



Accessibility strategy:

Supporting children and young people who have special educational needs and/or disabilities (SEND) and those who are vulnerable:

2023 – 2027

Introduction

All local authorities have a legal duty to have an accessibility strategy for maintained schools, i.e. schools they retain responsibility for. This is a statutory requirement included in the Equality Act 2010 (under paragraph 1 Schedule 10: see appendix I) and other regulationsⁱ.

Whilst often related to children and young people who have special education needs, the duty explicitly relates to those who have a **disability**.

Our accessibility strategy explains how the local authority will support maintained schools to:

- Increase access to the curriculum for disabled children and young people.
- Improve the physical environment of schools to increase access for disabled children and young people.
- Make written information more accessible to disabled children and young people by providing it in a range of different ways.

The need for an accessibility strategy does not apply to academies or free schools. However, whilst the accessibility strategy requirement only relates to maintained schools, many of the supporting arrangements made by the local authority will also benefit disabled children and young people attending academies and free schools within the local area.

In addition to local authority responsibilities, all schools, including academies and free schools, must have an accessibility plan in place and this should be based on the same principles as a local authority accessibility strategy.

As a rule, it is the responsible body for the school that has responsibility for the duties in the Equality Act and all schools:

Must prepare and publish a SEN information report and their arrangements for the admission of disabled children, the steps being taken to prevent disabled children from being treated less favourably than others, the facilities provided to enable access to the school for disabled children and their accessibility plan showing how they plan to improve access progressively over time.

SEND Code of Practice, 2014.

Context

The barriers that people with a disability can experience in everyday life can create significant difficulties for them. We want to remove such barriers by improving support, provision and subsequent outcomes for disabled children and young people. The council's vision is set out in the Special Educational Needs & Disability (SEND) Strategy 2023 – 2027 and this Accessibility Strategy should be read in conjunction with that.

To achieve our aims, Oldham Council will:

- Work with the schools for which it is responsible to ensure they do not disadvantage or discriminate against a disabled child or young person.
- Offer advice to other schools, such as academies and free schools, on meeting their legal duties.
- Work closely with schools and their governors to agree reasonable adjustments that will allow disabled children and young people full access to school facilities and activities.
- Work together with all settings and other services, such as health, to identify and plan for the needs of disabled children and young people more generally.

All local authority maintained schools have been supported through previous building projects to prepare for basic accessibility needs. School governing bodies, in liaison with the local authority have been delegated the responsibility of ensuring school sites are accessible as specified in Schedule 10 of the Equality Act 2010.

Where possible, children and young people with physical and sensory difficulties are educated at their local mainstream school, with local authority maintained schools adapted as necessary to support their inclusion.

Oldham also has several specialist provisions for children and young people with SEND. This currently includes special schools and a range of specialist resourced provisions catering for a variety of needs.

Oldham continues to adapt and develop local provision through ongoing provision review, which specifically addresses the needs of children and young people within the area. This also includes working with numerous partnership special schools in neighbouring authorities.

Some of our special schools may also offer outreach support to mainstream schools.

Some children and young people may need assistance in getting to school. Where a personal travel budget is not suitable, the SEN Transport Policy and commissioning arrangements set an expectation that local transport providers source a range of accessible vehicles and that, subject to eligibility and risk assessment, passenger assistants be made available.

Legislation

Equality Act

Under the Equality Act, a person has a disability 'if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day to day activities.' In its widest sense, disability includes:

- Physical impairments
- Learning difficulties
- Sensory impairments
- Mental impairments

The requirement to write an accessibility strategy is set out in Schedule ten of the Equality Act 2010 and, unlike the rest of the Equality Act, which has a focus on equal treatment, the sections relating to disability are different and acknowledge that a person with a disability may have to be treated more favourably than someone who does not, to avoid considerable disadvantage.

In addition, all maintained schools and academies must follow the DfE guidance on Supporting Pupils at School with Medical Conditions, including personal care.

Public sector equality duty

In addition to meeting the specific requirement set out in Schedule ten of the Equality Act, this accessibility strategy also supports the local authority to meet the Public Sector Equality Duty (PSED) regarding disabled children and young people.

The PSED applies to all protected characteristics:

- Race
- Disability
- Sex
- Age
- Religion or belief
- Sexual orientation
- Pregnancy and maternity
- Marriage and civil partnership
- Gender reassignment

The PSED requires public bodies to understand 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.

Reasonable adjustments

Taking reasonable steps to avoid substantial disadvantage is often known as the 'reasonable adjustments' duty. Both local authorities and schools must adhere to this duty.

The reasonable adjustments duty requires schools to think ahead and adjust so that individual children and young people who have disabilities can participate in the whole life of the school.

Where a school does something that might put a disabled child or young person at a substantial disadvantage, compared with those who are not disabled, they must take reasonable steps to avoid that disadvantage.

Reasonable adjustments mean taking positive steps to ensure that children and young people who have disabilities can fully participate in the education provided by a school and that they can enjoy the other benefits, facilities and services that the school provides for all its children and/or young people.

To add further clarification, '**substantial**' is the term used to describe anything more than '**minor**' or '**trivial**'.

The reasonable adjustments duty contains three elements that apply to most:

- To adjust any provision, criterion or practice, e.g. day to day operations, including rules and policies, decisions and actions.
- To make alterations to physical features, e.g. adaptations to buildings.
- To provide auxiliary aids and services, e.g. additional support or assistance from a piece of equipment or a member of staff.

Schools don't have to consider physical features as part of their reasonable adjustments' duty. However, they have a duty to plan better access for disabled children and young people who have disabilities more generally through their accessibility plan.

The law on reasonable adjustments is anticipatory; it requires local authorities and schools to consider the needs of potential children and young people who have disabilities, in addition to those already attending the school.

Failure to make a reasonable adjustment is a form of discrimination under the Equality Act.

Increasing access to the curriculum

The local authority will:

- Support school leaders, including SENCos, in relation to policies, strategies and systems available through the LA.
- Provide a Local Offer of services and provision that is available to children and young people with SEND and their families.
- Offer continuing professional development opportunities to schools to support and enhance the understanding of accessibility in the curriculum.
- Provide opportunities for governor training regarding increasing access to the curriculum.
- Provide an outreach service to enable mainstream schools to access support and advice so they can better support children with disabilities.
- Develop a policy and associated guidance for all schools about supporting children and young people with medical conditions.
- Provide opportunities for SENCos to regularly meet, share good practice and keep up to date with new developments.
- Allocate funding for specialist equipment for individual children in collaboration with health providers.
- Make sure that education, health and care (EHC) plans are specific about the provision required to make the school curriculum more accessible for individual children and young people with a disability.
- Encourage liaison between early years settings and primary, secondary schools and colleges to ensure good transition.
- Encourage high aspirations for the most vulnerable learners.

Schools will:

- Have regard to national and local guidance on meeting the duties set out in the Equality Act 2010 and the Children and Families Act 2014 about SEND.
- Include improvements that increase access to the curriculum in their accessibility plan and ensure this is published on their school website.
- Plan for, differentiate and teach children and young people with SEND through a range of interventions and teaching strategies.
- Have regard to delivering the curriculum through quality first teaching and, where appropriate, catch-up programmes and targeted support for vulnerable groups.
- Establish effective ways of assessing and monitoring the progress of vulnerable groups.
- Make sure there's effective support for transition for children and young people with SEND.
- Apply funding appropriately to make sure vulnerable groups are not disadvantaged in comparison to non-vulnerable groups.
- Provide effective professional development for staff and governors.
- Involve parents and carers in decision making and keep them informed of their child's progress.

Increasing access to the physical environment

The local authority will:

- Plan new buildings and significant extensions or adaptations that comply with accessibility requirement and consider joint funding for capital projects for accessibility
- Facilitate the access of individual children and young people with physical or sensory impairments, or complex medical conditions, where required.
- Ensure there is join up between the School Admissions, the Virtual School and the SEND Team, to assist with issues regarding individual placements.
- Commission audits to advise on the required adaptations and additional resources needed to accommodate children and young people with physical or sensory impairments or complex medical conditions.
- Make sure education, health and care (EHC) plans are specific about the adaptations required to make the school environment more accessible for individual children and young people with a disability.
- Continue to review existing provision of buildings other than schools that the local authority is responsible for, for example Children's Centres so that they comply with the latest accessibility legislation and requirements.
- Set expected levels of funding that local authority maintained schools can contribute towards for schemes that improve their physical environment.
- Monitor transition arrangements for children and young people coming into schools for the first time and those moving across school phases.
- Liaise with schools that have buildings under local authority control to support and fund adaptations that go beyond the threshold funding arrangements.

Schools will:

- Keep the physical accessibility of the school building and site under review and make timely arrangements to accommodate access.
- Include improvements that increase access to the physical environment in an accessibility plan that is published on the school website.
- Comply with the anticipatory duties as set by the Equality Act 2010.
- Respond to the expectations set out in local and national guidance on meeting the Equality Act 2010 and Children and Families Act 2014 about SEND.
- Fund projects that increase access to the physical environment from their own resources and, where appropriate, to liaise with the about these.
- Undertake any improvement projects in liaison with their property surveyors and adhere to building regulations and health and safety requirements.
- Apply advice provided through environmental audits conducted by occupational and physiotherapists, School nurses, Hearing or Vision Support Officers, and other relevant services or professionals.
- Make sure curriculum needs are met by providing access to appropriate classroom facilities.
- Carry out risk assessments for school trips, before and after school clubs and extracurricular activities to make sure they're accessible for children and young people with mobility, sensory or medical difficulties.
- Provide effective professional development for staff and governors.
- Involve parents and carers in decision making and keep them informed of their child's progress.

Increasing access to information

The local authority will:

- Offer governor training that covers the requirements of an accessibility plan and the specific need to increase access to information.
- Provide information to schools electronically and via a training website regarding accessibility for disabled children and young people.
- Provide information to children and young people and their families in accessible formats whenever needed.
- Provide advice to schools and maintained settings from centrally retained specialist teaching and advice services about how best to support children and young people with accessing information, e.g. Hearing and Vision Support Services offer a range of support from signing to Braille.
- Make sure education, health and care plans are specific about the provision required to make information to all children and young people more accessible for children and young people with a disability.
- Make sure any new buildings or extensions to building are appropriately signed in line with accessibility and health and safety requirements.

Schools will:

- Include improvements that increase access to information for disabled children and young people in their accessibility plan that's published on the school website.
- Make sure they're proactive in researching and using a range of communication techniques and technologies, seeking the advice of relevant professionals where necessary.
- Monitor and review the skills and expertise of staff to support children and young people with disabilities.
- Involve children, young people and their families in decision making processes regarding the accessibility of information.
- Link to the council's local offer website from their school's website.

Funding for accessibility

Funding to support this accessibility strategy is available through a variety of routes.

Schools receive funding through a delegated budget for all children and young people in the school/setting according to their characteristics, based on the number at the October School Census.

This provides funding for general costs within the school/setting but also provides a notional SEND budget which enables them to provide additional support for those children and young people that need it, of up to £6,000 per individual, per year. These are known as Element 1 and Element 2 funding.

Schools/settings should use these resources to implement the requirements of this Accessibility Strategy, particularly in terms of increasing access to the curriculum and when making written information more accessible.

There is a third element of funding available to schools/settings for children and young people who have additional needs costing over £6,000 per year; this is often referred to as element three or top-up funding.

In most cases, schools receive this funding through the high needs block SEND funding provided for children and young people who have an education, health and care plan (EHCP).

Funding may also be available from the local authority and health partners for some items of technology and specialist equipment, in line with the specialist equipment entitlement policy for children and young people with SEND, e.g. those related to hearing and visual impairment.

Effective use of resources

The local authority is committed to ensuring equal access to education for all, whilst ensuring use of resources in the most effective manner. This means that adjustments cannot automatically be authorised, especially if they entail significant expenditure.

There is an expectation that, where a school has been partially adapted to accommodate children and young people with a disability, it is reasonable for the school to carefully timetable the curriculum to ensure adapted rooms are utilised.

There should be no expectation that additional rooms will be adapted for the same purpose if timetabled use can provide effective use. If works are undertaken by the local authority to meet the needs of a child in a particular year group, this will be reviewed as the child moves through the school, and further works will be carried out if appropriate and reasonable.

The local authority provides a range of services to work with schools to support children and young people with SEND. Some of these are funded through a centrally retained budget either available on a traded basis or through a service level agreement.

Schools should use their existing funding mechanisms to access these to meet the requirements of this accessibility strategy, particularly in terms of increasing access to the curriculum and when making written information more accessible.

In terms of improving the physical environment of schools for which the local authority is responsible, funding may be available for agreed capital projects. This is likely for significant adaptations for children and young people with physical and sensory difficulties, and those with complex medical conditions.

A budget is set aside on an annual basis to deal with accessibility issues as they arise. Schools are expected to fund minor works out of their own budgets.

Projects are allocated on a needs-led basis, usually having been identified by a practitioner in the relevant specialist service, e.g. an occupational therapist or physiotherapist, or within the hearing or vision support services in a report detailing the adaptations that are required.

A visit will then be carried out by a premises officer and property surveyor to agree the best way of meeting these needs, considering the nature of the building and the practicality of adapting it.

A wider view of the use of the premises is also considered, to ensure that any adaptation will not create a hazard or safety issue for other users. Advice and guidance will also be given to the school to highlight any slight amendments they can make to their use or management of the premises.

Where a major project is identified, the local authority will engage the services of an architect or project surveyor to draw up options that will meet the identified needs.

The premises officer and architect then discuss the options with the school and the relevant health or other practitioner to ensure the most suitable solution is provided before a contractor is engaged to carry out the works.

Where the local authority approves a package of works, it will commission and pay for the work directly, on behalf of the school, following agreement, unless otherwise stated.

Monitoring and review

It is the duty of all those working within local authority maintained schools to ensure that this strategy is implemented and adhered to.

Early notification of potential access issues by schools is especially important to ensure that the local authority can provide a timely response that meets the needs of both the school and the child or young person in question.

All schools and academies must publish an accessibility plan on their website which must comply with the statutory duties as detailed in Schedule 10 of the Equality Act 2010.

The local authority will keep this accessibility strategy under review; updating in line with the current SEND & Inclusion Strategy 2023 - 2027, or sooner, if required.

Appendix I: Equality Act 2010

- 1
 - (1) A local authority in England and Wales must, in relation to schools for which it is the responsible body, prepare:
 - (a) an accessibility strategy
 - (b) further such strategies at such times as may be prescribed
 - (2) An accessibility strategy is a strategy for, over a prescribed period:
 - (a) increasing the extent to which disabled children and young people can participate in the schools' curriculums
 - (b) improving the physical environment of the schools for the purpose of increasing the extent to which disabled children and young people are able to take advantage of education and benefits, facilities or services provided or offered by the schools
 - (c) improving the delivery to disabled children and young people of information which is readily accessible to children and young people who are not disabled
 - (3) The delivery in sub-paragraph (2)(c) must be:
 - (a) within a reasonable time
 - (b) in ways which are determined after taking account of the children and young people' disabilities and any preferences expressed by them or their parents
 - (4) An accessibility strategy must be in writing.
 - (5) A local authority must keep its accessibility strategy under review during the period to which it relates and, if necessary, revise it.
 - (6) A local authority must implement its accessibility strategy.
- 2
 - (1) In preparing its accessibility strategy, a local authority must have regard to—
 - (a) the need to allocate adequate resources for implementing the strategy;
 - (b) guidance as to the matters mentioned in sub-paragraph (3).
 - (2) The authority must also have regard to guidance as to compliance with paragraph 1(5).
 - (3) The matters are:
 - (a) the content of an accessibility strategy
 - (b) the form in which it is to be produced
 - (c) persons to be consulted in its preparation
 - (4) Guidance may be issued:
 - (a) for England, by a Minister of the Crown
 - (b) for Wales, by the Welsh Ministers
 - (5) A local authority must, if asked, make a copy of its accessibility strategy available for inspection at such reasonable times as it decides.
 - (6) A local authority in England must, if asked by a Minister of the Crown, give the Minister a copy of its accessibility strategy.
 - (7) A local authority in Wales must, if asked by the Welsh Ministers, give them a copy of its accessibility strategy.

ⁱ SEND Code of Practice, 0-25, 2015:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

SEND Regulations:

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

Equality Act, 2010:

<https://councilfordisabledchildren.org.uk/sites/default/files/uploads/attachments/Equality%20Act%20Guide%20for%20schools%20-%20FINAL%20EM%20EDIT.pdf>