

Schools, education and the Disability Equality Duty

**A guide to the Disability Equality
Duty for education authorities and
grant-aided schools in Scotland**



Foreword

We all want our children and young people to achieve their full potential both during and after their school years. We all want to be able to contribute to the development of Scotland's education sector and to make sure that equality for all disabled people is a reality.

To ensure that we achieve this we have the new Disability Equality Duty for the public sector. This legal duty means that education authorities and grant-aided schools will need to look more actively at ways of ensuring that disabled people have equality of opportunity. The duty will work alongside existing education legislation and plans for future initiatives.

The Disability Equality Duty requires education authorities and grant-aided schools to be proactive in promoting disability equality. However, this duty is not necessarily about changes to buildings or adjustments for individuals which are already covered by the Disability Discrimination Act 1995. It is about weaving equality for disabled people into the culture of education authorities and schools in practical and demonstrated ways. This means being proactive about including disabled people and disability equality in everything from the outset, rather than reacting to the needs of individual disabled people as and when circumstances demand.

By implementing the duty, education authorities and grant-aided schools should not only lead to improve their performance in disability equality, but will help meet their wider objectives and strategic priorities.

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Section 1 Introduction

1.1 Purpose of this guidance

This guidance aims to explain the new legislative duties and give advice on how to meet the requirements of the Disability Equality Duty (DED). The DED comes into force on 4 December 2006.

Although it comes into force on this date it will require ongoing commitment by education authorities and grant-aided schools to sustain best practice in promoting disability equality.

1.2 Who is this guidance for?

The guidance is for education authorities and grant-aided schools. It should be helpful to a range of individuals who have strategic and operational responsibility for the implementation of the DED in these organisations. It may also be of interest to disabled stakeholders, especially those involved in the development, implementation and evaluation of Disability Equality Schemes (DES).

1.3 Background to the Disability Equality Duty

The Disability Discrimination Act 1995 (DDA) has been amended by the Disability Discrimination Act 2005 (DDA 2005). The DDA places a duty on all public authorities to promote disability equality. This is called the Disability Equality Duty.

The DED introduces a **general duty** which applies to all public authorities and **specific duties** which apply to specific public authorities, including education authorities and grant-aided schools. Scottish Ministers, Scottish Executive departments and agencies, FE and HE institutions, together with many other public authorities, are also subject to the specific duties.

The duty does not only apply to educational functions, but also to employment, services to parents and carers and non-educational services to the wider community.

The Disability Rights Commission (DRC) has published a list of all

the public authorities in Scotland who are covered by the specific duties, see section 7 for details of how to obtain a copy.

1.4 The DED and existing disability legislation

For some years, education authorities and grant-aided schools have been working towards disability equality through the implementation of the DDA and other legislation. The DED aims to build on this existing good practice. However, it goes beyond implementing change on an individual basis by being proactive in bringing about systemic change for disabled people.

The DED:

- builds on the DDA but at the **same time is a new approach**
- is about doing what you currently do but **doing it better**
- focuses on organisational change not **individual adjustments** – it is not about new entitlements for disabled people – these entitlements are already set out in disability legislation
- is meant to accelerate the process of addressing existing inequalities but also to ensure a more proactive approach to the promotion of equal outcomes
- is a tool for tackling institutionalised discrimination
- means that change must be demonstrated through positive outcomes which can be clearly evidenced.

1.5 The DED within the context of education

The 2005 Annual Population Survey states that 30 per cent of disabled people of the working age population had no qualifications, compared to 11.5 per cent of non-disabled people.¹ Effective implementation of the DED should help to close this gap between disabled and non-disabled pupils.

Section 4 of this guidance provides an overview of how the DED will impact on your work. It reviews briefly the links between the DED, Accessibility Strategies and the Education (Additional Support for Learning) (Scotland) Act 2004.

1.6 The meaning of ‘disability’ within the DDA

The definition of disability is set out in the DDA, which states that:

‘a person has a disability ... if he 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 DDA 2005 automatically included those with HIV, cancer and multiple sclerosis in the definition.

In order to implement effectively the various elements of the general and specific duties, it is important to understand the distinction between ‘disability’ and ‘additional support needs’. Further guidance on disability and its relationship to additional support needs is given in section 4 of this guidance. Section 3.6 gives practical guidance on how data on disability can be collected and used.

It is also important to remember that people who meet the DDA definition of a disabled person are protected, whether or not they consider, or know themselves, to be disabled.

¹ Office for National Statistics (2005) Annual Population Survey
Further information for Scotland available from: Labour Market
Statistics Branch, Scottish Executive, 5 Cadogan Street, Glasgow
G2 6AT

Further guidance on the definition of disability is available from the DRC website www.drc-gb.org.

1.7 The general duty

Section 2 of this guidance describes the various elements of the general duty. It gives practical examples of the kind of steps you can take to meet the requirements of the general duty. The general duty comes into force on 4 December 2006.

Education authorities and grant-aided schools carry out a wide range of public functions relating to education, parents and the wider community. You must consider carefully how the duty to promote disability equality impacts on all of your decisions and practices which arise from your various functions in relation to all these groups.

1.8 The specific duties

Section 3 of this guidance describes the various elements of the specific duties. The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 place education authorities and grant-aided schools under specific duties. The regulations for these specific duties came into force on 5 December 2005 and include a requirement to publish a Disability Equality Scheme by 4 December 2006.

Under the specific duties you must:

- publish a Disability Equality Scheme
- involve disabled people in the development of the DES
- include in your scheme a statement of:
 - the way in which you have involved disabled people in the development of the scheme
 - the arrangements for assessing the impact of your functions on disability equality

- the steps you will take towards fulfilling the requirements of the general duty (the ‘Action Plan’)
- the arrangements you have made for gathering information on the delivery of your various functions
- the arrangements you have made for putting the information gathered to use, in particular in reviewing the effectiveness of your Action Plan and in preparing subsequent schemes.

The specific duties also oblige you to make certain arrangements for schools under your management to assist you in meeting your duties.

Your scheme should set out the arrangements you have made.

Each DES will cover a period of three years. Publication of the first DES will mark the start of an ongoing commitment to promoting disability equality.

1.9 Employment

The DED also applies to employment including the recruitment, retention and development of disabled people. For further information and guidance on the DED and employment visit the DRC website www.dotheduty.org.

1.10 Examples in this guidance

This guidance contains practical examples. They are not meant to be prescriptive but are there to generate ideas about how the DED could work in practice and to illustrate what the duties might look like in practice. They aim to help demonstrate how the various elements of the general and specific duties work together in a range of education contexts, to promote equality of opportunity between disabled people and other people.

1.11 More information

Detailed information on the DED is given in the publication **The Duty to Promote Disability Equality: Statutory Code of Practice (Scotland)** (Disability Rights Commission, 2006), see section 7 for details of how to obtain a copy of the Code.

While the Code does not impose legal obligations, it is a ‘statutory’ code which means that courts and tribunals must take account of it where relevant. Following the Code might help avoid adverse findings in courts and tribunals.

Section 2 The general duty

2.1 Introducing the general duty

The overarching goal of the general duty is to promote equality of opportunity. The other elements of the duty both support this goal and require ‘due regard’ to be given to them in their own right. The general duty requires public authorities to adopt a proactive approach, mainstreaming disability equality into all decisions and activities.

By addressing each of the elements of the general duty you will be working towards bringing about equality in achievement and closing the attainment gap between disabled and non-disabled people. Under the general duty you must, when carrying out your functions, have ‘due regard’ to the need to:

- promote equality of opportunity between disabled people and other people
- eliminate discrimination that is unlawful under the Act
- eliminate harassment of disabled people that is related to their disabilities
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to take account of disabled people’s disabilities even where that involves treating disabled people more favourably than other people.

2.2 ‘Due regard’

‘Due regard’ means that you should give due weight to the need to promote disability equality in proportion to its relevance to your various functions (meaning policies and practices). This means more than simply giving consideration to disability equality. Sections 2.33

to 2.43 of the Code of Practice give further guidance on the term ‘due regard’.

2.3 Promoting equality of opportunity

The key focus of the DED is to achieve equality of opportunity between disabled people and other people. Your key function as a provider of education will make a major contribution to achieving this aim more widely in society. This is not just about making things better than they currently are, but about ensuring equality of outcome between disabled people and other people.

A grant-aided school realises that none of its Deaf pupils are on the Pupil Council. It undertakes a consultation with Deaf pupils to find out why they are not participating and finds that all of the information about the Pupil Council is provided in written form and Deaf pupils don't believe they will be provided with the necessary communication assistance to participate. The school arranges for the Pupil Council to hold an information session for all pupils and provides communication assistance for the session. It also commits to providing communication support at all future Council meetings.

It will be important to note that the barriers to equality of opportunity for disabled people are likely to be different for people with different impairments and different levels of impairment. For example, procurement of coach services for school trips is likely to have different impact for pupils with mobility impairments than for those with some other impairments.

2.4 Eliminating discrimination

The DDA makes it unlawful for education providers to discriminate against disabled pupils and prospective pupils. This applies to the provision of education and associated services in schools and in respect of admissions and exclusions. The DED requires you to take steps to eliminate discrimination before it occurs.

After undertaking an audit of its first Accessibility Strategy, an education authority finds that some pupils who have social, emotional and behavioural difficulties (arising from a developmental condition) have been unable to take part in a number of extra-curricular activities provided by their schools. The education authority undertakes a review of these cases and is concerned that some schools do not understand fully the ‘reasonable adjustment’ duty under the DDA. It therefore decides to:

- produce a policy statement setting out its commitment to promoting equality of opportunity which is incorporated into all school handbooks and on school and local authority websites
- develop practical guidance for schools which explains how these duties should work in practice.

The education authority involves disabled pupils and parents and carers of disabled pupils in both of the above initiatives.

Guidance on the DDA, as amended by the Special Educational Needs and Disability Act 2001, is available in the DRC publication Code of Practice for Schools.²

2.5 Eliminating harassment

You must work to eliminate any harassment of disabled people that is related to their disabilities. Within the context of the general duty harassment is a very broad concept and is not solely limited to harassment which is unlawful. It can take many forms, from direct verbal abuse to comments which make an individual feel uncomfortable, intimidated or degraded.

² DRC (2003) Code of Practice for Schools, http://www.drc.org.uk/library/publications/education/code_of_practice_for_schools.aspx?basket=rem&pub=COPSCH

In its Action Plan, an education authority has prioritised a review of its anti-bullying and anti-racism procedures to determine if such behaviour is having a negative impact on disabled pupils. All schools under the management of the education authority are required to implement the authority-wide anti-bullying and anti-racism procedures.

Each year, the education authority undertakes an analysis of all reports of alleged bullying and racism in its schools but has no record of whether bullied children have a disability or not. During this review, the education authority takes steps to ensure that its recording system contains relevant fields for capturing data on disability. It also introduces a specific policy on bullying related to disability which it disseminates across all its schools.

2.6 Promoting positive attitudes towards disabled people

You can make a strong contribution to the promotion of positive attitudes towards disabled people. You can do this in a number of ways including through the curriculum, communication strategies and the development of a school ethos which promotes respect for all individuals.

In its Action Plan, an education authority decides to undertake a review of its work experience placements offered to all pupils in S4. The audit looks at 'take-up' of placements by disabled pupils and identifies that they tend to favour certain types of placement. It also identifies that there is a higher degree of mismatch between the preferences stated by disabled pupils and the final placements they are allocated to, than is evident for non-disabled pupils.

The education authority involves S4 pupils with disabilities in helping to identify the solutions. As a result, the authority decides to invite local business people and professionals who are disabled, to talk about their achievements and experiences to all the pupils in S4. This encourages disabled pupils to broaden the scope of their placement choices and shows all the pupils that disabled people can and do succeed in a wide range of sectors. Employers who are part of the placement scheme are also invited to the talks.

2.7 Encouraging participation by disabled people in public life

'Public life' is a very broad term which, in relation to education, will include Parent Councils, parent teacher associations, Pupil Councils, youth forums and could include disabled pupils representing their school at civic events and in competitions. This element of the general duty aims to ensure that disabled people are involved in a wide range of groups which extend beyond those largely concerned with disability issues.

Under the Scottish Schools (Parental Involvement) Act 2006, an education authority is working in partnership with its schools to establish Parent Councils. It therefore considers how it can secure the participation of disabled parents and carers in its Parent Councils and other groups.

It addresses these issues with some disabled parents and identifies steps which include ensuring that disabled parents and carers are aware of the Parent Councils, their role and what membership entails. It makes certain that effective procedures are in place to ensure that any access requirements of parents are met. It also ensures that all chairpersons are aware of any steps they must take to ensure that meetings are accessible for all.

2.8 More favourable treatment

You will have to take steps to take account of disabled people's disabilities even where that involves treating disabled people more favourably than other people.

This underlines the fact that equality of opportunity cannot be achieved simply by treating disabled and non-disabled people alike.

An education authority is keen to encourage the socialisation of all pupils including those with mobility and cognitive disabilities. This includes sports and after-schools clubs. However, they find that these activities are not always accessible for disabled pupils and as a result these pupils have fewer choices of activities and fewer opportunities to make friends.

After instigating changes such as training for staff, opening up senior-only clubs to younger children and providing specialist equipment, they find that things have improved.

However, the changes made do not benefit all disabled children. The education authority decides to introduce additional sports and club activities, such as Bocce (a recognised bowling sport), at schools and inter-schools sport competitions. This helps to ensure that all pupils have opportunities to socialise with their peers, to develop skills and talents and to represent their school.

Section 3 The specific duties

3.1 Introducing the specific duties

The specific duties set out a framework to assist you in planning, delivering and evaluating action to meet the general duty (see section 2) and to report on these activities. At the heart of this framework is the Disability Equality Scheme.

3.2 What do the regulations say?

The specific duty regulations state that:

- by 4 December 2006, you must publish a DES which demonstrates how you intend to fulfil the general and specific duties
- you must involve disabled people in the development of their DES
- your DES must include a statement of:
 - the way in which disabled people have been involved in its development
 - the methods used for assessing both the impact and the likely impact of existing and new policies and practices, on equality for disabled people
 - the steps which you will take to fulfil the general duty (these steps must be detailed in an 'Action Plan' which is published as part of the DES)
 - the arrangements you have made for gathering information on the effect of policies and practices on the educational opportunities available to, and on the achievements of, disabled pupils
 - the arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of your Action Plans and subsequent DES

- **you must, within three years of your DES being published, take the steps set out in your Action Plans (unless it is unreasonable or impracticable to do so) and put into effect the arrangements for gathering and making use of information**
- **you must publish an annual report containing a summary of the steps taken under their Action Plans, the results of your information gathering and how you have used the information**
- **you must make arrangements for schools under your management to:**
 - **assess the impact of their policies and practices, or the likely impact of proposed policies and practices, on equality for disabled pupils**
 - **gather information on the effects of their policies and practices, the educational opportunities available and the achievements of disabled pupils**
 - **provide you with an annual report in respect of the two above matters**
 - **carry out the steps which you propose to take towards the fulfilment of your general duty that need to be taken at school level**
 - **maintain a copy of your DES.**

These arrangements will ensure that schools are involved in and contribute to your DES.

3.3 Who should prepare a DES?

The DES should be prepared by a team or individual who has the necessary delegated power to make the DES effective and robust. Responsibility for the DES should rest with a senior member of staff such as a Director of Education or the Head Teacher of a grant-aided school.

3.4 Local authority schemes

Education authorities and grant-aided schools are listed in the regulations as being subject to the Disability Equality Duty specific duty including the requirement to prepare a DES. Local authorities are also listed within the regulations. This means that, although both these public authorities are in fact one body, a Disability Equality Scheme recognisable as that of an education authority must be produced.

Education authorities and their respective local authority may decide to publish one document which spans both the DES of the local authority and the education authority. How this scheme is published is a matter for each authority. Some local authorities may choose to combine some or all of the information in their local authority scheme with that of their education authority scheme.

It may well be that there is cross-over in some of the information contained in each, for example in the monitoring of the effects of policies and practices on the recruitment, development and retention of its disabled employees. The education authority's scheme could refer to the statement on monitoring in this area contained in the general local authority scheme. It will, however, be important to cross-refer clearly and explain how the monitoring will take place specifically in the education sphere.

No matter how authorities choose to publish their two schemes, whether as one conjoined scheme or separately, it is essential that it is clear to anyone reading the scheme(s) how each of the six strands of the general duty (see section 2) are being addressed within education specifically. It will also have to be clear how the specific duties have been met in relation to education specifically. This includes how disabled people were involved in the education DES, the methods of

impact assessment used in education and an Action Plan for education.

Where the education authority scheme forms part of the local authority scheme, it will generally be appropriate to publish the education scheme as a whole so that stakeholders can view its different elements together.

3.5 Involving disabled people

Disabled people must be involved in the development of your DES. Involving disabled people will have particular benefits when identifying priorities for your Action Plan and in providing detail on how policies and practices impact on disabled pupils' ability to achieve their full potential. It is essential that the involvement of disabled people has a clear focus, is influential and proportionate.

'Involvement' requires a more active engagement of disabled stakeholders than 'consultation'. The Code of Practice says that the involvement process must:

- **be focused** – what the involvement process is seeking to achieve and what resources are available to make this happen
- **use accessible mechanisms** – make it possible for a wide range of disabled people to participate (including those with higher support needs who may require advocates, communication support workers or specialised equipment)
- **be proportionate** – the approach to involvement should be commensurate with the size of your organisation
- **be influential** – people should be able to see how the involvement of disabled people has affected your plans
- **be transparent** – the information about involvement in the Disability Equality Scheme should give an indication of any changes which have been made as a result of the involvement of disabled people.

You must ensure that disabled people are involved in all key aspects of the development of your DES such as:

- **identifying the barriers faced by disabled pupils and other disabled stakeholders in relation to your services**
- **setting priorities for Action Plans**
- **helping with planning activity**
- **contributing to your work on impact assessment**
- **being involved in gathering evidence**
- **being involved in the monitoring and evaluation of your DES.**

The specific duties require you to involve a range of disabled people, for example:

- **disabled pupils and ex-pupils**
- **disabled staff**
- **parents or carers of disabled pupils**
- **disabled parents or carers of current, previous, future pupils**
- **local and national groups of disabled people covering a range of impairments.**

You need to decide which disabled people you are going to involve in the development of your DES. The duty does not give individual disabled people the right to be involved in the development of a DES. However, if a disabled person asks to be involved you should look on this favourably.

An education authority accepts that, although it has consulted with a number of disabled stakeholders in the past, it has not involved disabled people in a manner which meets the requirements of ‘involvement’ under the specific duties.

It looks at various models of involvement and its own structures and priorities and contacts a few disabled people who are already known to them to discuss this issue. As a result, it decides to convene a forum of disabled people who have an interest in education. It is agreed that the forum should:

- be made up of disabled people who have diverse experience of a range of impairments
- be made up of disabled individuals and groups of disabled people who reflect a broad cross-section of stakeholders
- have a clear and focused remit
- be appropriately funded
- be supported to develop good understanding of the role of the education authority and its functions.

A decision is taken to give the introduction of the forum a high profile in the local press and in the disability press. The availability of a range of adjustments, such as attendance of a British Sign Language interpreter and papers in alternative formats is also highlighted. A formal recruitment process for interested disabled people is put in place. Interviews are carried out and disabled stakeholders are involved in this process.

An induction programme covering the functions and strategic priorities of the education authority is developed for members. This is delivered by a range of individuals who have expertise in education legislation, policy development and planning. The forum appoints its own Chair.

A senior officer from within the education authority also attends the group. Her role is to provide guidance on education legislation and policy (when required by the group) and to ensure that their priorities, advice and input are fed back to local authority officers who will use the information to inform planning, monitoring, evaluation and policy development. She also reports back to the group on action taken by the education authority and the impact of this action.

For further information and DRC guidance on involving disabled people visit the DRC website www.dotheduty.org.

3.6 Gathering information

The specific duties also require you to set out arrangements for gathering information on the effect of your policies and practices on the educational opportunities available to disabled pupils, and on their achievements.

The evidence gathered should be sufficient to show whether your Action Plan, activities and functions are delivering equality of opportunity for disabled pupils in relation to all six elements of the general duty. It also needs to show whether the priorities underlying the Action Plan are the right ones.

As a result of intelligence received from its Disability Equality Forum, an education authority starts work to find out more about the experiences of disabled pupils in its schools, particularly in the mainstream setting. It plans to use the information it gathers to help identify priorities for future action plans.

It involves disabled pupils in developing a research proposal which will involve reviewing relevant national and UK research and meeting with disabled pupils and recent ex-pupils to get feedback on what it is like to be disabled and at school in the twenty-first century.

The education authority decides to commission an external organisation with expertise in working with and involving a wide range of disabled children and young people. This will help to ensure that the involvement of disabled pupils is influential and meaningful for everyone involved.

Schools already collect data on disability, and your management information system will hold data which shows if:

- a pupil has declared a disability
- a pupil has been declared disabled by his or her parents
- a pupil has been assessed as disabled by a professional

- a pupil requires access to adaptation of the physical environment, curriculum, communication and/or information.

The above information on disability is collected and analysed and reports are made to the Scottish Executive. Other information is also collected to support the separate requirements of the Additional Support for Learning framework. These sources may provide some data to support the development of your DES.

By involving disabled people in information gathering you will be better equipped to:

- determine priorities
- quality assure data collection sets and questionnaires
- ensure that questionnaires and other methods of obtaining information are accessible for disabled people to use
- address issues such as sensitivity and disability etiquette.

Further DRC guidance on evidence gathering is available from the DRC website www.dotheduty.org.

3.7 Disaggregating information

As education authorities and grant-aided schools, you currently collect and analyse data on attainments in national tests and examinations, exclusions and attendance. For the purposes of meeting the information-gathering requirements of the DED, it is essential that you are able to disaggregate data relating to disabled pupils and analyse any differentials between disabled and non-disabled pupils.

In addition to collecting and analysing quantitative data, you should also draw information from a variety of qualitative sources such as:

- analyses of complaints or feedback
- staff, pupil, and parent and carer surveys undertaken by schools, for example, to inform their school development plans or inspection and review processes

- **research projects undertaken by education authorities and schools, for example into various aspects of school life**
- **evidence provided through the school self-evaluation process**
- **partners, such as health boards and social work services**
- **existing sources such as the Scottish Executive, research centres and organisations of and for disabled people.**

Information gained from the audits of the first round of Accessibility Strategies may also provide you with both quantitative and qualitative data. Findings from the audits should help to inform the priorities in the Action Plan in your first DES.

You can set up approaches which will give you a measure of the successful outcomes you achieve. Also, you will need to establish measures which identify the range of barriers which disabled people face. Disabled people with different impairments can experience fundamentally different barriers from the same source.

You will have to think about how you collate and disaggregate data from the schools under your management. As noted above, you have a duty to make arrangements for those schools to report to you annually. You should consider how to ensure that the methods used by individual schools to collect and present data are uniform across all schools, so that the collated outputs are valid.

In your DES, you must show what arrangements you have made for using the information obtained and your arrangements for regular review of the effectiveness of your Action Plan. You should also show how the information will be used to help you to prepare the subsequent DES.

3.8 Using information

It is important to understand that information gathering is not an end in itself. The information obtained must be analysed and used as the basis for preparing disability Action Plans, reviewing the effectiveness of those actions taken and feeding into your annual reports.

You should be clear about why you are collecting data and how you will use it. It is important that service users, such as pupils and their parents and carers, know why they are being asked to respond to questions which require them to share information that may be personal and sensitive. You will also need to bear in mind your responsibilities under the Data Protection Act 1998.

An education authority decides to undertake a review of the way in which it currently identifies disabled pupils across its school population. The review shows that there is not yet a consistent approach and that there is some anxiety surrounding the requirement to ask the 'disability' question.

Feedback from some schools also indicates that a number of parents and carers of disabled children do not want to identify their children as disabled. However, there are other parents and carers who define their child as disabled where school staff and other professionals do not consider that the child's difficulties meet the definition under the DDA.

Having involved disabled people in identifying its priorities and reviewing the questions and terminology used in questionnaires, the education authority decides to produce a short policy statement to cover the collection of personal and sensitive data, which will include data on disability. The statement will set out briefly:

- the education authority's commitment to equality
- the work that schools and education support services undertake to help promote equality
- why collecting information on disability, gender, race, etc is important

- how data is collected from pupils, parents and carers
- how data is used and managed according to the principles set out in the Data Protection Act 1998.

The education authority decides that this policy statement should appear in school handbooks. It also reviews the written information given to parents and carers with school enrolment forms to ensure that there is an appropriate explanation as to why schools are requesting this information.

3.9 Impact assessments

You must include in your DES a statement of the methods used for assessing the impact of your policies and practices on equality of opportunity for disabled people.

The purpose of impact assessment is both to ensure that policies and practices do not disadvantage disabled people and also to identify how and where there is scope for disability equality to be more effectively promoted.

All new policies and practices must be impact assessed as decisions are being made in relation to them. The next task will then be to involve disabled stakeholders in identifying those policies and practices which have high relevance to disability equality. A strategic timetabled approach will then be needed to prioritise those policies and practices for the first Action Plan.

As one of the targets on its first Action Plan, a grant-aided school undertakes a review of all of its functions and the current policies and procedures which relate to them. It decides to convene a short-life working group made up of a small number of disabled people including a teacher, a classroom assistant, disabled pupils and disabled parents and carers

It develops a simple approach to this work which involves:

- listing all of its functions

- mapping the various policies and procedures which are linked to those functions
- adopting a grading system to show whether there is a low, medium or high impact on disability equality. This includes setting out a brief rationale to show why members of the group have arrived at the grades for each policy or procedure.

Those policies and procedures which are identified as high priority are then reviewed to identify where and how they can be changed to better meet the requirements of the DED. Where changes are required, this information is used in the development of the school's action plan and DES.

There is no prescribed method for carrying out impact assessments. You can develop your own approaches taking into account existing frameworks and structures. Things to consider may include:

- whether to have different degrees of impact assessments dependent on whether a policy or practice is found to be a high or low priority
- impact-assessing all new policies and practices
- preparing a timetable to impact-assess existing policies based on the priorities of disabled people.

For further information and guidance on impact assessing visit the DRC website www.dotheduty.org.

3.10 The first Action Plan

Robust and effective Action Planning and review is a cornerstone of the DES. Every DES must contain an Action Plan setting out the steps that you will take over the next three years. The plan should be detailed, setting out timescales and the person with lead responsibility for each step. The Action Plan should be kept under review and revised annually.

An effective Action Plan is one that focuses on outcomes for disabled

people and is likely to show:

- the priorities of disabled people identified through their involvement
- specific outcomes which you aim to achieve in order to promote disability equality, set out against a realistic timetable
- measurable indicators of progress towards these outcomes
- your strategic priorities in relation to any national developments
- developments in the education framework (see section 4)
- lines of accountability.

An effective Action Plan is one that is put into practice and kept under review. The targets and indicators should be focused on outcomes for disabled people such as increased levels of attainment, rather than on outputs such as more training for staff or events for stakeholders.

The first Action Plan will inevitably be different from those following it. The first step in drafting the plan will be to assess whether you have the right information to help you. It is likely you will already have some information available on disability. However, an important element of your initial Action Plan may be to develop new mechanisms for gathering evidence on your performance in relation to disability equality.

Generally, even where you have not yet collected evidence on disability, it should be possible to identify the key actions for an initial Action Plan through:

- involvement of disabled people
- considering existing research in relation to similar authorities
- drawing information available through the first round of audits of Accessibility Strategies

- **commissioning qualitative research specifically to inform the development of an Action Plan.**

It will be important to bear in mind a number of factors to help you get the best out of the DED for disabled pupils. These might include the following issues.

- **Sustaining the involvement of disabled people will require a commitment to building capacity of disabled stakeholders. It is important that you are able to evidence the effective on going involvement of disabled stakeholders in the DES and Action Plans. You will need to include a statement of the ways in which disabled people have been included in the development of the DES.**
- **Strong, clear and consistent leadership is a key to achieving systemic change for disabled people. The implementation of the DED will require a clear commitment from a wide range of staff responsible for strategic and operational development and service delivery, for example, corporate directors, service managers, staff with responsibility for quality improvement in education, head teachers, teachers and support staff and representatives of School Councils. Corporate directors and heads of service should ensure that the necessary resources and expertise are available to support the DES.**
- **For the DED to be effective in promoting disability equality, appropriate training will need to be developed for a range of staff. Disability equality awareness training should form part of this. In addition, staff will need to understand how the DED impacts on their everyday work context.**

3.11 Partnerships and procurement

Education authorities and grant-aided schools enter into partnerships with private and voluntary organisations for goods, works, services and staff. As procurement is a function of both education authorities and grant-aided schools, you will need to ensure that in procuring services you comply with all aspects of the DDA and the DED. You will therefore need to:

- **review and revise contracts to ensure compliance with the general**

duty

- **include a requirement in every contract that the contractor must comply with the anti-discrimination provisions of the DDA**
- **where relevant, specify what evidence the contractor may need to gather in order for you to demonstrate compliance with the general or specific duties**
- **ensure that disability equality is appropriately reflected and given due weight in the specification, selection and award criteria. This needs to be done in a way which is consistent with the relevant procurement rules**
- **ensure that contractors fully understand any disability equality requirement of the contract**
- **monitor performance of disability equality where relevant to the contract**
- **provide training for all staff who are involved in procurement work so that they fully understand the provisions of the DDA and the relevance of the DED to their area of work.**

As part of its DED, an education authority decides to undertake a review of the way in which it contracts with external transport providers. It establishes the need for ‘accessibility standards’, for example, that all coaches supplied for school trips should be wheelchair accessible.

In partnership with disabled people, representatives from local transport organisations and staff from relevant local authority departments, it sets out physical accessibility requirements laying down minimum standards.

These standards will form part of the contractual process between the education authority and external transport organisations. The accessibility requirements are also applied to the local authority’s own internal transport fleet.

For further information on the DED and procurement visit the DRC

website www.dotheduty.org.

Education authorities are already involved in partnerships with other public authorities including other local authority services, NHS Boards and the police. As public authorities listed in the regulations, these partner organisations may also be covered by the DED. Other partners may only have the general duty, or not be covered by the duties at all, such as private companies.

All the partners who are covered by any part of the DED, either the general duty only or both the general duty and the specific duties, need to ensure that their partnership activities take full account of their responsibilities under the DED. This includes giving 'due regard' to disability equality in relation to their work within the partnership.

3.12 Annual reporting

You must produce an annual report on the DES, containing a summary of:

- the steps you have taken to fulfil the disability equality duty (the Action Plan) over the past year and whether or not targets have been met
- the results of information gathering – what evidence has been obtained and what it indicates
- how you have used the information gathered – what actions will be taken as a result of information received.

You could also report on how you have used the annual reports provided by each school under your management.

3.13 Publishing the DES and annual reports

You must publish the DES and the annual reports. You will need to consider how you will do this, including how to make them available to disabled stakeholders.

You must review and revise the DES every three years from 2006, ie

by 4 December 2009, by 4 December 2012 and so on. The annual reports must be published every year before 4 December. This includes those years when a revised DES is required to be published (every three years). You will need to make sure that you have collated all the information you need from schools before this date, in order to include it in your annual report.

DED annual reports can be published as part of another document such as a wider annual report made by the Director of Education. If you do include the annual report as part of another document, you must make sure that it is clearly identifiable, all in one place and that it gives all the information required by the duties.

You need to consider how to make the information accessible to disabled people and the wider community. This will involve ensuring that requests to produce the information in alternative accessible formats and Minority Ethnic languages are met immediately and that adequate financial resources are allocated to do this.

Ways of promoting the DES and annual reports might include:

- through the involvement mechanisms you have created
- through schools and through newsletters to parents
- via local websites
- by using the local media, for example, to highlight some of the successes and using this as an opportunity to let people know that a report of the DES is available
- through presentations to local groups of disabled people, which have a specific remit relating to disabled pupils and their families
- in reports to School Councils
- in reports to local planning groups (for example those involved in community planning, children's services planning).

3.14 Revising the DES

Education authorities and grant-aided schools will be revising and reviewing their Action Plans each year. A broader review will also be necessary before publication of the next DES by 4 December 2009. The review must continue the ongoing involvement of disabled people and should take into account any changes to priorities resulting from achievements under the previous DES and the current education frameworks.

Where appropriate, priorities from the first Action Plan may be carried forward into the second DES.

3.15 Arrangements to be made for schools

Without the full involvement of all schools under your management, you will not be able to meet the specific duties.

The DED includes a specific duty for education authorities and grant-maintained schools to make arrangements for every school under their management to carry out certain tasks.

A short briefing paper for schools about the DED is included as Appendix A. You can circulate this briefing to the relevant staff in schools. It gives an overview of the DED and aims to explain to schools why these arrangements are being made for them, the background to the duty and its benefits.

In the DES, you will need to show the arrangements you make to involve schools in working with you to meet the general and specific duties. By involving schools in this way, the impact of the DED will be felt directly by disabled people who use that school, as pupils, parents or others.

The arrangements you need to make must enable individual schools to:

Impact assess

You need to make arrangements for each school under your management to impact-assess its policies and practices. Guidance on impact assessments is given at section 3.9. This includes central policies and practices developed by education authorities as they are used in schools, as well as local practices devised by individual schools.

It will be important for schools to have the knowledge and expertise to be able to identify potential and actual impacts, both positive and negative, and to determine their cause. One of the key ways of doing this is through the effective involvement of disabled people.

There are also a number of steps that you could take to make this task more effective and efficient. For example, you could consider providing an impact assessment toolkit, guidance and training for schools.

Gather information

You need to make arrangements for schools you manage to gather information on the effects of their policies and practices and the educational opportunities available to disabled pupils. Guidance on collecting and analysing data on disability is covered at sections 3.5 to 3.7.

This information will be essential for you to gain an authority-wide view of how policies and practices are affecting disabled pupils, their achievements and educational attainments. The information gathered should be used to assist you to produce your annual report and review your Action Plan.

Information which needs to be collected includes that available from a wide range of sources; for example:

- analyses of achievements and educational attainments**
- analyses of exclusions**
- records of disabled pupils who have additional support needs**

- analyses of the learning and support needs of different groups of pupils
- HMIE inspections
- analyses of education and schools complaints systems
- analyses of parental involvement in School Councils and identification of participation by disabled parents
- analyses of the involvement of disabled pupils in areas of school life that extend beyond the formal curriculum.

For the purposes of the DED, it will be important for schools to extract the relevant data from the above sources, ie that which relates to disability equality.

Provide an annual report

You need to ensure that schools provide an annual report to you, including details of the information gathered and impact assessments undertaken. The report could also show the outcomes for disabled people achieved through the DED. See section 3.13 for guidance on reporting.

You will already have in place arrangements for schools to provide reports to you on a number of other matters. It may be possible to build DED reporting into an existing reporting framework. You could work with schools to agree the most appropriate mechanisms for reporting on the work they do to promote disability equality.

As you will need to collate and include the details of the schools' annual reports in your own annual report on the DES, it will be important that your arrangements take into account the date that you must publish your annual review – before 4 December each year.

You should refer to the information you collate from schools when reviewing and revising your DES at the end of each three year cycle. It will be helpful to keep open communication on this matter and to discuss the implementation of DED with schools to identify and plan for improvements that can be made.

Carry out steps

Your Action Plan will set out the steps that need to be taken to meet the DED. You will need to make arrangements for schools to carry out any steps which are part of the Action Plan and which relate to the work of schools.

As well as the specific arrangements you need to make for schools to impact-assess, gather information and provide annual reports, you will also have to make arrangements for any additional steps you require of them.

These steps could build on existing work already under way in schools or may be new activities resulting from the DED. They will need to reflect the involvement of disabled people who will have been instrumental in developing the Action Plan and setting priorities

Maintain a copy of the DES

Finally, you will need to ensure that schools maintain an up-to-date copy of the DES and use it to inform their own policies and practices. This will help to ensure that schools have a clear understanding of ‘the bigger picture’ and can also learn from the examples of other schools in the education authority area.

Section 4 The DED within the context of education

4.1 Background

This section aims to show how the DED relates to a number of other existing frameworks which impact on your work. It highlights the distinction between ‘disability’ and ‘additional support needs’ and explains why, for the purposes of the DED, understanding and working with the different definitions is important.

DED has an overarching role; it is not a replacement for the existing education frameworks but will complement them and help to ensure that they do not disadvantage disabled people and that equality of opportunity is promoted.

4.2 Additional support needs and disability

It is important to acknowledge the distinctions between additional support needs and disability. This is especially true when gathering evidence to support the DES.

The DED relates to disabled people covered by the definition of disability in the DDA. This includes disabled pupils, disabled parents and carers, employees and other stakeholders. Data gathered for the DES must take into account the definition of disability in the DDA (see section 1.6).

The Education (Additional Support for Learning) (Scotland) Act 2004 introduced a system for supporting children’s learning in schools. It aims to ensure that all children and young people receive the appropriate additional support required to meet their educational needs and to help them achieve to their full potential. This includes some disabled children and young people, as well as others who are not disabled.

The existing evidence and data sets relating to additional support needs will not necessarily provide evidence on disability equality to support the development and monitoring of Action Plans in the DES.

This is because:

- **some pupils may be both disabled and have additional support needs**
- **some pupils may be disabled but not have any additional support needs**
- **some pupils may have additional support needs but not be disabled.**

It is recommended that any disability equality training given to staff includes looking at what is meant by disability and at the breadth of impairments likely to be covered by the definition of disability in the Act.

4.3 The DED and Accessibility Strategies

The Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 (DSPERA) requires local authorities, independent, grant-aided and self-governing schools to prepare and implement accessibility strategies to improve, over time, disabled pupils' access to the curriculum, the school environment and school communication.

At first glance, it may appear that the DED and Accessibility Strategies are the same thing. However, this is not the case. Firstly, the DED applies to all of your functions including those that relate to disabled parents or employees and not just those relating to education of disabled pupils. Also, the actions you need to take to meet the DED, ie to involve disabled people, gather evidence, impact-assess and publish a DES and annual reports, go well beyond those required by DSPERA.

In fact, the DED enhances the way in which:

- **policies and practices relating to the curriculum, school environment and school communication will be impact assessed. This will help to identify improvements to be made through the accessibility strategies.**

- disabled people are involved in the development of Accessibility Strategies – this will mean that the right priorities are set. Effective involvement of disabled people will help to ensure you have access to first-hand experience of what the barriers to access are and what some of the solutions are.
- outcomes from the Strategies are reported to key stakeholders – DED introduces a duty to publish annual reports on the outcomes of any action taken under the DES. You will be able to publicise your achievements and take note of the practice and achievements of other schools and education authorities, for future planning.

Education authorities and grant-aided schools have recently completed detailed audits of their first Accessibility Strategies and these will provide useful information for the development of Disability Equality Schemes and Action Plans under the DED.

Scottish Executive guidance on Accessibility Strategies for education authorities is available from the Scottish Executive website www.scotland.gov.uk/Home. It places these duties in the wider context of DDA legislation and the Education (Additional Support for learning) (Scotland) Act 2004.

4.4 The wider planning framework

Accessibility Strategies are only one of a number of plans on which the DED will impact; others include, for example:

- Corporate Services (Council) Plans
- Integrated Children's Services Plans
- Joint Health Improvement Plans
- Service Improvement Plans
- School Development Plans
- Sexual Health Strategies (developed jointly between local authorities and health boards).

The DED will mean that disabled people are appropriately involved and represented within the requirements of these and other pieces of legislation. For example, the duty to involve children and young people, and parents and carers in education planning is set down in the Standards in Scotland's Schools etc. Act 2000, and Service Improvement Plans (for education) and School Development Plans set out the commitment to equal opportunities requirements and the ways in which children and young people, parents and carers and other stakeholders should be involved in the development of education at local level.

4.5 The quality improvement framework

Targets and performance indicators, linked to the seven elements of the Vision for Scotland's Children and the five National Priorities in Education, are set by the Scottish Executive and applied by education authorities and grant-aided schools to meet local needs. These targets and indicators provide the basis for you to evaluate the impact of policies and practices across a wide range of children's services including education, on children, young people and their families.

The introduction of the DED will mean that when setting targets at national and local levels, the Scottish Executive, education authorities and grant-aided schools will need to consider assessing the relevance of these targets to disabled pupils and other disabled stakeholders, eg disabled parents and carers.

Section 5 The Scottish Ministers' duties

Under the DED Scottish Ministers are required to publish reports every three years. These reports will give an overview of the progress made by public authorities in the areas that fall within each Minister's remit, in relation to disability equality. They must also set out proposals for co-ordination of action by public authorities across Scotland to bring about further progress on disability equality. This duty promotes a greater degree of strategic co-ordination across government.

Scottish Ministers are jointly responsible for producing the reports required by this duty. However, the Code of Practice states that it is expected that individual reports will be produced covering the areas which fall within each Minister's remit, at the time the reports are prepared.

This duty is significantly different from the duty you have under the DED to produce a Disability Equality Scheme. However, you will be required to feed into the Scottish Ministers' reports, either by way of your annual reports or in some other way requested by Ministers.

The first of these reports is due no later than 1 December 2008. They will need to:

- give an overview of your progress in relation to disability equality, and
- set out proposals for co-ordinating action by you and other public authorities, to ensure greater progress towards equality.

The education report might involve reviewing a wide range of national initiatives which impact to some degree on the education of disabled children and young people; for example the child protection reform programme, integrated framework for assessment and information sharing, Education (Additional Support for Learning) (Scotland) Act 2004, 'Starting Together' the early years strategy, the youth justice policy and early intervention.

The purpose of this duty is to prompt leadership on disability equality across the key elements of the public sector including education. The object is to ensure that a strategic overview is taken

and to improve transparency by providing information regarding your effectiveness in delivering disability equality. This will enable the wider community (particularly disabled people) to judge more easily whether Scotland's education sector is effective in promoting disability equality between disabled people and other people.

Section 6 Enforcement and accountability

6.1 Enforcement

Where an authority has failed to comply with the general duty, their actions can be challenged by anyone with an interest (including the DRC), through judicial review proceedings in the Court of Session.

Where an authority does not comply with its specific duties, it will face enforcement action by the DRC. A compliance notice can be served on the authority and if it has still not complied within three months, the DRC can apply to the Sheriff Court for an order requiring the authority to comply.

Details of how the DRC will be assessing compliance with the specific duty is available on the DRC website www.dotheduty.org.

6.2 HM Inspectorate of Education

HMIE is also bound by the duty to promote disability equality in all aspects of its work. It will need to ensure that the duty is built into its inspection regimes and may decide to:

- review inspection and auditing methods to ensure they have due regard to the DED and identify whether you are effectively complying with your duties
- advise you on developing more effective DES and monitoring arrangements
- identify and disseminate best practice in respect of the duty
- improve research surveys and data collection in order to provide useful data for you to consider when analysing your performance of the DED.

Section 7: Other guidance

Other guidance from the DRC on the Disability Equality Duty will be produced in 2006 and 2007 and will focus on a range of public sectors and issues. The titles include:

- Overview (GB)
- Education – Higher and Further Education (GB)
- Health (Scotland)
- The Scottish Executive (Scotland)
- Local authorities (GB)
- Housing (GB)
- Employment (GB)
- Planning and Highways (GB)
- Central government (GB)
- Authorities covered by the DED in Scotland – a list and explanation (Scotland)
- Guidance for disabled people (GB)
- Evidence gathering (GB)
- Impact assessments (GB)
- Involvement of disabled people (GB)
- Procurement – a technical note (GB)

Please note: The geographical coverage of the above documents is shown in brackets.

Further separate guidance and information for England and Wales is also available including for health, social care and schools.

All guidance documents (except the guidance for disabled people, overview guidance and guidance on involvement which will be published in a range of formats) are purely online documents and can be downloaded free of charge from the DRC website. You can get a copy of the published guidance by contacting the DRC Helpline, details of which are below.

You can download the Code from the DRC website:
www.drc-gb.org

Copies of the Code are available in Braille, audio CD and CD-ROM formats from The Stationery Office – www.tso.co.uk, tel. 0870 606

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Copies of the Act and regulations made under it can be purchased from The Stationery Office. Separate codes covering other aspects of the Act, and guidance relating to the definition of disability are also available from The Stationery Office. The text of all the DRC codes can also be downloaded free of charge from the DRC website www.drc-gb.org.

Telephone: 08457 622 633

Text phone: 08457 622 644

Fax: 08457 778 878

Post:

DRC Helpline

FREEPOST

MID02164

Stratford upon Avon

CV37 9BR

Disclaimer

The information in this guidance is based on the law but its main purpose is to help authorities to comply with and make the most of the Disability Equality Duty. The Statutory Code of Practice on the Disability Equality Duty provides further detail of the legislation.

Appendix A Briefing paper for schools on the Disability Equality Duty

The attached briefing paper (referred to at section 3.15) can be downloaded and circulated to schools. It may also be of practical use when explaining your duties to, for example, elected members, colleagues and disabled stakeholders.

It explains the background to the DED and will help to ensure that schools understand why you are making arrangements for them to:

- assess the impact of their policies and practices, or the likely impact of proposed policies and practices, on equality for disabled pupils
- gather information on the effects of their policies and practices and the educational opportunities available to, and achievements of, disabled pupils
- provide an annual report in respect of the two above matters
- carry out the steps which you propose in your Action Plan
- maintain a copy of your DES.

The briefing paper does not set out the details of the arrangements that you will make for them. Each education authority will need to develop and communicate its own arrangements.

Briefing paper for schools on the Disability Equality Duty

Introduction

We all want to live in communities where we can participate fully and equally. We all want our children to do well at school. We all want to be able to contribute to the development of Scotland's education sector and to make sure that equality for all disabled people is a reality.

This briefing paper

This briefing paper has been prepared by the Disability Rights Commission and introduces the new public sector duty, the Disability Equality Duty (DED). It explains the background to the arrangements being made by your education authority or grant-aided school to facilitate your school's involvement in this duty.

Each education authority or grant-aided school must make 'arrangements' for the schools under their management to participate in meeting the DED. This briefing explains some of the background to why these arrangements are being made for your school.

Background

The DED comes into force on 4 December 2006 and places new duties on all public authorities, including education authorities and grant-aided schools. The overarching goal of the DED is to promote equality of opportunity between disabled people and other people.

Schools and education authorities are already working to meet existing responsibilities under the Disability Discrimination Act 1995 (DDA) and other legislation. This new duty builds on that work and goes beyond implementing change on an individual basis; it is about education authorities addressing and being proactive in bringing about systemic change for disabled people.

The Disability Equality Duty

The Disability Equality Duty (DED) places two types of duty on education authorities and grant-aided schools:

The general duty

The general duty applies to all authorities who carry out a public function. Under the general duty, a public authority, when carrying out its functions, is required to have due regard to ensuring:

- the promotion of equality of opportunity between disabled people and other people
- the elimination of discrimination that is unlawful under the Act
- the elimination of harassment of disabled people that is related to their disabilities
- the promotion of positive attitudes towards disabled people
- the encouragement of participation by disabled people in public life
- that steps are taken to take account of disabled people's disabilities even where that involves treating disabled people more favourably than other people.

The specific duties

The specific duties provide a framework to support public bodies to meet their general duty. The specific duties only apply to bodies listed in regulation – including education authorities and grant-aided schools. At the heart of this duty is the Disability Equality Scheme (DES). The DES must be published by 4 December 2006 and revised every three years. An annual report must also be published which shows what actions have been taken under the scheme and what outcomes for disabled people were achieved.

In developing a DES, authorities must meet the other requirements of the specific duty, namely to:

- involve disabled people in writing the scheme, implementing it and revising it
- impact-assess policies and procedures
- gather evidence
- plan actions to meet the general duty
- make arrangements for schools to be involved in the DED (see below).

Arrangements to be made for schools

As schools are not legal bodies, they are not directly covered by the DED. Education authorities and grant-aided schools therefore have a specific duty to make arrangements for the schools they manage to support them in meeting their specific duties. Without the involvement and participation of schools they would not be able to meet these duties.

Education authorities and grant-aided schools need to make arrangements for each school to:

- assess the impact of its policies and practices, or the likely impact of proposed policies and practices, on equality for disabled pupils
- gather information on the effects of its policies and practices and the educational opportunities available to, and on the achievements of, disabled pupils
- provide an annual report in respect of the two above matters
- carry out the steps proposed in an authority's Action Plan relevant to be taken at school level
- maintain a copy of the education authority's DES.

These arrangements will ensure that schools are fully involved in working to meet the education authority's or grant-aided school's general and specific duties. They will also ensure that the impact of the disability equality duty will be felt directly both by schools and by disabled pupils.

Further information

Your education authority or nominated colleague in a grant-aided school will be able to tell you more about the arrangements being put in place in your school.

You can also find more information on the duties at the DRC website www.dotheduty.org. This includes guidance on evidence gathering, impact assessment, involvement of disabled people and procurement. You can also download the Guidance for Education Authorities and grant-aided schools on the Disability Equality Duty. Section 4 of this guidance gives more information on how the DED will impact on the work of schools.

Detailed guidance on the DED is given in *The Duty to Promote Disability Equality: Statutory Code of Practice (Scotland)* (Disability Rights Commission, 2006). Copies of the Code are available in Braille, audio CD and CD-ROM formats from The Stationery Office – www.tso.co.uk, tel. 0870 606 5566.