

**Disability Discrimination Act
Part IV (Education)**

&

Nursing

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DISABILITY DISCRIMINATION ACT: PART IV (Education)

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

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.

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

Who is protected by the Act?

■ An individual is covered by the Act if he/she is:

- Disabled under the terms of the Act

AND

- An applicant, potential applicant or student. This includes -

Full or part-time

Post-graduate or undergraduate

Home or International

Who is disabled?

- An individual is disabled under the terms of the Act if he/she has a physical or mental impairment which has a
 - Substantial
 - Long term and
 - Adverse

- effect on his/her ability to carry out 'normal' day-to-day activities.

What is discrimination?

- Treating someone less favourably for a reason related to his/her impairment and is 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.

Focusing in ...

- Discrimination by unjustifiably refusing admission or by admitting on less favourable terms
- Discrimination by accepting followed by failure to make reasonable adjustment

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
 - Examination & assessment procedures

What is a 'reasonable adjustment'?

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

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

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

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

Specific Issues

- Culture of inclusivity
- Access/Egress
- Access to technology
- Reasonable Adjustments
- Confidentiality/Disclosure
- Professional Accreditation

Strategies suggested by Schools of Nursing