**Disability Policy and Statement**

**Control of Document:** Senior leadership Team

**Policy Aims and Intention:**

Adult Community Learning Essexwants to promote a culture where everybody feels a personal responsibility to promote the dignity of all those with whom we work. The Service aims to work within the context of the Social Model of Disability. The Service will ensure a support mechanism is in place when required to advise/guide all parties involved in compliance with the policy or with complaints.

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| **Responsibility**  | Safeguarding and EDI Lead  |
| **Date of Acceptance** | August 2007 |
| **Last review date** | August 2020 |
| **Next Review Date** | August 2021 |
| **Audience** | All Managers, academic and support staff, volunteers, Learners, and other service users. |

**The Policy**

For the purpose of this document the use of the term learner is inclusive of apprentices.

The Service takes account of the legal requirements of the Disability Discrimination Act (DDA) 1995, the Special Educational Needs and Disability Act (SENDA) 2000 and the Disability Discrimination Act (Amendment) Regulations 2003. It will also pay due regard to any new or amended requirements introduced as a result of the Equality Act 2010, which include our duty to:

* Eliminate discrimination, harassment and victimisation.
* Advance equality of opportunity.
* Foster good relations.

**Direct discrimination**

Direct discrimination would occur if a learner was treated less favourably than we would treat another learner because of a disability.

Indirect discrimination will occur if the following four conditions are met:

1. The provision, criterion or practice is applied equally to all relevant learners, including a learner with a protected characteristic.
2. The provision, criterion or practice puts or would put learners sharing a protected characteristic at a disadvantage compared to relevant learners who do not share that characteristic.
3. The provision, criteria, practice or rule puts or would put the particular learner at a disadvantage.
4. You cannot show that the provision, criterion or practice is justified as a ‘proportionate means of achieving a legitimate aim’.

**Discrimination by association**

Occurs when you treat a learner less favourably because of their association with another person who has a protected characteristic.

**Indirect Discrimination**

Indirect discrimination would take place if a provision, criterion or practice applied to all learners or a particular learner group, puts learners who share the protected characteristic at a particular disadvantage compared with learners who do not share that characteristic and it cannot be objectively justified as ‘a proportionate means of achieving a legitimate aim’. This is explained below.

Disadvantage can take many different forms, such as denial of an opportunity or choice, deterrence, detriment, rejection or exclusion.

Provision’, ‘criterion’ or ‘practice’ are not defined in the Equality Act but would include:

* arrangements (for example, for deciding who to admit)
* the way that education, or access to any benefit, service or facility is offered or provided
* one-off or discretionary decisions
* proposals or directions to do something in a particular way
* formal and informal policies
* rules
* practices
* criteria and prerequisites.

These may or may not be written out formally.

# Responsibilities for Adult Community Learning

The Service has certain specific duties under the DDA:

* To promote equality between disabled people and other people
* To eliminate unlawful discrimination
* To eliminate disability-related harassment
* To promote positive attitudes towards disabled people in public life
* To take account of disabled people’s disabilities, even where that involves treating disabled people more favourably than others

Essex County Council is committed to the fair treatment of all staff and learners. All allegations of discrimination must be taken seriously and investigated and dealt with sensitively, professionally and speedily. The Council believes that bullying, harassment, victimisation and discrimination in any form is unacceptable. Any learner or member of staff committing an offence may be personally liable for their behaviour under Equal Opportunities legislation.

The legislation is anticipatory and means that the service must take into account all potential learners. Whether there are existing learners with disabilities, or the possibility of such learners in the future, a range of services for people with disabilities must be available.

It is unlawful for ACL to discriminate in:

* Access to premises and facilities, e.g. parking, refreshment areas where appropriate
* Admissions and enrolments
* Exclusions
* Provision of ‘learner services’ e.g. additional learning support, tutorials, assessment and verification, examinations, work experiences and visits

Adult Community Learning Essex has developed a Single Equality Scheme (SES) which details actions taken by ACL to fulfil its equality duties, namely; to eliminate unlawful discrimination and harassment, promote equality of opportunity, and promote good relations and positive attitudes between people of diverse backgrounds in all its activities.

**Confidentiality**

A learner has the right to request that the existence of his or her disability is kept confidential and, in these circumstances, must be made aware that the Service may not be able to fully meet their additional needs. Learners who disclose are asked if the information they share can be given to all members of staff who require this information to ensure appropriate measures can be put in place to support the learner throughout their learning journey in order to maximise their potential for achievement of their learning goal(s).

**Method of implementation**

* Appropriate use of Disclosure process including the Learner Welfare form.
* Appropriate use of Learner Support Plan
* Classroom observation
* Differentiation of teaching and learning
* Display Disability statement in appropriate locations and publications
* Carry out Equality Impact Analysis when appropriate
* Existing facilities are kept under review in order that those members of the community with physical, mental health and learning difficulties and/or disabilities will have full access to all areas of Adult Community Learning life.
* Have an Inclusive approach which recognises diverse needs
* Act on Learner Feedback
* Make reasonable adjustments whenever possible
* Qualified/trained staff *see Staff Development Policy*
* Safe and supportive learning environment

**Effectiveness Measures**

**Quality**

Comparative data for learners with disclosed disabilities/learning difficulties:

• Compliments and Complaints

• Learner Retention

• Learner Achievement

• Learner Success

• Learner Satisfaction (service)

• Learner Satisfaction (learning support)

• Observation of Teaching and Learning

• Observation of Learning Support

• Training and development activities

**Learners**

Monitoring of % take up and impact by:

• Disclosed Disability and or difficulty

• Those in receipt of Discretionary Learner Support Funding

• Those in receipt of ACL Community Learning Bursary Fund

• Those in receipt of 24 + Advanced Learning Loans

• Learners in financial hardship

• Implementation of Learning Support Plans

 **The Disability Statement**

The principle of equality of opportunity and outcome for all people with a disability is applied across Adult Community Learning Essex. Regardless of age, gender re-assignment, marriage and civil partnership, pregnancy and maternity race, religion and belief, sex, sexual orientation, socio-economic, financial hardship and/or rural isolation, all learners and staff are treated equally and fairly on a day-to-day basis.

We will make every effort to ensure staff and learners and potential staff and learners have access to:

- Accessible premises and facilities

- Accessible services

- Access to Work Scheme

- Additional Learning Support.

- High quality National Careers Guidance (IAG)

- Job Interview Guarantee Scheme

Related ACL policies:

* Admissions Policy
* Adult safeguarding Policy
* Children and Young people Safeguarding Policy
* Exams Disability policy
* Attendance Policy
* Computer Use Policy
* Learning Support Policy
* Equality and Diversity policy
* Exclusion Policy
* Health and Safety Policy
* Harassment and Bullying policy
* Visitor and External Speaker policy
* ECC Safer Recruitment
* ECC Code of Conduct
* ECC Whistle Blowing policy
* Staff handbook