

Disability Equality in Education



Course book

Making it Happen:

Implementing the Duty to Promote Disability Equality in Secondary Schools and Local Authorities

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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 65,000 professionals in the last five years. DEE produces resources to raise disability equality with pupils.

This Course Book is available in alternative formats such as large print, tape, disk or Braille. Please contact DEE on:

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CONTENTS

1	Introduction	5
2	The Disability Equality Duty for the Public Sector	7
3	Definitions of Disability under the DDA	14
4	Warm up quiz- the position of disabled people in the United Kingdom	16
5	Tradition, Medical & Social Models	19
6	Medical/Social Model thinking in schools	22
7	Medical/Social Models	23
8	Activity on Traditional/Medical/Social Models of Disability	24
9	Identify the barriers in your school or LEA for Disabled People	25
10	Existing DDA Duties in Schools	27
11	Existing duties in more detail	28
12	Activity. Are these cases disability discrimination?	37
13	SEN Disability Tribunal cases upheld against schools	43
14	Secondary Examples of reasonable adjustments	46
15	Factors of schools good at making reasonable adjustments	54
16	Log of Reasonable Adjustments and Barriers	57
17	Impact Assessment of Policies and Procedures	60
18	Identifying key points of impact on disabled people of various school policies	66
19	Checklist of school policies and their impacts on disabled people	67
20	Reasonable adjustments in the classroom: a checklist	75

21	Index for inclusion: the index process & school development planning cycle	78
22	Index for inclusion- Indicators	83
23	General Statement of Inclusion QCA	85
24	Ofstead/ISI guidance to reporting and team inspectors on learners with difficulties and/or disabilities (LDD)	93
25	Engaging with disabled people	101
26	Start with involving disabled people	102
27	The School Access Planning Duty Template	106
28	Template for a school accessibility plan	110
29	School access plan template & access planning project	111
30	Evidence Gathering, data collection and monitoring	141
31	Ways of promoting positive attitudes toward disabled people for pupils	146
32	Disability in the media	152
33	Word power	155
34	The language we use	156
35	Images of disabled people	157
36	Representation of disabled people	158
37	Identifying barriers in schools	159
38	Prioritising Policies and Practices for Action in a Skeleton Disability Equality Scheme	160
39	Answers - Warm up quiz- the position of disabled people in the United Kingdom	166
40	Disability discrimination in schools- responses	167
41	Resources	171
42	Course evaluation form	177

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 have 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 18%. 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 for impairment disabled people as staff, parents and users of their services, and for disabled pupils they will need to monitor their achievements.

All Local Authorities and state secondary schools need to have a **Disability Equality Scheme** in place by 4th Dec. 2006. 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 a 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 make 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 have 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; and
- 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 p1).

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 to 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 DVD's 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. Those with a mental impairment which may include those with challenging behaviour. 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 include e.g. epilepsy or diabetes.

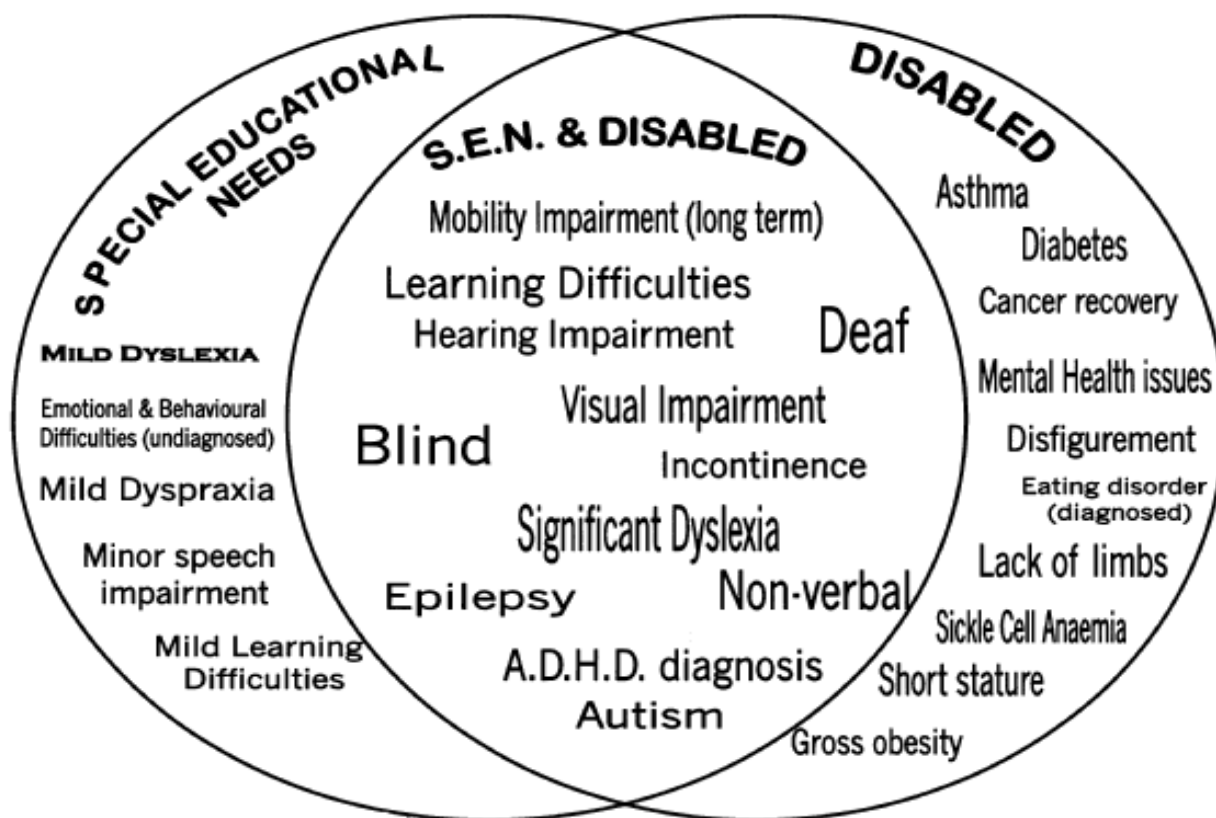
The definition was amended and broadened in December 2005 under the 2005 Disability Amendment Act:

- 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'.

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.

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 secondary 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 63.3 % of non-disabled pupils in Year 11 got 5 GCSE A* - C grades in England.

i) What percentage did pupils with statements get?

- a) 1.1%
- b) 3.6%
- c) 7.1%
- d) 12.2%

ii) What percentage did pupils on School Action stage of SEN get?

- a) 5.3%
- b) 18.9%
- c) 25.4%
- d) 31.1%

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

- a) 60%
- b) 10%
- c) 75%
- 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 137).

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

themselves 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 themselves 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 those 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 the 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 peoples 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.

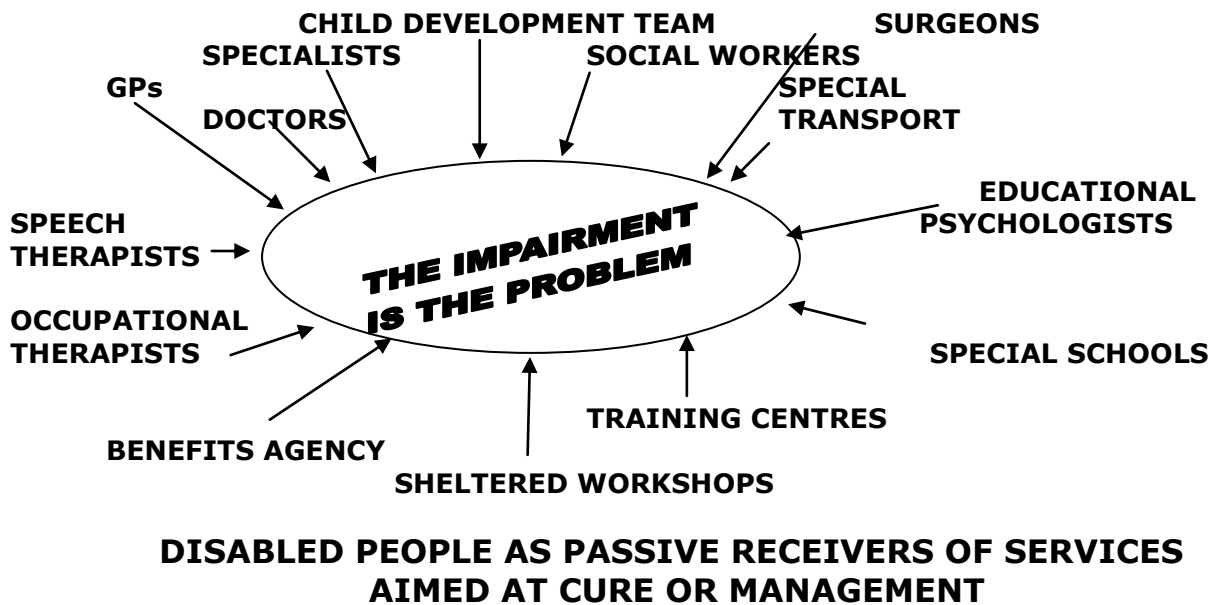
6. Medical / Social Model thinking in schools

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

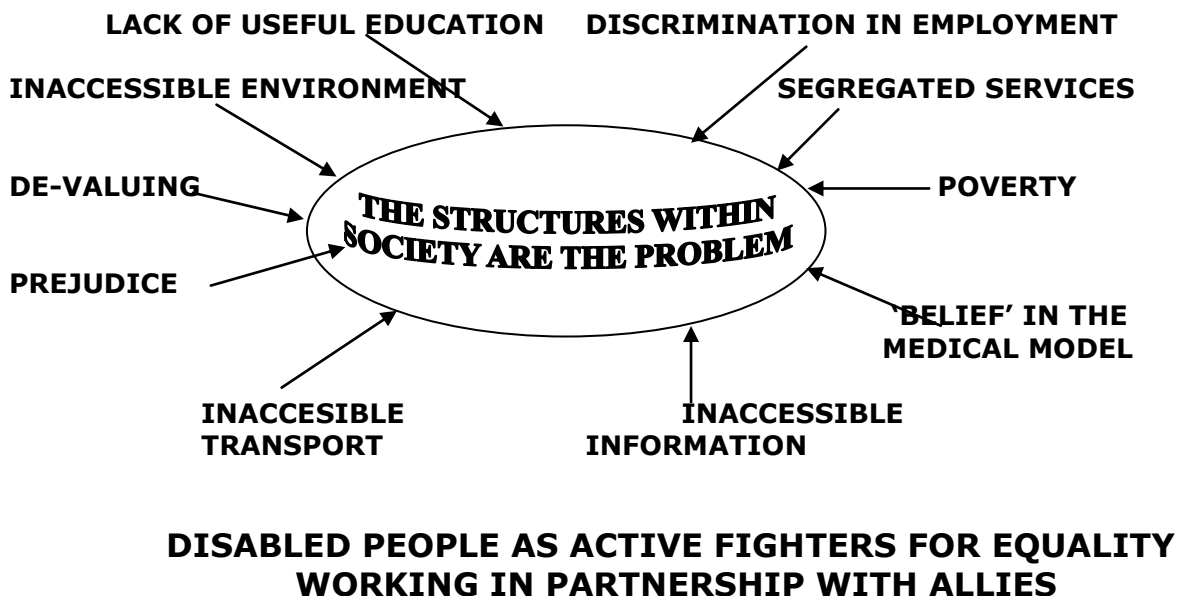
(Adapted from M. Mason 1994, R. Rieser 2000)

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	Other Policies

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

Curriculum	Attitudes & Participation	Employment	Admissions/ Exclusions	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 6% 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.

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 pupil's 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:

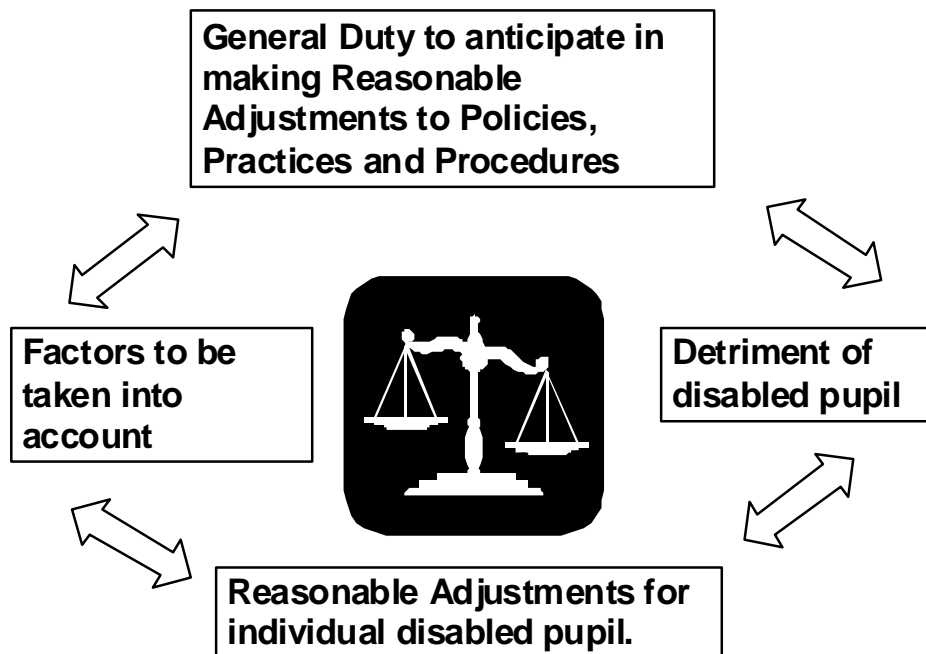
- the time and effort that the disabled child might need to expend;
- the inconvenience, indignity or discomfort a disabled child might suffer;
- the loss of opportunity or lack of progress that a disabled child may make compared to other non-disabled children.

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 via his statement of special educational needs with the resources to employ a teaching assistant for a pupil with autism. 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 on 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. Are these cases disability discrimination?

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

1. Two boys who used wheelchairs wished to be admitted to an accessible secondary school. The school was built on 7 levels with lift access. Some of the teachers felt it would be unsafe to admit the pupils to the school as the lifts had to be shut down in case of fire. They said the pupils should not be admitted to the school.
 - a) Do you consider this Disability Discrimination? Yes / No / Not Sure
 - b) What would a reasonable adjustment be?
 - c) What would be Good Practice?
2. A secondary school does not want to take back a pupil who has had meningitis and has developed a significant hearing impairment but has learnt to lip read. They say they cannot be responsible for his safety as he will not hear the fire alarm.
 - a) Do you consider this Disability Discrimination?
Yes/No/Not Sure
 - b) What would a reasonable adjustment be?
 - c) What would be Good Practice?
3. A girl who used a wheelchair, but was not able to weight bear, wanted to come to a secondary mixed school that had been adapted and was additionally resourced for physically disabled pupils. The school said that on grounds of safety to conform with the lifting regulations it could only take pupils who could weight bear. The school refused to admit the girl despite her having funding for 2 Teaching Assistants and a mobile hoist on her statement. The school also argued the hoist would be a hazard to other pupils.
 - a) Do you consider this Disability Discrimination? Yes / No / Not Sure
 - b) What would a reasonable adjustment be?
 - c) What would be Good Practice?
4. Staff at a secondary school were concerned about admitting a pupil who has uncontrolled epilepsy and 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 a reasonable adjustment be?

c) What would be Good Practice?

5. A Yr 8 pupil has Asthma which can be quite bad sometimes. He self medicates using his puffer and this is monitored with a peak air flow meter record by the school nurse on a daily chart. The asthma seems to be worse after CDT resistant materials. It transpires that the class are designing and making an item of furniture using MDF and this is exacerbating his asthma.

a) Do you consider this Disability Discrimination? Yes / No / Not Sure

b) What would a reasonable adjustment be?

c) What would be Good Practice?

6. Incontinence – A Secondary school has never had a pupil who is doubly incontinent and suggest when his parents apply as their first choice that they should try the local special school as they have not got the facilities and they have never had a pupil with these needs and they cannot meet them

a) Do you consider this Disability Discrimination? Yes / No / Not Sure

b) What would a reasonable adjustment be?

c) What would be Good Practice?

7. A year ten secondary pupil has severe dyslexia, but the school has found him to be very able at Art and Drama. Arrangements are made for the mock GCSE's that he should have a teacher to act as an amanuensis from the schools learning support staff. They read him the questions and write down his answers. The school consider it reasonable to provide him with an amanuensis from their own resources. He has to do his exams in a separate room as his support could effect other students and he is also granted extra time. He does well and the Exam Board is approached by the school for similar arrangements to apply. The Exam Board which the school use are not helpful.

a) Do you consider this Disability Discrimination? Yes / No / Not Sure

b) What would a reasonable adjustment be?

c) What would be Good Practice?

8. A student in Year 9 of a girls secondary school has significant learning difficulties. The school is provided by the LEA with the resources to employ a full time Teaching Assistant. The girl is isolated from her peers and the LSA is left to adapt the work for her in each subject lesson. Her parents complain that she is getting less favourable treatment than her peers, who are getting the benefit of the subject teachers' experience and are not isolated. The schools attention is drawn to the requirements of Curriculum 2000 and in particular that all teachers need to have regard to The General Inclusion Statement in planning and teaching.

a) Do you consider this Disability Discrimination? Yes / No / Not Sure

b) What would a reasonable adjustment be?

c) What would be Good Practice?

9. A mixed secondary school is additionally resourced to take 30 pupils with learning difficulties. Initially the school used an individual support model with TAs supporting individual pupils across all their subjects. It is observed by OFSTED that the pupils with learning difficulties are not accessing the various subjects effectively and are therefore getting less favourable treatment.

a) Do you consider this Disability Discrimination? Yes / No / Not Sure

b) What would a reasonable adjustment be?

c) What would be Good Practice?

10. A Severe Learning Difficulty School catering for pupils from 3 to 19 has developed an outreach programme for pupils in the secondary years. This has been very effective with a few pupils transferring to a secondary school full time to Yr 7. Many others had benefited socially and academically. However, the outreach programme to another local Secondary Schools Yr 9-11 has failed and secondary age 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 secondary age pupils at the SLD school complain that it is not fair that they can't go to the Secondary school any more.

a) Do you consider this Disability Discrimination? Yes / No / Not Sure

b) What would a reasonable adjustment be?

c) What would be Good Practice?

11. A child with a weak heart following glandular fever attends a secondary school. He is often breathless and it is assumed by the PE Department that he is excused from PE. Following a Year 8 parent's meeting the parents complain their son is being discriminated against. The PE department are 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 a reasonable adjustment be?
 - c) What would be Good Practice?
12. A secondary school, which a number of physically disabled pupils attend, does not allow any wheelchair users to go on the Year 9 French trip. This has been the case ever since an LSA developed a permanent back injury after lifting a boy, who used a wheelchair, all the way up the front steps of Notre Dame, so he could be included in the trip.
- a) Do you consider this Disability Discrimination? Yes / No / Not Sure
 - b) What would a reasonable adjustment be?
 - c) What would be Good Practice?
13. A secondary school holds an annual trip for the Year 7 pupils induction to an outdoor pursuits centre. They have a regular booking. Year 7 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 a reasonable adjustment be?
 - c) What would be Good Practice?
14. Some pupils from a moderate learning difficulty school are selected to go to the theatre. When a parent queries why her son 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 a lot with her 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 a reasonable adjustment be?

c) What would be Good Practice?

15. A secondary pupil with Aspergers Syndrome has behaved inappropriately in a lesson several times and been told as a punishment he will not be allowed to go on the class outing to Alton Towers.

a) Do you consider this Disability Discrimination?

Yes / No / Not Sure

b) What would a reasonable adjustment be?

c) What would be Good Practice?

16. A Year 8 pupil who uses a wheelchair is keen to be auditioned for the school play. She has been in a number of drama productions out of school. The Head of English producing the play does not want her in the play as it will lower standards and 'it will make the production look less professional' she confides to a colleague, the child's Form Tutor. However, she tells the child the reason is that there is no lift up to the stage. The colleague complains to the headteacher about this as disability discrimination. The headteacher backs his Head of English and warns the colleague to keep out of it.

a) Do you consider this Disability Discrimination? Yes / No / Not Sure

b) What would a reasonable adjustment be?

c) What would be Good Practice?

17. A pupil in Yr. 9 has been permanently excluded twice from other schools for disrupting lessons. Since then he has spent six months at a Pupil Referral Unit. Here it was identified that he was having clinical depression for which he is now on a drug regime and receiving counselling. He now wants to get back to a mainstream secondary school so he can do his GCSEs. The school when approached drags its feet not wishing to admit him saying he will affect the learning of other pupils and affect standards at the school.

a) Do you consider this Disability Discrimination? Yes / No / Not Sure

b) What would a reasonable adjustment be?

c) What would be Good Practice?

18. A Year 8 pupil is identified as having ADHD and is on Ritalin, but was permanently excluded from his last school. The new secondary school does not want to take him at first. The LEA points out that there are a number of pupils in mainstream secondary schools with his condition who with a well structured Individual Education Plan are progressing well, provided the schools makes allowances for the behaviour that arises from their condition. The Governors refuse to admit the pupil on grounds of health and safety.

a) Do you consider this Disability Discrimination? Yes / No / Not Sure

b) What would a reasonable adjustment be?

c) What would be Good Practice?

See answers on pg 167

13.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 either 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 coming 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 your reasons. If either party have any questions relating to disability discrimination within school please contact the helpline on 0870 606 5750, 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

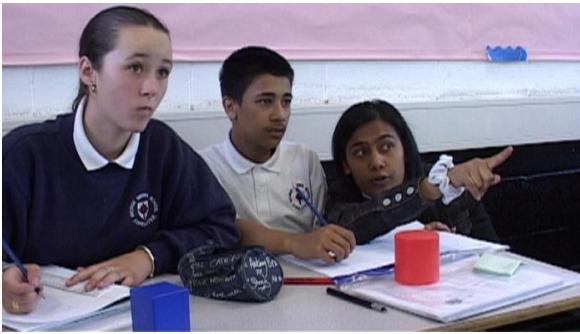
Type of Impairment involved in DDA claims to SENDIST 2003-2005

	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 disfigurement	0 (0)	1 (1.2)	0 (0)
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 effect 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.

14. Secondary Examples of reasonable adjustments



1.Secondary School Maths Department. Issue. The teacher notices that in the streamed sets in Y10 many of the pupils with moderate learning difficulties are disengaged and are not making sufficient progress despite a large amount of teacher time spent in

preparation and planning. **What reasonable adjustment can the Mathematics Department make to improve the progress of pupils with moderate learning difficulties?**

Reasonable Adjustments. The Department decides to teach Intermediate and Foundation groups together. The Head of Department runs demonstration lessons for less experienced staff. Seating in classes is rearranged so all pupils face the front for whole class teaching. Seating plans are drawn up so less able pupils sit next to more able. Extension activities are made available for the more able. Teaching assistants are recruited and attached to the Mathematics Department. When teaching shape, as shown here, concrete three-dimensional models are handed out.

Outcome. The attainment of the pupils with moderate learning difficulties in mathematics has increased significantly while attainment for mathematics in Year 9 is the best yet.



2. Heather is in Year 8 and attends a local resourced secondary school. Issue. Heather has significant visual impairment and uses a wheelchair. **How does the school make reasonable adjustments so that Heather can take part in**

practical Science lessons?

Reasonable Adjustments. Heather's teachers provide lesson materials in advance, so that diagrams can be raised for her to feel. Heather is also supported by regular sessions with the peripatetic Visual Impairment teacher, who explains the diagrams in advance of the lessons.

In this lesson on signs of chemical reaction Heather uses a speaking thermometer at a lower bench and is supported by a

teaching assistant. The Science teacher routinely incorporates risk assessment and meeting the needs of Heather and a number of other disabled pupils into her lesson planning. **Outcome.** Heather accesses Science and participates safely in practical lessons gaining an understanding of chemical reactions.



3. Thomas is in Year 9 of the local foundation comprehensive school.

Issue. Thomas has cerebral palsy, speech and language needs and learning difficulties and in Science lesson pupils have to mix and heat various substances and record the

observed colour changes. **What reasonable adjustments need to be made so that Thomas can safely take part in this practical Science lesson?**

Reasonable Adjustments. Thomas supported by a teaching assistant draws, with a range of coloured pencils, the changes he gets when he mixes different compounds and holds them in the Bunsen flame under strict supervision. The Science teacher develops Thomas's understanding of what is going on by careful cross-questioning. The teaching assistant writes down what Thomas says about what they did. **Outcome.** Thomas develops an understanding of scientific methods and concepts at his level.



4. Holly is in Year 8 and attends the local secondary comprehensive school.

Issues. Holly is a wheelchair user who cannot weight bear. The school has performing Arts Status and all Year 8's do Dance. This class are developing a 'gum boot'

dance. **What reasonable adjustments are needed so Holly can participate in the lesson?**

Reasonable adjustments. The class teacher planned the activity so the class work in pairs and Holly was encouraged to choose her partner. They were told to use their imagination to develop a dance routine which used their different abilities. The two pupils decided that Holly would do the hand and upper body movements and her

dancing partner would do the foot and leg movements. The school had ensured that the rest of the class had developed an ethos of appreciating difference with inputs from a local Disabled People's organisation in Year 7. The class were accepting and appreciative of the two girls' dance piece. **Outcome.** Holly takes part in Dance and peers respect her achievements.

5. A resourced secondary school for physically disabled pupils. Issues.



Using New Opportunities Funding the school is running a number of after school clubs. The Karate Club is run by the SENCO and her partner and they wanted to encourage disabled pupils to take part. **What reasonable adjustments were necessary?**

Reasonable Adjustments. The club was organized by identifying the barriers that would prevent disabled pupils participating and devising alternatives. These included liaising with the English Karate Governing Body for alternative moves so the disabled students could make progress on the Dan levels; rearranging warm-ups and moves so that wheelchair users can take part and keeping instructions very clear so pupils with autism could participate. **Outcome.** There has been an increase in disabled pupil self-confidence and improvements in fine motor control in the class of pupils with autism or specific learning difficulties



6. Profoundly deaf pupils attend a resourced comprehensive school in their area.



Issues. Sign Language is their preferred means of communication. The school accommodates them in one or two tutor groups in each year with British Sign Language communicators in every lesson, who plan with each subject teacher. However, in mathematics, some deaf pupils in Year 10 are finding the abstract nature of algebra difficult to comprehend. **What reasonable adjustments can the school make to deal with this issue?**

Reasonable Adjustments. The school also has two deaf instructors to develop the pupils' sign language skills. They run a weekly withdrawal group from one Maths lesson where they explain the concepts of algebra in a way that deaf pupils can understand. **Outcome.** This has led to increased engagement and achievement in mathematics for deaf Yr 10 pupil

7. Issues. Jenna is in Year 10 and attends a resourced secondary school. Jenna has significant learning difficulties and has opted for Design and Technology GCSE, Food Technology. She responds well to clear instructions and is able to work independently under supervision. **What reasonable adjustments are necessary so that Jenna can complete the course successfully?**



Reasonable Adjustments. There are two teaching assistants allocated to the class, which has three other disabled pupils. Their role is to assist and work to Jenna's and the other pupils' instruction and maintain safety issues. They work as amanuensis to write down what Jenna tells them of the theory of her course work and take digital pictures of her food products. Jenna plans what she needs for her meals in advance with the teacher who advises her if it may be too ambitious. **Outcome.** Jenna is making good progress and will get her GCSE.

8. An Emotional and Behavioural Difficulty (Severe) secondary day school. Issue. Pupils were disengaged, violent with poor attendance (60%) and the school relied overly on physical restraint. The school was in special measures and had had four heads in the last year, prior to current head's appointment. The vast majority of pupils have underlying medical or psychological conditions and are therefore disabled. Most of the pupils had been excluded from a number of schools, including

residential schools. The result was vandalism, open disdain for the school, low achievement and disengagement.

What reasonable adjustments were made to improve the school?

Reasonable Adjustments. The new Head introduced new ways of running the school. Pupils were encouraged to care for the school environment e.g. 'The Luscious Loos' competition, where all 30 pupils came off timetable for a week and were encouraged to work in groups to redesign and decorate the seven toilets at the school. The Head, parents and boys worked at cleaning up and beautifying the outside spaces of the school. A new relevant 'My Life' curriculum was introduced, splitting everything into five relevant areas- My Body, My World, My Future, My Self, My Passport. Here, Joseph and Mohammed are practicing their Circus Skills on stilts they designed and built themselves. They are responsible for checking their health and safety and bindings and the project combines all parts of the curriculum. Restraint is no longer used. Pupils are treated with respect and encouraged to discuss their issues.



Outcome. Attendance is up to 85%. Vandalism is no longer an issue in the school and there has been a significant improvement in pupil interactions. Pupils have for the first time sat KS 3 Tests and scored 5's. In answer to the question 'what is good about the school' Joseph replies 'Everything'.

9. Chris is in Year 13 and is doing A2 Design and Technology Graphics. Issues.



Chris has Muscular Dystrophy, is a wheelchair user, has little strength in his arms and finds it very tiring to write for any length of time. What reasonable adjustments are necessary for Chris to complete his course successfully and go to university?



Reasonable Adjustments. Chris records his work with voice-activated software on his laptop. Teaching Assistants, provided for him under the SEN Framework, are directed by Chris to support his personal care needs and to carry out work, such as holding information so he can input it to his computer. Chris uses two thin paintbrush handles to press the keypad.

In the workshop Chris is using computer assisted Cad Cam technology to produce his assessment work. School staff and outside agencies, Chris and his Dad regularly meet to discuss his needs on transition to Higher Education. **Outcome.** Chris got his A levels and has a place at University to study graphics.

10. Boonma is blind is in Year 11 of his local comprehensive school.

Issue Boonma is in the top set for Science.

What reasonable adjustments do his teachers and the school make so he can be successful?



Reasonable Adjustments. Here, his Science teacher makes sure he has planned all activities, handouts and materials a week in advance, so the Visually Impaired support service can produce them in Braille and heat raised diagrams. Suliman, his Science teacher ensures, where possible as in electro-magnetism, that Boonma describes what he feels in the experiment to the class. The school encourages peer support and this particularly helps Boonma. **Outcome.** Boonma achieve D Grade in Science and 5 GCSEs and is now attending college.



11. Shane is in Year 8 at his local Community School. Issues.

Shane is on the Autistic Spectrum and sometimes cannot cope with the social interactions in his mainstream class. He gets over excited and needs to cool down. Shane is easily distracted when he is doing written work. **How can reasonable adjustments be made to meet Shane's needs while not disrupting the rest of the class?**

Reasonable Adjustments. Shane has Teaching Assistant hours allocated to him under the SEN Framework. The school has

introduced a two card system for pupils who need time-out, which all teachers know about-orange for five minutes time out and red to withdraw for longer to the Learning Support Department. The Learning Support Department is cramped and often crowded. When Shane needs longer time-out or to complete his written work, he withdraws with his teaching assistant to a cleaners' cupboard which has been converted for Shane. There are no windows, a desk and two chairs. **Outcome.** Shane is making good progress in his attainment in his subjects. Shane is managing his own behaviour. Non-disabled pupils know about the card and time out system and support disabled pupils with behaviour difficulties in keeping on task.

12. A community school serving a semi rural area. Issues. Many pupils with specific or general learning difficulties find it hard to produce written work of a good standard. **What reasonable adjustments can the school make to help?**

Reasonable Adjustment. The school has invested in buying 5 micro-computers that pupils can borrow from the Learning Support Dept., record work in class, transfer it to PC and then return them.

Outcome. Pupils with dyslexia are achieving more and are more confident.



13. Louise is in Year 10 of a resourced secondary school. Issues. She has cerebral palsy, has limited speech, has significant learning difficulties and mobility impairments. Louise can use her hands. Access Planning has led to lifts, walkways and ramps to the school. Under the SEN Framework the LEA has resourced the school with a resource base for pupils with physical and complex needs, after a local special school was closed. This is staffed by 1.5 teachers and 4 Teaching Assistants. Under the Communication Aids Project (CAP) Louise has a talker. **What reasonable adjustments does the school make to accommodate Louise?**

Reasonable Adjustments. Louise is part of her Tutor Group and does some lessons with teaching assistant support with her class. The resource base works with Louise to develop her skills on her talker. Louise is following an ASDAN accredited course that is delivered in the resource base. Louise's friends from her class come to the resource base at break and lunchtime. **Outcome.** Louise is making progress on ASDAN and will get an external accreditation. Louise can speak some Japanese, has many friends and is developing her communication skills well.



14. A Catholic High School Mathematics Department. Issues. A number of pupils at find mathematics very difficult. Some are disabled with a variety of impairments including ADHD, Autism, moderate learning difficulties and cerebral palsy. Mathematics is taught in sets. **What reasonable adjustments can be made to help these pupils develop their mathematics ability?**

The SENCO who is a mathematician teaches this bottom set with a teaching assistant. The numbers in the set are limited to 14, far fewer than in all the other Mathematics classes in the year. The pupils are spaced out and those with a low attention span are sat in front. Concepts are taught with lots of concrete examples and pupils have number squares to help them. For pupils who get fatigued quickly the questions from the textbook are photocopied, so they do not have to write the problems in their exercise book. The teacher and teaching assistant give feedback as the lesson proceeds, by going round and marking and explaining. **Outcome.** All the pupils made significant progress in their National Mathematics test scores over their Key Stage 2 scores.

'Implementing the Disability Discrimination Act in Schools and Early Years' available from the DfES

15. 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

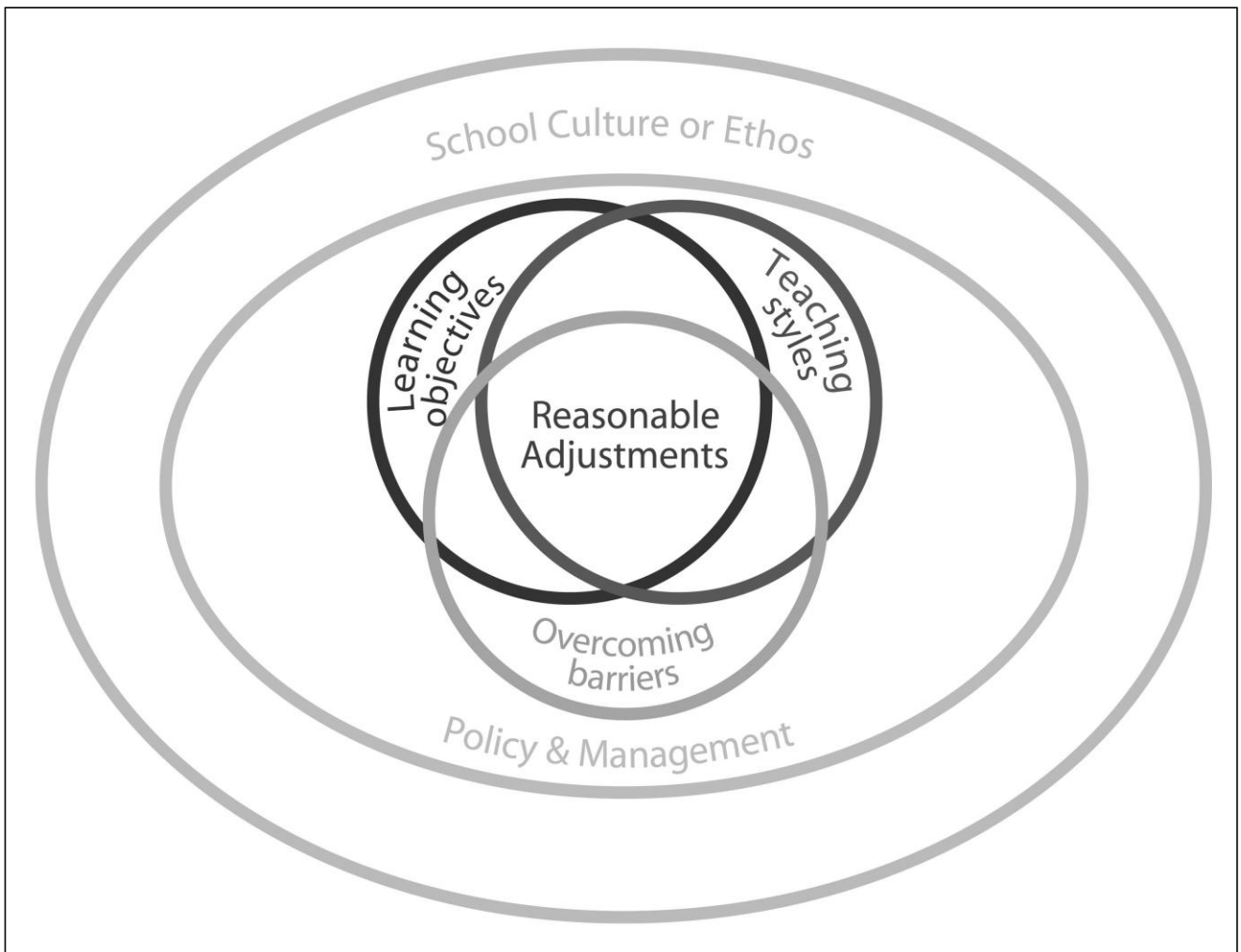
review, makes for school that are more effective at making reasonable adjustments.

- ❖ **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 wide range of expertise beyond the school from local schools, units and support services, from different statutory agencies; and from voluntary organizations.
- ❖ **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 school 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 it

into their day to day practice and they 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.



'Implementing the Disability Discrimination Act in Schools and Early Years' available from the DfES

16. Log of Reasonable Adjustments and Barriers.

School	Reasonable Adjustments	Barriers
Langdon School ESV.04		
William De Ferres ESV.06		
Lister ESV.08		
Fulford ESV.09		
Brigshaw ESV.13		
Ian Mikardo (BESD) ESV.18		
Frome College ESV.19		
Glossopdale Community College ESV.20		

School	Reasonable Adjustments	Barriers
Brigshaw ESV.21		
Langdon ESV.22		
Hall Green BLC.08		
Bishopgarth BLC.09		
Harrogate High BLC.10		
Fulford BLC.11		
Hall Green EDV.08		
Filsham Valley BFL.03		

School	Reasonable Adjustments	Barriers
William De Ferres BFL.07		
Brigshaw MPC.11		

17.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

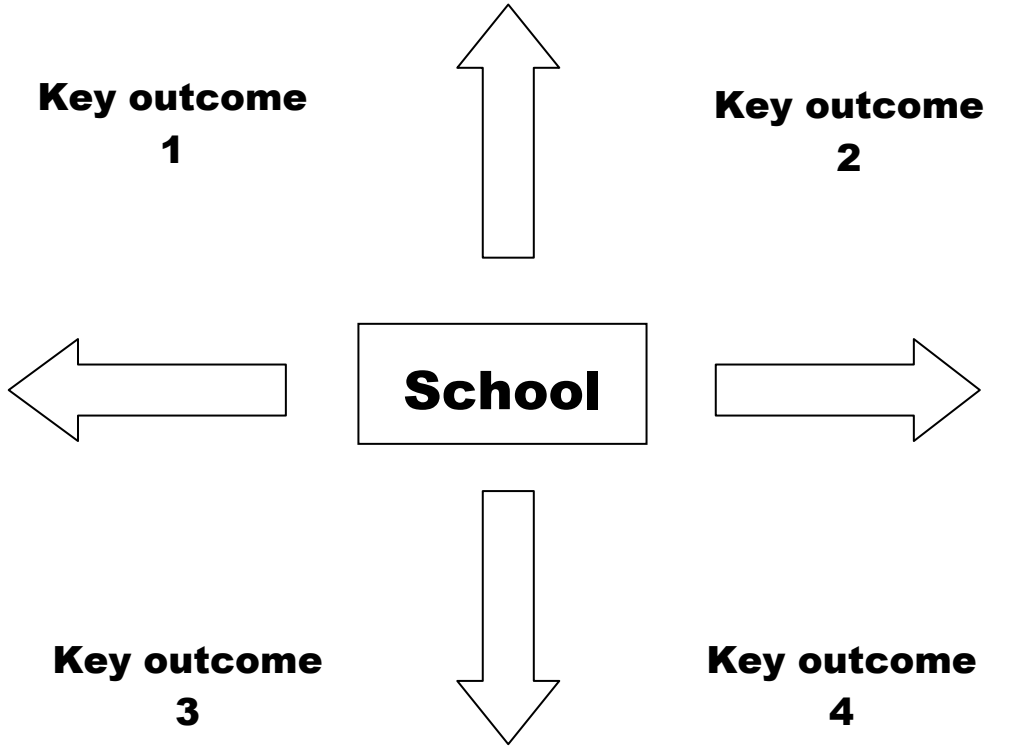
The Act states that Schools and Local Authorities are required to publish their Disability Equality Schemes and Action Plans, which will include the results of the impact assessment process. They will need to consider where the findings are published and make sure that they are produced in a way that 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

18. 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)

19.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 pupils level?
- Are reasonable adjustments made in the activities pupils are asked to under take 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 and 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/ Islam phobia 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 disablist 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 and 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 so that are specific to the circumstances in each case?
- Does the school encourage disabled pupils, wherever possible, 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, Audio Tape, 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 or 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 pupils 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?

20. 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. sit on own
 - learning difficulties who need a lot of support, e.g. next to peer supporter
 - short attention span, e.g.: distraction free zone
- 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)

21.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.

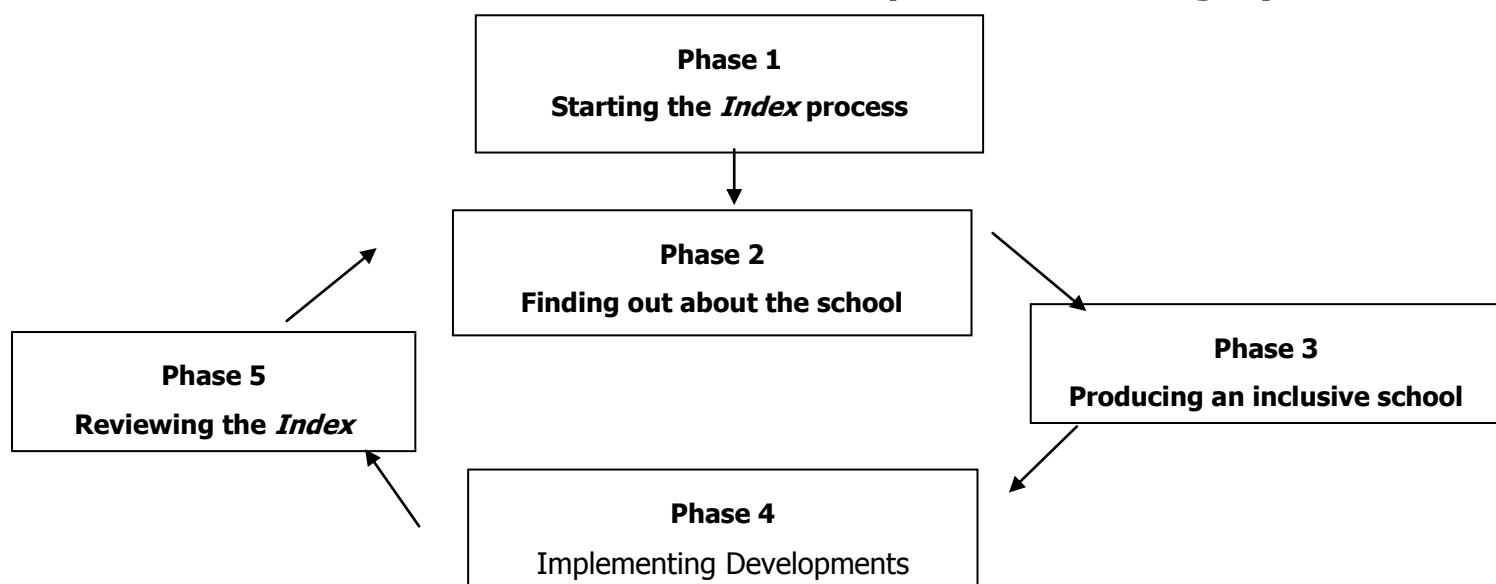
The process of using the *Index* is itself designed to contribute to the inclusive development of schools. It encourages staff to share and build on their existing knowledge and assists them in a detailed examination of the possibilities for increasing learning and participation for all their students.

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.

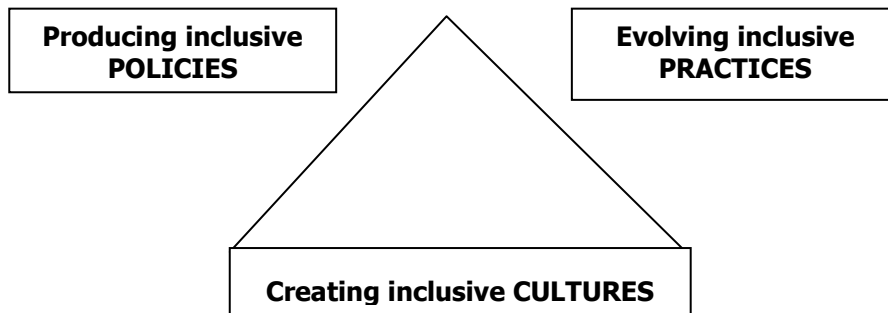
The DfEE sent the Index to all schools in England in March/April 2000. Why not use it for school development planning and self-review?

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.

22.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

23. 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
© Disability Equality in Education 2006 – Secondary Duty to Promote Disability Equality

- 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.

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24.ISI guidance to reporting and team inspectors on learners with difficulties and/or disabilities (LDD)

PART 1

The framework does not stipulate a separate report for this group of pupils, except where there is a major department. However, this aspect must be inspected and the findings 'threaded through' the whole report.

[N.B. The phrase 'pupils with special educational needs (SEN)' should only be used in reports when talking exclusively about pupils aged 5 to 16 who have statements of SEN if 'learners with difficulties and/or disabilities (LDD)' is not appropriate].

Criteria

The school provides a range of educational opportunities suited to the interests, aptitudes and needs of all pupils.

The report must include judgements and explanations about whether:

- a) procedures for identifying pupils with LDD are efficient and effective, leading to accurate identification of individual needs [2.1];
- b) the methods of teaching and supporting pupils with LDD are well tailored to their needs and effectively implemented to assist them in making progress [2.1 and 2.4];
- c) the progress of pupils with LDD is effectively assessed, recorded, monitored and evaluated, in accordance with the revised Code of Practice [2.4];
- d) regular review and evaluation of the systems in place contribute to development planning across the school [3.1 and 4.2];
- e) support for pupils with statements of SEN fully complies with statutory requirements and any placement by an LEA has been approved by the DfES [2.1, 3.1 and 3.2].

The report will identify strengths and weaknesses in the school's systems for identifying and supporting pupils with LDD.

Specific judgements and or comments should occur in the following sections of the report:

1.1	Details of any pupils requiring provision for LDD or SEN
2.1	Criterion 6
2.2(i)	Criterion 2
2.4	Criterion 1
3.1	Criterion 1

Sources of Evidence

- i) school and LDD/SEN department policies and guidance;
- ii) subject department policy and planning documents (including references to differentiation);
- iii) discussions with special educational needs co-ordinator (SENCO) and teaching and support staff;
- iv) documents relating to individual pupils with LDD or SEN, including statements of SEN, individual education plans (IEPs) and annual reviews;
- v) lesson observation forms and scrutiny of work;
- vi) staff development plans and records.

Factors for Consideration

- The key issue is to identify pupils with LDD/SEN and decide whether they are making the progress they should:
 - (a) within any specialist support sessions; and
 - (b) in mainstream classes.
- The best evidence for the progress made by pupils with LDD/SEN is based on consideration of the targets in their IEPs and the rate at which these are achieved. If the pupils do not have IEPs, two questions arise:
 - (a) should they have IEPs (or similar individual plans)?; and
 - (b) how does the school measure their progress?

Inspectors will have difficulty judging the progress of individual pupils with LDD/SEN if the school itself does not have suitable procedures in place to do so. The absence, or inadequacy, of procedures will require evaluative comment. (It is not, however, for inspectors to make judgements on individual pupils' needs but to ensure appropriate systems are in place to identify and meet these needs effectively).

- In addition, check the effect of any support (or lack of support) on pupils' access to the full curriculum. In doing this, take into account the following:
 - (c) any issues arising from withdrawal;
 - (d) the extent to which pupils receiving support are able to access the full curriculum (if they are not doing certain subjects, or have a reduced GCSE timetable, is that justified in terms of their identified needs?); and
 - (e) if the school charges for LDD/SEN support, are any pupils disadvantaged by the fact that their parents elect not to pay?
- The effectiveness of the school's systems for sharing information about individual pupils with LDD/SEN, having regard to the balance between appropriate confidentiality and the importance for shared awareness of needs, targets and strategies to address these.
- Funding and resources.
- Accommodation, where there is a specialist department (consider location, quality, suitability).
- Qualifications and training of the LDD/SEN department's staff and INSET for the whole staff.
- The quality of IEPs, including precision of targets, success criteria, strategies to achieve the targets, regular review and monitoring of progress.
- Involvement of parents (and pupils) in IEPs, annual reviews and communication generally.
- Awareness of teachers and, in boarding schools, of boarding staff about the individual needs of pupils with LDD/SEN, including involvement where relevant in IEPs.
- Status of the SENCO – sufficient to liaise effectively with heads of department.
- The involvement of the senior management team and trustees/governors in evaluating the LDD/SEN provision.
- How the school has incorporated legislation on disability.

PART 2 – A PATH FOR LDD/SEN THROUGH THE FRAMEWORK

ISSUES FOR LDD/SEN	SOURCES OF EVIDENCE
<p>2.1 The Educational Experience Provided</p> <ul style="list-style-type: none"> • Grouping of pupils with LDD/SEN e.g. withdrawal, setting, one-to-one support, unit; the effects on continuity, breadth and balance • Any restrictions on options • Provision of alternative accreditation opportunities e.g. vocational courses, AEB qualifications and other alternatives to GCSE • Equal access to extra-curricular activities 	<p>Discussion</p> <ol style="list-style-type: none"> 1. SENCO <ul style="list-style-type: none"> • Pupils • Curriculum co-ordinator • Assessment co-ordinator <p>Documentation</p> <ol style="list-style-type: none"> 1. SEN policy 2. Curriculum policy and school brochure 3. Option guidance 4. EO policy 5. Schemes of work and subject policy statements 6. IEPs and Annual Reviews 7. Assessment policy 8. Marking policy 9. Scrutiny of work <p>First hand observation</p> <ol style="list-style-type: none"> 2. Lesson observation, including withdrawal sessions 3. Scrutiny of work
<p>2.2 Pupils Learning and Achievements</p> <ul style="list-style-type: none"> • Attainment and particularly progress satisfactory or not for individuals or groups with LDD/ SEN • In all subjects • In all key stages • Are LDD/SEN pupils equally positive in their responses in lessons? • If their behaviour is less good than others, is this because of their special problems, poor management or unsuitable work? • Are LDD/SEN pupils well 	<p>Discussion</p> <ol style="list-style-type: none"> 4. SENCO 5. Pupils <p>Documentation</p> <ol style="list-style-type: none"> 6. PI, key stage assessments and examination results 7. IEPs statements and Annual Reviews 8. Standardised test results 9. Parents' questionnaires 10. School behaviour records, including exclusions 11. Parents' questionnaires <p>First hand observation</p> <ol style="list-style-type: none"> 12. Lessons, including any withdrawal groups or one-to-one support sessions

<p>accepted by others?</p>	<ol style="list-style-type: none"> 13. Scrutiny of pupils' work to include the work of pupils with LDD/SEN 14. Attitudes to learning and behaviour of pupils with SEN in lessons 15. Any evidence of non-acceptance by other pupils e.g. at break, within groups in class, teams in PE
<p>2.3 Spiritual, Moral, Social and Cultural Development of Pupils</p> <ul style="list-style-type: none"> • Does the school ensure that pupils with LDD/SEN take a full part in school activities and have opportunities to take responsibility? • Does the school encourage/promote acceptance of disability? 	<p>Discussion Pupils with and without LDD/SEN</p> <p>Documentation</p> <ol style="list-style-type: none"> 1. Individual time-tables (e.g. is withdrawal at break, during assembly?) 2. PSHE and RE schemes of work 3. LDD/SEN and EO policies <p>First hand observation Lessons, tutor groups, clubs, break and lunchtime, assemblies.</p>
<p>2.4 The Quality of Teaching (including Assessment)</p> <ul style="list-style-type: none"> • Awareness by teachers of LDD/SEN issues and individuals' specific difficulties and needs • Ability to differentiate work suitably without under-expectation • Appropriate and effective <u>planned</u> use of any support assistants or teachers in classroom • Ensuring homework is suitable and understood by LDD/SEN eg. dyslexic pupils • Work planned with reference to IEPs • Appropriate resources 	<p>Discussion SENCO</p> <p>Documentation</p> <ol style="list-style-type: none"> 10. Schemes of work re: teaching methods and strategies 11. Assessment documents 12. IEPs, Annual Reviews, statements 13. Lesson plans <p>First hand observation Lesson observation forms</p>

<p>provided e.g. ICT, books, worksheets, practical materials</p> <ul style="list-style-type: none"> • Carrying out of statutory Annual Reviews and review at required LDD/SEN stages • IEPs appropriately drawn up with precise targets, steps to achieve them and reviewed • Marking policies clear on marking of LDD/SEN pupils' work eg. dyslexic pupils' spelling 	
<p>3.1 The Quality of Pastoral Care, and the Welfare, Health and Safety of Pupils</p> <ul style="list-style-type: none"> • Are pupils with LDD/SEN less likely to attend school regularly and punctually? 	<p>Documentation</p> <p>Check patterns of non-attendance and unpunctuality for SEN; does the school check?</p>
<p>Pastoral Care</p> <ul style="list-style-type: none"> • Identification and monitoring of LDD/SEN • Involvement of external agencies/therapies • IEPs which include behaviour targets if needed • Availability of counselling if necessary 	<p>Discussion</p> <ol style="list-style-type: none"> 1. SENCO 2. Visiting therapists if available <p>Documentation</p> <ol style="list-style-type: none"> 1. LDD/SEN policy 2. IEPs and Annual Reviews
<p>Welfare, Health and Safety</p> <ul style="list-style-type: none"> • Administration and recording of medication 	<p>First hand observation</p> <ol style="list-style-type: none"> 1. Examination of medical records 2. Observation of arrangements to give medicines
<p>3.2 The Quality of Links with Parents and the Community</p> <ul style="list-style-type: none"> • Do parents have sufficient information through IEPs and Annual Reviews? • Are they appropriately involved in these? 	<p>Documentation</p> <ol style="list-style-type: none"> 1. Parents' questionnaires 2. IEPs etc. 3. SEN policy
<p>3.3 The Quality of Boarding Education</p> <ul style="list-style-type: none"> • Medication as above 	<p>Discussion</p> <ol style="list-style-type: none"> 16. With boarders <ul style="list-style-type: none"> • With boarding staff

<ul style="list-style-type: none"> • Support for homework by boarding staff • Resources in boarding house eg ICT, suitable books • Involvement of boarding staff in IEPs etc. 	<p>First hand evidence</p> <p>Observation during inspection of boarding</p>
<p>4.2 The Quality of Leadership and Management</p> <ul style="list-style-type: none"> • Have the headteacher and GB set up an appropriate policy and approach to LDD/SEN, including staffing, funding, monitoring and evaluation? • Are the role and status of the SENCO commensurate with other HoDs to allow e.g. input to HoD meetings, liaison with departments. At an appropriate level? • Is the line of accountability of SENCO appropriate? • Are statutory requirements met? • Does LDD/SEN permeate the organisation and practice? • Are teachers aware and, where appropriate, some additionally trained in LDD/SEN? • Are there sufficient additional staff (teaching and support assistants) to meet LDD/SEN needs? • Are they school-funded, or directly paid by parents or, if statement, possibly LEA funded? • Are resources for learning sufficient eg laptops, software, tape facilities? • Are they being used regularly and appropriately? 	<p>Discussion</p> <ol style="list-style-type: none"> 1. SENCO 2. Headteacher/SMT 3. Governing body representative <p>Documentation</p> <ol style="list-style-type: none"> 1. Minutes of staff meetings/GB meetings 2. School brochure/prospectus 3. LDD/SEN policy, reviews, PI 4. Staff development records 5. Financial evidence from PI and SENCO <p>First hand observation</p> <ol style="list-style-type: none"> 1. In lessons, observation forms, around the school 2. In staff meetings and briefings 3. Library and classroom book corners

<ul style="list-style-type: none"> • If there are large numbers of dyslexic pupils in primary age-range, have books been assessed for reading level and labelled/coded/sorted accordingly? • Is access to all areas, inside and out, satisfactory for pupils with mobility problems? • Is the LDD/SEN dept/unit centrally located, welcoming and adequate? • Have noise levels been considered for any hearing impaired pupils? 	
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Ofstead 2006

25.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)

26. 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; and**
- **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 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.

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 are:

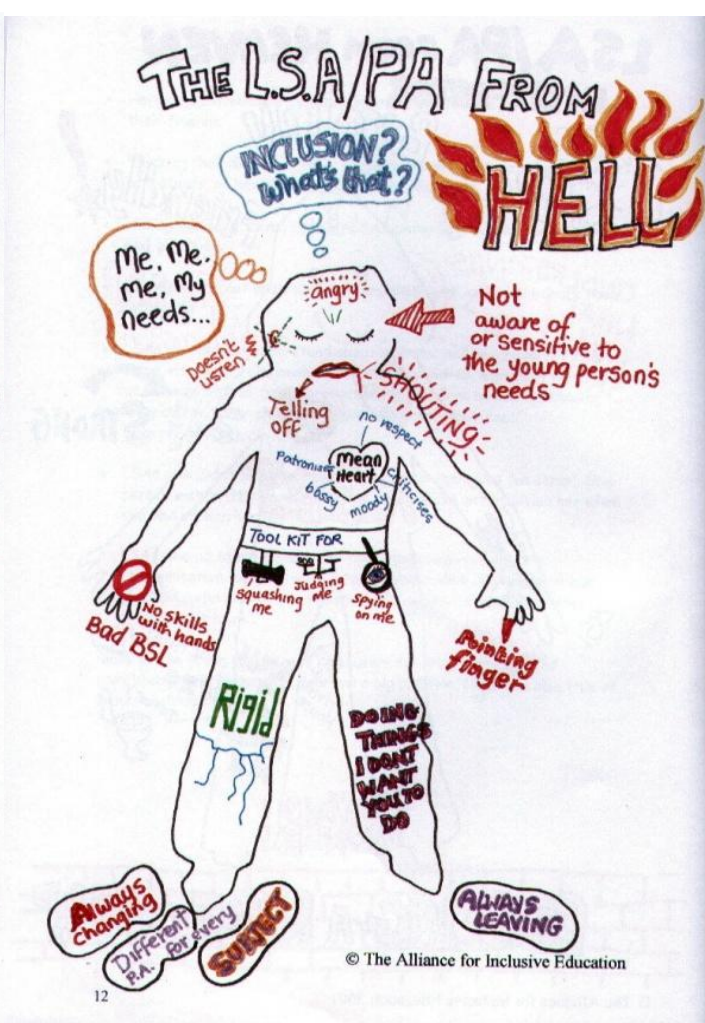
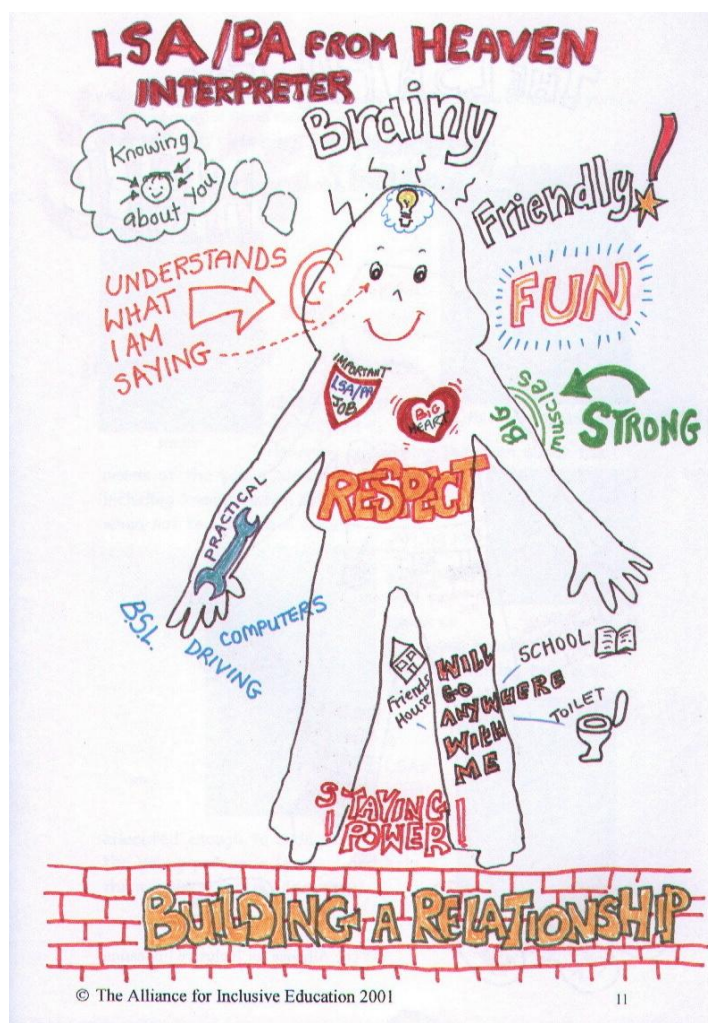
- Being supported to take their children to and from school;
- Being able to access school information and newsletters;
- Being able to access parents evenings and other school meetings;
- Having access to Governor and PTA minutes in accessible formats
- Accessing school plays and shows
- Having support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

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.



27.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/>

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.

28. Template for a school accessibility plan

3-year period covered by the plan :

Introduction

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

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

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

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

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

29. School access plan template and access planning project

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

Please note: references in the text are detailed in the footnotes. All references are also listed on the References web page where there are web links to the original document or to the appropriate website.

1A: Vision and values

A vision and a set of values should express the broad purposes of an activity and the principles that inform the way in which that activity will be conducted. It does not need to be a long treatise; rather it should be a distillation of the essence of that activity. It summarises the intentions and the focus of that activity both to those who are involved in the process and to those who are outside it.

The vision and values should be a whole school expression of purpose and should therefore outline a view that is, as far as possible, a shared view.

Watchpoint: Can the school's statement of vision and values be translated into action? Does the school's statement of vision and values communicate clearly enough to others what the school's approach is?

Why have vision and values?

Direction for implementation

An expression of vision and values gives direction to the planning process. The vision is an expression of a state to which the school aspires and the values inform the means of getting there.

A framework for evaluation

The vision and values also provide a framework for the evaluation of the plan. If the vision of the plan is to achieve good outcomes for disabled pupils, then an important part of the evaluation will be an examination of those outcomes. In effect it provides the framework for judging whether intentions are realised.

Links to quality

Challenged to justify the expectation that a plan would include some expression of vision and values, the Accessibility Planning Project considered the effectiveness of local authority accessibility strategies. There was a strong association between those strategies that were judged to be more effective and those that had a set of values informing the strategy.

A whole school view

In as much as the vision and values are intended to express whole school intentions there will need to be discussion with staff about them. This discussion can, in itself, be an important and helpful part of the process of developing a school accessibility plan. The discussion:

- can help to involve all staff in the development of the plan;
- can help to create a sense of ownership of the plan;
- may be an opportunity to remind staff of the key duties towards disabled pupils under the DDA;
- is rarely divorced from the practicalities and so often helps by engaging staff in the implementation of the plan.

Communicating a view

An expression of vision and values can communicate the essence of a school accessibility plan to those outside the process of its development. As such it can be an important part of the process of consulting on the plan. It supports and enables a discussion of the likely effectiveness of different ways of realising the intentions of the plan.

What should the vision and values look like?

An expression of vision and values might:

- set out the school's ambitions for its disabled pupils, for example: *St Mary's School has high ambitions for its disabled pupils and expects them to participate and achieve in every aspect of school life;*
- refer to the key requirements set out in the National Curriculum Inclusion Statement, for example: *Highmore School's commitment to equal opportunities is driven by the National Curriculum Inclusion statement. The school:*
 - *sets suitable learning challenges;*
 - *responds to pupils' diverse needs;*
 - *overcomes potential barriers to learning and assessment for individuals and groups of pupils;*
- describe the school's focus on removing barriers in every area of the life of the school, for example: *Caldicott School aims to identify and remove barriers to disabled pupils in every area of school life;*
- outline the school's wider commitment to equal opportunities, for example: *Bradshaw St Primary School makes all children feel welcome irrespective of race, colour, creed or impairment.*

Where the school's mission statement already sets out its vision for disabled pupils, the appropriate text could be cut and pasted into the school's accessibility plan. Where schools have done this, they have sometimes found that the statement that they thought could fulfil the function of vision and values for the accessibility plan, has in fact been wanting in some respects. Such a statement could nonetheless form a first draft and become the basis for a discussion.

Developing the vision and values

A school wanting to adopt a vision and a set of values needs to create an opportunity for discussion with staff. It is important that all staff are involved in the discussion not just teaching staff: it is likely that the implementation of the plan will rely on everyone, so everyone needs to be involved.

A relatively small amount of time in a staff meeting can be put to good use if there are some draft ideas to kick start discussion. It may be helpful to have a draft statement prepared by a working party before a full staff discussion.

It is a crucial characteristic of the vision and values section that it should be capable of communicating the purposes of a school's plan. To that extent it should be clearly expressed. However, this is not an exercise in developing perfectly honed prose; rather, the key purpose is to convey a genuine expression of shared purpose.

The governing body has a key role to play. Some governors may be able to join the discussions with staff. The whole governing body should have the opportunity to consider and adopt the final statement.

1B: Information from pupil data and school audit

One of the key starting points for an effective school accessibility plan is sound information and data. For most schools, an examination of the information and data they already hold will identify the priorities that will do most to increase access for disabled pupils. For all schools, it is essential to reflect on the overall picture created by the information and data and what this tells them about the part that disabled pupils play in the life of the school.

WATCHPOINT: DOES THE SCHOOL KNOW WHO ITS DISABLED PUPILS ARE? ESTIMATES VARY, BUT ABOUT 7% OF CHILDREN UNDER SIXTEEN MAY COUNT AS DISABLED.

Where should the planning start?

Planning should start with information that is already held by the school in respect of two broad areas:

- information about the nature of the pupil population and the disabled pupils for whom the school is planning;

- information about the nature of the school, its strengths and weaknesses in ensuring access for disabled pupils.

Putting the two sets of information alongside each other will enable the school to identify where improvements need to be made.

Pupil information

Who is in the school?

THE OFSTED (2004) REPORT, *SPECIAL EDUCATIONAL NEEDS AND DISABILITY: TOWARDS INCLUSIVE SCHOOLS*⁵ ENCOURAGES SCHOOLS TO REVIEW THE NATURE OF THEIR INTAKE:

The school reviews its policy and practice on inclusion and acts on the findings to increase the range and diversity of the pupils admitted and retained and to promote good achievement by them.
OFSTED (2004)

OFSTED provides supporting criteria for this statement. Schools can use the OFSTED schedule as a framework for checking evidence of the impact of their policies on the pupils who are and are not admitted to the school.

Who is not in the school?

In their study, *Special Educational Needs: a mainstream issue* (2002)⁶ the Audit Commission also considers pupils who have difficulty getting into schools, are absent or excluded from school. Schools might supplement information about pupils already in the school with a consideration of:

- disabled pupils who have not been admitted to the school;
- levels of absence among disabled pupils;
- pupils who have been excluded from the school and whether they include any disabled pupils.

Where there are higher levels of absence among disabled pupils, the school might ask itself if there are appropriate policies in place, for example: on the prevention of bullying? On the administration of medicines? On meeting the wider health needs of disabled pupils? It could ask, 'How comfortable is it here for a disabled pupil?'

Whom might we expect in the future?

To provide a sound basis for planning, pupil information should include:

⁵ OFSTED (2004) *Special educational needs and disability: towards inclusive schools*

⁶ Audit Commission (2002) *Special Educational Needs: A mainstream issue*

- disabled pupils already in the school and moving through it, including pupils at an earlier Key Stage;
- the anticipated pupil population in the future, including advance information about pupils who may be coming to the school, who have SEN and who may also be disabled.

School information

Information on the school's strengths and weaknesses in working with disabled pupils will help to identify priorities for action. Schools should take into account information on:

- the participation of disabled pupils in different aspects of school life;
- outcomes for disabled pupils.

'Asking the right questions and establishing some basic information about the local situation is the first step to finding solutions and taking action.'

Eleni Burgess, Are we nearly there yet?⁷

The participation of disabled pupils in different aspects of the life of the school

Are disabled pupils represented in everything the school does? Can they join in every activity?

Watchpoint: What is the minute by minute experience of disabled pupils in the school? When are they included and how? When are they left out and why?

The school might consider whether:

- there are areas of the curriculum to which disabled pupils have limited or no access. Some areas of the curriculum present particular challenges, for example: PE for pupils with a physical impairment, science and technology for pupils with a visual impairment, humanities for pupils with learning difficulties;
- disability issues are reflected in the curriculum;
- disabled pupils participate in extra-curricular activities. Some aspects of extra-curricular activities present particular challenges, for example: lunch and break times for pupils with social/interaction impairments,

⁷ Burgess, E (2003) *Are we nearly there yet?*

- after-school clubs for pupils with physical impairments, school trips for pupils with medical needs;
- there are parts of the school to which disabled pupils have limited or no access at the moment, or whether physical features of the school environment hamper access to the whole life of the school;
 - access to information is planned, with a range of different formats available for disabled pupils;
 - other issues affect the participation of disabled pupils, for example: bullying, peer relationships, policies on the administration of medicines and provision of personal care, or a lack of role models or images of disabled people within the school, in effect, all the school's policies and procedures, written and unwritten.

Careful consideration of these issues may indicate some clear priorities for the school's accessibility plan. Other issues may need to be addressed more immediately by making 'reasonable adjustments'.

Outcomes for disabled pupils

If disabled pupils are there in the school and participating in every aspect of the life of the school, the next question is: how well are they achieving? Schools need to undertake a detailed analysis of outcome data for disabled pupils, including:

- exams;
- accredited learning;
- end of Key Stage outcomes;
- comparative progress measured by the optional SATs;
- achievements in extra-curricular activities;
- broader outcomes such as those set out in *Every Child Matters*.

The OFSTED criteria encourage schools to consider whether:

trends over time in National Curriculum and other assessments are analysed in the context of available data about comparative performance and are scrutinised.

Bringing information together

Information on the school's strengths and weaknesses in working with disabled pupils needs to be brought together and reviewed at the highest level within the school.

Watchpoint: The information and data that informs the
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school's plan should illustrate the:

- presence;
- participation; and
- achievements of disabled pupils.

An audit may be used, though this is not the only approach. Other approaches, such as provision-mapping, can provide information about what the school is already doing and can provide pointers for future development. Provision-mapping is particularly effective in informing planning where it is set against information on pupil outcomes.

Because of the impact for disabled pupils, it is important that at all stages the schools' plans are informed by the views of disabled pupils, see next section.

Working with the local authority

Schools collect their own data, but local authorities play an important part in providing comparative information for schools. A number of local authorities now analyse pupil level data from the Pupil Level Annual School Census (PLASC) alongside pupils' Key Stage outcomes and examination results and compile information files to inform the school improvement process. This information can highlight differences in outcomes in different areas of the curriculum and for different groups of pupils.

The London Borough of Tower Hamlets collects more detailed information on outcomes in order to be able to reflect the progress of pupils who may be making slower progress. The information includes:

- sub-levels of the National Curriculum levels;
- outcomes at the P-levels.

This enables the local authority to have detailed discussions with schools about the progress of different groups of pupils. This enabled one school to identify the fact that, whilst pupils with a statement and those at school action plus were making good progress, pupils at school action were not. The school went on to identify possible reasons for this and addressed them through their accessibility plan.

The national picture

Benchmark data from the Pupil Level Annual School Census (PLASC)⁸ collated nationally can also provide comparative information for schools. This may help the school to see whether their current pupil population reflects the national picture. Over time the data will be able to show trends in the school population that will be able to inform national, and school planning.

The DfES has consulted on the separate collection of disability data through PLASC. In time this information will also help to inform schools' plans.

1C: Views of those consulted during the development of the plan

In addition to the requirement to consult, there are also moral and pragmatic arguments for consulting pupils on the school's accessibility plan:

- *the moral case: that we should consult with people on things that are going to affect them;*
- *the pragmatic case: that provision is more effective if it is informed by pupils' views.*

Why consult?

The main benefits of consulting with others on the development of the school's plan are that consultation can help to:

- identify problems in access for disabled pupils;
- identify the most effective ways of removing barriers for disabled pupils;
- involve those who are most directly affected by the plan;
- widen understanding and promote a solutions-based approach.

There are wider benefits, too. Consultation can help to:

- set priorities within the plan;
- canvass support for the school's plan;
- improve working relationships between schools, disabled pupils and their parents;
- ensure that the plan is coordinated with the local authority's strategy.

Principles of consultation

⁸ Information Management in Schools Data Collection and Dissemination
<http://www.teachernet.gov.uk/management/ims/datacollections/> for the statistics provided through the PLASC data collection see: <http://www.dfes.gov.uk/rsgateway/index.shtml>

Consultation should:

- include relevant stakeholders;
- be focused;
- be proportionate;
- be accessible;
- be influential.

Relevant stakeholders

Relevant stakeholders include those most directly affected by the accessibility plan:

- disabled pupils themselves;
- parents of disabled pupils.

The requirement to consult with pupils is set out in the UN Convention on the Rights of the Child, and in statute, in Section 176 of the 2002 Education Act. Guidance is provided in the SEN Code of Practice (2001)⁹ and in the DfES (2002)¹⁰ response to a report from the Children and Young People's Unit.

Children, who are capable of forming views, have a right to receive and make known information, to express an opinion, and to have that opinion taken into account in any matters affecting them.

The views of the child should be given due weight according to the age, maturity and capability of the child.

ARTICLES 12 & 13, UN CONVENTION ON THE RIGHTS OF THE CHILD

A number of studies illustrate how capable pupils are of identifying both barriers and solutions to access problems:

'...children are very clear about what they regard as "good practice".'

'Our data further suggests that where children encounter disabling practices in schools, they should be encouraged to put forward their own solutions...'

Barnes C, Corker M & others (2000) *Lives of Disabled Children*¹¹

⁹ Department for Education and Skills (2001) *SEN Code of Practice*

¹⁰ Department for Education and Skills (2002) *Listening to Learn*

¹¹ Barnes C, Corker M & others (2000) *Lives of Disabled Children*

In 2003 Eleni Burgess, then a sixteen-year-old at school, carried out a survey of other young people who use a wheelchair, *Are we nearly there yet?*¹² The insights that Eleni provides are illuminating and some are unexpected. Eleni used her survey to compile an audit tool for schools to use to test out their accessibility.

Parents

Both the moral and pragmatic arguments also apply to consultation with parents of disabled children and young people. Parents have helpful insights into the barriers that prevent access for their child. Parents will have been working with some of these barriers for some time and will have explored and may have found solutions.

The local authority

It is important to consult with the local authority. Sharing the school's plan with the local authority can help to inform the local authority's accessibility strategy, for example: training needs can be identified across a number of plans and appropriate training arranged in the light of this information. Where school priorities require significant capital works, the local authority will need to be consulted about the availability of funding through the Schools Access Initiative. Some local authorities may be able to inform schools' plans through their own consultations with disabled children or with their parents.

Other organisations

Other local organisations may have a view that they could usefully contribute, for example: organisations of disabled people. Other disabled people are particularly well placed to provide insights into the attitudinal barriers that limit access for disabled pupils.

Focused consultation

The main purpose of the consultation should be clear and the consultation should focus on the key issues. At the same time, questions should be open-ended so as to allow for the unexpected response and so as not to narrow down the range of answers that might be elicited.

¹² Burgess, E (2003) *Are we nearly there yet?*

Proportionate consultation

The school should ensure that the length and detail of the consultation is proportionate to the issues on which people are being consulted and that it reflects the size and composition of the disabled pupil population.

Accessible consultation

Consultation should be carried out in a manner that enables all the stakeholders to participate. The following aspects of accessibility should be carefully considered:

- form: whether the consultation should be written or face-to-face; and, if face-to-face, whether it should be individual or group;
- format: if it is designed as a written consultation whether different formats are available, including large print, easy words versions or taped versions, as necessary;
- time: if the consultation is face-to-face, whether it is at a time when the relevant stakeholders can attend; if it is written, whether enough time is allowed for everyone to respond;
- place: if the consultation is face-to-face, whether the venue is accessible and welcoming to all; if it is written, whether the return point is located in a convenient and accessible place.

Influential consultation. Those being consulted need to feel that their views will make a difference to what will happen next, otherwise there is little point in expressing their views. Consultation should be clear about what the 'givens' are and what can be influenced by the consultation. It should be apparent during the consultation how views expressed may influence the outcomes. It should be clear how action taken following the consultation has been influenced by the views expressed during the consultation.

2A: Increasing the extent to which disabled pupils can participate in the school curriculum

The aim of the accessibility plan should be to go beyond the basic principles of three-level differentiation and respond to the fact that, *for pupils whose attainments fall significantly below the expected levels at a particular key stage, a much greater degree of differentiation will be necessary* (QCA, 1999)¹³. The National Curriculum Statement on Inclusion outlines how teachers can modify programmes of study to provide all pupils with relevant and appropriately challenging work at each key stage.

The school needs to be aware of how the reasonable adjustments duty and the planning duties work together to improve access to the curriculum for disabled pupils. The distinctive requirement of the planning duties is to show how, over time, the curriculum will become more accessible. While curriculum development may start with a consideration of access for individual pupils, plans can build on this by:

- *adding individual adjustments into future planning, so that there is a gradual incorporation of adjustments into the curriculum;*
- *building accessibility considerations into all new curriculum development work;*
- *developing a planned approach to increasing access to different areas of the curriculum over the life of the plan.*

Identifying barriers

The identification of barriers needs to take place at different levels: school, subject and class levels. It is important to proceed from an understanding of patterns in the participation and achievement of disabled pupils across different areas of the curriculum. The school can then give priority to developing access in areas where disabled pupils are under-represented and/or under-achieving.

¹³ Qualifications and Curriculum Authority/DfEE (1999) *Inclusion: providing effective learning opportunities for all pupils* known as *The National Curriculum Inclusion Statement*

The school also needs to take into account access to particular areas of the curriculum for particular groups of disabled pupils, for example: PE for pupils with a physical impairment, sex education for pupils with inherited conditions, music for pupils with a hearing impairment. Seeking advice and support on these issues, from pupils, parents, support services and other agencies will be an important part of informing the development of the school's plan in sensitive or specialised areas.

The plan should also address wider issues relating to the availability of disabled role models, the representation of disabled people in books and teaching materials and the inclusion of disability issues in the curriculum. Addressing these issues can be important in developing access to the life of the school and can have a significant impact on the self-esteem of disabled pupils.

Curriculum development: the nature of the investment

Curriculum development is resource intensive and particularly demanding of human resources. The investment of resources has to be manageable if it is to be sustainable. Some key elements in this are likely to be:

- a focus on medium term planning, at the level of schemes of work;
- a clear assessment of the current National Curriculum levels of the full range of pupils, particularly in relation to speaking and listening levels;
- working collaboratively within the school and sharing work with other schools;
- the appropriate deployment of learning support;
- scheduling planning sessions over time.

Other approaches to the conservation of human resources include:

- *appropriate ICT support;*
- *ensuring that staff know about evidence-based practice studies of curriculum work for disabled pupils, through professional development, information available in the staffroom or on the intranet;*
- pupil grouping and use of peer support.

Curriculum development, roles and responsibilities

School leaders

It is important for the head teacher and governors to show their commitment by ensuring that the priorities outlined in the plan are part of the school improvement plan and that they are effectively monitored and reviewed as part of that process.

School Managers

The curriculum section of the accessibility plan should be led by staff with curriculum expertise and responsibilities: heads of department in secondary schools and leaders of curriculum areas in primary schools.

Watchpoint: Improving disabled pupils' access to the curriculum is an element of ensuring high quality teaching and learning for all: all managers with a role in curriculum improvement must be part of that process.

The role of the SENCO

Where the SENCO is part of the senior management team of the school, the SENCO will be an important partner in leading effective curriculum and professional development. Where the role is limited to the management of IEPs, statements and learning support, the SENCO will be less well placed to contribute strategically.

Watchpoint: It may help to include a review of the SENCO's role in curriculum development as an early priority in the school's plan.

Learning Support Assistants

Much support for disabled pupils relies on learning support assistants. However, a number of studies now suggests that, unless they are carefully deployed, learning support assistants do not always enable, and can sometimes frustrate, access for disabled pupils (Barnes, Corker and others, 2000)¹⁴.

Watchpoint: Learning support should connect disabled pupils to the curriculum, support the development of independence and promote social interaction.

A number of approaches can help in this: the involvement of support assistants in curriculum development; their deployment to dedicated areas of

¹⁴ Barnes C, Corker M & others (2000) *Lives of Disabled Children*

the curriculum; the withdrawal of assistance at times when it is not needed; and the use of teaching approaches that promote positive pupil interaction.

Time-tabling

To provide a coherent overall programme for disabled pupils, curriculum development and time-tabling will need to take into account:

- pupils working at different levels in different strands of the curriculum;
- carefully monitored withdrawal sessions where these are needed to meet specified learning outcomes;
- the provision of therapies.

How should the accessibility plan link with school curriculum development?

The plan should show how, over time, improving access to learning for disabled pupils will become a part of the development of its teaching-offer for all, through:

- high expectations;
- target-setting, monitoring progress and acting on the results of such monitoring;
- developing schemes of work and plans, checking for accessibility at each curriculum review within the school improvement plan;
- professional development and support for all staff on inclusive classroom practice in general and on specific disability issues.

Networks and collaboration

Collaboration across a group of schools: a cluster, a geographical grouping, or a network is one way of sharing curriculum development work and spreading the impact. It reduces the load for staff, generates more creative ideas and benefits more pupils. Schools may look to the local authority to facilitate this approach.

It is important for the plan to show how collaboration with other agencies will be used to save time, avoid re-inventing the wheel and ensure quality of provision. Schools may want to draw on a range of expertise, for example: a specialist teacher for speech and language, the behaviour support service, physiotherapists.

The wider curriculum

The curriculum is not just the 'taught' time of the school day: it is all the learning, planned and unplanned. Activities such as: after school clubs and school trips are also part of the life of the school. The participation of disabled pupils in these activities needs to be monitored as much as their participation in learning. For disabled pupils it is important that the interstices of the school day are also accessible. Bullying, the use of hurtful

language, minor incidents in school corridors can all create as big barriers as complex language, small print or a flight of steps. Barriers need to be identified and addressed by making reasonable adjustments or through longer-term plans.

2B: Improving the physical environment

The duties require schools to make planned improvements to the physical environment to increase access for disabled pupils to 'education and associated services.' This means: within the classroom or around the school, within and beyond the school day, on or off the school site.

General considerations

An environment that gives evidence of welcoming diversity and difference and a school that learns how to improve access for disabled pupils will be good for everyone, for example: a high quality acoustic environment, essential for pupils with a hearing impairment, benefits the whole school community, including teachers who may have fewer sore throats.

Different aspects of school life

The planning duties apply to every aspect of school life: as much to assembly halls as to corridors, as much to playgrounds as to classrooms, as much to space for personal care as to the provision of appropriate storage space.

The duties also apply to equipment so plans might for instance include: the provision of enlarged computer screens and keyboards, photocopy enlarging facilities, specialist chairs and portable aids, small equipment designed to assist those with fine motor difficulties.

Watchpoint: Think 'beyond the ramp.' Think of:

- physical alterations to improve access for pupils with autistic spectrum disorders, for example the provision of quiet areas;
- specialist curriculum areas, for example, workshops and

- laboratories;
- the whole school site, including the playground, driveways etc;
- facilities used beyond the school day;
- off-site provision that the school uses, such as activity centres;
- a diversity of equipment, materials and consumables.

Identifying barriers

The key question is which aspects of the physical environment are preventing or hindering the participation of disabled pupils in the life of the school and how, over time, the physical environment can be improved to increase access.

Starting with current pupils, schools should consider groups of pupils with different impairments against different aspects of the physical environment. Does the environment enable, hinder or prevent participation in any aspect of school life? The Building Bulletins published by the School Building and Design Unit at the DfES provide checklists that consider different aspects of the physical environment for different groups of pupils, see *References*¹⁵.

The identification of barriers in the physical environment can be undertaken in a variety of ways:

- by undertaking an audit of the school environment, systematically considering aspects of the physical environment for pupils with different impairments;
- by consulting pupils about their experiences and seeking their views on the priorities that should be set out in the school's accessibility plan;
- an external consultant can carry out an audit for the school, or the local authority may commission an audit. Particularly where the school commissions an audit, some care should be taken over the choice of auditor: it is helpful if the qualifications and experience of the auditor are generic rather than specific to one impairment. A specialist audit should be complemented by discussion with disabled pupils and their parents.

¹⁵ A range of guidance published by the School Building and Design Unit at the Department for Education and Skills is available at:

<http://www.teachernet.gov.uk/management/resourcesfinanceandbuilding/schoolbuildings/>

Pupils: current and prospective

The identification of barriers in the physical environment should start with a consideration of pupils currently in the school and their needs throughout their time at the school.

It is important to take account of information about pupils who may want to come to the school in the future as well. For pupils with a statement planning to transfer in September, information should be available in the February of the same calendar year. However, it is possible to seek out information about parental choice much further in advance. Local authorities and schools should make good use of early years settings, support services and their parent partnership service to inform longer-term planning. The local authority should be working actively on providing advance information about disabled pupils who may want to go to a particular school.

Further into the future

As schools look further into the future towards the end of the three-year life of their accessibility plan and into the next three years, their plans are likely to start looking beyond the particular pupils in the school now and start to consider more general accessibility arrangements. Some local authorities provide advice on how schools can improve accessibility for pupils with different impairments.

Watchpoint: Schools will increase their success in removing barriers if they proactively seek information at an early stage.

Maintenance, redecoration and routine repairs

Some works will be linked directly to the particular pupils coming to the school. Other works may also be planned: general building development work, refurbishment and redecoration. In all of these works there are accessibility considerations and it is important that such considerations are built in at an early stage to each of the different pieces of work undertaken at the school:

- re-wiring is an opportunity to install visual alarm systems relatively cheaply;
- re-decoration is an opportunity to increase colour contrast around doorways;
- re-surfacing the playground is an opportunity to reconsider the design. With improved layout, would more pupils be able to make better use of the recreational space? Can quiet, rest areas be included or defined?

Watchpoint: In the longer term piggy-backing accessibility developments onto other works, or building access considerations into all future plans is the most efficient way of improving access for disabled pupils through the physical environment.

Devolved capital expenditure

Significant, and increasing, amounts of money are available to schools for capital works through the Devolved Formula Capital (DFC) allocated through a local formula.

A typical primary school of 250 pupils will receive £34,000 in 2007–08, compared to £12,000 in 2000–01. A typical secondary school of 1,000 pupils will receive £113,000 in 2007–08, compared to £35,000 in 2000–01.

DfES guidance¹⁶

Part of the increase reflects the incorporation of funding for ICT infrastructure that was previously allocated through Standards Fund Grant 31a.

There are conditions on the use of DFC, but also some flexibility in that funding can be carried forward for up to three years if a school is proposing to fund a larger project. Some local authorities have devised imaginative partnership schemes that draw on schools' DFC but match the funds from their minor capital works budget, enabling more extensive projects to be undertaken.

¹⁶ Department for Education and Skills *Devolved Formula Capital Guidance 2005-06*
 © Disability Equality in Education 2006 – Secondary Duty to Promote Disability Equality

Other duties

In addition to their duties towards pupils, schools also have duties under Part 3 of the DDA towards non-educational users. This has particular implications for parent teacher association meetings, letting policies, school socials and governors' events.

Under Part 2 of the DDA schools also have duties towards disabled staff.

Additional funds may be available through the Department of Work and Pensions' *Access to Work* scheme. This scheme allocates resources to support disabled people in maintaining or returning to a successful working life.

Coordination with local authority

The improvement of the physical environment of the school requires co-ordination with the local authority's accessibility strategy, particularly where the school envisages a major project for which they require Schools Access Initiative funding. Schools will then have to fit in with a combination of the local authority's priorities and expressions of parental preference. Schools can influence both of these by their track record in working with disabled pupils and in developing staff expertise.

Experience suggests that local authorities should have some form of 'sign-off' for any substantial piece of work on access completed by a school, whether or not the work is funded through the local authority. This can help to establish high standards of accessibility in schools in the area.

2C: Information for disabled pupils

Schools are required to set out their plans for improving delivery to disabled pupils of information which is provided in writing for pupils who are not disabled. This has to be done:

- within a reasonable time, and*
- in ways which are determined after taking account of their disability and any preferences expressed by them or their parents.*

Surveys of school plans and strategies, carried out for the Accessibility Planning Project, suggested that most schools and local authorities thought

that this section was focused on information for parents. Many plans referred to putting school prospectuses, letters home and other information, designed primarily for parents, into accessible forms. Whilst this is very much in the interests of disabled parents and helps to meet schools' responsibilities to the wider public under the DDA, this is not the focus of this part of the Duty.

Identifying barriers

AS WITH THE OTHER ELEMENTS IN SCHOOLS PLANS, THE IDENTIFICATION OF BARRIERS STARTS WITH A CONSIDERATION OF BOTH THE PUPILS AND THE SCHOOL. IN THIS CASE, THE SCHOOL CONSIDERATIONS RELATE TO THE INFORMATION THE SCHOOL PROVIDES FOR PUPILS AND HOW IT DOES THIS. STANDARD INFORMATION FOR PUPILS MIGHT INCLUDE:

- homework;
- time-tables;
- worksheets;
- teacher feedback and marking of work;
- notices;
- tests and examinations.

These types of information are normally provided in writing. The Duty requires schools to plan to make information available in different formats. Different formats will enable pupils with different impairments to access the information. Schools may need to consider a variety of different formats including:

- audio-taping information;
- enlarging print;
- simplifying language;
- using picture/symbol language.

Watchpoint: Schools could usefully review their marking and assessment policies for accessibility.

Identifying the appropriate format

There are approaches that may help particular groups of disabled pupils, for example:

- easy language or taped information for pupils with learning difficulties;
- pictures or symbols for pupils with communication difficulties;

- a pre-printed slip of paper or sticker (that can be put directly into the pupil's planner) can help dyslexic pupils who find it hard to take down homework from a blackboard or whiteboard at the end of a lesson.

However, schools should keep an open mind about a range of formats and discuss preferences with pupils and their parents.

Preferences expressed by pupils or their parents

'THE DUTY REQUIRES SCHOOLS TO CONSIDER PUPILS' IMPAIRMENTS AND

'PREFERENCES EXPRESSED BY THEM OR THEIR PARENTS'

Section 28D Disability Discrimination Act 1995

Schools do well to consider access to information along with access to the curriculum and the physical environment in their earliest discussions with pupils and parents.

Different formats from the start

While this part of the planning duty is driven significantly by individual considerations, schools will find it easier to meet the requirements as information is increasingly, and as a matter of course, made available in a range of different formats.

Watchpoint: Building different formats into new information as it is developed will reduce the need for repeated individual adjustments at a later stage.

Working with support services

Schools working with pupils who use more specialised formats, for example Braille, need to ensure that materials are provided in time to be translated before any lesson. Time also needs to be allowed for thermoform diagrams to be made. This time needs to be built into plans for the development of new materials. Where schools are not currently working with pupils who need specialised formats, they should make themselves aware of what services are available and how to access these. Should a pupil requiring a specialised format come to the school there would then be no delay in contacting the appropriate service.

Information for parents

The analyses of schools' plans and local authorities' strategies suggested that many schools and local authorities thought that the requirements on information related to information for parents. Whilst this is not required

under the planning duties, making information available for parents in a range of different formats can potentially improve access to information for parents and help to meet schools' duties under other parts of the DDA. Clearly this is of benefit to parents, but needs to be in addition to what schools do for pupils, not instead of it.

3A: Management, coordination and implementation

Overall responsibility for the school's accessibility plan lies with the governing body, but improving access for disabled pupils requires everyone at the school to understand the duties in the DDA and apply this knowledge in their own area of responsibility: the head teacher, learning support assistants, class and subject teachers, dinner staff, the SENCO, the premises manager, curriculum coordinators and heads of department, administrative staff and governors themselves.

Understanding the DDA

Research by the NFER suggests that in most schools there is someone who has received training and understands how the DDA applies to schools but that others may not be aware of the duties. It is important to:

- ensure that all staff are aware of the disability discrimination duties as they apply to schools;
- secure the commitment of all staff to removing barriers and increasing access;
- draw on support from within and beyond the school;
- target training for particular groups of pupils/staff/aspects of school life;
- share good practice between staff and with other schools.

Watchpoint: Staff development planning is a crucial mechanism in increasing accessibility.

The governing body and oversight of the school accessibility plan

Key responsibilities for the school's accessibility plan rest with the governing body of the school. The governing body should set priorities relating to their responsibilities for the plan. They might consider:

- the school's vision and values for disabled pupils;
- how the governing body oversees the school accessibility plan and sets a clear direction for it;
- how the governing body assures itself that the plan is being implemented and that it is making a difference;
- how and when the school will review and revise its plan, including how anyone might contribute to that process;
- a mechanism for the evaluation of the plan and built-in outcomes that can inform the evaluation;
- a variety of evidence that can be used in the evaluation of the plan;
- how they report to parents on the success of the plan.

Watchpoint: How does the governing body know that the school is increasingly accessible and that their vision and values for disabled pupils are becoming a reality?

Coordination

The school governors and senior managers have responsibilities covering every area of the school's activities. The School Improvement Plan (SIP) is the school's over-arching plan. The accessibility plan can cross-refer to appropriate sections of the SIP, be dovetailed into it; with action plans for the different sections included into the relevant parts of the SIP, or can be included in its entirety.

Schools need both a separate accessibility plan and one that is embedded in other planning processes. The plan needs to be separate in order to:

- provide the sole focus on disabled pupils;
- be able to hand a copy of the plan to parents, to OFSTED, to the local authority.

However, the experience of schools in the Accessibility Planning Project partner local authorities was that a separate plan tended to sit on a shelf and not get implemented. Incorporating the accessibility plan in its entirety into the school improvement plan can address the problem and also subjects the plan to the scrutiny of the senior management team and the governing body. There is a balance to be struck between the focus of a separate plan and the benefits of the oversight of the implementation that

comes with an embedded plan. With time accessibility plans are likely to become more embedded.

Priorities in the school's accessibility plan also need to be coordinated with plans across the school, for SEN, curriculum review and development and professional development. Work on the accessibility plan may require some modification to these plans and vice versa.

Watchpoint: The successful integration of the school accessibility planning into other planning processes can itself improve those processes and is part of making it all manageable and achievable.

Schools also have duties towards disabled staff under Part 2 of the DDA and towards the general public under Part 3 of the DDA. The school's accessibility plan needs to be coordinated with its responsibilities in these areas and with its duties in such areas as race, health and safety and human rights.

Implementation

Plans are more likely to be implemented where they are accompanied by an action plan with:

- clear allocation of responsibility;
- clear allocation of resources;
- an indication of expected outcomes or performance criteria;
- clear timescales;
- a specified date and process for review.

The school should set out its priorities for its plan. It may be helpful to identify the general priorities in the front end of the plan and then work these into more detail in a set of action plans attached to the plan. A standard planning sheet provides for this sort of information.

The analyses of schools' plans showed that there was variability in the clarity with which resources and responsibilities were allocated to different aspects of accessibility plans. In general there was greater clarity in

relation to improving the physical environment of the school than to improving access to the curriculum, and greater clarity in relation to improving access to the curriculum than to the provision of information in alternative formats. It appeared that improvements to the physical environment were more likely to be implemented and improved provision of information for disabled pupils less likely, with improvements in access to the curriculum somewhere in between the two. To some extent this may reflect the widely held belief that the requirements of the planning process related solely or primarily to the physical environment, OFSTED (2004)¹⁷.

Resources

Schools are required to resource their plans. It is important to identify clearly the resources, human and financial, that are necessary to support the plan. It may be helpful to identify where the funding is going to come from, for example:

- school development grant,
- Schools Access Initiative,
- devolved formula capital,
- delegated budget.

Bath and North East Somerset provide guidance for their schools on different funding streams that are available.

Evaluation of the plan

The evaluation of the school's plan needs to address two main questions:

- have we done what we said we would do?
- has it had any effect?

Have we done what we said we would do?

Information to inform an answer to this question will come largely from the monitoring of the implementation of the plan.

Has it had any effect?

Schools will need to consider a range of evidence in order to reach a judgement on this. It might include evidence of:

- increased confidence of staff in teaching disabled pupils;
- greater pupil and parental satisfaction with the arrangements made;

¹⁷ OFSTED (2004) *Special educational needs and disability: towards inclusive schools*

- improved outcomes for disabled pupils;
- improvements in the physical environment of the school;
- protocols for multi-agency working to support children with medical needs;
- teachers sharing good practice within the school, the school sharing good practice with others;
- disabled pupils being more involved in whole life of the school.

It may be helpful if the school plans in the evaluation from the start, agreeing the evidence that will be sought, with success criteria, where this is appropriate.

Some of the evidence will already be available within the school. Some will have been brought together to inform the starting point of the plan and can be reviewed to see if there have been changes over the period of the plan. Some will be a matter of record within the school. Some may be a matter of informed judgement. Collecting views of parents, pupils, staff and others through a short survey can help to inform that judgement.

Reporting requirements

The governing body is required to report to parents on the school's accessibility plan. This needs to be linked to other reporting requirements on:

- the arrangements for the admission of disabled pupils;
- the steps taken to prevent disabled pupils from being treated less favourably than other pupils;
- the facilities provided to assist access to the school.

3B: Making the plan available

Making the school's accessibility plan widely available is a good way of provoking feedback. Feedback is an important element in the review and development of the plan.

The DDA requires schools to report to parents on their accessibility plan along with other aspects of the school's provision for disabled pupils, see *Section 3A: Coordination with other plans and duties*.

Wider requirements relating to the freedom of information mean that the school's accessibility plan, and information on its implementation, should be made readily available on request. In general it is expected that single copies of school policies will be made available free of charge. If a charge

is to be made, this should be stated in the school's Publication Scheme under the Freedom of Information Act¹⁸.

Where

Hard copies of the school's accessibility plan can be made available through the school office, on a parents' notice board or in a parents' room.

A simple way to make the plan readily available to parents, staff and the wider school community is to put it on the school website. This allows the school community to see how the commitment to access is being implemented.

Accessibility of the plan itself

It is highly desirable that the plan itself should be a model of accessibility.

Design and layout

The plan does not need to be expensively produced, but design and layout should be simple and clear with good quality photocopying, so that there is no deterioration of legibility. Using a sans serif typeface, such as Ariel, and a large font size (never less than 12 point) improves access for readers with a visual impairment. Some readers may need a larger font. The Disability Rights Commission (DRC)¹⁹ recommends no less than 14 point. Making the plan available electronically, either on the web or on a disk enables the reader to put it into any size font that may be required.

Printing onto darker shades of paper or overlaying text on a picture reduces readability for visually impaired readers.

Language

The style needs to be clear and the writing as jargon-free as possible. Where jargon is used, this is likely to be in the action plans in particular; it should be explained, using a key. Some versions of Microsoft Word provide a readability program (use Help menu then select Readability). This can provide an initial assessment of the language demands of the plan. Aim for a 12 year-old reading level. If the reading demands are significantly higher it may be helpful to make an 'easy words' version available.

Consultation

Asking readers for a view about the accessibility of the plan, or involving disabled people in thinking about ways to make it more accessible, will

¹⁸ Model publication schemes for schools are published on the Information Commissioner's website: www.informationcommissioner.gov.uk

¹⁹ Disability Rights Commission <http://www.drc-gb.org/>

provide the best advice for enabling the plan to reach the widest possible audience. It may also lead to helpful advice on other aspects of accessibility. RNIB, MENCAP and the DRC provide guidance on making information accessible.

Other plans

Recognising the school's duties under other parts of the DDA, see *Section 3A: Coordination with other plans and duties*, the school may also wish to make other plans and policies available in a range of different formats, for disabled parents and the wider public.

30. 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.

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 Difficulty	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	23,80	3.9%	8
	298,310	228,490	88,680	614,730	100%	

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

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%) 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.

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

Equally if we wish to find out how well disabled children achieve in schools compared to their non-disabled peers this has been very difficult until the last year. In 2003 a study examined the national pupil database and came up with the following. Comparing outcomes from this study which drew on the National Pupil database for 2002 with scores for pupils in special schools it is clear that any minor variation is outweighed by significant differences between special school and mainstream attainment in Year 11.

KS4 National average point score for disabled pupils 2002

All Yr 11 pupils.	38.55
Those with SEN non-statemented in mainstream.	21.85
Those with SEN and statemented pupils in mainstream.	16.99
Year 11 pupils in all special schools.	2.4

64 is the maximum score for best 8 GNVQ/GCSE's at Grade A.

Dfes 2005 GCSE Achievement and SEN Table 11

			Eligible pupils	% achieving			Eligible pupils for VA	KS 2-4 VA Measure
				5 to C	A* to C including E&M	Any Passes		
Special Educational Needs								
Total	No identified SEN		481,528	63.3	49.8	98.5	459,809	993.5
	SEN without statement	a	76,573	17.0	8.9	91.5	72,408	948.2
	School Action		52,978	18.9	9.8	94.5	50,154	961.2
	School Action +		23,595	12.8	6.9	84.9	22,254	918.9
	SEN with statement	a	23,474	7.1	3.5	80.6	20,940	988.0
	Unclassified ¹		2,684	44.7	33.6	93.5	2,233	975.2
	All pupils		584,259	54.9	42.5	96.9	555,390	987.3

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.

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.

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 60% of exclusions involve pupils who are disabled or have SEN.

31.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 Gretal, 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 -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 the 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 i.e. 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 Khalo 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 Gleny, Beethoven, Vic Chestunt, 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 people's issues from Internet websites and make a computer presentation of these.
- Do a computer graphic presentation of statistics of the number disabled 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 disablist 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.

These two resources come from the Access Planning Project part of 'Implementing the Disability Discrimination Act in Schools' (DfES 2006) and are available on Teachernet.

32.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', & 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 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.
- 12.

(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).

33. 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

34.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

35. 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			

36. 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
Benetton	(See the Person
Nike	Not the Disability)
Virgin Mobile(on bus)	One-2-One (library)

37. 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, and
- (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...

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

Your table has been allocated to focus on one of the following in preparing a secondary 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. Examine the **School Policy and Practice Resource Sheet**.

Select the scenarios and situations described that may be relevant to your considerations.

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 '**high, medium or low priority**'.

5. For five 'high' and 'medium' priority areas:

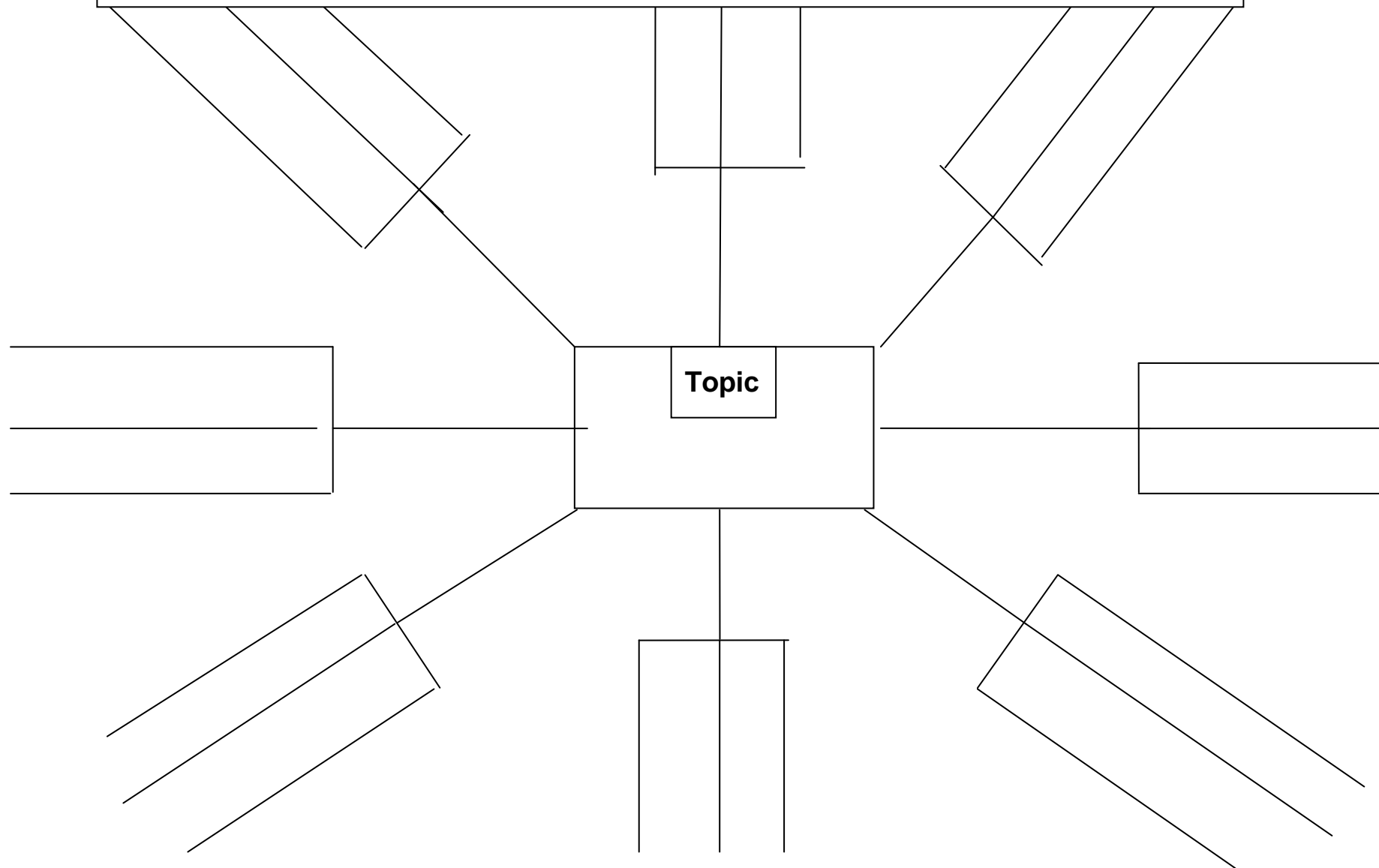
- i) Say what you will do?
- ii) How you will do it?
- iii) Who will do it?
- iv) What is the time scale?
- v) How will you know you have done it?

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.

Thought Storm Ideas Tree for Skeleton Disability Equality Scheme

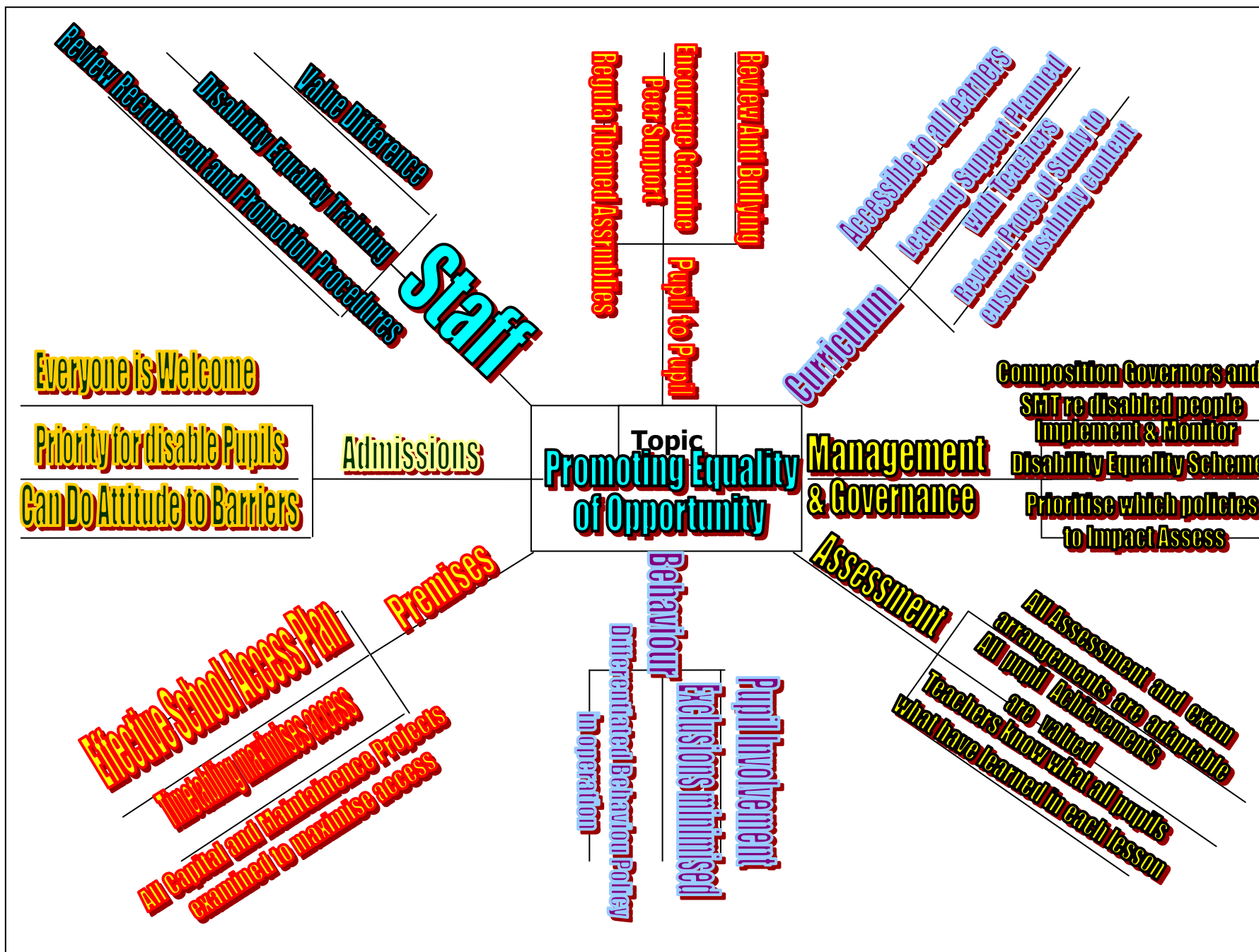


SKELETON DISABILITY EQUALITY SCHEME- Theme

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.					

SKELETON DISABILITY EQUALITY SCHEME- Theme

5 Medium 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.					



39. 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. d) Behavioural Emotional and Social Difficulty
7. c) 2 times
8. a) no one
9. ANY
10. b) a non-disabled person
11. i) c) 7.1%
ii) b) 18.9%
12. a) 60%

40. Disability Discrimination in Schools- Responses

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

1. **Yes - Reasonable Adjustment** The fire officer was asked to visit and agreed it was safe for the boys to be admitted to the school as there were several fire doors on each floor and in the event of a fire the boys would withdraw to these areas and wait for the fire brigade to rescue them. The school office would keep a timetable of which floor the boys were on to provide for the fire brigade in an emergency. On this basis the boys were admitted to the school. This was a reasonable adjustment.

Good Practice Evac Chairs to be purchased and staff trained on use.

2. **Yes - Reasonable Adjustment** It is agreed he can sit at the front in lessons and all his teachers are informed of the need to alert him to any emergencies. The LEA, under its duties to provide aids, will next term provide a mobile induction loop. A vibrating pager is purchased for the boy to wear which will alert him of the need to evacuate.

Good Practice The head thinks it reasonable that all staff should have deaf awareness training at the next INSET day. In the next re-wiring of the school it is agreed that flashing lights linked to the fire alarm will be installed in all classrooms. This will be funded by the LEA from the Schools Access Initiative.

3. **Yes - Reasonable Adjustment** Eventually after the matter was taken to court, the school admitted the pupil as a goodwill gesture. The feared problems with lifting did not materialise, as the risk assessment of the two TAs who had been trained to use the hoist was satisfactory and it was not a hazard to others as it was placed out of the way when not in use.

Good Practice Whole school staff to have Disability Equality Training and develop a school policy on inclusion.

4. **Not Sure – Reasonable Adjustment** The teachers and existing staff do not have to do such duties. They can volunteer and get training from a state registered nurse. The school does have to consider employing staff who have this duty in their contract. If this is funded they should do it.

5. **Yes - Reasonable Adjustment** The problem once identified is adjusted by the pupil being given alternative material e.g. ply wood which does not have the same chemical composition as MDF. The

pupil is also given a mask when sawing and sanding. **Good Practice** -The school procedures are amended so in future staff check who has allergies prior to issuing the materials.

6. **Yes - Reasonable Adjustment** The school had to change their policy and procedures otherwise it would be seen as less favourable treatment. As part of the pupils provision the LEA provide money for Teaching Assistants who are employed and trained to support the pupil.
7. **Yes - Reasonable Adjustment** The school puts pressure on the exam board and QCA to change practice. Exam Boards are not covered by DDA until December 2006, but much can be achieved by pressure and school developing inclusive approaches.
8. **Yes - Less Favourable Treatment - Reasonable Adjustment** The school holds a staff meeting on differentiation. The head agrees to release subject teachers of the pupil once a term during Year 9 Games (when the pupil does not need TA support) so they can meet with the TAs and plan and monitor progress. Teachers also take responsibility for differentiating the work for the particular pupil, as it is the Qualifications and Curriculum Authority requirement.

Good Practice The Form Tutor works with the class on friendships and asks for volunteers to set up a 'circle of support' to overcome the isolation of the pupil. An LEA Educational Psychologist helps set this up and facilitates the circle meeting during PHSE every fortnight. Big changes are reported in motivation and achievement in the terms that follow.

9. **Not Sure - Good Practice** The following year after staff consultation, the TAs are allocated to different subject departments and the LEA extends the TAs contractual hours by 2 hours a week so they can attend departmental and staff meetings. Now as pupils move around the school to different subjects there are different TAs in the classes who know what is to be learned and how, as they have been part of the planning. Each TA has a number of focus pupils in each class, but they can also support other pupils. In the years that follow this change, pupils with learning difficulties make more progress and achieve significantly more and achievement generally rises.
10. **Yes- Reasonable Adjustment** The teachers at the SLD school are told by the LEA that this could be considered less favourable treatment under the DDA. The LEA holds a meeting of staff at the SLD school with representatives of the Senior Management of

several local secondary schools. The secondary schools 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, Technology and Sport. It is also agreed to focus on disability harassment in assemblies in all schools and follow this up in PHSE and to monitor incidents of disabled bullying.

Good Practice To facilitate outreach running more smoothly, the Secondary 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 subject teachers on more inclusive styles of teaching and learning.

11. **Yes - Reasonable Adjustment** Eventually a compromise is reached with a group in Year 8 going swimming during PE. Good Practice an after school club is started in which the father is hired as an instructor.

12. **Yes - Reasonable Adjustment** It is suggested by the French Advisor that this is less favourable treatment and that they need to re-examine the policy.

Good Practice The French Department decides to go on a weekend trip to France to plan an accessible trip for Year 9's that does not require lifting. The school considers it reasonable to pay the teacher's expenses. The next trip was more successful than previous ones as all pupils benefited from the extra planning.

13. **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.

14. **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.

15. **Yes - Reasonable Adjustment** As this is less favourable treatment the headteacher decides to over-rule the teacher and let the boy on the trip and allocates an extra member of staff. On this basis the teacher is willing to accept the boy on the trip.

Good Practice He also decides to aid the boy's inclusion to implement a time-out system when the pupil can come to Learning Support when things are getting too difficult in class.

16. **Yes - Less Favourable Treatment** Not deterred, the Form Tutor writes to the Chair of Governors complaining about the discrimination. The Chair seeks advice from the LEA and is told to investigate and seek further advice. Reasonable Adjustment On the basis of the advice, the Chair instructs the headteacher to cast the pupil in the play and to rearrange the seating so the play can be performed in 'the round' on the school hall floor, as this is reasonable. The Chair warns the head and asks them to give the Head of English a warning for Disability Discrimination and instructs them not to victimise the Form Tutor.

Good Practice. The Chair also asks the Head to arrange disability equality training for all staff.

17. **Yes** - After the intervention of the Borough Admissions Officer who points out that he is disabled under the DDA and that his work since his condition was diagnosed has much improved and is of high quality, it is agreed to put him on the roll of the school and to monitor closely his behaviour. It is also agreed as good practice that the school will provide him with a mentor who he will see every day.
18. **Yes** - The case goes to SENDIST who order the school to admit the pupil and the LEA to provide a Teaching Assistant for 15 hours a week. The pupil's inclusion is now working well.

41. RESOURCES

Altogether Better by Micheline Mason & Richard Rieser. This is a pack containing a booklet and dvd 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 P&P £1.50

Bristol Inclusion Standard This booklet identifies the good practice in 13 Bristol Schools which achieved the Bristol Inclusion Standard. 2004 Available from DEE £3 P&P £1.50

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, £17. P&P £3.50

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. P&P £3.50

Developing An Inclusive Education Policy For Your School Published by CSIE. Available from DEE, £6 P&P £3.50

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 £13 P&P £ 5.00

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, £12. P&P £5.50

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,£7.00 P&P £1.50

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. P&P £1.50

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 twelling 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 P&P £3.50

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. P&P £3.50

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 P&P £3.50

***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. P&P £3.50

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. P&P £1.50

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. P&P £5.50

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. P&P £1.50

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. P&P £3.50

Learning Supporters and Inclusion: roles, rewards, concerns and challenges Linda Shaw for CSIE Available from DEE, £5.00 P&P £1.50

Learning and Inclusion: The Cleves School Experience by Priscilla Anderson, David Foulton ,London 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. P&P £3.50

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. P&P £1.50

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 P&P £4.00

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 £20 P&P £3.00

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 P&P £1.50

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. P&P £3.50

Telling Our Own Stories: Reflections on Family Life in a disabling world. Edited by Pippa Murray and Jill Penman, Parents with Attitude, Sheffield. 'Neither our upbringing nor the world around us seemed to offer a picture of the ordinary lives we wanted for our families'. This collection lets families with disabled children tell their own stories in this context. Available from DEE, £8. P&P £1.50

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 P&P £3.50

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. P&P £3.50

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, £10 P&P £3.50.

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. P&P £3.50

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. P&P £3.50

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 £20 P&P £3.50

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

Parents for Inclusion - www.parentsforinclusion.org

Network 81 - Network81@tesco.net

OFSTED www.OFSTED.gov.uk -

QCA- www.qca.org.uk



Disability Equality in Education

Unit 1M, Leroy House, 436 Essex Road, London N1 3QP

Tel: 020 7359 2855 Fax: 020 7354 3372

Email: info@diseed.org.uk Website: www.diseed.org.uk

42.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.....☐

SENCO.....☐

caretaker.....☐

senior manager.....☐

educational psychologist.....☐

the lecturer.....☐

Connexions staff.....☐

government/civil service.....☐

early years provider.....☐

teacher.....☐

headteacher.....☐

librarian.....☐

learning support worker.....☐

fe lecturer.....☐

LEA officers.....☐

college administrators.....☐

medical staff.....☐

other (please specify).....☐

Q6 Please comment on the following:

	Excellent	Good	Satisfactory	Poor
Overall, the course was	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 | <input type="checkbox"/> |
| 2. Who is disabled? | <input type="checkbox"/> |
| 3. Social model of disability | <input type="checkbox"/> |
| 4. Making reasonable adjustments | <input type="checkbox"/> |
| 5. Impact assessing policies | <input type="checkbox"/> |
| 6. Consulting disabled people | <input type="checkbox"/> |
| 7. The Disability Equality Scheme & School Access Plan | <input type="checkbox"/> |
| 8. Evidence gathering | <input type="checkbox"/> |
| 9. Promoting positive attitudes to disabled people | <input type="checkbox"/> |

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.