

## **Return to teaching fact-sheets: Equality and diversity – Disability**

The Race Relations [Amendment] Act (RR[A]A) 2000, the Disability Equality Duty (DED) 2005 and the Gender Equality Duty 2006 put the promotion of race, disability and gender equality at the forefront of public authority policy development.

Information and guidance on the Race Relations Act is available on the Office of Public Sector Information website.

[www.legislation.gov.uk/acts/acts2000/ukpga\\_20000034\\_en\\_1](http://www.legislation.gov.uk/acts/acts2000/ukpga_20000034_en_1)

Information and guidance on gender equality is available on the Equality and Human Rights Commission website.

[www.equalityhumanrights.com/en/yourrights/equalityanddiscrimination/gender/pages/introductiontogender.aspx](http://www.equalityhumanrights.com/en/yourrights/equalityanddiscrimination/gender/pages/introductiontogender.aspx)

### **The following guidance focuses on the disability strand**

#### **What is the legal definition of disability?**

Under the Disability Discrimination Act 1995, as amended, a disabled person is defined as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

#### **What is the social model of disability?**

Under the social model of disability, a person is disabled by society's failure to accommodate an individual's needs. Therefore, under the social model, it is the failure of society that disables people, not the circumstances of the individual.

#### **Responsibility of schools in relation to disability**

Schools must make sure they are not discriminating, either directly or indirectly, against disabled members of staff or job applicants. They must not discriminate:

- in the arrangements they make for determining admissions, including in the terms on which they offer to admit a disabled person, or by refusing or deliberately omitting to accept an application for admission

- by excluding the person temporarily or permanently from the school on the basis of disability
- in the services they provide, or offer to provide to teachers. This includes everything to do with teaching, learning and assessment, as well as services such as accommodation and welfare
- by harassing a disabled person, or
- by failing to make 'reasonable adjustments' where existing arrangements or provision place disabled teachers at a substantial disadvantage in comparison with non-disabled people.
- Under the 2005 amendment to the Disability Equality Duty, all public authorities also have a general duty to promote disability equality. They must:
  - promote equality of opportunity between disabled persons and other people
  - eliminate unlawful disability discrimination (including the failure to make reasonable adjustments);
  - eliminate harassment of people with disabilities that is based on the disability
  - promote positive attitudes towards people with disabilities
  - encourage disabled people to participate in public life, and
  - account for disabled people's disabilities, even when doing so involves treating the person more favourably than people without disabilities.

For more information about the Disability Equality Duty, including guidance on equality impact assessment, visit the website by the Equality and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **What constitutes reasonable adjustments?**

There is no prescribed list of reasonable adjustments. Schools should make reasonable provision for all teachers who teach at their institution. Failure to make a reasonable adjustment is unlawful discrimination. The duty to make reasonable adjustments is fundamental to the Disability Discrimination Act. It requires schools to take positive steps to make programmes and related services accessible to disabled trainees, to ensure that they can access the same opportunities as non-disabled people.

The Act does not define what is and is not reasonable, as this will depend on the individual circumstances of each person. Examples of what constitutes a reasonable adjustment include:

- adjustments to premises
- altering the hours of training
- acquiring or modifying equipment
- modifying procedures for testing or assessment
- providing a reader or interpreter, and
- providing supervision or other support.

Further guidance is given in the Equality and Human Rights Commission's code of practice, which can be accessed via their website's publications list.

[www.equalityhumanrights.com/en/publicationsandresources/Pages/EqualityandHumanRightsCommissionpublications.aspx](http://www.equalityhumanrights.com/en/publicationsandresources/Pages/EqualityandHumanRightsCommissionpublications.aspx)

## **Applying for teaching jobs**

Disabled people should not be excluded from teaching simply because they cannot carry out related tasks that fall outside the definition of teaching, if these tasks could be carried out by others. Teaching is legally defined as:

- planning and preparing courses for children
- delivering lessons to children
- assessing the development, progress and attainment of children, and
- reporting on the development, progress and attainment of children.

Teachers can, when interviewed, signal to schools that funding is available for making reasonable adjustments. For more information please see the 'Access to Work' section on the Jobcentre website.

[www.jobcentreplus.gov.uk/JCP/Customers/outofworkhelplookingforwork/Getting\\_job\\_ready/Programmes\\_to\\_get\\_you\\_ready/Dev\\_014875.xml.html](http://www.jobcentreplus.gov.uk/JCP/Customers/outofworkhelplookingforwork/Getting_job_ready/Programmes_to_get_you_ready/Dev_014875.xml.html)

## **Confidentiality and discrimination**

Under the Data Protection Act 1998, information about impairments is considered 'sensitive information'. This means that this information cannot be passed to anyone else without explicit and informed consent. Candidates therefore have the right to ask that such information is treated as confidential.

## **Useful links**

**The Equality and Human Rights Commission** is an independent body established by an Act of Parliament. It has general duties and powers, enabling it to work towards eliminating discrimination against disabled people and to promote equal opportunities.

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

**Teachernet** is a rich web resource for teachers. It contains further information for teachers on a variety of issues, including in particular the Disability Equality Duty, the 'Access to Work' scheme, and the duties of schools under the Disability and Discrimination Act.

[www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddadedaccesstowork/](http://www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddadedaccesstowork/)

**Skill: National Bureau for Students with Disabilities.** This is a national charity promoting opportunities for young people and adults with any kind of impairment in post-16 education, training and employment.

[www.skill.org.uk](http://www.skill.org.uk)

**The United Kingdom's Disabled People's Council (UKDPC)** acts as a coordinated forum of organisations of disabled people, and can put you in touch with local groups.

[www.bcodp.org.uk](http://www.bcodp.org.uk)