

Disability Equality Scheme

Foreword

This is the first disability equality scheme to be produced by Laurence Jackson School. This scheme is part of our vision that the school has to promote equal opportunities for all people. There are particular people who may experience exclusion for reasons relating to their race, disability, age, gender, sexual orientation and faith/religion. (We call this the “six strands”).

This is what it means to you

People with disabilities as students and staff can expect to be treated with respect and to have their needs met. Their work in school should not be diminished because they have a disability. We will take steps to raise awareness of this commitment with our staff and students.

We want the actions that are proposed in this scheme to make a real difference to the students and staff with disabilities at Laurence Jackson School. By taking this action we will also improve our provision for everyone.

Introduction to the scheme

Diversity and equality / Implementation date December 2006

This Equality Scheme gives introductory guidance. It :-

- describes The Disability Equality Duty
- outlines the legal background to disability discrimination
- outlines implementation
- describes impact assessment
- highlights key factors in terms of employment practice
- sets out an action plan for Laurence Jackson School

The Disability Equality Duty

Background

Despite the rights that exist under the DDA, ignorance, thoughtlessness and prejudice still result in institutional discrimination which adversely affects the lives of people with disabilities. Disadvantaged people are often unlikely to take legal action, which in any case only challenges the individual discrimination not the outcomes across groups. Plus, those with duties under the DDA often only do the minimum required to avoid litigation, without looking at the outcomes of their policies.

Although the law has been in place for 10 years there are still many barriers which prevent disabled people from fair and equal access. The Government has set out a vision for disability equality:

“By 2025 disabled people in Britain should have full opportunities and choices to improve their quality of life and will be respected and included as equal members of society”

What is it?

From December 2006, The Disability Discrimination Act (DDA) 1995 will be amended to place a duty on all public bodies to promote disability equality. This will affect all public bodies – from local councils to government departments, from universities to hospitals.

The Disability Equality Duty will require the public sector to actively promote disability equality, and is similar to the duty to promote race equality under the Race Relations (Amendment) Act.

This is a positive duty which builds in disability equality at the beginning of the process, rather than makes adjustments at the end. It will bring about a shift from a legal framework which relies on individual people with disabilities complaining about discrimination to one in which the public sector becomes a proactive agent of change.

These duties apply to anyone carrying out the functions of a public nature. If a public body was perceived as failing to comply with these duties then anyone including the Disability Rights Commission (DRC), could apply to the High Court for a judicial review.

How will it operate?

The Act sets out what is known as the **General Duty**. This means that Laurence Jackson School will have to have new regard to the need to eliminate unlawful discrimination and promote equal opportunities for people with disabilities. The school will also need to consider the elimination of harassment of people with disabilities, promotion of positive attitudes and the need to encourage the participation of people with disabilities in school life.

The Regulations will give key public bodies, (local councils and schools) a **Specific Duty** which will define for them a framework to use to meet the General Duty. The main element of this will be the requirement to produce a **Disability Equality Scheme**.

In the process of producing this **Disability Equality Scheme** the School must:

- Involve people with disabilities in producing the scheme and developing the action plan
- Identify how they gather and analyse evidence to inform their actions and track progress.
- Set out how it will assess the impact of its existing and proposed activities on people with disabilities
- Produce an Action Plan for the next three years
- Report on its progress every year and review and make appropriate revisions to this scheme at least every three years.
- The School must demonstrate that they have taken the actions they have committed themselves to and achieved appropriate outcomes.

The legal position

The Disability Discrimination Act 1995 (DDA) is the main piece of legislation which makes it unlawful to discriminate against a person with a disability in their terms of employment, promotion

opportunities, by dismissing them or by subjecting them to any other detriment.

In addition there are various statutes and regulations covering disability, including:

- The Disability Discrimination (Meaning of Disability) Regulations 1996 (SI 1996/1455)
- Disability Rights Commission Act 1999
- The Disability Discrimination (Blind and Partially Sighted Persons) Regulations 2003 (SI 2003/712)
- The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (SI 2003/1673)
- The Disability Discrimination Act 2005.

In this Equality Scheme we focus on the employment relationship and the duties owed by employers towards employees and provision for students. However, disability discrimination is a vast subject area and extends far beyond the employment relationship, for example to duties owed by educational establishments.

Definition of 'disability'

The DDA defines disability for the purposes of the Act: “There must be a mental or physical condition which has a substantial and long-term adverse affect on the employee's ability to carry out normal day-to-day activities”. Long-term means that the condition must last, or be likely to last, for more than 12 months. The applicant's ability to carry out normal day-to-day activities can be adversely affected in one or more of the following ways:

- mobility
- manual dexterity
- physical co-ordination
- ability to lift or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand
- understanding the risk of physical danger.'

Under the DDA it is unlawful for an employer (or prospective employer) to:

- discriminate against a person with a disability in employment

- fail to provide any necessary reasonable adjustments for employees with a disability and applicants
- subject a person with a disability to harassment
- subject a person with a disability to victimization because they have brought, or given evidence to information in connection with, proceedings under the DDA
- undertake disability-related discrimination.

Various Codes of Practice issued under the DDA are available on the Disability Rights Commission (DRC) website. These are important when considering matters relating to disability and employment and they will be taken into account by courts and tribunals where relevant. It is likely that in 2007 the DRC will be amalgamated into a single anti-discrimination commission called the Commission for Equality and Human Rights (CEHR), but its role in producing key Codes of Practice will continue.

Recent changes to the DDA

Enforcement of the DDA has been through a gradual process of evolution.

The Disability Discrimination Act 1995 (Amendment) Regulations 2003 which came into force in October 2004 introduced certain key amendments to the DDA, including:

- Removal of the small business exemption for employers with fewer than 15 employees.
- Extension of protection to certain categories of employment.
- Requiring the employee to establish facts from which it may be presumed that discrimination has taken place, after which the burden of proof is placed on the employer to establish that there has been no discrimination.
- Specific prohibition of harassment based on disability.
- Removal of the justification defence in direct discrimination cases where the reason for that treatment is based merely on the fact that the person has a disability rather than on a consideration of the individual's abilities.
- Extension of protection in certain circumstances beyond the end of the employment relationship from acts of discrimination (including harassment).
- Removal of the justification defence in respect of a failure to make reasonable adjustments.

The Disability Discrimination Act 2005 is related to disability generally and extends outside the area of employment although some provisions will relate to employees. Parts of the Act came into force in December 2005:

- Extension of the definition of disability to cover persons with progressive conditions such as HIV, multiple sclerosis and cancer.
- People with mental illness are now protected in the same way as everyone else by removing the requirement that their illness be clinically recognised.
- People with HIV, cancer and multiple sclerosis (MS) will be deemed to be covered by the DDA effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day to day activities.
- Publishers are now liable for publishing discriminatory advertisements.

The DDA 2005 extends as from 4 December 2006 to cover discrimination by public bodies when carrying out a function. This means that, when carrying out their functions public bodies (including schools):

- **will not be able to treat people with disabilities less favorably.**

Which means they will not be able to treat a people with disabilities differently simply because they have a disability; eg, the School will not be able to refuse to admit a student solely on grounds of his/her disability; and

- **will have to make reasonable adjustments for disabled people.**

For example this might mean the School having to make arrangements for a member of staff with a disability to teach solely on the ground floor.

These provisions are similar to the duty to make reasonable adjustments that already exist for schools.

Other provisions relating to areas outside that of employment, such as admissions, will come into force in December 2006.

Involving people with disabilities

The approach to producing our **Disability Equality Scheme** is being developed in partnership with and the close involvement of those with disabilities. This included direct contact with “Redcar and Cleveland Disabled Peoples Partnership Board. (An independent voice for all local citizens to promote their issues and concerns as equal partners and citizens) Redcar Real Opportunities Centre (ROC) which promotes and helps people, Redcar and Cleveland Voluntary Development Agency (rcvda) which has links to the Redcar and Cleveland Community Care Forum and “Routes to Employment” (Help support people with disabilities back into work)

A Disability Equalities Questionnaire will be formulated in conjunction with our disabled community colleagues for local based involvement of people with disabilities; this will also be placed on the school’s web site. In conjunction with the community questionnaire there will also be a student based questionnaire placed on the school’s intranet service.

The school will need to continue to challenge what it currently does to find out if this disadvantages people with disabilities. To do this we will need to encourage constructive feedback and then take action to make reasonable adjustments

Impact assessment

Discrimination is usually not intended, it happens because a policy or service has not considered a wide range of different needs. Race and Disability Impact Assessment is a legal requirement for all public bodies. Age equality will be a requirement from October '06. To avoid doing each function separately as and when legislation occurs Laurence Jackson School assesses all of the “six strands” (race, disability, age, gender, sexual orientation and faith/religion) when Impact Assessing a policy, procedure or strategy.

Equality Impact Assessment is a systematic way of finding out whether a policy, procedure or strategy will have an adverse impact for any particular group or sector of Laurence Jackson School’s diverse community.

The process is designed to tackle the long term challenge of removing “institutional discrimination” from the public sector and

ensure that policies, procedures, strategies and services do not unfairly discriminate against people with disabilities.

Action has already commenced and many Impact Assessments have been carried out for their impact on the “six strands”

An important part of this process is to gather information regarding the barriers which disable people and prevent fair access to employment and services. This information is then used to inform the impact assessment. To support this approach it is essential to listen to the views of people with disabilities.

Recommendations

To reflect good practice in the employment of people with disabilities the school should undertake the following key steps from recruitment stages through to general employment practices.

Recruitment and interviews

- Initiate programmes which encourage job applications from people with disabilities.
- Consult people with disabilities to find out about the effects of their disability and job requirements.
- Check job specifications to make sure they are not likely to lead to discrimination.
- Guard against the inappropriate use of medical checks and information for people with disabilities (although recent case law suggests employers should actively confirm the position where the relevant health section of an application form is not completed).
- Ask candidates before interviews if they have specific requirements and make necessary reasonable adjustments in advance.
- Take care to ensure that people with disabilities are given the right conditions to participate in pre-interview techniques and take part in other selection processes.
- Concentrate on abilities to do the job during interview and only ask about a disability if it has a bearing on the person’s ability to work.
- Consider modifications to job qualification requirements if a person could not achieve it due to disability but otherwise would perform the job well.

General employment practices

- Provide training and development which actively supports the recruitment and retention of people with disabilities, including extending workplace training to avoid harassment and to cover disability issues.
- Conduct a review of all employment policies and practices to determine how they are affected by the provisions of the DDA.
- Provide appropriate training, development and guidance to employees and strategic partners to assure understanding about the way unfair discrimination occurs and how it can be avoided.
- Explain the concepts of 'reasonable adjustment' and 'justifiable' discrimination and the importance of flexibility in working practices and general policies.
- Make sure all employees and representatives of the organisation, especially line managers, know what their personal responsibilities and accountabilities are.
- Seek expert help in assessing disability and exploring possibilities for appropriate and practical adjustments.
- Not require higher standards of performance and conduct of a person with a disability than you would of any other employee.
- Establish whether there is a causal connection between long-term illness and disability.

Action plan specifics

In addition to meeting the duties required of the Authority by the DDA and complying with the legal position Laurence Jackson School will:

- Make sure that the employment and retention of people with disabilities is an integral part of the organisation's diversity and equal opportunities policies and practices.
- Take specific actions to raise the awareness of people in the organisation about disability and make sure key staff are fully informed and know about their personal role responsibilities in making sure unfair discrimination does not occur.
- Have full support of senior management, backing and support.

- Ensure the working environment does not prevent people with disabilities from taking up positions for which they are qualified.
- Check that job advertisements and job descriptions are not unfairly discriminatory and ensure that application forms are easy to use if a person with a disability has a particular need.
- Always take steps to ensure that people with disabilities have fair chances to develop their potential and compete.
- Support employees who become disabled by offering leave for adjustment to the disability and consult them and other relevant specialists to identify their needs in the workplace.
- Involve people with disabilities in work experience, training and education.
- Ensure the Authority promotes an employee Disability Forum (Including strategic partners) to consult on disability issues.
- Ensure that all training courses are fully accessible to delegates with a disability and train trainers in disability awareness.
- Recognise and respond to people with disabilities as employees, customers, suppliers, stakeholders and members of the community at large.
- Ensure that all parts of the organisation, services and functions are appraised to improve accessibility to people with disabilities in practical ways.
- Encourage the participation of people with disabilities in implementing policy through regular consultation and ensure that, wherever possible, practices and procedures meet their needs.
- Monitor, review and benchmark good practice performance by conducting regular audits for consideration at all levels and publish the objectives, progress and achievements for the benefit of all stakeholders.
- The scheme will be reviewed in 2009

The Four Aims of the School

- The **Disability Equality Scheme Action Plan** will incorporate the Action plan specifics in the following four aims:
- **Aim 1. To eliminate discrimination against disabled people**
- **Aim 2. Provide services which help disabled people reach their full potential**

- **Aim 3. Promote employment opportunities for people with disabilities within the school.**
- **Aim 4. Take positive steps to break down barriers that affect people with disabilities.**



Laurence Jackson School

Disability Equality Scheme – Action Plan

Aim 1: To eliminate discrimination against disabled people			
Outcome	Action	Responsible	Timeframe
Implement strategies to allow the assessment of policies, procedures and practices as in respect of disability issues.	Develop guidance to undertake assessments. Training to understand and undertake these assessments. Summarise activity in annual equality and diversity report.	MEL	July 2008
Assessment of the current situation in reference to disability equality for all users of the school.	Screen functions of services by area for adverse impact on disabled people in conjunction with the stated “six strands”. Prioritise action plan for full faculty/ department/ area assessments agreed by management team.	Subject Leaders	Mar 2008
Publish outcomes of disability equality impact assessment.	Publish summaries on Intranet and website (Corporate Plan).	Strategic HR	Apr 2007
The views of disabled people are recorded, understood and acted upon.	Complaints reporting forms ask if complainant has disability. Regular monitoring of reports by the Governing Body to identify trends. Ensure that action is taken to improve	Corporate Complaints Office MKG	Apr 2007 Quarterly Jun 2007

	barriers identified by the complainant.		
Aim 2 : To provide services which help disabled people to reach their full potential			
Outcome	Action		
Services are delivered that provide independence and choice for people to control their lives (needs led)	Continued development of services which provide independence and choice. Services to ensure wants/needs of disabled people influence development of the school.	Subject Leaders Business Manager	Jan 2007
Children and young people have fair access to educational opportunities that meet their needs and enable them to reach their full potential. Children and young people's needs are met to ensure they have equality of opportunity to reach their full potential educationally.	Develop further Laurence Jackson School Accessibility Strategy for children with disabilities to provide greater access to a full education. Monitor and track the academic achievement of disabled pupils. Provide advice and guidance to all users and staff of Laurence Jackson School to assist them to understand their role according to the disability equality provision/ policy. Provide appropriate training/ advice for the Governing Body.	Business Manager Subject Leaders MEL	Ongoing
Services are free from barriers taking into account the three stated strands.	Internal monitoring. Develop actions to overcome barriers. Work with external partners such as H.I Service to ensure the services they provide also work to break down barriers. Annual equality and diversity report to identify activity.	Business Manager & Children's Services	Ongoing

Aim 3 : Promote employment opportunities for people with disabilities within the school			
Outcome	Action		
Laurence Jackson School to be regarded as providing good employment opportunities for disabled people.	<p>A range of guidance is available with regard to “reasonable adjustments”. Audit internal procedures to identify barriers preventing disabled people applying for jobs and working to the best of their ability. Communicate to all staff and the public about the value of staff with disabilities. Develop ways to encourage feedback from disabled staff. Equality and diversity recruitment strategy includes action to improve employment of disabled people.</p>	<p>Childrens Services Business Manager</p>	<p>Ongoing Annual</p>
Staff accountable through performance measures.	<p>Ensure Equality and Diversity issues reflect in competencies and job profiles. Performance review and personal development to include measures of performance on diversity.</p>	<p>Line Managers</p>	<p>June 2007</p>

Aim 4: Take positive steps to break down barriers that affect people with disabilities.			
Outcome	Action	Responsibility	Timeframe
Further action on the built environment	Continue to develop Access Improvements. Ensure commitment to continued funding for physical access improvements	Business Manager & R&C	Ongoing
People receive information in a way that meets their personal needs.	Regular review of communications. Develop alternative forms of communication. Monitor uptake of alternative formats and include in annual equality reports. Laurence Jackson School to recognise the needs of specific individual's e.g. Deaf, BSL users, Blind Braille users and the right to have access to communication aids and support.	MEL	Quarterly
Views of disabled people are heard and acted upon in the development of services that affect them. Disabled people are confident that this happens.	Research with the disabled people at Laurence Jackson School to gauge current opinion. Work with specialist agencies as partners to ensure views are acted on.	MEL	Annual
All staff takes action to break down barriers which prevent fair and equal access for disabled people.	All staff completes equalities learning by attending training appropriate to their role. CPD is mechanism to ensure training needs are identified.	MEL	Annual
There is regular monitoring of the impact of the scheme.	Accessibility plan is reviewed and monitored annually. Work with local disabled people and community groups to develop	Business Manager	Annual

	accessibility. Where barriers are identified ensure feedback to show that action has been taken as a result.		
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