

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 Under the Equality Act 2010, this has been replaced by the **general equality duty** and the new **specific duties**.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.
- 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. (A DfE consultation is taking place on this aspect at present)

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.

N.B. School may wish to use the sample provided on Pages 5, 6, 7 to develop their own plan

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/5wpx9aa>

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

Improving the Curriculum Access at Chase Terrace Primary School

Target	Strategy	Outcome	Timeframe	Achievement
Training for teachers on differentiating the curriculum	Undertake an audit of staff training requirements	All teachers are able to fully meet the requirements of disabled children's needs with regards to accessing the curriculum	Ongoing	Increase in the access to the National Curriculum
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	All out-of-school activities will be conducted in an inclusive environment with providers that comply with all current and future legislative requirements	Ongoing	Increase in access to all school activities for 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	Lessons start on time without the need to make adjustments to accommodate the needs of individual pupils	Ongoing	Increase in the access to National Curriculum
Training for Awareness Raising of Disability Issues	Provide training for governors, staff, pupils and parents. Discuss perception of issues with staff to determine the current status of school	Whole school community aware of issues relating to Access	Summer 2017	Society will benefit by a more inclusive school and social environment



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	When required	Delivery of information to disabled pupils improved
Make available school brochures, 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	School information to be available for all	When required	Delivery of school information to parents and the local community improved
Review documentation with a view of ensuring accessibility for pupils with visual impairment	Get advice from Hearing and Vision Support Service on alternative formats and use of IT software to produce customized materials.	School information to be available for all	When required	Delivery of school information to pupils & parents with visual difficulties improved.
Raise the awareness of adults working with and for the school of the importance of good communications systems.	Arrange training courses.	Awareness of target group raised	Ongoing	School is more effective in meeting the needs of pupils.

Improving the Physical Access

Item	Activity	Timescale
Accessible car parking	Bays are signed	Completed 2005
Dropped kerbs either side of main vehicle entrance.	Pedestrian access improved	Completed 2012
Doors	Anti-glare film to be applied to the doors	By 2018 and on-going
Accessible toilet	To provide one unisex accessible toilet	Completed 2006
Adapted wash basins to be at wheelchair height with space under for wheelchair to allow user to get close to wash basin.	To be moved to wheelchair height, as money allows.	Completed 2006