

- ⇒ effect of the disability
- ⇒ Health and Safety requirements
- ⇒ maintenance of standards
- ⇒ interests of other pupils

**SEND Information, Advice and Support Service
(SENDIASS)
The Mount Education Support Centre
Mount Avenue
Penkull
Stoke on Trent
ST4 7JU**

**Tel: (01782) 234701 or 234847
By Text: 07880 179812
E-mail: iass@stoke.gov.uk
Web: www.sendiass-stoke.co.uk**



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Information Advice and Support

Equality Act 2010



Equality Act 2010

The Equality Act 2010 simplifies the current laws and puts them all together in one piece of legislation. Also, it makes the law stronger in some areas. So depending on your circumstances, the new Act may protect you more. For more information, The Equality Act 2010 can be found at:
http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

Protected Characteristics

- Age (does not apply to schools or children/young persons under 18)
- Disability
- Gender re-assignment
- Marriage and Civil Partnerships (not to education or services and public functions)
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Disability Discrimination

- Discrimination
- Indirect discrimination
- Discrimination arising from a disability
- Failure to make reasonable adjustments
- Harassment
- Victimisation

Definition of Disability

The Disability Discrimination Act 1995 (DDA) defines a disabled person as someone who has:

‘a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities’.

Discrimination Arising from a Disability

- Unfavourable treatment.
- Because of something arising in consequence of a disability.
- Can be justified only as a *proportionate means of achieving a legitimate aim*.
- Unless did not know, and could not reasonably be expected to have known, that someone has the disability.

Failure to Make Reasonable Adjustments

- Reasonable adjustments: an anticipatory duty
- Three elements:
 - ⇒ provision, criterion or practice
 - ⇒ physical feature: does not apply to schools; schools must have an accessibility plan
 - ⇒ auxiliary aids: schools included since September 2012
- Breach of the duty to make reasonable adjustments
 - ⇒ cannot be justified
 - ⇒ constitutes discrimination

Auxiliary Aids

- Provision through the SEN framework
- Which children?
 - ⇒ disabled children with SEN
 - ⇒ disabled children who do not have SEN
- Children with a range of medical needs

Auxiliary Aids

- Auxiliary aids: Also includes services.
- Factors to take into account, include:
 - ⇒ support through Education Act 1996
 - ⇒ resources of the school
 - ⇒ financial and other costs
 - ⇒ effectiveness of step
 - ⇒ practicability