

# ASPIRE ACADEMY

## DISABILITY EQUALITY POLICY and ACCESSIBILITY PLAN

### POLICY AND PROCEDURES

POLICY ADOPTED AND RATIFIED BY THE TRUST ON:	July 2014
POLICY LAST REVIEWED/REVISED:	October 2016
POLICY TO BE REVIEWED ANNUALLY OR AS REQUIRED	

**Signature:** *Vic Goddard*

**Date:** 31<sup>st</sup> October 2016

**Name:** Vic Goddard

**CHAIR OF TRUST**

## 1. CONTEXT AND LEGAL BACKGROUND

The Equality Act 2010 replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act.

The key points of the Act are:

- It provides a single, consolidated source of discrimination law. It simplifies the law and it extends protection from discrimination in some areas.
- As far as schools/academies are concerned, the Act makes clear Aspire Academy cannot unlawfully discriminate against pupils because of their sex, race, disability, religion or belief or sexual orientation and extended this protection to pupils who are pregnant, have recently given birth or are undergoing gender reassignment. These are collectively known as Protected Characteristics.
- The Act includes a Positive Action provision which allows Aspire Academy to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular Protected Characteristics. Such measures will need to be a proportionate way of achieving the relevant aim. Previously a school providing – for example – special catch-up classes for Roma children or a project to engage specifically with alienated Asian boys might have been found to be discriminating unlawfully by excluding children who didn't belong to these groups.
- The Act makes clear that it is now unlawful to victimise a child for anything done in relation to the Act by their parent or sibling.
- The Act extends the reasonable adjustment duty to require Aspire Academy to provide auxiliary aids and services to disabled pupils.
- The Act replaced the three previous general and specific equality duties on schools/academies (race, disability and gender) to eliminate discrimination and advance equality of opportunity by a single general duty and public sector equality duty.

How Aspire Academy Trust meets its obligations under the Equality Act 2010 and the Public Sector Equality Duty is covered in the Trust's Equality and Diversity Policy.

This Accessibility Plan applies only to one of the Protected Characteristics group included in the Equality Act – namely Disability.

## 2. THE EQUALITY ACT 2010 AND DISABILITY

- The disability provisions of the Act, which Aspire Academy is obliged to comply with, are different from those for other Protected Characteristics in a number of ways.
- The overriding principle of equality legislation is generally one of equal treatment – e.g. a black person must be treated no less well than a white person, or a man as favourably as a woman. However, the provisions relating to disability discrimination are different in that the Academy may, and often must, treat a

disabled person more favourably than a person who is not disabled and may have to make changes to its practices to ensure, as far as is reasonably possible, that a disabled person can benefit from what the Academy offers to the same extent that a person without that disability can. So, in Aspire Academy, whilst setting the general principle, that we will treat male and female, black and white, gay and straight pupils equally – but we may well be required to treat disabled pupils differently, precisely in order not to discriminate against them.

- The Act defines disability as when a person has a **‘physical or mental impairment which has a substantial and long term adverse effect on that person’s ability to carry out normal day to day activities’**. Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.
- Long term is defined as lasting, or likely to last, for at least 12 months.

### Unlawful behaviour with regard to disabled pupils

- There are four categories of unlawful behaviour towards disabled pupils under the Equality Act 2010.
  - ➔ Aspire Academy must not and will not treat a disabled pupil less favourably simply because that pupil is disabled – for example by having an admission bar on disabled applicants.  
What the law makes clear is that if Aspire Academy discriminates against a person purely because of his or her disability (even if they are trying to achieve a legitimate aim) then it would be unlawful discrimination as there can be no justification for their actions.
  - ➔ Aspire Academy must not and will not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only – for example having a rule that all pupils must demonstrate certain physical fitness levels – unless it can show that it is done for a legitimate reason and is a proportional way of achieving that legitimate aim.
  - ➔ Aspire Academy must not and will not discriminate against a disabled pupil because of something that is a consequence of their disability – for example by not allowing a disabled pupil on crutches outside at break time because it would take too long for the pupil to get out and back.
  - ➔ Aspire Academy must not and will not harass a pupil because of a disability – for example, a teacher shouting at the pupil because the disability means that the pupil is constantly struggling with class-work or unable to concentrate.

### Reasonable adjustments

- The Equality Act 2010 lays a duty on Aspire Academy Trust to make reasonable adjustments and this applies only to disabled pupils. This duty applies:
  - ➔ where something Aspire Academy does places a disabled pupil at a disadvantage compared to other pupils, then Aspire Academy must and will take reasonable steps to try and avoid that disadvantage;
  - ➔ Aspire Academy is 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

- In addition to having a duty to consider reasonable adjustments for particular individual disabled pupils, Aspire Academy will also have to consider potential adjustments which may be needed for disabled pupils generally as it is likely that the academy will have a disabled pupil at some point. However, Aspire Academy is not obliged to anticipate and make adjustments for every imaginable disability and need only consider general reasonable adjustments – e.g. being prepared to produce large font sized papers for pupils with a visual impairment even though there are no such pupils currently admitted to the academy.
- The Act does not set out what would be a reasonable adjustment or a list of factors to consider in determining what is reasonable. It is for Aspire Academy Trust to consider the reasonableness of adjustments based on the circumstances of each case. However, factors Aspire Academy will consider when assessing the reasonableness of an adjustment will include the financial or other resources required for the adjustment, its effectiveness, its effect on other pupils and health and safety requirements.
- Often though, effective and practicable adjustments for disabled pupils will involve little or no cost or disruption and are therefore very likely to be reasonable for the Academy to have to make.
- Aspire Academy will always strive to ensure that disabled pupils can play as full a part as possible in academy life and the reasonable adjustments duty will help support that. However, there will be times when adjustments cannot be made because to do so would have a detrimental effect on other pupils and would therefore not be reasonable – for example, if an activity necessarily involved climbing and walking over rough ground and after fully considering alternatives to accommodate a disabled pupil in a wheelchair who could not take part it determined that there was no viable alternative or way of enabling the disabled pupil to participate or be involved, it would not have to cancel the trip as originally planned.
- These Reasonable Adjustments Provisions complement the Academy's accessibility planning duties and its SEND policy and practice.

### **3. DUTIES AROUND ACCESSIBILITY FOR DISABLED PUPILS**

**3.1** Aspire Academy will produce, resource, implement and regularly review and revise as necessary an Accessibility Plan which will:

- increase the extent to which disabled pupils can participate in the curriculum
- improve the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided
- improve the availability of accessible information to disabled pupils

**3.2** In drawing up this Accessibility Plan Aspire Academy has set the following priorities:

- to provide full and safe access throughout the Academy site and premises for those with a physical disability
- to ensure that all educational activities and opportunities are fully and equally accessible by pupils who are disabled

- to ensure that parents/carers/visitors to the site and premises who themselves have a disability are able to access all relevant parts of the premises and all relevant information about the Academy
- to fully involve pupils, parents and carers and any other relevant stakeholders in drawing up this Accessibility Plan, its implementation and regular review
- to ensure that all employees of the Academy are regularly kept up to date and trained in how to meet the needs of disabled people and in their obligations under this Policy and Plan.

## 4. CONTEXT EFFECTING THESE DUTIES

### Physical Environment/Access

- 4.1 Aspire Academy opened in September 2014 on a site and in buildings which were previously used by Essex County Council for a similar range of pupils and with similar operational capacity. The Trust is therefore fully compliant with its duties under the Act due to the fact that Essex County Council was under the same obligations and was meeting them.
- 4.2 Subsequently the buildings and site underwent a major capital programme, with an extension. These works maintained the Academy's fully compliant physical access status as this was a requirement of planning permission, building regulations as well as the Academy's duties under the Act.

### Participation in/Access to the curriculum

- 4.3 By the nature of Alternative Provision and the nature of the pupils the Academy is providing for, **all** pupils will be regarded as having 'Special Needs' and therefore unlike a mainstream school, the whole curriculum offer has been written and structured to meet the full range of individual needs. Access to the curriculum is therefore achieved by all pupils coming under the remit of the Academy's SEND Policy and all having Individual Learning Plans (ILPs) which specify what curriculum provision is appropriate to each individual and how this is to be achieved. In this sense all pupils will have Reasonable Adjustments made for them within their ILP and these plans are reviewed every half-term. Such ILPs will also indicate any auxiliary aids which may be required.

### Participation in/Access to wider Academy life and opportunities

- 4.4 The Academy may make use of a number of offsite learning opportunities (e.g. Forest Schools, Swimming and Outdoor Pursuits). By the nature of these activities, access to these activities and opportunities may be limited for some pupils with certain types of physical disability. This may be exacerbated by the Academy not having, use of a minibus with wheelchair provision. This latter limitation forms part of the Accessibility Plan.
- 4.5 Where access to such offside learning opportunities cannot be adequately and appropriately provided, the Academy will devise and provide equivalent alternatives, in the same way as it will devise access to P.E. and Sport which is appropriate to the needs and abilities of particular disabilities.

## ASPIRE ACADEMY ACCESSIBILITY PLAN

<b>KEY DUTY 1: INCREASE EXTENT TO WHICH DISABLED PUPILS CAN PARTICIPATE IN THE CURRICULUM AND ALLIED LEARNING OPPORTUNITIES</b>
---

<b>TARGET</b>	<b>PROCESS</b>	<b>OUTCOME</b>	<b>TIME FRAME</b>	<b>RESPONSIBILITY</b>
Identification of those pupils who fit the definition within the Policy and audit of their specific needs.	Undertake at referral and admission stages and incorporate in Individual Learning Plans	No disabled pupil is discriminated against in the ways set out in the Policy. Every disabled pupil is able to access all curriculum provision and other learning opportunities as appropriate and relevant to their needs.	Ongoing for each new referral and admission.	Principal and SLT
Full understanding/ awareness of all staff on disability issues, obligations and general differentiation in curriculum planning and delivery.	Training Programme. Provision of Individual Learning Plans to all staff.	As above.	Ongoing	Principal and SLT.
Provision of auxiliary aids/ reasonable adjustments as required to meet individual pupil needs.	As part of Individual Learning Plans process and regular review of these.	As above.	Ongoing	Principal and SENDCO.
All learning and activity spaces are organised to promote the participation and independence of all pupils.	Review the furniture and equipment layout of each learning/activity space to ensure that smoothest learning process.	All learning takes place in a timely fashion with no or minimal need to make constant or regular adjustments to meet individual pupil needs.	Ongoing	Principal and SLT and all staff.
All third party offsite provision is accessible for disabled pupils.	Work and support to third party providers to enable them to meet the needs of disabled pupils.	Parity of onsite and offsite access.	Ongoing	Principal and SLT

<b>TARGET</b>	<b>PROCESS</b>	<b>OUTCOME</b>	<b>TIME FRAME</b>	<b>RESPONSIBILITY</b>
All offsite activity provision (e.g. outdoor pursuits) is made as accessible as possible or equivalent activities provided via other routes.	As above, plus development of equivalent activity opportunities.	As above.	As above.	Principal and SLT.

**KEY DUTY 2: IMPROVE THE PHYSICAL ENVIRONMENT TO ENABLE DISABLED PUPILS TO TAKE BETTER ADVANTAGE OF EDUCATION, BENEFITS, FACILITIES AND SERVICES PROVIDED**

TARGET	STATUS	ACTION	RESPONSIBILITY
<p>To ensure full disabled access to site, buildings and all teaching, learning and activity spaces and facilities.</p>	<p>Mostly compliant.                      The main building is all ground floor only with ramps and no internal changes of level.                      All doors are wide enough for wheelchair access.                      Sufficient disabled toilets and a disabled medical room.                      Limited grab rail provision.</p> <p>Site and reception fully accessible via automated gates.                      Playgrounds and external areas fully accessible.</p> <p>Designated disabled parking.                      Limited adapted signage.</p> <p>No specified provision for sight, hearing or speech disability/need.</p>	<p>If a pupil with a sight, hearing or speech disability is admitted, suitable adaptations/provision will be put in place.</p>	<p>Principal, Governors and SLT.</p> <p>As above.</p> <p>Principal and Trust</p>
<p>To ensure provision of a wheelchair/disabled pupil accessible mini-bus.</p>	<p>The present minibus is not wheelchair/disabled pupil/adult accessible.</p>	<p>When the academy replaces the present minibus, it will ensure it is wheelchair/disabled accessible. In the meantime, the Academy will ensure appropriate transportation for any disabled pupils/adults.</p>	<p>Principal and Trust</p>



**KEY DUTY 3: IMPROVE THE AVAILABILITY OF ACCESSIBLE INFORMATION TO DISABLED PUPILS/PARENTS AND CARERS, VISITORS AND COMMISSIONERS**

<b>TARGET</b>	<b>PROCESS</b>	<b>OUTCOME</b>	<b>TIME FRAME</b>	<b>RESPONSIBILITY</b>
Availability of all written Academy documentation in alternative formats for each of the audiences set out above and accessible via a number of alternative routes.	Academy to audit/ investigate all the ways in which alternative formats and access to those formats can and should be provided. Then work on producing/ developing these formats and access routes.	Full compliance and meeting the needs of all the audiences set out above.	Ongoing.	Principal, SLT and Trust