

## EQUITY MATTERS

### Your questions answered

**Q** I have a student who requires higher levels of support. Unfortunately, an Access Request application was denied. What do I do when a student is eligible and suitable but misses out on a placement?

**A** Discuss the concerns with your school team, the learning and support teacher, executive or principal to seek further information and feedback on the application. Seek advice from your learning and wellbeing officer as part of the Team Around a School to investigate alternate supports or avenues for the student. Discuss the additional supports to best meet the student's needs in the interim while a placement is not available.

**Q** How can I access additional and suitable support for a recently arrived refugee student?

**A** Schools can access further information and support for refugee students and their families by contacting the NSW Service for the Treatment and Rehabilitation of Torture and Trauma Services.

To effectively support refugee students, schools must develop programs that support English language competence across the curriculum so students can commence language acquisition and fully participate in schooling. English as an Additional Language or Dialect (EAL/D) programs can vary between schools, depending on the numbers of EAL/D students, their English language learning needs and the number of specialist EAL/D teachers allocated to the school. The Department of Education's EAL/D advice for schools provides guidance to schools in how best to manage EAL/D programs.

The English language proficiency equity loading is a resource allocation to support students learning English as an additional language or dialect. To learn more about the loading and funding allocations, members should visit the Department's 'English language proficiency' and 'Funding allocations and effective use of funds' webpages.

If refugee and/or newly arrived students enrol and they require EAL/D and settlement support in addition to what is already available in your school, there may be capacity to access further funding and support programs via the Department's New Arrivals Program.

Online, onsite and telephone interpreters can be used by schools, parents or the community for meetings and interviews with a school. Find out more via the Department's 'Interpreting and translations' webpage and Interpreting and Translation Services Guidelines.

**Q** How do I support a student in my classroom who identifies as non-binary?

**A** Public schools are centres of inclusion and this should be celebrated.

A student who has identified as non-binary or gender diverse should enjoy the same legal rights and protections that are afforded to all students under the duty of care, education and work health and safety laws. This includes respecting a student's gender identity and ensuring they are not disadvantaged in areas like enrolment, wellbeing, safety or participation in school life.

Support is typically tailored to each individual student rather than applying a single rule for all

students. Schools should work with the student and their family to develop appropriate support plans, which may include using preferred names and pronouns, adjustments to uniforms or participation in some activities. Teachers and staff are expected to foster respectful classroom environments and promote inclusion through everyday practices and wellbeing support systems.

The Department's Legal Issues Bulletin 55: *Gender Diverse Students in Schools* and Legal Issues Bulletin 20: *Changing the way a student name is used and recorded by schools* should be referenced for Departmental guidance. If there are community issues that are raised in relation to the schools inclusion of non-binary or gender diverse students, principals should refer to the Department's *Supporting LGBTQIA+ communities in schools* toolkit and associated resources.

**Q** I have a student who is Aboriginal and demonstrates high potential. Should I write a Personalised Learning Pathway (PLP)?

**A** Yes. If you have an Aboriginal student or Torres Strait Islander student who shows high potential, developing a PLP is recommended and can be a powerful way to support and extend their learning.

It's highly encouraged that all Aboriginal and/or Torres Strait Islander students have a PLP that is tailored to the student and is regularly reviewed, updated and celebrated. These plans:

- recognise strengths and aspirations focusing on the student's talents, interests and goals
- set high expectations, reinforcing

that they are capable of achieving at the highest levels

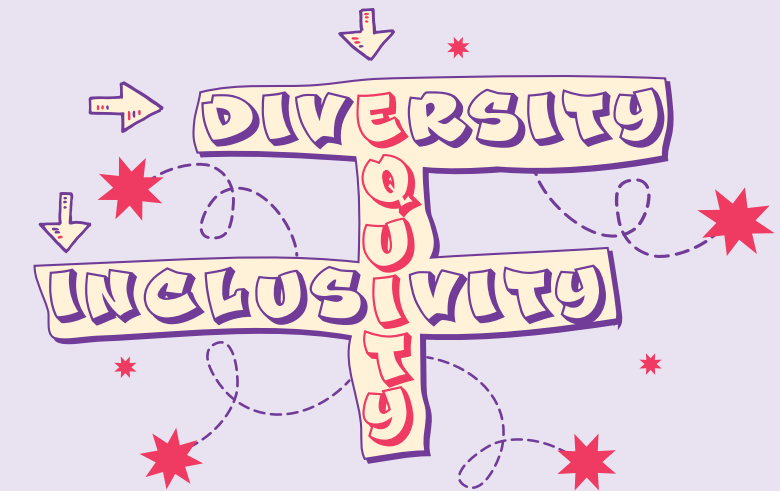
- provide tailored support, identifying strategies, resources and opportunities to help them excel
- encourage collaboration, involving the student, their family and community in shaping the plan.

Even if the student is already performing well, a PLP can help develop their potential, connect learning to cultural identity and ensure ongoing progress. The Department's Personalised Learning Pathways Guidelines are available online to support teachers in creating PLPs. The My Future, My Culture, My Way campaign also supports student potential through high potential and gifted education.

**Q** One of my students is making me feel uncomfortable. How do I know if it is sexual harassment?

**A** Sexual harassment is any conduct (physical, verbal, written or digitally communicated) that is unwelcome, is of a sexual nature and that a reasonable person would anticipate could possibly make the person subjected to the conduct feel offended, humiliated or intimidated. It could include inappropriate questions or comments about your personal life, relationship status or appearance; if students obstruct you, crowd around you or call out across the playground; or say things in the classroom that have sexual references.

In schools, the workplace sexual harassment prevention and response policy clearly outlines the steps that should be taken. Expectations of student behaviour and responding to students with problematic or harmful



sexual behaviour are covered by several linked policies, including the student behaviour policy and the suspension and expulsion procedures. Principals must treat all reports seriously and there is an obligation for anyone who witnesses a situation to be an 'active bystander', to intervene where necessary and report it.

Sexual harassment is a work health and safety issue and all reasonably practicable steps must be taken to eliminate health and safety risks in the workplace. This means addressing unwelcome or unlawful behaviour towards workers, including when the behaviour comes from students of any age.

You can talk to your Fed Rep and Women's Contact for support to report the behaviour.

Recent amendments have been made to the *Industrial Relations Act 2006 (NSW)* that provide new protections against sexual harassment. Similar provisions prohibiting sexual harassment also exist within the *Fair Work Act 2009*. The *Anti-Discrimination Act 1977 (NSW)* provides protections against sexual harassment that can be pursued as an alternative course of action. Members are encouraged to seek advice from Federation if they are experiencing sexual harassment of any nature.

#### REFERENCES

- NSW Service for the Treatment and Rehabilitation of Torture and Trauma Services
- EAL/D advice for schools
- English language proficiency
- Funding allocations and effective use of funds
- New Arrivals Program
- Interpreting and translations webpage and Interpreting and Translation Services Guidelines
- Supporting LGBTQIA+ communities in schools
- Legal Issues Bulletin 55: Gender Diverse Students in Schools
- Legal Issues Bulletin 20: Changing the way a student name is used and recorded by schools
- Personalised Learning Pathways Guidelines Workplace sexual harassment prevention and response
- The new sexual harassment prevention and response policy (webstory)

Links to the reference documents



Questions answered by Federation's Equity Team:

- Russell Honnery, Aboriginal Education Officer
- John Skene, Disability Officer
- Mandy Wells, Multicultural Officer
- Leeanda Smith, Women's Officer
- Mel Smith, Officer attached to LGBTQIA+ matters