

Governors' Information Bulletin

JANUARY 2007

No 55

PROMOTING DISABILITY EQUALITY IN SCHOOL

The DfES has produced guidance explaining 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 schools to take a more proactive approach to promoting disability equality and eliminating discrimination. Schools that are already actively meeting their duties in the DDA, should not find it difficult to take a more proactive, explicit and comprehensive approach that involves disabled pupils, staff, parents and other users of the school.

More proactive

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.

More explicit

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.

More involved

Schools have 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

Schools have a range of duties under the DDA:

- towards their employees, under Part 2;
- towards other users of the school, under Part 3; and
- towards their pupils, under Part 4.

The Duty does not replace or supersede these. It applies across schools' pre-existing duties and requires schools to address them together in a way that should bring greater benefits to disabled pupils, staff, parents and others and greater economy of effort for schools.



Schools may have made a start already

Schools will find that they have made a good start on meeting the Duty where they already:

- adopt a proactive approach, for example by making reasonable adjustments at every level of the school;
- draw on detailed information, for example by using data on the presence, participation and attainment of disabled pupils to inform the priorities in the school accessibility plan;
- involve disabled pupils, for example by asking them to identify issues to be addressed in the school accessibility plan;
- collect information about disabled staff and parents; and
- coordinate their work across Parts 2, 3 and 4 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.

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** applied to all schools from 4 December 2006.

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.

How the DDA duties fit together

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;

Part 4 sets out duties to disabled pupils and potential pupils.

The Local Authority has provided the following support for schools in their arrangements for promoting disability equality:

Conferences led by Richard Rieser, Chair of Disability in Education	21 September 2006 07 February 2007 Schools have been advised to order a free resource from DfES to support them in developing their Disability Equality Scheme 'Implementing the DDA in Schools and Early Years Settings' (Ref DFES 0160-2006DOC-EN). Tele 0845 6022260 or email: publicationsonline@dfes.qsi.gov.uk
Conference for Secondary Headteachers, governors, senior managers with responsibility for Inclusion	21 September 2006
Follow-up session at Secondary Inclusion Conference	14 March 2007
Conference for Primary Headteachers, governors and those with responsibility for Inclusion	07 February 2007
Governor Training – 7.00 pm – 9.00 pm Heath Training and Development Centre – “Implementing the new Disability Legislation”	13 February 2007 (Primary and Secondary) 22 May 2007 (Primary and Secondary) 14 November 2007 (Primary and Secondary)

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: 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: 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 : how disabled people have been involved? how information is gathered on the effect of the school's policies on: - 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: report on its scheme annually? review and revise its scheme every three years?			

¹ Checklists, to support the governing body in reviewing its duties to pupils, are included in the *Training materials* section of the CD-ROM that accompanies the DfES guidance materials.