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**Bath & North East  
Somerset Council**

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**Accessibility Strategy  
2018-2022**

**Bath and North East Somerset's strategy for the  
inclusion of young people with Special Educational  
Needs and Disabilities in educational settings**

**April 2018**

## **1. OUR VISION**

The BANES Improvement Plan sets out the strategic objectives for children and young people with SEND.

In line with the Children and Families Act 2014, BANES is committed to:

- a person-centred, joined up approach to identifying and meeting the needs of children, young people and their families;
- increased engagement and participation of young people and families so that they have greater choice and control, are listened to and their concerns are resolved swiftly;
- a published local offer of support, services and provision, how to access it and how to raise concerns or seek redress
- the use of effective practice, data and wider intelligence and independent assessment to drive improvement;
- clearly defined and understood roles and responsibilities; and
- increased integration of services and joint commissioning across the Local Authority and Health.

The Accessibility Strategy complements the Special Educational Needs (SEN) and Disability Strategy and helps to turn the vision for the education of children and young people with SEND into reality. Improving access to education for pupils with SEND is essential to ensure equality of opportunity, participation in society, access to employment opportunities and inclusion within mainstream and specialist education settings.

## **2. SCOPE AND KEY AIMS OF THE STRATEGY**

### **Audience**

The Accessibility Strategy sets out the local authority plan to increase access to education for pupils with disabilities in the schools for which it is responsible. Schools should take account of the local authority strategy when drawing up their own school accessibility plans. The strategy is also relevant to academies, free schools and other education settings not maintained by the local authority as they also have a statutory duty to draw up and publish a school accessibility plan.

### **Definition of Disability**

Under the Equality Act 2010, a person is disabled if they have '*a physical or mental impairment that has a substantial and long term adverse effect on their ability to do normal day to day activities*'.

This definition provides a relatively low threshold. The clear starting point in the statutory guidance is that disability means *'limitations going beyond the normal differences in ability which may exist among people'*.

*'Substantial'* means 'more than minor or trivial'. Substantial adverse effects can be determined by looking at the effects on a person with the impairment, comparing those to a person without the impairment, to judge if the difference between the two is more than minor or trivial. Guidance from the 'Office for Disability Issues' illustrates the factors which might reasonably be regarded as having a substantial adverse effect on normal day to day activities.

*'Long term'* means the impairment has existed for at least 12 months, or is likely to do so.

*'Normal day to day activities'* could be determined by reference to the illustrative, non-exhaustive list of factors in pages 47 to 51 of the statutory guidance relating to the Equality Act 2010. (Study and education related activities are included in the meaning of 'day to day' activities.)

The definition includes sensory impairments such as those affecting sight or hearing, and long term health conditions such as asthma, diabetes, epilepsy and cancer, it is not just restricted to those children with an Education Health and Care Plan or Statement of Special Educational Needs.

Children and Young people with long term health conditions do not necessarily have SEN, but there is a significant overlap between disabled children and young people and those with SEN. Where a disabled child or young person requires special educational provision they will also be covered by the SEN definition.

### **Key Aims of the Accessibility Strategy**

The key aims of the Accessibility strategy are:

1. To enable all pupils, whatever their needs, to have access to the full range of curricular and extra-curricular activities.
2. To improve the physical environment of schools to ensure, wherever possible, that accessibility is not a barrier to preventing pupils from attending their local schools.
3. To ensure that information provided by a school is made available to pupils and parents with disabilities, using alternative formats where required.
4. To ensure that admissions processes to schools and other education providers are fair and enable pupils with SEND to access high quality provision that meets their needs.

### **3. OUR DUTIES**

#### ***Equality Act 2010***

Local authority accessibility strategies and school accessibility plans are a requirement of Schedule 10 of the Equality Act 2010. As well as general duties for public bodies, the Equality Act states the legal obligations that schools, early years providers, post-16 institutions, Local Authorities and others have towards disabled children and young people:

- They **must not** directly or indirectly discriminate against, harass or victimize disabled children and young people.
- They **must** protect disabled pupils from discrimination and harassment and foster good relations between disabled and non-disabled peers:
- They **must** make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that pupils with disabilities are not put at a substantial disadvantage.

#### ***The reasonable adjustments duty (schedule 13 of the Equality Act 2010)***

The duty to make reasonable adjustments requires schools and other education providers to take positive steps to ensure that students with disabilities can enjoy the benefits, facilities and services provided for all students. Reasonable adjustments meet the statutory duty when they act to prevent students with disabilities being placed at a substantial disadvantage. Guidance for education providers on making reasonable adjustments is available from the Equality and Human Rights Commission.

#### ***Anticipating reasonable adjustments***

The duty to make reasonable adjustments is an anticipatory one and therefore the setting needs to make plans in advance about what students with disabilities might require and what adjustments might need to be made. They should not wait until the students are on roll.

Schools should have a continence and Intimate care policy. A delay in achieving continence is considered a disability. Children who need additional support with bladder and bowel management require resources and appropriate assistance to help them manage continence, respecting privacy and dignity.

#### ***Auxiliary aids and services***

In September 2012 the duty to provide auxiliary aids and services (including specialist equipment which could include laptops and tablets) was extended to include schools. This places schools and other education providers under a duty to provide aids and services where it is reasonable and where it would prevent a disabled pupil being put at a substantial disadvantage when compared to his or her non-disabled peers. Examples of auxiliary aids include coloured layovers, pen grips,

adapted physical education equipment, adapted keyboards and computer software.

### ***SEN Information Report***

The SEND Code of Practice: 0-25 states that a school's reasonable adjustments, along with other provisions, must be described in their 'SEN Information Report'.

## ***School Accessibility Plans***

Schools must publish their Accessibility Plans. The Accessibility Plan should be appended to or be part of the SEN Information Report. Ofsted may request a school's accessibility plan as part of inspection evidence.

## **4. OUR PRIORITIES**

### **PRIORITY 1: Improving access to the curriculum**

Ensuring children and young people with SEND can access the curriculum is an essential element of high quality provision. It enables them to make good progress and achieve outcomes that prepare them well for adulthood. The curriculum covers not only all classroom teaching and learning but wider aspects such as participation in after school and extended school activities or trips and visits. It also includes formal and informal tests, assessments and examinations.

Schools and educational settings are responsible for providing a broad, balanced and inclusive curriculum for all students. They must:

- publish information on their websites about arrangements for adapting the curriculum and the learning environment for pupils with SEND.
- demonstrate in their Accessibility Plans what actions they are taking to ensure pupils with SEND are able to access the curriculum.

Schools should provide details of how the curriculum is adapted or made accessible for pupils with SEND. Provision maps are an efficient way of showing all the provision that the school makes which is additional to and different from that which is normally available for all pupils.

Special educational provision is underpinned by high quality teaching and is compromised by anything less. The following is considered good practice in schools:

- high expectations are set for every pupil using appropriate assessments to agree outcomes to be achieved
- lessons are differentiated and personalized to ensure there are no barriers to every pupil achieving
- effective classroom practice promotes independence
- staff have the support, advice, information and training they require to effectively meet the needs of individual pupils
- a member of the governing body, or a sub-committee, with specific oversight for arrangements for SEND, meets regularly with the Head teacher and SENCO to review how resources are allocated, the impact they are making and ensures SEND is considered as a whole school strategic issue.

The local authority will, wherever possible, support schools and other education settings to establish good practice through provision of advice, information, training and specialist support to help ensure all students can access the curriculum. The support available is set out in the Local Offer [Rainbow Resource](#) and Local Area Position Statement.

Schools have a duty to provide auxiliary aids under the reasonable adjustments duty. However, where highly specialized equipment is required for students with sensory or physical impairments, who will already be known to the Physical and Sensory Impairment team, schools should consult with the specialist teacher who will carry out an assessment and may apply to the Specialist Equipment Funding and Allocation Panel. All equipment supplied by the Specialist Equipment Panel is on a loan basis and remains the property of the local authority.

## **PRIORITY 2: Improving environmental access**

The local authority and schools are committed to improving the physical environment of schools to increase the extent to which pupils with SEND can take advantage of education. This may involve, for example, the creation of safe spaces, calming areas, and individual workstations, as well as providing a suitable physical environment for children and young people with disabilities. Improvements to physical access might include the following:

- Students with physical disabilities

Ramps, handrails, widened doorways, electromagnetic doors, adapted toilets and washing facilities, emergency evacuation routes, physical access to outside areas and specialist curriculum areas.

- Students with visual impairment and hearing impairment

Adjustable lighting, blinds, interior and exterior surfaces, induction loops, well designed room acoustics, signage and way-finding systems.

All new school buildings have to comply with current building regulations in relation to accessibility, although further adaptations may be required to meet the needs of specific students.

Schools are required to undertake an accessibility audit of their site in order to identify key constraints and how they might be reasonably addressed. An accessibility audit will assess the site, offer suggestions of what is required in order to comply with accessibility requirements and how these might be prioritized. An accessibility audit is a live document which will inform schools of all areas of their site which do not meet the requirements of Equality Act 2010. It will help the school to identify a programme of work that it could reasonably be expected to progress.

All schools need to consider the reasonable adjustments which may be needed for students with disabilities generally and also for specific students including those expected to transfer into the school.

The responsibility for funding lies with the school but where major works are likely to be required, local authority maintained schools can submit a business case for additional funding as part of the wider Schools Capital programme. Further advice can be found on the GRID. Academies have their own capital funding arrangements directly through the Education Funding Agency.

For children and young people with visual impairment, an environmental audit can be carried out by the Habilitation Specialists in the local authority specialist VI advisory team.

### **PRIORITY 3: Improving access to information**

The requirement in the Children and Families Act 2014 to develop a Local Offer has the express purpose of making information more accessible. The BANES Local Offer is an online resource for children and young people with SEND and their families available on the [Rainbow Resource](#). Any member of the public who cannot access the internet, or requires assistance to do so, can utilize a number of local services to help them. These services are as follows:

- BANES Libraries; any member of a BANES Library can visit their local library to use the IT equipment there for free and members of staff will assist people in the use of the Local Offer as necessary.
- A similar service is available to members of the public from BANES children's centres.
- Schools in BANES are engaged with supporting students and families in the use of the Local Offer if necessary.
- A variety of professionals from the local authority and outside the local authority, such as NHS Clinical Commissioning Groups, are encouraged to work with families, supporting them in the use of the Local Offer.
- BANES Customer Service Centre staff are trained to advise enquirers about the Local Offer and possible ways the public can access the service. If English is a barrier, the Customer Service Centre will work with an enquirer to ensure they have the appropriate information.
- The Disabled Children's Hubs, run by KIDS, are available to support and assist individuals to access information about the Local Offer.

The local authority is committed to reviewing and updating the Local Offer on a regular basis, taking into account feedback received from children and young people and their parents and carers.

Schools and other education providers have a responsibility to provide accessible information to parents and pupils to ensure that students with SEND are not disadvantaged. Information provided should be clear and free of jargon. Where appropriate, particularly for students or parents with sensory impairments, information may need to be made available through alternative methods and formats.



## **PRIORITY 4: Ensuring fair school admissions processes**

### **Local authority responsibilities**

BANES County Council is the admissions authority for all local authority maintained schools, including nursery classes in maintained schools. Academies are their own admission authorities.

There are two school admission pathways for children with SEND, as follows:

- For children with a Statement of SEN or an Education, Health and Care plan, applications are handled by the local authority special needs team.
- For children with SEN but without a Statement of SEN or an Education, Health and Care plan, families apply for admission to a school through the normal application process.
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Both processes must comply with the School Admissions Code, the Equality Act 2010, the Children and Families Act 2014 and other relevant legislation.

### **Placement in specialist provision**

Where placement at a specialist educational provision is being considered, the local authority will make a decision through the BANES SEN Panel with reference to the BANES admissions guidance for specialist settings. Information on the facilities provided at each school can be found on each school's website.

### **The School Admissions Code**

The School Admissions Code produced by the Department for Education sets out the law in relation to school admissions. The Code requires that the process must be reasonable, clear, objective and procedurally fair and comply with all relevant legislation, including equality legislation. The admissions process must ensure that arrangements will not disadvantage unfairly, either directly or indirectly, a child with a disability or special educational needs.

The local authority has an important role in monitoring compliance with the Admissions Code and is required to report annually to the Schools Adjudicator on the fairness and legality of the admission arrangements for all schools in their area. Although academies are their own admissions authorities, the School Admissions Code still applies and the responsible body or Academy Trust has the responsibility to ensure that admission arrangements are compliant with the Code.

### **The Equality Act 2010**

The Equality Act 2010 requires that the responsible body of all types of schools must not discriminate in the arrangements it makes for deciding who is admitted, in the terms it offers for admitting a pupil or by not admitting a pupil.

### **The Children and Families Act 2014**

The school admission process should:

- reflect the importance of the child or young person with SEND and the child's parents participating as fully as possible in decisions.
- Provide children with SEND and their parents with the information and support necessary to enable participation in those decisions.

Detailed information about school admissions can be found on

<http://www.bathnes.gov.uk/services/schools-colleges-and-learning/admissions-schools>

## **5. IMPLEMENTATION AND REVIEW**

This strategy covers the period 2018 - 2022 and will be reviewed at least annually, or when required by legislation, and revised and updated as required. An associated action plan will be drawn up to identify the further actions required to meet the key aims of this strategy and address the requirements of the Equality Act 2010.

This document sets out the responsibilities on schools for implementing the Accessibility strategy, in line with the requirements of the Equality Act 2010. The local authority will provide information, advice and support to schools as described in the Local Offer. For pupils with physical and sensory impairments, or communication disorders such as autism, advice and support is available from the relevant local authority specialist advisory teams. The local authority's Building Management team can signpost schools to services which carry out accessibility audits. Advice on adjustments required is also available from the Occupational Therapy Team.

DSPL (Delivering Special Provision Locally) groups also have an important role in ensuring a local area perspective, working with local authority services, schools and other partners, in reviewing and improving the accessibility arrangements for children and young people with SEND in their area, identifying local problems and promoting good practice.

## **6. FEEDBACK AND COMPLAINTS**

In the case of a complaint about the implementation of the strategy, you can contact the local authority Complaints Team at the address below. If there is concern about a school's accessibility arrangements, parents should consult directly with the school. Every school has their own complaints procedure.

The Complaints Team can be contacted at the following address:

Complaints & Data Protection Team      Tel: 01225 47 7752  
Bath & North East Somerset Council      Email: [complaints\\_cypandadults@bathnes.gov.uk](mailto:complaints_cypandadults@bathnes.gov.uk)  
People and Communities  
Children's Services  
Freepost SWB10433  
Bath  
BA1 1BF

## 7. FURTHER INFORMATION

- Adjustments for candidates with disabilities and learning difficulties:  
Access arrangements and reasonable adjustments  
  
<http://www.jcq.org.uk/exams-office/access-arrangements-and-special-consideration/regulations-and-guidance>
- Equality Act 2010: advice for schools  
  
[www.gov.uk/government/publications/equality-act-2010-advice-for-schools](http://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)
- Equality and Human Rights Commission  
  
[www.equalityhumanrights.com/en](http://www.equalityhumanrights.com/en)
- Office for Disability Issues  
  
[www.gov.uk/government/organisations/office-for-disability-issues](http://www.gov.uk/government/organisations/office-for-disability-issues)
- SEND Code of Practice: 0-25 years  
  
[www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)