handling Policy, Student Behaviour Management Policy or Sexual Harassment Policy; monitor the school environment; and seek support for complex or serious matters.

Implementation

The BUSY School will ensure it is implementing processes relating to anti-discrimination by ensuring staff are aware of the policy and their obligations and that students and parents are aware of the policy. The school will educate and train relevant staff to assist in preventing any instances of discrimination and to appropriately respond to any instances of discrimination.

The BUSY School 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 the employee assistance program 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 BUSY Health and referral to Queensland Children's 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

The school will monitor the Complaints Register and other related registers and data (for example student behaviour incidents) to identify any patterns in discriminatory behaviour by staff and implement appropriate improvement measures.

Complaints of non-compliance with this policy and any related processes are encouraged to be made under the BUSY School's Complaints Handling Policy or where relevant, the The BUSY School Sexual Harassment 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.
3.0	November 2025	Endorsed by Quality, Risk and Safeguarding Committee	Updated with new ISQ Template