

## Disability Policy

### Introduction

The Disability Discrimination Act (DDA) of 1995 aimed to end discrimination against people with disabilities and to improve access in all areas of life. Since 2002, it has been unlawful for schools to discriminate against pupils with disabilities. From 1 October 2004 it has been unlawful to discriminate against people with disabilities by preventing them from having access to premises.

The Equality Act of 2010 brought together over 116 separate pieces (including the DDA) of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The reasonable adjustments duty under the Equality Act (2010) has been extended to cover the provision by a school of auxiliary aids and services. This policy gives examples of the 'reasonable adjustments' we can make to accommodate persons with disabilities; each case will present its own particular needs. Examples and timescales are also identified on our Accessibility Plan.

This policy refers directly to the Equality Act (2010) and relies upon the Equality and Human Rights Commission guidance document "What equality law means for you as an education provider: schools". Other related documents are the school's Equality Policy, Admissions Policy, Anti-Bullying Policy and Curriculum Policy.

### What is disability?

Section 6 of the Equality Act 2010 defines disability as a 'physical or mental impairment which has a substantial and long term adverse effect on someone's ability to carry out normal day to day activities'. Long term means that the impairment will have lasted or be likely to last for 12 months or more.

Physical or mental impairments can include sensory impairments (such as those affecting sight and hearing) and learning difficulties. The definition also covers certain medical conditions when they have a long term and substantial effect on pupils' everyday lives.

Disability is not the same as special educational needs; not all children who are defined as having a disability have special educational needs, and vice versa.

All staff are informed of any pupils with disabilities and of the need to be aware of potential difficulties such as bullying (see the school's Anti-Bullying Policy).

### Aims

- Our school aims to be inclusive and remove the barriers to learning and participation that can hinder or exclude pupils (including pupils with disabilities).
- We seek to ensure that pupils with disabilities have the same opportunities as non-disabled pupils to benefit from the education our school provides.
- We will not treat a pupil with a disability less favourably than others because of the nature of his or her disability.
- We will make all reasonable adjustments to ensure that a pupil or member of staff with disabilities is not placed at a disadvantage.
- We will do our best to anticipate the needs of a pupil with disabilities before he or she joins the school.

By achieving these aims the school seeks to eliminate unlawful discrimination, harassment and victimisation.

## **What is discrimination?**

In the Equality Act (2010) unlawful discrimination is defined as:

- Direct discrimination (including discrimination based on perception or association)
- Indirect discrimination.
- Discrimination arising from disability.
- Failure to make reasonable adjustments (for disabled people).

## **Reasonable Adjustments**

The School is committed to treating all pupils fairly. In light of the School's obligations under the Equality Act 2010, the School will seek to ensure that disabled pupils are not put at a substantial disadvantage, by comparison with pupils who are not disabled, by making reasonable adjustments:

1. to policies, criteria and practices (i.e. the way the School does things); and
2. by providing auxiliary aids and services (i.e. provision of additional support or assistance).

There is no standard definition of an auxiliary aid or service. Anything which helps, aids or renders assistance for disabled pupils or applicants is likely to be an auxiliary aid or service. Examples could include:

- pieces of equipment;
- extra staff assistance;
- note-taking;
- induction loops;
- audio-visual fire alarms;
- readers; and
- assistance with guiding.

The School is not required to remove or alter physical features to comply with the duty to make reasonable adjustments for disabled pupils or applicants. Similarly, the School is not required to provide auxiliary aids for personal purposes unconnected with its provision of education and services.

School staff seek to understand the needs of each and every pupil and to ensure that all pupils have the chance to make good progress according to their ability. In practice, making reasonable adjustments can be a daily, iterative process. Adjustments can often be made by staff at short notice or no notice, for example, taking steps to ensure that a child has understood instructions, or that they are seated where they are able to hear and concentrate.

Once any required adjustments have been identified, the School will consider whether they are reasonable adjustments for the School to make by reference to the following factors:

- whether it would overcome the substantial disadvantage the disabled child is suffering;
- the practicability of the adjustment;
- the effect of the disability on the pupil;
- the cost of the proposed adjustment;
- the School's resources;
- health and safety requirements;
- the need to maintain academic, musical, sporting and other standards; and
- the interests of other pupils (and potential pupils).

Parents can assist the School in this process by ensuring that staff are informed of their child's needs, making available any relevant reports, assessments and information and working with the School if appropriate to implement any measures or reinforce any strategies put in place.

Where, despite reasonable adjustments to assist a child's access to educational provision and the other benefits, facilities and services the School provides, a disabled pupil is evidently still at a substantial disadvantage, the School may draw this to the attention of the parents and make recommendations. This might include, for example, seeking further external professional advice, seeking a statutory assessment, additional support funded by the parents or other external sources.

Due to the school buildings being Victorian and on several floors, access to some teaching areas could be restricted for those with a physical disability. Heritage School will seek to make reasonable adjustments to its facilities to enable access for children with disabilities.

Operational changes can also be considered. For example, some lessons can be moved to ground floor classrooms where access by wheelchair could be made possible.

Reasonable adjustments to school uniform requirements could be made.

The school encourages all pupils to attend a variety of trips and activities. These may be sporting, cultural or adventurous. At such venues the programme of activities can be modified to facilitate participation regardless of disability. The school is an advocate of the Duke of Edinburgh's Award scheme and is aware that it gives specific guidance to enable disabled pupils to achieve awards. The risk assessments that are carried out in relation to school trips include a consideration of the needs of disabled pupils and such pupils should be included rather than excluded on trips, as reasonable adjustments are made to activities.

Where a child is disabled, some departures from the school's Behaviour Policy may need to be made. This could include making reasonable adjustments to manage such behaviour, considering alternative, more appropriate sanctions, and ensuring that a disabled pupil is able to present their case fully where their disability might hinder this. The aim is to ensure that indirect discrimination does not occur as a result of the school's Behaviour Policy. The policy will be reviewed regularly to ensure that disabled pupils are not more likely to be disciplined or excluded.

### **Admissions**

More details of the selection process for prospective pupils can be found in the school's Admissions Policy. Reasonable adjustments for students with disabilities will be made when they are assessed, such as extra time or rest breaks where appropriate, to prevent them being disadvantaged during the admissions process.

Where a prospective pupil is disabled, the School will discuss with parents (and their child's medical advisers, if appropriate) the adjustments that can reasonably be made for the child if they become a pupil at the School, to ensure that the prospective pupil is not put at a substantial disadvantage compared to a pupil who is not disadvantaged because of a disability.

There may be exceptional circumstances in which we are not able to offer a place for reasons relating to a child's disability. For example, if, despite reasonable adjustments, we feel that a prospective pupil is not going to be able to access the education offered, or that their health and safety or those of other pupils or staff may be put at risk, we may not be able to offer a place at the School.

### **Examinations**

Pupils who are entitled to extra time in exams will be given this in internal as well as external examinations. Word processors will be provided for students at the instigation of the SENDCo, informed by the student's teachers, as detailed in the Word Processor Use policy. Larger print course notes and examination papers will be introduced as and when appropriate.

The disability guidance given by JCQ and Cambridge will be followed for GCSE and International GCSE examinations. For students with disabilities, the school will explore and provide access to suitable courses, submit applications for reasonable adjustments and then make these reasonable adjustments in accordance with the most recent version of the JCQ publication 'Access Arrangements and Reasonable Adjustments'. The school will also identify the need for, request and implement the necessary access arrangements.

Chairs will be made available outside the examination rooms to enable those with a disability or those candidates who experience extreme stress or anxiety, to sit and rest before they enter the examination. If it is known that a candidate may become unwell during the examination due to the nature of their disability, they will be seated close to the exits to make them feel more comfortable and

to limit any disruption to others within the examination room. Where a candidate has been granted the use of a Language Modifier, a reader or a scribe, the individuals who will be acting as a Language Modifier, a reader or a scribe will be introduced to the candidate prior to the examination(s) taking place. Invigilators and other centre staff involved in conducting examinations will be made aware of the emergency evacuation procedures in place for those candidates with a disability who may need assistance in leaving the building.

### **Recruitment**

When advertising posts, or interviewing applicants, or deciding on appointments, the trustees and staff will follow the necessary procedures, and will not discriminate against people with disabilities, although there may be cases where 'reasonable adjustments' are not possible.

Should a member of staff become disabled, the governing body will make reasonable adjustments to that person's employment arrangements, or to the premises, in order to enable them to continue in post.

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