

Information Regarding the Disability Discrimination Act 1995 (2005) as amended by SEND code of Practice (SEND)



Burton Pre-School Playgroup is committed to follow this new legislation. Outlined below is some information to help understand what it means for our Playgroup and the practices we need to follow.

What does the Act do?

It aims to end discrimination against disabled people and gives them rights in relation to employment and obtaining goods and services. The Special Educational Need and Disability Act amends the Disability Discrimination Act to prevent discrimination against people in their access to education.

Relevant areas of the Act

- Employers
- Education Service Providers
- Special Educational Needs Provision

Employers and Service Providers

Burton Pre-School Playgroup intends to take reasonable measures to make sure that they are not discriminating against disabled people.

What does 'Disabled' mean?

Any physical, mental or sensory impairment, which is substantial and has a long term effect (ie. At least 12 months). Conditions likely to be included are ME, HIV, severe disfigurement, dyslexia, diabetes, epilepsy and others. Burton Pre-School Playgroup will be pro-active in finding out whether a child is disabled within the meaning of the Act, and gain knowledge about the particular disability. When completing registration forms, parents are asked for this information. The principals always inform staff of this information after discussion with parents to enable us to welcome all children.

Employers

It is against the law for an employer to treat a disabled person less favourably than someone else because of his or her disability, unless there is a good reason.

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Burton Pre-School Playgroup consider their duties under the Act when recruiting staff, eg. When advertising positions, during the application process, in a selection criteria, during the interview procedure and in terms of employment.

In order to help a disabled person do the job, Burton Pre-School Playgroup will look at what reasonable changes could be made. Cost and amounts of change would need to be taken into consideration.

Educational Service Providers

From September 2002 new duties will be placed on playgroups not to discriminate against a 'disabled' child :-

- In its admission arrangements
- In the terms on which it offers a place
- By refusing or deliberately omitting to accept an application for admission
- In the provision of education or associated services offered to children
- By excluding the child from the playgroup

We aim that no disabled child receives less favourable treatment and take all reasonable steps to ensure this.

There are two forms of discrimination, less favourable treatment and failure to take reasonable steps. The latter is more likely to cause problems in practice, and it is where the playgroup fails to the disabled child's detriment to take reasonable steps to ensure that the disabled child is not substantially disadvantaged as compared to the children who are not disabled, and the failure cannot be justified.

Playgroup will only be able to justify not taking reasonable steps where the reason for such action is both material to the circumstances of the individual case and substantial.

A disabled child's parents may ask for the nature or the existence of the child's disability to be kept confidential.

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Penalty for Discrimination

As Educational Service Providers

Parents have no right to claim damages for breach of the legislation but the Special Educational Needs and Disability Tribunal can rule that a child has been unlawfully discriminated against and make an order that would remove or reduce the effect of the discrimination

As Employers

Disabled people who feel that their employer has discriminated against them can complain to an Employment Tribunal.

A code of practice for the elimination of discriminated in the field of employment against disabled persons has been published and is available from the Disability Right Commission.