

Disability Equality Action Plan

<u>Action</u>	<u>Success criteria</u>	<u>Personnel</u>	<u>Timescale</u>	<u>Monitoring</u>
Increase access to the physical environment by providing a disabled car parking space near to the main entrance & a space in the second car park near to the Early Years block. To permit disabled visitors to school functions in the hall, to park in the staff car parks	Additional disabled car park space is included in building work.	SLT R Pill Leon's Builders	On-going	Premises Committee

<u>Action</u>	<u>Success criteria</u>	<u>Personnel</u>	<u>Timescale</u>	<u>Monitoring</u>
Annual audit of access	Annual date set & adhered to for audit checklist. Outcomes of audit report to Governors.	Site Manager and SBM Premises Committee	Annual - September	Governing Body
Annual opportunity in Performance Management process to consider staff's individual needs in relation to a disability. Advice & guidance from HR and Occupational Health as required	Standing item in Performance Management SLA in place Reports provide advice to school	SLT Teaching staff Non Teaching Staff	Autumn Term Spring Term	Personnel Committee

DES/AP audit

Disability is primarily associated with; **P** Physical impairment, **S** Sensory impairment, **LD** Learning difficulty. **MC** Medical condition, **MI** Mental illness, **SpId** Dyslexia, ADHD, Dyspraxia, ASD, Tourettes, **SEBD** Social, emotional and behavioural difficulties, **Sp&L** Speech and Language Difficulties.

	P	S	LD	MC	MI	SpLD	SEBD	Sp&L
Disability								
Pupils								
Employees/ Volunteers								
Parents/ Visitors								

Webheath Academy

Under the Equality Act 2010 all schools are required to have an Accessibility Plan. Schools cannot unlawfully discriminate against pupils because of sex, race, disability, religion or belief and sexual orientation.

According to the Equality Act 2010 a person has a disability if:

- a. He or she has a physical or mental impairment and
- b. The impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

At Webheath Academy we are committed to working together to provide an accessible, safe and stimulating learning environment where all children can develop and achieve. The curriculum is personalised and values all individuals within a culture of inclusion, support and challenge.

VALUES

- Everyone has the right to be treated with respect
- All pupils deserve equal access to a personalised, broad, balanced curriculum and a wide range of opportunities
- We value the need for a stimulating 'learning' environment that promotes active learning, lively enquiring minds and an ability to question rationally
- We recognise everyone has personal strengths and qualities that are developed through opportunities created to suit individual learning styles
- Each person is of equal importance and excellence as achieved through opportunity, encouragement and recognition

- We value partnership between school, parents and the community, teamwork and the importance of shared responsibility

AIMS

- To provide a happy secure environment and foster attitudes which will instil self confidence and create a sense of personal worth
- To provide a personalised, broad and balanced curriculum that stimulates and challenges all pupils to enable them to acquire knowledge, skills and understanding relevant to life in the 21st Century
- To provide a learning environment with a range of sensory opportunities in which all pupils can access and organise resources/aspects of their work and become independent learners
- To provide a curriculum that takes account of individual learning styles as well as promoting physical, creative, social, emotional and spiritual development
- To promote a culture fostering a sense of caring, tolerance and support for one another

Access Audit:

The Access Audit Checklist is reviewed regularly to ensure that the needs of anyone with a disability are met.

The school is partly a two storey building, There are wide corridors & doors, several access points from outside and disabled car parking spaces. Most entrances to the school are either flat or ramped and have wide doors fitted. The main entrance has a secure lobby, low level reception hatch, hearing loop and is fully accessible to wheelchair users.

Two year groups have accommodation on the upper floor (four classrooms, toilets and a library area). The senior leaders are flexible when deciding which year groups should use the upstairs accommodation each year. The hall, IT room and public spaces are all on the ground floor and easily accessible to all. The school has a Bathroom Management Area (BMA Room), which has a bed, wide door, disabled toilet, emergency pull cord and sink that can be lowered in height.

The school has internal emergency signage and all escape routes are clearly marked.

Involvement of disabled pupils, staff and parents

We have been an inclusive school for many years and it has greatly benefited all members of our school community. Staff have had a range of training and we have extensive experience with many disabilities. We also use the expertise and resources from the LA and outside agencies; such as Visual Impairment Team, Hearing Impairment Team, Chadsgrove Outreach Team.

Involving disabled people in the life and activities of the school, brings real benefits to the whole school community. We have a 'can do' philosophy and children with disabilities have not been excluded from any of our school activities, including off-site visits, the residential course, sports and swimming.

No one should be excluded from our activities, as with careful planning & deployment of staff, the needs of all individuals can be met. We work closely with parents/carers both before their child joins our school and during their time spent with us. To date we have always been able to meet their needs.

We conduct annual questionnaires with all members of our community giving them a chance to feedback any issues relating to their school experiences. Parents/carers have always been very positive and complimentary with regard to provision to meet the needs of any disabilities.

However, we have not previously asked about parent's disabilities and this is useful information, which we plan to gather, if we are to ensure we can meet everyone's needs.

Information gathering

The collection of information:

- A very detailed and gradual induction scheme prior to a child joining YR, ensures that parents have many opportunities to share privately any individual circumstances.
- Annual data collection sheets are a useful source of information to up date our records
- Every child is discussed at the first full staff meeting of the school year to up date staff knowledge & understanding
- Information is shared during the year, within the bounds of confidentiality, on a 'need to know' basis

Recruitment, development and retention of disabled employees

- As part of our recruitment process information regarding disability is requested. Candidates may choose to state whether they qualify under the scheme. There is a policy of interviewing all disabled applicants who meet the minimum requirements for a job.

Staff already employed at the school are encouraged to share any information with regard to a disability or health & well-being needs. Advice and support are available from the LA Human Resources Department and Occupational Health as part of the school's commitment to support & meet the needs of our employees.

With this in mind we seek to support their needs and involve the staff in discussions with regard to making appropriate provision.

Educational opportunities available and the achievements of disabled pupils :

Appendix 1 is a table illustrating the range and extent of pupils with a disability.

All pupils in our school are encouraged and supported in accessing every aspect of school life. We have a 'can do' philosophy and have never needed to exclude any pupil from participation. We have an extensive range of expertise within the staff and we are able to make the appropriate arrangements to ensure maximum participation.

Impact assessment

We regularly monitor the impact of our assessments, provision and special arrangements. We work very closely with parents/carers of disabled children and regularly meet to discuss progress and provision. Children and parents/carers are invited to give feedback to the annual reviews and this will include looking at the full range of our provision.

The annual child and parent questionnaires give stakeholders an additional opportunity to give feedback.

Intended Impact:

- We are an inclusive school, which provides equal opportunities for all pupils, staff and visitors.
- Staff and pupil well-being is a consideration in all decision making.
- Attendance rates amongst staff & pupils with disabilities are in line with their peers and our high annual target. Attendance is closely monitored.

Identifying the main priorities for our school's scheme and deciding our actions

Some of the priorities identified are:

- Improving disabled access to the upper floor
- Improving the sound system in the hall
- Promoting equality of opportunity
 - Meeting staff needs e.g. those unable to lift boxes, sit on low chairs etc...
 - Providing alternative, appropriate seating and resources for staff or pupils
 - Ensuring site access is facilitated and increasing the number of parking spaces close to the entrances

Eliminating discrimination, for example:

- by awareness raising and staff training;
- by monitoring the impact of policies and amendments;
- reviewing and amending policies;
- raising expectations;
- improving communication.

Eliminating harassment

- We maintain an awareness amongst staff and pupils of disability-related harassment;
- Recognise and address bullying and harassment;
- Involve pupils themselves in combating bullying;
- Ensure that disability-related harassment of disabled staff, parents, carers and other users of the school is identified and addressed.

Promoting positive attitudes

Positive attitudes to disability can be promoted in a variety of ways:

- by staff modelling respectful attitudes to disabled pupils, staff and parents;
- in the employment of staff
- through positive images in school books and other materials.

Encouraging participation in public life

Disabled pupils, staff and parents/carers will be encouraged to participate where:

they see their disabled peers included and succeeding in the life of the school;

disabled pupils, staff and parents/carers are represented in senior, responsible and representative roles;

there are positive images of disabled people participating. Taking steps to meet disabled people's needs, even if this requires more favourable treatment

support or training for disabled pupils, staff or parents;

- special facilities for disabled pupils at breaks and lunchtimes as is appropriate;

Implementation:

- the scheme is supported by a detailed action plan; and
- the action plan is incorporated into a framework that is monitored closely by the Governing Body through the Standards Committee for pupils and Personnel Committee for staff & other adults.

Evaluation

School will evaluate the effectiveness of their scheme and reflect this evaluation in discussion with:

- the School Improvement Partner
- Ofsted HMI, when the school is inspected.

Publication

The school's scheme will be published on the website and should be read in conjunction with the Equal Opportunities Policy

The school will provide a copy to anyone asking for it. There will be no charge

Reporting

The annual report will contain information on:

- analysis progress & attainment and attendance of disabled pupils as a distinct group
- the progress that we have made on the action plan
- evaluation of the impact of what we have done.

The disability equality duty and the Governing Body

Questions the Governing Body may want to ask itself as the 'responsible body' for the school:

	Yes	No	Evidence
Duties to disabled pupils, staff and parents			
Does the GB receive regular reports on how the school is meeting its duties to: <ul style="list-style-type: none"> disabled pupils[1]? disabled staff? disabled parents, carers, governors, other disabled people who use the school or may want to? 			
Disability equality duty: General duty			
Does the GB have regard to the need to: <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?			
Does the school's scheme show : <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 GB: <ul style="list-style-type: none"> report on its scheme annually? review and revise its scheme every three years? 			

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
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The Disability Symbol

The 'two ticks' Disability Symbol is an initiative administered by Jobcentre Plus, under the control of the Department for Work and Pensions, in Great Britain. The Disability Symbol is a voluntary agreement between employers and Jobcentre Plus and has been developed so that employers can show their commitment to good practice in employing disabled people.

Employers who display the symbol have agreed to take action to meet five commitments on the employment, retention, training and career development of disabled employees:

- to interview all disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities;
- to ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what can be done to make sure they can develop and use their abilities;
- to make every effort when employees become disabled to make sure they stay in employment;
- to take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work; and
- each year to review the five commitments and what has been achieved, plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans.

The Disability Symbol is a circular symbol, usually green, with two ticks.

There are employers all over Great Britain who use the disability symbol. They range from small to very large organisations in all different types of business.

Information about becoming a Disability Symbol user is available on the Jobcentre Plus website: www.jobcentreplus.gov.uk

Summary of schools' duties under the DDA

The Disability Discrimination Act 1995 (DDA) applies to schools in a range of different ways. In particular it applies to three main school functions:

- to the school in its main function of providing education to pupils;
- to the school as an employer; and
- to the school 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 Duty applies across all the main functions covered by the DDA, see Diagram 1, below.

Part 1 of the DDA provides the definition of disability. The definition informs the duties in the other parts of the DDA.

Parts 2, 3 and 4 of the DDA apply to different aspects of the school's operation:

- Part 2 sets out duties to disabled employees and prospective employees;
- Part 3 sets out duties to disabled service users; and
- Part 4 sets out duties to disabled pupils and potential pupils.

The Disability Equality Duty

The Duty requires schools to take a more proactive, more explicit, more involved and more comprehensive approach to promoting disability equality and eliminating discrimination.

Schools need to move from a 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.

Schools have 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.

Schools have to involve disabled pupils, staff, parents/carers 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.

The Duty brings together schools responsibilities under Parts 2, 3 and 4 and the school's scheme shows how the school is meeting its general duty to promote disability equality across all its areas of responsibility.

In developing their scheme it may be helpful for schools to recognise that, by their very nature, the duties in the DDA may have taken schools different distances on their journey towards promoting disability equality, for example: the duties in Parts 3 and 4 are owed to the generality of disabled service users and pupils. This means that schools are already required to think ahead and anticipate what they may need to do for disabled service users and pupils. This in turn may mean that schools have developed a more proactive approach in these areas. The duties in Part 2 are owed to individual disabled staff and applicants; they do not of themselves require the same level of anticipation.

In respect of Part 4 duties, schools that are already making reasonable adjustments at a whole school level and have a well-developed accessibility plan may find that they are well on the way to meeting the Duty in respect of disabled pupils.

In developing their approach to the Duty, schools may find that they will need to do more work in respect of some parts of the DDA than others. It may help to bear this in mind as schools develop their scheme.

Summaries of the duties

This section provides a set of summaries of the different Parts of the DDA. The summaries are brief and include only the main provisions of the DDA, not the detail of all the duties. For a more full account of each set of duties, schools should refer to the Disability Rights Commission's (DRC) Codes of Practice. The Codes are listed as references at the end of this section.

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 Office¹ 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.² There is more information on the definition of disability, and a checklist, *Is Tom disabled?* in Section I of these materials: *Duties and definitions*.

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*³ 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. In addition schools may want to investigate the employer's disability 'two ticks' scheme, which promotes good practice in the employment of disabled people, see *Resources* section.

The employer

It is important to be clear about who the employer is. This is different for different types of school. For Academies, City Technology Colleges and City Colleges for Technology of the Arts the employer is the Trust. For foundation, foundation special and voluntary aided schools, the employer is the governing body of the school. However, these schools have significant delegated responsibilities, and, in respect of functions that have been delegated, the governing body is treated as the employer.

For community, community special, voluntary controlled and maintained nursery schools and for pupil referral units (PRUs), the local authority is the employer.

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.

More detail on the Part 3 duties, and guidance on their interpretation, can be found in the Code of Practice issued by the DRC. ⁴

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.

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*⁵ 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 1: 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*.

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.

Reviewed:

Governor Representative:

