

## **Levels of awareness and understanding of Part 4 of the DDA – Key Findings**

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### **Introduction**

This report brings together the findings from a Scottish survey of parents, schools and local authorities' (LAs) which aimed to measure awareness and understanding of Part 4 of the Disability Discrimination Act (DDA) 1995. It also examines the actions taken by schools and LAs, in Scotland, following the new duties placed upon them by the changes made to the DDA.

## **Background**

The Special Educational Needs and Disability Act (SENDA) 2001 amended the DDA, introducing a new Part 4. Providers of school education were given duties not to discriminate against disabled children. Part 4 came into force in September 2002. The Education (Disability Strategies and Pupils' Educational Records) Scotland Act 2002 (DSPERA) requires providers of school education to produce accessibility strategies, to increase disabled children's participation in the school curriculum, to improve the physical environment and to improve communication with disabled children.

Researchers at the Strathclyde Centre for Disability Research/University of Glasgow (SCDR) and Children in Scotland/University of Edinburgh, (CIS) on behalf of the Disability Rights Commission (DRC), conducted a study to examine levels of awareness of the changes to the DDA.

## **Surveys**

Surveys were sent out to a sample of parents, teaching staff and senior members of each of the Scottish Local Authorities (LAs). The surveys were designed to examine:

- 1) background information on the respondent
- 2) awareness of policy and legislation
- 3) information and advice
- 4) future plans in schools.

By the end of the research period, which ran from October 2002 – March 2003, 358 parents (36%), 153 schools (48%) and 32 LAs (100%) had completed and returned a survey.

## **Survey participants**

Four case study LAs (Glasgow, Fife, Highlands, Aberdeen) were asked to randomly select parents with children with special educational needs and/or disabilities (from primary, secondary & special schools) with a Record of Need. In addition, a sample of parents who had contacted Enquire, the national information and advice service located at Children in Scotland were contacted. At the time of contact, the children of the parents recruited by Enquire did not have a Record of Need. In total 338 parents (94%) and 20 other primary carers (6%) (total = 358) completed a survey.

State schools were selected from the four case study LAs (Glasgow; Aberdeen; Fife; Highlands) and independent schools were surveyed across Scotland. Responses from state schools are compared with those from independent schools, and in a further analysis state schools have been separated into special, mainstream and mainstream with a special unit (MwSU). Data relating to state schools was generated by a re-analysis of the data undertaken by the SCDR. 153 senior teaching staff in schools responded to the survey, of whom 61 were head teachers (39.9%), 34 were other senior members of staff (22%) and 58 did not provide information about their professional status.

Surveys were sent to the Directors of Education in each of the Scottish LAs, but Directors were permitted to delegate completion of the survey to a senior member of staff. All 32 LAs responded.

### **Awareness of definitions of disability**

Over two thirds of parents/carers (67%) were not familiar with the DDA definition of disability, whereas schools (87%) and LA staff (100%) were found, in most cases, to define disability using the DDA definition. Under this definition, a person is disabled if he/she has a physical or mental impairment, which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities. It is clear that as the information filters from LAs to schools and onto parents, awareness is diminished.

### **Awareness of policies and legislation - SENDA**

#### Response from parents/carers.

As enquiries were made of more detailed aspects of the legislation, awareness was reduced, and again parents were the least aware. Over half (51%) of parents had **not** heard of the DDA and almost three quarters (72.2%) of parents reported that they did not know about the changes the SENDA has made to the DDA. Parents were significantly more likely to have heard of the DDA if they identified their child as disabled compared to parents who did not identify their child as having a disability. In particular, parents were significantly more likely to have heard about the changes the SENDA has made to the DDA if their child had a specific learning difficulty. Parents of children with social, emotional and/or behavioural difficulties were least likely to have heard of the DDA.

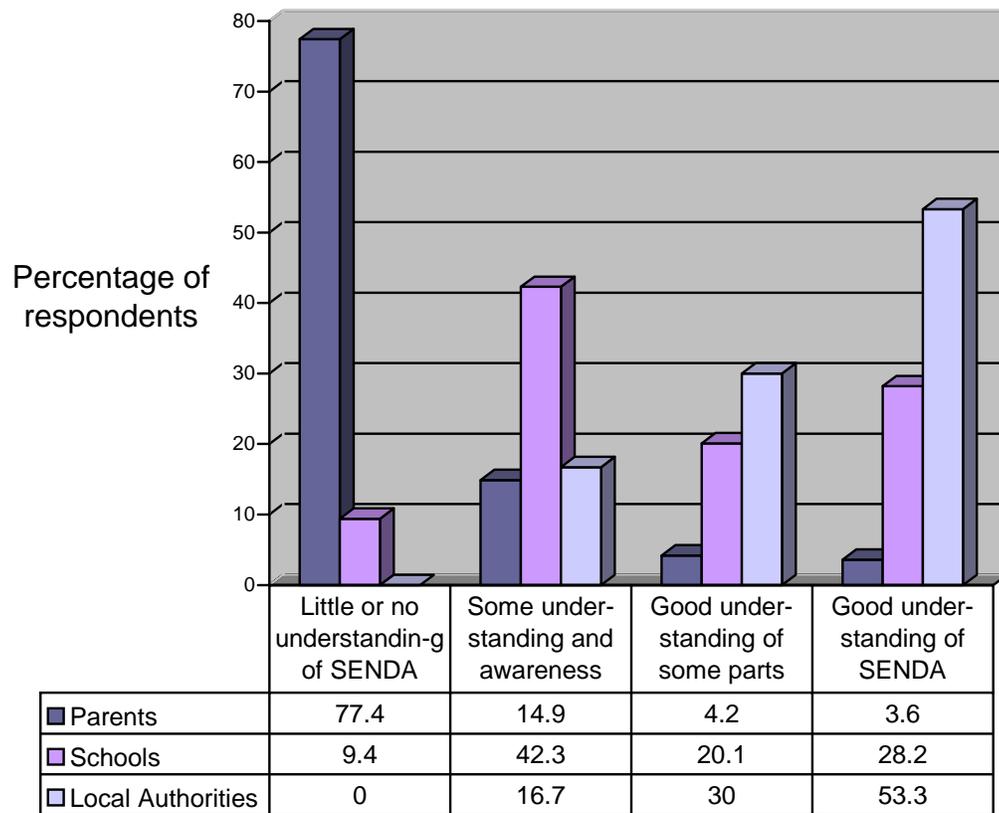
#### Response from schools.

All of the school staff (100%) had heard of the DDA and 92% knew about the changes SENDA has made to the DDA. Independent school staff were significantly more likely to report that they have a good understanding and awareness of the changes the SENDA has made to the DDA (independent schools = 44%; state schools = 23%) compared to all state school staff.

Response from LAs

All of the LA staff (100%) had heard of the DDA and the changes SENDA has made to the DDA. Eighty-three percent of LA's reported that they had either a good or some understanding and awareness of SENDA.

Figure 1: Parents/Carer's, school's and LA's levels of understanding of SENDA



The majority of LAs reported having a good understanding and awareness of SENDA, but this trend was reversed for parents, where a large majority reported that they had little or no understanding of the legislation and the impact that it had on the DDA. The responses from schools were more evenly spread, see figure 1.

## Awareness of policies and legislation – Education (Disability Strategies and Pupils Educational Records) Scotland Act (DSPERA)

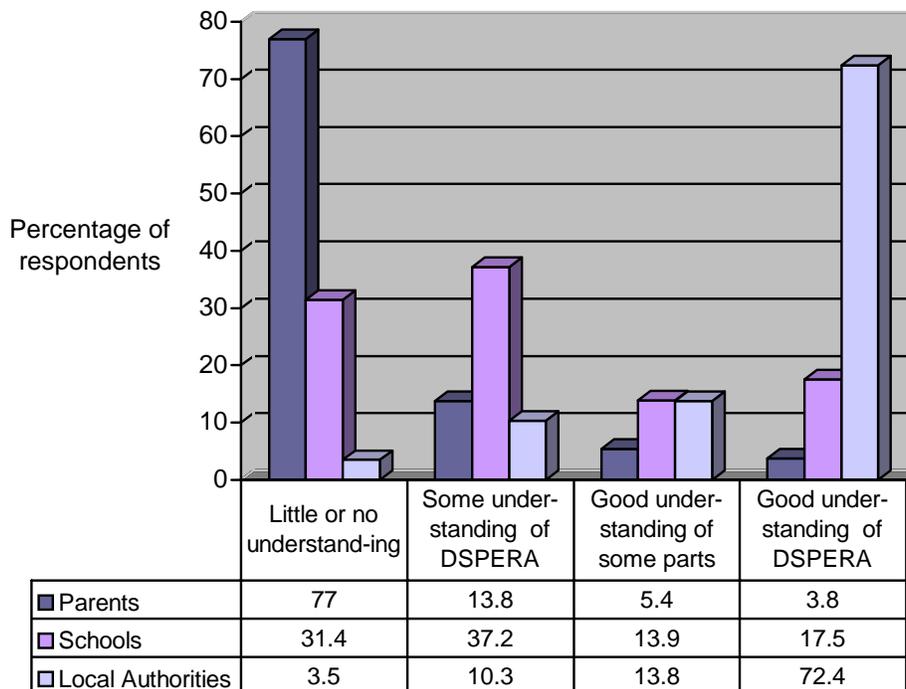
### Response from parents/carers.

Only a quarter of parents/carers (25.7%) had heard of DSPERA and over three quarters (77%) of parents/carers reported that they had little or no understanding and awareness of DSPERA.

### Response from schools.

Over two thirds of school staff (69.9%) had heard of DSPERA; however, almost a third of school staff (31.4%) reported that they had little or no understanding and awareness of DSPERA. Independent school staff were significantly more likely to report that they had a good understanding of DSPERA (independent schools = 30%; state schools = 18.8%) compared to all state schools. Also, respondents who were most likely to have heard of the Act worked in mainstream schools with special units attached.

Figure 2: Parents'/carers', school's and LA's levels of understanding of the Education (Disability Strategies and Pupils Educational Records) Scotland Act (DSPERA).



### Response from LAs

The majority of LA staff (93.3%) had heard of DSPERA and almost three quarters (72.4%) reported that they had a good understanding and awareness of DSPERA.

Figure 2 represents the responses from LAs, schools and parents with regard to their understanding and awareness of the Education (Disability Strategies and Pupils Educational Records) Scotland Act. As can be seen the majority of LAs report having a good understanding and awareness of DSPERA, whereas the majority of parents report little of no understanding of the legislation.

### **School and Local Authority Actions following changes to the DDA**

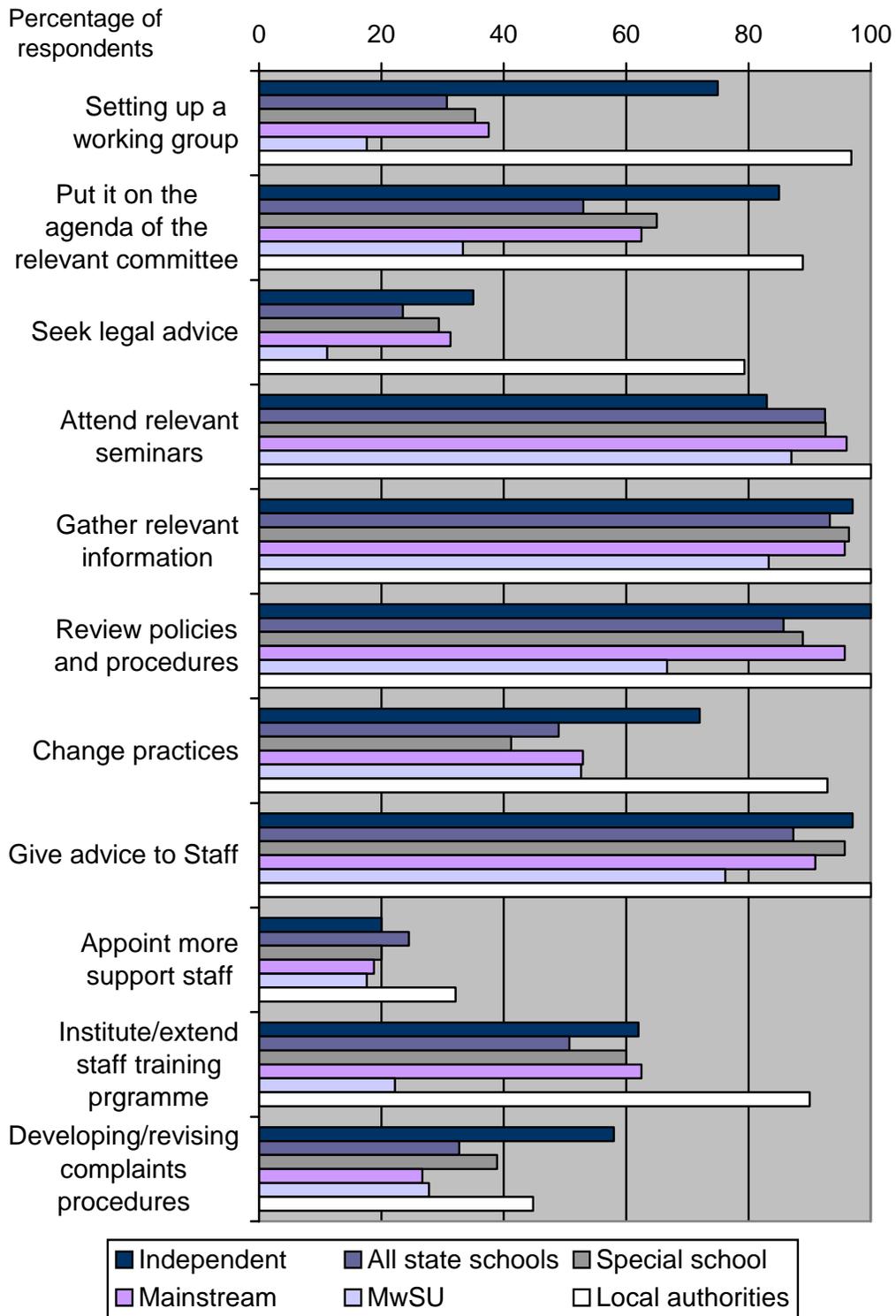
#### Response from schools

Schools were asked about the actions they were planning to make following the changes to the DDA. Most schools were in the process of gathering information about the changes (94.8%), giving advice to staff (92.9%), attending relevant seminars (91.5%) and reviewing policies and procedures (90.6%), showing that dissemination of information was a priority for schools.

Practical responses to the DDA were less commonly reported, for example, less than two thirds of school staff were planning on changing practices (58.4%), less than a quarter were seeking legal advice (24.4%) and only 16% were planning to appoint more staff. A detailed overview of responses features in figure 3, from LA's all schools, independent, state, special, mainstream and mainstream with a special unit (MwSU).

A more detailed comparison of independent schools with state schools reveals that independent schools are most likely to be reviewing their policies and strategies in response to the DDA than state schools, a possible explanation is that state schools have already gone through these processes. For example, independent school staff were significantly more likely to be setting up a working group (independent schools = 75%; state schools = 30.9%) and putting information about the changes SENDA has made to the DDA on the agenda of the relevant meeting (independent schools = 85%; state schools = 53%).

Figure 3: Planned actions following changes to the DDA, by type of school and local authority



A closer look at state schools reveals that MwSU are significantly less likely than other types of state schools to be setting up a working group (special = 35.3%; mainstream = 37.5%; MwSU = 17.6%) or putting information about the changes SENDA has made to the DDA on the agenda of the relevant meeting (special = 65%; mainstream = 62.5%; MwSU = 33.3%). It is possible that mainstream schools have already addressed these issues or that school management confine their focus to the special unit, and do not believe that the DDA has relevancy to the entire school.

There were examples of where state school staff were significantly more likely to be responding to the DDA, for example they were more likely to be attending relevant seminars (independent schools = 83%, state schools = 92.5%) compared to independent school staff, and this may be supporting the argument that state schools have progressed further, being more likely to be actively responding to the legislation. See figure 3 for a detailed overview of intended responses to the DDA by type of school and local authority.

LAs role is to support state schools to respond to legislation such as SENDA and DSPERA, whereas independent schools have to draw to draw-up policies and respond without such support. Possibly this lack of support can explain why independent schools are now the most likely to be creating and making changes to practices and policies.

#### Response from LAs

All of the LAs were intending to make some responses for example, attending relevant seminars (100%), gathering relevant information (100%), reviewing policy and procedures (100%) and giving advice to staff (100%). Other responses were not seen as a high priority by the majority of LAs, for example, less than half of LAs were found to be developing and/or revising their complaints procedures (44.8%) and less than a third were appointing more support staff (32.1%).

#### **Written policies on Special Educational Needs (SEN) and Disability**

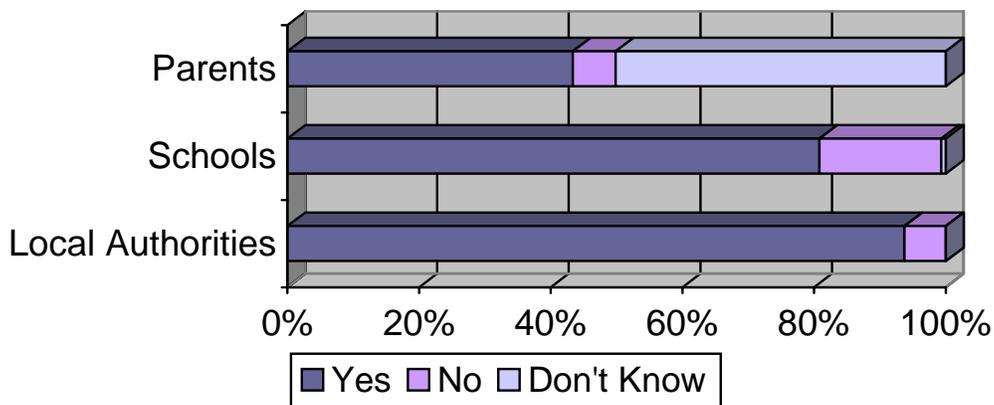
The responses from schools and LAs to the DDA questions in the survey show the level of awareness of education departments to comply with the DDA. However it is important to determine what

changes are actually taking place. An examination of existing written policies and practices in schools and LAs, as perceived by parents and educational staff, may highlight areas that are requiring additional attention.

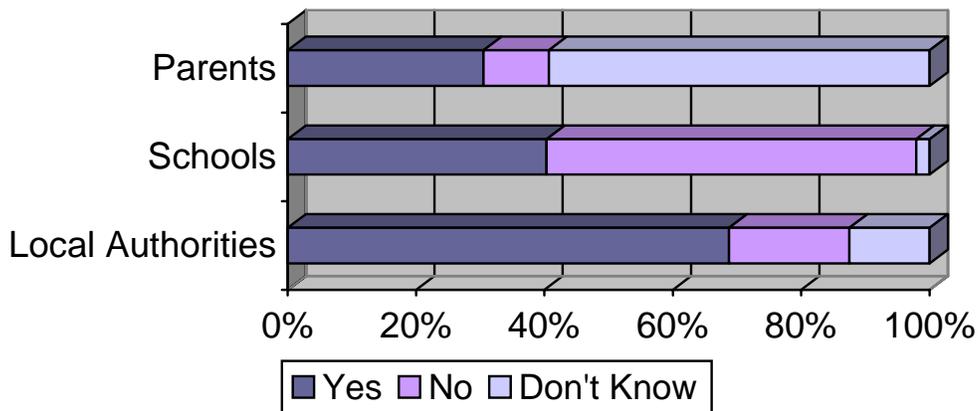
Response from parents/carers

Many parents were consistently unable to say whether their child's school had written policies on disability or special educational needs, see figure 4 and 5.

**Figure 4: Parent's, school's and LA's awareness of written policies on Special Educational Needs**



**Figure 5: Parent's, school's and LA's awareness of written policies on Disability**



As can be seen from figures 4 and 5, information available to LAs is not fully filtering down to schools, and again to parents.

### Response from schools

According to school staff, the majority of schools had written policies on SEN (80.8%); however, less than half of schools had a written policy on including disabled people (40.3%).

State schools were significantly more likely to have written policies on SEN (independent schools = 68%; state schools = 85%) compared to independent schools. However, although independent schools are not required to have school development plans, they were significantly more likely to refer to disability in their school development plans (independent schools = 64%; state schools = 41%) compared to state schools. This difference is largely a function of the low percentages of mainstream (27.6%) and MwSU (37.5%) who had a development plan, as the majority of state special schools (72.2%) did have a school development plan.

### Response from LAs

While the majority of LAs had a written policy on special educational needs (93.8%), only 68.8% had a written policy on including disabled people and less than two thirds (64.5%) of their statement of improvement objectives referred to disability.

## **Knowledge and understanding of policies following changes to the DDA**

Parents/carers and school staff were asked about what policies existed which take into account the needs of disabled children. The parents who responded to the survey did not necessarily send their children to the same schools represented in the school survey, therefore the report was unable to conclude whether parents or school staff were under or over estimating the number of written policies. Comparing the data generated though, it is clear that parents have a greater degree of uncertainty about what policies exist compared to school staff, for example 45.5% of parents reported that they did not know if a written policy on exam and assessment arrangements existed compared with 0% of senior school staff; and 45.8% of parents reported that they did not know if a written policy on homework provision existed compared with 2.2% of school staff reporting that they did not know.

### Response from LAs

Senior staff from each of the 32 LAs were asked about their policies following changes to the DDA. This data refers to policies within the LA, the parents and school data looked at policies in schools. Local authorities were consistently more likely to report that written policies were in the process of being written. In particular, almost two thirds (62.1%) were in the process of developing policies in terms of school sports (62.1%), over half (56.7%), in terms of extra curricular activities and homework provisions (55.2%). This may represent a period of adjustment for LAs as they work to ensure policies exist to comply with the new regulations.

### **Practices following changes to the DDA**

In each of the 3 surveys, a distinction was made between awareness of written policies and an awareness of practice, in an attempt to generate a real picture of provision and support.

#### Response from parents

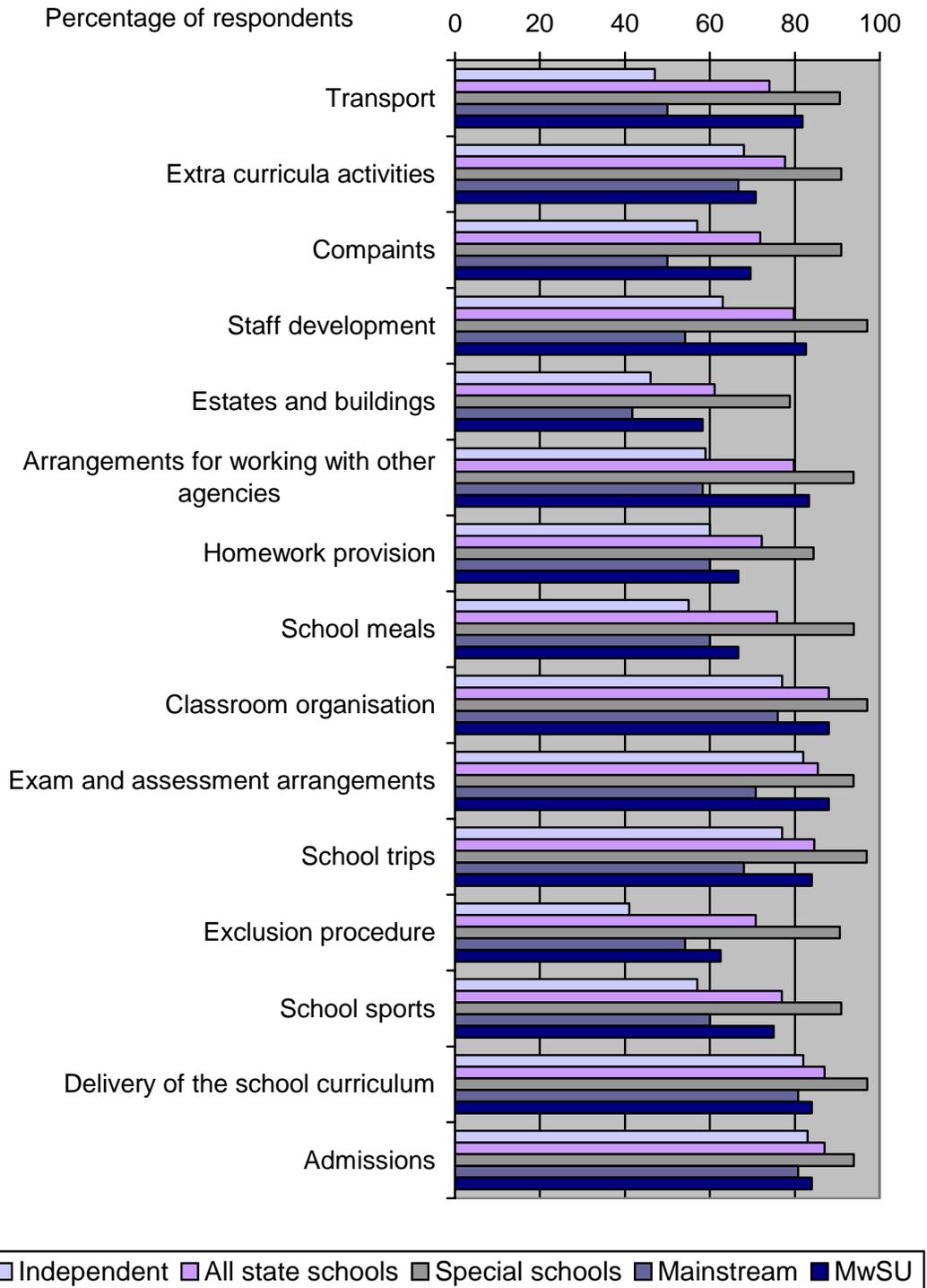
On every measure parents were as likely, or more likely to report that in practice the needs of disabled children were taken in to account in schools, compared with the existence of a written school policy.

#### Response from schools

Similarly, schools were found to be significantly more likely to report practices, than policies, that take into account the needs of disabled children, perhaps demonstrating an understanding of the DDA, which is not necessarily evident in the school's written policies. However on every measure for every type of school, at least one respondent reported that the needs of disabled children were not taken into account in practice.

Figure 6 compares the responses of independent schools, all state schools, special, mainstream and MwSU schools with regard to taking disabled children's needs into account in practice. As can be seen from the graph, special schools were the most likely to report that in practice the needs of disabled children were taken in to account on all measures, the lowest response on estates and buildings was an impressively high 78.8%. Also demonstrated by the graph, is that independent schools were slightly less likely than state schools to take the needs of disabled children in to account, again on all measures.

**Figure 6: Schools that take into account the needs of disabled children in practice.**



The largest differences between state schools and independent

schools lay on the measure for exclusion procedure (independent schools = 53%, state schools = 74%), and the measure for transport (independent schools = 69%; state schools = 79%).

In comparison the measures for admissions (independent schools = 83%, state schools = 87%) and exam and assessment arrangements (independent schools = 82%, state schools = 85.4%), demonstrated similar responses from state schools compared with independent schools.

### Response from LAs

Similar data regarding responses made in practice, were also sought from LAs. LAs were also more likely to take into account the needs of disabled children in practice than have policies. For most measures, respondents from LA's knew whether the needs of disabled children were or were not taken into account in practice, but not for all measures. In particular 11% of respondents did not know if needs were taken into account with respect to school sports, and 14.8% with respect to complaints, the latter an issue of particular significance.

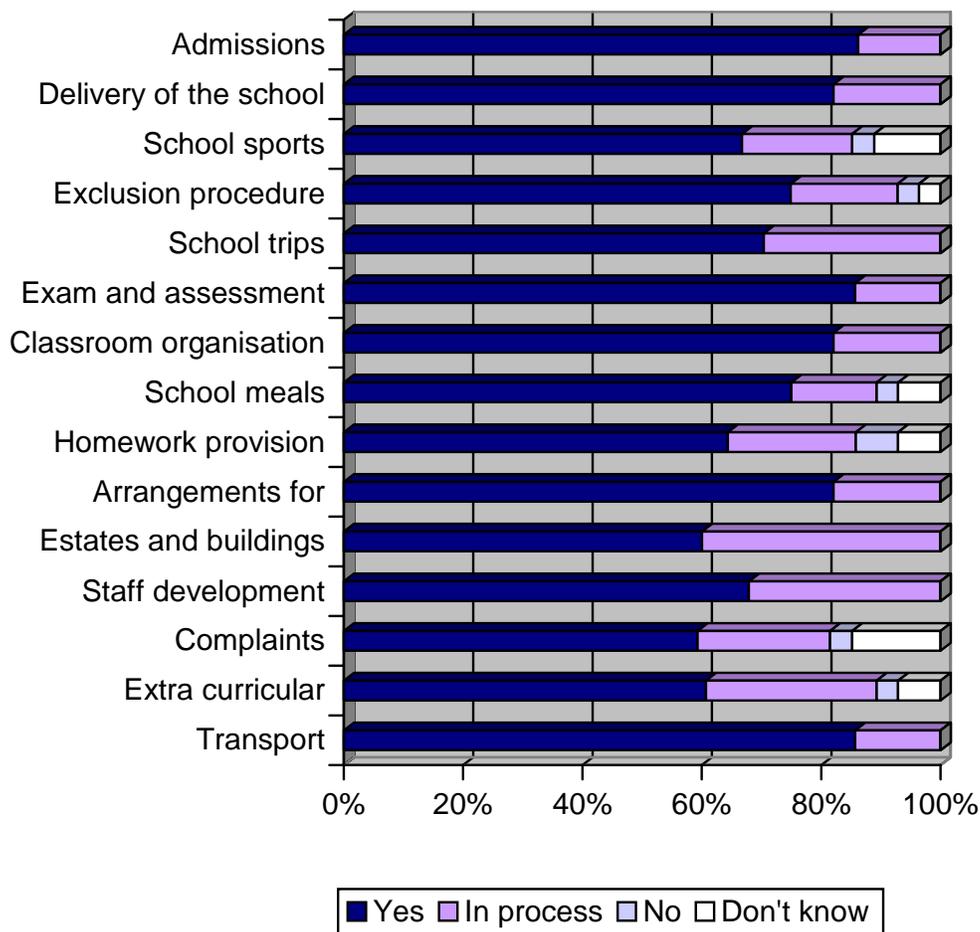
Figure 7 represents the feedback from LAs regarding whether the needs of disabled children are taking into account in practice. On a number of measures, LAs have either taken or are in the process of taking needs into account, these are Admissions; Delivery of the school curriculum, School trips, Exam and assessment arrangements, Classroom meals, Arrangements for working with other agencies, Estates and buildings, Staff development and Transport. This is a more positive response than from schools, but still some measures did have at least one respondent who reported that the needs of disabled children are not taken into account, these are School sports, Exclusion procedures, School meals, Homework provision, Complaints and Extra curricular activities.

## **Awareness of information and advice available from the DRC**

### Response from parents/carers

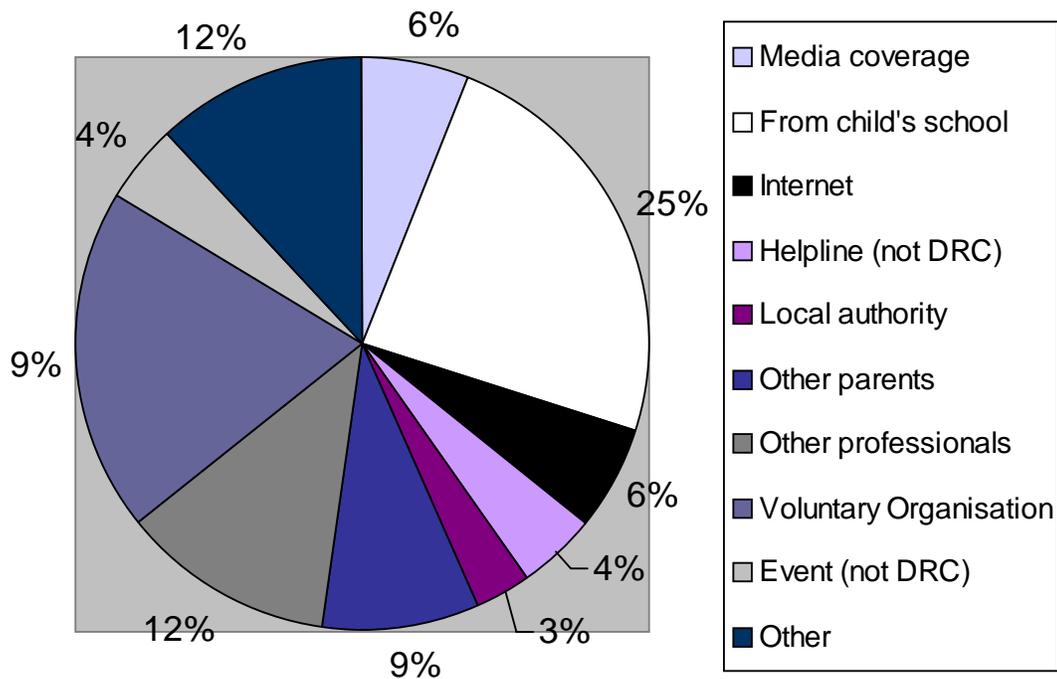
Compared to schools and LA staff, parents/carers were more likely to report that they experienced difficulties in accessing information and advice about the educational provisions of the DDA.

Figure 7: LAs that take into account the needs of disabled children in practice.



The majority of parents/carers (80.8%) were not aware that the DRC published a guide for parents concerning the rights of disabled children in education, although many of them indicated that they would like to receive such information (40.2%).

Figure 7: The most helpful source of information about the educational; provisions of the DDA used by parent/carerer.



#### Response from schools

Almost three quarters (72%) of school staff were aware that the DRC published information about the educational provisions of the DDA and 64.7% knew that the DRC published a guide for schools on the rights of disabled children in education. Over half of school staff (50.3%) requested to join the DRC mailing list in order to gain further information demonstrating perhaps, that schools were still looking for relevant information.

Independent school staff were significantly more likely to have heard of the guide for schools on the rights of disabled children in education (independent schools = 72%; state schools = 61%) compared to state school staff. By examining the different types of state school separately, special schools reported a similar knowledge of the guide for schools, compared with independent schools. However the data generated by mainstream and MwSU schools are significantly lower than the scores for independent schools and state special schools (special = 77.4%; mainstream = 56.7%; MwSU = 48%).

Almost all school staff (97.3%) had received information about the educational provisions of the DDA. Two thirds of school staff had gained information from their LA (66%), over a third from other

professionals (34.7%), almost a quarter from other sources (22.6%), for example, Scottish Council for Independent Schools (SCIS) and the Scottish Executive and media coverage (22.4%). School staff found information from LAs to be most helpful (44.7%).

#### Response from LAs.

The majority of LA staff (93.8%) were aware that the DRC published information about the education provisions of the DDA and 80.6% knew that the DRC published a guide for LAs on the rights of disabled children in education. Almost two thirds (65.4%) requested to join the DRC mailing list in order to gain further information.

The main source of information used by LA staff concerning the educational provisions of the DDA was attending a DRC event (71.9%), other sources (28.1%) (for example guidance from the Scottish Executive and legal services), other professionals (25.8%) and media coverage (25%). Two thirds of LA staff found information gained through a DRC event to be most helpful (66.7%).

### **Future plans following the new duties**

#### Response from parents/carers

Over two thirds of parents/carers (69.75%) did not know if their children's schools had made changes as a result of disability legislation, while one in ten reported that their children's schools had made changes (10.8%) and 9.9% stated that their children's schools were preparing to make changes in the following year.

Parents/carers were most likely to report that their children's schools were preparing/or had made changes in terms of raising awareness among teaching staff of the needs of disabled children (34.7%), raising awareness among children (33%), and preventing children being bullied in school (31.4%). Parents/carers were least likely to report that their children's schools were preparing/or had made changes in terms of raising awareness among out of school staff (16.2%).

#### Response from schools

Over a third (36.8%) of school staff reported that their schools were preparing to make changes in the following year, over a third

(34%) had not made changes in the last year, over a quarter (27.8%) had made changes in the last year and 1.4% did not know. Over three quarters of schools had definite written plans to prevent children being bullied at school (76.9%), over a third had written plans for raising awareness of the needs of disabled pupils among teaching staff (39%) and among non-teaching staff (37.8%) and increasing access to the school curriculum (37.4%).

Schools were least likely to be raising awareness among parents (21.6%). this is interesting because it may be contributing to the low awareness of parents of legislation as reported at the beginning of these findings.

Two thirds of LAs (66.7%) were preparing to make changes in the following year and a third (33.3%) reported that they had made changes in the last year. LAs were most likely to have definite written plans to prevent children being bullied in school (66.7%), to increase access to the physical environment (25%) and to increase access to the school curriculum (21.4%).

#### Response from LAs

LAs were least likely to have definite written plans for raising awareness among parents (3.6%) and children/pupils (3.6%). This echoes the responses from schools and again highlights a gap in communication between schools/LAs and parents/carers, which seems to have led to a measurable reduction in awareness about key legislative changes.

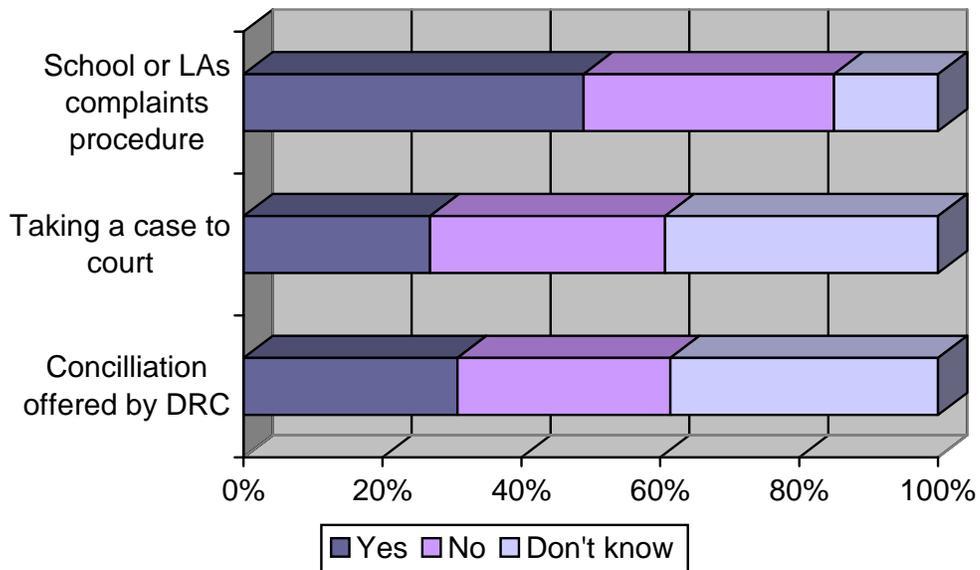
#### **Awareness of procedures following discrimination against a disabled child**

Respondents were asked if they knew about the options available to a parent/carer or child if they were concerned about discrimination.

#### Response from parents/carers

Awareness of parents/carers was low. They were most likely to be aware that they could contact their child's school or local authority complaints procedure if they were concerned about discrimination against their child (34.6%), followed by taking the case to court (25.5%) and lastly to contact the conciliation service offered by the DRC (10.6%), see figure 9. Over 44% of parents/carers did not know that they could take a complaint beyond the school's or the LAs process.

Figure 8: Parents'/carers' awareness of procedures following discrimination against a disabled child



Response from schools

Awareness of complaints procedures was much higher for schools and LAs. School staff were most likely to be aware that parents could contact the school or local authority complaints procedure (92.5%), followed by taking a case to court (82.1%) and contacting the conciliation service offered by the DRC (45.1%).

Response from LAs

LA staff were most likely to be aware that parents concerned about discrimination against their child could take the case to court (96.7%), followed by contacting the school or local authority complaints procedure (93.3%) and, lastly, to contact the conciliation service offered by the DRC (80%).

## **Recommendations**

The current research has shed light on parents/carers, schools and LA staffs' levels of awareness of Part 4 of the DDA and areas where further work is needed to increase awareness and understanding of the changes to the DDA and the new duties placed on schools and LAs.

- Considering that less than two thirds of school were planning on changing practices (58.4%) following the changes to the DDA, it is recommended that the DRC monitor the changes, in practice, being made by schools in order to measure the extent to which they are following the new duties placed upon them.
- Given that less than half of LAs were found to be developing and/or revising their complaints procedures (44.8%) and less than a third were appointing more support staff (32.1%) following changes to the DDA, it is recommended that the DRC note the need for further awareness raising of the new duties placed on existing service providers such as LAs.
- There is a need to raise awareness amongst parents, schools and LA staff concerning the policy and legislation concerning the new duties placed on schools and local authorities.
- It is recommended that the DRC increases awareness of the DDA definition of disability amongst parents/carers of children with disabilities and/or SEN as well as the wider community, including state and independent schools.
- Clearly there is a need for further dissemination of the DRC guides concerning the rights of disabled children in education. In particular, information should be targeted at parents considering over three quarters of parents (80.8%) were not aware of the DRC guide.

## **Recommendations for further research**

- The current research needs to be complemented by further work seeking the views of parents/carers, schools and LA staff using more open ended and qualitative methods. It is recommended that further data be gathered using individual interviews and/or focus group discussions.

- A follow up study of the responses of the current sample of parents/carers, school and LA staff to determine whether efforts have been made to provide information and raise awareness about the new duties placed on schools and LAs.

## **Glossary**

CIS	Children in Scotland
DDA	Disability Discrimination Act 1995
DRC	Disability Rights Commission
DSPERA	Education (Disability Strategies and Pupils' Educational Records) Scotland Act 2002
LA	Local Authorities
MwSU	Mainstream with a Special Unit
SCDR	Strathclyde Centre for Disability Research
SENDA	Special Educational Needs and Disability Act 2001
SCIS	Scottish Council for Independent Schools