



CHESLYN HAY SPORT AND COMMUNITY HIGH SCHOOL

GOVERNORS' POLICY

Disability and Discrimination Statement and Accessibility Strategy

As a body of governors, and with the support of our staff, we are committed to offering a high quality education to all our students from the community of Cheslyn Hay and the surrounding villages, in line with the values of the school and the relevant legal requirements. Our school promotes inclusion and will take all reasonable steps to ensure that students with disabilities are not discriminated against or treated less favourably than other students. We will work in partnership with families and outside agencies in the best interests of all our students and to maximise their educational opportunities.

The Disability Discrimination Act 1995 (DDA) defines a disabled person as someone who has a physical or mental impairment which has substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

The SEN and Disability Act 2001 extended the DDA to cover education. Since September 2002 the governing body has had three key duties towards disabled students: not to treat disabled students less favourably for a reason related to their disability; to make reasonable adjustments for the disabled so that they are not at a substantial disadvantage; and to plan to increase access to education for disabled students. The Disability Equality Duty 2006 requires all schools to: eliminate discrimination that is unlawful under the DDA; eliminate harassment of those with a disability; promote positive attitudes towards disabled persons; encourage participation by disabled individuals; and take steps to take account of disabilities even if this involves treating disabled persons more favourably.

The school's Accessibility Development Plan contains the governing body's proposals regarding how it intends to increase access to education for disabled students in the three areas as required by the planning duties of the DDA: increasing the extent to which disabled students can participate in the school's curriculum; improving the school's environment to increase the extent to which disabled students can take advantage of education and associated services; and improving the delivery of written information to disabled students that is provided to students who are not disabled. The plan also indicates the steps to be taken to raise the awareness of governors and staff regarding the school's responsibilities.

In the first instance the Cheslyn Hay Inclusion Panel (CHIP) oversees the school's progress as regards DDA. The school has also identified various groups and agencies from within and beyond the school from whom it will seek advice and assistance when monitoring and evaluating progress. Whilst it accepted that not all will be able to attend meetings when they are called, these include representatives from the: governing body; Senior Leadership Team members; inclusion team; SEN and SpLD staff; pastoral staff; site management staff; County Psychological Services; SENSS; PD, HI and VI Services; Autism Outreach Services; Connexions Service; Education and Welfare Services; West Midlands Travelling Children's Services; Parent Partnership Team; parents of children with disabilities; and former students with disabilities.

The responsibility for the school lies with the governing body whereas the LA is responsible for the HI, VI units that are attached to a school. However, the school has a duty to support the LA and their maintained units on campus. Whilst the act does not apply to individual governors, teachers, headteachers or any other professional associated with school, to ensure that all governors and staff have the necessary knowledge and understanding regarding the ramifications of the relevant legislation, further appendices are attached. These cover: special educational needs (Appendix A); educational provision, admissions and exclusions (Appendix B); and discrimination (Appendix C). It is the responsibility of all governors and staff to ensure that they are familiar with what is expected.

Lead SLT member: NCK

Date of next review: summer term 2016

Reference: DDA statement NCK 08 15



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Appendix A

Disability and Special Educational Needs

The DDA 2005 defines disability as a physical or mental impairment which has an adverse effect on the person's ability to carry out day-to-day activities. The effect of the disability must be substantial, that is, more than minor or trivial and long-term, likely to last for at least twelve months or for the rest of the life of the person. The effect must be adverse.

The DDA definition of disabilities covers physical, sensory and intellectual impairments and is broad in its coverage. As such, it includes many students within the context of the SEN Code of Practice and the Every Child Matters Document. The table below illustrates the relationships between disabilities and SEN. It is not totally inclusive and will need revision to include new disabilities for students in the future.

Special Educational Provision is made under the SEN Framework provided by the Education Acts and the SEN Code of Practice. The SEN Framework identifies and meets any additional needs required by SEN students, when it has been demonstrated that their learning needs are in the 'below average' range and outside the scope of typical school provision. Our duties under the DDA 2005 are there to ensure that disabled students, with or without SEN, are not discriminated against and should promote equality of opportunity between disabled and non-disabled students.

Disabilities might give rise to intellectual impairments that call for SEN provision to be made for a student. Therefore, many children with SEN would also be described as disabled under the DDA 2005. However, not all students who are described as disabled also have SEN. Students with asthma, diabetes, arthritis do not necessarily have SEN, but they will still have rights under the DDA. Conversely, not all SEN students have disabilities as defined by the DDA.

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| Disabled | Asthma, diabetes, cancer & leukaemia, facial disfigurement, loss of limbs, neuro-muscular degenerative diseases, eating disorders, obesity, mental health issues & depression, growth abnormalities, hemiplegia & palsy, sickle cell anaemia, accidental injury creating an impairment incontinence, rheumatoid, kidney and heart conditions |
| Disabled & SEN | Moderate & severe learning difficulties, severe PD, VI, HI & mobility difficulties, EBD / ADHD, ASD /SI, Epilepsy, SPLS, elective mutes, severe dyslexia, blindness, deafness |
| SEN | Mild dyslexia, EBD social & non-medical, mild dyspraxia, mild speech & language impairment, mild learning difficulties, mild social impairment, mild ASD, mild speech impairment |



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Appendix B

Education and Associated Services, Admissions and Exclusions

Education and Associated Services

The disability and discrimination duties apply to all disabled students and future students and to every aspect of school life. Wherever the school organises activities or makes arrangements with other institutions the provisions of the DDA apply. This includes the following.

- Preparation for entry to our school
- The curriculum
- Teaching and learning
- Classroom and school organisation and student grouping
- Breaks and lunchtimes, before and after school clubs and lunchtime activities
- Homework and homework clubs
- All extension activities offered outside the everyday curriculum
- Sports activities and school teams, including competitive fixtures with other schools
- All additional activities such as school plays, musicals, concerts and inter-schools activities of all kinds
- All school policies
- Assessment and examination access arrangements
- Time-tabling including the specific provision made for individual students, to maintain inclusion or because of health/SEN reasons
- Exclusion procedures
- School trips and excursions
- Access to all school facilities
- School discipline, rewards and sanctions
- Working with outside agencies, including the new Children's Services and Provisions under Every Child Matters

Admissions

All responsible bodies must not discriminate against disabled persons in the way that they decide who will be admitted to the school. The criteria set for admissions, especially during periods of over-subscription, and the way they are implemented, must reflect the advice given in the DDAs 1995, 2005. Every attempt to avoid discrimination towards students with disabilities must be made in the way in which places are offered at the school. An application from a disabled person cannot be refused on the grounds that they cannot be accommodated for reasons of health and safety or lack of appropriate provisions. The parents of a student refused admission can appeal to the Admissions Appeal Panel. Where discrimination has been alleged to have occurred, parents have a right of redress through the Special Educational Needs and Disability Tribunal System (SENDIST). Parents and schools can also use the Equality and Human Rights Commission, if both parties agree to the conciliation, and the West Midlands Mediation Service.

Exclusions

It is against the law to discriminate against disabled students by excluding them from school for reasons that relate directly to their disability. It applies to fixed term and to permanent exclusions. The DDA 2005 provides for any parents to make a claim of discrimination against a school when their disabled child has been discriminated against because of their disability. Parents must first establish that their child has a disability as defined under the act and secondly they must demonstrate that discrimination took place. Parents cannot simply claim discrimination when the only issue is the way the school undertook exclusion procedures and the parents disagree with these procedures.



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Appendix C

Discrimination and Reasonable Steps

A disabled student suffers discrimination by: being treated less favourably or being put at substantial disadvantage because the responsible body fails to make reasonable adjustments.

Less favourable treatment

If a school treats a student or prospective disabled student less favourably than another comparable but able bodied student, for reasons that relate to their disability and without justification, they could be breaking the law under the DDAs 1995, 2005. The act requires that three simple tests are applied to discover if less favourable treatment has occurred.

- Was the alleged discrimination for reasons that relate directly to the disability of a student?
- Did the student experience less favourable treatment in comparison with an able bodied student who would otherwise be similar in every respect and to whom the reason does not apply?
- Can the discrimination be justified by the school?

Justification for less favourable treatment

Sometimes a school could be justified in appearing to offer less favourable treatment. However, there must be a reason that is both substantial and material to the case in question. For example: where a school trip, planned as a part of the curriculum, carries substantial and practical risks, with very limited wheel chair access and inclusion on the trip is both hazardous and strenuous for the disabled student and their carers, the school could be justified in advising against participation in this trip. The discrimination, although clearly on the grounds of a particular disability, would be justified for a substantial and material reason, and therefore not unlawful. However, the choice of a more inclusive trip on a less hazardous terrain would be the favourable option and a reasonable adjustment to make.

Failure to make a reasonable adjustment that leads to a substantial disadvantage.

When a school fails to take reasonable steps towards making adjustments and a disabled student or prospective disabled student is placed at a substantial disadvantage relative to their able bodied peers, discrimination will be occurring. Schools have a duty to make reasonable adjustments to prevent cases of discrimination.

Examples of a substantial disadvantage

- the extra time and effort a disabled student might need during the school day
- the inconvenience, indignity or discomfort a disabled child might experience
- the accumulative effect of an impairment on a number of activities
- the effects of on-going treatment
- progressive conditions
- the loss of opportunity or lack of progress that a disabled child may experience compared to able-bodied peers
- peer prejudice in relation to facial disfigurements.

Examples in context

- Teachers who fail to face the class before speaking put lip-reading deaf students at a considerable disadvantage relative to their hearing peers.
- Teachers who insist on notes to be copied from white boards, put severely dyslexic students under great and tiring pressure relative to their more literate peers. A simple photocopy or print out of the teacher's white board notes would avoid discrimination of this significant educational disability.



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Disabilities are to be judged in the context of how well a student copes with what we consider to be normal day to day activities.

- Independent movement around school and in practical areas.
- Fine and gross body movement in relation to writing, movement, handling apparatus and tools, and PE.
- Carrying a school bag, PE kit and outdoor coat around school during the day.
- Independent personal care and toileting.
- Speech articulation and language difficulties
- Normal ranges of vision, hearing and memory function.
- Normal levels of concentration span, learning and concept development.
- Personal safety awareness.

Defining 'reasonable steps'

The DDAs 1995, 2005 do not make clear by definition exactly what reasonable steps are. However, it would be prudent to take account of the following:

- Cost implications
- Practicalities of making the adjustment
- The time scale required to complete the adjustments
- Health and safety of both the disabled student and their peers
- The need to maintain standards in academic achievement, good discipline and behaviour
- The interests of all students.

A school is justified in failing to make reasonable steps to adjust if there are reasons that are both substantial and material to a particular case.

When to take reasonable steps

The school have a duty to all disabled students and potential disabled students and not just to the students we already have. It is imprudent to wait until the predicted arrival of a known student before making reasonable adjustments or we may already be in breach of the law. Schools must exercise foresight and plan for the addition of reasonable adjustments. All school policies should be kept under regular review, to ensure that all possible steps have been taken to prevent discrimination from occurring against disabled students.

School policies, procedures and practices should be read in the context that they do not lead inadvertently to any kind of less favourable treatment or substantial disadvantages, to disabled students in comparison with their peers. They should be flexible and responsive enough to be able to match the needs of individual students without discrimination.

Schools should:

- be aware of their existing disabled students and know their needs are being matched fully,
- take steps to discover future disabled students that are considering an application for placement at the school, precisely what their needs are and how to plan reasonable adjustments to cater for those needs,
- take decisions about allocating a percentage of the school budget to be made available to assist in planned reasonable adjustments, over a period of time.

Reasonable adjustments

In part 4 of the DDA consideration is given to 'reasonable adjustments' to buildings and the physical environment of a school. Schools are not expected to remove or alter, substantially, adverse physical features immediately, as part of the reasonable adjustment duty. Physical alterations to school sites are part of long term planning commitments, requiring much investment and are carried out in conjunction with LA planning commitments. Projects of this nature should be planned and carried out jointly, on an on-going basis. However, under the DDA 2005 schools are expected to fulfil their Anticipatory Duty in relation to reasonable



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adjustments in a given situation. It is not sufficient to state in school policies that the School has considered this duty of reasonable adjustment and when we know we have a student with a disability, we will make changes to match their needs.

It is a school's duty to anticipate and record what a school needs to do in a given situation, based on current knowledge and experience, and to keep such statements under regular review, in the light of future information. Anticipatory duty should be a part of regular and planned programmes of change that develop and enhance the curriculum and the school environment.