



# DARLINGTON

## Borough Council

### PEOPLE SERVICES DIRECTORATE

### SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) ACCESSIBILITY STRATEGY 2021-2024



## CONTENTS

<b>PART 1: INTRODUCTION</b> .....	<b>3</b>
Overview .....	3
Guiding set of principles and vision .....	3
Definition of Disability.....	5
Special Educational Needs .....	5
Social Model of Disability.....	6
Legal Duties.....	6
School Accessibility Plans.....	7
Reasonable Adjustments .....	8
Darlington’s Context .....	9
Darlington’s Local Offer .....	10
Our data .....	10
<b>PART 2: THE ACCESSIBILITY STRATEGY</b> .....	<b>11</b>
Aims of the Strategy.....	11
Our Accessibility Priorities .....	12
Accessibility to the curriculum, physical environment, and delivery of information.....	12
Monitoring and review .....	21
<b>PART 3: APPENDICES</b> .....	<b>23</b>
<b>Appendix 1 - Legal framework</b> .....	<b>23</b>
Equality Act 2010 .....	23
Reasonable adjustments duty.....	25
Children and Families Act 2014.....	26
SEN and Disability Code of Practice 2014 .....	27
Supporting Children and Young People at School with Medical Conditions (DfE December 2015).28	
<b>Appendix 2 - Definitions</b> .....	<b>30</b>
<b>Appendix 3 – Guidance and Best Practice</b> .....	<b>31</b>
<b>Appendix 4 - Bibliography</b> .....	<b>35</b>

## PART 1: INTRODUCTION

### Overview

Darlington Borough Council (the Council), is required under the Equality Act 2010 to have an Accessibility Strategy in which it promotes better access for disabled pupils at school and its local community. All maintained settings should have due regard to this Accessibility Strategy and use it to inform their Accessibility Plan that shows how, over time, access to education for disabled pupils will be improved. Schools must publish their Accessibility Plan with links to their Special Educational Needs (SEN) Information report on the Local Offer. Schools are also required to pro-actively consider accessibility of their site in relation to parents, contractors, and other site visitors under their public sector Equality Duty of reasonable adjustment.

This Accessibility Strategy sets out the approach that Darlington Borough Council is taking to increase access to education for disabled children and young people, so that they can benefit from educational provision to the same extent that children without disabilities can.

### Guiding set of principles and vision

This strategy was reviewed and updated following consultation in 2021. The Council was given some key messages which underpin this strategy which are encompassed within the principles of **inclusion in education**. We believe that the majority of children and young people will thrive within their local mainstream settings, learning and developing as part of their local community. We consider it essential that children and young people feel that they belong and that they have formed relationships within schools and settings across the town. To achieve inclusion for all requires children and young people **to be present, to participate, to achieve and to belong**.

Our vision for children and young people within Darlington is that each and every one has the **“Best Start in Life”**. We recognise that in order to achieve this we need to provide services that meet the needs of children and young people and ensure that they are protected from harm, have their welfare safeguarded and promoted and receive help and support tailored to their individual needs.

[Darlington's SEND Strategy 2019-2022](#) for improving outcomes for children and young people with SEND 0-25 giving them the 'best start in life' outlines the vision and key priorities for supporting Darlington's children and young people with SEND and their families.

### VISION

Our vision for all children and young people with special educational needs and disabilities will aim high and achieve their full potential, grow up to be as independent as possible and become active citizens within their community.

These are the **key values** that underpin this vision:

- Focus on the child's real experience
- Being proactive early
- Investing in local solutions
- Being aspirational on holistic outcomes
- Value families
- Investment in systems and services that we know work

We would like to thank:

Borough Road Nursery School, George Dent Nursery School, Harrogate Hill Primary School, Red Hall Primary School, Whinfield Primary School, Rise Carr College, Darlington's Low Incidence Needs Service, Darlington Association on Disability, the Darlington Parent Carer Forum, and the children, young people and parents who participated in the consultation.

## Definition of Disability

The definition of disability is set out in the Equality Act 2010 and states that a disabled person is someone who has a physical or mental impairment which has a substantial and long-term adverse effect<sup>1</sup> on their ability to carry out normal day to day activities.

This definition includes children and young people with physical, sensory, intellectual, or mental impairments, those with learning difficulties, autism, speech language and communication needs, severe dyslexia, diabetes, and epilepsy.

A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

Within this context we will see and value the child or young person, not his or her disability and in doing so endeavour to break down barriers by promoting informed understanding of what a child or young person can do. Importantly, we will seek to overcome barriers to learning.

## Special Educational Needs

The special educational needs and disability code of practice 0-25, states that 'A child or young person has special educational needs if they have a learning difficulty or disability which calls for special educational provision to be made for him or her'. Just because a child has special

---

<sup>1</sup> at least a year or lifelong

educational needs does not necessarily mean they also have a disability and vice versa. They do often overlap, however.

### **Social Model of Disability**

The key principle running through the Local Authority Equality policy 2018-22<sup>2</sup> is that inequality and social exclusion are caused by social and organisational barriers rather than the medical, economic, cultural, or other circumstances of the individual. This principle is well established in the Social Model of Disability, but it can be applied more widely. It is the position that underpins Equality Impact Assessment and is appropriate across all the legally Protected Characteristics. This strategy has been developed having undertaken an Equality Impact Assessment screening which has been reviewed throughout consultation.

### **Legal Duties**

Darlington Borough Council is committed to ensuring that the Council meets and, where practicable, exceeds its requirements under Schedule 10 of the Equality Act (the Act) 2010. The Council has therefore researched and developed this Accessibility Strategy for the schools for which it is responsible<sup>3</sup> therefore this strategy applies to all maintained schools, which includes maintained nursery schools and the pupil referral unit. The pupil referral unit provides education for vulnerable children and young people unable to attend a mainstream school.

This strategy applies only to maintained schools: The Equality Act requires all providers to make reasonable adjustments to avoid disadvantaging pupils with disabilities, but schools have an additional duty to plan for better access for disabled pupils. The reasonable adjustments duty and a wider and more strategic planning approach for schools are intended to complement each other. These planning duties therefore do not apply to Further Education, Higher Education or Early Years settings (unless constituted as a school). For them, the requirement to remove physical barriers is contained within the reasonable adjustment's duty.

---

<sup>2</sup> [Darlington Borough Council - Equality Policy](#)

<sup>3</sup> Three Local Authority maintained schools, 2 nursery schools and Pupil Referral Unit.

In researching and developing this strategy, Darlington Borough Council has met its statutory duties under:

- Equality Act 2010
- Reasonable adjustments duty (schedule 13 of the Equality Act 2010)
- Children and Families Act 2014
- The Special Educational Needs and Disability (SEND) regulations 2014
- Special Educational Needs and Disability (SEND) Code of Practice January 2015
- Supporting children and young people at school with medical conditions (DfE September 2014)

Please see the additional guidance in Appendix 1.

### School Accessibility Plans

Just as Section 10 of the Equality Act requires local authorities to prepare an Accessibility Strategy, it also requires that schools' responsible bodies produce Accessibility Plans. This strategy and accompanying Accessibility Plan template and audit tools<sup>4</sup> aim to support all schools in being able to meet this duty in writing and publishing their plan.

Schools have a statutory duty to develop and implement their own strategies (including development of Accessibility Plans), setting out how they are going to meet the needs of children and young people with disabilities to enable them to access the curriculum<sup>5</sup> and to make their learning and studying environment, enrichment<sup>6</sup> activities and all educational visits both on and off school sites as accessible as possible.

Accessibility Plans must be published on-line, which should include details of how they support the above objectives. The Accessibility Plan can either be a freestanding document or be part of another document (such as the school development plan), in this later case this must be clearly signposted from the school's website. School Governors are accountable for ensuring the

---

<sup>4</sup> The Accessibility Plan template outlines the duties of schools set out in schedule 10 of the Equality Act 2010.

<sup>5</sup> There are statutory programmes of study and attainment targets for physical education at key stages 1 to 4. Sport is included in the definition of physical education.

<sup>6</sup> Activities outside of the core curriculum including any sporting/physical activity.

implementation, review and reporting of progress of the Accessibility Plan which must be reviewed every three years.

We have provided schools with further support through development of an Accessibility Plan template, and Accessibility audit tool for both Early Years and Primary settings.

### Reasonable Adjustments

Some children and young people (CYP) require special educational provision because they have a disability<sup>7</sup> which prevents or hinders them from making use of the educational facilities generally provided (see Annex A for SEND Code of Practice 6.34 extracts). They may need specialist equipment<sup>8</sup> to access all the opportunities available to their peers. A CYP's needs may be age related and may fluctuate over time, however, some CYP with a disability may require long term additional ongoing support. From September 2012 settings and Local Authorities have a duty to supply specialist equipment, alternative/augmentative communication (AAC) aids and associated technical access equipment as reasonable adjustments. According to the Equality Act 2010 (Equality Act 2010 [www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils](http://www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils), n.d.), **what is 'reasonable' for a setting to provide is subject to various factors.**

- Where something a setting does places a disabled pupil at a disadvantage compared to other pupils then the setting must take reasonable steps to try and avoid that disadvantage.
- Settings will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.

Many disabled pupils may receive support in school through the SEN framework. In some cases, the substantial disadvantage that they experience may be overcome by support received under the SEN framework and so there will be no obligation under the Act for the school or LA to make reasonable adjustments. However, in some cases this may be appropriate.

---

<sup>7</sup> <https://www.gov.uk/government/publications/equality-act-2010-advice-for-Settings>

<sup>8</sup> Including auxiliary aids (see paragraph 4.18) of [equality-act-2010-advice-for-Settings](http://www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils)



Some of the factors that are likely to be considered when considering what adjustments, it is reasonable for a setting to have to make are highlighted in the Equality Act 2010 technical guidance<sup>9</sup> :

- The extent to which special educational provision will be provided to the disabled pupil under Part 3 of the CYP and Families Act 2014
- The resources of the setting and the availability of financial or other assistance
- The financial and other costs of making the adjustment
- The extent to which taking any step would be effective in overcoming the substantial disadvantage suffered by a disabled pupil
- The practicability of the adjustment
- The effect of the disability on the individual
- Health and safety requirements
- The need to maintain academic, musical, sporting, and other standards
- The interests of other pupils and prospective pupils

Settings are not subject to the requirement of reasonable adjustment duty concerned with making alterations to physical features because this is already considered as part of their planning duties. For example, building works/structural adaptations to the building fabric, stair lifts, grab rails etc.

### **Darlington's Context**

Delivering Success for Darlington is the Council Plan and it sets out the vision for the borough:

“Darlington is a place where people want to live and businesses want to locate, where the economy continues to grow, where people are happy and proud of the borough and where everyone has the opportunity to maximise their potential.”

The Plan is structured around the following priorities: (a) Growing Darlington's Economy (b) Maximising the Potential of our Young People (c) Working with Communities to Maximise their Potential (d) Supporting the Most Vulnerable in the Borough (e) A dedicated workforce who are proud to serve the borough and an accessible, effective and engaged council.

---

<sup>9</sup> Equality Act 2010 Technical Guidance <https://www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils>

## Darlington's Local Offer

The Local Offer sets out in one place the support available to families of children and young people with SEND in Darlington. To ensure the effectiveness of the local offer, the Local Authority:

- encourages educational settings to link their Accessibility Plan and SEND Information Report to the Local Offer
- reviews and updates the Local Offer regularly, responding to feedback from professionals, children and young people and their families
- makes the Local Offer available both online – external link: <https://livingwell.darlington.gov.uk/Categories/528> and through distribution of leaflets to a wide range of organisations in Darlington, including health services, social care, education and schools, voluntary organisations, reception areas, and private companies

## Our data

Every local area is required to have a joint strategic need assessment – external link: [Darlington Borough Council - Darlington Joint Strategic Needs Assessment 2018](#). Data relating to pupils who live in Darlington but who do not necessarily attend an educational establishment in Darlington Data are published on <https://explore-education-statistics.service.gov.uk/find-statistics/education-health-and-care-plans>

Each SEN2 Return is carried out in January and is for the period 1st January to 31st December of the preceding year. In January 2021 there were 16,223 pupils on roll, of these:<sup>10</sup>

- 2,686 pupils required additional and specialist support
- 305 pupils were on roll in special schools
- 2,355 pupils with SEND were supported in mainstream settings
- 26 pupils were supported in the Pupil Referral Unit.

---

<sup>10</sup> Source: SEN2 Returns (2021)

## PART 2: THE ACCESSIBILITY STRATEGY

### Aims of the Strategy

This Accessibility Strategy sets out how the Local Authority will work with schools for which is responsible. The key aims of this strategy are to:

- increase the extent to which disabled children and young people can participate in the schools' curriculum
- improve the physical environment of schools
- improve delivery of information to children and young people with disabilities and/or learning difficulties

**It is the Local Authority vision that this strategy provides best practice for which all schools in the borough will benefit.**

**Children and young people who were consulted in development of this strategy have told**

**us:**

*There is always a teacher free in the group room, so you can always have someone to talk to. We also have an **ELSA** (Emotional Learning Support Assistant) room and a teacher/TA will take you .. if you need to calm down.*

*We have an '**Ask it Basket**' - if worried you put your worry in the basket and a teacher will look at it and talk to you. The Ask it Basket is private.*

*There are **SAT groups for extra learning** so we can ask questions there, the teachers can see in the work that we are struggling in and will adapt the lessons.*

*The teacher **can send packs home** to help you, there is **online learning and websites** that we can log into to help us, online it will test and then it will find your gap. We feel that it is open and we can ask the teacher.*

***Antibullying buddies** (Y6 pupils). There are a lot of lunch supervisors and they will help you if you have a problem and they are really nice, they will join in with the games. There is a **buddy bench** so if you are sat alone then someone will come and play with you.*

## Our Accessibility Priorities

### Accessibility to the curriculum, physical environment, and delivery of information

#### *Increasing participation in the school curriculum*

Schools are responsible for providing a broad and well-balanced curriculum including the wider curriculum such as enrichment activities and school trips. The Council will work in partnership with schools and other agencies in the following ways to support schools and settings:

What are we going to do?	How?
<ul style="list-style-type: none"> <li>• Provide training and awareness raising opportunities for governors and parents/carers</li> </ul>	<ul style="list-style-type: none"> <li>• Governor briefings</li> <li>• PCF meetings and briefings</li> </ul>
<ul style="list-style-type: none"> <li>• Share good practice across schools</li> </ul>	<ul style="list-style-type: none"> <li>• The Council works alongside the local SEND co-ordinators Network (including Early Years) to provide on-going training and development</li> <li>• School SEND co-ordinators and Mental Health Leads (including Early Years) whose role is to embed good practice in their setting to meet the needs of pupils</li> </ul>
<ul style="list-style-type: none"> <li>• Respond to disabled children and young peoples' diverse learning needs and to set suitable learning challenges, overcoming potential and perceived barriers to learning and assessment</li> </ul>	<ul style="list-style-type: none"> <li>• The Council works collaboratively to plan and commission children and young people's provision, through a 'Multi Agency Provision Panel' combining Education, Health and Social Care with continual quality assurance</li> <li>• Advice and guidance to educational establishments through statutory and traded service is delivered through the</li> </ul>

LA Educational Psychology Service (EPS)

- Support from Emotional Learning Support Assistants is available in most Darlington schools, trained by the Darlington EPS.
- Ongoing training is provided for School SEND co-ordinators delivered through the SEND Inclusion Advisor and from outreach services e.g., all schools have fully trained ASD and Mental Health Leads whose role is to embed good practice in their setting to meet the needs of pupils.
- Provision of specialist teachers within a [Low Incidence Needs Service](#) (LINS) that provides support for children and young people with visual and hearing impairments. The LINS responds to children and young people's physical and sensory (HI and VI) needs and supports school staff to set suitable learning outcomes, to help ensure that children meet their full potential. For example: effective use of amplification aids, modifications and adaptations to visual resources, e.g., large print, braille, and tactile resources. The service provide advice on the provision of specialist equipment and assistive technology. This advice would be for either purchases made through LA funding or

	<p>through school budgets as appropriate. LINS will identify the equipment required to optimise the child’s learning such as magnification software, large print rulers and protractors, dark lined paper or to enable access to learning e.g., slings, toilet seat for the schools to purchase as appropriate. LINS will support schools in their applications to the LA for equipment, (radio aids, CCTV, braille note takers, hoists) through the Specialist Equipment Policy.</p>
<ul style="list-style-type: none"> <li>• Ensure that schools are aware of support services that provide advice to schools and staff</li> </ul>	<ul style="list-style-type: none"> <li>• As above, provision of meetings and networks, training, and briefings.</li> <li>• The <a href="#">Local Offer</a> sets out in one place the support available to families of children and young people with SEND in Darlington.</li> </ul>
<ul style="list-style-type: none"> <li>• Provide specialist help where possible to identify ways forward in increasing the inclusion of all disabled children and young people</li> </ul>	<ul style="list-style-type: none"> <li>• The LA has developed a Special Educational Need and Disability graduated response ‘ranges’ guidance for SENCOs and schools/services to assess and identify the needs of pupils and to put into place the appropriate support. They describe the pupil’s needs and provide suggestions for the types of interventions that will be required within each of the SEND Code of Practice broad areas of need.</li> </ul>

The Council SEND Inclusion Advisor provides support to schools.

- The [Darlington Life Stages Service](#) can support disabled children and young people with a learning disability and /or physical disability aged 0-25 years. to improve outcomes for children and young people who have a variety of needs. Experienced social care coordinators in the team work with children and young people and their parents/carers, as well as partner agencies.
- Commissioning of outreach support services which is available to all schools that supports schools graduated response for children and young people, specifically with Social Communication (including [Autism](#)) difficulties, cognition and learning, and speech and language.
- Commissioning of physical needs support in liaison with Occupational Therapy services:
  - [Integrated therapies](#)
  - [Physical needs advisor](#) (LIN service)

The Council commissions through its statutory services for example, therapeutic social workers, occupational

	<p>therapy, youth justice engagement service pathways.</p>
<ul style="list-style-type: none"> <li>• Ensure sufficiency of places to support children and young people with Special Educational Needs</li> </ul>	<p>The LA has commissioned and provided specialist SEND places in special schools, resource bases and SEND units. These specialise in Autism Spectrum Disorder (ASD), Speech Language and Communication Needs, Social Emotional and Mental Health (SEMH) and Cognition and Learning needs.</p> <ul style="list-style-type: none"> <li>• Mount Pleasant Primary School <a href="#">Social Communication</a> provision</li> <li>• Hurworth Secondary School <a href="#">Autism</a> provision</li> <li>• Red Hall Primary School <a href="#">STRIVE</a> provision (SEMH)</li> <li>• Heathfield Primary School cognition and learning provision <a href="#">(The Ark)</a></li> <li>• Northwood Primary School Speech and Language Base <a href="#">provision</a></li> <li>• Rise Carr College (Pupil Referral Unit) provision for SEMH</li> </ul>

*Improving the physical environment of schools*

Physical environment includes the school buildings and facilities as well as physical aids to access education. Schools would be expected to allocate their Devolved Formula Capital funding to capital works for example to:

- make reasonable adjustments to enable better physical access to the school, its classrooms, and activities



- where appropriate, re-arrange room space or change the layout of classrooms to create extra physical space/opportunities to move around where needed
- consider the needs of children and young people with complex physical impairments who use wheelchairs to move around the school
- ensure that where children and young people who for various reasons require toilet and changing facilities, adaptations are made.

Using revenue funding, schools should plan and provide specialist equipment to:

- ensure children and young people with less complex physical impairments who are ambulant receive required adaptations or adjustments to the school environment
- ensure that children and young people with a sensory impairment or other difficulty receive adaptations to the school environment or the presentation of information in appropriate formats

Where a distinct, unusual, or specific impact is likely to affect disabled children and young people, then schools should conduct a full Disability Impact Assessment.

Schools are also provided with 'notional' SEN funding which is channelled through additional needs factors contained within the funding formula. It is expected that schools use this funding to plan and provide specialist equipment, however, the Council will support schools to apply for specialist equipment funding in negotiation with the school.

The Council will work in partnership with schools and other agencies in the following ways to support schools and settings:

What are we going to do	How?
<ul style="list-style-type: none"> <li>The Council will ensure that all maintenance of, improvements to, and additions to school property within our control comply with current building regulations and are physically accessible</li> </ul>	<ul style="list-style-type: none"> <li>In the case of Local Authority funded capital works (e.g., SEND Capital Grant funding), the Council will work with settings in consultation with Parents and Carers to explore opportunities of going beyond obligations and duties.</li> <li>Where possible, the Council will be able to support schools to make adaptations using basic need funding where linked to the provision of additional school places.</li> <li>The allocation of school condition improvement funding for maintained non-VA schools is agreed with schools on an annual basis</li> </ul>
<ul style="list-style-type: none"> <li>The Council also provide schools with funding to make reasonable adjustments</li> </ul>	<ul style="list-style-type: none"> <li>The LA specialist equipment policy outlines the process for schools to apply for funding.</li> <li>Provision of specialist teachers within the <a href="#">Low Incidence Needs Service</a> (LINS) that provides support for children and young people with visual and hearing impairments. This advice includes support either for purchases made through LA</li> </ul>

funding or through school budgets as appropriate. LINS will identify the equipment required to optimise the child's learning such as magnification software, large print rulers and protractors, dark lined paper or to enable access to learning e.g., slings, toilet seat for the schools to purchase as appropriate. LINS will support schools in their applications to the LA for equipment, (radio aids, CCTV, braille note takers, hoists) through the Specialist Equipment Policy.

- The LINS advises schools about their own responsibilities regarding reasonable adjustments. This refers to but is not limited to:
  - Physical – [Physical needs advisor](#) for example, addressing physical access, classroom layout, toilets, dining hall, playground etc.
  - Visual – for example, ensuring appropriate assessment by Habilitation Officer to address the need for hand rails, appropriate lighting, high contrast strips on stairs, uneven surfaces etc.
  - Hearing – for example, optimising learning environment and listening conditions through good lighting, reducing reverberation and excess

	<p>noise, e.g. soft furnishings around the room, rubber feet on chairs.</p> <ul style="list-style-type: none"><li>• The Early Years Disability Access Funding (DAF) helps providers to make reasonable adjustments in their settings, either to support an individual child, or for the benefit of all children attending the setting. The purpose of the funding is ‘to support access to free entitlements for 3- and 4-year-old children with disabilities or Special Educational Needs (SEN)’.</li></ul>
--	--

### *Improving the delivery of information*

The School Information (England) (Amendment) Regulations 2012 details the minimum requirements for information which must be provided on school websites and reproduced as a paper copy without charge on request by parents/carers. School websites must be reviewed annually and this link sets out what must be published online - [What maintained schools must publish online - GOV.UK \(www.gov.uk\)](#).

Darlington Borough Council is committed to making its website accessible, in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. The Council Accessibility Policy and Statement can be found on the website [here](#).

The requirement in the Children and Families Act 2014 to develop a [Local Offer](#) has the express purpose of simplifying and making information about processes, systems and services that support children and young people with special educational needs and disabilities more accessible. In addition, the SEND Information, Advice and Support Service (SENDIASS) can offer impartial information, advice, and support over the phone and in person.

Information for parents and young people should be written and made available with everyone's needs in mind, considering the needs of CYP with hearing and visual impairments e.g., through use of large print, digital resources, alternative methods of communication e.g., texting, emails, BSL interpreter, foreign language interpreter. The Council has commissioned the [Low Incidence Needs Service](#) to advise on these specific areas. The service provides outreach support from a range of specialist staff who facilitate the school to address the needs of children and young people with low incidence needs so that their needs are met within the daily life of their school or learning establishment. This includes (as set out in the above)

- Advice on the provision of specialist equipment and assistive technology
- Increasing participation in and access to the school curriculum
- Access to the environment
- Access to information

### Monitoring and review

Darlington Borough Council is responsible for keeping its Accessibility Strategy under review during the period to which it relates (2021-2024) and if necessary, to revise it, implementing any changes in relevant legislation. This will be achieved through means of an annual monitoring cycle which will consider:

- Monitoring settings' accessibility plans
- Feedback from parents/carers
- Feedback from disabled children and young people
- Monitoring outcomes from equality impact assessments where required

This strategy is the responsibility of the Education and Inclusion Service within the People Directorate. It will be monitored by the Education and Inclusion Senior Management Team and governed by the People Services Directorate Leadership Team. An Annual Report will be provided to the Children and Young People's Scrutiny Committee by exception.

In its first full review the key messages arising for this Strategy are:

### **Awareness**

- There is strong evidence of good inclusive practice, and educational settings have been encouraged to develop case studies to support these.

### **Curriculum Access**

- All staff will benefit from regular updated training to understand equality, diversity and inclusion and act on the additional needs of children and young people with SEND.

### **Physical Access**

- The Local Authority specialist equipment policy, and SEN funding, aids schools in making reasonable adjustments under the anticipatory duty.

### **Information and advice**

- The review of this Strategy has led to the presentation of information as set out in pages 12-21 above.

## **PART 3: APPENDICES**

### **Appendix 1 - Legal framework**

Darlington Borough Council has met its legal obligations relating to the Accessibility Strategy under the following legislation:

- Equality Act 2010
- Reasonable adjustments duty (schedule 13 of the Equality Act 2010)
- Children and Families Act 2014
- The Special Educational Needs and Disability (SEND) regulations 2014
- Special Educational Needs and Disability (SEND) Code of Practice January 2015
- Supporting children and young people at school with medical conditions (DfE December 2015)

A brief overview of the key points from each piece of legislation which have been considered in developing the Accessibility Strategy are given below.

#### **Equality Act 2010**

Schedule 10 of the Equality Act explains that local authorities in England and Wales must prepare an Accessibility Strategy for the schools for which it is responsible. An Accessibility Strategy is intended to:

- Increase the extent to which disabled children and young people can participate in the school curriculum
- Improve the physical environment of schools for the purpose of increasing the extent to which disabled children and young people can take advantage of education and benefits, facilities or services provided or offered by the schools
- Improve the delivery to disabled children and young people of information which is readily accessible to children and young people who are not disabled

Darlington Borough Council (as the local authority) must keep its accessibility strategy under review following its implementation during the period to which it relates (usually three years) and, if necessary, revise it.

The Equality Act 2010, Schedule 10, also states that a relevant inspection may extend to the performance by the responsible body of its functions in relation to the preparation, publication, review, revision, and implementation of its Accessibility Strategy.

The law on disability discrimination is different from the rest of the Equality Act 2010 in that it only works in one direction, e.g., it protects disabled people but not people who are not disabled. This means that schools can treat disabled children and young people more favourably than non-disabled children and young people. The disability equality duties state that the Local Authority must:

- Promotes equality of opportunity
- Eliminates unlawful discrimination
- Eliminates disability – related harassment
- Promotes positive attitudes towards disabled people
- Encourages participation by disabled people in public life
- Take steps to meet disabled people's needs by doing things you would not normally do for non-disabled people

School governing bodies and proprietors must also publish information about the arrangements for the admission of disabled children/young people, the steps taken to prevent disabled children/young people being treated less favourably than others, the facilities provided to assist access of disabled children/young people, and their accessibility plans. Where a child or young person is covered by SEN and disability legislation, reasonable adjustments and access arrangements should be considered as part of SEN planning and review. Where school governors are publishing information about their arrangements for disabled children and young people, this should be brought together with the information required under the Children and Families Act 2014. Positive Action provisions allow schools to target measures that are designed to alleviate disadvantages experienced by, or to meet, the needs of pupils with protected characteristics.



## Reasonable adjustments duty

The reasonable adjustments duty is part of the Equality Act 2010 and came into force on 1 October 2010 (as part of the original Act). The Equality Duty came into force later, 5 April 2011, but is still part of the original Act.

Under the Equality Duty 2011 the duty to make reasonable adjustments in schools is as follows:

- If a school takes an action which places a disabled children and young people at a disadvantage when compared to other children and young people who do not have disabilities, then the school must take reasonable steps to try and avoid that disadvantage
- Schools will also have to consider reasonable adjustments for disabled children and young people generally – both current and future. The duty to make reasonable adjustments is an anticipatory duty so schools should not wait until a disabled children or young person arrives before making or planning to make reasonable adjustments
- Schools are not obliged to anticipate and make adjustments for all potential disabilities and need only consider general reasonable adjustments e.g., producing documents in a large font
- Schools will be required to consider the reasonableness of adjustments based on each individual case

The Equality Act does not set out what would be a reasonable adjustment or a list of factors to consider in determining what is reasonable, however this adjustment should be to address a substantial disadvantage. Schools may consider financial or other resources required for an adjustment, its effectiveness, the effect on other children and young people, health, and safety requirements and whether aids should be made available from other agencies.

A reasonable adjustment should be decided by agreement between the Local Authority, the school, and parents/carers.

The Local Authority has developed a 'Specialist Equipment Policy' which has detailed guidance on the duty and how schools can apply to the Authority for funding.

## Children and Families Act 2014

There are four key principles in the Act for Local Authorities:

- to consider the views, wishes and feelings of the child, young person, and their parents
- to involve the child, young person and their parents in decisions that affect them
- to give the child, young person, and their parents the information and support they need to be involved in decision making
- to support the child, young person, and their parents to achieve the best possible outcomes

The Local Authority is required to arrange for children or young people with special educational needs or disabilities (SEND) and their parents to have [information and advice](#) about these. This should include information on health and social care and personal budgets.

Local Authorities need to develop and publish a [Local Offer](#) setting out the support and services available for local children and young people with SEND.

They should also talk to them about developing their education, health, and care (EHC) plan, including the schools and colleges they can choose and how they can use [personal budgets](#).

All parents, children and young people should have access to impartial information, advice, and support about SEND which includes different options.

The Act includes the right of parents or children and young people to challenge decisions made by the Local Authority in relation to their education, health, and care. The Act details how Local Authorities should identify ways of dealing with any disagreements and what further action

parents or children and young people can take to resolve any disagreements. For details see the Darlington SEND Information Advice and Support Service: [SENDIASS](#).

The Local Authority has specific additional responsibilities for children and young people with SEND who are:

- looked after (in care)
- care leavers
- in need of additional social care in addition to special educational support and services
- educated away from home (in another Local Authority Area)
- educated at home
- in education somewhere other than at school
- in hospital
- in custody or detention
- the children of parents in the armed forces

#### **SEN and Disability Code of Practice 2014**

The principles which underpin the Code of Practice are:

- the views, wishes and feelings of the child or young person, and their parents
- the importance of the child or young person, and their parents, participating as fully as possible in decisions; and being provided with the information and support necessary to enable participation in those decisions
- the need to support the child or young person, and their parents, to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood

The local offer should reflect the services that are available. The local offer must include provision in the local authority area. It must also include provision outside the local area that the local authority expects is likely to be used by children and young people with SEND or disabilities.

Parents, children, and young people must be involved in the development and review of the local offer. This includes:

- Collaboration between education, health, and social care services to provide support. Schools must use their best endeavours to offer high quality teaching which is differentiated and personalised for all children and young people and in addition high quality special educational provision - that which is additional to or different from what is provided to all – for those who need it
- A child or young person who does not have an EHC plan must be educated in mainstream setting except for specific circumstances

Local authorities are required to arrange for children and young people with SEN or disabilities and their parents to be provided with information and advice about matters relating to their SEND, including matters related to health and social care.

The SEND Code of Practice emphasises that educational settings including further education establishments must not have discriminatory admissions policies. Where a child or young person has SEN but does not have an Education, Health and Care Plan they must be educated in a mainstream setting except in specific circumstances set out in the Code of Practice.

### **Supporting Children and Young People at School with Medical Conditions (DfE December 2015)**

Local Authorities are required to provide support, advice, and guidance, including suitable training for school staff, to ensure that the support specified within individual healthcare plans can be delivered effectively. They should work with schools to support children and young people with medical conditions to attend full time. Where children and young people would not receive a suitable education in a mainstream school because of their health needs then the Local Authority has a duty to make other arrangements.

The intention is to ensure that children and young people at school with medical conditions are properly supported so that they have full access to education, including school trips and physical education. Governing bodies are expected to ensure that arrangements are in place in schools to support children and young people with medical conditions and detail those requirements.

## Appendix 2 - Definitions

### Settings/Schools

All maintained schools, maintained nurseries and the pupil referral unit for which Darlington Borough Council is responsible.

### Discrimination

Public bodies, specifically schools this instance, must not disadvantage a disabled child or young person as a direct consequence of their disability. As required by the Equality Act 2010, schools must not implement changes which apply to all children and young people but could have a significant adverse effect on disabled children and young people.

### Children and young people

Children and young people spoken of in this strategy are of compulsory school age and in attendance in a maintained setting, i.e., nursery school, school, or pupil referral unit, and where a nursery school provides childcare and education for 2- to 4-year-olds.

### Compulsory school age

#### Start of compulsory school age


A child reaches compulsory school age on or after their fifth birthday. If a child turns five between 1 September and 31 December, they are of compulsory school age on 31 December. If a child turns five between 1 January and 31 March, they are of compulsory school age on 31 March. If a child turns five between 1 April and 31 August, they are of compulsory school age on 31 August.

#### End of compulsory school age

A child can leave school on the last Friday in June if they are 16 by the end of the summer holidays. Then, they must do one of the following until they are 18:

- stay in full-time education, for example at a college
- start an [apprenticeship](#) or [traineeship](#)
- spend 20 hours or more a week working or volunteering, while in part-time education or training


### Appendix 3 – Guidance and Best Practice

 [SEND Code of Practice \(DfE July 2014 - updated in January 15\) PDF format 3.32MB\)](#)

The Special Educational Needs and Disability code of practice: 0 to 25 years

 [SEND Regulations \(DfE 2015\) \(PDF format 210KB\)](#)

Special Educational Needs and Disability Regulations 2014

 [Statutory Guidance on Supporting Children and young people at School with Medical Conditions \(PDF format 402KB\)](#)

Statutory guidance to support Children and young people with medical needs in schools

**DFE Guidance (external link)**

<https://www.gov.uk/government/publications/local-area-send-inspection-framework>

The framework for the inspection of local areas' effectiveness in identifying and meeting the needs of Children and young people who have special educational needs and/or disabilities

**DFE Guidance (external link)**

<https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>

The DFE guidance for maintained schools for **publication of the Accessibility Plan in compliance with [paragraph 3 of schedule 10 of the Equality Act 2010](#)**.

This can be provided as part of the SEND information report in the school's policy for children and young people with SEND.

**DFE Guidance (external link)**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/410294/Advice\\_on\\_standards\\_for\\_school\\_premises.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410294/Advice_on_standards_for_school_premises.pdf)

The DFE guidance helps schools and local authorities understand their obligations and duties in relation to:

- the [School Premises Regulations 2012](#)
- part 5 of the revised [Education \(Independent School Standards\) \(England\) Regulations 2010](#), which came into force on 1 January 2013

**Health and Wellbeing Strategy – external link**

<https://www.darlington.gov.uk/media/2636/darlington-health-and-wellbeing-plan-as-adopted-by-health-and-wellbeing-board-october-2017.pdf>

Darlington Borough Council's Health and Wellbeing Strategy 2017-2022



### **Children and Young People's Plan – external link**

<https://www.darlington.gov.uk/education-and-learning/cypp/>

Darlington Borough Council's Children and Young People's Plan 2017-2022

### **Advice on school premises**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/410294/Advice\\_on\\_standards\\_for\\_school\\_premises.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410294/Advice_on_standards_for_school_premises.pdf)

DFE Guidance:

Advice on standards for school premises. For local authorities, proprietors, school leaders, school staff and governing bodies

**School Premises Regulations 2012**, which came into force on 31 October 2012, and Part 5 of the revised Education (Independent School Standards) (England) Regulations 2010, which came into force on 1 January 2013.

### **Public Sector Equality Duty and Human Rights Regulations**

[Equality Act technical guidance | Equality and Human Rights Commission](https://www.equalityhumanrights.com/equality-act-technical-guidance)  
([equalityhumanrights.com](https://www.equalityhumanrights.com))

The Commission has produced dedicated Technical Guidance for Schools for both England and Scotland that outlines the requirements of the Equality Act 2010 on schools, in relation to provision of education and access to benefits, facilities or services, both educational and non-educational. It provides an authoritative, comprehensive, and technical guide to the detail of the law.

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

Background to what the Public Sector Equality Duty is, how it came about and why we need it. A PowerPoint presentation is also available to download covering the same.

#### Appendix 4 - Bibliography

DFE. (2018). *Mental health and Behaviour In Schools*.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/755135/Mental\\_health\\_and\\_behaviour\\_in\\_schools\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/755135/Mental_health_and_behaviour_in_schools_.pdf).

DFE. (2020). *State of the nation 2020: children and young people's wellbeing* <https://www.gov.uk/government/publications/state-of-the-nation-2020-children-and-young-peoples-wellbeing>.

*Equality Act 2010* [www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils](http://www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils). (n.d.). Retrieved from Equality Human Rights Technical Guidance.

Government, H. (2011). *No Health without Mental health* <https://www.gov.uk/government/publications/the-mental-health-strategy-for-england>.

Review, M. (2010). *Fair Society Health Lives Executive Summary*. <https://www.instituteofhealthequity.org/resources-reports/fair-society-healthy-lives-the-marmot-review/fair-society-healthy-lives-exec-summary-pdf.pdf>.