

Case Study

The case study used for this assessment considers a small group of children with autism who attend a local primary school nursery. The assessment will identify the discrimination suffered by the group and look at all four types of discrimination. This assessment will also outline the formal and informal measures that are available to the support workers and parents of the children being discriminated against. After identifying what measures are available to this group this essay will show how and to what degree these measures can be used to challenge the discrimination being experienced by the group.

All the four types of discrimination are interrelated they are direct, indirect, unconscious and institutional discrimination and they can each be identified in the case study used for this assessment. The children with autism have been excluded from the school Christmas concert this is an example of direct discrimination because it is intentional and the children are being treated less favourably than the others. The children are being denied the opportunity to participate with their peers due to their need for additional support although their parents and support staff were not consulted before this decision was made so therefore this decision was prejudiced. (Miller, J. 1996)

Some of the parents have noticed that their children are being left behind with their support worker when the other children go on outings and visits this is an example of indirect discrimination. The nursery teacher did not inform the parents so it appeared as though everyone was being included but it was being hidden from them and it was again intentional. The children were also excluded from a birthday party held during the nursery time this could have future negative repercussions on how the other children behave towards the children with autism and could even extend to other children with Special Needs.

The nursery teacher is unconsciously discriminative towards the children with autism because she does not address them and directs all her remarks at the support worker. This is unacceptable behaviour even though it is unintentional. Children with autism can have difficulties learning to speak and find it harder to learn and apply social cues that are part of everyday

interaction with peers and adults. (Lindon, J. 1998) The nursery teacher should know this but instead of directing her remarks to the support worker she should try building and encouraging the autistic children to use language and interact.

The children are expected to not attend the nursery if their support worker is absent due to the new nursery policy this is institutional discrimination because this is the policies of the nursery and not the view of one person or group and it affects the rights of the children to a pre-school education. Before this new policy was implemented the parents and support staff should have been consulted. If the support worker is absent then this should not affect the autistic children's education and the school should provide a relief support worker who is familiar to the children.

The parents of the children with autism could use formal measures, which are actions that an individual or group may take based on legislation, policies, and charters, which are legally binding. These actions could result in the parents taking legal action in court against the nursery for discriminating against them and their children. In the Disability Discrimination Act 1995 it states that it is unlawful to directly discriminate against a person because of their disability this is what the nursery is doing when excluding the children from nursery activities. Although the 1995 Act did not include education this was added into the SEN and Disability Act 2001, which extends the Disability Discrimination Act to education. In Scotland the parents of children between the ages of 3 and 5 have the right to a nursery place provided by the local authorities if they wish therefore they were obligated to give these children places in the nursery.

The school where the nursery is will have a written Charter which is a formal document that sets out specific rights this would be used to make sure the parents know what their children's rights are. The school should also have its own equal opportunities policy which will be based on their legal responsibilities and how that they should be implemented. Since the children cannot speak for themselves then before being implemented the school's policy should be shown to the parents and staff working with the children that it affects so that any policy that they consider to be discriminative can be challenged.

If taking their case to court was the best option the parents could seek advice from the Disability Rights Commission who would offer them support and guidance in taking their case forward. Then the parents could take their case or appeal to the Special Educational Needs Tribunal where they will consider their appeal against local authority decisions about their child's Special Educational Needs.

Taking legal action in court for the parents of the autistic children would be the last option and would only be used if all other measures to stop discrimination had failed. By looking at the relevant legislation the parents can see that what the nursery is doing is unlawful. The other formal measures would only need to be used so that the parents would know exactly what rights their children have and how to use them to their advantage when using the informal measures.

Informal measures would be the preferable route to try and use and will usually be used first to reach a satisfactory conclusion. The parents in this situation would be advocates and act on the behalf of their children to try and end the discrimination that they are facing. Having knowledge of the formal measures can aid those who are being discriminated against to have the confidence to take action. The informal measures include equal opportunities, anti-discriminatory practice, promoting equal opportunities in the early years environment and social inclusion.

Anti-discriminatory practice means putting equal opportunities into action. Any policy needs to be open to discussion and review by exchanging opinions important practical issues regarding a policy can be raised. (Lindon, J. 1998) The parents can use this method to challenge the new nursery policy that discriminates against their children. As a group the parents could arrange a meeting with the nursery teacher, support workers and the head teacher this will give them a chance to air any misunderstandings and disagreements regarding the change in the nursery policy.

Promoting equal opportunities in the early years environment will involve giving everyone the same learning opportunities and working in partnership with the parents. It also emphasises that children need to be around positive attitudes and actions because they develop their social attitudes early. The parents of the children should discuss this with the nursery teacher as her

actions are actually not only affecting the children with autism but will affect the future attitudes of the other children in her care.

The school in this case study appears to be inclusive but by excluding the children from outings and visits they are restricting the learning opportunities of the autistic children and are treating them less favourably than their peers. The parents could argue this when speaking to the nursery teacher that an inclusive school would value all children equally and will give them all the same opportunities for participation and they could ask why their children are being treated as a group and not individuals.

The parents can use the informal measures very effectively to try and end discrimination against their children. By arranging meetings with the school and teacher, the parents can express their concerns over how their children are being treated and argue that they should be given the same learning opportunities as their peers and that they should be treated as individuals because every child is different.

In Conclusion, the autistic children who attend the nursery are being discriminated against for having autism and they are not being treated as individuals but as a group. They are being excluded from everyday activities and outings and their parents have also been told that if their child's support worker is absent then their child will be expected to be absent as well. The formal measures would not be a suitable first option in this situation for the parents because they would need to try the informal measures first by speaking to those who are discriminating against their children. Although having knowledge of legislation, policies and charters will aid them in ending the discrimination faced by their children. The informal measures are about good practice, by speaking to the nursery teacher about their concerns of restricting their child's learning opportunities the parents will hopefully be able to come to an agreement and in the future the school and teachers will work in partnership with the parents.

End

References:

Course notes:

Dunnett, S. (2005) 'Recognising and Challenging Discrimination and Disadvantage Section 1'

http://www.uhi.ac.uk:8900/SCRIPT/bacys_rcdd/scripts.serve_home

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Books:

Lindon, J. (1998) Equal Opportunities in Practice, Hodder & Stoughton

Malik, H. (2003) A Practical Guide to Equal Opportunities 2nd Edition, Nelson Thornes

Miller, J. (1996) "Social Care Practice" London: Hodder & Stoughton p26-28

Web pages:

Special Educational Needs Codes of Practice

http://www.teachernet.gov.uk/_doc/3724/SENCodeOfPractice.pdf

(Accessed 29/03/2005)

Contact a Family Fact sheet: Special Educational Needs - Scotland

<http://www.cafamily.org.uk/eduscot.html>

(Accessed 29/03/2005)