



# **The Dukeries Academy**

## **Accessibility plan**

**Date plan updated: June 2020**

**This plan links to Accessibility Policy, SEND Policy and Information Report.**

## What is the equality act 2010?

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The Equality Act harmonised the previous equality legislation, with the result that schools were already undertaking much of what was required of them. The main changes for schools arising from the Equality Act are:

- New protected characteristics, including:
  - Gender reassignment; and
  - Pregnancy and maternity;
- New positive action provisions;
- New provisions protecting pupils from victimisation for action taken by their parent or sibling;
- A new form of disability discrimination – ‘discrimination arising from disability’; and the extension of the reasonable adjustment duty to include auxiliary aids and services (effective from September 2012).

The Equality Act 2010 requires schools to adopt a proactive approach, ensuring that equality is incorporated into all decisions and activities. The specific duties required by schools are:

- a) To publish information to demonstrate their success in complying with the Public Sector Equality Duty and
- b) To prepare and publish equality objectives

## What is the reasonable adjustments duty?

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The duty is ‘to take such steps as it is reasonable to have to take to avoid the substantial disadvantage’ to a disabled person caused by a provision, criterion or practice applied by or on behalf of a school, or by the absence of an auxiliary aid or service.

In the Equality Act 2010 as a whole, there are three elements to the reasonable adjustments duty that relate to:

- Provisions, criteria and practices
- Auxiliary aids and services
  
- Physical features

The physical features element does not apply to schools in relation to disabled pupils; instead, they have a duty to plan better access for disabled pupils generally, including in relation to the physical environment of the school.

The duty to make reasonable adjustments in relation to provisions, criteria and practices is not a new duty for schools and is the same as the duty under the DDA 1995. The new element of the duty for schools is the provision of auxiliary aids and services for disabled pupils.

Many of the reasonable adjustments that schools are already making for disabled pupils undoubtedly include the use of some auxiliary aids, such as coloured overlays for dyslexic pupils, pen grips, adapted PE equipment, adapted keyboards and computer software.

The duty to make reasonable adjustments requires a school to take positive steps to ensure that disabled pupils can fully participate in the education provided by the school, and that they can enjoy the other benefits, facilities and services that the school provides for pupils.

Many reasonable adjustments are inexpensive and will often involve a change in practice rather than the provision of expensive pieces of equipment or additional staff.

A school's duty to make reasonable adjustments is an anticipatory one owed to disabled pupils generally, and therefore schools need to think in advance about what disabled pupils might require and what adjustments might need to be made for them.

It is the duty of parents, students, staff and external agencies to inform the school about any disabilities that they have so that reasonable adjustments can be made and planned for.

## Who does the duty apply to?

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The reasonable adjustments duty is owed to disabled pupils, as defined in the Equality Act 2010.

The Act says that a pupil has a disability if he or she has a physical or mental impairment that has a long-term and substantial adverse effect on his or her ability to carry out normal day-to-day activities. Physical or mental impairment includes sensory impairments such as those affecting sight or hearing.

The definition of disability is explained in more detail in Chapter 5 of the *Technical guidance for schools in England*. This and more guidance on the definition of disability is available online at [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

Some disabled pupils will also have special educational needs (SEN) and may be receiving support via school-based SEN provision or have a statement of SEN or an education, health and care plan (EHC plan). The fact that a disabled pupil has SEN, an SEN statement or EHC plan does not take away a school's duty to make reasonable adjustments for that pupil.

In practice, of course, many disabled pupils who also have an SEN statement or EHC plan will receive all of the support they need through the SEN framework and there will be nothing extra that the school has to do. However, some disabled pupils will not have SEN and some disabled pupils with SEN will still need reasonable adjustments to be made for them, in addition to any support that they receive through the SEN framework.

## What is meant by 'substantial disadvantage'?

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The reasonable adjustments duty is triggered only where there is a need to avoid 'substantial disadvantage'. 'Substantial' is defined as being anything more than minor or trivial. Whether a disabled pupil is at a substantial disadvantage or not will depend on the individual situation.

The pupil must be at a substantial disadvantage in comparison with non-disabled pupils. In most cases, this will be obvious. In other cases, it will not be so obvious, but it will be no less a substantial disadvantage.

## What does the duty cover?

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The phrases 'provision, criterion and practice' and 'auxiliary aids and services' are not defined in the Act. The duty in relation to provisions, criteria and practices covers the way in which a school operates on a daily basis, including its decisions and actions.

The duty in relation to the provision of auxiliary aids and services generally means anything that constitutes additional support or assistance for a disabled pupil, such as a piece of equipment or support from a member of staff.

## What is meant by 'reasonable' steps

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The duty to make reasonable adjustments requires schools to take what are referred to in the Act as 'reasonable steps' to make adjustments.

The Act does not say what is 'reasonable'. This allows flexibility for different sets of circumstances so that, for example, what is reasonable in one set of circumstances may not be reasonable in another.

The crux of the reasonable adjustments duty is not whether something is an auxiliary aid or whether it is an adjustment to a practice, but whether it is something that is **reasonable** for the school to have to do. It is not possible for a school to justify a failure to make a reasonable adjustment; the question is only whether or not the adjustment is reasonable.

While it is not possible to say what will or will not be reasonable in any particular situation, some of the factors that are likely to be taken into account in deciding what it is or is not reasonable for a school or a local education authority to have to do are set out below. These factors are based on those that tribunals and courts have

already taken into account when considering reasonable adjustments under the equivalent provisions in the DDA 1995.

The purpose of taking the steps is to ensure that disabled pupils are not placed at a substantial disadvantage compared to non-disabled pupils. The duty to make reasonable adjustments equates to ensuring that steps are taken to provide the best possible education for disabled pupils.

If, having considered the issue thoroughly, there are genuinely no steps that it would be reasonable for a school to take to make its education, benefits, facilities or

services more accessible, the school is unlikely to be in breach of the law if it makes no changes. It is unlikely, though, that there will be nothing that a school will be able to do for a pupil in such a situation.

Where a school or local authority decides that there are no reasonable steps that it can take, it is important that it sets out its reasons for this decision so that, if it is challenged by the child's parents, it can explain to them and, if necessary, a tribunal why it has acted in the way that it has.

### **Factors to be taken into account**

Without intending to be exhaustive, the following are some of the factors that are likely to be taken into account when considering what adjustments it is reasonable for a school to have to make:

- The extent to which special educational provision will be provided to the disabled pupil under Part 3 of the Children and Families Act 2014
- The resources of the school and the availability of financial or other assistance
- The financial and other costs of making the adjustment
- The extent to which taking any particular step would be effective in overcoming the substantial disadvantage suffered by a disabled pupil
- The practicability of the adjustment
- The effect of the disability on the individual
- Health and safety requirements
- The need to maintain academic, musical, sporting and other standards
- The interests of other pupils and prospective pupils

*The extent to which special educational provision will be provided to the disabled pupil under Part 3 of the Children and Families Act 2014*

There is a significant overlap between those pupils who are disabled and those who have SEN.

Many disabled pupils may receive support in school through the SEN framework. In some cases, the substantial disadvantage that they experience may be overcome by support received under the SEN framework and so there will be no obligation under the Act for the school or local authority to make reasonable adjustments.

In other cases, a disabled pupil may need reasonable adjustments to be made in addition to the special educational provision that he or she is receiving.

Some disabled pupils are not classified as having SEN, but if they are disabled and are suffering a substantial disadvantage, they may still need reasonable adjustments to be made.

There will be some instances in which a disabled pupil is provided with support from another agency. In these cases, it would not be reasonable to expect the school to duplicate this support.

*The resources of the school and the availability of financial or other assistance*

It is more likely to be reasonable for a school with substantial financial resources to make an adjustment with a significant cost than for a school with fewer resources.

The resources available to the school as a whole in practice – such as its staffing levels – should be taken into account, as well as other calls on those resources. The reasonableness of an adjustment will depend not only on the resources available in practice for the adjustment, but also on all other relevant factors (such as effectiveness and practicability). It may also be relevant to consider what other similar schools spend on adjustments.

If a disabled pupil has a particular piece of special or adapted equipment that he or she is prepared to use while at school, it may be reasonable for the school to allow the use of the equipment.

*The financial and other costs of making the adjustment*

If an adjustment costs little or nothing to implement, it is likely to be reasonable to do so unless some other factor (such as practicability or effectiveness) makes it unreasonable. The costs to be taken into account include those of staff and other resources. The significance of the cost of a step may depend in part on what the school might otherwise spend in the circumstances and also on what other schools, in similar situations, might spend.

In assessing the likely costs of making an adjustment, the availability of external funding should be taken into account. The latter is most likely to be significant when funding is available through the SEN framework.

*The effectiveness of the step in avoiding the disadvantage*

Schools need to think carefully about what adjustments can be made to avoid the disadvantage experienced by the individual disabled pupil. Even pupils with the same disability might need different adjustments to overcome the disadvantage. It is important not to make assumptions about a disabled pupil's needs, because this may lead a school to provide a completely ineffective adjustment.

It is unlikely to be reasonable for a school to have to make an adjustment involving little benefit in reducing the disadvantage experienced by the disabled pupil, even if the pupil requests this. If this is the only possibility, however, of avoiding the disadvantage and there is a prospect of it having some positive effect, then it may be reasonable for the school to have to take the step.

Where, however, there are other reasonable steps that a school could take, it is unlikely that a school will discharge its reasonable adjustments duty if the adjustment made provides little benefit to the pupil.

However, if an adjustment, when taken alone, is of marginal benefit but may be one of several adjustments that, if grouped together, would be effective in overcoming the disadvantage, in that case, it would be reasonable for the school to make the adjustment.



It will usually be a matter of discussing with the pupil, and those who know him or her, what those needs are and what is likely to be most effective.

#### *The practicability of the adjustment*

It is more likely to be reasonable for a school to have to make an adjustment that is easy than one that is difficult, although in some circumstances it may be reasonable to have to make an adjustment, even if it is difficult.

#### *The effect of the disability on the individual*

The effect of a disability on a particular pupil will affect the adjustments that it is reasonable for a school to make.

#### *Health and safety requirements*

The Act does not override health and safety legislation. If making a particular adjustment would increase the risks to the health and safety of any person (including the disabled pupil in question), then this is a relevant factor in deciding whether it is reasonable to make that adjustment.

However, as with the approach to any question of health and safety, and risk assessment, schools are not required to eliminate all risk. Suitable and sufficient risk assessments should be used to help the school to determine where risks are likely to arise and what action can be taken to minimise those risks. Risk assessments should be specific to the individual pupil and the activities in question. Proportionate risk management relevant to the disability should be an ongoing process throughout a disabled pupil's time at the school.

There might be instances in which, although an adjustment could be made, it would not be reasonable to do so because it would endanger the health and safety either of the disabled pupil or of other people. There might be other instances in which schools could make anticipatory reasonable adjustments in line with health and safety legislation, ensuring compliance with, and not infringing, that legislation.

Health and safety issues must not be used inappropriately to avoid making a reasonable adjustment. Schools should avoid making uninformed assumptions about health and safety risks.

*The need to maintain academic, musical, sporting and other standards*

The reasonable adjustments duty does not prevent a school from choosing its best footballers, singers or mathematicians where a consideration of standards is relevant, for example in an inter-school competition. However, it should not be assumed that a consideration of standards will mean that a disabled pupil will be barred from an activity.

*The interests of other pupils and prospective pupils*

Ordinarily, the interests of other pupils regarding the reasonable adjustments required by a disabled pupil will be irrelevant. However, there are limited circumstances in which the provision of a particular reasonable adjustment for a disabled pupil will disadvantage other pupils. This is relevant only where the adjustment results in significant disadvantage for other pupils. In such a case, it may not be reasonable to expect the school to make the adjustment. .

There will, however, be other instances in which there is a duty to make an adjustment despite some inconvenience to others. In deciding what adjustments are reasonable, it is important to weigh the level of inconvenience to others against the substantial disadvantage faced by the disabled pupil.

**Charging for providing reasonable adjustments**

It is unlawful for a school to charge a pupil for making a reasonable adjustment in any circumstances, whatever the financial cost to the school and however the school is funded. However, as set out on page 6, the cost of an adjustment is one of the factors to be taken into account when considering whether or not the adjustment is reasonable.

Arrangements being put in place to improve disabled access:

### **Wheelchairs users:**

- Carers support mobility needs around the academy
- Key staff trained in Intimate and Personal Care
- Lift access to each floor
- Ramp access where possible
- PEEP in place for emergency situations
- Where access to specialist classrooms is impossible timetabling arrangements will allow for access to the curriculum.

### **Hearing impaired students:**

- Visited regularly by an external specialist teacher who monitors students, assesses their needs and provides advice.
- Staff made aware of students' needs and students are sat at the front of classes.

### **Writing difficulties:**

Laptops are provided, where possible for students who:

- Struggle with writing legibility because of their SEN
- Have difficulty with pen/paper writing tasks due to difficulty with fine motor skills
- Have a temporary writing difficulty due to injury

### **Specific and other learning difficulties:**

- In class support from TA's
- Withdrawal for targeted intervention (where deemed necessary)
- Specific support as identified on learning plans.

### **Examinations:**

- The SENCO assesses the needs of students for access arrangements and arranges for a specialist assessor to carry out specific assessments with students and make applications, where necessary, to JCQ.

## Further Questions

Below are questions from the DfES guidance 'Accessible Schools: Planning to increase access to schools for disabled students', which suggests asking these questions,

### Section 1: How does your school deliver the curriculum?

Question	Where necessary and applicable	No
Do you ensure that teachers and teaching assistants have the necessary training to teach and support disabled students?	✓	
Are your classrooms optimally organised for disabled students?	✓	
Do lessons provide opportunities for all students to achieve?	✓	
Are lessons responsive to pupil diversity?	✓	
Do lessons involve work to be done by individuals, pairs, groups and the whole class?	✓	
Are all students encouraged to take part in music, drama and physical activities?	✓	
Do staff recognise and allow for the mental effort expended by some disabled students, for example lip reading?	✓	
Do staff recognise and allow for the additional time required by some disabled students to use equipment in practical work?	✓	
Do staff provide alternative ways of giving access to experience or understanding for disabled students who cannot engage in particular activities, for example some forms of exercise in physical education?	✓	
Do you provide access to computer technology appropriate for students with disabilities?	✓	
Are Academy visits, including overseas visits, made accessible to all students irrespective of attainment or impairment?	✓	
Are there high expectations of all students?	✓	
Do staff seek to remove all barriers to learning and participation?	✓	

## Section 2: Is your school designed to meet the needs of all students?

Question	Where necessary and applicable	No
Does the size and layout of areas – including all academic, sporting, play, social facilities; classrooms, the assembly hall, canteen, library, gymnasium and outdoor sporting facilities, playgrounds and common rooms – allow access for all students?	✓	
Can students, who use wheelchairs, move around the Academy without experiencing barriers to access such as those caused by doorways, steps and stairs, toilet facilities and showers?	✓	
Are pathways of travel around the Academy site and parking arrangements safe, routes logical and well signed?	✓	
Are emergency and evacuation systems set up to inform ALL students, including students with SEN and disability; including alarms with both visual and auditory components?	✓	
Are non-visual guides used, to assist people to use buildings including lifts with tactile buttons?	✓	
Could any of the décor or signage be considered to be confusing or disorientating for disabled students with visual impairment, autism or epilepsy?		✓
Are areas to which students should have access well lit?	✓	
Are steps made to reduce background noise for hearing impaired students such as considering a room's acoustics, noisy equipment?	✓	

Is furniture and equipment selected, adjusted and located appropriately?	✓	
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### Section 3: How does your school deliver materials in other formats?

Question	Where necessary and applicable	No
Do you provide information in simple language, symbols, large print, on audiotape or in Braille for students and prospective students who may have difficulty with standard forms of printed information?	✓	
Do you ensure that information is presented to groups in a way which is user friendly for people with disabilities e.g. by reading aloud, overhead projections and describing diagrams?	✓	
Do you have the facilities such as ICT to produce written information in different formats?	✓	
Do you ensure that staff are familiar with technology and practices developed to assist people with disabilities?	✓	

## The Dukeries Academy Accessibility Action Plan - July 2017 – July 2020

**\*\*\*\*Unable to update improvements needed to physical environment in July 2020 due to COVID 19 restrictions\*\*\***

	Action plan	Strategy	Time Frame	Review
<b>Improving physical environment</b>	Complete an accessibility site audit	<b>Students to complete audit</b>	<b>July 2017</b>	<b>July 2020</b>
	Gain student voice on accessibility within the Academy and act upon outcomes	<b>Students to complete audit</b>	<b>July 2017</b>	<b>July 2020</b>
	Address issues highlighted through the accessibility audit e.g. access in classrooms, access out of buildings.	<b>Site services and Health and Safety executive to carry out work.</b>	<b>July 2017</b>	<b>July 2020</b>

