



Aston Lodge Primary School

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Aston Lodge Primary School

Disability Equality Policy

In association with Wickersley Partnership Trust



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1. Introduction

Wickersley Partnership Trust has adopted and adapted the model policy provided by Rotherham MBC.

This section explains how the Disability Equality Duty (the Duty) applies to schools. The Duty was introduced into the Disability Discrimination Act 1995 (DDA) in 2005 and sets out:

- A general duty to promote disability equality, which applies to all public authorities; and
- A specific duty, which applies to particular public authorities, including local authorities and publicly-funded schools (including city technology colleges, city colleges for technology of the arts and academies). The specific duty includes a requirement to prepare and publish a disability equality scheme (a scheme) showing how a public authority is meeting its general duty.

The Duty does not bring in new rights for disabled people, rather it requires our Trust to take a more proactive approach to promoting disability equality and eliminating discrimination.

More proactive

Our Trust needs to focus on an individual response to an approach that builds disability equality considerations in from the start and at every level of the school: at strategic, policy, management and classroom level.

More explicit

Our Trust needs to be able to demonstrate what they have done and what they plan to do to improve opportunities and outcomes for disabled pupils, staff, parents and other users of the school.

More involved

Our Trust needs to involve disabled pupils, staff, parents and others in the development of their scheme. Disabled people need to be involved from the very

start and their involvement needs to inform the preparation, development, publication, review and reporting of the scheme.

More comprehensive

Our Trust has a range of duties under the DDA:

- Towards their employees;
- Towards other users of the Academies; and
- Towards the pupils of the Academies.

The DDA applies to schools in a range of different ways. In particular it applies to three main functions:

- To the Trust/Academy main function of providing education to pupils;
- To the Trust/Academy as an employer;
- To the Trust/Academy as a provider of services to parents and carers and the wider public.

The employment and service provision duties have applied to schools since 1996 when the DDA was first implemented. The education duties were added by the SEN and Disability Act 2001. The Disability Discrimination Act 2005 inserted the Disability Equality Duty (the Duty) into Part 5A of the DDA.

The Disability Equality Duty

The duty requires schools, when carrying out their functions, to have due regard to the need to:

- Promote equality of opportunity between disabled people and other people;
- Eliminate discrimination that is unlawful under the Disability Discrimination Act;
- Eliminate harassment of disabled people that is related to their disability;
- Promote positive attitudes towards disabled people;
- Encourage participation by disabled people in public life;
- Take steps to meet disabled people's needs, even if this requires more favourable treatment.

Developing our Disability Equality scheme

Wickersley Partnership Trust values staff and pupils and the diversity which comes within the broad Trust family. We expect everyone to participate and achieve in every aspect of school life and through the publication of this revised scheme, the Academies within the Trust has been revised by linking it to the partnership with the Academies Building Manager's accessibility audit and taken into consideration a wide variety of factors, including:

- The size of the individual Academies;
- The size and make-up of the disabled population of pupils, staff and parents;
- The proximity of other schools and the potential for links with them;
- The individual Academies building stock;
- The budgets;
- How the DDA duties interact with other statutory duties.

The Trust, however, does recognise that this scheme goes wider than just a plan:

- It includes disabled staff, parents, carers and others as well as pupils;
- The involvement of disabled people is a requirement;
- The gathering of information is a requirement.

Through our Disability Equality Scheme it, we have been able to identify and record the progress we have made towards achieving disability equality and tackling discrimination and come to a better understanding of the challenges still to be tackled.

In the development of this scheme the Trust and individual Academies within it has consulted with and collected information about the following:

- a) **Recruitment, development and retention of disabled employees taking into account:**
 - Current information;
 - How information gathering is going to be improved in the future;
 - The benefits of a diverse workforce.
- b) **Educational opportunities available to and the achievements of disabled pupils taking into account of:**

- Improving Access for disabled pupils
- The presence of disabled pupils, for example: how many disabled pupils there are in the school, which impairment groups are represented, or not represented, in the school;
- The participation of disabled pupils across the life of the school, for example: in curricular and extra-curricular activities, in positions of responsibility; the factors affecting participation, for example: policies on medication, bullying, access;
- Achievements of disabled pupils as reflected in, for example: exams, accredited learning, achievements in extra-curricular activities, broader outcomes

c) Disabled parents, carers and other users of the school

Within the Academies within the Trust, by considering the above we will ensure that this Disability Equality Scheme is effectively implemented and scrutinised so that we meet the obligations placed upon us by the Disability Discrimination Act.

Promoting disability equality across the Trust will be a continuous process. It will be undertaken in partnership with the wider community and of course with disabled people themselves.

We will endeavour to fulfil the three key duties towards disabled pupils and adults as outlined in Part Four of the Disability Discrimination Act 2005. These are:

- Not to treat disabled pupils and adults less favourably for a reason related to their disability;
- To make reasonable adjustments for disabled pupils and staff, so that they are not at a substantial disadvantage;
- To plan to increase access to education for disabled pupils.

All members of the Trust community will understand and become committed to these three key duties. In the writing of policies or improving the quality of school life for anyone who is disabled, the views of those directly involved will

be sought and where possible, acted upon. All policy revisions will have an Impact Assessment as to its compliance with the duties of the act.

2. Our Vision and Values

It is our vision to create Academies where:

- The barriers which exist to prevent maximum learning and participation in all Trust activities for disabled staff and pupils are eliminated;
- Everyone attending, visiting or working at any Academy within the Trust, will feel welcome, important and respected regardless of race, colour, creed or ability;

All pupils, whatever their ability, will achieve their maximum potential in all aspects of learning.

Through all its policies and procedures, staff and governor training and recruitment, Wickersley Partnership Trust will aim to:

a) Promote equality of opportunity for all

For all children and adults, including those with disabilities, there will be:

- High expectations;
- Assessment of learning needs and requirements;
- Target setting and progress monitoring;
- Schemes of work which are appropriate and suitably modified where necessary to meet individual need;
- Professional development and support for all staff on inclusion practice and on specific disability issues.

b) Eliminate discrimination of disabled children and adults

In every aspect of the individual Academy's planning cycle, for the individual child, for each class and in each year group, the Academy will ensure that any necessary alterations to buildings, increases in staff and other facilities are, wherever possible, made available to enable disabled children and adults to participate in all areas of school life - in the classroom, moving around the school building, in the playground in extra-curricula activities and on school trips.

In order to achieve our aims we will endeavour to use our resources in ways that will best remove barriers to inclusion, through appropriate staff/pupil ratios, building conversions or other special measures.

c) Eliminate bullying of disabled adults and children

Tolerance and acceptance of differences underpins the Trusts ethos and curricula. Methods of reporting bullying and harassment of disabled children will be set up, monitored and recorded and targets set for its reduction and elimination.

d) Promote positive attitudes towards disabled people and encourage participation in public life

Through the celebration of the achievements of disabled pupils and disabled public figures the Academies within the Trust will take every step to ensure a positive image of disability is promoted.

In its recruitment policy, the Trust will ensure it interviews all disabled applicants if they meet the essential criteria of the job specification in full.

3. What Do We Understand About Disability

Disability is a physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities (Disability Discrimination Act 1995 part 1 para 1.1). This definition was amended and broadened in December 2005 under the Disability Amendment Act 2005:

- People with cancer or surviving cancer are now included, as are people with HIV and Multiple Sclerosis from the point of diagnosis;
- For a mental impairment the need for it to be clinically well recognised has been removed;
- The purpose of a Disability Equality Scheme is to explain in one document how we will make sure that we promote equality for disabled people and challenge discrimination against them.

4. The National Context

There are an estimated 11 million disabled adults in the United Kingdom (1 in 5 of the total adult population) and 770,000 disabled children. Many of these disabled people often have less obvious or non-visible impairments.

Disabled people do less well than non-disabled people in many areas of life, such as in terms of employment, income and education. Disabled people are also more likely to face discrimination and negative attitudes ('Improving the Life Chances of Disabled People', Government Strategy Unit 2005).

5. The Local Authority and the Trust

The Academies within the Trust work with many agencies that provide support for children in our care. In the Academies within the Trust these include:

- Hearing Impaired Service;
- Visually Impaired Service;
- Physiotherapy Teams;
- Occupational Therapy Service;
- Autism Outreach Service;
- Behaviour Support Team;
- School psychology service;
- Family support.

The Local Academy Boards will carry out its duties under disability legislation. This responsibility is delegated to the Head of School in the day to day life of the Academies. This duty includes requirements contained within:

- The Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005;
- The Special Educational Needs and Disability Act 2001;
- The Children Act 2004 (which includes provisions for disabled children);
- Buildings Regulations 2000 and amendments in 2003

6. Disability Discrimination Act (DDA) 2005

The general duty means that individual Academies Local Academy Board must, in carrying out its functions, have due regard to:

- Promote equality of opportunity between disabled people and other people;
- Eliminate discrimination which is unlawful under the Act;
- Eliminate harassment of disabled people that is related to their disabilities;
- Promote positive attitudes towards disabled people;
- Encourage participation by disabled people in school life;
- Take steps to take account of disabled people's disabilities even where this involved treating disabled people more favourably than other people.

The general duty builds upon the duties of the Disability Discrimination Act 1995 including the duty to make reasonable adjustments to make sure disabled people can access employment, education, facilities, services, functions and premises.

7. How we will meet the General Duty and Specific Duty

The production of this Disability Equality Scheme provides us with a framework for integrating disability equality into all aspects of school life and demonstrates how we are seeking to meet the specific duty.

8. Gathering and Using Information/Data

The Academies within the Trust will:

- Carry out an audit on an annual basis of pupils who fall under the description of "disabled";
- Conduct an annual provision map of the needs of the Academy in terms of its disabled population, identifying the support, modifications and levels of intervention from appropriate agencies;
- Liaise with feeder nurseries and other providers with regard to pupils who may be coming to the Academy, so as to anticipate needs and have in place whatever is necessary to accommodate these children on admission;
- Conduct training needs analysis of all staff and ensure the appropriate training is accessed so that staff can be fully competent in managing disability;

- Ensure staff have received appropriate training and ensure a programme of top-up training is in place.

9. The Strengths of Trust and the Academies within it

- There is very good access to a support network from other professionals and agencies for staff who work with children with a specific need or disability;

Comprehensive risk assessments are carried out for both on and off site activities and these always take into account any child with a specific need or disability. Staff also consult with other professionals when carrying out a risk assessment for a visit where a child with a disability is to attend, for example the Local Authority's Health and Safety Officer;

- Staff work closely with outside providers of clubs and activities to ensure any information about a specific child is communicated to the relevant party and reasonable adjustment made to allow a child with a disability to attend;
- All classrooms at the Aston Lodge Primary are accessible by a wheelchair from the outside areas, however, we are aware that due to the age and layout of the building the corridor areas linking the classrooms with other inside spaces are less accessible due to several small flights of steps. All outside recreation areas are accessible;
- A Disabled parking space is allocated in the staff car park and can be used by children and families with disabilities ;
- There is a disabled persons' toilet at Aston Lodge Primary School.

10. Involvement and Consultation

The Academies will:

- Consult with every child assessed on the above audit as disabled, their parents and agencies working within the Local Authority, in the planning and reviewing of their progress through the Academies;
- Record the views of all these stakeholders;

- Relay the outcomes of all planning and reviewing meetings to the child, parents/agencies concerned.

11. Increased Access to the Curriculum for Disabled Pupils

Planned curriculum development is resource and time intensive and the investment of human and other resources are carefully budgeted for. In this process the Academies will:

- Focus on medium term planning, at the level of schemes of work;
- Make a clear assessment of the current National Curriculum levels of the full range of children, particularly in relation to speaking and listening levels;
- Ensure appropriate deployment of teaching and learning support is in place or planned;
- Ensure adequate pupil grouping and develop the use of peer support;
- Schedule planning sessions over time;
- Work collaboratively within the Academies and share work with other schools.

Within the planning process the Academies will:

- Identify barriers to inclusion at school, subject and class levels;
- Ensure the planning cycle proceeds from an understanding of patterns in the participation and achievement of disabled children across different areas of the curriculum, in order to give priority to developing access in areas where disabled children are under-represented and/or under-achieving;

Ensure that through the Academy's longer term plans, barriers to inclusion are identified and the priority for their removal analysed in order that they can be eliminated.

12. Improvements to the Physical Environment to Increase Access to Education and Associated Services

The Trust acknowledges the need to make planned developments to the physical environment to increase access for disabled children to education and associated services within the classrooms and around the Academies. This is both within the school day and beyond and when off site activities take place.

Consideration will be for all areas of space in school, including classroom, activity area, hall, corridor and toilets. Equipment will need to be considered so as to make it appropriate for every identified need.

The individual Academies will:

- Maintain physical accessibility, by either offering disabled parking spaces close to the main entrance to school or within the car park with the ramp available for access to the building;
 - Ensure that the playgrounds can be accessed by all learners and staff;
 - In the case of Aston Lodge Primary School, continue to consider ways that the internal corridors can be made more accessible to wheelchair users;
 - Ensure that when children are required to travel off site, transport with lifts is arranged and necessary risk assessments undertaken at all venues, exploring and identifying problem areas;
 - Identify and ensure or plan for, the provision of disabled toilets and changing bed/lift equipment;
 - Ensure that modified toilet areas to accommodate wheelchair access are available as appropriate;
 - Ensure that storage space is provided for equipment (eg wheelchairs, walking frames, seats etc) when not being used;
 - Ensure that a range of equipment is available for those children whose needs require specialist aids, including the following:
 - Special seats
 - Sloping desks to support writing
 - Moveable stools
 - Large size keyboards and mice for computers
 - Coloured over-lays
 - Large print texts
 - "Quiet" books
 - Identified time out spaces
 - Consumable hygiene items
 - Ensure that at every level of planning for the admission and schooling of a disabled pupil, full consultation takes place with other agencies, the Local Authority, parents/carers and the child;
- Ensure that the necessary equipment and alterations are in place at the

appropriate time.

13. Improvements in the Provision of Information for Disabled Pupils

The Academies will:

- Ensure information about the Academy is available in different formats, for example in newsletters, school booklet and brochures as well as using the internet and website facilities;
- Endeavour to provide information worded simply, taped, in Braille, enlarged or in symbolic or picture format, once the ability of a child is known.

14. Implementation, Leadership and Management

Improving disabled learner's access to the curriculum is an element of ensuring high quality teaching and learning for all. All managers in Academies within the Trust share the responsibility for this.

School Leaders

The Trustees, Executive Head Teacher, Heads of School, Senior Management Team and Governors will show their commitment by ensuring that the priorities outlined in the Scheme are part of the Academies developing excellence plan and that they are effectively monitored and reviewed as part of that process. Each section of the Scheme will have an accompanying Action Plan, which will be reviewed annually to monitor progress.

School Managers

The curriculum section of the accessibility plan will be led by staff with curriculum expertise and responsibilities: leaders of curriculum areas in school.

The role of the SENCO/Inclusion Manager

The SENCO is part of the senior management team of the school and will be an important partner in leading effective curriculum and professional development. The SENCO will be instrumental in identifying needs, exploring provision and developing appropriate training.

Teaching Assistants

The crucial role of teaching assistant will be used to connect disabled children to the curriculum, support the development of independence and promote social interaction.

Teaching assistants will also be involved in curriculum development, deployed to dedicated areas of the curriculum and will be withdrawn when the assistance is not needed. They will use teaching approaches that promote positive pupil interaction.

Time-tabling

To provide a coherent overall programme for disabled children, curriculum development and time-tabling will take into account:

- Children and young people working at different levels in different strands of the curriculum;
Carefully monitored withdrawal sessions where these are needed to meet specified learning outcomes;
- The provision of therapies to provide a coherent overall programme for disabled children and young people and curriculum development.

15. Impact of the Scheme

The impact of the effectiveness of this scheme will be measured in terms of:

- Continued multi-agency involvement;
- Building on the school's inclusion policy, strategies and mechanisms including resources and support for all children;
- Successful creation of a Children's Centre;
- Successful Every Parent Matters Agenda seen in practice;
- Further structural adaptations and acquisition of equipment to the existing provision which currently includes: ramps, lifts, quiet working booths, visually enhanced computers with large keyboards and mice, raised seating, elevated writing slopes, special pens and pencils, nurture groups, whiz kids club etc;

Achievement of impact of the Scheme will be recorded through the action planning process on an annual basis.

16. Publication and Reporting

- The scheme will be made available through signposting in parents' newsletters and will be accessible in the Administration offices at the Academies.
- Governors will make the arrangements for the admission of disabled children available to parents. Its views on inclusion will be made clear. This information will include SEN provision and will be contained in the school prospectus.

17. Review and Revision

This Disability Equality Scheme will be reviewed in February 2021.

18. Support from Within and Beyond the Academies Within the Trust

The Academies regularly receives advice from agencies beyond the Trust with regards to disability and special needs. Multi-agency meetings are arranged in the Academies regularly.

Appendix 1 - The Disability Equality Duty and the Governing Body

Questions the Governing Body may want to ask itself as the ‘responsible body’ for the Academy:

Duties to Disabled Pupils, Staff and Parents	Yes	No	Evidence
<p>Does the GB receive regular reports on how the school is meeting its duties to:</p> <ul style="list-style-type: none"> disabled pupils? disabled staff? disabled parents, carers, governors, other disabled people who use the school or may want to? 			
Disability Equality Duty: General Duty			
<p>Does the GB have regard to the need to:</p> <ul style="list-style-type: none"> promote equality of opportunity for disabled people? eliminate disability discrimination? eliminate disability-related harassment? promote positive attitudes towards disabled people? encourage participation by disabled people in public life? take steps to meet disabled people’s needs, even if this requires more favourable treatment? 			
Disability equality duty: Specific duty			
Does the school have a disability equality scheme?			
Did the school involve disabled people (pupils, staff, parents) in the development of the scheme?			
<p>Does the school’s scheme show :</p> <ul style="list-style-type: none"> how disabled people have been involved? how information is gathered on the effect of the school’s policies on: <ul style="list-style-type: none"> recruitment, retention of disabled staff? opportunities for, achievements of disabled pupils? how the school assesses the impact of its policies, current or proposed, on disability equality? the steps it is going to take to meet the general duty (the school’s action plan)? how information will be used to support the review of the action plan and to inform subsequent schemes? 			
Did the school implement the actions in its scheme within three years?			

Does the Governing Body:			
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- report on its scheme annually?
- review and revise its scheme every three years?

Appendix 2 - Access to Work

Access to Work is a scheme which is designed to help employers and disabled employees, or potential employees, find solutions to practical obstacles that prevent disabled people making the most of employment opportunities.

There are several ways in which Access to Work can help. For example, it can help pay for:

- Communication support, for a deaf or hearing impaired person who may need support at an interview;
- A reader at work, for a blind or visually impaired person;
- Special equipment (or alterations to existing equipment) to suit particular work needs arising from a disability; and
- Help with the additional costs of travel to work for people who are unable to use public transport.

Access to Work can also pay for a support worker, if a disabled person needs practical help either at work or getting to work. The type of support on offer might include:

- Someone to read to a person with a visual impairment;
- Someone to support communication for a person with a hearing impairment; or
- A specialist coach for a person with learning difficulties.

Access to Work does not replace the normal responsibilities of the employer to implement Health and Safety regulations or replace the responsibilities required by the Disability Discrimination Act.

An employer or a disabled employee or potential employee can find out more by:

- Contacting their local Disability Employment Adviser (DEA) through their nearest Jobcentre Plus Office. The DEA will put you in touch with an Access to Work Adviser who will discuss your particular circumstances with you;
- Looking on the Jobcentre Plus website: www.jobcentreplus.gov.uk

Appendix 3 - DDA Part 1: The Definition of Disability

The DDA defines a disabled person as someone who has:
'a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'

Definition of the terms:

- 'Physical impairment' includes sensory impairments;
- 'Mental impairment' includes learning difficulties and an impairment resulting from or consisting of a mental illness;
- 'Substantial' means 'more than minor or trivial'; and
- 'Long-term' is defined as 12 months or more.

The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on the person's ability to carry out normal day-to-day activities is substantial and long-term, as defined above.

The effect on normal day-to-day activities is on one or more of the following:

- Mobility;
- Manual dexterity;
- Physical co-ordination;
- Continence;
- Ability to lift, carry or otherwise move everyday objects;
- Speech, hearing or eyesight;
- Memory or ability to concentrate, learn or understand;
- Perception of risk of physical danger.

Some people are automatically covered by the definition: those with cancer, multiple sclerosis, HIV infection or a severe disfigurement. There are special provisions for people with progressive or recurring conditions.

The definition covers a much larger group of people than is commonly thought. A report from the Cabinet Office suggests that about 772,000 children in the UK are disabled, equivalent to 7 per cent of all children and about 11 million adults, equivalent to 24 per cent of all adults.

For children and young people in schools, there is a significant overlap between those who count as disabled under the DDA and those who have special educational needs as defined by the Education Act 1996. The definition of SEN includes many, but not necessarily all, disabled children: a disabled child has special educational needs if they have a disability and need special educational provision to be made for them in order to be able to access the education which is

available locally.

The Department for Work and Pensions provides guidance on the definition of disability. There is more information on the definition of disability, and a checklist, *Is Tom disabled?* In Section I of these materials: *Duties and definitions*.

Appendix 4 - DDA Part 2: Schools' Duties in Relation to Employment

Part 2 of the DDA says that it is unlawful for employers to discriminate against disabled employees and disabled people who apply for a job. It is discrimination if an employer:

- Treats a disabled employee or applicant less favourably than another on the ground of the disabled person's disability (direct discrimination). Direct discrimination cannot be justified;
- Fails to take reasonable steps to avoid placing a disabled employee or applicant at a substantial disadvantage (the 'reasonable adjustments duty'). There is no justification for failing to make a reasonable adjustment;
- Treats a disabled employee or applicant less favourably than another for a reason related to their disability and without justification ('disability-related discrimination').

The duties apply to:

- Recruitment, selection and interview procedures;
- Terms and conditions of employment;
- Induction, opportunities for promotion and transfer, training, professional development and other benefits;
- Termination of employment.

The duties apply to disabled employees and disabled people who apply for a job:

- Teaching and non-teaching;
- Full-time and part-time;
- Permanent and temporary or casual staff;
- Contract staff, for example contract cleaners and agency supply teachers.

The reasonable adjustments duty in Part 2 of the DDA includes:

- Making changes to an employee's duties, working hours or place of work;
- The provision of auxiliary aids and services;
- Physical alterations to buildings.

When a disabled person considers that they have been discriminated against they should first seek to resolve the dispute within the workplace, wherever possible. A claim of discrimination is made by application to an employment tribunal.

The DRC *Code of Practice: Employment and Occupation* provides detailed information including examples to illustrate the provisions of Part 2, measures that employers would sensibly take to prevent discrimination in the workplace and how employers can plan to avoid discrimination in the future.

The following table provides some examples of adjustments that might be made for a disabled employee. It is important not to make assumptions and to ask the member of staff what adjustments they need to be made for them.

Altering working hours, for example: allowing an employee who becomes disabled to work part-time or to job share; making reasonable adjustments to the timetable; implementing a phased return after a period of absence for treatment or rehabilitation;

Changing the person's place of work, for example: ensuring that a teacher with mobility difficulties which prevents him from using the stairs can hold all his lessons in classrooms on the ground floor;

Allowing absences during working hours for rehabilitation, assessment or treatment, for example: allowing a disabled employee time off during work to receive physiotherapy or other treatment;

Examining the duties allocated to a disabled member of staff to see where additional support may be required, for example: allocating a personal assistant to help in preparing classroom materials; providing cover for a teacher who needs toilet breaks or breaks to take medication;

Supplying additional training, for example: training in the use of particular pieces of equipment unique to the disabled person; re-training a teacher in a new subject area so that they can continue teaching;

Acquiring or making changes to equipment, for example: providing an induction loop in the school hall and other assembly areas, providing magnifying facilities, a pager that vibrates, a visible fire alarm system, or an adapted telephone;

Providing a reader or signer, for example: reading information to a visually impaired person at particular times during the day;

Altering premises, for example: widening a doorway; providing a ramp, stair-climbing chair, or non-slip flooring; moving classroom or corridor furniture; altering lighting; providing parking spaces for disabled drivers; or providing a quiet room;

Transferring the person to fill an existing vacancy, for example: if a teacher becomes disabled and there is no reasonable adjustment that can enable them to continue in their current post, they might be considered for another suitable post.

The *Access to work* scheme offers advice, guidance and resources to support the employment of disabled people, see *Resources* section.

Schools vary in the extent to which they, in turn, use the services of the local authority, for example their local authority's recruitment services. There may also be some responsibilities that are shared and aspects of employment where the local authority provides schools with

advice and guidance, for example: with model policies and advice on the conduct of individual cases.

When developing the employment aspects of the Disability Equality Duty, schools will need to work with their local authority, to ensure that their respective responsibilities are addressed.

DDA Part 3: Duties in relation to the provision of goods, facilities and services

Part 3 of the DDA says that it is unlawful for service providers to discriminate against disabled people. A service provider discriminates if:

- It treats a disabled person less favourably for a reason relating to that person's disability and without justification (the 'less favourable treatment duty');
- It fails to make reasonable adjustments for a disabled person and without justification (the 'reasonable adjustments duty').

The less favourable treatment duty covers:

- Refusing to provide a service to a disabled person which is provided to other members of the public;
- Providing a disabled person with a lower standard of service; and
- Providing a service on less favourable terms to a disabled person.

The reasonable adjustments duty applies to:

- Any practice, policy or procedure that makes it impossible or unreasonably difficult for a disabled person to make use of a service;
- The provision of auxiliary aids and services that would enable or facilitate the use of a service by a disabled person;
- Physical features. Reasonable adjustments to physical features might include:
 - Removal or alteration;
 - Providing a reasonable means of avoiding the feature;
 - Making the service available by a reasonable alternative means.

Reasonable adjustments made to avoid a physical feature or to provide a service by a reasonable alternative means should take into account whether the provision of the service in this way significantly offends the dignity of disabled people and the extent to which it causes them inconvenience or anxiety.

The reasonable adjustments duty is owed to disabled people in general. It is an anticipatory duty. In determining what is reasonable factors such as the cost of the adjustment, its practicability and the extent of the service provider's financial and other resources may be taken into account. The reasonable adjustments duty does not require service providers to do anything that fundamentally alters the nature of the service provided.

It is also unlawful for a provider of services to subject a disabled person to harassment if that person is using that service or has requested that service.

Part 3 applies to schools where they provide services to parents and carers and to the wider public, for instance: a meeting between teachers and parents, a meeting of the governing body itself, the use of the school buildings by a community group.

A claim of discrimination is heard in the County Court.

The following table provides some examples of adjustments that might be made for a disabled parent, carer, governor or other person using the school:

Altering policies, practices and procedures, for example: providing a front row seat at the school play for a parent who lip reads; allowing guide dogs into school so that a visually impaired governor can visit and attend meetings and events at the school; adjusting the school's 'no buggies' policy where a buggy is used for disabled child; adjusting the complaints policy so that a disabled parent can make a complaint verbally instead of in writing;

Auxiliary aids and services, for example: producing a termly newsletter in large print, in Braille, on an audio cassette, or on a CD-ROM, for a visually impaired parent, in plain language or using illustrations for a parent with a learning difficulty; providing a sign language interpreter for a deaf parent attending a parents' evening; providing a portable ramp up a step so that a governor with a mobility impairment can access the head teacher's room;

Removing or altering physical features, for example: where a school hall is used for plays and other events installing a loop system and improving the acoustics for hearing impaired parents and grandparents; providing parking spaces for disabled people, including a disabled parent taking a child to and from school; installing a platform lift to enable disabled people to access community provision on a mezzanine floor;

Reasonable alternative method, for example: where parent teacher meetings are normally held in the school hall on the first floor, meeting with a disabled parent in a downstairs room or moving the meeting to the gym which is an accessible room on the ground floor.

Appendix 5 - DDA Part 4: Schools' Duties towards their Pupils and Prospective Pupils

Part 4 of the DDA says that it is unlawful for schools to discriminate against disabled pupils and prospective pupils. A school discriminates if:

- It treats a disabled pupil or prospective pupil less favourably than another for a reason related to their disability and without justification (the 'less favourable treatment duty');
- It fails, without justification, to take reasonable steps to avoid placing disabled pupils at a substantial disadvantage (the 'reasonable adjustments duty').

The duties apply to:

- Admissions;
- Exclusions;
- Education and associated services (a broad term covering the whole life of the school).

Schools are also required to develop plans (accessibility plans) to improve access for disabled pupils by:

- Increasing access to the curriculum;
- **Improvements to the physical environment of the school to increase access;**
- **Making written information accessible to pupils in a range of different ways.**

For schools, the reasonable adjustments duty in Part 4 of the DDA does not include:

- The provision of auxiliary aids and services: this provision is made through the SEN duties;
- Physical alterations to buildings: these are made through the planning duties.

Accountability:

- Ofsted inspects the quality of education provided for all pupils;
- Ofsted inspects schools' plans.

When a parent considers that their disabled child may have been discriminated against, they can make a claim of disability discrimination. Most claims are made to the SEN and Disability Tribunal.

The DRC *Code of Practice for schools: DDA 1995: Part 4* provides guidance on how Part 4 of the DDA applies to schools.

There is more information on these duties and lots of practical ideas in other sections of these materials:

- The duties in Part 4 of the DDA in *Section I: Duties and definitions*;

- The reasonable adjustments duty in *Section 2: Making reasonable adjustments for disabled pupils*;
- School accessibility plans in *Section 3: Improving access for disabled pupils: school plans*.

Appendix 6 - DDA Part 5A: The Disability Equality Duty

The DDA 2005 brought in a duty on all public authorities to promote disability equality.

The disability equality duty includes two main elements:

- A general duty and
- A specific duty.

Both apply to all publicly-funded schools.

Responsibility for the duty lies with:

- The Governing Body of a primary or secondary school;
- The trust of a city technology college, city college for technology of the arts, or an Academy;
- The Governing Body of a community special school or a foundation special school;
- The Local Authority with respect to PRUs that it runs.

The disability equality duty builds on schools' duties under Parts 2, 3 and 4 of the DDA.

The General Duty

The duty requires schools, when carrying out their functions, to have due regard to the need to:

- Promote equality of opportunity between disabled people and other people;
- Eliminate discrimination that is unlawful under the Disability Discrimination Act;
- Eliminate harassment of disabled people that is related to their disability;
- Promote positive attitudes towards disabled people;
- Encourage participation by disabled people in public life;
- Take steps to meet disabled people's needs, even if this requires more favourable treatment.

The duty applies across schools' duties:

- To disabled pupils;
- To disabled staff;
- To disabled parents and carers and other users of the school.

The general duty applies to all schools from 4 December 2006.

Appendix 7 - The Specific Duty

In addition to the general duty, regulations made under the Part 5A of the DDA set out a specific duty on certain public authorities, including all publicly-funded schools, requiring them to demonstrate how they are meeting the general duty. In effect the general duty sets out what schools have to do; the specific duty sets out how schools have to do it and what they need to record as evidence of what they have done.

The main requirements of the specific duty are to:

- Prepare and publish a disability equality scheme (a scheme);
- Involve disabled people in the development of a scheme;
- Implement the scheme;
- Report on it.

The purpose of the scheme is to demonstrate how the school is going to meet the disability equality duty. Schools are required to undertake the development of their scheme in a particular way and to include particular elements. They must:

- involve disabled people (pupils, staff, parents) in the preparation of the scheme;
- set out in their scheme:
 -
 - how disabled people have been involved in its preparation;
 - their arrangements for gathering information on the effect of the school's policies on:
 - The recruitment, development and retention of disabled employees;
 - The educational opportunities available to and the achievements of disabled pupils;
 - The school's methods for assessing the impact of its current or proposed policies and practices on disability equality;
 - The steps the school is going to take to meet the general duty (the school's action plan);
 - The arrangements for using information to support the review of the action plan and to inform subsequent schemes;
- Implement the actions in their scheme within three years;
- Report on their scheme annually;
- Review and revise their scheme every three years.

The school is not required to do anything under its scheme that is unreasonable or impracticable.

Schemes must be published by 4 December 2006, except for schemes for primary schools, special schools and PRUs. These schemes must be published by 3 December 2007. It is the local authority that has responsibility for the scheme for a PRU.

The DRC can take action against schools that have not met their duties.

The DRC publishes a Code of Practice, *The Duty to Promote Disability Equality: Statutory Code of Practice*⁷ and guidance for schools, *Guidance on the Disability Equality Duty for Schools in England and Wales*.

References

1. Cabinet Office (2005) *Improving the Life Chances of Disabled People*
2. Department for Work and Pensions (2006) *Guidance on matters to be taken into account in determining questions relating to the definition of disability*. The Stationery Office
3. The Disability Rights Commission (2004) *Code of Practice: Employment and Occupation*. London: The Stationery Office
4. Disability Rights Commission (2005) *Disability Discrimination Act 1995: Code of Practice – Rights of Access: services to the public, public authority functions, private clubs and premises*
5. The Disability Rights Commission (2002) *Code of Practice for schools: DDA 1995: Part 4*. London: The Stationery Office
6. The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005, SI No. 2966
7. Disability Rights Commission (2005) *The Duty to Promote Disability Equality: Statutory Code of Practice*
8. Disability Rights Commission (2006) *Schools and the Disability Equality Duty in England and Wales: Guidance for Governors, Headteachers, teaching and support staff working in schools in England and Wales*

The DRC also provides a short summary for schools and a booklet for all public authorities: Disability Rights Commission (2006) *The Disability Equality Duty: What does it mean for Schools in England and Wales?*

Disability Rights Commission (2006) *Doing the Duty: an overview of the Disability Equality Duty for the public sector*

All the DRC publications are available on the DRC website: www.drc-gb.org

For more information and practical advice on the Disability Equality Duty visit: www.dotheduty.org

