



Immanuel Lutheran College

Walk as Children of the Light

Anti-Discrimination Statement

Contact Person/s: Principal
Compiled By: Principal
Approval Date: February, 2015
Approval Authority: College Council
Publicised: Staff Intranet/ERM

As at February, 2021

Date of Next Review: February 2024, Principal

Revision History

Date	Status	Revision No.	Author	Approver	Resolution Number
18 February 2015	Draft for comment	0	Mark McFie	N/A - Draft	
24 February 2015	Proposed for publication	0	Mark McFie	College Council	
24 February 2015	Approved for Publication	0	Mark McFie	College Council	13/15
24 February 2018	Proposed for Publication	1	Mark McFie	College Council	
27 February 2018	Approved for Publication	1	Mark McFie	College Council	05/18
17 February 2021	Proposed for Publication	2	Colin Minke	College Council	
23 February 2021	Approved for Publication	2	Colin Minke	College Council	03/21

1.0 Purpose of the Statement

Immanuel Lutheran College is implementing this statement to ensure that students and staff are aware of their right to be treated with equity and fairness, and without unlawful discrimination.

2.0 Scope

This statement applies to employees, volunteers, parents/carers/students, and people visiting the school site; and to: enrolment of all students; employment; and students with disabilities.

3.0 Reference

[Anti-Discrimination Act 1991](#).

4.0 Definitions

4.1 “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.

4.2 “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.

Subject to the specific exemptions detailed in State and Federal Anti-Discrimination Laws, discrimination on the following grounds is against the law:

- Race
- Religion
- Lawful sexual activity
- Trade union activity
- Sex/Gender
- Pregnancy
- Breast-feeding
- Age
- Impairment
- Political belief or activity
- Social origin
- Association with, or in relation to, a person identified based on any of the following attributes:
 - ❖ marital status
 - ❖ parental status
 - ❖ race
 - ❖ religion
 - ❖ lawful sexual activity
 - ❖ social origin

4.3 “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.

- 4.4 "Unlawful Discrimination" is Discrimination (Direct or Indirect) which would amount to a breach of State or Federal Anti-Discrimination laws.

5.0 Responsibility

The Principal is responsible for the implementation of the policy and to ensure training is delivered in accordance with section 6.3.5 of this document.

6.0 Anti-Discrimination Statement

6.1 Statement

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

The Statement of the College is to treat all staff and students on their merits, in an environment free of unlawful discrimination and harassment. The College does not tolerate any form of unlawful discrimination.

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

- Gayla Mathews, Chaplain and Secondary School teacher
- Matt Doecke, Primary School Teacher

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

- For staff members: The College's Complaints Handling Statement and Procedures under Annexure D of the *Queensland Lutheran Schools Single Enterprise Agreement 2016* (as amended or replaced from time to time) (**Enterprise Agreement**);
- For students, parents and/or other College community members: The applicable College Staff/Parent/Wider Community Complaint Procedure.

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

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

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 Building Responsible Behaviours or Responding to Student Bullying Procedure may be taken against a student who unlawfully discriminates against another student.

6.2 Employment

6.2.1 Job descriptions

Immanuel Lutheran College employment contracts include the Job and Person Specification (Terms of Reference) which detail the employee's duties. These are reviewed as part of the appraisal process.

6.2.2 Selection Criteria for appointment and promotion

The qualities sought in an employee for a specific position are reflected in all Job and Person Specification's 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. Further details are contained within the College's Recruitment, Selection and Employment Procedure.

6.2.3 Interviews

The position selection criteria form the basis upon which questions are asked during interviews, but are not the only basis.

6.2.4 Relevant exemptions

In relation to employment, the Act provides an exemption in the following areas applicable to Immanuel Lutheran College:

- 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.

6.3 Enrolment

6.3.1 Prospective students

The College 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;
- 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.

6.3.2 Current students

The College 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 College; or
- by treating a student unfavourably in any way in connection with the student's training or instruction.

6.3.3 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; and
- in relation to impairment where people with disabilities require special services or facilities that would impose unjustifiable hardship on the College.

6.3.4 **Students with Disabilities**

This statement should be read in conjunction with other applicable policies, procedures or guidelines that may be published and adopted by the College from time to time.

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 guardian 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 delegate, Enrolments Officer and/or Learning Enhancement Coordinator speaking with the parents or guardian will advise them in an open, honest and straightforward manner of the services and facilities available within the College and an inspection of the College's facilities will be offered at the earliest opportunity.
4. The parent's views on the additional services and facilities that the student needs will be obtained with verification of this information sought where necessary.
5. The student seeking enrolment will be observed in his/her present setting (where possible) and the teachers and/or relevant staff at the school presently attended will be consulted to ascertain the assistance the student is currently receiving. Advice will be sought about the services and facilities that may be required in the future.
6. The Learning Enhancement Coordinator, and a child psychologist if appropriate, will be involved at an early stage of the process. Formal assessment of the student may be conducted.
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.
10. Enquiries will be made to determine if additional funding might be available from the Commonwealth or State Governments. This additional funding may be in the nature of recurrent or capital funding.

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.

6.3.5 **School Responsibilities**

The College will:

- Treat seriously any reports of unlawful discrimination;
- Provide training for all employees and volunteers in both their rights and obligations and the College 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.

7.0 Related Policies and Documents

Building Responsible Behaviours
Responding to Student Bullying Procedure
Student/Parent/Wider Community Complaint Procedure
Complaints Handling Policy
Workplace Bullying and Harassment Statement
Enrolment Policy
WH&S Policy Statement
Recruitment, Selection and Employment Procedure

Major Source: ISQ Antidiscrimination Policy Template.