

**DURHAM COUNTY COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICES**

DISABILITY EQUALITY

From Accessibility Plans to Disability Equality Schemes

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Context

Whilst an increasing number of schools are making impressive improvements for disabled children, the national figures for education as a whole shows that this remains a significant challenge:

- 21% of disabled people aged 16-24 have no qualifications whatsoever compared to 9% of the non-disabled people of the same age group.¹
- Disabled 16 year olds are twice as likely to be out of work, education or training as their non-disabled peers.²

Within County Durham as a whole, we know that, as a proportion of the economically active population, 21% declared themselves as having a long term limiting illness, as compared to 22.7% for the North East and 17.9% within England.³

Within the County Council 1.25% of the workforce declared themselves as having a disability, with only 0.6% from the former Education.³

These figures, although crude, do indicate some of the main aspects of the challenge.

Almost all schools have had Accessibility Audits carried out and should now have Accessibility Plans for the period 2006-09. The latest legislation requires schools to develop Disability Equality Schemes, Secondary schools by December 2006, Primary and Special schools by December 2007. This document provides guidance on moving from Accessibility Plans to Disability Equality Schemes.

Disability Discrimination Legislation

This is a complex area of legislation, with several different acts placing specific duties on schools, in an incremental way, since 1995. The brief summary below indicates the main requirements.

There are two significant pieces of recent legislation which make clear legal requirements of schools ;

- Special Education Needs and Disability Act 2001 which applies to all schools at the present time
- Disability Discrimination Act 2005 which requires a response from Secondary Schools in December 2006 and Primary Schools by December 2007

Both of these build on the earlier legislation, the **Disability Discrimination Act 1995**, under which the duties did not apply fully to local authorities and schools.

1 Disability Rights Commission 'Disability Briefing : June 2005'

2 DfES (2004) 'Youth Cohort Study :The Activities and Experiences of 16 Year Olds : England and Wales'

3 Durham County Council : Equalities Employment Profile 2006

Special Educational Needs and Disability Act 2001

The Special Educational Needs and Disability Act (SENDA 2001) amended the SEN framework set out in the Education Act 1996 (Part 4) and extended the Disability Discrimination Act 1995 (Part 4 of the DDA) to cover the provision of education.

This Act places three duties on schools :

- The disability discrimination duties provide protection from discrimination (Part 4 of DDA)
- The planning duties provide for improvements to increase access (Part 4 of the DDA)
- The SEN framework provides auxiliary aids and services (Education Act 1996)

These duties also apply to extended school provision, particularly where the provision is made at the school.

Under the **Disability Discrimination Duties** it is unlawful for schools to

- Treat a disabled pupil or prospective pupil less favourable than another for a reason related to their disability and without justification
- Fail, without justification, to take reasonable steps to avoid placing disabled pupils at a substantial disadvantage. This duty is often known as the '**reasonable adjustments**' duty.

Under the **Planning Duties** there is a requirement to show how access will be increased by

- Making improvements to the physical environment to increase access to education and associated services
- Increasing access to the curriculum for disabled pupils
- Making written information accessible in a range of different ways for disabled pupils, where it is provided in writing for pupils who are not disabled.

These two aspects form the main content of **Accessibility Plans**.

Under the **Special Educational Needs Framework** there is a requirement for schools to

- Identify and meet the additional needs of pupils with SEN
- Provide auxiliary aids and services, such as equipment or personal support, for pupils with SEN.

Duties under the DDA are designed to sit alongside the SEN framework and are not an additional route of access to auxiliary aids and services. However, the **use schools make of the SEN provision** does come under the **reasonable adjustment duty**. This means that, although some pupils with disabilities will not be identified as SEN, any pupils requiring auxiliary aids or services must be included and assessed under the SEN framework.

The requirement for increased access to the curriculum is based on the duty to make reasonable adjustments; many examples of this are provided on the CDs in the DfES pack '**Implementing the Disability Discrimination Act in schools and early years settings**'. In many cases the adjustments are not

very expensive, but are small modifications of activities, resources or behaviour.

Exemptions from Reasonable Adjustments

Under the reasonable adjustments duty, physical alterations to the building are exempt from being made fully and immediately. This is in recognition of the funding implications of such alterations. However, schools are still required to make adjustments, that may fall short of the full physical alterations but which ensure that disabled pupils are not at a substantial disadvantage, and to include the full adjustments in their longer term plans.

For example, a secondary school is planning a musical and a disabled pupil with the best voice for one of the roles cannot get access to the stage. In the longer term it is planned to allocate funding for a ramp but in the short term the school decides to change the layout of the performing space, so that the pupil can take part in the production, although the audience will not have such a good view. This is likely to be acting lawfully.

The Disability Discrimination Act 2005

This Act (DDA 2005) places a duty on all public bodies, including schools and local authorities, to **promote disability equality**. This is known as the **Disability Equality Duty** and requires public bodies to pay due regard to the need to

- Eliminate discrimination that is unlawful under the DDA
- Eliminate harassment related to disability
- Promote equality of opportunity between disabled people and other people
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Take steps to meet disabled people's needs, even where that involves treating disabled people more favourably than other people.

The Disability Equality Duty is not necessarily about changes to buildings or even making adjustments for individuals. Rather, it is about embedding equality for disabled people into the culture of schools through attitudes and practical behaviours.

Responsibility to ensure that the duty is met lies with school **Governing Bodies**. All staff, pupils, parents/carers and members of the wider school community will need to play their part in meeting the requirements.

Definitions of Disability

Reference to disabled people includes disabled pupils, staff, parents/carers, governors and other members of the wider community that might use the school premises. The definition currently in use in the legislation state that : ***'A person has a disability if he/she has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.'***

The term **impairments** covers a wide spectrum including :

- Cancer
- Diabetes
- Epilepsy
- HIV
- Multiple sclerosis
- Hearing or sight impairments
- Mobility difficulties
- People with mental health conditions
- People with learning difficulties.

Substantial means more than minor or trivial.

Long term means has lasted or is likely to last 12 months or more.

Normal day-to-day activities cover : mobility; manual dexterity; physical coordination; continence; ability to lift, move or carry everyday objects; speech hearing or eyesight; memory or ability to concentrate learn or understand; perception of risk of physical danger.

For pupils there will be considerable overlap between special educational needs (SEN) and disability but they are not one and the same thing; some disabled pupils will have SEN but not all and some pupils will have SEN but will not be disabled.

It is important to remember that the majority of disabilities are not visible or immediately obvious. For example, learning difficulties such as autism, people with cancer, or mental health impairment are all included. This definition covers a much larger group of people than is commonly thought and is likely to represent around 7% of children and 24% of adults.¹

People do not need to have declared their disability to be covered by the legislation.

Timescales

School Accessibility Plans were originally envisaged, nationally, to run from April 2003 to March 2006. Revised, updated plans were then expected for the period April 2006 to March 2009, with annual review and revision for a further three years thereafter.

These plans are now to be added to or subsumed within a Disability Equality Scheme.

Under the DDA 2005, there is a requirement for all public bodies, including schools and local authorities, to develop and publish a **Disability Equality Scheme**.

Secondary schools are required develop their schemes by December 2006, Primary and Special schools by December 2007.

1. Cabinet Office (2005) 'Improving the Life Chances of Disabled People'

Progress in Durham through Accessibility Plans

Accessibility Audits and Plans

Accessibility Audits were carried out for almost all schools by an independent company (IPF) during the period 2003 – 2006 and since then they have been used as the basis for Accessibility Plans. The non-compliance parts of the audits are now available in electronic form for schools to work on and for the Local Authority to monitor. Comprehensive training and support for the plans have been made available to all schools during the school year 2006 - 07.

The Accessibility Plans primarily provide for :

- increasing access to school buildings and education for pupils with disabilities.

Plans have to be resourced from school funds and phased over time. Setting priorities for this work should take account of the priority rating given in the accessibility audit, the needs of disabled pupils, staff and other service users and the resources available.

Limited funding is available to help meet the specific, existing needs of disabled individuals via the Access Initiative Group.

These parts of the process fall into the planning cycle running from 2006 – 09.

Increased access to the curriculum

This is a large area which will be briefly dealt with here because the DfES pack ***'Implementing the Disability Discrimination Act in schools and early years settings'*** provides very good advice and many practical examples of reasonable adjustments to school life and the curriculum in particular.

The DfES Pack identifies 13 Key Factors which were found to make it easier for schools to make reasonable adjustments and for them to be effective.

These include :

- The overall vision, ethos and attitudes within the school
- Collaborative relationships with pupils and parents
- Identifying barriers and finding practical solutions
- Effective staff training and development
- Use of expertise from outside the school
- Building disability into resource plans
- Regular critical review and evaluation.

An important step in making reasonable adjustments is to recognise the barriers for disabled pupils. This is not about describing the pupils' impairments but about the barriers in the environment which prevent or reduce involvement and learning. A similar approach can be used for making reasonable adjustments for staff.

For example :

Description of pupil	Context and activity	Barriers	Examples of reasonable adjustments
<p>Year 2 pupil</p> <p>Physical impairment</p> <p>Wheel chair user</p>	<p>School sports day</p>	<p>Activities are not performable in a wheelchair.</p> <p>Order of activities would be very tiring for this pupil.</p>	<p>Planning with pupil, parents and outside agencies</p> <p>Use of DfES CD-ROM for ideas on inclusive PE</p> <p>Parallel activities to enable pupil to take part</p> <p>Changing the order of the activities</p> <p>Support from teaching assistant</p>
<p>Year 5 pupil</p> <p>Physical impairment, learning difficulties and limited speech</p> <p>Cerebral palsy</p>	<p>Lessons</p>	<p>Communication depends upon speech and writing</p> <p>Practical activities require good physical coordination</p>	<p>Provision of auxiliary equipment - a talker - under the SEN framework.</p> <p>Local resource base helps pupil to develop skill in using the talker</p> <p>Support from teaching assistant</p> <p>Recording done through combination of colouring and amanuensis.</p>
<p>Year 7 pupil</p> <p>Medical need</p> <p>Diabetes</p>	<p>School trips to residential outdoor centre</p>	<p>Activities may be long and strenuous and cause undue tiredness.</p> <p>Arrangements for medication may cause pupil to become hypo/hyper.</p>	<p>Ensure all staff are fully informed</p> <p>Consider and modify, if necessary and possible, the length of activities</p> <p>Carry mobile phone and emergency numbers</p> <p>Ensure pupil has correct medication and is competent in its use</p>

<p>Year 9 pupil</p> <p>Social and communication disorder</p> <p>Autism spectrum</p>	<p>Lessons</p>	<p>Classroom environment can be over stimulating.</p> <p>There are too many distractions when doing written work.</p>	<p>Allocation of teaching assistant under SEN Framework.</p> <p>School system for two levels of time-out, 5 minutes or longer.</p> <p>Cupboard converted to working space with no distractions.</p> <p>All pupils know about the time-out system and help each other to keep on task.</p>
<p>Year 11 pupil</p> <p>Sensory impairment</p> <p>Blind</p>	<p>Science lesson</p>	<p>Written material is not readable.</p> <p>Practical experiments cannot be seen.</p>	<p>Written material prepared in advance and produced in Braille or heat-raised diagrams by specialist support service.</p> <p>Wherever possible, experiments are sensed by feeling.</p> <p>Pupil describes what he/she feels in the experiment to the rest of the class.</p>
<p>Member of staff</p> <p>Chronic back pain</p>	<p>Moving around the building and climbing stairs</p> <p>Carrying heavy loads</p> <p>Sitting for long periods</p>	<p>Distance between main working and socialising areas.</p> <p>Resources and pupils' work needs to be moved.</p> <p>Long meetings requiring staff to be seated.</p>	<p>Choice of classroom minimises distance between main working and socialising areas.</p> <p>All teaching done in one classroom which is fully resourced.</p> <p>Duty roster adjusted.</p> <p>Suitable wheeled trolley purchased.</p> <p>Most appropriate chair purchased.</p> <p>All staff made aware that this colleague will need to stand for some of the time in meetings.</p> <p>Named senior colleague provides support and monitoring</p>

These examples illustrate some of the Key Factors listed above and show that many reasonable adjustments are about

- Collaborative planning
- Modifying activities and resources
- Using a range of people to support
- Developing understanding and positive attitudes amongst all the pupils and staff.

In some instances, modification to the building or specialist equipment is needed but in many situations the barriers are not of a physical nature.

In all cases the Governing Body needs to be kept informed of the needs of disabled people and be satisfied that the reasonable adjustments made by the school would meet the legislative requirements.

Making written information available in alternative formats

Any written information provided for non-disabled pupils needs to be provided, where necessary, in accessible formats for disabled pupils.

The types of information this might include are :

- information about the school
- signs, directions other displayed information
- information about events and timetables
- handouts, worksheets and other learning resources
- teachers' marking and feedback about pupils' work
- tests and examinations

Accessible formats will need to be tailored to the needs of the particular disabled people present in the school and should take their preferences into account. Appropriate formats could include ;

- large print
- simplified language
- audio or video tape
- sign language
- visual symbol system
- Braille

Support for the more specialised formats is available from support services and schools should ensure that they know how to access these.

Information in alternative formats may also be needed by disabled adults involved with the school and the same principles apply.

Wherever possible, it is most time efficient if the consideration of different formats is built in to the initial design of information, rather than being addressed later.

An **Accessible Communications Guide** produced by the County Council is available on the Schools' Extranet.

Disability Equality Schemes

Content

Disability Equality Schemes need to show how a programme of action will be planned, implemented and evaluated.

The Disability Equality Scheme must include five essential elements

- A statement of how disabled people have been involved in developing the scheme
- An action plan
- Arrangements for gathering information about performance of the school or authority on disability equality
- Arrangements for assessing the impact of the activities on disability equality and improving these when necessary
- Details of how the school or authority is going to use the information gathered, in particular in reviewing the effectiveness of its action plan and preparing subsequent schemes.

A Scheme can last for up to three years and can be combined with other equality schemes, but must be clearly identifiable and presented in such a way that all interested stakeholders have ready access to it.

Accessibility Plans make very good starting points for Disability Equality Schemes and will mainly require additional work to ensure that :

- appropriate data is collected and used to show the effect of their policies and practices on employment and educational opportunities for pupils.
- disabled people (employees and / or service users) are involved in drawing up and reviewing the scheme
- the impact of existing and new policies and practices, including those not specifically concerned with equality, is systematically assessed.

See **Appendix 1** for a **Sample Outline Structure of a Disability Equality Scheme**.

Appropriate data

The priority here is to establish methods for collecting information about disabled employees and pupils. This is likely to involve a number of steps and will not necessarily be achieved immediately; in any case the information needs to be kept up-to-date. Steps might include :

- making sure that people know what the current definition of disability covers
- explaining why the information is being collected and what use will be made of it
- establishing a climate in which pupils and staff are comfortable with raising personal issues and needs
- finding suitable times and occasions to ask pupils and staff who are already in the school
- use surveys or parents evenings/events to collect information from existing parents/carers

- checking that recruitment, selection and promotion procedures for staff collect the appropriate information and that it is used
- ensuring that school admission procedures collect appropriate information about pupils and their parents/carers and that it is used by relevant staff.

Having identified disabled people, data about take-up of opportunities and educational achievements will need disaggregating in order to check the impact the school is having on their experiences and development. Some of this analysis will sit comfortably within the processes already established by Ofsted and the Fisher Family Trust. Others, such as monitoring involvement in school clubs, may need new mechanisms.

The purpose of collecting this kind of data is two fold :

- to check the effect that policies and practices have on disabled people
- to help in the identification and removal of barriers for disabled people.

The next step is, therefore, to use the data to look for indicators of barriers which may need to be addressed.

Involvement of disabled people

Schools must involve disabled people in drawing up their Disability Equality Scheme and include a statement as to how they have done this. Involvement should not be confused with consultation. Involvement is a more active process and needs engagement from the beginning of the planning process. This will be very helpful to schools since disabled people know best what can be done to remove barriers and promote equality.

Possible approaches include an appropriate combination of :

- one-off meetings
- informal social events
- regular focus groups
- on-line forums
- school councils and pupil forums
- staff unions/associations
- the governing body

Some small schools may have difficulty in identifying disabled people directly involved with the school and may have to go to the wider community or work with a local cluster of schools. In Durham the Communities of Learning might help to establish such collaborative working.

Larger schools should be able to identify disabled people from amongst their pupils, staff, parents/carers and governors, although it may not be possible to draw in people with a wide range of disabilities.

Getting involvement right first time can be difficult and it is quite appropriate to include, in the Disability Equality Scheme, some further steps designed to strengthen it.

Impact assessment is a relatively new procedure for schools but is an important part of a Disability Equality Scheme. Essentially it is a systematic process for checking that policies and practices do not inadvertently disadvantage particular groups of people, in this case disabled people.

The focus is on policies and practices that are not overtly concerned with equality but effect the general running of the school or specific aspects of provision. Some are more likely than others to effect disabled pupils, staff or other adults. The most obvious examples of those likely to effect pupils are managing medicines, practical activities in subjects such as PE, science and technology, organisation of school trips, homework, school clubs, rewards and sanctions for behaviour and attendance, work experience.

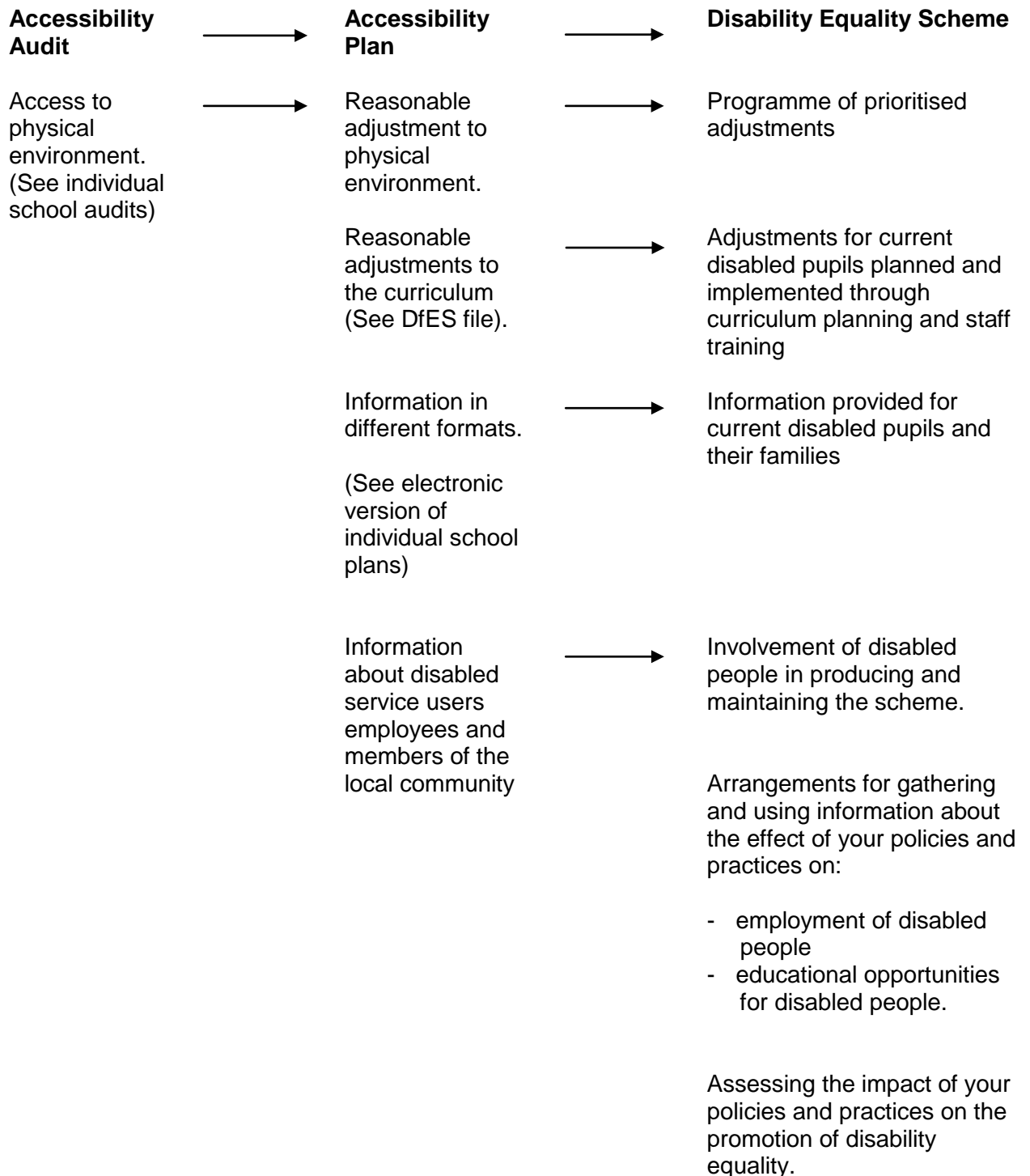
See Appendix 2 : Carrying Out Impact Assessment

Secondary schools will need to prioritise the process of building on their Accessibility Plans in order to draw up their Disability Equality Schemes, since they were due to be in place in December 2006.

Primary and Special schools have until December 2007 to finalise their Disability Equality Schemes but are advised to start work on them in advance of this date. In other respects, the legislation applies to primary schools from December 2006, so both employees and service users could challenge current practice.

Durham County Council has developed a Disability Equality Scheme and Action Plan, entitled ***Actions speak louder than words!*** It covers the period 2006 – 09 and is available on the Durham County Council website and Intranet.

From Accessibility Plan to Disability Equality Scheme: Summary of the Process



Tribunal Procedures

Under the **Special Educational Needs and Disability Act 2001**, parents /carers have been able to bring cases of disability discrimination to the SEN and Disability Tribunal. These can be in relation to claims of

- less favourable treatment because of the disability and without justification
- failure to make reasonable adjustments to ensure that there is no substantial disadvantage for disabled pupils compared to non-disabled.

If the claim of discrimination is upheld, the Tribunal can order remedies but not direct financial compensation. The majority of cases to date have involved impairments which effect pupils' ability to learn rather than physical disabilities.

Under the **Disability Discrimination Act 2005**, cases of non-compliance can be taken to the courts for a judicial review, either by individuals or groups of people. The Disability Rights Commission is empowered to issue compliance notices.

Recourse to tribunals or courts should normally be avoided through other procedures used by schools, such as :

- involving disabled people in drawing up and reviewing the Disability Equality Scheme
- carrying out a programme of impact assessments
- addressing issues or concerns as they arise
- using the Governing Body Complaints Sub-Committee.

As with much legislation, case law will be very important in interpreting the meaning of terms such as 'reasonable adjustment', 'substantial', 'unlawful discrimination' and 'promoting equality'. In the meantime, involvement of disabled people in the planning and impact assessment processes will help to ensure that their needs are being met.

Useful Contacts within Durham County Council

Children and Young People's Services		Tel No
Lynne Gregory	Head of Learning Support Service lynne.gregory@durham.gov.uk	01740 656998
Gill Beddow	Co-ordinator Advisory and Specialist Teaching Service gill.beddow@durham.gov.uk	01740 656998
Anne Morrell	Co-ordinator Sensory Support Service anne.morrell@durham.gov.uk	0191 3706390
Derek Sayer	SEN Placement and Provision derek.sayer@durham.gov.uk	0191 3833139
Wendy Stafeckis	Advisory Teacher for Physical Difficulties wendy.stafeckis@durham.gov.uk	01740 656998
John Farrow	Inspector for SEN john.farrow@durham.gov.uk	0191 3834737
Lindsay Smith	Head of Educational Psychology Service lindsay.smith@durham.gov.uk	01388 424901
Sheila Palmerley	Policy and Planning sheila.palmerley@durham.gov.uk	0191 3833281
Dave Wood	Policy and Planning : Accessibility Plans dave.wood@durham.gov.uk	0191 3833931
Rob Watson	Children's Network rob.watson@durham.gov.uk	0191 3834095
Kate Hinton	Inspector for Equality and Diversity kate.hinton@durham.gov.uk	0191 3833911
Corporate Services		
Joanne Leeder	Equalities Access Officer, Corporate Equalities Team joanne.leeder@durham.gov.uk	0191 3834199
Brian Robinson	Accessibility Audits and Plans brian.robinson@durham.gov.uk	0191 3833113

Durham County Council Documents

Accessibility Planning for Schools

See Schools' Extranet, Durham

SEN and Disabilities

See Schools' Extranet, Durham

Accessible Communication Guidelines

See Schools' Extranet, Durham

Durham County Council

Disability Equality Scheme and Action Plan 2006 – 09

See www.durham.gov.uk Community and Living / Equality and Diversity

Main National Publications and Web Sites

- Implementing the Disability Discrimination Act in schools and early years settings Pb 2006
Ref. 0161-2006DOC-EN
Available free from :
DfES Publications, PO Box 5050, Sherwood Park, Annesley,
Nottingham NG15 0DJ Tel. 0845 222 60
- Promoting Disability Equality in Schools Pb. 2006
Downloadable from www.teachernet.gov.uk
Also other documents under docbank
wholeschool/sen
- Schools and the Disability Equality Duty in England and Wales – Guidance for Governors, Headteachers, teaching and support staff working in schools in England and Wales Pb. 2006
Available from :
Disability Rights Commission, FREEPOST, MID 02164,
Stratford-upon-Avon, CV37 9BR Tel. 08457 622 633
Downloadable from : www.drc-org.uk
- Code of Practice for Schools - Disability Discrimination Act 1995 : Part 4 Pb. 2002
Available from :
Disability Rights Commission, FREEPOST, MID 02164,
Stratford-upon-Avon, CV37 9BR Tel. 08457 622 633
Downloadable from : www.drc-org.uk
- The Duty to Promote Disability Equality – the Statutory Code of Practice Pb. 2005
Available from :
The Stationary Office, PO Box 29, Norwich NR3 1GN
Tel. 0870 600 5522
Downloadable from : www.drc-org.uk

Appendix 1

Sample Outline Structure for a Disability Equality Scheme

Purpose and Direction of the Scheme

- Overall school vision and values
- Building on the Accessibility Plan

Involving Disabled Pupils, Staff and Parents

- Statement about how disabled people are involved in the development of the scheme, including collaborative arrangements with other local schools.
- Range of people involved – pupils, staff, parents/carers and other users of the school.

Gathering and Using Information

- Arrangements for gathering information about the effects of school policies on :
 - recruitment, development and retention of disabled employees.
 - educational opportunities and achievements of disabled pupils.
- Arrangements for using information to support the review of the action plan and to inform subsequent schemes.

Impact Assessment

- Methods for assessing the impact of current and proposed policies and practices on disability equality.
See Appendix 2 for further guidance.

Identifying the Main Priorities

- Actions to be taken in meeting the Disability Equality Duty to :
 - eliminate discrimination
 - eliminate harassment
 - promote equality of opportunity
 - promote positive attitudes
 - encourage participation
 - meet disabled people's needs.

Implementing the Priorities

- Arrangements for implementing the scheme within three years.
- Allocation of responsibilities and resources
- Outcomes or performance criteria
- Clear timescales and date for review
- Evaluation of the scheme and judgements for discussion with School Improvement Partner and Ofsted.

Publication and Reporting

- Arrangements for publishing the scheme as a separate document or as part of other school documents.
- Arrangements for reporting annually on the progress made with the action plan and its effects.

Reviewing and Revising the Scheme

- Arrangements for reviewing and revising the scheme every three years.
- Arrangements for using information, gathered as part of the scheme, to review the action plan and revise the scheme.

This sample outline is based on

- **Promoting Disability Equality in Schools** Pb. 2006
Downloadable from www.teachernet.gov.uk
- **Schools and the Disability Equality Duty in England and Wales – Guidance for Governors, Headteachers, teaching and support staff working in schools in England and Wales** Pb. 2006
Available from :
Disability Rights Commission, FREEPOST, MID 02164,
Stratford-upon-Avon, CV37 9BR Tel. 08457 622 633
Downloadable from : www.drc-org.uk

Further practical details and case study examples are provided in both of these documents.

Appendix 2

Carrying Out Impact Assessments

Purpose of the Process

The concept of assessing the impact of policies and procedures was first introduced by the Race Relations (Amendment) Act 2000. It is now a requirement under the Disability Discrimination Act 2005 and will apply to gender equality from April 2007, under the new Equality Act 2006.

None of this legislation includes a specific method for impact assessment, allowing organisations to think about which approach works best for them, given the nature, type and size of the organisation. However, a step-by-step approach, as summarised below, is often used.

Essentially, impact assessment is

- a systematic method of reviewing policies and procedures to try to ensure that they do not result in unlawful discrimination
- especially useful in identifying possible sources of indirect discrimination, which often results from applying the same policies and practices to everyone but which disadvantages people from a particular group, because they cannot fully comply with the procedures or are differentially effected because of their characteristics and needs.
- helpful in identifying action points which will contribute to the duty to promote equality in the given field.

Building on School Self Evaluation

In many ways, assessing impact can be seen as an extension of the monitoring and evaluation processes which schools are familiar with, through the identification of success criteria and collecting of related evidence.

The main differences are that impact assessment

- is a cross cutting process, potentially across all policies and practices
- is concerned with the impacts on specified aspects, in this case disability equality
- should involve members of the relevant sub-groups in the assessment process.

Schools which have made good use of the ***School Self-Review File - Monitoring and Evaluating Inclusive Practice***, which was distributed by Education, Durham County Council during 2004 – 05, will have moved closer to assessing the impact of policies and practices and should readily be able to build on this work. This file is still available in electronic form, but without the accompanying CD, from the Schools' Extranet Document Library, within Social Inclusion, Behaviour and Attendance.

Which Policies and When

The assessment process should be built into existing arrangements for developing new policies and reviewing existing policies.

All new policies should automatically include an assessment of likely impact and be designed to both avoid discrimination and to promote equality.

Existing policies are usually reviewed as part of a rolling programme, so they are looked at around every three years.

In deciding or amending your timetable for policy development and review, you should consider the likely level of impact policies will have on different groups of people. If the impact is likely to be high, this would suggest an early review.

Currently it is a priority to review the timetable for policy review and impact assessment in the light of the recent disability legislation.

Examples of Policies likely to be High Priorities for Impact Assessment

Example 1 The pupil discipline policy may have a high level of impact on different groups in relation to exclusions. Nationally it is known that there is a disproportionately high level of exclusion for pupils with disabilities or special educational needs and pupils from Gypsy and Traveller backgrounds.

Example 2 Policy and practice for school trips do not routinely include planning and allocation of resources / support for pupils with disabilities, so such pupils may not be able to take part in trips unless a parent / carer accompanies them.

Example 3 Plans to relocate classrooms could mean that staff or pupils with long-term mobility conditions will find it difficult or impossible to reach classrooms they need access to.

Example 4 The uniform / kit for PE can be disliked by teenagers, especially girls, and might discourage them from full participation.

Example 5 The reward system for full attendance does not take account of pupil absence caused by disabilities such as asthma, so those pupils are disadvantaged.

Who Should Be Involved

A small group of people, typically three or four, should carry out the assessment process. Ideally the group would include

- one of the people involved in drawing up the policy
- someone involved in implementing the policy
- someone from the group most likely to be effected by the policy.

Stages and Questions for Impact Assessment of Policies / Practices

Stage 1 Level of Relevance

What is the purpose of the policy / practice?

Who was responsible for creating the policy / practice?

Who is responsible for implementing the policy / practice?

Who is affected by the policy / practice?

Is there any evidence that the policy / practice effects different groups in different ways?

How will members of those groups be involved in the rest of the process?

Does the policy / practice contribute to or hinder the promotion of equality?

Stage 2 Existing Information - quantitative data and anecdotal evidence

What information would help to assess the impact of the policy / practice?

What information is already available?

What additional information is it important and feasible to collect?

How will this information be collected?

Stage 3 Analysing the Evidence

Does the evidence show different levels of participation or success of members of the affected groups?

If so, what are the reasons for this?

Are there any barriers which make participation and success difficult for members of affected groups?

Do existing policies and practices have a beneficial effect in promoting equality?

If so, what are the reasons for this?

Stage 4 Addressing Adverse Effects

Are the adverse effects likely to be unlawful?

If so, how can the policy / practice be quickly changed?

In what ways do the adverse effects detract from the duties to promote equality?

How could the policy / practice be changed to positively promote equality?

How will we draw up an effective action plan to address these points?

Stage 5 Consultation and Publication

How will wider consultation with members of affected groups be carried out?

How will the legal duty to publish action plans and the results of impact assessments be met?