

Purpose

The purpose of this policy is to highlight Hester Hornbrook Academy's (HHA) commitment to ensure everyone in the school community is treated with respect, dignity and being provided with equal opportunities, regardless of their personal attributes.

Scope

This policy applies to the whole school community, including staff, students, parents / guardians / carers, contractors and volunteers.

This policy applies to:

- education (teaching and learning, enrolment process, student management, wellbeing support, curriculum development and delivery, individual Education Plans and welcome back meetings and extracurricular activities including camps, excursions and school events).
- the provision of goods and services (access to our facilities both physical and online spaces, access to specialised services including allied health professionals, school lawyers, staff supervision both internal and external).
- employment at the school (recruitment, selection and appointment, processes and decisions, allocation of duties, leadership opportunities).

Definitions

Bullying: Repeated, unreasonable behaviour that is intimidating, threatening, or humiliating at a worker or group of workers that creates a risk to health and safety.

Disability harassment: an action taken in relation to the person's disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person.

Diversity: The result of being inclusive of people with a range of characteristics or attributes. This involves understanding that each person is unique and recognising and welcoming our individual differences.

Discrimination:

Direct Discrimination and Indirect Discrimination are both against the law:

- **Direct discrimination** happens when someone is treated unfavourably because of a person's protected attribute.
- **Indirect discrimination** imposing an unreasonable requirement, condition or practice that disadvantages a person or group of people with a protected attribute
- **Exceptions** can be applied in particular circumstances, eg: Discrimination is not against the law if it is necessary to prevent a real risk to health, safety, or property.
- **Non-Discrimination** is a state where there is no discrimination against an individual or group on the basis of their characteristics or attributes.

- **Anti-Discrimination** is an action taken to prevent or remove discrimination.
- **Positive Discrimination** is an action designed to achieve inclusion of an individual or group who are disadvantaged by a characteristic or attribute.

Equal Opportunity: Equal opportunity means that every person can participate freely and equally in areas of public life such as in the workplace, in education, or in accessing goods and services. Equal opportunity law aims to promote everyone's right to equal opportunities; eliminate (as far as possible) discrimination, sexual harassment and victimisation; and provide redress for people whose rights have been breached.

Inclusion: Actions we take to provide equal access to opportunities and resources for people who might otherwise be excluded or marginalised by their characteristics or attributes.

Harassment: Unwelcome verbal or physical behaviour based on the personal characteristics, which causes serious embarrassment, offence, or intimidation.

Personal attribute: a personal characteristic that is protected by State or Commonwealth anti-discrimination legislation. These include: race, disability, sex, sexual orientation, gender identity, religious belief or activity, political belief or activity, age, intersex status, physical features, pregnancy, carer and parental status, breastfeeding, marital or relationship status, lawful sexual activity, employment activity, industrial activity, expunged homosexual conviction or personal association with anyone who is identified with reference to any protected attribute.

Racism: a belief that a race is fundamental determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race. Behaviour or attitudes that reflect and foster this belief e.g. racial discrimination, prejudice, intolerance and the system oppressions of a racial group to the social, economic and political advantage due to the dominate racial group being favoured.

Sexual harassment: unwelcome conduct of a sexual nature towards another person which could reasonably be expected to make that other person feel offended, humiliated or intimidated. It may be physical, verbal, visual or written.

Special measure: An action that can be taken for the purpose of promoting or realising substantive equality for members of a group with a particular characteristics or attributes. A person who undertakes a special measure has the burden of proving that the measure is a special measure. On achieving the purpose of the action, the measure ceases to be a special measure.

Victimisation: subjecting a person or threatening to subject them to detrimental treatment because they (or their associate) have made an allegation of discrimination or harassment on the basis of a protected attribute (or asserted their rights under relevant policies or law).

Vilification: conduct that incites hatred towards or revulsion or severe ridicule of a person or group of people on the basis of their race or religion.

Policy

HHA is committed to a fair, safe and inclusive school culture where every person is respected, treated with dignity and has equal opportunities. For these reasons, discrimination, harassment, racism,

vilification, victimisation and bullying will not be tolerated at HHA under any circumstances. We will also not tolerate behaviours, language or practices that label, stereotype or demean others. No member of the school community will be treated less favourably based on their personal attributes, nor will such characteristics affect access to the benefits, opportunities and / or services we provide.

We take our obligations under anti-discrimination laws and the Charter of Human Rights and Responsibilities seriously. We will take action to promote human rights, including the Victorian Charter of Human Rights, equal opportunity, and anti-discrimination practices, through creating a safe, inclusive and supportive environment that values and protects the human rights of our school community. We will take proactive steps to encourage and promote wider school discussion and student learning around the Charter of Human Rights and Responsibilities.

At HHA, we are enhanced by, and celebrate, the diversity of our school community. We foster acceptance and respect for diversity by creating a school community where all members of our school community are welcomed, accepted and treated equitably and with respect regardless of their; backgrounds or personal attributes such as race (including Aboriginal and Torres Strait Islanders), language, sex, religious beliefs, gender identity, disability or sexual orientation, so that they can feel safe to participate and achieve at our school.

HHA will continue to take reasonable continuous positive action within our school activities and culture to:

- Actively nurture and promote a safe and inclusive environment where everyone in the school community is treated with respect and dignity, free from discrimination, harassment, racism, sexual harassment, bullying, vilification, and victimisation relating to any characteristics or attributes of a person.
- Identify and remove systemic and structural barriers that discriminate, either directly or indirectly, against any member of our school community.
- Acknowledge and respond to the diverse needs, identities and strengths of our school community.
- Challenge stereotypes that promote prejudicial and biased behaviours and practices.
- Encourage empathy and fairness towards others.
- Ensure that an effective process is maintained for resolving complaints of discrimination, sexual harassment, bullying, harassment, vilification, and victimisation in the workplace, and that all complaints are investigated promptly, fairly and confidentiality in accordance with the HHA Complaints and Grievance Policy and Procedure and MCM Management of Workplace Bullying & Harassment Procedure.
- Identify and implement reasonable adjustments in our school environment to enable individuals with disabilities or long-term health impairments to secure employment or access education, and safely participate.
- Maintain and further develop MCM/HHAs Engaging with Aboriginal and Torres Strait Islander Peoples Policy and Reconciliation Action Plan (RAP), as per our service level agreement, to increase Aboriginal and Torres Strait Islander employment and participation, as workers and service users across all areas and levels of the organisation.
- Maintain and further develop HHAs Healing Orientated Program of Education to promote the physical, emotional, social, psychological, and spiritual health and wellbeing, cultural inclusion and ongoing safety of our whole school community.
- Gather information, including through surveys and other processes, to maintain and further develop understanding about the diversity and needs, to ensure that all inclusion strategies,

initiatives, practices, and services are tailored to the requirements of HHAs workforce and school community.

- We are a child-safe school and we ensure that child safety is a primary part of everyday thinking and practice. All employees and volunteers have an obligation to ensure we keep children safe from harm and abuse.
- Multicultural events and occasions will be regular features of our school's calendar and our multiculturalism will be celebrated.

HHA recognises that access to opportunities is not equitably distributed across the community and that discrimination is a cause of social and economic disadvantage. HHA reserves the right under the Equal Opportunity Act to introduce special measures for the purpose of promoting or achieving substantive equality for members of a group with particular characteristics or attributes. Any special measure adopted by HHA will be strategic, targeted, time-limited, and formally authorised by the HHA Board.

Bullying, unlawful discrimination, harassment, vilification, and other forms of inappropriate behaviour targeting individuals or groups because of their personal attributes will not be tolerated at HHA. We will take appropriate measures, consistent with our HHA Bullying and Harassment Procedure to staff and students who demonstrate these behaviours at our school.

Students who may have experienced or witnessed this type of behaviour are encouraged to speak up and to let their classroom teams, parents / guardians or carers know about those behaviours to ensure that inappropriate behaviour can be addressed.

Reasonable adjustments for students with disabilities

At HHA we also understands that it has a legal obligation to make reasonable adjustments to accommodate students with disabilities, which includes physical, cognitive, sensory and / or social/emotional. A reasonable adjustment is a measure or action taken to assist students with disabilities to participate in their education on the same basis as their peers. Reasonable adjustments will be made for students with disabilities in consultation with the student, their parent / guardian or carer, the classroom team and any specialised support services involved e.g. treating psychologists. At any point, a student, parent / guardian / carer or professional can consult with the classroom team to gain more information about support available or discuss the needs for students with a disability

Related Policies and Resources

HHA Complaints and Grievance Procedure
HHA Bullying and Harassment Procedure
HHA Child Safety Code of Conduct

Supporting Material

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