



FOR THE FUTURE  
**COOL BLUE  
COLLEGE**

**Disability  
Discrimination  
Policy**

**Form: CP-044**

**Revision: 00**



**WWW.COOLBLUECOLLEGE.COM**

**0191 510 0414**

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## Disability Discrimination Policy / SEND

### 1. Statement

Cool Blue College recognises its responsibilities to its staff, in respect of provisions covering disability discrimination, which came into effect on 2 December 1996.

It actively encourages all learners with learning difficulties and/or disabilities and will respect and implement the new duties in respect of access to education, which become effective from September 2002.

### 2. Objectives

In accordance with the mission of the Disability Rights Commission, the Corporation is committed to achieving full civil rights for disabled people, creating a culture and physical environment in which all disabled people can participate fully as equal citizens.

### 3. Definitions

#### 3.1 Statutory duties

The Disability Discrimination Act 1995, as amended by The Special Educational Needs and Disability Act 2001.

#### 3.2 Scope

The Special Educational Needs and Disability Act 2001 imposes new duties in respect of access to education, extending those obligations and rights, already applicable to employment and the provision of goods and services, to the education sector.

The Act outlaw's disability discrimination in relation to:

- Recruitment
- Terms and conditions of employment
- Promotion, training, transfers and other benefits
- Dismissal or other detrimental treatment.

Case Law has shown disability to include:

- Asthma
- ME
- Club Foot
- MS
- Back injury
- Cerebral Palsy
- Depression

This list is not exhaustive.

Discrimination occurs when a disabled person is treated less favourably than a person to whom that reason does not apply and/or without justification.

Whether steps are reasonable is contingent upon:

- Cost
- Effectiveness
- Size and resources available to the employer
- Extent of disruption
- Availability of financial or other assistance

Although there are members of staff with special responsibility for disabled learners, this Policy and Procedure applies to all staff.

### 3.3 Specific Definitions

Disability is defined as a physical or mental impairment, which has a substantial and long-term effect on ability to carry out normal day-to-day activities

Physical or mental impairment is defined as clinically well-recognised illness, excluding addictions and various personality and social disorders but including disfigurement

***Substantial is defined as:***

- The time taken to carry out an activity
- The way in which an activity is carried out
- The cumulative effects of an impairment
- Effects of behaviour
- Effects of the environment

***Long Term Effect is defined as:***

- It has lasted for twelve months
- Likely to be twelve months
- Rest of life of the person affected

***Normal Day-to-Day Activities are defined as:***

- Mobility
- Manual dexterity
- Physical coordination
- Continence
- Ability to lift, carry or otherwise move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand
- Perception of risks of physical danger

***Employment is defined as:***

- Employment under a contract of service
- Or of apprenticeship
- Or of a contract which leads to any work

## 4. Responsibilities

Cool Blue College will ensure that all its employees and users of its facilities are made aware of the legal obligations and rights bestowed by the Disability Discrimination legislation. All staff have a duty to observe the provisions of the Disability Discrimination Act 1995, as amended by the Special Educational Needs and Disability Act 2001.

From September 2002, it will be unlawful to discriminate against disabled people or learners by treating them less favourably than others. In addition, responsible bodies will be required to provide certain types of reasonable adjustments to provision where disabled learners or other disabled people might otherwise be substantially disadvantaged, except for the following clauses 4.1 and 4.2.

4.1 From September 2003, responsible bodies will be required to make adjustments that involve the provision of auxiliary aids and services.

4.2 From September 2005, responsible bodies will be required to adjust physical features of premises where these put disabled people or learners at substantial disadvantage.

The duty to make reasonable adjustments includes:

- Adjustments to premises
- Allocating some of the disabled person's non-key duties to another employee
- Transferring them to fill a vacancy
- Altering the place of work or working hours
- Acquiring or modifying equipment
- Providing a reader or interpreter
- Providing supervision
- Allowing absence for rehabilitation, assessment or treatment
- Providing training
- Modifying procedures for testing and assessment
- Modifying instructions/reference manuals

## 5. Procedure

Procedures in respect of the Special Educational Needs and Disability Act 2001.

### 5.1 Staff Awareness

All Staff will receive information and guidance on provision for disabled learners, as it is recognised that those learners may be found in any area of Cool Blue College.

Further information and guidance can be found following the link below:

<https://www.acas.org.uk/sites/default/files/2021-03/disability-discrimination-key-points-for-the-workplace.pdf>

### 5.2 Admission Arrangements

At the initial interview stage, assessors/tutors identify if learners have a Particular Assessment Requirement and make the necessary arrangements.

## 5.3 Facilities & Support

### 5.3.1 Academic and Curriculum Support

Any learner with a disability, who, after an assessment, is thought to need the assistance of a facilitator, is supplied with one. Any learner, who requires extra help in Maths, English or Key Skills, in order to successfully complete their course of study, is entitled to enrol for Learning Support. There is small group work and one-to-one with tutors who have specialist expertise, if required.

### 5.3.2 Examination Arrangements

Learners who require special arrangements or additional support during examinations make this request to their Personal Tutor who should then contact the Managing Director, who will make the necessary arrangements through the examination enrolment process.

### 5.3.3 Facilities

All sites provide facilities for disabled learners, including lifts, ramps, toilets, etc.

## 5.4 Staff Procedures

All members of the Learning Support Team are trained to teach learners with learning difficulties and/or disabilities and have access to communicators at Level 3 and Level 4 standard.

## 5.5 Resources

There is an open access computer policy available at the Head office, which learners can book and reserve their time. There is also a comprehensive resource library for use by the learners. Specialist software for visually impaired learners can be made available if necessary. Cool Blue College's site has wheelchair access.

We endeavour, as part of continuous professional development, that all tutors/assessors will hold a first aid qualification and a minimum of a Level 2 qualification in Health & Safety.

The Managing Director and all office-based staff can offer personal and careers advice and a basic counseling service to all learners. If a problem is of a serious nature the matter is referred to relevant professional agencies.

## 6. Complaints

Our Learner Handbook entitles every learner with a complaint, to have that complaint dealt with, if necessary, by a senior member of staff with an appeal to the Managing Director. The lead tutor/assessor would in the first instance, deal with any complaint from a learner with a disability.

## 7. Monitoring

The Managing Director produces an annual disability statement, which outlines the academies activity for disability for the year.

## Review of Policy Statement

This procedure will be reviewed at minimum, on an annual basis or when necessary, by the Managing Director of Cool Blue College and the Quality & Compliance Coordinator.

Date of Review	Print Name	Position
9 <sup>th</sup> January 2023	Mark Clelland	Director
	Luke Stavers	Quality & Compliance



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