



Brighton & Hove City Council's Accessibility Strategy

December 2018

Introduction

The **SEND Code of Practice: 0-25** promotes inclusive education and describes how the Equality Act and the **Children and Families Act 2014** work together to ensure this:

'The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated and the Equality Act 2010 provides protection from discrimination for disabled people.'

The purpose of this strategy:

This strategy outlines Brighton and Hove Council's vision and the practical implications for improving access of disabled children and young people to the services, including education, which we provide directly, and those which we provide alongside our partners.

This Accessibility Strategy needs to be read in conjunction with **Brighton and Hove's Equality and Inclusion Policy** that has had a key focus on tackling inequality and our **SEND Partnership Strategy 2013-2017** that sets out our vision for children and young people with SEND as follows:

Our vision for our children and young people with special educational needs and disabilities (SEND) is that they will achieve the very best that they can from their education and lead happy, healthy, independent and fulfilling lives from the early years through to adulthood. In all our mainstream and special schools, our early years provisions, and all LA services and partner agencies there will be a culture of high expectations and a 'can do' attitude alongside a proactive drive to narrow the gaps in outcomes, attainment and progress between children and young people with and without SEND. We recognise that it is fundamental that all partners from Health, Education, Social Care and the Voluntary Sector work collaboratively in the best interests of children, young people and their families.

And focuses on the following five priorities:

1. We will improve outcomes and combat disadvantage for children and young people with SEND
2. We will improve the assessment and identification of SEN and disabilities across all agencies
3. We will create and ensure high quality provision for all children and young people with SEND
4. We will work proactively and collaboratively with parents, children and families
5. We will improve transition arrangements post 16 and services for young people up to the age of 25

Putting children/young people and their families at the centre is a key message of the SEND Code of Practice: 0-25 and is at the heart of Brighton and Hove's strategic planning.

The Equality Act 2010

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED) (sometimes also referred to as the 'general duty') that applies to public bodies, including maintained schools and academies (including Free Schools) and which extends to all protected characteristics - race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment.

In carrying out their functions, public bodies are required to **have due regard to the need to:**

- eliminate discrimination and other conduct that is prohibited by the Act,

- advance equality of opportunity between people who share a protected characteristic and people who do not share it,
- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

Duties

As well as the general duties specified above, the Equality Act states specific duties related to disabled pupils, mainly:

- not to treat pupils with SEND less favourably and
- to undertake reasonable steps to avoid putting pupils with SEND at substantial disadvantage.

Local authority accessibility strategies (for the schools for which it is responsible) and school accessibility plans are a requirement under Schedule 10 of the Equality Act 2010.

Schedule 10 details the requirements for a **local authority's accessibility strategy** and the **accessibility arrangements for pupils in schools** (Section 88).

This accessibility strategy applies to Brighton and Hove's maintained schools, nurseries, children's centres and early years settings. It does **not** apply to academies, PFI funded schools or private nursery providers on school site, for which owners/governing bodies of provisions must produce their own accessibility strategy in accordance with the Equality Act.

As required by Schedule 10, this strategy sets out the ways Brighton and Hove Council will:-

- Increase the extent to which disabled pupils can participate in the schools' curriculum
- Improve the physical environment of the schools for the purpose of increasing the extent to which disabled pupils can take advantage of education and benefits, facilities or services provided or offered by the schools
- Improve the delivery to disabled pupils of information which is readily accessible to those young people that are not disabled

The duty states that the above must be delivered 'within a reasonable time' and 'in ways which are determined after taking account of the pupils' disabilities and any preferences expressed by them or their parents'

Social model of disability

This strategy is based on the social model of disability which is a positive view of disability that focuses on ability rather than disability. It challenges us all to identify and take action to remove the barriers that prevent disabled people from taking their rightful part in the normal life of the community. It requires all agencies to work together to address inequalities across health, education, employment, housing, access, transport, sport and leisure.

Who is considered as being disabled?

You're considered to be disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

What 'substantial' and 'long-term' mean

- 'substantial' is more than minor or trivial - e.g. it takes much longer than it usually would to complete a daily task like getting dressed
- 'long-term' means 12 months or more - e.g. a breathing condition that develops as a result of a lung infection

Brighton and Hove's vision of inclusion is broad and child-centred, encompassing both educational and social inclusion and recognising that a continuum of provision is required to meet the full range of children's needs. The strategy continues to support the right of pupils with SEN to be educated in a mainstream school with specialist support as required. However, it is recognised that some children will not thrive in this environment and following careful holistic assessment, may need access to specialist provision either on a long or short term basis in their school lives.

'You can build a ramp to get anyone into a building, but it is the attitude that facilitates real inclusion. If the people inside the building don't see the value of the individual and don't want them there, then true inclusion does not happen.'

Other Relevant Legislation

- Children and Families Act 2014
- Equality Act 2010
- SEN and Disability Code of Practice: 0 to 25 (*DfE- revised January 2015*)
- Supporting pupils at school with medical conditions (*DfE- September 2014*)
- The special educational needs and disability regulations 2014

Main priorities of our Accessibility Strategy

We will seek to ensure compliance of both the Local Authority and all educational settings (for which it is responsible) with the requirements of Schedule 10 of the Equality Act 2010

We will do this through:

- Promoting awareness of the Equality Act

Everyone working in and alongside all educational settings should be aware of the Equality Act and its implications for children and young people, their families and the wider community and aware of their duties within the Act.

- Providing Equality Act and Accessibility Training

The LA will provide and signpost training on the Equality Act, diversity and disability for educational settings and ensure schools understand their duty to show due regard and or Equality Impact Assess.

The LA will provide and signpost training to prevent and challenge the bullying of children and young people with SEND.

- Offering support to educational settings to ensure that schools for which it is responsible do not disadvantage or discriminate against a pupil because of something that is a consequence of their impairment. To this end, the LA will support schools to celebrate the strengths of all children and young people, ensure the inclusivity of their overall policies and practices and encourage the development of inclusive actions and attitudes
- Offer training to governors to support them to understand their role in supporting children and young people with SEND.

We will maximise inclusion for all children and young people with SEND in their educational setting, wider community and post 16

We will do this by:

- Early help – help for most vulnerable promoting pupil voice e.g. including those with SEND in the school council and seeking pupil views regarding what works well now and what would improve confidence, independence and access in the future
- ensuring person centred outcomes in any support plans put in place through SEN support and Education, Health and Care Plans
- encouraging collaboration between groups of schools to share expertise
- supporting the successful inclusion of children and young people with medical needs by issuing guidance
- ensure that transition from setting to setting is carefully planned and personalised for children and young people with SEND
- promoting a range of disability equality teaching tools and augmentative forms of communication e.g. PECS, Makaton sign and symbol programme
- In the context of improving provision for children and young people across the full spectrum of special educational need, we will have a **focus on key vulnerable groups** where data and outcomes tell us that there are particular difficulties for young people and specifically:
 1. autistic spectrum condition (ASC) e.g. in identified schools to undertake autism aware award
 2. social, emotional and mental health needs (SEMH) e.g. development and implementation of graduated behaviour thresholds
- Help overcome inequality of employment opportunity for disabled pupils by offering within the City Council, some opportunities for ‘supported internships’ to young people with disabilities in Key Stage 4 or 5.

- Provide advice about adaptations to both inside and outside of environments for individuals to support successful inclusion

Increase the extent to which children and young people with SEND can participate in the curriculum in all educational settings, including the enrichment curriculum

The Council's commitment to increasing access to the curriculum is underpinned by the aim to improve achievement and progress for all children

We will do this by supporting schools to:

- use a graduated approach when meeting the needs of children and young people with SEND, using the 'assess, plan, do, review' cycle in line with statutory requirements of the SEND Code of Practice 2015
- provide staff with training relating to additional needs and making reasonable adjustments e.g. supporting schools on how to adapt environments
- to use interventions judiciously by disseminating information and research findings relating to quality first teaching excellence in provision and most effective additional and specialist interventions;
- use auxiliary aids effectively to ensure children and young people can be included in the curriculum e.g. providing coloured layovers for pupils with dyslexia
- monitor staff planning ensuring appropriate differentiation for children and young people with SEND
- deploy staff effectively to provide flexible support and facilitate independent learning
- think creatively about how children and young people with SEND can be involved in activities, trips and residential stays
- involve children and young people and their families in the review of individual plans regarding curriculum access.

Improve the physical environment of all educational settings to increase the extent to which children and young people with SEND can take advantage of education.

Provide support for educational settings in ensuring that they can:

- identify adaptations needed, including adaptations for children and young people with sensory needs

- create solutions to accessibility issues if adaptations are not possible, such as moving groups to accessible areas
- use consultation effectively, asking children and young people about physical accessibility, e.g. access to toilets and changing facilities
- think creatively about classroom interiors, e.g. making calm, low-sensory stimulation areas available, thinking about the use of curtains to reduce noise levels, removing clutter etc.
- support the successful transition of children and young people with disabilities through individual settings i.e. between classes/ key stages/schools with ease

Enhance the delivery of information, advice and guidance to all children and young people with SEND and their families.

Information, advice and guidance should be readily available in an accessible format for all children and young people with SEND and their families. In addition to ensuring that LA documents consistently follow the corporate standards of plain English and the availability of alternative formats, effective provision of information, advice and guidance will be available as follows:

- **Provision of information through the Local Offer**

Brighton and Hove's Local Offer sets out in one place the support available to families of children and young people with SEND. It also gives information about the support available for educational settings to enable access.

To ensure the effectiveness of the Local Offer the LA:

- Has ensured all schools and colleges are detailed on Local Offer and encourages educational settings to link their Accessibility Plan and SEN Information Report to the Local Offer
- reviews and updates the Local Offer regularly, responding to feedback from professionals, children and young people and their families
- makes the Local Offer available online and accessible for those who do not have internet access e.g. through computer access at all council buildings and Libraries.

The Local Offer responds to the needs of the community. Professionals and children and young people with SEND and their families are invited to comment at any time on the effectiveness of the Local Offer. The comments will be published at least annually in a 'you said – we did' format.

- **Provision of support and guidance by commissioning Information, Advice and Support Service from Amaze.**

SENDIASS (the Special Educational Need and Disability Information, Advice and Support Service) is commissioned by the LA to provide information, support and advice to children and young people with SEND and their families. It also supports educational settings by providing advocacy, independent advice and encouraging partnership working.

- Work in partnership with schools and other agencies to provide access for children with specific impairments or disabilities e.g. sensory impairments, speech, language and communication difficulties

School accessibility plans

Just as Section 10 of the Equality Act requires local authorities to prepare an accessibility strategy for schools for which it is responsible, it also requires the responsible body of a school to prepare an accessibility plan.

This section provides an overview of the statutory duty of schools to develop and publish an Accessibility Plan that outlines how the school will improve access to education for disabled pupils over time. The school's Governing Body holds responsibility for publishing the Accessibility Plan, and as part of a regular review process, schools will need to have regard to the need of providing adequate resources for implementing this plan, and reviewing this plan.

A school accessibility plan is a plan for:

- increasing the extent to which disabled pupils can participate in the school's curriculum
- improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school and
- improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

An Accessibility Plan will be deemed satisfactory when:

- It is in writing.
- It covers the following three strands of increasing access over time:
 - Increased access to the curriculum for disabled pupils;
 - Improvements to the physical environment to increase access to education and associated services at the school; and
 - Improvements in the provision of information for disabled pupils where it is provided in writing for pupils who are not disabled.

In addition, an Accessibility Plan should be:

- Adequately resourced;
- Implemented;
- Reviewed regularly;
- Revised as necessary (e.g.: when accommodation improvements or repair and maintenance work are being planned);

- Revised, if necessary, during a three year period and ensure information is reported to parents/carers annually;
- A free standing document or part of the school development plan; and
- Published in the context of the Equality Act 2010, which can be interpreted as making the school's Accessibility Plan widely and easily available.
- Regarding the final point, it is suggested that the school's Accessibility Plan is published on the school website, and hard copies can be provided upon request. Schools may, if they choose, include accessibility plan in their annual report. The school should be prepared to make available versions of the plan in other, accessible formats to meet the needs of those requesting it, i.e.: parents with English as an additional language. Accessibility plans should be adequately resourced, regularly reviewed and revised as necessary e.g. when accommodation improvements or repair and maintenance work are being planned, where the organisation of the curriculum is being considered or school activities are organised. It should also be reported to parents/carers annually.

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

The duty to make reasonable adjustments requires schools to take positive steps to ensure that pupils/students with SEND can fully participate in the education provided by that setting, and that they can enjoy the other benefits, facilities and services provided for all pupils/students.

The 2010 Act sets out three requirements in relation to reasonable adjustments:

- where a provision, criterion or practice of a school puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage
- where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage
- where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

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.

Anticipating reasonable adjustments

A school's duty to make reasonable adjustments is an anticipatory one and therefore the setting needs to make plans in advance about what pupils/students with SEND might require and what adjustments might need to be made. They should not wait until the pupils/students are on roll.

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 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.

The exception to this duty is where the aid or service is specified in a statement of SEN or an Education, Health and Care Plan. In such cases, the school may submit a request to the Local Authority for support with funding. Cases are considered on an individual basis.

The Ofsted framework strengthens the requirements relating to equality of access and narrowing the gap in achievement. Governors should report annually on the impact of their school's arrangements for children and young people with SEND and progress made with implementing the accessibility plan.

All other educational settings are encouraged to have accessibility plans.

Admissions

The SEND Code of Practice 2015 emphasises that educational settings including further education establishments must not have discriminatory admissions policies. It states that:

'The Equality Act 2010 prohibits schools from discriminating against disabled children and young people in respect of admissions for a reason related to their disability.

Where a child or young person has SEN but does not have an Education Health and Care Plan they must be educated in a mainstream setting except in specific circumstances set out in the SEND Code of Practice: 0-25'.

SEND 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'. A suggested template for the 'SEN Information Report' can be found on Brighton and Hove Local Offer (to be actioned)

Further information

put in link to Accessibility Plan Template

The Equality Act 2010 and schools - Departmental advice for school leaders, school staff, governing bodies and local authorities

Review

The Equality Act 2010 requires the LA to keep its Accessibility Strategy under review during the period to which it relates and revise it if necessary.

This strategy is the responsibility of the Family, Children and Learning Directorate. It will be monitored by officers within that service.

It will be governed by the SEND Partnership Board.