



## Anti - Discrimination Policy

### **Purpose of the Policy**

Bethania Lutheran 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 unlawful 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**

Deputy Principal  
Head of Pastoral Care

### **References**

- [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 \(Cth\)](#)
- [Sex Discrimination Act 1984 \(Cth\)](#)

### **Related Policies and Documents**

Anti-Bullying Policy  
Disabilities Discrimination Policy  
Enrolment Policy

### **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 favor 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.

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

- with which a person with an 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 person 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 or not written. “Unlawful discrimination” is discrimination (direct or indirect) which would amount to a breach of state or federal anti-discrimination laws.

### Statement

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

The Statement 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 discrimination.

Any unlawful discrimination concern/s (direct or indirect discrimination) can be directed to one of the following School Contact Officer/s:

- Mrs Sarah Schnetker PH 32005363, email [sschnetker@bethania.qld.edu.au](mailto:sschnetker@bethania.qld.edu.au);
- Mr Justin Kennedy PH 32005363, email [jkennedy@bethania.qld.edu.au](mailto:jkennedy@bethania.qld.edu.au)

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

- For staff members: The School Complaints Handling Statement and Procedures under Annexure D of the *Queensland Lutheran Schools Single Enterprise Agreement 2020* (as amended or replaced from time to time);
- For students, parents and/or other School community members: The School’s Grievance Procedures.

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

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

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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 Behaviour Management or Anti-Bullying Policies may be taken against a student who unlawfully discriminates against another student.

In accordance with the relevant law, Bethania Lutheran School prohibits unlawful discrimination against students in all facets of education 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 in regard to training or instruction

In accordance with the relevant law, Bethania Lutheran School 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

### **Responsibilities**

#### **School**

The school will:

- Treat seriously any reports of unlawful discrimination;
- 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;
- Guarantee that no employee will be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

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### ***Student and Employee Responsibilities***

All students and employees have a responsibility not to engage in discriminatory conduct and to uphold the school's Anti-Discrimination Policy.

If students or employees believe that this type of behaviour is occurring in the school, they should make a complaint under the school's Grievance Procedures.

### **Implementation**

#### ***Employment***

##### Position Descriptions

Bethania Lutheran School publishes on its internal Staff Weebly, documents that clearly state 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 the published selection criteria 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

All interviews are conducted with a panel of at least two members of staff which include the Principal or their delegate. The members on the interview panel conduct all interviews for a particular position. A series of questions are asked of all applicants who make the interview stage.

##### Relevant exemptions

In relation to employment, the Act provides an exemption in the following areas applicable to Bethania Lutheran 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 unlawfully discriminate in:

- failing to accept a person's application for admission as a student;
- the way in which a person's application is processed;



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- 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 unlawfully 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 Discrimination Policy and the School Enrolment 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 or Enrolments Officer 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/carer's views on the additional services and facilities that the student needs will be obtained with verification of this information sought where necessary.
5. If the child is already enrolled in another school all formal school reports must be provided.
6. With parent/carer permission the student seeking enrolment may be observed in his/her present setting. The teachers at the school presently attended will be consulted to ascertain

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the assistance the student is currently receiving. Advice will be sought about the services and facilities that may be required in the future.

7. Any additional services and facilities that may be required will be quantified and costed.
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.

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.

### Statement Release Details

#### ***Original Statement***

May 2015

**Approved by School Council: 30 November 2022**

***Review Date: 30 November 2024***

Bi - Annually