

# Ysgol Maes Hyfryd

Specialist High School

Ysgol Uwchradd Arbenigol

## Background

The Equality Act 2010 provides a single, consolidated source of discrimination law. It simplifies the law and it extends protection from discrimination in some areas and applies to all maintained and independent schools, and maintained and non-maintained special schools in England and Wales. Schools cannot unlawfully discriminate against pupils because of their sex, race, disability, religion or belief or sexual orientation.

The Act makes it unlawful for the responsible body of a school (the Governing Body) to discriminate against, harass or victimise a pupil or potential pupil:

- In relation to admissions,
- In the way it provides education for pupils,
- In the way it provides pupils access to any benefit, facility or service, or
- By excluding a pupil or subjecting them to any other detriment.

Maintained schools including Pupil referral units, are public authorities and are subject to public sector equality duties. Complying with the public sector equality duties give public bodies legal responsibilities to demonstrate they are taking action on equality in policy making, the delivery of services and public sector employment. The duties require public bodies to take steps not just to eliminate unlawful discrimination and harassment, but also to actively promote equality.

In order to meet the public sector equality duties, schools must publish equality objectives – please refer to **Appendix 1**. There is also a requirement to have an Accessibility Plan outlining how schools intend to improve access for disabled pupils to the physical environment, the curriculum and written information.

## Our Aims

Ysgol Maes Hyfryd values the individuality of all students and is committed to giving each one every opportunity to achieve the highest standards. The expectations of all staff are high and students are encouraged to have a positive attitude and to achieve the best that they possibly can, both in and out of the classroom.

The School aims to be inclusive and actively seeks to remove barriers to learning and participation. Therefore equality of opportunity must be a reality for all our students

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and staff. This policy helps to ensure that Ysgol Maes Hyfryd promotes the individuality and independence of all students. The aims of our policy are:

- To actively seek to remove barriers to learning and participation.
- To make equality of opportunity a reality for all our students and staff. .
- Not to treat any student or staff member less favourably because of their disability.
- To treat some students and staff more favourably in order to achieve equal access for all.
- To make all reasonable adjustments to ensure that all students and members of staff are not placed at a disadvantage.
- To do our best to anticipate the needs of any disabled student or member of staff before they join the school.

## Legislation and guidance

This document meets the requirements of schedule 10 of the Equality Act 2010 and the Department for Education (DfE) guidance for schools on the Equality Act 2010.

The Equality Act 2010 defines an individual as disabled if he or she has a physical or mental impairment that has a 'substantial' and 'long-term' adverse effect on his or her ability to undertake normal day to day activities.

Under the Special Educational Needs and Disability (SEND) Code of Practice, 'long-term' is defined as 'a year or more' and 'substantial' is defined as 'more than minor or trivial'. The definition includes sensory impairments such as those affecting sight or hearing, and long-term health conditions such as asthma, diabetes, epilepsy and cancer.

Schools are required to make 'reasonable adjustments' for pupils with disabilities under the Equality Act 2010, to alleviate any substantial disadvantage that a disabled pupil faces in comparison with non-disabled pupils. This can include, for example, the provision of an auxiliary aid or adjustments to premises

## Responsibility

The Governing Body is the responsible body for the school's duty not to discriminate. The designated member of staff (senior manager), together with a nominated governor, jointly discharge the responsibility of ensuring that we meet these obligations, including liaising with the LA, keeping the Governing Body informed of any

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new regulations, and ensuring that the school regularly reviews its processes and procedures.

## Provisions Relating to Disability

The disability provisions in the Equality Act mainly replicate those in the former Disability Discrimination Act (DDA). There are some minor differences as follows:

- Unlike the DDA the Equality Act does not list the types of day to day activities which a disabled person must demonstrate that they cannot carry out, thus making the definition of disability less restrictive for disabled people to meet.
- Failure to make a reasonable adjustment can no longer be defended as justified. The fact that it must be reasonable provides the necessary test.
- Direct discrimination against a disabled person can no longer be defended as justified – bringing it into line with the definition of direct discrimination generally.
- From September 2012 schools and local authorities have a duty to supply auxiliary aids and services as reasonable adjustments where these are not being supplied through Special Educational Needs (SEN) statements or from other sources.

## Definition

The Equality Act 2010 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'*.

This definition needs to be read in conjunction with the definition of Special Education Needs (SEN) in the SEN Code of Practice for Wales 2002.

*"Children have special educational needs (SEN) if they have a learning difficulty which calls for special educational provision to be made for them. Children have a learning difficulty if they:*

- a) have significantly greater difficulty which calls for special education provision to be made for them
- b)

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- c) have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the LA.
- d) are under compulsory school age and fall within the definition at (a) or (b) above or would do so if special educational provision was not made for them.

*Special Education provision means:*

- a) for children two or over, educational provision which is additional to or otherwise different from, the educational provision made generally for children of their age in schools maintained by the LA, other than special schools in the area.
- b) for children under two, education or provision of any kind.”

It can be seen that the two definitions are not always mutually compatible and that, indeed, protection under one Act does not automatically include protection under the other. Therefore this plan needs to be read in tandem with the following policies: Additional Needs Policy, Admissions Policy, Fire and Emergency Evacuation Policy, Health & Safety Policy, Equality and Diversity Policy

## **Reasonable Adjustments**

The object of the reasonable adjustments duty under the Equality Act is to avoid as far possible by reasonable means, the disadvantage which a disabled pupil experiences because of their disability. For schools the duty is summarised as follows:

- Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that disadvantage.
- Schools 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 other pupils.

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The duty does not require schools to make reasonable adjustments to avoid the disadvantage of physical features as this is already considered as part of the planning duties. I.e. that schools accessibility plans are in place for increasing over time the accessibility of schools for pupils with disabilities.

Reasonable adjustments to improve access to the curriculum will include classroom organisation, the deployment of support staff, timetabling and staff training. Many of the adjustments we make are dependent upon a student's individual needs, which are reflected in their Individual Education Plans (IEP's). We draw upon all sources available and therefore parents and carers are asked to keep us informed about any relevant issues in order that we can work towards resolving them.

## Criteria for Reasonable Adjustments

The individual circumstances of the pupil and school mean that a degree of professional judgement is always necessary to determine what is reasonable. The issues that may need to be considered would include:

- The strengths of the pupil
- The health of the pupil
- The costs of the adjustments
- Health and safety factors for the pupil and other pupils
- The nature of the alternative arrangements to be made

A balance needs to be made between the benefits for the pupil and all of the other factors that relate to the impact of the adjustment being made.

## Funding

The National Assembly for Wales Circular 15/2204, Planning to Increase Access to Schools for Disabled Pupils indicates in paragraph 6.1, the LA should fund certain items to make a school more accessible for disabled pupils. These would include capital work, such as rebuilding, the installation of lifts, electromagnetic doors, sound proofing, accessible toilets and the provision of more expensive, specialist equipment. The LA will therefore plan ahead to achieve accessibility to its schools for people with a disability and continue to work toward making school buildings accessible. It further states within the Wales Circular, in paragraph 6.3, that maintained schools need to

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look to their delegated budgets to fund the elements of their access plans, other than capital works.

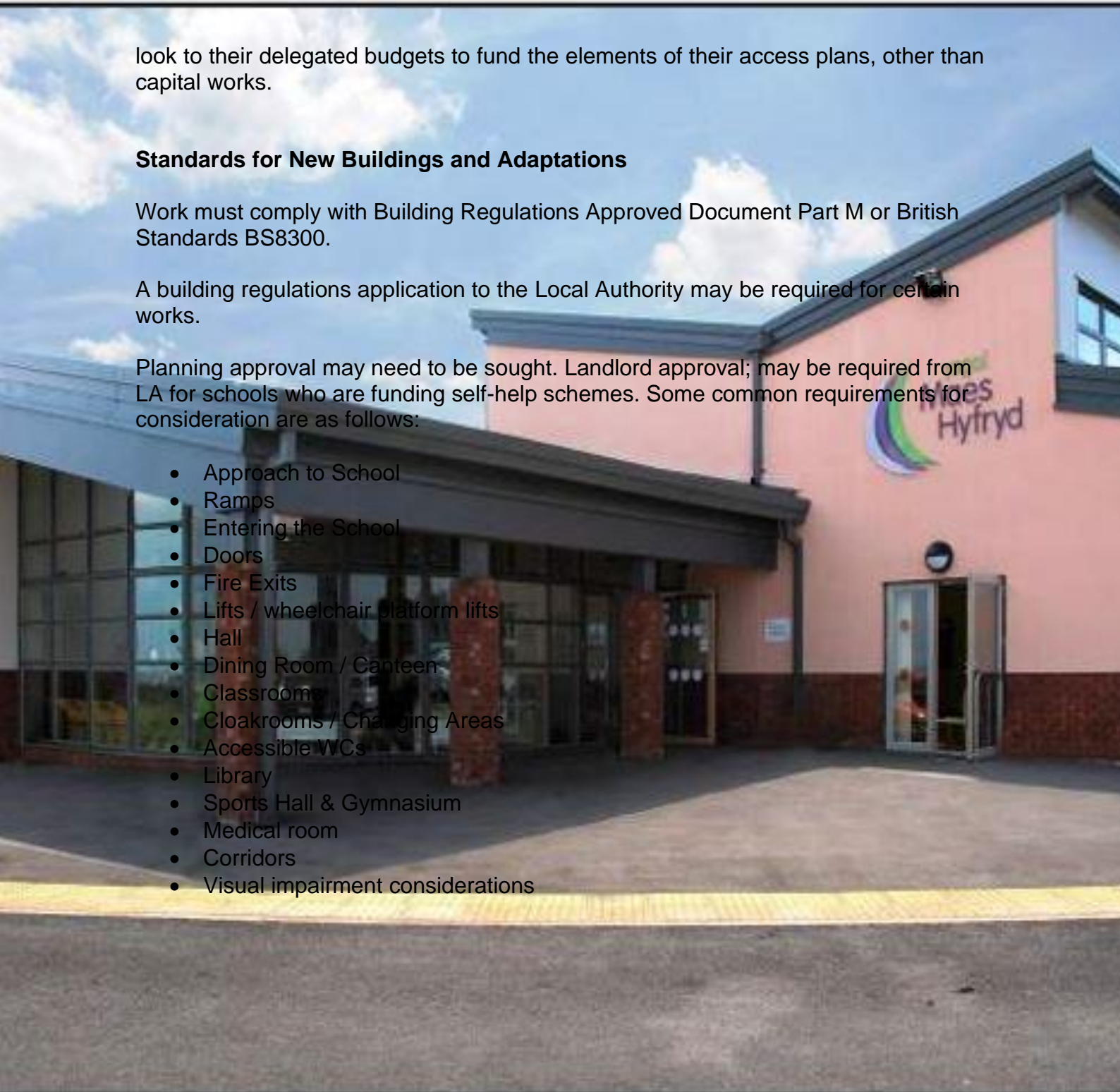
### Standards for New Buildings and Adaptations

Work must comply with Building Regulations Approved Document Part M or British Standards BS8300.

A building regulations application to the Local Authority may be required for certain works.

Planning approval may need to be sought. Landlord approval; may be required from LA for schools who are funding self-help schemes. Some common requirements for consideration are as follows:

- Approach to School
- Ramps
- Entering the School
- Doors
- Fire Exits
- Lifts / wheelchair platform lifts
- Hall
- Dining Room / Canteen
- Classrooms
- Cloakrooms / Changing Areas
- Accessible WCs
- Library
- Sports Hall & Gymnasium
- Medical room
- Corridors
- Visual impairment considerations



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### Specialist Equipment for Pupils

The LA is responsible for the purchase of specialist equipment that is essential to avoid discrimination against a person's disability. These would include:

- Standing frames
- Hoists
- Tracked lifting devices
- Adapted seating
- Specialist equipment above a cost of £100. Having regard to recommendations made to OT, SALT, Sensory Service, Physiotherapist or NWSSS.
- Other equipment above a cost of £100. This includes several smaller pieces of equipment bought for the same child at the same time which together total over £100.
- Where equipment costs up to £100 it is the responsibility of the school to fund it.

### Equipment Removal / Relocation

In the event that equipment has been provided for a pupil and that pupil transferred to another school, the receiving school will be responsible for arranging for and funding the appropriate transfer of that equipment.

In the event that equipment has been provided for a pupil, and that equipment is no longer needed for that pupil, the school is required to inform the Disability Access Officer on 01352 702131.

### Curriculum and Support for Students

In line with the Curriculum for Wales, we offer a broad and balanced curriculum that is accessible to all students. Every teacher will address the individual needs of each student.

Because of the nature of Ysgol Maes Hyfryd most pupils have been or are likely to be deemed disabled under this definition. The school aims to include all pupils in the full life of the school through the implementation of all its policies.

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The Governing Body acknowledges its duties under the Disability Discrimination Act (1995) as amended by SENDA (2001) “not to discriminate against disabled pupils in their admissions and exclusions, education and associated services”.

Ysgol Maes Hyfryd has a very extensive curriculum that provides entitlement for all through its commitment to equality of opportunity. The components of the Curriculum are designed to be accessible by all pupils, the school delivers its curriculum through different pathways to meet the pupils' individual needs.

Ysgol Maes Hyfryd looks to provide integration opportunities where appropriate to support the needs of our pupils. The curriculum is monitored and reviewed annually.

Our teaching strategies enhance learning and participation in a broad and balanced curriculum. All lessons and out-of-school activities and school trips are fully inclusive. We use language that does not offend, and we make staff and students aware of the importance of language. Our resources contain positive images of people with disabilities, and students are able to improve their understanding through activities such as learning to use Makaton. Information can be made available in alternative formats that are clear and user-friendly, as required. This will include Braille, audiotape, and large print, or it may be transmitted orally, or through lip-speaking or sign language, or through a recognised symbol system, or through ICT.

There is a duty to ensure that full access to a broad and balanced curriculum is provided through teaching and learning strategies, school and classroom organisation, deployment and training of staff, timetabling and the selection of any options.

Ysgol Maes Hyfryd is organised to provide access to a broad, balanced and relevant curriculum to all its pupils. This is achieved through specially adapted schemes of work, specialist teaching and learning methodologies, accreditation at a level matched to the individual, a substantial commitment to professional development for staff at all levels and careful deployment of staff to meet the individual needs of pupils.

Pupils with very high levels of disability may follow individual adapted timetabling but care is taken to ensure that this is a response to individual needs rather than organisational expediency.



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## Improving the delivery of information to pupils with disabilities

The school liaises with specialists to support individual students. Among these specialists are the following: therapists, such as Physiotherapists and Speech and Language Therapists; school and Community Nurses and Doctors; Educational Psychologists; Inclusion Welfare Officers; and the staff of the voluntary and statutory agencies. We benefit from the LA's advice and its provision through specific school services.

Ysgol Maes Hyfryd operates within a total communication context. Every effort is made through the use of signs and symbols to ensure that all pupils understand what is required of them and can understand the curriculum as it is presented.

Most classes use symbol timetables as a matter of course and present worksheets and other materials using symbols. Full use is made of augmentative communication strategies as appropriate to individual pupils. General notices to pupils and displays are presented using symbols.

## Staff

The access needs of staff are not addressed directly in the Accessibility Plan. The Access to Work scheme run by the LA Employment Service can help to make the workplace more accessible for any existing staff with a disability, or any newly appointed staff.

## Monitoring & Evaluation

We monitor a range of data to make sure that all students are making the best progress possible and that none are underachieving. Our monitoring includes:

- Admissions
- Attainment
- Exclusions
- Rewards, sanctions
- Parental and student questionnaires

Ysgol Maes Hyfryd will report to the governing body each year on the implementation of their Accessibility Plans and Strategic Equality Plan. This information will also be included in the Governors' Annual Report to parents.

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## References

Equality Human Rights Commission (2010)

What equality law means for you as an education provider: schools

Flintshire County Council (2016)

Education & Youth Accessibility Strategy

## Equality

As an employer and provider of services Ysgol Maes Hyfryd will not unlawfully discriminate on grounds of age, disability, gender, gender reassignment, race or ethnicity, religion or belief, sexual orientation, marriage or civil partnership, pregnancy and maternity or on the grounds of Welsh language.

All pupils, their parents and guardians, volunteers, staff and school governors are valued and will be treated with dignity and respect. We will not tolerate any form of discrimination, harassment or victimisation.

We will work across our school community to ensure our commitment to equality and fairness is shared and take steps to ensure that our school is accessible, welcoming and inclusive.

## Welsh Language Impact

Wherever possible, use the Welsh language as a natural part of all aspects discussed in this policy document.

(This policy is included as Appendix 4 in the Equality Policy)