

The Duty to promote Disability Equality

Information for Schools

Code available to download from www.drc.org.uk

The duty to promote disability equality was introduced in the Disability Discrimination Act 2005. The duty will come into force on December 4th 2006.

Organisations subject to this duty include:

- Local Authorities
- Governing bodies of educational establishments maintained by local education authorities including schools

All public authorities have a duty, when carrying out their functions, to have due regard to the need to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Act
- Eliminate harassment of disabled persons that is related to their disabilities
- Promote positive attitudes towards disabled persons
- Encourage participation by disabled persons in public life
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons

'In relation to education, in successfully applying the duty, schools and further education providers will be able to ensure that their disabled pupils and learners can reach their potential by tackling barriers to their learning. Ofsted has found that the best lessons take place where the delivery of teaching and learning responds effectively to the individual needs of the pupil or student. A common characteristic of the highest performing schools and post-16 education providers is an inclusive ethos that focuses on raising achievement for all learners.'

The duty will mesh with the existing development plans and performance improvement strategies of schools and post-16 institutions to take account of the particular barriers to achievement for disabled pupils and learners.

In particular the duty will:

- Provide a framework to consolidate education provision for disabled children
- Mesh with the existing development plans and performance improvement strategies of schools and post-16 institutions to take account of the particular barriers to achievement for disabled pupils and learners
- Help widen participation and retention in further and higher education
- Create an emphasis on equality for disabled pupils and give a greater imperative to schools and local authorities to implement the planning duties which are imposed by the Special Educational Needs and Disability Act 2001
- Ensure effective transition of disabled young people in choosing routes of education
- Lead to an increase in the representation of disabled people in the teaching profession and the retention of staff who become Disabled
- Help to avoid claims of unlawful disability discrimination
- Encourage education institutions to think strategically about other disabled stakeholders, including parents and people using school premises, as well as promoting a greater knowledge and understanding of disability amongst all learners with benefits to society at large

The general duty will build on existing responsibilities under disability legislation in relation to schools, including the duty to make reasonable adjustments, and to plan to increase access to schools over time. Schools can implement the general duty by actively reviewing all their policies, procedures and planned access improvements to remove barriers with a view to greater recruitment and retention of disabled staff. The greater participation of disabled pupils, disabled parents and disabled people in all aspects of school life, in the wider community and in the non-educational services they might provide would be a desirable outcome.

Schools will use the framework of the specific duties to structure their information gathering and action planning in relation to the duty. Involving disabled people and where appropriate both disabled parents and parents of disabled children in setting the school development plans and conducting the daily running of the school is likely to be necessary for the general duties to be effectively met.

The specific duty regulations require authorities (including schools) to produce and publish a Disability Equality Scheme, to implement certain aspects of the scheme and to report on it.

The regulations state that:

- A public authority should publish a Disability Equality Scheme demonstrating how it intends to fulfil its general and specific duties
- A public authority should involve disabled people in the development of the Scheme

The Scheme should include a statement of:

- The way in which disabled people have been involved in the development of the scheme
- The authority's methods for impact assessment
- Steps which the authority will take towards fulfilling its general duty (the 'action plan')
- The authority's arrangements for gathering information in relation to employment, and where appropriate, its delivery of education and its functions
- The authority's arrangements for putting the information gathered to use, in particular in reviewing effectiveness of its action plan and in preparing subsequent Disability Equality Schemes.
- A public authority must, within three years of the Scheme being published, take the steps set out in its action plan (unless it is unreasonable or impractical for it to do so) and put into effect the arrangements for gathering and making use of information
- A public authority must publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

All public authorities (including **secondary schools**) **must publish their Scheme no later than 4th December 2006.**

Primary schools, community special schools or foundation special schools maintained by a local education authority **must publish their schemes no later than 3rd December 2007.**

A Local Authority in respect of its Pupil Referral Units must publish their scheme no later than 3rd December 2007.

The following should be in the Disability Equality Scheme:

- **The introduction** – broad aims and values, as well as a statement of current position in relation to Disability Equality
- **Involving disabled people** – a statement of the ways in which disabled people have been involved in the development of the Scheme
- **Impact assessment** – an assessment of the impact of policies and practices, or the likely impact of its proposed policies and practices on equality for disabled persons. There is no particular method prescribed
- **The action plan** – key actions to promote Disability Equality. The actions proposed should take account of the needs of disabled people who are potential employees or service users, as well as those disabled people who are already employees or service users. The first action plan will inevitably be different from those following it.
- **Gathering information** – educational bodies must set out their arrangements for gathering information on the effect of their policies and practices on
 - recruitment, development and retention of disabled employees
 - the educational opportunities available to, and the achievements of, disabled pupils and students. ('Achievements' should be interpreted to include not only the attainment of formal qualifications, but also a range of other achievements such as improving attendance or achieving positions of responsibility.)
- **Using the information gathered** – including reviewing the effectiveness of the steps set out in the action plan and preparing subsequent Disability Equality Schemes.
- **Implementing the Scheme** – the authority must, within the period covered by the Disability Equality Scheme, take the steps it has set out in the Scheme, and put into effect its arrangements for gathering and making use of information.
- **Annual reporting** – a report containing a summary of :
 - The steps it has taken to fulfil its disability equality duty (the action plan)
 - The results of information gathering
 - What the authority has done with the information gathered
- **The next version of the Disability Equality Scheme** – an obligation to revise every three years
- **Who should prepare the scheme?** – It is important that the Scheme demonstrates commitment at the highest level. In schools, the Chair of Governors and the Headteacher could sign the introduction to the Disability Equality Scheme.
- **Publishing the scheme** – the Scheme should be accessible to the whole community. The Scheme may be set out within another published document. However it will generally be appropriate to publish the Scheme as a whole.