

Agreed: Spring 2020

Review: Spring 2023

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 Under the Equality Act 2010, this has been replaced by the **general equality duty** and the new **specific duties**.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.

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 EH&CP and auxiliary aids provided by the LA and so may not require anything further. However, if the disabled pupil does not have a EH&CP (or the EH&CP 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 EH&CP provisions which are part of education legislation, under which Local Authorities have a duty to provide auxiliary aids to pupils with a EH&CP 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 – mental health awareness training	Following success of HOPE project all staff to have an understanding of mental health issues and how to support these. Online training programme to be completed	Teachers/LSA's are more able to recognise signs of mental health difficulties and have strategies to support these.	Spring/Summer 2020	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/P.E. leader	All out-of-school activities will be conducted in an inclusive environment with providers that comply with all current and future legislative requirements	Spring 2020- 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 and Feedback marking)	Classroom environments make adjustments to accommodate the needs of individual pupils	Spring 2020-on going	Reaccreditation 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 2020-on going	Adjustments ensure full access to this residential activity

Improving the Delivery of Written Information

Target	Strategy	Outcome	Timeframe	Achievement
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	On-going	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.	Pupils and/or parents feel supported and included.	Autumn 2019-on-going	Improved communication between school and home.

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.	Spring 2020-on-going as required	All disabled pupils and staff working alongside are safe in the event of a fire.

<p>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</p>	<p>Audit of accessibility of school buildings and grounds by Governors Premises/H&S Committee. Suggest actions and implement as budget allows.</p>	<p>Modifications will be made to the school building to improve access.</p>	<p>On-going</p>	<p>Improved access to school building for parents/pupils</p>
--	--	---	-----------------	--

Equality objective for 2019-20:

To continue to work to improve the attendance of specific groups where attendance is below the school average.

- work with specific group of parents/pupils and identify any barriers which can be supported by school
- SLT to track attendance fortnightly with Attendance Manager
- Continue daily calls and follow up any issues
- Continue letters, fines and involvement of EWO
- Continue to promote good attendance through rewards, badges, certificates and prizes

Evaluation July 2020