



Legislation and Policy

KATIE GARDNER

Aim

- Define equality, equity and intersectionality
- Consider different legislations and policies around ALN
- Critique if these policies and legislations work in practice

Equality, equity and intersectionality

Definitions

- Equality
- What does the word equality mean to you?
- Add on the word cloud the words, or phrases that come to mind:
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Equality

- The state of being equal.
- It's one of the ideals of a democratic society.
- The fight to attain different kinds of equality, like racial equality, gender equality, or equality of opportunity between rich and poor, is often associated with progress toward the ideal of everyone being truly equal
- Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents.
- It is also the belief that no one should have poorer life chances because of the way they were born, where they come from, what they believe, or whether they have a disability

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- Equality recognises that historically certain groups of people with protected characteristics such as race, disability, sex and sexual orientation have experienced discrimination

(Equality and Human Rights Commission)

Equality: the Historical Debate

- Equality of opportunity
- Refers to the chance of obtaining society's rewards on the basis of merit rather than social advantage (e.g. education, wealth)
- Inequality of opportunity
- Unequal access to society's rewards due to social background (e.g. poverty, race, gender)
- Equality of condition
- Equal access to society's rewards irrespective of either merit or social background

Walsh, Stevens & Moore, 2000, P. 62)

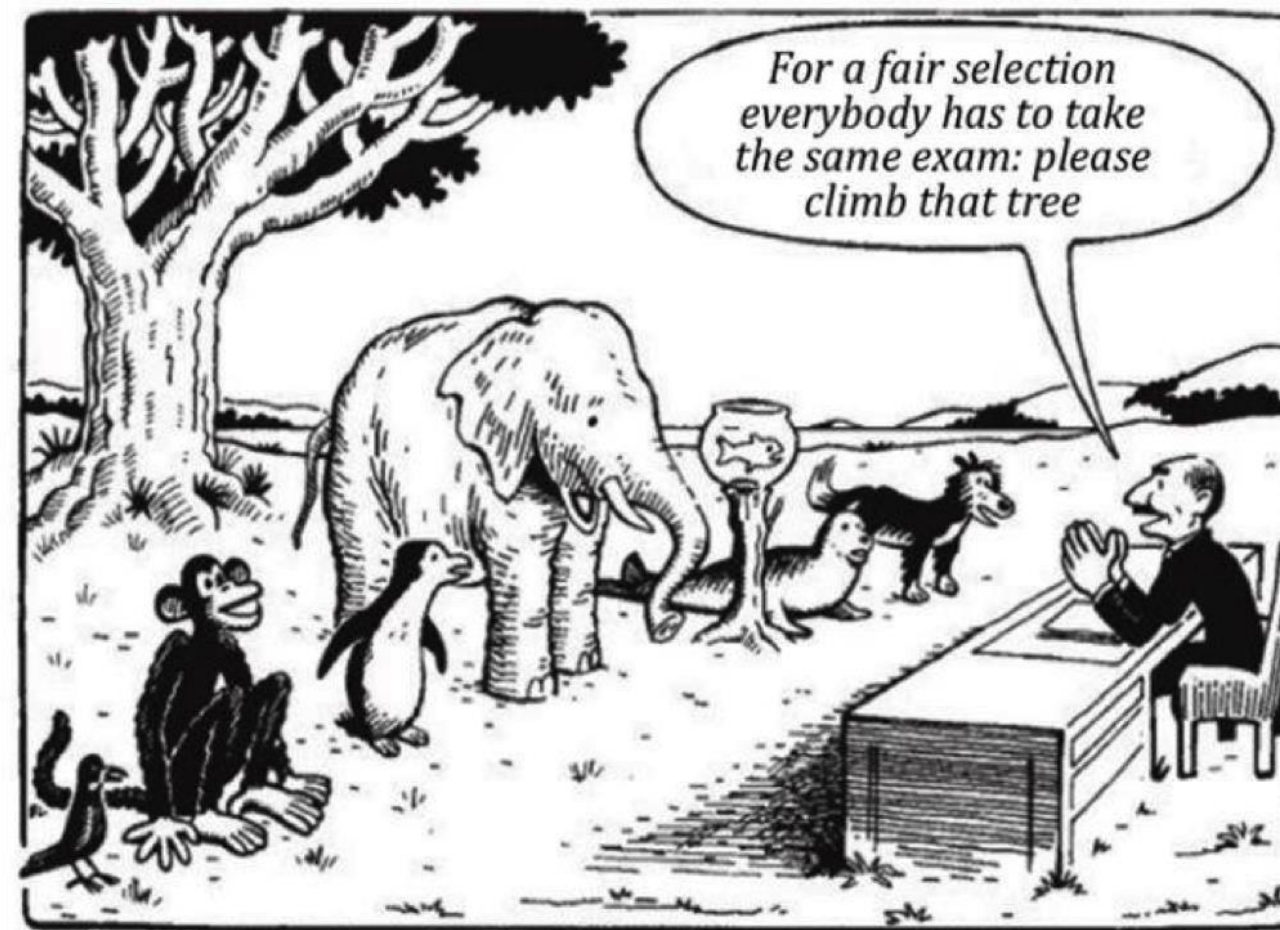


Equity

- So if equality is treating everyone the same...
- What is equity?
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Equity

- Equity is about giving people what they need, in order to make things fair.
- Giving more to those who need it
- Can you give examples of this in PCET education?

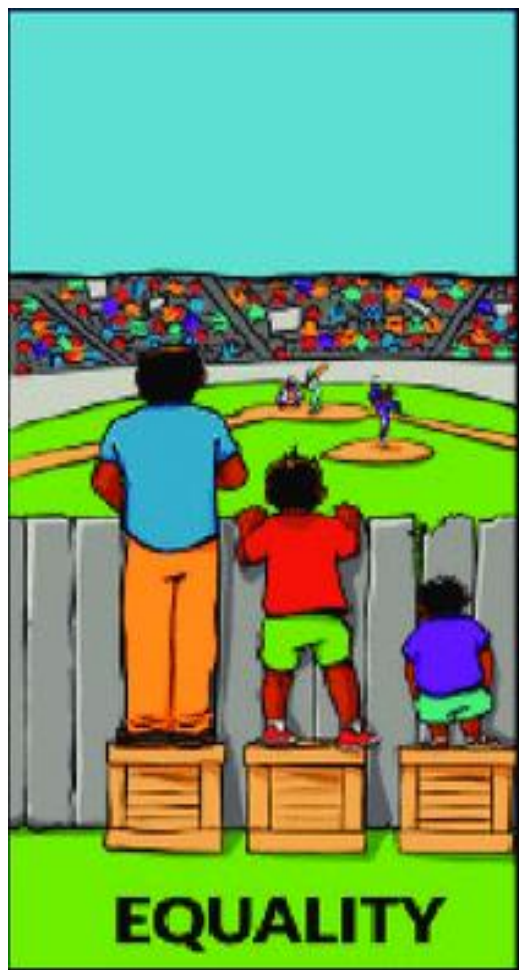


Our Education System

"Everybody is a genius. But if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid."

Equality vs. Equity

- <https://sputniksteve.wordpress.com/2019/03/28/climb-that-tree-differentiating-differentiation/>



Intersectionality

- Intersectionality is a term used that describes the lived experiences of people that recognises the complexities of today's society and the people who live in it.
- It recognises that people are not one specific protected characteristic as described in the equalities act, but that as an individual you may fit into two or more of these categories
- As a result you may be discriminated against, experience inequality or be marginalised because of one or more of them.

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- ‘when it comes to social inequality, peoples lives and the organization of power in a given society are better understood as being shaped not by a single axis... but by many axes that work together and influence each other’

(Collins and Bilge 2016, p. 2)

Intersectionality today

Legislation and policy

Legislation and Policy for your assignment

- Some of the policies available to you, but not limited to:
- Human Rights Act (1998)
- The Equality Act (2010)
- United Nations Convention on the Rights of Persons with Disabilities (2006)
- Organisational and specific policy in areas such as Education, Employment and Health.

Equality Act

9 PROTECTED CHARACTERISTICS...

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

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- The Act discusses the legal framework that everyone must adhere to in order to not discriminate against anyone within these 9 characteristics.
 - The Equalities Act 2010 explains that there are legal ramifications for discriminating anyone as a result of the protected characteristics.
 - Its aim is to 'reform and harmonise equality law... relating to discrimination and harassment related to certain personal characteristics'.
 - The Equalities act believes that if this is done then the UK will be more equitable.
 - What the act does not consider is the possibility that people may be discriminated against for more than one protected characteristic.

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- The Act makes it unlawful for the responsible body of a school, college or university to discriminate against, harass or victimise a pupil or potential pupil:
 - in relation to admissions,
 - in the way it provides education for pupils,
 - in the way it provides pupils access to any benefit, facility or service, or
 - by excluding a pupil or subjecting them to any other detriment.

Further and higher education institutions are required to take reasonable steps to:

- avoid substantial disadvantage where a provision, criterion or practice puts you at a substantial disadvantage in comparison with non-disabled students
- avoid substantial disadvantage where a physical feature of the building or premises puts you at a substantial disadvantage in comparison with nondisabled students; this includes removing the physical feature in question, altering it or providing a reasonable means of avoiding it
- provide an auxiliary aid where, without one, you would be put at a substantial disadvantage in comparison with non-disabled students.

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- Where the reasonable adjustment you need concerns the provision of information, the steps it is reasonable to take include ensuring the information is provided in an accessible format. An institution cannot justify a failure to make a reasonable adjustment; where the duty arises, the issue is whether or not the adjustment is 'reasonable'
 - What is reasonable for an institution to do will vary according to a number of factors including the effectiveness of the adjustment, the cost and practicability of the adjustment, the type of education, benefit, facility or service being provided and the relationship between the student and the institution.

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- There is often more than one reasonable adjustment that could be made and the institution does not have to make the one requested by you if another one could also overcome the substantial disadvantage.
 - A student does not have to suggest adjustments but if they do, their institution should consider whether these suggestions would help to overcome the disadvantage and whether they are reasonable.
 - It is good practice for your institution to work with the student in determining what reasonable adjustments can be made

Discussion...

- Looking at the equality act, how does that impact us as PCET educators when looking specifically at ALN students?
- What does it mean for our practice?
- How can we make sure we meet the Equality Act?
- Institutions and staff have a legal duty to adhere to the Equality Act 2010
- Developing awareness of the students within your classroom
- Consider your approaches to your teaching strategies – any ideas?

Promoting equality, diversity & inclusion

- Through...
- Culture and values
- Physical environment
- Learning materials

(Avis, Thompson & Fisher, 2012 p.129)

- **Culture and values**

- Are learners aware of their rights and responsibilities?
- Are the assessment methods valid and varied?
- Is individual progress in learning identified and celebrated?
- Examples in practice...

- **Physical environment**

- Do the displays and images used give an impression of an organization that values diversity?
- Are the accommodation and facilities suitable for disabled learners?
- Examples in practice...

- **Learning materials**

- Do learning materials avoid stereotyping and reflect the diversity of learners?
- Do learning materials reflect the cultural diversity of British society?
- Are other cultures considered and used as examples in learning?
- Examples in practice...

ALN reforms Wales

- Reforms aim to...
- ensure that all learners with ALN are supported to overcome barriers to learning and achieve their full potential
- improve the planning and delivery of support for learners from 0 to 25 with ALN, placing learners' needs, views, wishes and feelings at the heart of the process
- focus on the importance of identifying needs early and putting in place timely and effective interventions which are monitored and adapted to ensure they deliver the desired outcomes.

Because...

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- We are determined to deliver a fully inclusive education system for learners in Wales. A system where needs are identified early and addressed quickly, and where all learners are supported to reach their potential.
 - Around 23 per cent of all learners at maintained schools in Wales have SEN. Overall the academic attainment of learners with SEN is poor compared to the rest of the learner population.
 - Under the new system, planning will be flexible and responsive, our professionals will be skilled and confident in identifying needs and deploying strategies to help learners overcome their barriers to learning, and the learner will be at the centre of everything we do

5 areas of change

- Legislation
- Workforce development
- Implementation/transition support
- Awareness raising
- Supporting policy

What does this mean for us?

Taken from The Additional Learning Needs Code for Wales 2021 [The Additional Learning Needs Code for Wales 2021](#)

- Act says that FEI has a duty to decide whether a young person had ALN...
- Where it is brought to its attention, or otherwise appears to, an FEI that a young person at the FEI may have ALN, the FEI must decide whether the young person has ALN
- The possibility that a young person has ALN might be brought to the attention of the FEI by the young person themselves or by someone else.

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- Where an FEI is required to decide whether a young person at the FEI has ALN, it must:
 - (a) designate a person (the ‘designated co-ordinator’) to be responsible for co-ordinating the actions required to make that decision and, if an IDP is required, to be responsible for preparing it. This could be, but need not be, the ALNCo;
 - (b) record the date on which it is brought to its attention, or otherwise appears to it, that the young person may have ALN;
 - (c) record a summary of how the possibility that the young person has ALN has been brought to its attention or why it otherwise appears to it that the young person may have ALN;

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- (d) notify the young person that it has been brought to its attention, or otherwise appears to it, that the young person may have ALN;
 - (e) consider offering an initial meeting with the young person to discuss the process;
 - (f) explain to the young person the consequences of consenting to the decision being made and not doing so;
 - (g) seek the young person's consent to the decision being made and, should the decision be that the young person has ALN, to an IDP being prepared and maintained.

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- The notification should also provide an indication of the likely timescale for the process
 - The FEI must record:
 - (a) where the YP consents to the decision being made or an IDP being prepared and maintained, when and how consent was given;
 - (b) where the YP objects to any of those matters, when and how the young person objected;
 - (c) where the YP has neither consented nor objected to any of those matters, the steps taken by the FEI to seek the young person's consent and explain the consequences of the FEI deciding whether the young person has ALN.

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- FEIs should have appropriate procedures in place to facilitate this, which might include the young person signing to confirm whether or not they consent

Well-Being of Future Generations Wales Act (2015)

- Key piece of legislation and unique in the world
- Acknowledges the challenges that Wales has in terms of securing prosperity for future generations
- Began in 2014 with a 'National Conversation' following the drawing up of initial plans in 2012.
- Outlined plans of how the nation wanted Wales to look by 2050 and what the priorities should be.



WHAT IS THE WFG ACT?

The Well-being of Future Generations Act gives us the ambition, permission and **legal obligation** to improve our **social, cultural, environmental and economic well-being** and puts in place **seven well-being goals for public bodies to achieve**.



A Prosperous Wales

An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.



A Resilient Wales

A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change.



A More Equal Wales

A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic circumstances).



A Healthier Wales

A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.



A Wales of Cohesive Communities

Attractive, safe, viable and well-connected.



A Wales of Vibrant Culture & Thriving Welsh Language

A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.



A Globally Responsible Wales

A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

5 ways of working

- Long term – the need to balance short term needs with the ability to meet long term requirements.
- Prevention – how acting to prevent problems occurring or getting worse may be useful in helping public bodies meet their objectives.
- Integration – considering how the objectives of each public body may affect their other objectives or those of different public bodies as well as the impact on the well-being goals themselves.
- Collaboration – working with others to help achieve the objectives
- Involvement – ensuring they involve people that reflect the diversity of their area and have an interest in achieving the well-being goals.

Taking Wales Forward (2016)

- ‘The Future Generations Act presents an opportunity to work differently and engage with others to develop innovative solutions to the challenges we face’
- Outlined the 4 cross-cutting strategies that would help deliver the promises of the WBFGA
 - 1. Prosperous and secure
 - 2. Healthy and active
 - 3. Ambitious and learning – we will look at these details
 - 4. United and connected

Ambitious and Learning

- What does it mean?
- Prosperity depends on education, best start in life, raising standards and closing the attainment gap. Transforming the education and skills sector and reduce inequalities and barriers to access.
- How will we do it?
- Best start for children– positive parenting programmes, Flying Start, PDG, end reasonable punishment
- Looked after children– reduce unnecessary use of care, equality of opportunity

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- Standards in schools– invest £100m to drive up standards, new curriculum, ALN support
 - Schools workforce– Incentivise and promote teaching excellence, reshaping Welsh teaching
 - Digital inclusion– broadband in schools, digital competence
 - Further and higher education – FE and HE links, Hazelkorn review, academic and vocational routes into education

What does the UN say?

- Convention on the Rights of Persons with Disabilities 2006
- UK signed up to it in 2009
- This document was finalised in 2006 and is one of nine international human rights instruments that have been developed by the United Nations. It is important because it:
 - Was developed by people with disability, with the aim of achieving a greater level of equality for people with disability around the world
 - Explains the steps that governments around the world must take to uphold, promote and protect the rights of people with disability. (6, 9)

Article 24 – Education specifically

- 1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:
 - a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
 - b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
 - c. Enabling persons with disabilities to participate effectively in a free society.
- How can we do this in Post 16 education?

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- 2. In realizing this right, States Parties shall ensure that:
 - a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
 - b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
 - c) Reasonable accommodation of the individual's requirements is provided;
 - d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
 - e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

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- 3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
 - a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
 - b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
 - c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

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- 4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.
 - 5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Policy

- Activity –
- Go and have a look at your placements equality policy or plan.
- What does it say about students with ALN?
- What can you do to support this as educators?
- If you don't have access to your placements policy or plan have a look at the UWTSD one:
- [Strategic Equality Plan 2020-2024 \(uwtsd.ac.uk\)](https://www.uwtsd.ac.uk/strategic-equality-plan-2020-2024)

In practice

- We have discussed this throughout the session today
- How do the legislations and policies impact you as a PCET practitioner?
- Do they?

Today's Lecture Outcomes

- Define equality, equity and intersectionality
- Consider different legislations and policies around ALN
- Critique if these policies and legislations work in practice

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