

“The Disability Discrimination Act 1995”

As amended by the Special Educational Needs and Disability (SEND) Act 2001



LCVYS has developed a series of Fact Sheets covering a number of topics. These are all available on our web site at www.lcvys.org.uk or can be requested from the LCVYS office by fax (01772 250042) phone (01772 250001) or e-mail factsheets@lcvys.org.uk

Don't Panic !

Many people in the voluntary sector are worried that the DDA means that they must start installing disabled ramps, lifts and many, many other expensive items to keep legal. Don't panic, the guide below is here to try and give you the facts, tell you what you MUST do and what is good practise. NO voluntary organisation should have to close down because they cannot afford to install ramps, lifts, special toilets and so on.....

The Disability Discrimination (DDA) Act is in two parts, one relates to schools and the other to post-16 education. The statutory youth service is included in the post-16 section of the act. The non-statutory youth service (i.e. LCVYS members & others) are NOT covered by the post-16 sections of the act, however, if they receive funding from the local authority, the local authority will want to ensure that the work they are funding complies with the act. Therefore, if you receive direct funding from the local authority, you should seek to be working towards complying with the act. If you do not receive funding from the local authority, you should still be aware that part III of the 1995 act still applies to you.

The act can be viewed on-line at: <http://www.hmsso.gov.uk/acts/acts1995/1995050.htm>

Useful other Links: Disability Rights Commission - www.drc-gb.org

Part III of the act - <http://www.legislation.hmsso.gov.uk/acts/acts1995/95050--c.htm#19>

Code of Practise - <http://www.drc-gb.org/drc/Documents/DRC%20COP%20Rights%20of%20Access.doc>

Who is disabled – Not just people in wheelchairs.

Disabled people are individuals in their own right; there are many forms of disability, some obvious, some hidden, some come and go. They can vary in severity. Some people are born disabled, some become disabled. As we grow older, most of us will experience a disability of some form or another.

The act defines a disabled person as “Someone who has a physical or mental impairment, which has an effect on his or her ability to carry out normal day to day activities. That effect must be:

- Substantial (That is more than minor or trivial), and
- Adverse, and
- Long Term (That is, has lasted or is likely to last at least 12 months)

Examples of disabilities could be physical, mental, partially sighted, deafness, diabetic.....

In depth explanation at: <http://www.drc-gb.org/drc/Documents/defdisability.doc>

What the act is about – helping to reduce discrimination

The aim of the act is to remove all forms of discrimination and social exclusion that may stand in the way of disabled people achieving their potential and from playing a full part in the life of their community.

What is Discrimination? – Where would we be falling foul of the law

- When a responsible body treats a disabled person **less favourably** for reasons relating to the person's disability, than it treats (or would treat) a person to whom that reason does, or would not, apply and the treatment cannot be **justified**.
- When a responsible body fails to make a **reasonable adjustment** when a disabled young person is placed, or likely to be placed at a **substantial disadvantage** in comparison with a person who is not disabled.

How far do we need to go? – How does this affect us in reality?

A responsible body (Your organisation) should not be looking for reasons or excuses to discriminate against disabled people or “get out” of having to comply. However, we need to know sensible limits that will be the very best compromise to provide maximum benefit to ALL young people without crippling the organisation financially or organisationally.

When considering what is “Reasonable Adjustment”, account should be taken of:

- Maintaining national standards in specialist activities
- Maintaining other prescribed standards e.g. drama or musical
- Conditions prescribed by external bodies
- Reasons material and substantial related to an individual or circumstances.

If a young person can show he/she has been treated less favourably than others in relation to his/her disability then it is for the responsible body to show that the action taken can be justified.

Health & Safety overrides this act, it is quite justifiable to prevent disabled people from taking part in an activity if due to their disability, no reasonable adjustments can be made for it to be safe for them to do so.

Reasonable Adjustments – will include making adjustments to:

- Premises
- The programme and nature of activities offered
- The organisation and delivery of activities
- Communication and publicity
- Materials & information in other forms
- Staff training (Including volunteers)
- Policies
- Transport