

CIRCULAR

Circular No. 02/141/E&EO

Date: 7 October 2002

To: Secretaries of Divisions in England and Wales - **FOR
INFORMATION AND ACTION**
Secretaries of Local Associations in England and Wales - **FOR
INFORMATION**
Equal Opportunities Officers - **FOR INFORMATION**

Dear Colleague

DISABILITY DISCRIMINATION ACT 1995 PART 4: DISABILITY RIGHTS COMMISSION CODE OF PRACTICE FOR SCHOOLS

Attached to this Circular is a summary of the Disability Rights Commission (DRC) Schools' Code of Practice explaining the new duties, from September 2002, not to discriminate against disabled pupils and prospective pupils in the provision of education and associated services in schools, and in respect of admissions and exclusions.

BACKGROUND

New duties, which come into effect in September 2002, extend the Disability Discrimination Act 1995 (DDA) to cover every aspect of education. The Special Educational Needs and Disability Act 2001 amends Part 4 of the DDA to prevent discrimination against disabled people in their access to education. Chapter 1 of the new Part 4 of the DDA sets out the requirements on those providing school education. The duties make it unlawful to discriminate, without justification, against disabled pupils and prospective pupils, in all aspects of school life. The principle behind this legislation is that wherever possible disabled people should have the same opportunities as non-disabled people in their access to education. See Circular 121/01 (E/EO) for more information about the SEN and Disability Act.

The Code should also be read alongside the DfES guidance "Accessible Schools: planning to increase access to schools for disabled pupils." (see www.dfes.gov.uk/sen for more details). In addition, this circular should be read alongside "Finding Your way around", the Union's guide to the guidance and legislation in this area, at www.teachers.org.uk, and Circular 02/017/E&EO, the Union's guide to the SEN Tribunal regulations.

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ACTION FOR DIVISIONS

The Summary attached to this Circular is provided as an easily accessible resource when Division Secretaries are asked a question about the implications of the DRC Code of Practice. No actions are expected of secretaries arising from the summary other than the advice set out below.

Divisions are encouraged to press LEAs to:

- ensure sufficient training opportunities for schools on the implications of both the DRC Schools' Code of Practice and the DfES guidance "Accessible Schools", and that such training takes place within the school day;
- give schools sufficient and timely information about disabled children who may be coming to their school. In order to make reasonable adjustments, responsible bodies will need accurate information about children who may be coming to the school and for whom they may need to make reasonable adjustments;
- issue guidance to schools on accessibility planning , and how schools' plans will link to the LEA accessibility strategy;
- issue a timescale to schools outlining when LEAs will introduce their accessibility strategy and when schools are expected to introduce their accessibility plans; and
- ensure that LEAs maintain sufficient resources to meet the needs of disabled pupils, including utilising the Schools' Access Initiative for physical adaptations to schools, where necessary.

Further information

A copy of the Code has been sent to all schools, but can be purchased from The Stationery Office. The Code is also available in alternative formats or via the Internet: <http://www.drc-gb.org>.

Free information about the Act can be obtained by contacting the DRC Helpline:

Tel: 08457 622 633	Textphone: 08457 622 644	Fax: 08457 778 878
E-mail: enquiry@drdc-gb.org	Post: DRC Helpline, FREEPOST, MID 02164, Stratford upon Avon CV37 9BR	

Yours sincerely

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Education and Equal Opportunities