

# Disability Discrimination Act 2005

Implementation in schools and other maintained  
settings

## Accessibility Planning Guide

November 2006

## Background: The Disability Discrimination Act 2005

The SEN and Disability Act 2001 amended the SEN framework of the Education Act 1996 and extended the Disability Discrimination Act (DDA) 1995 to cover the provision of education. **The Disability Discrimination Act 2005** amends the 1995 Act and places a duty on all public authorities, including maintained schools, colleges, Pupil Referral Units and Nurseries **to promote equality of opportunity** for people with disabilities. The Disability Discrimination Act 2005 came into force on 1 October 2006.

### Definition of Disability

*A person is disabled if he/she has a mental or physical impairment which has a substantial and long- term adverse effect on their ability to carry out day-to-day activities.*

Included in the definition is a wide range of impairments including sensory, dyslexia, autistic spectrum disorder, diabetes, speech and language, severe asthma and learning difficulties resulting from complex profiles of disability.

The definition of disability has been amended from the 1995 Act to reduce the reliance on the 'medical model' for individuals with a mental illness, which no longer has to be 'clinically well recognised'. The definition now includes people with progressive conditions including HIV, multiple sclerosis and cancer.

### The Duty to Promote Disability Equality: Statutory Code of Practice

Schools are recommended to consult the new Disability Rights Commission Code of Practice<sup>1</sup> ([www.drc.gb.org](http://www.drc.gb.org)). Guidance on producing a **Disability Equality Scheme** is also available (see page 4). The Code does not include legal obligations nor is it an authoritative statement of the law. However, it is a statutory code approved by parliament and is admissible as evidence in legal proceedings under the Act.

The Code is intended to explain the principles of the law, to illustrate how the Act may operate in specific situations and improve general guidance on good practice in promoting equality of opportunity in a range of settings.

- Under the Act people with disabilities are protected against discrimination.
- The *general duty* requires public authorities to have due regard to the need **to promote a positive attitude towards people with disabilities and proactively support equality of opportunity for them.**
- Public authorities are responsible for meeting their general and specific duties and are requested to review progress and report annually against targets via an 'impact assessment'.

---

<sup>1</sup> NB This Code is not to be confused with the DfES Code of Practice on SEN, but schools' disability planning should dovetail with that for SEN.

## **The significance for educational settings of the general duty to promote equality of opportunity (DRC Code of Practice paras 1.38 – 1.40)**

The duty will:

- mesh with existing development plans of schools and post-16 institutions to take account of the particular barriers to achievement for disabled children and young people
- provide a framework to consolidate education provision for disabled children and young people
- help widen participation and retention in further and higher education
- create an emphasis on equality of opportunity for disabled children and young people and give greater imperative to schools and local authorities to implement the planning duties imposed by the SEN and Disability Act 2001
- lead to an increase in the representation of disabled people in the teaching profession and the retention of staff who become disabled
- encourage education institutions to think and plan strategically about other disabled stakeholders, including parents and people using school premises, as well as promoting greater knowledge and understanding of disability amongst all learners with benefits to society at large.

### **Related Factors**

#### (a) Liability

Public authorities are responsible for meeting the general and specific duties of the Act. Within each public authority, the responsibility will rest with the group or individuals who are liable (legally responsible) for the authority's actions or failure to act (5.14).

#### (b) Audit and Inspection

Agencies that audit and inspect public authorities are bound by the duty to promote disability equality in all aspects of their work (6.11). To determine how well the authority meets the disability equality duty becomes part of the inspection process.

#### (c) Impact Assessment

Impact assessment is the process that enables an authority to audit, identify and act on the need to modify policies and practices in promoting disability equality.

#### (d) Supplementary Guidance

The Disability Rights Commission is issuing non-statutory supplementary guides to the Code for public authorities, further and higher education institutions ([www.drc.gb.org](http://www.drc.gb.org))

## Implementing the DDA in schools and settings:

### Guidance on revising your Accessibility Plan

In July 2006 all schools should have received from the DfES a copy of the DDA resource pack – ‘Implementing the Disability Discrimination Act in schools and early years settings’. If a school did not receive a pack it may contact DfES publications to request one, telephone 0845 60 22260, ref: 0160.2006.DOC.EN.

This guidance has been produced to assist schools with a review and development process following an analysis of the criteria, key priorities and statutory requirements of the Act. This process will also enable schools to produce a **Disability Equality Scheme** (DES).

The **Disability Equality Scheme** will be a key part of a framework to assist schools (and other public authorities) in planning, delivering and evaluating action to meet the general duty above. The DfES resource (see 1 below) sets out the duties on schools and settings and provides detailed guidance. Devon Educational Psychologists and Support and Advisory Teachers can provide help and support if required.

The Disability Rights Commission has recently produced guidance for schools and settings (21<sup>st</sup> November) and this is available from the DRC website (see above) or phone 08457 778 878.

As a recommended guideline, the content of the **Accessibility Plan** should not exceed four sides of A4.

#### **Resources for Planning:**

DfES, 2006: ‘Implementing the Disability Discrimination Act in schools and early years settings’ – a DfES resource file including DVDs.

DRC, 2006: Schools and the Disability Equality Duty in England and Wales. Guidance for Governors, Headteachers, teaching and support staff working in schools in England and Wales.

## Appendix 1

### Completing the School Accessibility Plan – suggested guidance

	<b>Resource Guidance</b>
<b>Step 1 Context</b>	
<ul style="list-style-type: none"><li>▪ Check you are conversant with the supplementary guidance and its application to the planning process.</li></ul>	Appendices A and B
<ul style="list-style-type: none"><li>▪ Work through the DDA resource file in order to appreciate the operational relationship of each section.</li></ul>	DDA file
<ul style="list-style-type: none"><li>▪ <i>Criteria for assessing the assessment plan</i> – Go to section 5 of the DDA file. Focus on your existing school plan and apply the <b>Ofsted grades 1 – 4</b> to the inventory and evaluate the scores – sub and total.</li></ul>	DDA - Section 5 pages 52 – 55 DDA - Section 5 page 51
<ul style="list-style-type: none"><li>▪ Section 5 is the root and branch of the planning process – your results will have identified areas for attention about which your knowledge and understanding will be enhanced by working through steps 2 – 10.</li></ul>	DDA - Section 5 page 55
<b>Step 2 CD-Rom</b>	
<ul style="list-style-type: none"><li>▪ Access the CD-Rom for content clarification and resource materials.</li></ul>	DDA – Section 1 page 4
<ul style="list-style-type: none"><li>▪ There is a significant duplication between the content of the DDA file and the CD-Rom.</li></ul>	CD-Rom
<ul style="list-style-type: none"><li>▪ Resources for identified and emerging training requirements are included in Section 6: Training Materials.</li></ul>	CD-Rom powerpoint option
<b>Step 3 Reasonable Adjustments</b>	
<ul style="list-style-type: none"><li>▪ It is important to fully understand the parameters of reasonable adjustments, definitions of impairments and access duties.</li></ul>	DDA – Section 1 pages 5 – 9
<ul style="list-style-type: none"><li>▪ As a starting point assess the <b>effectiveness</b> of your present plan in making reasonable adjustments at different levels through comparing sets of good practice objectives:<ul style="list-style-type: none"><li>- requirements</li><li>- principles</li><li>- key factors.</li></ul></li></ul>	

## Resource Guidance

### Step 4 Essential Viewing (DVD1)

- **DVD1:** View clips of examples of reasonable adjustments filmed within schools included in the Reasonable Adjustments Project (RAP), using the recording charts note the range of successful adjustments to overcoming barriers.  
DDA – Section 1  
pages 3 – 13  
DDA – Section 2  
pages 15 – 21
- Address the **follow up points, talking points** and **process statements** in further exploring issues and practical considerations.  
DDA – Section 2  
pages 22 – 26

### Step 5 DVD Specific: Primary and Secondary

- Use DVD content as a **benchmark** to effective and successful practice and address follow-up activities.  
DDA – Section 2  
pages 28 – 58
- Focus on sub-menu clips to evaluate examples of specific adjustments for a continuum of **pupil impairments** making any comparisons with similar cases in your school.  
DDA – Section 2  
pages 22 – 26  
DDA – Section 2  
page 28
- For increased benefit it is recommended that viewing of DVDs should be planned over a short period with maximum staff involvement (note DVD running times).  
DDA – Section 2  
page 29

### Step 6 Interim Self Evaluation Audit

- Understanding the statutory duties and requirements.  
Appendices A and B
- Use of **principles** and **key messages** as an aide memoir.  
DDA – Section 3  
pages 5 – 8
- Reassess your existing school plan using the **Ofsted grades 1 – 4** to determine:
  - elements that work well
  - elements needing attention.DDA – Section 5  
page 55
- Understanding the practical implications of the following components:
  - definitions of disability, SEN and impairments
  - duties under the Act
  - making reasonable adjustments
  - purpose of the accessibility plan.Appendices A and B  
DDA – Section 1  
pages 3 – 18  
DDA – Section 2  
pages 5 – 26

**Step 7 Planning Preparation**

- Consider the task group membership and timetable – lead person, parents, governors and other agencies and organisations for consultation.
- Revisit the statutory requirements of the Act.
- **Principles:** Frame the bullet points list as questions and using the **Ofsted grades 1 – 4** assess the qualitative outcomes of each key element (1A – 3C) as related to your school.
- Use the outcomes to shape planning content and refer to template 2 taking particular note of WATCHPOINT statements and sources of reference.
- **Key Messages:** A useful set of emerging issues from the Reasonable Adjustments Project and a set of related questions that will probably arise during your planning.
- For further clarification access the CD-Rom sub sections menu.

DDA – Section 2  
page 6  
DDA – Section 5  
page 55

DDA – Section 3  
pages 7 – 8

CD-Rom

**Step 8 Accessibility Planning**

- **Template:** Obtain a **blank copy** for a school accessibility plan.
- Consult the guidance.
- **Template2:** Work through the guidance within sections 1A – 2C, refer to the WATCHPOINT statements and sources of reference noting any emerging factors and key considerations – complete before using **template1**.
- **Template1:** Reversing the order will make the process more straightforward as it is possible to get overwhelmed by the level of guidance details; use the template bullet points as a content audit in highlighting planning priorities.
- Criteria for assessing an accessibility plan already discussed in Step 1; consider use of the framework:
  - to review existing plan
  - as a format when drafting a plan

CD-Rom

DDA – Section 3  
pages 19 – 47

DDA – Section 3  
pages 9 – 18

DDA – Section 3  
pages 53 – 57

## Resource Guidance

- as a monitoring and evaluation tool on completion.

- Accessibility plan:
  - to be approved by the governing body
  - to be placed on the school website
  - to be included in the school prospectus
  - to be available to parents
  - to meet LA monitoring requirements.

CD-Rom  
blank template

### Step 9 Making it Happen

DDA – Section 3  
pages 42 – 47

- The catalyst to ensuring successful outcomes has a number of underpinning characteristics:
  - the plan should complement the inclusive education policy and all other school policies
  - the plan must be a working document
  - the governing body is the responsible body
  - there must be a designated DDA lead person within the school
  - **development work** to involve staff, parents, pupils, governors and other appropriate agencies
  - a holistic school culture of vision and values where the accessibility plan is given a sufficiently high profile both operationally and strategically
  - a monitoring and reporting requirement that embraces SEF and SIP processes, the annual report and school prospectus.

CD-Rom  
blank template

DDA – Section 3  
pages 44 – 45

### Step 10 Early Years

- Recommendations based on outcomes of Accessibility Planning Project: Early Years (APPEY).
- **No** requirement for LA to have a separate accessibility strategy for early years.
- LA does have early years responsibilities and duties under the SEN Code of Practice (2001).
- Strategic factors:
  - early identification
  - multi agency collaboration
  - parents as partners
  - range of provisions
  - developing the capacity for the inclusion of

CD-Rom

DDA – Section 5  
pages 16 – 17

Appendices A and B

CD-Rom  
APPEY

DDA – Section  
pages 5 – 20

- children with disabilities
- transition planning and continuity
- CPD requirements
- health and safety
- funding
- monitoring and evaluation.

Having followed Steps 1 – 10, the task group is now equipped with the knowledge, understanding and resources to review and redraft the school accessibility plan using the blank template framework, as provided in the Sources of Reference section (pp 8-13).

CD-Rom

The content is for a multi audience, and to be included in the School Evaluation Framework (SEF).

## Template for a school accessibility plan<sup>2</sup>

**School name:**.....

**Three year period covered by the plan:**.....

### **1. Starting points**

- 1a: The purpose and direction of the school's plan: vision and values
- 1b: Information from pupil data and school audit, including SEF and (SEN Framework where this is in place)
- 1c: Views of those consulted during the development of the plan

### **2. The main priorities in the school's plan**

- 2a: Promoting equality of opportunity for children and young people, and for staff
- 2b: Maximising the extent to which disabled children and young people can participate in the school curriculum and achieve success
- 2c: Improving the physical environment of the school to increase the extent to which disabled children, young people and adults can take advantage of education and associated services
- 2d: Improving the delivery to disabled children, young people and adults of information that is provided in writing for those who are not disabled.

### **3. Making it happen**

- 3a: Management, co-ordination and implementation
- 3b: Getting hold of the school's plan – how will the plan be made available and accessible to all?
- 3c: The process of review (impact assessment), with dates.

Nb: This is a summary only and schools will want to cover the area more fully having considered the DfES resource file.

---

<sup>2</sup> Implementing the DDA in schools and early years settings, DfES 2006, pp 9-18