

# 710E

## Equality Act and Accessibility Strategy – English Schools

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<b>Related Regulations</b>	<a href="#">Equality Act 2010</a> <a href="#">Equality Act 2010: guidance - GOV.UK</a>
<b>Annexes and Supplementary Info</b>	
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## Equality Act and Accessibility Strategy – English Schools

### Introduction

The Equality Act 2010 reiterates the duty upon schools and our adult services as laid out in the previous Disability Discrimination Act 1995.

This policy addresses the explicit obligations on our schools to meet access needs for education.

The requirements are set out in Section 88, Schedule 10 ‘*Accessibility for Disabled Students*’. SENAD schools have an obligation under the *The Education (Independent School Standards) Regulations 2014* to meet equality access requirements.

SENAD schools and their allied children’s homes will implement this accessibility strategy which is aimed at<sup>1</sup>:

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

Placing Local Authorities and parents who fund privately will need to have regard to the need to provide adequate resources for implementing specific support requirements for the children and young people with the most complex of needs. In turn, SENAD as the proprietor will have regard to the resources available at the school to make reasonable adjustments to promote inclusion. This approach as set out in this strategy and the accompanying access plan must be regularly reviewed.

### Key principles and definitions

SENAD will seek to ensure that its schools do not disadvantage or discriminate against a disabled student because of something that is a consequence of their 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<sup>2</sup> 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.

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<sup>1</sup> Section 88 Schedule 10: Section 1(2) sections (a), (b) and (c)

<sup>2</sup> Defined as lasting typically longer than 12 months

SENAD schools admit a specific range of disability needs based on their registration with the DfE, together with their *Statement of Purpose* for their allied children's home. This is based on the nature of the learning disability, the cognitive levels of the student and, importantly, suitability of peers, especially if a residential student.

The School must not disadvantage a disabled student because of something that is a consequence of their disability. The interpretation of "discrimination" in relation to disability in this accessibility strategy reflects changes specified in the Equality Act 2010.

There is no justification for *direct discrimination* in any circumstances.

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

### **Reasonable adjustments**

Section 88 of the Equality Act 2010 places an express duty on SENAD and its schools to make reasonable adjustments for disabled people. For schools, this duty is summarised as follows and this accessibility strategy recognises and promotes these principles:

1. Where something a school does places a disabled student at a disadvantage compared to other students then the school must take reasonable steps to try and avoid that disadvantage.
2. 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.
3. In addition to having a duty to consider reasonable adjustments for particular individual disabled students, schools will also have to consider potential adjustments which may be needed for disabled students generally given that SENAD specifically addresses students with a Education and Health Care plan.

It is important to note that the duty on schools to make reasonable adjustments is anticipatory. Schools should not wait until a disabled student arrives before making or planning to make adjustments. This may be too late and could lead to a student being substantially disadvantaged, it is important therefore for schools to plan a broad range of accessibility improvements over time within the scope of its services that it is registered to conduct with Ofsted and CQC.

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 students with a visual impairment even though there are no such students currently admitted to the school.

Such a strategic and wider view of the school's approach to planning for disabled students 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 students,
- health and safety requirements and
- whether aids should be made available from other agencies through the current statementing process under the [SEND code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](http://www.gov.uk)<sup>3</sup>.

Cost can play a major part in determining what is reasonable. A pragmatic approach to agreeing what would be a reasonable “adjustment” is often a matter of judgement and, wherever possible, should be decided by agreement between the placing local authority, the school and parents/carers e.g. the right of a student to attend a school of their choice should be balanced with the responsibility of the placing Local Authority to make the most efficient use of its resources.

### **Implementation of the key principles**

All SENAD schools will be required to have an accessibility plan which is regularly reviewed. This is the responsibility of the Head Teacher/Head of service. As part of this regular review, schools will also need to have regard to the need to provide adequate resources for implementing plans and must regularly review them. The accessibility plan will be a freestanding document and will be made freely available to parents/carers via the school’s website and via the school’s office upon request during term time.

### **Curriculum - Accessibility Strategies – S(1)(2)(a)**

The curriculum will be designed so that students with a SEN can access the learning, specialist resources and off-site trips.

- The school will adopt risk assessments that enable students to engage [Policy 706 and 701]
- Have an approach to alternative provision and exclusion which seeks to mitigate the impact of behaviour that restricts a SEN student’s access to the curriculum [Policy 704.0]
- Track attendance so as to promote inclusion of disabled students [Policy 715.0]
- Have a policy on English as an Additional Language which can also be an additional barrier for students with a disability [Policy 716.0]

### **Physical accessibility - Accessibility Strategies – S(1)(2)(b)**

While it is not possible to make all schools fully accessible for all, SENAD intends to fulfil its duty to support schools in making “reasonable adjustments” wherever possible. Many of the SENAD buildings are old and were adapted for education a number of decades ago. In particular their mobility access is poor, being a function of the buildings original design.

Reasonable adjustments will need to have regard to health; safety and fire evacuation obligations and hence will require the school to evaluate if alternative solutions to be provided. SENAD schools will typically have:

- Physical access to all key areas of curriculum (this may not be 100% of the school building).
- Suitable parking and entrance to the school.

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<sup>3</sup> (The reasonable adjustments duties on schools are intended to complement the existing Education Health and Care Plan provisions).

- A changing and toilet facility for students.
- A designated area for therapy/treatment as required
- Specialist furniture e.g. variable height tables where appropriate and other physical aids.
- Manual handling policy and training will be regularly updated for best practice that respects the dignity of the student and the welfare of the student and their support staff [Policy 214.0]
- Policies on the administration of medication for students with complex medical needs [Policy 306.0 and 320.0]

### **Communication - Accessibility Strategies – S(1)(2)(c)**

Written information for disabled students needs to be given in formats that take account of their specific disabilities and the views expressed by the students and their parents about their preferred means of communication. [Policy 708.0 – Contact with Parents policy].

The school will adopt the literacy and communication systems to promote good effective communication with students. (See curriculum policies in schools)

The accessibility plan will be on the school's website in English. Where the parent has different language communication needs, the plan will have the ability to be translated via Google Translate<sup>4</sup>.

### **Plan format**

The plan will be produced in line with Schedule 10 as follows:

- 3 (1) The responsible body<sup>5</sup> of a school in England and Wales must prepare—
  - (a) an accessibility plan;
  - (b) further such plans at such times as may be prescribed.
- (2) An accessibility plan is a plan for, over a prescribed period—
  - (a) increasing the extent to which disabled pupils can participate in the school's curriculum,
  - (b) improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school, and
  - (c) improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.
- (3) The delivery in sub-paragraph (2)(c) must be—
  - (a) within a reasonable time;
  - (b) in ways which are determined after taking account of the pupils' disabilities and any preferences expressed by them or their parents.
- (4) An accessibility plan must be in writing.
- (5) The responsible body must keep its accessibility plan under review during the period to which it relates and, if necessary, revise it.
- (6) The responsible body must implement its accessibility plan.

The format will be established by the school, published on its website and reviewed annually.

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<sup>4</sup> In terms of interpretation and Law, the English language version will always take precedent

<sup>5</sup> In this case SENAD is the responsible body as proprietor