

Disability Equality in Education

Course Book



Making it Happen: Implementing the Duty to Promote Disability Equality in Primary Schools

January 2007
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DISABILITY EQUALITY IN EDUCATION LTD

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Disability Equality in Education (DEE) is a leading organisation in promoting disability equality and inclusive education in the UK and internationally. DEE is a training organisation led by Richard Rieser and has a network of 160 disabled trainers who have successfully delivered training to 80,000 professionals in the last five years. DEE produces resources to raise disability equality with pupils.

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1.Introduction

Disabled people in the UK are still twice as likely as non-disabled people:

- not to go to college or university
- not to have any qualifications
- not to have a job

Because of the continuing discrimination against disabled people, the Government with all party support has introduced a Duty to Promote Disability Equality across all public bodies including schools. The Disability Discrimination Amendment Act (2005) introduced a **General Duty** to promote disability equality for all public bodies, including schools.

Schools are required to have due regard to the following 6 prongs in the operation of their organisation:

- Promote equality of opportunity between disabled and non-disabled persons
- Eliminate discrimination that is unlawful under the Act (see Existing Duties)
- Eliminate harassment of disabled persons that is related to their impairments
- Promote positive attitudes towards disabled people
- Encourage participation by disabled persons in public life
- Take steps to take account of a disabled person's impairments, even where that involves treating the disabled person more favourably than other persons

The duties apply to disabled pupils, staff, parents and members of the public who may use the school's facilities. Schools will need to identify pupils, parents and staff likely to be considered disabled under the Disability Discrimination Act (DDA). Disabled pupils are likely to be a significant proportion of the pupil population. Estimates vary between 6.75% and 30%. The DDA definition has been broadened from December 2005 and now covers up to 20% of the adult population.

Schools and Local Authorities will need to monitor the impairments disabled people as staff, parents and users of their services, and for disabled pupils they will need to monitor their achievements,

exclusion, bullying and participation in educational visits and activities.

All Local Authorities and state secondary schools needed to have a **Disability Equality Scheme** in place by 4th Dec. 2006. **All Primary Schools and Special Schools and PRUs** must have a scheme by **3rd December 2007**.

The scheme must include:

- A statement of how disabled pupils, staff, parents and disabled members of the community who may use school facilities have been involved in developing the scheme
- An Action Plan- the steps the school will take to meet the Duty
- Arrangements for gathering information about performance of the school on disability equality e.g. pupil achievement or employment and retention of disabled staff
- Arrangements for assessing the impact of policies, procedures and practices of the school on disability equality and improving these when necessary
- Details of how the school is going to use the information gathered, in particular in reviewing the effectiveness of its action plan and preparing subsequent schemes
- The scheme must be reviewed and publicly commented upon each year and revised every three years

Implementing this Duty to Promote Disability Equality can draw on existing good practice in making reasonable adjustments and school access plans.

Improving Life Chances and Social Model Thinking

"The report sets out an ambitious vision for improving the life chances of disabled people so that by 2025 disabled people have full opportunities and choices to improve their quality of life and will be respected and included as equal members of society."
Tony Blair, British Prime Minister (January 2005)

Both Improving the Life Chances of Disabled People (Cabinet Office 2005) and the Duty to Promote Disability Equality are based on **Social Model** of Disability thinking. This is the thinking about disability that has come from the Disabled People's Movement. Here barriers of attitude, organisation and environment are seen as the

cause of disability, not people's impairments whatever their type or degree. This is in contrast to **Traditional Models**, which have seen disability as caused by a range of supernatural events such as Divine punishment or **Medical Model** approaches, which view the main issue as located in the person's impairment and seek to cure or rehabilitate them to fit into an unchanging mainstream world that is full of barriers to disabled people.

2.The Disability Equality Duty for the Public Sector

What is it?

1.From December 2006 **The Disability Discrimination Act (DDA) 1995** will be amended to place a Duty on all public bodies to promote disability equality. This will affect all public bodies - from local councils to government departments, from universities to hospitals.

2.The Disability Equality Duty will require the public sector to actively promote disability equality, and is similar to the duty to promote race equality under the 2002 Race Relations (Amendment) Act.

3.This is a positive duty, which builds in disability equality at the beginning of the process, rather than making adjustments at the end. It will bring about a shift from a legal framework, which relies on individual disabled people complaining about discrimination, to one in which the public sector becomes a proactive agent of change.

4.How will it operate? The Act sets out what is known as the General Duty. This means public bodies will all need to have due regard to the need to eliminate unlawful discrimination and promote equal opportunities for disabled people. They will also need to consider the elimination of harassment of disabled people, promotion of positive attitudes and the need to encourage the participation of disabled people in public life.

5.The General Duty (-s.49A) The Disability Discrimination Act 1995 (which will be referred to as "the Act" throughout this Code) has been amended by the Disability Discrimination Act 2005 so that it now places a duty on all public authorities, 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 totality of this duty is known as 'the duty to promote disability equality' or the 'General Duty' (Code of Practice page 1).

6.Guiding Principles of the Duty to Promote Disability Equality

- Proportionality - balance other needs and factors
- Effectiveness - it works
- Involvement - local disabled people, staff and service users
- Transparency – can process and expenditure be easily tracked?
- Social Model of Disability thinking in ethos and all policies, practices and procedures
-

7.The Duty does not create new individual rights for disabled people. Rather than providing restitution when a disabled person has been the subject of discriminatory treatment, the Duty provides a framework for public authorities 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.

8.The General Duty requires public authorities to adopt a **proactive** approach, mainstreaming disability equality into all decisions and activities. This is framed as a requirement on authorities to have due regard to disability equality in its various dimensions set out in paragraph s49 of the Act.

9."Due regard" means that authorities should give due weight to the need to promote disability equality in proportion to its relevance. It requires more than simply giving consideration to disability equality.

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

10.The General Duty requires schools and local authorities 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 education and associated services, access or employment outcomes, so that for example,

disabled and non-disabled people express the same level of satisfaction with their education, or achieve a more equal pattern of educational achievement.

11.The Specific Duty- The Regulations will give key public bodies a Specific Duty which will define for them a framework to use to meet the General Duty. The main element of this will be the requirement to produce a **Disability Equality Scheme**. There will be a full list of bodies who will have the Specific Duty and will be required to produce a Disability Equality Scheme. This full list of public bodies having to produce a scheme is in an Annex of the Code of Practice but includes:

- Government Departments such as the DfES
- Local Authorities
- Schools
- FE Colleges
- Universities
- Regional Development Agencies
- Health
- Regulatory Bodies including OFSTED

12.In the process of producing this **Disability Equality Scheme** schools/LEAs must:

- Involve disabled people in producing the scheme and developing the action plan
- Identify how they will gather and analyse evidence to inform their actions and track progress
- Set out how they will assess the impact of their existing and proposed activities on disabled people
- Produce an action plan for the next three years
- State how the school will implement General Duty
- Consultation with disabled people in production, setting targets and monitoring of the scheme
- State how it meets with the strategic priorities of the organisation
- Collect and analyse data- e.g. achievement of disabled pupils
- Impact assess the policies, practices and procedures on disabled people
- Identify the strengths and weaknesses of the organisation in promoting disability equality
- Detail the action the organisation will take and by when

- Know how their school will have achieved its objectives
- Report on their progress every year and review and make appropriate revisions to this scheme at least every three years

13.What should be covered in a school Scheme?

- Achievement of pupils
- Disability in curriculum
- Teaching and learning
- Developing a voice for disabled pupils, staff and parents
- Removing barriers- physical, communication and curriculum
- Lettings and use by community
- Eliminating harassment and bullying
- Employing, promoting and training disabled staff
- Monitoring
- Assessment
- Governance and relations with parents
- Breaks, lunchtime, after school activities and trips
- How the school involved disabled people
- Making the school more accessible- link with the School Access Plan

14.Impact assessing your policies and procedures

- At the heart of the Disability Equality Duty is the requirement to involve disabled people in producing the Disability Equality Scheme
- This requires more than consultation, but active engagement
- A good starting point is to identify barriers to disabled people in current policies and practices
- Involvement should be focused, influential, efficient and transparent
- Start by identifying key areas where action is needed to improve outcomes for disabled people

Schools and Local Authorities must demonstrate that they have taken the actions they have committed themselves to, and achieved appropriate outcomes.

15.Measuring Outcomes- as a minimum the Disability Equality Scheme must monitor:

- Admissions, exclusions and educational attainment of disabled pupils in schools
- Accessibility and suitability of education and associated services

- Recruitment, retention and career development of disabled staff

Outcomes must: -

- Inform schools whether their action plan is delivering greater equality
- Ensure whether the school have the right priorities

16.How will it be enforced? In relation to the Specific Duty and those bodies who will have to produce a Disability Equality Scheme, the DRC will have the power to issue compliance notices where it is satisfied that a public authority has failed to comply with its specific duties under the regulations, and can enforce the notices in the county or sheriff court.

17.Benefits of the General Duty. There are many practical ways in which public schools and local authorities will benefit from implementing the requirements of the Disability Equality Duty. Some general examples are:

- better targeted policies for the needs of all
- representation of different disabled people at all levels
- improvements in perceptions of education services, and more satisfaction with these
- greater public confidence in education services
- filling current gaps in education services
- better involvement and more participation by staff, pupils, parents and members of the public from the local community
- better targeted information about education services to disabled people
- better access to education services

18.Benefits to Employment. Meeting the Duty can also bring considerable advantages to schools and local authorities in terms of their employment functions. It can help authorities to:

- achieve a more representative workforce
- attract able staff
- avoid losing or undervaluing able staff
- provide expertise and role models for disabled pupils
- improve staff morale and productivity
- improve staff management
- identify and develop good practice
- avoid claims of unlawful discrimination

19.Benefits to Policy Making. In terms of policy and service delivery, school leaders and authorities will be able to:

- encourage staff to be more aware of issues concerning particular groups

- encourage better co-ordination across departments and functions (for example, school capital improvements or the planning of new schools under Building Schools for the Future)
- contribute to more informed decision-making
- ensure that policies are properly targeted
- improve the ability to deliver education for all in an accessible way, and to carry out their functions so that they meet the diversity of needs
- encourage greater openness in governing bodies, school leadership groups and policy-makers
- increase involvement of disabled people in policy-making
- increase confidence in the education services, particularly amongst disabled people

20.Benefits to Education. In relation to education, in successfully applying the Duty, schools will be able to ensure that their disabled pupils and learners can reach their potential by tackling the barriers to their learning. OFSTED has found that the best lessons take place where the delivery of teaching and learning responds effectively to the individual needs of the pupil or student. A common characteristic of the highest performing schools is an inclusive ethos that focuses on raising achievement for all learners.

The Duty will mesh with the existing development plans and performance improvement strategies of schools to take account of the particular barriers to achievement for disabled pupils and learners.

21.In particular, the Duty will:

- provide a framework to consolidate education provision for disabled children
- mesh with the existing development plans and performance improvement strategies of schools to take account of the particular barriers to achievement for disabled pupils and learners
- create an emphasis on equality for disabled pupils and give a greater imperative to schools and local authorities to implement the planning duties which are imposed by the Special Educational Needs and Disability Act 2001
- ensure effective transition of disabled young people in choosing routes of education
- lead to an increase in the representation of disabled people in the teaching profession and the retention of staff who become disabled

- encourage schools to think strategically about other disabled stakeholders, including parents and people using school premises, as well as promoting a greater knowledge and understanding of disability amongst all learners with benefits to society at large.

22. When do the duties come into force? The General and Specific Duty will come into force on 5 December 2006. They contain an obligation for public authorities to publish their Disability Equality Schemes by a specified date, depending upon the nature of the authority:

- All local authorities and secondary schools must publish their Schemes no later than 4 December 2006
- Primary schools, community special schools or foundation special schools maintained by a local education authority in England, or a local authority in respect of its pupil referral units in England, must publish their Schemes no later than 3 December 2007
- Educational establishments in Wales maintained by a local education authority (i.e. primary schools and secondary schools) must publish their Schemes no later than 1 April 2007.

23. Where can we find out more information? For more detail refer to The Code of Practice to be found at www.dotheduty.org. All public bodies including schools and local authorities must give due regard to this Code.

The Disability Rights Commission will also be producing specific advice for schools by September 2006.

A simplified pamphlet is available called 'Doing the Duty' from the DRC.

The DfES have produced a free pack for schools called Implementing the Disability Discrimination Act in Schools and Early Years which provides much useful information, training materials and DVDs on making existing duties work.

3. Definitions of disability under the DDA

“A person has a disability if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.” - Part 1, para. 1.1.

In the Act “disabled person” means a person with a disability - Part 1, para. 1.2.

To fall within the Act, a person must be substantially affected by their disability in one of the following capacities:

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

For the purposes of definition, ignore the effects of medical or other treatments or aids and appliances. The definition ignores a social model definition of disablement that would recognise that disability is a process by which people with physical, mental or sensory impairments are excluded from ordinary activities by physical, organisational or attitudinal barriers.

In the Act ‘substantial’ means ‘not trivial.’

Some people who do not come within the capacities definition will nevertheless be considered disabled. These include those with a disfigurement, cancer survivors, others who have had a disability in the past or those people with a progressive condition once the symptoms appear e.g. HIV or MS; and those with a mental impairment which may include those with challenging behaviour, which does not now have to be ‘clinically well recognised’. Those with special educational needs (SEN) are not the same population as those defined above. There is a big overlap with those categorised as having SEN. Those with long-term medical needs will also be included e.g. epilepsy or diabetes.

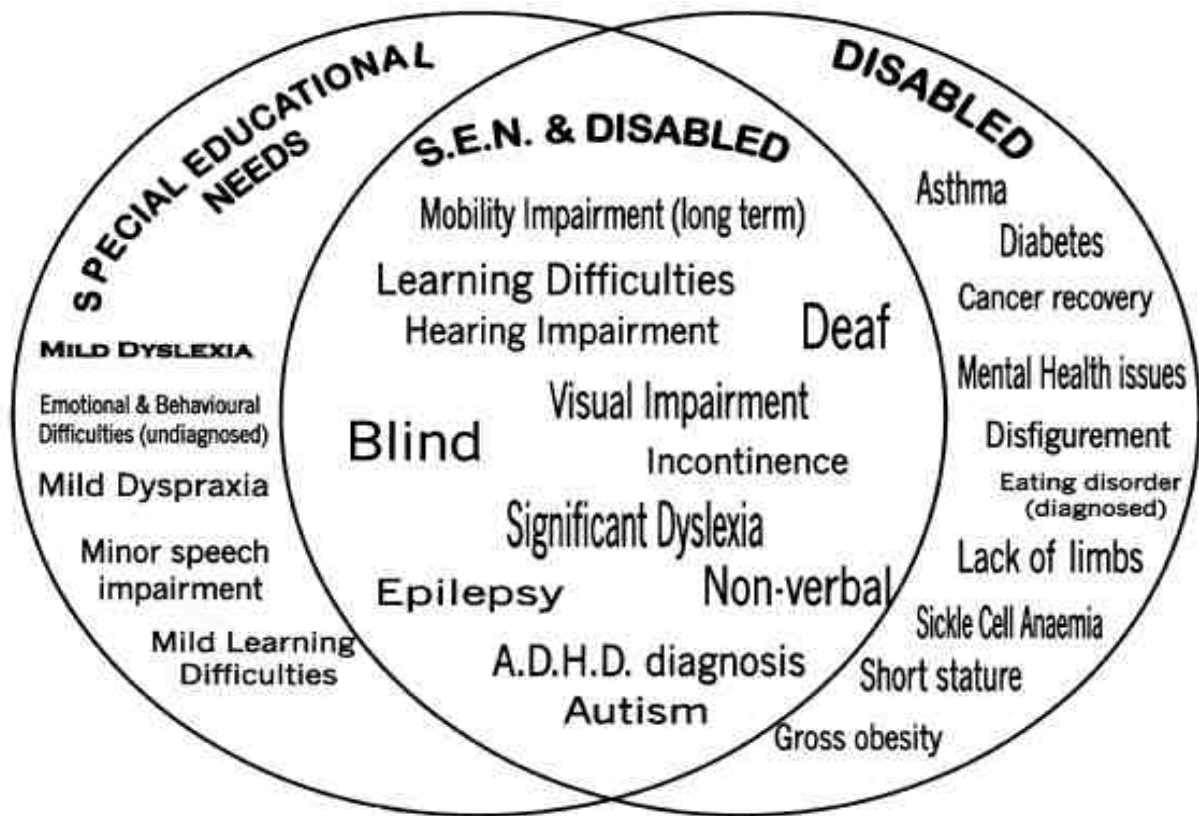
The definition was amended and broadened in December 2005 under the 2005 Disability Amendment Act:

- All those with cancer or surviving cancer are now included
- Those with HIV or Multiple Sclerosis from the point of diagnosis
- For a mental impairment the need for it to be clinically well recognised has been removed

The DRC have produced new guidance with many useful examples. This can be found on their website and is **entitled 'Guidance on matters to be taken into account in determining questions relating to the definition of disability'**. www.drc-gb

DEE recommends that all pupils with SEN and those with long term medical needs be treated as disabled for the purposes of the Act and for equality. This is in addition to all pupils with long-term impairments which have a significant impact on their day-to-day activities. For those with challenging behaviour if a persistent pattern arising from trauma or social deprivation will also now count.

The possible overlap of SEN and DDA disability definition for children and young people:



Copyright C. O'Mahony & R. Rieser (Nov 2001)

4. Warm up quiz- the position of disabled people in the United Kingdom

How much do you know about disability? Tick the answers below which you think are correct.

1. How many disabled people does the Government estimate there are in Britain?
 - a) 5 million
 - b) 8.7 million
 - c) 10.5 million
 - d) 12 million
2. How many disabled people are there estimated to be of working age?
 - a) 2.5 million
 - b) 4.3 million
 - c) 6.8 million
 - d) 8.1 million

3. How many disabled people of working age are there estimated to be out of work and claiming benefits?

- a) half a million
- b) 1 million
- c) 2.1 million
- d) 3.4 million

4. What is the most common impairment?

- a) Hearing impairment
- b) Visual impairment
- c) Arthritis
- d) Back pain
- e) Mental Health Issues

5. What percentage of disabled people are wheelchair users?
- a) 5-7%
 - b) 8-10%
 - c) 10-15%
 - d) 15-20%
6. What is the largest category of disabled pupils in primary schools?
- a) Autistic
 - b) Moderate Learning Difficulty
 - c) Dyslexia and Specific Learning Difficulty
 - d) Behavioural Emotional and Social Difficulty
 - e) Speech and Language
 - f) Physical and Sensory Impairment
7. How many times are disabled people less likely to go on to FE College or University than non-disabled people?
- a) 5 times
 - b) 10 times
 - c) 2 times
 - d) The same
8. Who is responsible for registering an individual as disabled for the purposes of the DDA?
- a) No one
 - b) The individual
 - c) The GP
 - d) The Benefits Agency

9. What do you think are three 'reasonable adjustments' under the DDA for disabled pupils?

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10. What is the comparator for less favourable treatment?

- a) Another person who is disabled
- b) A non-disabled person
- c) An average person
- d) Another disabled person with the same impairment

11. In 2005 58% of non-disabled pupils in Year 6, KS2 achieved Level 4 in English.

i) What percentage of pupils with statements achieved Level 4 ?

- a) 4%
- b) 9%
- c) 14%
- d) 20%

ii) What percentage of pupils on School Action stage of SEN achieved Level 4 ?

- a) 12%
- b) 19%
- c) 33%
- d) 44%

12. Of primary school exclusions what percentage of pupils are disabled or have SEN?

- a) 60%
- b) 20%
- c) 84%

d) 40%

5.Traditional, Medical & Social Models

Traditional Model. For thousands of years disabled people were seen as freaks, outcasts, punished by the Gods, super human, evil or figures of fun. These ideas still shape many of the stereotypes that dominate our media and influence the curriculum. In some cultures and religions these ideas still have a hold. Disabled people were often just accepted as members of their families and few distinctions were made, except at times of social unrest when disabled people were scapegoated e.g. witch-hunts. With the coming of industrial production a new way of thinking about disability emerged. Utilising the new knowledge of the Enlightenment, medical doctors sought to cure and rehabilitate - those who were incurable were often locked away in institutions. The focus was on the impairment, or within person factors, and if the individual could not adjust to 'normal society' they were excluded.

There is more information on stereotypes and history in the section on Promoting Positive Attitudes of Disabled People (pg 124)

Medical Model. The 'medical model' sees the disabled person as the problem. We are to be adapted to fit into the world as it is. If this is not possible, then we are shut away in some specialised institution or isolated at home, where only our most basic needs are met. The emphasis is on dependence, backed up by the stereotypes of disability that call forth pity, fear and patronising attitudes. Usually the impairment rather than the needs of the person are focused on. The power to change us seems to lie within the medical and associated professions, with their talk of cures, normalisation and science. Often our lives are handed over to them.

Other people's assessments of us, usually non-disabled professionals, are used to determine where we go to school, what support we get and what type of education, where we live, whether or not we can work and what type of work we can do and indeed whether or not we are born at all or are even allowed to procreate. Similar control is exercised over us by the design of the built environment, presenting us with many barriers, thereby making it difficult or impossible for our needs to be met and curtailing our life chances. Whether it is in work, school, leisure and entertainment facilities, transport, training and higher education, housing or in personal, family and social life, practices and attitudes disable us.

Powerful and pervasive views of us are reinforced in the media, books, films, comics, art and language. Many disabled people internalise negative views of ourselves that create feelings of low self-esteem and achievement, further reinforcing non-disabled people's assessment of our worth. The 'medical model' view of us creates a cycle of dependency and exclusion, which is difficult to break.

'Medical model' thinking about us predominates in schools where special educational needs are thought of as resulting from the individual who is seen as different, faulty and needing to be assessed and made as normal as possible. If people were to start from the point of view of all children's right to belong and be valued in their local school we would start by looking at 'what is wrong' with the school and looking at the strengths of the child. This second approach is based on 'social model' of disability thinking which views the barriers that prevent disabled people from participating in any situation as what disables them. The social model arises from defining impairment and disability as very different things.

Social Model. Impairment and chronic illness exist and they sometimes pose real difficulties for us. The Disability Movement comprises those disabled people and their supporters who understand that they are, regardless of their particular impairment, subjected to a common oppression by the non-disabled world. We are of the view that the position of disabled people and the discrimination against us are socially created. This has little to do with our impairments. As a disabled person you are often made to feel it's your own fault that you are different. The difference is that some part, or parts, of your body or mind are limited in their functioning. This is an impairment. THIS DOES NOT MAKE YOU ANY LESS OF A HUMAN BEING. But most people have not been brought up to accept us as we are. Through fear, ignorance and prejudice, barriers and discriminatory practices develop which disable us. The understanding of this process of disablement allows disabled people to feel good about ourselves and empowers us to fight for our human rights.

The Disabled People's Movement believes the 'cure' to the problem of disability lies in the restructuring of society. Unlike medically based 'cures', which focus on the individual and their impairment, this is an achievable goal and to the benefit of everyone. This

approach referred to as the 'social model' suggests that disabled people's individual and collective disadvantage is due to a complex form of institutional discrimination as fundamental to our society as sexism, racism or heterosexism.

The obsession with finding medically based cures, distracts us from looking at causes of either impairment or disablement. In a worldwide sense, most impairments are created by oppressive systems - hunger, lack of clean water, exploitation of labour, lack of safety, child abuse and wars. Clearly, this thinking has important implications for our education system, particularly with reference to primary and secondary schools. Prejudicial attitudes toward disabled people and, indeed, against all minority groups, are not inherited. They are learned through contact with the prejudice and ignorance of others. Therefore, to challenge discrimination against disabled people we must begin in our schools.

Our fight for the inclusion of all children, however 'severely' disabled, in one mainstream education system, will not make sense unless the difference between the 'social' and the 'medical' or individual model of disability is understood.

Definitions. In the last 35 years disabled people coming from a human rights' perspective have sought to make sense of their experiences of segregation, isolation and discrimination. They have put forward a new rights based approach founded on 'social model thinking' which views the barriers of environment, attitude and organisation as the cause of disabled people's unequal position in society. The following definitions have now been adopted:

"Impairment is the loss or limitation of physical, mental or sensory function on a long term, or permanent basis." (Disabled People's International 1981)

"Disablement is the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical and social barriers. " (Disabled People's International 1981)

"Disabled People" include people with: physical impairments; sensory impairments (deaf people, blind people); chronic illness or health issues including HIV and AIDS; and all degrees of learning difficulties and emotional and behavioural problems. It also includes people with hidden impairments such as epilepsy, diabetes, sickle cell anaemia; specific learning difficulties such as dyslexia, speech and language impairments; children labelled as 'delicate'; people who identify as 'disfigured'; people of diminutive stature and people with mental distress. All are excluded by barriers though not all have impairments.

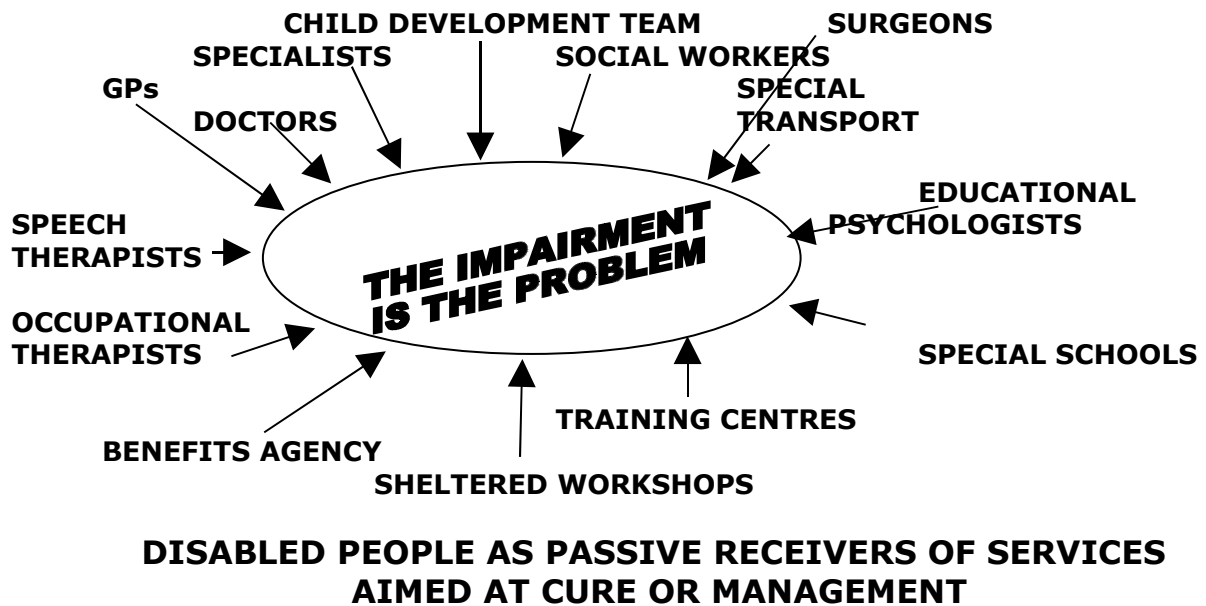
6. Medical / Social Model thinking in schools

MEDICAL MODEL THINKING	SOCIAL MODEL THINKING
Child is faulty	Child is valued
Diagnosis	Strengths and needs defined by self and others
Labelling	Identify barriers and develop solutions
Impairment becomes focus of attention	Outcome based programme designed
Assessment, monitoring, programmes of therapy imposed	Resources are made available to ordinary services
Segregation and alternative services	Training for parents and professionals
Ordinary needs put on hold	Relationships nurtured
Re-entry if normal enough OR permanent exclusion	Diversity welcomed and child is included
Society remains unchanged	Society evolves

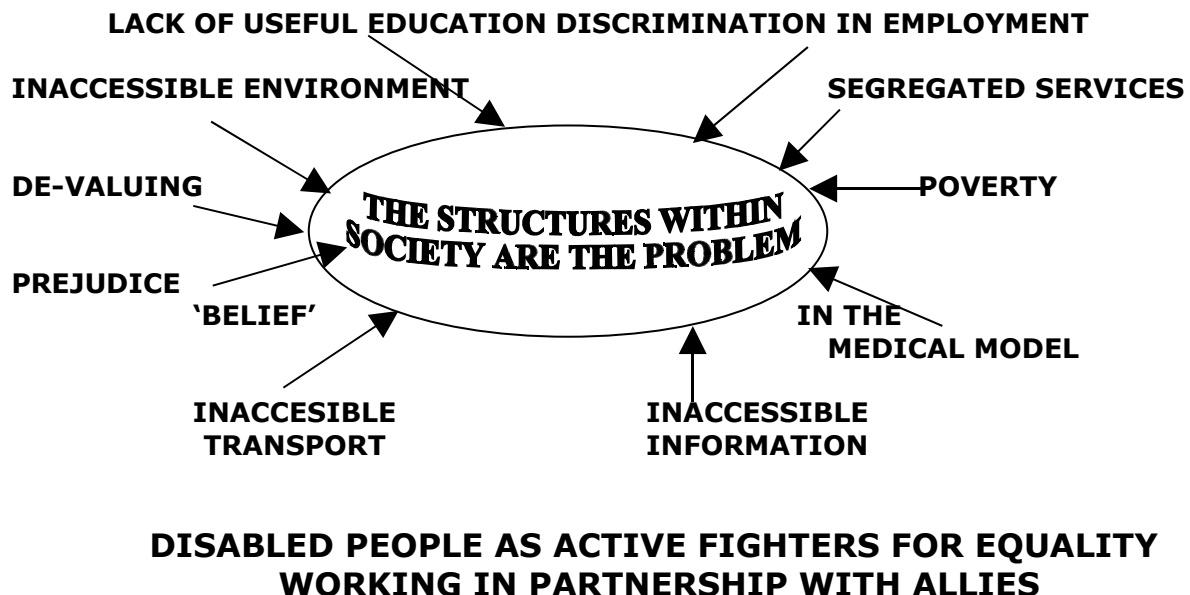
(Adapted from M. Mason 1994, R. Rieser 2000)

7. Medical / Social Models

The Medical Model



The Social Model



8. Activity on Traditional /Medical /Social Models of Disability

- Make the 30 statements below into 30 statements on cards
- Mix up the cards
- Get groups to sort them under three headings: Traditional, Medical and Social Model Views

30 Statements

Traditional View

Your impairment is a punishment from God

You are a freak of nature

You should be a penitent sinner

You should not be allowed to have children

You are like that because your parents did something wrong

You've got a chip on your shoulder

How can you get married and have children

I feel pity for you

You are a child of the devil and evil

You are in-educable

Medical Model View

If you try really hard you could be normal

If we operate you will be able to walk again

You are ill and need a psychiatrist

You must go to a special school and have specialist therapy

If you follow the course of treatment you could be cured

You will never be able to have a sexual relationship

You will always have the mental age of a 5 year old.

You are a danger to yourself and others

If they are allowed to breed they will weaken the gene pool.

Equality is treating everyone the same

Social Model View

We have the right to be different

We see what you can do, not what you can't

We provide the support you need

Work at a pace and in a way that suits you

This building needs to be made accessible

Equality is giving people what they need to thrive

You can be whatever you want

You have the right to be a lover and a mother

Your views are important

Inclusive education for all

9. Identify the Barriers in your School or LEA for Disabled People

Curriculum	Attitudes & Participation	Employment	Admissions / Exclusions	Environment & Other Policies

Identify Solutions to the Barriers in your school or LEA for Disabled People

Curriculum	Attitudes & Participation	Employment	Admissions/ Exclusions	Environment & Other Policies

10.Existing DDA Duties in schools

The briefings and the presentation are all based on the Disability Rights Commission (DRC) Code of Practice. The DRC Code has been sent to every school in the country. It is readable and provides more detail than either the briefings or the presentation in this pack. It is available online at www.drc-gb.org.

Briefing 1. Duties towards disabled pupils: the Disability Discrimination Act (DDA) 1995 and the Education Act 1996

From September 2002 three sets of duties combine to provide the statutory framework that underpins equality of opportunity for disabled pupils in accessing education:

i) Disability discrimination duties in the DDA

From September 2002, it is unlawful for schools to discriminate against disabled pupils. A school discriminates if:

- it treats a disabled pupil or prospective pupil less favorably 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

ii) Planning duties in the DDA

From September 2002, LEAs and schools are required to develop plans to improve access for disabled pupils by:

- increasing access to the curriculum
- improvements to the physical environment of the school to increase access
- making written information accessible in a range of different ways

iii) Special Educational Needs (SEN) duties in the Education Act 1996

The SEN duties provide support for children identified as having SEN. This will include many, but not all, disabled children. The 1996 Act sets out duties to:

- identify; assess; and make additional provision available, for example: equipment or learning support, where necessary

The development of inclusive education remains central in Removing Barriers to Achievement (DfES 2004) and is supported by the QCA General Inclusion Statement and the pack 'Implementing the Disability Discrimination Act in Schools and Early Years' (DfES/DRC 2006). OFSTED inspect this.

11.Existing duties in more detail

Briefing 2. Reasonable Adjustments, Part 4 Disability Discrimination Act 1995 as amended by the Special Educational Needs and Disability Act 2001): What it means for schools.

Introduction

Recent Government statistics suggest disabled pupils are around 7% of the school population. Since September 2002, it has been unlawful for any school to discriminate against disabled pupils (current or prospective), and parents have a means of redress via the SEN and Disability Tribunal and via admissions and exclusions appeal panels.

These duties sit alongside the Special Educational Needs Framework and the planning duties, which require LEAs to develop strategies and schools to develop plans to improve accessibility for disabled pupils over time.

Together, these changes are designed to provide a stronger legal framework to underpin the inclusive practice that many schools are already working towards. Schools that are committed to and striving for equal opportunities and inclusion are unlikely to face difficulties in meeting the new duties. OFSTED include compliance with these duties when inspecting schools.

The Disability Rights Commission has produced a Code of Practice including a wide range of helpful examples to illustrate the duties. This briefing is aimed at those with a managerial or coordinating role in a school. The first part of this briefing is a summary of schools' duties. The second part makes suggestions for implementing the reasonable adjustment duty. This is best read once Essential Viewing of the DVD 1 Implementing the Disability Discrimination Act in Schools (DfES 2006) has been viewed.

Section one: the duties

What does the law cover? From September 2002, it has been against the law for schools to discriminate against disabled pupils in:

- admissions

- education and associated services
- exclusions

i) Admissions

Responsible bodies must not discriminate against a disabled person:

- in the way they decide who can get into the school. This includes any criteria when it is over-subscribed, and the way it operates those criteria
- in the terms for offering people a place at the school
- by refusing or deliberately not accepting an application from a disabled person for admission to the school

ii) Education and associated services

The Act covers all education and associated services for pupils and prospective pupils– in essence, all aspects of school life, including the curriculum, teaching and learning, classroom organization, timetabling, grouping of pupils, homework, access to school facilities, curriculum and non-curriculum trips, school sports, school policies, breaks and lunchtimes, the serving of school meals, interaction with peers, assessment and exam arrangements, school discipline and sanctions, exclusion procedures, school clubs & activities, work with other agencies and all school transitions.

iii) Exclusions

It is against the law to discriminate against a disabled pupil by excluding him or her from the school because of their disability. This applies to exclusions whether they are permanent or fixed-term.

Who is responsible for the new duties?

All schools are covered, including independent schools and pupil referral units. The “responsible body” for a school is ultimately liable and responsible for the actions of all employees and anyone working with the authority of the school.

Responsible bodies

Type of school	Responsible body
Maintained school	The governing body, in general
Pupil referral unit	The local education authority
Maintained nursery	The local education school authority
Independent school	The proprietor
Special school	

How is discrimination defined under the law?

A disabled pupil can be discriminated against in two ways:

1. Less favourable treatment

If a school treats a disabled pupil or prospective pupil less favourably than another for a reason related to his or her disability without justification, they may be breaking the law.

Example A:

Parents who want their daughter with epilepsy admitted to a primary school are told that the school cannot take her unless she stops having fits. This is likely to be deemed less favourable treatment for a reason related to the child's disability and might therefore be against the law. A reasonable adjustment would be to train staff and pupils how to support a child who has fits.

Example B:

A disabled boy is admitted to a secondary school. The school wants him to have all his lessons in a separate room in case other children are frightened by his muscle spasms and involuntary noises. This is likely to be deemed less favourable treatment for a reason related to his disability and might be against the law. A reasonable adjustment would be to work with his peers on accepting him.

Justification for less favourable treatment

In some cases, the school can treat a disabled pupil “less favourably” if it can provide justification that is both material and substantial to the particular case.

Example C:

A pupil with cerebral palsy who uses a wheelchair is on a trip with her school to an outdoor centre. The teachers arrange for the school pupils to go on a 12-mile hike over difficult terrain, but having carried out a risk assessment, they decide that the disabled pupil can’t go on the hike for health and safety reasons. In this particular case, the school may be able to justify the less favourable treatment for a material and substantial reason, although they are likely to be expected to arrange an alternative activity for the disabled pupil as a reasonable adjustment.

Less favourable treatment can also be justified if it is the result of a permitted form of selection.

Example D: A child with learning difficulties applies to attend a school that selects its intake on the basis of academic ability. She fails the school’s entrance exam, because the school has applied objective criteria, the less favourable treatment is likely to be justified. Even though the reason for her performance in the exam was for a reason related to her disability. If she had passed she should be admitted and reasonable adjustments made for her impairments.

2. Failing to make a Reasonable Adjustment

Schools can also be found to have discriminated where they have failed to take “reasonable steps” which leads to disabled pupils and prospective pupils being placed at a “substantial disadvantage” compared to non-disabled pupils.

Example A: A deaf pupil who lip-reads is at a disadvantage because teachers continue speaking while facing away from him to write on a whiteboard.

A reasonable adjustment would be for staff to have training on meeting deaf pupils’ needs and for them to implement necessary changes, such as facing the pupil while speaking and providing written notes to the pupil.

Example B: A pupil with severe dyslexia is told she cannot have her teacher’s lesson notes and that she should be taking notes during lessons “like everyone else”. A reasonable adjustment would be

staff training and a policy of giving extra written notes to those pupils who need them because of their impairment.

Justification for failing to take “reasonable steps”

Not taking “reasonable steps” to avoid putting pupils at a substantial disadvantage can only be justified if there is a reason which is both material and substantial to the particular case. Not to consider these steps for a disabled pupil is likely to be unlawful.

3. What is a “substantial disadvantage”?

The school needs to take account of a number of factors that put the disabled pupil in detriment. These might include:

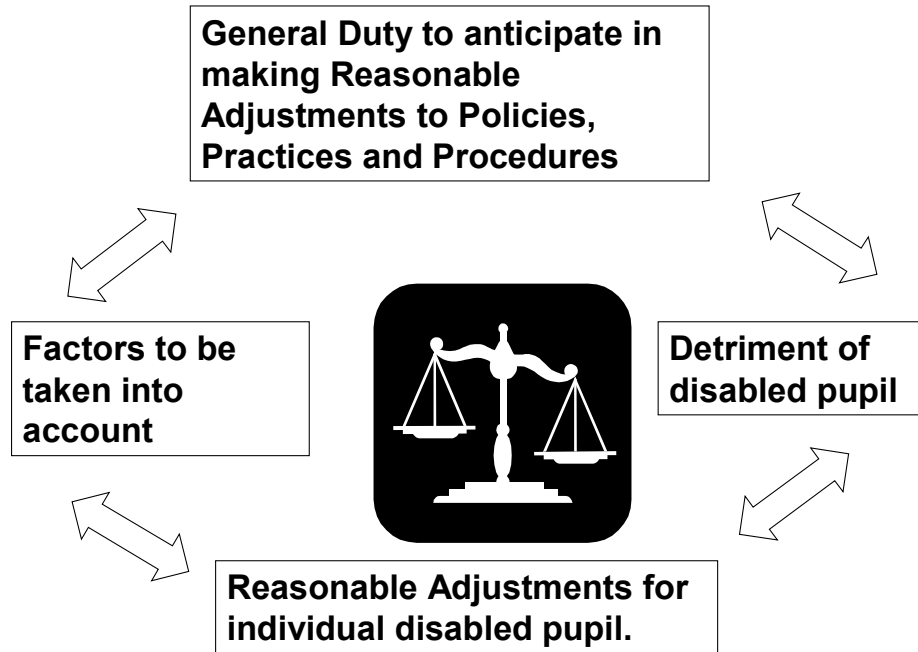
- the time and effort that the disabled child might need to expend
- the inconvenience, indignity or discomfort a disabled child might suffer
- the loss of opportunity or lack of progress that a disabled child may make compared to other non-disabled children

Effectively, schools have to balance what is reasonable against the substantial disadvantages for the disabled pupil(s).

What is “reasonable”?

The Act does not define “reasonable” – this depends on individual cases and will be a matter for the Tribunal and/or appeal panels to decide. However schools can take account of the:

- need to maintain academic and other standards
- money available
- practicalities of making the particular adjustment
- health and safety of the disabled pupil and others
- interests of other pupils



4. When do schools need to take action on reasonable adjustments?

Schools have **a duty to all disabled pupils** and potential pupils, not just individuals. Schools cannot wait until a disabled pupil has arrived before making adjustments as they may find themselves already in breach of the law. They need to think ahead to what they might need to do, and should keep policies under review to ensure that they do not discriminate against disabled pupils. This is the **anticipatory** nature of the Duty. This means that, even if there are no disabled pupils in the school at present the school still needs to consider changes.

The **key tests** are that policies, procedures and practices do not lead directly to less favourable treatment or substantial disadvantage and that they provide the school with the flexibility required to respond to individual needs as they arise. Schools are advised to make reasonable enquiries to find out whether children seeking admission to their school or existing pupils have impairments.

Some practical suggestions for action are provided later in this briefing.

5. Auxiliary aids and services

The (SEN) framework is designed to provide for these. Schools' duties under the DDA are designed to sit alongside the SEN framework and are not an additional route of access to auxiliary aids and services. Auxiliary aids and services might include equipment, personal assistance or the provision of information in formats such as Braille or audiotape. However the use the school makes of this **provision** does come under the reasonable adjustment duty.

Example 7: A school is provided with the resources to employ a teaching assistant for a pupil with autism via his statement of special educational needs. The school does not employ the teaching assistant, but then does not make adjustments so the pupil can take part in school activities such as the nativity play and making Christmas cards. They have treated him less favourably and failed to make reasonable adjustments, including not employing a teaching assistant.

6. Do schools need to make "reasonable adjustments" to buildings and the physical environment under Part 4 of the DDA?

Schools do not have to remove or alter physical features as part of the "reasonable adjustment" duty. Physical alterations are covered by the longer-term planning duties for LEAs and schools. Since April

2003 all maintained schools are meant to have had a **School Access Plan** in place. There are three distinct elements:

- improved access to the curriculum
- physical improvements to increase access to education and associated services
- improved information in a range of formats for disabled pupils

Improved access to the curriculum and improved written information for pupils in alternative formats overlap with the reasonable adjustment duty. For improved access to the curriculum the **Qualification and Curriculum Authority** have issued statutory guidance in **the General Inclusion Statement 2000**. This provides many helpful suggestions of reasonable adjustments.

7. Who has rights under the law?

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”.

This definition covers pupils with physical (including sensory), intellectual or mental impairments. The definition is broad and might include children with a learning disability, sensory impairment, severe dyslexia, diabetes or epilepsy, pupils who are incontinent, or who have AIDS, severe disfigurements, cancer or progressive conditions like Muscular Dystrophy.

Those pupils with emotional and behavioural difficulties are covered where they have an underlying impairment such as ADHD, autism or learning difficulty or where mental illness is involved. All pupils with SEN may now be covered since the requirement for a mental impairment to be clinically well recognized has been dropped (December 2005).

In judging whether a pupil's impairment has a substantial effect they must be viewed without the impact of medication, aids or appliances.

8. How is this different from Special Educational Needs?

The Education Act 1996 says that “a child has special educational needs if he or she has a learning difficulty which calls for special educational provision to be made for him or her”. This is provided

under the SEN Framework, including in some cases a statement of special educational need (SEN). An impairment might give rise to a learning difficulty that calls for special educational provision to be made if it prevents or hinders the disabled child from accessing education.

The **SEN Framework** is there to identify and meet any additional educational needs of children. The duties under the **Disability Discrimination Act** are there to ensure that disabled pupils are not discriminated against and seek to promote equality of opportunity between disabled and non-disabled pupils.

Many children who have SEN will also be defined as having a disability under the DDA. However, not all children who are defined as disabled under the DDA will have SEN. For example, those with severe asthma, arthritis or diabetes may not have SEN, but may have rights under the DDA. Similarly, not all children with SEN will be defined as having a disability under the Disability Discrimination Act. This is why whole school approaches aimed at inclusion are likely to work best.

9. What can parents do if they feel that their child has been discriminated against?

Parents can take a case to an SEN and Disability Tribunal, or in certain cases an Admissions Appeal Panel or Exclusion Appeal Panel. Parents and schools can use the conciliation service provided by the Disability Rights Commission if both parties agree to conciliation. It is important that schools internal complaints procedures cover cases of discrimination in order to prevent or deter further action.

10. Other duties under the DDA

Schools have had duties under the Disability Discrimination Act 1995 (DDA) since the DDA was implemented in 1996. These duties, under Part 2 and Part 3 of the DDA, require schools to avoid discrimination in relation to employment of staff and the provision of non-educational goods, facilities and services. The duties in relation to access to education complement, rather than replace, these earlier duties.

Schools can get advice and information concerning all their duties under the DDA from the DRC Helpline

DRC website: www.drc-gb.org

DRC email: enquiry@drc-gb.org

DRC Helpline:

Freepost MID 02164, Stratford-upon-Avon CV37 9BR
Telephone: 08457 622 633
Fax: 08457 778 878
Textphone: 08457 622 644

Section two: Implementing the reasonable adjustment duty

Failure to make reasonable adjustments is likely to lead to less favourable treatment. What sort of action might schools take to prevent discrimination against disabled pupils or prospective pupils?

In your school:

- Is the “responsible body” aware of their duties under the Disability Discrimination Act?
- Do senior members of staff take their responsibilities under the Act seriously?
- Are all staff aware of the duties, including managers, teaching staff, teaching assistants, catering staff, caretakers and others involved in providing or supporting learning?
- Are you sure that the policies covering admissions, education and associated services and exclusions will not put disabled children at a substantial disadvantage?
- Has the school begun reviewing its policies, procedures and practices to ensure that it will not discriminate against disabled pupils or prospective pupils?
- Does the school and all its staff engage with the process of making “reasonable adjustments” in order to comply with the law?
- Has the school held training on the DDA and/or broader issues of disability equality?
- Are there enough procedures in place to ensure that discrimination by staff will be picked up on and dealt with properly?
- Do the school’s general plans and policies take account of the need to make “reasonable adjustments”?
- Has the school an adequate and accessible internal complaints procedure?

12. Activity. Reasonable Adjustments in Employment

1. A class teacher of some 20 years experience reports to the headteacher in confidence that she has developed leukemia, will need to take some time off for chemotherapy and may not be well enough to continue teaching her class for a while. The head is very sympathetic and tells her to take as much time off as she needs. However, after four months off with certificates the teacher returns, but tells the head she can only take the class three days a week. At this point the head says he will keep the full time supply teacher with her class and she will only be employed three days a week working with small groups for reading and SEN, as the school budget can only manage this.

A Is this Disability Discrimination?

B What other reasonable adjustments could be made?

C What would be good practice?

2. A young teacher in her third year of class teaching, having had a good attendance record to date, starts taking time off towards the end of the week on a regular basis. Once the Sickness Monitoring Scheme kicks in the head interviews the teacher and finds that recently her boyfriend was killed and she is now suffering depression. The teacher is referred for counseling by the head, but continues to be irregular in attendance. The teacher is put on a fast track disciplinary and dismissed by the Governors.

A Is this Disability Discrimination?

B Is it justified?

C What else could the school/LA have done?

3. A caretaker develops Motor Neuron disease and it becomes apparent she can no longer carry out some of her duties. She has, for a number of years, been helping with the after-school computer club. The head decides to reduce her working hours and bring in another caretaker to do the heavy work.

A Is this Disability Discrimination?

B. What other reasonable adjustments could have occurred?

C. What would be good practice?

4. A school kitchen worker develops an allergy to the detergent used in washing up. Even with rubber gloves she is still badly affected. She is dismissed by her supervisor who works for a contractor.

A Is this Disability Discrimination?

B. What other adjustments could have been made?

C. What would be good practice?

5. A class teacher who has been with the school for 10 years starts taking more time off than the head thinks is OK. They are interviewed and it transpires the teacher has developed Myalgic Encephalitis (ME) and gets fatigued easily. The head does not believe this is a real condition. After further absence the teacher is referred to the Local Authority Occupational Health. They write back a sympathetic report. The school is an old Victorian building with junior classes on the upper floors. The teacher teaches a Year 4 Class. The head insists that the teacher takes her turn at break duties, attends staff meetings in the staff room, in a separate annex with three flights of stairs and refuses to move the teacher's classroom to the ground floor. The teacher takes more time off.

A. Is this Disability Discrimination?

B. What reasonable adjustments could be made?

C. What would be good practice?

6. A blind teacher has 20 hours reader time from Access to Work. They also have a full time teaching assistant allocated to their class. The teacher gets excellent results and in due course applies to be a deputy head teacher at a neighbouring primary school, in the same Authority. Despite a very good application she does not get shortlisted. The teacher appointed to the post has less years experience.

A. Is this Disability Discrimination?

B. What adjustments should have been made?

C. What would be good practice?

7. A school secretary is very efficient and likeable most of the time but appears to be subject to major mood swings. The rest of the staff make jokes behind her back and treat her with disrespect. It

transpires she has bi-polar disorder (manic-depression) and has been on medication for the condition intermittently for some years but does not see a doctor regularly.

A. Is this Disability Discrimination?

B. What reasonable adjustments should be made?

C. What would be good practice?

8. A nursery assistant is employed by the headteacher. She has a good way with the children which was demonstrated when she was on work experience at the school. She has a BETEC in Child Care and has Downs Syndrome. A number of the nursery parents start a petition saying they think her employment puts their children in danger and calling on the governors to dismiss her.

A. Is this Disability Discrimination?

B. What should the school do?

C. What would be good practice?

9. A wheelchair using class teacher manages his job well and is a good teacher, but he gets very fatigued after teaching all day and cannot manage to attend the planning meeting with the other teachers regularly. He is also too tired to attend twilight training. As a result when it comes to assessment to cross the pay threshold he does not progress, two years running.

A. Is this Disability Discrimination?

B. What reasonable adjustments might occur?

C. What would be good practice?

10. A mentor is employed to work with children at risk of exclusion. He is very effective and has a good relationship with the pupils and other staff. However, the written reports that are required in order to renew the funding of the project are not forthcoming, despite several requests from the deputy head.

After a warning has been issued and the head is thinking he will not renew his contract a friend of the mentor on the staff lets the head know informally, that the mentor is dyslexic.

- A. Is this Disability Discrimination?
- B. What reasonable adjustments could be made?
- C. What is good practice?

See Answers on page 138.

13. Activity. Reasonable Adjustments for Pupils

For each example, which is based on a real situation, say whether you consider the pupil has been subject to disability discrimination, what reasonable adjustments could be made to include them and what would be good practice.

1. A girl in a primary school uses a wheelchair, but cannot get in and out independently. She wants to get down and be on the carpet with the rest of the children to feel part of the class. Under the lifting procedures the staff are not prepared to lift her in and out of her wheelchair as the hoist is in the medical room/ accessible toilet. The girl's mother comes to school to lift her daughter in and out of the wheelchair, as she thinks it is important her daughter feels part of the class. Being at the school prevents her getting a job.
 - a) Do you consider this Disability Discrimination?
Yes / No / Not Sure
 - b) What would be a reasonable adjustment?
 - c) What would be good practice?
2. Staff at a primary school were concerned about admitting a pupil who occasionally needed to have rectal Valium administered by a pessary. They feared that they might be liable if anything went wrong and that they might be in breach of child protection procedures.
 - a) Do you consider this Disability Discrimination?
Yes / No / Not Sure
 - b) What would be a reasonable adjustment?
 - c) What would be good practice?
3. A child with diabetes, who was only diagnosed at age 8, has to test her blood sugar level and then inject insulin on a regular basis. The school do not wish to take responsibility for this, but are in loco parentis.
 - a) Do you consider this Disability Discrimination?
Yes / No / Not Sure
 - b) What would be a reasonable adjustment?

- c) What would be good practice?
4. A primary child with severe asthma leaves her puffer with the school secretary and is able to go and use it when she needs it. The secretary keeps a peak flow meter and monitors the child's breathing on a daily chart. The asthma seems to be worse after literacy and numeracy hours. It transpires that the class are still using a blackboard and the chalk dust is exacerbating the child's asthma, when sitting near the board.
- a) Do you consider this Disability Discrimination?
Yes / No / Not Sure
- b) What would be a reasonable adjustment?
- c) What would be good practice?
5. Incontinence - A nursery has a policy of not taking children until they are toilet trained. The parents of a child, who is incontinent because of an impairing condition, seek admission but are turned away.
- a) Do you consider this Disability Discrimination?
Yes / No / Not Sure
- b) What would be a reasonable adjustment?
- c) What would be good practice?
6. A Severe Learning Difficulty School catering for pupils from 3 to 11 has developed an outreach programme for pupils in KS1. This has been very effective with a few pupils transferring to a primary school full time. Many others had benefited socially and academically. However, the outreach programme to the primary in KS2 has failed and older pupils no longer take part. The reasons given were bullying from peers and lack of co-operation from the teachers in the mainstream. A number of KS2 pupils at the SLD school complain that it is not fair that they can't go to the mainstream school any more.
- a) Do you consider this Disability Discrimination?
Yes / No / Not Sure
- b) What would be a reasonable adjustment?
- c) What would be good practice?

7. A child with a weak heart following glandular fever attends Year 4 in a primary. He is often breathless and it is assumed by the class teacher he is excused from PE. Following a Year 4 parents' meeting the parents complain their son is being discriminated against. The class teacher is adamant that it would be a risk to the child and others if he participated and would also affect the high standards of sport achieved by the school. The parents argue that at the Youth Club, their son does table tennis and that they take him swimming. The father is an instructor in Japanese Marshall Arts and suggests a focus on physical control which can be carried out at your own pace. The school argues that it cannot change its whole PE Curriculum for one pupil.

a) Do you consider this Disability Discrimination?

Yes / No / Not Sure

b) What would be a reasonable adjustment?

c) What would be good practice?

8. A primary school holds an annual trip for the Year 6 pupils to an outdoor pursuits centre. They have a regular booking. Year 6 this year includes a girl who uses a wheelchair. Some months before the trip the class teacher approaches the girl's mother and tells her the accommodation is inaccessible. The best that can be arranged is that she will have to come and visit for a day.

a) Do you consider this Disability Discrimination?

Yes / No / Not Sure

b) What would be a reasonable adjustment?

c) What would be good practice?

9. Some pupils from a Moderate Learning Difficulty resource base are selected to go to the theatre with their class. When a parent queries why her son with Tourettes has not been allowed to go, the school says it is not suitable and that he would not understand the play. The parent responds that her son goes to the theatre with her regularly and loves drama. It transpires that the decision to exclude him had been taken because he sometimes makes noises and that the theatre had asked that no pupils who would disrupt the performance should come on the trip.

a) Do you consider this Disability Discrimination?

Yes / No / Not Sure

b) What would be a reasonable adjustment?

c) What would be good practice?

10. A Year 2 pupil is identified as having ADHD and is on Ritalin but was permanently excluded from his last school. The primary school does not want to take him at first. The LEA points out that there are a number of pupils in mainstream primary schools with his condition who with a well structured Individual Education Plan are progressing well, provided the schools make allowances for the behaviour that arises from their condition. The Governors refuse to admit the pupil.

a) Do you consider this Disability Discrimination?

Yes / No / Not Sure

b) What would be a reasonable adjustment?

c) What would be good practice?

11. A boy who has complex physical needs, who has had a successful time in an inclusive nursery is then refused entry to his parents' choice of a reception class in his local primary school. His parents are then told that he has to go to a special school from now on.

a) Do you consider this Disability Discrimination?

Yes / no / not sure

b) What would be a reasonable adjustment?

c) What would be good practice?

12. A boy with difficult and aggressive behaviour has shown great improvement in his behaviour in a mainstream nursery class, until other children's parents heard of his behaviour and asked the school to exclude him. He now stays at home and his behaviour is getting worse.

a) Do you consider this Disability Discrimination?

Yes / no / not sure

b) What would be a reasonable adjustment?

c) What would be good practice?

Answers on page 141.

14 .SEN Disability Tribunal cases upheld against schools

Parents or carers in England and Wales have been able to bring cases of Disability Discrimination to the SEN and Disability Tribunal. There were 236 cases in the first three years with 114 decisions upheld (SENDIST Annual Report 2002-2005). If an act of discrimination has taken place, as less favourable treatment– e.g. not being allowed to take part in an activity or a school trip or failure to make a reasonable adjustment, then the fact that the school may have treated the disabled pupil in a non-discriminatory way after the event does not change the discrimination that actually took place.

The main areas of discrimination were as follows:

- assumptions about disabled pupils
- risk assessments
- administration of medicines
- school trips
- behaviour related to disability- (temporary exclusions)
- bullying and isolation from peers
- access to the curriculum
- admissions

Tribunal Procedure Parents and schools should have the decision on their claim in about three to four months (four to five months if August is included) from the date it was received.

The timetable below shows the number of working days each stage of your claim may take. Working days do not include Saturdays, Sundays, bank holidays, any day between 25 December and 1 January or any day in August.

- Parents can make a claim and SENDIST decide whether they can deal with it.
- If they cannot deal with the claim, they will write and tell parents within 10 working days.

- If SENDIST need more information before they can make a decision about registering a claim, they will write and ask you to send this information. Parents will normally have 10 working days to reply.
- If SENDIST can deal with the claim, they will send the 'responsible body' (in state schools the Governing Body), a copy of the claim within 10 working days of receiving it and write to parents at the same time. SENDIST will write to ask you and the responsible body about hearing dates.
- The responsible body must, and Parents may, then provide a 'case statement' & any more evidence within 30 working days.
- During the 30 days (the 'case-statement period'), SENDIST will write to let both parties know the place and date of the hearing.
- At the end of the case-statement period, SENDIST will send the parents a copy of the responsible body's case statement and evidence, and send the responsible body a copy of the parents' case statement and any other evidence. SENDIST will also ask both parties to confirm who they will bring to the hearing.
- SENDIST will confirm the place, date and time of the hearing and who will be present from the responsible body about 10 working days beforehand.
- SENDIST will send parents and the responsible body a written decision, usually within 10 working days after the hearing.

Parents and the responsible body can ask SENDIST to increase a time limit by writing to them giving their reasons. If either party have any questions relating to disability discrimination within school please contact the helpline on 0870 606 5750, or visit www.sendist.gov.uk.

The Tribunal, if it finds the school guilty of disability discrimination can order remedies, but not direct financial compensation. To date these have included:

- A written apology
- Agree to revise/ publish a new policy e.g. on administration of medicines, relating to pupils with disabilities, homework, fruit snacks, behaviour and discipline, health and safety and outings and visits
- Training on exclusion procedures and policies

- Training on the DDA duties
- Produce an action plan to meet the needs of pupils e.g. autistic
- Disability Equality Training for Staff and Governors
- Training on behaviour support planning
- Training on ADHD or dyspraxia
- Strike out exclusions

Type of Impairment involved in DDA claims to SENDIST 2003-2005

	2002/03 No. (%)	2003/04 No. (%)	2004/05 No. (%)
Ability to learn	56 (73)	56 (69)	62 (80.5)
Ability to lift	0 (0)	1 (1.2)	0 (0)
Continence	4 (5.1)	0 (0)	1 (1.3)
Eyesight	1 (1.3)	2 (2.5)	1 (1.3)
Hearing	1 (1.3)	3 (3.7)	0 (0)
Manual dexterity	2 (2.6)	1 (1.2)	0 (0)
Mental health	1 (1.3)	3 (3.7)	0 (0)
Memory	0 (0)	0 (0)	2 (2.6)
Mobility	6 (7.7)	3 (3.7)	5 (6.5)
Physical co-ordination	0 (0)	5 (6.2)	2 (2.6)
Progressive illness	0 (0)	2 (2.5)	2 (2.6)
Severe	0 (0)	1 (1.2)	0 (0)

disfigurement			
Speech	4 (5.1)	4 (4.9)	0 (0)
Total Claims	78 (100)	81 (100)	77 (100)

Source SENDIST Annual Report 2003/4 2004/5

As can be seen above, the large majority of cases have been for pupils with impairments, which affect their ability to learn. The broadening of the definition of disability from December 2005 has meant that more children are counted as disabled, including all those with identified Special Educational Needs. The High Court ruled in April 2004 that when judging if a pupil is disabled the Tribunal should examine what they cannot do rather than what they can do.

15. Primary examples of reasonable adjustments



1. Carol is in Year 3 of her local primary school. Issue. Carol has severe asthma. She must have access to her puffer every lunchtime and when she has an asthma attack. Without her medication, which she can self-administer, her airways could become restricted and she may go into a coma.

Reasonable Adjustments . Teaching assistants and teaching staff at the school have received training from a nurse on the asthma pump and checking air flow. The asthma pump is kept in the medical room and at a set time a teaching assistant records giving the pump to Carol who self-administers. The school has drawn up with Carol's parent an emergency health care plan to address what to do if she does not respond to the puffer. **Outcome** Carol has her needs safely met. In many schools the puffer is kept in the classroom for easy access.

[St Bridget's Primary, Cumbria, DVD 1 Medical Needs and Personal Care needs]



2. Louise is in Reception at her local primary school. Issue. Louise has cerebral palsy. She cannot move herself independently in

her wheelchair nor weight bear. **How does the school make reasonable adjustments so that Louise can take part in PE with her peers?**

Reasonable Adjustments. The class have two PE lessons a week. The class teacher decides that in one of the two lessons the whole class will do floor work. Louise takes part with a peer and is supported by a teaching assistant. In the other lesson she has physiotherapy with her teaching assistant while the rest of the class do PE that involves running. **Outcome.** Louise takes part in PE with her peers. [Bowness Primary School, Bolton DVD 2 Foundation]



3. Cherry attends a resourced primary school and is in Year 5. Issue. Cherry has significant learning difficulties and physical impairments. The class are studying symmetry in mathematics. **How does the class teacher make reasonable adjustments to involve Cherry in the class work at an appropriate level for her?**

Reasonable Adjustments. The class teacher has planned a parallel concrete activity. The teaching assistant and a buddy from the class (they rotate daily) are helping Cherry make paint blots on paper and then folding the paper so the wet paint makes a mirror image. So Cherry is learning about symmetry. **Outcome.** Cherry is making progress at her level of Maths and developing relations with peers. [North Beckton Primary, Newham]

4. Jake is in Year one at his local infants school. Issue. Jake is an independent electric wheelchair user. The annual sports day is approaching which will be a circuit of different physical activities on the school field. **What reasonable adjustments does the school make so that Jake can be involved and enjoy the day?**



Reasonable Adjustments. The PE coordinator visits Jake and discusses sports day. Once Jake knows he will be able to take part he and his parents suggest a number of parallel activities for him to do alongside his non-disabled peers. The LEA advisory teacher and physiotherapist from the Health Trust suggest other activities and loan equipment, such as the skittle run shown here. Jake fully joins in and enjoys himself, as do his classmates. It is a great success.

Outcome. Jake has taken part, enjoyed himself and the other children have learnt about adjustments [Shelton Infants, City of Derby, DVD 1 Essential Viewing]

5. Katie attends her local primary school.

Issue. Katie has speech and language difficulties. When she first came to school she did not speak. Katie has a target of 50 separate verbal interactions a day. **How does the school make reasonable adjustments so that Katie develops her language skills?**



Reasonable Adjustments. To develop Katie's language and social skills, Katie and a small group of her peers regularly visit the local antique shop accompanied by a teaching assistant. The stimulating environment encourages Katie and her friends to ask lots of questions to the proprietor, John. **Outcome.** Katie's spoken language has made great progress.

[Batheaston Primary, Bath and North East Somerset DVD 1 Essential Viewing]



6. Terri is in Year 3 of her local junior school. Issue. Terri was badly burned in a house fire when she was a baby. She has facial disfigurement, no hands, only one foot as well as significant other scarring. Terri attended her local infant school, but on transfer to juniors her teacher expressed fears that she would not be able to meet her needs. **What reasonable adjustments did the junior school make?**

Reasonable Adjustments. The class teacher visited Terri in her infants class, had meetings with the SENCO and Head to discuss strategies. Changing Faces (a voluntary organization for disfigurement) came to talk to staff and pupils and suggested Terri should be treated like all the other pupils. Terri had a teaching assistant for her physical impairments. The class teacher has encouraged Terri to work more independently and this has led to Terri's engagement and enthusiasm for her work increasing. **Outcome.** The class teacher is confident in teaching Terri and Terri is popular with her peers and is making rapid progress. [Whitehouse Juniors, Suffolk DVD 1 Essential Viewing and DVD 2 Curriculum and Planning]



7. Chavine and Aziz attend their local resourced primary school and want to go on a trip. Issue. Both have cerebral palsy and other medical needs and are non-independent wheelchair users. The school want them to attend the two night residential outdoor pursuits trip at

the LEA Field Centre. The school stay on a two storey barge. **What reasonable adjustments did the school have to make so that Aziz and Chavine could go on the trip?**

Reasonable Adjustments. The school has a trips policy that says all pupils go on trips. Forward planning, particularly meeting with Chavine and Aziz's parents on a number of occasions to convince them staff can handle their medical and personal care needs; hiring a minibus with a tail lift; planning activities in advance with Field Centre staff; arranging for them to sleep with 2 teaching assistants on the accessible upper floor of the barge. Activities were adapted such as archery with easy pull string, so they can take part with their peers. **Outcome.** Both pupils went on the trip, enjoyed it and the other pupils established relationships with them. [Cleves Primary, Newham, DVD 1 Essential & Educational Visits]



8. Dean attends Year 4 of his local primary school. Issue. Dean is significantly visually impaired. How are staff to know how to work with him, get him to access his work and make reasonable adjustments for him?

Reasonable Adjustments. Regular meetings with Dean and his Mum give information and feedback. The LEA Sensory Impairment Team provides 2 days of training for all staff who work with Dean. They also loan the school a CCTV machine which enlarges work, a computer adapted keyboard with large letters, Zoom software which enlarges and a computer verbalizing package (SEN Framework). Dean's teacher ensures he works with two peers on this equipment and uses the CCTV in magnification for whole class teaching. Outcome Dean is making good

progress. [Billesley Primary, Birmingham DVD 2 Billesley Primary School Story]

9. A primary school is resourced for deaf pupils Language as their preferred means of also have in the school a large number of pupils with difficulties and literacy levels generally are low. For school have a restricted vocabulary. **What the school make to address and improve school?**



who use British Sign communication. Issue. They learning difficulties, behavioural these reasons pupils at the **reasonable adjustments can language skills for the whole**



Reasonable Adjustments. The staff decide once a year to transform the school hall into a different environment, where all parts of the curriculum can be taught for a week. Last year it was under the ocean . This year it is space. The deaf pupils have communicators and all children benefit in language enrichment, but particularly the disabled pupils.

Outcome. All pupils have made progress in their vocabulary and its use.

[Cottingley Primary, Leeds DVD1 Essential Viewing and DVD 2 Ethos and whole school development]

16. Factors of schools good at making reasonable Adjustments

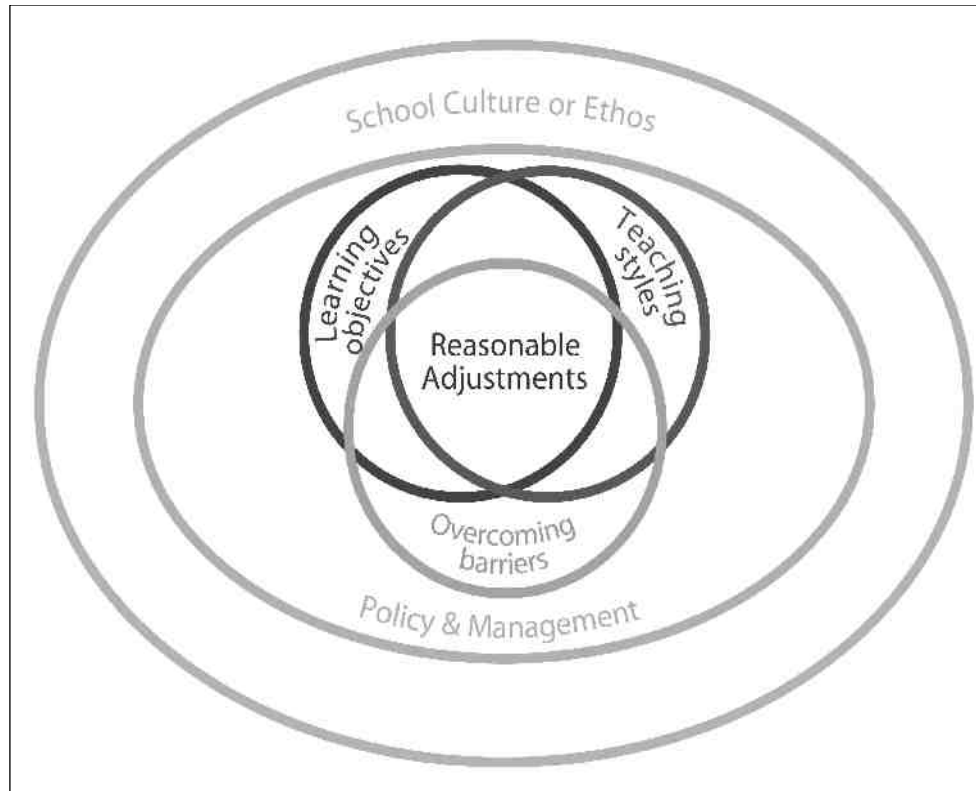
The Reasonable Adjustment Project worked in 41 schools across England to examine the process schools went through in making reasonable adjustments and identified a number of factors that lead to good reasonable adjustments being made (DfES 2006):

- ❖ **Vision and values based on an inclusive ethos.** An inclusive vision for the school, clearly articulated, shared, understood and acted upon effectively by all, is an important factor in enabling staff to make reasonable adjustments.
- ❖ **A 'can do' attitude from all staff.** The attitude of staff is fundamental to achieving successful outcomes for disabled pupils. Where staff are positive and demonstrate a 'can-do' approach, barriers are more easily overcome.
- ❖ **A pro-active approach to identifying barriers and finding practical solutions.** Actively identifying barriers as early as possible and exploring solutions using a practical, problem-solving approach has led schools to identify more effective reasonable adjustments.
- ❖ **Strong collaborative relationship with pupils and parents.** Schools that are effective at making reasonable adjustments recognize that parents and pupils have expertise about living with an impairment and will be a major source of advice. Pupils can also be the best judges of what is effective. They can be good advocates for what worked well for them.
- ❖ **A meaningful voice for pupils.** Schools are more likely to make effective reasonable adjustments where there are strong consultative mechanisms in place for all pupils and where peer support is well developed.
- ❖ **A positive approach to challenging behaviour.** Combined with an appropriate curriculum and a variety of learning activities, a positive approach to managing behaviour can enable pupils to take charge of their own behaviour and support others in taking charge of theirs. Many schools identified the importance of peer support strategies and of mentoring schemes in developing a positive approach to challenging behaviour.
- ❖ **Strong leadership by senior management and governors.** Strong school leadership that sets a clear direction, promotes positive outcomes for disabled pupils, deploys the resources of the school to support teachers in identifying and removing barriers and keeps progress under review, makes for school that are more effective at making reasonable adjustments.

- ❖ **Effective staff training and development.** Where staff training and development is given a high priority it can ensure that staff have the understanding, knowledge and skills required to make reasonable adjustments for a range of disabled pupils.
- ❖ **The use of expertise from outside the school.** Other agencies supplement and complement what a school can provide on its own. The schools drew on a wide range of expertise beyond the school from local schools, units and support services, from different statutory agencies and from voluntary organisations.
- ❖ **Building disability into resourcing arrangements.** Building disability considerations into everything a school does, including the way it deploys its resources, enables everyone in the school to make reasonable adjustments.
- ❖ **A sensitive approach to meeting the impairment specific needs of pupils.** A sensitive approach protects the dignity of disabled pupils particularly, but not only, in relation to meeting medical and personal care needs.
- ❖ **Regular critical review and evaluation** at pupil level, at departmental level & at school level ensure that:
 - Progress is monitored;
 - Successes and failures are shared and inform the next steps;
 - The views of pupils and their parents are sought and incorporated into reasonable adjustments that the school makes.
- ❖ **The availability of role models and positive images of disability.** Where schools use a range of opportunities to provide disabled role models, both children and adults, this can boost the self-esteem of disabled pupils and have a positive effect for all pupils. This can be supported by positive images of disabled children and adults in pictures, books and a range of materials used in the school. (DfES 2006)

The process of making reasonable adjustments for disabled pupils or reasonable accommodations, as it is known in other parts of the world, found that in all schools visited they had started by making adjustments for individual disabled pupils, but as time went on these had become more generalized and built into school policies and procedures. It was also apparent that the more experienced teachers became at making such adjustments the more they incorporated them into their day to day practice and the more prepared they were to welcome children with different impairments into their class.

It was apparent that schools where the management had supported staff to develop an inclusive ethos were most conducive to making policy adjustments. The most effective classroom adjustments occurred when flexibility in teaching objectives, teaching styles and a preparedness to overcome barriers combined.



The above material in Sections 15, 16 and the DVD used in section 17 come from the Reasonable Adjustment Section of "Implementing the Disability Discrimination Act in Schools and Early Years Settings"

2006. A free copy is available to all state schools in England.

Order Ref 0160-2006DOC-EN

Telephone 0845 60 222 60

Fax 0845 60 333 60

online www.teachernet.gov.uk/publications

17. Log of Reasonable Adjustments and Barriers.

School	Reasonable Adjustments	Barriers
Shelton Infants ESV.03 PI		
St Clements CE Primary ESV.07 ADD/AS/TS		
Whitehouse Juniors ESV.10 PI/FD		
Eccleston Mere Pri. ESV12 T		
Coteford Junior ESV.14 PI/LD		
Batheaston CE Primary ESV.15 SLC/LD		
Billesley Primary ESV.16		
Cottingley Primary ESV.17 SLC/HI/LD		

School	Reasonable Adjustments	Barriers
Cottingley Primary BLC 03 HI		
Shelton Infants BLC.04 PI/BES		
St Clements CE Primary BLC.05 PI		
Trafalgar infants BLC.06 LD		
Victoria Park Primary BLC.07 PI/BES		
Gorsefield Primary EDV.04 PI		
Cleves Primary EDV.05 PI/LD		
Hartley Brook Primary BFL .04 BES		

School	Reasonable Adjustments	Barriers
West Bridgford Junior BFL. 11		
Victoria Park Primary MPC.04 ADD		
College Gardens Nursery School MPC.05 CP		
St.Bridget's Catholic Primary MPC.07 E/MN/BB		
North Becton Primary MPC.09 PI		

18. Reasonable adjustments in Employment

The following table provides some examples of adjustments that might be made for a disabled employee. It is important not to make assumptions and to ask the member of staff what adjustments they need to be made for them.

Altering working hours, for example: allowing an employee who becomes disabled to work part-time or to job share; making reasonable adjustments to the timetable; implementing a phased return after a period of absence for treatment or rehabilitation;

Changing the person's place of work, for example: ensuring that a teacher with mobility difficulties which prevents him from using the stairs can hold all his lessons in classrooms on the ground floor;

Allowing absences during working hours for rehabilitation, assessment or treatment, for example: allowing a disabled employee time off during work to receive physiotherapy or other treatment;

Examining the duties allocated to a disabled member of staff to see where additional support may be required, for example: allocating a personal assistant to help in preparing classroom materials; providing cover for a teacher who needs toilet breaks or breaks to take medication;

Supplying additional training, for example: training in the use of particular pieces of equipment unique to the disabled person; re-training a teacher in a new subject area so that they can continue teaching;

Acquiring or making changes to equipment, for example: providing an induction loop in the school hall and other assembly areas, providing magnifying facilities, a pager that vibrates, a visible fire alarm system, or an adapted telephone;

Providing a reader or signer, for example: reading information to a visually impaired person at particular times during the day;

Altering premises, for example: widening a doorway; providing a ramp, stair-climbing chair, or non-slip flooring; moving classroom or corridor furniture; altering lighting; providing parking spaces for disabled drivers; or providing a

quiet room;

Transferring the person to fill an existing vacancy, for example: if a teacher becomes disabled and there is no reasonable adjustment that can enable them to continue in their current post, they might be considered for another suitable post.

The *Access to work* scheme offers advice, guidance and resources to support the employment of disabled people, contact Job Centre Plus for details. In addition schools may want to investigate the employer's disability 'two ticks' scheme, which promotes good practice in the employment of disabled people.

The employer

It is important to be clear about who the employer is. This is different for different types of school. For Academies, City Technology Colleges and City Colleges for Technology of the Arts the employer is the Trust. For foundation, foundation special and voluntary aided schools, the employer is the governing body of the school. However, these schools have significant delegated responsibilities, and, in respect of functions that have been delegated, the governing body is treated as the employer.

For community, community special, voluntary controlled and maintained nursery schools and for pupil referral units (PRUs), the local authority is the employer.

Schools vary in the extent to which they, in turn, use the services of the local authority, for example their local authority's recruitment services. There may also be some responsibilities that are shared and aspects of employment where the local authority provides schools with advice and guidance, for example: with model policies and advice on the conduct of individual cases.

When developing the employment aspects of the Disability Equality Duty, schools will need to work with their local authority, to ensure that their respective responsibilities are addressed.

The above section on employment comes from DfES Promoting Disability Equality in Schools. www.teachernet.gov.uk/doc/10596/DED%20Guidance.doc

19.Impact Assessment of Policies and Procedures

What is an Impact Assessment?

An impact assessment is a method by which organisations can examine their activities and services to ensure there is no potential for discrimination against a particular group, for example, black and minority ethnic people, women or in this case, disabled people.

The aim of impact assessment is to examine policies and practice in a structured way to make sure that disproportionately adverse effects on particular groups are avoided. It is also a tool to enable organisations to assess what positive action they can take to promote equality of opportunity and to anticipate the requirements of all of their service users and staff. Positive outcomes of interventions to address inequalities should also be measured.

In a secondary school, it is important to recognise that impact assessments are as relevant to areas such as teaching and learning and curriculum planning as they are to policies and procedures at a whole school level.

An impact assessment should be conducted when developing a new policy, practice or provision or when revising an existing one.

To comply with the new legislation, Secondary Schools and Local Education Authorities will be required to conduct a review of all current policies and practices in order to formally assess the impact of these on disabled people. The timescale for doing this will need to be set out in the action plan for the Disability Equality Scheme.

What are Policies, Practices, Provisions and Criteria?

The Guide to Impact Assessments produced by the Equality Challenge Unit (ECU, 2004), provides useful definitions of policies, practices, provisions and criteria:

"A **policy** is any decision, principle, plan or set of procedures that influences and determines the way an institution carries out its

business (externally or internally)". Examples would include policies on Admission of students or Recruitment and Selection of staff.

"A **practice** is more informal than a policy and refers to a customary way of operation or behaviour, perhaps built up over a number of years. It can be identified through being routinely performed, locally, regardless of any official requirements in policy". Examples would include the way teaching or practical work is carried out in a particular subject, how the exclusion process operates, or the way complaints are dealt with.

"A **provision** is an action which serves to provide for, or meet the requirements or particular needs of people". Examples would include Resourced Provision or Accommodation such as exists and projected in the School Access Plan.

"A **criterion** is the basis by which comparisons or judgements are made, often against particular reference points." Examples would include the way assessments of pupil are conducted or decisions made about admission of pupils or recruitment of staff.

Engagement with Disabled People

One of the most significant elements of the new legislation is its emphasis on involvement of disabled people at all stages. This will include disabled staff, disabled pupils, disabled parents and other disabled people and disability organisations. References to disabled people in this document should be taken to mean all of these groups. This involvement must:

- be at an early stage
- be influential and meaningful
- be focussed
- cover relevant stakeholders
- use accessible mechanisms
- be proportionate

and will apply at all stages of the impact assessment process.

Mapping policies and practices

Clearly, some policies and practices have a greater impact on disabled people than others and the first stage will be to conduct a mapping exercise of all policies and practices to determine their relevance to disability equality. The aim of this preliminary mapping exercise is not to examine policies and practices in detail but to determine whether the particular policy or practice is of High, Medium or Low relevance. Key priorities can then be identified. Disabled people will need to be involved at this point in determining priorities.

For each policy or practice, the following information needs to be gathered:

1. What is the purpose of the policy/practice?
2. What are the objectives?
3. Who was responsible for creating the policy/practice?
4. Who is responsible for implementing it?
5. Who are the people affected by the policy/practice?
6. Is there any evidence that disabled people have different needs in relation to the policy/practice? Think about barriers which may exist for people with different types of impairment.
7. Does this policy/practice contribute to or hinder disability equality in the School or Local Education Authority?

High, Medium or Low Priority

Policies and practices should then be categorised in terms of relevance to disabled staff and students and other users – High, Medium or Low. This then gives a priority order which allows the most relevant ones to be impact assessed first. In establishing the priority level, there may be clues from existing data (for example, admissions or transition data) as to which policies or practices may be causing adverse impact and should therefore be prioritised for assessment.

Assessing individual policies and practices

For each policy or practice, a rigorous process of assessment should be followed using all the available evidence and gathering more if it is needed. There are several stages to the process and disabled people should be involved at every stage.

STAGE 1	Determine level of relevance of policy/practice to disability equality.
STAGE 2	Check existing data. If data is not sufficient, collect further data.

STAGE 3	Assess impact of policy/practice based on data.
STAGE 4	Find ways of mitigating any adverse impact. Consider alternative approaches to achieve the same objective. Also consider whether an opportunity exists for making a positive impact.
STAGE 5	Consult appropriately on the final policy / practice.

STAGE 1 – Determine relevance

For new policies and practices or individual revisions to policies and practices, this should be done at an early stage and should involve disabled people in the process of considering the questions outlined for the mapping process above. This should be built into the policy-making process and Committees should expect to see Impact Assessment reports when considering new policies or changes to policies.

STAGE 2 – Check existing data. If data is not sufficient, collect further data

For each policy or practice, in advance of checking to see what data is available, the first stage should be to consider what data would be required to adequately assess the impact of a particular policy or practice on disabled people.

Then, identify what data is available and what additional data needs to be gathered – and think about the timescale for doing this. Is it appropriate and proportionate or could reasonable decisions be made based on the data which is currently available?

Where general data is available but is not disaggregated by disability status/type of impairment, think about whether there are ways of doing this. If records are such that an individual can be identified and their disability status is held elsewhere, for example on a staff or pupil database, is it possible to link these records up so that disaggregated data is created? This may not be possible because of Data Protection considerations but should be explored.

Think also about qualitative data and anecdotal evidence. This is important in any case, but particularly important where quantitative data is not available. It is important to remember that data gathering methods must be accessible to disabled people and so the methods of gathering data should also be assessed for their impact.

STAGE 3 - Assess impact based on data gathered

Assessing adverse impact

Once all available data has been gathered, it should be examined to check whether there is evidence of:

- Lower participation rates by disabled pupils generally
- Lower participation by people with particular impairments
- Lower success rates achieved by disabled pupils generally
- Lower success rates achieved by pupils with particular impairments
- Eligibility criteria which disadvantage disabled people
- Access to services (including teaching) being reduced or denied to people with particular impairments
- Disabled people facing increased difficulty as a result of a policy/practice
- A policy/practice resulting in reduced benefits for disabled people e.g. lettings or after school activities
- Where any adverse impact is discovered or suspected, there may be a need to collect further evidence to examine the cause of this.

Assessing positive impact

Where a policy or practice has a positive impact on disability equality, this should be measured as part of the impact assessment process. If the policy or practice does not promote disability equality in its current form, it should be assessed to see if there is scope for promoting disability equality and amendments considered. The assessment of positive impact should also be included in the impact assessment report.

STAGE 4 - Find ways of mitigating any adverse impact Where a potential adverse impact has been identified, an assessment should be made of the severity of the impact. Where the policy or practice would result in practice which is potentially unlawful, changes should clearly be made. The objectives of the policy or practice should be re-examined to find if there is an alternative way of meeting the desired objectives without the adverse impact. If the adverse impact is potentially unlawful and alternatives cannot be found, the policy or practice may have to be completely redesigned. The opportunity should be taken to consider whether there are ways, not just of removing the adverse impact, but of creating a positive one. Disabled people should be involved in this process.

STAGE 5 - Consult appropriately on amended policy or practice. Disabled people should have been involved in the impact assessment process and any changes to policies and practices which have resulted. The amended policy or practice should, therefore, reflect many of their concerns. However, it is important to consult widely before implementation.

Publication of findings

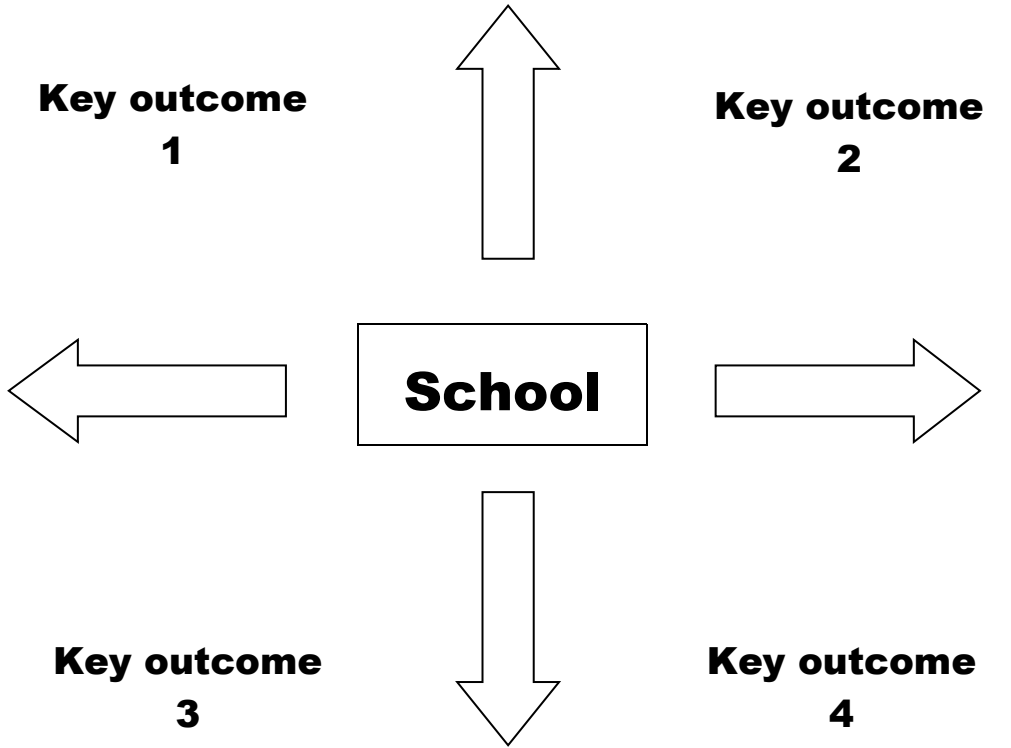
The Act states that Schools and Local Authorities are required to publish their Disability Equality Schemes and Action Plans, which will include the results of the impact assessment process. They will need to consider where the findings are published and make sure that they are produced in a way that is easy to access and understand. It is, therefore, important that the work done on impact assessment is systematically recorded.

The above advice has been adapted from 'Disability Impact Assessments A Brief Guide', produced by the Scottish Disability Team Dec.2005.

<http://www.sdt.ac.uk/resources/ImpactAssessmwentGuidanceDec05.doc>

Below are a list of key questions for a cross section of 18 school policies which may help with prioritising policies for High priority Impact Assessing and identifying Key Outcomes.

20. Identifying key points of impact on disabled people of various school policies!

1.Educational Visits a) b) c)	2.Homework a) b) c)	3.Behaviour a) b) c)	4.Health & Safety a) b) c)	5.Medicines, Personal Care a) b) c)
18. Monitoring & Assessment a) b) c)	 <p>Key outcome 1</p> <p>Key outcome 2</p> <p>School</p> <p>Key outcome 3</p> <p>Key outcome 4</p>			6.Staff Recruitment & Retention a) b) c)
17.Teaching& Learning a) b) c)				7.Sickness Monitoring a) b) c)
16. Curriculum a) b) c)				8.Anti-bullying a) b) c)
15. Governance a) b) c)				9.Equal Opportunities a) b) c)
14. School Clubs& Extended Day a) b) c)	13. Premises & Lettings a) b) c)	12. Pupil Participation a) b) c)	11.Sex Education a) b) c)	10.Complaints Procedure a) b) c)

21. Checklist of school policies and their impacts on disabled people

1. Educational Visits and Trips

- Does the school ensure that all pupils can participate in visits?
- Does the school make available to all staff planning trips the access, medication & personal care needs of pupils on a need to know basis?
- Does the school keep a data base of accessible venues, any barriers they may have and the reasonable adjustments required?
- Are all trips planned well in advance so risk assessments can be undertaken, activities planned and reasonable adjustments made?
- Are the extra costs of making reasonable adjustments shared or met from separate budgets?
- Does the school provide alternative activities for a group of disabled pupils and their peers when the activity is inaccessible?

2. Homework

- When homework is set is it either accessible to all pupils or differentiated to meet the learning needs of all?
- If pupils need in-class support with their work, does the school make arrangements for that support to be available at breakfast, lunchtime or after school clubs where disabled pupils can attend with their friends?
- Does the school encourage peer support and collaborative learning?
- Is achievement rather than attainment prioritised and judged against each pupil's level?
- Are reasonable adjustments made in the activities pupils are asked to undertake and in the way that they do them?

3. Behaviour

- Does the school operate a differentiated behaviour policy with reasonable adjustments for disabled pupils with challenging behaviour?
- Are the peers of disabled pupils taught the reasons why the school operated such a differentiated behaviour policy?
- Does the school train and use peer mentors?
- Does the school operate a self-controlled time out system for identified pupils?
- Are staff supported by outside agencies in developing their approach to behaviour?
- Are exclusions monitored for impairment on a regular basis?
- Are all staff trained in the behaviour policy and practice and the reasons why a differentiated policy operates?

- Are support staff such as midday supervisors trained to run lunchtime activities?
- Is counselling available for pupils who need it?
- Are 'Circles of Friends' set up for pupils vulnerable to exclusionary pressures?
- Are person centred planning tools regularly used in the school?
- Does the school seek to develop emotional intelligence and give pupils a range of strategies for dealing with conflict?

4. Health and Safety Policy

- Do Health and Safety Inspections record risks to disabled people such as slippery floor coverings or non-adapted equipment e.g. mounted electric drills at the wrong height?
- Does the school have evacuation procedures which accommodate disabled people?
- Does the school carry out all necessary risk assessments for the particular circumstances of any specific disabled pupil?
- Does the school arrange for training for all staff involved in procedures that carry risks such as lifting and handling, administration of medicines or personal care or invasive procedures?
- Does the school have in place all necessary procedures for servicing/maintaining pupil aids and appliances?
- Does the school accident reporting system allow for monitoring by impairment?
- Does the policy identify hazardous situations for disabled people such as strobe lighting, chemicals or allergens?

5. School Clubs and the Extended Day

- Are disabled pupils' access needs supported to attend school clubs and the extended day?
- Has the school and Local Authority reorganised transport so disabled pupils can attend?
- Have club & extended day activities been planned in an inclusive way?
- Is peer support and collaboration encouraged in these activities?
- Is pupil participation and achievement more important than attainment in these activities?

6. Staff Recruitment and Retention Policy

- Does the school monitor the number of staff it has who count as disabled people under the DDA?
- Has the school set targets for the recruitment of disabled staff?
- Does the school operate a policy of positive discrimination up to target levels?

- Does the school give automatic interviews to applicants who are disabled who meet the minimum person specification?
- Does the school provide reasonable adjustments for disabled staff e.g. accessible accommodation, allowing additional time off for disabled staff, if necessary?
- Does the school encourage disabled staff to get support from Access to Work(Job Centre Plus)?
- Does the school operate measures to train and promote disabled staff?
- Have school managers and governors had disability equality training?
- Does the school support disabled staff in regularly meeting together to provide feedback on how school policies and procedures impact upon them?
- Does the school make reasonable adjustments to retain staff who develop impairments during the course of their employment?

7. Anti-bullying policy

- Does the school anti-bullying policy specifically itemise the range of name-calling, unwanted comments and physical and psychological bullying which can be directed at disabled children and adults?
- Does the policy allow for the recording and monitoring of all such occurrences?
- Are disabled children and adults at the school positively encouraged to report all such occurrences?
- Have all pupils received training on disablism alongside training on sexism, racism and homophobia in such a way that they empathise with the unfairness and injustice of such behaviour and attitudes?
- Have staff been trained to identify disabilist bullying and name calling?
- Are pupils trained/appointed as 'bully busters' or 'peer mediators'?
- Are all staff made aware of the anti-harassment guidance for staff and is it implemented?

8. Sickness Monitoring and Leave

- Does the school distinguish between time off arising from disabled staff's underlying impairment and general sickness?
- Does the school allow disabled staff additional time off for treatment for their impairing condition without penalising them?
- If staff develop a long-term impairment during the course of their employment does the school make adjustments such as light duties as a reasonable adjustment?
- Does the school vary the duties of disabled staff where necessary as a reasonable adjustment?

9. Equal Opportunities Policy

- Does disability equality have a separate strand in the school's Equality Policy?
- Has the school developed a mission/vision statement about what it means about promoting disability equality?
- Has the school considered the multi-layering of different equality issues for disabled people e.g. gender and disability, race or ethnicity and disability, sexual orientation and disability, age and disability, religion and disability?
- Has the school set up mechanisms to consult with disabled staff, pupils, parents and disabled members of the local community?
- Are the school's databases sufficiently detailed to reflect the performance and outcomes of disabled pupils as compared to non-disabled and sufficiently broken down by impairment groups to reflect barriers?
- Are potential barriers in admissions, progression and transition identified and solutions to diminish or remove them included in policies?
- Do disability policies have clear action targets and a timescale for implementation?

10. Medical and personal care needs

- Have disabled children and their parents been consulted on how they want the procedure or administration of medication carried out?
- Does the dignity or discomfort of the disabled pupils figure as a major determinant of how procedures are developed?
- Are sufficient staff trained in the necessary procedures?
- Are all staff aware of what to do in a medical emergency?
- Are all teaching and support staff aware of the medical needs of each pupil on a confidential basis, with parental permission?
- Does a state registered nurse or doctor provide staff training on invasive care and administration of medicines?
- Are risk assessments carried out that are specific to the circumstances in each case?
- Does the school encourage disabled pupils, wherever possible, to self-administer medicines and undertake procedures such as insulin injections or catheters?
- Does the school support the empowerment and development of self-esteem of the disabled pupils concerned?

11. Sex Education Policy

- Does the school sex education policy specifically take account of the needs of disabled children?

- Is the issue of sexual abuse and the right to say 'No' covered for disabled pupils with learning difficulties or those with communication impairments?
- Are the parents of all disabled children encouraged to allow their disabled children to have sex education?
- Are disabled pupils encouraged to recognise their developing sexuality?
- Are all pupils encouraged to respect difference and respect each other's identity?
- Are sex education materials available in a differentiated format suitable and accessible for all pupils?

12. Pupil participation in decision-making

- Does the School Council have disabled representatives e.g. Are places reserved for disabled pupils?
- Are disabled pupils given positions of responsibility such as playground buddies or mentors?
- Are the achievements of disabled pupils regularly celebrated at assemblies?
- Is space created in whole class forums or discussions for disabled pupils to express their views?
- Do staff know how to encourage and support disabled pupils in expressing their views?

13. Premises and Lettings Policy

- Does the school have an access policy?
- Does the school access policy follow the DfES Template?
- Does the school examine all capital projects to maximise access and reasonable adjustment?
- Does the school's letting policy itemise the access provided by the venue?
- Does the school's lettings policy specify the type of adjustments that the school and other local services can provide?
- Is information about lettings provided in accessible formats e.g. easy read, audiotape, electronically or pictograms?
- Is the school's point of contact with the public fully accessible?
- Have school staff dealing with the public had disability equality training e.g. office staff, school keeping staff and the Bursar?
- Have evacuation procedures been developed and do they take full account of the needs of disabled people?

14. Complaints procedure

- Is this available for disabled parents (or carers) in a range of formats e.g. easy read, large print, audiotape?

- Does the school urgently seek to resolve any issues of concern raised by parents about their disabled children or by disabled pupils?
- Does the school have extra stages built into its complaints procedure to seek to resolve issues for disabled people?
- Are disabled Governors or outside experts on disability equality involved in resolving complaints?

15. Governance

- Are all Governors aware of their statutory responsibility to promote Disability Equality?
- Is the Governing Body and school developing an inclusive ethos?
- Does the Governing Body have regular training on the Disability Equality Duty?
- Does the Governing Body have disabled members and are they prepared to lead on inclusion and disability equality issues?
- Are Governors' meetings and proceedings accessible?
- In Governors' elections and co-options is positive discrimination exercised to appoint disabled governors?
- Does the Governing Body have disability monitoring results regularly presented to them?
- Has the Governing Body held consultations with disabled staff, pupils, parents and the local community to impact-assess their policies?
- Does the Governing Body have an Action Plan on meeting their responsibilities under the Duty to Promote Disability Equality?
- Are all Committees of the Governing Body contributing to developing the School Disability Equality Scheme?
- Does the Governing Body have a School Access Plan?
- Have they extended it to cover the new duties on disability?
- Have Governors revised school policies to fit the anticipatory duty and the duty to promote disability equality?

16. Curriculum Policy

- Does the school ensure that all pupils gain an understanding of the discrimination disabled people face and the negative attitudes and stereotypes that can commonly occur?
- Does the school ensure that some part of the curriculum in each year raises disability equality issues?
- Does the school ensure disability equality is raised in PHSE and Citizenship?
- Do disabled pupils feel comfortable explaining to their peers about the nature of their impairment, what prejudices they face and how they wish to be treated?
- Are disabled adults from local disability organisations encouraged to regularly address pupils?

- Are the achievements of disabled people displayed in positive ways?
- Do teachers consider the disability content of different parts of the curriculum and how this will impact on disabled pupils e.g. negative stereotypes in literature, or arguments about terminating disabled babies in Religious Education or Biology?

17. Teaching and Learning

- Does the school ensure all teaching staff are aware of the QCA General Inclusion Statement and that they apply it in their planning and teaching?
- Is joint planning time made available during the school day for teachers and teaching assistants on a regular basis?
- Are staff familiar with P-Scale target setting and assessments for pupils with learning difficulties?
- Have all staff had Disability Equality Training and applied the outcomes to their planning and teaching?
- Do all teachers prioritise the essential knowledge they wish all pupils to gain from the lesson?
- Do all teachers organise the styles and methods of learning to suit the multi-various way pupils learn best?
- Do all teachers consider and implement the modifications necessary for the range of needs in the class?
- Do all teachers consider how pupils will demonstrate what they have learned?
- Do all teachers consider how to optimally organise the classroom for learning for all - in terms of layout, grouping, materials and use of support?

See attached checklist on 'Creating an effective learning environment in which reasonable adjustments can take place' from DfES Rap Project.

18. Monitoring & Assessment Policy

- Does the school identify all disabled pupils in their databases?
- Does the school have ways to identify all disabled parents and their access needs?
- Does the school identify all disabled staff and their access needs?
- Do teaching staff ensure that they have methods in place to establish what disabled pupils have learned in each lesson?
- Is the progress disabled pupils make systematically recorded and monitored?
- Do staff know the adjustments that different disabled pupils they teach require e.g. extra time or an amanuensis?
- Are individual disabled pupil's achievements recorded in addition to their general attainment levels?

- Do all teaching staff know how to differentiate the work for disabled pupils?
- Does a senior member of staff know how to apply for adjustments from the Exam Boards and the range of adjustments available from different Boards?

22. Reasonable adjustments in the classroom: a checklist

This is not an exhaustive list of every aspect of planning, it is a list of practical classroom arrangements that teachers working with the Project found useful in thinking of a range of adjustments they might want to make.

1. Pre-planning information.

- Have you been given information on the nature and degree of impairment and the access needs of the disabled pupils in the class?
- Have you been shown or do you know how these disabled pupils access needs and personal care needs will be met in the class?
- If you don't know how the disabled pupils needs will/can be met seek advice from SENCO, Head of Department, Head or Deputy, or from other agencies such as Educational Psychologists, Advisory Teachers or Health Professionals.

2. What preparation have you made with the class/ group for:

- One to one peer support
- Collaborative teaming
- Group work
- Valuing difference of race, gender, ethnicity, disability or religion
- How do you ensure that mutual respect is encouraged within your classroom? Are you clear about how to deal with bullying and harassment in the classroom?

3. Lesson planning: how will you support the needs of all learners?

- Consider:
 - - Timing
 - - Variation of activities
 - - Types of activities [concrete/abstract]
 - - Reinforcement of key ideas
 - - Extension work
 - - Recall of previous work
 - - Links to future work
 - - Clear instructions
- Will the content of the lesson engage all pupils from the beginning? Will there be sufficient variation in activities and pace to engage all?
- Are you able to access specially adapted equipment for some students to enable them to participate fully? If not, can an alternative way be found?
- Will the diversified and differentiated work allow all pupils to experience success at their optimum level?

4. What different teaching styles are you going to use?

- Visual e.g. use photos, mind maps, maps and diagrams, pictures, film clips, wall displays?
- Auditory e.g. use story telling, talking, effective questions, problem solving, clear sequencing, music, singing?
- Kinaesthetic e.g. use movement, role play, artefacts, use the environment

5. Prepared materials

- Are written materials accessible to all: formats; readability; length; content?
- Scaffolding [practical materials] e.g. writing frames, pictograms, sounds, pictures, objects, artefacts, word lists, number lines, etc, are they accessible to all?
- Appropriate use of augmented communication and ICT

6. Self presentation

- Have you thought about how you will: react to situations of stress, humour, seriousness, embarrassing questions; offer encouragement to all; challenge the behaviour not the child?
- Are all the students aware that you might approach the behaviour of some students in a different manner to the rest of the class?
- How will you use your voice in the lesson, e.g. volume, tone, and make sure all children are understanding you?
- Where will you position yourself in the classroom and when?

7. Use of support staff

- Have you met with or at least communicated with support staff before the lesson?
- How are you going to use other adult support in the lesson?
- Does their use allow all children to be equally included in the class activities?
- If you are using support staff for withdrawal, how do you know the pupils are gaining from this?
- If you are using withdrawal, how are the groups organised?

8. Classroom organisation

- Is seating carefully planned and/or the activity accessible for pupils with:
 - mobility impairments e.g. circulation space, table height
 - hearing impairments e.g. sight line for lip reading/ interpreter/ no glare
 - visually impaired e.g. maximise residual sight, if touch can reach
 - pupils with challenging behaviour e.g. in adult gaze; at front for eye contact
 - pupils with short attention span/easily distracted, e.g. distraction free zone
 - learning difficulties who need a lot of support, e.g. next to peer supporter
- What seating plans are you using and why?
- Will seating plans make use of peer support and how?

9. How will you organise and group pupils in lessons?

- Friendship groupings?
- Mixed sex/same sex groupings?
- Mixed ability/same ability groupings?
- Specific pairs of pupils working together, e.g. stronger reader/weaker reader?

10. How will you deal with unexpected incidents?

- Are you aware of the systems for dealing with unexpected incidents, e.g.: evacuation, fainting or fits, incontinence, medical emergencies?

11. How will you ensure that all students feel equally valued through their experiences of:

- the allocation of teacher and support staff time?
- being listened to/paid attention to?
- being respected?
- achieving?
- interacting with their peers?

12. How will you assess the outcomes?

- Do you have a scheme for assessing the achievements of all?
- Have you looked at alternative forms of assessment? e.g. video recording progress, peer evaluation, self evaluation?
- How will you involve pupils in assessing their progress?

From Reasonable Adjustment Project DfES (2006)

23.Index for Inclusion: The Index Process & School Development Planning Cycle

The *Index* is a set of materials to support schools in a process of inclusive school development. It is about building supportive school communities which foster high achievement for all students.

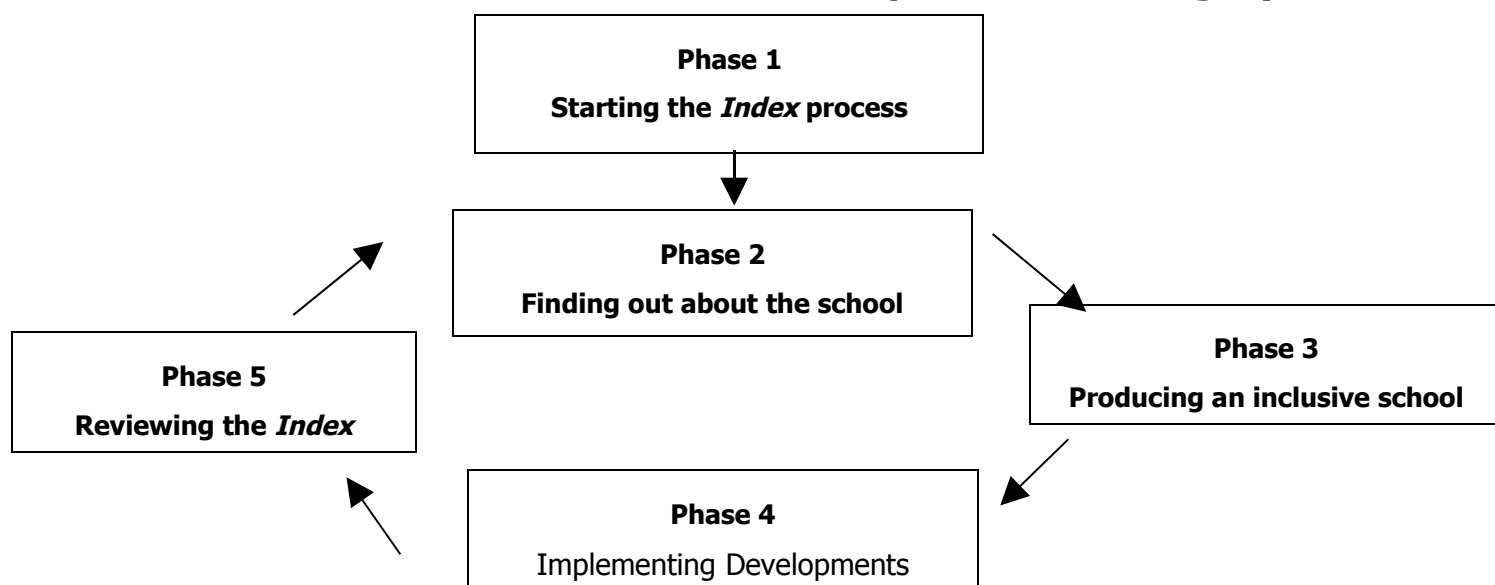
The process of using the *Index* is itself designed to contribute to the inclusive development of schools. It encourages staff to share and build on their existing knowledge and assists them in a detailed examination of the possibilities for increasing learning and participation for all their students.

The *Index* involves a process of school self-review on three dimensions concerned with inclusive school cultures, policies and practices. The process entails progression through a series of school development phases. These start with the establishment of a co-ordinating group. The group works with staff, governors, students and parents/carers to examine all aspects of the school, identifying barriers to learning and participation, deciding priorities for development and sustaining and reviewing progress. The investigation is supported by a set of indicators and questions that require schools to engage in a deep and challenging exploration of their present position and the possibilities for moving towards greater inclusion.

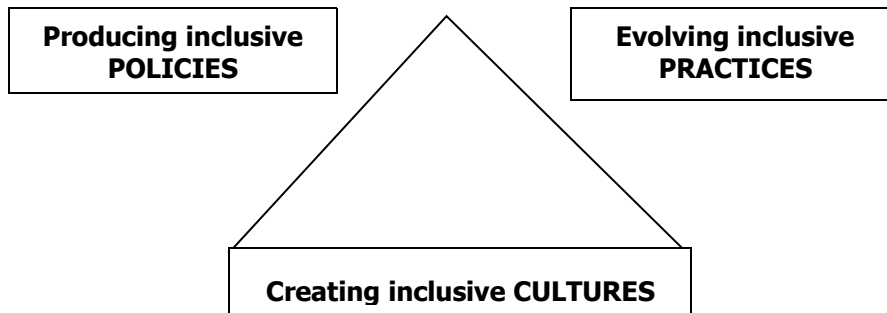
The DfEE sent the Index to all schools in England in March/April 2000. Why not use it for school development planning and self-review?

The Index is available from DEE, Unit 1M, Leroy House, 436 Essex Road, London N1 3QP
Tel: 020 7359 2855. Fax: 020 7354 3372.

The Index Process and the School Development Planning Cycle



The Three Dimensions of the Index



Dimension A: Creating inclusive CULTURES

1. Building community
2. Establishing inclusive values

Dimension B: Producing inclusive POLICIES

1. Developing a school for all
2. Organising support for diversity

Dimension C: Evolving inclusive PRACTICES

1. Orchestrating learning
2. Mobilising resources

Inclusion in Education Definition

- Inclusion in education involves the processes of increasing the participation of students in, and reducing their exclusion from, the cultures, curricula and communities of local schools.
- Inclusion involves restructuring the cultures, policies and practices in schools so that they respond to the diversity of student in their locality.
- Inclusion is concerned with the learning and participation of all students vulnerable to exclusionary pressures, not only those with impairments or those who are categorised as 'having special educational needs.'
- Inclusion is concerned with improving schools for staff as well as for students.
- A concern with overcoming barriers to the access and participation of particular students may reveal gaps in the attempts of a school to respond to diversity more generally.
- All students have a right to an education in their locality.

- Diversity is not viewed as a problem to be overcome, but as a rich resource to support the learning for all.
- Inclusion is concerned with fostering mutually sustaining relationships between schools and communities.
- Inclusion in education is one aspect of inclusion in society.

Addressing Barriers and Resources

- Who experiences barriers to learning and participation in the school?
- What are the barriers to learning and participation in the school?
- How can barriers to learning and participation be minimised?
- What resources are available to support learning and participation?
- How can additional resources be mobilised to support learning and participation?

The Index Process

Phase 1 Starting the *Index* process (half a term)

Setting up a co-ordinating group

Raising school awareness about the *Index*

Exploring the knowledge of the group

Preparing to use the indicators and questions

Preparing to work with other groups

Phase 2 Finding out about the school (one term)

Exploring the knowledge of staff and governors

Exploring the knowledge of students

Exploring the knowledge of parents/carers and members of local communities

Deciding priorities for development

Phase 3 Producing an inclusive school development plan (half a term)

Putting the Index into the school development plan

Putting priorities into the school development plan

Phase 4 Implementing developments (ongoing)

Putting priorities into practice

Sustaining development

Recording progress

Phase 5 Reviewing the Index process (ongoing)

Evaluating developments

Reviewing work with the Index

Continuing the Index process

Some Examples of School Priorities from the Index

- Auditing the school to feed into the development plan
- Developing strategies, through curriculum, to improve students' self-esteem.
- Introducing staff development activities for making lessons more responsive to diversity.
- Establishing management and career structure for learning support assistants.
- Improving all aspects of access in the school for students and adults with disabilities.
- Devising a staff development programme that focuses on understanding students' perspectives.
- Promoting positive multicultural attitudes in school to help counter racism amongst some students and their families.
- Arranging collaborative training for learning support assistants and teachers.
- Developing ways to encourage more collaborative learning amongst students.
- Reviewing a school's anti-bullying policy.
- Improving the induction process for new students.
- Improving communication between home and school by working with parents/carers.
- Addressing the perception that the school has a bad reputation amongst local communities.
- Nottinghamshire have produced a CD Rom on the work on intentionally building relationships.

The Dimensions, Sections, Indicators & Questions

Dimension A: Creating inclusive CULTURES

Building community - Establishing inclusive values

This dimension is about creating a secure, accepting, collaborating, and stimulating community in which everyone is valued as the foundation for the highest achievements of all students. It is concerned with developing inclusive values, shared between all staff, students, governors and parents/carers that are conveyed to all new members of the school. The principles, derived within inclusive school cultures, guide decisions about policies and moment-to-moment practice so that the learning of all is supported through a continuous process of school development.

Dimension B: Producing inclusive POLICIES

Developing a school for all - Organising support for diversity

This dimension is about securing inclusion at the heart of school development, permeating all policies, so that they increase the learning and participation of all students. Support is considered as those activities, which increase the capacity of a school to respond to student diversity. All forms of support are brought together within a single framework and are viewed from the perspective of students and their development rather than school or local education authority administrative structures.

Dimension C: Evolving inclusive PRACTICES

Orchestrating learning - Mobilising resources

This dimension is about making school practices reflect the inclusive cultures and policies of the school. It is concerned with ensuring that classroom and extra-curricular activities encourage the participation of all students and draw on their knowledge and experience outside school. Teaching and support are integrated together in the orchestration of learning and the overcoming of barriers to learning and participation. Staff mobilise resources within the school and local communities to sustain active learning for all.

24. Index for Inclusion – Indicators

Dimension A – Creating Inclusive CULTURES

A.1 Building Community

- A.1.1 Everyone is made to feel welcome.
- A.1.2 Students help each other.
- A.1.3 Staff collaborate with each other.
- A.1.4 Staff and students treat one another with respect.
- A.1.5 There is a partnership between staff and parents/carers.
- A.1.6 Staff and governors work well together.
- A.1.7 All local communities are involved in the school.

A.2 Establishing Inclusive Values

- A.2.1 There are high expectations for all students.
- A.2.2 Staff, governors, students and parents/carers share a philosophy of inclusion.
- A.2.3 Students are equally valued.
- A.2.4 Staff and students are treated as human beings as well as occupants of a 'role.'
- A.2.5 Staff seek to remove all barriers to learning and participation in school.
- A.2.6 The school strives to minimise discriminatory practices.

Dimension B – Producing Inclusive POLICIES

B.1 Developing a School for All

- B.1.1 Staff appointments and promotions are fair.
- B.1.2 All new staff are helped to settle into the school.
- B.1.3 The school seeks to admit all students from its locality.
- B.1.4 The school makes its buildings physically accessible to all people.
- B.1.5 All students, new to the school, are helped to feel settled.
- B.1.6 The school arranges teaching groups so that all students are valued.

B.2 Organising Support for Diversity

- B.2.1 All forms of support are co-ordinated.
- B.2.2 Staff development activities help staff to respond to student diversity.
- B.2.3 'Special needs' policies are inclusion policies.

- B.2.4 The Code of Practice is used to reduce the barriers to learning and participation for all students. (The Code of Practice on the identification and assessment of special educational needs – DfES 2001)
- B.2.5 Support for those learning English as an additional language is co-ordinated with learning support.
- B.2.6 Pastoral and behaviour support policies are linked to curriculum development and learning support policies.
- B.2.7 Pressures for disciplinary exclusion are decreased.
- B.2.8 Barriers to attendance are reduced.
- B.2.9 Bullying is minimised.

Dimension C – Evolving Inclusive PRACTICES

C.1 Orchestrating Learning

- C.1.1 Lessons are responsive to student diversity.
- C.1.2 Lessons are made accessible to all students.
- C.1.3 Lessons develop an understanding of difference.
- C.1.4 Students are actively involved in their own learning.
- C.1.5 Students learn collaboratively.
- C.1.6 Assessment encourages the achievements of all students.
- C.1.7 Classroom discipline is based on mutual respect.
- C.1.8 Teachers plan, review and teach in partnership.
- C.1.9 Teachers are concerned to support learning and participation for all students.
- C.1.10 Learning support assistants are concerned to support learning and participation for all students.
- C.1.11 Homework contributes to the learning of all.
- C.1.12 All students take part in activities outside the classroom.

C.2 Mobilising Resources

- C.2.1 School resources are distributed fairly to support inclusion.
- C.2.2 Community resources are known and drawn upon.
- C.2.3 Staff expertise is fully utilised.
- C.2.4 Student difference is used as a resource for teaching and learning.
- C.2.5 Staff develop resources to support learning and participation.

25. General Statement of Inclusion QCA

Providing effective learning opportunities for all pupils

In planning and teaching the national curriculum, teachers are required to have due regard to the following principles. These are set out in three main sections. By giving attention to these principles, teachers will ensure that all pupils have the chance to succeed.

I Setting suitable learning challenges

Teachers should aim to give every pupil the chance to experience success in learning and to achieve as high a standard as possible. The national curriculum programmes of study set out what most pupils should be taught at each key stage – but teachers should teach the knowledge, understanding and skills in ways that suit their pupils' abilities. This may mean choosing knowledge, understanding and skills from earlier or later key stages so that individual pupils can make progress and show what they can achieve. Where it is appropriate for pupils to make extensive use of materials from an earlier key stage, there may not be time to teach all aspects of the age-related programmes of study. A similarly flexible approach will be needed to take account of any gaps in pupils' learning resulting from missed or interrupted schooling, such as may be experienced by travellers, refugees, those in care or those with long-term medical conditions, including pupils with neurological problems, such as head injuries, and those with degenerative conditions.

For pupils whose attainments fall significantly below the expected levels at a particular key stage, a much greater degree of differentiation will be necessary. In these circumstances, teachers may need to use the content of the programmes of study as a resource or to provide a context, in planning learning appropriate to the age and requirements of their pupils.¹

For pupils whose attainments significantly exceed the expected level of attainment within one or more subjects during a particular key stage, teachers will need to plan suitably challenging work. As well as drawing on materials from later key stages or higher levels of study, teachers may plan further differentiation by extending the breadth and depth of study within individual subjects or planning work that draws on the content of different subjects.²

¹ Teachers may find QCA's Guidelines on planning work for pupils with learning difficulties a helpful companion to the programmes of study.

² Teachers may find QCA's Guidance on meeting the requirements of gifted and talented pupils a helpful companion to the programmes of study.

II Responding to the diverse needs pupils bring to their learning

When planning, teachers should have high expectations and provide opportunities for all pupils to achieve, including boys and girls, pupils with special educational needs, pupils with disabilities, pupils from all social and cultural backgrounds, pupils of different ethnic groups including travellers, refugees and asylum seekers, and those from diverse linguistic backgrounds. Teachers need to be aware that pupils bring to school different experiences, interests and strengths that will influence the way in which they learn. Teachers have a duty to plan their approaches to teaching and learning so that all pupils can take part in lessons fully and effectively.

To ensure that they meet the full range of pupils' needs, teachers should be aware of the requirements of the equal opportunities legislation that covers race, gender and disability.³

Teachers should take specific action to respond to pupils' diverse needs by:

- **Creating effective learning environments in which, for example:**
 - the contribution of all pupils is valued
 - all pupils can feel secure and are able to contribute appropriately
 - stereotypical views are challenged and pupils learn to appreciate and view positively differences in others, whether arising from race, gender, ability or disability
 - pupils learn to take responsibility for their actions and behaviours both in school and the wider community
 - all forms of bullying and harassment, including racial harassment, are challenged
 - pupils are enabled to participate safely in clothing appropriate to their religious beliefs, particularly in subjects such as science, design and technology and physical education.
- **Securing their motivation & concentration through, for example:**
 - using teaching approaches appropriate to different learning styles
 - using, where appropriate, a range of organisational approaches, such as setting, grouping or individual work, to ensure that learning needs are properly addressed
 - using the flexibilities available to vary subject content and presentation so that this matches pupils' learning needs

³ The Sex Discrimination Act 1975. The Race Relations Act 1976. The Disability Discrimination Act 1995

- planning work which builds on pupils' interests and cultural experiences
- planning appropriately challenging work for those whose ability and understanding are in advance of their language skills
- using materials which reflect social and cultural diversity and provide positive images of race, gender and disability
- planning and monitoring the pace of work so that they all have a chance to learn effectively and achieve success
- taking action to maintain interest and continuity of learning for pupils who may be absent for extended periods of time.
- **Providing equality of opportunity through teaching approaches which, for example:**
 - ensure that boys and girls are able to participate in the same curriculum, particularly in design and technology, science and physical education
 - take account of the interests and concerns of boys and girls by using a range of activities and contexts for work and allow a variety of interpretations and outcomes, particularly in English, design and technology, science, ICT and music
 - avoid gender stereotyping when organising pupils into groups, assigning them to activities or arranging access to equipment, particularly in physical education, design and technology, science, ICT and music
 - take account of pupils' specific religious or cultural beliefs relating to the representation of ideas or experiences or to the use of particular types of equipment, particularly in art, design and technology, science and ICT
 - enable the fullest possible participation of pupils with disabilities or particular medical needs in all subjects, offering positive role models and making provisions, where necessary, to facilitate access to activities with appropriate support, aids or adaptations (see next section).
- **Using appropriate assessment approaches which, for example:**
 - allow for different learning styles and ensure that every pupil is given the chance and encouragement to demonstrate their competence and attainment through appropriate means
 - are familiar to the pupils and for which they have been adequately prepared

- use materials which are free from discrimination and stereotyping of any type
- provide clear and unambiguous feedback to pupils to aid further learning.
- **Setting targets for learning which, for example:**
 - build on pupils' knowledge, experiences, interests and strengths and develop areas of weakness to demonstrate progression over time
 - are attainable and yet challenging and help pupils to develop their self-esteem and confidence in their ability to learn.

III Overcoming potential barriers to learning and assessment for individuals or groups of pupils

A minority of pupils will have particular learning and assessment requirements which go beyond the provisions described in sections 1 and 2, which if not addressed, could create barriers to learning. These requirements are likely to arise as a consequence of a pupil having a special educational need or disability or may be linked to a pupil's progress in learning English as an additional language.

Teachers must take account of these requirements and make provision, where necessary, to support individuals or groups of pupils to enable them to participate effectively in the curriculum and assessment activities. During end of key stage assessments, teachers should bear in mind that special arrangements are available to support individual pupils.

Pupils with special educational needs

Curriculum planning and assessment for pupils with special educational needs must take account of the type and extent of the difficulty experienced by the pupil. Teachers will encounter a wide range of pupils with special educational needs, some of whom will also have disabilities (see section 3ii). In many cases, the action necessary to respond to an individual's requirements for curriculum access will be met through greater differentiation of tasks and materials, consistent with school-based intervention as set out in the SEN Code of Practice⁴. A smaller number of pupils may need access to specialist equipment and approaches or to alternative or adapted activities, consistent with school-based intervention augmented by advice and support from external specialists as described in the SEN Code of Practice, or, in exceptional circumstances, with a statement of special educational need. Teachers should, where appropriate, work closely with representatives of other agencies who may be supporting the pupil.

⁴ From January 2001 it is anticipated that the revised SEN Code of Practice will replace references to school-based interventions with the terms School Action and School Action Plus.

Teachers should take specific action to provide access to learning for pupils with special educational needs by:

- **Providing for pupils who need help with communication, language and literacy through, for example:**
 - using texts that pupils can read and understand
 - using visual and written materials in different formats, including large print, symbol text and Braille
 - using ICT, other technological aids and taped materials
 - using alternative and augmentative communication, including signs and symbols
 - using translators, communicators and amanuenses.
- **Planning, where necessary, to develop understanding through the use of all available senses and experiences through, for example:**
 - using materials and resources that pupils can access through sight, touch, sound or smell
 - using word descriptions and other stimuli to make up for a lack of first-hand experiences
 - using ICT, visual and other materials to increase pupils' knowledge of the wider world
 - encouraging pupils to take part in everyday activities such as play, drama, class visits and exploring the environment.
- **Planning for pupils' full participation in learning and in physical and practical activities through, for example:**
 - using specialist aids and equipment
 - providing support from adults and/or peers when needed
 - adapting tasks or environments
 - providing alternative activities, where necessary.
- **Helping pupils to manage their behaviour, take part in learning effectively and safely, and, at key stage 4, prepare for work by, for example:**
 - setting realistic demands and stating them explicitly
 - using positive behaviour management, including a clear structure of rewards and sanctions
 - giving pupils every chance and encouragement to develop the skills they need to work well with a partner or in a group

- teaching pupils to value and respect the contribution of others
- encouraging and teaching independent working skills
- teaching essential safety rules.
- **Helping individuals to manage their emotions, particularly trauma or stress, and take part in learning by, for example:**
 - identifying aspects of learning in which the pupil will engage and plan short-term, easily achievable goals in selected activities
 - providing positive feedback to reinforce and encourage learning and build self-esteem
 - selecting tasks and materials sensitively to avoid unnecessary stress for the pupil
 - creating a supportive learning environment in which the pupil feels safe and is able to engage with learning
 - allowing time for the pupil to engage with learning and gradually increase the range of activities and demands.

(ii) Pupils with disabilities

Not all pupils with disabilities will necessarily have special educational needs. Many pupils with disabilities learn alongside their peers with minimal need for additional resources beyond the aids which they use as part of their daily life, such as a wheelchair, a hearing aid or equipment to aid vision. Teachers must take action, however, in their planning to ensure that these pupils are enabled to participate as fully and effectively as possible within the national curriculum and the statutory assessment arrangements. Potential areas of difficulty should be identified and addressed at the outset of work, without recourse to the formal provisions for disapplication.

Teachers should take specific action to enable the effective participation of pupils with disabilities by:

- **Planning sufficient and appropriate amounts of time to allow for the satisfactory completion of tasks through, for example:**
 - taking account of the very slow pace at which some pupils will be able to record work, either manually or with specialist equipment, and of the physical effort required
 - being aware of the high levels of concentration necessary for some pupils when following or interpreting text or graphics, particularly when using vision aids or tactile methods, and of the tiredness which may result

- allocating sufficient time, opportunity and access to equipment for pupils to gain information through experimental work and detailed observation, including the use of microscopes
- being aware of the intense effort required by some pupils to follow oral work, whether through use of residual hearing, lip reading or a signer, and of the tiredness or loss of concentration which may occur.
- **Planning opportunities where necessary for the development of skills in practical aspects of the curriculum through, for example:**
 - providing adapted, modified or alternative activities or approaches to learning in physical education and ensuring that these have integrity, equivalence to the prescribed curriculum and enable pupils to make appropriate progress
 - providing alternative or adapted activities in science, art and design and technology for pupils who are unable to manipulate tools, equipment or materials or who may be allergic to certain types of materials
 - ensuring that all pupils can be included and participate safely in geography fieldwork, local studies and visits to museums, historic buildings and sites
- **Identifying key aspects of programmes of study and attainment targets which may present specific difficulties for individuals and taking action through, for example:**
 - using approaches to enable hearing impaired pupils to learn about sound in science and music
 - helping visually impaired pupils to learn about light in science, to access maps and visual resources in geography and to evaluate different products in design and technology
 - providing opportunities for pupils to develop strength in depth where they cannot meet the particular requirements of a subject, such as the visual requirements in art and the singing requirements in music
 - discounting these aspects in appropriate individual cases when required to make a judgement against level descriptions.

(iii) Pupils who are learning English as an additional language

Pupils for whom English is an additional language have diverse needs in terms of support necessary in English language learning. Planning will take account of such factors as the pupil's age, length of time in this country, previous educational experience and their skills in other languages. Careful

monitoring of each pupil's progress in the acquisition of English language skills and of subject knowledge and understanding will be necessary to confirm that no learning difficulties are present.

The ability of pupils for whom English is an additional language to take part in the national curriculum may be ahead of their communication skills in English. Teachers should plan learning opportunities to help pupils develop their English and aim to provide the support they need to take part in all subject areas.

Teachers should take specific action to help pupils who are learning English as an additional language by:

- **Developing spoken and written English through, for example:**
 - ensuring that vocabulary work covers both the technical and everyday meaning of key words, metaphors and idioms
 - explaining clearly how speaking and writing in English are structured to achieve different purposes, across a range of subjects
 - providing a variety of reading material (for example, pupils' own work, the media, ICT, literature, reference books) that highlight the different ways English is used, especially those that help pupils to understand society and culture
 - ensuring that there are effective opportunities for talk and that talk is used to support writing in all subjects
 - where appropriate, encouraging pupils to transfer their skills, knowledge and understanding of one language to another, pointing out similarities and differences between languages
 - building on pupils' experiences of language at home and in the wider community, so that their developing use of English and other languages support one another.
- **Ensuring access to the curriculum and to assessment through, for example:**
 - using accessible texts and materials that suit pupils' ages and levels of learning
 - providing support by using ICT or video or audio materials, dictionaries and translators, readers and amanuenses
 - using home or first language, where appropriate.

26.Engaging with Disabled People

What issues are disabled people likely to raise when you consult them?

1) For disabled pupils?

a)

b)

c)

d)

e)

For disabled parents?

a)

b)

c)

d)

e)

2) For disabled staff?

a)

b)

c)

d)

e)

**For disabled members of the
local community?**

a)

b)

c)

d)

e)

27. Start with involving disabled people

At the heart of the Disability Equality Duty is the requirement to involve disabled people in producing the Disability Equality Scheme including the action plan. This has to happen at the very outset and many public authorities will have little experience of involving disabled people so this is the place to start.

Why?

Involving disabled people is not only a requirement of the Duty but it should bring tremendous benefit in terms of expertise to the organisation. However, in many cases, it can be a challenge both for the school or Local Authority and for disabled people to ensure the involvement is straightforward and effective.

Involvement should not be confused with consultation. This Duty requires a much more **active engagement** of disabled stakeholders at all stages. Budgets for engaging with disabled people must take realistic account of the costs associated with ongoing communication and collaboration.

How?

The important thing is to identify the most effective ways of involving disabled people in the development of the Disability Equality Scheme and action plan and to take this involvement forward in a planned and efficient way. This involvement would include areas such as identifying the barriers faced by disabled people and unsatisfactory outcomes, setting priorities for action plans and assisting in planning activity.

It would be easy to have superficial involvement which has no effect or, at the other extreme, overloads both disabled people and the school or LEA by constantly requiring involvement and duplicating effort. In order to make sure that the involvement of disabled people is really effective and to avoid involvement fatigue, schools and LEAs should ensure that the involvement is focused and efficient, influential and transparent. Those people who have been involved and others who are interested need to know what effect the involvement had but also areas where it was less influential, and why.

The **specific duties** require schools and LEAs to involve disabled people who appear to them to have an interest in the way they carry out their functions in developing the scheme.

This will include:

- **disabled pupils and those who have been given a place at the school**
- **disabled staff**
- **disabled parents/governors**
- **disabled members of the local community and their organisations**

It is important to consider the full diversity of disabled people – in terms of the type of impairment and barriers people experience, as well as other equality issues such as ethnicity, age, gender, sexual orientation and religion or belief.

There will be a wide variety of ways of involving disabled people. These could include:

For disabled pupils

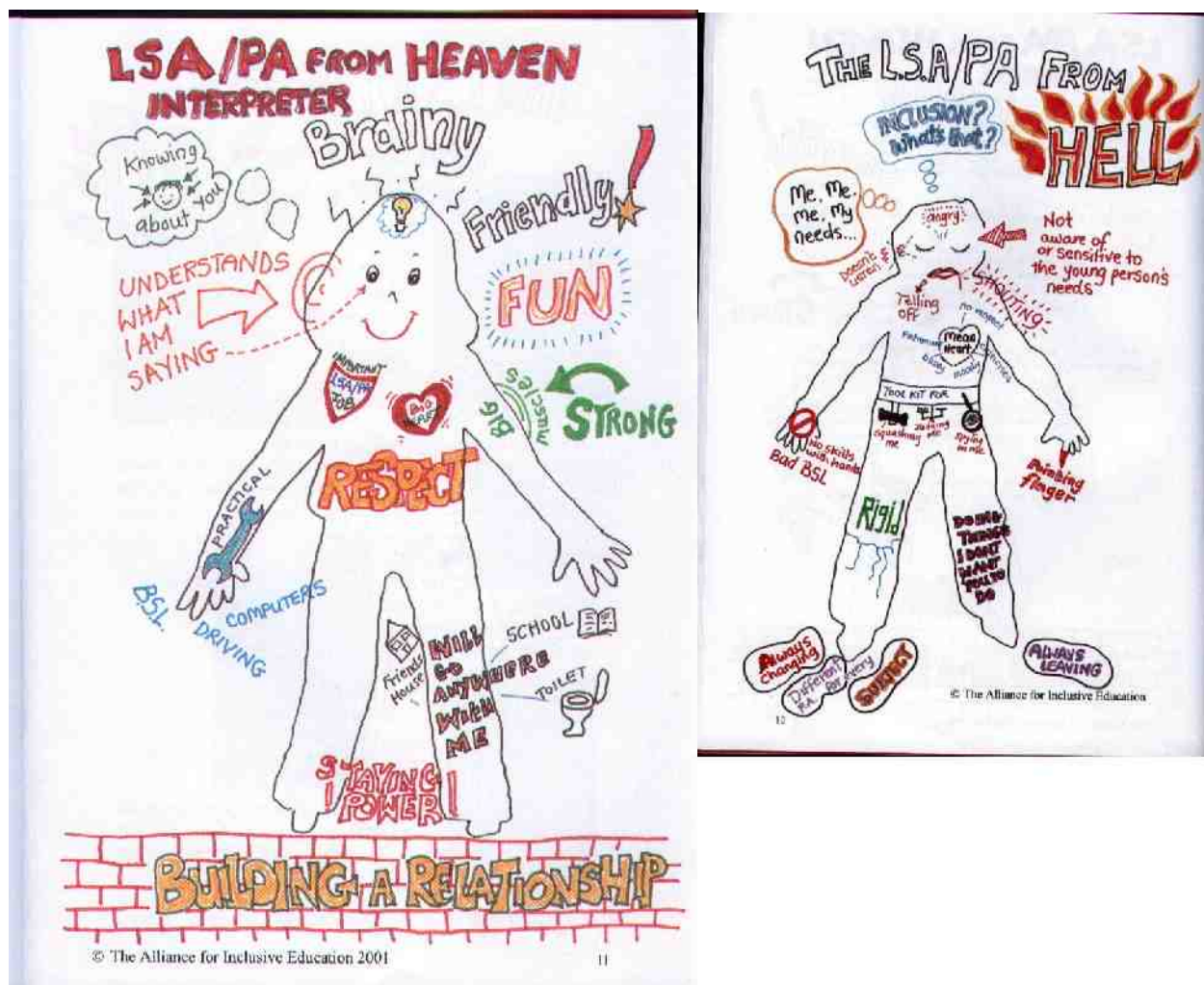
This could be by identifying disabled pupils and calling them together to seek their views about barriers in the school and their solutions. It may be that the disabled pupils want to invite their non-disabled peers along. Some disabled pupils might not like to be identified. In this situation it might work better to have regular discussions with the class, tutor group, school council or year group. The adult facilitating and recording these discussions should ensure the views of disabled pupils are identified (perhaps with an asterix). Such discussions can work better if facilitated by a disabled adult or mentor employed for this purpose.

Some issues most commonly identified by disabled pupils are:

- Bullying, isolation and name calling
- Lack of friends
- Not being allowed on school trips and activities
- Never seeing themselves in the curriculum and materials
- A lack of disabled role models
- Ignorance about what having their impairment means
- Over protective attitudes of staff and other children
- Lack of access
- Personal and teaching assistants insensitive to their needs
- Lack of independence

The Inclusion Assistant (The Alliance for Inclusive Education 2001), a study that consulted with 14 young disabled people who had extensively used teaching assistants to access mainstream school, found that from their collective use of over 100 teaching assistants that they ranged between the

characteristics found in the following two diagrams. This shows the value of consulting young disabled people.



For disabled staff

Over half the adults covered by the Disability Discrimination Act do not view themselves as disabled. The number of teachers who identify as disabled is around 1%, but given the aging nature of the teaching force this is likely to be around 25%. School management need to create a staff culture that is welcoming of difference. This can be created by giving time-off in the school day for disabled colleagues to meet together in a forum. Workplace trade unions may also have much to offer. A survey listing the full range of impairments and capacities covered by the DDA may be very useful. Remember any forums set up should include other groups of staff at the school and be set up on an ongoing basis. It is important to brief all staff about the Duty and how management are planning to consult, so as to allay fears and misconceptions.

Some issues most commonly identified by disabled staff are:-

- Reasonable adjustments in terms of timetable, location of teaching rooms
- Overcoming barriers to short-listing for promoted posts

- Access to ongoing professional development
- Extra time-off arising from their impairment not counting on sickness monitoring
- Not wanting to be used for break and other ancillary duties
- Provision of light duties and flexible working to take account of fatigue
- Being consulted

For disabled parents

To date disabled parents have had few rights and adjustments to access their children's education compared to non-disabled parents. Getting information out to parents in easy read and other formats will be the first task. Then call a series of meetings, possibly through the Parent Teacher Association and seek to set up a disabled parents forum. Again many disabled parents will not wish to be identified and the school has a big job on its hands to project a culture that is positive about disability, without being patronising. Some disabled parents should be encouraged to join the Governing Body. A questionnaire about access needs of parents might be useful to send out to form a data base and update at each new admission. If the school cannot identify disabled parents it could consult with the National Disabled Parents Network.

information@disabledparentsnetwork.org.uk Tel: 08702 410 450

www.disabledparentsnetwork.org.uk

Some of the issues most commonly identified by disabled parents:

- Being supported to take their children to and from school
- Being able to access school information and newsletters
- Being able to access parents evenings and other school meetings
- Having access to Governor and PTA minutes in accessible formats
- Accessing school plays and shows
- Having support to support their children doing their homework

For disabled members of the local community and their organisations. Prospective parents and staff and users of the school facilities may be in local disabled led organisations. In any case many local disability organisations have expertise in identifying barriers and suggesting reasonable adjustments and may prove a very useful source of views and information to the school or Local Education Authority.

- Access to facilities on the site
- Information available in accessible formats
- Parking
- Charging
- Promoting disability Equality

These various groups of disabled people should be engaged with on an ongoing basis as part of assessing the impact of policies and evaluating the action plan.

28.The School Access Planning Duty Template

Planning duties in Part 4 of the Disability Discrimination Act (DDA)

Local education authorities and schools are required to develop accessibility strategies and plans, respectively, to improve access to school education for disabled pupils.

The strategies and plans are required to show how, over time, access to local schools will be increased by:

- Increasing access to the curriculum for disabled pupils
- Making improvements to the physical environment of the school to increase access to education and associated services
- Making written information accessible in a range of different ways for disabled pupils, where it is provided in writing for pupils who are not disabled

Because the planning duties require LEAs and schools to make improvements, over time, to the physical environment of schools, physical alterations are not included in the reasonable adjustments duty, as they are for colleges and universities.

The legislation requires the provision of information in alternative formats to be made within a reasonable period of time and taking into account the views expressed by pupils, or by their parents, about their preferred means of communication.

The plans and strategies must be in writing and have to be resourced and implemented. Plans and strategies run for three years in the first instance, from April 1st 2003 to March 31st 2006 and new plans should be drawn up from April 2006 to March 2009, with annual review and revision for a further three years thereafter. If schools have not drawn up their second plan it is strongly recommended that they use the Access Planning Project (APP) Template overleaf. This will take them a considerable way towards drawing up their **Disability Equality Scheme** required for secondary schools by 4th December 2006.

The governing body of the school is responsible for the school's accessibility plan. The development and implementation of the plan will involve different members of staff according to their responsibilities:

- The development of access to the curriculum will be led by those with curriculum responsibilities.
- The development of materials in different formats is likely to involve all staff in respect of materials used in their own teaching.

- The head teacher, or a senior manager, is likely to lead on improvements to the physical environment, the deployment of resources and the coordination of the plan across the whole school.

OFSTED inspects the quality of school plans and local authority strategies. In particular OFSTED expects to see the three key elements of the planning duties addressed in plans and strategies. The Secretary of State has powers to instruct schools and local authorities to draw up a plan or strategy if they do not have one, or to order improvements if this should be necessary.

Where are Schools and Local Authorities at?

OFSTED found as of October 2004 50% of schools did not have School Access Plans. APP found 20% of Authorities did not have Access Strategies. All the school Access Plans were more concerned with physical environment rather than curriculum or information in alternative formats. There were also few plans that had adequate vision or had evidence of consultation.

The Access Planning Project

The APP is a project undertaken by the Council for Disabled Children (CDC) and the Special Educational Needs Joint Initiative on Training (SENJIT) at the University of London, Institute of Education and funded by the Department for Education and Skills. APP worked with six partner local authorities, Bath and NE Somerset, Blackburn with Darwen, Doncaster, Havering, Norfolk and Tower Hamlets to promote effective practice in the development, implementation and evaluation of accessibility strategies and plans.

The materials from the project on this website are divided into three main sections that explain:

- The planning duties in the context of other duties under the disability and SEN frameworks
- Accessibility planning for local authorities, using an accessibility framework
- Accessibility planning for schools, using an accessibility template

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

29. Access Planning Key messages for schools

1. Someone else's plan is unlikely to fit your school

Copy good ideas, but don't copy someone else's plan. Every school is different and someone else's plan is unlikely to be relevant to your disabled pupils at your school.

2. The best plans start with your school and your pupils

Plans need to start with the school's own information and data about their disabled pupils and the extent to which they have access to every area of school life.

3. There are more disabled pupils than you think

Crucial to effective planning is a clear understanding of which pupils count as disabled. Most people are surprised to find out how many are included in the definition in the DDA.

4. Consultation is crucial

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.

5. 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.

6. 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.

7. 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.

8. 'Invest to save'

There is a strong case for investing in curriculum and professional development. This can improve access for disabled pupils and may save on learning support.

9. 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.

10. 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.

11. 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.

30 Template for a school accessibility plan

The Access Planning Project came up with a template that is in Implementing the Disability Discrimination Act in Schools and Early Years (DfES 2006); both on paper and in the interactive template on the CD Rom. The interactive template which can be used to develop a more effective school access plan is also on teachernet.

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

1. Starting points

- 1A Vision and values
- 1B Information from pupil data and school audit
- 1C Views of those consulted during the development of the plan

2. The main priorities in the school's plan

- 2A Increasing the extent to which disabled pupils can participate in the school curriculum
- 2B Improving the physical environment of the school to increase the extent to which disabled pupils can take advantage of education and associated services
- 2C Improving the delivery to disabled pupils of information, which is provided in writing for pupils who are not disabled

3. Making it happen

- 3A Management, coordination and implementation
- 3B Making the plan available

31. Can the School Access Plan be part of the School Disability Equality Scheme?

The School Access Plan, if complete according to this template, contains information on vision and values, pupil data and school audit and views of those consulted as well as information on access for pupils and improvements planned by the school. This does not need to be duplicated, as long as reference is made to it in the School's Disability Equality Scheme stating where this information can be found.

However, remember the Disability Equality Scheme covers staff, pupils, parents and the community, while the School Access Plan only covers pupils. Therefore the following will or may not be covered in a school Access Plan, but must be covered in the School's Disability Equality Scheme.

- a) Admissions
- b) Exclusions
- c) Transitions
- d) Achievements of disabled pupils
- e) Harassment & bullying
- f) Developing & ascertaining and taking account of the views of disabled pupils (this may be in the school Access Plan)
- g) Ascertaining the views of disabled parents, staff and making adjustments for them
- h) Employing, training and promoting disabled staff
- i) Lettings and community use of premises
- j) Governing membership body proceedings accessible
- k) Relations with parents
- l) Out of school activities
- m) Contractors-Procurement
- n) Training

Procurement- Covers a whole range of goods and services that schools buy.

Schools have to ensure through the tenders and contracts they make that the supplier complies with the Public Duty to Promote Disability Equality. This would particularly mean ensuring staff working on the school site have had training and are aware of the duties under the DDA. This would apply to supply and agency staff, contract workers such as meals, cleaning, maintenance, computer support and where PFI or other means of funding and service provision is coming from the private sector that they comply with the duty. Schools will need to approach schemes such as Building Schools for the Future with a critical stance to ensure compliance in design and build.

32 Evidence Gathering, Data Collection and Monitoring

Gathering and using evidence on disability is at the heart of the new Duty. It is essential for schools and local authorities to have as clear as possible a picture of how they are currently performing on disability equality to provide the basis for their Disability Equality Scheme and to chart future progress. The focus of the Duty is to bring about greater equality for disabled people in society. The evidence gathering and analysis process is a means of deciding where action is most needed, taking such action, reviewing its effectiveness and deciding what further work needs to be done.

Historically there is a paucity of evidence about disability equality. The Disability Equality Duty will require schools, local authorities and the Government to work to remedy this problem. At a national level there is no one satisfactory data source. Take for example the number of pupils who might be considered disabled.

Currently only the Pupil Level Annual School Census PLASC records type of impairment by 11 categories for pupils with SEN on School Action Plus and those with statements. This categorises pupils by their primary impairment, but increasingly disabled pupils have more than one impairment and it is therefore likely to under represent the number of impairments. Secondly either ignores those with long-term medical needs or lumps them into the other category.

If we assume all pupils on School Action Plus or with a statement come under the DDA definition, then this data suggests at least 7% of mainstream secondary and 6.8% of mainstream primary pupils are disabled in January 2006. Only 14.4% of disabled pupils attend maintained and non-maintained special schools. The largest groups of impairment are Moderate Learning Difficulty (27.5%), followed by Behavioural, Emotional and Social Difficulties (21.9%), Speech, Language and Communication Needs with (12.9%), Specific Learning Difficulties (12.5%), Autistic Spectrum Disorder (6.4%) and Severe Learning Difficulties (5.%). Although, many disabled children have more than one impairment, respondents were asked to only record two. Sensory and physical impairments, which are usually thought of as the main groups of disabled people, together only represent 7.6% of the total.

PLASC Data for England 2006 by type of school and impairment
School Action Plus and those with a statement

PLASC IMPAIRMENT	Primary	Secondary	All Special Schools	Total	Percent Of Total	Rank
Specific Learning Difficulties	34,640	42,090	690	77,410	12.5%	4
Moderate Learning Difficulties	85,430	62,140	24,170	171,740	27.9%	1
Severe Learning Difficulties	6,280	2,980	21,200	30,440	5.0%	6
Profound and Multiple LD	1,230	360	6740	8330	1.4%	10
Behavioural, Emotional & Social Difficulties	54,900	67,890	12,750	134,800	21.9%	2
Speech, Language & Comm. Needs	63,610	14,610	3,550	79,760	12.9%	3
Hearing Impairment	6,390	5,510	1,680	13,590	2.2%	9
Visual Impairment	3,750	3,080	930	7760	1.3%	11
Multi-Sensory Impairment	550	230	150	930	0.015%	12
Physical Disability	12,110	8,060	4,840	25,000	4.1%	7
Autistic Spectrum Disorder	17,690	10,200	11,250	39140	6.4%	5
Other Difficulty/Impairment	11,730	11,340	730	23,800	3.9%	8
	298,310	228,490	88,680	614,730	100%	

Source DfES SEN Statistical Bulletin, January 2006 SFR 23/2006 Table 9

The 2006 PLASC data also suggests 846,030 pupils on school action in primary and secondary schools. A substantial number of these pupils might come under the DDA definition. If we were to add all of these in the proportion who might count as disabled would be 17.9% and secondary 17.6%. To these would need to be added pupils with long term medical

needs, cancer and those with disfigurement. The proportion of disabled pupils attending PRU's is on this basis, 89%.

Primary Attainment and disability 2005

1. KS1 Teacher Assessment in Mathematics- percentage of pupils

	W#	Level 1	Level 2C	Level 2B	Level 2A	Level 3
No Identified SEN 446,243	0	2	13	25	32	28
Free School M 101,301	5	13	25	26	21	21
School Action 71,769	3	20	37	24	11	4
School Action+ 30,699	12	30	28	16	9	4
Statemented* 11,135	43	21	14	10	6	3

Source DfES Statistics 2006 *3% disaaplied. # Working Towards Level 1

2. KS1 Teacher Assessment in Writing- percentage of pupils 2005

	W	Level 1	Level 2C	Level 2B	Level 2A	Level 3
No Identified SEN 446,184	1	7	19	30	25	18
Free School Meals 101,285	11	22	26	23	12	5
School Action 71,779	11	37	33	14	3	1
SchoolAction + 30,701	28	37	20	9	3	1
Statemented 11,134*	54	21	11	7	3	1

* 3% disaaplied

3. KSI Teacher Assessment in Reading 2005

	W	Level 1	Level 2C	Level 2B	Level 2A	Level 3
No Identified SEN 446,182	1	5	11	24	27	33
Free School Meals 101,276	8	22	18	24	17	11
School Action 71,775	7	36	26	20	7	3
SchoolAction + 30,702	19	40	17	13	6	3
Statemented 11,136*	45	23	10	10	5	3

*3% disapplied

4. KS1 Teacher Assessment in Science 2005

	U	Working Towards	Level 1	Level 2	Level 3	Level 4
No Identified SEN 446,251	0	0	4	66	30	0
Free School Meals 101,306	0	3	18	68	11	0
School Action 71,776	0	2	25	68	5	0
School Action + 30,697	0	7	35	52	5	0
Statemented 11,132	3	40	26	27	3	0

5. KS2 English Tests Percentage of pupils achieving each level 2005

	Not Entered	Failed to register	Absent	Level 2	L3	L4	L 5
No SEN 445,093	0	0	1	0	8	58	33
Free Sch Meals 101,721	9	4	2	2	24	49	11
School Action 76,549	5	4	1	2	40	44	3
Sch Action + 38,117	18	10	2	2	37	27	2
Statemented 20,018*	57	7	2	2	16	14	2

*1% unable to access

6. KS2 Maths Tests Percentage of pupils achieving each level 2005

	Not Entered	Failed to register	Absent	Level 2	L3	L4	L 5
No SEN 454,305	0	0	1	0	13	48	37
Free Sch Meals 101,747	7	4	2	2	29	43	14
School Action 76,543	4	5	1	3	42	38	6
Sch Action + 38,154	12	10	2	3	39	27	5
Statemented 20,071*	50	8	2	2	20	14	4

*1% unable to access

7. KS2 Science Test Percentage of pupils achieving each level 2005

	Not Entered	Failed to register	Absent	Level 2	L3	L4	L 5
No SEN 454,025	0	0	0	0	5	39	55
Free Sch Meals 101,673	5	2	2	1	19	46	26
School Action 76,521	1	1	1	1	25	51	19
Sch Action + 38,145	1	1	1	2	29	42	16
Statemented 20,084	40	4	2	2	20	23	9

Source of all above tables DfES Statistics 2006

Such data as this need to be disaggregated by types of impairment groups by school to assess progress both for individual pupils in terms of value added, but also for the cohort to identify areas of underachievement caused by barriers within the school or beyond such as barriers created by the Exam Boards e.g. see the large number of disabled pupils not entered at KS2.

It is strongly recommended that schools gather data from a social model perspective viewing the causes of the inequalities they are identifying from the viewpoint of barriers. The information will allow schools and local authorities to:

- Assess their performance,
- Carry out effective impact assessments
- Identify barriers to good performance and actions for improvement
- Review progress and adjust actions as appropriate
- Set targets for improving outcomes
- Benchmark against other comparable authorities

To fulfil these requirements it will be important to look at both outcomes such as educational attainment, the numbers of disabled people in employment grades, and satisfaction levels, and at the sort of barriers disabled people face, such as inaccessible communication mechanisms.

Analysis of gaps or disparity in outcomes and investigating particular barriers will help to identify appropriate actions to produce improved outcomes for disabled people. To decide what information is needed schools and local authorities must address several key questions:

- Is the school collecting evidence in relation to all relevant aspects of the General Duty?
- Is the school collecting the required information to include in its Disability Equality Scheme?
- How is success judged in the school?
- Are there measures of achievement as well as attainment for pupils
- How do the school's activities impact on disabled people?
- What is the experience of disabled people at the school (staff and pupils), or parents of disabled pupils or disabled parents?
- What is the experience of disabled people compared to other groups – e.g. people who are not disabled?
- What specific barriers to disabled people's full participation in education / employment have been identified?
- Do people with certain disabilities have different experiences of the education/employment?
- (Following the adoption of appropriate remedial actions) Have the outcomes for/experiences of disabled people improved?

With regard to monitoring, first it is essential to get the message across that the school/local authority is positive about disability. This will encourage more disabled people with hidden impairments to self-identify.

Self-esteem can be important to measure as in this national sample (Hurst and Baldwin Social Policy Unit York- Growing Up Disabled 1994). Each participant had to answer 10 statements

Self-esteem score

Disabled pupils attending Special school 6.6

Disabled pupils who had attended in mainstream 7.5

Non-disabled in mainstream 8.5 scored out of 10

Schools could develop similar ratings to find out how disabled pupils are feeling compared to non-disabled pupils.

Emotional Literacy materials such as SEAL provide many useful ways of increasing self-esteem.

Exclusions. Another important area will be to examine **exclusion** against disability and against types of impairment. We know from an Audit

Commission Survey of 22 LEAs in 2002 that 84% of primary exclusions involve pupils who are disabled or have SEN.

Bullying- We recommend that schools gather data on those involved in bullying-both perpetrators and victims by the type of impairment e.g. BESD pupils may well be highly represented as perpetrators and those with learning difficulties among victims. Such disaggregated data can be analysed to direct initiatives on bullying.

Attendance at after school clubs, and educational visits.

Monitoring of attendance by the main impairment group will provide useful information to address barriers to the participation of disabled pupils.

Building a data base of disabled parents and their access needs can be best achieved at admissions interviews and by projecting a positive and welcoming attitude to difference.

Monitoring staff by disability in terms of recruitment and promotion. Only 1% of teachers identify to the General Teaching Council as disabled. Managers will need to be friendly and positive about disability if more of the disabled staff in schools are to identify themselves. Confidentiality will need respecting and schools will need to ensure disabled staff are not harassed.

33 DEVELOPING A POLICY TO PROMOTE DISABILITY EQUALITY IN YOUR SETTING/CLASS

By Richard Rieser, Susie Burrows and Anna Sullivan

Many young people, who do not find racism acceptable, still engage in sexism, homophobia, or disabilism, by name-calling or bullying, and some teachers ignore this. All schools need to have an ethos where all children feel welcome and safe. The school should challenge racism, disabilism, sexism and all forms of prejudice and promote equality through measures such as these:

1. Teachers/practitioners need to promote an ethos in all classes where children feel able to talk about their lives and feelings, where the class are encouraged to support one another, and work collectively. The effects of racism, including anti-semitism, disabilism, sexism, homophobia and prejudice can be explained and discussed so the children develop empathy, are able to challenge discrimination and include those who may feel excluded, supporting them within and outside the classroom. Young children can be taught this by drawing on their great sense of fairness.

2. Being aware of harassment that can take many forms, (from moving slightly away from a child on the carpet to physical attack), is essential. E.g. not wanting to sit next to a child who looks, acts or behaves differently, who has a skin condition, or not playing with a child who cannot speak or has facial impairments. This can be linked with racism e.g. excluding a child because of their ethnic origins.

- Seemingly minor incidents should be discussed and brought out in the open so the victim is supported and the whole class understands the effects. Understanding that children have different styles of learning and multiple intelligences and need different styles of teaching and learning in our classes. Valuing the teaching of art, music, drama, dance and PE as much as other subjects, and understanding that skill and achievements in these areas, and the consequent self-esteem, lead to greater ability to achieve in all subjects.
- All members of staff should challenge stereotypical and prejudiced comments used in lessons, the playground and the surrounding environment. For example, challenging name-calling by explaining why it is hurtful, reporting it and clearing offensive graffiti.
- Supporting pupils who encounter harassment in the community, understanding that children who live in fear cannot learn. Supporting and campaigning for families who face deportation.

- Using opportunities, through assemblies, to deal with issues of prejudice e.g. identifying barriers to disabled people. Presenting life stories of disabled people and how negative attitudes affect them.
- Using opportunities to celebrate the richness and diversity of different cultures e.g. celebrating in a non-patronising way disabled people's achievements, European Disabled People's Day (3rd December) from a rights, not charity, perspective, Black History Month, Refugee Week, Eid (from an anti-racist perspective), being aware that multicultural education on its own does not challenge racism; International Women's Day (8th March), making sure to include white working-class children e.g. teaching about the writing, art and struggles for social equality that give dignity to working-class people.
- Drawing parallels between racism, sexism, disabilism and discriminatory practices, based on social class: to foster solidarity between boys and girls, black and white, disabled and non-disabled, working class children.
- Develop an approach of celebrating achievement against each child's previous achievements, rather than standardized attainment. Challenge the use of normative testing in relation to race, class, gender and disability.
- Exploring opportunities throughout the curriculum to promote inclusion e.g. circle time, circles of friends, use of the media and film, visiting speakers from local minority ethnic communities and disabled people's organisations.
- Displaying work from all pupils with achievements in any areas of the curriculum in and outside the school. Ensuring the materials and content of lessons cover a wide diversity of different cultures and people.
- Purchasing and reviewing resources, such as books, posters and ICT software to ensure they are inclusive.
- Providing accessible school structures where pupils, parents and staff have a voice.

3. Making it Happen

- In order to allow the ethos described above to develop, teachers must ensure there is time and space each day when children feel free and comfortable to talk about anything in their lives that interests or troubles them. This can be a starting point for discussing issues of how people are treated, e.g. if a child feels able to talk about their personal experience, or even to express bigoted views, the rest of the class can learn to be supportive or to challenge. This leads children to feeling safe enough to express their own fears. The practitioner or teacher needs to teach where discriminatory attitudes come from, historically and currently, so children understand that all difference in people is acceptable and can be

celebrated. This can be achieved with young children because you can use their great sense of fairness and you teach them all day.

- It is more effective, in the long term, to bring issues into the open and deal with them collectively, rather than seeing individuals after the session, although this is sometimes the best course. In all groups and classes, if anyone is being offensive in any way (however subtle) the practitioner or teacher can stop the whole group/class and talk about this. The group/class can discuss the issue and the aim is to develop a positive and supportive class attitude to difference. The child who is being subjected to harassment, however seemingly minor, needs to know the teacher is on their side and that the rest of the class/ group know this. Teachers must use their own professional judgment on the best way to deal with any incident (bearing in mind school policy). It helps if the school has a consistent policy applied by everyone.

- Set up the class/setting so children are, as far as possible, able to work autonomously, with easy access to equipment. Take a flexible approach to carrying out the tasks required by the Foundation Stage and the National Curriculum.

- Set up a range of groupings, such as individuals, pairs, whole class/group and small groups. Ensure composition of the groups is varied (taking account of children's needs) – a mix of ability, impairment, social background, gender and ethnicity is important.

- The teacher needs to show that all children are valued by openly praising each child's individual efforts and achievements to the class and encouraging the class to do likewise. This should be in all areas of achievement – creative, physical, social and academic – showing that competition between children is not acceptable. This will create a strong ethos in classrooms and settings.

NB: Children should not be made to sit cross legged for a long period because it is uncomfortable, bad for their physical development (See Alexander Technique Teaching) and therefore difficult to maintain attention span. Some children should not be expected to sit cross-legged at all e.g. those with juvenile arthritis, gross obesity and those with impairments that cause them discomfort in this activity. A range of seating should always be accepted – cushions, chairs, bean bags etc.

4. Making Reasonable Adjustments

All settings and schools are under a legal duty to anticipate the needs of disabled children in admissions, education and associated services in their practices, policies and procedures.

- Make sure that children who are wheelchair users or use walking aids i.e. frames, sticks or crutches have the space/classroom set up so they can access everything;
- Ensure that children with visual or hearing impairments sit on the carpet or at the table in a place where they can fully participate;
- Ensure children with learning difficulties can access planned play, free play and all teaching and learning opportunities;
- Ensure that all children with any medical need that requires them to eat, drink or go to the toilet more frequently than other children are able to do so without feeling uncomfortable;
- If a child cannot stand for long ensure that they do not queue but are allowed to go to the activity e.g. dinner and sit down with at least one friend (which can be varied) so they are not just alone or with an adult;
- If children find it hard to concentrate or stay still because of their underlying impairment, such as autism or ADHD, allow them to engage with the activities they want to do even when the rest of the group may be doing something else.

5. Making Friends

If you have developed the supportive ethos described, children will welcome and look after anyone new to the class/ group. They can all feel responsible for making them feel welcome and looking out for them. It is also desirable for one or two children specifically to be chosen to befriend a new child for the first few weeks. Sometimes a child with behavioural or learning difficulty can benefit a great deal from supporting someone else. Practitioners and teachers need to be very aware of how friendship patterns are developing in the class/group so they can intervene where necessary. If you notice some confident children controlling the forming of friendships and making some children feel unwanted, you need to nip it in the bud because it can escalate and cause unhappiness. Children who are unkind are often unhappy themselves and are relieved when the practitioner or teacher helps them behave differently. They also need praise when they change.

Teachers and practitioners have immense influence in early years and KS1 settings and if they make it clear what is acceptable, children do respond, especially to praise. Even very young children are able to take on this ethos and make it their own. You cannot force children to be close friends with everyone, but you can teach them to be tolerant, kind and respectful of others feelings and to treat each other supportively in and out of the classroom/ setting. Children want a harmonious and happy environment as they spend many hours there and are relieved when the teacher/practitioner enables this to happen. This applies to those who bully

as well. Even children with difficult behaviour who are hurt or damaged by what has happened in their lives already, can flourish in a safe and supportive atmosphere.

34 ACTIVITIES TO INTRODUCE DISABILITY EQUALITY

1. Practitioners & teachers can help to introduce disability equality issues to their group/class by inviting a disabled adult or young person, who subscribes to the social model of disability, to talk to them (Disability Equality in Education Tel: 020 7359 2855 have a national network). Prepare the class by covering what 'disability' and 'impairment' mean, and discussing who is disabled. 'All the same all different' might be the theme here.

a) Explain the difference between being short-term ill or injured and having an impairment. Many children have experience of being ill or injuring themselves. Talk about what this is like and what changed in the way their body works. Ask how they felt. Explain that being disabled is something that happens to your body when you don't get better or it takes more than a year to get better. List the different types of impairment. Visual, hearing, mental, physical and when parts inside don't work as they should.

b) Explain that once a person gets used to their impairment, then it is the way people think about them and the way they make buses, buildings, roads, work, cinemas, homes, shops, schools and everything, that stops them doing things and that makes them disabled.

c) Ask the disabled person to talk from their own experience, which is most powerful. They should cover the ways disabled people are discriminated against, e.g. being bullied just because they are disabled. Children need to understand that disability discrimination is an oppression and is not an individual problem. This can be linked to racism and sexism.

d) The class/group should discuss bullying because of how someone looks, sounds, seems intellectually (e.g. people with learning difficulties) or behaves. Even very young children respond to this as they have a great sense of fairness. The children will talk about their own experiences and about disabled people they know e.g. their relatives and friends. They should be encouraged to talk about how any experiences of bullying made them feel. Any disabled children in the class should feel empowered and able to talk, including those with hidden impairments (e.g. epilepsy, diabetes, chronic asthma).

e) The teacher can point out any aptitudes or achievements of the disabled speaker and any disabled children in the class.

2) Use stories, songs, music, drama, role-play, art to explore issues of difference.

3) Don't call me names. Either working on the board with the whole class/group, or working in groups on flip chart paper, get the class to list all

the words they have ever heard to describe disabled people. Write these on the white or blackboard in one colour. Now ask the class or groups to identify all the words that are negative. Have a discussion about how they might feel if called these names. Have some cards with the origins of these words on.

(See Word power and Origins of negative words associated with disability.)

4) Setting/School Environment. Get a large-scale map of the school/setting. Divide it up into sections, allocated to small groups, and visit all areas on the map to work out whether someone who uses a wheelchair could access the place and take part in activities there. This can work best with a wheelchair user or by borrowing a wheelchair. Record the outcomes on the map. Now determine what would need to change so the wheelchair user could access and participate fully. For KS1 discuss the outcomes and compose letters of what you found out to the Headteacher and Chair of Governors of the school or head of the nursery. Discuss the issues raised by all forms of access to mainstream settings/ schools for disabled children. (A good source of information is your school or settings Access Plan.)

5) Local Environment. Take the class/group on a trip around your local shopping centre with a large-scale map of the area and individual units. Get them to use a pre-agreed coding system to record the types of shop or service – food, supermarket, hardware, hairdresser, bank, restaurant, chemist etc – in given sections. Also get them to note down barriers to deaf or blind people, wheelchair users and people with learning difficulties which they identify. Ask them to note any adaptations they see that enable disabled people to use the service. On return to the classroom/setting, map and graph the results and hold a discussion on them, and what they think about what they have found out.

KS1. Arising from the discussion, groups in the class could undertake these different activities, or do all of them sequentially:

- a)** Write a letter to the service provider explaining what you found out about access and what impact this may have on disabled people.
- b)** Design and make a poster getting across the message that access is good for everyone, and why.
- c)** Devise a short play showing the problems that are presented to disabled people by lack of access to services.
- d)** Hold an assembly where the class presents what they did to the rest of the school.

[Bear in mind that The Disability Discrimination Act says that by October 2004, all service providers had to make permanent reasonable adjustments

to their service so that disabled people can access it and that, since October 2000, they should have been making temporary adjustments].

6) Images of disabled people in stories, on TV and film, in magazines. Have a general discussion about the portrayal of disabled people in fairy stories and other well-known children's stories. In groups or altogether hear a story and re-tell it to show disabled characters positively. On television and in film. Get the class to list all the portrayals they can think of. Then discuss stereotypes and group the portrayals they have mentioned under the different stereotypes.

35 How to discuss Disability with Children

- 1)** Don't shy away from the word 'disabled'. It is a term you can use to describe the ways in which people are treated by society, rather than a description of someone's impairment.
- 2)** Talking about disability should be part of general discussions about differences, e.g. of race, gender, religion, culture, etc. and be part of the working vocabulary of adults.
- 3)** Include images of disabled people in lessons (e.g. art, sewing). Include information about the history of disabled people in history lessons. Include problems in maths classes that can be related to access issues (e.g. set the children the task of measuring the ratios needed for ramping the building for wheelchair access).
- 4)** Don't shut children up when they ask questions about people's impairments. Ask the person concerned if they want to answer the question. If they do, fine. If not, explain to the child that the person doesn't want to talk about it right now. If you happen to know the answer yourself or are prepared to find out, offer to let the child ask you later privately.
- 5)** Make sure that you do not talk about disability as an affliction as opposed to a difference. Disabled people do not necessarily see themselves as being ill or in need of cure. Disabled children need positive role models of disabled adults in their lives as well as a positive vocabulary to talk about themselves and their lives.
- 6)** Give disabled children a chance to talk about their impairments but do not push them to do so. Be prepared to talk about any impairments you have. Make it possible for them to identify with you.
- 7)** It is useful if you ask disabled people what their needs are, rather than assuming you can figure it out by looking at them.
- 8)** Encourage an atmosphere where children are encouraged to express their thoughts and curiosity. You could use a curriculum activity like devising a questionnaire to get the whole class involved in asking questions of each other.
- 9)** Have images of disabled children around.
- 10)** Ask children if they know any disabled people, in their families, in their streets, in their communities, etc. Ask them about those people. Let them talk freely but interrupt oppressive attitudes in the same way you would interrupt racist or sexist attitudes.

[If you are not confident to carry the above forward read and discuss the sections on History of attitudes, language and models of disability. Hold staff training and work out your setting school policy and how you will

develop valuing difference and raising disability issues across the curriculum.

The above for sections come from A Guide for Practitioners and Teachers in All Equal All Different DEE, London 2004

36 Ways of Promoting Positive Attitudes Toward Disabled People For Pupils

Aims of the school curriculum

The school curriculum covers the totality of children's experience, in or connected with schools.

- i) The school curriculum should aim to provide opportunities for all pupils to learn and achieve.
- ii) The school curriculum should aim to promote pupils' spiritual, moral, social and cultural development and prepare all pupils for the opportunities, responsibilities and experiences of life.

Rationale of the National Curriculum- Disability Content.

The less prescriptive and more flexible National Curriculum allows for Disablement and Disabled People, their treatment, experience and portrayal in the media, arts and literature to be a focus.

The purpose is to promote equal opportunities and enable pupils to challenge discrimination and stereotyping, develop an understanding of where such prejudice comes from, develop pupils' integrity and autonomy and help them to be responsible and caring citizens capable of contributing to the development of a just society. It should promote pupils' self-esteem and emotional well-being and help them to form worthwhile and satisfying relationships, based on respect for themselves and for others at home, school, at work and in the community.

The school curriculum should contribute to the development of pupils' sense of identity (including disabled pupils) through knowledge and understanding of the spiritual, moral, social and cultural heritages of Britain's diverse society and of local, national, European, Commonwealth and global dimensions of their lives. It should encourage pupils to appreciate human aspirations and achievements in aesthetic, scientific, technological and social fields and prompt a personal response to a range of experiences. (Italics taken from Rationale).

Ways disabled people and disablement can be raised in the programmes of study

English

- Reading traditional stories which feature disabled characters such as Rapunsel, Hansel and Gretel, Rumpelstiltskin, Snow White and the

Seven Dwarfs, discussing and rewriting/ telling so disabled characters are not stereotyped.

- Analysing charity advertising and the way they portray disabled people.
- Analysing adverts for disabled people. Re-designing with disabled people in the picture.
- Working with different forms of communication used by disabled people finger spelling, sign language and Braille.
- Analysing how authors have used disabled people as a literary device or portrayed them in stereotyped ways e.g. Shakespeare in Richard III, Dickens in A Christmas Carol or The Old Curiosity Shop (Quilp) or Our Mutual Friend , Melville's Captain Ahab in Moby Dick, J.M. Barrie – Captain Hook in Peter Pan, Charlotte Bronte in Jane Eyre, Robert Louis Stevenson in Treasure Island or Dr Jekyll and Mr Hyde, Danny in Steinbeck's Cannery Row, Crippled Clara in Heidi, The Secret Garden, or What Katie Did. To name but a few.

Drama

- Getting theatre groups with disabled performers into the school.
- Analysing the plot and content of TV soaps and dramas for disabled characters and writing their own plots. Writing letters to producers and politicians about lack of portrayal.
- Biography of disabled people in their family or the community.
- Read literature that features disabled people in non-stereotyped ways. (See list)
- Analysing the portrayal of disabled people in film.

See www.bfi.org.uk/disablingimagery

- Analyse the language we use to describe disabled people. Is it positive or negative? Where does it come from?

Mathematics

- The mathematics of the Braille system.
- Gradients for wheelchair ramps.
- Geometry - turning circles.
- The calculation of benefits.
- The statistics of the number of disabled people etc.
- Scale and measurement in carrying out and drawing a school access survey.

Science

- An understanding of the main causes of impairments should be covered in human biology.
- An understanding of genetics should be linked to moral issues of Eugenics.
- Gain an understanding of the different types of impairment and understand that it is the experience of the majority of people during their lives.
- Look at how scientific thought has changed the way disabled have been viewed in society.

Religious Education

- Look at how the world religions view disabled people.
- Analyse the impact of this thinking on the way disabled people have been treated.
- Examine charity and its changing role and the way disabled people view charity.
- The link between good and physical perfection in many cultures.
- Valuing difference.
- Should religious texts be taken literally e.g. the way disabled people are described in the Bible.

History

- How were disabled people treated in ancient Greece- the start of Eugenics.
- The way disabled people were treated as freaks by the Romans in the Coliseum.
- The Great Witch Hunts of 1480-1680 and the impact on disabled people.
- The Tudor Propaganda that led to Richard III's evil and impairments being linked.
- The way political cartoons used stereotypes of disabled people to portray a moral.
- The Elizabethan Poor Law and disabled people.
- The Industrial Revolution and the exclusion of disabled people from the workforce and Poor Law Relief.

- The workhouse and disabled people.
- The rise and development of Social Darwinism and Eugenics.
- The 1913 Mental Deficiency Act and the compulsory segregation of disabled people.
- The disabled veterans of the First World War – The first Disability Movement.
- The rise of segregated schooling in the local area.
- Eugenics in the USA in 1920's and 1930's.
- Getting rid of the Useless Eaters-Disabled People in the 3rd Reich-The Final Solution.
- The Civil Rights Movement and the Growth of the Disability Movement.

Geography.

- The geographic distribution of impairments e.g. injuries from land mines or polio or malaria.
- The poor world and lack of resources to eradicate 80% of impairment, which is preventable.
- Access surveys of the school, local environment and shopping centres.
- The cost/benefit of making public transport accessible.
- The demography of impairment.
- Understanding the ecological consequences of pollution in terms of impairment of populations.
- Housing, barrier free design and the urban environment.

Art/Design

- Study the portrayal and lack of portrayal of disabled people by artists in different periods.
- Study the work of disabled artists such as Frieda Kahlo or Toulouse Lautrec.
- Study the work of the present Disability Arts Movement and analyse what they are trying to do.
- Examine how the human form has often been idealised when portrayed by many artists.
- Do life drawing of disabled models.

Design and Technology

- Design and make barrier free products for disabled people.

- Design and make aids and appliances for people with different impairments.
- Get the views of disabled people before designing these.
- Design adaptations to tools and household appliances so disabled people can use them.
- Design environments such as gardens that disabled people could use and appreciate.

Music

- Study the work of disabled musicians e.g. Ray Charles, Stevie Wonder, Evelyn Glennie, Beethoven, Vic Chestnut, Ian Drury.
- Analyse Operas that feature disabled characters such as Rigoletto, Traviata and La Boheme or Porgy and Bess for stereotyping and work out alternative scenarios.
- Write an opera featuring disabled characters in non-stereotyped ways.

Physical Education

- Adapt activities so disabled pupils can participate.
- Develop games all can participate in

Information and Communication Technology

- Appreciate the uses disabled people make of ICT to overcome barriers such as vocalising, Braille translation, reading, symbols and sign language, the Internet, controlling their home environment.
- Devise a computer 'tool' or programme for disabled people.
- Develop an awareness of the different switching systems disabled people can use to access ITC such as head pointing, eye pointing, voice activation, touch screen and yes/no switching and augmentative communication aids.
- Find out disabled peoples' issues from Internet websites and make a computer presentation of these.
- Do a computer graphic presentation of statistics of the number of disabled people in the population or some other relevant variable.
- Design and produce signage for people with learning difficulties to access a computer function.

Modern Languages

- Examine the language used for disabled people and its derivation.

- Find out how disabled people are treated, what rights they have in countries that use the language.
- Do a presentation in the language on your findings.

Citizenship/PHSE

- Develop an understanding of what constitutes discrimination towards disabled people.
- Study examples of discrimination to disabled people with different impairments in housing, family life, transport, education, leisure and work.
- Study how the Disabled Peoples' Movement fought for and won their civil rights.
- Learn to challenge disabilist name calling and bullying.
- Develop Circle Time and Circles of Friends to develop the self-esteem of disabled and non-disabled pupils.
- Involve pupils in devising class and school rules and set up School Councils to reduce challenging behaviour and to stop discrimination against disabled pupils.
- Get disabled activists from the community into school to talk about their struggles for equal rights.
- Involve pupils in developing the equal opportunities policy of the school.

37.Disability in the Media

"DISABLED PEOPLE SHOULD BE SHOWN AS AN ORDINARY PART OF LIFE IN ALL FORMS OF REPRESENTATION, NOT AS STEREOTYPES OR INVISIBLE". This was the verdict of 150 key image-makers at 'The Invisible Children Conference'.

There are 10 main stereotypes of disabled people

The disabled person as:

- 1.PITIFUL AND PATHETIC - Charity adverts, Telethon, Children in Need, Tiny Tim in a 'Christmas Carol' or Porgy in Gershwin's 'Porgy and Bess'.
- 2.AN OBJECT OF VIOLENCE - 'Whatever Happened to Baby Jane?' or 'Wait until Dark' set the style for countless TV films.
3. SINISTER OR EVIL - Shakespeare's 'Richard III', Stevenson's 'Treasure Island', 'Dr. Strangelove', 'Dr. No', Spielberg's 'Hook' or Freddy on 'Elm Street'.
- 4.ATMOSPHERE - Shown as curios or exotica 'freak shows', and in comics, horror movies and science fiction e.g. 'Hunchback of Notre Dame' or 'X-Men'.
- 5.'SUPER CRIP' OR 'TRIUMPH OVER TRAGEDY' - 'Reach for the Sky', the last item on the news, e.g. climbing a mountain.
- 6.LAUGHABLE 'Mr. Magoo', being the butt of jokes or films like 'Hear No Evil, See No Evil' and 'Time Bandits'.
- 7.HAVING A CHIP ON THEIR SHOULDER - Laura in the 'Glass Menagerie', often linked to a miracle cure as in 'Heidi' and the 'Secret Garden'.
- 8.A BURDEN/OUTCAST- as in 'Beauty & the Beast' set in subterranean New York, the Morlocks in the 'X-Men' or in 'The Mask'.
- 9.NON-SEXUAL OR INCAPABLE OF HAVING A WORTHWHILE RELATIONSHIP - Clifford Chatterley in 'Lady Chatterley's Lover', 'Born on the Fourth of July' or O'Casey's 'Silver Tassie' - to name but a few.
- 10.INCAPABLE OF FULLY PARTICIPATING IN EVERYDAY LIFE - our absence from everyday situations, not being shown as integral and productive members of society. When we are shown the focus is on our impairments.

(Based on Biklen and Bogdana 1977. Amended by R. Rieser & M. Mason 'Disability Equality in Classroom', 1992)

The Invisible Children Conference was an exciting and thought-provoking day held in London on 1st March 1995 and attended by more than 150 key image-makers. The representation of disabled people is not a minority issue. There are 6.5 million disabled adults in the UK and 840 million people worldwide. Two thirds of those of working age are unemployed.

TV and film directors, producers, scriptwriters, editors, actors, authors and illustrators came together with a number of leading members of the Disabled People's Movement, who argued for a change in the way disabled people are portrayed.

There was general agreement that to continue to portray disabled people as invisible or one-dimensional reinforces the discrimination and isolation disabled people experience in all aspects of life. This can include becoming targets for bullying and physical attack. It was felt that children are particularly affected by the images to which they have access. Unfortunately most children and young people rarely meet disabled children in their schools and form their views of them mainly through the media. The inclusion of disabled people in producing and creating images and portrayal of disabled people as "real people" is crucial. It was felt now is the time to achieve this.

We can all, at any time, become disabled, develop a physical or mental impairment. Perhaps the need to distance ourselves from reality makes it convenient to rely on stereotypes of disability. They are less troubling than accepting the individuality, the joy, the pain, the appearance and behaviour and the rights of disabled people.

With a very few welcome exceptions like Grange Hill and Skallagrigg, disabled characters and images are largely absent, or when they do appear they are presented in a negative and stereotyped way.

Change can occur. Twenty years ago Black people were in a similar position. Now the necessity for their inclusion is taken for granted.

Lack of portrayal of disability in our society is not accidental. Western culture from Greek and Roman times, reinforced in Renaissance Europe, has seen the "body beautiful" as an ideal and those with physical or mental imperfections as being in receipt of divine retribution. The Bible accepts this but also offers us pity towards disabled people as sinners. Popular culture up until very recently has seen disabled people as objects of fear or fun. Such ideas are deeply embedded in myth, legend and classical literature. Today's celluloid entertainment culture reinforces the tendency to judge people by their appearance.

The myths about disabled people may come from the past, but they show remarkable present persistence and are deeply rooted in the fears we all have about disability.

IMAGES: The Way Forward from Disabled People

1. Shun one-dimensional characterisations. Portray disabled people as having complex personalities capable of a full range of emotions.
2. Avoid depicting us as always receiving. Show us as equals giving as well as receiving.
3. Avoid presenting physical and mental characteristics as determining personality.
4. Refrain from depicting us as objects of curiosity. Make us ordinary.
5. Our impairments should not be ridiculed or made the butt of jokes.
6. Avoid sensationalising us especially as victims or perpetrators of violence.
7. Refrain from endowing us with superhuman attributes.
8. Avoid Pollyana-ish plots that make our attitude the problem. Show the societal barriers we face that keep us from living full lives.
9. Avoid showing disabled people as non-sexual. Show us in loving relationships and expressing the same range of sexual needs and desires as non-disabled people.
10. Show us as an ordinary part of life in all forms of representation.
11. Most importantly cast us, train us and write us into your scripts, programmes and publications.

(This leaflet was produced by the 1 in 8 Group, formed after the Invisible Children Conference. We are a number of individuals working in the media committed to challenging the portrayal and employment of Disabled People).

38.Word Power

The issue of language, disablement and disabled people is important. Much of the language we use is crystallised in past ideas and attitude towards disabled people.

Look at the following word and phrases and indicate whether they imply a positive, negative or neutral image.

Wheelchair-bound	positive / neutral / negative
The disabled	positive / neutral / negative
People with disabilities	positive / neutral / negative
Disabled person	positive / neutral / negative
Deaf People	positive / neutral / negative
Crippled	positive / neutral / negative
Invalid	positive / neutral / negative
Person with cerebral palsy	positive / neutral / negative
Spastic	positive / neutral/ negative
People with learning difficulties	positive / neutral / negative
Mentally handicapped	positive / neutral / negative
Handicapped	positive / neutral / negative
The blind	positive / neutral / negative
Blind people	positive / neutral / negative
Mongoloid	positive / neutral / negative
Person with Downs Syndrome	positive / neutral / negative
Mental	positive / neutral / negative
Mentally distressed	positive / neutral / negative

39.The language we use

AVOID / OFFENSIVE	USE / PREFERRED
Victim of	Person who has Person with Person who experienced
Crippled by	Disabled person Person who has Person with
Sufferer Suffering from	Person who has Person with
Afflicted Afflicted by	Person who has Person with
Wheelchair bound	Wheelchair user
Invalid	Disabled person
Handicap	Disability / impairment
Handicapped person	Disabled person
Disability	Condition / impairment
Spastic	Someone with cerebral palsy
The disabled	Disabled People
The blind	Blind person Visually impaired
The deaf	Deaf people
Deaf and dumb Deaf mute	Deaf or deafened Hearing impaired
Mongol	Someone with Downs Syndrome or Learning Difficulty
Mental handicap	Learning Difficulty
Retard / idiot / imbecile / feeble-minded	Learning disabled
Mute / dumb / dummy	Speech difficulty
Mad / crazy / insane	Mental Health System User/Mental health survivor
Mentally ill	Mental Health Survivor or system user
Mental	Disabled person
Stupid	Foolish / thoughtless
Dwarf Midget	Short person Short stature
Deformed	Disfigured
Congenital	Disabled Person
Disabled toilet	Accessible toilet

40. Images of Disabled People

List below examples of negative and positive images of disabled people in the following categories:

CATEGORY	DEFINITELY POSITIVE	NOT SURE	DEFINITELY NEGATIVE
1. Literature you read as a child			
2. Fiction you have read as an adult			
3. On the cinema screen			
4. On your TV screen			
5. Advertising			

41.Representation of Disabled People

Children's Stories

Hansel and Gretel	Peter Pan
Snow White and the Seven Dwarfs	Treasure Island
Rumpelstiltskin	Rapunzel
Heidi	Letang & Julie
Secret Garden	Seal Surfer

Adult Literature

Moby Dick	The Old Curiosity Shop
Gridlock	The Bible
Skallagrigg	"Dr. No" James Bond
Lady Chatterley's Lover	Born on Fourth July
A Christmas Carol	Jane Eyre

Television

Coronation Street	The Unknown Soldier
Ironside	See Hear
Crossroads	From the Edge
Eastenders	Emmerdale

Films

Hunchback of Notre Dame	Children of a Lesser God
Coming Home	Phantom of the Opera
Four Weddings and a Funeral	Batman
Hear No Evil, See No Evil	Dick Tracey
Goldeneye	Wait Until Dark

Adverts

Drink and Drive Campaign 1996/7	MS Campaign
Coca Cola Eat Football, Sleep	Scope
Football	Co-op Bank -
Beneton	(See the Person
Nike (wheelchair racing)	Not the Disability)
Virgin Mobile (on bus)	One-2-One (library)

42. Identifying Barriers in Schools

What barriers do your schools pose for pupils who:

- (1) Are blind or have a visual impairment
- (2) Are deaf or have a hearing impairment
- (3) Have a mobility impairment and/or use a wheelchair
- (4) Have a significant learning difficulty
- (5) Have been labelled as EBD
- (6) Have hidden impairments?

Consider the following areas:

Physical Barriers – Lack of access:

In the building environment...

In communication...

In equipment...

Barriers in people's attitudes:

Staff...

Pupils...

Parents...

Other professionals...

Governors...

Barriers in organisations:

Curriculum a) Content...

b) Diversity...

Employment of staff...

Whole-school Policies e.g. behaviour, bullying, equal opportunities...

Testing...

Barriers created by disabled people's resulting low self-esteem and poor self- image...

43. Employment Case Studies Responses

1 A. Yes, it could be discrimination. This could be construed as constructive dismissal. The head might also be open to a harassment case.

B. The head might have arranged a 0.4 job-share for the teacher and her Year 4 class. The class teacher could then take some small groups on the other two days gradually building up what she could do.

C. The school could develop a set of personnel policies which have flexibility built in for disabled staff.

2. A & B. This could be a case of disability discrimination, but the head did make an adjustment by sending the teacher for counselling. However, the Employment Tribunal may take the view that the head could have made more adjustments, such as a period of light duties or persuading the teacher to take a block of time off.

C. The school as part of its Healthy School policy arranges for regular psychological support for all staff as a means of reducing workplace stress. The culture in the school is to talk about the problem so the school is more used to dealing with different psychiatric problems.

3. A Yes this could be disability discrimination as alternative work was not looked for, but hours were just reduced.

B. The caretaker could have continued with the lighter duties and administration working with the other caretaker, but attended a training course to develop her computer skills to become an IT technician, if necessary with adapted computer equipment, which could be supplied by Access to Work. In the meantime she could have been paid to help run the after school computer club.

C. The school develops a flexible staffing policy and collects information about the skills all the staff have so this can be utilized if change of role is required because of impairment.

4. A. Yes, the contractor is likely to have discriminated as they failed to reorganize the job so the kitchen worker did not have to wash up.

B. Under the procurement the school has to ensure contractors are complying with the duty to promote disability equality. The dismissed woman could take a judicial review against the school.

C. The school ensures all contractors do have disability equality policies in place. The contractor will need disability equality training and to take a more flexible approach to employees.

5.A. Yes, failure to make reasonable adjustments

B. Moving the teachers teaching room to the ground floor. Excusing the teacher from break duties. Allowing more time off because of condition as a reasonable adjustment.

C. The head recognizes that if staff start to develop a pattern of absence this may very well be an indicator of an underlying impairment which they should check for and make adjustments in time off if this is shown to be the case.

6. A Yes the neighbouring school governing body may have committed an act of disability discrimination by not short listing the blind teacher if she can show she was better qualified for the job than the person appointed.

B. The school could have an automatic policy of short-listing disabled candidates who meet the minimum person specification for the post.

C. Both schools could overall their equal opportunities employment policy to ensure they do not discriminate against disabled candidates.

7. A. The harassment is likely to constitute disability discrimination.

B. The head should talk to the secretary in a sympathetic manner and ask if the school can help her. The staff should be given a training session on the disability discrimination act and during this it should be made clear that harassment on grounds of disability is not acceptable and if it persists will lead to disciplinary action.

C. The management of the school should interview all staff in confidence and ask if they have any condition or access needs that they wish to tell them about. Reassure staff this will not be used against them, but instead to make reasonable adjustments.

8. A. Yes if the school does not respond appropriately to the parents.

B. The head should hold a meeting with the nursery parents and explain that the nursery assistant is suitably qualified, works well with the children and is no danger to the children and they like her. Furthermore, the nursery assistant should be properly supervised by the nursery nurse and nursery teacher.

C. A number of sessions are held for parents explaining the equal opportunities policy of the school and what the disability discrimination act means. The nursery assistant is supported properly in a positive way.

9. A. Yes. Failure to make reasonable adjustments so he gets through the threshold could be disability discrimination.

B. Give the teacher some extra time off from teaching during the school day so he can complete his planning with colleagues. Release the teacher to attend daytime courses.

C. Get an assessment from Access to Work to find any support they may be able to provide. Value the disabled teacher and make adjustments.

10. A. No it is not disability discrimination if the employer has not been informed by the employee that they are disabled.

B. Once the head knows the mentor is dyslexic he should offer reasonable adjustments. Getting help with writing reports. Finding out what would help and providing it.

C. All staff should be asked automatically what access needs they have and the management of the school should create an atmosphere that is friendly about disability and the adjustments necessary.

44. Disability Discrimination in Schools Pupils - Responses

These responses are only indicators of the way the law may be interpreted.

Answers

1. **Not Sure - Good Practice** The teacher and LSA could have manual handling training to help the girl in and out of her wheelchair with the girl holding a fitted upright support by the carpet. This could conform to a satisfactory risk assessment.
2. **Yes - Reasonable Adjustment** Volunteers were asked for from the staff for training by a school nurse. The headteacher, deputy and several staff were trained. The procedure to be followed was displayed on a checklist in the medical room and staff were reassured that they were indemnified by the Authority's insurance policy.
Good Practice All new Teaching Assistants at the school have it in their contract to administer medicines and are given training by State registered nurse. Head and deputy are also trained for cover.
3. **Yes - Reasonable Adjustment** The school nurse does a staff meeting explaining diabetes and that the girl is capable of testing her blood and injecting her insulin and just needs to be reminded and supervised. This procedure is adopted and works well. However, some children at the school find out that she is injecting and start bullying her, calling her 'junky'. She is getting less favourable treatment.
Good Practice Following a discussion at a staff meeting it was decided it was reasonable to run an assembly on diabetes and follow it up in each class with discussion to get the children to agree that this bullying is not acceptable to the school community. As this is done well, the bullying soon stops and the children become supportive.
4. **Not Sure - Good Practice** It is decided that it is a reasonable adjustment to replace the blackboard with a white board and non-toxic pens.
5. **Yes - Reasonable Adjustment** The nursery had to change their policy, otherwise it would be seen as less favourable treatment. It was argued that staff cleaned children up if they had 'an accident' when going to the toilet and so it was not unreasonable to change

the disabled child on a regular basis. The cost of a supply of nappies and changing equipment was not excessive.

Good Practice Staff were won over to changing the child as an equal opportunities issue, on the basis that if they did not the child would be not able to attend the nursery.

6. **Not Sure - Reasonable Adjustment** The teachers at the SLD school are told by the LEA that this could be considered less favourable treatment and disability harassment under the DDA. The LEA holds a meeting of staff at the SLD school with the head of the primary school. The primary school argue that the teacher time required was affecting the interests of other pupils and could affect standards at their schools. It is resolved to start up the outreach programme again in selected curriculum area: - Art, Drama and PE.

Good Practice To facilitate outreach running more smoothly, the primary schools will hold disability equality training sessions for all staff, hold assemblies and follow this up in PHSE on equality and rights. The LEA allocates some time of an advisory teacher for inclusion to work with the KS2 teachers on more inclusive styles of teaching and learning.

7. **Yes - Reasonable Adjustment** Eventually a compromise is reached with a group in Year 4 to go swimming during PE.

Good Practice an after school club is started in which the father is hired as an instructor and his son takes part with his peers.

8. **Yes** - The mother contacts the LEA with a complaint about less favourable treatment. She argues that the school should have anticipated the need for an accessible venue, as her daughter has been at the school for some years. The PE Advisor provides the school with a list of accessible Outdoor Pursuits Centres. SENDIST may order school to re-run trip.

Good Practice Luckily one has had a cancellation and the school is able to take up the booking. The original outdoor pursuits centre wants the school to pay a large cancellation fee. Under the advice of the LEA the school files a complaint under Part III of the DDA that the Centre had made no attempt to conform with legal requirements. In exchange for the school dropping the case the Centre withdrew its demand for a cancellation fee.

9. **Yes** - The mother complains to the LEA about less favourable treatment. The LEA lawyer writes to the theatre that they are in breach of Part III of the DDA. The case is settled when the theatre backs down and the boy is allowed to go on the trip. **Good Practice.** The LEA issues a circular to all schools reminding them of

their duties under the DDA and also the duties of providers of goods and services. School trips policy is amended to ensure all reasonable adjustments are considered before permission is given for the trip.

10. **Not Sure** - The case goes to SENDIST who order the school to admit the pupil and the LEA to provide 15 hours a week Learning Support Assistant. The pupil's inclusion is now working well.
11. **Yes.** This is less favourable treatment by the school. The LEA has to respect the parents wishes and place the boy in a mainstream school unless he will disrupt the education of other children. There is no evidence from the nursery to support this. **Reasonable Adjustment.** The boy needs to be admitted to a primary school though not necessarily of his parents' choice, if another one is judged better able to meet his needs. Prior to his admission a joint meeting of parents and staff from the nursery and primary school and Educational Psychologist is held. If he has a statement this is amended to meet his needs and an action plan is drawn up to include him. **Good Practice.** The boy is accepted by his parents' chosen school. He has priority on admissions as he has SEN. A transition programme is worked out and he visits the new school several times with other members of his nursery who are also going there.
12. **Possibly.** It depends if his challenging behaviour is long term or due to an underlying physical or mental impairment. If it is then his treatment is discriminatory as he is being treated less favourably by the school. There is evidence that he is a diminishing disruption to other.

Reasonable Adjustment. The nursery calls a meeting with parents when complaints have been lodged about the boy's behaviour and explain what they are doing to support him and how he has improved. The school say they will not exclude him as this would be likely to be illegal and against their equal opportunities policy.

Good practice The nursery does a lot to involve parents from all backgrounds and to get them to share the inclusive ethos of the nursery and understand why they operate a differentiated behaviour policy. The policy is discussed with parents and the techniques used for reducing challenging behaviour are shared.

45. Answers - Warm up quiz- the position of disabled people in the United Kingdom

1. c) 10.5 million
2. c) 6.8 million
3. d) 3.4 million
4. e) Mental Health Issues
5. a) 5 – 7%
6. b) Moderate Learning Difficulty
7. c) 2 times
8. a) no one
9. ANY
10. b) a non-disabled person
11. i) c) 14%
ii) d) 44 %
12. d) 84%%

46. Prioritising Policies and Practices for Action in a Skeleton Disability Equality Scheme

Your table has been allocated one of the following in preparing a primary school Disability Equality Scheme:

- a) Eliminating unlawful discrimination
- b) Eliminating disability related harassment
- c) Promoting equality of opportunity between disabled and non-disabled people
- d) Promoting positive attitudes towards disabled people
- e) Encouraging participation in public life

1. As a group quickly fill in the **Thought Storm Ideas Tree**
2. Utilise your notes from the day and use the course book especially section 19 on page 64
3. Once you have made your selection fill in the attached pro forma **Developing a Skeleton Disability Equality Scheme** for your group's focus.
4. For each area identified give it a '**H-high, M-medium or L-low priority**'
5. For five 'high' priority areas say:
 - i) What you will do?
 - ii) How you will do it?
 - iii) Who will do it?
 - iv) What is the time scale?
 - v) How will you know you have done it?
6. At the end we will take a **report back** from each group on your top priority.

N.B. Remember to:

- Link with your existing policies especially your School Access Plan
- Engage disabled people in the process
- Exercise 'more positive treatment'
- Think of, and involve disabled staff, pupils, parents (both of disabled pupils and who are disabled themselves) and disabled members of the community
- Think of what evidence you will need to gather

The information below gives you a few suggested first steps to start you on your journey to disability equality:

Deliver training to staff and governors on the new duty.

Organise a disability equality steering group, including disabled staff and governors.

Talk to parents and pupils to find out how they want to be involved in the production of your scheme.

Have a look at your current information gathering mechanisms to see where improvements can be made.

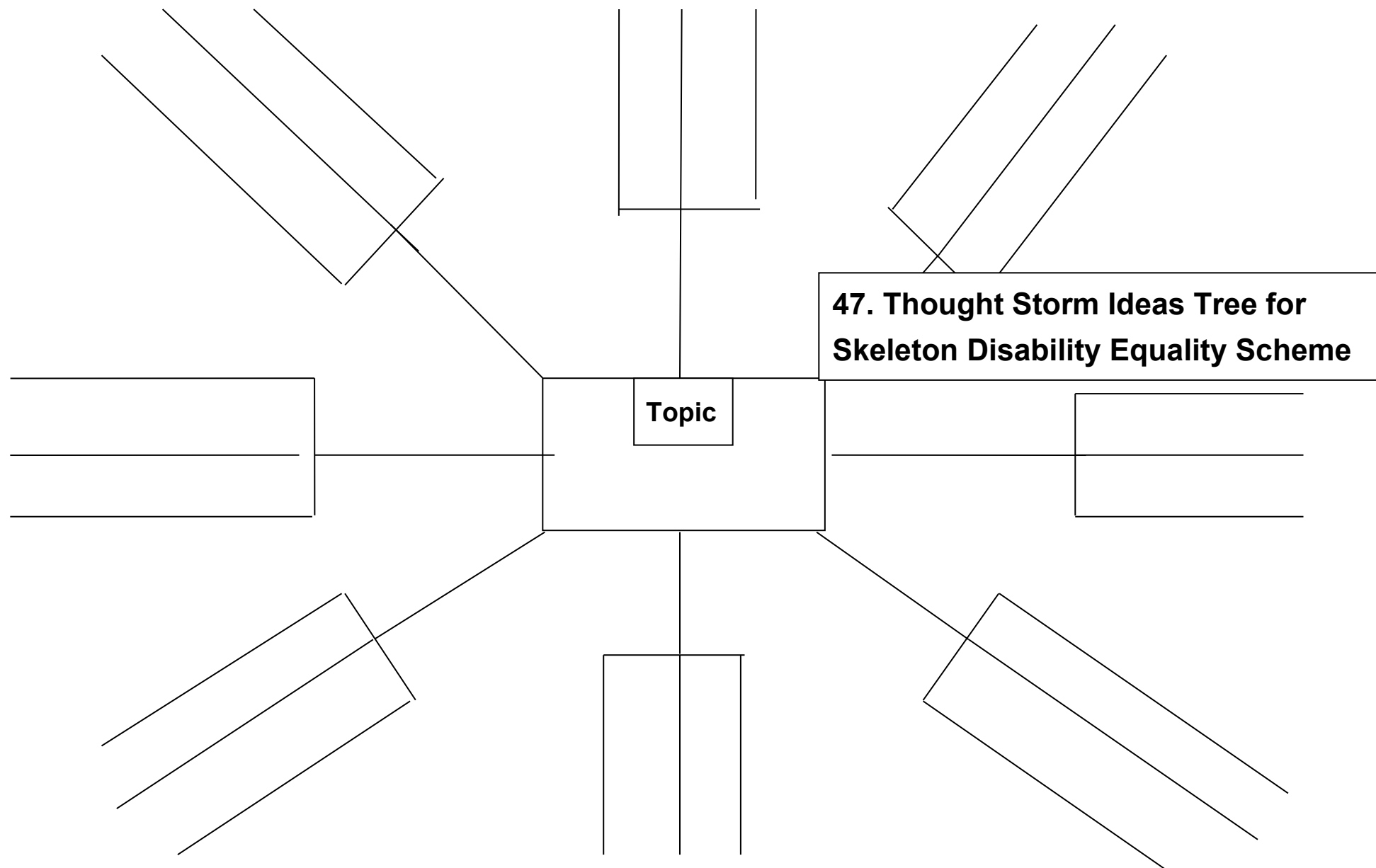
Ensure that every bit of information you gather is used.

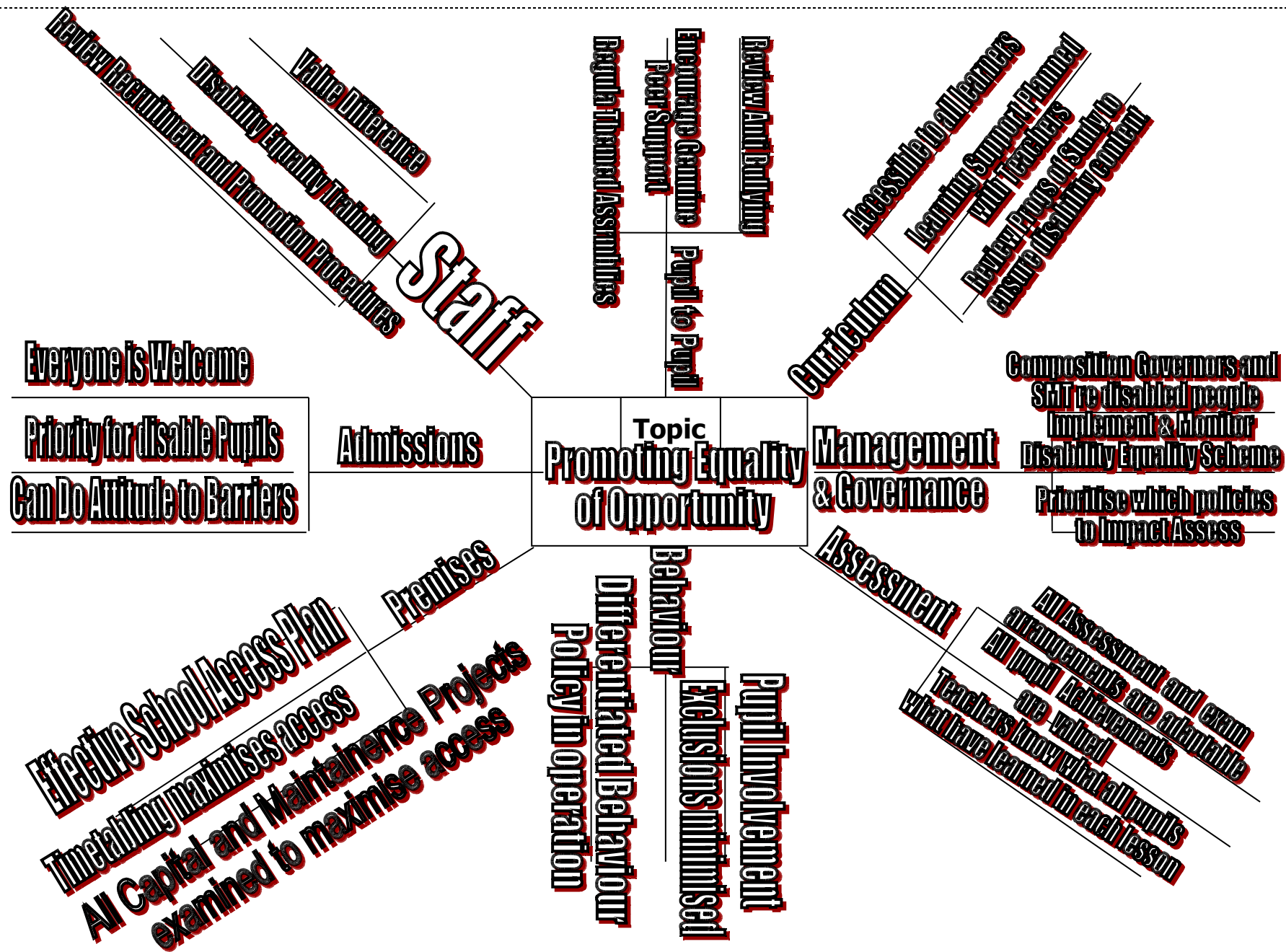
Decide which policies and practices have the biggest impact on disability equality and which need to be assessed first.

Use the information you have gathered from your involvement of disabled people to write your Action Plan.

Tell everyone the progress you have made in your Annual Report.

Your DES is an ongoing process, review and revise every three years.





48.SKELETON DISABILITY EQUALITY SCHEME- Theme

5 High Priorities	What needs to be done?	How will it be achieved?	Who will do it?	What is the time scale?	How will you know you have done it?
1.					
2.					
3.					
4.					
5.					

49. Personal Action Plan of things to do to implement the Disability Equality Duty

Task	What needs to be done	When will this be done
1		
2		
3		
4		
5		
6		
7		

50.RESOURCES

Altogether Better by Micheline Mason & Richard Rieser. This is a pack containing a booklet and video which explains clearly why it is important to educate disabled children in mainstream schools. Comic Relief. Available through DEE (DVD +photocopied text), £20.

Are We nearly there yet Elleni Burgess (16 at the time of writing) A look at the experience of 80 wheelchair users in secondary schools . 2003. Available from DEE £3.50

Bristol Inclusion Standard This booklet identifies the good practice in 13 Bristol Schools which achieved the Bristol Inclusion Standard. 2004 Available from DEE £3

Changing Our School: Promoting Positive Behaviour by Highfields Junior School, Plymouth. How the school transformed itself and the behaviour of its pupils through inclusive methods. Available from DEE, £10.

Creating Circles of Friends by Colin Newton and Derek Wilson (2003). The book describes a simple but powerful technique for reintegrating children with behavioural problems into the life of their school and class. Available from DEE, £13.

Disabling Imagery by Richard Rieser A teachers guide packed full of ideas for examining how disability has been portrayed in moving images of cinema and TV. Lots of lesson ideas. A DVD with 22 film clips included. DEE, London 2004 £20 DVD on its own £10.

Disabled People in Britain and Discrimination by Colin Barnes (1991), Hurst, London. General position disabled people. Chapters on education and history very relevant.

Disability Equality In the Classroom - A Human Rights Issue by Richard Rieser & Micheline Mason . A handbook for teachers which compiles some of the best thinking of disabled people about our history, our current issues, language, images, and culture. Many ideas, as to how to bring disability into the classroom as an issue of equality. Available through DEE, £6.

Disaffection & Inclusion: Merton's Mainstream Approach to Difficult Behaviour. Giles Barrow, CSIE. Excellent account of how Merton shut PRUs and used the resources released for supporting the development of whole school approaches to challenging behaviour. Available through DEE, £7.

Dreaming the Dream, Inclusion and Social Justice. Parents for Inclusion, 2001. The voice of Young Disabled People, Disabled Adults,

Parents and Allies working together to change Lambeth. Excellent resource. Available from DEE, £5.

Education Equality and Human Rights. Edited by Mike Cole, 2006 2nd Edition. Routledge, London. Covers Gender, 'Race', Sexuality, Disability and Social Class. Two chapters from Richard Rieser on History and Inclusion. Available from DEE, £20.

Everyone Belongs - by Ken Jupp. The book systematically examines the effects of special segregated systems and offers practical and positive replacement. It makes the case that all children can and should attend their local mainstream school, irrespective of the degree of disability or special needs they may have. It is a lively, forthright, positive book that is both thought-provoking and easy to read. Published by Souvenir Press - Human Horizons Series ISBN 0-285-65093-9. Order from your local bookshop.

Fourth Plinth - Marc Quinn A great book telling the story of the making of the statue of Alison Lapper displayed in Trafalgar Square. With lots of photos and copies of a range of press comments. Great for Art or PHSE. Steidl Mack, Germany 2006. Available from DEE £10

Human Rights and School Change - The Newham Story by Linda Jordan and Chris Goodey. This new CSIE publication provides a detailed account with pictures, diagrams and charts of the de-segregation of the education service in the London Borough of Newham. Written by two of the leading figures in the process, it shows how the authority moved towards closure of most of its separate special schools and units over a 12-year period, 1984-96, while at the same time improving mainstream provision for all pupils. Available from DEE, £10.

Implementing the Disability Discrimination Act in Schools and Early Years DfES 2006. A new resource pack for schools giving the results of the Reasonable Adjustments Project with 3 DVDs of examples of reasonable adjustments in 20 secondary and 20 primary schools. Training materials and Information on Duties and definitions. The Access Planning Project with Templates for making School Access Plans and LEA Access Strategies. 1 free to each school.

Order online www.teachernet.gov.uk/publications Search reference 0160-2006DOC-EN or phone 0845 60 222 60 quote reference.

Inclusion in Schools Course Book Richard Rieser (2002) A very useful guide packed with training idea, statistics, tips and information. DEE £10

Inclusion How To : Essential Classroom Strategies Gary Bunch

A brilliant and challenging but simple book for all classroom practitioners. Inclusion Press, Toronto 1999 Available from DEE, £14.00.

The Inclusion Papers - Strategies to Make Inclusion Work by Marsha Forest & Jack Pearpoint. The book confronts prejudice, bigotry, social injustice and apathy within our human services and replaces them with true equal opportunity, a diversity of giftedness and the excitement of being able to facilitate change for the better. Published by Inclusion Press. Order from Inclusion Distribution, 29 Heron Drive, Stockport. SK12 1QR.

Incurably Human. Written and Illustrated by Michelene Mason. Excellent essay on why the development of inclusion is essential drawing on insights of the author as a disabled parent of a disabled child. Available from DEE, £8.

Index for Inclusion. CSIE Excellent Self Review tool for schools to find out how inclusive they are and monitor their progress towards greater inclusion. Available from DEE, £24.50.

Invisible Children. Conference Report Editor: Richard Rieser. How media images stereotype or exclude disabled children within books, TV, films and even toys. A report of a conference organised by the Alliance for Inclusive Education in collaboration with the Save the Children Fund (Publications). Available at DEE. Limited.

Invisible Wall: Niki's Fight for Inclusion, Stewart Brandon, Parents with Attitude. Account of one family's fight against Lancashire LEA for the inclusion of Niki. Available from DEE, £5.

It is our world too: A Report on the Lives of Disabled Children for UN General Assembly September 2001. Gerison Lawson for Disability Awareness in Action. Account of what is happening to disabled children worldwide. Excellent resource. Available from DEE, £10.

Learning Supporters and Inclusion: roles, rewards, concerns and challenges by Linda Shaw for CSIE Available from DEE, £5.00

Learning and Inclusion: The Cleves School Experience by Priscilla Anderson, David Foulton. Written by staff and pupils of the school in Newham, London. An excellent account of school change of teaching and learning for inclusion. Available through DEE, £13.

Let Our Children Be - A Collection of Stories compiled by Pippa Murray & Jill Penman. Our disabled children are often not accepted as the individuals they are. They are often denied human rights. We want all our children to belong in their local communities and to have

ordinary lives. Our disabled children are teaching us how to be their allies. This book is a collection of stories about our lives. Available from DEE, £5.

Making it Work Removing Disability Discrimination Are You Ready? Phillipa Stobbs and Richard Rieser A training guide on the 2002 SENDA Duties and to help schools develop inclusion. Council for Disabled Children Available from DEE £15.00

The Making of The Inclusive School by Gary Thomas, David Walker and Julie Webb (1998), Routledge. ISBN 415-15560-6. Excellent summary of research in Part 1 followed by an evaluation of the Somerset Inclusion Project in Part 2.

Pride Against Prejudice by Jenny Morris, London Women's Press 1991. ISBN 0-70434-286-3. Order from your local bookshop.

Real People Real Lives A pack developed to challenge the misconceptions held about disabled people and to promote inclusion in key stage 2,3 &4 Includes teachers notes, lesson activities full colour posters and cards DEE £10.

Snapshots of Possibilities Jackie Deardon Charts good practice in making inclusion happen in 20 UK schools. Alliance for Inclusive Education 2005 Available from DEE £8.50

Starting Small by Bob Blue and Friends, featuring 'Courage' and other songs by young people. Order from Inclusion Distribution, 29 Heron Drive, Stockport, SK12 1QR.

Take up thy Bed and Walk: Death, Disability and Cure in Classic Fiction for Girls. By Lois Keith, Excellent read. Full of useful curriculum material. Available from DEE, £12.

The Dignity of Risk: A practical handbook for professionals working with disabled children and their families A very useful guide on administering medicines, lifting and handling, toileting and other invasive procedures. Council for Disabled Children, London 2004. Available from DEE £30

Videos

The Inclusion Assistant - Video and Report. Young disabled people's views of what support they need when they have high level needs. Excellent resource produced by Alliance for Inclusive Education. Available from DEE, £10.

Count Me In - Video of 6 primary and 6 secondary schools in England and Wales that are developing inclusive practice. Excellent resource. First screened on Channel 4; 55 minutes. Available from DEE, £5.

Inclusion in Newham - Features 3 Newham Schools: Cleves, Lister and Plashett and shows how they are implementing Newham's Inclusion policy. Available from DEE, £15.

Including all Children – 20-minute video made by Parents for Inclusion, giving parents views on why they want inclusion for their disabled children. Available from DEE, £15.

Inclusion: Raising the Issues 40 minute film using the Index for Inclusion Criteria to examine inclusion in Bristol Schools. It raises a number of issues in relation to the cultures, policies and practices needed to be developed when working towards inclusive education. Available from DEE £5 with Bristol Inclusion Standard.

Websites

Disability Equality in Education– www.diseed.org.uk

e-mail info@diseed.org.uk

CSIE – <http://inclusion.uwe.ac.uk>

Alliance for Inclusive Education – ALLFIE@btinternet.com

ENABLE– Network, 40 poor world countries for inclusion–
www.eenet.org.uk

DfES Inclusion Website– <http://inclusion.ngfl.gov.uk>

DfES Teachernet www.teachernet.gov.uk

DfES Guide to Public Duty for Schools

www.teachernet.gov.uk/-doc/10596/DED%20Guidance.doc

Parents for Inclusion – www.parentsforinclusion.org

Network 81 – Network81@tesco.net

OFSTED www.OFSTED.gov.uk -

QCA- www.qca.org.uk

51. Disability Rights Commission: Schools and the Disability Equality Duty in England and Wales

Guidance for Governors, Headteachers, teaching and support staff working in schools in England and Wales.

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1. Foreword

We all want to live in communities where we can participate fully and equally. We all want our children to do well at school, to take part in all areas of school life and reach their potential. We know that for many disabled children at school, and disabled people in employment, this hasn't yet happened and there remains considerable work to be done.

The Disability Equality Duty (DED) for the public sector is a new legal duty that requires all maintained primary and secondary schools to take proactive steps to ensure their disabled pupils, staff and governors, parents/carers and other people using the school are treated equally.

The new duty is not necessarily about changes to buildings or making adjustments for individuals, it's about weaving equality for disabled children and adults into the culture of schools in practical and demonstrated ways. Disability equality will need to be at the forefront of policy development, and schools who are not already doing so, will need to start making institutional changes across the board, as well as continuing to take action to meet the needs of individuals.

The DED is not about ticking the right boxes quickly. It is about a whole organisational approach to disability equality, achieved over a period of time. Schools offer a place and a reason for interaction and engagement between different children, employment opportunities for adults, and increasingly, services for the whole community. Schools are uniquely placed to help challenge and overcome discrimination in society. Please, seize this opportunity.

Bert Massie DRC Chairman

2. Introduction

This guidance is for Governors, Headteachers, teaching and support staff working in schools. It provides information on the Disability Equality Duty (DED) for the public sector and shows schools in England and Wales how they can take forward this important new duty.

Prime responsibility for making sure the duty is met lies with school governing bodies. However, in practice the Headteacher and senior staff with support from staff, pupils, parents and carers, and members of the wider school community will all need to play a role to ensure the duty is met. Where possible all staff should be encouraged to read this guidance and be given the opportunity to develop appropriate skills to meet their responsibilities towards disabled people. In addition, it will be helpful to share this guidance with those disabled people (children, parents, carers etc) who are helping the school develop its Disability Equality Scheme (DES).

The guidance uses the term 'schools' throughout, this refers to primary and secondary schools in England and Wales maintained by a local authority. It also includes pupil referral units, city technology colleges, city colleges for technology of the arts and city academies. For a full list of schools covered please see Appendix A – Schools in England and Wales covered by the DED. The term local authority covers local education authorities in Wales and the education functions of local authorities in England.

Reference to 'disabled people' includes disabled children, young people and adults, as pupils, employees, governors, parents and carers and other members of the wider community that might use school premises for leisure or other activities. The definition of disability covers a broad spectrum of impairments including:

- cancer
- diabetes
- epilepsy
- HIV
- multiple sclerosis
- hearing or sight impairments
- mobility difficulties
- people with mental health conditions or learning difficulties/disabilities.

More information on the definition of disability is available at the Disability Rights Commission's (DRC) website www.drc-gb.org.

Schools make up the biggest proportion of public bodies covered by the new duty and have a key role to play in promoting equality of opportunity for disabled people, not only in their core function of educating pupils, but also in the employment opportunities they offer, and, increasingly, the diverse range of services they provide to the wider community.

Whilst an increasing number of schools are making impressive improvements for disabled children, figures for the education sector as a whole show that this remains a significant challenge:

- 21 per cent of disabled people aged 16-24 have no qualifications whatsoever, compared to 9 per cent of non-disabled people of the same age - a 12 per cent gap.⁵
- Disabled 16 year olds are twice as likely to be out of work, education or training as their non-disabled peers (15 per cent compared to 7 per cent).⁶

Schools will not be able to increase the attainment of all pupils, or secure a truly representative and valued workforce unless they provide their pupils with the opportunity to reach their full potential, encourage and support disabled people to seek employment with them, and make sure all the services and facilities they offer welcome disabled people. This guidance will help you work towards this, and support you in the effective implementation of the DED.

⁵ DRC (2005) 'Disability Briefing: June 2005', www.drc.org.uk/publicationsandreports/research.asp

⁶ DfES (2004) 'Youth Cohort Study: The Activities and Experiences of 16 Year Olds: England and Wales', www.dfes.gov.uk/rsgateway/DB/SFR/s000560/index.shtml

Other Public Bodies that have an education function such as the Department for Education and Skills and Ofsted in England, and the National Assembly for Wales and Estyn in Wales might ask schools to provide them with information in order to meet their own statutory duties under the DED. In addition, the Secretary of State for Education and Skills and the National Assembly for Wales will have to publish a report every three years, giving an overview of the progress made by schools and other public bodies in their remit area. The first set of these reports is due in December 2008.

3. Who has responsibilities under the duty?

The duty to promote disability equality applies to all schools listed in Appendix A – Schools in England and Wales covered by the DED. Additionally, in order to meet their responsibilities under the DED, schools will need to ensure the organisations they work with or procure services from who are not public bodies also promote equality of opportunity for disabled people where applicable. This part of the duty is covered in more detail in the 'Procurement' section of this guidance.

The DED is a proactive duty for schools. The duty does not give additional rights to disabled people, nor does it replace the existing legislation. Instead it places new responsibilities on schools to actively promote equality of opportunity for all disabled people. Schools who are already meeting the duties they have under Part 2 (as employers), Part 3 (as service providers) and Part 4 (as education providers) of the Disability Discrimination Act (DDA) should not find it difficult to make the step towards a more holistic and proactive approach to promoting disability equality.

A similar duty was introduced for race equality in 2002, and the gender duty will be in force from April 2007. These positive duties apply across the public sector and are a recognition that proactive methods of removing group disadvantages and institutional discrimination are more effective than merely reacting to individual problems when they arise.⁷ The approach of the DED reflects the social model of disability, which sees society and its structures as disabling individuals rather than the 'problem' lying with the disabled person and their impairment.

Schools will also work with a number of other public bodies who also have responsibilities under the DED. All public bodies will need to work together to promote disability equality for disabled children, young people and adults.

A school and a local health provider work together to ensure that medical treatment provided for pupils in school does not disrupt education. The school and the health provider both have duties under the legislation, by working together they ensure that the service they provide promotes disability equality for disabled children. Both the school and the health provider are fulfilling their duty to promote disability equality in this instance.

4. What does the duty to promote disability equality mean?

⁷ Colm O'Cinneide (2004) 'Taking Equal Opportunities Seriously: Taking Equal Opportunities Seriously', Equality and Diversity Forum, www.edf.org.uk/publications.php

The duty is quite straightforward and requires schools, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled people and other people
- eliminate discrimination that is unlawful under the Disability Discrimination Act 1995
- eliminate disability related harassment
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

These elements together are referred to as the **general duty**. Schools also have **specific duties**, which provide them with a clear framework to work by. Central to the specific duties is the requirement to produce a DES. The 'Producing a Disability Equality Scheme' section and the 'What needs to be in your Disability Equality Scheme' section of this guidance both deal with this part of the duty.

The main aim of the general duty is to promote disability equality. Schools will need to look at everything they do, on a day-to-day basis, and think about how equality of opportunity for disabled people can be better promoted. To do this successfully schools will need to embed disability in all management practices and policy development.

The other elements of the general duty support the promotion of disability equality and need to be given 'due regard' in their own right. 'Due regard' means that schools should give due weight to the need to promote disability equality in proportion to its relevance.

One element of proportionality should mean that schools with greater resources are more able, and should make more effort, to promote disability equality. Another dimension of proportionality is that schools should prioritise those areas that are likely to bring about the greatest outcomes for disabled children, young people and adults.

The examples below illustrate the meaning of due regard in relation to the different elements of the general duty.

4.1 Promoting equal opportunities

A secondary school audits its school visit providers and from the audit draws up a list of venues that are accessible to disabled pupils, staff, and parents and carers who might want to take part in school trips in the future. As part of the audit the school looks at the activities on offer. Most activities, including skiing, mountaineering and abseiling can be adjusted for disabled pupils. The school looks

for venues with a good reputation for including disabled people in their activities and asks venues to confirm in writing their willingness to make reasonable adjustments where needed.

This example shows one way in which schools can promote disability equality for all disabled people who want to take part in school trips. Under the general duty to promote disability equality, schools will need to make sure that they consider the needs of disabled people in everything they do – with the aim being that disabled people have the same opportunities and choices as non-disabled people, and are fully included. Under Part 4 of the DDA schools have a duty to make sure that disabled pupils can take part in all aspects of school life but disability equality can be promoted in many other ways. These may include giving all disabled staff the same opportunities and encouragement to attend training courses and develop their careers, and making sure that disabled parents and carers have the same opportunity to meet with their children's teachers and to attend school events.

4.2 Eliminating unlawful discrimination

A small primary school takes a systematic approach to making reasonable adjustments for parents and carers. The information they already have on disabled parents and carers and the adjustments they require is collated into a spreadsheet. The school then makes sure that all parents and carers have the opportunity to declare a disability or health condition at any time. All correspondence is available in alternative formats, and parents and carers are asked to contact a designated member of staff if they require particular reasonable adjustments to be made for them. By taking these steps the school is making sure that disabled parents and carers are able to support and take part in all aspects of their child's education in the same way that non disabled parents and carers can do.

This example illustrates how schools can take proactive anticipatory steps to ensure that they do not discriminate against disabled parents and carers in their access to the services the school provides (Part 3 of the DDA). Schools must also ensure that unlawful discrimination is eliminated in employment (Part 2 of the DDA) and education (Part 4 of the DDA). For more information on the main provisions of the Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005, please see Appendix D in the DED

Code of Practice.⁸

4.3 Eliminating harassment

⁸ Disability Rights Commission (2005) 'Statutory Code of Practice, the Duty to Promote Disability Equality: Statutory Code of Practice England and Wales', www.drc.org.uk/employers_and_service_provider/disability_equality_duty/getting_started/codes_of_practice.aspx

A school works towards eliminating harassment of disabled pupils by making sure that all pupils are aware that bullying, name-calling or teasing relating to a disability or health condition is not acceptable. The school does this by holding a series of assemblies on bullying alongside lesson materials that promote positive attitudes and images of disabled children, young people and adults.

This example illustrates one way in which schools can deter disability related harassment or bullying of pupils. Surveys of children and young people suggest that bullying in schools is more prevalent than adults sometimes think.⁹ Schools will not be able to meet their 'Every Child Matters' outcome to 'stay safe',¹⁰ or one of the seven core aims of the Welsh Assembly Government to ensure that all children 'enjoy the best possible health, are free from abuse, victimisation and exploitation',¹¹ unless they recognise that disability related bullying is happening and take steps to deal with it.

It is important to remember that disabled employees, parents and carers and other people using school facilities may also experience disability related harassment and bullying. Schools may want to give training to staff to recognise when harassment and bullying are taking place and the different forms it can take. If incidents of harassment and bullying do occur staff will know the appropriate response in a given situation.

4.4 Positive attitudes

A school promotes positive attitudes to disability in its citizenship and Personal Social and Health Education/Personal Social Education lessons. During one lesson pupils discuss the barriers that disabled people might face in participating in the democratic process. The teacher and teaching assistant ensure that the disabled pupils in the class are given the opportunity to give their views and have any necessary support or advocacy support to participate in the debate. The teaching staff show that they value the contribution of disabled pupils, and other pupils are given the opportunity to hear and understand the views of their disabled peers.

This example illustrates how positive attitudes towards pupils can be incorporated into lessons. Promoting positive attitudes are a very helpful way in which schools can encourage the development of an ethos that will support and promote disability equality.

The following examples show how positive attitudes can be built into the whole school ethos:

- including positive and diverse images of disabled children and adults in school publications

⁹ Office for Standards in Education (2003) 'Bullying: Effective action in secondary schools', www.ofsted.gov.uk

¹⁰ Department for Education and Skills (2004) 'Every Child Matters: Change for children in schools', www.dfes.gov.uk

¹¹ The Welsh Assembly Government has Seven Core Aims in relation to its work with children. See www.wales.gov.uk/index.htm

- having a poster campaign in the school celebrating diversity and equality for all groups
- having disabled staff and governors as visible role models
- holding an annual disability awareness day.

4.5 Participation in public life

To encourage participation of disabled people in public life, a school takes active steps to encourage disabled people to apply to be a governor of the school. None of the current governors believe that they are disabled. In order to decide what to do, the governors look at the definition of disability and try to understand who it covers. As a result one governor realises that they have a long-term health condition that meets the definition. Nonetheless, it is agreed that it would be helpful to have a second disabled governor and they approach a local disability group for possible volunteers. In preparation, the school makes sure that all its communication and papers can be provided in accessible formats, meetings can be held in an accessible venue and accessible transport options are available.

This example gives one interpretation of participation in public life. For schools, having disabled representation on its governing body can make the whole school more disability aware. Schools can also encourage participation in other ways including having disabled staff in lead roles, ensuring that the school council includes disabled pupils, and having disabled pupils in visible positions of responsibility as prefects or as members of youth forums. Again,

meeting this element of the general duty will also help you meet the other elements of the general duty.

4.6 More favourable treatment

A primary school notices that lunch and break times can be difficult for some of its disabled pupils, including pupils with Autistic Spectrum Disorders and Attention Deficit Disorders. To support and help the pupils who find it difficult to stand in a queue for reasons related to their disability, the school has put in place a priority card system. These pupils are given a green card which allows them to go to the front of the queue and get their food first. This more favourable treatment means that the disabled pupils using the card system feel more relaxed and more able to enjoy their lunch, just as their non-disabled peers are.

This example shows one way in which disabled pupils can be treated more favourably under the DED. Many schools will already be treating disabled pupils more favourably in this way as this part of the general duty reflects the duty to provide reasonable adjustments for disabled pupils under Part 4 of the DDA.

Other examples of more favourable treatment to achieve an equal outcome might include:

- giving disabled staff more time to mark pupils' coursework if their disability means that it takes them more time to do this
- offering telephone or email appointments or home visits to disabled parents and carers that might find it difficult to get to the school
- adapting uniform requirements for certain disabled pupils.

Again these examples of more favourable treatment are ones that you might already be making for disabled staff, parents and carers and pupils under the reasonable adjustments duty contained in Parts 2, 3 and 4 of the DDA.

For more information on this issue please see the 'DED Frequently Asked Questions' on www.drc.org.uk/library/ask_drc/disability_equality_duty.aspx.

5. Producing a Disability Equality Scheme

To help you meet the general duty all schools will need to produce a Disability Equality Scheme. A DES will give you a clear framework to help you plan, deliver and evaluate the steps you need to take.

The DES and the requirements within the Scheme are collectively known as **specific duties**. Under the specific duties schools must involve disabled people in the development of their DES, and publish it in a way which is accessible for all. All schools will need to produce a DES by the following dates:

Secondary Schools	England	4 December 2006
All Primary and Secondary Schools	Wales	1 April 2007
Primary Schools	England	3 December 2007
Primary and Secondary Special Schools	England	3 December 2007
Pupil Referral Units (a Scheme must be completed by the local authority in respect of its PRU's)	England and Wales	3 December 2007

5.1 Disability Equality Schemes and Accessibility Plans

Schools are already required to plan to improve the accessibility of their schools for their disabled pupils under the planning duties contained in Part 4 of the DDA. A DES will build on the work you have done so far on this. However, there are a number of significant differences between the planning duties and the specific duties that schools will need to take into account. For example, the specific duties cover disabled employees and other disabled users of school premises and services

(such as parents and carers) as well as pupils. There is also a statutory requirement to involve disabled people in the production of a DES.

As with their access plans schools may find that using existing mechanisms they have developed for collecting information and consulting with parents and pupils are useful in developing their DES. The main elements and actions contained within the DES can also be reflected within other school documents, such as an equal opportunities policy, school improvement plan, or prospectus.

Schools may wish to publish a single document that contains both their access plan and DES, or a separate plan and Scheme according to what will work best for them on an individual basis. However the school chooses to present this information, the DES and the main elements of the DED need to be distinct, easily identifiable and in one place.

The following examples illustrate different approaches that schools may wish to take:

A large secondary school promotes disability equality through the DED and the planning duties. It publishes one document covering all their work and calls it their 'Disability Equality Scheme and Accessibility Plan'. This covers, amongst other issues:

- their arrangements for gathering information on the recruitment and retention of disabled employees
- impact assessments around participation of disabled parents and carers
- an Action Plan which highlights steps to be taken on participation in the curriculum, improving the physical environment, and the delivery of information.

Disabled people are involved in all aspects of the development of this document.

A primary school already has a well established and successful Accessibility Plan. They decide to produce a separate DES and make sure that the actions in their Accessibility Plan fit in with the actions and arrangements in their DES. They involve disabled people in the production of their DES and cross refer between the two.

For more information on Accessibility Plans please see 'Implementing the Disability Discrimination Act in schools and early years settings' on the Teachernet website www.teachernet.gov.uk.

6. What needs to be in your Disability Equality Scheme?

A Scheme must include:

- a statement of how disabled people - disabled children, young people and adults have been involved in developing the Scheme (See the 'Producing a DES' section)
- Your arrangements for gathering information on the effect of your policies and

practices on, in particular:

- the recruitment, development and retention of disabled employees (See the 'Recruitment, development and retention of disabled employees' section)
- the educational opportunities available to and achievements of disabled pupils. (See the 'Educational opportunities and achievements of disabled pupils' section)
- Details of how you are going to use the information gathered, in particular, in reviewing the effectiveness of your Action Plan and preparing subsequent Schemes. (See the 'Using information' section)
- Your methods for assessing the impact of your policies and practices on disability equality and where improvements can be made. (See the 'Impact assessment' section)
- A plan of action - a list of action points that detail the steps that you are going to take to meet the general duty. (See the 'Planning for action' section)

6.1 Involving disabled people

Schools must involve disabled people in the production of their DES, and a statement of how disabled people have been involved should be written into the Scheme.

By involving disabled pupils, employees, parents and carers and the wider community schools will get advice that will be invaluable when producing their Schemes. Disabled children and adults will know and understand the barriers they face and what can be done to promote disability equality. Involvement should not be confused with consultation. Involvement is a more active concept than consultation, and requires schools to engage with disabled children and adults from the beginning and use their views throughout the process of developing a Scheme, designing a policy or reorganising a practice.

To begin with schools might not have robust data or specific information gathering mechanisms in place to identify who its disabled pupils, employees, governors, parents and carers are. If so schools will probably need to take an initial 'broad brush' approach to identify the disabled people it needs to involve. The 'Gathering information' section details how you might go about gathering information on your disabled pupils, employees and governors, and parents and carers.

All schools are different and schools can, to some extent, choose who to involve depending on a number of different factors including:

- size and location
- current representation of disabled people
- relationships with nearby schools
- links to the wider community.

Schools must involve those who appear to have an interest in the way it carries out its functions, and this could cover a wide range of groups.

Bearing in mind these factors, schools might want to include some or all of the following groups in the production of its Scheme:

- disabled pupils at the school (this could include pupils who have now left, and young children who are not yet at school eg from feeder primary schools)

- disabled employees working at the school (this could include ex-employees or disabled employees working for the local authority)
- disabled governors (these can be disabled governors from other schools)
- disabled parents and non-disabled parents of disabled children
- disabled members of the wider community such as local disability groups and disabled individuals using extended services.

It is unlikely that smaller schools will involve all of these groups, and some might want to work in clusters with other schools to meet their involvement requirement. The following example shows how a smaller school might meet its involvement requirement.

A small primary school has a few disabled pupils but no disabled staff. A few of the schools pupils have disabled grandparents. The school is discussing what it needs to do to develop its DES and knows that it must involve disabled people. The school is concerned that they will not have a truly representative involvement process because the numbers and diversity of disabled people directly connected to the school are so small. The school decides to solve this problem by linking up with other primary schools in its area to work on the involvement aspect of their Schemes together. Disabled pupils, staff, governors, parents and carers and grandparents from the schools meet together to talk about issues specific to each school, and the disability equality issues applicable to them all. An account of the discussions and follow up actions for each school is drawn up to form part of their own Scheme.

Smaller primary schools are likely to need to take a very different approach to more resourced, bigger secondary schools. For example, smaller primary schools might organise:

- meetings for staff, parents, and pupils in conjunction with other local schools
- social events for disabled children and or disabled parents in conjunction with other local schools - to hear the views of these groups in a more informal setting
- One off, targeted, or regular focus groups for staff, parents and carers and pupils.

Larger primary schools and secondary schools might organise:

- on line forums for pupils
- specific lessons looking at disability equality in the school, perhaps linked to citizenship lessons
- an event utilising disabled members networks of teaching unions
- on line forums for staff, publicised through staff newsletters.

All schools should try, as far as possible, to involve a diverse group of disabled people, but it is unlikely that a single school will hear the voice of all impairment groups. For this reason schools should try to involve disabled people who see disability equality as a wider issue and can bring an understanding of the barriers in society for groups of disabled people, rather than just the affects of their own impairment to them.

Many schools will already have groups in place that involve disabled people. For example, disabled members of school councils and parent teacher associations can be encouraged to get involved in the production of Schemes. Some schools will also have close links to the local community and disability organisations who can get involved in the development of their Schemes.

Getting involvement exactly right first time can be a tricky matter and some disabled people and groups may be hard to reach. If this proves to be the case schools should highlight in their Schemes the steps they plan to take during the life time of their Scheme, to build on the involvement of disabled people over time.

A large secondary school involves a number of groups, in different ways, in the production of its Scheme. Disabled pupils are involved through an online forum, disabled staff meet together on a monthly basis, and disabled parents are involved through written and other accessible means of communication. The school is also part of a cluster of schools who meet quarterly with local organisations of disabled people. The school has found that a range of involvement methods provides it with a depth and breadth of perspectives which result in a more effective DES.

6.2 Gathering information

Schools must also set out, in their DES, their arrangements for gathering information on the effect of their policies and practices on disabled people.

Schools need, at a minimum, to gather information on:

- the effect of their policies and practices on the recruitment, development and retention of disabled employee
- the effect of their policies and practices on the educational opportunities available to, and achievements of, disabled pupils.

Schools' initial approach to information gathering is likely to be quite 'broad brush'. Disabled employees and pupils will need to be identified first. For new employees and pupils this can be done by:

- ensuring that recruitment and selection procedures for staff collect information on disability
- liaising with local authorities or governing bodies to ensure that all school admission enquiries and other communication collects information on the disability of pupils.

Schools will also need to think about how they can gather information on disability for employees and pupils who are already in the school. This should be done at various stages as many impairments or health conditions will develop over a period of time. This can be done by:

- giving staff the opportunity to raise personal issues throughout the school year
- making sure pupils feel comfortable in the school, so that they raise any issues or difficulties they might have which may be as a result of an impairment or health condition.

Schools are not specifically required, under the specific duties, to gather information on other disabled people using their services, such as disabled parents and carers of children at the school, or disabled members of the community attending a school fete or event. However, schools are likely to find it difficult to ensure that equality of opportunity is promoted for parents and carers and other people using the school's services without some means of tracking experiences. For this reason, and subject to resources, schools should gather information on other users of the school.

Schools should, if feasible, ask about any disability or health condition parents and carers might have in the first communication it has with them, for parents and carers this is likely to be at the point of admission for their child. For parents and carers of children already at the school information on disability can be collected in a standard satisfaction survey or in standard communication about parent's evening.

People may not feel comfortable disclosing a disability or health condition unless they know why the information is being requested, and what impact the information gathering is likely to have for them. There will also be some groups who do not know their impairment or health condition would meet the definition of disability. To reach these groups schools should include some brief information on the definition of disability (see Appendix B – Definition of disability) in the identified methods of communications and then explain why the information is being requested.

6.2i Recruitment, development and retention of disabled employees

Schools will need to collect information on the number of disabled people they recruit and employ and, more crucially, in what roles to see whether current policies and practices are having an effect on this area. For most schools the local authority is the direct employer of staff, and schools will need to work closely with their local authority to get this information. Many schools will already have close links with their local authority on employment issues, for others these will need to be developed to enable both the school, and the local authority to meet the employment aspects of the DES.

Often this information will be easily available for schools and local authorities by disaggregating current data collection. The main issue with gathering information is that it should be put to good use. In employment terms that will often mean analysing it and then using it to identify areas for improvement. Information on the take up and success rates of disabled employees on training courses, performance assessments, promotion, and patterns of employees leaving would also be helpful.

A secondary school gathers information on its disabled workforce and realises very few disabled employees are in 'lead' roles. When the organisation looks into this they find that some disabled staff worry that the school's sickness policy doesn't differentiate between sick leave and disability leave. Some staff are worried that if they need to take time off for a reason related to their disability this would be held against them. The school, is keen to alleviate these concerns and encourage more disabled employees into lead roles. It therefore decides to prioritise a full impact assessment of its sickness policy, and, as an action, puts in place a mentor scheme for disabled employees. The school and local authority also work

together to make all staff aware of the Access to Work Scheme, whereby a grant is paid to the employer to meet any costs that arise from making reasonable adjustments.

Once information gathering mechanisms around employment are effective, and the data found is put to good use, schools are more likely to be regarded as disability friendly employers, which are more representative of the local community.

A diverse school workforce can bring many organisational benefits including:

- an enhanced choice in recruitment for schools and local authorities- by widening the net for good recruits
- retaining valuable skills - keeping on experienced employees who become disabled during their working life and avoiding the costs of recruiting and training new people
- developing in-house expertise about what disabled staff and/or pupils may require
- providing role models for children and young people
- bringing different life experiences and new skills to the school
- helping foster good relations with all employees by showing that everyone is valued and treated fairly.

6.2ii Who are your disabled pupils?

Identifying disabled pupils and gathering information on them will require a significant change for schools. Until now schools have not been required to gather information on disabled pupils. Schools collect data on pupils with Special Educational Needs (SEN) as part of the Annual Schools Census (ASC) but this data will not necessarily include all disabled pupils in school. Those with medical conditions like diabetes, or mental health conditions (where these do not present clear learning difficulties) are most likely to be excluded.

Although some pupils have both special educational needs and a disability, there will also be some pupils who will either have special educational needs or a disability. Schools will find it helpful to refer back to the definition of disability, and that for special educational needs when deciding who its disabled pupils are (see Appendix B – Definition of disability).

The collection and sharing of data is likely to become easier for schools in England as children's services develop their information sharing protocols and IT systems in line with the Every Child Matters agenda. Similarly, for schools in Wales, the Data Exchange Wales Initiative (DEWi) will see the sharing of information between schools, local education authorities and the Welsh Assembly. However, until these systems are developed, schools will need to think about additional ways of gathering data where there are gaps.

6.2iii Educational opportunities and achievements of disabled pupils

Schools already collect data on the achievements of pupils, primarily through test and exam results. This generic information gathering should be disaggregated for disabled pupils (once identified) to reveal if current policies and practices are affecting disabled pupils opportunities and achievements.

Having information on the exam results of disabled pupils will be helpful, information gathered will also help give a fuller picture if 'opportunities' and 'achievements' of disabled pupils are interpreted more broadly to include:

- whether disabled pupils are in positions of responsibility
- satisfaction and enjoyment levels across a range of school activities
- aspirations and ambitions for the future
- successful transition to secondary, further education, training or employment
- access to school trips
- involvement in after school clubs and activities
- access to work experience placements
- take up of careers advice.

With a combination of statistics and experiences schools will find it easier to identify how policies and practices are impacting on disabled pupils opportunities and achievements. If information gathered does point to a negative impact relevant policies and practices should be fully impact assessed to identify what action might be required to improve the situation. School improvement partners being introduced in England, will include in their discussions with schools the impact of disability on the attainment and outcomes for all pupils including disabled pupils and how the school is tackling this. For more information on impact assessments please see the 'Impact assessment' section of this guidance.

A large secondary school gathers information on the numbers of disabled pupils who attend school trips. The information gathered suggests that a high number of disabled pupils were not being included on school trips for reasons of health and safety and those included often had their activities curtailed for the same reason. The school decides to review (or 'impact assess') their health and safety policy to see what adjustments they could make so that all disabled pupils are able to go on school trips in the future. It was agreed that once the changes had been implemented, and any necessary training provided, a date would be set to review the situation again to judge the effectiveness of the changes.

As information gathering mechanisms become more sophisticated schools will find it easier to identify the barriers disabled people might face that are not always immediately recognised or thought about. Such barriers might include movement around the school and carrying of heavy objects like a full bag of books by both disabled employees and pupils. Investigating particular barriers will help to identify appropriate actions to improve outcomes for disabled employees and pupils.

Gathering information will be an ongoing process. It is unlikely that schools will have sufficient existing information gathering mechanisms in place to measure the experiences of disabled employees and pupils straight away. Therefore, details of what you intend to do to improve and build on information gathering mechanisms, should be included in the Action Plan (see the 'Planning for action' section of this guidance). It is important to remember though that having a limited amount of information is not an excuse for inaction. Schools should still be working towards promoting equality of opportunity whilst improving information gathering mechanisms.

6.3 Using information

When putting in place mechanisms to gather information schools should be clear how the information is going to be used. If you are not going to use the information

gathered then you should not be collecting it. Information obtained must be analysed and used as the basis for preparing disability Action Plans and reviewing the effectiveness of actions taken. Information gathered will show you, and those with an interest in your Scheme, the progress in relation to disability equality, that has been made.

A secondary school collects information on the number of disabled pupils who take part in P.E. lessons. The information shows that disabled pupils are less likely to take part in these lessons, and qualitative evidence shows that some pupils were told that it would not be safe for them to be involved, and no specialist equipment is available. The school's draft Action Plan does not currently have any actions relating to disabled pupils' participation in P.E. lessons, disabled pupils, who have been involved in the development of the scheme, feel that this should be a priority, and that training should be provided for relevant staff within the first year of the scheme. This is put as an action point within the DES.

For schools with smaller numbers of pupils it will generally be most helpful to review trends over a period of time.

6.4 Impact assessment

Schools need to include in their Schemes details of how the impact (or likely impact) of policies and practices on disabled children and adults will be assessed. Impact assessments are an important part of the process in helping schools to take the right action and will ensure that school activities do not inadvertently disadvantage disabled pupils, employees, pupils, parents and carers or any other disabled people using the school's facilities. They will also help schools to identify further opportunities to promote equality of opportunity.

The process of impact assessments need to be thorough and effective and wherever appropriate existing school mechanisms and practices may be used to ensure the efficient use of school resources. It is important to focus less on the process, and more on the objective - which is to secure improved outcomes for disabled people. Hence, there is not a specific method of impact assessment set out in the legislation, allowing schools to think about which approach works best for them, given the nature, size and type of organisation they are.

Schools will need to think about all of their existing policies and practices as well as new policies and practices that come in when the duty is in force. Some schools may have reviewed, or be in the process of reviewing and revising their policies for disabled employees, disabled pupils and other disabled users of school premises in relation to the reasonable adjustments duty contained in Parts 2, 3 and 4 of the DDA. For most schools though, there will be a significant backlog of policies to review/impact assess, and it will not be possible to do all of these at once. It will therefore be easiest for schools to do a map of all their policies and practices when developing their DES and to identify outstanding action required so that all of their policies and practice work together to promote equality of opportunity for disabled people.

Information gathering and disabled people's involvement in the Scheme, will help schools identify the policies and practices that are having an adverse impact, and need revision. Schools will also be able to draw on this information gathering and

involvement to prioritise the policies and practices that should be looked at first. A timetable for action should be incorporated into school Action Plans. (See the 'Planning for action' section)

A school prioritises the impact assessment of its policy on managing medicines in school. After an initial screening this policy shows a high relevance and, potentially, an adverse impact for disabled children. Changes to the policy should mean that disabled children are able to access any prescribed medicine when they need it, that this is done in a safe and comfortable environment, and, where possible, pupils are not missing any classes.

The DRC has produced information and guidance on impact assessments which is available at www.drc.org.uk/employers_and_service_provider/disability_equality_duty/getting_started/impact_assessments.aspx.

6.5 Planning for action

A DES should clearly set out the steps schools will be taking, in the next three years, to meet the general duty. This should be in the form of an Action Plan containing a list of action points. The Action Plan should be aimed at making practical improvements for disabled pupils and adults connected with schools. An effective Action Plan will clearly set out actions planned, when they will be completed, and the members of staff responsible. It should also clearly state the outcomes you are hoping to achieve and how progress will be evaluated.

Schools' first Action Plans will be different from subsequent Action Plans. An initial Action Plan is likely to include information on improving information gathering mechanisms, the mapping of policies and practices and how the involvement of disabled pupils and disabled adults can be facilitated. Once these mechanisms are established, future Action Plans will not need to focus on these areas to such an extent. Instead, they will focus more on wider actions and outcomes to promote equality of opportunity for disabled people including the development of mechanisms to measure progress.

Schools will need to complete all action points included in an Action Plan within the lifetime of the DES (unless it is unreasonably or impracticable to do so). The DRC recommends setting specific goals for improving educational attainment and employment of disabled people. Given that some disabled children also have special educational needs there may always be some gaps in attainment between disabled and non-disabled children. Experience shows, however, that where schools implement the sort of positive policies described in this guidance (for example addressing bullying) gaps in educational attainment can be significantly reduced. Where appropriate (depending on the size of the school and where the responsibility for employment rests) targets for employment, such as increasing the numbers of disabled staff employed at the school, should also be adopted.

The principle of proportionality applies to actions taken under a DES. For example, while a large secondary school could usefully set a target for increasing its proportion of disabled staff, this would be inappropriate for a small primary school with a handful of staff.

You will need to take all the steps that are put in your Action Plan unless it is unreasonable or impractical for you to do so. Schools will be more likely to successfully carry out the actions set out in their Action Plan if they are cross referenced with other mechanisms in place to improve all aspects of school life over time. This will also help to ensure that disability equality is mainstreamed into schools core business. If schools fail to complete any action points they will need to identify the reasons for this and to demonstrate that it was unreasonably or impracticable for them to do this. Setting out the reasons will also help to inform the successful development of future Schemes and to ensure they are successfully completed in the next Scheme.

In developing its DES, a school sets out the actions it wants to take at the outset. The school already has some information gathering mechanisms in place but these need to be disaggregated to collect more information on disability. A timetable for doing this is set out in the Action Plan. The Action Plan also highlights the steps to be taken to fulfil the different elements of the general duty. They include:

- targets for improving the participation of disabled people in public life (by having more disabled children represented on the school council and in positions of responsibility)
- promoting positive attitudes through a disability poster campaign in conjunction with the local authority and other schools in the area.

6.6 Annual Reporting

Schools must report annually on the progress being made to promote equality of opportunity for disabled people. Annual reporting will bring together details of:

- information gathered during the year
- how that information was used
- action points completed during the year and those that are ongoing.

Disabled people must be involved in the process.

The Annual Report will help schools show their commitment to promoting equality of opportunity and the progress being made. The annual report can be incorporated into other documents published by schools annually, including school prospectus and on school websites.

6.7 Reviewing and revising your Disability Equality Scheme

Schools will need to produce a new DES at least every three years. Schools producing a single document will need to align their DES with the planning cycle required for their Access Plan, which is also set by legislation, and will need to ensure that any revision encompasses the statutory requirements of both.

The information used to put together the Annual Report, will also help when revising the DES and planning the next three years' activity. The process will involve an analysis of the information gathered throughout the period of the existing Scheme, checking that all the action points in the Action Plan have been completed, and their impact evaluated. This will enable schools to prioritise the

areas they want to focus on in their next DES and to build on their experiences of their first scheme. Disabled people must be involved in the revision process, as they were in drawing up the original Scheme.

7. Procurement

Many functions and services within schools are now contracted out to private, charitable or voluntary sector organisations. These include:

- school meals
- site maintenance, cleaning and security
- Human Resources
- training
- music drama and sport activities
- before/after & holiday school clubs
- counselling.

In so far as they have control over these, schools will need to ensure that when contracting out services they build disability equality into their contracts and that the contractor fulfils its disability equality contractual requirements. Many schools will work closely with local authorities on procurement, and will be subject to specific regulations and processes to follow. Where this is the case schools and local authorities will need to work together to ensure that disability equality is given due regard.

For extended services in England and community services provided in Wales this might also include making sure that any reasonable adjustments that disabled children or young people require are met by the contractor, and this is built into the contract specification and contract conditions. If disability requirements are not built into the specification and/or contract, and the contracting organisation does not ensure equality of opportunity, schools could be deemed to be failing to meet their responsibilities to promote equality of opportunity for disabled people.

A large primary school runs a range of extended services to wrap around the main school day. Some of these services are provided by private companies and some run by school staff. The school ensures that those activities provided by private companies are contributing to its duty to promote disability equality by adding certain disability equality requirements into the contract. This includes a specific requirement for the contractor to meet any reasonable adjustments, and for the contractor to gather information on the numbers of disabled children using the service, and their satisfaction/experiences of that service. The contractor will be required to provide this information annually, to feed into the school's Annual Report.

If your school is involved in commissioning, procuring or purchasing goods you may find it helpful to look at the DRC's website www.dotheduty.org.

8. Role of Audit and Inspection bodies Estyn and Ofsted are covered by the duty to promote disability equality and will need to promote disability equality in all aspects of their work particularly in their inspection function.

Estyn and Ofsted will need to ensure that they are building the duty to promote disability equality into their inspection regimes, and that their inspections measure the progress of schools in meeting the duty. This should mean that the inspection procedure itself is accessible for all involved, and inspectors are trained in disability equality.

For all schools, self-evaluation is central to the process of inspection. Self-evaluation forms will include a clear outline of the successes and improvements of schools, as well as the actions that the school intends to take to make further improvements. Schools will be able to share information between their DES, their Action Plan, and their self-evaluation form to highlight the improvements they have made in meeting the DED. This will assist inspectors in identifying the progress that schools have made. Schools should be ready to provide their DES, including the Action Plan, on request.

In preparation for an inspection a school puts together its self-evaluation form sharing information from its Action Plan and Annual Report. The improvements achieved and actions to take are summarised in the self-evaluation form alongside more general improvements and actions that the school has identified. For the inspection itself, the inspector ensures that the process is accessible for all disabled staff.

9. Enforcement

Ultimately, legal action can be taken against schools if they fail to comply with the DED. The DRC, its successor, the Commission for Equality and Human Rights (CEHR), or any individual, who believes that a school is failing to meet its general duty can ask a court to judicially review the actions (or inactions) of an authority. The DRC and the CEHR can also take action against schools who have not met their specific duties by issuing a compliance notice which is enforced in the courts. For more information on enforcement please see Chapter 6 of the DED Code of Practice.

10. Summary - getting more information and help

The Disability Right Commission has produced a huge range of guidance about the new duty. Everything from a basic overview to help get you started through to detailed guidance on issues like involving disabled people or evidence gathering.¹² All of this and more is available on our website at www.dotheduty.org.

¹² See: DRC (2005) 'Doing the duty: An overview of the Disability Equality Duty for the public sector', www.drc.org.uk/employers_and_service_provider/disability_equality_duty/getting_started/doing_the_duty.aspx;

DRC (2006) 'The Disability Equality Duty and involvement: Guidance for public authorities on how to effectively involve disabled people', www.drc.org.uk/employers_and_service_provider/disability_equality_duty/getting_started/involving_disabled_people.aspx;

DRC (2006) 'Guidance on gathering and analysing evidence to inform action', www.drc.org.uk/employers_and_service_provider/disability_equality_duty/getting_started/evidence_gathering.aspx

Your local authority will also have to produce their own DES and may be able to pass on their learning or offer you advice or information. Other local schools will be producing their own Schemes, as well as other partners such as local colleges of further education.

The information below gives you a few suggested first steps to start you on your journey to disability equality:

Deliver training to staff and governors on the new duty.

Organise a disability equality steering group, including disabled staff and governors.

Talk to parents and pupils to find out how they want to be involved in the production of your scheme.

Have a look at your current information gathering mechanisms to see where improvements can be made.

Ensure that every bit of information you gather is used.

Decide which policies and practices have the biggest impact on disability equality and which need to be assessed first.

Use the information you have gathered from your involvement of disabled people to write your Action Plan

Tell everyone the progress you have made in your Annual Report.

Your DES is an ongoing process, review and revise every three years.

11. Appendix A – Schools in England and Wales covered by the DED

The following schools in England and Wales are covered by the duty to promote disability equality and will all have to produce Disability Equality Schemes. For full details on when Schemes need to be in place please see the 'Producing a Disability Equality Scheme' section.

- City Academies (England)
- City technology colleges (England)
- Community mainstream schools (England)
- Community primary or secondary schools (Wales)
- Community special schools (England)
- Foundation mainstream schools (England and Wales)
- Foundation special schools (England and Wales)
- Grammar schools (England)
- Maintained boarding schools (England)
- Maintained special schools (Wales)
- Pupil referral units (England and Wales)
- Specialist mainstream schools (England)
- Specialist SEN special schools (England)
- Voluntary aided mainstream schools (England and Wales)

- Voluntary controlled mainstream schools (England and Wales)

12. Appendix B – Definition of disability

Definition of Disability¹³ A disabled person (child or adult) is 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.

- A **physical or mental impairment** includes sensory impairments; impairments relating to mental functioning, including learning disabilities; and long term health conditions such as diabetes, epilepsy, HIV infection, cancer or multiple sclerosis.
- **Substantial** means more than minor or trivial.
- **Long-term** means an impairment that has lasted at least 12 months, or is likely to last 12 months or for the rest of the person's life.
- **Normal day-to-day activities** cover the following categories: mobility; manual dexterity; physical coordination; continence; ability to lift carry or otherwise move everyday objects; speech, hearing or eyesight; memory or ability to concentrate, learn or understand; perception of the risk of physical danger.

Someone with an impairment may be receiving medical or other treatment which alleviates or removes the effects of that impairment (but not the impairment itself). In such cases the treatment should be disregarded and the impairment is taken to have the effect it would have had without the treatment.

Some people are automatically deemed to have a disability covered by the Act – those with HIV, cancer, MS, and severe disfigurements. There are special provisions for people with progressive or recurring conditions.

Definition of Special Educational Need¹⁴

Children have special educational needs 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; or have a disability which prevents or hinders them from making use of educational facilities; or are under compulsory school age and fall within the above or would do so if special educational provision was not made for them.
- **Special educational provision** means educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the Local Education Authority.

Disclaimer

The information in this guidance is based on the law but its main purpose is to help authorities to comply with and make the most of the Disability Equality Duty. The

¹³ This is a summary of the definition of disability. For more detail please see: DWP (2006) 'Disability Discrimination Act: Guidance on matters to be taken into account in determining questions relating to the definition of disability', London: TSO.

¹⁴ For further details on the definition see: DfES (2001) 'Special Educational Needs: Code of Practice', www.publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DfES+0581+2001

Statutory Code of Practice on the Disability Equality Duty provides further detail of the legislation.



Disability Equality in Education

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52. Course Evaluation Form

Please complete and return to your DEE trainer or to the address above

Q1 Date of event_____

Q2 Venue_____

Q3 Name (optional)_____

Q4 Organisation (optional)_____

Q5 Your role (optional)

trainee trainer.....

teacher.....

.....

SENCO.....

headteacher.....

caretaker.....

librarian....

.....

senior manager.....

learning support worker.....

educational psychologist.....

LEA officers.....

Connexions staff.....

medical staff.....

early years provider.....

other (please specify).....

Q6 Please comment on the following:

Excellent Good Satisfactory Poor

Overall, the course was

Q7 Please rate the modules of the course according to how useful you found them (1= most useful; 9=least useful). You may use the same number more than once.

1. Warm up quiz and introduction
2. Who is disabled?
3. Social model of disability
4. Making reasonable adjustments
5. Employment problems
6. Impact assessing policies
7. Consulting disabled people
8. The Disability Equality Scheme & School Access Plan
9. Evidence gathering
10. Promoting positive attitudes to disabled people
11. Skeleton Disability Equality Scheme

Q8 Are there any changes or improvements you would like to see made to the course?

Thank you for completing this form. DEE carefully monitors all evaluations and we take note of your comments so that we can continue to offer effective and helpful training courses.