



ILLAWARRA
CHRISTIAN
EDUCATION



WHS Framework 6

Human Rights

6-1 Anti-Discrimination



CEN
HUB

NSW & ACT

Prepared by	CEN Hub Compliance Officer
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1.1	October 2019	New Illawarra Christian Education updated policy (Illawarra Christian School & Calderwood Christian School)

Authorised By	Date



Version History

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1.0	October 2019	New Illawarra Christian Education Policy from CEN Hub Policy (Illawarra Christian School and Calderwood Christian School)
1.1		

Illawarra Christian Education (Illawarra Christian School and Calderwood Christian School)
 Mission: In Christ's service to partner with parents in providing a quality Christian Education founded on the Word of God.

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Important related documents:

WHS Framework:

1 WHS Management

2 Campus:

2-1 Buildings & Facilities

2-2 Hazardous Substances

2-3 Manual Handling

3 Incidents:

3-1 Reporting & Investigating Incident

3-2 Critical Incidents

3-2a Critical Incident Plan

3-3 Return to Work

3-3a Return to Work Program

4 Medical:

4-1 First Aid

4-2 Student Medication

4-3 Significant Medical Needs

6 Human Rights:

6-1 Anti-Discrimination

6-2 Workplace Bullying

6-3 Sexual Harassment

Employment Policy suite

Teaching & Learning Policy suite

Staff Code of Conduct

Child Protection Policy

Welfare Policy

Student Anti-Bullying Policy

Attendance Policy

Community Development policies

Sun Protection Policy

Compliance Framework

Risk Management Framework

5 Events & Excursions:

- 5-1 Off-Campus Education
- 5-2 Overseas & Local Mission Trips

Relevant Legislation:

Work Health and Safety Act 2011 (NSW)
Work Health and Safety Regulation 2011 (NSW)
Education Act 1990 (NSW)
Australian Education Act 2013
Australian Education Amendment Bill 2014
Explosives Act 2003 (NSW)
Environmental Planning and Assessment Regulation 2000 (NSW)
Fair Work Act 2009 (NSW)
Workers Compensation Act 1987
Workplace Injury Management and Workers Compensation Act 1998
Workplace Injury Management and Workers' Compensation Regulation 2002
Workers Compensation Regulation 2010
Australian Human Rights Commission Act (1986)
Age Discrimination Act (Cth)2004
Disability Discrimination Act 1992 (Com)
Disability Discrimination and other Human Rights Legislation Amendment Act (Cth) 2009
NSW Anti-Discrimination Act (1975)
NSW Anti-Discrimination Amendment (Miscellaneous Provisions) Act (2004)
Racial Discrimination Act (Cth)1975
Sex Discrimination Act 1984 (Cth)

Other References:

Registered & Accredited Individual Non-government Schools (NSW) Manual, January 2017, latest version on NESA website
www.humanrights.gov.au/employers - summary of anti-discrimination legislation

Disability Standards for Education 2005 + Guidelines

1 INTRODUCTION

References to Illawarra Christian Education below include reference to its schools Illawarra Christian School and Calderwood Christian School.

Illawarra Christian Education is committed to developing a school environment free from discrimination for staff, students and all visitors to the school. Discrimination is a form of abuse towards another person or group of people, focussed on specific attributes of the individual, and therefore damaging to their mental, emotional and spiritual well-being.

Discrimination is unacceptable at Illawarra Christian Education. Discrimination on any grounds listed in legislation is against the law. However, certain exceptions apply for 'Educational Institutions Established for Religious Purposes' in the area of employment.

Every member of the Illawarra Christian School and Calderwood Christian School community has responsibility in preventing discrimination.

2 CHRISTIAN RATIONALE

The ethos of Illawarra Christian Education is to love all people as God loves. Jesus said that this is how we show that we are '*children of your Father in heaven.*' God's love is shown in His mercy and patience, and His desire to bless people, so that they may come to recognise and love Him. *He causes his sun to rise on the evil and the good, and sends rain on the righteous and the unrighteous.* Matthew 5:45

The school seeks to be an inclusive place where all people feel welcome, and may experience the love of God. It follows the model of Jesus, who treated everyone with respect and dignity. It values the unique contributions of each member of the school community. The school seeks the well-being of all students, staff and visitors to the site; and endeavours to meet individual requirements in education, health care and access around the school.

3 PURPOSE OF THIS DOCUMENT

This policy outlines the school's guidelines for promoting a discrimination-free environment for staff, students and visitors to the site; and for dealing with allegations or incidents of discriminatory acts within the school.

4 TABLE OF RESPONSIBILITIES

<i>Responsibilities</i>	<i>Evidence of Compliance</i>
Principal	
Promoting school culture of respect for all people	CPL Calendar; Staff meetings; Policies
Ensure school programs, activities & communications meet the Disability Standards for Education 2005, and do not promote or imply discriminatory attitudes	Approval of programs, activities, communications etc
Investigation of complaints of discrimination according to principles of procedural fairness	Secure files
Business Manager	
Oversight of: maintenance of buildings; compliance with WHS/ disabled access requirements	Maintenance records; Occupation Certificates
Deputy Principal	
Oversight of student welfare/ discipline issues	Secure files; school database
Section Coordinators	
Oversight of teacher support & programming	Programs; Teacher appraisal forms
Supervision of student welfare/ discipline issues	Secure files; school database
Teachers	
Encourage students to value & celebrate diversity	Programs
Respond to any attitudes/ acts of discrimination among students	School database; Disciplinary procedures
All staff	
Respectful attitudes & behavior	Staff Code of Conduct
Students	
Respectful attitudes & behaviour	Student Code of Conduct; School Rules
Parents and caregivers	
Support the school's anti-discrimination policy & procedures	Code of Conduct for Parents & Visitors; Website; Newsletters
School community	
Promote mutual respect & consideration	Website; Newsletters
Report any allegations or incidents of discrimination to the Principal	Secure files

5 DEFINITIONS

Unlawful Discrimination - unfair or inequitable treatment on the basis of the characteristics and attributes of a person, as listed below:

Race; colour; sex; sexual orientation; gender identity; intersex status; age; physical or mental disability; marital/ relationship status; family or carer's responsibilities; pregnancy; religion; political opinion; national extraction; or social origin

Not all unacceptable behaviour may be considered "discriminatory", but will still be proscribed by other school policies such as those covering work performance, staff or student misconduct, or the principles set out in the school's Codes of Conduct.

Harassment - behaviour, comments or images that are unwelcome, offensive or intimidating and that, in the circumstances, a reasonable person should have expected would be offensive or intimidating

Victimisation - any unfavourable treatment of a person as a consequence of their involvement in a grievance under the school's grievance procedures

Unfavourable treatment may include such things as adverse changes to a work or study environment, denial of access to resources work opportunities or training, or ostracism.

Vilification - the public incitement of hatred, serious contempt or severe ridicule of a person on the basis of the race, ethnic origin or religion of that person

Vilification does not include, for example, legitimate academic debate about issues that might include discussions of race.

Direct Discrimination - treating someone in an unfair or less favourable way because of one or more characteristics or attributes

Indirect Discrimination - a rule or requirement that is the same for everyone but has the effect of disadvantaging individuals and groups sharing the same characteristics or attributes

Systemic (or Institutional) Discrimination - covert or hidden discrimination against particular groups (often unconscious) built into the seemingly neutral practices and policies of an institution or organisation

Racial Discrimination - behaviour which disadvantages people because of their race, colour, national or ethnic origin; or which disadvantages any relative or associate of these people

Sex Discrimination - behaviour which disadvantages people because of their gender

Disability Discrimination - behaviour that disadvantages people because of their actual or perceived disabilities; or which disadvantages those related to, or associated with, a person with disability

Disability - may be in relation to a person's intellectual, physical, sensory, mental health, learning, behaviour and /or medical need or condition

The disability may presently exist, may have previously existed but no longer exists, may exist in the future or is imputed to the person.

Exemptions – under legislation, allow for Christian Schools to advertise for, and employ, Christians (see Appendix)

6 POLICY

Discriminatory attitudes and actions against an individual because of any of their personal attributes are unacceptable at Illawarra Christian Education.

The school is committed to creating an environment that is free from discrimination; where all people are treated with dignity, courtesy and respect.

- (a) Staff and students at our schools should not be subject to behaviour, practices, policies or processes that may constitute unlawful discrimination, harassment, victimisation or vilification.
- (b) Illawarra Christian Education aims to ensure that its practices, policies and procedures are free from direct or indirect discrimination.
- (c) The school is committed to a policy of providing equitable, dignified access to its premises and services. (Enrolment Policy; Employment Policy; Teaching & Learning Policy suite; WHS Policy suite)
- (d) The school will promote appropriate standards of conduct by staff, students and visitors to the school at all times. (Staff Code of Conduct; Student Code of Conduct; Code of Conduct for Parents & Visitors)
- (e) The school will endeavour to ensure all staff and students know their rights and responsibilities with respect to discrimination.
- (f) The elimination of discrimination at the school is the responsibility of all staff, students and parents.
- (g) The school will encourage the reporting of behaviour which breaches this policy.
- (h) The school will provide an effective procedure for complaints based on the principles of procedural fairness (natural justice). (Complaints Framework)
- (i) The school will treat all complaints in a sensitive, fair, timely and confidential manner. (Complaints Framework)
- (j) People making an allegation or complaint with regards to discrimination will not be victimised.
- (k) The school may take disciplinary action in the event of discriminatory behaviour.

7 PROCEDURES

The school is committed to a comprehensive strategy for eliminating discrimination and promoting the value and dignity of each person.

The procedures of the school aim to promote mutual respect between individuals, and foster informed attitudes and behaviours which support the prevention of discrimination.

7.1 Illawarra Christian Education Policies

Anti-discrimination measures are embedded into school policies and procedures:

- Enrolment Policy
- Welfare Policy
- Discipline Policy
- Child Protection Policy
- Employment Policy Recruitment
- Student Anti-Bullying Policy
- Workplace Anti-Bullying Policy
- Complaints Framework
- WHS policy suite
- Teaching & Learning policy suite

7.2 Communication of Anti-Discrimination Ethos

The school actively promotes an environment of anti-discrimination through the following means:

- Staff Code of Conduct - clearly communicates the school's requirements; is reviewed annually; and made available to new staff upon induction
- Code of Conduct for Parents & Visitors - displayed in front foyer; published on school website
- Student Code of Conduct & School rules – reviewed at the beginning of each year in class and signed by students & their parents
- Curriculum which, through comprehensive, realistic, and age-appropriate lessons/ material educates students to the harm of discrimination based on personal differences (E.g. PDHPE; Yr 10 Work Experience preparation; CAFS; Biblical Studies)
- Welfare and discipline procedures for students (Welfare Policy; Discipline Policy)
- Development of culture of celebration of diversity and personal worth as people created by God (E.g. NAIDOC participation; student displays of work/

performances; community development events; school assemblies; Thanksgiving Service etc)

7.3 Provisions for Equitable Access to Education & Facilities

The school makes provision for individual needs across the scope of its activities and services, to allow students and staff to participate as fully as possible into planned activities and programmes. (Disability Standards for Education 2005; Teaching & Learning policy suite, including Learning Support)

(a) Information used to determine any necessary provisions is generally gathered through:

- Enrolment
- Employment
- Student testing or observation by teachers
- Advice from consultant specialists
- Communication from parents and/ or students, and staff
- Legislative requirements
- Advice from community/ cultural representatives
- Formal and informal mechanisms between stakeholders interested in student well-being – E.g. Parent-teacher meetings; Surveys; Association meetings; Parent Liaison; exit interviews, etc.

(b) Assessment of Requirements

The school will determine, in consultation with the relevant stakeholders, what modifications or actions best meet the needs of the individual to ensure equitable access to educational opportunities and school facilities, so that students and staff may achieve their goals.

Any agreed upon modifications or action plans can be revised as needs change, in consultation with relevant stakeholders.

7.4 Support Mechanisms

The school shall work with the individual, and their family/ specialists/ advisors as required, to determine the most appropriate and effective ways to facilitate their education, work or access within the school.

(a) Educational support – E.g. modified programmes; in class aide; examination provisions; homework help; Individual Plans; Personalised Learning Plans for indigenous students (Teaching & Learning Policy suite)

(b) Welfare support – E.g. student Intervention Plan (Welfare Policy); School Chaplain; limited enrolment/ return to school plan

- (c) Physical support – E.g. Modification to buildings/ equipment for ease of access & use; modified programmes for sport/ PE/ excursions or camps; student Health Care Plan (Significant Medical Needs policy); disabled access toilets
- (d) Planning – the school considers future needs and modifications to premises and resources in its Master Plan and annual budget

7.5 Feedback

The school values feedback about its services and facilities, and seeks to continually improve its ability to care for and support members of the school community.

Any comments or suggestions for improvement in its ability to meet individual needs or promote a non-discriminatory environment are welcomed; and should be directed to the Principal, Deputy Principal or a Coordinator.

7.6 Complaints

- (a) Complaints about discriminatory speech or actions should be made in writing to the Principal.
- (b) Investigation into any complaints shall be made according to principles of procedural fairness. (Complaints Framework)
- (c) Complaints may also be made to an external body such as the Anti-Discrimination Board of NSW or the Human Rights and Equal Opportunity Commission at any time.

7.7 Consequences of a Breach of this Policy

Discrimination is illegal, and discriminatory actions may attract legal suits.

If, as a result of an investigation, allegations are shown on the balance of probability to be true, the Principal will take appropriate disciplinary action and/ or report to the relevant authorities according to school policies.

- (a) **Staff member**
A staff member who is found to have breached this policy will be disciplined according to the Employment Policy. Outcomes may range from a requirement to extend an apology, through to termination of employment.
- (b) **Student**
A student who is found to display discriminatory behaviour will be disciplined according to the Discipline Policy (see also Student Code of Conduct).
- (c) **Member of the school community**
Discriminatory actions or attitudes expressed within the context of the school community, in person, through the media or social media, will be disowned by the school. Any person contributing to such actions will be addressed by the Principal or Deputy Principal.

8 APPENDIX - SEXUAL DISCRIMINATION

The *Sex Discrimination Act 1984* gives effect to Australia's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and parts of the International Labour Organisation Convention 156.

The major objectives are to:

Eliminate discrimination on the basis of sex, marital status or pregnancy and, with respect to dismissals, family responsibilities; and

Eliminate sexual harassment at work, in educational institutions, in the provision of goods and services, in the provision of accommodation and the administration of federal programs. (Sexual Harassment Policy)

9 APPENDIX - EXEMPTIONS FOR CHRISTIAN SCHOOLS

Sex Discrimination Act 1984 (Cth) - Section 38 'Educational institutions established for religious purposes'

1. Nothing in paragraph 14(1)(a) or (b) or 14(2)(c) renders it unlawful for a person to discriminate against another person on the ground of the other person's sex, sexual orientation, gender identity, marital or relationship status or pregnancy in connection with employment as a member of the staff of an educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, if the first-mentioned person so discriminates in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed.
2. Nothing in paragraph 16(b) renders it unlawful for a person to discriminate against another person on the ground of the other person's sex, sexual orientation, gender identity, marital or relationship status or pregnancy in connection with a position as a contract worker that involves the doing of work in an educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, if the first-mentioned person so discriminates in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed.
3. Nothing in 21 renders it unlawful for a person to discriminate against another person on the ground of the other person's sexual orientation, gender identity, marital or relationship status or pregnancy in connection with the provision of education or training by an educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, if the first-mentioned person so discriminates in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed.

These sub-sections deal with discrimination in relation to employment, contract workers and provision of education respectively.

10 APPENDIX- DISABILITY DISCRIMINATION

The Disability Discrimination Act 1992 (DDA) and Disability Discrimination and other Human Rights Legislation Amendment Act (2009), makes it illegal for any person, business or authority to discriminate on the basis of a person's disability. The legislation ensures that people with a disability have the same opportunities to access employment, education, transport, accommodation and buildings as other members of the community who do not have a disability. The legislation also makes harassment and victimisation of a person with a disability, or their friends of family, against the law.

Disability Standards for Education 2005

In 2005 the Disability Standards for Education 2005 were introduced providing greater clarity to education service providers regarding the obligations and responsibilities they hold toward persons with a disability and/or their associates. They articulate the rights of students with disabilities; and the responsibilities of the school in the areas of enrolment, participation, curriculum accreditation and delivery, student support services and harassment and victimisation.

Schools must take reasonable steps ensure that a student with a disability can access the same or comparable opportunities and choices provided by the school 'on the same basis' as those opportunities and choices offered to a student without a disability. This may necessitate the determination and implementation of 'reasonable adjustments'.

In determining the adjustments to support the student's access to and participation in the opportunities provided by the school; the school must take into consideration the effect of the student's disability, the views of the student or their associate (parents /carers), the effect of the adjustment on the student, as well as the impact of the adjustment on the school, its staff and other students. The school also takes into account the costs and benefits of making any adjustment deemed necessary to enable the student's maximum participation.

The Disability Standards for Education 2005 recognise that regular collaborative consultation with the student, their associate, teachers, other service providers, together with expert advice, forms the basis for an effective Individual Plan. The Individual Planning Process ensures that the student's needs and necessary adjustments are identified and determines the way in which the adjustments will be implemented.