

# Tas Valley Church Schools Federation

## Disability Equality Policy



## **1. Legislative Context**

1.1 The Special Educational Needs and Disability Act 2001 extended the Disability Discrimination Act 1995 (DDA) to cover education and since September 2002 (under Part 4 of the DDA) schools have to meet the following duties:

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

1.2 The Disability Equality Duty forms Part 5A of the DDA 1995. It places a general duty on schools to have regard to the need to:

- promote equality of opportunity between disabled people and other people;
- eliminate discrimination that is unlawful;
- eliminate harassment of disabled people that is related to their disability;
- promote positive attitudes towards disabled people. This means acknowledging their existence and not representing people in a demeaning way;
- encourage participation by disabled people in public life. It is also important to respect the wishes of disabled children in an educational setting so that they do not feel pushed into activities they do not wish to take part in;
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

1.3 On 1st October 2010, the Equality Act replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. It extends protection from discrimination in some areas and has placed new duties on schools. The Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil:

- In relation to admissions;
- In the way it provides education for its pupils;
- In the way it provides pupils access to any benefit, facility or service;
- By excluding a pupil, or subjecting them to any other detriment.

1.4 The protected characteristics are:

- Sex;
- Race;
- Disability;
- Religion or belief;
- Sexual orientation;
- Gender reassignment;
- Pregnancy or maternity;

1.5 A person's age is also a protected characteristic in relation to employment but not in the provision of education. Schools therefore remain free to admit and organise children in age groups and to treat pupils in ways appropriate to their age and stage of development without risk of legal challenge.

1.6 Additionally, schools also have a specific duty to develop, implement and publish in consultation with disabled pupils, staff and parents/carers a disability equality scheme. The

scheme should be a timetabled and realistic plan, setting out objectives and arrangements for meeting the general and specific duties.

- 1.7 Our obligations under legislation are entirely congruent with the school's obligations to deliver high quality learning opportunities and provision of care for every member of the school community.

## **2. Definitions**

- 2.1 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.
- 2.2 Physical or mental impairment includes sensory impairments, impairment relating to mental functioning including dyslexia, other learning disabilities and long-term health conditions such as diabetes, epilepsy, HIV, cancer or multiple sclerosis. People with cancer or surviving cancer are now included, as are people with HIV and Multiple Sclerosis from the point of diagnosis. In the DDA 'substantial' means 'more than minor or trivial'.
- 2.3 'Long-term' means has lasted or is likely to last more than 12 months.
- 2.4 Disability is said to have an adverse effect on normal day to day activities if it affects or more of the following:
- Mobility;
  - manual dexterity;
  - physical coordination;
  - continence;
  - ability to lift, carry or otherwise move everyday objects;
  - speech;
  - hearing;
  - eyesight (unless brought to functionally useful level by spectacles or lenses);
  - memory or ability to concentrate, learn or understand;
  - perception of risk or physical danger.
- 2.5 The school understands that the definition of disability under the Act is different from the eligibility criteria for special educational needs provision. This means that disabled pupils may or may not have special educational needs. The school recognises that social, educational and behavioural difficulties are part of the definition.
- 2.6 Disability Equality in Education (DEE) recommends that all pupils with SEN and those with long term medical needs be treated as disabled for the purposes of the Act and for equality. This is in addition to all pupils with long-term impairments, which have a significant impact on their day-to-day activities.

## **3. Reasonable adjustments**

- 3.1 The DDA requires schools to make reasonable adjustments to ensure that disabled pupils and users of the school are not put at a substantial disadvantage and are able to access the same opportunities as non-disabled peers.
- 3.2 The school intends that disabled pupils and users have the same access to the curriculum, to information and access to the school environment and facilities as non-disabled pupils and users. In planning developments to deliver this intention the school considers the

needs of current and future pupils and users of the school.

- 3.3 Reasonable adjustments are made on an individual basis according to need, by working collaboratively with disabled persons and /or their parents/carers.
- 3.4 The school will make reasonable adjustments to ensure that, wherever possible, disabled persons can participate fully:
- in the classroom;
  - in the school curriculum;
  - at all times and in all parts of the building.
- 3.5 Such adjustments will ensure that:
- disabled persons feel part of the life of the school;
  - disabled persons are included by their peers in all parts of the school life;
  - parents of disabled pupils feel their child is part of the life of the school;
  - staff feel confident in working with disabled pupils.

#### **4 Single Equality Policy**

- 4.1 Our Single Equality Policy and Action Plan form an essential part of this policy and contain our current objectives. This will run in conjunction with the School Improvement and Development Plan and is subject to regular revision and amendment.