



New Duty on Schools and Local Authorities to Provide Auxiliary Aids and Services to Children with Disabilities

The existing duty on schools and local authorities to use 'reasonable adjustments' to compensate for any disadvantage faced by children with disabilities has now been extended to include the provision of auxiliary aids. This new duty was included in the 2010 Equality Act and came into force on 1 September 2012. It applies to all schools and local authorities in England, Scotland and Wales, including independent schools.

The term 'auxiliary aid' refers to either an aid or a service. 'Aid' means any form of equipment that would help a disabled person, and might include, for example, signs or symbols to assist communication or perhaps a specially adapted computer. 'Service' means help provided by another person, such as someone reading something for you, or, possibly, therapy.

Note that this new duty is subject to cost and practicality considerations. As with other disability discrimination requirements, schools are only obliged to provide what is 'reasonable'. So, while this new legal entitlement might be a useful bargaining tool in negotiations with your child's school, it does not give you such strong rights as the SEN legislation, which **requires** local authorities to arrange any support **specified** in **part 3** of a statement. For the foreseeable future, therefore, it is likely that the SEN route will be a more effective way of accessing the help that children with speech and language impairments need.

Remember that, as a parent:

- You are entitled under the 1996 Education Act to request a formal (statutory) assessment of your child's special educational needs (SEN).
- If your request is turned down, or your child's statement does not clearly specify the help he or she should receive, you can, in most cases, appeal to the Tribunal.
- You can also bring to the Tribunal a claim of disability discrimination against your child's school.

Help and advice

To find out more about your rights under the SEN and Disability Discrimination legislation, please contact the Afasic helpline on **0300 666 9410**, or use the enquiry form on our website in the Helpline section (link at top of the page).