

**Sandy Upper School  
And Community Sports College**

**Disability Equality Scheme  
and Accessibility Plan  
2007 – 2010**

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## **Section 1                    Introduction**

### **Disability Discrimination Act**

The SEN and Disability Act 2001 extended the Disability Discrimination Act 1995 (DDA) to cover education. Since September 2002, the Governing Body has had three key duties towards disabled students, under part 4 of the DDA:

- Not to treat disabled students less favourably for a reason related to their disability:
- To make reasonable adjustments for disabled students, so they are not at a substantial disadvantage:
- To plan to increase access to education for disabled students

This plan sets out the proposals of the Governing Body of the school to increase access to education for disabled students in the three areas required by the planning duties in the DDA:

- Increasing the extent to which disabled students can participate in the school curriculum
- Improving the environment of the school to increase the extent to which disabled students can take advantage of education and associated services;
- Improving the delivery to disabled students of information which is provided in writing for students who are not disabled.

It is a requirement that the school's accessibility plan is resourced, implemented, reviewed and revised as necessary and reported on annually. Attached is a set of action plans showing how the school will address the priorities identified in the plan.

The plan must be reviewed every three years. The current frame is 2007-2010.

### **Disability Equality Duty**

The Disability Discrimination Act 1995 has been amended by the Disability Discrimination Act 2005 so that it now places a duty on all public authorities, including schools, when carrying out their functions, to have due regard to the need to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Act

- Eliminate harassment of disabled persons that is related to their disabilities
- Promote positive attitudes towards disabled persons
- Encourage participation by disabled persons in public life
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

The duty does not create new individual rights for disabled people. The duty provides a framework for schools to carry out their functions more effectively and to tackle discrimination and its causes in a positive way. The duty thus reinforces the pre-existing duties under the Act. There are both general and specific duties. These duties are described in more detail in the next section.

The most important specific requirement is for public authorities, including schools, to have a Disability Equality Scheme. This requirement for schools came into force in December 2006 (for secondary schools) and December 2007 (for other schools). This plan covers the requirements of the scheme.

## **Section 2            Definitions and Duties**

### **Disability Discrimination Act**

The Disability Discrimination Act 1995 (DDA) defines a disabled person as someone 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”.

The definition can include a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). An impairment does not itself mean that a student is disabled. It is the effect on the student’s ability to carry out normal day to day activities that has to be considered.

The test of whether an impairment affects normal day-to-day activity is whether it affects one or more of the following:

- Mobility
- Manual dexterity
- Physical co-ordination
- Continence
- Ability to lift , carry or otherwise move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand
- Perception of risk of physical danger

A child’s ability to memorise, concentrate, learn, speak, move is central to their education. An impairment that has a long-term and substantial effect on a child’s ability to do these things may therefore amount to a disability.

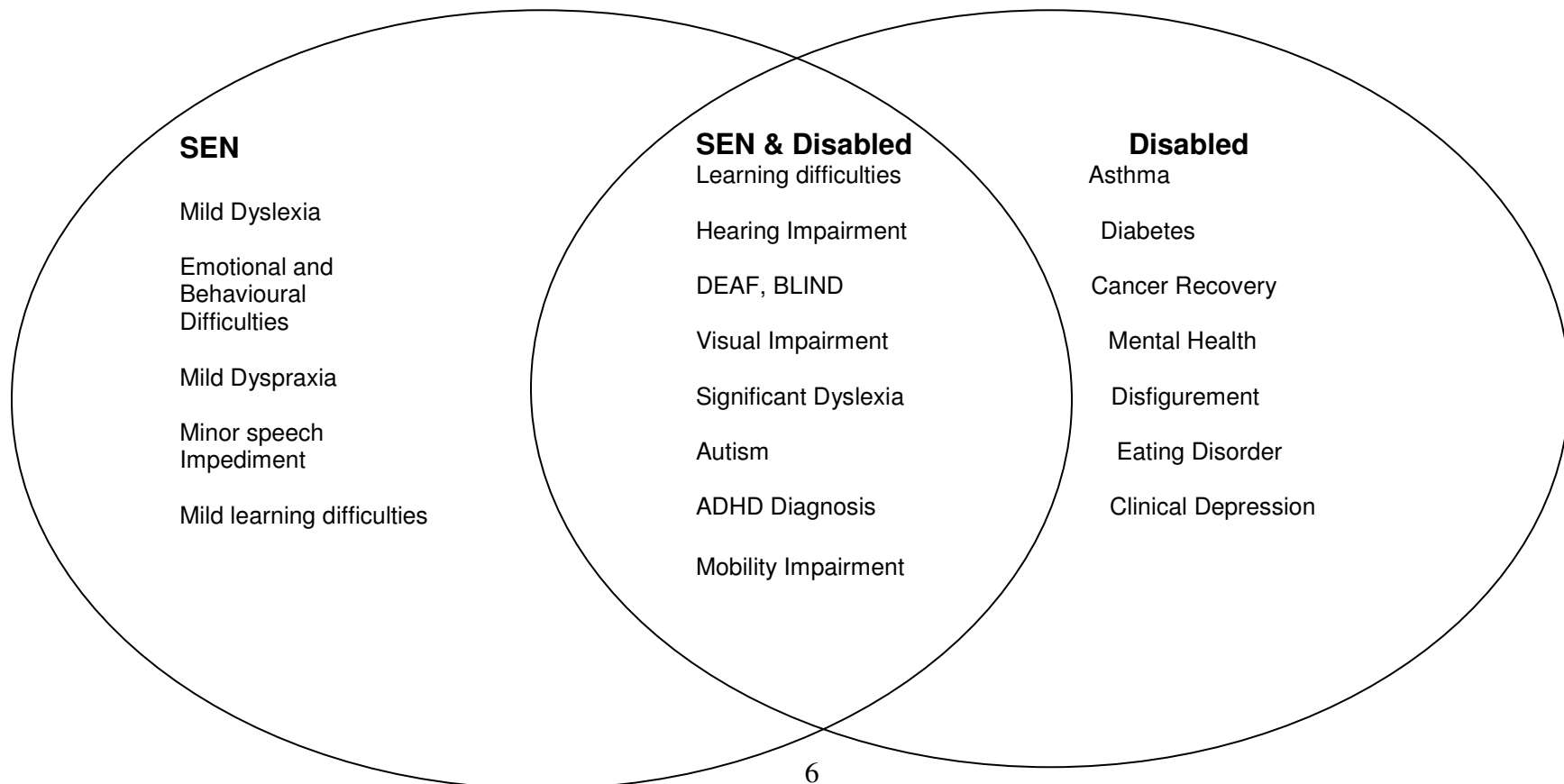
#### Long-term and substantial.

The expression “long-term” and “substantial” are somewhat misleading. “long-term” is defined in the DDA as 12 months or more. Clearly this rules out conditions such as broken limb which is likely to mend within that time. “substantial” means

“more than minor or trivial” but it might helpfully be thought of as meaning “having some substance.” The combined effect of these two terms is to include more people in the definition of disability than is commonly anticipated.

The definition in the Disability Discrimination Act (DDA) is broad. It includes more students than many people think. There is a significant overlap with students with special educational needs, though the definition of special educational needs does not cover all disabled children, for example; students with medical conditions, disfigurements and other impairments may count as disabled but may not have special educational needs.

### **Suggested Overlap of SEN and DDA disability definition for young people**



The existence of an impairment or condition does not depend on an official diagnosis. If the impairment is long-term and has a substantial adverse effect, it falls within the terms of the act whether there has been an official diagnosis or not.

#### The Duties in Part 4

It is unlawful for schools to discriminate against disabled students. A school discriminates if;

- It treats a disabled student or prospective student less favourably than another for a reason related to their disability and without justification
- It fails, without justification, to take responsible steps to avoid placing disabled students at a substantial disadvantage.  
This duty is often known as the “reasonable adjustment’s” duty

The reasonable adjustment’s duty requires schools to think ahead, anticipate the barriers that disabled students may face and remove or minimise them before a disabled student is placed at a substantial disadvantage. Reasonable adjustments may need to be made in admissions, exclusions and “educational and associated services,” a term that covers every aspect of the life of the school. A code of practice, published by the Disability Rights Commission (DRC) provides guidance on the way that the duties operate.

In general it is the governing body of the school that is the “responsible body” for the DDA duties and needs to ensure that everyone in the school, staff or volunteer, is aware of the duties owed to disabled students. To avoid discrimination against any disabled student, all staff need to implement the duties in relation to their area of responsibility.

If parents think their child has been discriminated against, they have a right of redress by making a claim of disability discrimination to the SEN and Disability Tribunal. If the tribunal finds that a school has discriminated unlawfully against a disabled student it can order any remedy that it sees fit, except financial compensation.

## **Disability Equality Duty**

The changes to the DDA 1995 brought about by the DDA 2005 have brought about a change in focus from a reactive to a proactive attitude to disability. The Disability Equality Duty includes both general and specific duties. The DRC again provides Codes of Practice for public authorities and schools must have “due regard” to the codes.

### Due Regard

“Due regard” comprises two linked elements: proportionality and relevance. In all their decisions and functions schools should give due weight to the need to promote disability equality in proportion to its relevance. This requires more than simply giving consideration to disability equality.

Disability equality will be more relevant to some functions than others. Schools will need to take care when assessing relevance, as many areas of their functioning are likely to be of relevance to disabled people.

Proportionality requires greater consideration to be given to disability equality in relation to functions or policies that have the most effect on disabled people. Where changing a function or proposed policy would lead to significant benefits to disabled people, the need for such a change will carry added weight when balanced against other considerations.

It will not always be possible for authorities to adopt the course of action which will best promote disability equality but schools must ensure that they have due regard to the requirement to promote disability equality alongside competing requirements.

### The General Duty

The General Duty requires schools to consider the six issues listed in the Introduction in all actions which they take. The key task is to consider the promotion of disability equality and making sure it is, over time, mainstreamed into all school functions. This includes activities inside and out of the classroom as well as all other aspects of school life eg extended schools, school lettings, employment etc.

The general duty requires schools not only to have due regard to disability equality when making decisions about the future. They will also need to take action to tackle the consequences of decisions in the past which failed to give due regard to disability equality. This is best approached by working towards closing the gaps in the outcomes.

The general duty will build on existing responsibilities under disability legislation in relation to schools, including the duties to make reasonable adjustments and to plan strategically to increase access to schools over time. Schools can implement the general duty by actively reviewing all their policies, procedures and planned access improvements to remove barriers with a view to greater recruitment and retention of disabled staff; and greater participation of disabled students, disabled parents and disabled people in all aspects of school life, in the wider community and in the non-educational services they might provide.

Schools will use the framework of the specific duties to structure their information gathering and action planning in relation to the duty. Involving disabled people and where appropriate both disabled parents and parents of disabled children in setting the school development plans and conducting the daily running of the school is likely to be necessary for the general duty to be effectively met.

### The Specific Duty

The specific duty regulations require authorities, including schools, to produce and publish a Disability Equality Scheme, to implement certain aspects of the scheme and to report on it.

### **Section 3**

### **Vision and Values**

Sandy Upper School has high ambitions for its disabled pupils and expects them to participate and achieve in every aspect of school life.

Sandy Upper School's commitment to equal opportunities is driven by the National Curriculum's inclusion statement. The school:

- Sets suitable learning challenges;
- Responds to students' diverse needs;
- Overcomes potential barriers to learning and assessment for individuals and groups of students.

Sandy Upper School aims to identify and remove barriers to disabled students in every area of school life.

Sandy Upper School makes all children feel welcome irrespective of race, colour, creed or impairment.

## **Section 4      Accessibility at Sandy Upper School**

Sandy Upper School's governors and staff will have regard to the "Code of Practice for Schools" issued by the Disability Rights Commission (DRC) concerning the DDA. The school will also follow the guidance issued by the DfES in 2006 entitled "Implementing the Disability Discrimination Act in schools and early years' settings."

Sandy Upper School will ensure that all staff and governors are aware of the implications of the DDA and, through training and development opportunities, embed the good practice across all aspects of school life.

During the period of the first Accessibility Plan in 2003-2006, Sandy Upper School tried hard to achieve its vision and a number of the successful outcomes are listed below:

- A programme of fitting automatic fire doors was started to enable corridor access
- A development plan is in progress to provide a disabled changing facility for access to the sports department.
- Equipment has been purchased to support a student with cerebral palsy to have equality of access.
- Theatre Hall has been made accessible for wheel chair users.
- Parking spaces have been provided for the disabled.
- Blackboards have been replaced by whiteboards, including some interactive whiteboards

At Sandy Upper School we try to ensure that every child has the best opportunity to achieve. We aim to make "reasonable adjustments" to our practices and policies to meet the requirements of the DDA. We do recognise that there is always room to improve and the action plan shows our wish to continue to develop our practice.

On "access to the curriculum," we have incorporated inclusive developments through national strategies, through local initiative and through in-school developments. Lesson observations include aspects of inclusion in teaching and learning. Scheme of work revisions include measures to ensure that all students including those with disabilities can access the curriculum. This is a rolling programme of improvements which is leading to holistic embedding of the programme.

On "physical environment" we have done what we are able to within the resources available. The audit in 2003 identified a range of issues with differing levels of importance. We have a desire to improve the environment in a way which promotes inclusion for all students and will continue to do so subject to resources being available.

On “information,” we are aware of the need to develop a range of range of formats to meet differing needs. Visual signs will be used in appropriate places for all students, and particularly those who need visual cues to help them. We are aware of services to produce alternative formats if necessary.

We will use our information systems to monitor our progress as a school and the progress of disabled children within the school to ensure that we are helping all children achieve.

## Section 5 Involvement

A key starting point for the school's DES will be assessments of:

- The nature of the school population
- The nature of the school, including a consideration of the impact of the school's existing plans and priorities.

The following questions need to be asked:

Who is the school?	Students, parents, staff, governors and visitors
Who is the disabled?	Students and adults presently in the school
Who is not at school?	Absent students, adults through illness and excluded students
Who might we expect in the future?	New intake from year 9 and stray intake through the year. Other information, such as local/national information on trends in the school and adult population.

In 2006/2007 we conducted an audit of the school's strengths and weaknesses in working with the disabled students, in liaison with Curriculum Area Leaders. This needs to be re-addressed and extended. We will include information on:

- The level of staff awareness about what the DDA requires of them
- The presence of disabled students in the school and the pattern of their participation in the life of the school , looking at:
  - information on the profile of disabled students coming into the school and of those who may not have been admitted to the school up until now
  - detail how well disabled students are accessing the curriculum using:

FFT data at KS2, 3, 4 and 5  
Patterns of attendance and exclusion

Participation in extra –curricular activities, school trips and sports college events

- Issues such as bullying, peer relationships, medicines, role models.

They will also analyse the impact on disabled people in the way the school is organised, looking at:

- The physical environment and accessibility of the school site.
- The school's sports college status.
- School policies and procedures and the effect these have upon students and adults, staff, parents and visitors.
- The way information is provided.
- Priorities in the School Development Plan.
- Outcomes of Every Child Matters.
- Gathering information on the recruitment, development and retention of disabled staff.

In addition to this provision for students with disabilities, Sandy Upper School also takes into consideration:

- i. The recruitment, development and retention of disabled employees through directives set down in the school's employment policy.
- ii. Parents and carers through information gathered from student admission forms.

## **Section 6            Management, coordination and implementation**

The management co-ordination and implementation of the DES is undertaken by Chris Brooker (School Business Manager) and Gill Clayson ( Assistant Head Inclusion) who have joint responsibility for oversight and monitoring.

In addition to this the CPC committee of the governing body monitor and evaluate progress of the DES Action plan as a regular item of business. This is done by reporting on data obtained from discussions with students, parents and staff -

- Outcome gaps identified for disabled students
- Progress made by identified students
- Involvement of students in out of school activities

Recent audits have identified areas for improvement and these will become part of the school's action plan. Upon completion parents, students and other stakeholders will be kept informed of progress made towards meeting identified targets.