



A Detailed Guide to Equality and Disability Law in Education (SEND Context)

RANi Need to Know Guides | SEN and Disability: Statute Law, Regulations, and Guidance Advisory sheet 4

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A detailed guide for Parents, Carers and Young Persons

Overview

Equality and Disability Law in the UK protects children and young people with disabilities from discrimination and ensures they have equal access to education and opportunities. The key legislation is the:

- **Equality Act 2010**
- **Human Rights Act 1998**
- **UN Convention on the Rights of Persons with Disabilities (UNCPRD)**

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These laws apply to **schools, colleges, early years settings, local authorities,** and other education providers — and give specific rights to **disabled children, young people, and their families.**

1. The Equality Act 2010

The **Equality Act 2010** is the cornerstone of anti-discrimination law in the UK. It protects individuals from unfair treatment and promotes a fair and more equal society.

Protected Characteristics

The Act lists **9 protected characteristics**, including:

- **Disability**
- Race
- Sex
- Age
- Religion or belief
- Sexual orientation
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity

For SEND, the most relevant is **disability**.

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2. Definition of Disability

Under Section 6 of the Equality Act 2010, a person is disabled if they:

“Have a **physical or mental impairment** that has a **substantial** and **long-term** adverse effect on their ability to carry out **normal day-to-day activities**.”

Key terms:

- **Substantial** = more than minor or trivial
- **Long-term** = has lasted or is likely to last 12 months or more
- Includes: autism, ADHD, dyslexia, anxiety, sensory impairments, epilepsy, and many others

No medical diagnosis is required to be protected under the Act.

3. Types of Disability Discrimination in Education

There are several types of **unlawful discrimination** under the Equality Act:

a. Direct Discrimination

When a disabled pupil is **treated less favourably** than others **because of their disability**.

Example: A school refuses to admit a child with autism because they might need extra support.

b. Indirect Discrimination

A policy, rule, or practice that applies to everyone but **puts disabled pupils at a disadvantage**.

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Example: A school bans the use of laptops, affecting a dyslexic pupil who uses assistive technology to write.

c. Discrimination Arising from Disability (Section 15)

When a pupil is treated unfavourably **because of something arising in consequence of their disability**, and the school cannot justify it.

Example: A child with Tourette's is excluded for swearing, without the school taking the disability into account.

d. Failure to Make Reasonable Adjustments

This is the **most common type of claim** in education.

Schools, colleges, and local authorities must make **reasonable adjustments** so that disabled pupils can participate fully in education.

Example: Providing extra time in exams for a child with ADHD.

Important: This duty is **anticipatory** – providers must plan in advance, not wait for problems to arise.

4. Reasonable Adjustments in Practice

Adjustments might include:

- Access to a lift or ground floor classroom
- Visual timetables
- Modified homework expectations
- Assistive technology (e.g. screen readers)
- A quiet room or sensory break area

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Schools must consider:

- The effectiveness of the adjustment
- Cost and practicality
- Availability of support or funding

They **cannot charge** parents for these adjustments.

5. The Public Sector Equality Duty (PSED)

All public bodies, including schools and councils, must follow the **Public Sector Equality Duty** (Section 149 of the Equality Act).

They must:

1. **Eliminate discrimination**
2. **Advance equality of opportunity**
3. **Foster good relations** between people with and without disabilities

Schools must show how they are meeting this duty through **equality objectives** and **accessibility plans**.

6. Equality Law in Early Years and Post-16 Education

- Early years providers (including nurseries and childminders) also have a **legal duty** under the Equality Act to make reasonable adjustments.
 - Colleges, sixth forms and training providers have duties too — including ensuring **disabled young people aged 16–25** with or without an EHC plan are not discriminated against.
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7. Legal Remedies for Discrimination

If you believe a child or young person has been discriminated against:

1. **Raise concerns informally** with the setting.
2. **Make a formal complaint** to the school, college or local authority.
3. Consider an **Equality Act claim** in the **First-tier Tribunal (Special Educational Needs and Disability)**:
 - For disability discrimination in education
 - Must be brought **within 6 months** of the discriminatory act

You can also use:

- **Judicial Review** (for public bodies)
 - **Human Rights Act claims** (if rights under the European Convention on Human Rights are breached)
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8. Other Relevant Laws

Human Rights Act 1998

Protects fundamental rights such as:

- Right to education (Article 2, Protocol 1)
- Right to private and family life (Article 8)
- Freedom from discrimination (Article 14)

UN Convention on the Rights of Persons with Disabilities (UNCRPD)

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While not legally binding in UK courts, it influences the interpretation of domestic law and underpins rights to:

- Inclusive education
- Participation in society
- Autonomy and decision-making

Summary: Key Rights Under Equality and Disability Law

Right	Legal Basis	Applies To
No direct or indirect discrimination	Equality Act 2010	All schools and education providers
Reasonable adjustments	Equality Act 2010	Education settings, LAs, colleges
Access to education	Human Rights Act	All public bodies
Inclusion and participation	UNCRPD	All education policy and practice
Equality of opportunity	PSED (Equality Act)	All public sector schools and councils

Support and Resources

You can get further support from:

- **RANi** – Help with advice, support and impartial information
- **Local Offer** - Help with advice, support and impartial information
- **Equality Advisory and Support Service (EASS)**: Free advice on discrimination
Website: www.equalityadvisoryservice.com
- **EHRC (Equality and Human Rights Commission)**: Guidance on the Equality Act
Website: www.equalityhumanrights.com

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- **SENDIASS** – Local impartial information and advice service for parents and young people www.iasmanchester.org
- **IPSEA** – Independent Provider of Special Education Advice: www.ipsea.org.uk
- **Contact** – A national charity supporting families with disabled children: www.contact.org.uk

If you'd like help preparing your request or understanding your appeal options, RANi can provide guidance and templates.

Remember:

Always keep a copy of all correspondence you send, along with proof of postage or delivery. If you send documents by post, we recommend using a **signed-for** service. If sending by email, request a **read receipt** if possible.

Get in Touch

If you need more information or have a question, we're here to help.

Email us: info@rani.org.uk

Please include:

- Your name
- Your child's name
- Your child's date of birth
- Your query

Or, if you prefer, you can fill out our online **contact form** and we'll get back to you as soon as possible.

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