

Agreed: Spring 2017

Review: Spring 2020

Schools previously had a statutory duty which required them to take proactive steps to tackle disability discrimination, and promote equality of opportunity for disabled pupils. Under the Equality Act 2010, this has been replaced by the **general equality duty** and the new **specific duties**. This article aims to provide an update on guidance related only to disability, although the equality duty now includes all those with **protected characteristics, which makes it** unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of their:

- sex
- race
- disability
- religion or belief
- sexual orientation
- gender reassignment
- pregnancy or maternity

General equality duty

The **Public Sector Equality Duty** (PSED) has three main elements. In carrying out their functions, public bodies must have due regard to the need to:

1. **Eliminate discrimination** and other conduct that is prohibited by the Act,
2. **Advance equality of opportunity** between people who share a **protected characteristic** and people who do not share it,
3. **Foster good relations** across all characteristics - between those who share a protected characteristic and those who do not.

The duty to have “due regard” to equality considerations means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications. The guidance suggests that it is good practice for schools to keep a note of any **equality consideration**, and that publishing it will help to demonstrate that the due regard duty is being fulfilled.

Eliminating discrimination and other conduct that is prohibited by the Act

Evidence that the school is aware of the requirements of the Act and is complying with the duties may include:

- Copies of policies (for example, the behaviour policy, child protection policy, curriculum policy) where included information has been effective in increasing schools ability to eliminate discrimination, reduce bullying etc.
- Awareness raising sessions with Governors, staff and pupils and the impact of these.
- Information on the action the school has taken to reduce discrimination such as responding to feedback from parents and pupils.
- Impact of aspects included within the curriculum aimed at eliminating discrimination and samples of work produced e.g. photographs of displays.

Advancing equality of opportunity between people who share a protected characteristic and people who do not share it

Evidence of compliance with this aspect might include:

- Recording of feedback from pupils/parents on action taken to reduce gaps in attainment between diverse cohorts of pupils e.g. providing social skills support or a sanctuary for those with autistic spectrum disorders
- Evaluation of action taken by the school to remove/minimise disadvantages experienced by disabled pupils e.g. additional support evidenced through TAs timetables, increased use of IT to reduce reliance on reading text etc.
- Steps to meet the particular needs of those with a disability through reasonable adjustments evidenced through teachers planning.
- Accessibility plans aimed at increasing active participation.

Fostering good relations across all characteristics

- The evidence that schools might use to demonstrate this might include:
- Identifying and evaluating the impact of curriculum content that aims to promote tolerance and friendship and develop understanding of different disabilities. T
- Recording of activities (school/class organisation for instance) that aims to reduce prejudice and increasing relationships between diverse pupil groups
- Impact of increased involvement with local communities/ partnerships with other schools that is aimed at increasing empathy between different groups of pupils

Specific duties

The new specific regulations require schools:

- To publish information to demonstrate how they are complying with the new PSED, and
- To prepare and publish equality objectives.

Schools have until **6 April 2012** to publish their initial information and first set of objectives. These will relate to all the protected characteristics and not just to disability. Schools will then need to update the published information at least annually and to publish objectives at least once every four years.

In addition to its inclusion within the PSED equality objectives, schools have a duty to make **reasonable adjustments** for pupils with a disability. The DfE non-statutory guidance states that this duty can be summarised as follows:

- Where something a disabled pupil is placed at a disadvantage compared to other pupils then the school must take reasonable adjustments to try and reduce/remove the disadvantage.
- Schools will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.
- 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.

Reasonable adjustments

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 have been made available through the Special Educational Needs route. Cost will

play a major part in determining what is reasonable. For example, a small rural primary school may not be able to provide specialised IT equipment for any disabled pupils who may need it and it may not be reasonable for the school to provide that equipment. On the other hand, a much larger school might reasonably be expected to provide it.

The guidance states that many pupils with a disability will have an SEN statement and auxiliary aids provided by the LA and so may not require anything further. However, if the disabled pupil does not have a statement (or the statement doesn't provide the necessary aid) then the duty to consider reasonable adjustments and provide such auxiliary aids will fall to the school (after the relevant provisions come into force). The reasonable adjustments duties on schools are intended to complement the **accessibility planning** duties and the existing SEN statement provisions which are part of education legislation, under which Local Authorities have a duty to provide auxiliary aids to pupils with a statement of special educational need. In addition to the 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.

Accessibility planning

Schools and LAs need to carry out accessibility planning for disabled pupils. These are the same duties as previously existed under the Disability Discrimination Act and have been replicated in the Equality Act 2010. Accessibility plans in schools 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 also need to have regard to the need to provide adequate resources for implementing plans and must regularly review them. An accessibility plan may be a freestanding document but may also be published as part of another document such as the school development plan. Under the new specific duties, there are no longer requirements to create equality schemes, but schools may choose to continue producing such a scheme, if it helps them to comply with the Equality Duty, and they can expand it to cover the additional protected characteristics.

Increasing the extent to which disabled pupils can participate in the curriculum

The curriculum covers teaching and learning and wider provision embracing after school clubs; leisure, sporting and cultural activities; and school trips. Planning for improved access to the curriculum includes consideration of school and classroom organisation and support, timetabling, curriculum options, deployment of staff and staff information and training. Curriculum audits can support the school to review patterns of achievement and participation by disabled pupils in different areas of the curriculum, e.g. the inclusion of physically disabled children in PE, and then to identify action to increase participation.

Improving the physical environment of schools

This strand of the planning duty covers improvements to the physical environment of the school and physical aids to access education. The physical environment includes steps, stairways, kerbs, exterior surfaces and paving, parking areas, building entrances and exits (including emergency escape routes), internal and external doors, gates, toilets and washing facilities, lighting, heating, ventilation, lifts, floor coverings, signs, interior surfaces, room decor and furniture. Improvements to physical access include ramps, handrails, lifts, widened doorways, electromagnetic doors, adapted toilets and washing facilities, adjustable lighting, blinds, induction loops, communication aids, well designed (passive) room acoustics and way-finding systems. The provision of 'quiet' areas and improvements to the physical safety of the environment, indoors and outdoors, may also enhance access for children with learning disabilities. Improved access in existing buildings can often be achieved by rearranging room space, removing obstructions from walkways, changing the layout of classrooms, providing designated storage space or reallocating rooms to particular subject specialisms.

Physical aids to access education cover ICT equipment, desks, chairs, writing equipment, science equipment and the like. E.g. through enlarged computer screens and keyboards, concept keyboards, communication aids, switches, photocopying enlargement facilities, specialist desks and chairs and portable aids for children with motor co-ordination and poor hand/eye skills such as extra robust scientific glassware and specialist pens and pencils.

Improving the availability of accessible information to disabled pupils

This part of the duty covers planning to make written information normally provided by the school to its pupils – such as handouts, timetables, textbooks, information about school events – available to those with a disability (including those with significant low reading acquisition levels) . This might include alternative formats such as large print, the use of ICT and the provision of information orally, through lip speaking or in sign language. The information should take account of pupils' disabilities and views expressed by pupils or their parents about their preferred means of communication. The school should consider how all information normally provided in a written format including work sheets, timetables, school examination papers, newsletters, information about school events, trips and extracurricular provision could be made accessible to all those with a disability.

Conclusion

In regards to **disability**, schools need to:

- Identify where evidence of equality considerations is located within schools policies and practices.
- Carry out accessibility audits to identify potential barriers to access in the three areas of school life identified above and produce an action plan to ensure improvements
- Provide appropriate training for staff, governors and pupils
- Review and improve the school's arrangements through actions identified within the accessibility plan

References

The Equality Act 2010: Advice for school leaders, school staff, Governing bodies and local authorities <http://preview.tinyurl.com/5wp9aa>

Equality Act Guidance downloads from the Equality and Human Rights Commission – includes *Guidance for education providers – what the equality law means for you as an education provider* <http://preview.tinyurl.com/3md47tk>

Resources

Planning to increase access to schools for disabled pupils. National Assembly of Wales. Although this document is dated (2004) it still includes useful information for all schools looking for information on how to develop an Accessibility Plan. <http://preview.tinyurl.com/5uoa6o4>

Improving the Curriculum Access

Target	Strategy	Outcome	Timeframe	Achievement
Online training for teachers -Inclusion development programme	Following audit of staff training requirements all staff to complete online training	All teachers are able to more fully meet the requirements of SEN/disabled children's needs with regards to accessing the curriculum and teaching strategies to support learning	Summer/Autumn 2017	Increase in staff knowledge
All out-of-school activities are planned to ensure the participation of the whole range of pupils	Review all out-of-school provision to ensure compliance with legislation – termly review by SLT	All out-of-school activities will be conducted in an inclusive environment with providers that comply with all current and future legislative requirements	Autumn 2017-on going	Increase in access to all school activities for all disabled pupils
Classrooms are optimally organised to promote the participation and independence of all pupils	Review and implement a preferred layout of furniture and equipment to support the learning process in individual class bases (linked to Dyslexia Friendly Classrooms)	Classroom environments make adjustments to accommodate the needs of individual pupils	Summer 2017-on going	Achievement of full Dyslexia Friendly status
Ensure reasonable adjustments are made for pupils attending Outdoor Educational Residential visit	Liaison with identified parents/pupils to discuss needs	Specific adjustments are made to enable full participation in residential visit	Spring 2018	Adjustments ensure full access to this residential activity
Re-accreditation of Dyslexia Friendly Status	Staff training and classroom environment promotes inclusive support and teaching for pupils with SPLD/Dyslexic tendencies	Teaching supports the learning needs of identified pupils. Pupils have range of strategies and prompts to support their learning	Autumn 19-Summer 20	Successful re-accreditation achieved

Improving the Delivery of Written Information

Target	Strategy	Outcome	Timeframe	Achievement
Availability of written material in alternative formats	The school will make itself aware of the services available through the LA for converting written information into alternative formats.	The school will be able to provide written information in different formats when required for individual purposes	On-going	Delivery of information to disabled pupils improved
Make available school newsletters and other information for parents in alternative formats	Review all current school publications and promote the availability in different formats for those that require it.	All school information available for all	April 2016	Delivery of school information to parents and the local community improved
Ensure all staff are aware of accessible formats of information	Guidance to staff on dyslexia and accessible information.	Staff awareness raised by SENCO of this.	On-going	Staff produce their own information/letters for parents with suitable 'readability' level
Provide information in other languages/signs for pupils or prospective pupils who may have difficulty with hearing or language problems	Access to translators, sign language interpreters to be considered and offered if possible. Signs around school to include Makaton for hearing impaired pupils.	Pupils and/or parents feel supported and included.	Autumn 2017-on-going	School becomes a 'Makaton Friendly' school.

Improving access to the Physical Environment of the school

Target	Strategy	Outcome	Timeframe	Achievement
Strategies to ensure all disabled pupils can be safely evacuated from school premises are in place	<p>Review Fire Safety Policy. Put in place Personal Emergency Evacuation Plan (PEEP) for all pupils with difficulties.</p> <p>Develop a system to ensure all staff are aware of their responsibilities.</p>	PEEPs are in place, understood by staff, ensuring clear lines of responsibility in emergency evacuation situation.	Autumn 2017-on-going as required	All disabled pupils and staff working alongside are safe in the event of a fire.
To ensure that, where possible, the school buildings and grounds are accessible for all children and adults and continue to improve access to the school's physical environment for all	Audit of accessibility of school buildings and grounds by Governors Premises/H&S Committee. Suggest actions and implement as budget allows.	Modifications will be made to the school building to improve access.	On-going	Improved access to school building for parents/pupils

Equality objective for 2016-17:

MUTUAL RESPECT - To promote the 'British value' of mutual respect within the school community - with a focus on race, religion, age and disability.

- Whole School Art Project celebrating diversity
- Burton Manor 5 R's promoted in assemblies (Respect, resilience, responsibility, rights, reflection) each week
- School events, visits and visitors promoting and celebrating British values- music events, afternoon tea for parents, visitors from other faiths. Tracking by subject leader for SMSC development
- School ambassadors (from each year group)celebrated in assembly for demonstration of Burton Manor 5 R's
- Contribution to wider community events/fund-raising activities
- School Council exchange visit with Doxey Primary to share ideas and feedback to school in Assembly
- Development of Eco-Group-environmental/school grounds development

Evaluation July 2017:

Wide range of activities to promote mutual respect completed during the year, engaging with pupils, parents and local community.

School values are at the heart of the school's ethos and these are well understood by pupils (questionnaire responses)

Eco-committee has been successful in securing funding for projects to develop the school grounds, celebrated and shared by whole school.

School Council has supported specific charities and successfully planned events for whole school fund raising

Equality objective for 2017-18:

SELF-RESPECT- To promote self-respect and safety in terms of gender, religion, disability or belief- ensuring that staff are continually updated on safeguarding and that children know how to keep themselves safe.

- Staff receive regular safeguarding updates on a range of topics identified from audit carried out (Sept 17)
- Pupils are aware of range of issues/ forms of abuse and know how to protect themselves (cyber-bullying, sexting, online safety/grooming) Whole school safeguarding activities take place during the year (anti-bullying week, NSPCC event, dyslexia awareness)
- Support provided to pupils who require additional provision for their SEMH – social, emotional and mental health – needs, via counselling opportunities for children who are experiencing difficulties within their home/school circumstances.
- Safeguarding is incorporated within the curriculum for PSHE (Personal, Social and Health Education), SRE (Sex and Relationships Education), and assemblies, so that children understand what abuse is and what they should do if they are experiencing it (promotion of Childline number and NSPCC Pants rule)
- Burton Manor 5 R's promoted in assemblies (Respect, resilience, responsibility, rights, reflection) each week, with particular focus on self-respect

Evaluation July 2018: