

Whinney Banks Primary School  
Disability Equality Scheme  
And Accessibility Plan  
2010 – 2012

April 2010 updated

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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 pupils, under Part 4 of the DDA:

- not to treat disabled pupils less favourably for a reason related to their disability;
- to make reasonable adjustments for disabled pupils, so that they are not at a substantial disadvantage;
- to plan to increase access to education for disabled pupils.

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

- increasing the extent to which disabled pupils can participate in the school curriculum;
- improving the environment of the school to increase the extent to which disabled pupils can take advantage of education and associated services;
- improving the delivery to disabled pupils of information which is provided in writing for pupils 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 renewed every three years. The current time frame is 2010-2012.

## **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 proactive 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 of itself mean that a pupil is disabled. It is the effect on the pupil'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 expressions '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 a broken limb that is likely to mend within that time. 'Substantial' means 'more than minor or trivial' but it may 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 pupils than many people think. There is a significant overlap with pupils with special educational needs, though the definition of special educational needs does not cover all disabled children, for example: pupils with medical conditions, disfigurements and other impairments may count as disabled but may not have special educational needs.

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 pupils. A school discriminates if:

- It treats a disabled pupil or prospective pupil less favourably than another for a reason related to their disability and without justification
- It fails, without justification, to take reasonable steps to avoid placing disabled pupils at a substantial disadvantage. This duty is often known as the 'reasonable adjustments' duty

The reasonable adjustments duty requires schools to think ahead, anticipate the barriers that disabled pupils may face and remove or minimise them before a disabled pupil is placed at a substantial disadvantage. Reasonable adjustments may need to be made in admissions, exclusions and 'education 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 pupils. To avoid discrimination against any disabled pupil, all staff need to implement the duties in relation to their area of responsibility.

If parents think that 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 pupil 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 other 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 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 pupils, 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. In Whinney Banks Primary School it makes sense to combine the Disability Equality Scheme with the Accessibility Plan.

- a school should publish a Disability Equality Scheme demonstrating how it intends to fulfil its general and specific duties
- a school should involve disabled people in the development of the Scheme
- the Scheme should include a statement of:
  - the way in which disabled people have been involved in the development of the Scheme
  - the authority's methods for impact assessment
  - steps which the authority will take towards fulfilling its general duty (the "action plan")
  - the authority's arrangements for gathering information in relation to employment, and, where appropriate, its delivery of education and its functions
  - the authority's arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes
- a school must, within three years of the Scheme being published, take the steps set out in its action plan (unless it is unreasonable or impracticable for it to do so) and put into effect the arrangements for gathering and making use of information
- a school must publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

### Section 3

### Vision and Values

## **WHAT ARE WE AIMING TO DO IN WHINNEY BANKS PRIMARY SCHOOL ?**

At Whinney Banks Primary School, we are committed to being an open-minded, supportive and professional team who respect one another and work together to make a difference.

We aim to create a positive atmosphere of trust, respect and high expectations between pupils, staff, parents and other professionals.

We are determined to foster a happy, safe and calm environment, where children behave well and become confident, independent life-long learners.

We encourage pupils to:

- care for one another
- develop self-esteem
- take pride in their learning
- take responsibility for their actions
- strive for high standards in their behaviour, academic and personal achievement

In order for them to experience success and realise their potential, we seek to treat all children fairly and have high expectations of each individual.

We are passionate about providing children with a broad, balanced and enriched curriculum. This is delivered in a high quality, stimulating manner, using first hand experience and practical activities wherever possible.

We strive to build effective learning partnerships between home, school and the community. By working together, our aim is to be recognised as a successful school, where parents are happy to send their children and to which children are happy to come.

We want children to leave Whinney Banks:

- Enquiring, independent thinkers
- Literate, numerate and ICT competent
- Creative, resourceful and able to solve problems
- Self confident learners who are willing to try new things and make the most of opportunities
- Well rounded personalities who recognise their talents and have ambitions
- Emotionally healthy
- Having the confidence to express themselves and value their own and others' contributions
- Understanding their own and other cultures and traditions, with a strong sense of their place in the diverse world around them
- Having enjoyed their learning experience
- With the ability to lead safe, healthy and fulfilling lives

Whinney Banks Primary School aims to be a fully inclusive school:

- We have high ambitions for our disabled pupils and expect them to participate and achieve in every aspect of school life.
- Our commitment to equal opportunities is driven by the National Curriculum Inclusion statement. The school:
  - sets suitable learning challenges;
  - responds to pupils' diverse needs;
  - overcomes potential barriers to learning and assessment for individuals and groups of pupils.
- We aim to identify and remove barriers to disabled pupils in every area of school life.
- We aim to make all children feel welcome irrespective of race, colour, creed or impairment.

## **Section 4            Accessibility at Whinney Banks Primary School**

Whinney Banks Primary 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."

We 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.

Physical environment: We have done what we are able to within the resources available. The last audit in our school identified a range of issues with differing levels of importance. We have a desire to improve the environment in a way that promotes inclusion for all pupils and will continue to do so subject to resources being available. Prior to the period of the first Accessibility Plan in 2003 – 2006, Whinney Banks Primary School was subject to a new substantial refurbishment of the school building, and, as such, DDA and Accessibility were key considerations in the design and discussion process. In the 2006-2009 period we have continued to work towards our inclusive aims and have made a number of improvements including:

- Replacing narrow doors with those suitable for wheelchair access.
- Providing additional bays for disabled parking.
- Textured sections either side of the main school car park entrance.
- Providing new signage based on visual symbols.
- Improving lighting to a number of classrooms and the main dining hall.

Access to the curriculum: Alongside building work there has been ongoing staff development and curriculum development to ensure the maximum access levels are provided for our pupils with disability. Personalisation of the curriculum for many pupils has been an ongoing aim and access for disability is a feature of this work. We have incorporated inclusive developments through national strategies, through local initiatives and through in-school developments. Lesson observations include aspects of inclusion in teaching and learning. Specific training has included Speech therapy training for teaching assistants working with pupils with speech difficulties and training one member of staff in Reading Recovery.

Scheme of Work revisions include measures to ensure that all pupils including those with disabilities can access the curriculum. This is a rolling programme of improvements that is leading to holistic embedding of the principles.

We seek to ensure that every child has the best opportunity to achieve. We 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.

Information: we have tried to use a range of formats to meet differing needs. Visual signs are used in appropriate places for all pupils, and particularly for 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**

Where need is identified either by the school, or through self-identification by parents or children, then channels of discussion are opened to ensure that procedures and practices are put in place to give maximum access to the school's physical and learning environment, and the curriculum, so that **no child or adult is discriminated against**.

Parental reaction to the support provided over the past 3 year period has been very positive and we aim to maintain this over the period ahead.

## **Section 6                    Management, Coordination and Implementation**

### **Key personnel: DES Champions:** Policy, Monitoring and Co-ordination

- Head teacher
- Assistant Head teacher – SEN and G&T
- Assistant Head teacher – Behaviour & Ethos
- Assistant Head teacher – Early Years

### **Associate personnel:** Policy and Action support

- Class teachers
- Teaching Assistants
- Parent Support Adviser
- Office and Administrative Staff
- Lunchtime Supervisory Staff

### **Governing Body Policy and Action:** Finance and Staffing Committee

### **Monitoring**

All children in school are monitored regularly. Particular monitoring of children who have disability or special needs is also undertaken to ensure maximum level of access and involvement.

- Who are the disabled children, parents or staff?

Those where one or more of the elements below may impact in a long term, sustainable way on their access to the services and facilities of the school:

- Mobility
- Manual dexterity
- Physical co-ordination

- Contenance
- 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

- Are there outcome gaps for disabled children as a group?

All children's progress is monitored on a regular basis and any under-performance, for whatever reason, is investigated and remedial action planned if appropriate.

- Are disabled children taking up opportunities, clubs, trips etc?

An inclusive approach to trips and clubs is well established in the school and regularly reviewed. We do recognise that many clubs and trips rely heavily upon staff giving freely of their own time and hope that parents will be equally willing to provide their support if this is required to support their child in participating in such activities.

- How you will inform parents and others of the progress in this work.

Parental Consultations are held on request and in the Autumn and Summer terms to ensure good communication to facilitate useful discussions about our approaches to supporting pupils with disability. Annual Reports are circulated to parents on children's progress.

## Useful Resources and Websites

DfES (2006)

Disability Rights Commission (2002)

Disability Rights Commission (2005)

*Implementing the DDA in schools and early years settings*

*Disability Discrimination Act 1995: Part 4: Code of Practice for Schools*

*The Duty to Promote Disability Equality: Statutory Code of Practice (England & Wales)*

[often referred to as the *Code of Practice on the Disability Equality Duty*]

<http://www.everychildmatters.gov.uk/>

<http://www.teachernet.gov.uk/wholeschool/sen/senstrategy/>

<http://www.drc-gb.org/>

<http://www.ofsted.gov.uk/publications/>

<http://www.teachernet.gov.uk/wholeschool/sen/schools/accessibility>

## Key messages for schools

The Accessibility Planning Project worked with six partner local authorities and their schools to develop the accessibility planning materials. On the basis of that work, some key issues emerged. They are provided here to inform the further development of schools' plans.

### *The best plan for your school starts with your school and your pupils*

Plans need to start with the school's own information and data about their disabled pupils, the school's vision for their disabled pupils, and the views of disabled pupils and their parents. Every school is different. Another school's plan is unlikely to be relevant to your disabled pupils at your school.

### *There are more disabled pupils than you think*

Crucial to effective planning is a clear understanding of which pupils count as disabled; and which pupils who might be coming to the school count as disabled.

Most people are surprised to find out how many are included in the DDA definition.

### *Consultation is crucial*

Consult and schools will get help in identifying their priorities. Consult pupils and parents and schools will get good practical solutions to increasing access for them. Consult early and schools are more likely to get help in identifying low cost or no cost solutions.

### *Knowing where to go for support*

All schools may need to supplement and complement their own expertise. A range of different forms of support is available to most schools: supportive colleague networks, specialist advisory support, different sections of the local authority, other agencies, local and national voluntary organisations.

### **Nobody can do this on their own: these duties need a school wide response**

It needs everyone to take the lead in respect of accessibility within their area of responsibility: access to the curriculum in the hands of those with curriculum responsibilities; access to the pastoral life of the school in the hands of those with pastoral responsibilities; all overseen by the senior management team reporting to the governing body.

### *Differentiation takes time*

If differentiation is to include those pupils who are working at significantly lower levels of the National Curriculum than their peers, a significant investment of time is needed to adapt schemes of work. This work needs to be built into the school's curriculum development and its accessibility plan over time.

### *'Invest to save'*

There is a strong case for investing in curriculum and professional development. This can improve access for disabled pupils and may make more effective use of learning support.

### *The physical environment is not just about ramps and doorways*

Improvements to the physical environment are about getting into and around the school, but they are about more than that: they are about all disabled pupils being able to use all the facilities of the school. It is as much about pupils with autistic spectrum disorders being able to use recreational spaces, or improvements to the acoustic environment, as it is about getting wheelchairs up a step and through the door.

### *Share where possible*

Sharing good practice through clusters and networks can spread creative solutions. Sharing development work through clustering and networks can reduce the workload.

### *Piggy-back where possible*

Where curriculum development is planned, include access considerations; where building works are planned, include access considerations; when ordering books, equipment and materials, include access considerations; when increasing access for disabled staff or members of the public under other parts of the DDA, include access considerations for pupils.

### **School improvement**

**Improved access should lead directly to improved outcomes for disabled pupils. The school's accessibility plan should therefore not just be linked to the school improvement process, it should be located firmly within it.**