

# DISABILITY DISCRIMINATION POLICY AND PROCEDURE

In accordance with the Disability Discrimination Act 1995 as amended by the Special Educational Needs & Disability Act 2001

## CONTENT

- 1 Introduction
- 2 Objectives
- 3 General Policy
  - 3.1 Statutory Duties
  - 3.2 Scope
  - 3.3 Specific Definitions
- 4 Responsibilities
- 5 Procedure
  - 5.1 Staff Awareness
  - 5.2 Admission Arrangements
  - 5.3 Facilities and Support
  - 5.4 Staff Procedures
  - 5.5 Resources
- 6 Complaints

### **1. Introduction**

EEVT is committed to developing a quality framework which is supportive of all disability groups. The centre has as part of its CPD plan developed an action plan to ensure all staff are disability aware. Training has taken place and is ongoing with regard to the DDA. The Centre ensures finance is available to meet the continual development and up skilling of all staff with regard to disability awareness and continuous developments in quality curriculum delivery. We are proud to be a centre which addresses all needs relating to disability. We are opposed to any form of discrimination, violent, abusive or witting and unwitting discriminatory behaviour or practice. Any complaints of discrimination or harassment will be treated seriously, be fully investigated and may result in disciplinary action by Centre management. The Centre will develop, implement and publicise policies which promote disability rights and awareness for all members of the Centre and its local communities.

### **2. Objectives**

In accordance with the mission of the Disability Rights Commission, the Corporation 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

### **3. General Policy**

#### **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

This list is not exhaustive.

3.2.4 Discrimination occurs when

- for a reason relating to the disability
- 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 Although there are members of staff with special responsibility for disabled students, 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 Corporation 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
- 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. (Those relating to Employment are separately documented in established Personnel procedure documents)

### **5.1 Staff Awareness**

As required under SENDA 2001, all staff will receive information and guidance on provision for disabled students, as it is recognised that those students may be found in any area of the centre.

### **5.2 Admission Arrangements**

A specialist from Foundation Studies or Essential Skills interviews all students identified as having a learning difficulty. At this interview any special requirements are noted and applied for through the SFA funding mechanism.

### **5.3 Facilities and Support**

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

Any student with a disability, who, after an assessment by members of Foundation Studies/Essential Skills staff, is thought to need the assistance of a facilitator, is supplied with one. Learning Centres are situated on both sites and any student who requires extra help in Maths, English or Key Skills, in order to successfully complete their course of study, is entitled to enrol for Learning Support. There is small group work and one-to-one with tutors who have specialist expertise. The Learning Centre Managers will have specialist qualifications and experience in Dyslexia and Irlen Syndrome.

#### **5.3.2 Examination Arrangements**

Students who require special arrangements or additional support during examinations make this request to their Personal Tutor who should then contact Foundation Studies/Essential Skills staff, who will make the necessary arrangements through the Registry Department.

### 5.3.3 Facilities

All sites provide facilities for disabled students, including lifts, EVAC chairs, toilets, etc. All sites will be audited so as to ensure compliance with part 3 of SENDA 2001.

Our Complaints Procedures entitles every student with a complaint to have that complaint dealt with, if necessary, by a senior member of staff with an appeal to the directors.

## 5. Complaints

- 5.1 A complaints procedure exists for the use by and protection of all members of the centre community and is an appropriate way of raising and dealing with complaints relating to any breach of the policy.
- 5.2 Students/staff needing support/advice or information about related issues will be able to obtain this by contacting one of the following: -
  - Disability/Diversity Representative
  - Equal Opportunities Manager
  - Students Services Manager at your centre
  - Students Union office
  - Personnel Unit
  - Quality assurance manager

For a current list of names for the above please ask reception staff or the centre librarian.

**Manager responsible for policy:** Director of Access and Equal Opportunities