

Disability Discrimination Act (1995)

The practice of schools and local education authorities in implementing their duties

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Her Majesty's Inspectorate
for Education and Training in Wales



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- ▲ independent schools;
- ▲ further education;
- ▲ adult community-based learning;
- ▲ youth support services;
- ▲ LEAs;
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Contents	Page
Introduction	1
Main findings	2
Recommendations	3
Local education authority planning	5
Single education plans	5
Asset management plans	5
The quality of accessibility strategies	6
Accessibility audits of schools	6
Funding improvements to school buildings	7
Involvement of disabled people in strategy development	8
Planning for new pupils	8
How well are schools implementing their duties under the Disability Discrimination Act?	10
The quality of schools' accessibility plans	10
Curriculum access	10
Extended curriculum activities	11
Physical environment	12
Provision of information	12
Governors	13
Independent schools	13
Special Educational Needs Tribunal for Wales	14
How prepared are schools for forthcoming Disability Equality Duty?	15
Appendix	
Disability discrimination duties	
Definition of disability	
The Children Act 1989	
The Disability Discrimination Act 1995	
The Education Act 1996	
The Children Act 2004	
Policy context	
The Learning Country	
Children and Young People: Rights to Action	
The Special Educational Needs Framework	
Inclusion and Pupil Support	

Introduction

- 1 This purpose of this report is to produce a position statement about how well local education authorities and schools are implementing their duties under Part IV of the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001).
- 2 The report focuses on:
 - local education authority accessibility strategies; and
 - schools' accessibility plans.
- 3 Before producing the report, the team:
 - reviewed a sample of 17 Estyn inspection reports on local education authorities and schools;
 - carried out a sample of 10 monitoring visits to schools and local education authorities (LEAs);
 - interviewed officers from local education authorities;
 - interviewed focus groups of headteachers;
 - consulted the Special Educational Needs Tribunal for Wales; and
 - consulted officers from the Disability Rights Commission.

Main findings

- 4 Where disabled pupils do not have good access to the curriculum it is often because schools lack an appropriate variety of teaching methods, have poor ICT, and support staff do not have adequate specialist knowledge.
- 5 Nine local authorities have not completed their asset management plans. This means that they are not able to plan strategically the effective use of their resources to implement the Disability Discrimination Act.
- 6 A few local education authorities are not efficient in their planning processes. This results in some disabled pupils waiting too long before they start school.
- 7 Three of the local education authorities visited have developed whole-authority approaches to curriculum planning that focus on individual pupil learning. This includes all pupils and helps teachers to plan for the individual needs of learners in their class. This individualised planning provides schools with an innovative approach to make any necessary adjustments for disabled pupils.
- 8 Very few local authorities have developed effective partnerships between mainstream schools and special schools to support and develop the curriculum and teaching.
- 9 Local authorities do not do enough to ensure that disabled pupils and their parents participate in individual planning meetings. This is particularly important when planning for pupils' transition from school to the next stage of learning. Key worker care co-ordinators provide good support to help disabled pupils participate in decision making in a minority of local authorities.
- 10 One local authority trains its own staff to work as mobility officers. This helps disabled pupils improve their independence. In addition, mobility officers advise school staff about how they can help pupils to do things for themselves.
- 11 One of the main barriers to disabled pupils attending extra-curricular activities is the lack of flexibility of specialist transport provided by local education authorities.
- 12 Effective parent partnership services in many local education authorities mean that very few appeals on the grounds of disability discrimination go forward to the Special Educational Needs Tribunal for Wales.
- 13 All local education authorities are preparing to train schools and governors on their responsibilities under the new Disability Equality Duty.

Recommendations

14 The Welsh Assembly Government should:

- monitor and evaluate how effectively local authorities use the school building and improvement grant (SBIG) and other sources of funds to address Disability Discrimination Act issues;
- monitor and evaluate the effectiveness of key worker care coordination systems in supporting disabled pupils and their families;
- monitor how local authorities implement the Inclusion Policy and Performance Framework to ensure that disabled pupils' needs are met effectively by local authorities and schools;
- monitor the effectiveness of the arrangements to promote co-operation between local authorities and their partners under the Children Act 2004; and
- monitor the progress of independent schools in increasing the accessibility of schools to disabled pupils.

15 Local authorities should:

- complete education and corporate asset management plans and ensure good linkage between these plans so that the work required to make school buildings accessible is strategically planned for and includes appropriate financial resources;
- make sure that disabled pupils and their parents are adequately supported to participate in individual planning meetings;
- work in a co-ordinated and strategic manner with other agencies to plan and deliver provision for disabled pupils;
- improve the joint working between mainstream and special schools to develop the curriculum and teaching;
- monitor and evaluate how schools' accessibility plans are progressing to ensure targeting of efforts and funding where there is the greatest need to make improvements;
- monitor and evaluate the impact of staff development and other support given to teachers and support staff to make sure that disabled pupils receive what they need to help them;
- promote the attendance of disabled pupils at extra-curricular activities by providing flexible transport arrangements; and

- provide training for schools' whole governing bodies on their responsibilities under the new Disability Equality Duty.

16 Schools should:

- draw up an action plan of what is required in order to make improvements and increase the accessibility of the school;
- make suitable provision to support disabled learners and their parents to participate in individual planning meetings;
- take good account of the individual needs of disabled pupils when planning the curriculum;
- ensure that all staff, including support staff, receive appropriate support and training to improve their teaching and support for disabled pupils;
- work with special schools to develop the curriculum and teaching;
- choose venues for school visits that are accessible to all pupils to make sure that no pupil is discriminated against; and
- share risk assessment information with other schools about accessible venues for visits.

Local education authority planning

- 17 Section 28D of the Disability Discrimination Act places a duty on local authorities to plan strategically to increase, over time, the accessibility of their schools. However, local authorities plans to make improvements in schools are not always consistent across the various departments of the local authorities. The outcome of this is that, too often, planning to make improvements required to disability access in schools is not linked with the necessary corporate financial planning and support to make the improvements achievable.

Single education plans

- 18 The Welsh Assembly Government required local education authorities to produce a single education plan covering the years from 2006 to 2008. These plans replace the separate education strategic plans, school organisation plans, behaviour support plans and early year and childcare development plans.
- 19 Overall, about half of these plans are of good quality. These plans explain what the local education authority does well and have challenging targets for what it needs to do to improve accessibility to education by disabled pupils.
- 20 In the weaker plans, local education authorities do not show how the single education plan links with the council's other plans, such as how the local education authorities plans for improving accessibility link to the Council's asset management plan.

Asset management plans

- 21 The Welsh Assembly Government has required local authorities to produce asset management plans since 2004. The purpose of the plans is to provide clear strategic corporate guidance to elected members and officers on managing property assets over a five-year period. Each service area of the local authority, for example the education service, has an individual service asset management plan.
- 22 The asset management plan for the education service should cover all capital and significant revenue spending on school premises, including spending from budgets held centrally by the authority. The plans set out information needed and criteria to help elected members make decisions about spending on schools. This plan forms part of the broader, corporate asset management planning of the authority.
- 23 Just over half of the education and corporate plans reviewed are well linked. These plans also have clear links to the Accessibility Strategies and Single Education Plans. However, not all planning processes and structures are developed well enough. Elected members and officers do not work strategically enough in their authorities to ensure that plans to improve accessibility of existing schools are supported by appropriate financial commitments.
- 24 All local education authorities have extensive information on the condition, suitability and sufficiency of school buildings. Yet, to date, nine local education authorities have not drawn this information together into an asset management plan. This

means that there is a fundamental flaw in their planning processes that hinders their ability to plan strategically the effective and efficient use of the resources to implement the Disability Discrimination Act.

The quality of accessibility strategies

- 25 Local education authorities have a duty to produce a three year accessibility strategy to cover the period up to March 2007. Section 28D of the Special Educational Needs and Disability Act 2001 sets out three strands which must be included in the accessibility strategies. These strands are to:
- increase the extent to which disabled pupils can participate in the school curriculum and in activities such as after school clubs, leisure and sporting events and school trips;
 - improve the physical environment of schools for disabled pupils; and
 - improve the delivery of (written) information to disabled pupils.
- 26 Almost all local education authorities have accessibility strategies. In general, these plans are of good quality. In almost three quarters of the plans:
- there are clear targets with timescales and resource implications;
 - targets set are consistent with those set in other plans such as the asset management plan and the single education plan;
 - there is a clear distinction between the improvements the local education authority will make and those expected of the school; and
 - monitoring, review and evaluation procedures for the implementation of the Disability Discrimination Act are set out clearly.

Accessibility audits of schools

- 27 Most local education authorities have completed accessibility audits of schools to obtain a clear picture of what work is required at each school in order to make them accessible to disabled pupils. Appropriately, some authorities have used external consultants to undertake this work when capacity issues and time constraints on officers would have limited progress in completing this audit.
- 28 The audits have generally led to effective action plans which have clearly identified the work necessary for schools to comply with the Disability Discrimination Act. The plans contain detailed financial estimates and timescale for improvements to each school. The best plans are used as working documents to monitor progress in making planned improvements.

29 However, too few local authorities:

- share these audits and action plans with elected members to enable them to target financial resources to school where there is the greatest need to make improvements; and
- link the audit information well enough with asset management planning.

Funding improvements to school buildings

30 The main funding source from which local education authorities can make improvements to schools is the School Buildings Improvement Grant. This grant is linked to the Welsh Assembly Government target that all schools will be in good physical condition as soon as possible. The grant is provided to local authorities to fund new buildings and building improvement schemes in schools. This includes improvements required under the Disability Discrimination Act to ensure accessibility. The chart below shows the amount allocated to each local education authority since 2004 when the Disability Discrimination Act duty was introduced.

	SBIG 2004 – 2005 £	SBIG 2005 – 2006 £	SBIG 2006 – 2007 £	SBIG 2004 - 2007 Total
Anglesey	736,592.00	779,050.00	425,000.00	1,940,642.00
Blaenau Gwent	425,268.00	442,084.00	404,000.00	1,271,352.00
Bridgend	1,376,933.00	1,463,202.00	809,000.00	3,649,135.00
Caerphilly	1,872,901.00	1,963,626.00	1,071,000.00	4,907,527.00
Cardiff	3,000,153.00	3,131,648.00	1,702,000.00	7,833,801.00
Carmarthenshire	1,930,085.00	2,039,213.00	1,113,000.00	5,082,298.00
Ceredigion	828,804.00	892,156.00	491,000.00	2,211,960.00
Conwy	1,096,072.00	1,176,851.00	647,000.00	2,919,923.00
Denbighshire	1,044,590.00	1,097,401.00	603,000.00	2,744,991.00
Flintshire	1,576,793.00	1,649,136.00	900,000.00	4,125,929.00
Gwynedd	1,367,875.00	1,446,098.00	796,000.00	3,609,973.00
Merthyr Tydfil	660,158.00	187,462.00	871,000.00	1,718,620.00
Monmouthshire	2,093,988.00	860,155.00	473,000.00	3,427,143.00
Neath Port Talbot	1,420,529.00	1,480,857.00	812,000.00	3,713,386.00
Newport	1,447,705.00	1,525,548.00	839,000.00	3,812,253.00
Pembrokeshire	1,024,287.00	1,348,993.00	734,000.00	3,107,280.00
Powys	1,480,544.00	1,593,411.00	870,000.00	3,943,955.00
Rhondda Cynon Taff	2,674,037.00	2,838,126.00	1,554,000.00	7,066,163.00
Swansea	1,503,000.00	2,268,024.00	1,246,000.00	5,017,024.00
Torfaen	1,028,737.00	1,081,401.00	587,000.00	2,697,138.00
Vale of Glamorgan	1,288,611.00	1,363,338.00	752,000.00	3,403,949.00
Wrexham	2,252,941.00	807,061.00	223,000.00	3,283,002.00
Total £	32,130,603.00	31,434,841.00	17,922,000.00	81,487,444.00

- 31 Of the local education authorities visited, only one has comprehensive information on the specific amount of financial resource spent to date on making schools accessible to disabled pupils. This is because, in all local authorities, the general improvements made to schools since 2004 have been made in keeping with Disability Discrimination Act requirements. Therefore, most local authorities have not separated out the spending on disability access from that of general improvements.
- 32 In a minority of authorities, financial data on spending on disability access issues is collected by special educational needs services as part of their regular monitoring and evaluation procedures. A few special educational needs service managers make effective use of a specific special educational needs budget allocation for making improvements to buildings for pupils with disabilities. However, not enough authorities make sure that the information about improvements made to school buildings that is financed from different budgets is well linked. This means that local authorities do not know how much has been spent on improvements.

Involvement of disabled people in strategy development

- 33 Over 70% of local education authorities consulted the Disability Rights Commission and other disabled people's groups when developing their accessibility strategies. This helped ensure that the views of disabled people were incorporated in their strategies.
- 34 One authority found that the perspective provided by the disabled people consulted was so useful to them that they appointed an officer with disabilities to work within the children's integrated disability service. This officer works closely with officers from property services and assists schools in accessibility planning and implementation through training and on-going support.

Planning for new pupils

- 35 Almost all local education authorities have procedures that ensure good planning for the needs of disabled pupils entering school for the first time and for those changing school. The most effective local authorities work well with parents and other agencies, such as local health boards, prior to a disabled pupil entering school to ensure that accessibility issues and support to access curriculum are provided at the point of entry to school. This means that additional support to access the curriculum for some individual pupils who have complex health needs is provided by other agencies such as community health services.
- 36 However, a few local education authorities are not efficient in their planning processes. This means that some pupils, particularly those with complex health needs, whose parents wish them to attend local schools, wait too long before they start school.
- 37 Where services are not well planned and co-ordinated disabled pupils do not get the best support to help them. For example, disabled pupils and their parents may have too many professionals attending transition meetings. These meetings are to plan the future arrangements for further education, training and entry to the world of work when a disabled pupil is coming to the end of their time in school. Too many people

Disability Discrimination Act (1995)

The practice of schools and local education authorities in implementing their duties

at a meeting can inhibit a young person (or their parent) from speaking up for themselves. Not enough local authorities appoint key workers or care co-ordinators to get over this type of difficulty and help disabled pupils participate in decision making about their future.

How well are schools implementing their duties under the Disability Discrimination Act?

The quality of schools' accessibility plans

- 38 All local education authorities have provided training for schools to help them prepare plans and understand the implications of the duties of the Disability Discrimination Act. Most schools have used the comprehensive information from their local authority's accessibility audit as the basis for their plans.
- 39 In almost all local authorities, the monitoring of schools accessibility plans is undertaken by link officers as part of the agenda of regular school improvement monitoring meetings with headteachers. Some authorities also use consultation meetings between the special educational needs service and schools to monitor the progress of planned actions. The authorities that provide the most effective challenge and support to schools gather information on what needs doing, and what schools have already done to make their buildings physically accessible. This information is then passed to the officers responsible for asset management. However, this effective information sharing does not happen often enough. Four of the authorities do not monitor the impact of schools' accessibility plans. This is an important shortcoming because it means that local authorities do not keep up-to-date information to assist decision making about targeting efforts and funding where there is the greatest need to make improvements.
- 40 Many schools have used their local authority's accessibility audit information as an appropriate basis for accessibility plans and developed good action plans stating:
- the specific work to be carried out;
 - the cost of work that needs to be undertaken;
 - whether the school or the authority will pay for each piece of work;
 - a timescale of what will be done and by when;
 - short, medium and longer term priorities; and
 - a date for reviewing the plan.
- 41 However, a minority of the plans do not contain an action plan of what is required in order to make improvements and increase progressively the accessibility of the school to disabled pupils.

Curriculum access

- 42 Over half of the schools inspected in 2005-2006 have good procedures for identifying, supporting, monitoring and reviewing pupils' progress. However, in just under 10% of schools, pupils do not make good enough progress because work does

not match their abilities very well. When school staff, pupils or their parents or carers recognise the need for additional help in planning the curriculum, they contact the local education authority special educational needs services. These services, often in liaison with school improvement subject advisors, provide good advice and support on how to make the curriculum accessible. They generally monitor well the impact of the support given to individual pupils, but are not as effective in measuring the impact of support given to teachers and support staff. In addition, local education authority officers and specialist teachers do not always look at the work of teachers and support staff and whether staff development and training has improved their teaching. As a result, disabled pupils do not always get exactly what they need to help them achieve better.

- 43 Three of the local education authorities visited have developed a whole-authority approach to curriculum planning that has a focus on individual pupil learning. As a result, over 70% of schools in these authorities emphasise individual pupil assessment in planning and delivering their curriculum. This includes all pupils and helps teachers to plan for the individual needs of learners in their class. This individualised planning provides schools with an innovative approach to make any necessary adjustments for disabled pupils.
- 44 Where disabled pupils do not have good enough access to the curriculum it is often because:
- teachers lack variety of teaching methods;
 - support staff lack specialist expertise;
 - schools and local education authority support services do not work well enough together;
 - links with staff of other agencies, for example physiotherapists and occupational therapists, are under-developed; and
 - specialist ICT support is not good enough.
- 45 One local authority has trained staff to work as mobility officers to replace the expertise that in the past was bought in from outside agencies. This means that pupils and schools get a better service as support can be negotiated without the constraints of contracted hours of work. The support provided helps disabled pupils improve their independence. In addition, mobility officers are advising school staff how they can help pupils do things for themselves.
- 46 Very few local authorities have developed effective partnerships between mainstream schools and special schools to support and develop the curriculum and teaching.

Extended curriculum activities

- 47 One of the main barriers to disabled pupils attending extra-curriculum activities such as school sports clubs, breakfast and after-school clubs is the lack of flexibility of

specialist transport provided by the local education authority. In a few authorities, additional transport arrangements are made to ensure equal access to provision. For example: a pupil with sensory impairment trains with the school football team after school and a taxi picks him up at 5.00 pm to take him home. The additional funding required for this arrangement is met from the local authority's special educational needs budget. Cymorth¹ funding is used in some authorities to help disabled pupils to attend activities with additional support. The authorities surveyed stated that, if requested to provide additional transport, they would do their best to meet the need. However, overall authorities do not do enough to promote pupil attendance at extra-curriculum activities.

- 48 Very few authorities are good at getting schools to share risk-assessment information about different venues for school visits so that schools choose venues appropriate to the needs of all pupils. This does not happen enough and some pupils are discriminated against because schools arrange to visit places that are inappropriate for the needs of all pupils.
- 49 Disability sports co-ordinators in each authority provide good support to help disabled pupils access sport and recreation activities, including after-school clubs. These officers co-ordinate specialist clubs where disabled children and young people can play sports such as basket ball, and provide advice and guidance on how mainstream clubs can include disabled players into their activities.

Physical environment

- 50 All local authorities make it a high priority to place disabled pupils in schools that meet their needs. However, the quality, design, architectural significance and age of some school buildings, particularly small rural schools, make it difficult to provide full access for all pupils in schools near to where they live.
- 51 Nearly all local education authorities have tried to overcome this problem by adapting and resourcing a secondary school and at least one primary school in each area to provide for disabled pupils. This approach helps authorities target their resources efficiently, but does have the effect of restricting parental choice. This means that disabled pupils do not always have access to local schools and have to travel out-of-area to attend suitable provision.

Provision of information

- 52 Schools make good use of special educational needs services' sensory staff to help them in delivering information in different formats for disabled pupils. For example:
- Brailled text, in English and Welsh;
 - text enlargement;
 - audio formats;

¹ Welsh Assembly Government funding for children and youth support services. It is aimed at children and young people who are from disadvantaged families.

- British Sign Language; and
- Maketon signs; and oral information.

53 In addition to the services available to support schools provide information in different formats, many local authorities have taken due regard to the needs of disabled people and ensure that, all corporate information, such as letters sent out from the authority are accessible. One authority consulted the Royal National Institute for the Blind before issuing guidance to its staff.

Governors

54 Generally, school governors have been provided with good training by their local education authorities to make them aware of their responsibilities under the Disability Discrimination Act. Most authorities keep effective records of the names of governors and their schools that participated in LEA training events. Yet, analysis of these training records show a poor take-up by school governors of training offered. In attempts to improve this, most local authorities consult well with governors and arrange training at times known to be convenient to them. Despite this, less than 50% of governing bodies have governors trained in disability awareness and their responsibilities regarding the Disability Discrimination Act.

55 A few schools have had whole governor training about disability issues and this has offered opportunities to focus on the specific issues relating to their school. This type of training has sometimes been arranged because of health and safety issues when a disabled pupil with specific needs requiring a medical protocol with health providers is to join the school. Whole school training has worked well in these circumstances.

Independent schools

56 Section 28 of the Disability Discrimination Act 1995 places a duty on the proprietor or group of people responsible for the management of an independent school to plan and increase the accessibility of their schools. Independent schools are not covered by local education authority accessibility strategies and are therefore fully responsible for planning for increased physical access of their schools.

57 Generally, independent mainstream schools are good at making sure disabled pupils take full part in all activities. In three of the schools inspected in 2005-2006, there is good planning to make buildings more accessible for disabled pupils. One school has produced a good accessibility plan that states what it will do to increase access to disabled pupils.

58 However, independent special schools do not do enough to audit and improve the accessibility of their provision for disabled pupils.

Special Educational Needs Tribunal for Wales

- 59 The number of claims to the Special Educational Needs Tribunal for Wales (SENTW) for reasons of disability equality is very low. There are two possible reasons for this:
- parents and their children are satisfied with provision; or
 - parents are not well informed about their right to make a claim of disability discrimination.
- 60 In three of the authorities, effective parent partnership services have prevented a number of cases going forward to SENTW. This is because:
- communication between officers and parents is good;
 - positive responses have been given to placement requests; and
 - support to schools has been improved.

How prepared are schools for forthcoming Disability Equality Duty?

- 61 Generally, schools have very limited knowledge of the forthcoming disability equality duty. However, local education authority officers are aware that changes are to be introduced from April 2007. They are waiting for guidance from the Welsh Assembly Government on the implications of the legislation. All local education authorities visited have training sessions in the spring term planned for schools and governors on their responsibilities under the new duty. These training sessions are likely to prepare schools to implement their new duties effectively.

Appendix

Disability discrimination duties

Schools and local education authorities have statutory responsibilities under the Disability Discrimination Act since Parts I, II and the original Part IV came into force in 1996. The duties had an impact on the employment of disabled people, the provision of goods and services for disabled people and the publication of the access arrangements for disabled pupils in schools through the annual report of the governing body.

The Special Educational Needs and Disability Act (2001) amended Part IV of the Disability Discrimination Act by introducing new duties on local education authorities, schools and statutory youth services. The Act prevents all schools (including non-maintained schools), colleges of further education and higher-education establishments, from discriminating, without justification, against disabled learners in their admission or exclusion arrangements. This Act also covers all education and associated services such as school transport and extra-curricular activities. The Act states that schools and local education authorities must:

- not treat disabled pupils less favourably than other pupils; and
- take reasonable steps to avoid putting disabled pupils at a substantial disadvantage.

The principle behind this legislation is that wherever possible disabled people should have the same opportunities as non-disabled people in their access to education.

Section 28D of the Disability Discrimination Act 1995 places a duty on local education authorities to plan strategically to increase, over time, the accessibility of all their schools, including pupil referral units and maintained nursery schools. There is also a duty on the bodies responsible for schools to plan and increase the accessibility of their schools. The responsible body for each type of school is shown in the following table:

Type of establishment	Responsible body
Maintained schools	The governing body
Pupil referral units	The local education authority
Independent schools	The proprietor (or group of people responsible for the management of the school)

Local education authorities and schools are under a statutory duty to prepare accessibility strategies and plans in order to:

- increase the extent to which disabled pupils can participate in the school curriculum;

- improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of education and associated services in schools; and
- improve the delivery to disabled pupils of written information provided to pupils who are not disabled.

Definition of disability

The Children Act 1989

The Act states that 'a child is disabled if he is blind, deaf or dumb or suffers from a mental disorder of any kind, or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed'. Physical impairments do not have to be clinically recognised or diagnosed. Mental impairments do, however, have to be clinically diagnosed.

The Disability Discrimination Act 1995

This Act defines a disabled person as:

'someone who has a physical or mental impairment that has substantial and long-term adverse affect on his or her ability to carry out normal day-to-day activities'.

The definition under the Act is broad and might include children with sensory impairments, such as those affecting sight or hearing, pupils who are incontinent, or have progressive conditions like Muscular Dystrophy and pupils with certain learning difficulties, described in the Act as mental impairments, such as Autistic Spectrum Disorder.

Not all children who are defined as disabled under the Disability Discrimination Act have special educational needs.

The Education Act 1996

This states that 'children have a special educational need if they have a learning difficulty which calls for special educational provision to be made for them'. Children and young people have a learning difficulty if they:

- have a significantly greater difficulty in learning than the majority of children or young people of the same age;
- have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children and young people of the same age in schools within the area of the LEA; or
- are under compulsory school age and fall within the above definitions, or would do so if special education provision was not made for them.

Pupils who are subject to a statement of special educational need may be eligible for additional support in school but this does not automatically mean they are disabled pupils.

The Children Act 2004

This Act places a duty on local authorities to co-operate with relevant partners, such as youth support services, social services and community health services, to provide better services for children and young people. However, local authorities are at a very early stage in making these improvements. This is because most of them do not yet have effective strategies to share information with these key partners. Despite this, many local education authorities work well in partnership with others to provide services to disabled pupils.

Policy context

The Learning Country

This document sets out the ten year strategy from 2001 to 2011 that is intended to transform education and learning in Wales. The strategy recognises the need to develop learning environments open to all learners and as such provide inclusive opportunities for disabled pupils.

The Learning Country II: Vision into Action (2006) highlights the progress made to date on this strategy. The document includes the introduction of an Inclusion Policy and Performance Framework that ensures learners' needs, including those of disabled pupils, are met effectively by local authorities and educational establishments. The framework takes account of the health, emotional and social needs of pupils.

Children and Young People: Rights to Action

In 2005, the Welsh Assembly Government set out its vision for children and young people in *Children and Young People: Rights to Action*. The vision has seven core aims which seek to ensure equality of opportunity so that all children and young people:

- have a flying start in life;
- have a comprehensive range of education and learning opportunities;
- enjoy the best possible health and are free from abuse, victimisation and exploitation;
- have access to play, leisure, sporting and cultural activities;
- are listened to, treated with respect, and have their race and cultural identity recognised;

- have a safe home and a community which supports physical and emotional well-being; and
- are not disadvantaged by poverty.

These seven aims are of particular importance to disabled children and young people because they are more likely to experience difficulties in accessing mainstream services that meet their needs.

The Special Educational Needs Framework

The purpose of the Special Educational Needs Framework is to identify and provide for the special educational needs of individual children. These children may be disabled and need provision that is additional to, or different from, provision normally available in schools maintained by the local education authority. The Special Educational Needs Code of Practice for Wales provides guidance to schools and local education authorities on the special educational needs framework.

Under the framework, schools and local education authorities need to ensure that pupils learn and achieve by:

- identifying children's additional learning needs as soon as possible;
- assessing those needs carefully; and
- making specific provision, whether solely through School Action²; or
- the intervention of the local education authority by way of a statement of special educational needs or School Action Plus³.

Children with statements or receiving provision through School Action Plus must be educated in a mainstream school unless this is against their parents' wishes or incompatible with the efficient education of other children. These are the only two reasons why a pupil may be refused a place in a mainstream school. If a child is refused access to mainstream education, despite the wishes of the parent, the school or local education authority must demonstrate that there are no reasonable steps that they could take to prevent that incompatibility.

Inclusion and Pupil Support

The Welsh Assembly Government published guidance on inclusion and pupil support in November 2006. The guidance provides advice on:

- inclusive education;
- supporting pupils with additional learning needs;

² Strategies that are additional to or different from those offered as part of the school's individualised curriculum.

³ Advice and support provided from outside specialists, such as educational psychologists, that is in addition to those provided through School Action.

- maintaining high levels of pupil attendance;
- promoting positive behaviour;
- providing education outside the school setting; and
- home education.

The guidance, developed in partnership with teachers and local education authority officers provides advice to assist schools and local authorities in planning, supporting and meeting the needs of all learners.

The guidance introduces the Welsh Assembly Government adoption of the term additional learning needs to encompass not only those pupils with special educational needs as defined in the Education Act 1996, but to cover all learners who at some point may require greater support than the majority of their peers. The requirements of the Disability Discrimination Act to ensure equality of opportunity for disabled learners are given appropriate regard in the framework.