

Disability Discrimination Act (DDA) Part IV
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DRC Post-16 Code of Practice
available at
<http://www.drc.org.uk/drc/InformationAndLegislation/Page34A.asp>

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Disability Discrimination Act (DDA) Part IV

What is it?

The DDA 1995 is extended to education from September 2002 following amendments introduced by the Special Educational Needs and Disability Act 2001.

The legislation aims to ensure that:

- Disabled people have equal opportunities to benefit from, and contribute to, the learning and services available in HE institutions.

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Disability Discrimination Act (DDA) Part IV Who has responsibilities under Part IV?

- The Governing Body – referred to by the Act as the 'responsible body' – is legally liable for:
 - the actions of the institution as a whole;
 - the actions of individual employees in the course of their employment (whether, full, part-time or temporary);
 - the actions of agents (including contractors, visiting speakers etc).

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Disability Discrimination Act (DDA) Part IV Who has responsibilities under Part IV? Cont'd

- It may be possible to use a defence that all reasonably practicable steps were taken to prevent staff or agents discriminating.
- Individuals may also be held responsible for aiding an unlawful act if they knowingly discriminate against a disabled student or applicant.
- They may also be guilty of a criminal offence if they give false or misleading information about the DDA.

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Disability Discrimination Act (DDA) Part IV

Who is protected by the Act?

- Disabled applicants, potential applicants
- or students who are
 - full or part time
 - post or under-graduates
 - home, EU or international
 - on short or taster courses
 - taking day or evening classes
 - undertaking only part of a course or visiting from another HEI.

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Disability Discrimination Act (DDA) Part IV

Who is disabled according to the Act?

An adult or child is disabled if he or she has a physical or mental impairment that has an effect that is

- substantial
- adverse and
- long term (lasting or expected to last for at least a year) on his or her ability to carry out 'normal' day-to-day activities.

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Disability Discrimination Act (DDA) Part IV

What is Discrimination?

Discrimination against disabled applicants or students can take place in either of two ways. By:

- treating them “**less favourably**” than other people, or
- failing to make a “**reasonable adjustment**” when they are placed at a “**substantial disadvantage**” compared to other people

for a reason relating solely to their disability.

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Disability Discrimination Act (DDA) Part IV What Activities does Part IV affect?

- Admissions
- The provision of student services
- Exclusions

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Disability Discrimination Act (DDA) Part IV

What activities and facilities does the Act apply to?

The Act applies to all an HEI's activities and facilities provided wholly or mainly for students, including, for example:

- All aspects of teaching and learning, including lectures, lab work, practicals, field trips etc
- Examinations and Assessments
- E-learning and distance learning
- Learning resources, including libraries, computer facilities
- The physical environment

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Disability Discrimination Act (DDA) Part IV What activities and facilities does the Act apply to? Cont'd

- Student support services including: welfare, careers, counselling and disability services
- Catering, residential and leisure facilities
- Job references
- Campus or college shops
- Graduation and certificate ceremonies.
.....and more!

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Disability Discrimination Act (DDA) Part IV

What is a Reasonable Adjustment?

- Any action that helps to alleviate a '**substantial disadvantage**'. It might include:
 - Changing standard procedures
 - Adapting the curriculum, electronic or other materials
 - Providing additional services (sign language interpreters or materials in braille)
 - Training staff to work with disabled people and to provide appropriate adjustments
 - Altering the physical environment

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Disability Discrimination Act (DDA) Part IV What criteria are used for judging "reasonableness"?

- academic and other prescribed standards
- financial resources
- grants/loans
- cost
- practicality
- other aids or services available
- health and safety
- 'interests' of other students

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Disability Discrimination Act (DDA) Part IV What other Issues affect adjustments?

- Anticipatory
- Disclosure
- Confidentiality

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Disability Discrimination Act (DDA) Part IV

When does the Act come into force?

The new duties are introduced in three stages:

- from **1 September 2002** the main new sections of the Act are implemented. From this date it is unlawful to discriminate against disabled people or students by treating them less favourably than others. In addition, responsible bodies are required to provide certain types of reasonable adjustments to provision where students or other disabled people might otherwise be substantially disadvantaged.

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Disability Discrimination Act (DDA) Part IV When does the Act come into force? Cont'd

- from **1 September 2003** responsible bodies are required to make adjustments that involve the provision of auxiliary aids and services, and
- from **1 September 2005** responsible bodies are required to make adjustments to physical features of premises where these put disabled people or students at a substantial disadvantage.

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Disability Discrimination Act (DDA) Part IV

How are disputes resolved?

- **Conciliation by DRC.**
- Sheriff Court
- Financial compensation.
- Interdicts to stop unlawful practices.

Note: Institutions should ensure that they have robust, transparent and speedy internal complaints procedures.

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Disability Discrimination Act (DDA) Part IV

Key Issues

- What changes you will HAVE to make depends on WHAT YOU DO NOW!
- Ignorance IS NOT innocence!
- Planned spending IS BETTER THAN unplanned spending!
- Staff Development IS a Defence in Law
- Internal resolutions ARE BETTER THAN external resolutions!