

## DISABILITY DISCRIMINATION

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### 1 Statement

Select English recognises its responsibilities to its staff, in respect of provisions covering disability discrimination, which came into effect on 2 December 1996. It encourages all students with learning difficulties and/or disabilities and will respect and implement the new duties in respect of access to education, which become effective from September 2002.

### 2 Objectives

In accordance with the mission of the Disability Rights Commission, the School is committed to achieving full civil rights for disabled people, creating a culture and physical environment in which all disabled people can participate fully as equal citizens. Due consideration however needs to be given to the age and construction of the buildings used by the college and the overall lack of access and mobility for some disabilities.

### 3 Definitions

#### 3.1 Statutory Duties

The Disability Discrimination Act 1995, as amended by The Special Educational Needs and Disability Act 2001.

#### 3.2 Scope

3.2.1 The Special Educational Needs and Disability Act 2001 imposes new duties in respect of access to education, extending those obligations and rights, already applicable to employment and the provision of goods and services, to the education sector.

3.2.2 The Act outlaws disability discrimination in relation to

- Recruitment
- Terms and conditions of employment
- Promotion, training, transfers and other benefits
- Dismissal or other detrimental treatment.

### 3.2.3 Case Law has shown disability to include

- Asthma
- ME
- Club Foot
- MS
- Back injury
- Cerebral Palsy
- Depression

This list is not exhaustive.

3.2.4 Discrimination occurs when for a reason relating to the disability, a disabled person is treated less favourably than a person to whom that reason does not apply, without justification

### 3.2.5 Reasonableness

Whether particular steps are reasonable is contingent upon

- Cost
- Effectiveness
- Size and resources available to the employer
- Extent of disruption
- Availability of financial or other assistance.

3.2.6 This Policy and Procedure applies to all staff.

## 3.3 Specific Definitions

### 3.3.1 Disability is defined as

- A physical or mental impairment which has a substantial and long-term effect on ability to carry out normal day to day activities.

### 3.3.2 Physical or mental impairment is defined as

- clinically well recognised illness
- excludes addictions and various personality and social disorders
- includes disfigurement.

3.3.3 Substantial is defined as

- the time taken to carry out an activity
- the way in which an activity is carried out
- the cumulative effects of an impairment
- effects of behaviour
- effects of the environment.

3.3.4 Long Term Effect is defined as

- it has lasted for twelve months
- likely to be twelve months
- rest of the life of the person affected.

3.3.5 Normal Day to Day Activities are defined as

- Mobility
- Manual dexterity
- Physical coordination
- Continence
- Ability to lift, carry or otherwise move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand
- Perception of risks of physical danger.

3.3.6 Employment is defined as

- Employment under a contract of service
- or of apprenticeship
- or of a contract which leads to any work.

#### **4 Responsibilities**

4.1 The School will ensure that all its employees and users of its facilities are made aware of the legal obligations and rights bestowed by the Disability Discrimination legislation. All staff have a duty to observe the provisions of the Disability Discrimination Act 1995, as amended by the Special Educational Needs and Disability Act 2001.

4.2 From September 2002, it will be unlawful to discriminate against disabled people or students by treating them less favourably than others. In addition, responsible bodies will be required to provide certain types of reasonable adjustments to provision where disabled students or other disabled people might otherwise be substantially disadvantaged, with the exception of the following clauses

4.3 and 4.4.

4.3 From September 2003, responsible bodies will be required to make adjustments that involve the provision of auxiliary aids and services;

4.4 From September 2005, responsible bodies will be required to make adjustments to physical features of premises where these put disabled people or students at substantial disadvantage.

The duty to make reasonable adjustments includes:

- Adjustments to premises
- Allocating some of the disabled person's non-key duties to another employee
- Transferring them to fill a vacancy
- Altering the place of work or working hours
- Acquiring or modifying equipment
- Providing a reader or interpreter
- Providing supervision
- Allowing absence for rehabilitation, assessment or treatment
- Providing training
- Modifying procedures for testing and assessment
- Modifying instructions/reference manuals.

## **5 Procedure**

Procedures in respect of the Special Educational Needs and Disability Act 2001.

### **5.1 Staff Awareness**

As required under SENDA 2001, all staff will receive information and guidance on provision for disabled students, as and when such a student should attend the school.

### **5.2 Admission Arrangements**

At the interview any special requirements are noted.

### **5.3 Facilities and Support**

#### **5.3.1 Academic and Curriculum Support**

Any student with a disability, who, after an assessment by the Director of Studies requires extra help in order to successfully complete their course of study, is entitled to enrol for additional assistance. This will be given by the subject teacher as and when required.

#### **5.3.2 Examination Arrangements**

Students who require special arrangements or additional support during examinations make this request to the Director of Studies, who will make the necessary arrangements.

### **5.3.3 Facilities**

All college sites are old and not necessarily conducive to students and or staff with certain levels of disabilities.

### **5.4 Staff Procedures**

Staff would receive appropriate training when or if the requirement arose.

### **5.5 Resources**

There are no students and/or staff members that could be classified as disabled and hence there are no current resources in place.

### **6. Complaints**

This would follow the college complaints policy.

### **7. Monitoring**

None required.

### **8. Strategy**

The school will review this policy annually.