

May 2005

Disability discrimination in early years education

The Disability Discrimination Act (DDA) now applies to every area of early years provision including schools, nurseries, pre-schools, playgroups and childminders. It makes no difference whether local authorities, social services, health centres or private providers run them.

Key duties

The DDA sets out two main duties and these apply to all providers. A failure to comply with these duties may amount to unlawful discrimination. The two key duties are:

- not to treat a child “less favourably”;
- to make “reasonable adjustments” for disabled children.

This means early years providers must not:

- refuse a child a service
- offer a lower standard of service
- offer worse terms

This applies to all disabled children, whether or not they are thought to have special educational needs.

What does this mean for service providers?

Services have to show that they have considered both children they know about and children who might want to attend at some time in the future.

However, services do not have to:

- buy any extra equipment

- employ any extra staff
- change the building in any way.

All services now have to think about changing the way they plan and operate their service to ensure that they do not treat a disabled child less favourably than a non-disabled child. In both their planning and practices they are expected to make reasonable adjustments.

For example think about starting school. Many early years services ask for a child to be toilet-trained before they can begin. If a child is not toilet-trained and this is part and parcel of their disability, the service should re-consider how they might let the child start while in nappies.

If a child needs extra staff or extra equipment the service does not have to supply these. He/she may need the support of the Local Education Authority to access this type of help. The service cannot refuse to accept a child without thinking through what they might do to enable them to start, and how they might access any available additional support.

Similarly, if a child is denied a school trip or access to any part of the curriculum and this is related to the child's disability, discrimination may have occurred.

What can I do if I think discrimination has taken place?

This Act is relatively new, having come into effect from September 2002, and early years services will still be finding ways to move their practice forward to meet the new requirements.

If you think discrimination has taken place,

- first talk things through with the service manager
- if you are still unhappy, you can make a complaint through the service's complaints procedure
- if you still feel that discrimination has taken place there is a Tribunal that can look at the issues and make a decision.

Further information

It may be helpful to discuss your situation with one of the specialist organisations offering support on educational issues.

Advisory Centre for Education (ACE)

The advice line is open 2 pm - 5 pm Monday to Friday

Tel: 0808 800 5793

Website: <http://www.ace-ed.org.uk>

Network 81

The advice line is open 10 am - 2 pm Monday to Friday

Tel: 0870 770 3306

Website: <http://www.network81.co.uk>

The Independent Panel for Special Educational Advice (IPSEA)

Tel: 0800 0184016

Website: <http://www.ipsea.org.uk>

Council for Disabled Children

Tel: 020 7843 1900

Email: mbremmers@ncb.org.uk

Website: www.ncb.org.uk

Codes of practice are now available from **the Disability Rights Commission**

Helpline: 08457 662 633

Email: enquiry@drc.org.uk

Website: www.drc.gb.org

This document is for information purposes only.

For more information about cerebral palsy and Scope services

Contact Scope's Cerebral Palsy Helpline for information, advice and support. Copies of all Scope's information sheets can be downloaded from the website or obtained from the Helpline. Referrals to Scope's Community Teams and services can be made through the Helpline.

The Helpline hours are:

Monday - Friday 9 am to 9 pm. Weekends 2 pm to 6 pm

Cerebral Palsy Helpline

PO Box 833

Milton Keynes

MK12 5NY

Tel: **0808 800 3333**

Fax: 01908 321051

Email: cphelpline@scope.org.uk

Scope's website address is www.scope.org.uk

Scope acknowledges the help and support of everyone who has been involved in the production of this information.

This information can be made available in other formats if required eg. large print or tape. We also have information about Scope and cerebral palsy available in 13 languages on audiotape and can offer a telephone interpreting service to people whose preferred language is not English..

Please contact Scope's Cerebral Palsy Helpline for more details of these services.

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