



Great Chart Primary School

Disability Equality Scheme

February 2018

3-year period covered by the disability equality scheme: February 2018 – February 2021

Our vision is to create a school community where children participate, succeed and are proud of their achievements. We strive to actively promote British values and prepare our children to become role models, thus preparing them for life in modern Britain. It is our belief that children come to Great Chart Primary School to be happy, successful and to be the best they can be. Our core values are: Respect, Aspiration, Responsibility, Resilience, Independence and Kindness.

Definition of disability

The DDA defines a disabled person as someone who has:

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

Definition of the terms:

- 'physical impairment' includes sensory impairments;
- 'mental impairment' includes learning difficulties and an impairment resulting from or consisting of a mental illness;
- 'substantial' means 'more than minor or trivial'; and
- 'long-term' is defined as 12 months or more.

The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on the person's ability to carry out normal day-to-day activities is substantial and long-term, as defined above.

The effect on normal day-to-day activities is on one or more of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- perception of risk of physical danger.

Some people are automatically covered by the definition: those with cancer, multiple sclerosis, HIV infection or a severe disfigurement. There are special provisions for people with progressive or recurring conditions.

Introduction

Duties under Part 5A of the DDA require the governing body to:

- promote equality of opportunity for disabled people: pupils, staff, parents, carers and other people who use the school or may wish to; and
- prepare and publish a disability equality scheme to show how they will meet these duties.

This scheme sets out how the governing body will promote equality of opportunity for disabled people.

Duties in Part 4 of the DDA require the governing body to plan to increase access to education for disabled pupils in 3 ways:

- increasing the extent to which disabled pupils can participate in the school curriculum;
- improving the environment of the school to increase the extent to which disabled pupils can take advantage of education and associated services;
- improving the delivery to disabled pupils of information which is provided in writing for pupils who are not disabled.

Parts 2, 3 and 4 of the DDA apply to different aspects of the school's operation: to employment, to the provision of services and to education. The Disability Equality Duty brings together schools responsibilities under Parts 2, 3 and 4 and the school's scheme shows how the school is meeting its general duty to promote disability equality across all its areas of responsibility.

The purpose and direction of the school's scheme

The purpose of the school's scheme is to show how the school is going to meet the duty to promote disability equality for disabled pupils, staff and parents.

In order to do this the school will

- Establish with all staff an overall vision of the duty to promote equality of opportunity for pupils, staff and parents.
- 1. Promote equality of opportunity between disabled and non-disabled people, women and men and between different racial groups.
- 2. Eliminate discrimination and harassment on the grounds of disability, sex, race or ethnicity, sexual orientation and religion or beliefs.
- 3. Promote positive attitudes towards disabled people.
- 4. Encourage participation of disabled pupils, parents, staff and carers.
- 5. Take steps to meet disabled people's needs, even if this requires more favourable treatment.

Action by School Leadership Team (SLT) responsible for the Equality Scheme:

- Raise awareness of elements of the duties with all staff, governors, parents and pupils.
- Ensure understanding of the broad definition of disability within the DDA.
- Encourage disclosure of disability by pupils, parents, staff and other users of the school. (See p12 and 22 of DFES draft guidance)
- Refer to 'The Gender Equality Duty and Schools' published by the Equal Opportunities Commission
- Work with trade unions to implement the gender duty in employment functions

The governing body will use the Disability Discrimination Act 2005 definition of disability to respond to the different needs of disabled people.

Involvement of pupils, staff, parents and other users of the school.

The school will consider and plan to involve pupils, staff, parents and other users of the school in relation to the race, disability and gender equality duty.

The school will continue to take into account the preferred means of communication for those with whom they are consulting.

The school will ensure the involvement of a range of people and hear a range of views to meet the disability, gender and race equality duties.

The views of the pupils, staff, parents, trade unions and other users of the school will be used to set priorities.

What activities are covered by the Disability Equality Scheme

Every aspect of school life is covered by the scheme. Responsible bodies must not discriminate:

- In relation to *admissions*
- In relation to *education and associated services*; or
- By *excluding a pupil*

Admissions

The School must not discriminate against a disabled person:

- in the arrangements that they make on determining the admission of a pupil to school. This includes any criteria for deciding who will be admitted to the school when it is over-subscribed;
- in the terms on which the responsible body offers pupil admissions to the school;
- by refusing or deliberately omitting an application for admission to the school from someone who is disabled.

The admissions process at Great Chart Primary School is handled by the LA, therefore the duty to not discriminate lies largely with the local authority.

Education and Associated Services

The Governors and staff should be aware of the need to make possible reasonable adjustments for disabled pupils, staff and parents.

- Entry to school
- The curriculum
- Teaching & Learning
- Class organisation
- Timetabling
- Grouping of pupils
- Homework
- Access to facilities
- School sports
- School policies
- Breaks and lunch provision
- Serving of school meals
- Assessment and exam procedures
- Procedures on discipline and exclusion
- Clubs and activities
- School trips
- Transition
- Working with other agencies

Exclusions

It is unlawful to discriminate against a pupil by excluding him or her for a reason related to the pupil's impairment. This is considered as less than favourable treatment.

Information gathering

The collection of information is crucial to supporting us in making decisions about what actions would best improve opportunities and outcomes for pupils, staff and parents. The information will also subsequently help us to review our performance. Information will be detailed enough to enable us to measure the delivery on equality duties relating to disability, race and gender, to assess the impact of the changes made and to help the school us identify which of our priorities have been achieved.

Information to be gathered

- Recruitment, development and retention of disabled employees, women and men from different racial backgrounds.
- Education opportunities available to and achievement of disabled, female and male pupils and pupils from different racial backgrounds.
- Identify disabled pupils, parents, carers, staff and other users of the school to develop the Scheme (All efforts to be made to collect information)
- Pupil attainment of boys and girls taking into account that certain groups of boys may do as well as girls.
- Careers and sports choices of both genders
- Bullying and harassment on the grounds of gender, disability and race.

Encouraging disclosure

The primary reason for knowing who is disabled is to ensure that appropriate adjustments are made. Disabled people are not required to disclose a disability, though it is in their interests to do so if they need reasonable adjustments to be made for them. Disclosure needs to be approached in this light and not just as a consideration to be taken into account in information gathering. Disabled pupils, staff and parents may not feel comfortable disclosing an impairment or health condition unless they know why the information is being requested, and what impact the information gathering is likely to have for them. Some staff do not want others to know about their health condition.

There will also be some people who do not know that their impairment or health condition would meet the definition of disability in the DDA, for example, someone diagnosed with breast cancer may not realise that their impairment is covered by the DDA.

To overcome these barriers, schools will need to:

- provide simple information on the definition of disability in the DDA;
- be positive about the sort of adjustments that can be made and the benefits of these;
- explain why information is needed;
- reassure pupils, staff and parents about confidentiality; and
- ensure that the ethos of the school is conducive to disclosure: people will feel more comfortable about acknowledging an impairment or health condition if the circumstances in which they are asked about it encourage them to believe that the information they disclose will be handled sensitively and confidentially and used to improve opportunities and outcomes for them.

Recruitment, development and retention of disabled employees

Schools are specifically required to set out their arrangements for gathering information on the recruitment, development and retention of disabled employees

It is important to remember that the duty applies to all those working at the school in whatever capacity and includes those who are working under a contract.

New staff

It is important to remember that nothing requires an applicant to disclose a disability and the school needs to take account of the points made, above, about disclosure. Where the local authority has a role in the recruitment process it is important to liaise with the authority over the collection of information.

Existing staff

Where existing staff are not asked for information on disability, the collection of this information will need to be discussed. As with new staff, the approach that the school takes will need to reflect the points made about encouraging disclosure. It may be that, following discussion, a questionnaire is circulated in confidence to employees, at their home address.

Initially such information is likely to be incomplete and imperfect. Disabled staff may fear negative outcomes following disclosure and may fear that the data will not be held anonymously. This does not mean it should not be collected. The very collection of it is likely to lead to better information the next time it is collected.

As information on staff improves, it will be important to analyse the information in respect of the representation of disabled staff:

- in all aspects of the work of the school, for example, teaching, teaching support, administrative support;
- at all levels of seniority in the school;
- amongst those awarded Teaching and Learning Responsibility Payments;
- as permanent or temporary members of staff, full- or part-time or casual staff;
- in training and professional development opportunities;
- in disciplinary and capability proceedings;
- in harassment and bullying procedures;
- as contract staff, for example, contract cleaners and agency supply teachers;
- among those who take sick leave;
- among trainee teachers on placement at the school; and
- among those leaving the profession early.

Retaining staff

Schools should seek to retain disabled staff who wish to continue working for them. Gathering information on the representation of disabled people within the workforce should involve an analysis of whether the appropriate adjustments are being made and the support provided to enable disabled staff to return to work or continue in service where that is what the disabled member of staff wants to do.

“Becoming a disability friendly place to work and having a diverse workforce is likely to be associated with improved retention, more reliable information and can bring wider benefits to the school:

- a wider field for recruitment;
- retaining the experience and skills of employees who become disabled during their working life and avoiding the costs of recruiting and training new people;
- developing in-house expertise about what disabled staff and/or pupils may require;
- providing role models for children and young people;
- bringing different life experiences and new skills to the school; and
- helping foster good relations with all employees by showing that everyone is valued and treated fairly.”

Adapted from Disability Rights Commission (2006)¹

Educational opportunities available to disabled pupils

The school will consider whether:

- there are areas of the curriculum to which disabled pupils have limited or no access. Some areas of the curriculum present particular challenges, for example, PE for pupils with a physical impairment, science and technology for pupils with a visual impairment, humanities for pupils with learning difficulties;

- disability issues are reflected in the curriculum;
- disabled pupils participate in extra-curricular activities. Some aspects of extra-curricular activities present particular challenges, for example, lunch and break times for pupils with social/interaction impairments, after-school clubs for pupils with physical impairments, school trips for pupils with medical needs;
- there are parts of the school to which disabled pupils have limited or no access at the moment, or whether physical features of the school environment hamper access to the whole life of the school;
- different forms of communication are made available to enable all disabled pupils to express their views and to hear the views of others;
- access to information is planned, with a range of different formats available for disabled pupils; and
- other issues affect the participation of disabled pupils, for example, bullying, peer relationships, policies on the administration of medicines, the provision of personal care, the presence or lack of role models or images of disabled people, in effect, all the school's policies and procedures, written and unwritten.

The achievements of disabled pupils

The school will undertake a detailed analysis of outcome data for disabled pupils, including:

- progress and attainment data
- end of key stage outcomes
- achievements in extra-curricular activities
- broader outcomes

Monitoring

The school will need to monitor for impairment, disabled people as staff, parents and users of services/facilities.

Areas for monitoring will include

- Admissions, Transitions, Exclusions
- Achievement of pupils
- Disability in curriculum – to develop positive attitudes
- Removal of barriers – physical, communication and curriculum
- Lettings and use of school facilities by the community
- Elimination of harassment and bullying
- Employment, promotion, retention and training of disabled staff
- Data collection of disabled pupils, staff, parents and carers.
- Reasonable adjustments – school trips, after school clubs, lunchtimes, teaching, homework,
- Parents/carers and governing body

Identifying the main priorities for the school's scheme and deciding the actions

The priorities for the scheme will be set in the light of:

- an examination of the information that the school has gathered; and
- the messages that the school has heard from the disabled pupils, staff, parents and trade unions that have been involved in the development of the scheme.

Some of the priorities identified may include:

- Improving access to information;
- Improving the involvement of disabled pupils, staff and parents
- Challenging gender stereotypes in subject choices and career advice
- Health, sport and obesity differences between girls linked to girls reduced likelihood of taking part in physical education and sport compared to boys.
- Tackling sexual and sexist bullying of boys and girls
- Employment and considering objectives to address the causes of any gender pay gap

Implementation

The Scheme will be supported by the Accessibility Plan relating to disability, gender and race equality and be incorporated into the School Improvement Plan, with oversight by the governing body so that progress can be checked.

Publication

The Equality Scheme will be published either as a separate document. The school will provide a copy for anyone asking for it in a range of formats.

Reviewing and revising the scheme

As part of the review of the Scheme, the school will:

- revisit the information that was used to identify the priorities for the scheme; and
- re-examine the information to see if actions that the school has taken have affected opportunities and outcomes for disabled pupils, staff and parents, diverse racial groups and both genders.

The review of the Scheme will inform its revision; how the school sets new priorities and new action plans for the next scheme. This process will continue to:

- involve pupils, staff and parents; and
- be based on information that the school has gathered.

Disability Equality Scheme agreed by:

- The governing Body: June 2018
- Headteacher: Mrs W Pang May 2018

APPENDIX

Summaries of the duties

This section provides a set of summaries of the different Parts of the DDA. The summaries are brief and include only the main provisions of the DDA, not the detail of all the duties. For a more full account of each set of duties, schools should refer to the Disability Rights Commission's (DRC) Codes of Practice. The Codes are listed as references at the end of this section.

DDA Part 1: The definition of disability.

The DDA defines a disabled person as someone who has:

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

Definition of the terms:

- 'physical impairment' includes sensory impairments;
- 'mental impairment' includes learning difficulties and an impairment resulting from or consisting of a mental illness;
- 'substantial' means 'more than minor or trivial'; and
- 'long-term' is defined as 12 months or more.

The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on the person's ability to carry out normal day-to-day activities is substantial and long-term, as defined above.

The effect on normal day-to-day activities is on one or more of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- perception of risk of physical danger.

Some people are automatically covered by the definition: those with cancer, multiple sclerosis, HIV infection or a severe disfigurement. There are special provisions for people with progressive or recurring conditions.

The definition covers a much larger group of people than is commonly thought. A report from the Cabinet Office¹ suggests that about 772,000 children in the UK are disabled, equivalent to 7 per cent of all children and about 11 million adults, equivalent to 24 per cent of all adults.

For children and young people in schools, there is a significant overlap between those who count as disabled under the DDA and those who have special educational needs as defined by the Education Act 1996. The definition of SEN includes many, but not necessarily all, disabled children: a disabled child has special educational needs if they have a disability and need special educational provision to be made for them in order to be able to access the education which is available locally.

The Department for Work and Pensions provides guidance on the definition of disability.² There is more information on the definition of disability, and a checklist, *Is Tom disabled?* in Section I of these materials: *Duties and definitions*.

DDA Part 2: Schools' duties in relation to employment

Part 2 of the DDA says that it is unlawful for employers to discriminate against

disabled employees and disabled people who apply for a job. It is discrimination if an employer:

- treats a disabled employee or applicant less favourably than another on the ground of the disabled person's disability (direct discrimination). Direct discrimination cannot be justified;
- fails to take reasonable steps to avoid placing a disabled employee or applicant at a substantial disadvantage (the 'reasonable adjustments duty'). There is no justification for failing to make a reasonable adjustment;
- treats a disabled employee or applicant less favourably than another for a reason related to their disability and without justification ('disability-related discrimination').

The duties apply to:

- recruitment, selection and interview procedures;
- terms and conditions of employment;
- induction, opportunities for promotion and transfer, training, professional development and other benefits;
- termination of employment.

The duties apply to disabled employees and disabled people who apply for a job:

- teaching and non-teaching;
- full-time and part-time;
- permanent and temporary or casual staff;
- contract staff, for example contract cleaners and agency supply teachers.

The reasonable adjustments duty in Part 2 of the DDA includes:

- making changes to an employee's duties, working hours or place of work;
- the provision of auxiliary aids and services;
- physical alterations to buildings.

When a disabled person considers that they have been discriminated against they should first seek to resolve the dispute within the workplace, wherever possible. A claim of discrimination is made by application to an employment tribunal.

The DRC *Code of Practice: Employment and Occupation*³ provides detailed information including examples to illustrate the provisions of Part 2, measures that employers would sensibly take to prevent discrimination in the workplace and how employers can plan to avoid discrimination in the future.

The following table provides some examples of adjustments that might be made for a disabled employee. It is important not to make assumptions and to ask the member of staff what adjustments they need to be made for them.

Altering working hours, for example, allowing an employee who becomes disabled to work part-time or to job share; making reasonable adjustments to the timetable; implementing a phased return after a period of absence for treatment or rehabilitation;

Changing the person's place of work, for example, ensuring that a teacher with mobility difficulties which prevents him from using the stairs can hold all his lessons in classrooms on the ground floor;

Allowing absences during working hours for rehabilitation, assessment or treatment, for example, allowing a disabled employee time off during work to receive physiotherapy or other treatment;

Examining the duties allocated to a disabled member of staff to see where additional support may be required, for example, allocating a personal assistant to help in preparing classroom materials; providing cover for a teacher who needs toilet breaks or breaks to take medication;

Supplying additional training, for example, training in the use of particular pieces of equipment unique to the disabled person; re-training a teacher in a new subject area so that they can continue teaching;

Acquiring or making changes to equipment, for example, providing an induction loop in the school hall and other assembly areas, providing magnifying facilities, a pager that vibrates, a visible fire alarm system, or an adapted telephone;

Providing a reader or signer, for example, reading information to a visually impaired person at particular times during the day;

Altering premises, for example, widening a doorway; providing a ramp, stair-climbing chair, or non-slip flooring; moving classroom or corridor furniture; altering lighting; providing parking spaces for disabled drivers; or providing a quiet room;

Transferring the person to fill an existing vacancy, for example, if a teacher becomes disabled and there is no reasonable adjustment that can enable them to continue in their current post, they might be considered for another suitable post.

The *Access to work* scheme offers advice, guidance and resources to support the employment of disabled people, see *Resources* section. In addition schools may want to investigate the employer's disability 'two ticks' scheme, which promotes good practice in the employment of disabled people, see *Resources* section.

The employer

It is important to be clear about who the employer is. This is different for different types of school. For Academies, City Technology Colleges and City Colleges for Technology of the Arts the employer is the Trust. For foundation, foundation special and voluntary aided schools, the employer is the governing body of the school. However, these schools have significant delegated responsibilities, and, in respect of functions that have been delegated, the governing body is treated as the employer.

For community, community special, voluntary controlled and maintained nursery schools and for pupil referral units (PRUs), the local authority is the employer.

Schools vary in the extent to which they, in turn, use the services of the local authority, for example their local authority's recruitment services. There may also be some responsibilities that are shared and aspects of employment where the local authority provides schools with advice and guidance, for example, with model policies and advice on the conduct of individual cases.

When developing the employment aspects of the Disability Equality Duty, schools will need to work with their local authority, to ensure that their respective responsibilities are addressed.

DDA Part 3: Duties in relation to the provision of goods, facilities and services

Part 3 of the DDA says that it is unlawful for service providers to discriminate against disabled people. A service provider discriminates if:

- it treats a disabled person less favourably for a reason relating to that person's disability and without justification (the 'less favourable treatment duty');
- it fails to make reasonable adjustments for a disabled person and without justification (the 'reasonable adjustments duty').

The less favourable treatment duty covers:

- refusing to provide a service to a disabled person which is provided to other members of the public;
- providing a disabled person with a lower standard of service; and
- providing a service on less favourable terms to a disabled person.

The reasonable adjustments duty applies to:

- any practice, policy or procedure that makes it impossible or unreasonably difficult for a disabled person to make use of a service;
- the provision of auxiliary aids and services that would enable or facilitate the use of a service by a disabled person;
- physical features. Reasonable adjustments to physical features might include:
 - removal or alteration;
 - providing a reasonable means of avoiding the feature;
 - making the service available by a reasonable alternative means.

Reasonable adjustments made to avoid a physical feature or to provide a service by a reasonable alternative means should take into account whether the provision of the service in this way significantly offends the dignity of disabled people and the extent to which it causes them inconvenience or anxiety.

The reasonable adjustments duty is owed to disabled people in general. It is an anticipatory duty. In determining what is reasonable factors such as the cost of the adjustment, its practicability and the extent of the service provider's financial and other resources may be taken into account. The reasonable adjustments duty does not require service providers to do anything that fundamentally alters the nature of the service provided.

It is also unlawful for a provider of services to subject a disabled person to harassment if that person is using that service or has requested that service.

Part 3 applies to schools where they provide services to parents and carers and to the wider public, for instance: a meeting between teachers and parents, a meeting of the governing body itself, the use of the school buildings by a community group.

A claim of discrimination is heard in the County Court.

More detail on the Part 3 duties, and guidance on their interpretation, can be found in the Code of Practice issued by the DRC.⁴

The following table provides some examples of adjustments that might be made for a disabled parent, carer, governor or other person using the school:

Altering policies, practices and procedures, for example, providing a front row seat at the school play for a parent who lip reads; allowing guide dogs into school so that a visually impaired governor can visit and attend meetings and events at the school; adjusting the school's 'no buggies' policy where a buggy is used for disabled child; adjusting the complaints policy so that a disabled parent can make a complaint verbally instead of in writing;

Auxiliary aids and services, for example, producing a termly newsletter in large print, in Braille, on an audio cassette, or on a CD-ROM, for a visually impaired parent, in plain language or using illustrations for a parent with a learning difficulty; providing a sign language interpreter for a deaf parent attending a parents' evening; providing a portable ramp up a step so that a governor with a mobility impairment can access the head teacher's room;

Removing or altering physical features, for example, where a school hall is used for plays and other events installing a loop system and improving the acoustics for hearing impaired parents and grandparents; providing parking spaces for disabled people, including a disabled parent taking a child to and from school; installing a platform lift to enable disabled people to access community provision on a mezzanine floor;

Reasonable alternative method, for example, where parent teacher meetings are normally held in the school hall on the first floor, meeting with a disabled parent in a downstairs room or moving the meeting to the gym which is an accessible room on the ground floor.

DDA Part 4: Schools' duties towards their pupils and prospective pupils

Part 4 of the DDA says that it is unlawful for schools to discriminate against disabled pupils and prospective pupils. A school discriminates if:

- it treats a disabled pupil or prospective pupil less favourably than another for a reason related to their disability and without justification (the 'less favourable treatment duty');
- it fails, without justification, to take reasonable steps to avoid placing disabled pupils at a substantial disadvantage (the 'reasonable adjustments duty').

The duties apply to:

- admissions;
- exclusions;
- education and associated services (a broad term covering the whole life of the school).

Schools are also required to develop plans (accessibility plans) to improve access for disabled pupils by:

- increasing access to the curriculum;
- improvements to the physical environment of the school to increase access;
- making written information accessible to pupils in a range of different ways.

For schools, the reasonable adjustments duty in Part 4 of the DDA does not include:

- the provision of auxiliary aids and services: this provision is made through the SEN duties;
- physical alterations to buildings: these are made through the planning duties.

Accountability:

- Ofsted inspects the quality of education provided for all pupils;
- Ofsted inspects schools' plans.

When a parent considers that their disabled child may have been discriminated against, they can make a claim of disability discrimination. Most claims are made to the SEN and Disability Tribunal.

The DRC *Code of Practice for schools: DDA 1995: Part 4⁵* provides guidance on how Part 4 of the DDA applies to schools.

There is more information on these duties and lots of practical ideas in other sections of these materials:

- the duties in Part 4 of the DDA in *Section 1: Duties and definitions*;
- the reasonable adjustments duty in *Section 2: Making reasonable adjustments for disabled pupils*;
- school accessibility plans in *Section 3: Improving access for disabled pupils: school plans*.

DDA Part 5A: The Disability Equality Duty

The DDA 2005 brought in a duty on all public authorities to promote disability equality.

The disability equality duty includes two main elements:

- a general duty and

- a specific duty.

Both apply to all publicly-funded schools.

Responsibility for the duty lies with:

- the governing body of a primary or secondary school;
- the trust of a city technology college, city college for technology of the arts, or an academy;
- the governing body of a community special school or a foundation special school;
- the local authority with respect to PRUs that it runs.

The disability equality duty builds on schools' duties under Parts 2, 3 and 4 of the DDA.

The General Duty

The duty requires schools, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled people and other people;
- eliminate discrimination that is unlawful under the Disability Discrimination Act;
- eliminate harassment of disabled people that is related to their disability;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life;
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

The duty applies across schools' duties:

- to disabled pupils;
- to disabled staff;
- to disabled parents and carers and other users of the school.

The general duty applies to all schools from 4 December 2006.

The Specific Duty

In addition to the general duty, regulations made under the Part 5A of the DDA⁶ set out a specific duty on certain public authorities, including all publicly-funded schools, requiring them to demonstrate how they are meeting the general duty. In effect the general duty sets out what schools have to do; the specific duty sets out how schools have to do it and what they need to record as evidence of what they have done.

The main requirements of the specific duty are to:

- prepare and publish a disability equality scheme (a scheme);
- involve disabled people in the development of a scheme;
- implement the scheme;
- report on it.

The purpose of the scheme is to demonstrate how the school is going to meet the disability equality duty. Schools are required to undertake the development of their scheme in a particular way and to include particular elements. They must:

- involve disabled people (pupils, staff, parents) in the preparation of the scheme;
- set out in their scheme:
 - how disabled people have been involved in its preparation;
 - their arrangements for gathering information on the effect of the school's policies on:
 - the recruitment, development and retention of disabled employees;
 - the educational opportunities available to and the achievements of disabled pupils;
 - the school's methods for assessing the impact of its current or proposed policies and practices on disability equality;
 - the steps the school is going to take to meet the general duty (the school's action plan);
 - the arrangements for using information to support the review of the action plan and to inform subsequent schemes;
- implement the actions in their scheme within three years;
- report on their scheme annually;
- review and revise their scheme every three years.

The school is not required to do anything under its scheme that is unreasonable or impracticable.

Schemes must be published by 4 December 2006, except for schemes for primary schools, special schools and PRUs. These schemes must be published by 3 December 2007. It is the local authority that has responsibility for the scheme for a PRU.

The DRC can take action against schools that have not met their duties.

The DRC publishes a Code of Practice, *The Duty to Promote Disability Equality: Statutory Code of Practice*⁷ and guidance for schools, *Guidance on the Disability Equality Duty for Schools in England and Wales*.⁸