

**EXPLANATORY MEMORANDUM TO
THE DISABILITY DISCRIMINATION CODE OF PRACTICE (PROVIDERS OF
POST 16 EDUCATION) (REVOCATION) ORDER 2007**

2007 No. 1495

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

The Code of Practice to which this revocation order refers has been updated by a new Code which has been laid before Parliament and which comes into force on 1st July 2007 (S.I. 2007/1496). It follows the introduction of The Disability Discrimination Act 1996 (Amendment) (Further and Higher Education) Regulations 2006, which strengthened the Disability Discrimination Act 1995 in the area of further and higher education.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Background

Section 9 of the Disability Rights Commission Act (1999) introduced section 53A of the Disability Discrimination Act 1995. It provides for the Disability Rights Commission (the DRC) to prepare and issue codes of practice giving practical guidance. It also stipulates that any code needs to be approved by the Secretary of State and be laid in draft before both houses for 40 days without either House resolving not to approve the draft before it can be issued by the DRC. The Secretary of State then needs to appoint a day for the Code to come into force.

5. Extent

This instrument applies to Great Britain.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 One of the DRC's many roles is to publish various Codes of Practice which offer advice and guidance to employers, education providers, other groups and individual in matters relating to disability legislation.

7.2 In September 2006 the Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006 came into force. As a result of this new legislation, the code of practice which covered post 16 education provision

required updating. A draft version of Code was placed on the DRC's website when the regulations came into force, ahead of publication.

7.3 The DRC carried out a public consultation between February and May 2006 and 28 responses were received. The code of practice was well received with the majority of comments being suggestions to strengthen examples of discrimination, the majority of which were taken on board. There were no major issues and the DRC intends to publish a full report on its website in due course.

7.4 The Code of Practice was laid before Parliament on 15th January and was not prayed against. It was also considered by the Joint Committee on Statutory Instruments.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it relates to a code which has already been laid in Parliament and considered by the Joint Committee. Furthermore, the Code itself purely serves as guidance helping organisations and people to interpret existing legislation.

9. Contact

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