



'Let your light shine' Matthew 5:16

Bilbrook CE Middle School

Access for Disabled Pupils Policy 2023

Signed by:			
T Wright	Headteacher	Date:	June 2023
J Shulman	Chair of governors	Date:	June 2023

1. CONTENTS

2. The Duty not to Discriminate
3. The Reasonable Adjustments Duty
4. Definition of a Disability
5. Confidentiality and Data Protection
6. When it is reasonable to make an adjustment
7. Factors that the school must take into account
8. Provision of auxiliary aids and services
9. Responsibilities
10. Training
11. Equal Opportunities
12. Monitoring and Review
13. Date of next review: July 10th 2023

14. 1. The Duty not to Discriminate

1.1. Disabled pupils have a right not to be discriminated against at school. This covers everything that the school provides for pupils, beyond just the formal education available. It includes access to all school activities such as extra-curricular and leisure activities, after-school and homework clubs, sports activities and educational visits, as well as access to school facilities such as libraries, laboratories and workshops.

1.2. The school must not discriminate against, or victimise, a pupil: –

- in the way the school provides education for the pupil, and in the way the school affords the pupil access to a benefit, facility or service;
- by not providing education for the pupil;
- by not affording the pupil access to a benefit, facility or service;
- by subjecting the pupil to any other detriment.

1.3. These obligations, however, do not apply to anything done in connection with the content of the curriculum. The school is not restricted in the range of issues, ideas and materials used in the school syllabus. The school can expose pupils to thoughts and ideas of all kinds, however controversial. Even if the content of the curriculum causes offence to pupils with certain protected characteristics, this will not make it unlawful unless it is delivered in a way which results in harassment or subjects pupils to discrimination or other detriment.

15. 2. The ‘reasonable adjustments’ Duty

- 1.4. The school is expected to make ‘reasonable adjustments’ to enable disabled pupils as far as is reasonably practicable to overcome any disadvantage felt by a disabled pupil.
- 1.5. The ‘reasonable adjustments’ duty was first introduced under the Disability Discrimination Act 1995. The ‘reasonable adjustments’ duty under the Equality Act 2010 operates slightly differently and has been extended to cover the provision by a school of auxiliary aids and services. The object of the duty is to avoid as far as possible by reasonable means, the disadvantage which a disabled person experiences because of his/her disability.
- 1.6. This duty towards pupils sits alongside the school’s duties towards special educational needs and those of local authorities under Part 4 of the Education Act 1996. In some cases the support a disabled pupil may receive under the special educational needs framework may mean that they do not suffer a substantial disadvantage, and so there is no need for additional reasonable adjustments to be made for them. In other cases disabled pupils may require reasonable adjustments in addition to the special educational provision they are receiving.
- 1.7. There are also disabled pupils who do not have special educational needs but still require reasonable adjustments to be made for them. The level of support a pupil is receiving under Part 4 of the Education Act 1996 is one of the factors to be taken into account when a school considers what it would be reasonable for the school to have to do.

16. 3. Definition of Disability

- 1.8. The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities.
 - ‘Normal day-to-day’ means things that people do on a regular or daily basis, such as reading, writing, using the telephone, having a conversation and travelling by public transport .
 - ‘Long-term’ usually means the impairment should have lasted or be expected to last at least a year.
 - ‘Substantial’ means not minor or trivial.
- 1.9. The key issue is not the impairment but its effect. Impairments such as migraines, dyslexia, asthma and back pain can count as a disability if the adverse effect on the individual is substantial and long-term. Some conditions automatically count as disabilities for the purposes of The Equality Act 2010, from the point of first diagnosis – these are cancer, HIV and multiple sclerosis (MS). Similarly, some types of special educational need might be substantial enough to be considered types of disability, in order to prevent the provision, criterion or practice, or feature, having that effect.”

17. 4. Confidentiality and Data Protection

18. Data Protection

- 1.10. The Data Protection Act 1998 places duties on the school to ensure confidential and appropriate handling of 'sensitive personal data', which includes data about a person's health.
- 1.11. The Data Protection Act also gives individuals the right to see personal data and information held or processed about them, provided they request it in writing. This provision is important in accessing personal information relating to a risk assessment and any other information about the disabled pupil.

19. Revealing a disability

- 1.12. In order to enable the school to make reasonable adjustments a disabled pupil (or their advisers) must provide the school with sufficient information for the school to carry out that adjustment.
- 1.13. The school must, however, recognise the disabled person's right to confidentiality and the school must not disclose confidential details about them without their explicit consent.
- 1.14. Under the SEND Code of Practice (2015) the school also has the responsibility to provide for the needs of those students whose '.....' Identifying these needs, some of which might also be considered disabilities, is therefore also part of the school's responsibility.

20. 5. When it is reasonable to make an adjustment

- 1.15. Where disabled pupils are placed at a substantial disadvantage by a provision, criterion or practice or the absence of an auxiliary aid, the school will consider as soon as reasonably practicable whether any reasonable adjustment can be made to overcome that disadvantage. This can also include adjustments which might be necessary to ensure pupils are able to access lessons and exams.
- 1.16. The school's starting point in determining what a reasonable adjustment might be is to consider how to ensure that disabled pupils can be involved in every aspect of school life, and to introduce and maintain 'adjustments' that the school considers are effective.
- 1.17. The school will take into account the Equal Opportunities and Human Rights Commission (EOHRC) advice that often effective and practical adjustments involve little or no cost or disruption. (*see examples in Appendix 1*)
- 1.18. The school considers that it is good practice to work with disabled pupils and their parents in determining what reasonable adjustments can be made.
- 1.19. Although the school will not expect disabled pupils to suggest adjustments, the school will encourage them to make suggestions and will have regard to any suggestions made that might help to overcome the disadvantage. The school

will determine whether the suggestions are reasonable for the school to implement in all the circumstances.

21. 6. Factors that the school must take into account

1.20. The school is required to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled pupils at a substantial disadvantage.

1.21. This duty is owed to:

- existing pupils,
- applicants for places, and,
- in limited circumstances, to disabled former pupils

1.22. in relation to the following areas:

- deciding who is offered admission to the school as a pupil,
- the provision of education, and
- access to any benefit, service or facility.

1.23. The factors to take into account when making an adjustment are:

- how effective the adjustment would be in overcoming the disadvantage
- how practicable it is to make the adjustment
- the financial and other costs incurred and the extent of any disruption to activities
- the extent of the employer's financial and other resources
- the availability of financial and/or other assistance in making the adjustment
- restrictions on adjustments due to listed building status/planning

1.24. The duty does **not** require the school to make reasonable adjustments to avoid the disadvantage caused by physical features as this is covered by the planning duties.

1.25. The school cannot justify a failure to make a reasonable adjustment. Where the duty arises the issue will be whether or not to make the adjustment is 'reasonable' and this is an objective question for a tribunal to determine ultimately.

1.26. The duty is an anticipatory and continuing one that the school owes to disabled pupils generally, regardless of whether staff at the school know that a particular pupil is disabled or whether the school currently has any disabled pupils on roll.

- 1.27. The school understands that it is not expected to anticipate the needs of every prospective pupil but acknowledges that it is required to think about, and take reasonable and proportionate steps to overcome, barriers that may impede pupils with different kinds of disabilities.
- 1.28. The school will not wait until an individual disabled pupil approaches the school authorities before considering how to meet the duty. The school will plan ahead for the reasonable adjustments that may need to be made, regardless of whether the school currently has any disabled pupils on roll. This planning will be included in the school's Accessibility Plan for how capacity to make adjustments will be developed over time.

22. 7. Provision of auxiliary aids and services

- 1.29. The school has a duty to provide reasonable auxiliary aids and services which are required in order to overcome a disabled pupil's disadvantage. These auxiliary aids and services can take many forms, from the provision of wheelchairs to persons engaged to sit with the pupil while the pupil is learning.
- 1.30. The school cannot charge for auxiliary aids and services which are adjudged to be reasonable.

23. Maintained Schools and Academies

- 1.31. Charging for school services will follow the school's 'Charging and Remissions' policy. The school may not charge unless there is a local authority or governing body policy in place.
- 1.32. A maintained school or academy cannot charge pupils for the following
- an admission application;
 - education provided during school hours (including the supply of any materials, books, instruments or other equipment);
 - education provided outside school hours if it is part of the National Curriculum , or part of a syllabus for a prescribed public examination that the pupil is being prepared for at the school, or part of religious education;
 - tuition for pupils learning to play musical instruments if the tuition is required as part of the National Curriculum, or part of a syllabus for a prescribed public examination that the pupil is being prepared for at the school, or part of religious education;
 - entry for a prescribed public examination, if the pupil has been prepared for it at the school;
 - examination re-sit(s) if the pupil is being prepared for the re-sit(s) at the school .

24. Reasonableness in the provision of auxiliary aids and services

1.33. What is 'reasonable' will depend on many factors – including the nature of the aid or service, the size of the school, the funds available, the effects on other pupils, and staff expertise.

1.34. In determining the reasonableness of the provision of an auxiliary aid or service the school will take account of:

- the nature of the disability;
- the age, ability and aptitude of the pupil;
- the range of possible adjustments which would substantially improve the disabled pupil's ability to participate in the life and activities of the school;
- the nature and range of the auxiliary aids and services which might be required to make substantial improvements for the pupil;
- the availability of persons with relevant expertise;
- the likely effect on other pupils and on staff of the provision of possible auxiliary aids and services; – the resources available; and – the finance available.

1.35. Decisions about the reasonableness of the provision of aids and services will be made by the Head or the Head's representative following consultations with the pupil and/or his/her parents.

25. 8. Responsibilities

1.36. The 'responsible body' of a school is responsible for ensuring there is no discrimination in relation to education or access to any benefit, facility or service.

1.37. The governing body is the 'responsible body in this school.

1.38. The 'responsible body' has determined this policy and delegated the implementation to the Head.

1.39. The Head, or a person with delegated duties, will make decisions about the reasonableness of the provision of auxiliary aids and resources.

1.40. All staff must co-operate with the school as far as is compatible with their contractual duties in discharging the school's responsibility

26. 9. Training

1.41. The school will ensure that staff receive appropriate training, and will keep a log of the training, which will be regularly reviewed.

1.42. In particular all staff will be made aware of the requirements of the Act and the implications for the education provision and delivery.

27. 10. Equal Opportunities

- 1.43. In implementing the policy the school will ensure that the requirements of other equal opportunities legislation, regulation and guidance are taken into account.

28. 11. Monitoring and Review

- 1.44. The school will make regular reviews of its practices, policies and procedures to ensure that appropriate reasonable adjustments are made to alleviate the effects of a pupil's disabilities.
- 1.45. The Head will report on the working of the policy to the governing body at least annually.
- 1.46. The policy will be reviewed every two years.

29. 12. Date of next review:

30. Appendix 1 ; Examples of simple and effective 'reasonable adjustments'

- 1.47. A teacher always addresses the class facing forward to ensure that a pupil with hearing difficulties is able to lip-read. A secondary school runs a buddy system for new pupils, allowing disabled pupils to adapt more easily to a new environment. A primary/preparatory school introduces a playground buddy system and a friendship bench which creates a supportive and friendly place for disabled pupils during breaks. A school provides appropriate training for the disabled pupil and his/her colleagues. The school provides suitable equipment, or adapts equipment for the disabled pupil. e.g. chairs, desks, computers, minibuses. The school ensures that teachers are trained to modify instructions or procedures e.g by providing larger print, or material in Braille, or hearing loops. The school might improve communications for disabled pupils e.g. by providing a reader, or visual as well as audible alarms. Teachers could be trained to provide suitable alternative work. For disabled pupils.

- 1.48. Signed:

- 1.49. Date: