

## Early years and the Disability Discrimination Act 1995

What service providers need to know

From September 2002 the Disability Discrimination Act 1995 (DDA) applies to all providers of early years services. This leaflet explains how the DDA applies to those providing care and education in early years settings. It provides examples of how the duties work and suggests some simple approaches that may help to ensure that disabled children are not discriminated against.



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COUNCIL FOR  
DISABLED  
CHILDREN

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## Contents

|    |   |    |
|----|---|----|
| 1  | Introduction . . . . .  | 1  |
| 2  | Which settings are covered by Part 4 of the DDA? . . . . .  | 2  |
| 3  | Which settings are covered by Part 3 of the DDA? . . . . .  | 2  |
| 4  | What is discrimination? . . . . .   | 2  |
| 5  | What is ‘less favourable treatment’? . . . . .  | 3  |
| 6  | What are ‘reasonable adjustments’? . . . . .  | 5  |
| 7  | How does the ‘reasonable adjustments’ duty apply to schools? . . . . .                                  | 6  |
| 8  | How does the ‘reasonable adjustments’ duty apply to early years providers other than schools? . . . . . | 8  |
| 9  | What is ‘reasonable’? . . . . .   | 9  |
| 10 | Which children are covered by these duties? . . . . .   | 10 |
| 11 | Is there a difference between disability and special educational needs? . . . . .                       | 11 |
| 12 | Information and the DDA duties . . . . .  | 11 |
| 13 | Who is responsible for ensuring that a disabled child is not discriminated against? . . . . .           | 12 |
| 14 | What happens if a disabled child is discriminated against? . . . . .                                    | 13 |
| 15 | Preventing discrimination against a disabled child . . . . .  | 14 |
| 16 | Where can we go for additional help in meeting the duties? . . . . .                                    | 15 |
| 17 | Conclusion . . . . .  | 16 |
|    | Further information and contacts . . . . .  | 17 |

*This document is intended as guidance only and should not be treated as an authoritative interpretation of the law, which is a matter for the courts.*

## The Early Childhood Unit at the NCB

The Early Childhood Unit (ECU) was established within the National Children’s Bureau in 1988 and works nationally to link together practice, research and information in support of the following aims:

- to champion the holistic needs of all young children
- to ensure the effective dissemination of high quality information and good practice within the early years sector and to other interested parties
- to promote and develop effective multi-agency and cross-agency partnerships, networks and other relationships
- to develop all work in collaboration with partners inside NCB and/or in the wider early years sector
- to develop specific areas of work which have been identified as important by the networks we support.

## Council for Disabled Children

The Council for Disabled Children, (CDC) was founded in 1974 as an independent policy forum under the aegis of the National Children's Bureau in order to encourage discussion, development and dissemination of a wide range of policy and practice issues relating to service provision and support for children and young people with disabilities and special educational needs.

The CDC aims to:

- raise awareness of the needs of disabled children and their families
- encourage multi-agency working and to contribute to the development of policy and practice across central and local government and child health services
- promote the positive participation of disabled children and their families in individual decision-making and wider policy development and service planning
- provide an independent national forum for the discussion and resolution of issues relating to disabled children and their families.

The CDC supports the Special Educational Consortium, the National Network of Parent Partnership Services and the ADSS Network for Disabled Children. It works closely with the Disability Rights Commission and a wide range of statutory, voluntary and professional bodies. Our membership is drawn from a wide range of professional, voluntary and statutory organisations and includes representation from families and disabled people.

## 1 Introduction

From September 2002 the Disability Discrimination Act 1995 (DDA) applies to all providers of early years services. This leaflet explains how the DDA applies to those providing care and education in early years settings. It provides examples of how the duties work and suggests some simple approaches that may help to ensure that disabled children are not discriminated against.

The DDA has applied to the provision of childcare since it came into force in 1996. At that time education was exempt from the DDA. The Special Educational Needs and Disability Act 2001 brought in changes to both the special educational needs (SEN) legislation and to the DDA. The changes extended the coverage of the DDA to include education so that, from September 2002, it is unlawful to discriminate against disabled children in the provision of any service.

This leaflet focuses on the way the DDA duties apply to the childcare and education provided in early years settings. It recognises, but does not attempt to summarise, the SEN duties. These are explained in the *Special Educational Needs Code of Practice*, particularly in Chapter 4, which provides guidance on the SEN responsibilities of early years settings that are in receipt of Government grant.

The focus of this leaflet is on the DDA duties. It explains the duties and shows how settings can comply with the legislation. It is recognised that, in many settings, the good practice that already exists goes beyond what is required under the DDA duties. The good practice that exists is recognised but is not explored in this leaflet.

The DDA duties apply to all early years settings: to schools and pre-schools, to mainstream and to special, to private, voluntary, independent and state-maintained settings, to individual child-minders and to networks of accredited childminders, to education and social services provision. The duties cover all providers of early years childcare and education whether or not they are in receipt of government funding.

There are two core duties under the DDA. These two core duties apply to all early years settings. However, there are differences in the way the duties apply to schools and to other providers. The practicalities of which settings are covered by which part of the DDA are explained in sections 2 and 3.

## **2 Which settings are covered by Part 4 of the DDA?**

Those early years settings that are constituted as schools are covered by Part 4 of the DDA. Part 4 applies to all schools: private or state-maintained, mainstream or special. The duties cover discrimination in admissions, the provision of 'education and associated services' (a broad term covering the whole life of the school) and exclusions.

## **3 Which settings are covered by Part 3 of the DDA?**

Part 3 of the DDA covers all providers that are not constituted as schools: day nurseries, family centres, childcare centres, pre-schools and playgroups, individual childminders and networks of accredited childminders and other private, voluntary and statutory provision that is not established as a school. The duties cover the refusal to provide a service, offering a lower standard of service or offering a service on worse terms to a disabled child.

## **4 What is discrimination?**

The DDA sets out two main duties. These apply to all providers under both Parts 3 and 4. A failure to comply with these two duties may amount to unlawful discrimination. The two key duties are:

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

The two duties are explained in more detail, in sections 5 and 6.

## 5 What is 'less favourable treatment'?

The DDA sets out a duty not to treat a disabled child 'less favourably' than someone else for a reason related to their disability.

### Example 1

*A mother seeks admission to a nursery school for her son who has Hirschprung's disease. The school says that they could not admit him until he is toilet trained. That is their policy for all children. Hirschprung's disease may lead to the late establishment of bowel control. The refusal to admit the boy is for a reason related to his disability and may be discriminatory.*

There may sometimes be justification for less favourable treatment, but it is the blanket policy in this example that is likely to make it discriminatory. The school has not explored the nature of the boy's condition. They have not taken advice about the management of the condition, nor considered whether they may be able to adapt the routine procedures that they have in place to deal with accidents that occur from time to time for all young children.

### Example 2

*A pre-school leaves a child behind when the rest of her group goes to the park to see a puppet show. The girl has learning difficulties and the staff consider that there is no point in taking her as she will not understand the show. The decision not to take her to the show is for a reason related to her disability and may be discriminatory.*

In certain circumstances there may be justification for less favourable treatment but in this example it would appear to be unlikely. The pre-school does not appear to have considered how the girl might be supported in watching and enjoying the puppet show if she had accompanied the other children, or how they might prepare her for the show, perhaps with a picture book or with puppets played with in advance of the visit.

### Example 3

*A young boy with autism collects his sandwich box for his lunch and then has to queue for a drink. He is anxious and agitated in the queue and when another boy teases him he turns round and bites him. It is a severe bite and the young boy with autism is excluded from the setting.*

*The boy is excluded because he bit the other child. The question is whether biting the other child was linked to the nature of his disability. Some of the features of his autism are that:*

- *he finds it difficult to be so close to the other children;*
- *he does not understand the purpose of a queue;*
- *he does not know how to cope with the taunt from the other boy.*

*It is possible that his reaction is related to the nature of his autism and therefore the exclusion may be less favourable treatment for a reason related to his disability.*

In certain circumstances, there may be justification for treating a disabled child less favourably. Less favourable treatment may be justified where there is a 'material and substantial' reason. Biting another child might count as a 'material and substantial' reason, but there is a further consideration: it may not be possible to justify less favourable treatment if 'reasonable adjustments' could have been made but were not. 'Reasonable adjustments' in this situation might have been:

- putting the drinks ready on the table before lunch, at least for the boy with autism, so as to avoid the queuing;
- giving the boy a safe place to go to when he gets too anxious;
- training staff in understanding the nature of his autism.

If the setting had done all these things and the incident had still occurred, the exclusion may have been justified, but if they had not done any of these things they may not be able to justify the less favourable treatment of the disabled boy.

## 6 What are 'reasonable adjustments'?

The DDA requires schools and other providers to make 'reasonable adjustments' for disabled children. The duties are 'anticipatory', that is schools and other providers need to think ahead and consider what they may need to do for disabled children before any problems arise. The following are some examples of adjustments that have been made for disabled children to ensure that they can be included in the life of the setting as fully as possible.

### Example 4

*A pre-school checks its policies, including its admissions policy, and makes some changes to ensure that conditions in the policy do not discriminate against disabled children.*

### Example 5

*Two hearing impaired children are going to be admitted to a nursery education centre. The centre:*

- *arranges training for staff in the appropriate use of radio aids;*
- *draws up guidance for staff in the light of the training. This includes guidance on the use of radio microphones, the transfer of microphones to other children at group times, and checking that the children's aids are set correctly for different activities;*
- *changes the location of the book corner. The rooms in this centre have large windows down one side. Staff decide to change the location of the book corner so that, at story times and at other times when the children come together as a group, the natural light illuminates the face, mouth and gestures of the staff talking to the children;*
- *pays particular attention to having visual prompts to hand when they are planning activities with the children and using puppets and other props at story times.*

### **Example 6**

*A child with an egg allergy is going to be admitted to a nursery class in a primary school. The school:*

- *puts in place special meal-time arrangements which will be supervised by named staff;*
- *arranges for a nurse to come in and train staff;*
- *extends their insurance to indemnify staff who volunteer to administer emergency medication.*

### **Example 7**

*A childminder is going to provide for a child with a physical impairment. The child uses a standing frame for parts of the day. The childminder thinks that it may be unsafe to let the child go in and out of the house and it may be difficult for her to play on some of the outdoor toys. At an early visit the childminder invites the parents to look at the question of access and at the outdoor toys that are available. Between them they assess the risks involved in getting up and down the steps to the outside area and they consider which equipment may help the child by encouraging particular activities and which might present a risk. They agree a plan and the parents seek the views of the occupational therapist at their next visit. When the child starts the placement, the childminder knows how the child can get in and out and which equipment she should be encouraged to use.*

## **7 How does the ‘reasonable adjustments’ duty apply to schools?**

The DDA requires schools to make ‘reasonable adjustments’ to make sure that disabled children are not at a substantial disadvantage. However, the ‘reasonable adjustments’ duty does not require schools to:

- provide auxiliary aids and services;
- make physical changes to buildings.

For schools these two requirements are covered by other parts of the legislation.



### **Auxiliary aids and services**

Schools' duties sit alongside the SEN Framework. It is the SEN Framework that requires schools and, where necessary, the local education authority (LEA) to make provision to meet the SEN of disabled children. This provision includes what the DDA describes as 'auxiliary aids and services'.

### **Physical alterations**

Again, whilst schools are not required to make physical alterations as part of the disability discrimination duties, there are requirements on schools under the 'Planning duties' to develop plans to improve accessibility for disabled children over time. There are similar duties on local education authorities. These plans have to be published by April 2003 and must show how schools are going to make improvements in three areas:

- improvements in access to the curriculum;
- physical improvements to increase access to the buildings;
- improvements in the provision of information in different formats for disabled children.

Ofsted will inspect school and LEA compliance with the duties from September 2002.

### **Further guidance**

A *Code of Practice for Schools* has been produced to explain schools' duties. The Code is produced by the Disability Rights Commission and includes a wide range of helpful examples to illustrate the duties. The Commission also produces a shorter *Guide for Schools* and a *Guide for Parents*. Contact information for the Commission appears at the end of this leaflet.

The Department for Education and Skills (DfES) provides guidance on the Planning duties. A summary of *Accessible Schools: Planning to increase access to schools for disabled pupils* has been sent to every school in England. Further copies of the summary, and the full version of the guidance, are available from the DfES (contact information at the end of this leaflet).

## **8 How does the 'reasonable adjustments' duty apply to early years providers other than schools?**

The duties in Part 3 of the DDA apply to providers of services who are not constituted as schools. The Part 3 duties require providers to make 'reasonable adjustments' to policies, practices and procedures that make it impossible or unreasonably difficult for young disabled children to make use of a service. The 'reasonable adjustments' duty in Part 3 includes:

- the provision of auxiliary aids and services;
- from October 2004, making physical alterations to buildings.

Whilst the inclusion of these duties for providers that are not schools may make them look more demanding than the schools' duties, there are other considerations to be taken into account.

Any adjustments to be made for young disabled children are covered by the concept of 'reasonableness' which is explored in section 9. So, for example: the cost of taking a particular step can be taken into account alongside a consideration of the resources available to the setting.

In meeting the requirement to provide auxiliary aids and services for young disabled children, providers will need to draw on their own resources. However, whilst the legislation is clear about the direct duty on providers, in practical terms providers may be able to draw on the SEN Framework for support beyond that which providers might reasonably be expected to make themselves. Support may be available through the Early Years Development and Childcare Partnership (EYDCP), the Special Educational Needs Coordinator (SENCO) networks and other services provided in the early years by the LEA, the local social services department and local health agencies.

Providers are already required to make a service available by a reasonable alternative method where a physical feature makes it impossible or unreasonably difficult for a disabled child to access the service. Reasonable alternatives might include using a different entrance, providing a portable ramp or changing round the use of rooms inside a building. The concept of 'reasonableness' still applies to such arrangements.

Where, after 2004, the small budgets of some providers may limit what physical alterations they might be required to make, the duty to provide access by an alternative means continues, subject again to the concept of 'reasonableness'.

Even where providers use rented premises, from 2004 they may have responsibility for making physical alterations, but, depending on the use of the rest of the building and on the use of the building at other times, the landlord may also have responsibilities. Again, providers have to do what it is 'reasonable' to do.

### **Further guidance**

A code of practice published by the Disability Rights Commission, *Code of Practice: Rights of Access: Goods, Facilities, Services and Premises*, provides general guidance on how Part 3 applies to all providers of services. It is available from the Commission.

## **9 What is 'reasonable'?**

In addition to the specific considerations, above, of what is covered by the reasonable adjustments duty under Part 3 and under Part 4, there are some general considerations about what is 'reasonable'. Some of these apply across both Parts 3 and 4. 'Reasonableness' takes account of a number of factors: costs and available resources, health and safety, the interests of other children and other considerations. Settings can take these considerations into account when they plan what they may need to do for disabled children.

### **Costs and resources**

The cost of making a particular adjustment may be seen in the light of the resources available to the setting, so that an individual childminder or a small setting with a small budget may not be expected to make adjustments that might be expected of a larger setting with a larger budget.

### **Health and safety**

For any adjustment that may have health and safety implications a setting would be well advised to carry out a risk assessment with a view to eliminating or minimising the risks involved. A setting should write down what risks they have identified and how these will be addressed. Where difficult issues arise it may be important to get a view from outside the setting. Health and safety considerations should not be seen as automatic barriers to disabled children. Instead they should help to determine how to include disabled children safely in the life of the setting. Ultimately, these considerations do not relieve the setting of identifying reasonable adjustments. They do affect decisions about which reasonable adjustment should be made.

### **Justification**

As with the less favourable treatment duty there may be justification for failing to make a reasonable adjustment. A setting may be able to justify a failure to make a reasonable adjustment, but only 'for a material and substantial reason'.

### **Further guidance**

These general considerations apply to schools and to other providers. More detailed guidance on what is reasonable is provided in the codes of practice: the *Code of Practice for Schools* and the *Code of Practice: Rights of Access: Goods, Facilities, Services and Premises*.

## **10 Which children are covered by these duties?**

Children covered by these duties are those defined as disabled in the DDA. The DDA defines disability as:

*a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to perform normal day-to-day activities.*

The definition includes a wide range of impairments, including hidden impairments. If, for example, a child has an impairment affecting their mobility, sight or hearing, or has learning difficulties, mental health problems, epilepsy, autism, a speech and language impairment, asthma, diabetes or HIV, then he or she may have a disability if the effect of the impairment on the child's ability to carry out normal day-to-day activities is 'substantial' and 'long-term'. 'Substantial' in the DDA means 'more than minor or trivial'. 'Long-term' means that the impairment has lasted at least a year, or is likely to last for at least a year.

The effect of all these different elements in the definition is to include a very large group of children within the definition of disability.

Questions often arise about whether children with behaviour difficulties are included in the definition. A child may have significant behaviour difficulties and these may relate to an underlying impairment. If they do, the child may count as disabled because of the underlying impairment.

## **11 Is there a difference between disability and special educational needs?**

Yes, there is a difference. SEN are defined in Part 4 of the Education Act 1996, the main SEN legislation. This definition is used throughout the SEN legislation. Disability is defined in the DDA and it is this definition that is used as the basis for the duties in the DDA.

In practice, many children who have SEN will also be defined as having a disability under the DDA. However, not all children who are disabled have SEN. For example, those with severe asthma, arthritis or diabetes may not have SEN but may have rights under the DDA. Similarly, not all children with SEN will be defined as having a disability under the DDA. However, it is important to remember that, under the SEN legislation, a disabled child has SEN, by definition, if they need any provision to be made for them to enable them to access the education that is available locally.

## **12 Information and the DDA duties**

The ‘reasonable adjustments’ duty is ‘anticipatory.’ This means that all settings will need to review their policies, practices and procedures to ensure that these would not discriminate against any disabled children. This should be done whether or not the setting knows of any disabled children on their current roll, or seeking admission. For some children, or groups of children, specific changes may be needed as well as more general changes.

In deciding what adjustments may need to be made, it is important that settings seek information from parents before a child is admitted, so that the necessary adjustments can be put in place in good time. If, despite opportunities and encouragement, the parents have chosen not to share this information, the setting may be able to claim they did not know about the disability. A setting would only be able to claim this if they had taken reasonable steps to find out about the existence of, or nature of, a child’s disability.

If a parent does share information about their child’s disability, but asks the manager or head teacher to keep that information confidential, this may limit what ‘reasonable adjustments’ can be made for this child. The duties recognise this.

## **13 Who is responsible for ensuring a child is not discriminated against?**

### **Responsibility for the Part 4 duties**

Responsibility for the Part 4 (schools' duties) lies with the 'responsible body' for the school. This is likely to be the governing body of a state-maintained school or the 'proprietor' (the owner, the governing body, the management group or the trustees) of a private or independent school, though in the case of an LEA nursery school it is the LEA. Where the LEA has responsibility for admissions, for example, admissions to community schools, or where the LEA provides Portage, or other home visiting services, it is also the LEA that is the responsible body.

More detail about 'responsible bodies' under the schools' duties can be found in the Disability Rights Commission's *Code of Practice for Schools*.

### **Responsibility for the Part 3 duties**

Under Part 3 it is the individual or the organisation that provides the service who has responsibility for the DDA duties, whether they are in the private, public or voluntary sector and whether the services are provided free or in return for payment. For a pre-school, playgroup or other voluntary group it is likely to be the management group for the particular setting or the organisation responsible for the service; for provision run by a social services department it is likely to be the social services department; for an individual childminder it is the childminder him or herself; for childminders working within a network it is likely to be both those who are responsible for the network and individual childminders in relation to their respective responsibilities.

More detail about the duties on service providers under Part 3 of the DDA can be found in the Disability Rights Commission's *Code of Practice: Rights of Access: Goods, Facilities, Services and Premises*.

### **Considerations under Part 3 and Part 4**

It is important to recognise that, though the provider or the 'responsible body' is responsible for ensuring that disabled children are not discriminated against, anyone working in a setting could expose it to a claim of discrimination: a volunteer or a member of staff, a manager or a trainee, a teacher, an assistant or an administrator. It follows that it will be important that those working in a setting, whether paid or unpaid, understand the duties towards disabled children and know about the 'reasonable adjustments' that need to be made for particular children.

## **14 What happens if a disabled child is discriminated against?**

Where there has been unlawful discrimination there is a means of redress.

### **Part 4**

A claim of unlawful discrimination under Part 4 of the DDA:

- is made by the parent of a disabled child;
- the claim is made to the SEN and Disability Tribunal, or in certain cases to a local admissions or exclusions appeal panel;
- if the SEN and Disability Tribunal determines that there has been unlawful discrimination, it can order any remedy it sees fit, but no financial compensation is available.

### **Part 3**

Where services are covered by Part 3 of the DDA (providers other than schools):

- a claim of discrimination is heard in the County Court;
- if the Court determines that there has been unlawful discrimination, the remedies available include financial compensation.

### **Under Parts 3 and 4**

There are many sensible measures that settings can put in place to prevent a difficulty becoming a claim of discrimination. Firstly, it is good practice (and, where the setting is in receipt of government grant, a necessary part of a setting's SEN policy) to have a complaints procedure that is widely known to parents. A complaints procedure usually starts by asking parents to raise any difficulty with the person in charge. If this does not lead to the resolution of the difficulty, the procedure is usually to take the complaint to the management group, governing body, proprietor or, in some cases, to the LEA. Beyond this, the Disability Rights Commission may be able to help. The Commission provides a confidential help line, with access to information and advice for providers, parents and disabled people. In addition, the Commission runs a conciliation service. This service may be able to assist in the resolution of the difficulty without the need to go to the courts or to the SEN and Disability Tribunal. Using the Commission's conciliation service does not affect parents' recourse to the courts or to the Tribunal. Contact information is provided at the end of this leaflet.

## **15 Preventing discrimination against a disabled child**

Many early years providers have already been working with their Early Years Development and Childcare Partnership (EYDCP) to ensure that disabled children can be admitted to the placement that their parents are seeking for them. Many providers are also working with parents and early years advisory staff to ensure that disabled children can join in the full range of activities offered in their chosen setting. Many providers have already seen the benefits, for all children, of working in this way.

Those who are working towards ensuring equal opportunities for young disabled children are not likely to have any difficulty in complying with the duties in the DDA. However, there are some things that all providers would sensibly do to reduce the likelihood that they might discriminate against a disabled child.

### **Training**

Clearly it is important that the senior staff in any setting are aware of and understand the duties towards disabled children. It is also important that all staff and volunteers are aware of the DDA duties, of the main principles in the legislation, and understand disability as an equality issue. Training will be an important element in raising awareness of the duties and of the disability equality issues on which they are based. The local EYDCP will be able to tell settings what training is being provided locally.

### **Reviewing**

An important part of meeting the duties will be ensuring that settings do not inadvertently discriminate against disabled children. If all settings recognise that they already have disabled children on roll, or are likely to admit them, then one of the key things that they will want to do is to review their policies, practices and procedures and revise them where necessary. In doing this they will sensibly look across all the different areas of the life of the setting, and may want to check their admissions policy in particular.

### **Finding out**

Information is a crucial part of meeting the DDA duties. Providers will want to make sure that they provide opportunities for parents, and disabled children themselves, to share information about possible or actual barriers, and the sort of adjustments that may need to be made to remove these



barriers. An important part of encouraging the sharing of information will be developing parents' trust that information that they share will be handled sensitively. Such trust is more likely to develop where parents encounter a welcome, rather than resistance to their child, a willingness to explore possibilities rather than a refusal to consider them.

## **16 Where can we go for additional help in meeting the duties?**

As well as drawing on the information that parents hold about their child, settings will want to explore what other sources of support may be available to them. A range of services may be available, but these are likely to vary from area to area.

### **Special Educational Needs Coordinator Networks**

One of the key functions of the Area SENCOs and the SENCO networks is to provide advice on and access to the services that may be able to offer additional support for young children in early years settings. These services themselves will vary from area to area but the Area SENCO, the local EYDCP and the LEA will be key points of contact.

### **Training**

A range of training is usually available to early years providers. The local EYDCP holds information about training and, in many areas, will be able to support settings in considering what their training needs are. Much of the training that is available locally can count towards national qualifications.

### **Special services and funding**

In some areas special services are available to early years settings. In one area the local Portage home visiting team provides advice and support for early years settings outside the maintained sector. The same service also provides a telephone surgery service that enables settings to raise concerns that may be followed up with a visit.

In some areas funding is available to support work with young children with SEN and disabilities. Funding arrangements change over time, so it is important to check with your LEA or EYDCP on what is available.

### **Equipment and toy collections for loan**

In many areas toy collections are available for loan to early years settings. In some areas these have been extended to include resources and equipment that can be made available for loan to provide access and opportunities for young children with SEN and disabilities.

### **Health and social services support**

Settings may have local arrangements for contacting a range of agencies directly. In some areas link health clinics have been identified for providers to contact directly. In some areas a local Child Development Centre may provide a contact point for consulting a range of different services: community nurses, clinical psychologists, occupational therapy services. Many social services departments have specialist Children with Disabilities Teams, who can offer advice and family support, for example: transport, an occupational therapy service, or the loan of equipment.

### **Voluntary organisations and parent partnership services**

Voluntary organisations may be able to provide information and advice on a range of issues. Local parent partnership services may be a useful point of contact, many of them keep directories of voluntary organisations in the local area. As well as being able to provide pointers to voluntary organisations parent partnership services themselves provide information and support directly to parents.

## **17 Conclusion**

The DDA duties now apply to every area of early years provision. The duties sit alongside the SEN Framework and the work that is developing through the SEN Code of Practice and the SENCO Networks.

Together, these duties are designed to provide a stronger legal framework to underpin equality of opportunity for young disabled children. Settings that are already committed to and striving for equal opportunities and inclusion are unlikely to face difficulties in meeting the duties. What is required of all settings is 'reasonable' in all the circumstances of the case.

## **Further information and contacts**

### **Part 4 duties**

More detailed guidance on the schools' duties under Part 4 of the DDA is set out in the Disability Rights Commission's *Code of Practice for Schools* (2002). This Code is available from the Commission's Helpline.

The Disability Rights Commission has also produced shorter booklets for schools and for parents: *A Guide for Schools* and *A Guide for Parents*.

These are also available from the Commission's Helpline.

### **Part 3 duties**

More detailed guidance on the duties on providers of services under Part 3 of the DDA is available in the Disability Rights Commission's *Code of Practice: Rights of Access: Goods, Facilities, Services and Premises* (2002).

The Code of Practice on Part 3 is a priced item. The Code provides a detailed account of how the duties apply. However, it draws examples primarily from a range of services provided to disabled adults. The Council for Disabled Children has been commissioned by the Department of Health to draft guidance on how the Part 3 duties apply to children's services. This guidance will be published in Spring 2003.

### **The Disability Rights Commission**

The Disability Rights Commission provides a range of information and guidance on the DDA. The Disability Rights Commission can be contacted at:

Telephone: 08457 622 633

Textphone: 08457 622 644

Fax: 08457 778 878

E-mail: [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org)

Post: DRC Helpline, FREEPOST, MID 02164,  
Stratford-upon-Avon, CV37 9BR

Website: [www.drc-gb.org](http://www.drc-gb.org)

**The SEN and Disability Tribunal**

The SEN and Disability Tribunal can be contacted at:

Telephone: 020 7925 5750

Fax: 020 7925 6786

E-mail: [tribunalqueries@sendist.gsi.gov.uk](mailto:tribunalqueries@sendist.gsi.gov.uk)

Post: Windsor House, 50 Victoria Street, London, SW1H 0NW

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