

MallingHolmesdale

MHF federation

POLICY FOR

DISABILITY EQUALITY

PERSON RESPONSIBLE

FED DIRECTOR OF INCLUSION

DATE REVISED

JANUARY 2011

**DATE LAST REVIEWED/GOVERNOR
HUMAN RESOURCES TEAM**

According to the Disability Discrimination Act 2005 a person has a disability if he/she has a physical or mental impairment, which substantially and in the long term, adversely affects the person's 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 pupil's ability to carry out normal day-to-day activities is substantial and long-term, as defined above. Some progressive conditions, such as cancer, multiple sclerosis and HIV/AIDS are included before they have an effect on the pupil's ability to carry out normal day-to-day activities.

The test of whether an impairment affects normal day-to-day activity is whether it affects one 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.

Pupils:

Having a disability does not, however, imply that a pupil has for that reason alone special educational needs under the terms of the Education Act 1996 and the Code of Practice. Therefore, each pupil with a disability will require separate consideration and treatment.

Unlawful Discrimination

It is unlawful to treat a disabled person less favourably for a reason related to his/her disability than a person who does not have a disability, without justification.

Pupils:

It will also be unlawful to fail to take reasonable adjustments to admission and curriculum arrangements, and in relation to education and associated services to ensure that disabled pupils are not disadvantaged in comparison with pupils who are not disabled, without justification.

Less Favourable Treatment

For 'less favourable treatment' to lead to unlawful discrimination, it must be:

For a reason related to the person's disability and
Less favourable treatment than the treatment given to a non-disabled person, and not be justified.

Rationale

Staff:

The school values each member of staff for their contribution to the school and will seek to ensure that no member of staff is disadvantaged by reason of his/her disability.

Pupils:

The school values the full range of its students and seeks to ensure that its practices are fully inclusive. Every effort will be made to ensure that

reasonable adjustments are made to accommodate disabled pupils, while bearing in mind the interests of other pupils.

The school is required to make, under the terms of SENDA 2001:

- ◆ Improvements in access to the curriculum for disabled students
- ◆ Physical improvements to increase access to education and associated services (e.g. extra-curricular activities)
- ◆ Improvements in the provision of information in a range of formats for disabled students.

There is an additional requirement for schools to explore whether or not students with behaviour issues may or may not have an underlying disability leading to this. For example, the following may be underlying reasons for poor behaviour:

- ◆ Mental illness
- ◆ mental health problems
- ◆ learning difficulties
- ◆ dyslexia
- ◆ diabetes
- ◆ epilepsy

(Behaviour difficulties arising from social or domestic circumstances are not covered by the Act. Other school policies cover these areas.)

The school will take into account all these requirements when considering the inclusion of disabled pupils in the school s curriculum.

Aims

Staff:

The school aims, within the constraints of resources available, to ensure that no member of staff is less favourably treated in the school s procedures and practices in respect of:

- ◆ Recruitment
- ◆ terms and conditions
- ◆ performance management
- ◆ promotion
- ◆ staff development
- ◆ teaching environment
- ◆ access to the premises

Pupils:

The school aims, within the constraints of resources, to enable each pupil to fulfil his/her potential, within an educational programme that has development

of the whole person at its core.

The school aims to fulfil the requirement of the legislation to make reasonable Adjustments’.

The school will examine each disability case to determine the best adjustments that can be made to accommodate a disabled pupil’s needs.

The Disability Equality Duty

The Disability Equality Duty consists of two main duties:

- ◆ 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 General Duty

The requirement is for 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 duties work across schools existing duties:

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

The general duty applies to all schools from December 5th 2006.

The Specific Duty

In addition to the general duty, regulations made under the Part 5 A 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.

The main requirements of the specific duty are to:

- ◆ prepare and publish a Disability Equality Scheme (scheme);
- ◆ implement the scheme; and
- ◆ report on it.

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Responsibilities

The LA is responsible for the discharge of the duties in its schools.

The LA is responsible for admissions to this school.

The Governing Body (GB) is responsible for the discharge of the duties under the DDA 2005 and SENDA 2001, and the provision of education and associated services. This includes GB responsibility for volunteer helpers including parents, support service teachers, school meals staff, after school clubs, or any other activity included within provision of education and associated services .

The Headteacher is responsible for:

Staff:

Identifying and liaising with staff who have a disability
Identifying where adjustments can be made, and reporting to the governing body those that cannot be made within the allocated resources.
Implementing and maintaining procedures that identify and eliminate areas of possible less favourable treatment for disabled staff.

Pupils:

Identifying (in consultation with the LA and others as appropriate) pupils who have disabilities
Ensuring that the governors policy is implemented in the school
Ensuring that non-discriminatory practices are developed
Identifying where reasonable adjustments can be made
Training all staff in their responsibilities towards disabled pupils
Delegating responsibilities and tasks to other staff as appropriate
Liaison with parents and any agencies as necessary

All staff are responsible for knowing their responsibilities towards pupils with disabilities and for taking appropriate action.

Action

General:

Oversee the implementation of all the school's policies and practices in this area, including Disability Equality
Consider what reasonable adjustments are being made and could be made
Make recommendations to the Headteacher with a view to improving access to teaching and learning
Consider the school's systems and procedures for making staff, parents and pupils aware of the policies
Consider the school's Accessibility Plan
Review the Plan annually

Liaison will take place with the Governors Business and Finance Committee about access to school buildings.

Staff:

The Headteacher will report to the governing body at least annually on members of staff who have a disability, and the steps taken to ensure that they are not treated less favourably.

Pupils:

The school will produce an annual (Disabled Pupils) Accessibility Plan which will be reviewed after six months, by the relevant committees of the full Governing Body.

Regular liaison with parents of disabled pupils takes place.

Premises

The school recognizes that through the provisions of SENDA it is not required to provide auxiliary aids (i.e. special equipment or additional personal support), nor make physical alterations to the buildings (such as provide lifts).

However, to meet its obligations, the school will ensure that the needs of disabled staff and pupils (and any adult students) are fully considered in any strategic planning for the development of the school site.

When determining the priorities the use of the annual Capital Grant, the school will take into account the need to make the school site more accessible for staff and pupils with disability.

The school will budget annually for reasonable minor adjustments to the environment to enable a member of staff and/or pupil with a disability to have access to the full teaching and learning of the school.

The school will bear in mind health and safety requirements and the interests of other pupils in all the above considerations.

Action on Transfer into School

At transfer to the school, additional liaison time is allocated for disabled pupils and their families to ensure that the pupil's educational needs and this school's requirements are fully understood by staff at the feeder school, parents/carers and pupil, and to ensure that the transfer process is effective.

Schools duties in relation to employment

Part 2 of the DDA says that it is unlawful for employers to discriminate against disabled employees and prospective employees. An employer discriminates if:

- ◆ it treats a disabled employee or prospective employee less favourably than another by direct discrimination. Direct discrimination cannot be justified;
- ◆ it fails, without justification, to take reasonable steps to avoid placing a disabled employee or prospective employee at a substantial disadvantage (the reasonable adjustments duty);
- ◆ it treats a disabled employee or prospective employee less favourably than another for a reason related to their disability and without justification (the less favourable treatment duty);
- ◆ if it subjects a disabled person to harassment for a reason related to his disability.

The duties apply to:

- ◆ recruitment, selection and interview procedures;
- ◆ terms and conditions of employment;
- ◆ opportunities for promotion, training, professional development and other benefits;
- ◆ dismissal proceedings.

The duties apply to all existing and prospective staff:

- ◆ 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:

- ◆ 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 development needs of disabled staff will be discussed with the member of staff on a regular basis. Where necessary, support time will be allocated, relevant to the disabled member of staff's needs. Wherever possible the timetable will be adjusted to reflect the needs of disabled members of staff.

Within the constraints of financial resources the school aims to make adjustments to the premises to enable the member of staff to teach effectively.

Pupils:

In all teaching and learning activities a full range of teaching and learning styles will be employed to ensure that no pupil is excluded from learning.

Teaching staff will be given, as relevant, advice from appropriate external agencies regarding the learning needs of disabled pupils.

Staff Training

Training will be given to senior staff to ensure understanding of the DDA and SENDA and how actions at school level may be undertaken to ensure inclusion of disabled members of staff and pupils.

All staff (teaching and support staff) must attend training regarding duties to disabled members of staff and pupils under the DDA and SENDA and to attend up-dating sessions when deemed necessary by the Headteacher.

All teaching staff shall have training regarding improved practice in differentiation for all pupils including those with a disability.

Regular staff training will be undertaken regarding the needs for learning of particular disabled pupils.

Support staff working with disabled members of staff and pupils will be given relevant training.

Liaison with Parents

The school will continue to ensure close liaison with families of all students with disability through the provision of designated staff members with allocated time and effective communication skills.

Whenever appropriate, information sent home is provided in different formats to take account of disability.

Under the supervision of a senior member of staff with delegated

responsibility, staff with a pupil development responsibility will liaise closely with the parents/carers of students who exhibit behavioural difficulties to determine whether they arise from disability or from domestic or social circumstances. They will report to the senior member of staff who will determine, after consultation, appropriate action.

Monitoring and Review

Staff:

Procedures are in place for disabled staff to discuss problems and needs with relevant senior staff.

The needs of disabled members of staff are taken into account in the school's Performance Management system (both teaching and support staff). The system enables the Headteacher to appraise the effectiveness of the school's treatment of disabled staff.

Pupils:

The school will monitor separately the progress, attainment and exclusions of pupils with a disability.

Incidents involving students with disability will be monitored and any overt or unintended discrimination will be identified, reported, and dealt with by senior staff.

The governors will monitor the above statistics and information.

Governing Body:

The governing body will review the effectiveness of its policies and the school's procedures annually to ensure full compliance with the **Disability Discrimination Act 2005 (as amended by the Special Educational Needs and Disability Act 2001)** through its annual cycle of review.