

Children Young People and Families

Disability





Disability

- Disability or impairments can be factors influencing vulnerability in children, young people and families.
- What does the term disability mean?



Definitions

- **Definition of disability under the Equality Act 2010**
- “You’re disabled under the Equality Act 2010 if you have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities.”
(United Kingdom (UK) Government, 2017a)

Definitions



- **“What ‘substantial’ and ‘long-term’ mean**
- ‘substantial’ is more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed
- ‘long-term’ means 12 months or more, e.g. a breathing condition that develops as a result of a lung infection
- There are special rules about recurring or fluctuating conditions, e.g. arthritis.”

(UK Givernment, 2017a)

Definitions



- **“Progressive conditions**
- A progressive condition is one that gets worse over time. People with progressive conditions can be classed as disabled.
- However, you automatically meet the disability definition under the Equality Act 2010 from the day you’re diagnosed with HIV infection, cancer or multiple sclerosis.”

(UK Government, 2017a)



Meaning of Disability

Need to distinguish between the impairment/physical condition and disability; the consequences of living in disabling environments in a disabling society.

(Adams, 2007)



Disability or Impairment?

- People with impairments experience discrimination/exclusion and are disabled by the attitudes of people around them.
- Words like deafness, dumbness, blindness, incapacity, immobility, handicap and disability are regarded by people with physical impairments as unacceptable.



Disability or Impairment?

These words:

- Apply impairment to whole person
- Reinforce feeling of helplessness and hopelessness.
- Contribute to stereotyping

(Adams, 2007)



Disability or Impairment?

- Associated with physical, sensory or learning needs.
- Have an effect on an individual's day-to-day activities, affecting areas of well-being and an individual's social and physiological ability to participate in society.



Disability or Impairment?

- Mobility
- Manual dexterity
- Physical coordination
- Continence
- Ability to lift/carry
- Speech, hearing, eyesight
- Memory, concentration, learning or understanding
- Understanding of risk of physical danger



Disabled People

- ‘People with disabilities’ - individuals are people first.
- ‘Disabled people’ preferred by some groups as it identifies that the disability is not located within the individual - individuals are disabled by society and inaccessible environments.

(Sussex & Scourfield, 2004)



Models of Disability

- Individual or Personal Tragedy Model
- Medical Model
- Social Model

(Sussex & Scourfield, 2004)



Individual/Personal Tragedy Model

- Starts with the individual situation of the disabled person.
- Focuses on loss of ability and emphasises physiological reasons why an individual is unable to undertake certain tasks.
- Person described in terms of what they cannot do.
- Response from others is pity and sympathy.

Medical Model



- Focuses on the condition not the person.
- Sees people with disabilities/impairments as imperfect.
- Views disability as something that must be cured.
- If not possible, failure results if the person cannot be made to look or act 'normally'.
- People with impairments treated as victims or patients and are labelled as handicapped, incurable, suffering or wheelchair bound.

(Tassoni, 2003)

Social Model



- Based on the premise that the environment restricts some individuals in what they can do and limits some people's access to and participation in society.
- Focus is not on the individual who experiences disability, but on society which has created barriers for some people.

(Sussex & Scourfield, 2004)



Social Model

- Strengthened by the idea of rights.
- Individuals disabled by communities/environment have the right to have their needs addressed.
- Values individuals with impairments and aims to support them by changing the physical and social environment, rather than changing the individual's identity.

(Sussex & Scourfield, 2004)



Social Model

- Recognises disability is a problem.
- Problem lies in society that disables rather than in the individual with the impairment.
- Causes of problem – society's inability to meet disabled people's needs by providing adequate services through the way society is organised.
- Failure falls not only on individuals randomly but systematically on disabled people as a group.

(Oliver ,1999a, cited in Adams, 2007)

Policies and Disability

(Adapted from Drake 1998, Cited in Sussex & Scourfield, 2004)

Period	Focus of Policies	Examples
Up to the end of 1800s	Containment	Various means to confine people, exclude people from society.
Early 1900s	Compensation	A response to people with legitimate industrial and war injuries.
From 1950s	Welfare	Rehabilitation, to 'normalise' people, by a growing care profession.
From 1990s	Community Care	A response to population changes and economic pressures. Preventing moves into institutions and closing of large institutions.
	Civil rights	An emphasis on anti-discrimination, citizenship e.g. DDA, Valuing People, Independent Living Fund and Direct Payments.



Disability Rights

- A disabled person has rights to be protected from discrimination. These rights cover most areas including:
 - Employment
 - Education
 - Dealing with the police
- The Equality Act 2010 and the UNCRC on disability rights help to enforce, protect and promote the rights of disabled children and young people.

(UK Government, 2017b)



Background to Current Legislation

- Mental Deficiency Act 1913
- Chronically Sick and Disabled Persons Act 1970
- Education Act (handicapped children) 1970
- Warnock Report (1978) Inclusion of children with SEN



Background to Current Legislation

- Education Act 1981
- Mental Health Act 1983
- Disabled Persons Act (1986)
- Education Reform Act (1988)
- Children Act (1989) (2004) (2006)
- NHS and Community Care Act (1990)
- Education Act (1993)



Background to Current Legislation

- Disability Rights Commission Act 1999
- Education Act 1996
- Human Rights Act 1998
- Carers and Disabled Children Act 2000
- Special Education Needs and Disability Act (SENDA) 2001
- Disability Discrimination Act 1995

(Adapted from Tassoni, 2003)



Current Legislation

Review of SEN Education

- *Warnock 2005 - Special Educational Needs - A New Look*
- Equality Act 2010
- Mental Health Act 2007
- The Special Educational Needs and Disability Regulations (SENDR) 2014



Key Changes

- Additional Learning Needs (ALN) and Additional Learning Provision (ALP) to replace Special Educational Needs (SEN) and Special Education Provision (SEP).
- Extending age group to 0-25 years.
- SEN Statements to be replaced by Individual Development Plans (IDPs).
- New ALN Code of Practice for 0-25 years.

(SNAP Cymru 2017)



Changes in Wales

- ALN Transformation Programme

<http://gov.wales/topics/educationandskills/schoolshome/additional-learning-special-educational-needs/transformation-programme/?lang=en>

- For more detailed information on the changes to be introduced in Wales read the Research Briefing produced by Michael Dauncey (2016) available at:

<http://www.assembly.wales/research%20documents/16-059%20sen/16-059-web-%20english.pdf>



Changes in Wales

- An update on the progress of the new legislation and arrangements for ALN available from the Senedd Research Service Blog available at:
- <https://assemblyinbrief.wordpress.com/2017/08/09/update-on-the-additional-learning-needs-bill/#more-10866>



Changes in England

- More information on the changes to be introduced in England is available from the UK Parliament website at the link below:

<http://www.parliament.uk/business/bills-and-legislation/public-reading/children-and-families-bill/special-educational-needs/>



Code of Practice

- The New Code of Practice for 0-25 for England is available at the link below:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND Code of Practice January 2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)



Children and Families Act 2014

Part 3 of the Children and Families Act relates to children and young people with SEN and disabilities. A briefing document produced by the Council for Disabled Children can be found at:

<https://councilfordisabledchildren.org.uk/sites/default/files/uploads/documents/import/ChildrenAndFamiliesActBrief.pdf>



Disability Discrimination

- Generally disabled people are less exposed to direct prejudice, or of being treated 'the same' compared to ethnic/religious minorities.
- Perception of individual as being a defective person.
- Founded on the assumption that disabled people should be made to become as 'normal as possible'.

(Moonie et al, 2004)



Experiences of Disabled People

- Barriers to employment, goods and services.
- Social relationships – inability or difficulty with access to pub, leisure centre etc.
- Stereotypes imposed by society e.g. range from individuals having no sexuality to being promiscuous.
- Homogenous group or arranged into hierarchy of disability.

(Sussex & Scourfield, 2004)



Disability Rights

- Disabled people are now claiming their rights and asserting their sense of identity.
- Disability Rights Commission (DRC) now part of Equality and Human Rights Commission (EHRC) support the rights of disabled people, work towards elimination of discrimination and promote equality for disabled people.
- Children's Commissioner supports the rights of children and young people.



Local Authority Responsibilities

- Assessment of needs
- Commissioning/purchasing of services
- Monitoring services for quality and value for money
- Coordinating hospital discharges
- Protection of children, young people and adults from abuse

Enabling Participation for Children with Disabilities

An example of good practice for enabling children and young people with disabilities to participate in activities they enjoy.

<http://www.scie.org.uk/socialcaretv/video-player.asp?guid=b9ff86e8-ff57-4696-a3f6-6263592bfb12>

(SCIE, 2012)



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