

Planning improvements for disabled pupils' access to education

Guidance for education authorities, independent and grant-aided schools

Consultation

December 2013

Learning Directorate

Support and Wellbeing Unit

T: 0131-244 0444

E: laura.meikle@scotland.gsi.gov.uk

By email



20 December 2013

Dear Consultee

Consultation on guidance on Accessibility Strategies under the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002

I am inviting you to respond to a consultation paper seeking comments on revised guidance to support responsible bodies; education authorities, independent and grant-aided schools, in developing and maintaining Accessibility Strategies in line with their responsibilities under the Act.

What is being consulted on?

The Scottish Government has reviewed and refreshed the guidance to support responsible bodies in fulfilling their duties to develop and publish Accessibility Strategies. This has been undertaken to reflect the policy and legislative changes which have taken place since the development of the original legislation and guidance, published in 2002. The consultation seeks views on all aspects of the guidance. However, this paper also includes specific questions which it would be helpful if you would consider.

This consultation paper, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at www.scotland.gov.uk/consultations.

Responses are required by **28 March 2014**. The consultation questionnaire is provided at page 4. Please send your response with the completed Respondent Information Form below (see “Handling your Response” below):

AccessibilityStrategiesConsultation@scotland.gsi.gov.uk

If you have any queries please contact Laura Meikle at Laura Meikle, Support and Wellbeing Unit, Area 2-C (South), Scottish Government, Victoria Quay, Leith, EH6 6QQ Laura.Meikle@scotland.gsi.gov.uk

General information about the Scottish Government consultation process can be found at Annex A of the document.

We would be grateful if you would submit electronic responses, using the consultation questionnaire provided at page 7 of the consultation paper, as this will aid our analysis of the responses received.

The Scottish Government now has an email alert system for consultations ([SEconsult](http://www.scotland.gov.uk/consultations/seconsult.aspx): <http://www.scotland.gov.uk/consultations/seconsult.aspx>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces, Scottish Government distribution lists and is designed to allow stakeholders to keep up to date with all Scottish Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

A list of organisations that are being consulted is attached at **Annex B** of the consultation paper. Please feel free to alert any organisations or individuals that we have omitted, that you think should be consulted.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** see page 4 as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002, and would therefore have to consider any request made to it under

the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public and after we have screened them for defamatory material, responses will be made available to the public in the Scottish Government Library (see the Respondent Information Form), by 4 April 2014. You can make arrangements to view responses by contacting the Scottish Government Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the secondary legislation and commencement date. We aim to issue a report on this consultation process by the end of April 2014.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Laura Meikle, Support and Wellbeing, Area 2-C (South), Scottish Government, Victoria Quay, Leith, EH6 6QQ
E-mail: laura.meikle@scotland.gsi.gov.uk

Yours sincerely

Colin Spivey

RESPONDENT INFORMATION FORM

Please Note this form must be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*



Surname

Forename

2. Postal Address

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| Postcode | Phone | Email |
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| | Individual | Group/Organisation | |
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| | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Please tick as appropriate | | |
| |  |  | |
| (a) | Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)? Please tick as appropriate <input type="checkbox"/> Yes <input type="checkbox"/> No | (c) The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government web site). | |

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes:

Yes, make my response, name and address all available

Yes, make my response available, but not my name and address

Yes, make my response and name available, but not my address

Are you content for your response to be made available?

Please tick as appropriate

Yes **No**

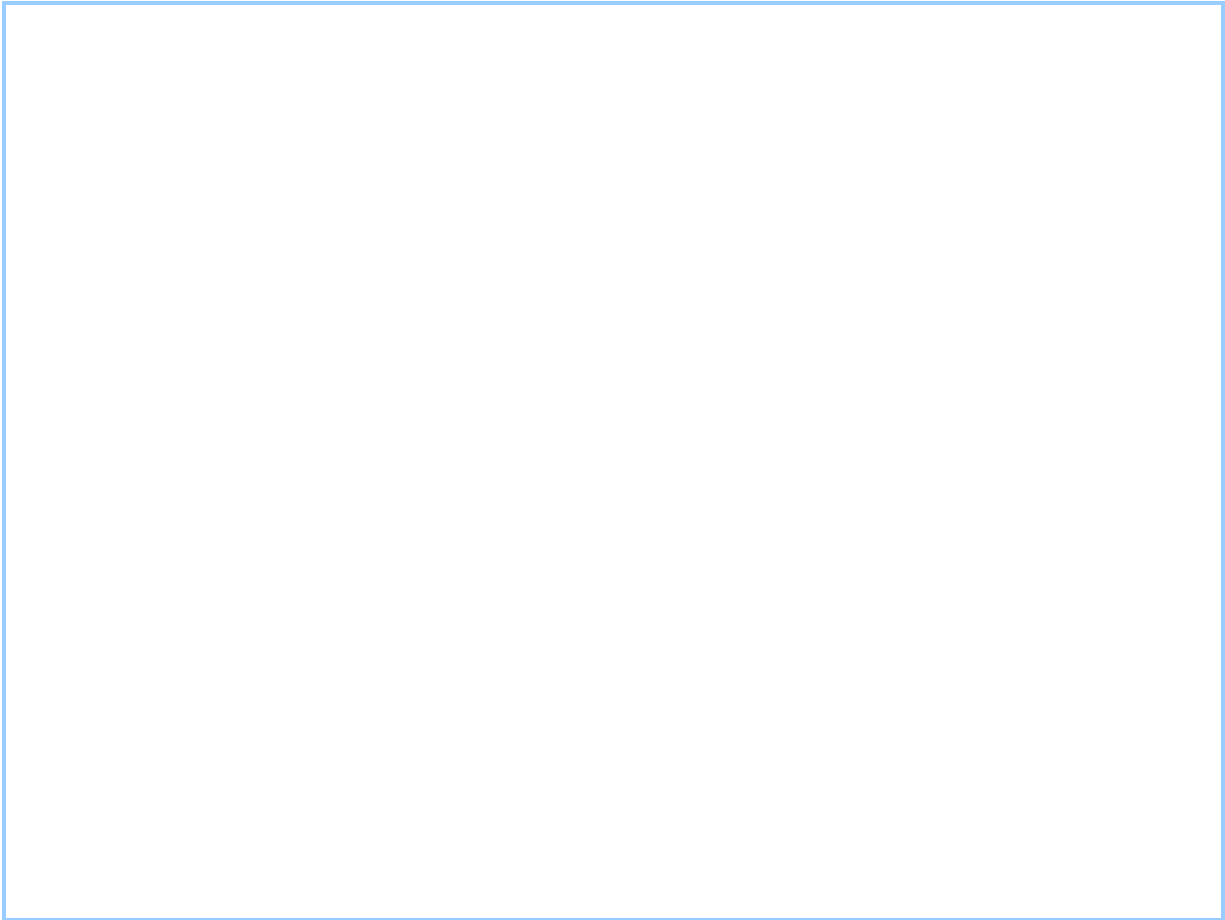
(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

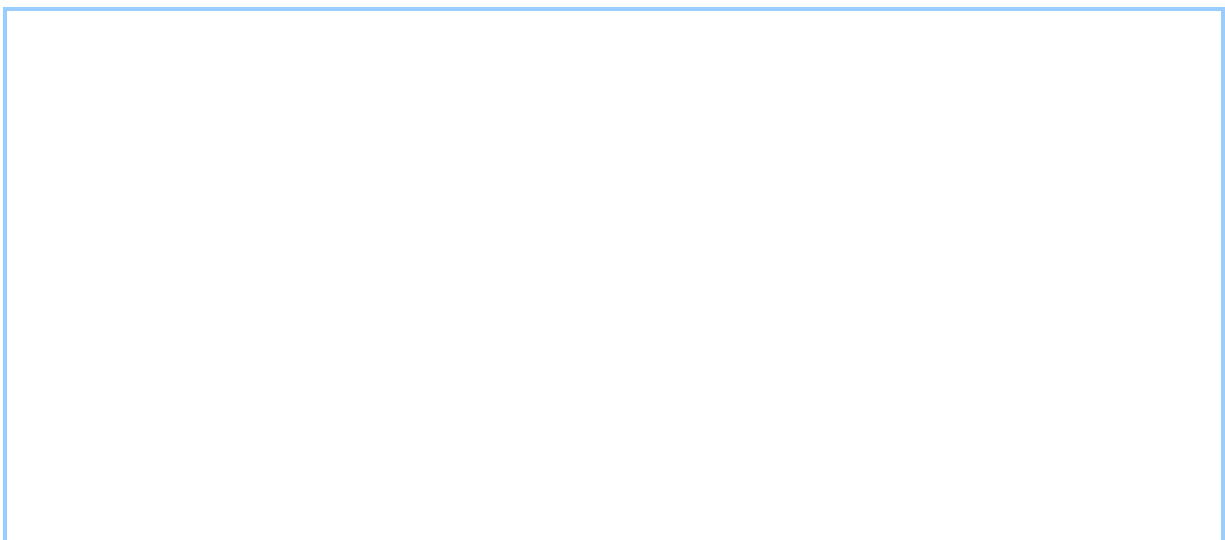
Yes **No**

CONSULTATION QUESTIONS

1. Is the draft guidance clear and does it contain enough detail?



2. Is the structure of the guidance appropriate?



3. Are there any areas which you feel need clarification? (please include chapter and paragraph number where possible).

4. Is there information missing? Or is the guidance comprehensive enough?

5. Any other comments?

Planning improvements for disabled pupils' access to education

Guidance for education authorities, independent and grant-aided schools

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Foreword

This guidance replaces earlier guidance entitled 'Planning to Improve Access to Education for Pupils with Disabilities' issued by the Scottish Executive in 2002. The purpose of this earlier guidance was to provide advice to education authorities and schools about how they could meet their then new duties to improve access to education for disabled pupils. These planning duties came into force in 2002 with the commencement of the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 (the Act).

This guidance updates that earlier guidance. It considers the provisions of the Act in the light of legislative and policy developments since 2002.

Through Curriculum for Excellence this government is committed to ensuring that all children and young people are included fully in their learning. That means making sure that those at risk of being marginalised in education are as fully engaged in their learning as they can be.

Disabled learners face particular barriers to learning. However, these barriers are not an inevitable result of their difficulties or medical conditions. The most significant disadvantages these learners experience often stem from attitudinal and environmental factors. These are factors which can be changed.

This guidance considers the particular provisions of the Act. It describes the requirements the Act places on education authorities and schools to work to improve the education of disabled learners and to help ensure that they are properly included in, and able to benefit fully from, their school education.

Acknowledgements

The Scottish Government wishes to extend thanks to all those who have contributed to the development of this guidance. In particular, to CALL Scotland who have contributed significantly to its development.

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Chapter 1: The meaning of disability

1. The Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 (the Act) is concerned with the school education of pupils who are disabled and the education of children under school age, outwith schools. This chapter describes the meaning of disability as referred to in the Act and in the Equality Act 2010. It also explains the purpose of this guidance and summarises background legislation relevant to the Act. The Act, itself, is considered in chapter 2.

Terminology

2. The Act uses the term 'pupils with a disability'. However, except when quoting from the legislation, the text in this guidance will refer to 'disabled pupils' or 'disabled learners', or their equivalent, as meaning 'pupils with a disability'. This usage is the same as that employed by the Equality and Human Rights Commission (EHRC). The reason EHRC uses the term 'disabled people', rather than 'people with a disability', is that it supports what is known as 'the social model of disability'. In this model disability is seen as resulting from the interaction between people and their environments rather than as being solely the property of the individual which the term 'pupils with a disability' implies.
3. Using the term 'disabled pupils' or 'disabled learners' acknowledges that people do have medical conditions, impairments and difficulties but stresses that society can do much to lessen their impact.
4. A pupil is a child or young person of any age for whom education is or is required to be provided. A pupil includes a child who is under school age and is provided with school education at a place other than a school. Provision can be made by a pre-school, primary, secondary or special school or independent or grant-aided school.

The meaning of disability

A person (P) has a disability¹ if-

- (a) P has a physical or mental impairment, and
- (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

5. Disability was defined originally by the Disability Discrimination Act, 1995, which has been repealed and replaced by the Equality Act, 2010². The Equality Act harmonises discrimination law by providing a legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.
6. The Explanatory Notes which accompany the Equality Act³ provide assistance in understanding the legislation although they are not themselves part of the Equality Act.
7. The main sources of legislation relating to disability are thus the Equality Act and, in the case of schools in Scotland, the Act, as discussed in detail below.

Disability

8. The definition of disability covers physical impairments, which include sensory impairments. It also covers mental impairments which include learning difficulties and an impairment resulting from a mental illness. In the latter case the mental illness need not be 'clinically well-recognised'⁴ but it must still have substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. Each of cancer, HIV infection and multiple sclerosis is a disability as is severe disfigurement (Equality Act, Schedule 1, paragraphs 3 and 6).

¹ Equality Act 2010 (Part 2, Chapter 1, section 6(1))

² http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1

³ <http://www.legislation.gov.uk/ukpga/2010/15/notes/contents?type=en>

⁴ The requirement for mental illness to be 'clinically well-recognised' was removed from the Disability Discrimination Act 2005, section 18(2) which has been superseded by the Equality Act 2010

9. Disability also covers those with a progressive condition, such as muscular dystrophy, which leads to a person having an impairment which will in the future have a substantial adverse effect on the person's ability to carry out normal day-to-day activities (Equality Act, Schedule 1, paragraph 8).
10. The definition of disability can include what may be termed hidden disabilities such as dyslexia, autism spectrum disorder (ASD) and speech and language impairments.
11. The effect of the impairment must be substantial and have an adverse affect; that is, more than minor or trivial as having an impairment does not necessarily mean that a person is disabled by it. For example, a child may have asthma or diabetes but the condition may not be severe enough to have a substantial impact on the child's ability to carry out everyday activities. In that case the child would not be disabled.
12. An impairment is to be treated as having a substantial adverse effect on the ability of the person concerned if measures are taken to correct it and, but for these measures, the impairment would be likely to have that effect. For example, a person with a significant hearing loss may be able to hear reasonably well with hearing aids but without them would have little functional hearing. That person would be disabled. However, a person with poor eyesight which is corrected by spectacles or contact lenses is not deemed to be disabled on account of the eyesight impairment (Equality Act, Schedule 1, paragraph 5).

Long-term effects

13. The meaning of 'long term effects' is covered in Schedule 1 of the Equality Act⁵.

Long-term effects

- 2 (1) The effect of an impairment is long-term if –
 - (a) it has lasted for at least 12 months,
 - (b) it is likely to last for at least 12 months, or
 - (c) it is likely to last for the rest of the life of the person affected.

⁵ Equality Act 2010 (Schedule 1, Part 1, paragraph 2)

Purpose of guidance

14. This guidance⁶ provides advice to responsible bodies on how they meet their duties under the Act and, in particular, on:
 - the content of their accessibility strategy;
 - the form in which it is to be produced; and
 - the people to be consulted in its preparation.
15. For the public sector in Scotland, the responsible body is the local authority, referred to in the Act as the 'education authority'. However, for the purpose of preparing and implementing their accessibility strategies, education authorities should note that they will require to co-operate with other agencies such as social work services, NHS Boards, youth services and third sector organisations in their area. It is also important to consult with pupils (and not just disabled pupils), parents/carers and education staff.
16. The responsible body for independent schools is the proprietor. The responsible body for grant-aided schools is the manager of the school.
17. This guidance updates and replaces guidance published by the Scottish Executive in 2002 Planning to Improve Access to Education for Pupils with Disabilities: Guidance on Preparing Accessibility Strategies.⁷

Overview of education legislation

18. It is not feasible in this guidance to provide a detailed account of all legislation relating to school education and disability. A summary of particularly relevant legislation is provided below but reference should be made to that original legislation and any accompanying advice where more detail is required.

The Standards in Scotland's Schools etc. Act 2000

19. The Standards in Scotland's Schools etc. Act gives children a right to a school education provided by an education authority, which is 'directed to the development of the personality, talents and mental

⁶ This guidance does not cover section 4 of the 2002 Act which refers to the keeping, transferring and disclosure of educational records. Section 4 does not cover matters relating to accessibility strategies.

⁷ <http://www.scotland.gov.uk/Publications/2002/09/15494/11272>

and physical abilities of the child or young person to their fullest potential.⁸ It includes a presumption in favour of providing mainstream education for all children⁹ except where education in a school other than a special school would:

- not be suited to the ability or aptitude of the child;
 - be incompatible with the provision of efficient education for the children with whom the child would be educated; or
 - result in unreasonable public expenditure being incurred which would not ordinarily be incurred.
20. It will always be necessary to tailor provision to the needs of the individual child and it is recognised there is a need to make available a range of mainstream and specialist provision, including special schools, to ensure the needs of all pupils and young people are addressed.
21. The Act also places education authorities under duties to provide education elsewhere than at a school where a pupil is unable to attend school due to ill health, and to make provision where a pupil is excluded from school.

The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) (the ASL Act)

22. The ASL Act provides a framework for identifying and addressing the additional support needs of children and young people who face a barrier, or barriers, to learning; children and young people have additional support needs when they require additional support in order to benefit from school education. Young people are those over school age but who have not yet attained the age of eighteen.
23. The ASL Act¹⁰ places duties on education authorities, requires certain other agencies to provide help where this is requested, and provides parents and young people with certain rights.
24. Not all children with additional support needs will be disabled and, conversely, not all disabled children will necessarily require additional support to enable them to benefit from education.

⁸ Section 2(1) of the Standards in Scotland's Schools etc. Act 2000

⁹ Section 15 of the Standards in Scotland's Schools etc. Act 2000

¹⁰ The ASL Act was amended by the Education (Additional Support for Learning) (Scotland) Act 2009.

Appendix A explores the overlap between disability and additional support needs.

25. However, where a child or young person is disabled and has additional support needs then the full requirements of the ASL Act, and the Equality Act (see below) apply.
26. In particular, the ASL Act requires that education authorities must provide appropriate additional support for certain disabled children under school age (in this case, generally children under 3 years of age) belonging to their area who have been brought to the attention of the authority as having additional support needs arising from their disability.
27. The code of practice¹¹ for the ASL Act, describes its provisions.

The Children and Young People (Scotland) Bill¹²

28. Community Planning Partnerships have been working to implement the Getting it right for every child GIRFEC approach since 2010. Aspects of the policy have now been included in the Children and Young People (Scotland) Bill.
29. Wellbeing is at the heart of the GIRFEC¹³ approach and the Bill defines wellbeing under eight indicators – safe, healthy, achieving, nurtured, active, respected, responsible and included (often shortened to SHANARRI). This provides a common language for practitioners working with children and families.
30. The Bill recognises that practitioners within universal services are key to promoting, supporting and safeguarding the wellbeing of all children. It proposes a duty on health boards and local authorities to make arrangements for every child to have a Named Person. The Named Person is a professional point of contact to support children and families when there is a wellbeing need and to act as a point of contact for other practitioners who may have a concern about a child's wellbeing. This means that a network of support can be developed around the child and family when extra support is needed.

¹¹ <http://www.scotland.gov.uk/Publications/2011/04/04090720/0>

¹² The following paragraphs refer to the Bill as introduced to Parliament. The provisions of the Bill may be subject to change as part of the Parliamentary process of consideration.

¹³ <http://www.scotland.gov.uk/Topics/People/Young-People/gettingitright>

31. A key principle of GIRFEC is that each child, no matter what their needs, who requires support from a single universal service, or from several agencies, will have that support coordinated and recorded in a single child's plan. As part of developing a single planning process, the Bill introduces the concept of the Child's Plan, to be used on a single or multi-agency basis. The child and family will be actively involved in the development and review of the plan.
32. The single planning approach will be used for all children, and will provide a framework for including the Coordinated Support Plan where that is appropriate. The Bill also provides new statutory functions for information sharing in a relevant and proportionate way where that is necessary to promote, support and safeguard a child's wellbeing.
33. The Bill introduces an amendment to the Children (Scotland) Act 1995 that places a requirement on local authorities to consider wellbeing in exercising certain functions. There is also a requirement to assess wellbeing for individual children which will have an impact on practice across children's services and for some adult services.
34. There will also be a requirement to report on outcomes for children in terms of their wellbeing. While the SHANARRI indicators are specific to each child, there are a range of indicators used to measure the impact of service planning and delivery at a school, authority and Community Planning Partnership level.
35. Most aspects of the Bill will have an impact on how education authorities take forward their duties under other pieces of legislation and statutory guidance. The GIRFEC approach should support the aim of improving access to education and outcomes for disabled pupils.
36. The Bill will also place similar duties on the proprietors of independent schools and the managers of grant aided schools.

The Equality Act 2010 (the Equality Act)

37. The Equality Act provides protection from discrimination, harassment and victimisation based on a range of 'protected characteristics'. These protected characteristics are defined in the Equality Act as race, sex, disability, sexual orientation, religion or belief, age, gender reassignment, pregnancy and maternity, and

marriage and civil partnership. The provisions of the Act for schools do not apply in relation to age and marriage and civil partnership.

38. Guidance on the implications of the Equality Act for schools is available from the EHRC¹⁴.
39. The Equality Act sets out the duties in relation to disabled pupils and introduces new duties requiring schools to provide auxiliary aids and services for disabled pupils where reasonable. These could include for example, special equipment, large-print books and support from individuals such as classroom assistants and auxiliaries.
40. Guidance on the duty to provide auxiliary aids and services has also been published by the EHRC¹⁵.
41. Discrimination means, in a particular situation, treating someone with a protected characteristic less favourably than someone would be treated who does not have that characteristic. The treatment must be because of that characteristic. Harassment is unwanted behaviour towards someone with a relevant protected characteristic, which has the purpose or effect of violating the dignity of that person, or creating for them an intimidating, hostile, degrading, humiliating or offensive environment. Victimisation occurs when a person, with or without a protected characteristic, receives less favourable treatment because they have taken action related to the Equality Act, such as making, or helping someone to make, a discrimination claim. Part 2 of Chapter 2 of the Equality Act defines discrimination, harassment and victimisation in more detail.

Direct and indirect discrimination

42. Discrimination can be direct or indirect. **Direct discrimination** of a disabled pupil would be where that disabled pupil is treated less favourably than another because of his or her disability.

Direct discrimination would be where a pupil with HIV or with a severe disfigurement was refused admission to a school on the basis of that characteristic.

¹⁴ <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/#techPSED>

¹⁵

http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/technical_guidance_schools_sotland_final_5.docx

43. However, it is not discrimination to treat a disabled pupil more favourably than one who is not disabled.

For example, a pupil with dyslexia may be given additional time to complete a written examination and that may not be considered discrimination.

44. Direct discrimination can also occur by **association**, for example, when a pupil is treated less favourably because of his or her association with another person who has a protected characteristic (other than pregnancy and maternity). This might occur when a pupil is treated less favourably because her sibling, parent, carer or friend has a protected characteristic, such as disability.
45. Direct discrimination can also occur by **perception**, for example, where a pupil is treated less favourably because it is mistakenly thought that he/she has a protected characteristic. This might occur when a pupil is treated less favourably because he is mistakenly thought to have an HIV infection.
46. Disabled pupils may experience **indirect discrimination** where a particular policy, as applied, disadvantages them (or would if it was applied disadvantage them).

A special school providing for learning disabled pupils has a policy which requires that pupils attending residential trips are fully continent.

The policy has the effect of discriminating against those who are not fully continent and excluding them from residential trips. If the reason for not being full continent was due to a disability this would be indirect discrimination based on disability. It is permissible to indirectly discriminate where such discrimination is objectively justifiable but it is unlikely that the school would be able to justify the action here.

Discrimination arising from a disability

47. Discrimination arising from a disability occurs when a disabled pupil is treated less favourably not because of the disability itself but for a reason related to his/her disability and that treatment cannot be justified.

A pupil with cerebral palsy who is a wheelchair user is told that she will be unable to attend a school trip to a local theatre putting on a play she is currently studying in English, because the building is not wheelchair accessible. The pupil and her parents are aware that the play is also on at a theatre, which is accessible, in a neighbouring city. However, the school does not investigate this option. This is likely to be discrimination arising from a disability.¹⁶

School admissions and exclusions

48. Chapter 1 of Part 6 of the Equality Act relating to school education makes it unlawful for responsible bodies to discriminate against, harass or victimise a school pupil, or prospective school pupil, in relation to school admission. Refusal to admit a disabled pupil, or unreasonable treatment of the pupil once admitted could be considered discrimination if the treatment occurred because of the pupil's disability.
49. The Equality Act makes it unlawful for responsible bodies to discriminate against disabled pupils and prospective pupils in the provision of education and associated services in schools, and in respect of exclusions¹⁷. Appendix B provides some illustrations of the meaning of 'education and associated services'.

Reasonable adjustments

50. In particular, the Equality Act requires education providers:
- not to treat disabled pupils "less favourably"; and
 - to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage. This is known as the reasonable adjustments duty.
51. The reasonable adjustments duty comprises three requirements which apply where a disabled person is placed at a substantial disadvantage in comparison to non-disabled people. These requirements involve¹⁸:

¹⁶ Example from *What equality law means for you as an education provider – schools* (EHRC)

¹⁷ Equality Act, section 85

¹⁸ <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/#techPSED>

- changing a practice (for example, providing a pupil with dyslexia with a note of any homework required rather than requiring him to copy it down);
 - making changes to the built environment (for example, providing access to a building) where it is reasonable to do so; and
 - providing auxiliary aids and services (for example, providing special computer software or support from a classroom assistant).
52. However, the second duty above **does not apply to schools**¹⁹ since changes to the physical environment of schools are covered by the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 and this guidance. Where the first or third requirement above involves the way in which information is provided then a reasonable step includes providing that information in an accessible format.

General Duty

53. The Equality Act also imposes a general duty on public bodies in Scotland²⁰. These public bodies²¹ include Health Boards, education authorities and managers of grant-aided schools. **Proprietors of independent schools are not covered by the general duty.** The duty known as the public sector equality duty requires public bodies to have due regard to three specified matters when exercising their functions regarding certain protected characteristics (see chapter 1 paragraph 37). With regard to disability these three matters are:
- conduct prohibited by the Equality Act, such as unlawful discrimination, harassment and victimisation of disabled people;
 - advancing equality of opportunity between people who are disabled and people who are not disabled; and
 - fostering good relations between people who are disabled and those who are not disabled.
54. Preparing and implementing accessibility strategies can contribute to responsible bodies carrying out their broad duties under the Equality Act.

¹⁹ Equality Act Schedule 13, para 2(2)

²⁰ Equality Act section 149

²¹ The full list of public bodies covered is provided in Schedule 19, Part 3, of the Equality Act 2010.

Additional Support Needs Tribunals for Scotland (ASNTS)

55. Part 3 of Schedule 17 to the Equality Act extends the power of the ASNTS to include all disability claims cases, which covers discrimination, harassment and victimisation, for all Scottish schools. ASNTS has been hearing disability claims cases since March 2011. The reasons for making a claim have not changed.
56. The ASNTS hears cases involving education authorities, independent and grant-aided schools, and also children who may not have additional support needs (and therefore fall outwith the scope of the ASL Act 2004, as amended). Cases heard will be related to the provision of education and associated services, as well as those concerning admissions and exclusions.

Chapter 2: Introduction to the Act

1. This chapter provides an overview of the requirements of the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 (the Act).
2. There is a legal requirement under the Act for education authorities, and those responsible for independent and grant-aided schools (the responsible bodies under the Act) to prepare and implement an accessibility strategy for all the schools for whom they are responsible.²²
3. When preparing their accessibility strategies education authorities are required by the Act to include school education that they provide outwith schools to disabled children who are:
 - under school age; or
 - to those who are of school age and are travelling people.
4. The Act defines travelling people as 'persons of nomadic habit of life, whatever their race or origin'. This therefore may include those receiving education on Gypsy/Traveller sites or from families who are Showmen.

s1(1)

s2

Responsible bodies

5. Responsible bodies are:
 - in relation to schools managed by an education authority, that authority (an "education authority" is a local authority); and
 - in relation to independent and grant-aided schools, the proprietors or the managers, respectively.

s6

Reviewing strategies

6. Strategies should be kept under review and if necessary revised during the period to which they refer. In carrying out a review or revision of their accessibility strategy responsible bodies need to have regard to any guidance on these matters issued by the Scottish Ministers. Responsible bodies have a statutory duty under the Act to implement any strategies that have been prepared.

s1(4)
and
(5)
s3(3)

²² References to the particular parts of the Act explained by the text are inserted into the margin of the guidance. So s1(1) means section 1 , subsection(1) of the Act.

Preparing strategies

7. Responsible bodies are required to consider the need to allocate adequate resources for implementing the strategy. For example, where the strategy has financial implications, perhaps to improve the physical accessibility of school buildings, then these should be costed. Or, where the strategy requires, for example staff to undertake, continuing professional development, the resources required to provide that should be determined. s3(1)
(a)
8. Responsible bodies are required to consult with children, parents and young people as they think necessary when preparing their accessibility strategy. References to young people are to those over school age but who have not yet attained the age of eighteen. Responsible bodies should consult with disabled children and young people and their parents as well as with children and young people who are not disabled and their parents. s3(1)
(b)
9. In preparing an accessibility strategy responsible bodies are obliged to have regard to this guidance in respect of the content of the accessibility strategy, the form in which it is to be produced and the persons to be consulted in its preparation. On this last point while responsible bodies have some discretion regarding whom they consult, as indicated in Chapter 2, paragraph 7 above, they have to have regard to this guidance during the preparation of the accessibility strategy. s3(1)
(c)
and
(2)

Intervals at which strategies must be prepared

10. The first accessibility strategies were required to be prepared by 1 April 2003, as set out in Regulations²³, for a period of up to three years. Thereafter, responsible bodies were required to prepare accessibility strategies by a date not more than three years from the completion of the first strategy. Strategies have to cover a period of three years.
11. For example, a responsible body which prepared its strategy on 1 April 2003 to last for a period of 2 years would then have its second strategy in place from 1 April 2005 to 31 March 2008 with its third strategy commencing on 1 April 2008 and completing on 31 March 2011 and so on.

²³ Education (Disability Strategies) (Scotland) Regulations 2002/391
http://www.legislation.gov.uk/ssi/2002/391/pdfs/ssi_20020391_en.pdf

Making strategies available

12. The first strategies produced by 1 April 2003 were made available to Scottish Ministers and in December 2003 Her Majesty's Inspectorate of Education (HMIE) and the Disability Rights Commission (DRC) published a report evaluating the progress made in preparing strategies and highlighting good practice.²⁴
13. The Scottish Ministers may at any time require responsible bodies to provide them with a copy of their revised accessibility strategy. s3(4)
(b)
14. Responsible bodies are required to make a copy of their accessibility strategy available for inspection at reasonable times of their own choosing. They must also make the strategy available in an alternative form if asked for this. Regulations define²⁵ possible alternative forms to include: s3(5)
 - orally;
 - on audio tape;
 - through sign language or lip speaking; or
 - on video tape (using signing and/or lip speaking);
 - in Braille;
 - in large print;
 - on CD Rom or other means of electronic communication.

Purpose of accessibility strategies

15. Accessibility strategies are considered in detail in Chapter 3 but, in summary, their purpose is, over time (each 3 year period), to: s1(2)
 - increase disabled pupils' participation in the curriculum;
 - improve the physical environment of the school, or schools, to enable better access to education and associated services provided; and

²⁴ <http://www.scotland.gov.uk/Publications/2003/12/18665/30689>

²⁵ Regulation 3 of the Education (Disability Strategies) (Scotland) Regulations 2002/391 http://www.legislation.gov.uk/ssi/2002/391/pdfs/ssi_20020391_en.pdf

- improve communication with disabled pupils. In particular, relating to the provision of information in appropriate alternative formats and taking account of any preferences expressed by them or their parents, that would be provided in writing to pupils who do not have a disability.

16. These are referred to as the three planning duties and are considered in detail in chapter 3. In the case of those who are under school age, or those who are of school age and being educated on Gypsy/Traveller sites, the planning duties above refer to school education, rather than curriculum, in the first planning duty and to place, or places, rather than school, or schools, in the second planning duty.

s2(1)

Chapter 3: The planning duties and main priorities for the accessibility strategy

1. This Chapter provides guidance to responsible bodies on the Act's requirements for increasing access to school education for disabled pupils.

Introduction

2. As noted previously, the accessibility strategy must refer to how the responsible body intends to:
 - increase the extent to which disabled pupils can participate in the curriculum;
 - improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of education and associated services; and
 - improve communication with disabled pupils along with communicating to them information that is provided in writing for pupils who are not disabled, in appropriate alternative formats and taking account of any preferences expressed by them or their parents.
3. Further guidance on aspects covered by the three planning duties above is provided below.
4. It is for responsible bodies, in drafting their strategies, to decide whether or not they wish to include their improvements under separate headings or combined, or in any other way. For example, for local authorities improvements may be detailed in respect of each school that will benefit from them, with a separate heading for authority-wide initiatives.
5. In preparing accessibility strategies, authorities will be required to consider the duties under under the Children and Young People (Scotland) Bill once enacted²⁶, to consider and assess wellbeing, and report on outcomes for children in terms of wellbeing.
6. **Education authorities' strategies** should cover **all** the schools, nurseries and pre-school centres for which they have responsibility. They should also cover the provision of nursery classes in local

²⁶ The Children and Young People (Scotland) Bill is not currently law but it is anticipated that it will be by the time this Guidance is issued.

authority centres, which are not schools, such as community centres, and any education provided by the authority in, for example, portacabins on Gypsy/Traveller sites. Wherever this guidance refers to **schools** this should be interpreted as including nursery schools and classes, local authority nursery classes in non-school centres and any education provided on Gypsy/Traveller sites.

7. Education authorities' duties under the Act regarding children under school age **do not cover** education provided by private and voluntary sector bodies working in partnership with education authorities. In particular, education authorities are **not** required to include these providers in their accessibility strategy. However, in negotiating contracts with these providers education authorities will wish to ensure that these providers are committed to improving access to education for disabled pupils.
8. Responsible bodies, which are also public bodies, should take account of their responsibilities under the general duty of the Equality Act²⁷ to advance equality of opportunity and to make accessible any out-of-school care services provided on school premises. This would apply even though a voluntary or private organisation may be the provider of such a service. In these circumstances the responsible body would be expected to work with the group providing the out-of-school care to ensure that these facilities are accessible to disabled pupils under the Equality Act.

Guidance on the three planning duties to increase access to school education for disabled pupils

Improving access to the curriculum

- (2) An accessibility strategy is a strategy for, over a period prescribed by regulations —
- (a) increasing the extent to which pupils with a disability can participate in the school's curriculum or, as the case may be, the schools' curriculums;
 - (b)
 - (c)

s1(2)(a)

²⁷ Equality Act (2010) Part 11 including Schedules 18 and 19.

9. The Act does not define what is meant by the curriculum. However, through *Curriculum for Excellence*²⁸ the curriculum in Scotland is recognised as the totality of experiences which are planned for children and young people through their education, wherever they are being educated. This totality includes the ethos and life of the school as a community, curriculum areas and subjects, interdisciplinary learning and opportunities for achievement.
10. Disabled pupils have **exactly** the same curriculum entitlements as their non-disabled peers.

Curriculum entitlement

- a curriculum which is **coherent** from 3 to 18
- a **broad general education**, including the experiences and outcomes which are well planned across all the curriculum areas, from early years through to S3
- a **senior phase** of education after S3 which provides opportunity to obtain qualifications as well as to continue to develop the four capacities
- opportunities for developing **skills for learning, skills for life and skills for work** with a continuous focus on **literacy, numeracy and health and wellbeing**
- support to enable them to gain as much as possible from the opportunities which *Curriculum for Excellence* can provide
- support in moving into **positive and sustained destinations** beyond school.

Curriculum for Excellence: building the curriculum 3

11. Many of the barriers to full participation in education may be similar for groups of children and young people and, therefore, it will be useful for the responsible body to take a strategic approach to removing these barriers. For example, an authority may wish to

²⁸ Curriculum for Excellence – Experiences and Outcomes - <http://www.educationscotland.gov.uk/thecurriculum/howisthecurriculumorganised/experiencesandoutcomes/index.asp>

describe in its accessibility strategy how learning support and auxiliary provision could be better distributed across the authority's schools. Or, responsible bodies may wish to establish a policy for the provision of auxiliary aids, such as specialist equipment, for pupils with certain disabilities and to negotiate new contracts, where necessary, for supplying auxiliary aids. Similarly, they could consider implementing a strategy to make curriculum resources, that are currently paper-based (such as textbooks or worksheets), available in electronic formats to assist pupils with print disabilities.

12. Accessibility strategies should include details of how the responsible body intends to help increase the extent to which disabled pupils can fully access the curriculum by securing staff training and considering the use of alternative approaches for teaching and support. Schools should be encouraged to share good practice and collaborate on initiatives with other schools or agencies, such as therapists and other health professionals. When preparing strategies, school staff should be encouraged to inform the planning group preparing the strategy not only about areas for improvement, but also to contribute examples of good practice, where initiatives are working well.
13. For pupils with complex education, health and/or social needs, education authorities should aim to ensure that their accessibility strategies plan for an integrated approach to delivering improved access to the curriculum in line with the ASL Act, and the principles of *Getting it right for every child*. While individual children may have a Child's Plan outlining the targeted interventions to be provided by a range of services, a key principle of GIRFEC is that better early intervention and prevention should enable more children to have their wellbeing needs met in a more inclusive way through universal services.
14. When considering provision for disabled children and young people with significant health needs, professionals, social workers and other stakeholders such as third sector organisations should be involved fully and consulted in the preparation of the strategy. The strategy can also usefully describe arrangements for improving working with health professionals other agencies and the third sector as part of the Getting it right approach.
15. In considering how disabled pupils' access to the curriculum can be improved, responsible bodies should not just look at specific curriculum areas and subjects such as, English, mathematics,

languages, sciences, music and physical education. In line with Curriculum for Excellence and its broader framework for learning and teaching they should also consider aspects of the curriculum as set out in Chapter 3, paragraph 8 above. Planning should include initiatives to:

- overcome any barriers which prevent or make it difficult for disabled children and young people to participate fully in school trips and activities such as school plays, after-school clubs and study support clubs; and
- ensure that the ethos of the school is one which celebrates diversity and encourages inclusion.

Information and Communications Technology

16. Information and Communications Technology (ICT) has an important part to play in ensuring that disabled children and young people maximise their opportunities for accessing the curriculum. As part of their accessibility strategies, responsible bodies should make certain that contracts for any future supply of computers or upgrade of existing stock ensure that the computers (and associated furniture) are accessible or can easily be modified to be accessible to pupils with disabilities. They should also ensure that teaching staff are aware of, and can receive specialist advice on, the use of accessible software and websites which are available.

In reviewing existing contracts and, if necessary, negotiating new ones, a commissioning body should ensure that:

- specialised items of hardware and software, such as an alternative keyboard, mouse or switches can be added easily;
- software needed by pupils with disabilities, such as speech output or screen magnification, can be installed and used;
- the full range of accessibility options within the operating system can be utilised, for example, to slow down mouse speed or keyboard repeat rate, or to enlarge screen fonts or reduce screen clutter, or to access context menus;
- equipment can be placed in accessible locations, for example, so that wheelchair users can reach the keyboard and see the screen;
- access privileges are flexible enough to enable staff to make necessary changes to afford access (for example, to adjust control panels or save individual settings for specific programs)
- personal devices used by disabled pupils for curriculum access can be connected to the school intranet;
- where such changes are required to improve access these do not occur additional cost.

17. As noted the Equality Act includes different forms of disability discrimination – including indirect discrimination and discrimination arising from disability. Responsible bodies can use their accessibility strategies to demonstrate how they will address these forms of discrimination. For example a local authority may identify continuous professional development needs to address the specific requirements introduced by the disability discrimination duties.
18. A number of local authorities are considering transferring responsibility for managing school computer networks to external arm's length organizations or private providers. Some are transferring responsibility to local authority corporate IT personnel.

Responsible bodies will want to ensure that when undertaking ICT planning, provision is made for disabled pupils to access the curriculum through ICT. Accessibility strategies could describe:

- How websites or other curriculum materials in digital form are to be accessed.
 - How assistive technology, possibly made available through auxiliary aids and services, can be used to access the curriculum or school information.
 - Steps to be taken to ensure managed networks / corporate IT structures allow for changes to be made to individual computer operating system without additional costs incurred, thus helping to avoid discrimination arising from disability.
 - How, when conducting regular housekeeping of school or authority network for MP3 or other files, files used by disabled pupils are not deleted.
 - Computer refresh arrangements that will take account of existing assistive technology software and associated files used by a disabled pupil or pupils
19. Appendix D provides a series of questions on communication and assistive technology that responsible bodies may wish to consider for planning purposes and in commissioning and procurement discussions.
20. Local members of ICT Support for Learning in Scotland (ICTSLS)²⁹ can advise on ICT and inclusion as can Education Scotland³⁰. CALL Scotland³¹ can also provide more information on more complex improvements to provide improved access to the curriculum using ICT.

Books for All

21. Pupils who are blind or partially sighted generally benefit from printed materials made available in alternative formats such as in large print or Braille. Many other groups of print disabled pupils

²⁹ <http://www.ictsls.org.uk/Home/>

³⁰ <http://www.educationscotland.gov.uk/>

³¹ CALL Scotland at Edinburgh University is funded by the Scottish Government. It has specialist expertise in communicative and assistive technology and provides training for teachers and a range of other professionals : <http://www.callscotland.org.uk/Home/>

may also benefit from curriculum materials provided in alternative formats. Pupils with dyslexia may benefit from material provided in large print, or using a particular font, or printed on coloured paper. Some may prefer to use audio books or to use a computer which reads out text. Pupils with a physical disability may require material presented digitally on a computer which they then access using switches or other form of assistive technology.

22. The Books for All website³² provides advice on how learning materials can be obtained, used and prepared in accessible alternative formats.
23. Since 2010, the Copyright Licensing Agency³³ (CLA) has operated a new 'Print Disability Licence'. This free licence, obtainable from the CLA, allows non-profit making organisations, such as local authorities and schools, to reproduce, and circulate, copyright works in a format accessible to print-disabled pupils. Alternative formats include large print, Braille or audio books. The licence covers provision of material to include not just those people who have a visual impairment but also those with any print disability that prevents them from accessing print materials such as books.
24. Responsible bodies may want to include in their accessibility strategies how they will implement arrangements like Books for All to benefit print disabled pupils by improving their access to curriculum materials.
25. The above examples demonstrate how an authority's duties to an individual disabled pupil under the Equality Act can be complemented by its planning duties through accessibility strategy reporting. In the former the authority has a duty under the Equality Act 2010 to provide accessible information in an alternative format. This could be seen as a reasonable adjustment. At the same time the authority may introduce school based or authority wide approaches to producing accessible information that will benefit larger numbers of print disabled pupils. Accessibility strategy planning encourages a systematic approach to evaluating current and future arrangements for disabled pupils.

³² <http://www.booksforall.org.uk/Home/>

³³ <http://www.cla.co.uk/>

Scottish Qualifications Authority

26. Local authorities and schools will be aware that the Scottish Qualifications Authority (SQA) allows for adjustments to be made to their published assessment arrangements so that disabled students are not placed at an unfair disadvantage when being assessed. The particular arrangements possible are described on the SQA website³⁴ and may include the provision of extra time to sit an examination or the use of a scribe or a reader. Since 2008 the SQA has also made available digital question papers which allow students to type directly into the paper on the screen³⁵. The text in the paper can be magnified and can be used with assistive technology such as text reading programs and speech recognition software.

Improving the physical environment

- (2) An accessibility strategy is a strategy for, over a period prescribed by regulations—
- (a).....
- (b) improving the physical environment of the school, or schools, in relation to which the strategy is prepared for the purpose of increasing the extent to which pupils with a disability are able to take advantage of education and associated services provided or offered by such school or schools
- (c).....

s1(2)(b)

27. In *Building Better Schools: Investing in Scotland's Future*³⁶ the Scottish Government and the Confederation of Scottish Local Authorities (COSLA) set out jointly their vision and aspirations for the school estate. One of their aspirations is that all children and young people will be educated in schools that are 'fit for purpose' in terms of suitability. A suitable school environment is one which is fully accessible to all disabled pupils.
28. Advice for local authorities in assessing the suitability of school buildings is provided in the Scottish Government publication *The*

³⁴ <http://www.sqa.org.uk/sqa/14976.html>

³⁵ <http://www.adapteddigitalexams.org.uk/Home/>

³⁶ <http://www.scotland.gov.uk/Publications/2009/09/22154600>

*Suitability Core Fact*³⁷ published in 2008. Advice on internal design is provided in the Scottish Government publication *School Design: Optimising the Internal Environment*³⁸, published in 2007.

29. In developing the school estate and improving its suitability with regard to meeting the needs of disabled people whether these are learners, staff or others accessing schools and their facilities, local authorities will have regard to the advice already issued by the government. Non-statutory advice produced by the Department for Education in Building Bulletin 102³⁹ *Designing for disabled children and children with special educational needs: Guidance for mainstream and special schools* is particularly helpful in optimising the design of mainstream and special schools to meet the needs of those who are disabled.
30. Useful advice is contained in the *Handbook on Accessibility*⁴⁰ published by the Scottish Council for Independent Schools and available as a free download.
31. Strategies may want to include accessibility of any boarding houses/residential facilities. In a similar way to its considerations under the 'access to the curriculum' category, the responsible body preparing the strategy should take a broad approach and also look to improve access outside as well as within schools; for example, through a negotiated contract to ensure that buses provided for all school trips are accessible to pupils with physical disabilities. Further guidance on outdoor learning, planning for school trips has been published by Education Scotland⁴¹. The responsible body should also consider whether changes are needed to their policy on transport for pupils, to and from school.
32. Improvements to arrangements will include:
 - physical access (such as architectural planning for accessibility: the installation of ramps, handrails, widened doorways, lifts, automatic doors, accessible toilets, showers and changing

³⁷ <http://www.scotland.gov.uk/Publications/2008/09/19123626/0>

³⁸ <http://www.scotland.gov.uk/Resource/Doc/167966/0046205.pdf>

³⁹ <http://www.education.gov.uk/a0058201/children-with-special-educational-needs-sen-and-disabilities>

⁴⁰ <http://www.scis.org.uk/assets/Uploads/PoliciesGuidesTemplates/Accessibility-Handbook-Second-Edition-June-2006.pdf>

⁴¹

<http://www.educationscotland.gov.uk/resources/o/outdoorlearningpracticalguidanceideasandsupportforteachersandpractitionersinscotland.asp?strReferringChannel=learningteachingandassessment&strReferringPageID=tcM:4-581689-64&class=I2+d135079>

areas, adapted/adjustable furniture and equipment, ensuring sufficient space for manoeuvring and storing equipment, floor coverings and evacuation procedures)

- access for pupils with visual impairments (such as: improvements to signage, route finding systems to enable pupils to find their way round a school easily, colour contrasting for e.g. door handles and steps to enable pupils to make best use of their residual vision, adjustable lighting, blinds, tactile paving outside the school, evacuation procedures)
- access for pupils with hearing impairments (such as: induction loops/radio systems/infrared systems, adjustable lighting, sound insulation for walls, floors and ceilings, evacuation procedures, floor coverings)
- access for pupils with other disabilities (such as requirements for space: the provision of pupil support bases, quiet rooms, sensory rooms/play areas, therapy rooms, etc. and way finding systems). Occupational therapists and access officers should, wherever possible, be consulted for advice.

Improving communication and the provision of school information

(2) An accessibility strategy is a strategy for over a period prescribed by regulations—

(a).....

(b).....

(c) improving communication with pupils with a disability and, in particular, improving the communication to pupils with a disability—

(i) within a reasonable time; and

(ii) in ways which are determined after taking account of their disabilities and any preferences expressed by them or their parents,

of information which is provided in writing for pupils, or persons who may be admitted as pupils, who do not have a disability.

s1(2)(c)

33. Improving the communication and delivery of information to disabled pupils is a key component of the Act and its requirements. The Act requires responsible bodies to improve their communication with disabled pupils generally. This means taking steps to ensure that in communicating with all pupils responsible bodies make sure that disabled pupils are included fully. For example a deaf pupil in a mainstream school may need to use an induction loop or have access to a sign language interpreter at school assemblies. School staff may need in-service training tailored to help them communicate effectively with pupils with specific language and communication difficulties. The role of the Named Person in health for pre-school children, and in education for school age children, will be key in supporting communication with disabled children and their families.
34. The third duty requires responsible bodies to improve communication with pupils with disabilities. Responsible bodies should take steps to improve how these pupils can give their views on any issue about which they have an interest, gather in those views and consider them. Consideration should be given to whether class work or homework could be given in alternative forms. This would include how any homework, or other work pupils do in alternative forms, can best be marked/commented on by school staff. Pupils' communication with teaching and auxiliary staff as part of their learning should also be considered under the "access to the curriculum" duty.
35. However, there will be other non-curricular activities, which pupils will be informed about and pupils with disabilities should be able to give their views or ask questions about these activities in the same way as their peers. Pupils should also be able to communicate with other staff, pupils or people working in a school, for example, in the dining room or in the school office.
36. Responsible bodies should consider how improving communication can be addressed through, for example, ensuring that awareness is raised amongst all school staff about the difficulties pupils with particular disabilities may have in communicating with other people.
37. The Act makes specific provision that the accessibility strategy should make reference to improving communication to disabled pupils regarding information provided in writing to pupils, or prospective pupils, who are not disabled. This provision covers written information which responsible bodies provide to prospective

pupils in the form of, for example, brochures about the school, school development plans or other information such as inspection reports.

38. This information must be provided in a form which takes account of their disabilities and preferences expressed by them or their parents. For example, a blind pupil may require information provided in Braille or in digital form so the file can be downloaded on to a personal computer and read in large print or used with text-to-speech software. While auxiliary aids and services duties under the Equality Act will require reasonable adjustments to be made in these circumstances, the Act encourages authorities to take a more strategic approach. Useful guidance on making text accessible is available as a free download from CALL Scotland⁴².

39. Information includes, for example:

- school newsletters;
- handouts and worksheets;
- timetables;
- test and examination papers;
- posters and information about school events;
- homework; and
- signage used in the school.

40. The above example demonstrates again how the Act can be used to complement arrangements made under the Equality Act. Provision of homework, handouts and worksheets in accessible format may be within the scope of the Equality Act whereas school newsletters, posters and information about school events may relate more to a school's associated services. The same approach to producing accessible information may apply and accessibility strategies provide scope for authorities to engage in a more strategic approach to information production.

41. The provision of information in an alternative format must be provided within a reasonable time. The Act does not define what a 'reasonable time' is but determining what is reasonable must be

⁴² <http://www.callscotland.org.uk/Resources/Books/Accessible-Text/>

related to the context and purpose for which the information is required. For example, if a teacher provides information about homework to the class then the disabled pupil should receive it in alternative format at the same time as their peers in the alternative format. In other circumstances for example providing information about a school trip arranged for the following term, a short delay may be acceptable.

42. Ensuring that the above is achievable will require accessibility strategies to include procedures for making information available in a range of formats (see chapter 2, paragraph 12):

- Braille;
- large print;
- digital formats including PDF
- audio formats – CDs & MP3;
- sign language;
- symbol system;
- improving the accessibility of language e.g. easy read or simplified text;
- accessible web pages. Web sites should follow the Web Accessibility Initiative Web Content Accessibility Guidelines⁴³.

43. It is important that quality assurance measures are in place to ensure that the content which is placed on web pages will continue to be accessible in the future.

⁴³ <http://www.w3.org/WAI/>

Chapter 4: Procedures for local authorities

1. This chapter outlines issues to be considered by local authorities in preparing accessibility strategies. The report⁴⁴ published in 2003 by (HMIE) and the Disability Rights Commission (DRC) highlighted good practice in preparing accessibility strategies. That advice remains relevant and is incorporated in the following paragraphs. Local authorities will also find useful advice contained in the Handbook on Accessibility published by the Scottish Council for Independent Schools and available as a free download.

Planning

2. Local authorities have considerable experience of strategic planning. For example, local authorities are used to developing local improvement plans and integrated children's services plans. It is expected that a local authority's accessibility strategy will form part of its overall improvement plan. However, where an accessibility strategy is incorporated into another plan, it should still be clear, easily identifiable and extractable as an accessibility strategy within that plan so that it is available for reference. Where local authorities, as part of the Community Planning Partnership, are developing plans and developing approaches to report on wellbeing, as set out in the Children and Young People (Scotland) Bill, they may wish to consider how the accessibility strategy fits within this planning framework.
3. The accessibility strategy has to cover a period of 3 years from date of completion of the immediately previous strategy.
4. Individual local authority schools are not required to prepare accessibility strategies. However, it is expected that individual school improvement plans or school development plans will take account of their local authority's local improvement plan and, where appropriate, will refer to the authority's accessibility strategy.
5. Similarly, a school's standards and quality report which is integral to self-evaluation and to the process of school improvement will build on the audit section of the school development plan and will set out how well the school is doing and what the school needs to do next. These standards and quality reports can, in turn, inform the local authority's accessibility strategy.

⁴⁴ <http://www.scotland.gov.uk/Publications/2003/12/18665/30689>

All schools will include accessibility to all aspects of school life and pupil development within their School Improvement Plans. School handbooks will be amended to include reference to the Accessibility Strategy and increased information for parents about the strategy will be made available. Additional Continuing Professional development opportunities will be offered to all school staff on specific disabilities, disability legislation and wider accessibility issues.

Extract from an Accessibility Strategy

6. Local authority accessibility strategies do not need to cover pre-school education provided by private or voluntary sector providers operating in partnership with the local authority. Nevertheless, local authorities will wish to have regard to their own duty to promote disability equality when negotiating contracts with private and voluntary sector providers and may wish to ensure that disabled children have access to these provisions, as discussed in chapter 3 (paragraph 7).

Stages in preparing strategies

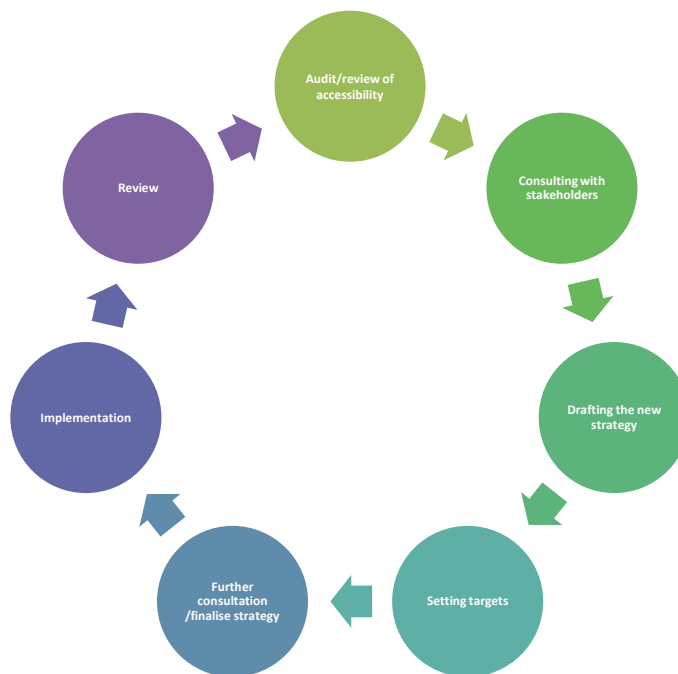
7. The flow chart below outlines the stages in preparing accessibility strategies.

Planning group

8. Local authorities will likely have a planning group to prepare and develop the accessibility strategy. The planning group should not just involve education officials, although of course they are likely to take the lead in developing the strategy. It is up to each local authority to decide who is likely to be able to make a valuable input as part of the planning group. Participants may include or involve: access officers/officers in charge of disability access across the authority, quality improvement officers, pre-school co-ordinators, educational psychologists, officials from the buildings/capital investment department, social work services, head teachers and others from outwith the authority, such as: local health professionals/therapists, design professionals, parents' group/forum representatives, third sector organisations or disabled pupils.

Dundee City Council's Access and Inclusion Advisory Group⁴⁵ comprised a group drawn from the above.

Preparing and Reviewing Strategies



The steps above form the cycle of Accessibility Strategy development and implementation, the actions suggested for each steps are set out below.

Audit/Review of accessibility - review the outcomes of the previous strategy, identify strengths, and where there are gaps and improvements needed.

Consulting with stakeholders - consult with a broad cross-section of service providers, users and third sector organisations.

Draft the new strategy - focus on outcomes; suggested improvements as a result of strategies may be ranked as;

- short - addressed within 1st year
- medium - started or addressed during the current accessibility strategy

⁴⁵ http://www.dundee.gov.uk/dundee/uploaded_publications/publication_330.pdf

- long term priorities - started but seen as an ongoing process

Set targets - SMART- (specific, measurable, achievable, realistic, time-related) targets should be used to specify what outcomes will be achieved, and by when.

Further consultation/finalise strategy - consultation should be as wide as possible with information provided on why decisions in drafting have been taken. The consultation should enable those affected by the accessibility strategy to provide their views. Therefore the consultation process should be accessible.

Implementation – the strategy must be available to anyone who requests it and in alternative format if required. Good practice is to publish strategy on local authority or school website. It should be clear to users how to find the strategy.

Review – Annual Review meeting. A framework should be in place to evaluate the success of the strategy in consultation with stakeholders.

Audit and review of accessibility

9. Local authorities will have carried out audits of accessibility since the Act came into force in 2002. School inspection reports provide evidence of accessibility, in general, which will inform local authority accessibility strategies. In addition local authorities are likely to have audited accessibility directly themselves using their own specifically designed audit tools, for example *How good is our school?*⁴⁶, and *The Child at the Centre*⁴⁷ for early years provision.
10. Any audit or review exercise undertaken should not be restricted to considerations of physical access but will cover the three planning duties. In addressing the three duties the strategy should look at wider considerations. These might include the need for staff training, the need for additional space/ rooms for pupils with disabilities, the availability of teaching materials in alternative formats, the use of inclusive teaching methods and schools' experiences of and attitudes towards pupils with disabilities and inclusion.

⁴⁶ http://www.educationscotland.gov.uk/Images/HowgoodisourschoolJtEpart3_tcm4-684258.pdf

⁴⁷ http://www.educationscotland.gov.uk/Images/TheChildattheCentreSelfevaluationintheEarlyYears_tcm4-684267.pdf

11. Given the extended definition of disability discrimination introduced by the Equality Act responsible bodies may wish to address staff awareness through continuous professional development.

Consulting with key stakeholders

12. Consultation with key stakeholders is an important part of the audit process because it provides evidence of their views on accessibility. The key stakeholders to be considered are the service providers, the service users and third sector organisations (who may be providers and may also represent service users).
13. Authorities will consult with staff in their own schools including those providing education on Gypsy/Traveller sites. They will also consult with partner agencies involved with property services, social work services and NHS Boards and particularly with Allied Health Professionals such as Occupational therapists and Speech and Language therapists who have expertise in physical accessibility and in communication, respectively.
14. Authorities will consult with disabled and non-disabled pupils, and their parents, taking a proactive approach to ensure that the diversity of children's additional support needs is addressed to include disabled pupils from a range of minority ethnic communities and from Gypsy/Traveller communities and their parents. For example, Dundee City Council⁴⁸ used Scotland's national intranet for education, *Glow*⁴⁹, to sample the views of almost 600 pupils, across a range of nationalities, to inform the development of their accessibility strategy.
15. Local authorities may also want to work with local Further Education colleges to improve pupils' access to the curriculum while they are on link placements at a college.
16. Planning groups should consider how their accessibility strategy is addressing access for children with disabilities to services provided in schools by other groups, such as parents' groups providing out of school care on a voluntary basis.

Drafting the strategy

17. Appendix C includes a template of suggested headings which could be included in an accessibility strategy. Quality is more important than

⁴⁸ http://www.dundeeecity.gov.uk/dundeeecity/uploaded_publications/publication_330.pdf

⁴⁹ <http://www.ltscotland.org.uk/usingglowandict/glow/whatis/storysofar/index.asp>

quantity in drafting an accessibility strategy and the focus should be on outcomes, emphasising what will be improved as a result of the strategy, rather than producing a lengthy document. When they start to draft the strategy, the planning group should have information about all the barriers or potential barriers to participation for disabled pupils. These may be barriers in individual schools or pre-school provision or to education provided to children on Gypsy/Traveller sites, or they may be common areas for improvement in all or most of the schools in the authority's area, such as continuing professional development needs.

18. The accessibility strategy should⁵⁰:

- be about **actual outcomes**
- have a **strategic focus** – with a manageable and meaningful number of key outcomes, supported by robust measures
- be **evidence-based**
- demonstrate effective **collaboration** with key stakeholders
- **be capable of delivery** – it should show a clear line of sight to supporting plans and activities including the **necessary resources to deliver the outcomes, as required by the Act**
- promote **continuous improvement** – it should identify any further work needed to deliver improved services.

Setting targets

19. The targets in the strategy should be SMART- specific, measurable, achievable, realistic, time-related- so that it is clear what outcomes will be achieved and when.

Further consultation/finalise strategy

20. Local authorities should consult as widely as possible on their draft strategies, especially if they have carried out a limited initial consultation. Information about reasons why certain improvements have been made a priority and why other proposals may have not been included should be outlined in the accessibility strategy. This will assist those who are being

⁵⁰ Outcome based approach: working guidance for Scottish public bodies (2009)
<http://www.improvementservice.org.uk/community-planning/>

consulted (or who may be reading the strategy after it has been finalised) in understanding why certain proposals have been prioritised above others.

21. Interested groups and individuals should be consulted either directly or indirectly. The local authority should ask some or all head teachers or parent councils to consult groups of pupils, parents and school staff directly. Schools should consult as widely as possible. The local authority should ensure that head teachers and parent councils are clear about the legislation, what the strategy is for and what it can and cannot do before they consult their staff, pupils, parents and others. This is important as parents naturally may have high expectations and are likely to want what is best for their own child. Head teachers and parent councils and the planning group need to ensure that parents and others are aware that the accessibility strategy will not necessarily bring forward major changes overnight, but instead will lead to a gradual programme of longer-term improvements.

22. Schools should involve all their staff, not just teaching staff, and should remember to consult a wide range of pupils. This should not only be disabled pupils as those who are not disabled may also have views and relevant ideas to contribute. Similarly, the school should seek to involve a wide range of parents and carers, not only those who have disabled children or those who are always involved in school activities.

23. It is important that staff are not just told about the strategy, but that they are able to give their views at this stage. This should ensure that everyone 'buys into' the strategy, which is vital in the case of school staff who will have to implement many of the changes and ensure that these are effective. The planning group must be prepared to revise the draft strategy in light of the consultation exercise.

24. Consultation might take the form of an open meeting or meetings/ seminars to discuss the strategy, focus groups, a written or web consultation asking for comments on the strategy or ad hoc telephone calls and small discussions, asking for advice on particular points, etc. The group should ensure that any consultation is accessible to everyone with an interest, including pupils or parents with disabilities or those from minority ethnic backgrounds, where, for example, English is not their first language. Therefore, special arrangements should be in place to support those pupils or parents who may otherwise find it difficult to give their views.

25. Planning groups may involve or consult with the following, either formally or informally:

- schools and nursery schools, their staff and parents/carers;
- a sample of pupils;
- specialist teachers and inclusion co-ordinators/network support;
- parent councils;
- local parents' groups;
- local councillors
- the Council's Education/Children's Services Committee;
- local childcare partnerships and pre-school joint assessment teams;
- NHS Boards/Trusts: health professionals – therapists, doctors, school nurses;
- social work services;
- relevant national and local third sector organisations and
- equality groups (e.g. local Gypsy/Traveller groups) as necessary;
- architects and/or other design professionals;
- out of school clubs and others who use school premises;

Implementation

26. Once the strategy has been prepared and revised as necessary following consultation, it then needs to be implemented. It is for local authorities to decide how implementation will be progressed and monitored but it is most likely that an officer within the education authority will be responsible for overseeing the implementation of the strategy and for reporting back to the planning/ implementation group.

Availability

27. Strategies should be readily available preferably on the council's website as is the case for example, for the strategies prepared by

Dundee City Council⁵¹. As discussed in chapter 2 (paragraph 13) and chapter 3 (paragraph 41) strategies must be made available in alternative formats if requested. Although there is no requirement to produce Easy Read versions, responsible bodies may wish to, as part of broader plans for Accessibility of information.

Review

28. The planning/implementation group will need to review the strategy at regular intervals during its lifespan but, at a minimum, the planning group should meet formally once every year to review progress in implementing the strategy. If necessary, the accessibility strategy may need to be revised following a review. Revisions may be needed, for example, if certain expected improvements are found not to have been successful and a different approach is needed, or where changing circumstances mean that a new priority emerges.

29. Towards the end of the three year period the group will evaluate how successful the strategy has been. The evaluation should include an assessment of whether the targets have been met and also whether there has been a qualitative improvement in access to education for disabled pupils. The group should also ask stakeholders, including school staff, pupils and parents, to evaluate progress which has been made.

Some examples of increased access to the curriculum

Assistive technology (such as: touch-screen computers, interactive whiteboards, text-to-speech software) is employed to support individual children's additional support needs to promote independent learning

Specialist software to ensure the compatibility of home and school IT systems, and to facilitate the transfer of homework from school to home for visually impaired children

Extract from :Accessibility Strategy 2009-2012⁵²

Dundee City Council

30. This evaluation should give the local authority a clear picture of what has worked well, what has not worked well and where further

⁵¹ http://www.dundeeecity.gov.uk/dundeecity/uploaded_publications/publication_330.pdf

⁵² http://www.dundeeecity.gov.uk/dundeecity/uploaded_publications/publication_330.pdf

improvements are needed. This information should then form the basis of the development of the accessibility strategy for the following three year period. The local authority should then go through a similar process of consultation in developing the next strategy. The next strategy should start immediately the previous one ends.

Checklist for preparing and implementing an accessibility strategy

| | |
|--|--|
| Planning group set up/individuals to take the lead identified | |
| Decisions taken as to how and where the accessibility strategy will fit into other planning frameworks and service delivery plans | |
| Audit carried out of existing accessibility of provision | |
| Initial consultation with schools and experts carried out | |
| Early discussions held with other agencies and organisations about joint improvements which might be taken forward | |
| Short, medium and long-term priorities identified and accessibility strategy drafted | |
| Sources of funding identified for taking forward measures identified in the strategy | |
| Goals and targets set for progress during the period of the strategy | |
| Any further consultation carried out with a wide range of interested groups | |
| Arrangements made for implementing the strategy | |
| Accessibility strategy finalised and placed on local authority website | |
| Progress monitored and reviewed regularly, with the strategy revised where necessary | |
| Progress evaluated towards the end of the period of the strategy in order to inform the priorities for the next accessibility strategy | |

Chapter 5: Procedures for independent and grant-aided schools

1. This chapter outlines issues to be considered by independent and grant-aided schools⁵³ in preparing accessibility strategies. The report⁵⁴ published in 2003 by (HMIE) and the Disability Rights Commission (DRC) highlighted good practice in preparing accessibility strategies. That advice remains relevant and is incorporated in the following paragraphs. Schools⁵⁵ will also find useful advice contained in the *Handbook on Accessibility*⁵⁶ published by the Scottish Council for Independent Schools and available as a free download.
2. Responsible bodies are required to prepare and implement accessibility strategies. The responsible body in relation to independent and grant-aided schools, is the proprietor or the managers respectively (see Chapter 2, paragraph 4).

Planning

3. Schools have considerable experience of strategic planning. For example, they are used to developing school improvement plans or school development plans. They are free to develop their accessibility strategy as an independent, stand-alone document, or to incorporate it into another school planning document. However, where an accessibility strategy is incorporated into another plan, it should still be clear, easily identifiable and extractable as an accessibility strategy within that plan so that it is available for reference.
4. The accessibility strategy has to be prepared to cover a period of 3 years from date of completing the immediately previous strategy.
5. One person, such as the head teacher or head of learning support, may be given the lead in taking the strategy forward. Depending on the size of the school, the responsible body may wish to consider setting up a small planning group to devise the strategy, arrange consultation and ensure that the strategy is implemented and reviewed.

⁵³ The legislation also covers self-governing schools but there are no such schools in Scotland.

⁵⁴ <http://www.scotland.gov.uk/Publications/2003/12/18665/30689>

⁵⁵ In this chapter the term 'schools' refers to independent and grant-aided schools only.

⁵⁶ <http://www.scis.org.uk/assets/files/Accessibility%20Handbook%20-%20Second%20Edition%20June%202006.pdf>

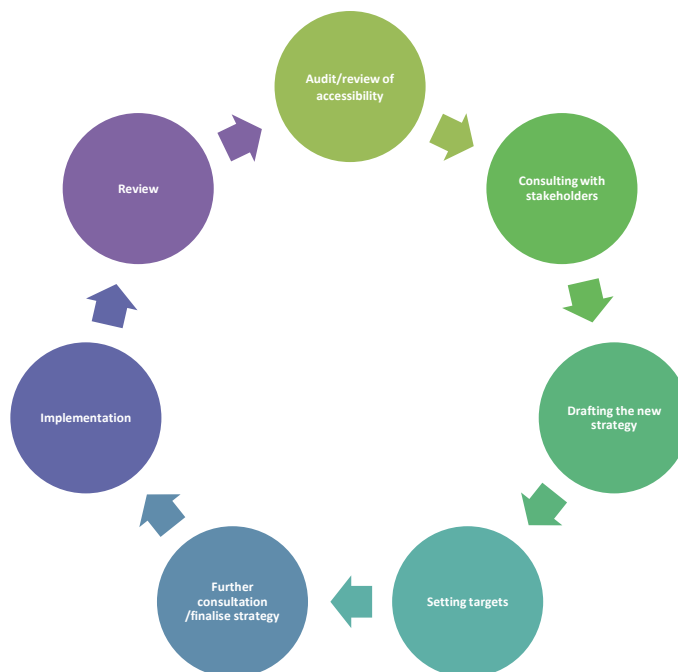
Stages in preparing strategies

6. The flow chart below outlines the stages in preparing accessibility strategies.

Planning group

7. It is up to the individual school to decide who might have a role to play in the planning group. The planning group may, for example, involve a teacher, someone involved in learning support, the head teacher/principal, a member of the board of management, the bursar/finance manager or someone with responsibility for the school estate. The group may also include representative parents, health professionals or voluntary sector organisations. The planning group should meet regularly during the period when the strategy is being prepared. Once the strategy is in place, the group should continue to meet probably at least two or three times each year to take forward implementation and review progress.

Preparing and reviewing strategies



The steps above form the cycle of Accessibility Strategy development and implementation, the actions suggested for each steps are set out below.

Audit/Review of accessibility - review the outcomes of the previous strategy, identify strengths, and where there are gaps and improvements needed.

Consulting with stakeholders - consult with school staff, parents and pupils including stakeholders external to the school where appropriate.

Draft the new strategy - focus on outcomes; suggested improvements as a result of strategies may be ranked as;

- short – addressed within 1st year
- medium - started or addressed during the current accessibility strategy
- long term priorities – started but seen as an ongoing process.

Set targets - SMART- (specific, measurable, achievable, realistic, time-related) targets should be used to specify what outcomes will be achieved, when.

Further consultation/finalise strategy - consultation should be as wide as possible with information provided on why decisions in drafting have been taken. The consultation should enable those affected by the accessibility strategy to provide their views. Therefore the consultation process should be accessible.

Implementation – the strategy must be available to anyone who requests it and in alternative format if required. Good practice is to publish strategy on local authority or school website.

Review – Annual Review meeting. A framework should be in place to evaluate the success of the strategy in consultation with stakeholders.

Audit/review of accessibility

8. Schools will have carried out audits of accessibility since the Act came into force in 2002. HMIE inspection reports on schools provide evidence of accessibility, in general, which will inform schools' accessibility strategies. In addition schools are likely to have audited accessibility directly themselves using their own specifically designed audit tools, *How good is our school?*⁵⁷, *The Child at the Centre*⁵⁸ for early years provision or some of the publications listed in chapter 2

⁵⁷ <http://www.hmie.gov.uk/documents/publication/hgiosite3.pdf>

⁵⁸ <http://www.hmie.gov.uk/documents/publication/catcseey.pdf>

paragraphs 21-23 in terms of physical accessibility. Where school buildings have listed building status responsible bodies will require to be clear about what scope they have for making physical alterations.

9. As part of their audit process schools will have sought the views of key stakeholders.

Consulting with key stakeholders

10. Consultation with key stakeholders is an important part of the audit process because it provides evidence of their views of accessibility. The key stakeholders to be considered are the service providers, the service users and, any relevant third sector organisations (who may be providers and may also represent service users).

11. Schools will consult with their own staff and with disabled and non-disabled pupils, and their parents, taking a proactive approach to ensure that the diversity of children's additional support needs is addressed. In some cases, particularly where the school is a special school, it may be necessary to involve outside agencies such as social work services and health professionals in the consultation as well as particular third sector organisations. Schools are in the best position to decide how widely they should consult. The aim should be to have a consultation process that is proportionate and not over burdensome for the school but yet enables the key stakeholders' voices to be heard and taken account of.

Drafting the strategy

12. Appendix C includes a template of suggested headings which could be included in an accessibility strategy. Quality is more important than quantity in drafting an accessibility strategy and the focus should be on outcomes such as what will be improved as a result of the strategy, rather than producing a lengthy document. When they start to draft the strategy, the planning group should have information about all the barriers or potential barriers to participation for disabled pupils.

13. The accessibility strategy should⁵⁹:

- be about actual outcomes

⁵⁹ Outcome based approach: working guidance for Scottish public bodies (2009)
<http://www.improvementservice.org.uk/community-planning/>

- have a strategic focus – with a manageable and meaningful number of key outcomes, supported by robust measures
- be evidence-based
- demonstrate effective collaboration with key stakeholders
- be capable of delivery – it should show a clear line of sight to supporting plans and activities including the necessary resources to deliver the outcomes, as required by the Act
- promote continuous improvement – it should identify any further work needed to deliver improved services.

Setting targets

14. The targets in the strategy should be SMART- specific, measurable, achievable, realistic, time-related- so that it is clear what outcomes will be achieved and when.

Further consultation/finalise strategy

15. Schools should consult as widely as possible on their draft strategies, especially if they have carried out a limited initial consultation. Information about reasons why certain improvements have been made a priority and why other proposals may have not been included should be outlined in the accessibility strategy. This will assist those who are being consulted (or who may be reading the strategy after it has been finalised) in understanding why certain proposals have been prioritised above others.

16. Head teachers need to ensure that parents and others are aware that the accessibility strategy will not necessarily bring forward major changes overnight, but instead will lead to a gradual programme of longer-term improvements.

17. Schools should involve all their staff, not just teaching staff, and should remember to consult a wide range of pupils. This should not only be disabled pupils as those who are not disabled may also have views and relevant ideas to contribute. Similarly, the school should seek to involve a wide range of parents and carers, not only those who have disabled children or those who are always involved in school activities.

18. It is important that staff are not just told about the strategy, but that they are able to give their views at this stage. This should ensure that

everyone 'buys into' the strategy, which is vital in the case of school staff who will have to implement many of the changes and ensure that these are effective. The planning group must be prepared to revise the draft strategy in light of the consultation exercise.

19. Consultation might be in the form of an open meeting or meetings/seminars to discuss the strategy, focus groups, a written or web consultation asking for comments on the strategy or ad hoc telephone calls and small discussions, asking for advice on particular points. The group should ensure that any consultation is accessible to everyone with an interest, including pupils or parents with disabilities or those from minority ethnic backgrounds, where, for example, English is not their first language. Therefore, special arrangements should be in place to support those pupils or parents who may otherwise find it difficult to give their views.

Implementation

20. Once the strategy has been prepared and revised as necessary following consultation, it then needs to be implemented. It is for schools to decide how implementation will be progressed and monitored but it is most likely that a member of staff within the school will be responsible for overseeing the implementation of the strategy.

Availability

21. Strategies should be readily available preferably on the school's website. As discussed in chapter 2 (paragraph 13) and chapter 3 (paragraph 41) strategies must be made available in alternative formats if requested

Review

22. The planning/implementation group will need to review the strategy at regular intervals during its lifespan but, at a minimum, the planning group should meet formally once every year to review progress in implementing the strategy. If necessary, the accessibility strategy may need to be revised following a review. Revisions may be needed, for example, if certain expected improvements are found not to have been successful and a different approach is needed, or where changing circumstances mean that a new priority emerges.

23. Towards the end of the three year period the group will evaluate how successful the strategy has been. The evaluation should include an assessment of whether the targets have been met and also whether

there has been a qualitative improvement in access to education for disabled pupils. The group should also ask stakeholders, such as school staff, pupils and parents to evaluate progress which has been made.

24. This evaluation should give the school a clear picture of what has worked well, what has not worked well and where further improvements are needed, with the reasons why. This information should then form the basis of the development of the accessibility strategy for the following three year period. The school should then go through a similar process of consultation in developing the next strategy. The next strategy should start immediately after the previous one ends.

Checklist for preparing and implementing an accessibility strategy

| | |
|--|--|
| Planning group set up/individuals to take the lead identified | |
| Decisions taken as to how and where the accessibility strategy will fit into other planning frameworks and delivery plans | |
| Audit carried out of existing accessibility of provision | |
| Initial consultation with schools and experts carried out | |
| Early discussions held with other agencies and organisations about joint improvements which might be taken forward | |
| Short, medium and long-term priorities identified and accessibility strategy drafted | |
| Sources of funding identified for taking forward measures identified in the strategy | |
| Goals and targets set for progress during the period of the strategy | |
| Any further consultation carried out with a wide range of interested groups | |
| Arrangements made for implementing the strategy | |
| Accessibility strategy finalised and placed on school website | |
| Progress monitored and reviewed regularly, with the strategy revised where necessary | |
| Progress evaluated towards the end of the period of the strategy in order to inform the priorities for the next accessibility strategy | |

Appendix A - Overlap between Equality Act and the Additional Support for Learning Act

Pupils' needs which **may** meet definition of disability under the Equality Act to whom education accessibility strategies apply:

- Physical impairment
- Mental impairment
- Autism Spectrum Disorder
- Dyslexia
- Diabetes
- Eating disorder (diagnosed)
- Gross obesity
- Disfigurement
- ADHD
- Incontinence
- Epilepsy
- Learning difficulties, including severe and complex
- Hearing impairment
- Some conditions may progress to have a substantial adverse effect; heart conditions, Sickle cell anaemia, Rheumatoid arthritis.

Pupils' needs which **automatically** meet the definition of disability under the Equality Act and to whom education accessibility strategies apply:

- Cancer
- HIV
- Multiple Sclerosis
- Certified/Registered Visual Impairment
- Severe long-term disfigurement

There may be overlap between the Acts e.g. a pupil may have a disability and may also have additional support needs.

Pupils who **may** require additional support for learning under the ASL Act have a barrier to learning as a result of one of the four factors giving rise to additional support needs:

- Learning environment
- Family circumstances
- Disability or health need
- Social and emotional factors.

These may include:

- Have motor or sensory impairment
- Are being bullied
- Are particularly able or talented
- Have experienced a bereavement
- Are interrupted learners
- Have a learning disability
- Are looked after by the local authority
- Have a learning difficulty, such as dyslexia
- Are living with parents who are abusing substances
- Are living with parents who have mental health problems
- Have English as an additional language
- Are not attending school regularly
- Have emotional or social difficulties
- Are on the child protection register
- Are young carers

Or for any other reason

These are not exhaustive lists. The purpose is simply intended to highlight the areas where discrimination and disadvantage can occur.

Notes to Appendix A

1. Not all children who meet the definition of disabled will have additional support needs. For example, those with severe asthma, arthritis or diabetes may not have additional support needs but may have rights under the Equality Act if their impairment has a substantial and adverse, long-term effect on their ability to carry out normal day-to-day activities.
2. Similarly, as can be seen above, not all children with additional support needs will meet the definition of disability under the Equality Act. In particular some children whose emotional and behavioural difficulties have their origins in social or domestic circumstances may fall outside the definition. The needs of these children would be met under the Additional Support for Learning Act.
3. Some of these groups may need the provision of additional support from school staff or other professionals and possibly different methods of curriculum delivery. The important focus is that of the needs of the individual child or young person at all times.

Appendix B: Education and Associated Services

EDUCATION AND ASSOCIATED SERVICES

The following are examples of what would be considered within the broad definition of education and associated services. Most of these examples will carry duties under the Equality Act:

- 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 (such as 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, and
- preparation of pupils for the next phase of education.

Appendix C – Possible template for an Accessibility Strategy

1. These are the headings which are likely to be included in responsible bodies' accessibility strategies. However, this is only a suggested template and the format can be changed to whatever a responsible body feels is most suitable.
2. Where local authorities are developing the strategy within the GIRFEC framework, as part of the integrated children's service planning approach, then the format may be adapted to reflect the use of the wellbeing indicators.

Introduction

- Outline of what the strategy is for
- Requirements of legislation and guidance
- Time period covered

Approach to developing the strategy

- Information about membership of the planning group
- Summary of responsible body's assessment of current levels of accessibility of its schools and nursery classes
- Summary of recent progress made and improvements implemented as a result of previous strategy
- Summary of consultation/audits carried out in developing the strategy and how priorities were determined (if any criteria were used, these should be included)
- Summary of key areas of accessibility/schools where improvements are needed

Increasing access to the curriculum

- List of short, medium and long-term priorities for improvements in ensuring that pupils have access to a full curriculum – consider including: staff training – especially for mainstream class teachers, provision of learning support and auxiliaries, availability of auxiliary aids (e.g. laptops), and provision for assessments and

examinations

- Targets to be met during the period of the strategy (include timescales)

Improving access to the physical environment

- List of short, medium and long-term priorities for improvements in ensuring that pupils have physical access to schools – consider including: access to all school buildings/areas for pupils with physical disabilities, hearing impairments and visual impairments, improved access to sports facilities, school transport
- Targets to be met during the period of the strategy (include timescales)
- Ensure all planning refurbishments of schools have been looked at to consider whether improvements to access can be carried out as part of the work

Improving Communication and access to school information

- List of short, medium and long-term priorities for improvements in ensuring that two-way communication with pupils can be improved. Consider including: improving the availability of school information/work in alternative forms for pupils with visual impairments, hearing impairments and learning difficulties, and ensuring that pupils' views are sought and taken account of; ensuring that any necessary communication aids/technology provided is supported, so that pupils can participate and communicate their views/their work to school staff
- Targets to be met during the period of the strategy (include timescales)

Other issues

- For example, include plans to raise awareness about disability amongst school staff and pupils through school activities.
- Identify links and explain how connections will be made with other initiatives or programmes and plans such as the Children's Services Plan, the Improvement Plan, the Community Plan and School Development Plans.

Conclusions and Action Plan

- Resulting action plan for each year, including details of who will take each target/action point forward, and any resources expected to be allocated for each target and the performance measure which will be used to evaluate whether the target has been achieved.

Appendix D - Checklist for use in planning ICT

1. Tools in this Appendix are not intended to be comprehensive but to provide a sample of practical functions which disabled pupils may require in order to access the curriculum. ICT managers, commissioning staff involved in procurement functions and schools can use the first tool to review whether certain reasonable adjustments are in place.

ICT Accessibility Checklist

| | |
|---|------|
| Access to ICT and Assistive Technology (AT) | Tick |
| The school or local authority's stock of shared netbooks, laptops or tablets can be booked out by pupils with disabilities for specific learning tasks. Some or all of the stock includes the requisite accessibility improvements described in Appendix E. | |
| The school or local authority has a pathway or procedure and staff with expertise to: Identify pupils who require ICT and/or AT to access the curriculum. Assess and provide appropriate ICT and/or AT. | |
| Accessibility of school computers and ICT | |
| All school computers have text-to-speech (TTS) software installed for reading documents and web pages [1]. | |
| All school computers accessed by pupils have the free Heather and Stuart voices installed [2]. | |
| Headphones are available for use with TTS where required. | |
| Control Panel settings can be easily and quickly changed to enable access for each disabled pupil, including where needed facility for Right click functionality. Such adjustments can be saved with the user's profile. [3] | |

| | |
|--|--|
| Specialist software required by learners with disabilities can be easily and quickly installed and used on school computers. [4] | |
| Specialist hardware required by learners with disabilities can be easily and quickly installed and used on school computers. [5] | |
| Computer refreshes or re-imaging are planned to accommodate existing assistive software and hardware used by disabled pupils. | |
| Where computer refresh or re-imaging will result in current assistive technology not being usable, replacement or upgrade takes place so that the disabled pupil is not disadvantaged. | |
| Access to Learning Resources | |
| Learning resources (e.g. textbooks, reading books, teacher-generated materials, assessments, homework) can be provided in a format that learners can access, such as Digital, Audio, Large Print, on Coloured paper, Braille, etc. [6] | |
| Online learning resources and online assessments used can be adapted so that they do not disadvantage disabled pupils. | |
| Learners can transfer work to and from school and home using e.g. file sharing on the intranet or Internet, or on a memory stick. | |
| Learners who use ICT for writing and recording can print their work. | |
| Staff and pupil awareness and expertise | |
| Staff (teaching, support, librarian and technical) are made aware of legal obligations to provide access to the curriculum and to curriculum resources under Equality Duties, with particular reference to Guidance on Auxiliary Aids and Services | |

| | |
|---|--|
| <p>Procurement decisions for hardware and software have due regard to accessibility and reasonable adjustment duties under the Equality Act. In particular, no extra cost should be charged for changes made to systems as part of reasonable adjustments made.</p> | |
| <p>Staff and pupils are aware of specialist hardware and software installed and Control Panel options on schools computer, to enable access.</p> | |

Notes

1. Where required, learners should have text-to-speech software to read word processed files, SQA Digital Question Papers, PDF textbooks, eBooks and from the internet.
2. The Scottish Voices are free for Scottish schools and learners:
<http://www.TheScottishvoice.org.uk>.
3. For example, to adjust the mouse speed or pointer size; to slow down the key repeat; to increase font sizes in menus; to apply high contrast colours; to change the default voice for text-to-speech; to access speech recognition.
4. For example, specialist software to magnify or read text on screen; to aid literacy (e.g. word prediction, spellchecking, word banks, picture or symbol support); to access online resources.
5. For example, alternative keyboards or mice, switch interfaces.
6. See <http://www.books4all.org.uk/> and <http://www.adapteddigitalexams.org.uk/>.

References

1. Reasonable adjustments for disabled pupils (Scotland).
<http://www.equalityhumanrights.com/advice-and-guidance/education-providers-schools-guidance/key-concepts/reasonable-adjustments/>
2. Disability Strategies and Pupils' Educational Records (Scotland) (Act) 2002
http://www.legislation.gov.uk/asp/2002/12/pdfs/asp_20020012_en.pdf

3. Additional Support for Learning – Legislation and Guidance
<http://www.scotland.gov.uk/Topics/Education/Schools/welfare/ASL>
4. Addressing dyslexia toolkit, <http://www.addressingdyslexia.org/>

Appendix E Checklist for use in planning ICT – further support

1. The questions below are more specific and based on five key points shown as *Italicised headers* below.
2. Each point has been developed into a series of statements - column 1
3. Each statement has a question prompt – column 2.
4. The tool can be used in a number of ways, for example:
 - To inform procurement discussions and decisions
 - As a questionnaire for use with schools
 - As a way of phasing in improvements in both access to the curriculum and to the physical environment
 - To consider how quickly adaptations can be made for an individual disabled pupil to be able to access the curriculum at the same time as his or her peers.

Specific questions about the Accessibility Strategy

Specialised items of hardware and software, such as an alternative keyboard, mouse or switches can be added easily.

| Scenario | Can this be achieved 'easily' on computers and/or mobile devices? |
|---|--|
| Specialised items of hardware and software, such as an alternative keyboard, mouse or switches can be added easily. | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |
| Specialised keyboards can be connected to laptop,, notebook or desktop computers using a USB cable | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |
| <i>A Switch Interface</i> can be attached to allow software to be operated | Yes <input type="checkbox"/> No <input type="checkbox"/> |

| | |
|--|--|
| | Don't know <input type="checkbox"/> |
| Images taken using digital camera can be accessed via Card Reader or other | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |

Software needed by pupils with disabilities, such as speech output or screen magnification, can be installed

| Scenario | Can this software be installed on computers and/or mobile devices? |
|--|--|
| Software needed by pupils with disabilities, such as speech output or screen magnification, can be installed and used | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |
| Screen Readers such as NVDA or <i>Jaws</i> ⁶⁰ can be installed and used by a student with visual impairment | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |
| Text-to-speech software such as <i>WordTalk</i> , and <i>The Scottish Voices</i> can be installed and used | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |
| <i>Speech recognition</i> software for dyslexic students can be installed | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |
| Software to support planning and organising e.g. <i>Inspiration</i> can be installed and used | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |

⁶⁰ Or other Screen Reading software, e.g. HAL

| | |
|---|-------------------------------------|
| Software that uses additional resources, such as <i>Clicker 6</i> or <i>Boardmaker</i> symbols can be installed correctly ⁶¹ | Yes <input type="checkbox"/> |
| | No <input type="checkbox"/> |
| | Don't know <input type="checkbox"/> |
| Arrangements are in place for websites required by disabled pupils to be authorised | Yes <input type="checkbox"/> |
| | No <input type="checkbox"/> |
| | Don't know <input type="checkbox"/> |
| Images and sounds can be downloaded from authorised sites for creating or using curriculum materials | Yes <input type="checkbox"/> |
| | No <input type="checkbox"/> |
| | Don't know <input type="checkbox"/> |

The full range of accessibility options within the operating system can be utilised, for example, to slow down mouse speed or keyboard repeat rate, or to enlarge screen fonts or reduce screen clutter.

| Scenario | Can this option be utilised on computers and/or mobile devices? |
|--|---|
| Full range of accessibility options within the operating system can be utilised, for example, to slow down mouse speed or keyboard repeat rate, or to enlarge screen fonts or reduce screen clutter. | Yes <input type="checkbox"/> |
| | No <input type="checkbox"/> |
| | Don't know <input type="checkbox"/> |
| A student with visual impairment can access high contrast white-on-black settings | Yes <input type="checkbox"/> |
| | No <input type="checkbox"/> |
| | Don't know <input type="checkbox"/> |
| Keyboard repeat rate can be adjusted and retained in login | Yes <input type="checkbox"/> |

⁶¹ i.e. so that symbols are accessible from the program, and staff can create, save and open user settings and grids

| | |
|--|--|
| | No <input type="checkbox"/> Don't know <input type="checkbox"/> |
| Mouse speed can be adjusted and retained in login | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |
| Desktop layout can be adjusted to suit disabled pupil requirements | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |

Equipment can be placed in accessible locations so that wheelchair users can reach the keyboard and see the screen.

| | |
|--|--|
| Scenario | Procedures are in place for accommodating this situation with respect to computers and/or mobile devices |
| Equipment can be placed in accessible locations to allow for example wheelchair users to reach keyboard and see monitor. | |
| Arrangements are in place to allow an electric wheelchair to fit underneath standard computer furniture | |
| Disabled students who have a personal laptop (Apple or PC) and require access to the school networks can do so | |
| Specialised seating systems can be accommodated to allow access to screen and access tools | |

Access privileges are flexible enough to enable staff to make necessary changes to afford access (for example, to adjust control panels or save individual settings for specific programs)

| | | | | | |
|--|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| Scenario | Can this be done on the computers and/or mobile devices? | | | | |
| Access privileges allow staff to make necessary changes to afford access (for example, to adjust control panels or save individual settings for specific programs) | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> | | | | |
| Changes to Control Panel settings can be set within a user profile | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> | | | | |
| Staff are able to create User Profiles for individual or groups of students who are disabled | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> | | | | |
| Who is able to adjust Control Panels or other settings? (tick one or more) | | | | | |
| | Class teacher | School ICT Coordinator | School Technician | LA Technician | Managed Service Provider Technician |
| Primary Schools | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Secondary schools | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Special schools | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Personal devices used by pupils for curriculum access can be connected to the school intranet.

| Scenario | Can this be done on the school network? |
|--|--|
| A pupil with a visual impairment can connect her iPad to the school network in order to access the internet and transfer files to staff. | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |
| A non-speaking pupil who uses an electronic communication aid can connect it to the school network to access the internet and transfer files to staff. | Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> |

Resources

Useful resources for Practitioners

[Reasonable adjustments for disabled pupils \(Scotland\)](#)

[Disability Strategies and Pupils' Educational Records \(Scotland\) \(Act\) 2002](#)

[Disability Strategies Guidance \(to be updated in early 2013\)](#)

[Addressing dyslexia toolkit](#)

[Hidden in Plain Sight – A report by the Equality and Human Rights Commission on the harassment of disabled people and their families](#)

[The Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#)

[The Education \(Additional Support for Learning\) \(Scotland\) Act 2009](#)

[The Additional Support for Learning Dispute Resolution \(Scotland\) Regulations 2005](#)

[Equality Act 2010](#)

[Education \(Scotland\) Act 1980](#)

[Guidance on Education of Children Absent from School Through Ill-health](#)

[The Administration of Medicines in Schools](#)

[Guidance on Presumption of Mainstream Education](#)

[Guidance on School Transport](#)

[Guidance on School Health](#)

[Managing Head Lice Guidance](#)

[Supporting Learners - Education Scotland](#)

[Briefings for Professionals from Enquire](#)

['Getting ready to leave school: Making a good transition' on Enquire's Youtube channel](#)

Useful Resources for Parents

[Enquire - The Scottish Advice Service for Additional Support for Learning](#)

[Enquire's Parents Guide to Additional Support for Learning](#)

[Enquire Factsheets Relating to Additional Support for Learning](#)

[Link to Govan Law Centre - Education Law Unit website](#)

[Take Note Advocacy Service](#)

[Contacting Local Authorities - Advice from Enquire](#)

[Steps to Avoid and Resolve Disagreements from Enquire](#)

[Scottish Traveller Education Programme \(STEP\)](#)

[Scotland's Anti-Bullying Service - Respect Me](#)

['Getting ready to leave school: Making a good transition' on Enquire's Youtube channel](#)

Useful Resources for Children and Young People

[Enquire Website for Children and Young People](#)

[Enquire Guides for Children and Young People](#)

[Take Note Advocacy Service](#)

[Link to Govan Law Centre - Education Law Unit website](#)

[Scotland's Anti-Bullying Service - Respect Me](#)

['Getting ready to leave school: Making a good transition' on Enquire's Youtube channel](#)

End of draft guidance

Annex A The Scottish Government Consultation Process

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses¹. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (eg, analysis of response reports) can be accessed at: [Scottish Government consultations](http://www.scotland.gov.uk/Consultations/Current)
(<http://www.scotland.gov.uk/Consultations/Current>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a

range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Annex B Consultation List

Aberlour Child Care Trust
Action for Children Scotland
Action for Sick Children (Scotland)
Action on Hearing Loss (RNID Scotland)
Action on Hearing Loss (Royal National Institute for Deaf People)
AFASIC Scotland
AHP National Lead for Children and Young People
Article 12 in Scotland
Association for Children with Heart Disorders
Barnardo's Scotland
Barnardo's-West Lothian Family Support Team
British Deaf Association Scotland
British Stammering Association
British Red Cross Society
C.H.I.P plus
Cambridge University Library
Capability Scotland
Care Inspectorate
Carers National Association (Scotland)
Central Scotland Racial Equality Council
Centre for Racial Equality in Scotland
Centre for Research on Families and Relationship
Chief Executives of Local Authorities
Chief Executives of NHS Boards
Child Poverty Action Group Scotland
Childline Scotland
Children 1st
Children in Scotland
Cl@n Childlaw
Clerk to the Education, Lifelong Learning and Culture Committee
CLIC Sargent
Colleges Scotland
Community Link
Contact a Family Scotland
CoSLA
Crossearch
Deaf Blind Scotland
Directors of Education Authorities
Directors of Public Health
Directors of Social Work Services
Down's Syndrome Scotland

Drake Music Project
Dyslexia Scotland
Dyspraxia Foundation
Edinburgh and Lothians Racial Equality Council
Education Centre
Education Scotland
EIS
Enable Scotland
ENGENDER
Enquire
Epilepsy Scotland
Equality and Human Rights Commission
Equality and Human Rights Commission
Equality Network
Families Outside
Family Fund
Fife Racial Equality Council
Fife Rights Service
For Scotland's Disabled Children
Glasgow Centre for Inclusive Living
Glasgow Disability Alliance
Govan Law Centre
Grampian Racial Equality Council
Grant-Aided Special Schools
Hearing Impaired Service
Highland Children's Forum
Highland Society for the Blind
HIV Scotland
Includem
Inclusion Scotland
Inclusive Play
Independent Living in Scotland
Innovation Centre
Kibble Education and Care Centre
Learning Disability Alliance of Scotland
Linking Education and Disability (LEAD)
Lothian Centre For Inclusive Living
Mindroom
National Autistic Society in Scotland
National Deaf Children's Society
National Parents Forum for Scotland
NCH Action for Children Scotland
NHS Helpline Scotland

NSPCC Centre
One Parent Families Scotland
Ouright Scotland
PAMIS
Parent Network Scotland
Parenting Across Scotland
Parentline Scotland
Partners in Advocacy
People First
Play Scotland
Project Ability, Centre for Developmental Arts
Relationship Scotland
RoSPA
Royal College of Paediatrics and Child Health
Royal College of Speech and Language Therapists
Royal National Institute for the Blind
San-Jai Chinese Project
Save the Children
Scotcen
Scottish Association for Mental Health
Scottish Child Law Centre
Scottish Childminding Association
Scottish Civic Forum
Scottish Consortium for Learning Disability
Scottish Council for Independent Schools
Scottish Council for Voluntary Organisations
Scottish Council on Deafness
Scottish Disability Equality Forum
Scottish Government Library
Scottish Independent Advocacy Alliance
Scottish Marriage Care/Stepfamily Scotland
Scottish Mediation Network
Scottish MEPs
Scottish Network for Able Pupils
Scottish Parent and Teacher Council
Scottish Parent and Teacher Council
Scottish Parliament Information Centre (SPICe) library
Scottish Pre-school Play Association
Scottish Refugee Council
Scottish Sensory Centre
Scottish Sensory Centre
Scottish Society for Autism
SCVO

SENSE Scotland
Shaw Trust (Dunfermline)
SKILL Scotland
Skills Development Scotland
STEP
Tayside Racial Equality Council
The Bodleian Library, University of Oxford
The British Library
The British Stammering Association
The Butterfly Trust
The Church of Scotland
The Fostering Network
The Law Society of Scotland
The Library of Trinity College, Dublin
The ME Association
The National Library of Scotland, Edinburgh
The National Library of Wales, Aberystwyth
The Place2Be
The Princess Royal Trust for Carers
The Salvation Army
The Scottish Spina Bifida Association
Visual Impairment Scotland
VOCAL
Voluntary Health Scotland
VOX Scotland
West Lothian Youth Action Project
West of Scotland Racial Equality Council
Young Scot
Youthlink Scotland



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