



# Disability Discrimination Act Policy/ Equality Scheme Action Plan September 2013 to August 2016

At Sir Thomas Fremantle School we have a duty to promote equality of opportunity for all students and staff regardless of their sexual orientation, race, religion or disability.

This scheme and the accompanying action plans sets out how the governing body will meet the three equality requirements of Race, Disability and Gender. This document should be read in conjunction with the Equal Opportunities Policy, SEN(D) Policy and all other policy documents relating to the conduct of staff and learners across the School.

## Introduction

### Race

Duties under the Race Relations (Amendment) Act 2000 require the governing body to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between people of different racial groups

To meet this requirement the governing body will

- produce a written equality policy identifying action to be taken to tackle discrimination and promote equality and good race relations across school activity.
- assess and monitor the impact of equality policies on students, staff, and parents, in particular the attainment levels of students from different racial groups, and take such steps as are reasonably practical to publish the results of this monitoring annually
- record racist incidents and report them to the local authority on a regular basis.

The school will contact the local authority for advice on the format, process and frequency of reporting as required.

## **Disability**

Duties under Part 5A of the DDA 2005 require the governing body to:

- Promote equality of opportunity for disabled people: students, staff, parents, carers and other people who use the school or may wish to; and
- Prepare and publish a disability equality scheme to show how they will meet these duties.

Parts 2, 3 and 4 of the DDA 2005 apply to different aspects of the school's operation: to employment, to the provision of services and to education. The Disability Equality 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.

Duties in Part 4 of the DDA 1995 require the governing body to plan (the Schools Accessibility Plan) to increase access to education for disabled students in 3 ways:

- increase the extent to which disabled students can participate in the school curriculum;
- improve the environment of the school to increase the extent to which disabled students can take advantage of education and associated services;
- improve the delivery to disabled students of information, which is provided in writing for students who are not disabled.

## **Gender (sex)**

Duties under the Equality Act 2006 require the governing body to:

- Eliminate unlawful discrimination and harassment on the grounds of sex.
- Promote equality of opportunity between women and men.

From 6 April 2007, the Equality Act 2006 requires the governing body to promote equality of opportunity between women and men (including boys and girls) and to publish a Gender Equality Scheme showing how the school intends to fulfil the general and specific duties. The Governing body will revise and review the plan every 3 years and report on progress annually.

There are no specific duties or requirements on schools in relation to gender reassignment, beyond the requirement not to discriminate in terms of employment of staff

## **Religion or Belief and Sexual orientation**

Duties under the Equality Act 2006 require the governing body to:

- Eliminate unlawful discrimination and harassment on the grounds of sexual orientation.
- Eliminate unlawful discrimination and harassment on the grounds of religion or belief.

There are no specific duties or requirements on schools to publish a Scheme relating to religion, beliefs or sexual orientation.

## **Section 1 - Starting points**

### **Purpose of the Equality Scheme**

The purpose of the school's Equality Scheme is to meet the duties to promote equality of opportunity for and between diverse members of the school community, including, disabled students, staff, parents, women, men and different racial groups within the school. In order to do this the school will

- Establish with all staff an overall vision of the duty to promote equality of opportunity for students, staff and parents.
- The key elements of the duties are to:
  1. Promote equality of opportunity between disabled and non-disabled people, women and men and between different racial groups.
  2. Eliminate discrimination and harassment on the grounds of disability, sex, race or ethnicity, sexual orientation and religion or beliefs.
  3. Promote positive attitudes towards disabled people.
  4. Encourage participation of disabled students, parents, staff and carers.
  5. Take steps to meet disabled people's needs, even if this requires more favourable treatment.

### **Disability Discrimination Act**

The SEN and Disability Act 2001 extended the Disability Discrimination Act 1995 (DDA) to cover education. Since September 2002, the Governing Body has had three key duties towards disabled learners, under Part 4 of the DDA:

- not to treat disabled learners less favourably for a reason related to their disability;
- to make reasonable adjustments for disabled learners, so that they are not at a substantial disadvantage;
- to plan ways to increase access to education for disabled learners
- to welcome the views of disabled stakeholders to help improve the provision in our school

This plan sets out the proposals of the Governing Body of Sir Thomas Fremantle School to increase access to education for disabled learners in the areas required by the planning duties in the DDA:

- increasing the extent to which disabled learners can participate in the school curriculum, within and beyond the school day and term;
- continue to improve the environment of the school to increase the extent to which disabled learners can take advantage of education and associated services;
- Improving the delivery to disabled learners of information which is provided in writing for students who are not disabled.
- To ensure all school policies, plans and procedures are reviewed as part of a 3 year programme and amended if necessary with regard to general duty under the Disability Discrimination Act 2005. The review of the plan will involve disabled students, parents and staff. It is a requirement that the school's accessibility plan is resourced, implemented, reviewed and revised as necessary and reported on annually.

The plan will be renewed every three years.

### **Disability Equality Duty**

The Disability Discrimination Act 1995 has been amended by the Disability Discrimination Act 2005 so that it now places a duty on all public authorities, including schools, 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. The duty does not create new individual rights for disabled people. The duty provides a framework for schools to carry out their functions more effectively and to tackle discrimination and its causes in a proactive way. The duty thus reinforces the pre-existing duties under the Act. There are both general and specific duties. These duties are described in more detail in the next section.

The most important specific requirement is for public authorities, including schools, to have a Disability Equality Scheme. This requirement for schools came into force in December 2006 (for secondary schools) and December 2007 (for other schools). This policy covers the requirements of the Scheme.

## **Section 2 - Definitions and Duties Disability Discrimination Act**

The Disability Discrimination Act 1995 (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'.

The definition can include a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD).

The presence of an impairment does not of itself mean that a pupil is disabled. It is the effect on the pupil's ability to carry out normal day-to-day activities that has to be considered.

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

A child's ability to memorise, concentrate, learn, speak, move is central to their education. An impairment that has a long-term and substantial effect on a child's ability to do these things may therefore amount to a disability. This has a considerable effect on the administration and delivery of education to the learners at Sir Thomas Fremantle School across all levels of ability, but especially those who are on the Special Needs Register, EAL register and G&T register.

## **Long-term and substantial**

The expressions 'long-term' and 'substantial' are somewhat misleading. 'Long-term' is defined in the DDA as 12 months or more. Clearly this rules out conditions such as a broken limb which is likely to mend within that time.

'Substantial' means 'more than minor or trivial' but it may helpfully be thought of as meaning 'having some substance.' The combined effect of these two terms is to include more people in the definition of disability than is commonly anticipated.

The definition in the Disability Discrimination Act (DDA) is broad. It includes more students than many people think. There is a significant overlap with learners with special educational needs, though the definition of special educational needs does not cover all disabled children, for example: learners with medical conditions, disfigurements and other impairments may count as disabled but may not have special educational needs.

The existence of an impairment or condition does not depend on an official diagnosis. If the impairment is long-term and has a substantial adverse effect, it falls within the terms of the Act whether there has been an official diagnosis or not.

## **The Duties in Part 4**

It is unlawful for schools to discriminate against disabled students. 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.
- It fails, without justification, to take reasonable steps to avoid placing disabled students at a substantial disadvantage.

This duty is often known as the 'reasonable adjustments' duty

The reasonable adjustments duty requires schools to think ahead, anticipate the barriers that disabled students may face and remove or minimise them before a disabled pupil is placed at a substantial disadvantage. Reasonable adjustments may need to be made in admissions, exclusions and 'education and associated services,' a term that covers every aspect of the life of the school. A Code of Practice, published by the Disability Rights Commission (DRC) provides guidance on the way that the duties operate. In general it is the governing body of the school that is the 'responsible body' for the DDA duties and needs to ensure that everyone in the school is aware of the duties owed to disabled students. To avoid discrimination against any disabled pupil, all staff need to implement the duties in relation to their area of responsibility.

If parents think that their child has been discriminated against, they have a right of redress by making a claim of disability discrimination to the SEN and Disability Tribunal. If the Tribunal

finds that a school has discriminated unlawfully against a disabled pupil it can order any remedy that it sees fit, except financial compensation.

## **Disability Equality Duty**

The changes to the DDA 1995 brought about by the DDA 2005 have brought about a change in focus from a reactive to a proactive attitude to disability. The Disability Equality Duty includes both general and specific duties. The DRC again provides Codes of Practice for public authorities and schools must have 'due regard' to the Codes.

## **Due Regard**

"Due regard" comprises two linked elements: proportionality and relevance. In all their decisions and functions schools should give due weight to the need to promote disability equality in proportion to its relevance. This requires more than simply giving consideration to disability equality. Disability equality will be more relevant to some functions than others. Schools will need to take care when assessing relevance, as many areas of their functioning are likely to be of relevance to disabled people.

Proportionality requires greater consideration to be given to disability equality in relation to functions or policies that have the most effect on disabled people.

Where changing a function or proposed policy would lead to significant benefits to disabled people, the need for such a change will carry added weight when balanced against other considerations.

It will not always be possible for authorities to adopt the course of action which will best promote disability equality but schools must ensure that they have due regard to the requirement to promote disability equality alongside other competing requirements.

## **The General Duty**

The general duty requires schools to consider the six issues listed in the Introduction in all actions which they take. The key task is to consider the promotion of disability equality and making sure it is, over time, mainstreamed into all school functions. This includes activities inside and out of the classroom, as well as all other aspects of school life, e.g. extended schools, school lettings, employment, etc.

The general duty requires schools not only to have due regard to disability equality when making decisions about the future. They will also need to take action to tackle the consequences of decisions in the past which failed to give due regard to disability equality. This is best approached by working towards closing the gaps in outcomes.

The general duty will build on existing responsibilities under disability legislation in relation to schools, including the duties to make reasonable adjustments, and to plan strategically 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; and greater participation of disabled students, disabled parents and disabled people in all aspects of school life, in the wider community and in the non-educational services they might provide.

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 duty to be effectively met.

### **The Specific Duty**

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.

A school should publish a Disability Equality Scheme demonstrating how it intends to fulfil its general and specific duties.

A school 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 the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes

A school must, within three years of the Scheme being published, take the steps set out in its action plan (unless it is unreasonable or impracticable for it to do so) and put into effect the arrangements for gathering and making use of information

A school 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.

### **Section 3 - Vision and Values**

Sir Thomas Fremantle School's commitment to equal opportunities is integral to our Mission, Vision and Values.

Sir Thomas Fremantle School provides a values rich environment, dedicated to the affirmation, formation and high standards of achievement for all our learners; in other words, all learners in the School are known, valued and understood.

The higher the standard of justice in the learners' rights and the School's values, the higher the levels of learning, empathy and tolerance in learner achievement and formation. These principles are the rights of all the learners and should be the guiding principles underlying all School policies and procedures.

To ensure that we are able to fulfil our mission, vision and values, we need to ensure that we have an effective set of policies that ensure that our learners' needs and rights are met.

The first responsibility of all members of staff is to secure the affirmation, formation and achievement of every learner, in the management of rights of access, choice and freedom from discrimination. Through our Citizenship and PSHCE programme combined with high quality teaching, we offer the active possibility in the affirmation and formation of the unique individuality and equality in each person that is confirmed in rights in law and belief.

#### **In short, the School:-**

- sets suitable learning challenges for all learners.
- responds to students' diverse needs
- overcomes potential barriers to learning and assessment for individuals and groups of learners.

Sir Thomas Fremantle School aims to identify and remove barriers to disabled parents and learners in every area of school life.

Sir Thomas Fremantle School will make all children and parents/carers feel welcome irrespective of race, colour, creed or impairment.

### **Section 4 - Accessibility at Sir Thomas Fremantle School**

The governors and staff of Sir Thomas Fremantle School will have regard to the "Code of Practice for Schools" issued by the Disability Rights Commission (DRC) concerning the DDA. The school will also follow the guidance issued by the DfES in 2006 entitled "Implementing the Disability Discrimination Act in schools and early year's settings."

Sir Thomas Fremantle School will ensure that all staff and governors are aware of the implications of the DDA and, through training and development opportunities, embed the good practice across all aspects of school life. Since the School opened in 2007, we have achieved a number of successful Outcomes towards true inclusion and equality of access in line with the DDA requirements.

**These include:**

- allocating Learning Assistant time to behaviour and curricular support for children with Special Needs (curriculum)
- addressing the training needs for the Learning Assistants, provided through outside agency support (curriculum) and on-going personalised training programmes for all aspects of support across both the DSP (physical) and other needs (medical, curriculum)
- making private meeting areas accessible to allow greater confidentiality in meetings with specialist support services / parents (information / physical).
- providing extra support for Educational Visits and additional classes such as Summer School to ensure equal participation for disabled children (curriculum)
- conducting risk assessments and successful adaptation of teaching to allow children with short-term disability to receive full entitlement to curriculum. (Curriculum)
- providing accessible parking spaces installed for disabled people (physical)
- classrooms and central areas of the main school for easier access (physical)
- suitable toilet and washing facilities
- suitable access points into the school
- Improving lighting and ICT support around school (visual)

At the Sir Thomas Fremantle School we try to ensure that every child has the best opportunity to achieve. We make 'reasonable adjustments' to our practices and policies to meet the requirements of the DDA. We do recognise that there is always room to improve and the Action Plan shows our wish to continue to develop our practice.

**This includes:**

Access to the curriculum. We have incorporated inclusive developments through national strategies and through in-school developments. The use of tablet computers will aid those with fine motor skill issues which affects their writing. Lesson observations include aspects of inclusion in teaching and learning and our curriculum design is based on access, choice and freedom from discrimination.

Measures to ensure that all students including those with disabilities can access the curriculum. This is a rolling programme of improvements which is leading to holistic embedding of the principles.

### **Physical environment**

We have done what we are able to within the resources available from opening. We have a desire to improve the environment furthering a way which promotes inclusion for all students and will continue to do so subject to resources. The majority of teaching spaces are located on the ground floor and wheelchair lift access is in place for the occasional lessons on the second floor. Wheelchair access is available throughout the ground floor. Disabled toilet facilities are available on this floor. The size of the school is supportive of children and young people with limited or impaired mobility.

Information we have developed the use of a range of formats to meet differing needs. Visual signs are used in appropriate places for all students, and particularly for those who need visual cues to help them. We are aware of services to produce alternative formats if necessary.

Learner Tracking We have a robust learner tracking system and we will use our wide and detailed information systems to monitor our progress as a school and the progress of disabled children within the school to ensure that we are helping all learners achieve to their full potential whether disabled or not.

### **Recruitment, development and retention of disabled employees.**

As part of our recruitment and equal opportunities policies the School aims to provide equality and fairness for all job applicants, employees whether part-time, full-time, fixed term or temporary, volunteers and Governing Body members irrespective of gender, marital status, race, ethnic origin, colour, nationality, national origin, religion or belief, disability, sexual orientation, gender reassignment or age.

### **Section 5 - Involvement**

Care plans are drawn up for children identified as having disabilities in consultation with specialist support services and parents. They are reviewed regularly and are made available to and discussed with all relevant members of staff, both teaching and non-teaching. This covers all aspects of physical and medical need, whether short-term or long-term. Parental and learner involvement in this process is well established and is undertaken at the start of the process and the views of the learners and their parents are taken into account when evaluating the effectiveness of care plans.

A designated member of the Governing body liaises regularly with the school's Headmaster and SENCo to monitor and evaluate provision for children with disabilities reporting through the Student Welfare Sub-Committee.



## Appendix 1

### KEY LEGISLATION

<b>Equality Strand</b>	<b>Legislation</b>
<b>Age</b>	Employment Equality Act (Age) Regulations 2006
<b>Disability</b>	Disability Discrimination Act 1995 as amended Special Educational Needs and Disability Act 2001 Disability Discrimination Act 2005
<b>Gender (Sex)</b>	Sex Discrimination Act 1975, as amended Equality Act 2006
<b>Gender (reassignment)</b>	Sex Discrimination (Gender Reassignment) Regulations 1999
<b>Race</b>	Race Relations Act 1976, as amended Race Relations (Amendment) Act 2000
<b>Religion or belief</b>	Employment Equality (Religion or Belief) Regulations 2003 as amended Equality Act 2006
<b>Sexual orientation</b>	Employment Equality (Sexual Orientation) Regulations 2003, as amended