

The DDA Amendment Regulations
What you need to know and what you need to do
Paul Brown and Lucy Foley
Scottish Disability Team
www.sdt.ac.uk

Anne Simpson and Graham Charters
Teachability Project
www.teachability.strath.ac.uk

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The DDA Amendment Regulations

You –

- Arrange placements
- Deliver courses subject to/influenced by qualifications bodies competence standards
- Are partners with qualifications bodies' in the administration of exams and assessments which determine qualifications

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DDA Part II Code of Practice Employment and Occupation - Placements

From October 2004 it will be unlawful for a placement provider to discriminate against a disabled person seeking or undertaking a work placement

- in the arrangements which he/she makes for determining who should be offered a work placement

- in the terms on which he affords him/her access to any work placement or facilities concerned with such a placement

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DDA Part II Code of Practice Employment and Occupation - Placements

Also unlawful for a placement provider, in relation to a work placement, to subject to harassment a disabled person

- to whom he/she is providing a placement, or
- who has applied to him/her for a placement

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DDA Part II Code of Practice Employment and Occupation - Placements

'Work Placement' means practical work experience undertaken for a limited period for the purposes of a persons vocational training.

'Placement provider' means any person who provides a work placement to a person whom he does not employ.

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DDA Part II Code of Practice Employment and Occupation - Placements

Duty to make reasonable adjustments

The duty to make reasonable adjustments applies to a placement provider in the same way as it applies to an employer.

The duty is owed specifically to the individual disabled person.

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DDA Part II Code of Practice Employment and Occupation - Placements

What is the duty?

Where a provision, criterion or practice, or any physical feature of premises occupied by the placement provider, places the disabled person at a substantial disadvantage it is the duty of the placement provider to take reasonable steps to prevent the provision or feature having that effect

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DDA Part II Code of Practice Employment and Occupation - Placements

What constitutes a reasonable adjustment?

In determining what constitutes a reasonable adjustment account has to be taken of

- effectiveness, practicability, cost
- the length of the placement
- the size of the provider
- available resources
- health and safety

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Code of Practice

Trade Organisations and Qualifications Bodies

Discrimination

From 1 October 2004 it is unlawful for a qualifications body to discriminate against a disabled person

- In the arrangements which it makes for the purpose of determining upon whom to confer a professional or trade qualification
- In the terms on which it is prepared to confer a professional or trade qualification on him

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Code of Practice

Trade Organisations and Qualifications Bodies

Discrimination cont'd

From 1 October 2004 it is unlawful for a qualifications body to discriminate against a disabled person

- By refusing or deliberately omitting to grant any application by him for such a qualification or
- By withdrawing such a qualification from him or varying the terms on which he holds it

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Code of Practice

Trade Organisations and Qualifications Bodies

Discrimination cont'd

- Unlawful harassment
- Duty to make reasonable adjustments (but not to competence standards)

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Code of Practice

Trade Organisations and Qualifications Bodies

Qualifications Bodies

The Act defines a qualifications body as an authority or body which can:

- confer
- renew or
- extend

a professional or trade qualification.

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Professional or Trade Qualifications

A professional or trade qualification is

- an authorisation
- qualification
- recognition
- registration
- enrolment
- approval or
- certification

which is needed for, or which facilitates engagement in, a particular profession or trade.

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Code of Practice

Trade Organisations and Qualifications Bodies

Qualifications bodies include:

- examination boards
- the General Medical Council
- the Nursing and Midwifery Council
- the Hospitality Awarding Body
- and the Guild of Cleaners and Launderers.

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Qualification bodies and reasonable adjustments

Qualification bodies: duty to make adjustments where –

- A provision, criterion or practice, other than a competence standard, applied by or on behalf of a qualifications body or
- Any physical feature of premises occupied by a qualification body

Places a disabled person at a substantial Disadvantage

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Qualification bodies and reasonable adjustments cont'd

Such adjustments might include:

- Changing the start time of exams
- Extra time
- Papers in alternative formats
- Use of ICT or Scribe in exams
- Etc

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Code of Practice

Trade Organisations and Qualifications Bodies

Competence Standards

An academic, medical or other standard applied by or on behalf of a qualifications body for the purpose of determining whether or not a person has a particular level of competence or ability

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Competence Standards and Discrimination

Where the application of a competence standard to a disabled person amounts to less favourable treatment of him/her for a reason which relates to his/her disability, That treatment is justified if, but only if, the qualifications body can show that:
cont'd

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Competence Standards and Discrimination cont'd

- the standard is (or would be) applied equally to people who do not have his/her particular impairment, and
- its application is a proportionate means of achieving a legitimate aim
- objective criteria

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Code of Practice

Trade Organisations and Qualifications Bodies

Exercise

What impact might the new DDA

Amendment Regulations have

- on your role within your institution?
- on the institution's ways of relating to professional placement providers?

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DDA Amendment Regulations: What you might need to do...

The amendments have a bearing on:

- Course descriptions and advertisements
- Student admissions
- Examinations or other assessment
- Liaison with qualification bodies about individual students' examination and assessment needs

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DDA Amendment Regulations: What you might need to do...

- Ensure clarity of understanding about what the competence standards for your subject are.
- Ensure that key institutional staff share such understanding.
- Liaise with qualifications body over interpretation, demonstration and consequences of competence standards.

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DDA Amendment Regulations: What you might need to do...

Code of Practice on Employment and Occupation, paragraph 9.50:

“It would be reasonable to expect the sending organisation and the placement provider to cooperate to ensure that appropriate adjustments are identified and made.”