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A Training Pack for Schools and LEAs



Making It Work

Removing Disability Discrimination

Are **you** ready?

*A partnership project led by the Council for Disabled Children
and Disability Equality in Education*

“The education of children with special educational needs is a key challenge for the nation. It is vital to the creation of a fully inclusive society in which all members see themselves as valued for the contribution they make. We owe all children – whatever their particular needs and circumstances – the opportunity to develop their full potential to contribute economically, and to play a full part as active citizens.”

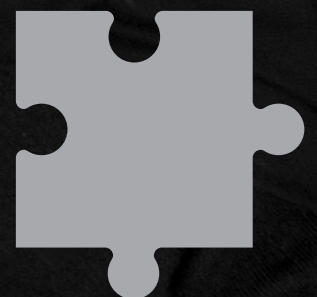
**David Blunkett, Secretary of State,
in Forward to SEN PLAN OF ACTION DfEE (1998)**

“Teachers now, one year on, are much more confident in their own ability to provide appropriate learning experiences. And what I’m seeing around the school is children completely accepted for who they are. There’s no negative feedback because they’re different. They are different, but they are part of our school. We see them playing together, we see them talking together and laughing together. In our previous regime they were seen as the support centre children. That has gone in eight months and it’s a remarkable step forward and an achievement. There were inevitably some concerns- ‘We’re not trained’ . ‘We don’t know enough about the children’. But in fact staff became experts very quickly, through their professionalism. It is hard work , but because its right its worth doing the hard work.”

**Michael Turner, Headteacher,
Minehead Middle School.
DfEE (1999) Connecting Schools for Inclusion**

“The future belongs to those who believe in the beauty of their dreams”.

Eleanor Roosevelt



Introduction

SCHOOLS' DUTIES IN PART 4 OF THE DISABILITY DISCRIMINATION ACT

The Special Educational Needs and Disability Act 2001 amended the Disability Discrimination Act 1995 and extended it to cover every aspect of education. The duties that apply to those who provide school education are set out in Part 4 of the Disability Discrimination Act (DDA). The duties make it unlawful to discriminate, without justification, against disabled pupils and prospective pupils, in all aspects of school life. The duties apply from September 2002.

The Disability Rights Commission has published a Code of Practice which applies to all schools and local education authorities (LEAs) in England and Wales, and to all schools and education authorities in Scotland. The Code explains the duties and shows those with responsibility how they might meet the duties that apply to them. It is illustrated throughout with examples that help by showing in practical terms how the duties may work.

The schools' duties in the DDA sit alongside other duties:

- the special educational needs duties, and
- the planning duties in the DDA.

These sets of duties together combine to provide the statutory framework that supports equality of opportunity in education for disabled pupils. They are part of a wider Government strategy of developing inclusion as the cornerstone of their response to meeting special educational needs.

Making it work

Making it Work is a pack of materials to support:

- training on the schools' duties in the DDA; and
- implementation of the duties.

Whilst the main focus of the pack is on the disability discrimination duties, one of the key purposes of the pack is to bring these duties together with the other two main sets of duties that govern the way that schools and LEAs provide for disabled pupils, namely the SEN duties and the planning duties. These duties are set within the framework of wider government guidance and the broader context of developing inclusive schooling.

Who is it for?

It is particularly designed for school staff, governors, support services, LEAs and those providing training for any of these groups. It is also relevant to parents' groups, voluntary organisations, and others with an interest in the education of disabled children and young people. It is designed to support a 'cascade' model of training, that is: where someone has attended training on the duties, particularly, but not necessarily, where the pack has been used, the same person should be able to return to their school or service and in turn provide that training, or similar training, for others.

The pack is designed to support training and implementation in England. The schools' duties in the DDA are different in Scotland, and whilst the statutory duties are the same in England and Wales, guidance in Wales is issued by the National Assembly for Wales and the planning duties, in particular, are implemented in different ways in England and Wales. The whole of Section 3: Guide to the Guidance, and all the contextual references, such as those to Ofsted, the Department for Education and Skills and the Qualifications and Curriculum Authority, also make this pack country specific.

What does it provide?

The pack provides:

- briefings on the schools' duties in Part 4 of the DDA;
- a presentation to support a training session on the DDA duties;
- activities to follow up a training session and to plan implementation;
- an introduction to, and training materials on, a range of relevant government guidance;
- an introduction to a small number of resources to support schools in working more inclusively to implement the duties;
- a 'bibliography' of further resources;
- and a list of organisations that may be able to provide further information, advice and resources.

The pack is a set of paper-based materials, which can be photocopied for training purposes. The materials can be photocopied to make paper copies as handouts, or onto acetate to provide transparencies for overhead projection.

In addition, the CD-ROM accompanying the pack contains the same material electronically. This means that the contents of the pack can be accessed electronically and converted into other accessible formats. This enables disabled people to use the materials or to provide training for others, using the materials. It also means that parts of the pack can be printed out directly from the electronic files where that is preferable to photocopying them.

The content of the CD-ROM is the same as the paper-based pack, except in two respects. On the CD-ROM:

- the presentation is available as a Powerpoint file. It contains identical information but is in a different design, more suitable for projection in a training session for a larger audience, perhaps over 100;
- there is a second version of the presentation, in a text only version.

How is the pack organised?

The pack is organised in four main sections:

1: Introduction

2: SENDA: meeting the duties containing the key elements for a training session: the briefings, the presentation and the follow-up staff development activities;

3: Guide to the Guidance

providing a guide to relevant official guidance;

4: Beyond the duties: resources to support schools in developing

inclusion providing access to a range of resources that will support schools in working more inclusively to implement the duties.

A brief introduction is provided at the beginning of each section of the pack to show how the materials in that section might be used.

How can the pack be used?

The pack can be used in a wide variety of ways. A few of these are suggested here. It can be used to provide:

- a complete training session on the disability discrimination duties. This could be as short as a fifteen minute awareness-raising session, or as long as a day's programme of training;
- briefings for a range of different groups;
- materials on the disability discrimination duties that can be incorporated into training sessions on other aspects of education, for example curriculum development or the provision of learning support;
- staff, policy or school development activities to support the implementation of the duties;
- a reference volume, for accessing summaries of different aspects of the legislation, summarised information from government guidance, or other resources;
- materials to support the more detailed consideration of particular issues that may emerge from training sessions, for example: how to address the planning duties, or how to manage bullying related to a disability.

Focus on particular issues

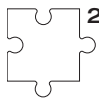
Most of the above are explained in the separate sections of the pack, but in the last point above it is suggested that it is possible to use the pack to look at a particular issue. This approach cuts across different sections of the pack.

If, for example, a school wanted to focus on curriculum access, the trainer can select illustrative examples to reflect this in the presentation and follow-up activities. In the next stages of the work, extracts from the official guidance, in Section 3, might be used, for example: the extracts from the National Curriculum Statement on Inclusion, and Planning, teaching and assessing the curriculum for pupils with learning difficulties, in Section 3.2 of the pack. Further resources to promote a discussion about the way learning support is organised can then be identified in Section 4.

Where a school wants to focus on other issues, such as bullying related to a disability or the development of physical access, relevant examples can be identified along related guidance and further resources.

Materials for different groups:

Some parts of the pack may be relevant to both schools and LEAs, other parts will be more relevant to schools or to LEAs. Trainers can select the relevant resources to support training with different groups.



2. SENDA: Meeting the duties

2.1 BRIEFINGS

Introduction

On the following pages are two briefings on the disability discrimination duties and the related duties towards disabled pupils in schools. There is:

- a one-page summary; and
- a more detailed briefing.

Either briefing might be used as a handout to raise awareness of the duties. Either can also be used in conjunction with one of the versions of the presentation in the next section of this pack.

Both briefings are highly summarised. Terms that are not explained in the one-page summary may be explained in the more detailed briefing. Terms that are not explained in the more detailed briefing may be explained in the notes accompanying the presentation.

The briefings and the presentation are all based on the Disability Rights Commission (DRC) Code of Practice. The DRC Code has been sent to every school in the country. It is readable and provides more detail than either the briefings or the presentation in this pack. For any questions arising from the DRC Code or for information that goes beyond the content of the Code, contact the DRC Helpline:

www.drc-gb.org

DRC Helpline
Freepost MID 02164
Stratford-upon-Avon
CV37 9BR
Telephone: 08457 622 633
Fax: 08457 778 878
Textphone: 08457 622 644
Or e-mail DRC at: enquiry@drc-gb.org

BRIEFING 1

Duties towards disabled pupils: the Disability Discrimination Act 1995 (DDA) and the Education Act 1996

From September 2002 three sets of duties combine to provide the statutory framework that underpins equality of opportunity for disabled pupils in accessing education:

Disability discrimination duties in the DDA

From September 2002 it is unlawful for schools to discriminate against disabled pupils. A school discriminates if:

- it treats a disabled pupil or prospective pupil less favourably than another for a reason related to their disability and without justification;
- it fails, without justification, to take reasonable steps to avoid placing disabled pupils at a substantial disadvantage.

Planning duties in the DDA

From September 2002, LEAs and schools are required to develop plans to improve access for disabled pupils by:

- increasing access to the curriculum;
- improvements to the physical environment of the school to increase access;
- making written information accessible in a range of different ways.

Special Educational Needs (SEN) duties in the Education Act 1996

The SEN duties provide support for children identified as having SEN. This will include many, but not all, disabled children. The 1996 Act sets out duties to:

- identify;
- assess; and
- make additional provision available, for example: equipment or learning support, where necessary.

Support to the development of inclusive practice in schools

These three sets of duties support the development of inclusive practice in schools, along with other elements in the educational framework, namely:

- a statutory 'general inclusion statement' in the National Curriculum;
- a Special Educational Needs Code of Practice that recognises that every teacher is a teacher of pupils with SEN;
- teacher training standards that recognise the responsibilities of all teachers to children with SEN;
- Ofsted inspection of educational inclusion.

BRIEFING 2

Part 4 of the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001)

What it means for schools

Introduction

From September 2002, it is unlawful for any school to discriminate against disabled pupils (current or prospective). Parents have means of redress by a claim of unlawful discrimination to the Special Educational Needs and Disability Tribunal, or to an admissions or exclusions appeal panel. Ofsted inspects schools' compliance with the duties from September 2002. The schools' duties sit alongside the special educational needs framework and planning duties which require LEAs to develop strategies and schools to develop plans to improve accessibility for disabled pupils over time.

Together, these duties are designed to provide a stronger legal framework to underpin the inclusive practice that many schools are already working towards. Schools that are committed to and striving for equal opportunities and inclusion are unlikely to face difficulties in meeting the duties.

A Code of Practice has been produced including a wide range of helpful examples to illustrate the duties. This briefing is aimed at those with a managerial or coordinating role in a school. The first part of this briefing is a summary of schools' duties. The second part makes suggestions for implementing the new legislation.

1: The duties

What do the schools' duties in Part 4 of the Disability Discrimination Act (DDA) cover? From September 2002, it is against the law for schools to discriminate in:

- admissions;
- education and associated services;
- exclusions.

Admissions

'Responsible bodies' (see below) must not discriminate against a disabled person:

- in the way they decide who can get into the school. This includes any criteria when the school is over-subscribed, and the way those criteria are operated;
- in the terms on which it offers a place at the school;

- by refusing or deliberately not accepting an application from a disabled person for admission to the school.

Education and associated services

The duties also cover ‘education and associated services.’ In essence this means all aspects of school life, including extra-curricular activities and school trips.

Exclusions

It is also against the law to discriminate against a disabled pupil by excluding him or her from the school for a reason related to their disability. This applies to both permanent and fixed-term exclusions.

Who is responsible for the new duties?

All schools are covered by the duties. This includes independent schools, nursery schools and pupil referral units. The ‘responsible body’ for a school is ultimately liable and is responsible for the actions of all its employees and anyone working with the authority of the school.

Responsible bodies

TYPE OF SCHOOL	RESPONSIBLE BODY
Maintained school	The governing body, in general
Pupil referral unit	The local education authority
Maintained nursery	The local education school authority
Independent school	The proprietor
Special school that is not maintained by a local education authority	The proprietor

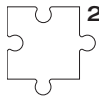
How is discrimination defined under the law?

Unlawful discrimination can occur in two ways. A disabled pupil:

- may be treated ‘less favourably’;
- may be at a substantial disadvantage because a responsible body fails to make ‘reasonable adjustments.’

Less favourable treatment

If a school treats a disabled pupil or prospective pupil less favourably than another for a reason related to his or her disability and without justification, they may be breaking the law.

**Justification for
less favourable
treatment****Example 1:**

Parents who want their daughter with epilepsy admitted to a primary school are told that the school cannot take her unless she stops having fits. This is likely to count as less favourable treatment for a reason related to the child's disability and might therefore be against the law.

Example 2:

A disabled boy is admitted to a secondary school. The school wants him to have all his lessons in a separate room in case other children are frightened by his muscle spasms and involuntary noises. This is likely to count as less favourable treatment for a reason related to his disability and might be against the law.

In some cases it may be justified for a school to treat a disabled pupil 'less favourably,' if there is a reason that is both substantial and material to the particular case, but a school may not be able to justify less favourable treatment if there is a 'reasonable adjustment' (see below) they might have made but didn't.

Example 3:

A pupil with cerebral palsy who uses a wheelchair is on a trip with her school at an outdoor centre. The teachers arrange for the pupils to go on a 12-mile hike over difficult terrain, but, having carried out a risk assessment, they decide that it would be unsafe for the disabled pupil to go on the hike. In this particular case, the school may be able to justify the less favourable treatment for a material and substantial reason, although they are likely to be expected to arrange an alternative activity for the disabled pupil as a reasonable adjustment.

Less favourable treatment may also be justified if it is as a result of a 'permitted form of selection.'

Example 4:

A child with learning difficulties applies to attend a school that selects its intake on the basis of academic ability. She fails the school's entrance exam. Even though the reason for her performance in the exam was related to her disability, the less favourable treatment is likely to be justified because this school is permitted to select its pupils in this way and it has applied objective criteria.

***Failing to make a
‘reasonable
adjustment’***

Schools can also be found to have discriminated where they have failed to take ‘reasonable steps’ and disabled pupils and prospective pupils are, in consequence, placed at a ‘substantial disadvantage’ in comparison with non-disabled pupils. This is usually referred to as the ‘reasonable adjustments’ duty.

Example 5:

A deaf pupil who lip-reads is at a disadvantage because teachers continue speaking while facing away from him to write on a whiteboard.

Example 6:

A pupil with severe dyslexia is told she cannot have her teacher’s lesson notes, and that she should be taking notes during lessons ‘like everyone else’.

***Justification for
failing to make
reasonable
adjustments***

A failure to make reasonable adjustments can only be justified if there is a reason which is both substantial and material to the particular case.

What is ‘reasonable’?

The Act does not define ‘reasonable’ – this depends on individual cases and will be a matter for the Tribunal or an appeal panel to decide. However schools can take account of the:

- need to maintain academic and other standards;
- money available;
- practicalities of making the particular adjustment;
- health and safety of the disabled pupil and others;
- interests of other pupils.

***What is a
‘substantial
disadvantage’?***

The school needs to take account of a number of factors. These might include:

- the time and effort that the disabled child might need to expend;
- the inconvenience, indignity or discomfort a disabled pupil might suffer;
- the loss of opportunity; or
- the lack of progress that a disabled pupil may make in comparison with non-disabled children.

***When do schools
need to take
action?***

Schools have a duty to all disabled pupils and potential pupils, not just individuals. Schools cannot wait until a disabled pupil arrives before making adjustments as they



may find themselves already in breach of the law. They need to think ahead to what they might need to do, and should keep policies under review to ensure that they do not discriminate against disabled children. Claims can be made under the schools' duties in Part 4 of the DDA from September 1st 2002.

The key tests are that policies, procedures and practices do not lead directly to less favourable treatment or substantial disadvantage and that they provide the school with the flexibility required to respond to individual needs as they arise. Schools are advised to make reasonable enquiries to find out whether children seeking admission to their school, or existing pupils, have a disability.

Some practical suggestions for action are provided later in this briefing.

Do schools need to provide 'auxiliary aids or services' under Part 4 of the DDA?

No. The special educational needs (SEN) framework is designed for this. Schools' duties under the DDA are designed to sit alongside the SEN framework and are not an additional route of access to auxiliary aids and services. Auxiliary aids and services might include personal assistance or the provision of information in formats such as Braille or audio tape.

Do schools need to make 'reasonable adjustments' to buildings and the physical environment under Part 4 of the DDA?

Schools do not have to remove or alter physical features as part of the "reasonable adjustment" duty. Physical alterations are covered by the longer-term planning duties for LEAs and schools. The Secretary of State for Education and Skills issues guidance to LEAs and schools on the planning duties. There are three distinct elements:

- improved access to the curriculum;
- physical improvements to increase access to education and associated services;
- improved information in a range of formats for disabled pupils.

Who has rights under the law?

The Disability Discrimination Act 1995 (DDA) defines a disabled person as someone who has:

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

This definition covers pupils with physical (including sensory), intellectual or mental impairments. The definition is broad and might include children with a learning disability, sensory impairment, severe dyslexia, diabetes or epilepsy,

pupils who are incontinent, or who have AIDS, severe disfigurements or progressive conditions like Muscular Dystrophy.

How is this different from Special Educational Needs?

The Education Act 1996 says that ‘a child has special educational needs if he or she has a learning difficulty which calls for special educational provision to be made for him or her.’ It also says that a disability, that prevents or hinders a child from accessing education, amounts to a learning difficulty if it calls for special educational provision to be made. Special educational provision is made under the SEN framework, including, in some cases, a statement of special educational need.

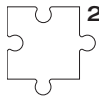
The SEN framework is there to identify and meet any additional educational needs. The duties under the DDA are there to ensure that disabled pupils are not discriminated against: they seek to promote equality of opportunity between disabled and non-disabled pupils.

Many children who have SEN will also be defined as being disabled under the DDA. However, not all children who are defined as disabled under the DDA will have SEN. For example, those with severe asthma, arthritis, or diabetes may not have SEN, but may have rights under the DDA. Similarly, not all children with SEN will be defined as having a disability under the Disability Discrimination Act. A whole school approach aimed at inclusion is likely to be the most effective way of meeting both sets of duties.

What can parents do if they feel that their child has been discriminated against?

Parents can take a case to the SEN and Disability Tribunal or, in certain cases, to a local Admissions Appeal Panel or Independent Appeal Panel. Parents and schools can use the conciliation service provided by the Disability Rights Commission if both parties agree to conciliation. It is important that schools’ complaints procedures cover cases of discrimination in order to provide a local means for the resolution of a difficulty before a claim goes further.

Schools have had duties under the DDA since it was implemented in 1996. These duties, under Part 2 and Part 3 of the DDA, require schools to avoid discrimination in relation to employment and the provision of non-educational goods, facilities and services. The duties in relation to access to education complement, rather than replace, these earlier duties.



Schools can get advice and information concerning all their duties under the DDA from the Disability Rights Commission Helpline (contact details can be found at the end of this briefing).

2: Implementing the duties

What sort of action might schools take to prevent discrimination against disabled pupils, current or prospective? The following questions may help to guide action in schools:

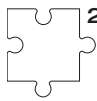
- Is the 'responsible body' aware of its duties under the Disability Discrimination Act?
- Is the responsible body confident that the policies covering admissions, education and associated services, and exclusions do not discriminate against disabled children?
- Do senior members of staff take their responsibilities under the Act seriously?
- Are all staff aware of the duties, including: managers, teaching staff, learning support assistants, catering staff, caretakers and others involved in providing or supporting learning?
- Does the school review its policies, practices and procedures to ensure that it does not discriminate against disabled pupils or prospective pupils?
- Does the school make 'reasonable adjustments' in order to comply with the duties?
- Has the school held training on the duties and/or broader issues of disability equality?
- Are there procedures in place to ensure that any discrimination by staff will be identified and dealt with properly?
- Do the school's general plans take account of the need to make 'reasonable adjustments'?
- Does the school have an adequate and accessible complaints procedure?

The Disability Rights Commission

The Disability Rights Commission is an independent body, established by Act of Parliament, to eliminate the discrimination faced by disabled people and to promote equality of opportunity. If you are uncertain about the schools' duties, if you want to discuss conciliation or if you want further information or advice, contact the DRC Helpline:

www.drc-gb.org

DRC Helpline
Freepost MID 02164
Stratford-upon-Avon
CV37 9BR
Telephone: 08457 622 633
Fax: 08457 778 878
Textphone: 08457 622 644
Or e-mail DRC at: enquiry@drc-gb.org



2. SENDA: Meeting the duties

2.2 PRESENTATION

Introduction

On the following pages there is a presentation that can be used for training purposes. The presentation consists of:

- a set of photocopiable slides. These can be copied onto acetates to make the presentation;
- a set of trainers notes.

The same presentation is available electronically on the CD-ROM that accompanies these materials. It is provided as a Powerpoint file and the layout makes it more suitable for projection when there is a larger audience.

Who needs to be trained?

In most cases it is the Governing Body who has responsibility for the disability discrimination duties. Governors themselves will therefore want to receive training, but they will also want to assure themselves that all the staff in the school have received training. 'Staff' should include both teaching and non-teaching staff, so, for example, learning support assistants, meal supervisors, the school's administrative officer, the premises manager should be included. The training should also be provided for anyone working in the school with the authority of the school. Thus, parents or other volunteers should also be included in training.

Which slides should be used?

Longer or shorter presentations can be made depending on the time available. The greater the time available the more detail can be provided by the trainer. Trainers can select whichever slides they think are the most useful or relevant. A suggested selection of slides is made below for each of three presentations: a short, a medium and a longer one. The suggested times do not include time for discussion or questions. An additional 15 minutes could be added to any of the presentations to allow for this, if required.

**Short presentation
(approximately
15 minutes)**

Use slides: 1, 8, 12, 18.

This presentation can be used to raise initial awareness of the schools' duties. It might, for example, be used as part of a staff meeting, where time was limited. The trainer may also want to provide participants with a briefing to take away and read at leisure. There are two briefings in the previous section of this pack: again a longer one and a shorter one.

**Medium length
presentation
(approximately
45 minutes)**

Use slides: 1, 2, 8, 12, 18, 19, 22, 25, 26, 27, 28, 33.

This presentation offers more information than the short one but does not explore some of the more technical details of the duties. If additional time can be made available, trainers may wish to follow up the presentation with an opportunity to discuss the duties and to consider what may need to be done in the school to comply with the duties. Materials to support such follow-up work are provided in the next section of this pack. Trainers may also want to provide colleagues with a briefing.

**Long presentation
(approximately
1 hour and 15
minutes)**

Use all the slides except slide 19.

(Slide 20 is suggested for the long presentation if the trainer is going to provide a detailed explanation of the less favourable treatment duty. Slide 19 can be used if a slightly less technical account of the less favourable treatment duty is required. It is not necessary or desirable to use both.)

This presentation provides a considerable level of detail on all aspects of the schools' duties. Trainers can use this presentation on its own or as part of a more extended INSET opportunity, for example as part of a whole day training. This can be done in a number of ways. A suggested timetable for a day's training is offered below:

10.00 – 11.30	Presentation and questions
11.30 – 11.45	Break for refreshments
11.45 – 12.30	Case studies in small groups using 'What would you do?' materials, followed by plenary discussion.
Lunch	
1.30 – 2.15	The 'School Questionnaire', working in groups (or the 'Governing Body Questionnaire for governors')
2.15 – 3.00	Developing a 'Plan for Action' working in groups
3.00 – 3.15	Break for refreshments
3.15 – 4.00	Bringing the plans together – plenary session.



The precise nature of the sessions would vary according to whether the training was being provided in one school or for several schools together. A number of different variations on this timetable have been used in different circumstances.

The presentation might also be used as a part of a training day which was planned to address a number of equality issues.

Using the notes and the examples

On the pages following the slides themselves, in Section 2.3, there are notes to accompany the presentation. The notes refer across to each other for greater detail. Should questions arise during a shorter presentation, the notes point the presenter to more detailed slides for more information.

The presentation sets the DDA duties in the context of the SEN framework and the planning duties. The presentation draws on the guidance in the Disability Rights Commission Code of Practice and on the examples in it. Those making the presentation may wish to familiarise themselves with these examples before making the presentation, but for convenience the examples are reproduced in the notes accompanying the presentation. Where sections of text are particularly useful to the explanation of the duties those extracts are also reproduced in the notes.

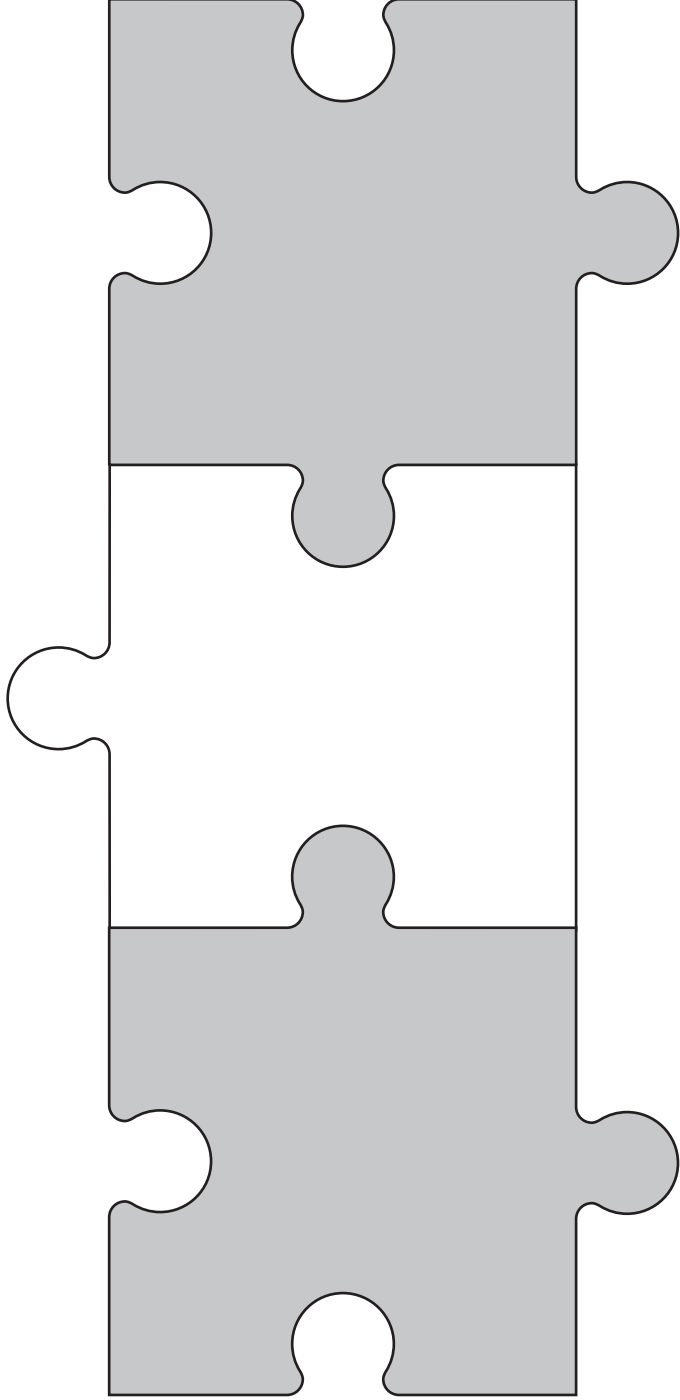
Where extracts and examples from the DRC Code of Practice are included, these are located after the notes for the relevant slide.

Abbreviations

Throughout the notes abbreviations are used. It will be helpful if trainers familiarise themselves with any abbreviations that they do not already know and use full versions in training sessions unless they are confident that everyone knows what the abbreviations stand for.

The following abbreviations are used in the presentation and in the notes:

DDA	Disability Discrimination Act 1995
DRC	Disability Rights Commission
DRTF	Disability Rights Task Force
SEN	Special Educational Needs
SENDA	Special Educational Needs and Disability Act 2001
SENDIST	Special Educational Needs and Disability Tribunal



The Disability Discrimination Act and Schools



Disability Discrimination Act 1995

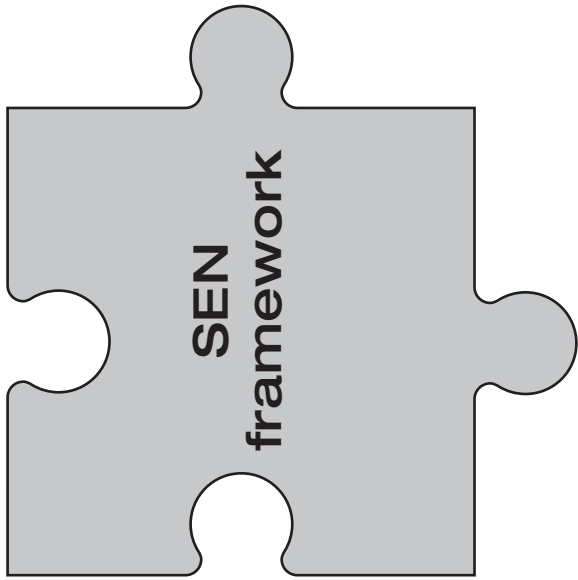
Applied to schools since 1996 in respect of:

- employment, Part 2
- provision of goods & services to general public, Part 3
- but not to education

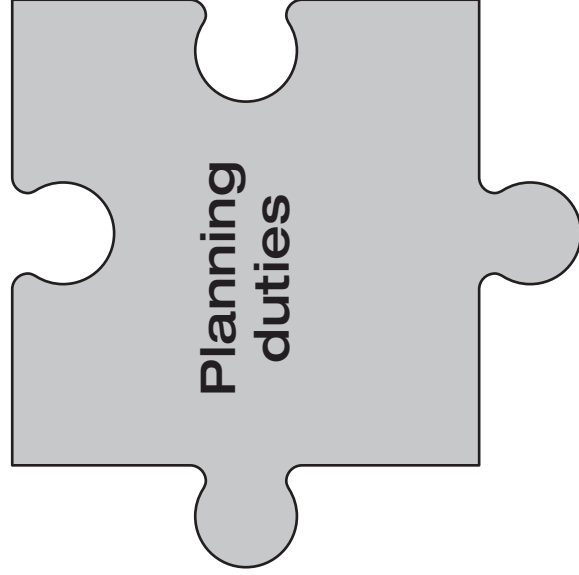
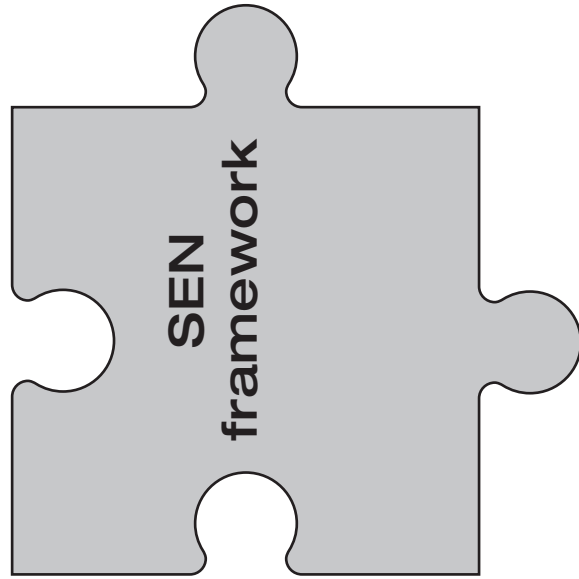
SEN and Disability Act 2001

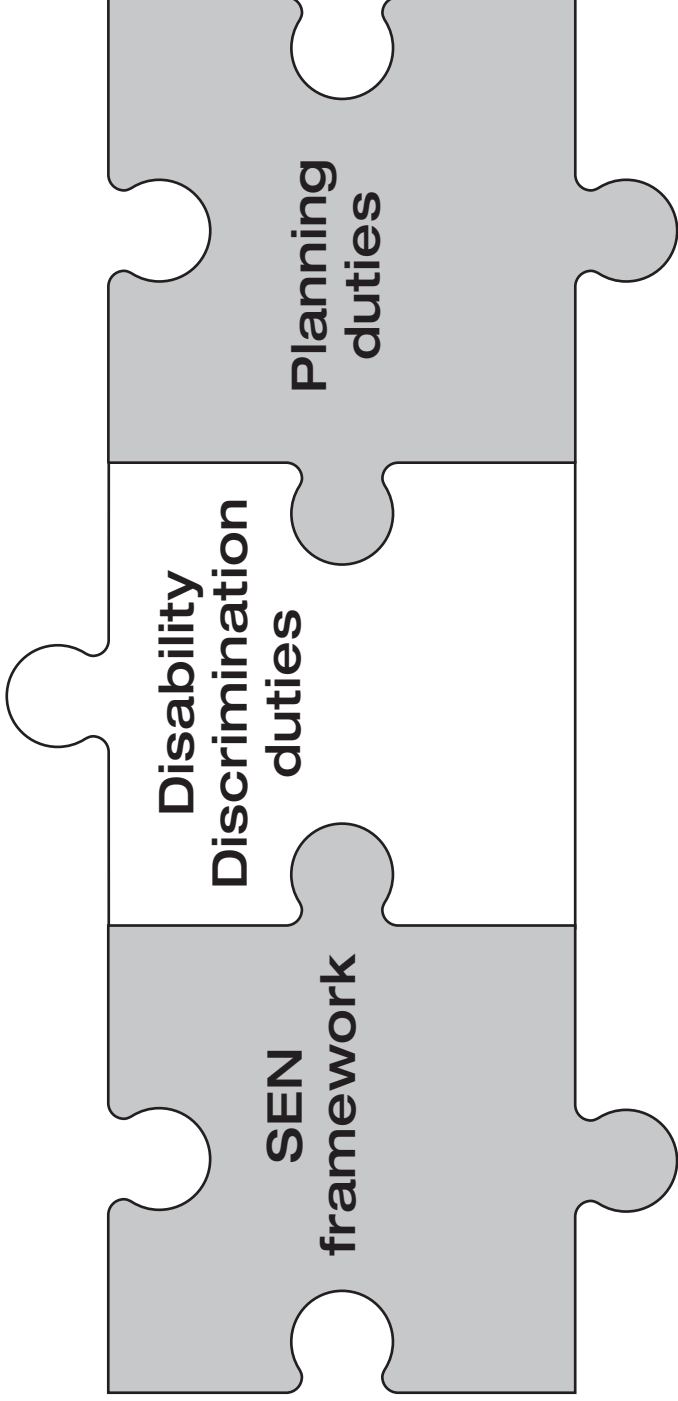
- amends DDA
- new Part 4 includes school education from Sept 2002
- education exemption from Part 3 lifted



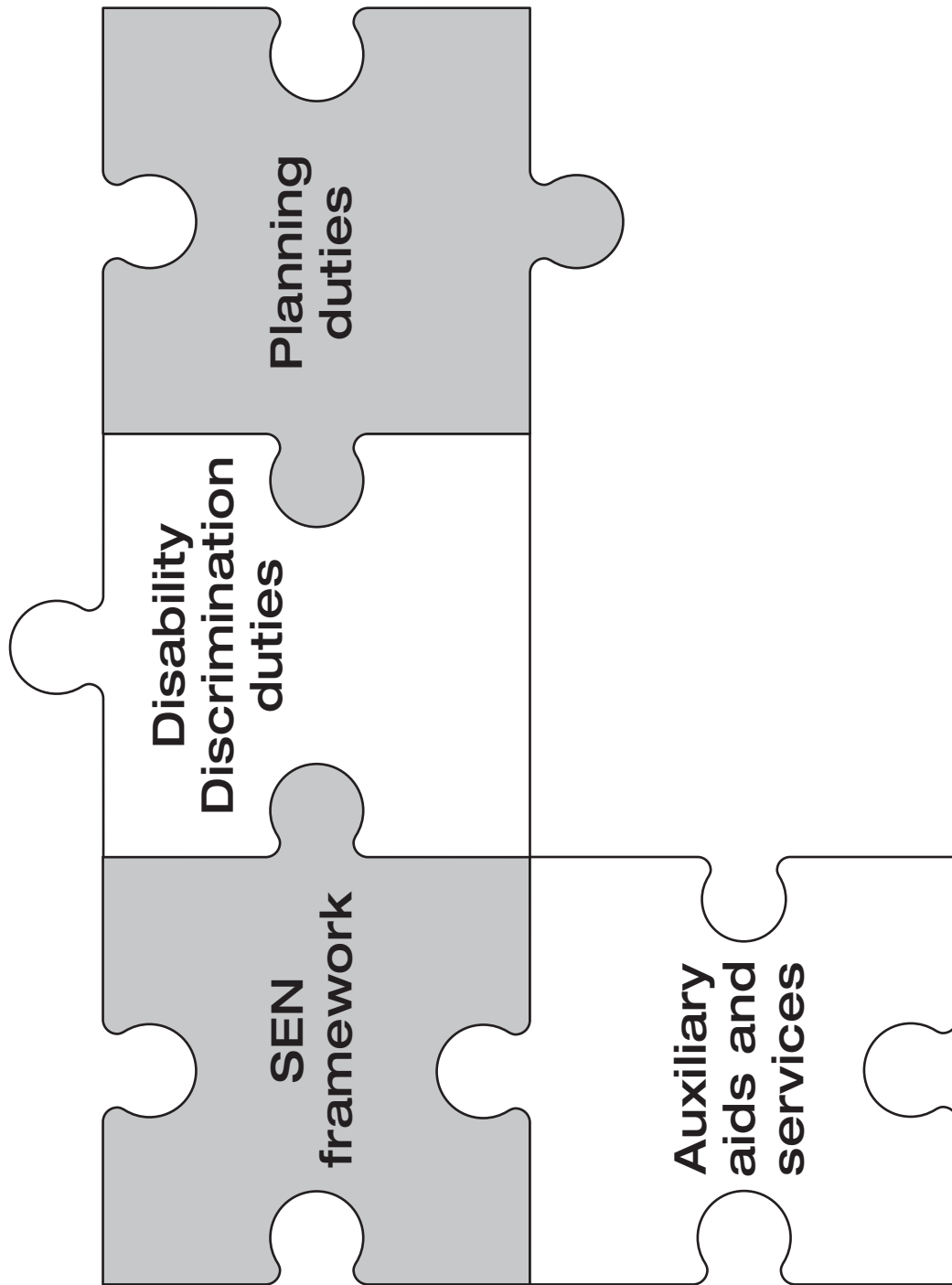


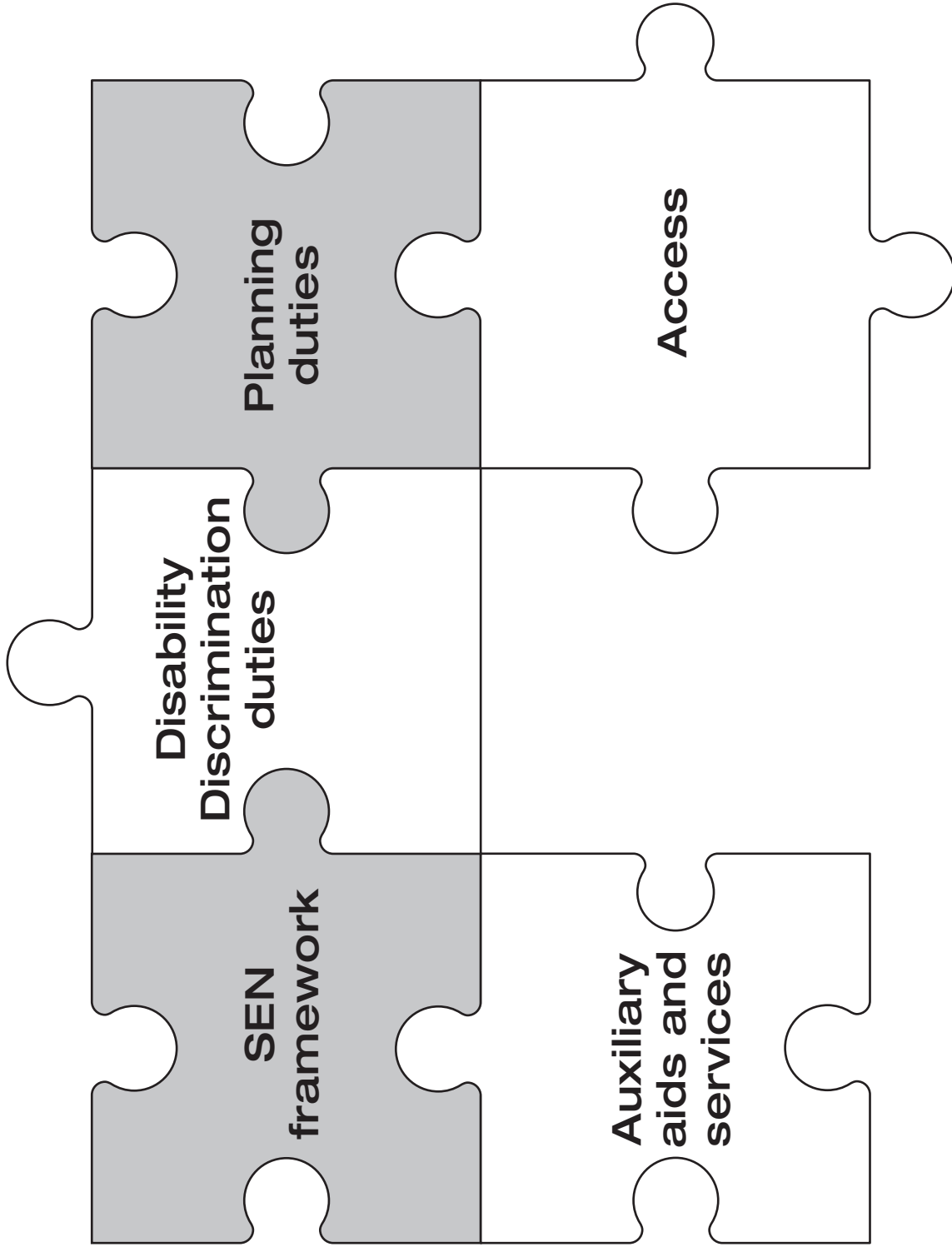
SEN and Disability Act 2001

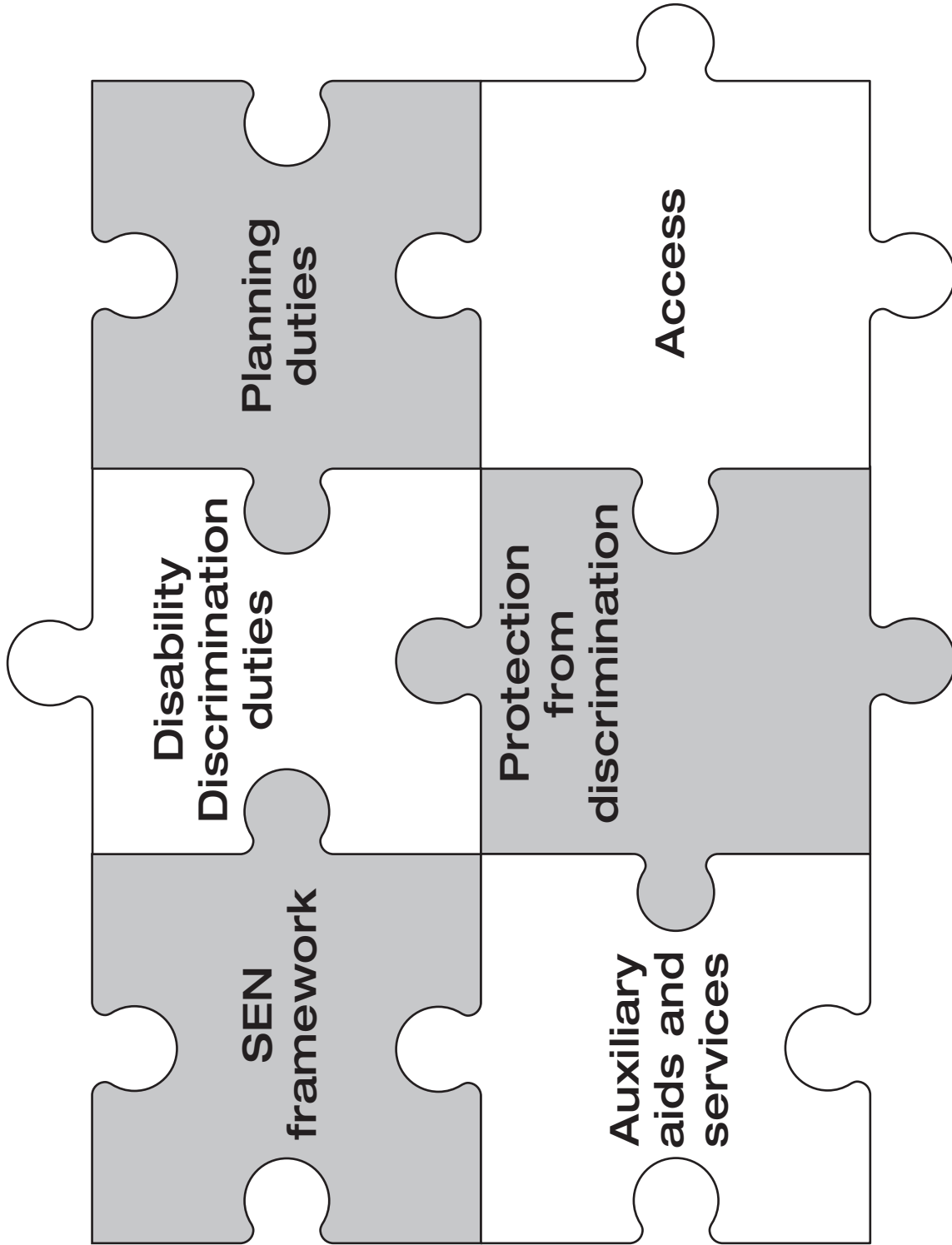




5 SEN and Disability Act 2001

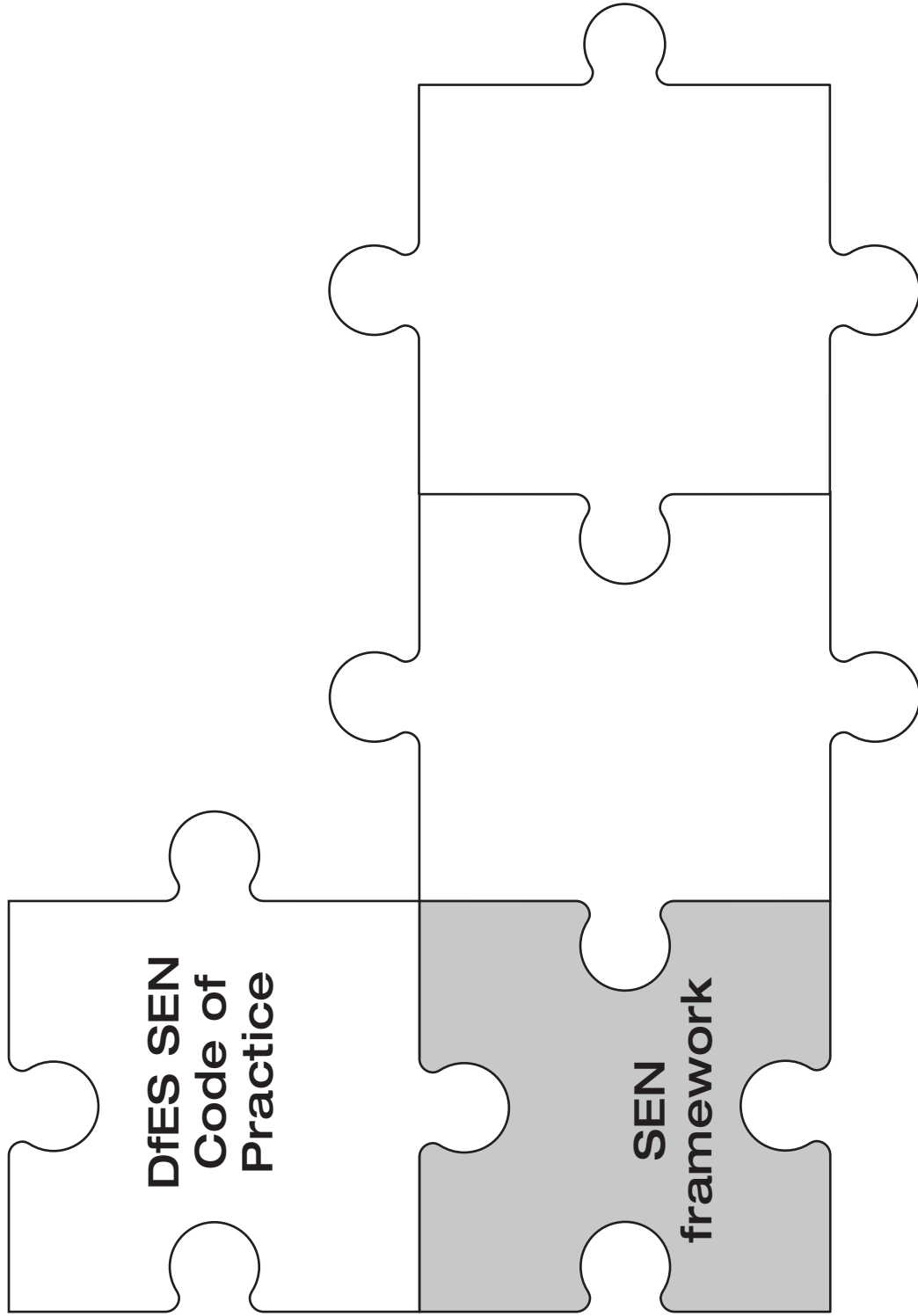


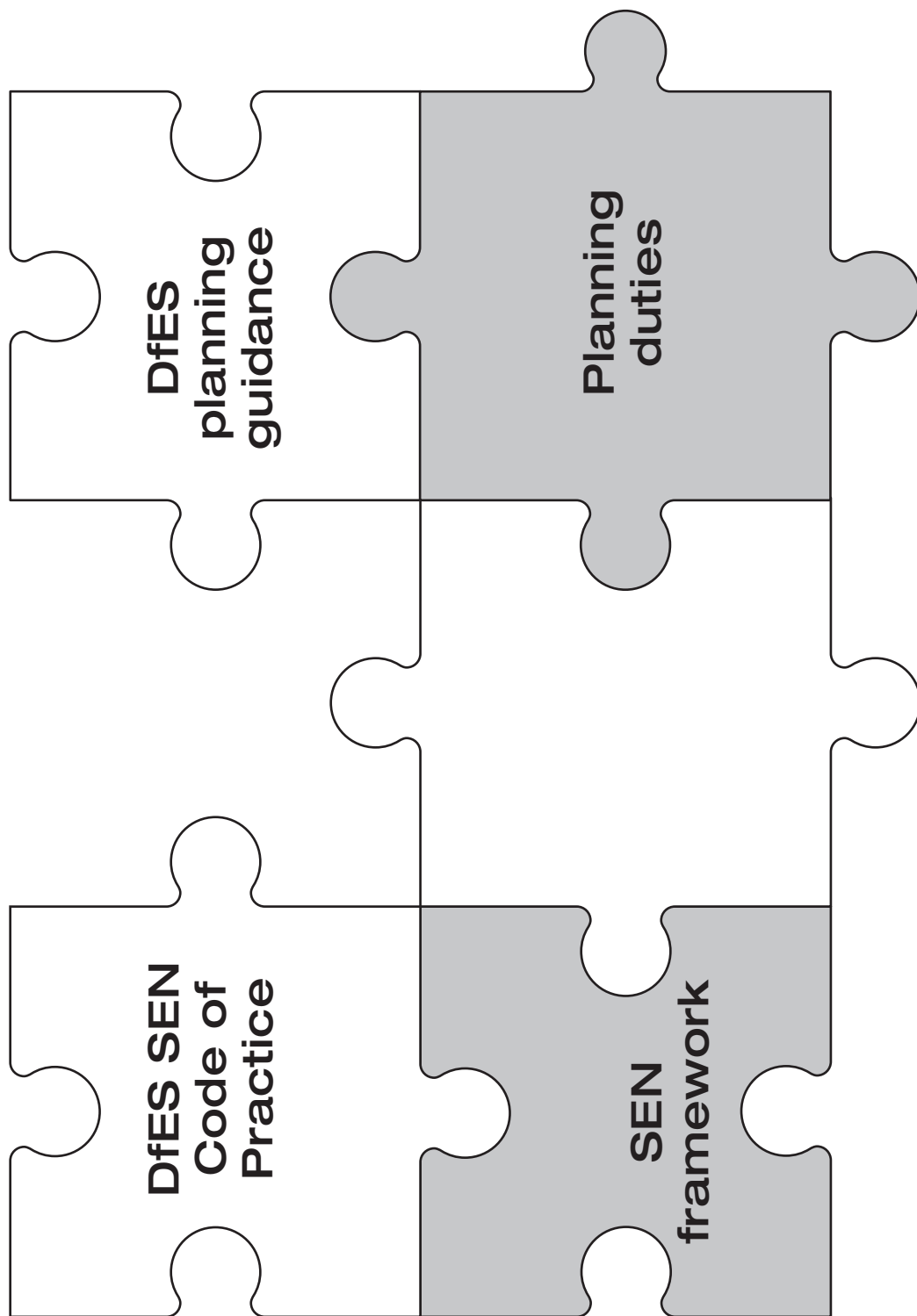


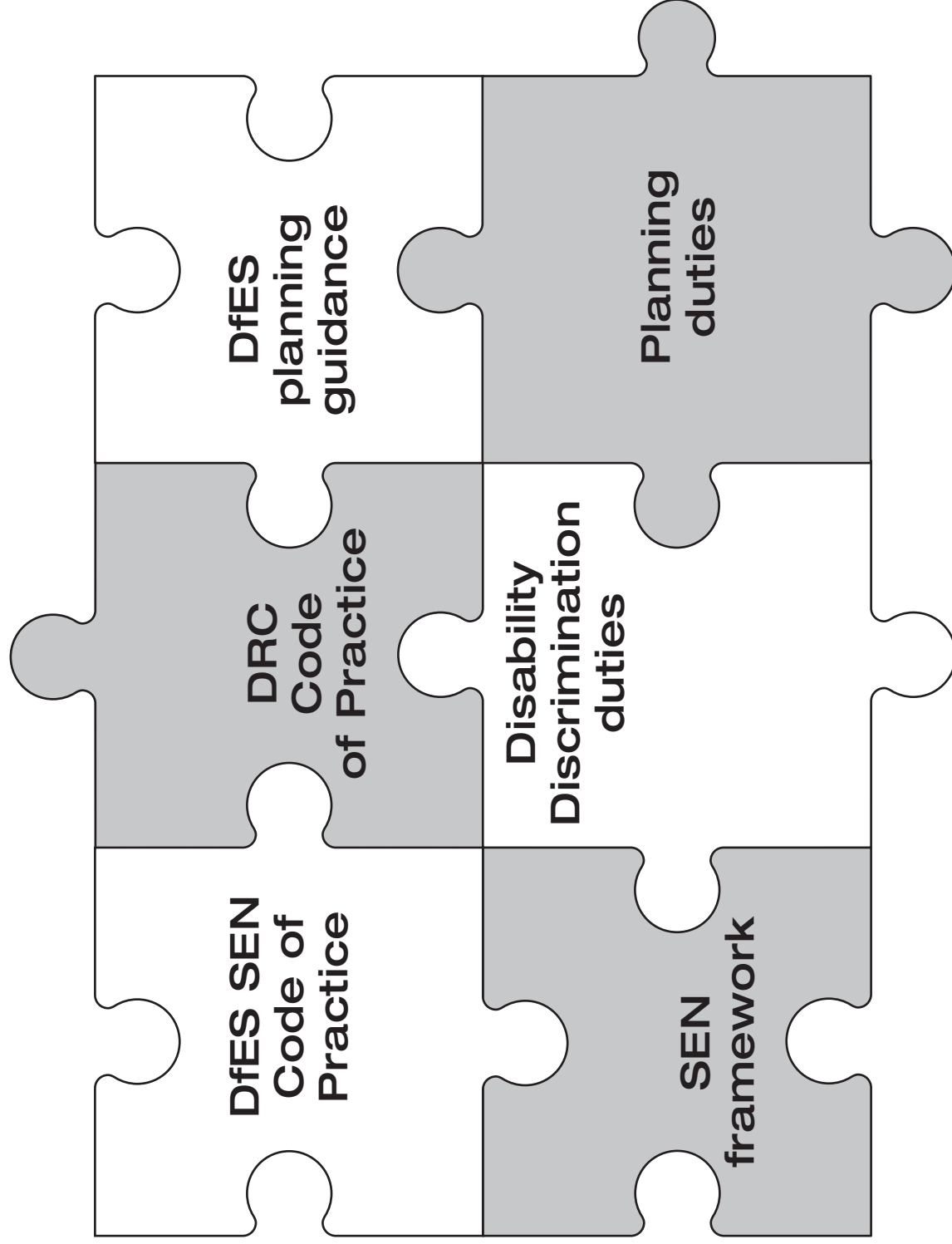


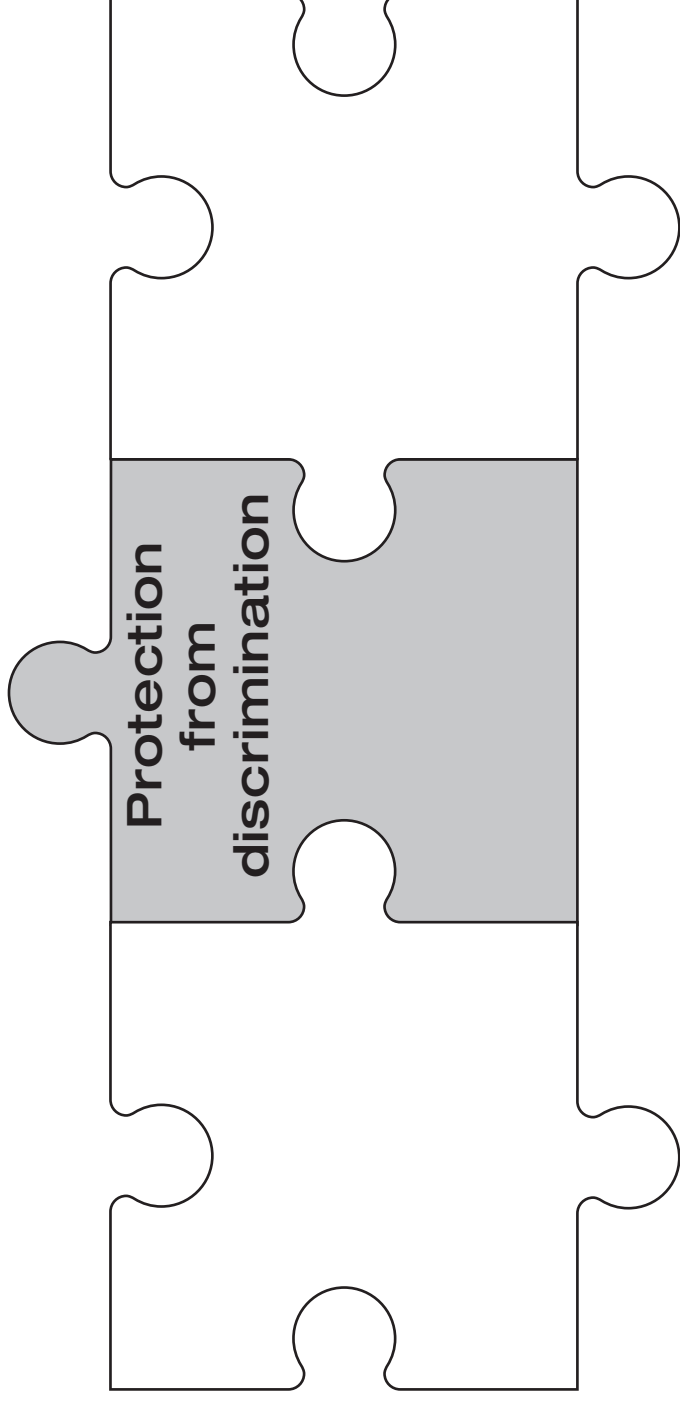
Access

Auxiliary
aids and
services









Who and what are covered?

- Current and prospective disabled pupils
- Every school and every aspect of school life: admissions, education & associated services, exclusions
- The 'responsible body' for the school



Definition of disability in DDA:

A physical or mental impairment
with an adverse effect on the
pupil's ability to carry out normal
day-to-day activities.
Effect must be:

- substantial
- long-term

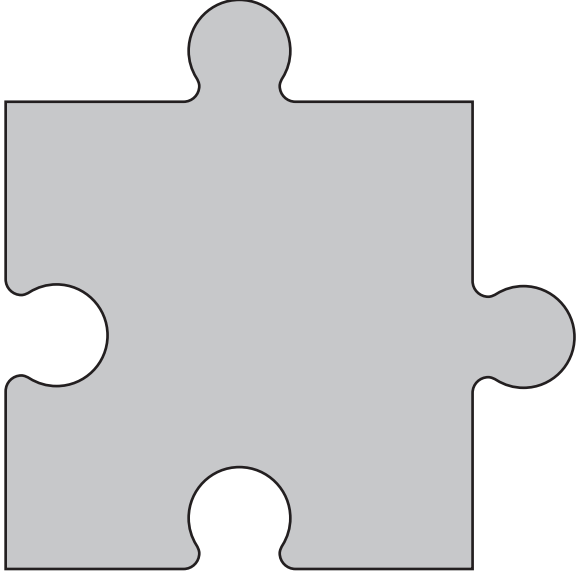
Every school:

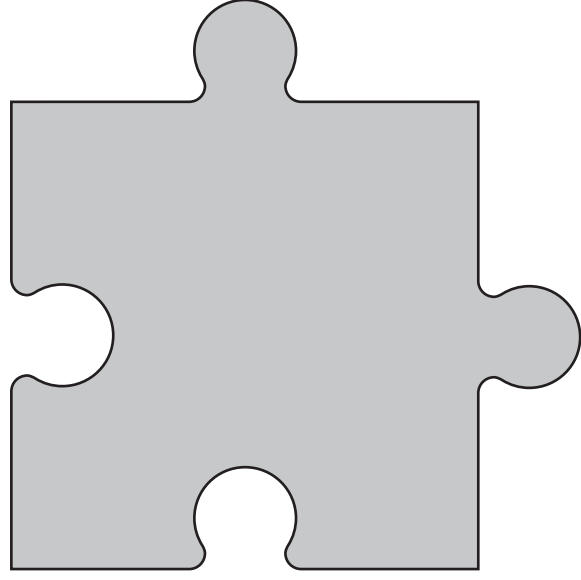
- maintained, independent
- mainstream, special
- nursery, primary, secondary, including school Vith forms
- community, voluntary, foundation or a city academy



Every aspect of school life:

- admissions
- education and associated services
- exclusions





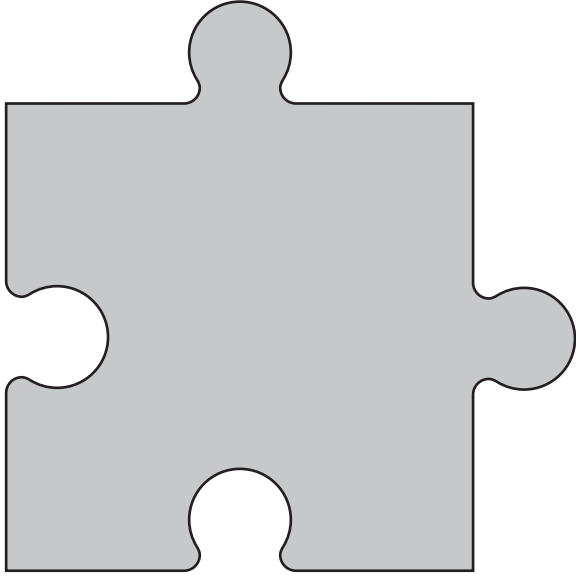
Education and associated services:

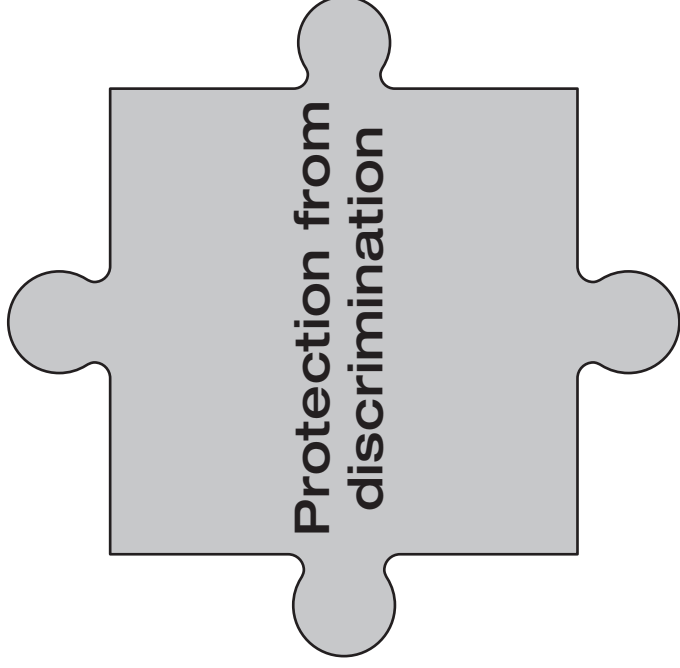
- the curriculum
- teaching and learning
- classroom organisation
- breaks and lunchtimes
- school policies
- school clubs and activities
- homework
- assessment and exam
- arrangements
- timetabling
- school trips
- exclusion procedures
- the whole life of the school



The responsible body for the school:

- governing body
- local education authority
- the proprietor





Two key duties: responsible bodies:

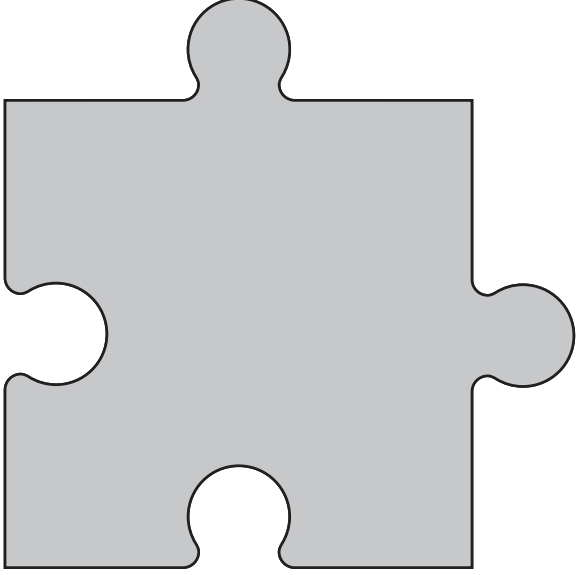
- must not treat disabled pupils less favorably
- must make reasonable adjustments for disabled pupils



Less favorable treatment

Disability discrimination is:

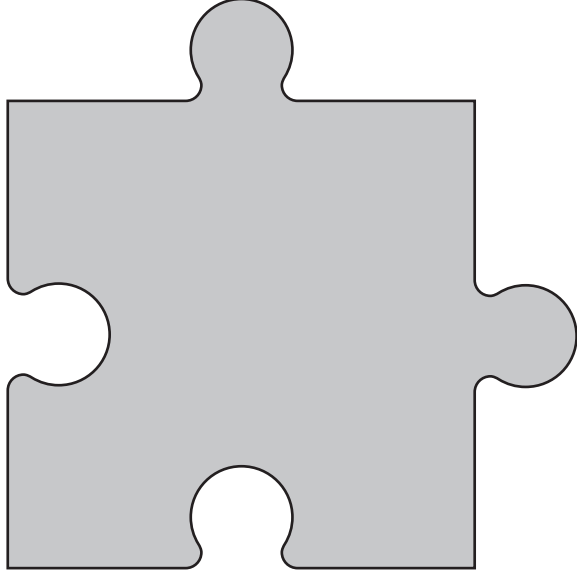
- less favourable treatment than someone else
- for a reason related to the child's disability
- when it cannot be justified





Three tests for less favorable treatment:

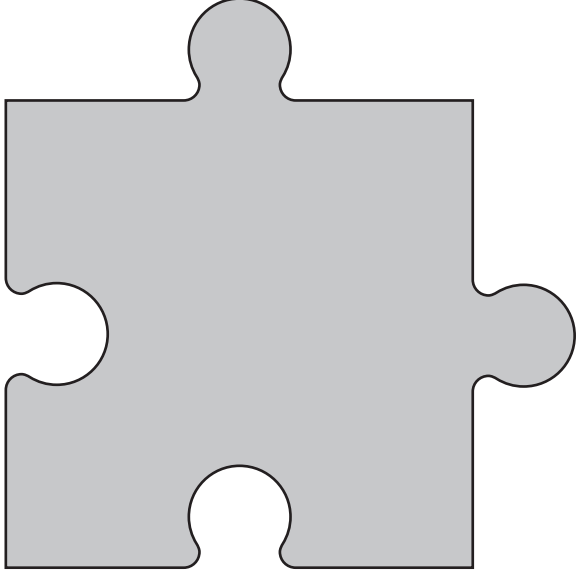
- for a reason related to the child's disability
- less favourable treatment compared with a child to whom that reason does not apply
- cannot be justified





Justification for less favorable treatment:

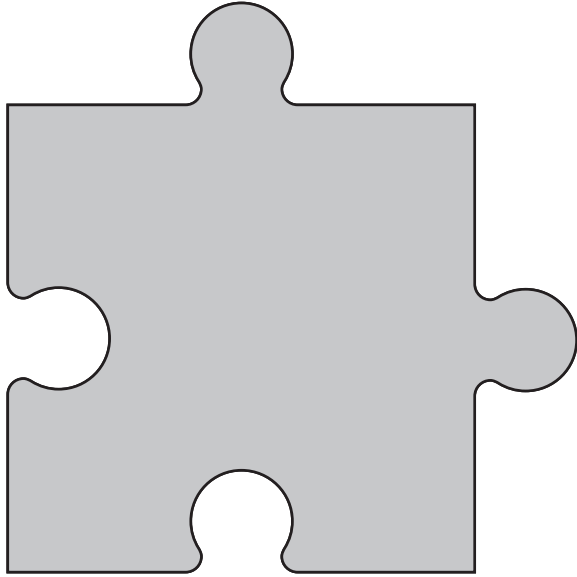
- may be justified for a substantial and material reason
- ‘permitted forms of selection’
- may not be justified if a reasonable adjustment could have been made, but wasn’t





Reasonable adjustments:

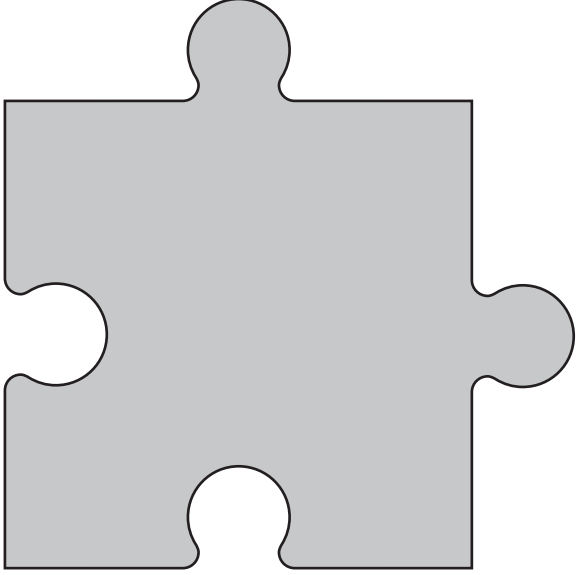
- to ensure no substantial disadvantage
- comparison: pupils who are not disabled
- justification

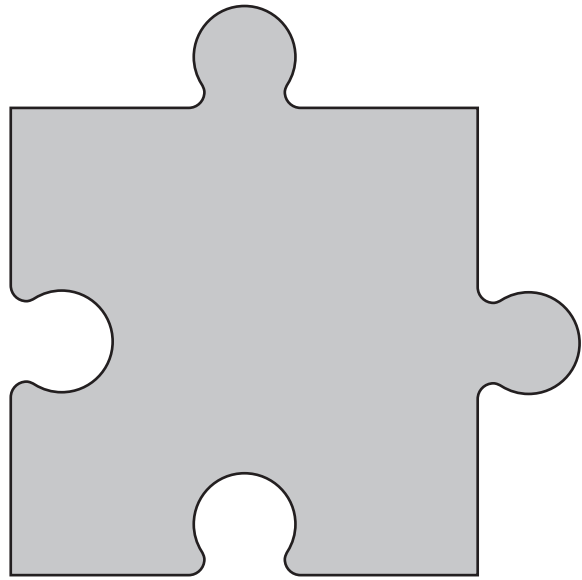




Reasonable adjustments: an anticipatory duty:

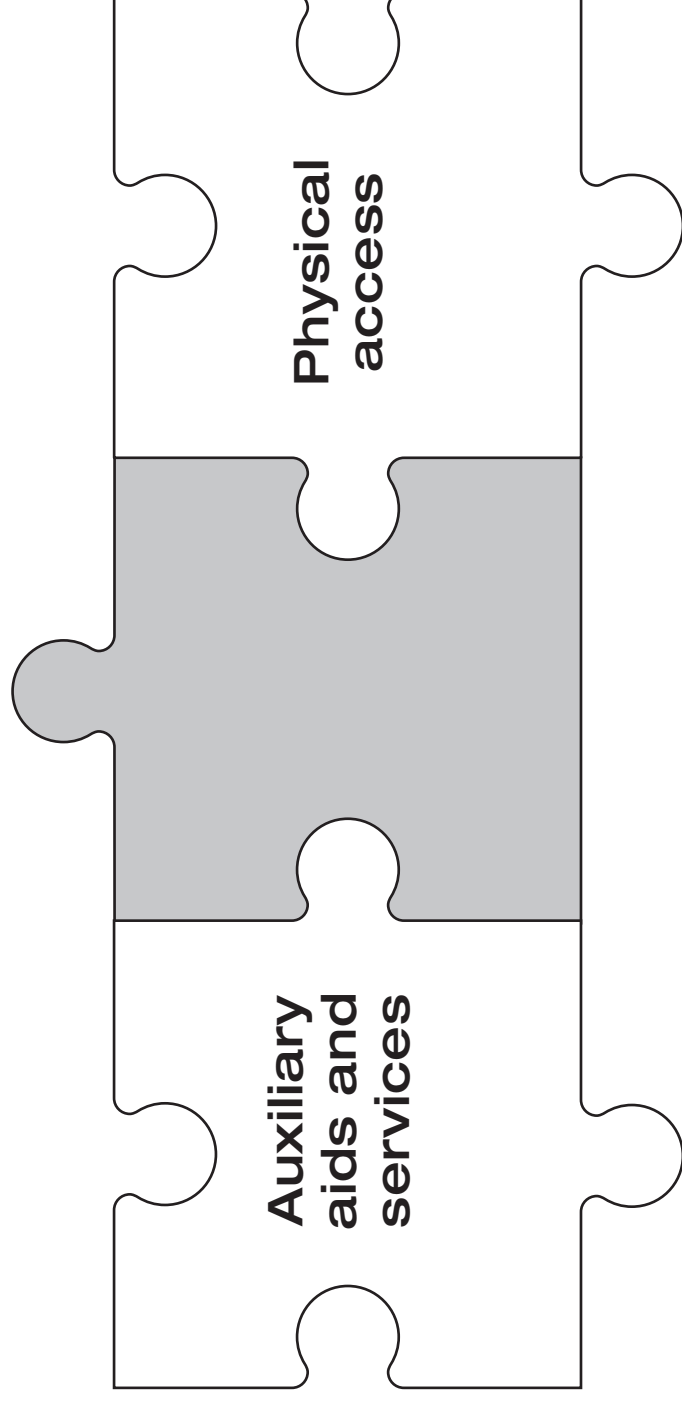
- substantial disadvantage has to be anticipated
- duty owed to all disabled pupils
- liability, in the breach to an individual





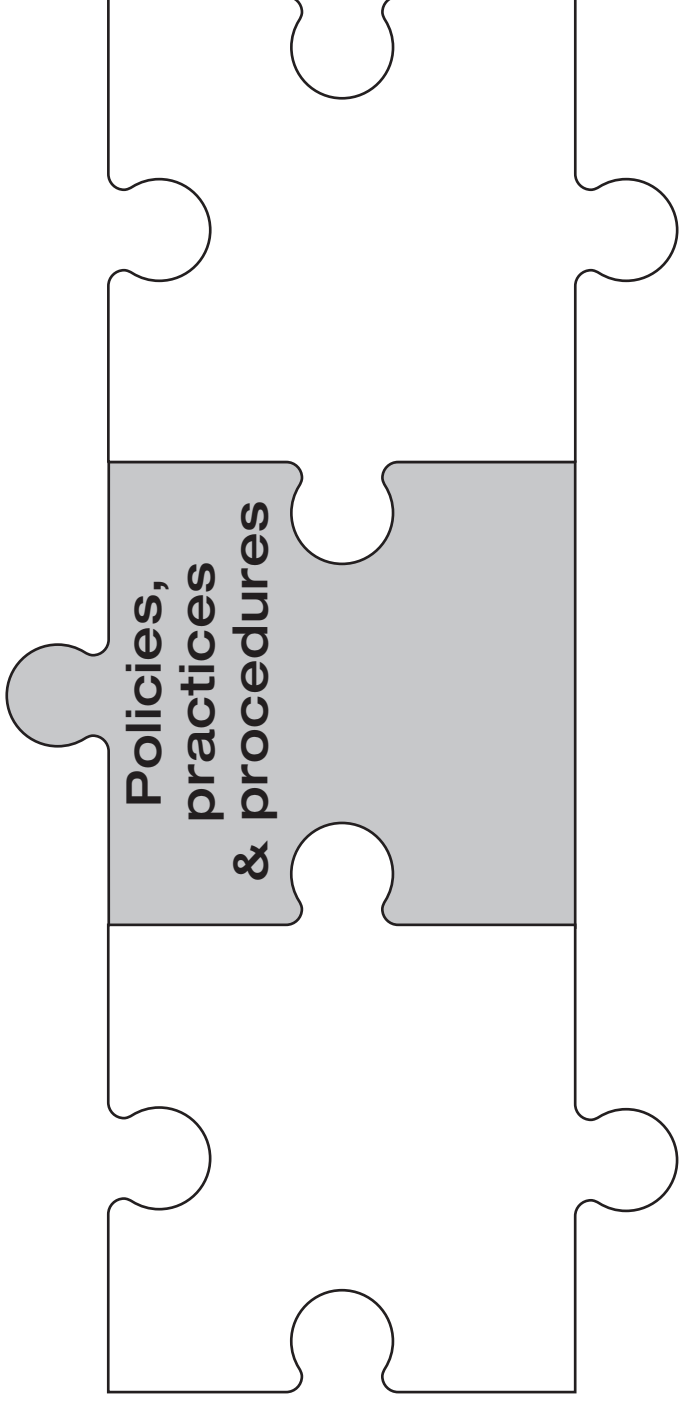
Justification for a failure to make a reasonable adjustments:

- a substantial or material reason

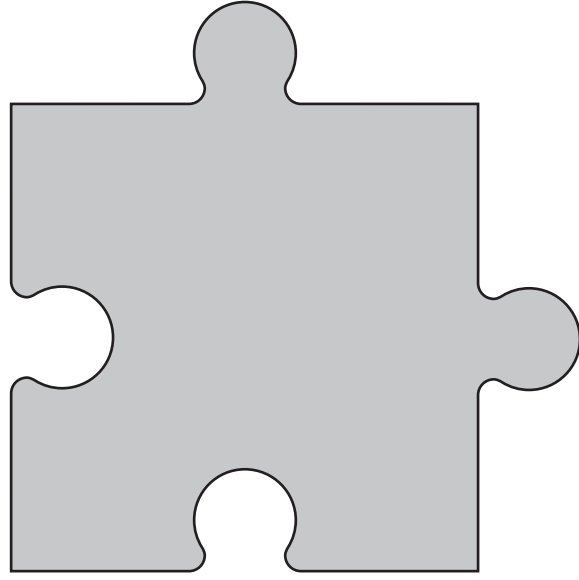


Two exemptions from reasonable adjustments duty:

- auxiliary aids and services – covered by SEN framework
- physical access – covered by planning duty



Reasonable adjustments to policies, practices and procedures



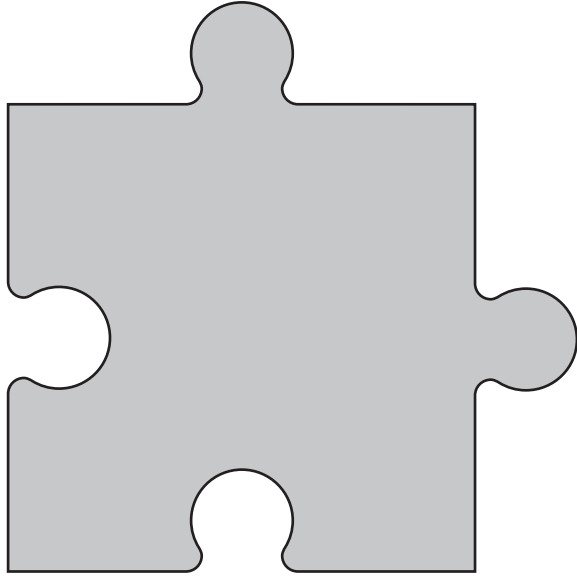
Reasonable adjustments, factors that may be taken into account:

- standards
- resources
- costs
- practicability
- SEN provision
- health and safety
- interests of other pupils



Information issues:

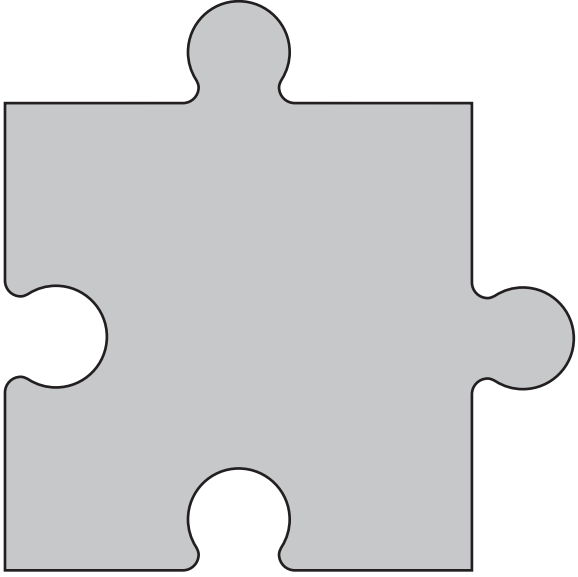
- lack of knowledge defence
- confidentiality

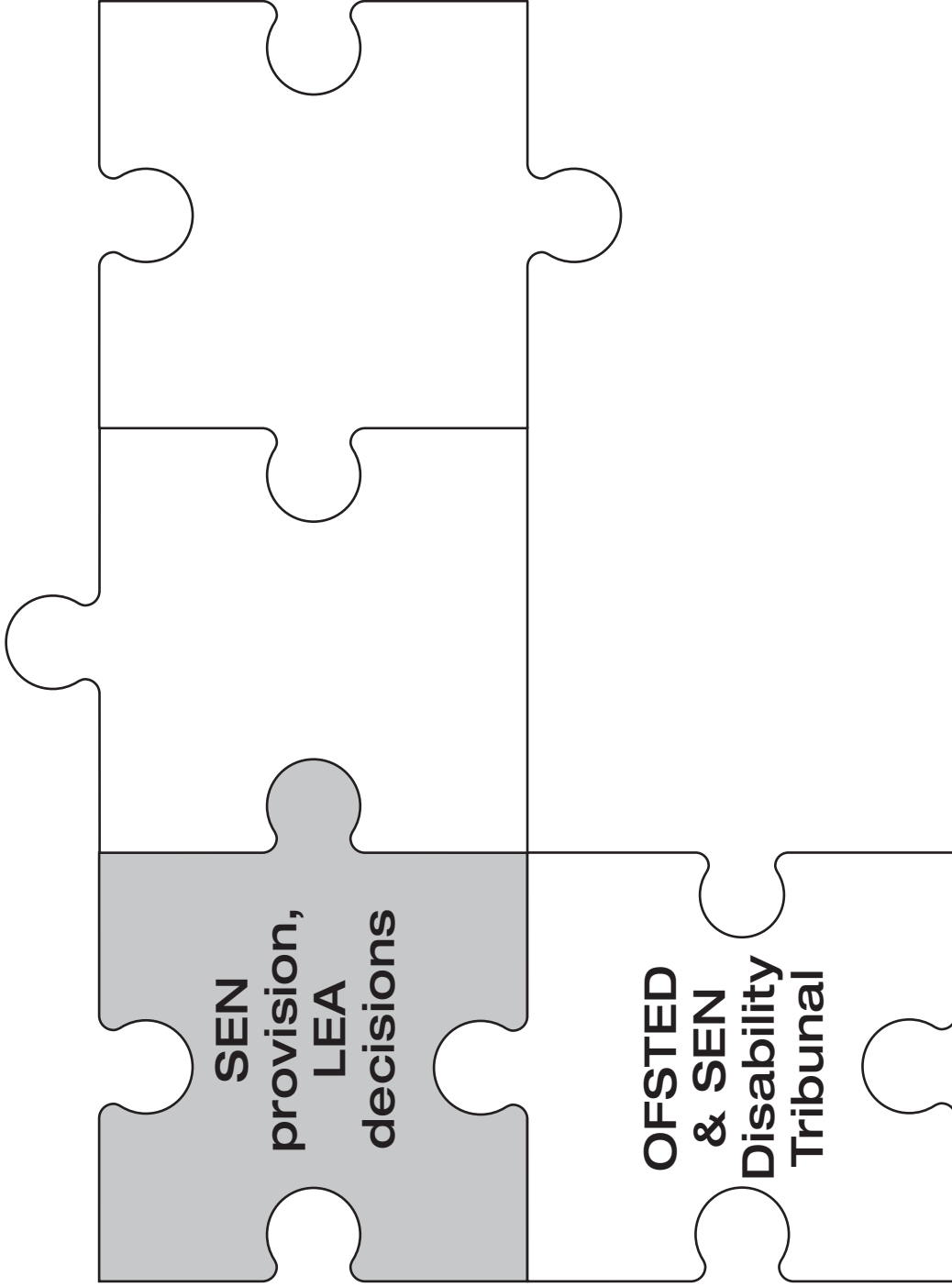


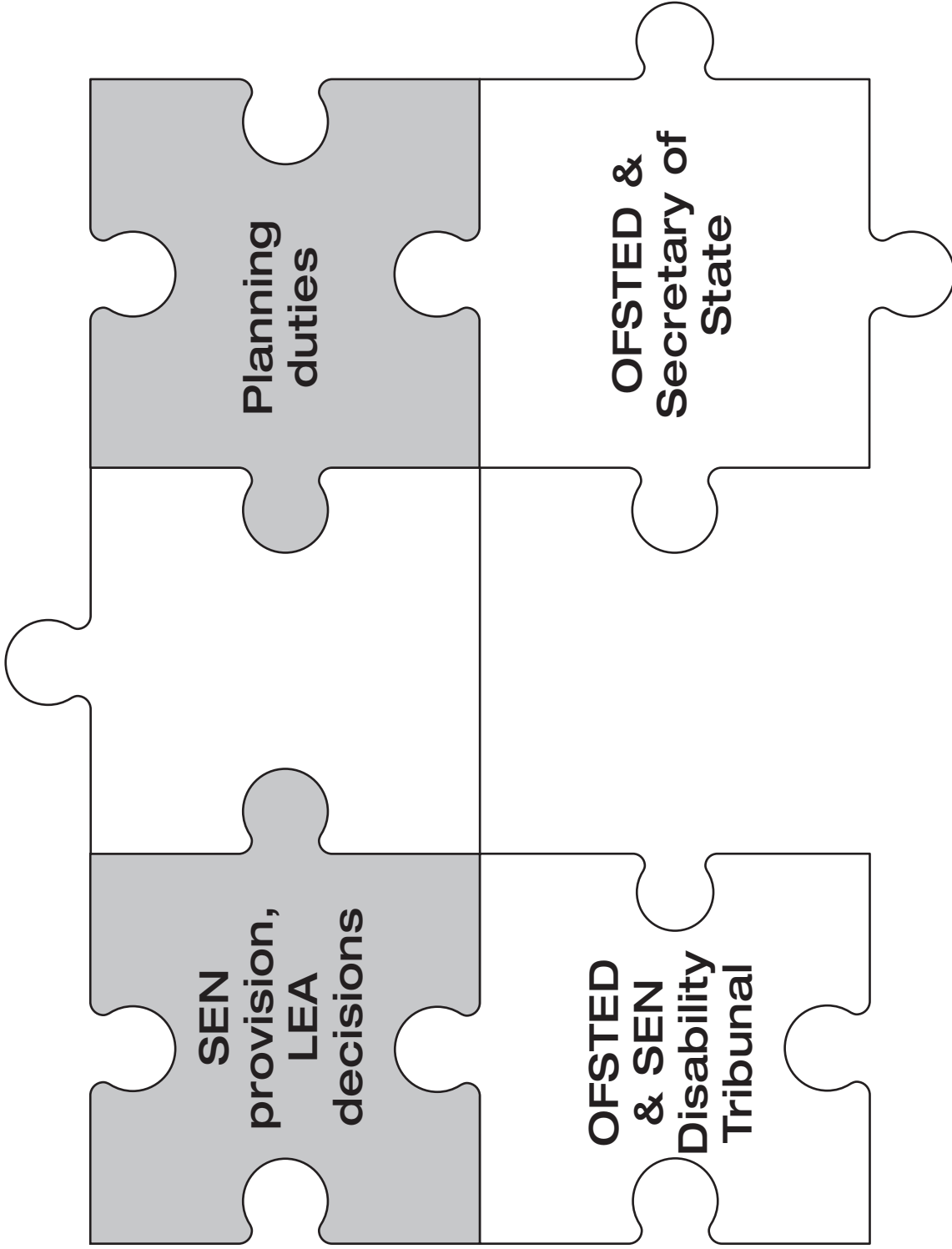


Other changes to DDA:

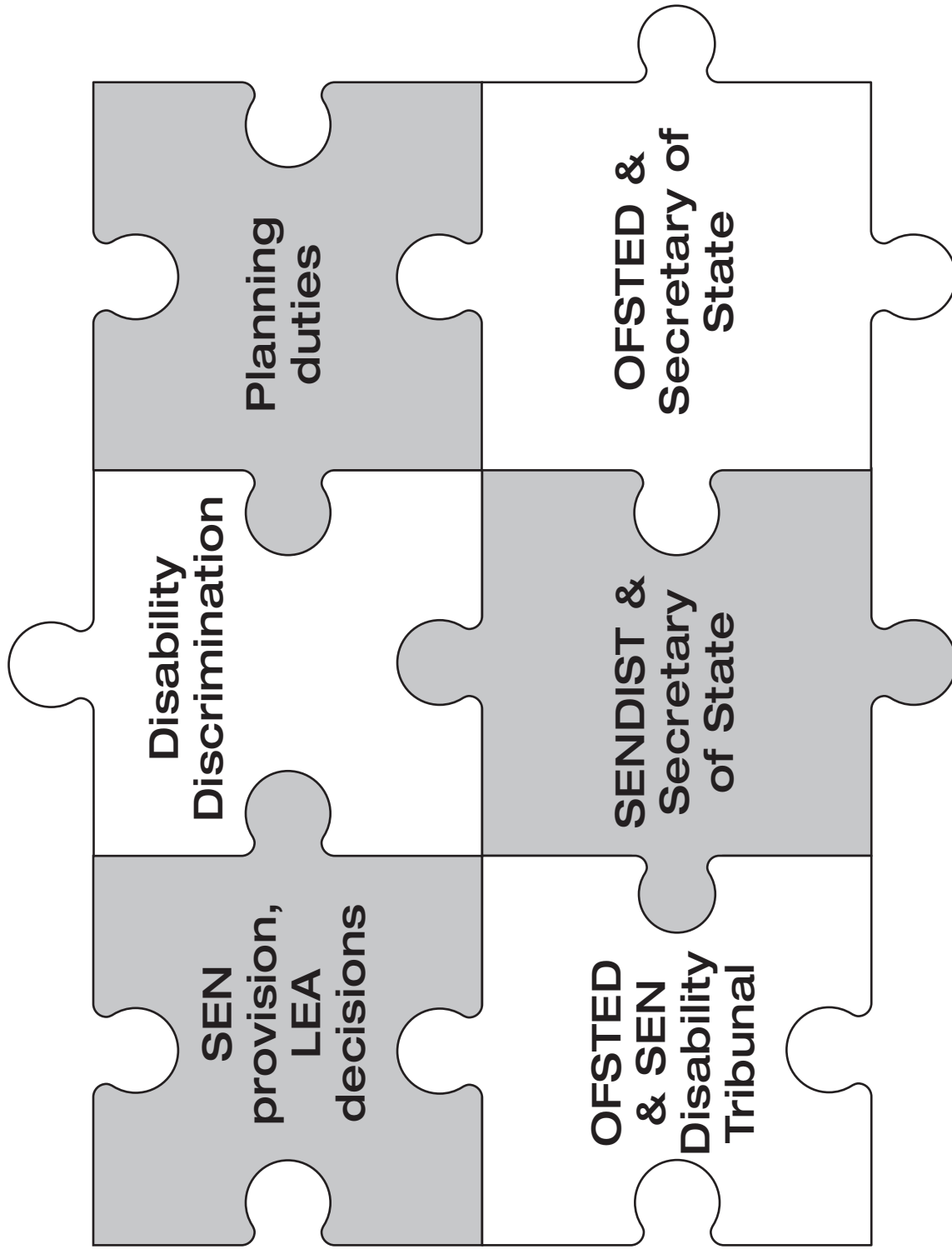
- residual duty of LEAs
- education no longer exempt from Part 3
- victimisation
- conciliation







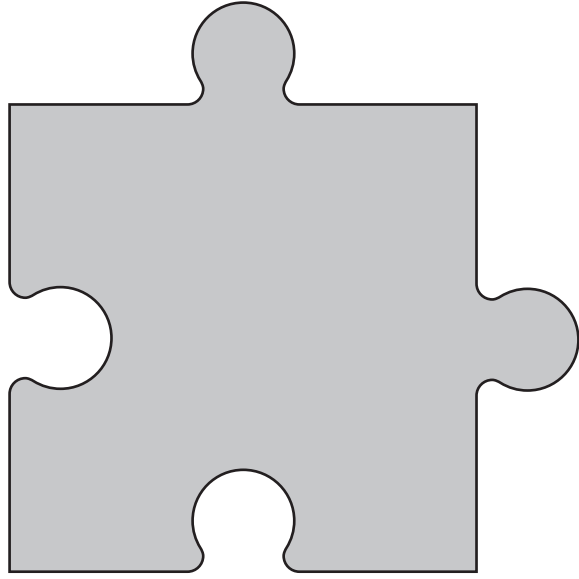
Accountability





Remedy:

- a declaration
- an order:
 - training
 - guidance
 - review, alteration of school policies
 - additional tuition
 - written apology
- no financial compensation



Implementation issues for schools:

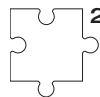
- all staff
- information and communication
- the anticipatory nature of the duties
- DDA definition and behaviour
- the context for implementation



Disability Rights Commission

Help line

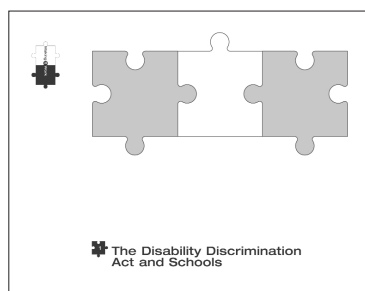
08457 - 622 - 633



2. SENDA: Meeting the duties

2.3 TRAINER'S NOTES

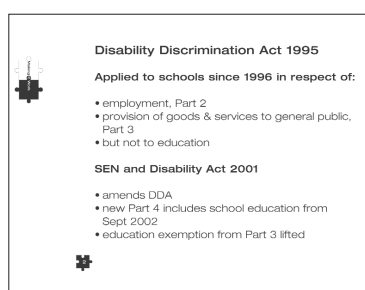
SLIDE



Title slide

This presentation is about new disability discrimination duties on schools and LEAs. In applying the DDA to school education, disability discrimination duties fit in with other duties: SEN and Planning duties. Each set of duties contributes towards equal opportunities for disabled pupils. The broad shape of the disability discrimination duties is designed to fit in with the duties that sit on either side, hence the jigsaw motif used in this presentation.

SLIDE



Disability Discrimination Act 1995 (DDA)

Education was exempted from the DDA in 1995, but there were duties on governing bodies to provide certain information about provision for disabled pupils.

Why was education exempted?

- possibly because new SEN legislation in 1993 and a new Code of Practice, 1994, needed time to settle in;
- possibly uncertainty about how disability duties would sit alongside SEN duties;
- possibly other reasons, eg fear of costs, no Schools Access Initiative at that stage.

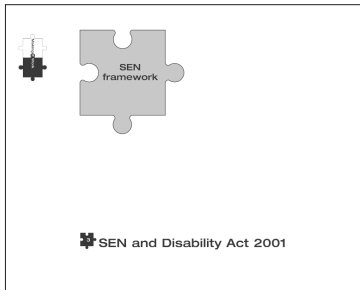
Disability Rights Task Force (DRTF) report, 1999

DRTF report, *From Exclusion to Inclusion* (1999) advised government on a way of introducing DDA duties in education without duplicating SEN systems.

SEN and Disability Act, 2001 (SENDA)

- Part 1: changes SEN arrangements;
- Part 2: introduces new Part 4 to DDA to include education in schools, further and higher education, adult education and youth and community settings.

This presentation focuses on the schools' duties.



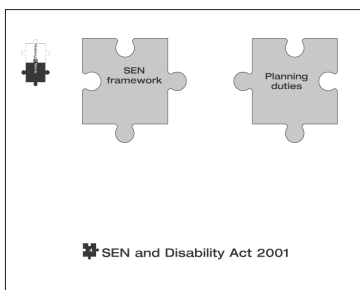
The SEN framework

The SEN framework

- consists of the legislation, regulations and guidance;
- in England and Wales, Part 4 of the Education Act 1996 is the principal legislation, amended by SEN & Disability Act 2001;
- makes provision to meet special educational needs;
- includes what schools provide from their delegated budgets and what local education authorities provide from their centrally retained funds.

Reminder

A disabled pupil who needs special educational provision in order to access education has that provision made through the SEN framework.



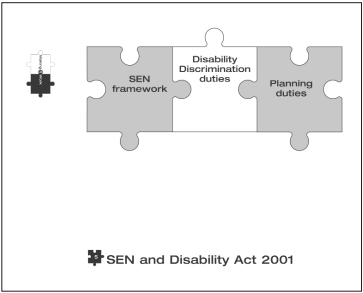
Planning duties

- Planning duties (in sections 28D and 28E of the DDA) require schools and LEAs to plan to increase access to education for disabled pupils. The duties cover three aspects of planned improvements in access:
- improvements in access to the curriculum;
- improvements to the physical environment of the school to increase access to education and associated services;
- improvements in the provision of printed information in a range of different formats for disabled pupils.

From September 2002 schools are required to develop plans and LEAs to develop strategies. These must be in place by April 2003.



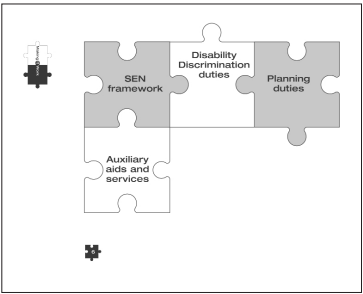
SLIDE 5



Disability Discrimination duties

Disability discrimination duties (in Sections 28A, 28B and 28C of the DDA as amended by SENDA) place duties on schools and provide protection from discrimination for disabled pupils.

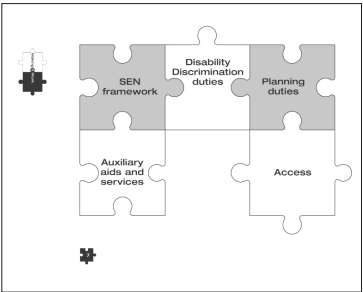
SLIDE 6



Auxiliary aids and services

In effect the SEN framework provides auxiliary aids and services for disabled pupils.

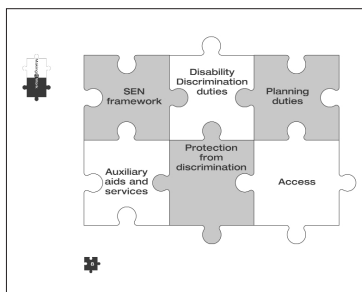
SLIDE 7



Access

The planning duties will increase access to education for disabled pupils over time.

SLIDE 8



Protection from discrimination

The disability discrimination duties protect disabled pupils from discrimination.

The key elements in these last three slides (slides 5, 6, and 7) are:

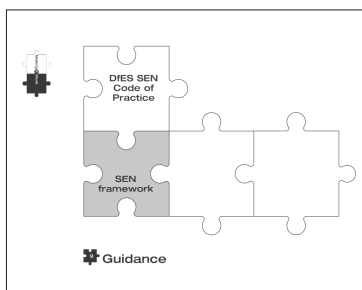
- auxiliary aids and services,
- access,
- protection from discrimination,

These are the three key elements that are common across different Parts of DDA.

In school education these elements are provided for by different statutory duties:

- auxiliary aids and services by the SEN framework,
- access by the planning duties,
- protection from discrimination by the disability discrimination duties.

SLIDE 9



Guidance

Guidance on SEN:

Guidance on SEN framework comes from the SEN Code of Practice and a range of guidance published by the Department for Education and Skills.

SEN Code of Practice is available from:

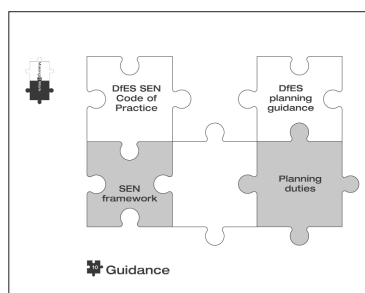
DfES Publications, PO Box 5050, Sherwood Park, Annesley, Nottinghamshire NG15 0DJ

Tel: 0845-60-222-60
Fax: 0845-60-333-60
Email: dfes@prolog.uk.com

A copy of the SEN Code of Practice has been sent to every school in the country.



SLIDE 10



Guidance

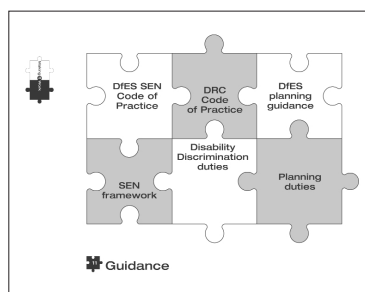
Guidance on the planning duties:

Guidance on the planning duties is issued by the Department for Education and Skills: *Accessible Schools: Planning to increase access to schools for disabled pupils*. Ref: LEA/0168/2002

Copies of this guidance are available from:
DfES Publications, tel: 08457-60-222-60
DfES website: <http://www.dfes.gov.uk/sen>

A summary of this guidance has been sent to every school in the country.

SLIDE 11



Guidance

Disability Rights Commission Code of Practice

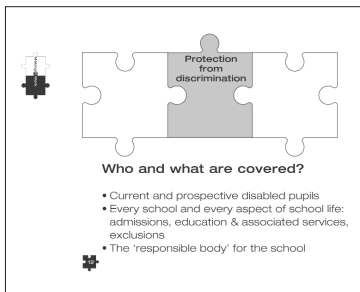
DRC has issued a Code of Practice to explain the DDA duties in school education. It has been approved by the Secretary of State and by Parliament and has been sent to every school.

A summary, *A Guide for Schools*, has also been produced and is available from the Disability Rights Commission. The same text is reproduced as a briefing in these materials, see page 12.

A separate DRC Code (the 'Post-16 Code') explains how similar duties apply in further and higher education, adult and community education and statutory youth provision.

Contact information for the DRC is in the notes for Slide 35.





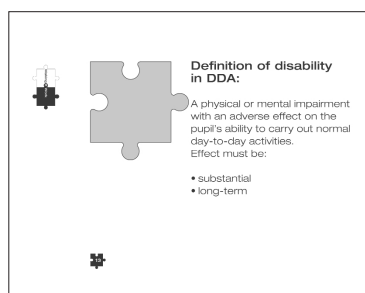
Who and what are covered?

The definition of disability used is in Section 1 of the DDA. It is a very broad definition of disability (for more detail, see slide 13).

Every school is covered: private, publicly-funded, mainstream, special etc. (for more detail, see slide 14).

Every aspect of school life is covered by the duties: everything from admissions to exclusions, from maths to mealtimes, from teaching and learning to trips, from policies to practice (for more detail, see slides 15 & 16).

The 'responsible body' is the body which is held responsible for the duties – variously the governing body, the local education authority, or the proprietor (for more detail, see slide 17).



Definition of disability in DDA

Definition is in Section 1 of DDA:

- 'physical impairment' includes sensory impairment;
- 'mental impairment' includes learning difficulties and an impairment arising from a mental illness where this is clinically well-recognised;
- 'substantial' in the DDA means 'more than minor or trivial';
- 'long-term' in the DDA means at least 12 months.

The definition includes a wide range of impairments, including hidden impairments. Dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD) are all likely to count as a disability, but only if the effect on the pupil's ability to carry out normal day-to-day activities is substantial, that is, 'more than minor or trivial,' and long-term, that is, has lasted at least a year.

The test of whether an impairment affects normal day-to-day activity is whether it affects one of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- perception of risk of physical danger.

The effect of all these different elements in the definition is to include a very large group of children within the definition of disability.

Many children who have SEN will also be defined as having a disability under the DDA. However, not all children who are defined as disabled will have SEN. For example, those with severe asthma, arthritis or diabetes may not have SEN but may have rights under the DDA. Similarly, not all children with SEN will be defined as having a disability under the Disability Discrimination Act.

Questions often arise about whether children with behaviour difficulties are included in the definition. On the following page is an extract from the DRC Code of Practice on this issue.



Extract from DRC Code of Practice: Behaviour and disability:

The early experience of the introduction of Parts 2 and 3 of the Act, relating to employment and to the provision of goods and services, respectively, was that many of the cases brought turned on the question of definition. This Code cannot determine which pupils have or do not have a disability but the following considerations may be relevant:

- a child may have significant behaviour difficulties and these may relate to an underlying physical or mental impairment which amounts to a disability as defined by the Act. If they do, the child will be covered by the Act by reason of the underlying impairment. The importance of schools seeking to identify any underlying impairment is highlighted in Chapter 7 of the DRC Code;
- in addition, a behaviour difficulty may arise from a mental illness. The Act says that mental impairments resulting from or consisting of a mental illness are not covered by the legislation unless that illness is clinically well-recognised, that is, 'recognised by a respected body of medical opinion.' It is therefore likely that, in respect of such illnesses, the extent to which a condition is well-recognised will determine whether or not a child has a disability, for the purposes of the Act;
- where a child has a behaviour difficulty for a reason other than a disability, for example arising from social or domestic circumstances, it is likely that such a difficulty is not covered by the legislation.




SLIDE 14



Every school:

- maintained, independent
- mainstream, special
- nursery, primary, secondary, including school with forms
- community, voluntary, foundation or a city academy





Every school

Everything that is constituted as a school is covered. Pupil referral units are also covered. The following points should be borne in mind:


- where early years education provision is made but not in a school, that is also covered from Sept 2002. It is covered by Part 3 of DDA;
- where sixth form provision is made in a school, that is covered by the schools' duties;
- where sixth form provision is made, but not in a school, that is covered by the so-called 'post-16' duties. The DRC has also issued a 'post-16' Code to explain the 'post-16' duties.

15



Every aspect of school life:

- admissions
- education and associated services
- exclusions



Every aspect of school life

Admissions

This includes:

- arrangements for determining admission - including criteria and their operation;
- terms on which pupil is offered admission;
- refusing or deliberately omitting to accept application from someone who is disabled.

Education and Associated services

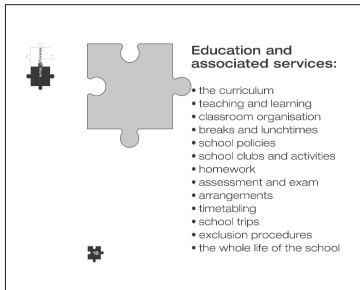
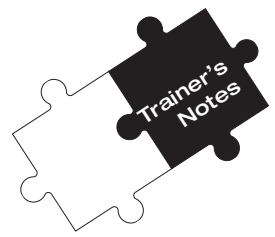
This includes:

- the whole life of the school (for more detail, see slide 16).

Exclusions

This includes:

- permanent exclusions;
- fixed-term exclusions.



Education and associated services:

This list is not exhaustive.

DRC Code has additional references at paragraph 4.23 (see below).

Extract from DRC Code of Practice: Education and associated services:

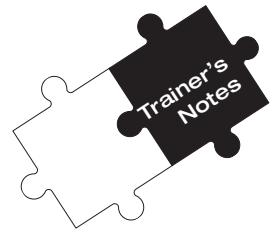
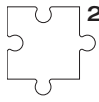
Paragraph 4.23 in the DRC Code of Practice points out that the term 'Education and associated services' is a broad term that covers all aspects of school life. The Code provides the following list of activities that may be covered by the term:

- preparation for entry to the school
- the curriculum
- teaching and learning
- classroom organisation
- timetabling
- grouping of pupils
- homework
- access to school facilities
- activities to supplement the curriculum, for example, a drama group visiting the school
- school sports
- school policies
- breaks and lunchtimes
- the serving of school meals
- interaction with peers
- assessment and exam arrangements
- school discipline and sanctions
- exclusion procedures
- school clubs and activities
- school trips
- the school's arrangements for working with other agencies
- preparation of pupils for the next phase of education.

The Code emphasises that this list is not exhaustive and that it is not intended to be.

Paragraph 4.24 points out that:

- Part 4 schools' duties cover all education and

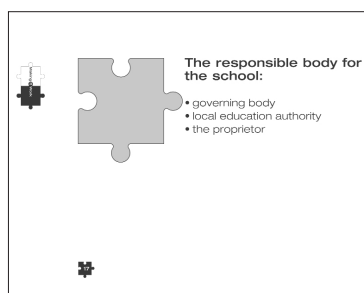


associated services that are for pupils and prospective pupils;

- other services that are provided to the public are covered by Part 3 of the DDA. It provides examples of where Part 3 duties apply:

- the school holds an open day,
- the parent teacher association holds a car boot sale, or
- the governing body holds a public meeting.

Further guidance on the Part 3 duties is provided in a Code of Practice published by The Stationery Office: *Rights of Access to Goods, Facilities, Services and Premises*.



The 'responsible body' for the school:

The 'responsible body' for the school:

- for most functions for maintained schools it is the governing body who has responsibility;
- BUT, for example, admissions to a community school are the responsibility of the LEA and therefore the LEA is the responsible body for the disability discrimination duties in relation to admissions to a community school;
- LEA is the responsible body for a Pupil Referral Unit and a maintained nursery school;
- 'the proprietor' is the responsible body for an independent school. The proprietor may be a governing body, the trustees, the owner or a management group.

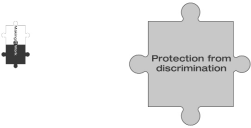
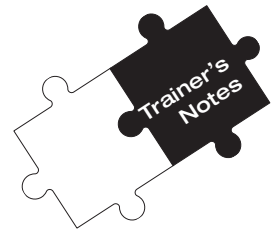
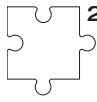
Extract from DRC Code of Practice: Responsible bodies in schools in England and Wales

Table and notes from paragraph 4.16 of the DRC Code of Practice, explaining who is the responsible body:

TYPE OF SCHOOL	RESPONSIBLE BODY
Maintained school	The governing body, in general, but see below***
Pupil referral unit	The local education authority
Maintained nursery school	The local education authority
Independent school	The proprietor****
Special school that is not maintained by a local education authority	The proprietor****


***The responsible body in maintained schools varies according to who has the general responsibility for that function in education, that is, admissions, 'education and associated services', or exclusions. The governing body will generally be the responsible body for a maintained school, except for governance of maintained nursery schools and pupil referral units and admissions to community schools, where the LEA has responsibility.

****The Education Act 1996 says that the proprietor is the person or the group of people responsible for the management of the school. This will vary according to the type of school but would include the trustees, the governing body, the private owner or the management group of the school.



Two key duties: responsible bodies:

- must not treat disabled pupils less favorably
- must make reasonable adjustments for disabled pupils



Two key duties

Less favourable treatment is set out in s.28B of the DDA:

- a school must not treat a disabled pupil 'less favourably' than someone else for a reason related to their disability.

Reasonable adjustments duty is set out in s.28C of the DDA:

- schools must make reasonable adjustments to ensure that disabled pupils are not at a 'substantial disadvantage' compared with non-disabled pupils.

These two duties are explained in subsequent slides:

- less favourable treatment in slide 19 (or slide 20 for a fuller explanation);
- reasonable adjustments in slide 22.



Less favourable treatment

Use either this slide or the next one, not both. This slide provides a more straight forward account of the duty, the next one the more detailed explanation.

To be unlawful

- less favourable treatment has to be 'for a reason related to the pupil's disability':
- hearing impaired pupil, example 5.8A in Code (see below) may not be discrimination;
- if we were to re-work this example as a pupil with a learning difficulty, rather than a hearing impairment, and the pupil is taken on the rampage by other pupils and set up by them, then it might be 'for a reason related to the pupil's disability.'

Draw on examples

- boy with Hirschprung's disease, 5.17A in Code (see below);
- autistic pupil, exclusion, 5.17E (see below).

These two examples may amount to less favourable treatment, though there may be grounds for justification that need to be taken into account.

Justification

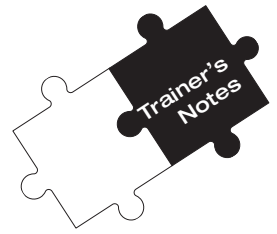
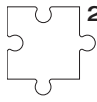
Less favourable treatment may be justified in which case it is not unlawful discrimination. The following constitute grounds for justification:

- permitted forms of selection;
- for a material or substantial reason;

But:

- it may not be possible to justify less favourable treatment if there is a reasonable adjustment that might have been made but was not.

More detail in notes for slide 21.



Extracts from DRC Code of Practice: examples to illustrate the less favourable treatment duty (short version)

Example 5.8A from DRC Code, hearing impaired pupil:

A school has received a number of complaints from local shopkeepers about the rowdy and disruptive behaviour of some of its pupils. It decides that the pupils in question should be banned from taking part in a school theatre visit because of their behaviour. One of the pupils has a hearing impairment.

The rowdy and disruptive behaviour is not directly related to the pupil's impairment. The ban from the visit may be less favourable treatment, but it is not for a reason related to the pupil's disability.

Example 5.17A from DRC Code, child with Hirschprung's disease:

A mother seeks admission to a nursery school for her son who has Hirschprung's disease. The school explains that they could not admit him until he is toilet trained. That is their policy for all children.

Is this less favourable treatment for a reason related to the pupil's disability?

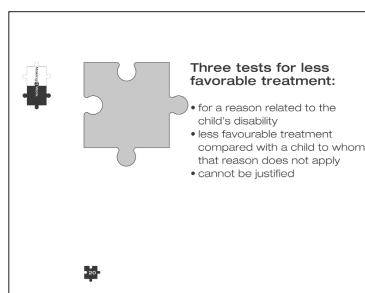
The child has difficulty in establishing bowel control as a consequence of having Hirschprung's disease, so the reason given is related to the child's disability.

Example 5.17E from DRC Code, autistic pupil in the dinner queue:

A pupil with autism goes to the front of the dinner queue. A teacher standing nearby tells him not to 'barge in'. The pupil becomes anxious but does not move. The teacher insists that the pupil must not 'jump the queue'. The pupil becomes more anxious and agitated and hits the teacher. The pupil is excluded temporarily from the school.

Is the less favourable treatment for a reason related to the pupil's disability?

The reason for the exclusion, hitting the teacher, may be related to the pupil's disability. Particular features of his autism are that he has difficulty in managing social situations, he has difficulty in understanding the purpose of a queue, he has difficulty in understanding figurative language, such as 'barge in' and 'jump the queue,' and he has difficulty in managing escalating levels of anxiety. If the hitting is related to these features of his autism, then the less favourable treatment, the exclusion, is for a reason related to the pupil's disability.



Three tests for less favourable treatment

This slide enables the presenter to go through the three tests for less favourable treatment one by one. It would only be used for more technical presentations and gives the precise comparator for less favourable treatment.

To be unlawful:

- less favourable treatment has to be 'for a reason related to the pupil's disability':
- hearing impaired pupil, example 5.8A in Code (see below) may not be discrimination;
- if we were to re-work this example as a pupil with a learning difficulty, rather than a hearing impairment, and the pupil is taken on the rampage by other pupils and set up by them, then it might be 'for a reason related to the pupil's disability.'

Draw on examples:

- boy with Hirschprung's disease, 5.17A in Code (see below);
- autistic pupil, exclusion, 5.17E (see below) this leads on to a consideration of reasonable adjustments.

Justification

There are two grounds on which less favourable treatment may be justified. In summary they are:

- permitted forms of selection;
- a material or substantial reason, for example, pupil with cerebral palsy, 5.17C (see example from Code in notes for slide 21).

But:

- it may not be possible to justify less favourable treatment if there is a reasonable adjustment that might have been made but was not (see autistic pupil example, below). More detail in notes for slide 21.

Extracts from DRC Code of Practice: examples to illustrate the less favourable treatment duty (full text)

Example 5.8A from DRC Code, hearing impaired pupil:

A school has received a number of complaints from local shopkeepers about the rowdy and disruptive behaviour of some of its pupils. It decides that the pupils in question should be banned from taking part in a school theatre visit because of their behaviour. One of the pupils has a hearing impairment.

The rowdy and disruptive behaviour is not directly related to the pupil's impairment. The ban from the visit may be less favourable treatment, but it is not for a reason related to the pupil's disability.

Example 5.17A from DRC Code, child with Hirschprung's disease:

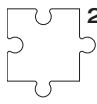
A mother seeks admission to a nursery school for her son who has Hirschprung's disease. The school explains that they could not admit him until he is toilet trained. That is their policy for all children.

Is this less favourable treatment for a reason related to the pupil's disability?

The child has difficulty in establishing bowel control as a consequence of having Hirschprung's disease, so the reason given is related to the child's disability.

Is it less favourable treatment than someone gets if the reason does not apply to him or her?

The treatment he receives has to be compared with a child to whom that reason does not apply, that is, the comparison is with a child who is continent. A child who is continent is not asked to delay admission to the school. It is less favourable treatment than is given to a child who is continent.

***Is it justified?***

In this case the decision was not based on any assessment of the circumstances of the particular case but on a blanket policy and so there is unlikely to be a material and substantial reason. It is likely that this is unlawful discrimination.

Example 5.17E from DRC Code, autistic pupil in the dinner queue:

A pupil with autism goes to the front of the dinner queue. A teacher standing nearby tells him not to 'barge in'. The pupil becomes anxious but does not move. The teacher insists that the pupil must not 'jump the queue'. The pupil becomes more anxious and agitated and hits the teacher. The pupil is excluded temporarily from the school.

Is the less favourable treatment for a reason related to the pupil's disability?

The reason for the exclusion, hitting the teacher, may be related to the pupil's disability. Particular features of his autism are that he has difficulty in managing social situations, he has difficulty in understanding the purpose of a queue, he has difficulty in understanding figurative language, such as 'barge in' and 'jump the queue,' and he has difficulty in managing escalating levels of anxiety. If the hitting is related to these features of his autism, then the less favourable treatment, the exclusion, is for a reason related to the pupil's disability.

Is it less favourable treatment than someone gets if the reason does not apply to him or her?

It is less favourable treatment than someone would get if they had not hit the teacher.

Is it justified?

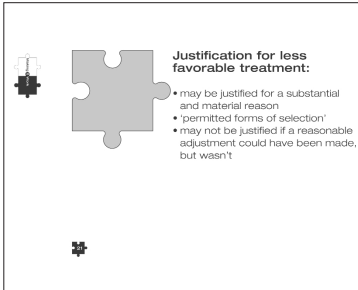
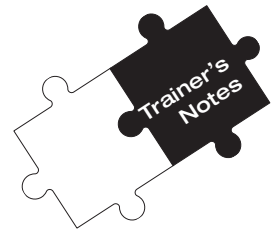
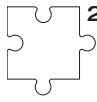
The less favourable treatment is likely to be justified in terms of the order and discipline in the school. Any assault is likely to constitute a material and substantial reason justifying exclusion. However, there may be reasonable steps that might have been taken to prevent the incident happening in the first place. For staff there might have been training:

- about autism and how the disability manifests itself;
- on strategies to avoid difficulties, for example, avoiding negative instructions and symbolic language such as 'barging in' and 'jumping the queue', and
- on strategies to overcome difficulties if they do arise.

For the pupil there might have been:

- particular training for social situations, such as queuing;
- the development of strategies for communicating that he is upset or confused.

If reasonable steps of this type could have been taken but were not, it may not be possible for the school to justify the exclusion. If steps of this type were taken but the incident still happened, the school is likely to be able to justify the exclusion.



Justification for less favourable treatment

Less favourable treatment may be justified for a substantial and material reason:

- substantial means 'more than minor or trivial' (this is used in a number of different places in the DDA). A substantial reason might be something that put other people, pupils or staff, at risk in some way;
- material reason, that is, there has to be a clear connection between the reason for not making reasonable adjustments and the circumstances of the particular case.

Less favourable treatment may be justified by permitted forms of selection:

- grammar schools;
- % of admissions in specialist schools;
- independent schools can select on the basis of ability and aptitude.

Less favourable treatment may not be justified where reasonable adjustments could have been made but were not. Use examples:

- pupil with Tourette's syndrome, 5.7C, 5.10C, 5.15C (see below);
- pupil with autism, 5.17E (example quoted in full in relation to previous, slide 20).

Extracts from DRC Code of Practice: examples to illustrate justification of less favourable treatment

Example 5.17C in DRC Code, outdoor activity trip:

A pupil with cerebral palsy who uses a wheelchair is on a trip with her class to an outdoor activity centre. The teachers arrange to take the class on a 12-mile hike over difficult terrain but, having carried out a risk assessment, they decide that the pupil who uses a wheelchair will be unable to accompany her class, for health and safety reasons.

Is the less favourable treatment for a reason that is related to the pupil's disability?

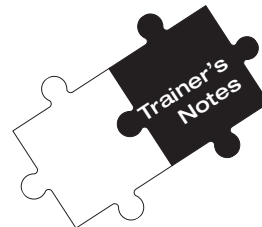
This is less favourable treatment for a reason that relates to the pupil's cerebral palsy, namely the use of a wheelchair.

Is it less favourable treatment than someone gets if the reason does not apply to him or her?

The treatment that she was to receive then has to be compared with the treatment that the others would receive who did not use a wheelchair. They were being offered the opportunity to go on the hike whereas this pupil was being denied it.

Is it justified?

The responsible body is likely to be able to justify the less favourable treatment for a material and substantial reason: a risk assessment, carried out in relation to this particular pupil in the particular setting in which she would have to travel, indicated that the health and safety of the pupil, and her classmates, could be jeopardised if she were to attempt the hike. This is likely to be lawful.



Example 5.7C, 5.10C and 5.15C from DRC Code, pupil with Tourette's Syndrome

A pupil with Tourette's Syndrome is stopped from going on a school visit because he has used abusive language in class. The school has a policy of banning pupils from trips and after-school activities if they swear or are abusive to staff.

Is the less favourable treatment for a reason that is related to the pupil's disability?

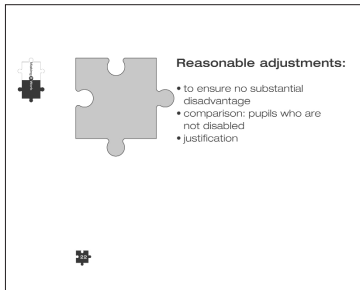
The reason for not allowing the pupil to go on the school visit is his use of abusive language. His involuntary swearing is a symptom of his Tourette's Syndrome. This is less favourable treatment for a reason that relates to the pupil's disability.

Is it less favourable treatment than someone gets if the reason does not apply to him or her?

The comparison has to be made with others who had not used abusive language. In this case, the pupil who used abusive language, which is directly related to his disability, was treated less favourably than pupils who had not used abusive language. So, for a reason that relates to his disability, this boy is being treated less favourably than another child to whom that reason does not apply.

Is it justified?

In this case the responsible body might argue that the inclusion of the disabled pupil on the visit would make the maintenance of discipline impossible. This may constitute a material and substantial reason. However, the responsible body would need to have considered the extent to which the disabled pupil's behaviour could have been managed. It would also need to have considered whether reasonable adjustments could have been made to its policies and procedures before it could attempt to justify less favourable treatment.



Reasonable adjustments

This slide can be used on its own, or slides 23 & 24 can be used in addition to give a more detailed picture of the duties.

Give lots of examples of what reasonable adjustments are:

- bullying policy, 6.13A (see below);
- contract with outdoor education centre, 6.13B (see below);
- selective school entrance exam, 6.13C (see below);
- not permitting staff to volunteer for administration of medicines, 6.13D (see below);
- buddy system for following the timetable, 6.14A (see below).

Failure to make reasonable adjustments:

- documents not Brailled in time, 6.11B (see below).

Substantial disadvantage

Need to consider:

- time and effort,
- inconvenience,
- indignity or discomfort,
- loss of opportunity,
- diminished progress for a disabled pupil.

Anticipatory duty

If the presenter is not going on to the more detailed slides, slides 23 and 24, it is important to add that the reasonable adjustments duty is anticipatory, that is substantial disadvantage has to be anticipated and reasonable adjustments made before the pupil is placed at a substantial disadvantage.

Justification

Only one basis: a material and substantial reason, see slide 24.



Extracts from DRC Code of Practice: examples to illustrate reasonable adjustments:

Example 6.13A, bullying policy:

Following training on disability, a primary school reviews its policy on bullying to ensure that it addresses bullying linked to disability. This is likely to be a reasonable step that they should take.

Example 6.13B, booking school trips:

A secondary school takes pupils to an outdoor education centre each year. The school can benefit from a reduced rate if they book with the same centre for three years. The school checks with the centre before booking to ensure that if they were to take disabled pupils as part of a group they would be able to access the facilities of the centre. This is likely to be a reasonable step that the school should take.

Example 6.13C, selective admissions tests:

A selective school considers carefully how disabled children can take their entrance exams without being at a substantial disadvantage. The school sets up early 'admissions meetings' with the parents of disabled prospective pupils. The meetings are used to discuss any special arrangements for the exams. The particular arrangements for an individual child can then be put in place in time. This is likely to be a reasonable step that the school should take.

Example 6.13D, volunteering to administer medicines:

A school operates a policy of not permitting staff to volunteer to administer medicines to pupils in any circumstances. The school reviews its policy. Following assurances that staff are indemnified by the education authority's insurance policy, the school changes its policy to permit suitably trained staff to volunteer. This is likely to be a reasonable step that the school should take.

Example 6.14A, including pupils with speech and language impairments:

A large secondary school is opening a special unit for pupils with speech and language impairments. They plan to include the pupils from the unit in mainstream lessons. One of the challenges is how to enable the children from the unit to follow the timetable. They might otherwise be at a substantial disadvantage. The school has an established 'buddy system' as part of its anti-bullying policy. After discussions with pupils, parents and the speech and language specialist teacher, the school extends its buddy system. It provides training for additional volunteer buddies to guide the disabled pupils from class to class. This is likely to be a reasonable step that the school should take.



Failure to make reasonable adjustments, example from the DRC Code***Example 6.11B, pupils with a visual impairment:***

A secondary school hosts a special unit for pupils with a visual impairment. The school is already appropriately equipped for enlarging text and providing Braille versions of documents for pupils who use Braille. When the pupils are working in the unit all information is provided at the beginning of the lesson by the school in the range of formats they need. When they are working in mainstream classes in the school, the school regularly fails to provide information in time to be transferred into different formats for the lesson. Not providing the information in time leaves the disabled pupils unable to refer to written information during the lesson, whilst their non-disabled peers can.

This is likely to constitute a substantial disadvantage in comparison with non-disabled pupils. The failure to take reasonable steps to prevent this disadvantage is likely to be unlawful.




SLIDE 23



Reasonable adjustments: an anticipatory duty:

- substantial disadvantage has to be anticipated
- duty owed to all disabled pupils
- liability, in the breach to an individual





Reasonable adjustments: an anticipatory duty:

Substantial disadvantage has to be anticipated and prevented. Reasonable adjustments need to be made before a pupil is placed at a substantial disadvantage. If reasonable adjustments are not made and the pupil is placed at a substantial disadvantage, then the duty is breached.

Duty owed to the generality of disabled pupils, therefore need to ensure that policies, practices, procedures are reviewed to ensure that they do not discriminate (without necessarily any disabled pupil being admitted to the school).


Duty owed to the generality of disabled pupils, but responsible body is liable to a claim of disability discrimination in respect of an individual pupil only if the duty is breached and that pupil is placed at a substantial disadvantage.

24



Justification for a failure to make a reasonable adjustments:

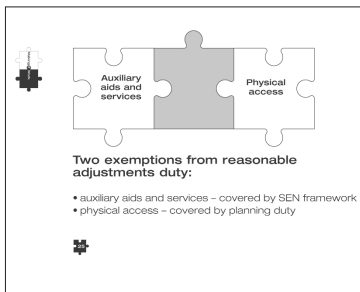
- a substantial or material reason



Justification

There may be justification for a failure to make reasonable adjustments:

- a substantial reason, that is, more than minor or trivial. This might be something that put other people, pupils or staff, at risk in some way; and
- a material reason, that is, there has to be a clear connection between the reason for not making reasonable adjustments and the circumstances of the particular case.



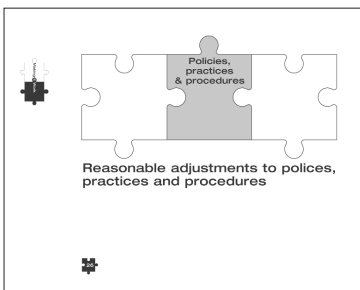
Two exemptions from reasonable adjustments duty

Does not require the responsible body to:

- provide auxiliary aids and services (these are provided through the SEN framework);
- remove or alter physical features (improvements in physical access will be made over time through the planning duties).

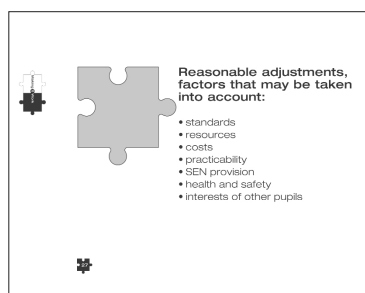
Note:

SENDA amended the Education Act 1996 as well as the DDA. Sections 316 and 316A strengthen entitlement to a mainstream school place. This complements the protection afforded by the new DDA duties.



Policies, practices and procedures

The reasonable adjustments duty covers all the 'policies, practices and procedures' in relation to the life of the school. Slide 16 gives some examples of the different aspects of the life of the school.



Reasonable adjustments and 'factors'

The factors, that may be taken into account in deciding what reasonable adjustment to make, do not relieve the responsible body of the duty to identify a reasonable adjustment. Adjustments must be made to make sure that a disabled pupil is not placed at a substantial disadvantage. However, the factors may affect what reasonable adjustments a school might be required to make under the duties.

Some of these factors may appear to limit the duties, but, for example a consideration of standards may dictate that a disabled pupil should participate in a particular activity, not that the pupil might be excluded from it. Examples:

- standards, 6.34A (see below);
- interests of other pupils, 6.34B (see below);
- health and safety, 6.34C (see below).

Extracts from the DRC Code: reasonable adjustments and the 'factors,'

Example 6.34A, the need to maintain standards:

A secondary school, which includes a number of disabled pupils, plans a musical Christmas production. One of the disabled pupils has a powerful singing voice and is considered for a lead role. However, the stage is inaccessible.

The school goes through the following considerations:

- the need to maintain standards dictates that the show has to be up to the high standards that the school has set in the past;
- enabling the disabled pupil to participate will help to maintain the high standards;
- the school is not required to make physical alterations;
- it is possible to change round the proposed acting area and the auditorium. There would be no additional cost to this option but the audience might not get such a good view.

The school decides that, in order not to put the disabled pupil at a substantial disadvantage, and having considered

the need to maintain standards, it will switch round the acting area and the auditorium.

The school has considered the factors and has identified a reasonable adjustment. In making this adjustment it is likely to be acting lawfully.

Example 6.34B, the interest of other pupils

An exchange trip is offered to pupils studying Italian in a secondary school. Accessible transport arrangements are made and a suitable host is identified who can accommodate a pupil who uses a wheelchair. At the last minute the Italian host drops out.

The school went through the following considerations:

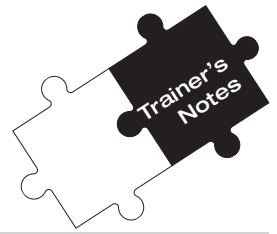
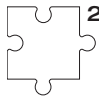
- it was not practicable to take the disabled pupil without a host to go to;
- the school considered cancelling the trip, but if the other pupils did not go they would lose the opportunity of improving their Italian.

In the interests of other pupils the school decides to go ahead with the trip. The school has considered the factors and, whilst it has not been able to identify a reasonable adjustment that would enable the pupil to go on the trip, it is likely to be acting lawfully.

Example 6.34C, health & safety:

Two physically disabled pupils are going to be admitted to a primary school next term. The school is concerned that the pupils' standing frames will present a health and safety risk to other pupils when stored in the classroom in between periods of use during the school day.

The pupils' educational and physiotherapy programme requires regular movement and the use of the standing frames. Without this movement, the pupils would begin to develop contractures. They would also not be able to access parts of the curriculum where standing is necessary.

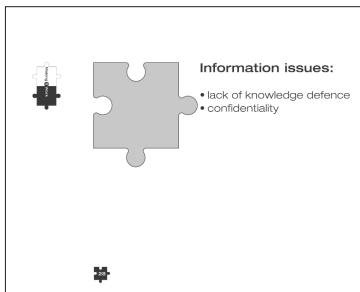


The school goes through the following process to determine what steps it might be reasonable to take:

- the school seeks a suitably qualified opinion on the risks. Advice is sought on two risks: the standing frames being left around, and the pupils not being able access them to stand in them;
- the view of the local health and safety officer is that there is a risk in keeping the frames in the classroom but he advises on ways in which the frames can be stored so that they present no significant risk to staff or other pupils.

In time for the beginning of next term the school rearranges the classroom to enable one frame to be stored in the classroom and the other in a nearby room.

The school has considered the options and has identified a reasonable adjustment that takes account of health and safety requirements. In making this adjustment it is likely to be acting lawfully.



Information issues

Lack of knowledge defence:

Responsible body may not have discriminated if:

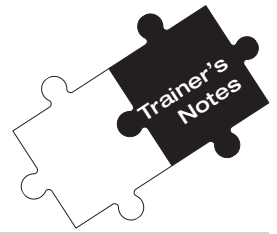
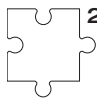
- it did not know, and
- could not reasonably have been expected to know about existence or nature of a disability,

BUT:

- many changes need to be made regardless of knowing about an individual pupil;
- the responsible body must have taken reasonable steps to have found out about a disability: so, school may need to ask at admission, provide continuing opportunities to share information, ensure that there is atmosphere in which parents and pupils feel confident about disclosing sensitive information.
- If school has done all of this, it may be able to rely on lack of knowledge defence, example 7.10A DRC Code (see below).

Confidentiality:

- confidentiality can be requested by parent or pupil.
- if pupil requests, school must reasonably believe pupil understands impact of request.
- if confidentiality has been requested the Act recognises that this may limit reasonable adjustments, example 7.10A DRC Code (see below).

***Extracts from the DRC Code: information issues******Example 7.10A, lack of knowledge defence:***

A nursery school admits a four-year-old child with coeliac disease. All new parents are asked to complete a form and are encouraged to discuss with the school their child's general development and any special needs. However, the child's parents do not inform the school of the child's condition. On another child's birthday, all the pupils receive a piece of birthday cake. The cake makes the child with coeliac disease ill. The parents argue that the school has discriminated against their child because of his disability. He has eaten food which affects his health. They argue that none of the children should have been offered cake.

The school says that it had no information about the child's special dietary needs and that staff would have offered appropriate alternatives to cake if they had been aware of the problem. There are other children in the nursery school with special dietary needs. These needs are met by the school. It is likely that the school has acted lawfully.

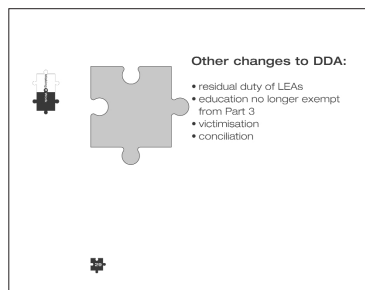
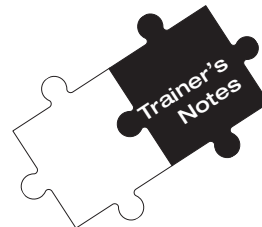
Example 7.15A, confidentiality:

The parents of a six-year-old girl ask the head teacher to regard information about her leukaemia as confidential. The parents are concerned that she should be treated 'positively and as if everything is normal'.

The pupil has a number of days away from school and periods of sickness and tiredness because of her treatment. The class teacher expresses concern about this and the girl's poor work and asks to meet the parents. They still say nothing to her about their daughter's condition.

After a further round of treatment the parents complain that the class teacher has 'picked on' their daughter for uncompleted class work.

In this case there were steps that the school might have taken, which they could not because of the confidentiality request. For example, in respect of the teaching and learning expectations, the school could have sought advice from the child's oncology nurse or paediatrician to support the class teacher in managing periods of sickness and tiredness and determining when it might be appropriate to make demands. In effect, if the school could have shared the information, they would have been able to plan positively to maximise the pupil's progress and her personal support in the school.



Other changes in the DDA

Residual duty

Part 4 duties (the schools' duties) apply to wider education duties, eg way LEA draws up its Education Development Plan, SEN policy, transport policy, example 10.3A (see below).

Education no longer exempt from Part 3

This particularly affects early years providers of education (private, voluntary or statutory) that are not schools. Social care in these settings has been covered since 1996. Education is covered from September 2002. Table 2 in Chapter 10 of the Code shows which providers are covered by which duties (see p13 of notes).

Victimisation

Protection for others, not necessarily disabled, who have brought a claim, given evidence, done anything else under the Act or alleged that someone has contravened the Act, example 10.11A (see below).

Conciliation

DRC has set up independent conciliation to help settle disputes without recourse to the Tribunal.

Time limit for bringing a claim is extended if disputes referred to conciliation: from 6 months to 8 months.

Extract from the DRC Code: example 10.3A, the residual duty of the LEA

Home-school transport for disabled pupils in a local education authority (LEA) always leaves primary schools at 3.30pm. The LEA reviews its transport policy when it realises that disabled pupils who are dependent on taxis might be at a substantial disadvantage if they were not able to stay to after-school clubs. The LEA re-negotiates its contract with the taxi firm so that it is possible to specify later departure times. This is likely to be a reasonable adjustment that the LEA should make.

Extract from the DRC Code of Practice: Early Years Education Providers: Table from Chapter 10 showing which duties cover which providers

Part 3 of the DDA	Schools' duties in Part 4 of the DDA	LEA residual duty in Part 4 of the DDA
Local authority day nurseries, family centres etc.	LEA maintained schools	Home teaching services for young children, such as Portage
Private and voluntary playgroups and pre-schools	LEA maintained nursery schools	
Accredited childminders	Independent schools Non-maintained special schools	

Extract from the DRC Code: example 10.11A, a non-disabled witness:

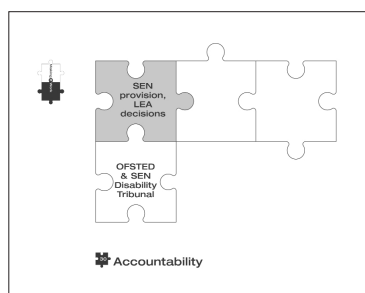
A non-disabled pupil acts as a witness in a complaint by a disabled pupil against a classroom teacher. The disabled pupil has been repeatedly refused permission to sit at the front of the class or to draw down blinds at a window to prevent the sun's glare from reflecting on her low-vision aid. She has also been refused permission to use a printer in class to produce her large-font notes because of the noise.

Other pupils have been clear that they are happy for the printer to be used and to move desks to enable the pupil with the visual impairment to sit in the most suitable place for particular lessons.

After the non-disabled pupil has supported the complaint to the head teacher, she finds that her homework sometimes goes missing. She is not always given copies of homework notes and she does not get a part in a school drama production in which she was expected to have a lead role. Her parents are told at a parents' evening that her behaviour is 'not acceptable', although she has never been in trouble in class. She and her parents consider that the other staff are 'joining up against her' because she supported her disabled friend. Although the pupil concerned is not disabled, this is likely to be victimisation under the Act, and therefore unlawful.



SLIDE 30

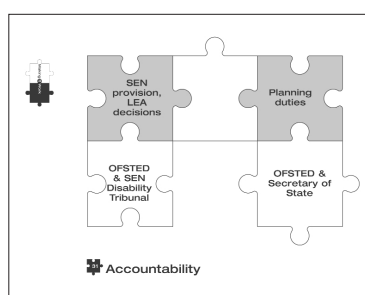


Accountability

Ofsted inspects the quality of SEN provision by schools and by LEAs.

Appeals against the decisions of the LEA are heard by the SEN and Disability Tribunal, formerly the SEN Tribunal.

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Accountability

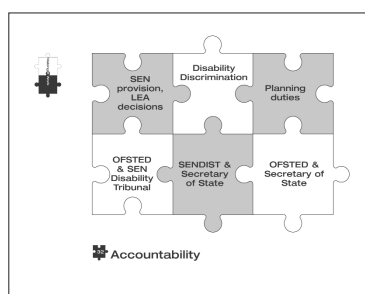
Ofsted inspects school plans and LEA strategies.

The Secretary of State

The planning duties are backed up by powers of the Secretary of State, who:

- can ask for a copy of plan or strategy;
- can direct a school or LEA;
- can enforce a direction through the courts if necessary.

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Accountability

Claims of disability discrimination:

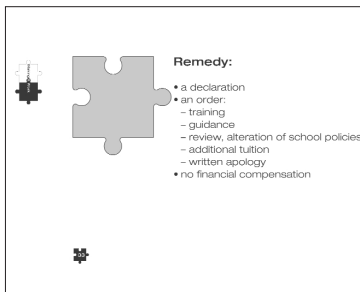
- a parent makes a claim of disability discrimination;
- claims of disability discrimination are made to and heard by the SEN & Disability Tribunal;
- may be heard at the same time as an appeal under the SEN procedures.

Except for admissions

Claims of disability discrimination in relation to admissions to maintained community schools or City academies are heard by local admission appeal panels.

Except for exclusions

Claims of disability discrimination in relation to permanent exclusions from maintained schools or City academies are heard by local independent appeal panels.



Remedy

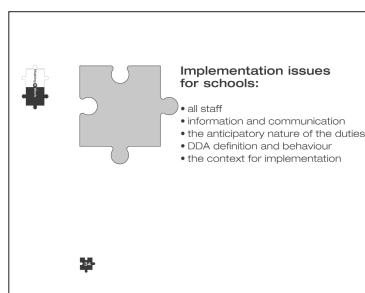
The SEN and Disability Tribunal can:

- make a declaration that a pupil has been discriminated against;
- Order any remedy that it considers appropriate except financial compensation (see below).

Extract from the Code of Practice: examples of the kind of orders that SEN and Disability Tribunal might make:

The SEN and Disability Tribunal might order:

- disability training for staff;
- the preparation of guidance for staff on combating disability discrimination;
- meetings between an LEA equal opportunities officer, parents, the pupil and the school to review what reasonable adjustments (short of adjustments to the physical premises or provision of auxiliary aids) might be required;
- the review or alteration of school or LEA policies, for example, those that prevent visually impaired pupils going into a science laboratory, those that prevent disabled pupils going on certain school trips, and anti-bullying policies so that they deal with bullying on the grounds of disability;
- additional tuition to compensate for missed lessons;
- the relocation of facilities (short of requiring an adjustment to the physical premises);
- the admission of a disabled pupil to an independent school (where the school had previously refused) or their admission on the same terms as pupils who are not disabled;
- additional tuition for a temporarily excluded pupil to enable the pupil to catch up on education missed due to discrimination;
- a formal written apology to a child.



Implementation issues for schools

All staff

Schools are used to SENCOs having duties. In some schools this is a major responsibility with other staff taking a lesser responsibility. The DDA duties will affect all staff working at the school with the authority of the school: teaching and non-teaching, permanent and supply. This will be a challenge for many schools.

Information and Communication

Schools will need to consider how relevant information will be communicated to those who need to know.

Anticipatory nature of the duties

Need to look ahead and plan, not wait till disabled pupil arrives.

DDA definition and behaviour

It may not be entirely clear which pupils count as disabled in this area. Ultimately the Tribunal will decide. Chapter 4 of the DRC Code provides some guidance (see below, repeated from slide 13).

The context for implementation

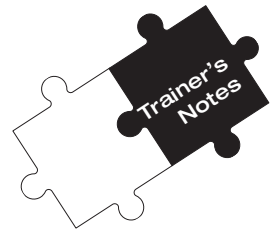
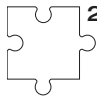
Many schools are already committed to working inclusively and may need to do little to comply with the duties beyond reviewing their policies. Some frameworks in general use recognise the need to work actively to include disabled pupils in the whole life of the school: Ofsted inspection for educational inclusion, National Curriculum statement on inclusion.

In these ways schools are better prepared for the introduction of these duties in 2002 than they were in 1996 when the DDA came into force in other areas of our national life.

Extract from Chapter 4 of the DRC Code of Practice, highlighting issues relating to disability and behaviour:

The early experience of the introduction of Parts 2 and 3 of the Act, relating to employment and to the provision of goods and services, respectively, was that many of the cases brought turned on the question of definition. This Code cannot determine which pupils have or do not have a disability but the following considerations may be relevant:

- a child may have significant behaviour difficulties and these may relate to an underlying physical or mental impairment which amounts to a disability as defined by the Act. If they do, the child will be covered by the Act by reason of the underlying impairment. The importance of schools seeking to identify any underlying impairment is highlighted in Chapter 7 of the DRC Code;
- in addition, a behaviour difficulty may arise from a mental illness. The Act says that mental impairments resulting from or consisting of a mental illness are not covered by the legislation unless that illness is clinically well-recognised, that is, 'recognised by a respected body of medical opinion.' It is therefore likely that, in respect of such illnesses, the extent to which a condition is well-recognised will determine whether or not a child has a disability, for the purposes of the Act;
- where a child has a behaviour difficulty for a reason other than a disability, for example arising from social or domestic circumstances, it is likely that such a difficulty is not covered by the legislation.



Disability Rights Commission

The Disability Rights Commission Code of Practice is a useful source of further guidance.

The Disability Rights Commission helpline number may be a next port of call for seeking further information and advice. It will also be the route through to the DRC conciliation service.

Ways of contacting the Disability Rights Commission:

Telephone: 08457-622-633
Textphone: 08457-622-644
Fax: 08457-778-878
email: enquiry@drc-gb.org

Post: DRC Helpline
FREEPOST
MID 02164
Stratford upon Avon
CV37 9BR

Website: www.drc-gb.org

2. SENDA: Meeting the duties

2.4 SUGGESTED FOLLOW-UP

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Introduction

Having used the presentation to provide colleagues with an outline of the disability discrimination duties and how they sit alongside other duties, it will be important to move on to implementation. In this section of the pack some activities are provided which may help colleagues to digest the implications of the duties and to start to consider how the schools and LEAs may need to respond.

What would you do?

Initially, colleagues may need a bit of time to consider the implications of the duties. This activity is designed to support this. Ten different situations are described and colleagues are asked to consider each situation, in the light of their knowledge of the duties in Part 4 of the Disability Discrimination Act (DDA).



Ask colleagues to work in twos or threes and ask them to make notes under each scenario, setting out what they think should happen. At the end, notes can be compared and discussed. For the trainer there is an annotated version of the scenarios. The notes in this version can be used to guide the discussion.

Allow time for feed-back, but tailor the activity to fit the time available by providing the appropriate number of scenarios for discussion.

School Questionnaire

After considering a number of different situations colleagues will be starting to think about which of these scenarios might present a challenge in their school. To make reasonable adjustments for disabled pupils in every area of the life of the school it will be necessary to identify and set priorities. The School questionnaire encourages colleagues to start thinking across a number of different areas of school life, and to consider where the priorities for action may lie.

A plan for action

This provides a simple planning format to support schools in setting out how the priorities identified in the school questionnaire might be addressed.

A questionnaire for the governing body

There is a separate set of questions that the governing body, as the 'responsible body' for the school, may want to ask itself.

What is Inclusion?

Finally, it is likely that the discussion of the disability discrimination duties will raise questions about inclusion: what it means, and what it means in a particular school. 'What is inclusion?' provides a selection of quotations about inclusion. These may be helpful in informing discussion. Two versions of the quotations are provided: one with the quotes not attributed, one, for trainers, with the quotes attributed and dated.

Other sections of the pack

Beyond these activities there are digests of and useful excerpts from a range of other publications. Section 3 of the pack provides summaries and excerpts from official guidance, Section 4 provides a guide to other resources. These sections provide further material that may be useful in informing discussion and in supporting implementation.

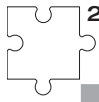


What would you do?

Consider each of the following situations and say what you think should happen, taking account of the schools' duties in Part 4 of the Disability Discrimination Act (DDA). There is space for you to make notes under each scenario.

1. A secondary school does not want to take back a pupil who has had meningitis and has developed a significant hearing impairment but has learnt to lip read. The school says that they cannot be responsible for his safety as he will not hear the fire alarm.

2. A child with diabetes, who was only diagnosed at age 8, has to test her blood sugar level and then inject insulin on a regular basis. The girl is capable of testing her blood and injecting her insulin but needs to be reminded and supervised. Staff at a primary school are concerned about admitting her. They fear that they may be liable if anything goes wrong and that there may be issues of child protection. Volunteers are asked for from the staff for training by a school nurse. No one volunteers.



2.4 SUGGESTED FOLLOW-UP

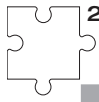
3. In the scenario described in 2, above, the school draws up a policy and two members of staff do decide to volunteer for training. The school nurse runs a staff meeting, explains diabetes and trains the staff. The girl is admitted. She tests her blood and injects her insulin. The staff remind her and supervise her. This procedure works well. However, some children at the school find out that she is injecting and start bullying her, calling her 'junky'.

4. A nursery school has a policy of not taking children until they are toilet trained.



5. A student in Yr.9 of a girls' secondary school has significant learning difficulties. The school is provided by the LEA with the resources to employ a full time Learning Support Assistant. She is isolated from her peers and the LSA is left to adapt the work for her in each subject lesson. Her parents say that she is not getting the benefit of the subject teachers' experience and that she is missing out on the social interaction with her peers.

6. An independent school provides for high achieving pupils with dyslexia and dyspraxia. The parent of a boy who meets these criteria applies for him to go to the school. The boy is also on the autistic spectrum. The school says they cannot admit a pupil with an autistic spectrum disorder.



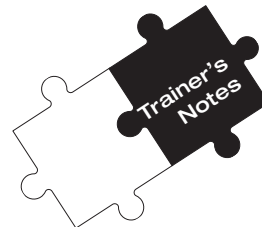
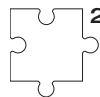
7. A primary school holds an annual trip for the Year 6 pupils to an outdoor pursuits centre. They have a regular booking. Year 6 this year includes a girl who uses a wheelchair. Some months before the trip the class teacher approaches the girl's mother and tells her the accommodation is inaccessible. The best that can be arranged is that she will have to come and visit for a day. The mother contacts the LEA with a complaint. She says that the school should have anticipated the need for an accessible venue, as her daughter has been at the school for some years.

8. A secondary pupil with Asperger Syndrome has behaved inappropriately in a lesson several times and is told that as a punishment he will not be allowed to go on the class outing to Alton Towers. The pupil's Learning Support Assistant thinks this is unfair.



9. An independent preparatory school has a prestigious choir. A boy who has a severe facial disfigurement auditions for the choir. He does very well, but is told he is not up to the standard. His parents complain. The school says that his presence in the choir would put the audience off and affect their reputation. His parents think he is being discriminated against.

10. A pupil with cerebral palsy attends an urban comprehensive school. She can walk short distances, but is provided with transport by the LEA - a bus to and from school. She wants to go to the after-school Spanish class, but the bus schedule does not allow for this. Her parents complain. The parents argue that this is part of the school's activities, and that the transport arrangements ought to permit their daughter to stay.



What would you do?

Consider each of the following situations and say what you think should happen, taking account of the schools' duties in Part 4 of the Disability Discrimination Act (DDA).



A secondary school does not want to take back a pupil who has had meningitis and has developed a significant hearing impairment but has learnt to lip read. The school says that they cannot be responsible for his safety as he will not hear the fire alarm.

I think he is being treated less favourably for a reason related to his disability.

I agree, but it might be justified.

It could be. But it can't be justified if there are reasonable adjustments that the school might have made and didn't.

I think that there are reasonable adjustments that could have been made: they could have put a light on the fire alarm.

They could, but they wouldn't be required to do this – it is a physical alteration.

They could put it into their Accessibility Plan and do it at some point in the future... and they could give the boy a vibrating pager now.

They could, but they wouldn't be required to do this under the DDA duties – it would count as an auxiliary aid.

I suppose they might get that through the SEN framework then. Aren't there any reasonable adjustments that they could have made?

Going beyond the schools' duties in Part 4 of the DDA:

The school can't be required to make physical alterations or provide auxiliary aids and services but it could if it wanted to. You're allowed to go beyond the duties.

If it was our school, we'd have put the lights on the alarms – we're having some electrical work done at the moment and the extra cost would not be that great. And anyway we would want to consider other users of the school building – we have community groups using the school in the evening and we've got duties towards them under other parts of the DDA.

They could have a buddy system for alerting the boy. That might be a reasonable adjustment.

I think that might be a reasonable adjustment, but I think I'd be happier with one of the other ideas. But the point is that the school should have reviewed its policy, they could have carried out a risk assessment and identified a reasonable adjustment for the pupil. It's likely to be discriminatory, unless there aren't any reasonable adjustments that could have been made that would satisfy them about the pupil's safety.



A child with diabetes, who was only diagnosed at age 8, has to test her blood sugar level and then inject insulin on a regular basis. The girl is capable of testing her blood and injecting her insulin but needs to be reminded and supervised. Staff at a primary school are concerned about admitting her. They fear that they may be liable if anything goes wrong and that there may be issues of child protection. Volunteers are asked for from the staff for training by a school nurse. No one volunteers.

Going beyond the schools' duties in Part 4 of the DDA:

I think you're right, but staff in some schools do volunteer in situations like this. I suppose that's if they feel it's safe to do so.

If the school has an agreed policy that covers specific training and insurance cover, that can make staff feel safe about volunteering. Where senior staff volunteer that also sets an example.

I think she is being treated less favourably for a reason related to his disability.

I agree, but it might be justified if there aren't any reasonable adjustments that could be made.

The staff are not required to volunteer – it wouldn't be volunteering if they were. So, I don't think that there is a reasonable adjustment to be made. On the other hand, if the school prevented staff from volunteering that would be discriminatory.



In the scenario described in 2, above, the school draws up a policy and two members of staff do decide to volunteer for training. The school nurse runs a staff meeting, explains diabetes and trains the staff. The girl is admitted. She tests her blood and injects her insulin. The staff remind her and supervise her. This procedure works well. However, some children at the school find out that she is injecting and start bullying her, calling her 'junky'.

If the girl is being bullied I think she is likely to be 'at a substantial disadvantage.' The school ought to do something. In fact, I think they ought to have done something before it got to this point.

What could they have done?

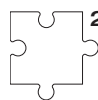
Well, they should certainly have checked their anti-bullying policy and its implementation to make sure that they pick up any bullying related to disability.

Going beyond the schools' duties in Part 4 of the DDA:

... there is also brightly coloured 'cool' looking kit available for children with diabetes now. That could help too...it looks more 'funky' than 'junky.'

But that was probably how they picked up what was happening. And bullying might still happen, related to disability or not.

Agreed. But when they trained the staff, they didn't do anything for the pupils. I think preparing the pupils, raising their awareness and their understanding, could be important too. Talking with the pupils is likely to be very effective.



A nursery school has a policy of not taking children until they are toilet trained.

The nursery needs to change its policy. Otherwise a blanket policy like this might discriminate against a disabled child who wanted to come to the school.

How would it discriminate?

It would discriminate if it refused to admit a child who wasn't toilet trained and whose lack of toilet training was related to their disability.

What if a disabled child doesn't apply to go to the school?

The anticipatory duty still applies, so they need to change their policy, but a claim of unlawful discrimination couldn't be made unless a disabled child was discriminated against.

Do the duties mean that any child would have to be admitted to the school regardless of what needed to be done for them?

No, it depends on the particular circumstances of the individual child and what 'adjustments' might need to be made for that child. Then it would hinge on whether it would be 'reasonable' for the school to make these adjustments ...it's the blanket policy that is likely to be discriminatory.

So, how would a school find out what they might need to do for an individual child?

Going beyond the schools' duties in Part 4 of the DDA:

It can. Some schools simply drop the rule. Partly because children are younger when they come to nursery school now and partly because nursery schools see other children who, for a whole variety of reasons, are not yet toilet trained. They feel that these children need to be taken into account as well. They want the nursery to be part of the solution not part of the problem.

Do these duties apply to other early years providers who are not schools?

Similar duties apply under Part 3 of the DDA. On this issue the effect of the duties in Part 3 would be the same.

Asking the parents would be a good starting point.

And if the school changed its policy, what would the policy have to say to meet the new duties?

It would have to be clear that the rule about toilet training did not apply to a child who was disabled if their lack of toilet training was related to their disability.

That sounds a bit cumbersome. Couldn't it be made a bit simpler?



A student in Yr.9 of a girls' secondary school has significant learning difficulties. The school is provided by the LEA with the resources to employ a full time Learning Support Assistant. She is isolated from her peers and the LSA is left to adapt the work for her in each subject lesson. Her parents say that she is not getting the benefit of the subject teachers' experience and that she is missing out on the social interaction with her peers.

I can see the parents' point of view. The girl is likely to be at a substantial disadvantage if she is not getting any of the teachers' time and expertise and if she is not interacting with her peers. I suppose it hinges on whether there are reasonable adjustments that the school could make.

What would a reasonable adjustment be in this situation?

Well, I suppose the teacher might adapt the work for the pupil ...at least sometimes...

...and I suppose the teacher might work directly with the girl herself ... at least sometimes, to know how she was getting on and to plan the next stage, just as a teacher does with other pupils...

...and I suppose the girl could sometimes work in a group and join in discussions ...the way other pupils would.

These sound like reasonable adjustments to me.

It sounds like good practice to me.



An independent school provides for high achieving pupils with dyslexia and dyspraxia. The parent of a boy who meets these criteria applies for him to go to the school. The boy is also on the autistic spectrum. The school says they cannot admit a pupil with an autistic spectrum disorder.

Would this be less favourable treatment?

On the first tests it is likely to be, but then it will hinge on whether there are reasonable adjustments that might be made.

But aren't independent schools making special provision of this sort approved for particular groups of pupils?

Yes, but this boy meets the criteria for admission to the school. If he didn't meet the criteria for the school that would be different, and the less favourable treatment might be justified. He has an additional disability and it will hinge on whether the adjustments that would need to be made for him would be reasonable adjustments for the school to make.



A primary school holds an annual trip for the Year 6 pupils to an outdoor pursuits centre. They have a regular booking. Year 6 this year includes a girl who uses a wheelchair. Some months before the trip the class teacher approaches the girl's mother and tells her the accommodation is inaccessible. The best that can be arranged is that she will have to come and visit for a day. The mother contacts the LEA with a complaint. She says that the school should have anticipated the need for an accessible venue, as her daughter has been at the school for some years.

It sounds as if the school should have thought of this sooner. What could they do at this stage? The cost of cancelling and going somewhere else at this stage could be high.

Well, the school might need to explore, with the centre, whether there is any accommodation that might be accessible. There might be staff accommodation that could be swapped round, or it might be possible to arrange accommodation for a small number of pupils in an accessible part of the centre, that isn't normally used as accommodation. There's a bit of time before the trip so it should be possible to arrange something.

What if the centre can't do anything?

The likelihood is that the centre would want to do something. It might be that the school doesn't realise there is accessible accommodation available. Don't forget, Part 3 of the DDA (similar duties to the schools' duties) has applied to other providers of goods and services since 1996. Part of the duty relating to physical access doesn't come in till 2004, but many outdoor pursuits centres are fully accessible.



A secondary pupil with Asperger Syndrome has behaved inappropriately in a lesson several times and is told that as a punishment he will not be allowed to go on the class outing to Alton Towers. The pupil's Learning Support Assistant thinks this is unfair.

Could this be less favourable treatment?

First of all it will depend on whether the inappropriate behaviour is for a reason related to his disability.

Suppose the behaviour is not for a reason related to his disability?

Then it is unlikely to be discrimination.

What if the behaviour is for a reason related to his disability?

Then it is likely to depend on whether there are reasonable adjustments that might have been made but weren't.

Are you talking about what happened in the classroom still?

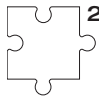
Yes. If, for example, the boy's usual teacher was away and a supply teacher didn't know what adjustments needed to be made for the boy in the lesson then the school may have failed to make reasonable adjustments.

So how does this relate to the outing?

Well, it might mean that banning the boy from the outing would amount to discrimination.

Suppose the school decides to take him. What would they need to do?

They would need to plan the outing carefully and make sure that any reasonable adjustments were in place, so that things didn't go wrong on the outing. You have to plan ahead to make reasonable adjustments.



An independent preparatory school has a prestigious choir. A boy who has a severe facial disfigurement auditions for the choir. He does very well, but is told he is not up to the standard. His parents complain. The school says that his presence in the choir would put the audience off and affect their reputation. His parents think he is being discriminated against.

It sounds as if the parents may be right about this.

Why?

Because, when the parents complain, the reason the school gives for not including the boy in the choir is clearly related to the boy's disability. It would be less favourable treatment and less favourable treatment cannot be justified on the basis of general assumptions like the ones that the school is making.

Do you think that they should include him in the choir then?

I think that they are unlikely to be able to justify turning him down, unless they had clear evidence from the audition that he was not up to the standard for the choir. If he genuinely wasn't up to the standard for the choir it is unlikely to be discrimination because schools can have regard to the maintenance of standards, that's in the Code of Practice.



A pupil with cerebral palsy attends an urban comprehensive school. She can walk short distances, but is provided with transport by the LEA - a bus to and from school. She wants to go to the after-school Spanish class, but the bus schedule does not allow for this. Her parents complain. The parents argue that this is part of the school's activities, and that the transport arrangements ought to permit their daughter to stay.

Transport arrangements are to do with the LEA so it's not up to the school, is it?

No, but the LEA is covered by the same duties as the schools' duties, so the LEA may need to consider whether they can make any reasonable adjustments to their transport arrangements, so that the girl can stay late occasionally.

Presumably the bus picks up from more than one school, so this might be difficult.

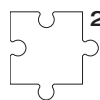
Yes, it might, but there might be other pupils who wanted to stay late and it might be possible to organise a later collection time once or twice a week, or use different vehicles. It may be a matter of negotiating greater flexibility in the contracts with the transport providers. But it will mean anticipating that some pupils may want to stay late for after school activities, and planning in the light of that.

What if different contracts were going to be much more costly?

Well, just as with the schools' duties, costs and available resources can be taken into account. But the LEA would have to anticipate and explore what 'reasonable adjustments' they might make.

So, it's all subject to a test of reasonableness is it?

Yes, all of it: schools' duties, LEAs' duties, and duties on other providers under other Parts of the DDA. It's all subject to the test of reasonableness.



School Questionnaire



To include disabled pupils in the whole life of the school it will be necessary to identify and set priorities. This checklist helps schools do that.

Our practice in this area meets the requirements of the Disability Discrimination Act:

✓ Requirements met fully	✓ Requirements met	✓ Requirements not met
Access to the curriculum		
Preparation for entry into school		
Teaching and learning		
Classroom organisation		
Timetabling		
Grouping of pupils		
Homework policy and practice		
Access to school facilities		
Activities to support the curriculum, eg drama group visiting school		
School sports		
School policies, eg anti-bullying, SEN policies, health and safety		
How the school deals with emergency procedures		
Breaks and lunchtimes		
The serving of school meals		
Interaction with peers		
Assessment and exam arrangements		
School discipline and sanctions		
Exclusion procedures		
School clubs and activities		
School trips		
The school's arrangements for working with other agencies		
School announcements		
Access to information		
Preparation of pupils for the next phase of education		

Priorities for Action:

(set priorities from amongst those that appear in right hand column)

1. _____
2. _____
3. _____
4. _____
5. _____

Plan for Action

PRIORITY AREA	Plan for Action	By whom?	By when?	What resources may be needed?



A questionnaire for the governing body

Questions the governing body may want to ask itself as the 'responsible body' for the school:

	Yes	No
Are we aware of our duties under the Disability Discrimination Act?		
Do senior members of staff take their responsibilities seriously?		
Are all staff aware of the duties, including managers, teaching staff, learning support assistants, catering staff, caretakers and others involved in providing or supporting learning?		
Are we sure that the policies covering admissions, education and associated services and exclusions will not discriminate against disabled children?		
Does the school keep under review its policies, practices and procedures to ensure that it will not discriminate against disabled pupils and prospective pupils?		
Is the school making 'reasonable adjustments' in order to comply with the duties?		
Do we know which aspects of school life may present the greatest challenge in terms of complying with the duties?		
Does the school provide training on the duties and on broader issues of disability equality?		
How do we know whether the school is complying with the duties?		
Do the school's general plans take account of the need to make 'reasonable adjustments'?		
Have we got an adequate and accessible complaints procedure?		
What further training and support do we need, as a governing body, in order to fulfil our role?		

Notes:



What is Inclusion?

Of the three statutory duties: the disability discrimination duties, the planning duties and the SEN duties, as amended by the SEN and Disability Act 2001, none explicitly mentions inclusion. Nonetheless, the three sets of duties combine to underpin the inclusion of disabled pupils in every aspect of school life. It is difficult to see how it would be possible to meet the duties without some consideration of inclusion.

There are many definitions of inclusion and many different ways of thinking about it. It may be helpful to have a discussion in your school, or in your service, to consider how different ways of thinking about inclusion inform or underpin practice.

On the following pages are some quotations about inclusion. These may be helpful in informing discussion. More extensive quotations and other resources to support discussion are available in Section 4.1 of this pack: Tools to support the development of inclusion.

The first version of the quotations has had the dates and sources of the quotes removed so that you can challenge colleagues to put them in date order, guess the dates of the quotes, or guess the source. The second version is fully attributed.

You may wish to structure your discussion with colleagues, or follow it up, by considering the following questions:

1. Which of these definitions reflects the current approach in your school?
2. Does the school's current definition of inclusion support the school in meeting the anticipatory duty to make reasonable adjustments?
3. Would any of these definitions support the school in developing a more inclusive approach in the future?



What is Inclusion?

'The most important thing is that I want to be part of ordinary life, and I want the same experiences as other kids. Also I want to be allowed to learn things that need thinking about and are challenging. I want to be able to contribute, and to discuss things that are important to me and other kids. We need to be together to do that. When we experience things together, we can learn about what we are each interested in, and about each other's life. It is important to educate schools so they change to make things better for kids who need a lot of help or get very tired.'

'The principle of inclusion should be an issue for all staff.'

'Inclusive education describes the process by which a school attempts to respond to all pupils as individuals by reconsidering and restructuring its curricular organisation and provision and allocating resources to enhance equality of opportunity. Through this process the school builds its capacity to accept all pupils from the local community who wish to attend and, in so doing, reduces the need to exclude pupils.'

'The first form of integration relates to the physical LOCATION of special educational provision...where special units or classes are set up in ordinary schools...It may be the most tenuous form of association...Even so it can bring worth-while gains [and can] offer handicapped and non-handicapped children the opportunity of familiarising themselves with the other.'

The second form of integration which we have identified relates to its SOCIAL aspect, where children attending a special class or unit eat, play and consort with other children, and possibly share organised out-of-classroom activities with them.

The third and fullest form of integration is FUNCTIONAL integration. This is achieved where the locational and social association of children with special needs with their fellows leads to joint participation in educational programmes... Functional integration makes the greatest demands upon an ordinary school, since it requires the most careful planning of class and individual teaching programmes to ensure that all the children benefit, whether or not they have special educational needs.'

'All forms of integration assume some form of assimilation of the disabled child into the mainstream leaving the school largely unchanged...Inclusion on the other hand, is about a child's right to belong to their local mainstream school, to be valued for who they are and be provided with all the support they need to thrive in the mainstream school. As mainstream schools are generally not organised in this way, it requires planned restructuring of the whole school.'



‘May I say that I do not want to insert into the Bill any words which make it appear that the normal way to deal with a child who suffers from any of these disabilities is to be put into a special school where he will be segregated. Whilst we desire to see adequate provision of special schools we also desire to see as many children as possible retained in the normal stream of school life.’

‘Principles of an inclusive education service:

- Inclusion is a process by which schools, local authorities and others develop their cultures, policies and practices to include pupils.
- With the right training, strategies and support nearly all children with special educational needs can be successfully included in mainstream education.
- An inclusive education service offers excellence and choice and incorporates the views of parents and children.
- The interests of all pupils must be safeguarded.
- Schools, local education authorities and others should actively seek to remove barriers to learning and participation.
- All children should have access to an appropriate education that affords them the opportunity to achieve their personal potential.
- Mainstream education will not always be right for every child all of the time. Equally just because mainstream education may not be right at a particular stage it does not prevent the child from being included successfully at a later stage.’

‘Inclusive education enables all students to fully participate in any mainstream early years provision, school, college or university. Inclusive education provision has training and resources aimed at fostering every student’s equality and participation in all aspects of the life of the learning community. All means all.’

‘Inclusion in education:

- Inclusion in education involves the processes of increasing the participation of students in, and reducing their exclusion from, the cultures, curricula and communities of local schools.
- Inclusion involves restructuring the cultures, policies and practices in schools so that they respond to the diversity of student in their locality.
- Inclusion is concerned with the learning and participation of all students vulnerable to exclusionary pressures, not only those with impairments or those who are categorised as ‘having special educational needs.’
- Inclusion is concerned with improving schools for staff as well as for students.
- A concern with overcoming barriers to the access and participation of particular students may reveal gaps in the attempts of a school to respond to diversity more generally.
- All students have a right to an education in their locality.
- Diversity is not viewed as a problem to be overcome, but as a rich resource to support the learning for all.
- Inclusion is concerned with fostering mutually sustaining relationships between schools and communities.
- Inclusion in education is one aspect of inclusion in society.’



What is Inclusion?

Quotations attributed and dated

'The most important thing is that I want to be part of ordinary life, and I want the same experiences as other kids. Also I want to be allowed to learn things that need thinking about and are challenging. I want to be able to contribute, and to discuss things that are important to me and other kids. We need to be together to do that. When we experience things together, we can learn about what we are each interested in, and about each other's life. It is important to educate schools so they change to make things better for kids who need a lot of help or get very tired.'

Maresa MacKeith (2000)

'The principle of inclusion should be an issue for all staff.'

National Association for Special Educational Needs (2002)

'Inclusive education describes the process by which a school attempts to respond to all pupils as individuals by reconsidering and restructuring its curricular organisation and provision and allocating resources to enhance equality of opportunity. Through this process the school builds its capacity to accept all pupils from the local community who wish to attend and, in so doing, reduces the need to exclude pupils.'

Sebba and Sachdev (1997) page 9

'The first form of integration relates to the physical LOCATION of special educational provision...where special units or classes are set up in ordinary schools...It may be the most tenuous form of association...Even so it can bring worth-while gains [and can] offer handicapped and non-handicapped children the opportunity of familiarising themselves with the other.

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Warnock Report (1978) pages 100-101

'All forms of integration assume some form of assimilation of the disabled child into the mainstream leaving the school largely unchanged...Inclusion on the other hand, is about a child's right to

belong to their local mainstream school, to be valued for who they are and be provided with all the support they need to thrive in the mainstream school. As mainstream schools are generally not organised in this way, it requires planned restructuring of the whole school.’
Disability Equality in Education (2002) page 53

‘May I say that I do not want to insert into the Bill any words which make it appear that the normal way to deal with a child who suffers from any of these disabilities is to be put into a special school where he will be segregated. Whilst we desire to see adequate provision of special schools we also desire to see as many children as possible retained in the normal stream of school life.’
Ede (1944)

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- All children should have access to an appropriate education that affords them the opportunity to achieve their personal potential.
- Mainstream education will not always be right for every child all of the time. Equally just because mainstream education may not be right at a particular stage it does not prevent the child from being included successfully at a later stage.’

DfES (2001) page 2

‘Inclusive education enables all students to fully participate in any mainstream early years provision, school, college or university. Inclusive education provision has training and resources aimed at fostering every student’s equality and participation in all aspects of the life of the learning community. All means all.’
Alliance for Inclusive Education (2000)

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- Inclusion is concerned with fostering mutually sustaining relationships between schools and communities.
- Inclusion in education is one aspect of inclusion in society.'

Booth and others (2000) page 12

References:

Alliance for Inclusive Education (2000) www.allfie.org.uk

Booth, T, Ainscow, M, Black-Hawkins, K, Vaughan, M, and Shaw, L (2000) *Index for Inclusion: Developing learning and participation in schools*. Centre for Studies on Inclusive Education, Bristol.
www.inclusion.uk.com

Department for Education and Skills(2001) *Inclusive Schooling: children with special educational needs*. DfES /0774/2001

Disability Equality in Education (2002) *Inclusion in Schools Course Book*. DEE www.diseed.org.uk

Department for Education and Science (1978) *Special Educational Needs: Report of the Committee of Enquiry into the Education of Handicapped Children and Young People*. (Warnock Report) Cmnd 7212. HMSO

Ede (1944) Mr Chuter Ede, Parliamentary Secretary, speaking during the debate on the Education Bill. Parliamentary Debates: Hansard Vol 398 Col 703 (21 March 1944)

Maresa McKeith in Rieser, R ed. 'The Voice of the Excluded' in Ainscow, M and Mitler, P eds. (2000) *Including the Excluded: Proceedings of 5th International Special Education Congress*. University of Manchester.
Maresa, aged 15, is a wheelchair user and is non-verbal.

National Association for Special Educational Needs (2002) *Policy document on inclusion*. NASEN

Sebba, J and Sachdev, D (1997) *What works in Inclusive Education*. Barnardos.



Making It Work

3 A GUIDE TO THE GUIDANCE





3. A Guide to the Guidance

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Accessible schools: Planning to increase access to schools for disabled pupils, DfES **127**

Inclusive Schooling: Children with Special Educational Needs, DfES **130**

Further guidance from the DfES and other bodies:

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Introduction

This section of the pack provides short introductions to a range of guidance that is relevant to the implementation of the duties in Part 4 of the Disability Discrimination Act (DDA). Included here is official guidance published by the Department for Education and Skills and by other bodies with related responsibilities.

Key guidance

The following documents provide the key guidance on duties owed to disabled pupils in Part 4 of the Disability Discrimination Act (DDA) and in Part 4 of the Education Act 1996. The key guidance is provided in:

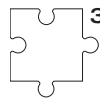
- Disability Rights Commission Code of Practice for Schools;
- Accessible Schools: Planning to increase access to schools for disabled pupils;
- Special Educational Needs Code of Practice;
- Inclusive schooling: Children with special educational needs.

The *Disability Rights Commission Code of Practice for Schools* is the subject of the briefings and the presentation in the previous section of this pack and is therefore not discussed further in this section. The main focus of this pack is on the implementation of the DDA duties and therefore The *Special Educational Needs Code of Practice* is not summarised in this section. Given that the *SEN Code* has been sent to every school, there has been much training on it, at a national and at a local level and training materials have been produced, it would also be both superfluous and over-simplistic to provide a brief introduction to the Code here.

Accessible Schools: Planning to increase access to schools for disabled pupils provides guidance on the planning duties in the DDA. A brief introduction to the guidance is included in this section. *Inclusive schooling: Children with special educational needs* provides guidance on the practical operation of the statutory framework for inclusion in Part 4 of the Education Act 1996, as amended by the SEN and Disability Act 2001. A brief introduction to this guidance is included in this section.

Supporting Guidance from DfES and other bodies:

Supporting guidance is also provided by the Department for Education and Skills in a wide range of related areas, such as building design, transport, children with medical needs. The Qualifications and



Curriculum Authority (QCA), the Office for Standards in Education (Ofsted) and other bodies also provide a range of guidance which is relevant to the implementation of the DDA duties. Included in this section of the pack are brief introductions to some of the guidance that is relevant to the implementation of the DDA duties.

What is provided?

For each document included in this section a brief outline is provided, indicating the status of the guidance, for whom it is intended, some ways in which the document may be useful, and how to get hold of the document. This introductory information is followed by relevant extracts from the guidance. These extracts provide a number of different resources and vary according to the nature of the guidance document itself. Thus, where the guidance relates to statutory duties there are summaries of those duties. In other cases there are policy guidelines, audit tools or other resources that may be useful to schools and local education authorities in training sessions, in implementing the DDA duties and in the process of self-review and institutional or professional development related to these duties. The resources are presented either in large print for copying onto acetate as overhead transparencies, or in smaller print for copying as handouts.

The introductory information and the resources provided here cannot be a substitute for the guidance itself. The guiding principles for the information that is included here are:

- that enough information should be provided for schools, LEAs and trainers to judge whether that guidance is relevant to their current purposes;
- that enough information is provided to enable those who do not have the document to get hold of it, if they judge that they need it;
- that selected extracts or summaries are provided where these may serve as a resource in training and development work related to the implementation of the duties in Part 4 of the DDA.

Accessible schools: Planning to increase access to schools for disabled pupils

Department for Education and Skills

Ref: LEA/0168/2002

Who is it for?

Contains both statutory and non-statutory guidance for:

- all schools: maintained, independent and non-maintained;
- local education authorities.

How can it help me?

- explains the relationship between the planning duties and the other elements of support for disabled pupils in schools: the SEN framework and the disability discrimination duties;
- explains the relationship between school plans and LEA strategies;
- explains the three strands in the planning duties;
- sets out a process for the development of a plan;
- provides an example of what a plan might look like;
- provides checklists for the curriculum, school design, and the provision of information for disabled pupils.

Available from:

DfES Publications tel: 0845 60 222 60

fax: 0845 60 333 60

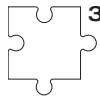
DfES website: <http://www.dfes.gov.uk/sen>

Also available in summary form. Summary has been sent to every school in England.

OHP material/handouts on following pages:

P128: the three aspects of access to be addressed in school plans and LEA strategies, and other requirements of accessibility plans and strategies;

P129: examples of what might be covered by each of the three aspects of accessibility.



Disability Discrimination Act 1995

Sections 28D and 28E of the DDA set out the planning duties:

An accessibility plan shows how a school will:

- **increase access to the curriculum for disabled pupils;**
- **improve the physical environment of the school to increase access to education at the school;**
- **improve the provision to disabled pupils of information that is provided in writing to pupils who are not disabled.**

An accessibility strategy shows how a local education authority will increase access to schools in its area against the same three criteria that schools have to address.

Accessibility plans and strategies must be:

- **in writing;**
- **adequately resourced;**
- **implemented;**
- **reviewed;**
- **revised as necessary.**

From DfES (2002) Accessible schools

The three elements of the planning duty

Increasing access to the curriculum

This might include:

- **changes to teaching and learning arrangements;**
- **classroom organisation;**
- **the deployment of learning support;**
- **timetabling;**
- **staff information;**
- **staff training.**

Improvements to the physical environment

Designed to ‘increase the extent to which disabled pupils are able to take advantage of education and associated services.’ This might include:

- **lighting;**
- **signing;**
- **improvements to the acoustic environment;**
- **floor coverings;**
- **furniture;**
- **layout of the playground.**

Improving provision of information to disabled pupils

Making information available for disabled pupils which is normally provided in writing for pupils who are not disabled. It includes:

- **handouts;**
- **timetables;**
- **textbooks;**
- **information about school events.**

It might include making information available:

- **in Braille;**
- **in large print;**
- **on audio-tape;**
- **through sign language;**
- **using a symbol system.**

From DfES (2002) Accessible schools



Inclusive Schooling: Children with Special Educational Needs

Department for Education and Skills

Ref: DfES/0774/2001

Who is it for?

Statutory guidance for all maintained schools and local education authorities in England.

How can it help me?

- advises on how the statutory framework for inclusion: sections 316, 316A and schedule 27 work with each other and other parts of the Education Act 1996 to provide entitlement to a mainstream place for children with special educational needs;
- considers aspects of inclusion that go beyond the issue of placement, for example: section on developing effective inclusion
- practical examples of things schools can do to make sure that including children with SEN is 'not incompatible with the efficient education of other children';
- it indicates when it may not be possible to include particular children in mainstream schools;
- summary of wider education legislation that protects the interests of pupils with special educational needs.

Available from:

DfES Publications tel: 0845 60 222 60

fax: 0845 60 333 60

DfES website: <http://www.dfes.gov.uk/sen>

Sent to LEAs and maintained schools in England with the SEN Code of Practice.

OHP materials/handouts on following pages:

P131: the key duties in sections 316 and 316A of the Education Act 1996;

P132: key points made about inclusion.

Inclusive Schooling

Key duties explained:

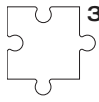
**Section 316 of the Education Act 1996 says that:
A child with a statement must be educated in a
mainstream school unless:**

- **the child's parents do not want that, or**
- **it would be incompatible with the efficient education of other children.**

Section 316A says that:

- **schools and local education authorities have to take steps to make sure that including a child with special educational needs is not incompatible with the efficient education of other children;**
- **where everyone is in agreement, a child without a statement can be admitted to a special school for a period of assessment;**
- **schools and local education authorities have to have regard to the Inclusive Schooling guidance.**

From DfES (2001) Inclusive schooling



Developing effective inclusion

Inclusion is more than the location of the child's school placement.

Inclusive schools and LEAs:

- **actively seek to remove the barriers to learning and participation;**
- **meet needs in a positive and proactive way;**
- **approach inclusion as part of an overall improvement strategy;**
- **engender a sense of community and belonging;**
- **encourage mainstream and special schools to work together to provide support.**

Inclusive schools and LEAs have:

- **an inclusive ethos;**
- **a broad and balanced curriculum;**
- **systems for the early identification of barriers to learning and participation; and**
- **high expectations and suitable learning targets for all children.**

From DfES (2001) Inclusive schooling

Access for Disabled People to School Buildings: Management and Design Guide, Building Bulletin 91

Architects and Building Branch, Department for Education and Employment, 1999

Who is it for?

Non-statutory guidance for governors, school managers, local education authorities and building designers.

How can it help me?

This guidance was drawn up, before the SEN and Disability Act, to help schools meet their duties to non-educational users of school premises, in Part 3 of the DDA. The guidance is equally relevant to the school and LEA planning duties in Part 4 of the DDA. The guidance includes:

- brief summary of the statutory duties under Part 3 of the DDA towards non-educational users of school buildings;
- recognition of some of the organisational and management issues affecting access;
- guidance on how to carry out an accessibility audit in a school;
- design guidance and guidance on premises management in relation to ten different aspects of the built environment;
- guidance on access, safety and security issues including points on risk assessment;
- proformas for carrying out an access audit in relation to ten different aspects of the built environment. Each proforma asks a number of questions such as: Is there a visible as well as audible alarm system? Each question is set against a consideration of the impact on disabled people with different types of impairment.

Available from:

The Stationery Office Publications Centre
PO Box 276, London SW8 5DT
Tel: 0870 600 5522 Fax: 0870 600 5533
Cost: £14.95

OHP material/handouts on following pages:

Sample materials reproduced here relate to one aspect of the built environment: 'Routes and external level change including ramps and steps':

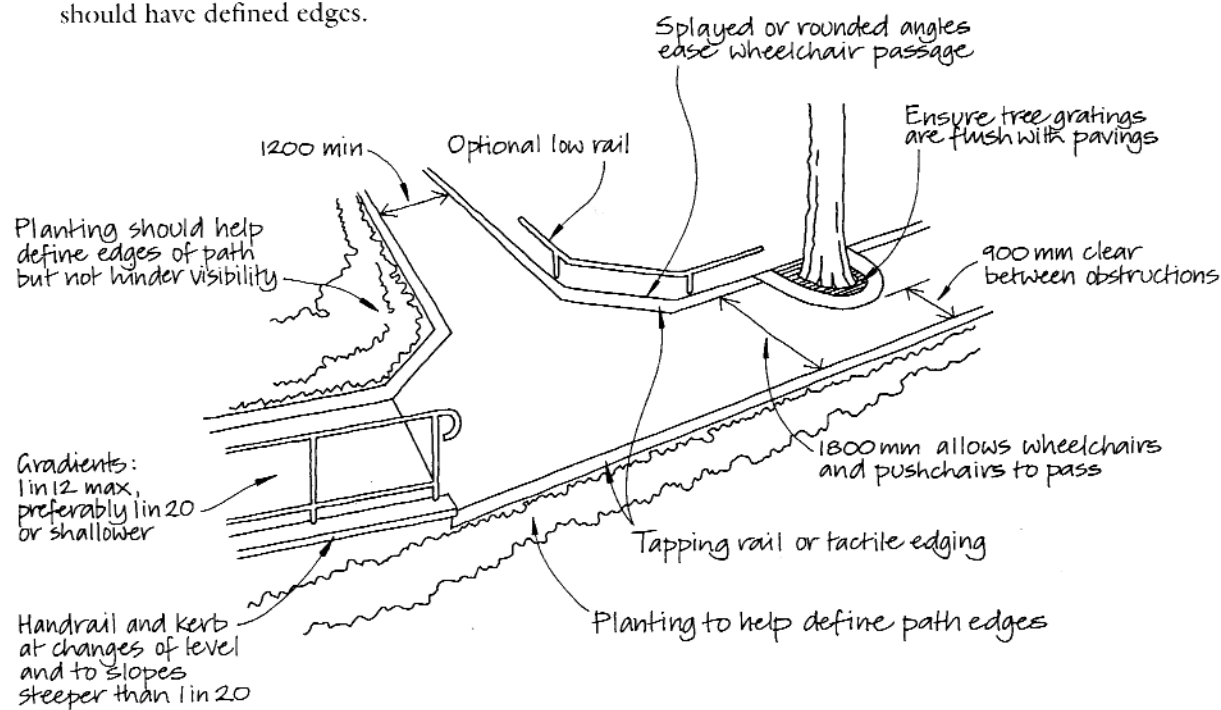
P134: an extract from the design guidance;

P135: the Access Audit Checklist.

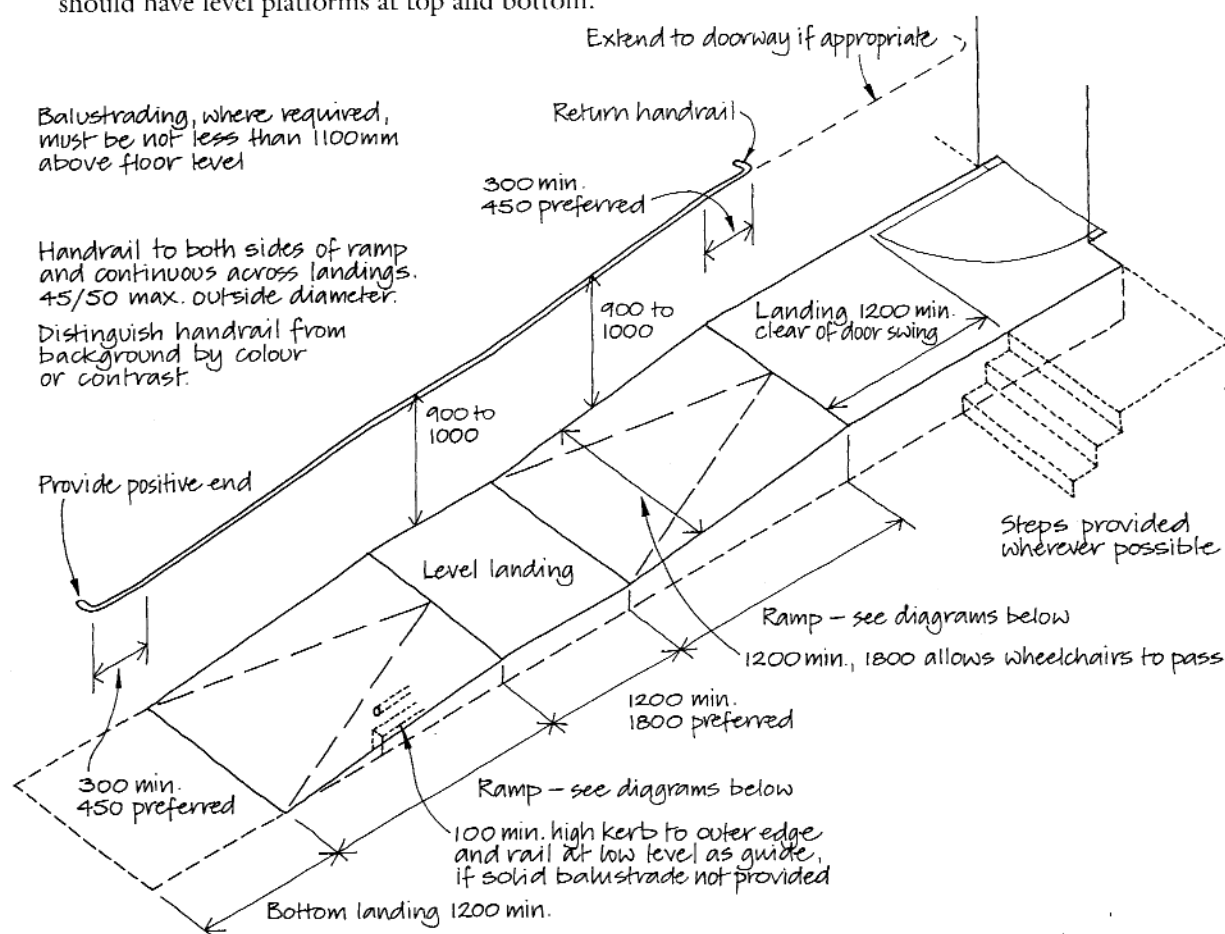
From DfEE (1999) Access for Disabled People to School Buildings

4.04 To achieve these objectives:

- Paths should preferably be at least 1800mm wide, or 1200mm minimum with passing spaces, and should have defined edges.



Ramps should not be steeper than 1:12 pitch with 3m maximum length; ramps at 1:20 pitch, or shallower are preferred, not exceeding 10m long without level intermediate resting places. All ramps should have level platforms at top and bottom.



Accessibility Audit Report:
ACCESS AUDIT CHECKLIST

Sheet: **02**

Page No.

**'B' Routes and external level change.
including ramps and steps**

Date:

Location:

No. Item

Wheelchair
X
Ambulant
X
Dexterity
X
Visual
X
Auditory
X
Comprehension
X

✓ or **X** as applicable

note
(+ reverse)

- | | | | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------|
| 1. <input type="checkbox"/> Is there a ramp, with level surfaces at top/intermediate/bottom ? (delete) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. <input type="checkbox"/> Is it wide enough and suitably graded? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3. <input type="checkbox"/> Is the surface slip resistant? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4. <input type="checkbox"/> Are there kerbs and are there edges protected to prevent accidents? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 5. <input type="checkbox"/> Are there handrails to one or both sides? (delete) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 6. <input type="checkbox"/> If a permanent ramp (or regraded levels) cannot be formed (perhaps to a Listed Building) is a portable ramp available? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7. <input type="checkbox"/> Are there (alternative) steps? (delete) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 8. <input type="checkbox"/> Identified by visual/tactile information? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 9. <input type="checkbox"/> Are there handrails to one or both sides? (delete) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 10. <input type="checkbox"/> Are ramps and steps adequately lit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 11. <input type="checkbox"/> Are treads and risers consistent in depth and height? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 12. <input type="checkbox"/> Are all nosings of marked and/or readily identifiable ? (delete) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 13. <input type="checkbox"/> Are landings of adequate size and are they provided at intermediate levels in long flights? (delete) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 14. <input type="checkbox"/> If safe and convenient ramps and steps cannot be provided is vertical movement by powered means an alternative? see checklist E, sheets 8 and 9 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |



Inclusive School Design: Accommodating pupils with special educational needs and disabilities in mainstream schools, Building Bulletin 94

Schools Building and Design Unit, Department for Education and Employment 2001

Who is it for?

School governors and managers, architects and other building professionals, local education authorities.

How can it help me?

- complements the DfES guidance: Accessible Schools: Planning to increase access to schools for disabled pupils, in considering school and LEA duties to plan for increased access;
 - helps schools and others address design issues strategically;
 - focuses on creating inclusive learning environments that benefit all members of the school community;
 - examines physical access issues, but also how to meet the design needs of pupils with sensory, learning and emotional and behavioural difficulties;
 - range of points considered in relation to different school spaces: classrooms, technical rooms, soft play areas as well as, furniture, equipment, personal care and toilets;
- 3 ideas, colour photos and case studies.

Available from:

The Stationery Office
PO Box 29, Norwich, NR3 1GN
Tel: 0870 600 5522
Fax: 0870 600 5533
Cost: £19.95

OHP material/handout on next page:

This publication pre-dates the planning duty but the questions set out on the next page may be a useful starting point for schools needing to identify priorities for their accessibility plan.

Each of the questions on the next page should be considered in the light of each of the four areas of learning and development where pupils may experience difficulty. This is designed as a 'Catalyst for discussion' about the impact of different aspects of the physical environment on pupils with different special educational needs and disabilities. This can lead to a consideration of development needs and thence to the identification of priorities for accessibility plans.

Catalyst for discussion

Four areas of learning and development where pupils may experience difficulty:

- communication and interaction;
- cognition and learning;
- behavioural, emotional and social development;
- sensory and physical development.

Questions to be asked in respect of each of these four areas of difficulty:

General spaces

Is it necessary to modify existing space or reduce group sizes to accommodate pupils with special educational needs and disabilities and any adult assistant during classes and other activities, within the school building and grounds?

Specialist spaces

How can areas be used flexibly, and what new rooms need to be created to provide the specialist spaces needed, such as rooms for physiotherapy or counselling, medical rooms, storage for equipment and so forth?

Physical movement

Can all pupils with mobility difficulties get to, in, around and safely out of school?

Wayfinding

Can pupils orient themselves and find their way around the school buildings and grounds?

Visual aspects

Are lighting levels, colours and visual aspects designed to help pupils, especially those with visual impairments participate in school life?

Acoustics

Are acoustic conditions designed to help pupils, especially those with hearing impairments and other sensory impairments, participate in school life?

Sensory environments and temperature

Does the current environment provide stimulating sensory experiences and comfortable temperatures for all pupils?

Furniture and equipment

Does any furniture need to be adjusted or suitable equipment provided to enable pupils to participate in school life?

From: DfEE (2001) Inclusive School Design



Access to education: for children and young people with Medical needs

Department for Education and Skills, Ref: DfES 0732/2001

Department of Health, Ref: DoH HSC 2001/019, LAC (2001) 27
2001

Who is it for?

Statutory guidance for:

- LEAs, headteachers, governors, hospital and home teaching services. Summary version (see below) specifically intended for these groups;
- Hospital and health trust managers, chief executives of primary care trusts, and social services departments.

How can it help me?

- sets out nine key principles that should inform the provision of education for children who are unable to attend school because of medical needs;
- sets out minimum national standards;
- sets out policy requirements for schools and LEAs;
- part of a joint approach by the DfES and the Department of Health;
- provides case studies and an example of an LEA policy statement.

Available from:

DfES Publications tel: 0845 60 222 60

fax: 0845 60 333 60

DfES website: <http://www.dfes.gov.uk/sickchildren>

Also available in summary form: Ref: DfES/0025/2002

OHP material/handouts on following pages:

Set out on the following pages is the DfES/DoH guidance on what should be covered in policies on the education of children who may be unable to attend school because of medical needs:

P139: local education authority policy statements

P140: school policy statements

Local education authority policy statements

Each LEA should have a named senior officer...and a written policy statement on the implementation of its legal to provide education for children and young people who are unable to attend school because of their medical needs.

An LEA's policy should encompass all aspects of the authority's provision, in hospital, at home and elsewhere, and set out clearly:

- How the LEA will meet the standards of educational provision set out in the DfES/DoH guidance.
- What range and standard of educational provision will be provided.
- How responsibility for that service is shared between schools and other elements, such as the hospital and home teaching service(s) and EWOs.
- Arrangements for referrals. These should be clear and publicised to all parties.
- The procedures to be followed when a pupil is away from school as a result of medical needs, including procedures to support:
 - early identification;
 - medical referrals;
 - personal education plans;
 - reintegration into school;
 - pupils working towards public examinations;
- For those pupils who may be school refusers, clear procedures for ensuring early and accurate identification and access, as necessary, to specialist mental health services.
- Main collaboration arrangements with other agencies, including LEAs in which hospitals are situated and local and national hospitals, to ensure the continuity of provision for pupils in hospital.
- The annual budget, management structure, organisation and staffing and training needs of the service.
- How the service can be accessed by parents and details of the advice and support available to them, including a named contact point.
- How the service will take account of the child or young person's views.
- How the service will be monitored and evaluated.
- Links with other services such as SEN services and Connexions Partnerships.

From: DfES and DoH (2001) Access to education



School policy statements

All schools need to have a written policy and procedures for dealing with the education of pupils with medical needs, which may stand alone or be incorporated into the school's SEN policy. These might also usefully be incorporated into the school's prospectus. The policy should include information such as:

- How the school will make educational provision for pupils as set out in the DfES/DoH guidance.
 - The school's responsibility to monitor pupil attendance and to mark registers so that they show if a pupil is, or ought to be, receiving education otherwise than at school.
 - Management structures and staff responsibilities.
 - Strategies for ensuring support in cases of long-term absence, including the provision of assessment and curriculum plans within 5 working days and work programmes on a termly basis.
 - A named contact within the school to aid communication with other parties, to attend reviews, and to facilitate communication generally between the pupil and the school.
 - The provision of work and materials for pupils who are absent from school because of medical needs.
 - Procedures for ensuring that pupils who are unable to attend school because of medical needs have access to public examinations, possibly as external candidates.
 - Procedures for ensuring that pupils are reintegrated smoothly into the school.
 - Issues related to pupils with statements of special educational needs.
 - How the school's procedures will take account of the pupil's views.
- From: DfES and DoH (2001) Access to education

Home to school transport for children with special educational needs: good practice guidance

Department for Education and Skills 2001

Who is it for?

Good practice guidance for local education authorities.

How can it help me?

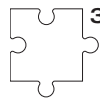
- facts and figures drawn from the research report of the Department of the Environment, Transport and the Regions;
- identifies two key issues from the DETR research:
- need for much better management information about SEN transport;
- importance of the LEA working in partnership with all players: schools, operators, other parts of local authority, parents, pupils, escorts;
- key principles of good practice in LEA SEN transport;
- examples of good practice from LEAs;
- a self-assessment check list for LEAs.

Available from:

Good practice guidance: DfES website: <http://www.dfes.gov.uk/sen>
Executive summary of DETR report: DETR School Travel Website:
www.local-transport.detr.gov.uk/schooltravel/index.htm

OHP material/handouts on next page:

Set out on the next page are the key principles of good practice identified in the DfES guidance.



Home to school transport for children with special educational needs

Good practice guidance:

Authorities should adopt a consistent and clear definition of special education transport.

Authorities should have a clear statement of policy on special education transport.

Special education transport entitlement should be based on the child's individual needs. If a child's needs are such that transport is not necessary then the mainstream distance policy should apply.

Authorities should provide parents, schools and contractors with good quality information.

An assessment of children's transport requirements should be made and a record of these kept.

Authorities should undertake a review of a child's entitlement and transport needs on a regular basis.

Authorities should adopt a flexible approach to planning, procurement and tendering – balancing the benefits of regular reviews against the benefits of longer contracts.

All provision should follow existing good practice on transporting children in wheelchairs/special seats.

Escorts play an important role, and it is therefore important that escorts receive appropriate training and are provided with adequate background information about the nature of their duties. In common with taxi/private hire drivers, escorts should be subject to a criminal record check.

Monitoring of services is essential to ensure quality of service.

From: Department for Education and Skills (2001) Home to school transport for children with special educational needs: good practice guidance.

Handling Home Care: Achieving safe, efficient and positive outcomes for care workers and clients

Health and Safety Executive 2001

Who is it for ?

Developed for home care services but useful for anyone making decisions on lifting and handling issues in other non-hospital settings.

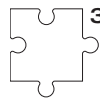
How can it help me?

- provides short summary of Manual Handling Regulations;
- examines the legality of 'no lift' policies;
- looks at the elements of a mobility assistance policy;
- provides checklist on risk management;
- looks at issues of training.

Available from: HSE Books,
PO Box 1999, Sudbury, Suffolk CO10 2WA
Tel: 01787 881165 Fax: 01787 313995
Website: www.hsebooks.co.uk

OHP material/handouts on next page:

On the next page is a short extract from Handling Home Care which looks at the issue of 'no lift' policies.



Looking at 'no lift' policies

Some [services] have now adopted so called 'no-lifting' policies in response to their duty to avoid manual handling operations... Such policies can be open to misinterpretation, so that hoists are routinely prescribed for all moves and transfers irrespective of the wishes, and sometimes the needs of clients. In some cases, clients unwilling to accept such care have had the service withdrawn. [The Manual Handling Operations] Regulations should not be applied arbitrarily to care plans in this way. It is also difficult to see how such action can be reconciled with the service providers' responsibilities under the Disability Discrimination Act and the Human Rights Act. The correct approach should start with a proper risk assessment.

The Regulations do not prohibit all manual handling. There needs to be a balance in approach to ensure that:

- care workers are not required to perform tasks that put them and clients at risk unreasonably;
- clients personal wishes on mobility assistance are respected wherever possible; and
- clients independence and autonomy is supported as fully as possible.

HSE (2001) Handling Home Care

Inclusion: providing effective learning opportunities for all pupils: The National Curriculum Inclusion Statement

Qualifications and Curriculum Authority 2000

Who is it for?

Statutory statement for:

- all schools;
- all teachers.

How can it help me?

- sets out the statutory aspects of providing effective learning opportunities for all pupils;
- sets out three principles that are essential to developing a more inclusive curriculum;
- outlines how teachers can modify, as necessary, the National Curriculum programmes of study to provide all pupils with relevant and appropriately challenging work at each key stage;
- provides examples across different areas of the curriculum.

Available from:

Qualifications and Curriculum Authority

83 Piccadilly

London W1J 8QA

Tel: 020 7509 5555

Fax: 020 7509 6666

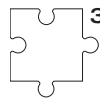
QCA website: <http://www.qca.org.uk/ca/inclusion/index.asp>

The statement is reproduced in National Curriculum documents.

In subject related documents the statement is illustrated with subject relevant examples.

OHP material/handouts on following pages:

Summary of the National Curriculum Inclusion statement.



The National Curriculum Inclusion Statement

A. Setting suitable learning challenges

Teachers should aim to give every pupil the opportunity to experience success in learning and to achieve as high a standard as possible.

For pupils whose attainments fall significantly below the expected levels at a particular key stage, a much greater degree of differentiation will be necessary.

For pupils whose attainments significantly exceed the expected level of attainment within one or more subjects or at a particular key stage, teachers will need to set suitably challenging work.

B. Responding to pupils' diverse learning needs

When planning, teachers should set high expectations and provide opportunities for all pupils to achieve. Teachers should plan their approaches to teaching and learning so that all pupils can take part in lessons fully and effectively.

To ensure that they meet the full range of pupils' needs, teachers should be aware of the requirements of the equal opportunities legislation that covers race, gender and disability.

Teachers should take specific action to respond to pupils' diverse needs by:

- creating effective learning environments;
- securing their motivation and concentration;
- providing equality of opportunity through teaching approaches;
- using appropriate assessment approaches;
- setting targets for learning.

C. Overcoming potential barriers to learning and assessment for individuals or groups of pupils

Teachers must take account of particular learning and assessment requirements and make provision, where necessary, to support individuals or groups of pupils to enable them to participate effectively in the curriculum and assessment activities.

i. Pupils with special educational needs

ii. Pupils with disabilities

iii. Pupils who are learning English as an additional language

Summarised from: QCA (2000) Inclusion: providing effective learning opportunities for all pupils

i. Pupils with special educational needs:

Curriculum planning and assessment for pupils with special educational needs must take account of the type and extent of the difficulty experienced by the pupil.

Teachers should take specific action to provide access to learning for pupils with special educational needs by:

- providing for pupils who need help with communication, language and literacy;
- planning, where necessary, to develop pupils' understanding through the use of all available senses and experiences;
- planning for pupils' full participation in learning and in physical and practical activities;
- helping pupils to manage their behaviour, take part in learning effectively and safely, and, at key stage 4, prepare for work;
- helping individuals to manage their emotions, particularly trauma or stress, and take part in learning.

ii. Pupils with disabilities:

Teachers must take action in their planning to ensure that disabled pupils are enabled to participate as fully and effectively as possible within the National Curriculum and the statutory assessment arrangements.

Teachers should take specific action to enable the effective participation of pupils with disabilities by:

- planning appropriate amounts of time to allow for the satisfactory completion of tasks;
- planning opportunities, where necessary, for the development of skills in practical aspects of the curriculum;
- identifying aspects of programmes of study and attainment targets which may present specific difficulties for individuals.

iii. Pupils who are learning English as an additional language:

Planning should take account of such factors as the pupil's age, length of time in this country, previous educational experience and skills in other languages. Careful monitoring of each pupil's progress will be necessary to confirm no learning difficulties are present.

Teachers should plan learning opportunities to help pupils develop their English and should aim to provide the support pupils need to take part in all subject areas.

Teachers should take specific action to help pupils who are learning English as an additional language by:

- developing their spoken and written English;
- ensuring access to the curriculum and to assessment.

Summarised from: QCA (2000) Inclusion: providing effective learning opportunities for all pupils



Planning, teaching and assessing the curriculum for pupils with learning difficulties.

Qualifications and Curriculum Authority/ Department for Education and Employment
2001

Who is it for?

- teachers of pupils with learning difficulties;
- schools where pupils with learning difficulties are taught: mainstream or special, primary and secondary schools, specialised units or independent schools;
- LEAs.

How can it help me?

- provides curriculum guidelines for pupils with learning difficulties – ranging from pupils who are unlikely to achieve above level 2 at key stage 4 (often described as having severe or profound and multiple learning difficulties) through to pupils with learning difficulties who may be working at age-related expectations in some subjects but are well below in others (often described as having moderate learning difficulties);
- provides fifteen sets of guidelines:
 - general guidelines;
 - 11 National Curriculum subject-specific sets of guidelines;
 - R.E. guidelines;
 - PSHE/Citizenship guidelines;
 - guidelines on developing skills across the curriculum.
- the subject-specific, R.E. and PSHE/Citizenship guidelines provide performance descriptors based on the P-scales.

Available from:

QCA Publications.
PO Box 99, Sudbury, Suffolk CO10 2SN
Tel: 01787 884 444
Fax: 01787 312 950
£4 each.

National Curriculum inclusion website: www.nc.uk.net
Guidelines were sent to headteachers of special schools and LEA SEN advisers.

OHP material/handouts on following pages:

P149: establishing the school's aims for the curriculum for pupils with learning difficulties;
P150: some considerations in planning provision for pupils' personal priority needs.

Establishing the school's aims for the curriculum

The curriculum in all schools should be balanced, broadly based and aim to:

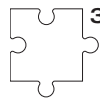
- provide opportunities for all pupils to learn and achieve;
- promote pupils' spiritual, moral, social and cultural developments and prepare all pupils for the opportunities, responsibilities and experiences of life.

For pupils with learning difficulties the school might aim to:

- enable pupils to interact and communicate with a range of people;
- enable pupils to express preferences, communicate needs, make choices, make decisions and choose options that other people act on and respect;
- promote self-advocacy or use a range of systems of supported advocacy;
- prepare pupils for adult life in which they have the greatest possible degree of autonomy and support them having relationships with mutual respect and dependence on each other;
- increase pupils' awareness and understanding of their environment and the world;
- encourage pupils to explore, to question and to challenge;
- provide a wide range of learning experiences for pupils in each key stage suitable to their age.

Once agreed, the school aims will inform the development of curriculum plans.

From QCA (2001) Planning, teaching and assessing the curriculum for pupils with learning difficulties, General Guidelines



Providing for pupils' personal priority needs

Some pupils have therapeutic or paramedical needs. Provision for these is a legitimate and essential element of the curriculum and should be planned for. This provision enhances individual pupils' readiness to learn in many ways for example by:

- **supporting the accurate identification and assessment of individual needs in language and communication;**
- **positioning pupils so they learn effectively;**
- **helping pupils to maintain good posture, appropriate muscle tone and ease of movement, and encouraging the development, refinement or maintenance of skills of independent mobility;**
- **helping pupils manage eating and drinking;**
- **promoting relation and support to help pupils manage stress and anxiety;**
- **providing palliative treatments for painful or degenerative conditions to ensure pupils health and well being;**
- **promoting pupils' autonomy and independence through the use of specialist aids and equipment;**
- **developing pupils' self-esteem;**
- **allowing pupils' behaviour and alternative ways of communicating to be acknowledged and understood.**

From QCA (2001) Planning, teaching and assessing the curriculum for pupils with learning difficulties, General Guidelines

Evaluating Educational Inclusion

Office for Standards in Education 2000

Who is it for?

Guidance for:

- inspectors;
- schools.

How can it help me?

- helps identify what it means to be an inclusive school;
- helps schools in monitoring and evaluating their own practice;
- wider equal opportunities focus on provision for and achievement of different groups of pupils;
- reinforces the emphasis on educational inclusion in the inspection Framework;
- reflects the recommendations of the Macpherson Report;
- sets the inspection of educational inclusion in the statutory context.

Available from:

OFSTED website: <http://www.ofsted.gov.uk>

Document only available on the website. Any queries to:

Inspection Quality Division
Office for Standards in Education
Alexandra House
33 Kingsway
London WC2B 6SE
Tel: 020 7421 6800

OHP material/handouts on following pages:

Provide three extracts from the guidance:

P152: a summary of Ofsted's approach to inspecting inclusion...in a nutshell;

P153: Ofsted's general description of educationally inclusive schools;

P153: a brief summary of the statutory context for educational inclusion.

INSPECTING INCLUSION ... IN A NUTSHELL

YOU MUST pursue the following three questions which span the inspection schedule.

Do all pupils get a fair deal at school?

This relates to:

- what they get out of school, particularly their achievements;
- the opportunity to learn effectively, without interference and disruption;
- the respect and individual help they have from their teachers;
- their access to all aspects of the curriculum;
- the attention the school gives to their well-being and
- whether they and their parents are happy with the school.

How well does the school recognise and overcome barriers to learning?

This is about:

- the school's understanding of how well different groups do in school;
- the steps taken to make sure that particular groups are not disadvantaged in school and to promote their participation and success;
- its strategies for promoting good relationships and managing behaviour;
- what the school does specifically to prevent and address racism, sexism and other forms of discrimination, and what it does about cases of discrimination that do occur.

Do the school's values embrace inclusion and does its practice promote it?

The clues are:

- how the values of the school are reflected in its curriculum, resources, communications, procedures and conduct;
- how people talk about and treat one another in the school;
- the leadership provided by senior staff and the consistency of staff behaviour;
- what the school intends and tries to do for 'people like me'.

YOU MUST focus your enquiries on significant groups of pupils who may not be benefiting enough from their education. Find out all you can about them and their experiences of school. This means talking to these pupils, their teachers and, where possible, their parents, as well as making full use of observational evidence and data.

YOU MUST evaluate and report on the effectiveness of the school in relation to these groups, as well as overall, in the relevant sections of the report. You must be clear about their achievement, and any strengths or weaknesses in teaching, management or other aspects of what the school provides.

YOU MUST be familiar with all the evaluation criteria that relate to inclusion, the main provisions of equal opportunities and race relations law as they apply to schools and OFSTED's role in respect of the Macpherson Report. You must also be familiar with the material relating to inclusion in the subjects of the National Curriculum that you inspect, and Guidance on the Curriculum for the Foundation Stage.

This guidance and the associated training for inspectors will help you to do justice to the inspection of educational inclusion.

EDUCATIONALLY INCLUSIVE SCHOOLS

An educationally inclusive school is one in which the teaching and learning, achievements, attitudes and well-being of every young person matter. Effective schools are educationally inclusive schools. This shows, not only in their performance, but also in their ethos and their willingness to offer new opportunities to pupils who may have experienced previous difficulties. This does not mean treating all pupils in the same way. Rather it involves taking account of pupils' varied life experiences and needs.

The most effective schools do not take educational inclusion for granted. They constantly monitor and evaluate the progress each pupil makes. They identify any pupils who may be missing out, difficult to engage, or feeling in some way to be apart from what the school seeks to provide. They take practical steps – in the classroom and beyond – to meet pupils' needs effectively and they promote tolerance and understanding in a diverse society. For special schools, there is an additional dimension because their policies on inclusion must now include planning for a changing role alongside increasingly inclusive mainstream schools.

Statutory context

Schools and inspectors must have regard for:

- i. the school's duties and obligations under existing legislation concerned with sex discrimination, race relations, special educational needs and disability discrimination;
- ii. ethical considerations related to values and social justice and how the school promotes pupils' spiritual, moral, social and cultural development;
- iii. how well teachers promote the inclusive approach demanded by the National Curriculum when interpreting the educational objectives of subjects and courses provided;
- iv. Government policies aimed at raising educational standards, including: target setting by schools; promoting the inclusion of pupils with special needs or a disability; fostering better personal, community and race relations as highlighted in the Macpherson Report; and promoting social inclusion and race equality; and
- v. OFSTED's role in responding to the recommendations of the *Macpherson Report*.



Distribution of resources to support pupils with additional needs in mainstream schools

Department for Education and Skills

Ref: LEA/080/2001

Who is it for?

LEAs, schools and partner agencies.

How can it help me?

- provides information on approaches to the delegation and distribution of resources for meeting the needs of pupils with special educational needs and those with other additional needs in mainstream schools;
- sets distribution of resources in the context of inclusion;
- sets out key principles for distribution of resources;
- outlines process for reviewing existing funding arrangements;
- sets out key questions to be considered in such a review;
- describes three main approaches to delegation of additional resources, through: indicators, direct pupil audit and allocation through groups of schools;
- provides examples of the different approaches with funding information from eight LEAs;
- considers different approaches to monitoring and accountability;
- outlines a recommended approach.

Available from:

DfES Publications tel: 0845 60 222 60

fax: 0845 60 333 60

DfES website: <http://www.dfes.gov.uk/sen>

OHP material/handout on the next page:

The guidance sets out key questions that should be considered when reviewing local arrangements for the distribution of resources to support pupils with additional needs in mainstream schools. These are set out on the next page.

Distribution of resources to support pupils with additional needs in mainstream schools

Key questions have been identified that should be considered when reviewing local arrangements for the distribution of resources to support pupils with additional needs in mainstream schools:

1. Do arrangements demonstrably support the inclusion of children and young people with additional educational needs within mainstream schools wherever possible, in line with the efficient and effective use of resources?
2. Is whole school funding provided so that head teachers are able to deploy resources as efficiently and effectively as possible to raise standards and achievement?
3. Are resources distributed transparently and equitably with individual schools clear about the resources available to them and able to see how these relate to allocations to others?
4. Are arrangements flexible enough to meet the needs of children with severe or complex needs?
5. Are early identification and intervention strategies supported by the distribution of resources in order to ensure best outcomes for children?
6. Are resources distributed to meet the needs of pupils in mainstream settings irrespective of whether or not a Statement of Special Educational Needs is held?
7. Can the requirements of Statements be met?
8. Do arrangements support children with additional educational needs and not just those who have special educational needs?
9. Have arrangements been developed in partnership with schools and other relevant stakeholders?
10. Are resources distributed in such a way that there are no undue perverse incentives?
11. Is the allocation of resources linked to arrangements to ensure accountability and does monitoring take account of outcomes for pupils?
12. Are the respective roles, responsibilities and expectations of schools and LEAs clearly identified?

From: DfES (2001) Distribution of resources to support pupils with additional needs in mainstream schools

“Changing attitudes should not be left to disability organisations or Government alone. It is a task that all in society must share – from teachers educating children about the value of diversity to businesses changing the attitude of employees and customers.” (p4)

“Disabled people are twice as likely as non-disabled people to be unemployed and have no formal qualifications

29% of disabled people experience some difficulty in going shopping

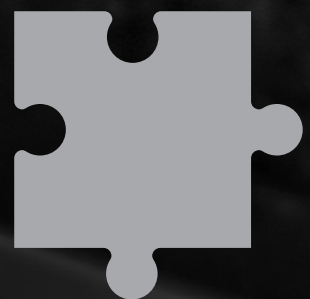
Over 75% of people in Great Britain believe there is prejudice against disabled people, with only 6% believing there is none.” (p7)

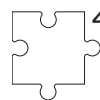
“There is a common misconception that disabled people are only those with mobility difficulties or sensory impairments, such as deafness or blindness. In reality, people with a very wide range of impairments and chronic or recurring health conditions can be disabled. For example, people with mental health problems, asthma, diabetes or epilepsy might be disabled. The failure to appreciate the diversity of disabled people means that not all benefit equally from new policies. It is not possible with precision to count the numbers of disabled people within the DDA definition of disability. It is likely, however, that at least 8.5 million people currently meet the DDA definition. In addition, around 1.5 million people have had a disability in the past and would be protected by the DDA.” (p6)

From Exclusion to Inclusion: A Report of the Disability Rights Task Force on Civil Rights for Disabled People (December 1999) DfEE



4 BEYOND THE DUTIES





4. Beyond the Duties

RESOURCES TO SUPPORT SCHOOLS IN DEVELOPING INCLUSION

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Standards for Inclusion: Success for Everyone, Birmingham City Council Education Service	162
Index for inclusion, Centre for Studies on Inclusive Education (CSIE)	164
Disability Equality in Education: Inclusion in Schools Course Book, Disability Equality in Education	167
Policy document on inclusion, National Association for Special Educational Needs (NASEN)	170
Circles of Friends, Colin Newton and Derek Wilson	172
Passports :Frameworks for sharing information about a child with others, Nottinghamshire LEA SEN Inclusion Team	174
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Planning Progress An Early Years Curriculum Framework & Planning for Inclusion in the Foundation Stage, Tower Hamlets and Newham Early Years	178
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Introduction

Earlier sections of the pack focused on the disability discrimination duties in the Part 4 of the Disability Discrimination Act (DDA) and the related planning duties and special educational needs duties. Section 3 provided brief summaries of official guidance in a number of areas that are relevant to the implementation of the DDA duties.

The DDA duties require schools and those working with them to make reasonable adjustments to ensure that disabled pupils are not placed at a substantial disadvantage. The duties apply across the whole life of the school. A consideration of how disabled pupils can be included in the whole life of the school will support the implementation of the DDA duties and will lead to greater inclusion. It is in this context that this section provides an introduction to some tools to support the development of inclusion and to a range of organisations that may be able to provide further information and support.

In **section 4.1**: Tools to support the development of inclusion, there is an introduction to a small selection of resources that can help schools and LEAs with the wider work of developing inclusion: work that will support the implementation of the DDA duties.

For each document included in this section a brief outline is provided, a summary of the content and how to get hold of it. This introductory information is followed by an extract from the resource. This extract has been selected to provide more information about the nature of the resource and, where possible, to provide schools with a free-standing resource: an audit tool, an example of a policy, some specific information or other resource for use in training. Some of the resources are presented in larger print for copying onto acetate as overhead transparencies, some in smaller print for copying as handouts.

What is included in this section is only a small selection of the resources that are available to support schools and LEAs in the process of including disabled children into the whole life of the school. The principle for the selection of the resources here is that they exemplify some of the resources that are available.

Section 4.2: Further resources to support inclusion: a bibliography, provides information about a wider range of resources, with information about where to obtain those resources, if they are not available from a commercial publisher.

A further section, **4.3: Useful contacts**, provides information about organisations that may be able to provide information, lists of further resources that are available and may also be able to offer advice and support.



4. Beyond the Duties

4.1 Tools to support the development of inclusion

The Inclusion Assistant: Helping Young People with High Level Support Needs in Mainstream Education
Alliance for Inclusive Education
2001

What is it?

Booklet and video recoding the views of young people and their parents about the way their support is provided.

Summary of content

The video and accompanying report record the thoughts and feelings of twelve young disabled people and their parents as they attended a residential workshop. The young people explore issues about how support can be provided flexibly to enable their participation in school activities. The parents explore issues about working collaboratively with schools to support inclusive placements.

The first part of the video and the pictures on the next page can be used to stimulate a discussion with young people about support. The second part of the video is useful in thinking about working in collaboration with parents.

Where do I get it from?

Alliance for Inclusive Education, Unit 2, 70 South Lambeth Road
London SW8 1RL www.allfie.org.uk
£12 including postage

Introduction to resource on next page:

The two pictures on the next pages were created by the young people to characterise their best and worst experiences of support. They can be used to stimulate a discussion with other young people about the issue of support.



Standards for Inclusion: Success for Everyone ***Birmingham City Council Education Service*** **2002.**

What is it?

Standards for Inclusion is a tool for schools to use in reviewing their progress towards inclusion.

Summary of content

Standards for Inclusion provides a tool for self-review and describes the process for using it in a school.

The review tool sets out 28 standards, which are grouped in seven areas. Each standard can be rated at one of four different levels. There are indicators relating to each standard to help schools determine how practice is developing.

The document provides a proforma to record progress.

Standards for Inclusion sets out the review process for each standard:

- establishment of baselines;
- planning for action;
- carrying out action plans;
- evaluating progress.

Supports the sharing of practice and through the use of the Birmingham Grid for Learning.

Where do I get it from?

Inclusion Consultancy Service
Birmingham Education Department
Room 329
Margaret Street
Birmingham B3 3BU

e-mail joan.jones@birmingham.gov.uk

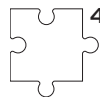
Cost £25 plus £2.50 P&P

Introduction to resource on next page:

The proforma for recording progress is set out on the next page.

Wholeschool Summary and progress sheet (p.78)

	Pre-Emergent	Emergent	Established	Advanced	Recorded on BGfl
LEADERSHIP					
1 Sharing a vision					
2 Turning vision into reality					
MANAGEMENT AND ORGANISATION					
3 The SEN budget					
4 Policies					
5 Accountability for inclusion					
6 Roles and responsibilities					
7 SEN Procedures					
8 SEN and Disability Discrimination Act 2001					
CREATING THE ENVIRONMENT					
9 Celebrating the achievements of all pupils					
10 A welcoming environment					
11 Access to the physical environment					
12 The school ethos					
TEACHING AND LEARNING					
13 Planning for an inclusive curriculum					
14 Positive images in curriculum materials					
15 Teaching approaches					
16. Learning resources					
17 Empowering pupils					
18 Awareness of difference					
19 Pupils working together					
20 Pupil participation in extra-curricular activities					
21 Learning support assistants					
22 Using information and communication technology					
STAFF DEVELOPMENT					
23 Induction					
24 Training for inclusion					
COLLECTIVE REVIEW					
25 Monitoring performance					
PARENTAL & COMMUNITY INVOLVEMENT					
26 Working with parents/carers and community groups					
27 Working with other services and schools					
28 Transition					



Index for inclusion

***Centre for Studies on Inclusive Education (CSIE)
2002***

What is it?

A set of materials to help schools in planning and developing inclusion.

Short summary of content

Maps out a process for inclusive school development which:

- involves a school in review of its cultures, policies and practices;
- builds supportive school communities which foster high achievement for all students;
- encourages staff to share and build on their existing knowledge;
- encourages a detailed examination of possibilities for increasing learning and participation for 100% of students.

Provides a set of indicators and questions to support the school in the review process.

Where do I get it from?

Revised edition 2002, price £24.50 from:

CSIE

Room 2S203, S Block

Frenchay Campus

Coldharbour Lane

Bristol BS16 1QU.

Tel: 0117 344 4007

Fax: 0117 344 4005

Web site: www.inclusion.org.uk

OHP material on following pages:

Sets out the indicators along the three main dimensions of:

- creating inclusive cultures;
- producing inclusive policies;
- evolving inclusive practices.

Index for inclusion developing learning and participation in schools

INDICATORS

DIMENSION A Creating inclusive cultures

A.1 Building community

- A.1.1 Everyone is made to feel welcome.
- A.1.2 Students help each other.
- A.1.3 Staff collaborate with each other.
- A.1.4 Staff and students treat one another with respect.
- A.1.5 There is a partnership between staff and parents/carers.
- A.1.6 Staff and governors work well together.
- A.1.7 All local communities are involved in the school.

A.2 Establishing inclusive values

- A.2.1 There are high expectations for all students.
- A.2.2 Staff, governors, students and parents/ carers share a philosophy of inclusion.
- A.2.3 Students are equally valued.
- A.2.4 Staff and students treat one another as human beings as well as occupants of a 'role'.
- A.2.5 Staff seek to remove barriers to learning and participation in all aspects of the school.
- A.2.6 The school strives to minimise all forms of discrimination.

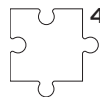
DIMENSION B Producing inclusive policies

B.1 Developing the school for all

- B.1.1 Staff appointments and promotions are fair.
- B.1.2 All new staff are helped to settle into the school.
- B.1.3 The school seeks to admit all students from its locality.
- B.1.4 The school makes its buildings physically accessible to all people.
- B.1.5 All new students are helped to settle into the school.
- B.1.6 The school arranges teaching groups so that all students are valued.

B.2 Organising support for diversity

- B.2.1 All forms of support are co-ordinated.
- B.2.2 Staff development activities help staff to respond to student diversity.
- B.2.3 'Special educational needs' policies are inclusion policies.
- B.2.4 The Special Educational Needs Code of Practice is used to reduce the barriers to learning and participation of all students.
- B.2.5 Support for those learning English as an additional language is co-ordinated with learning support.
- B.2.6 Pastoral and behaviour support policies are linked to curriculum development and learning support policies.
- B.2.7 Pressures for disciplinary exclusion are decreased.
- B.2.8 Barriers to attendance are reduced.
- B.2.9 Bullying is minimised.



DIMENSION C Evolving inclusive practices

C.1 Orchestrating learning

- C.1.1 Teaching is planned with the learning of all students in mind.
- C.1.2 Lessons encourage the participation of all students.
- C.1.3 Lessons develop an understanding of difference.
- C.1.4 Students are actively involved in their own learning.
- C.1.5 Students learn collaboratively.
- C.1.6 Assessment contributes to the achievements of all students.
- C.1.7 Classroom discipline is based on mutual respect.
- C.1.8 Teachers plan, teach and review in partnership.
- C.1.9 Teaching assistants support the learning and participation of all students.
- C.1.10 Homework contributes to the learning of all.
- C.1.11 All students take part in activities outside the classroom.

C.2 Mobilising resources

- C.2.1 Student difference is used as a resource for teaching and learning.
- C.2.2 Staff expertise is fully utilised.
- C.2.3 Staff develop resources to support learning and participation.
- C.2.4 Community resources are known and drawn upon.
- C.2.5 School resources are distributed fairly so that they support inclusion.

CSIE (2002) Index for inclusion

**Disability Equality in Education:
Inclusion in Schools Course Book**
Disability Equality in Education
2002

What is it?

Book of resources designed to support face-to-face training sessions on disability equality and inclusion in schools.

Short summary of content

Covers the arguments, information and activities for inclusion and disability equality. The course book examines inclusion from the perspective of disabled people.

It provides a range of training activities that:

- explore the differences between 'medical model' and 'social model' approaches;
- cover the difference between integration and inclusion;
- develop schools' ability to work inclusively.

It provides a historical perspective on the position of disabled people at school and in society. It summarises a number of useful activities and tools for developing disability equality and inclusion. These materials support training that challenge assumptions about disabled people. The materials can be used alongside the Index for Inclusion.

Where do I get it from?

Disability Equality in Education Unit GL, Leroy House
436 Essex Road
London N1 3QP
Tel: 020 7359 2855
Fax: 020 7354 3372
e-mail info@diseed.org.uk
£11.50 (inc p+p) per copy.

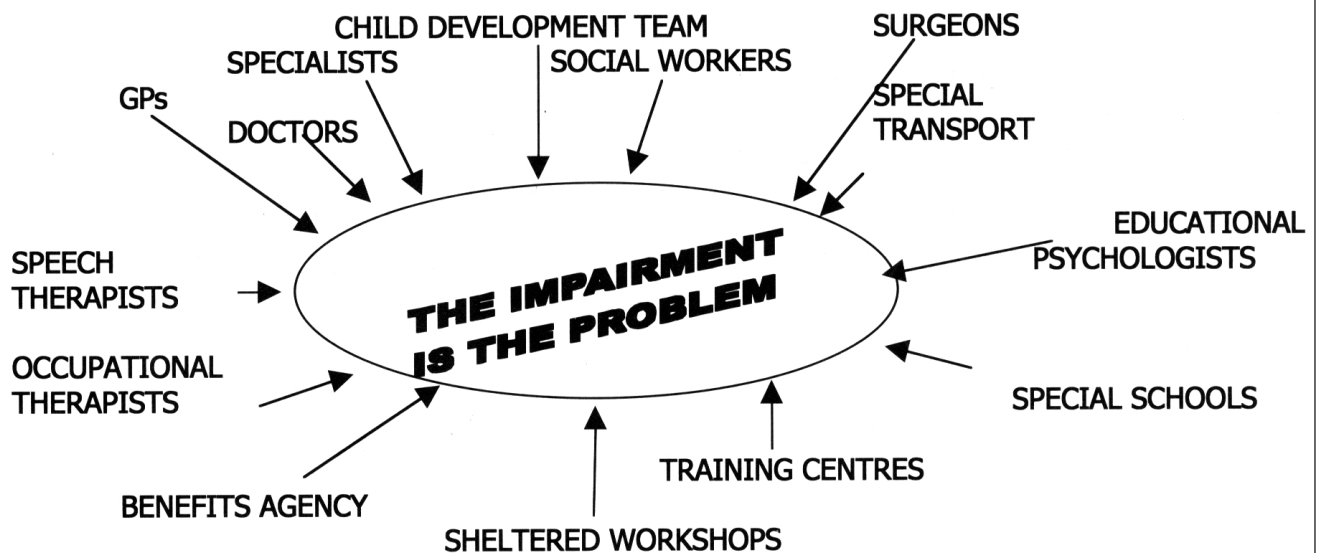
Introduction to resources on the following pages:

The material reproduced here is designed to develop understanding of:

- the definitions of impairment and disablement;
- the different models of disability and
- explore how these models impact on thinking and educational practice in schools.

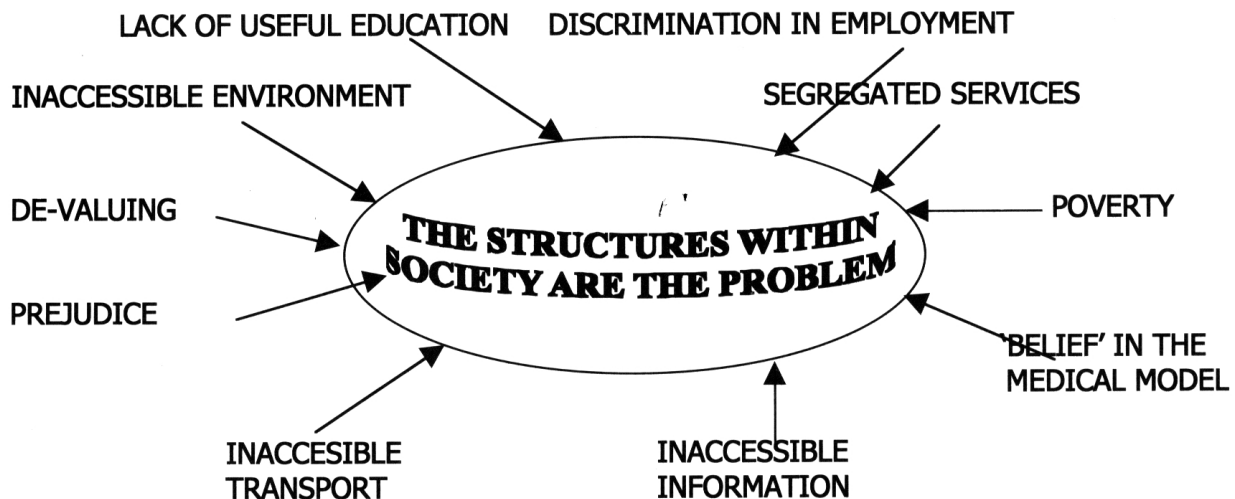


The Medical Model



DISABLED PEOPLE AS PASSIVE RECEIVERS OF SERVICES
AIMED AT CURE OR MANAGEMENT

The Social Model



DISABLED PEOPLE AS ACTIVE FIGHTERS FOR EQUALITY
WORKING IN PARTNERSHIP WITH ALLIES.

There are two ways of viewing disablement

Medical and Social Model Thinking in School

<i>Medical model thinking</i>	<i>Social model thinking</i>
Child is faulty	Child is valued
Diagnosis	Strengths and needs defined by self and others
Labelling	Identify barriers and develop solutions
Impairment becomes focus of attention	Outcome based programme designed
Assessment, monitoring, programmes of therapy imposed	Resources are made available to ordinary services
Segregation and alternative services	Training for parents and professionals
Ordinary needs put on hold	Relationships nurtured
Re-entry if 'normal enough' permanent exclusion	Diversity welcomed, child is included
Society remains unchanged	Society evolves

Definitions

“**Impairment** is the loss or limitation of physical, mental or sensory function on a long term, or permanent basis”.

“**Disablement** is the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical and social barriers.” (Disabled People’s International 1981)

Disability Equality in Education (2002) Inclusion in Schools Course Book



Policy document on inclusion

National Association for Special Educational Needs (NASEN) 2002

What is it?

A professional statement of the principles, policy context and responsibilities of inclusion.

Summary of content

Lists key points in relation to:

- The Policy Context;
- Key Principles;
- School Responsibilities;
- Local Authority Responsibilities;
- Government Responsibilities.

Document produced by NASEN's policy sub-committee in consultation with NASEN members.

Designed to support those developing their own policies and practice.

Where do I get it from?

NASEN House,
4/5 Amber Business Village,
Amber Close,
Amington, Tamworth, B77 4RP
Tel: 01827 311500
Call free on 0800 018 2998 (Freephone supplied by MCI
WORLDCOM)
email: welcome@nasen.org.uk
Price: 50p.

Introduction to resource on next page:

The attached OHP lists the key principles of inclusion, identified by NASEN. It provides a useful starting point for discussion by school staff, governors and senior management teams when considering their own practice.

Key principles of inclusion

Valuing diversity:

All children are educable and are the responsibility of the education service. They should be equally valued whether or not they have special or additional educational needs.

Entitlement:

Children are entitled to receive, with a suitable peer group, a broad, balanced and relevant curriculum. Wherever possible, this should be in a mainstream school.

Participation:

All children and their parents are entitled to be treated with respect and should be actively encouraged to make their views known so they can be taken into account.

Individual needs:

The development of inclusive practice should not create situations within which the individual needs of children are left unmet.

Planning:

All educational and inter-agency planning should be based on inclusive principles.

Collective responsibility:

The principal of inclusion should be an issue for all staff rather than the exclusive responsibility of a particular group of individuals.

Professional development:

Inclusion requires both extension of the application of existing skills and the development of new ones.

Equal opportunities:

It is essential that the tension between an emphasis on those standards which lead to a placement in a hierarchy and the pursuit of inclusion is recognised, and that account is taken of all pupils' needs in planning educational development.

From: NASEN (2002) Policy document on inclusion



Circles of Friends

Colin Newton and Derek Wilson

1999

What is it?

A handbook describing techniques for setting up a 'circle of friends.'

Summary of Content

Circles of Friends sets out an approach to mobilising peer support for children experiencing difficulties. Circles of friends are designed to be used with any young person who is experiencing difficulties in school because of a disability, personal crisis or because of their challenging behaviour towards others.

The approach works by mobilising the young person's peers to provide support and to engage in problem solving with them. 'Circle of friends' is not the same as 'circle time' but many of the skills and techniques used by teachers in 'circle time' can be used to support the 'circle of friends' process. Careful planning and commitment from the facilitator can lead to quite quick results and many successful circles become self-sustaining.

This is a handbook for the techniques of setting up a circle of friends. It contains proforma letters and forms for setting up and running circles of friends in schools.

Where do I get it from?

Colin Newton and Derek Wilson

Inclusive Solutions

Tel: 0115 955 6045

<http://www.inclusive-solutions.com>

<mailto:inclusive.solutions@ntlworld.com>

Or from: Folens (publishers)

Albert House, Apex Business Centre, Boscombe Road, Dunstable,
Bedfordshire LU5 4RL

Introduction to resource on next page:

Two case studies are summarised on the next page. They give an idea of how the technique works.

Vanessa's story

Vanessa was a year 10 pupil attending an inner-city secondary school. Her life had become a living nightmare over the last two terms. Vanessa was close to suicide. Her self-esteem was at rock bottom. She no longer believed that anyone really trusted or valued her. She trusted no one. She was being badly bullied by a class-mate. The head teacher of the comprehensive school asked for help in setting up a circle of friends for Vanessa.

Eight volunteers were gathered together by the form tutor and a meeting was held with an outside facilitator. This initial meeting was extremely powerful. Each of the volunteers explained clearly to Vanessa that she was: a good friend, someone they trusted, someone who was always there for them when they had a problem, someone they cared a lot about. The eighth volunteer simply hugged Vanessa when asked why she had volunteered simply said, 'She's my mate ain't she!'

Strategies agreed were about being there for Vanessa and encouraging her to speak out about her concerns rather than bottling these up. This strategy worked.

Christopher's story

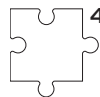
Christopher was a year six boy attending an inner-city primary school. He had had behaviour problems from nursery to Year 6. He continued to have temper tantrums, to lack of self-esteem, show zero co-operation, extreme aggression and he did not like losing.

Work with parents, behaviour programmes, target-setting, reward systems and a number of other interventions had been tried unsuccessfully. The pressure to exclude Christopher permanently was growing every year. A number of teachers had found his behaviour very stressful.

After four months of work in a circle of friends Christopher had changed. Christopher had been extremely tense and his body was wound up on his chair when the first circle meeting began. By the time the fourth pupil had explained why they had volunteered to be part of Christopher's circle he had opened like a beautiful flower in spring!

After this period Christopher was no longer presenting serious tantrums. He was much better at sports, more able to cope with stress. He no longer talked out of turn in class. When unhappy about something he was quicker to tell someone. Christopher had found a new close best mate from a class member outside the circle. Christopher's class teacher felt that the approach had been very successful. A year later Christopher volunteered to join someone else's circle.

Summarised from: Newton and Derek (1999) Circles of Friends



Passports: Frameworks for sharing information about a child with others.

Nottinghamshire LEA SEN Inclusion Team

What is It?

A pack with floppy disc that introduces the idea of 'passports' or child held information about themselves.

Summary of content

A passport can help a disabled child to or young person who has high level needs to let others know about their needs, interests, strengths and behaviour. Importantly:

- a passport is written in the first person;
- the pupil is involved as much as possible as it is being compiled;
- the child has ownership of the passport and agrees the information it contains;
- the child keeps the passport and decides who sees it.

The pack gives details about formats, content ideas and provides proformas for passports for children in Early Years, Primary and Secondary. The pack explains how to help disabled young people make a passport.

The pack also gives ideas about information cards which the child can show adults when they are 'loosing it', or about to have a fit or need to take some 'time out'. These draw on information in the passport but the child is able to use them to quickly communicate.

Where do I get it from?

Book with proformas on a computer disk, form:
Val Parsons
Nottingham Inclusion Team
North Base,
Meadow House,
Littleworth,
Mansfield, Nottinghamshire NG18 2TA
Tel: 01623 433 433

Introduction to resource on next page:

Set out on the next page are:

- some of the benefits of using Passports;
- an example of a passport.

Passports

Why use a Passport?

- It celebrates a child's strengths and successes so helping improve self-esteem.
- It provides a brief sketch of the pupil giving important information to adults who have contact with the child. This is particularly useful when the child changes settings from early years to primary, or primary to secondary school.
- It helps provide a consistent approach for the pupil in all settings.
- It provides information in an attractive way for the child, peers and adults.
- It gives a positive image about the pupil.
- It provides information for parents.

Lynne's Passport

Hello my name is Lynne

- I am allergic to milk and eggs
- Please say my name first when you a speak, then I know you are talking to me.
- I communicate using simple words and Makaton signs and symbols.
- If I am upset or anxious I find it hard to use my words.

From: Nottingham LEA(2002) Passports



Within Reach 3

Scope and National Union of Teachers 2001

What is it?

Research report on progress in making schools in England and Wales more accessible.

Summary of content

- provides background information to the Within Reach campaign;
- provides background information on the Schools' Access Initiative;
- sets out the findings from the third round of research into the development of school accessibility in England and Wales.

Where do I get it from?

National Union of Teachers (NUT): Emily Evans Parliamentary Officer
E-Mail e.evans@nut.org.uk Tel 020 7380 4721

Scope: Giles Roddy Campaigns Officer
E-mail giles.rodgy@scope.org.uk Tel 02076197253

Department for Education and Skills (DfES)
For more information about the Schools' Access Initiative (SAI) log on to: <http://www.dfes.gov.uk/sen/viewDocument.cfm?dID=361>

Introduction to resource on next page:

- brief outline of the *Within Reach 3* findings with background on the Within Reach campaign and the Schools' Access Initiative;
- an information resource.

What is the Within Reach campaign?

- a joint campaign between Scope and the National Union of Teachers (NUT)
- aim : to ensure that mainstream schools in England and Wales are accessible to children with a physical, hearing or visual impairment
- not only concerned with the physical aspects of accessibility: improving attitudes towards including disabled children is also vital
- the campaign led directly to the setting up of the Schools' Access Initiative (SAI) in 1995

What is the Schools Access Initiative?

- a fund that was set up by the government in 1995 to help improve access to mainstream schools and the mainstream curriculum for disabled pupils

Summary of Findings of Within Reach 3

- the schools and LEAs visited by the researchers had extremely positive attitudes to including pupils with physical or sensory impairments
- many headteachers, teachers and governors felt that the academic achievement of disabled pupils had accelerated since joining a mainstream school and that including disabled pupils had had a positive impact on the school community as a whole
- knowledge of accessibility has improved at LEA level since 1992 and many LEAs have carried out surveys or measured school accessibility in other ways
- LEA planning of accessibility has improved considerably since 1992
- there is still room for improvement, particularly in terms of ensuring a reasonable geographical distribution of provision in the long term

SCOPE & NUT (2001) Within Reach 3



Planning Progress An Early Years Curriculum Framework & Planning for Inclusion in the Foundation Stage

Tower Hamlets and Newham Early Years 2002

What is it?

This is a tool to support an inclusive curriculum planning process in the early years.

Summary of content

Chapters on the six areas of the Foundation Stage curriculum: personal, social and emotional development; communication, language and literacy; mathematical development; knowledge and understanding of the world; physical development and creative development.

Added to each section is practical advice on what might precede the first stepping stones in each strand of each area of learning. This enables practitioners to develop ways to include all children in the Foundation Stage curriculum.

The materials are clearly presented in a ring binder divided into six main sections: one for each of the six areas of learning.

Where do I get it?

Available from September 2002:
London Borough of Tower Hamlets Learning Design,
The Professional Development Centre,
English Street, London E3 4TA

Tel: 020 8983 1944
Fax: 020 8983 1932

£20+£5 p&p

**Administration of medicine: UNISON guidelines for
stewards and safety representatives**
UNISON
2001

What is it?

Pamphlet providing guidelines on volunteering to administer medicines.

Summary of contents

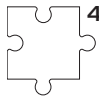
- guidance for those with safety responsibilities in schools and other settings where staff may volunteer to administer medicines to children in their care;
- guidance on the voluntary nature of the role;
- sets out the key elements in safe administration of medicines, including the need for:
 - written policy and procedures;
 - instruction and training;
 - record-keeping;
 - safe storage and disposal of medicines.

Where do I get it from?

Single copies available free:
UNISON Health and Safety Unit
1 Mabledon Place, London WC1H 9AJ
Tel: 020 7551 1446
Fax: 020 7551 1766
E-mail: healthandsafety@unison.co.uk

Introduction to resource on next page:

A checklist for a policy on the administration of medicines. Provides a model for consideration.



Administration of medicine:

Policy checklist

Does the policy include?

- **a commitment to specific training for all members of staff required to administer medicines;**
- **the provision of any necessary protective clothing or equipment;**
- **the arrangement for recording the administration of medicine to individual children;**
- **procedures for the disposal of unwanted, unused or outdated drugs;**
- **arrangements for liaison and communication between the staff and GPs, community nurses, and child's parent or guardian etc;**
- **procedures to be followed in the event of the child requiring a doctor or hospital treatment or needing to be taken home;**
- **action to be taken in the event of an accident or failure of the agreed procedures;**
- **the employer's responsibilities and insurance cover for staff in the event of an accident or mistake in the administration of medicines.**

From: UNISON (2001) Administration of medicine

4.2 Further resources to support inclusion: a bibliography

ACCAC (The Qualifications Curriculum and Assessment Authority for Wales) (2000) *A structure for success: guidance on the National Curriculum and autistic spectrum disorder*. ACCAC Publications. Looks at key issues for managing learning in pupils with autism spectrum disorders, curriculum planning and access to the National Curriculum.

Afasic. *Lost For Words*.

Introduces speech and language impairments – and how Afasic can help.

Free from Afasic, 2nd Floor, 50-52 Great Sutton Street, London EC1V 0DJ

www.afasic.org.uk

Ainscow, M (1999), *Understanding the Development of Inclusive Schools*, Falmer Press.

Offers a detailed analysis of various aspects of inclusive practice in schools.

Alliance for Inclusive Education (2000) *The Inclusion Assistant*. ALLFIE. www.Allfie.org.uk

A video and report of the views of eleven young people with high levels of support needs.

Anderson, P (1999) *Learning and Inclusion: The Cleves School Experience*. David Fulton.

An account of changing teaching and learning for inclusion, written by staff and pupils of the school.

Anderson, P and Highfields Junior School, Plymouth (2002) *Changing Our School: Promoting Positive Behaviour*. Plymouth: Acorn.

How a school transformed itself and the behaviour of its pupils through inclusive methods.

Autism Working Group (2002) *Guidance for schools and local education authorities on making effective provision for children with autistic spectrum disorders*. Department for Education and Skills.

Guidance for health and education professionals to help identify children with autism and provide the best standards of support in schools.

Barnard, J, Broach, S, Potter, D and Prior, A (2002) *Autism in schools: crisis or challenge?*

National Autistic Society

Report on children with autism spectrum disorders in schools in UK and levels of training and support available. Policy and practice recommendations.

NAS website: <http://www.nas.org.uk/policy/campaign/index.html>

Hard copy: NAS Information Centre: 020 7903 3599 or info@nas.org.uk

Barnes, C (1991) *Disabled People in Britain and Discrimination*. Hurst.

General position of disabled people. Chapters on education and history.

Birmingham City Council Department (1999) *Inclusion: Making a Difference*.

Available from BASS Martineau Centre, Balden Road, Harborne, Birmingham B32 2EH. 0121 303 8080. Price £25.00.

Shows positive experiences of Inclusion and school and community enrichment.



Brandon, S (1997) *Invisible Wall: Niki's Fight for Inclusion*. Sheffield: Parents with Attitude. One family's story.

Bristol LEA (2001) *Inclusion: Raising the Issues*.

Video available from The Inclusion Coordinator, 83 North Street, Bedminster, Bristol BS3 1ES. £25.00 including p&p.

40 minute training video for schools and LEAs, with sub-titles and BSL. The Bristol experience of developing inclusive education from a disability equality perspective.

Capelin, S *Rachel: The 'Write' To Speak*. Minerva

Rachel's mother tells the story of Rachel's specific language disorder

Available from Afasic, 2nd Floor, 50-52 Great Sutton Street, London EC1V 0DJ

www.afasic.org.uk

Channel 4 Learning (2001) *Count me in*.

Video available from Disability Equality in Education, Unit GL, Leroy House, 436 Essex Road, London. N1 - £10.00 plus £1.50 postage. Made in six primary and six secondary schools in England and Wales. Shows development of inclusive practice.

Cole, M (2000) *Education Equality and Human Rights*. Routledge.

Covers gender, race, sexuality, disability and social class. Chapters on history and inclusion.

Cole-Hamilton, I and Vale, D (2000) *Shaping the future: The experiences of blind and partially sighted children and young people in the UK*. Royal National Institute for the Blind.

Council for Disabled Children (2002) *Make it Accessible! The Disability Discrimination Act 1995, Part III (Access to Goods and Services) Implications for Children's Services*.

Publication November 2002. From: CDC, 8 Wakley Street, London EC1 7QE

Centre for Studies on Inclusive Education (1998) *Developing An Inclusive Education Policy For Your School*. CSIE.

Order from CSIE, Bristol Tel: 0117 344 4007

Contact a Family, Network 81 and SKILL (2002) *Education and Disability – a parents' guide to rights from nursery to university*, Contact a Family

Single free copies from helpline: 0808 808 3555

Information pack for parents on all aspects of education for a disabled child.

Department for Education and Employment/Qualifications and Curriculum Authority (1998) *Supporting the target setting process*. DfEE.

Document that first introduced P-Scales.

Department for Education and Employment (1999) *Connecting Schools for Inclusion*. DfEE/SEN Division.

An interactive CD-ROM which looks at strengthening the links between mainstream and special schools to support the inclusion of pupils with SEN.

Department for Education and Skills (2002) *Guidance for Restrictive Physical Interventions: How to provide safe services for people with Learning Disabilities and Autistic Spectrum Disorders*.

DfES/DoH

Department for Education and Skills (2001) *SEN Code of Practice*. DfES

Department for Education and Skills (2001) *SEN Toolkit*. DfES.

All the above DfES publications available from DfES publications centre, tel: 0845 60 222 60, fax: 0845 60 333 60 and email: dfes@prolog.uk.com

DfES web-site: www.dfes.gov.uk

Department for Education and Skills Inclusion website: <http://inclusion.ngfl.gov.uk>. Free catalogue of resources for teaching professionals, learners, parents and carers. Resources include publications, software, hardware, guidance and links to aid independent living and learning.

Department of Education, Training and Employment, South Australia (2000) *Fair and Reasonable: Disability Discrimination Act Implementation Kit*.

Pack developed to provide 'a self-paced learning kit for leaders of education sites'

Available from Curriculum Corporation, PO Box 77, Carlton South, Victoria 3053, South Australia

Disability Equality in Education(2002) 3 Disability Equality & Inclusion Course Books;- *Early Years, Schools and Further and Continuing Education*. Disability Equality in Education, Unit GL, Leroy House, 436 Essex Road, London N1 3QP e-mail info@diseed.org.uk website www.diseed.org.uk

Employers' Forum on Disability (2002) *Customer Access: Policy, Technical Aids and Buildings - the Triple Audit*

From: Nutmeg House, 60 Gainsford Street, London. SE1 2NY

e-mail: efd@employers-forum.co.uk or website: www.employers-forum.co.uk

English Heritage (1995) *Easy acces to Historic Properties*. English Heritage.

Guidance on adapting and altering Listed Buildings

Farrell, P, Balshaw, M and Polat, F (1999) *The management role and training of learning support assistants*. Research Report RR161, Department for Education and Employment.

Argues that LSAs should be given time to share the planning of lessons and to report afterwards.

Flavey, M, Forest, M, Pearpoint, J, and Rosenberg, R, (1997) *All My Life's a Circle – Using the Tools: Circles, MAPS & PATH*. Toronto: Inclusion Press.

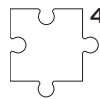
Tools to make inclusion work. www.inclusion.com

Franklin, A, Keil, S, Crofts, K and Cole-Hamilton, I (2001) *The educational experiences of 5-16 year old blind and partially-sighted children and young people*. Royal National Institute for the Blind. Examines the experiences of 93% of blind and partially-sighted children attending mainstream schools.

Gordon, M and Williams, A (2002) *SEN and Disability in Mainstream Schools: A Governors' Guide* The National Association for Special Educational Needs

Gray, P, Miller, A and Noakes, N (1994) *Challenging Behaviour in Schools* Routledge

Examines teacher support, practical techniques and policy development



Hesmondhalgh, M and Breakey, C (2001) *Let me in: Access and inclusion for children with autistic spectrum disorders*. Jessica Kingsley.

Explores issues of access and inclusion in education and employment for children and young people with autism spectrum disorders.

Jordan, R and Jones, G (1999) *Meeting the needs of children with autistic spectrum disorders*. David Fulton.

Guide for teachers in mainstream settings.

Jupp, K (1992) *Everyone Belongs*. Souvenir Press.

Makes the case for all children to attend their local mainstream school.

Kent County Council Education and Libraries Video (2000) *All Together Better: Good Practice from Kent Schools*. Available from jean.york@kent.gov.uk

The video promotes discussion about current inclusive practices in Kent schools.

Leicester City Council and Leicestershire County Council (1998) *Asperger syndrome: practical strategies for the classroom: a teacher's guide*. National Autistic Society.

Outlines nature of impairments in Asperger syndrome, how these may give rise to problems in school. Practical management suggestions.

Mason, M and Rieser, R (1995) *Altogether Better: From 'Special Needs' to Equality in Education*. London: Charity Projects.

Pack containing booklet and video. Explains the case for educating disabled children in mainstream schools.

Mason, M (2000) *Incurably Human*. London: Working Press.

Essay on the development of inclusion. Draws on the insights of the author as a disabled parent of a disabled child.

Mencap (1999) *On a wing and a prayer: Inclusion and children with severe learning difficulties*. Mencap. information@mencap.org

Mencap (2001) *Don't Count Me Out: The exclusion of children with a learning disability from education because of health needs*. Mencap.

Mittler, P (2000), *Working towards Inclusive Education* David Fulton Publishers.

Provides a comprehensive overview of inclusion in early years and schools setting, including international perspectives.

Mortimer, H (2000) *The Music Makers Approach: Inclusive activities for young children with special educational needs* National Association for Special Educational Needs

Murray, P and Penman, J (2001) *Telling Our Stories: Reflections on Family Life in a disabling world*. Sheffield: Parents with Attitude

Families with disabled children tell their own stories.

The National Association for Special Educational Needs (2002) *Inclusion* Policy document setting out principles and responsibilities

Details of other policy documents (e.g. Learning Support Assistants, Partnership with Parents) and

publications available on NASEN's website: <http://www.nasen.org.uk> or phone: 01827 313005

The National Deaf Children's Society (2001) *Deaf Friendly Schools – A Guide for teachers and governors*. NDCS

Booklet on promoting the better inclusion of deaf children in school. www.ndcs.org.uk First four copies are available free of charge from NDCS Helpline, tel: 0808 800 8880

National Association of Special Educational Needs and Association for Science Education (2002) *Inclusive Science and Special Educational Needs Web page*. Joint website of the NASEN and ASE. [Http://issen.org.uk](http://issen.org.uk)

National Union of Teachers (2002) *Finding Your Way Round: an NUT guide to the SEN and Disability Act*. NUT at www.teachers.org.uk.

National Union of Teachers (2002) *The SEN Code of Practice: an NUT Guide*. NUT at www.teachers.org.uk.

National Union of Teachers (2002) *Making Reasonable adjustments for Disabled Teachers*. NUT at www.teachers.org.uk.

Parents for Inclusion (2000) *Including All Children*. Parents for Inclusion.

Tel: 020 7735 7735 or www.parentsforinclusion.org.uk

17 minute video showing inclusive schools and the views of parents, teachers and children.

Parents for Inclusion (2001) *Dreaming the Dream, Inclusion and Social Justice :The voice of Young Disabled People, Disabled Adults, Parents and Allies working together to change Lambeth*. Parents for Inclusion.

Tel: 020 7735 7735 or www.parentsforinclusion.org.uk

Office for Standards in Education (2000) *Evaluating Educational Inclusion*. Ofsted

Ref No. HMI 235. Available from www.ofsted.gov.uk Tel: 020 7421 6800

Porte, J and Ashdown, R (2002) *Pupils with Complex Learning Difficulties: Promoting learning using visual materials and methods*. The National Association for Special Educational Needs

Rieser, R and Mason, M (1992) *Disability Equality In the Classroom - A Human Rights Issue*. Disability Equality in Education.

Handbook for teachers. Includes thinking of disabled people about history, inclusion, current issues, language, images, and culture.

Available from www.diseed.org.uk

Royal National Institute for Deaf People (2000) *Guidelines for mainstream teachers with deaf pupils in their class*. RNID.

Materials for mainstream teachers with little or no experience of working with deaf pupils.

Royal National Institute for Deaf People (2000) *Effective inclusion of deaf pupils in mainstream schools*. RNID.

Practical suggestions and guidance to support effective inclusion in a range of mainstream settings.



Royal National Institute for Deaf People (2001) *Promoting access to the curriculum for deaf pupils*. RNID.

Examines the diversity of deaf pupils, their curriculum and teaching and learning needs.

Royal National Institute for Deaf People (2001) *Promoting numeracy in deaf pupils*. RNID.

Examines the areas of mathematical information to which deaf children need access and how it should be taught.

Royal National Institute for Deaf People (2001) *Promoting literacy in deaf pupils*. RNID.

Identifies areas of difficulty in developing reading and writing for deaf pupils and highlights appropriate strategies. All above available from RNID www.rnid.org.uk

Sebba, J and Sachdev, D (1997) *What works in Inclusive Education*. Barnardos. Tel: 090 204 6438, www.barnados.co.uk

Shaw, L (2001) *Learning Supporters and Inclusion: roles, rewards, concerns and challenges*. Also *Learning Supporters and inclusion next steps forwards*. Report of Conferences of 450 LSA's Centre for Studies on Inclusive Education. www.inclusion.org.uk

Teacher Training Agency (1999) *The National SEN Specialist Standards*. TTA.

TTA publications, tel: 0845 606 0323, www.teach-tta.gov.uk Also now available on CD-ROM.

Thomas, G, Walker, D, and Webb, J (1998) *The Making of The Inclusive School*. Routledge.

Summary of research on inclusion followed by an evaluation of the Somerset Inclusion Project.

Thomas, G and Webb J (1997) *From Exclusion to Inclusion: Promoting Education for All*. Barnardos. Barnardos, tel: 090 204 6438, www.barnados.co.uk

Young, S (2002) *Solutions to Bullying* The National Association for Special Educational Needs

Gives practical strategies and solutions for reducing the incidence of bullying and taking effective action when it does occur.

4.3 Useful Organisations

AFASIC: 50-52 Great Sutton Street, London EC1V 0DJ; Tel: 020 7490 9411; Fax: 020 7251 2834; e-mail: info@afasic.org.uk website: www.afasic.org.uk

Alliance for Inclusive Education: Unit 2, 70 South Lambeth Road, London SW8 1RL
Tel: 020 7735 5277 Fax: 020 7735 3828 e-mail: Allfie@btinternet.com website www.allfie.org.uk

Association for Spina Bifida and Hydrocephalus: Asbah House, 42 Park Road, Peterborough PE1 2UQ; Tel: 01733 555988; website: www.asbah.org

Association of Teachers and Lecturers: 7 Northumberland Street; London WC2N 5DA;
Tel: 020 7930 6441

Barnardo's: Tanners Lane; Barkingside; Ilford; Essex IG6 1QG; Tel: 020 8550 8822; website: www.barnardos.org.uk

British Council of Disabled People: Litchurch Plaza, Litchurch Lane, Derby DE24 8AA
Tel: 01332 295551 Fax: 01332 295580 website www.bcodp.org.uk

British Deaf Association: 1-3 Worship Street; London EC2A 2AB; Tel: 020 7588 3520; website: www.britishdeafassociation.org.uk

British Diabetic Association UK: 10 Parkway; Camden; NW1 7AA; Tel: 020 7424 1000;
Fax: 020 7424 1001; e-mail: info@diabities.org.uk website: www.diabities.org.uk

British Dyslexia Society: 98 London Road; Reading; RG1 5AU; Tel: 0118 966 8271;
Fax: 0118 935 1927; website: www.bda/dyslexia.org.uk/

British Epilepsy Association: New Anstey House; Gate Way Drive; Yeadon; Leeds LS19 7XY;
Tel: 01132 108800; Helpline: 0808 8005050; website: www.epilepsy.org.uk

Brittle Bone Society: 30 Guthrie Street; Dundee; DD1 5BS; Tel: 01328 204446;
e-mail: bbs@brittlebone.org.uk website: www.brittlebone.org.uk

Centre for Accessible Environments: Nutmeg House; 60 Gainford Street; London SE1 2NY;
Tel: 020 7357 8182; Fax: 7357 8183; e-mail: info@cae.org.uk website: www.cae.org.uk

Centre for Studies on Inclusive Education: Room 2S203, S Block, Frenchay Campus, Cold Harbour Lane Bristol BS16 1QU; Tel: 0117 344 4007; Fax 0117 344 4005; website: www.inclusion.org.uk

Council for Disabled Children: National Children's Bureau; 8 Wakley Street; London; EC1V 7QE;
Tel: 020 7843 6000; Fax: 020 7278 9512; website: www.ncb.org.uk

Cystic Fibrosis Trust: 11 London Road; Bromley; Kent BR1 1BY; Tel: 020 8464 7211;
website: www.cftrust.org.uk

Disability Equality in Education: Unit GL; Leroy House; 436 Essex Road; London N1 3QP; Tel: 020 7359 2855; e-mail: info@diseed.org.uk website: www.diseed.org.uk

Disability Living Foundation: 380-384 Harrow Road; London W9 2HU; Tel: 020 7289 6111; Fax: 020 7266 2922; Helpline: 0845 130 9177 (This advice line is open from Mon-Fri; 10am – 4pm); e-mail: info@dlf.org.uk website: www.dlf.org.uk

Disability Rights Commission: DRC Helpline, Freepost, MID 02164, Stratford-Upon-Avon, Warwickshire. CV37 9BR; Tel: 08457 622 633; Fax: 08457 778 878; e-mail: enquiry@drc-gb.org website: www.drc-gb.org

Down's Syndrome Association: 155 Mitcham Road; London SW17 9PG; Tel: 020 8682 4001; e-mail: info@downs-syndrome.org.uk website: www.downs-syndrome.org.uk



Dyslexia Institute: 133 Gresham Road; Staines; Middlesex. TW18 2AJ; Tel: 01784 463851; website: www.dyslexia-inst.org.uk

Dyspraxia Foundation: 8 West Alley; Hitchin; Hertfordshire SG5 1EG; Tel: 01462 454986; website: www.dyspraxiafoundation.org.uk

Employers' Forum on Disability: Nutmeg House, 60 Gainsford Street, London SE1 2NY; e-mail: efd@employers-forum.co.uk or website: www.employers-forum.co.uk

Haemophilia Society: Chesterfield House; 385 Euston Road; London NW1 3AU; Tel: 020 7380 0600; Fax: 020 7387 8220; e-mail: infor@haemophilia.org.uk website: www.haemophilia.org.uk

Headway National Head Injuries Association: 4 King Edward Court; King Edward Street; Nottingham NG1 1EW; Tel: 01159 240 800; Fax: 0115 958 446; e-mail: enquiries@headway.org.uk website: www.headway.org.uk

ICAN: 4 Dyer's Buildings; Holborn; London; EC1N 2JP; Tel: 0870 010 4066; Fax: 0870 010 4067; e-mail: ican@ican.org.uk website: www.ican.org.uk

Independent Schools Council: Grosvenor Gardens House; 35-37 Grosvenor Gardens; London; SW1W 0BS; Tel: 020 7798 1500; e-mail: info@iscis.uk.net website: www.iscis.uk.net

JMU Access Partnership: 105 Judd Street; London; WC1H 9NE; Tel 020 7391 2002; Fax: 020 7387 7109; e-mail jmu@rnib.org.uk website: www.jmuaccess.org.uk

Kidsactive: Pryor's Bank; Bishop's Park; London SW6 3LA; Tel: 020 7736 4443; Fax: 020 7731 4426; email: office@kidsactive.org.uk website: www.kidsactive.org.uk

LOOK: c/o Queen Alexander College; 49 Court Oak Road; Harborne; Birmingham B17 9TG; Tel: 01214 285 038; Fax: 0121 427 9800; e-mail: office@look-uk.org website: www.look-uk.org

MENCAP: 117 - 123 Golden Lane; London; EC1Y 0RT; Tel: 020 7454 0454; Fax: 020 7696 5540; e-mail: information@mencap.org.uk website: www.mencap.org.uk

Motability: Goodman House; Station Approach; Harlow; CM20 2ET; Tel: 01279 635666; website: www.motability.co.uk

National Association for Special Educational Needs (NASEN): 4/5 Amber Business Village; Amber Close; Amington; Tamworth; Staffs; B77 4RP; Tel: 01827 311500; Fax: 01827 313 005; e-mail: welcome@nasen.org.uk website: www.nasen.org.uk

National Association of Head Teachers: 1 Heath Square; Boltro road; Haywards Heath; West Sussex; RH16 1BL; Tel: 01444 472 472

National Association of Parent partnership Services (napps): c/o Parent Partnerships Service; Conciliation and Appeals Unit; Children, Schools and Families; County Hall; Hertford. SG13 8DF; Tel: 01992 555 922 e-mail: parent.partnership@hertsc.gov.uk

National Asthma Campaign: Providence House; Providence Place; London N1 0NT; Tel: 020 7226 2260; Helpline: 08457 010203; website: www.asthma.org.uk

National Autistic Society: 393 City Road; London EC1V 1NG; Tel: 020 7833 2299; Fax: 020 7833 9666; e-mail: nas@nas.org.uk website: www.nas.org.uk

NASUWT: Education Centre; Rose Hill; Rednal; Birmingham; B45 8RS; Tel: 0121 453 6150

National Blind Children's Society: Bradbury House; Market Street; Highbridge; Somerset TA9 3BW; Tel: 01278 764764; Fax: 01278 764790; e-mail: businessenquiries@nbcs.org.uk website: www.nbcs.org.uk

National Deaf Children's Society: 15 Dufferin Street; London EC1Y 8UR; Tel: 0808 800 8880; Fax: 020 7251 5020; e-mail: helpline@nbcs.org.uk website: www.ndcs.org.uk

National Eczema Society: Hill House; Highgate Hill; London N19 5NA; Tel: 08702 413604;
Tel: 020 7281 3553; Fax: 020 7281 6395; website: www.eczema.org

National Federation of the Blind of the UK: Sir John Wilson House; 215 Kirkgate; Wakefield;
West Yorkshire WF1 1JG; Tel: 01924 291313; Fax: 01924 200 244; e-mail: nfbuk@globalnet.co.uk
website: www.users.globalnet.co.uk/~nfbuk

National Parent Partnership Network: 8, Wakley Street, London EC1V 7QE; Tel: 020 7843 6000;
Fax: 020 7843 6313; website: www.parentpartnership.org.uk

National Register of Access Consultants: Nutmeg House; 60 Gainford Street; London. SE1 2NY;
Tel: 020 7234 0434; Fax: 020 7357 8183; website: www.nrac.org.uk

National Society for Epilepsy: Chesham Lane; Chalfont St Peter; Buckinghamshire SL9 0RJ; Tel:
01494 601300; Fax: 01494 871 927; Helpline: 01494 601 400; website: www.epilepsynse.org.uk

National Union of Teachers: Hamilton House; Mabledon Place; London; WC1H 9BD;
Tel: 020 7388 6191 website www.teachers.org.uk

Parents for Inclusion: Unit 2 ,70, South Lambeth Road, London SW8 1RL Tel 0207735 7735
Fax:020 7735 3828 e-mail info@parentsforinclusion.org website www.parentsforinclusion.org

Physically Disabled and Able Bodied (PHAB LTD): Summit House; Wandle Road; Croydon CR0 1DF;
Tel: 020 8667 9443; Fax: 020 8681 1399; e-mail: info@phabenglan.org.uk website:
www.phabengland.org.uk

Pre-school Learning Alliance: 69 Kings Cross Road; London WC1X 9LL; Tel: 020 7833 0991;
Fax: 020 7837 4942; e-mail: pla@pre-school.org.uk website: www.pre-school.org.uk

Professional Association of Teachers: 2 St James' Court; Friar Gate; Derby; DE1 1BT;
Tel: 01332 372 337

RADAR: 12 City Forum; 250 City Road; London; EC1V 8AF; Tel: 020 7250 3222;
Fax: 020 7250 0212; e-mail: radar@radar.org.uk website: www.radar.org.uk

Royal National Institute for Deaf People (RNID): 19-23 Featherstone Street; London; EC1Y 8SL;
Tel: 020 7296 8000; Fax: 020 7296 8199; e-mail: informationline@rnid.org.uk website:
www.rnid.org.uk

Royal National Institute of the Blind (RNIB): 105 Judd Street, London WC1H 9NE;
Tel: 020 7388 1266; Fax: 020 7388 2034; website: www.rnib.org.uk

SCOPE: 6 Market Road; London N7 9PW; Tel: 020 7619 7100; Fax: 020 7619 7399; Helpline: 0808
800 3333 (9am to 9pm weekdays) (2pm to 6pm weekends); website: www.scope.org.co.uk/

Secondary Heads Association: 130 Regents Street; Leicester; LE1 7PG; Tel: 0116 299 1122

Sense: 11-13 Clifton Terrace; London; N4 3SR; Tel: 020 7272 7774; Fax: 020 7272 6012; e-mail:
enquiries@sense.org.uk website: www.sense.org.uk

Sickle Cell Society: 54 Station Road; London NW10 4UA; Tel: 020 8961 7795; Fax: 020 8961 8346;
e-mail: sicklecellsoc@btinternet.com website: www.sicklecellsociety.org

Society of Education Officers: Manchester House; 84-86 Princess Street; Manchester; M1 6NG.
Tel: 0161 275 8801

Young Minds: 102-108 Clerkenwell Road; London; EC1M 5SA; Tel: 020 7336 8445;
Fax: 020 7336 8446; e-mail: enquiries@youngminds.org.uk website: www.youngminds.org.uk

***Making It Work** Removing Disability Discrimination*

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A project of the Council for Disabled Children and Disability Equality in Education in partnership with AFASIC, Royal National Institute for the Deaf, Centre for Studies on Inclusive Education, MENCAP, National Association for Special Educational Needs and others including: Alliance for Inclusive Education, Association of Teachers and Lecturers, National Deaf Children's Society, National Governors Council, National Union of Teachers, National Association of Headteachers, Parents for Inclusion. Supported by the Department of Education and Skills and Disability Rights Commission.



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