

## **Appendix A**

### **Disability Discrimination Act 1995**

#### **Code of Practice 2006**

#### **What is the duty to make reasonable adjustments?**

The duty to make reasonable adjustments is a legal responsibility under the DDA. It applies to people such as employers, service providers and education providers and is intended to make sure that disabled people do not face substantial difficulties in employment, education or when using services. Failure to make reasonable adjustments can be a form of discrimination and is unlawful.

The DDA defines a reasonable adjustment as a reasonable step taken to prevent a disabled person suffering a substantial disadvantage compared with people who are not disabled. In the case of employers, for example, the duty applies to any disadvantage caused by a provision, criterion or practice applied by, or on behalf of, the employer, or any physical feature of premises occupied by the employer.

A 'substantial disadvantage' is one that is not 'minor' or 'trivial'.

The term 'provision, criterion and practice' covers an employer's policies on offering work, terms and conditions, managing and dismissing staff, and the way in which these are carried out.

#### **Disability in education**

It is unlawful for education providers to treat you less favourably for a reason related to your disability or to fail to make reasonable adjustments to prevent you being placed at a substantial disadvantage.

It is against the law for education providers to discriminate against you in the following areas:

- Admissions (including placing requests)
- The curriculum, teaching and learning and other services which are provided wholly or mainly for students – including school trips and outings, school sports, leisure facilities and school meals, libraries and learning centres, work experience and student accommodation
- By excluding you from an education institution or course.

The duty on Post-16 education providers to make reasonable adjustments includes the provision of auxiliary aids and services, and removing or altering physical features.

The **Disability Rights Commission** has written and produced a revised Code of Practice concerning new duties (under the provisions of the Disability Discrimination Act 1995 and associated regulations) upon providers of post-16 education and related services which came into force on 1 September 2006. The new duties aim to reduce inequalities experienced by disabled people in relation to post-16 education. By doing this, it is expected that the educational attainment levels of disabled people will significantly improve and that this, in turn, will diminish inequalities disabled people experience in access to, and progression within, the labour market.