

The Equality Act

- ◆ The Act brings together for the first time all the legal requirements on equality that the private, public and voluntary sectors need to follow.
- ◆ It replaces all the existing equality law including the Disability Discrimination Act (DDA).
- ◆ The Equality Act includes all of the protections from disability discrimination that were contained in the DDA - it also introduces some new protections.

Who the law protects

- ◆ It protects people from discrimination on the basis of certain characteristics. One of these characteristics is disability. Although there are other characteristics covered such as age and race, we will just look at disability.

What the law protects against:

Discrimination. *This includes:*

- Treating a person worse than someone else because they are disabled (known as direct discrimination).
- Putting in place a rule or way of doing things that has a worse impact on someone with a disability than someone without one, when this cannot be justified (known as indirect discrimination).
- Treating a disabled person unfavourably because of something connected with their disability when this cannot be justified (known as discrimination arising from disability).
- Failing to make reasonable adjustments for disabled people.

Harassment

- Unwanted conduct which has the purpose or effect of violating someone's dignity or which is hostile, degrading, humiliating or offensive to someone with a disability.

Victimisation

- Treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting somebody who is doing so.

The law also protects people from being discriminated against:

- ◆ by someone who wrongly perceives them to have a disability
- ◆ because they are associated with someone who has a disability; this includes the parent of a disabled child or an adult or someone else who is caring for a disabled person.

The Equality Act and schools

Schools and early years settings that are part of a school were already required to take 'reasonable steps' or make 'reasonable adjustments' to include disabled children in all aspects of school life. The duty to make reasonable adjustments offers stronger protection than the duty to take reasonable steps and under the DDA applied only to the policies and procedures of a school.

The Equality Act will introduce additional duties on schools to provide auxiliary aids and services for disabled pupils as reasonable adjustments. Most pupils will already have aids and services provided

My Rights, Your Responsibility

Your child's right to be included

there are also disabled pupils who do not have special educational needs but still require reasonable adjustments to be made for them and they will benefit from this change. The government is still considering how and when this part of the Equality Act will be implemented.

Schools will continue to have a duty to implement an 'accessibility plan' to make their facilities more accessible. This plan will address the physical environment. These duties are 'anticipatory', that is schools should not wait until they have a disabled pupil on roll before they consider how they should meet the duty. They have to look at what they need to do in order to include any disabled child who may want to attend in the future.

The Equality Act also enables both schools and further and higher education institutions to take action to tackle the particular disadvantage, different needs or disproportionately low participation of a particular student group, provided certain conditions are met.

These are known as the positive action provisions and allow (but do not require) education providers to take proportionate action to remedy the disadvantage faced by particular groups of students. Such action could include targeted provision of resources or putting in place additional or bespoke provision to benefit a particular disadvantaged student group.

Positive action is not the same as positive discrimination, which involves preferential treatment for a particular disadvantaged student group that does not meet the positive action conditions.

While positive discrimination is unlawful on the grounds of other protected characteristics, it is never unlawful to treat disabled pupils (or applicants) more favourably than non-disabled students (or applicants).

This leaflet pack can be obtained by emailing data@mdsltd.uk.com or telephoning 020 8676 9989. The leaflets can also be downloaded from **www.councilfordisabledchildren.org.uk/rightsresponsibility** where you will also find web-based information covering the inclusion of children with specific needs.

