

Discrimination and your deaf child's rights

How the Equality Act protects deaf children

The Equality Act 2010 is an important law that protects disabled people in England, Scotland and Wales* from being discriminated against.

The Act defines disability as “a physical or mental impairment which has a substantial and long term [lasting, or likely to last, for at least 12 months] adverse effect on that person’s ability to carry out normal day to day activities.”

This means that all permanently deaf children, and those with temporary deafness that is expected to last for a least a year, are protected by the Equality Act.

The Act protects your child in two main ways.

- › It entitles your child to reasonable adjustments.
- › It means public bodies need to plan ahead and think about how they can remove any barriers that might disadvantage deaf or disabled children and young people. This is called the Public Sector Equality Duty.

All public bodies and services must follow the Equality Act including: schools, nurseries, colleges, universities, local authorities, youth activity clubs, all NHS providers, and government.

What are reasonable adjustments?

A reasonable adjustment is a change a service provider makes so that a deaf child can do something which they wouldn't otherwise be able to do.

Examples of reasonable adjustments include: providing communication support; deaf awareness training; or equipment such as radio aids, streamers or loop systems.

The law doesn't say exactly what a reasonable adjustment is. This is because what's 'reasonable' will depend on the situation.

If something can be done easily, quickly or inexpensively, then it should be seen as a reasonable adjustment.

If a provider refuses or fails to make reasonable adjustments, then this can be seen as discrimination.



* If you live in Northern Ireland your child is protected by the Disability Discrimination Act 2005.

When can the Equality Act help?

If there is a situation where your child is disadvantaged and there is action that could be taken to remove that disadvantage, then the Equality Act may be able to help.

For example:

- › a nursery refuses to admit your child because they're deaf
- › the classroom is too noisy and nothing is being done to reduce background noise
- › your GP practice insists that your child makes appointments over the phone
- › your child has been told they can't do an apprenticeship or job because the employer thinks it will break health and safety rules.

Sometimes just showing that you're aware of your legal rights can mean your concerns are taken more seriously, and help make sure that your child gets the support they need.

What if I think my child has been discriminated against?

If you think your child is being discriminated against, ask to speak with the person in charge of the service. If they refuse to fix the problem, or your child is being victimised or harassed, you can take action against the public body or service by making a discrimination claim.

Discrimination claims about schools should be taken to tribunal. There are different tribunals for England, Scotland and Wales:

- › England, First-tier Tribunal (Special Educational Needs and Disability)
- › Scotland, First tier Tribunal for Scotland (Education and Health Chamber)
- › Wales, Special Educational Needs Tribunal for Wales.

All other discrimination claims should be taken to County Court (England and Wales) or Sheriff Court (Scotland).



Find out more about your child's rights and what to do if they've been discriminated against at www.ndcs.org.uk/knowyourrights.

Freephone Helpline:

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