



DISABILITY DISCRIMINATION ACT (DDA) POLICY

This policy covers all employees and all children from the EYFS to Year 6 at Dair House.

Disability Discrimination

Disability discrimination covers employment, the provision of services and the provision of education. It is the policy of Dair House School to comply with the DDA. All documentation in Dair House School (handbooks, policies and procedures) takes into account the implications of the DDA.

Special Educational Needs and Disability Act 2001

This legislates in four main areas:

- It provides protection for disabled children by preventing discrimination against them at school on the grounds of disability.
- It grants jurisdiction to Special Educational Needs Tribunals to hear claims of disability discrimination.
- It revises and reforms the existing Special Educational Needs regime (“SEN”).
- It imposes planning duties on independent schools.

The school has an Accessibility Policy which will be reviewed regularly.

It is the policy of Dair House School to ensure that it does not discriminate against a disabled child by either:

- (*without justification*) treating a disabled child or prospective child less favourably for a reason relating to his or her disability than someone to whom that reason does not apply;
- or
- failing to make reasonable adjustments to admission arrangements and, in relation to education and associated services, failing to ensure that disabled children or prospective children are not placed at a substantial disadvantage in comparison with their non-disabled colleagues without justification. It is, however, extremely important to note that the duty on the school to make reasonable adjustments does not extend to providing auxiliary aids and services or to making alterations to the physical features of the school.

There are several very important concepts within the above definitions of discrimination. These include:

Disability

The definition of disability is the same as for disability discrimination in the employment field. In brief, a disabled child or prospective child is someone who has a physical or mental impairment that has a substantial, long term and adverse effect on his or her ability to carry out normal day-to-day activities. Disabilities may, for example, include epilepsy, learning and behavioural difficulties, as well as the “traditionally” recognised disabilities.

Admissions, Education and Associated Services

This is essentially the ambit of Dair House School's duty not to discriminate. "Admissions" refers to the method of determining admission and the terms on which admission is offered. Obviously this extends in reverse to exclusions. "Education and associated services" means effectively all aspects of school life including preparation for entry, the curriculum, classroom organisation, time-tabling, access to Dair House School facilities, and extra curricular activities, school policies including discipline and off site activities.

Less Favourable Treatment

This means treating a child, for the reason relating to the child's disability, less favourably than Dair House School would treat a child without such a disability.

Reasonable Adjustments

Dair House School does take such steps as are reasonable to ensure that disabled children and prospective children are not placed at a substantial disadvantage in comparison with non-disabled children/prospective children. The School understands that it will be treated as discriminating against such a child if it fails *without justification* to take such reasonable steps to the child's detriment.

Although as stated above, the duty to make reasonable adjustments does not (in the education context) extend to the provision of auxiliary aids or services or the make of physical alterations to buildings, wherever possible and practical it is the policy of the school to make such arrangements. Examples of the type of reasonable adjustment include:

- the School's Equal Opportunity and Anti-bullying policies covering the instances of harassment on grounds of disability;
- training willing teaching and support staff to administer medication (e.g. in the case of an epileptic fit) or to adopt teaching practices to cope with disabled children (e.g. those with hearing difficulties);
- relocating certain facilities within the school to enable access for disabled children.

Without justification

Treating a disabled child less favourably or failing to make a reasonable adjustment is discriminatory unless there is *justification*.

Dair House School operates its admission criteria objectively.

New Planning Duties

Whilst Dair House School is not required by SENDA to make alterations to the physical features of the School, it has an Accessibility Policy which aims to improve education over time. The plans concentrate on three specific areas:

- improvements in access to the curriculum;
- physical improvements to improve access to education and associated services;
- improvements in the provision of information in a range of formats for disabled children.

At Dair House School the plan has been prepared in writing, implemented and will be regularly reviewed.

The Disability Discrimination Act in the Employment Context

The Act defines certain types of disabled people who are protected from discrimination by employers. S.1(1) of the Act provides that "*a person has a disability for the purposes of this Act if he/she has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities*".

The definition of disability contained in s.1 can therefore be said to break down into four main parts:

- the person must have a physical or mental impairment;
- the impairment must have adverse effects which are substantial;
- the substantial effects must be long-term; and
- the long-term substantial effects must have an adverse effect on normal day-to-day activities.

Discrimination and Reasonable Adjustment

The Act imposes an obligation on the School to make certain adjustments to its premises and the ways in which it offers employment, in order to accommodate disabled employees. A failure to comply with the duty to consider reasonable adjustments is, in itself an act of unlawful discrimination, unless it can be justified for a reason which is both material to the circumstances of the particular case and substantial (s4(2) and (4)).

The duty of Dair House School to make adjustments will only be triggered when it employs a disabled person, or a disabled person applies, or considers applying for a job at the school.

Recruitment arrangements

In the recruitment process, the duty to make adjustments for disabled persons applies in relation to disabled people who are actual or potential job applicants. However, the School only has a duty to make adjustments in relation to an actual or potential job applicant or an employee whom it knows, or could reasonably be expected to know, has a disability (or has had a disability) and is likely to be put at a substantial disadvantage by the School's existing arrangements.

If applicants indicate in their CV that they are disabled, then Dair House School will make adjustments for them in the recruitment process.

Dair House School will appraise all staff involved in the recruitment process (receptionists, interviewers) as to the nature of applicants' disabilities, so that they can look for disabled applicants when they arrive and offer them assistance, if necessary.

What adjustments should Dair House School be making to the School Premises?

The Disability Discrimination (Employment) Regulations 1996 (SI No 1456) provides that for the purposes of the Employer's duty to make reasonable adjustments, the following are to be treated as physical features of its premises whether they are permanent or temporary (Regulation 9):

- any feature arising from the design or construction of a building on the premises;
- any feature on the premises of any approach to, exit from or access to such building;
- any features, fittings, furnishings, furniture, equipment or materials in or on the premises;
- any other physical element or quality of any land included in the premises.

Dair House School is careful not to take steps which would involve altering any physical characteristics of its premises which were adopted with a view to meeting the requirements of the Building Regulations 1999.