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Disability Discrimination Act
Part IV (Education)
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DISABILITY DISCRIMINATION ACT: PART IV (Education)

- From September 2002, institutions have a duty **not to discriminate** against a disabled person for a reason which is **related** to the disability and which is **without justification**

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Further duties

- From 1 September 2003 - provision of auxiliary aids and services
- From 1 September 2005 - adjustments to physical features of premises where these put disabled people at a substantial disadvantage (or Sept 2004 for services which are not wholly or mainly related to the provision of education)

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Who is Responsible?

- The institution is the responsible body. The governing body of the institution is legally responsible for all activities, including those of its employees and agents/contractors.
- Individuals also have a responsibility not to aid an unlawful act
- It is a criminal offence to knowingly give false information about the Act

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Who is protected by the Act?

- Disabled applicants, potential applicants or students who are
 - Full or part-time
 - Post-graduate or undergraduate
 - Home or International

- Other users may also be protected under Part III of the Act

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What Services?

- All aspects of teaching and learning, including -
 - Lectures/Tutorials/Practicals/Fieldwork
 - Curriculum Design
 - E-learning/Distance learning
 - **Information technology and other resources**
 - **Libraries & information centres**
 - **Careers Services**
 - Examination & assessment procedures etc.

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What is discrimination?

- Treating someone less favourably for a reason related to his/her impairment without justification
- Failing to make a **reasonable adjustment** to ensure that a disabled person is not placed at a **substantial disadvantage** in comparison to someone who is not disabled.

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Complying with the DDA

Compliance presupposes:

- An understanding of what amounts to less favourable treatment
- An awareness of possible reasonable adjustments
- The wherewithal, including resources, to convert knowledge and awareness into practice

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What is a 'reasonable adjustment'?

- A 'reasonable adjustment' is any action that helps alleviate a substantial disadvantage. It can include
 - Changing procedures
 - Providing additional services
 - Adapting material
 - Adapting curricula
 - Changing teaching/assessment practices
 - Training staff
 - Altering the physical environment

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Criteria for 'Reasonableness'

- Academic and prescribed standards
 - Financial resources
 - Grants/loans
 - Cost
 - Practicality
 - Other available aids and services
 - Health and safety
 - 'Interests' of other students
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- Must not be used spuriously
 - Must be material and substantial

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Disclosure

- According to the Act, you cannot discriminate against a student for a reason related to his/her disability if you did not know and *could not reasonably have known* that he/she was disabled.

But

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Ignorance V. Innocence

- You must be able to demonstrate that you took all reasonable steps to find out *and*
- You might not be covered if it is judged that anticipatory adjustments could have been made

Disclosure to whom?

- If a student has disclosed a disability to *any* individual in the institution, the institution is deemed to know.
- Implications for
 - Communication Systems
 - Confidentiality
 - Data Protection

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Issues for Careers Services

- Culture of inclusivity
- Access/Egress
- Access to technology
- Material in alternative formats
- Confidentiality/Disclosure
- Advising disabled students re: job applications
- Working with employers

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Redress under Part IV

- 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.