

Strategy

All schools are required to produce plans for their individual school in relation to accessibility.

Schools are required to plan for:

- Increasing access for disabled students to the curriculum
- Improving access to the school's physical environment
- Improving written information for disabled students.

There are three main duties:

- Not to treat disabled students less favourably
- To make reasonable adjustments to avoid putting disabled students at a substantial disadvantage
- To prepare an accessibility plan for increasing the accessibility of school for disabled students

School needs to consider the requirements of current and future disabled students. This means that school is expected to make reasonable enquiries to find out whether children currently on roll, as well as those seeking admission, have a disability.

The duty not to discriminate covers all aspects of school life, including extra-curricular activities, educational visits and school trips. The duty to make reasonable adjustments refers to the full range of policies, procedures and practices of the school.

Legal Background

The Disability Discrimination Act - DDA, as amended by the SEN and Disability Act 2001, requires all schools to plan to increase, over time, accessibility to school for disabled students. Schools are required to produce plans for their individual school

Schools are required to plan for:

- Increasing access for disabled students to the curriculum
- Improving access to the school's physical environment (buildings and school grounds)
- Improving written information for disabled students.

At a legislative level there are three main strands of support for disabled pupils:

- The SEN Framework (the Education Act 1996 and the SEN and Disability Act 2001)
- The Disability Discrimination Duties (Sections 28A-28C of the DDA 1995)
- The planning duties (Section 28D-28E of the DDA 1995).

The SEN Framework is designed to meet the special educational needs of individual children, some of whom may be disabled, who need provision that is additional to, or different from, what is normally available in schools maintained by the LEA. In general, children with statements must be educated in a mainstream school unless the parents do not want this or it will affect the provision of efficient education for other children. Schools must demonstrate that there are no reasonable steps they could take to prevent this happening.

The SEN and Disability Act (2001) amended Part 4 of the Disability Discrimination Act (1995) by introducing new duties on LEAs and schools relating to disabled students and prospective students. From September 2002, it has been unlawful for schools and LEAs to discriminate against disabled students in their admissions and exclusions policies, education and associated services.

There are three main duties:

- Not to treat disabled students less favourably
- To make reasonable adjustments to avoid putting disabled students at a substantial disadvantage
- To prepare accessibility plans for increasing, over time, the accessibility of schools for disabled students (the 'planning duty').

Please note that these duties are all 'anticipatory': Schools need to consider the requirements of current and future disabled students. This means that schools are expected to make reasonable enquiries to find out whether children currently on roll, as well as those seeking admission, have a disability.

The duty not to discriminate covers all aspects of school life, including extra-curricular activities, educational visits and school trips. The duty to make reasonable adjustments refers to the full range of policies, procedures and practices of the school.

In deciding whether a step is reasonable, schools may take into account the need to maintain;

- Academic standards
- Available resources
- The practicalities of making a particular adjustment
- The health and safety of the disabled students and others and the interests of others.

However, it is the view of both the DfES and the Disability Rights Commission that, where schools have already developed inclusive cultures and practices, these legal duties should mean little extra work.

Definition of Disability

Students falling within the definition of disabled will have a wide range of needs and requirements including: mobility impairment, sensory impairment, learning disabilities, mental health conditions, epilepsy, AIDS, asthma and progressive/degenerative conditions.

Schools must not automatically consider students with a disability to have special educational needs, as can be seen below.

Disability

The DDA definition states that 'a person has a disability if he or she has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'.

Special Educational Needs

The Education Act 1996 states that 'children have a special educational need if they have a learning difficulty which calls for special educational provision to be made for them'. Children have a learning difficulty if they:

- Have a significantly greater difficulty in learning than the majority of children of the same age
- Have a disability which prevents, or hinders, them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the LEA

- Are under compulsory school age and fall within the above definitions, or would do so if special educational provision was not made for them.

For the purpose of the DDA 1995 schools are required to consider the needs of students in relation to physical adaptations, curriculum access and auxiliary aids and services. These areas also fall within the scope of the SEN Framework. Schools will continue to consider students' needs, particularly in relation to auxiliary aids and services, within the SEN Code of Practice context.