



Children and Young People's Services

The Disability Discrimination Act (DDA) 2005:

What does this mean for SENCOs in Bristol schools and nurseries?

Under the Disability Discrimination Act (DDA) 2005 and the SEN and Disability Act (SENDA) 2001, schools already have a duty not to treat disabled children 'less favourably' than non-disabled children. Though IEPs, SENCOs will be involved in making the required 'reasonable adjustments' for disabled children to ensure they have access to the curriculum, information and the physical environment.

As SENCOs, you will probably also have been instrumental in compiling and monitoring parts of the school's Access Plan, particularly those sections relating to curriculum and information.

The new Disability Discrimination Act 2005 (DDA) strengthens the DDA 1995 and SENDA by broadening the definition of a disabled child or adult, and imposing on schools and nurseries a more proactive duty to promote equality of opportunity for disabled children and adults.

It is important to note that responsibility for the DDA lies with the governing body, but in all schools the SENCO should have a key role in supporting the process, and should be developing particular expertise in disability equality issues.

What are the duties for schools and nurseries?

From December 2006 all schools, nurseries and the Local Authority will have a general duty:

- *To eliminate unlawful discrimination against disabled children and adults*
- *To eliminate harassment and bullying of disabled children and adults*
- *To promote equality of opportunity for disabled children and adults*
- *To take steps to take account of disabled children's and adults' impairments - even if this means treating them more favourably*
- *To promote positive attitudes towards disabled children*
- *To encourage the participation of disabled people in public life*

What are the key responsibilities?

- a) All schools and nurseries should already have in place a new three year Access Plan required by March 1st 2006, (covering the period 2006 - 9). This should be reviewed annually by an Inclusion Group which includes disabled people, parents/carers etc. A copy should have been sent to the Local Authority (see contact on back page).
- b) All schools and nurseries will now need to be developing a Disability Equality Scheme (DES) through consultation with key stakeholders, and this must include disabled people. Secondary schools have to have this in place by 4th December 2006 and nurseries, primary schools, special schools and PRUs by 3rd December 2007.
- c) It is the responsibility of the governing body to ensure the DES is in place and monitored, but schools should expect this process to be led by the Head or a member of the Senior Leadership Team with input from the SENCo, as this is a whole school policy that covers areas outside the SENCo remit such as governance, employment of disabled staff etc.

What can SENCOs be doing now?

- Supporting Heads to ensure that schools and nurseries are taking 'reasonable steps' to change all policies and practices that disadvantage disabled children and adults and to provide support to enable them access information (e.g. by providing loop systems, taped information, BSL Interpreters)
- Working with the SLT member responsible for assessment to ensure that schools and nurseries are starting to monitor attainment by disability/SEN and putting in place actions to close the gaps, and ensuring there is robust tracking of the progress of all disabled children or children on the code of practice.
- Supporting their staff teams in reviewing the content of the curriculum at all key stages to ensure that disability issues are adequately addressed and SENCOs should be developing expertise in this area.
- Reminding the SLT that schools and nurseries should be monitoring any questionnaires to parents/carers, pupils etc. by disability or SEN to get the specific views of disabled children and adults
- Setting up and maintaining the school's Inclusion Group and in ensuring disabled adults are involved in the process.
- Ensuring that schools and nurseries are not discriminating against disabled children or adults in non-educational activities such as letting rooms, trips, concerts and out of school activities
- Reminding Heads that schools should be ensuring they are meeting the access needs of disabled staff, governors and parents/carers e.g. access to information in Plain English, Braille, tape or large print or through providing BSL interpreters, and taking particular care to ensure the access needs of parents of pupils with SEN are fully met.
- Reminding the SLT that schools should be taking positive action to ensure they involve disabled people as governors, members of the Inclusion Steering Group etc.
- Reminding the SLT that schools and nurseries need to be developing good practice in the recruitment, development and retention of disabled employees

What will the Schools' Disability Equality Scheme (DES) need to look like?

The Code of Practice for Schools and workbook devised by the LA gives guidance on the DES, but a DES must include:

- An introduction on the purpose of your DES, who is covered and who is responsible
- A statement as to how disabled people have been involved in developing the Scheme
- Arrangements for gathering data on the educational opportunities and achievements of disabled pupils and data on recruitment and retention of disabled staff
- Analysis of data to identify where disabled pupils, parents, carers and staff are disadvantaged
- An action plan with targets showing how the school will meet the duties and address the identified disadvantages
- Arrangements for reviewing policies and practices (impact assessments)
- How the Scheme will be reviewed and monitored
- There must be an annual report as to its impact-preferably as part of the School Improvement Plan process

Where can schools and nurseries go for help?

Developing a DES

Detailed guidance was developed by the Local Authority and workshops, open to all schools were held in Autumn 2006. Further workshops can be arranged for governors or staff teams who were not able to attend these workshops (please invite your Head or governors to contact Aoife McNally to indicate interest).

One of the key differences brought in by this legislation is that the Disability Equality Scheme MUST be written in consultation with disabled people. If schools are struggling to find a disabled person who they can work with, they may contact Anne James (Principal Equalities and Community Cohesion Officer) who has organised and trained a group of disabled consultants who are willing to work with schools to help them to develop their DES on anne_james@bristol-city.gov.uk.

Detailed information on the disability equality duties is available from the Disability Rights Commission (DRC) on www.drc.org.uk. The DfES has also published an information pack entitled: "Implementing the Disability Discrimination Act in Schools and Early Years Settings" (ref: 0160-2006DOC-EN) which includes a very helpful set of DVDs with examples of 'reasonable adjustments', which is available to all schools and useful for staff INSET.

Access Plans

There is an example of a model Access Plan on the intranet on: <http://www.education.bcc.lan/services/eit/doc/ap.doc> and this can be used to support the process of updating the current plans.

Guidance for completing an Access Plan can be found on http://www.education.bcc.lan/services/eit/doc/accessible_guidance.doc

Schools can book BSL interpreters, get information translated into Braille etc. at no cost to their budget, or get funding for disabled children on school trips. Please refer to the new Access Fund guidance, which can be found on:

http://www.education.bcc.lan/services/eit/doc/access_funds.doc

Curriculum

Information about resources to bring disability issues into the curriculum is available on:

www.education.bcc.lan/services/pdf/inclusion_news6.pdf

www.diseed.org.uk

www.drc-gb.org/citizenship

www.bookmark.org.uk – This site also includes information on the Quentin Blake Award Project described in the most recent edition of Special Children (Sept/ Oct 2006). In addition to suggesting resources the site includes activity suggestions for exploring disability in books, film etc.

www.childreninthepicture.org.uk has a downloadable image bank, stories and other resources.

Bristol Inclusion Standard (BIS)

Working towards the BIS criteria can give your school or nursery the opportunity to develop good inclusive practice and can prepare schools and nurseries for their DES duties. For more information refer to:

www.education.bcc.lan/services/eit/standard.html

Employment Issues

Information on good practice in employing disabled staff is on http://intranet.bcc.lan/php/equalities/pdf/good_practice_guide_employment_disabled_people_pdf



Contacts

The Equalities and Inclusion Team can provide support to schools in preparing their Disability Equality Schemes. The main contact is Aoife McNally, the Inclusion Coordinator on tel: 0117 9037597, aoife_mcnally@bristol-city.gov.uk.

In addition we may be able to provide:

- Advice and feedback on Access Plans or Disability Equality Schemes
- Training for governors or staff on their statutory duties in relation to disability and equalities issues
- Training on the fair selection of staff in relation to disability issues
- Training for staff teams on bringing disability equality into the curriculum
- Advice on how to effectively include disabled people in the life of the school