

THE SYDNEY RUSSELL SCHOOL



Disability & Discrimination Act



Contents

Contents	2
Policy on Disability Discrimination Act	3
Purpose.....	3
Broad Guidelines	3
DDA Part 1: The definition of disability	3
DDA Part 2: Schools’ duties in relation to employment	4
DDA Part 3: Duties in relation to the provision of goods, facilities and services	6
DDA Part 4: Schools’ duties towards their pupils and prospective pupils.....	8
DDA Part 5A: The Disability Equality Duty	9
Procedures.....	9

Policy on Disability Discrimination Act

Purpose

The DDA 2005 and the Equality Act 2010 places a duty to promote disability equality on all public bodies, including schools and local authorities. The Sydney Russell School recognises that it must strive to achieve the following:

- Eliminate discrimination.
- Eliminate harassment related to a disability.
- Promote equality of opportunity between disabled people and other people.
- Promote positive attitudes towards disabled people.
- Encourage participation by disabled people in public life.
- Take steps to take account of disabled people's disabilities even where that involves treating disabled people more favourably than other people.

Broad Guidelines

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.

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.

Examples of adjustments that the school could consider 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; retraining 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.

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.

Given below are some examples of adjustments that might be made for a disabled parent, carer, governor or other person using Sydney Russell 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 CDROM, 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 on the first floor, meeting with a disabled parent in a downstairs room or moving the meeting to the Leisure Centre which is more accessible.

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 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 AEN 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 AEN and Disability Tribunal.

DDA Part 5A: 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.

The duty applies across schools' duties:

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

Procedures

The Sydney Russell School is committed to planning and ensuring that the above issues will be addressed.

The Sydney Russell School will endeavour to think ahead, anticipate barriers and remove them or minimise them. The school aims to further develop our current provision and strategies by:

- Listening to pupils in order to better understand what may constitute a barrier for them.
- Drawing on parents' expertise to gain insights into what has worked at home or in other settings.
- Working positively with other agencies, schools, partners and stakeholders to identify ways of removing barriers.
- Reviewing outcomes and considering them against the provision they have made for a pupil, learning as much from what doesn't work as from what does work.