

**Central Bedfordshire Accessibility Strategy:  
Local Authority Strategy on Accessibility in Schools and Early Years  
Settings<sup>1</sup> 2010-2012**

**INTRODUCTION**

Central Bedfordshire believes that every child/young person should be able to access the full curriculum and other opportunities that are provided through their local early years setting/school, and will work with these settings to ensure that reasonable adjustments are made to make this possible.

This Strategy has been written with support from the Central Beds Access Group.

Central Bedfordshire has a Disability Equality Scheme which is part of a broader Equality Scheme which should be read in conjunction with this strategy.

**UNDERSTANDING THE CONTEXT**

**1. Why is access and inclusion important?**

Central Bedfordshire Council has high expectations and aspirations for all of its children and young people, including those with special and additional needs and disabilities.

Central Bedfordshire Council is committed to working with schools and settings, partner agencies such as the Health Services, children and young people and their parents/carers to remove barriers to the achievement of good outcomes for children with disabilities. We promote appropriate inclusive practices, both in our own services and in the schools and settings in our area.

While we will comply with all legislation around Equality, Access and Disability, we will also seek, together with our schools and settings, to go beyond this to make positive inclusion a reality for children and young people.

A strategic and systematic approach to improving access will help the Council ensure the availability of provision where it is required, and as early as possible.

**2. Who is disabled?**

The DDA defines a disabled person as one who has a *'physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'* *Substantial* means more than minor or trivial and *long-term* means has lasted or is likely to last longer than 12 months. The definition is broad and includes physical impairments which include sensory impairments and more less obvious disabilities such as ADHD, Autism,

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<sup>1</sup> Early years settings not constituted as schools are required to comply with DDA and make reasonable adjustments but are not required to have a Disability Equality Scheme

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dyslexia, and speech and language difficulties. It also includes medical conditions such as diabetes or epilepsy.

### **3. 3 sets of Duties**

Since 2002, three sets of duties have combined to provide the statutory framework that underpins equality of opportunity for disabled pupils in accessing education.

- The disability discrimination duties in Part 4 of the DDA
- The planning duties in Part 4 of the DDA
- The Special Educational Needs (SEN) duties in the Education Act 1996 (which includes some but not all disabled children and young people)

Schools also have a duty in Part 3 of the DDA 'Provision of Goods and Services' to make the school accessible to parents and adult visitors with a disability.

### **4. Data on Disability in Central Bedfordshire**

We have now produced a Register of children and young people with a Disability, as is required by the Aiming High for Disabled Children Programme, but recognise this is incomplete as it is based on information provided by parents that have chosen to share it. The expectation within Aiming High is that 3.5% of children and young people should be identified on the register.

Research has shown that there is a general underestimation of the number of children covered by the definition of disability in law. As part of their Disability Equality Schemes Schools are encouraged to seek information on disability from families and other users of the premises.

### **5. What is the LAs role in achieving Accessibility and Equality?**

#### **Partnership between Central Bedfordshire and settings/schools**

The government's expectation is that the Council will support and challenge settings/schools to ensure that they fulfil these responsibilities. Central Bedfordshire works closely with settings/schools to ensure that where responsibilities are shared this is managed strategically.

The Council provides and signposts services to support settings/schools in making reasonable adjustments and removing barriers to learning and achievement.

#### **Actions the Council is taking to meet its DDA duties**

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- We will provide or signpost up to date guidance and relevant legislation to our setting/schools on the expectations and requirements around accessibility and equality.
- We will facilitate professional development where required.
- Where physical adaptations are required to make a nursery school/school accessible that falls outside of any reasonable adjustments that they should be making, the Council will manage and administer funding for improved accessibility through the Schools Access Initiative (SAI). Details are set out in Appendix 1.
- We will maintain an up to date Asset Management Plan for our schools. Accessibility audits will be separately documented as part of suitability assessments. These will inform use of the SAI funding and will incorporate meeting access requirements for pupils and other building users with disabilities.
- We will provide and if necessary develop checklists for schools to undertake their own self evaluations on accessibility.
- We will call in and quality assure schools Accessibility Plans and Equality Schemes
- We will use the Accessibility Plans and the Disability Register to help inform our forward planning for where adjustments may need to be made.
- The current capital programme allows for School Access Initiative funding, and this will be reviewed as appropriate.
- Where it is believed that adjustments may be required parents/carers will be encouraged to visit schools prior to making an application. (Note that if the child has a statement of SEN then there is a separate process for admissions). Settings/schools and other partners within the Children's Trust will be encouraged to advise parents to inform any potential future school of their child's accessibility needs.
- All of our new buildings and facilities will be designed to be fully accessible.

### **MONITORING OF COUNCIL'S AND SCHOOL' PROGRESS**

#### **6. Arrangements for monitoring**

An Annual Report will be provided to the Children's Trust which will incorporate:

- Schools compliance with DDA
- Analysis of accessibility of the schools estate
- Analysis of OFSTED reports
- Report on use of SAI funding

The lead team for this will be: School Organisation with support from the Head of SEN and Inclusion

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### **Appendix 1 What is the Schools Access Initiative (SAI)? (from Teachernet)**

The Schools Access Initiative (SAI) provides funding to mainstream and voluntary aided schools to make them more accessible to disabled children. It can be used to install lifts, stair lifts, ramps and disabled toilets to help physically impaired children; carpeting and acoustic tiling of classrooms to benefit hearing impaired pupils; and blinds and paint schemes to benefit visually impaired children, as well as to support other capital projects that improve the accessibility of schools.

#### **Who can apply for Schools Access Initiative funding?**

All mainstream school and voluntary aided schools are eligible for support. Funding is allocated to local authorities and then it is up to each to decide its priorities schemes within the criteria of support.

The credit element of SAI is delivered through the 'single capital pot' to make it easier for local authorities to join their SAI allocation up with other capital funding to increase flexibility.

The grant element for VA schools is delivered through the LA co-ordinated VA Programme (LCVAP). If schools have an identified need they should contact the diocese in the first instance.

#### **Criteria for support — guidance to Local Authorities**

When considering which school or schools to select for the Schools Access Initiative, the local authority should look at the capacity of each school to take advantage of the access improvements, and the availability of accessible provision across the authority, the school's SEN policies and their teaching practices and ethos. It may also wish to consider the degree to which facilities may be used by a wider community. Projects should seek to improve to mainstream education in one or more of the following ways:

- Enhanced continuation of access across nursery, primary and secondary phases in the local area
- Reduced home to school travel time for pupils by making a local school accessible
- Improved physical access to the school. This may include setting down and picking up points, ramps, handrails and lifts, and improvements to escape provisions
- Improved physical movement around the building, including adaptations for sensory disability such as improved colour schemes, and access to social areas, dining rooms etc.
- Improved access to the national curriculum, including specialist furniture such as desks, rise and fall tables, sinks and ovens; and information and IT equipment — both hardware and software
- Improved accommodation within the building including toilets for disabled pupils, medical rooms, and sound proofing for pupils with hearing disabilities
- Projects should contribute to the local authority's (LA's) overall strategy for increasing access and inclusion for pupils with special educational needs

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## **Guidance to CB Schools**

Schools should carry out an accessibility audit. Frameworks to support this can be found in Appendix 2. This should be reviewed annually by the Governing Body.

Priority for use of the SAI funding will be given to:

- Improvements where known children are known to attend or will be transferring schools in the following year.
- Improvements where it is anticipated adjustments will be required in future years
- Other improvements to improve accessibility as set out in the Schools accessibility plan.

If appropriate officers will visit schools to assess the requests put forward.

### **Monitoring Schools Access Initiative funding**

All local authorities must provide a short report on the use and benefits of SAI allocations and these completed reports should be returned to DCSF by 31 July following the close of the financial year. This report will be circulated as appropriate.

### **How to apply for Schools Access Initiative funding**

Details will be available via CB website

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Appendix 2 Summary of schools' statutory responsibilities under disability discrimination and Special Educational Needs legislation (From the DCSF website [www.teachernet.gov.uk](http://www.teachernet.gov.uk) )

Under Part 4 of the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001) schools and LAs must **not treat disabled students less favourably** without justification, and must make **reasonable adjustments** to ensure they are not disadvantaged compared to their peers. Instead they must **plan strategically** to increase access to schools and the curriculum over time (schools must produce an accessibility plan setting out how they will do this – LAs produce an accessibility strategy)

Schools' accessibility plans must show how they will improve access for disabled pupils by:

- increasing access to the curriculum;
- making improvements to the physical environment of the school to increase access;
- making written information accessible to pupils in a range of different ways.

For schools, the reasonable adjustments duty in Part 4 of the DDA does not include:

- the provision of auxiliary aids and services: this provision is made through SEN statutory duties (see below);
- physical alterations to buildings: these are made through the planning duties.

The **Disability Equality Duty** (Part 5A of the Disability Discrimination Act 1995, inserted by the Disability Discrimination Act 2005) places on **all public authorities (including schools)** a general duty, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled people and other people;
- eliminate discrimination that is unlawful under the Disability Discrimination Act 1995 (as subsequently amended);
- eliminate harassment of disabled people that is related to their disability;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life;
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

**In addition to the general duty**, regulations made under the Part 5A of the DDA set out a **specific duty** on certain public authorities, including all publicly-funded schools, requiring them to demonstrate how they are meeting the general duty. In effect the general duty sets out what schools have to do; the specific duty sets out how schools have to do it and what they need to record as evidence of what they have done.

**The main requirements of the specific duty** are to:

- prepare and publish a disability equality scheme (a scheme);

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- involve disabled people in the development of a scheme;
- implement the scheme;
- report on it.

The purpose of the scheme is to demonstrate how the school is going to meet the disability equality duty. Schools are required to undertake the development of their scheme in a particular way and to include particular elements. They must:

- involve disabled people (pupils, staff, parents) in the preparation of the scheme;
- set out in their scheme how disabled people have been involved in its preparation, and their arrangements for gathering information on the effect of the school's policies on:
  - the recruitment, development and retention of disabled employees;
  - the educational opportunities available to and the achievements of disabled pupils;
  - the school's methods for assessing the impact of its current or proposed policies and practices on disability equality;
  - the steps the school is going to take to meet the general duty (the school's action plan);
  - the arrangements for using information to support the review of the action plan and to inform subsequent schemes;
- implement the actions in their scheme within three years;
- report on their scheme annually;
- review and revise their scheme every three years.

The school is not required to do anything under its scheme that is unreasonable or impracticable.

Disability schemes must have been published in the first instance by 4 December 2006, except for schemes for primary schools, special schools and PRUs, which must have been published by 3 December 2007. It is the local authority that has responsibility for the scheme for a PRU. **These schemes have a three year life span and thus will be due for renewal by Dec 2009 or 2010, respectively.**

Further information about schools' disability discrimination responsibilities are contained in a guidance pack entitled *Implementing the Disability Discrimination Act (DDA) in schools and early years settings – a training resource for schools and local authorities*. This guidance outlines schools' and local authorities' responsibilities in relation to the DDA and also provides support and advice to schools in the development and implementation of these duties. Copies of this guidance can be ordered from Prolog by e-mailing [dcshf@prolog.uk.com](mailto:dcshf@prolog.uk.com) or by phoning 0845 60 222 60.

**Where a child has special educational needs** a school has statutory duties under the Education Act 1996, which include the following from sections 313, 317 and 317A:

- doing its best to ensure that the necessary provision is made for any pupil who has special educational needs

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- ensuring that where the head teacher or a nominated governor has been informed by a local authority that a pupil has SEN, those needs are made known to all who are likely to teach him/ her
- ensuring teachers are aware of the importance of identifying and providing for pupils who have SEN
- ensuring a pupil with SEN joins in the activities of the school together with other pupils, so far as is reasonably practical and compatible with the child receiving the special educational provision their learning needs call for, the efficient education of the pupils with whom they are educated and the efficient use of resources
- report to parents on the implementation of the school's policy for pupils with SEN
- have regard to the SEN Code of Practice when carrying out its duties toward all pupils with SEN
- ensure that parents are notified of a decision by the school that SEN provision is being made for their child

The SEN Code of Practice explains there is a continuum of special educational needs and that, where necessary, increasingly specialist expertise should be brought to bear on a child's difficulties. The Code describes this as a graduated approach to addressing children's special educational needs. The Code suggests that where a child's difficulties are not ameliorated through usual approaches to teaching and learning, staff should decide on additional or different interventions at *School Action*.

If little or no progress continues to be made, school staff should consider seeking external support through *School Action Plus*. At this stage, external support services (both those provided by the local authority and by other organizations) should be helping to develop interventions aimed at addressing a child's continuing barriers to achievement. However, the Code is clear that the involvement of such agencies need not be limited to such pupils – outside specialists can play an important part in the very early identification of SEN and in advising schools on effective provision designed to prevent the development of more significant needs.

Where a child with SEN continues to make little progress in response to support provided through *School Action Plus*, the school should consider asking the local authority to undertake a statutory assessment of the child's SEN, as in Chapter 7 of the Code of Practice. As indicated at para 7.21 of the Code, a parent can request such an assessment at any time, which may result in a statement of SEN being issued for the child. Paragraph 7.29 of the Code explains that if a local authority does not agree to undertake a statutory assessment, the parents have a right of appeal to an SEN and Disability Tribunal. Similarly, paragraph 8.15 of the Code explains that parents also have a right of appeal if a decision is made not to provide a statement, following a statutory assessment.



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### Disability Discrimination Act 1995 (DDA) Part 2: Schools' duties in relation to employment

Part 2 of the DDA says that it is unlawful for employers to discriminate against disabled employees and disabled people who apply for a job. It is discrimination if an employer:

- Treats a disabled employee or applicant less favourably than another on the grounds of the disabled person's disability (**direct discrimination**). This cannot be justified.
- Fails to take reasonable steps to avoid placing a disabled employee or applicant at a substantial disadvantage (**reasonable adjustments**). There is no justification for failing to make a reasonable adjustment.
- Treats a disabled employee or applicant less favourably than another for a reason related to their disability and without justification (**disability-related discrimination**).

The duties apply to:

- Recruitment, selection and interview procedures
- Terms and conditions of employment
- Induction, promotion opportunities, transfers, training, professional development and other benefits
- Termination of employment

The duties apply to disabled employees and disabled people who apply for a job:

- Teaching and non-teaching
- Full-time and part-time
- Permanent and temporary/casual staff
- Contract staff: cleaners/supply teachers

The reasonable adjustments duty in Part 2 of the DDA includes:

- Making changes to an employee's duties, working hours or place of work
- The provision of auxiliary aids and services
- Physical alterations to buildings.

If a disabled person feels that they have been discriminated against they should first seek to resolve the dispute within the workplace, wherever possible. A claim of discrimination is made by application to an employment tribunal.

The *DRC Code of Practice: Employment and Occupation* provides detailed information including examples to illustrate the provisions of Part 2, measures that employers would sensibly take to prevent discrimination in the workplace and how employers can plan to avoid discrimination in the future.