

Inclusive culture

“I live in the community. I see our students and their families when I do my grocery shopping, when I get my petrol, when I buy my coffee. There’s no room for pretending about inclusivity.”

– Rosebud Secondary College

Why is an inclusive culture important?

Inclusive schools are places where all students and their families feel safe, welcome, valued and a part of the school community.

This is particularly important for students with disability.

Disabilities come in many forms. Under the law, ‘disability’ is defined broadly and includes physical, intellectual, mental and neurological conditions and diseases, genetic predispositions to disabilities and symptoms or manifestations of disabilities.

One helpful way to think about disability in education is to consider the barriers in physical, social and learning environments that combine with individual differences to stop students from being able to participate equally.

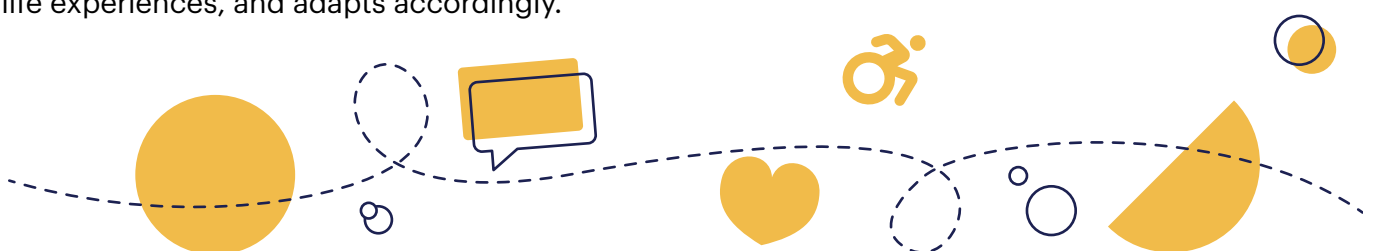
An inclusive culture means taking steps to remove these barriers by creating a community and learning environment where all students are welcomed, accepted and treated fairly and with respect. It recognises that people with disability come from a wide range of communities and life experiences, and adapts accordingly.

An inclusive school culture is about more than just fixing issues as they arise, it’s about creating an environment where unfair treatment and harmful behaviour are unlikely to happen in the first place.

When schools have a proactive plan for an inclusive culture, everybody benefits – students, families and staff.

“As educators, we’re not trained in psychology, occupational therapy, speech therapy, behaviour intervention or psychiatry. There’s an expectation on educators that we know it all and we don’t. And one of the hardest things is saying, ‘look, that’s not my field, I can’t answer that question’ or ‘I can’t diagnose that’. Schools really are a community, a one-stop shop for everything around inclusion and disability. We don’t have all the answers because we’d have to do 6 different degrees. But by working together, we can get the best out of a student’s education.”

– Bentleigh West Primary School



What the law says

Under the *Equal Opportunity Act 2010* (the EO Act), education providers have a **positive duty** to take reasonable and proportionate steps to eliminate discrimination, sexual harassment and victimisation as far as possible.

This means that a school must take positive measures to prevent these behaviours, regardless of whether someone has made a complaint.

Discrimination can include direct and indirect discrimination in the provision of education.

Direct disability discrimination in education means treating, or proposing to treat, a student unfavourably because of a disability. This might include suggesting to a family that a student with a disability would be better suited to another school, including a specialist school.

Indirect disability discrimination means imposing an unreasonable requirement, condition or practice on all students that has, or is likely to have, the effect of disadvantaging people with disability. This might include expectations about punctuality, classroom behaviour, attentiveness and requirements around completion of work that students with disability may not be able to comply with, or rules around disciplinary actions that disproportionately impact people with particular disabilities.

Both direct and indirect discrimination are unlawful.



The EO Act also requires schools to make reasonable adjustments for students with disability so that they can participate in and derive benefits from their education. This can include physical adjustments such as ramps, computer software or wobble stools, and adjustments to practices such as changes to class or exam times. See more information in the "**Making adjustments**" resource.

There are exceptions that mean discriminatory treatment is allowed in limited circumstances, for example if the action is reasonably necessary to protect the health and safety of any person or property.

As well as discrimination laws, government schools also have responsibilities under the Charter of *Human Rights and Responsibilities 2006* (Vic) (**the Charter**). The Charter sets out the rights of all people in Victoria, including:

- the right to equality
- the right not to be treated or punished in a cruel, inhuman or degrading way
- the right of a child to such protection as is in the child's best interests.

For example, restrictive practices may interfere with a student's right to equality and their right not to be treated in a cruel, inhuman or degrading way.

Other laws that relate to human rights of students with disability include the *Disability Discrimination Act 1992* (Cth) and the *Disability Standards for Education 2005* (Cth). These laws include obligations on schools to be inclusive of all students with disability, not just those who are eligible for support under targeted funding programs.

By fostering an inclusive culture, schools are upholding and promoting these laws.

"People get really nervous when they're talking about equal opportunity, minority groups and disability. People don't want to say the wrong thing. Sometimes we do make mistakes but we've worked really hard with the families to say if we haven't got something right, tell us. Help us make it right. We're not proposing that we're experts. Let's work together."

– Rosebud Secondary College

CASE STUDY

Each morning, primary school principal, Ms Smith, stands at the gate before classes begin. During this time, she has incidental chats to students, parents and guardians. This includes regular check-ins with Laura – a Grade 3 student with epilepsy – and her family.

One morning, Laura's mum mentions to Ms Smith that Laura had significant seizures over the weekend that required hospitalisation, and shows Ms. Smith a doctor's letter requesting extra monitoring. Ms Smith is able to discreetly bring the family into her office for an impromptu meeting, ensuring their right to privacy, to design a plan to ensure that the student receives the monitoring she needs without impacting Laura's learning.

By making herself available to students and their families, Ms Smith has nurtured an inclusive culture, allowing her to discover important information about a child's wellbeing and creating a plan to facilitate the student's continued participation at school.



What Department of Education policy says

Department of Education policy complements Victoria's discrimination and human rights laws, and should be read together for the benefit of all students and staff.

Enrolment

In Victoria, all students with disability have a right to enrol at their designated neighbourhood school and may be enrolled at another neighbourhood school subject to sufficient accommodation. In addition to neighbourhood schools, there is a range of government specialist schools and education settings available for students with specific disability and high needs. For additional information see **Enrolment: Policy** | education.vic.gov.au

Planning for support of students with disability

When planning an adjustment for a student at a Victorian government school, the school must consult with the parent or carer(s) and the student, typically through the **Student Support Group** process.

An **Individual Education Plan** (IEP) is a written statement that describes the adjustments, goals and strategies to meet a student's individual educational needs so they can reach their full potential. It helps schools plan and monitor a student's unique learning needs. An IEP is beneficial for all students with additional needs and schools are required to have one for students supported under individualised disability funding programs including the Program for **Students with Disabilities** (PSD) and **Disability Inclusion** (DI).

For further information, see **Students with Disability: Policy** | education.vic.gov.au

“The first step towards an inclusive culture is making time, it's not easy!”

– Dr Erin Leif, Associate Professor in the Faculty of Education, Monash University

Practical tips

These practical tips for building staff capacity have been informed by schools, for schools, to comply with their positive duty to eliminate discrimination and other legal obligations, and work towards full disability inclusion:

- Inclusion starts from enrolment onwards
- Make the time to set up inclusive plans and policies, ensuring that students are involved in the process
- Establish whole school processes and systems to make and embed school-wide improvements strengthening an inclusive school culture
- Collect, monitor and review school data to inform improvements of an inclusive school culture
- Have a shared understanding and agreement on the inclusive language your school community will use, focusing on language preferred by students and their families
- Avoid using language that positions a student as a problem or object of pity or charity
- Offer a range of opportunities for families to share their knowledge, skills or identity, for example, you could make yourself available for incidental chats with students and families at drop-off and pick-up
- Embrace the diversity of students – including disability, culturally and linguistically diverse backgrounds, gender identity, sexual orientation, financial disadvantage, religious beliefs, and family structure – with a variety of strategies, including by making processes more accessible, acknowledging important dates or adjusting curriculum
- Have a clear complaints process for students and their families
- Bring in help where you need it
- Don't be afraid of making mistakes but do ensure that policies and procedures are in place to learn from them.

Other supports and resources

Support students with additional learning needs | schools.vic.gov.au

Disability Inclusion: a new approach for students with disability | vic.gov.au

Diverse Learners Hub | vic.gov.au

Inclusive Education – What Is It | Amaze

Inclusive school communities | AllPlay Learn

Language | AllPlay Learn

Intersectionality | AllPlay Learn

Building successful partnerships between school and home | AllPlay Learn

Schools – complaints processes guidance | vic.gov.au

“We're very open door in terms of come in, have a look. We've created a cultural space where I don't profess to know everything, our staff don't profess to know everything, parents and support workers don't know everything, but together we bring this web of knowledge. As long as we make the young person's right to an education at the centre of that, we can navigate the rest.”

– Rosebud Secondary College



**Victorian Equal Opportunity
& Human Rights Commission**

humanrights.vic.gov.au

General enquiries enquiries@veohrc.vic.gov.au

Enquiry line 1300 292 153

