



# My Rights, My Community

*Being included and discrimination – your rights  
under the Equality Act*



*Children and adults who have Down's syndrome must be able to enjoy full and equal rights alongside their peers. This includes the opportunity to participate fully in their communities as and when they wish.*

Some people may need extra support to do things that are not specifically for people with a learning disability and we need to encourage our wider communities to be appropriately inclusive. However there can sometimes be barriers to this; people who have Down's syndrome may be put off taking part because it is hard to find accessible and welcoming activities. Often this is a result of ignorance, misunderstanding or fear rather than a deliberate desire to exclude.



### What the law says – in brief

The law relating to disability discrimination is the Equality Act 2010. This also covers other forms of discrimination such as age, sex and race. All people who have Down's syndrome will count as people with a disability under the Act.

Part 3 of the Act applies to 'service providers'. These include shops, businesses, cafes and pubs, leisure centres, sports clubs, community education providers etc. They provide a service to the public whether this is paid for or not. Service providers must not treat people who have Down's syndrome unfairly. This is discrimination.



Service providers must do things differently for people who have Down's syndrome to avoid that person being put at a serious disadvantage. This is making 'reasonable adjustments'.

## Discrimination

There are several different forms of discrimination.

### Direct discrimination:

Refusing a service just because the person has Down's syndrome. This is always unlawful.



*A group of young adults who have Down's syndrome sharing a supported living house decide to go for a meal in a local restaurant. They are told that all the tables are booked, but a table is found for another group of young adults.*

### Indirect Discrimination:

Sometimes people who have Down's syndrome can be excluded from an activity because of a provision, criterion or practice that disproportionately affects them. This may be unlawful unless there is a very good reason for the policy or the way that the service is provided.



*A teenager who has Down's syndrome goes on a trip to a theme park with her friends from mainstream school. She is shorter than her friends and some of the rides have a minimum height. She is not allowed on these rides. That might be discriminatory if the theme park operator is just trying to stop younger children going on the ride, but can be justified if they can show that there is an objective health and safety reason for the restriction.*



### Discrimination arising from disability:

This is when someone is treated badly for a reason connected to a disability. For someone who has Down's syndrome this might be because they take longer to understand or get tired more easily or lack concentration.

*A family is taking part in an organised outdoor activity holiday. They are told that their fit and sporty 12 year old who has Down's syndrome can only go on the shortest walks aimed at families with toddlers as he wouldn't have the stamina to do longer ones. This is likely to be discrimination arising from disability unless the holiday company can show that they have looked at all the factors objectively. They should also look at making reasonable adjustments such as changing the route slightly or making sure there are possible short cuts built in.*



### Reasonable adjustments

All service providers must make reasonable adjustments to the way they do things in order to prevent people with a disability being placed at a substantial disadvantage. What this means is that they can and should do things differently if that is necessary.

Reasonable adjustments could be providing easy read information, allowing a person who has Down's syndrome to be accompanied by a supporter, giving simple instructions, allowing extra time to complete an activity. What is reasonable will vary according to the size of the service provider. For instance, a large chain of leisure centres would be more likely to be expected to provide printed leaflets in easy read format than a small sports club.

*A gym expects all new users to attend a group induction session. As a reasonable adjustment the gym gives an individual, slower paced induction to a woman who has Down's syndrome and allows a supporter to be there as well.*



## Overcoming barriers

Often these are due to ignorance or fear and can be overcome by negotiation and working with the service provider. It is important to stay polite and calm. You can always make a formal complaint later. Here are some possible ways forward:

- **Flat refusal** – ask for reasons, in writing if necessary
- **'It's our policy'** – ask to see the policy in writing
- **Health and safety** – has there been a risk assessment?

When looking at reasonable adjustments, people who have Down's syndrome should be asked what would help them. Supporters and family members can also suggest ways in which things can be done differently.

Please ring the DSA helpline for more information on how to take matters further:

0333 1212 300



*It may help if a local group could meet with a service provider to suggest ways in which the service can be made more accessible for people who have Down's syndrome.*



*For more information, please  
contact us: 0333 1212 300  
Email: [info@downs-syndrome.org.uk](mailto:info@downs-syndrome.org.uk)*

## Further information

EHRC – Equality and Human Rights Commission  
[www.equalityhumanrights.com/](http://www.equalityhumanrights.com/)

Code of practice – Services, public functions  
and associations

[www.equalityhumanrights.com/equality-act-codes-practice](http://www.equalityhumanrights.com/equality-act-codes-practice)

Equality Advisory Service

[www.equalityadvisoryservice.com/](http://www.equalityadvisoryservice.com/)

This provides advice and information on behalf  
of the EHRC.



*Very many children and young people who have Down's syndrome are now successfully included in mainstream schools.*

Virtually all will receive extra help with learning as a result of a statement of special educational needs or an education, health and care plan.

However, school life is not just about what happens in classroom lessons; most schools offer a much fuller experience including lunchtime and after-school clubs, drama and dance, sporting activities and school trips. Sometimes there can be barriers to pupils with a disability, including those who have Down's syndrome, participating fully in these wider aspects of school life.



### What the law says – in brief

The Equality Act 2010 has specific provisions for people with a disability.

All people who have Down's syndrome will count as people with a disability under the Act. Part 6 of the Act relates to schools; all school activities are covered, including trips and clubs arranged by the school.

Schools must not treat a pupil who have Down's syndrome unfairly. This is discrimination.

Schools must do things differently for a pupil who has Down's syndrome to avoid that pupil being put at a serious disadvantage. This is making 'reasonable adjustments'.





*All schools have a duty to plan ahead for pupils with a disability.*

## What you can expect from the school

### Planning ahead

All schools have a duty to plan ahead for pupils with a disability. They must produce an accessibility plan stating how they will improve access to the curriculum, the physical environment of the school and to information.

Schools have an obligation to advance equality of opportunity and to promote good relations between different groups. Schools also have the power to take positive action in favour of pupils with a disability, for instance to encourage participation in particular aspects of school life.

*A secondary school has a yearly cultural trip abroad. They notice that take up among pupils with a disability has been low so they meet with parents to find out their concerns. They also increase their planning time so they can ensure that suitable experienced staff can attend and that appropriate accommodation can be arranged.*



### Reasonable adjustments

Schools must take reasonable steps to avoid putting pupils with a disability at a significant disadvantage.

This is known as the reasonable adjustments duty. What this means is that they can and should do things differently if that is necessary. That could include providing extra help, changing a venue, adapting an activity, providing visual prompts or instructions.



*A year 5 girl who has Down's syndrome is taking part in the school's musical theatre production. She has difficulty following verbal instructions so the teacher arranges some extra practice sessions for her to learn the dance routines. The Teaching Assistant helps to prepare some visual cue cards for her entries.*

## Discrimination

The two main types of discrimination you may come across in relation to school activities are direct discrimination and discrimination arising from disability.

*When making reasonable adjustments the school must also look ahead to the future, for example to trips that they have coming up and look at making them more accessible.*

### Direct discrimination:

This would be treating a child less favourably than others just because they have Down's syndrome. This is always unlawful.

*A year 7 pupil wants to audition for the school play. He is not allowed to on the grounds that 'people who have Down's syndrome can't learn lines'.*



### Discrimination arising from disability:

This is when someone is treated badly or unfairly for a reason connected to a disability. For someone who has Down's syndrome this might be because they take longer to understand or get tired more easily or lack concentration. This sort of discrimination may be justified if there is a very good reason for it and the school has looked at making reasonable adjustments.





*A PE teacher is running some all-ability after school football sessions for year 3 and 4 pupils. A girl who has Down's syndrome is told she can't take part as she wouldn't be able to follow the instructions. The teacher has not looked at ways in which she could have extra support or the sessions could be adapted to include visual rather than verbal instructions. This is likely to be discrimination.*

*The same child complains that she has not been picked for the school's 1st football team. That is not likely to be discrimination, as other children have not been picked either and the school may lawfully seek to uphold standards in sport.*



*When looking at reasonable adjustments, pupils who have Down's syndrome and their parents should be involved and asked what would help them and how things can be done differently.*

## Overcoming barriers

Often these are due to ignorance or fear and can be overcome by negotiation and working with the school. It is important to stay polite and calm. You can always make a formal complaint later. Here are some possible ways forward.

- **Flat refusal** – ask for reasons, in writing if necessary
- **'It's our policy'** – ask to see the policy in writing
- **Health and safety** – has there been a risk assessment?

Please ring the DSA helpline for more information on how to take matters further:  
**0333 1212 300**

## Further information

EHRC – Equality and Human Rights Commission  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Technical guidance for schools  
[www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance#h3](http://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance#h3)

Equality Advisory Service  
[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)  
This provides advice and information on behalf of the EHRC.



*For more information, please  
contact us: 0333 1212 300  
Email: [info@downs-syndrome.org.uk](mailto:info@downs-syndrome.org.uk)*

The Down's Syndrome Association provides information and support on all aspects of living with Down's syndrome. We also work to champion the rights of people who have Down's syndrome, by campaigning for change and challenging discrimination.

A wide range of Down's Syndrome Association publications can be downloaded free of charge from our website.

#### Contact us

### Down's Syndrome Association

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[www.dsactive.org](http://www.dsactive.org)



[www.dsworkfit.org.uk](http://www.dsworkfit.org.uk)



[www.langdondownmuseum.org.uk](http://www.langdondownmuseum.org.uk)

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[www.langdondowncentre.org.uk](http://www.langdondowncentre.org.uk)

