

1. Aim

AVANTE is committed to adopting access and equity principles across all relevant processes and providing equal opportunity for all individuals in accordance with legislation, regulations & contractual agreements which govern its operation.

This Policy seeks to comply with Standard 1, clauses 1.3 & 1.8, Standard 8 clause 8.5 of the SRTOs 2015, Schedule 1 Clause 1.3 (c), Clause 4.2. of the 2018 Standard VET Funding Contract and the following legislation as relevant:

- National Vocational Education and Training Regulator Act 2011 (NVR Act) – Commonwealth
- Vocational Education and Training Accreditation Act 1990 (New South Wales)
- Education and Training Reform Act 2006 (Victoria)
- Vocational Education, Training and Employment Act 2000 (Queensland)
- Training and Workforce Development Act 2013 (Tasmania)
- Age Discrimination Act 2004 (Commonwealth)
- Disability Discrimination Act 2009 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Sex Discrimination Act 1984 (Commonwealth)
- Anti-Discrimination Act 1977 (New South Wales)
- Anti-Discrimination Act 1991 (Queensland)
- Sex Discrimination Act 1994 (Tasmania)
- Anti-Discrimination Act 1998 (Tasmania)
- Equal Opportunity Act 2010 (Victoria)
- Disability Act 2006 (Victoria)
- Ministerial Order No.870- Child Safe Standards

2. Purpose

The purpose of the Access and Equity Policy is to provide a frame of reference in how AVANTE must provide and maintain services that reflect equal opportunity for all individuals regardless of their diversity to participate in our services and how it establishes processes to ensure the learner is provided with every opportunity to complete their Vocational Learning Program (Program) by removing any present barriers that may prevent them from such accomplishment. This includes AVANTE's assurance of contextualising the learning environment to meet learner's individual needs and creating a safe and supportive learning space free of harassment, victimisation and discrimination. Fulfilling the commitment of both practices essentially aids the removal of present barriers that prevent learners from successfully completing their Program and meets the aims of this Policy and its guiding principles.

3. Scope

The scope of the Access and Equity Policy applies to AVANTE staff and their association with all prospective and current learners in relations to providing services which adopt access and equity principles, employers, host workplaces and any other relevant stakeholders of AVANTE. Individual job roles are outlined in further detail in clause 7 AVANTE Responsibilities.

4. Policy Statement

AVANTE recognises that the needs of an individual learner are unique and separate from another learner. Therefore, AVANTE ensures services are provided in a fair, contextualised and equitable manner to all learners, free from bias. AVANTE has a legal and moral obligation to provide equal opportunity in an environment free from discrimination and physical and emotional harm for its staff, visitors and learners.

5. Definitions

The following words and expressions have the following specific meaning:

Access and equity refers to ensuring all individuals regardless of their age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location can access services offered by AVANTE.

Bullying refers to a misuse of power and is the conduct of repeated verbal/physical and/or intimidating behaviour that causes physical, psychological and/or emotional harm to another human being. AVANTE recognises bullying and violence demeans and infringes the rights of individuals and groups, damaging the work and learning environment.

Complaints in the context of access and equity are grievances raised by an individual where there has been a breach to the Access and Equity Policy which must follow the Complaints Procedure to ensure an appropriate resolution is made (see Complaints Policy).

Discrimination occurs when a person is treated less favourably than others due to the person's circumstances, characteristics or beliefs.

Direct discrimination takes place when a person, organisation or group of individuals is treated less fairly than others on the basis of stereotyped beliefs or views.

Equal Opportunity refers to the requirement of all individuals regardless of their diversity to be treated similarly and not impeded by any form of harassment, bullying, discrimination, victimisation and/or vilification due to their differences.

Exclusions to services refers to the exceptional circumstances in which a person may not access a product or service offered by AVANTE due to one or more of the following:

- The person has a criminal history which impacts the requirements of the course or vocation of the area being studied and/or impacts the implementation of the Child Safe Standards into AVANTE's learning space.
- The prospective learner requires delivery in a language other than that being offered by AVANTE in accordance with the related Training Package.
- The prospective learner required special services or facilities and provision of such would cause unjustifiable hardship to the organisation.
- The person does not meet the admission requirements of the Program which have been developed based on what AVANTE has determined on what is required as a basis to be able to competently complete the outcomes of the program
- The person has a condition which may cause an adversary effect on themselves or others if they are involved in a product or services and furthermore a professional may advise that the product or service is not suitable for them to undertake.

Indirect discrimination includes rules, practices or policies which appear to be non-discriminatory and equally applicable, but operate in such a way that certain groups of people are excluded without just cause.

Harassment is any behaviour which is unwelcoming, offends, humiliates or intimidates a person and causes the work/learning environment to become unpleasant. If a person is being harassed, then their ability to do their work is affected as they often become stressed and suffer health problems. Harassment may result from behaviour which is not intended to offend or harm, such as jokes or unwanted attention however, this does not mean that it is lawful.

Non-Verbal Harassment is a form of harassment. Examples of non-verbal harassment include, but are not limited to:

- a) Leering (e.g. staring at a woman's breasts)
- b) Putting offensive material on notice boards, computer screen savers and emails
- c) Wolf whistling
- d) Nude or pornographic posters
- e) Displaying sexist or racist cartoons or literature
- f) Demoting, failing to promote, or transferring someone because they refuse requests for sexual favours
- g) Following someone home from work

- h) Standing very close to someone or unnecessarily leaning over them
- i) Mimicking someone with a disability
- j) Practical jokes that are unwelcoming
- k) Ignoring someone, or being cold and distant to them
- l) Crude hand or body gestures

Physical Harassment is a form of harassment. Examples of physical harassment include, but are not limited to:

- a) Unwelcoming physical contact such as kissing, hugging, pinching, patting, touching, or brushing up against a person
- b) Indecent or sexual assault or attempted assault
- c) Hitting, pushing, shoving, spitting, or throwing objects at a person
- d) Unfastening a person's attire

Sexual Harassment is a form of harassment. Examples of sexual harassment include, but are not limited to:

- a) Unwanted touching
- b) Sexual innuendo propositions
- c) Nude pin-ups and posters
- d) Obscene telephone calls
- e) Wolf whistles

Sexual harassment can occur among peers or co-workers, supervisor-subordinate or staff-learner, learner-staff, learner-learner situations.

Target Groups are defined as:

- Aboriginal and Torres Strait Islanders;
- People with a disability;
- People from non-English speaking backgrounds;
- People in transition and other special groups (i.e. people re-entering the workforce, long term unemployed, sole parents, people with literacy problems, and those who have been institutionalised);
- Women;
- People from regionally isolated communities.

Verbal Harassment is a form of harassment. Examples of verbal harassment include, but are not limited to:

- a) Sexual comments, advances or propositions
- b) Lewd jokes or innuendos
- c) Racist comments or jokes
- d) Spreading rumours
- e) Comments or jokes about a person's disability, pregnancy, sexuality, age or religion
- f) Repeated questions about one's personal life
- g) Belittling someone's work or contribution in a meeting
- h) Threats, insults or abuse
- i) Offensive obscene language
- j) Obscene telephone calls, unsolicited letters, faxes and emails

Reasonable Adjustment refers to the adjustment to assessment to accommodate for a learner's special needs to allow them to have the same opportunity to achieve competency, however does not compromise the integrity of the training packaging rules, assessment requirements or principles of assessment and rules of evidence.

Special Needs are the circumstance(s) a learner may have which creates a barrier for a learner to undertake training.

Violence refers to the physical force or power intended to damage. Hurt or kill someone or something.

6. Policy Principles

Guiding Principles

AVANTE has identified the below moving parts as the guiding principles which form the Access and Equity Policy:

6.1 Access and Equity Commitment

6.2 Equal Opportunity

6.3 Special Needs

6.4 Exclusions from services

6.5 Legislation

6.1 AVANTE Access and Equity Commitment

- a) All AVANTE staff and learners must contribute to creating and sustaining a safe and supportive learning environment by adhering to the access and equity guiding principles and treating others with dignity and respect.
- b) The Access and Equity Policy must be made publicly available and be easily accessible to all staff and prospective and current learners.
- c) Under no circumstances will the conduct involving bullying, discrimination, any forms of harassment, victimisation and/or vilification be tolerated. Any learner involved in such misconduct must be subject to the Learner Discipline Policy and Procedure.
- d) AVANTE staff, stakeholders or learners who feel harassed, bullied or otherwise a victim of unwelcoming behaviour must inform AVANTE of such behaviour in accordance with the Complaints Policy and Complaints Procedure.
- e) AVANTE training and assessment services must ensure its training is relevant for a diverse learner population and offers culturally appropriate teaching resources relevant to participate needs and circumstances.
- f) Furthermore, AVANTE must provide suitable access to facilities and resources for a diverse learner population.
- g) AVANTE must ensure it demonstrates its commitment to access and equity by adopting access and equity principles across the following Policies and Procedures at minimum:
 - i. Pre-Enrolment & Enrolment Policy and Procedure
 - ii. Training Policy and Procedure
 - iii. Assessment Policy and Procedure
 - iv. Complaints Policy and Procedure
 - v. In-House Training Policy and Procedure
 - vi. Appeals Policy and Procedure
 - vii. Industry Consultation Policy and Procedure
 - viii. Training and Assessment Strategy Policy and Procedure

6.2 Equal Opportunity

- a) AVANTE must not discriminate against or favour target groups in either recruiting or training, unless prescribed by funding contracts.
- b) All learners must be given equal opportunity to attend and complete training unless an exclusion to services applies.
- c) All staff must be given equal opportunity to participate in relevant decision making processes and the allocation of resources and services as required to fulfil their duties and responsibilities.

- d) Staff must be educated on the general goals and philosophy of equal opportunity together with the rationale for policies and practices which adopt access and equity principles.
- e) AVANTE must promote and encourage all staff, stakeholders and prospective and current learners to apply the values of equal opportunity and prevent any form of harassment, discrimination, bullying, victimisation and/or vilification from occurring.

6.3 Special Needs

- a) AVANTE procedures must establish processes to identify learner's special needs to ensure that any needs which present a barrier to access, participate and achieve outcomes are omitted and include:
 - i. Learners to feel open to discuss with AVANTE any special needs or learning barriers which may inhibit their learning performance.
 - ii. Accommodating learner's special needs in training and assessment services without compromising the integrity of the assessment against competency (See Assessment Policy).
 - iii. Applying reasonable adjustment as appropriate to meet learner's special needs in order to satisfy the requirements of the Principles of Assessment (See Assessment Policy).

6.4 Exclusions from Services

- a) While AVANTE is committed to upholding access and equity principles, in some exceptional circumstances AVANTE must up hold its responsibility to advise an individual where a product or service is not suitable for them to undertake.

7. AVANTE Responsibilities

AVANTE responsibilities must be established in accordance with the guiding principles and include:

Director

- Responsible for implementing practices to adopt access and equity principles throughout all operations of AVANTE.
- Responsible for ensuring staff act according to this Policy.
- Responsible for not condoning nor engaging in discriminatory/harassing behaviour.

In-House Training Manager

- Responsible for conducting in-house training on the Access and Equity Policy in accordance with In-House Training Policy).

Trainers & Assessors

- Responsible for supporting access and equity principles in its conduct (see Training Policy and Assessment Policy).

Learning Pathway Advisor

- Responsible for ensuring all learners are made aware of their rights and responsibilities pursuant to this policy (Pre-Enrolment & Enrolment Policy)
- Responsible for administering a fair, non-discriminative conduct in the pre-enrolment & enrolment process with each prospective learner (see Pre-Enrolment & Enrolment Policy).

Compliance Officer

- Responsible for dealing with complaints in regards to a breach in the Access and Equity Policy (See Complaints Policy).

All AVANTE staff

- All staff share the responsibility of adopting access and equity principles in any task they perform including their interaction with other staff, learners, clients and stakeholders (Staff Code of Conduct)