

Disability Discrimination Act (DDA)

Disabled children, young people and adults have rights of access to various services through the DDA. There are a number of different parts of the DDA as it has become law over time, from 1995, with each bit of the DDA making the Act a little stronger. The DDA applies to the whole of the UK.

The DDA is important because it was the first piece of legislation to make some forms of discrimination against disabled children and adults unlawful. Key aspects of the Act are as follows.

DDA 1995 – introduced some measures to prevent discrimination against disabled children or adults when trying to access goods or services.

DDA 1999 – requires services providers to 'take reasonable steps' to change practices, policies or procedures that make it either impossible or unreasonably difficult for disabled children or people to use a service. This part of the Act also requires services to provide additional aids or support to make it easier for disabled children and adults to use a service; and to remove any physical barriers which make it difficult for disabled children or adults to use a service.

Special Educational Needs and Disability Act (SENDA) 2002 – makes it unlawful for a school to treat a disabled child 'less favourably'. Schools have to take 'reasonable steps' or make 'reasonable adjustments' to include disabled children in all aspects of school life. These duties are 'anticipatory', that is schools, and early years settings that are constituted as part of a school,

have to look at what they need to do in order to include any disabled child who may want to attend in the future.

DDA 2005 – has a new approach because it requires public bodies to change and to show how they are working to eliminate unlawful disability discrimination and disability-related bullying. All public bodies, such as schools, must have a written *Disability Equality Scheme* showing how they are promoting disability equality.

Equality Act 2010 – will come into force in stages from October 2010 and will replace the DDA and other previous equality legislation, incorporating them into one Act.

As a parent of a disabled child, you should be aware of what the DDA says to ensure that your child is not discriminated against, either at school or when trying to access services. The law is complicated and schools and service providers are able to take other factors into consideration, such as the cost of reasonable adjustments, the resources available and the effects that including a disabled child might have on other children in the school or using the service.

However, what you can expect is that good schools and service providers have a 'can do' attitude and will want to work with you to include your child and to make 'reasonable adjustments' to enable this to happen. You should certainly not encounter blanket bans such as a service that says that no child can use the service if they need lifting, or a nursery refusing to take a child who is not toilet trained.

Both examples contravene the DDA because they fail to look at the needs of an individual child and the 'reasonable steps' or 'reasonable adjustments' that could be made.

You might find it useful to ask to look at a school or service's written *Disability Equality Scheme*, as this will give you an insight into their commitment to including or supporting a disabled child or young person. This document must demonstrate that 'access' is not just about wide doors and ramps, etc., it's for all children to be able to fully access the school including curriculum, playtime, school trips and any after-school clubs they offer. The DDA legislation is helpful but it cannot support the inclusion of disabled without positive attitudes and a willingness to ensure disabled children and young people access their rights.

Further information

There are five leaflets in this series:

- ◆ Disability Discrimination Act
- ◆ What is risk?
- ◆ What can parents expect from services?
- ◆ What can services expect from parents?
- ◆ Children's rights to communicate their views and be listened to.

The leaflets can be obtained by emailing data@mdsltd.uk.com or telephoning 020 8676 9989. They can also be downloaded from www.ncb.org.uk/myrightsyourresponsibility where you will also find more detailed information on:

- ◆ The inclusion of children and young people with complex health needs who require invasive clinical procedures
- ◆ The inclusion of children and young people who require moving and handling
- ◆ The inclusion of disabled children and young people who have behaviour that is challenging
- ◆ The inclusion of children and young people who communicate differently
- ◆ The inclusion of children and young people with epilepsy
- ◆ The inclusion of children and young people who require additional help with transport
- ◆ The inclusion of children and young people with sensory impairments
- ◆ The inclusion of children and young people who require personal care.

