

1. INTRODUCTION

Improving access to education and educational achievement for disabled pupils is essential to ensure equality of opportunity, full participation in society, access to employment opportunities and inclusion within mainstream education.

The Equality Act 2010 and related Equality Duty 2011 reiterate the duty upon schools as laid out in the previous Disability Discrimination Act 1995. The accompanying guidance for schools makes it clear that schools continue to have a duty to produce an accessibility plan.

Schools must implement accessibility plans, which are aimed at:

- increasing the extent to which disabled pupils can participate in the curriculum;
- improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided; and
- improving the availability of accessible information to disabled pupils.

Schools will need to develop their own accessibility plans and have regard to the need to provide adequate resources for implementing them and must regularly review them. Local Authorities have a duty to prepare, for the schools for which they are responsible, an accessibility strategy based on the same principle as the accessibility plans for schools.

This accessibility strategy therefore applies to local authority maintained schools, nurseries, children's centres and early years settings. It does not apply to academies, PFI funded schools or private nursery providers on school site owners/governing bodies of provisions must produce their own accessibility strategy in accordance with the Equality Act.

2. KEY PRINCIPLES AND DEFINITIONS

The local authority will seek to ensure that schools within its jurisdiction do not disadvantage or discriminate against a disabled pupil because of something that is a consequence of their disability.

Disability: The Equality Act 2010 defines a disability as “when a person has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities”. This broad description covers physical disabilities, sensory impairments, such as those affecting sight or hearing, and learning disabilities and also some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

The Act sets out details of matters that may be relevant when determining whether a person meets the definition of disability. Long term is defined as lasting, or likely to last, for at least 12 months.

Schools: all maintained schools and settings for which Plymouth City Council is responsible.

Discrimination: A public body (in this case, a school) must not disadvantage a disabled pupil because of something that is a consequence of their disability. The interpretation of “discrimination” with in relation to disability in this accessibility strategy reflects changes specified in the Equality Act 2010.

There can no longer be justification for direct discrimination in any circumstances (under the previous Disability Discrimination Act, schools could justify some direct discrimination – if was a proportionate means of meeting a legitimate aim).

This accessibility strategy also seeks to protect pupils against indirect discrimination – a school must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only.

The local authority will work closely with schools and school governors to agree reasonable adjustments which will allow disabled pupils full access to school facilities and activities

Reasonable adjustments: In the Equality Duty 2011, the duty to make reasonable adjustments applies only to disabled people. For schools, this duty is summarised as follows and this accessibility strategy recognises and promotes these principles:

- Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that disadvantage.
- Schools are not subject to the other reasonable adjustment duty to make alterations to physical features because this is already considered as part of their planning duties.
- In addition to having a duty to consider reasonable adjustments for particular individual disabled pupils, schools will also have to consider potential adjustments which may be needed for disabled pupils generally as it is likely that any school will have a disabled pupil at some point. It is important to note that the duty on schools to make reasonable adjustments is anticipatory. Schools should not wait until a disabled pupil arrives before making or planning to make adjustments. This may be too late and could lead to a pupil being substantially disadvantaged, it is important therefore for schools to plan a broad range of accessibility improvements over time.

However, schools are not obliged to anticipate and make adjustments for every imaginable disability and need only consider general reasonable adjustments - e.g. being prepared to produce large font papers for pupils with a visual impairment even though there are no such pupils currently admitted to the school. Such a strategic and wider view of the school's approach to planning for disabled pupils will also link closely with its planning duties.

It will be for schools to consider the reasonableness of adjustments based on the circumstances of each case. (The Equality Act does not set out what would be a reasonable adjustment or a list of factors to consider in determining what is reasonable). However, factors a school may consider when assessing the reasonableness of an adjustment may include the financial or other resources required for the adjustment, its effectiveness, its effect on other pupils, health and safety requirements and whether aids should be made available from other agencies.

Cost can play a major part in determining what is reasonable and it is more likely to be reasonable for a school with substantial financial resources to have to make an adjustment with a significant cost, than for a school with fewer resources.

What would be a reasonable "adjustment" is often a matter of judgement and, wherever possible, should be decided by agreement between the local authority, the school and parents/carers e.g. the right of a pupil to attend a school of their choice (within the context of NCC's admissions procedures) should be balanced with the responsibility of the County Council to make the most efficient use of its resources.

3. LEGISLATION

The SEN and Disability Act 2001 amended the Disability Discrimination Act 1995 by introducing new duties on Local Authorities (LA) and schools in relation to disabled pupils and prospective pupils. From 1 October 2010, the Equality Act replaced most of the Disability Discrimination Act (DDA). However, the Disability Equality Duty in the DDA continues to apply. The main duties are not to treat disabled pupils less favourably and to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage. Additional provision under the new Equality Act 2010 was introduced in

September 2012, and relates to the requirement for schools to provide Auxiliary Aids for disabled pupils subject to the Reasonable Adjustment duty.

The Disability Discrimination Act (2005) introduced the duty to promote disability equality from December 2006. This duty applies to Early Years settings, schools and Local Authorities. Schools and LAs have a planning duty to prepare and publish access plans and accessibility strategies in order to increase over time the accessibility of school buildings, and access to education and information for disabled pupils. Schools' Access Plans should also consider access to after-school activities and Extended School activities if they are based on their school site.

The Equality Act 2010 and Public Sector Equality Duty build on previous legislation such as the Disability Discrimination Act. Available guidance makes it clear that schools are still required to produce an accessibility plan.

Local authorities and schools have had a duty to provide reasonable adjustments for disabled pupils since 2002. This was originally under the Disability Discrimination Act 1995 (the DDA) and subsequently under the Equality Act 2010. There are three key duties:

- Not to treat disabled pupils less favourably for a reason related to their disability.
- To make reasonable adjustments for disabled pupils, so that they are not at a substantial disadvantage.
- To publish and implement an accessibility strategy to increase access to school education for disabled pupils.

From September 2012 the reasonable adjustments duty for local authorities and schools included a duty to provide auxiliary aids and services for disabled pupils. Many of the reasonable adjustments that schools are already making for disabled pupils include the use of some auxiliary aids, such as coloured layovers for dyslexic pupils, pen grips, adapted PE equipment, adapted keyboards and computer software. Many reasonable adjustments are inexpensive and will often involve a change in practice rather than the provision of expensive pieces of equipment or additional staff.

The reasonable adjustments duty is triggered only where there is a need to avoid 'substantial disadvantage'. Substantial is defined as being anything more than minor or trivial. Whether or not a disabled pupil is at a substantial disadvantage or not will depend on the individual situation.

These duties apply to disabled pupils, as defined in the Equality Act 2010.

The Act says that a pupil has a disability if they have a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out normal day-to-day activities. Physical or mental impairment includes sensory impairments such as those affecting sight or hearing.

The definition can include a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD), or people diagnosed with cancer, HIV infection or multiple sclerosis. An impairment does not of itself mean that a pupil is disabled. It is the effect on the person's ability to carry out normal day-to-day activities that has to be considered.

The test of whether an impairment affects normal day-to-day activity is whether it affects one or more of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;

- memory or ability to concentrate, learn or understand;
- perception of risk of physical danger.

A child's ability to memorize, concentrate, learn, speak, move, make and maintain positive relationships, is central to their education. An impairment that has a long-term and substantial effect on a child's ability to do these things may amount to a disability. Some disabled pupils also have special educational needs (SEN) and may be receiving support via school-based SEN provision or have an Education Health and Care plan (EHC Plan). Just because a disabled pupil has SEN or has an EHC Plan does not take away the duty to make reasonable adjustments for them. In practice, of course, many disabled pupils who also have an EHC Plan will receive all the support they need through the SEN framework and there will be nothing extra the school has to do. However, some disabled pupils will not have SEN, and some disabled pupils with SEN will still need reasonable adjustments to be made for them in addition to any support they receive through the SEN framework.

It is unlawful for a setting or school to charge a child for making reasonable adjustments in any circumstances, whatever the financial cost to the school and however the setting or school is funded.

4. INCREASING ACCESS TO THE CURRICULUM

Plymouth City Council provides support to schools to help them implement their accessibility plans. This includes:

- Providing training and awareness opportunities to staff, governors and parents
- Sharing good practice
- Encouraging collaboration between groups of schools to share expertise
- Ensuring that schools are aware of support services that provide advice to schools and staff
- Providing specialist help to identify ways forward in increasing the inclusion of all pupils.

A range of services are available to schools to provide advice on curriculum access, information about these services can be found on the council web pages. Advice and support to enable a fully inclusive experience and curriculum access for all pupils is provided in a variety of ways:

- subject-specific guidance;
- consultancy and training on all aspects of SEN, access and disability;
- school improvement advice;
- individual casework, consultation;
- written guidance;
- monitoring;
- Inset to individual schools or partnerships;
- citywide training and project development;
- teaching support.

5. IMPROVING THE PHYSICAL ENVIRONMENT

Early Years settings and schools are increasingly aware that reasonable adjustments may be needed to the classroom or within the Early Years setting and school to create safe spaces, calming areas and workstations for pupils with Autism Spectrum (AS) or Behavioural or Emotional Difficulties. From September 2012 there has also been a new requirement to provide auxiliary aids for disabled pupils subject to the Reasonable Adjustment duty.

A variety of physical adaptations may be needed to facilitate full access to curriculum and learning opportunities, and to the social aspects of school life. Adaptations will vary and will need to be individualised to meet the particular difficulties of each child or young person. Children with autistic spectrum disorder have difficulty interpreting their surroundings and communicating and interacting with others. They need access to a calm, distraction free learning environment, which is predictable and easily understood, as the reduction in sensory stimulus helps to reduce anxiety and distress, (this will not always be possible for all lessons, but a quiet place could be made available as needed).

Children and young people who are withdrawn or isolated, disruptive or disturbing others may need extra space/opportunities to move around and to ensure a comfortable distance between themselves and others. Some may take extreme risks or have outbursts and need a safe place to calm down.

Environmental adaptations may include provision of an accessible, alternative teaching and learning space within the school to which children and young people can be withdrawn, or can withdraw themselves, should the classroom environment become overwhelming or present sensory challenges.

Presentation of school related information in a coherent visual format to support comprehension and retention of information can also help, for example, colour coding the doors of subject teaching rooms in line with exercise books and timetables.

Planning for new accommodation and adaptations need to consider sensory sensitivity, space for personalised learning approaches, and calm supportive environments.

Support services from health and education can advise about adaptations to the inside and outside environment for individuals to help include pupils with sensory integration needs. There is a [self-assessment tool](http://www.aet-idp.org.uk/) that schools can complete to support their understanding. This is available at <http://www.aet-idp.org.uk/>.

The self-assessment needs to be seen as part of a whole school tool kit and can be completed by the school, team, or individual and the results can inform where there are strengths in good practice and any areas for development which can help to target training from other services.

The Communication and Interaction team are able to support schools on specific areas for development identified in the self-assessment tool.

This will include advice and guidance relating to:

- issues of physical space and how to reduce distractions
- opportunities to present information visually
- providing organisational strategies to complete activities
- having visual structure to help with organisation, increase clarity and provide instruction.

Where physical alterations are planned, the funding responsibility will rest with either the school/LA or both, depending on the nature of the work and in line with current asset management priorities and the strategies for change for primary and secondary schools. In achieving a partnership approach to the requirements of legislation, an agreement regarding the respective responsibilities of schools and the LA was agreed through previous strategies.

6. IMPROVING THE DELIVERY OF INFORMATION TO DISABLED PUPILS WHO REQUIRE SUPPORT ACCESSING WRITTEN INFORMATION.

In today's modern society the provision of information is now accessed and available in a variety of printed, spoken and electronic forms. We believe in effective communication and therefore publish a range of guidance to support our strategies for promoting accessibility.

Large print

Written material should be produced in a minimum of 12 point and printed in a plain font. However, for some visually impaired colleagues and customers, this may not be sufficient. The Visual Impairment Support Service can give advice and support about producing accessible versions.

Easy Read

This format was originally developed for people with learning disabilities, but now has a wider user group. It uses large print with illustrations and can be supported by audio. The language is reduced in complexity and jargon.

Braille and other Alternative Formats

SENSS will work in partnership with schools and other agencies to provide access for children with specific impairments or disabilities to a range of human, paper and electronic sources of information, including:

- Provision of specialist access equipment for pupils with severe communication difficulties including members of the Deaf community. This will include:
 - o Text phones, and video telephone systems.
- Certain information in video format requiring both subtitles and British Sign Language (BSL) sign interpreting services as well as live voice.
- Certain information access requiring the provision of BSL interpreting services across a number of levels for a range of information contact points.
- Access to provision via specialist access equipment for pupils with severe visual impairments e.g. Braille facilities, signage, talking/text reading facilities. In addition, certain information access will require the provision of audio tapes services across a number of levels for a range of information contact points; e.g. the circulation of public information.
- Access for pupils with severe sensory impairments to information via electronic media; internet/websites. This will include sign language translation/subtitles, large print and talking print versions.
- Access for pupils with severe sensory impairments to paper based published information e.g. large print and Braille, audiotapes video interpreting facilities.
- Access to information for disabled children when English is not their first language via translations into their preferred format.
- In addition there are a small number of children who will have both sensory impairments and English as an additional language. This group will require additional and specialist facilitates and services which reflect a combination of the above strategies.

7. SCHOOL ACCESSIBILITY PLANS

An Accessibility Plan should aim to:

- increase the extent to which disabled children and young people can engage in the school curriculum;
- improve the physical environment of schools to increase disabled pupils' physical access to education and extra-curricular activities;
- improve the delivery of information to disabled children and young people, using formats which give better access to information.

The responsibility for the Accessibility Plan lies with the governing body and Headteacher. The Local Authority provides advice on the production of access plans. Planning should start with the

information that is already held by the school regarding the nature of the pupil population and the school's strengths and weaknesses in ensuring access for disabled pupils.

The Ofsted framework strengthens the requirements relating to equality of access and narrowing the gap in achievement. Governors should report annually on the impact of their school's arrangements for children with SEN and other vulnerabilities and progress made implementing the accessibility plan.

"Ofsted inspectors discuss with each school how it is meeting statutory requirements and evaluate and report on the impact of the school's actions. This might include a school's accessibility plan as part of the evidence." Inspecting equalities: briefing for section 5 inspection: September 2012: No. 090197 Implications for School Admissions

8. SCHOOL ADMISSIONS

Our aim is for children with disabilities who are starting school to have a place in a suitably accessible, nearby, primary school which feeds into an accessible secondary school. This will enable such pupils to have an agreed pathway for their education. To support this aim, it is the Council's policy to prioritise disabled children in admissions.

We will identify disabled children at the pre-school and transfer stages and use this information to inform the allocation of their school places, in consultation with their parents. We will keep our admissions policy under review and amend this as appropriate to ensure on-going compliance with the Act.

It is against the law to discriminate in school admissions, education and associated services and exclusions.

Children with an Education, Health and Care plan will follow the arrangements set out in the 0-25 SEN Statutory Guidance and associated regulations and are not subject to the general admission arrangements. Schools should not take any action that might discourage the admission of any disabled pupil. Local Authority staff will continue to be involved in assisting with issues regarding individual placements.

Please note: Admissions policies may vary in academies and voluntary aided and foundation schools.

9. REVIEWING THE EFFECTIVENESS OF THE STRATEGY

"A local authority must keep its accessibility strategy under review during the period to which it relates and, if necessary, revise it". (Equality Act 2010: Schedule 10 [1:5])

This Strategy covers the period 2013-16, and will be regularly reviewed by the contributors and revised/updated as necessary within that period as required by the Equality Act 2010, Schedule 10

We will review the effectiveness of this strategy using a variety of means including:

- monitoring the number of schools that meet the minimum standards for accessibility;
- monitoring the admissions to Plymouth City Council maintained schools, as required by the Special Educational Needs (Provision of Information by LEAs) Regulations 2001;
- feedback from parents/carers, and voluntary organisations;
- feedback from children and young people;
- monitoring outcomes from Social and Community Impact Assessments.