

# **North Somerset Guidance on the Disability Code of Practice for Schools**

**October 2003**

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## INTRODUCTION

Dear Colleague

We hope that this guidance will help to support schools in further developing provision for children with disability. We have tried to draw together both information and guidance on a range of issues that will need to be addressed as a result of the SEN and Disability Act. Information has been provided by a number of Education Department Teams, notably SEN, Asset Management and Personnel in respect to Health and Safety. The document will be placed on the North Somerset website under "Learning - Policies and Plans", and will be updated as and when new guidance is available.

This document is six sections, which are as follows:

- [Section 1](#) Provides detailed information on the Disability Code of Practice
- [Section 2](#) Accessibility Strategy for Schools
- [Section 3](#) Outlines the protocol for ensuring that Health and Safety issues are identified in relation to disabled pupils
- [Section 4](#) Provides a protocol for accessing SEN equipment
- [Section 5](#) Provides a checklist for building adaptations. This was a specific request at the SENCO conferences in June 2003.
- [Section 6](#) Indicates the current referral routes to a range of advice givers within the Education Department.
- [Section 7](#) Provides information on publications and useful contacts.

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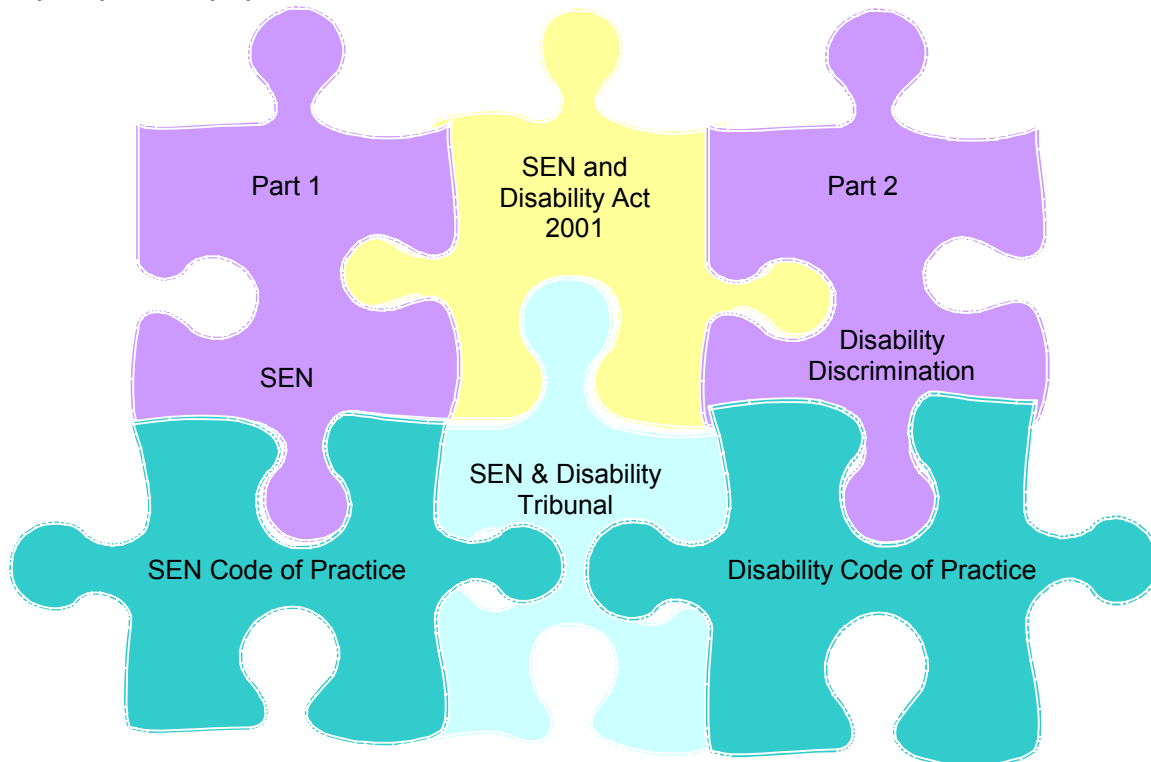
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## SECTION 1 DISABILITY CODE OF PRACTICE

The Special Educational Needs and Disability Act (SENDA) 2001 amends the Disability Discrimination Act 1995 and introduces new legal duties for schools relating to all pupils or prospective pupils with disabilities.



The legislation, combined with the SEN Framework and new planning duties for schools and Local Education Authorities (LEAs) aims to improve educational choice and opportunity for disabled children and children with special educational needs and their parents.

Since September 2002, it has been unlawful for bodies responsible for the provision of school education to discriminate against disabled pupils and prospective pupils in the provision of education and associated services in schools, and in admissions and exclusions. This is discussed in detail further in the document.

In maintained schools in England, the Governing Body is ultimately responsible for the duty not to discriminate.

The definition of disability is set out in the Disability Discrimination Act (DDA) which explains that a disabled person is someone who has a physical or mental disability which has an effect on his or her ability to carry out normal day-to-day activities. That effect must be:

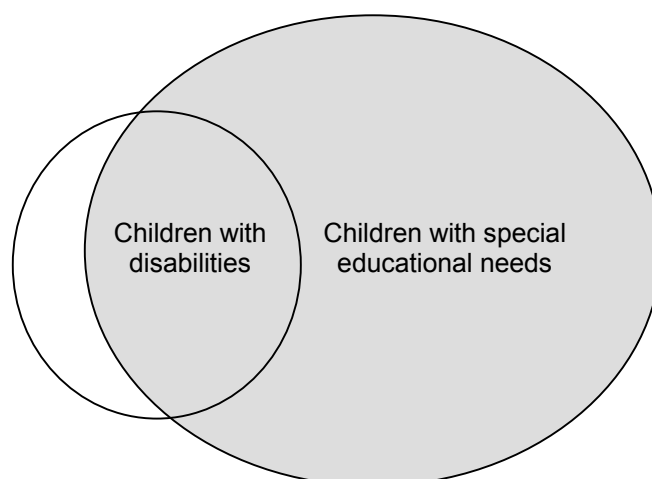
- Substantial (that is more than minor or trivial)
- Adverse, and

- Long term (that is it has lasted or is likely to last for at least a year or for the rest of the life of the person affected)

This definition includes pupils with physical, sensory, intellectual or mental impairments. The definition is broad and might include children with a learning disability, severe dyslexia, diabetes or epilepsy, pupils who are incontinent, or who have AIDS, severe disfigurements or progressive conditions such as Muscular Dystrophy.

## 1. HOW IS THIS DIFFERENT FROM "SPECIAL EDUCATIONAL NEEDS"?

The Education Act 1996 says *"a child has special educational needs if he or she has a learning difficulty which calls for special educational provision"*. This definition includes disabled children needing any special educational provision. However, not all children who are defined as having a disability under the DDA will have special educational needs.



For example, a child with severe asthma may not be identified as having special educational needs, but may well be defined as having a disability under the DDA. Similarly, not all children with Special Educational Needs will be defined as having a disability under the DDA. This is why whole school approaches aimed at supporting inclusion are likely to be most effective. It is anticipated that this will be an area where legal judgement will form case law.

## 2. WHAT DOES THE NEW LAW COVER?

Since September 2002, it has been against the law for schools to discriminate in:

- Admissions
- Education and associated services
- Exclusions

### 2.1 Admissions

Responsible bodies (see [table 1](#)) must not discriminate against a disabled person:

- In the way they decide who can be admitted to the school. This includes any criteria when it is over-subscribed, and the manner with which the criteria are implemented.
- In the terms for offering a child a place at the school
- By refusing or deliberately not accepting an application from a disabled child for admission to the school.

## **2.2 Education and Associated Services**

The Act covers all education and associated services for pupils and prospective pupils - in essence, this covers the teaching provided by teachers and other school staff. It also includes what happens at lunchtime and other breaks and activities such as after-school clubs, school trips and school orchestras. Adult education provided in schools and services to parents are not covered.

## **2.3 Exclusions**

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

### **2.3.1 Example**

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

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

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

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

*It is less favourable treatment than someone would get if they had not hit the teacher. Is it justified?*

*The less favourable treatment is likely to be justified in terms of the order and discipline in the school. Any assault is likely to constitute a material and substantial reason justifying exclusion. However, there may be reasonable steps that might have been*

*taken to prevent the incident happening in the first place. For staff there might have been training:*

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

*For the pupil there might have been:*

- *Particular training for social situations, such as queuing. Avoid the need to queue wherever possible*
- *The development of strategies for communicating that he is upset or confused.*

*It would be anticipated that the child would have a Pastoral Support Programme and/or an Individual Education Plan outlining the adopted strategy.*

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

### **3. WHAT DOES THE NEW LAW NOT REQUIRE?**

Schools are not required to provide auxiliary aids or services such as the provision of information in different formats e.g. Braille. These are provided through the SEN Framework.

The diagram on the next page illustrates the ways in which the different parts of legislation and legislative guidance fit together and support disabled children.



"The purpose of the SEN framework is to meet the special educational needs of individual children, some of whom may also be disabled, who need provision that is additional to, or different from, what is normally available in schools maintained by the LEA. Under the framework, schools and LEAs should identify children's special educational needs as early as possible; assess those needs carefully; and make specific provision, whether solely through their school or with the intervention of the LEA by way of a Statement of Special Educational Needs to enable them to learn and achieve. The SEN framework also ensures that children's progress is monitored and reviewed to check that provision being made for them continues to meet their needs. The SEN Code of Practice provides guidance to schools and LEAs on operating within the SEN framework" *(quote from Department for Education and Skills guidance "Accessible Schools: Planning to increase access to schools for disabled pupils" Annex A: The SEN Framework).*

Schools are also not required to remove or alter physical features as any physical alterations are covered by the longer-term planning duties for LEAs and schools. This will be outlined in the LEA Accessibility Strategy and individual school accessibility plans.

## 4. WHO IS RESPONSIBLE FOR THE NEW DUTIES?

All schools are covered, including independent schools and pupil referral units. The 'responsible body' for a school is ultimately liable and responsible for the actions of all employees and anyone working with the authority of the school.

### 4.1 Responsible bodies

Table 1

TYPE OF SCHOOL	RESPONSIBLE BODY
Maintained school	The Governing Body in general
Pupil referral unit	LEA
Maintained nursery	LEA
Independent School	The proprietor
Special School that is non-maintained	The proprietor

## 5. HOW IS DISCRIMINATION DEFINED UNDER THE NEW LAW?

A disabled pupil can be discriminated against in two ways:

### 5.1 Less Favourable Treatment

If a school treats a disabled child or prospective pupil less favourably than another because of his or her disability without justification, they may be breaking the law.

#### 5.1.1 Example :

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

#### 5.1.2 Example :

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

### 5.2 Justification for Less Favourable Treatment

In some cases, the school can treat a disabled pupil "less favourably" if it can provide justification that is both "material" and "substantial" to the particular case.

### **5.2.1 Example :**

*A pupil with cerebral palsy who uses a wheelchair is on a trip with her school to an outdoor centre. The teachers arrange for the school children to go on a 12-mile hike over difficult terrain, but having carried out a risk assessment, they decide that the disabled pupil can't go on the hike for health and safety reasons. In this particular case, the school may be able to justify the less favourable treatment for a material and substantial reason, although they are likely to be expected to arrange an alternative activity for the disabled pupil as a reasonable adjustment.*

*Less favourable treatment can also be justified if it is the result of a permitted form of selection.*

### **5.2.2 Example :**

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

## **5.3 Failing to Make a "Reasonable Adjustment"**

Schools can also be found to have discriminated where they have failed to take "reasonable steps" which leads to disabled pupils and prospective pupils being placed at a "substantial disadvantage" compared to non-disabled pupils.

### **5.3.1 Example :**

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

### **5.3.2 Example:**

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

## **5.4 Justification for Failing to Take "Reasonable Steps"**

Not taking "reasonable steps" to avoid putting pupils at a substantial disadvantage can only be justified if there is a reason which is both material and substantial to the particular case.

## **5.5 What is "Reasonable"?**

The Act does not define "reasonable" - this will depend on individual cases and will be a matter for the Tribunal and/or Appeal Panels to decide. However, schools can take account of the:

- Need to maintain academic and other standards

- Funding available
- Practicalities of making the particular adjustment
- Health and safety of the disabled pupil and others
- Interests of other pupils

## **5.6 What is a "Substantial Disadvantage"?**

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

- The time and effort that the disabled child might need to expend
- The inconvenience, indignity or discomfort a disabled child might suffer
- The loss of opportunity or lack of progress that a disabled child may make compared to other non-disabled children

## **5.7 What is material?**

A clear connection between the reason that the responsible body gives for the treatment and the circumstances of a particular case need to be demonstrated. The school will need to document the evidence that led to their decision and ensure that it is not based on general assumptions or blanket policies but reflects individual needs.

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

Schools have a duty to all disabled children and potential pupils. Schools cannot wait until a child has arrived before making adjustments as this might put them immediately in breach of the law. They need to think ahead to what they might need to do, and should keep policies under review to ensure that they do not discriminate against disabled children.

The key tests for schools are that policies, procedures and practices do not lead to less favourable treatment or substantial disadvantage and that they provide the school with the flexibility required to respond to individual needs as they arise.

Schools are advised to make reasonable enquiries to find out whether children seeking admission to their school or existing pupils have a disability.

# **6. ROLES AND RESPONSIBILITIES OF THE GOVERNING BODY**

## **6.1 Disability Code of Practice**

- Are the 'responsible body' aware of their duties under DDA?
- Are you sure that the policies covering admissions, education and associated services, and exclusions will not put disabled children at a substantial disadvantage?
- Has the school begun reviewing its policies, procedures and practices to ensure that it will not discriminate against disabled children or prospective pupils?

A list of questions have been designed to raise awareness among Governors, Headteachers and teachers on SEN, Inclusion and disability issues.

## 6.2 QUESTIONS FOR GOVERNORS ON SEN/DISABILITY

	Yes	No	In Progress
	<i>(please tick one)</i>		
<b>Profile of pupils with SEN and/or Disability</b> <ul style="list-style-type: none"> <li>• Are you aware of the number and needs of disabled children in your school?</li> <li>• Are you aware of the number of children at School Action, School Action Plus and with statements?</li> <li>• Are you aware of any pupils in your school that have a Health Care Plan?</li> </ul>			
<ul style="list-style-type: none"> <li>• Are you aware of the number of children with different types of need and disability?</li> </ul>			
<ul style="list-style-type: none"> <li>• Are you aware of the gender and ethnic profile of children with SEN and/or disability?</li> </ul>			
<b>Staff Skills</b> <ul style="list-style-type: none"> <li>• When were staff skills in terms of SEN and disability last reviewed?</li> </ul>			
<ul style="list-style-type: none"> <li>• What were the outcomes of that review?</li> </ul>			
<ul style="list-style-type: none"> <li>• What training has been undertaken?</li> <li>• Has training for all staff been undertaken in light of the SEN and Disability Act?</li> <li>• What training has been undertaken, e.g. First Aid - manual handling of pupils, SCIP, administration of medication etc?</li> </ul>			
<b>Resources</b> Do you have a good grasp of the resources available for SEN and how they are deployed, including:			
<ul style="list-style-type: none"> <li>• Core budget (pupil-led or AWPU funding)</li> </ul>			
<ul style="list-style-type: none"> <li>• Funding for pupils with statements</li> </ul>			
<ul style="list-style-type: none"> <li>• Funding for pupils with SEN without statements</li> </ul>			
<ul style="list-style-type: none"> <li>• Does your school utilise LEA guidance and is expertise sought to improve and develop inclusion both at a child and whole school level?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ Does your school have a co-ordinated communication process with all external partners, including Health, Social Services and voluntary bodies?</li> </ul>			

	Yes	No	In Progress
	<i>(please tick one)</i>		
<b>Accessibility</b>			
Are you aware of the school's plans for accessibility of school buildings, curriculum and printed materials and plans to extend this, as required by the SEN and Disability Act 2001?			
<b>Outcomes</b>			
<ul style="list-style-type: none"> <li>Do you monitor the academic attainment of pupils with SEN and/or disability and progress made (or "value added") over time?</li> </ul>			
<ul style="list-style-type: none"> <li>What is pupil and parental attendance like at annual reviews?</li> </ul>			
<ul style="list-style-type: none"> <li>Do you monitor exclusions - permanent and fixed term - of pupils with SEN and/or disability?</li> </ul>			
<ul style="list-style-type: none"> <li>Do you monitor attendance of pupils with SEN and/or disability - authorised and unauthorised?</li> </ul>			

### 6.3 ROLES AND RESPONSIBILITIES OF THE HEADTEACHER

	Yes	No	In Progress
	<i>(please tick one)</i>		
<ul style="list-style-type: none"> <li>Has the school got an Accessibility Plan in place and arrangements for monitoring its implementation?</li> </ul>			
<ul style="list-style-type: none"> <li>Do senior members of staff take their responsibilities under the Act seriously?</li> </ul>			
<ul style="list-style-type: none"> <li>Are all staff aware of the new duties, including managers, teaching staff, learning support assistants, catering staff caretakers and others involved in providing or supporting learning?</li> </ul>			
<ul style="list-style-type: none"> <li>Has the school begun the process of making 'reasonable adjustments' in order to comply with the new law?</li> </ul>			
<ul style="list-style-type: none"> <li>Has the school held training on the new law and/or broader issues of disability equality?</li> </ul>			

	Yes	No	In Progress
	<i>(please tick one)</i>		
<ul style="list-style-type: none"> <li>▪ Are there enough procedures in place to ensure that discrimination by staff will be identified and dealt with promptly and appropriately?</li> </ul>			
<ul style="list-style-type: none"> <li>• Has the school an adequate and accessible internal complaints procedure?</li> </ul>			
<ul style="list-style-type: none"> <li>• Are arrangements made to ensure that disabled children can take part in visits, trips, extra curricular activities, finding work experience placements?</li> </ul>			
<ul style="list-style-type: none"> <li>• Can the school meet a disabled child's catering requirements?</li> </ul>			
<ul style="list-style-type: none"> <li>• Can the school provide access to leisure and sports facilities for disabled children?</li> </ul>			
<ul style="list-style-type: none"> <li>• Is there a protocol in place to ensure that temporary staff (including supply teachers) are aware of the needs of individual disabled children in the school?</li> </ul>			
<ul style="list-style-type: none"> <li>• Do you have systems in place to ensure that parents are aware of any issues concerning barriers to inclusion of their child?</li> </ul>			
<ul style="list-style-type: none"> <li>• Do all staff communicate clearly, effectively and consistently to all parents, especially at times of concern?</li> </ul>			

#### 6.4 ROLES AND RESPONSIBILITIES OF THE CLASS/SUBJECT TEACHER

	Yes	No	In Progress
	<i>(please tick one)</i>		
<ul style="list-style-type: none"> <li>▪ Are you aware of how you can make your teaching more accessible to the full range of disabled learners?</li> </ul>			
<ul style="list-style-type: none"> <li>• Are your teaching materials available in different formats?</li> </ul>			
<ul style="list-style-type: none"> <li>• Do you make adjustments in practical sessions so disabled pupils have access? this could mean arranging workshops to allow free movement, support for pupils with manual dexterity difficulties, pacing sessions to include pupils with medical difficulties</li> </ul>			

	Yes	No	In Progress
	<i>(please tick one)</i>		
<ul style="list-style-type: none"> <li>▪ Are disabled children given the opportunity to discuss any adaptations to assignments/homework e.g. extra time or questions in a different format?</li> </ul>			
<ul style="list-style-type: none"> <li>• Do you know the procedures for referring a child for particular examination arrangements, including SATs?</li> </ul>			
<ul style="list-style-type: none"> <li>• Do Individual Education Plans improve access to, and support, the curriculum teaching and learning arrangements?</li> </ul>			
<ul style="list-style-type: none"> <li>• Do you provide opportunities for children to set their own objectives and teaching targets?</li> </ul>			
<ul style="list-style-type: none"> <li>• Do you plan opportunities for children to support each other's learning?</li> </ul>			
<ul style="list-style-type: none"> <li>• Can you demonstrate that the achievements of children are valued rather than compared with the attainment of others? Do displays celebrate the achievement of all children?</li> </ul>			
<ul style="list-style-type: none"> <li>• Do curriculum materials and resources reflect positive images of differences and disabilities?</li> </ul>			

## 7. LACK OF KNOWLEDGE DEFENCE AND CONFIDENTIALITY

If a school did not know that a child was disabled despite having put in place reasonable checks, there is a legal defence of 'lack of knowledge'.

Note, however, that as the duty is anticipatory the fact that a disabled child might unexpectedly arrive at the school is not covered in this way.

It will therefore be in the interests of schools to ensure that they are proactive in seeking information. Examples might include:

- A welcome and open atmosphere so that children and parents are happy to discuss any difficulties
- Ask parents on admission of their child whether there are any difficulties that the school should be aware of and the specific nature of those difficulties. Follow this up in writing as part of the information collection process for new child joining a school

- Provide continuing opportunities for parents to update school information, at least on an annual basis
- To ensure that there are internal systems for sharing information between all staff in school
- Ensure that all key staff are aware of issues relating to confidential information and relating to data protection

### **7.1 Example :**

*A child tells a school secretary that she has diabetes and that she needs to carry biscuits to eat when her blood sugar levels fall. A teacher refuses to allow pupils to bring food into the class. The girl has a hypoglycaemic attack. In this case, the school is unlikely to be able to argue that it did not know about her condition. It is unlikely that the responsible body could rely on a lack of knowledge defence.*

*Occasionally a parent or older child may request that the school keep the nature of a disability confidential. This modifies the school's responsibility. However, schools should be prepared to discuss any concerns about how confidentiality might affect provision for the child and how any other steps might be taken to minimise any disadvantage.*

### **7.2 Example :**

*The parents of a nine year old with epilepsy ask the Headteacher to keep confidential the existence of and the nature of their child's disability. Their son's medication has been effective in reducing the number of fits that he has and he is unlikely to have a fit in school. However, on seeking professional advice the Headteacher is told that it would be unsafe for the child to go swimming without informing the staff at the pool. The parents do not want them to be told. The Headteacher decides that the safety of the child dictates that he should not go swimming unless staff at the pool can be told. This is likely to be lawful*

## **8. REDRESS AND CONCILIATION**

The Disability Rights Commission have set up an independent conciliation service for disputes arising from the school's duties under the DDA. Agreeing to take part in this process does not prevent the parent from pursuing a claim of discrimination. Most claims will be made through the Special Educational Needs and Disability Tribunal (SENDIST). Claims relating to discrimination in admissions or permanent exclusions will be made through the relevant appeal panels and will follow the normal timetable for such appeals.

Parents must make a claim to SENDIST within six months of the date when they think the discrimination occurred. This time period is extended to eight months if the dispute is referred to the DRC conciliation service before the expiry of the six month period. The Tribunal may declare that unlawful discrimination has been found and may make any reasonable order to avoid or reduce the adverse effect of the discrimination. Financial compensation is not an option.

Complaints can also be made directly to whoever is responsible for the alleged discrimination.

The SENDIST claim form only requires the parent to complete the following section:

*"How did the alleged discrimination take place? Please make sure you explain what happened, why you consider it to be unjustified, who was involved and in what way your child's disability was the reason for the alleged discrimination".* There is no explicit criteria to which the claimant must refer.

The guidance document states:

*"When you make a claim, you will need to explain why you think that the alleged discrimination you are complaining about was connected to your child's disability, and why your child has been treated less favourably than if he or she had no disability"*

Examples of remedies might be:

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

It should be noted that the tribunal decision is a written report that parents can choose to share with the wider public. It is anticipated that the school will need to fund the remedial action outlined by the tribunal.

Taking part in a tribunal is both time consuming, anxiety provoking and can be costly.

Footnote: "auxiliary aids" are considered to be equipment, e.g. radio microphone

## **9. OTHER DUTIES UNDER THE DISABILITY DISCRIMINATION ACT**

Three areas affect schools:

### **9.1 Victimisation**

The Act states that a person discriminates against another person (the victim) if he or she treats the victim less favourably than he or she treats or would treat other people in the same circumstances because the victim has:

- Brought proceedings under the Act, or
- Given evidence or information in connection with such proceedings or
- Done anything else under the Act, or
- Alleged someone has contravened the Act, whether or not the allegation so states

This is also anticipatory so applies in situations where it may be suspected that any of the above may have or intends to act.

#### **9.1.1 Example**

*A non-disabled child acts as a witness in a complaint by a disabled child against a classroom teacher. The disabled child has repeatedly been refused permission to sit at the front of the class or to draw down blinds at a window to prevent the sun's glare from reflecting on her low-vision aid. She has also been refused permission to use a printer in class to produce her large font notes because of the noise. Other children have been clear that they are happy for the printer to be used and to move desks to enable the child with visual impairment to sit in the most suitable place for particular lessons. After the non-disabled child has supported the complaint to the Headteacher, she finds that her homework sometimes goes missing. She is not always given copies of homework notes and she does not get a part in a school drama production in which she was expected to have a lead role. Her parents are told at a parents' evening that her behaviour is 'not acceptable', although she has never been in trouble in class. She and her parents consider that the other staff are joining up against her because she supported her disabled friend. Although the child concerned is not disabled, this is likely to be victimisation under the Act, and therefore unlawful (example 10.11A from Code of Practice for Schools, Disability Rights Commission).*

### **9.2 Liability for employees' and agents' actions**

Employers are responsible for anything done by their employees in the course of their employment.

#### **9.2.1 Example**

*A school's head of music uses a number of specialist teachers on a sessional basis. Unknown to the school, one of the sessional teachers makes little effort to teach two physically disabled child, believing that they will never be able to play the clarinet. It is*

*likely that this is less favourable treatment and is unlawful. Although the governing body at the school is not aware that this is happening, the responsible body is likely nevertheless to be liable under the Act.*

*Action therefore needs to be taken to ensure that policies are in place and communicated to staff and that all staff are aware that it is unlawful to discriminate against disabled people. Particular attention should be made for supply or sessional teachers.*

### **9.3 Terms of agreements**

Any term in an agreement is void if its effect is to require someone to do something which contravenes the Act or its effect is to prevent someone making a claim under the Act.

#### **9.3.1 Example:**

*A school will only agree to a disabled child coming on a field trip if the parents sign an agreement stating that they do not hold the school responsible for making any adjustments which may be necessary to ensure that the child benefits from the planned activities on the trip and will not take any action if the child is excluded from any activities. It is likely that the agreement is not legally binding.*

## **10. FUNDING IN NORTH SOMERSET**

### **10.1 Age Weighted Pupil Unit**

All pupils are supported by an AWPU (Age Weighted Pupil Unit) which provides for a basic level of teaching and support staff. A standard range of materials and equipment for the National Curriculum will be available. It is reasonable to expect this standard range to include texts, materials and equipment suitable for pupils who work below age related expectations. Safe well maintained premises will be furnished to a standard level from the AWPU which will also support all the other ordinary functions of a school. Every school receives the same amount for each pupil of the same age regardless of the levels of SEN within the school.

### **10.2 AEN Social Factor**

The DfES require LEAs to have an additional educational needs element in the formula allocation to schools to reflect levels of social deprivation. In North Somerset, this is mainly based on the levels of deprivation in the wards from which the school admits pupils. The funding may reflect increased costs in areas such as family support and vandalism.

### **10.3 Core SEN Factor & General SEN Factor**

This is funding to support any pupil with special educational needs but especially those with high incidence, lower level need, e.g. pupils with generalised learning difficulties, language difficulties and specific learning difficulties like dyslexia. It is allocated on the basis of 3 year average attainment at key stages used as an assessment of the level of

special educational needs within a school. Schools may be consulted on distributing the funding which is currently in AWPU on this basis in the future. This funding can support schools in making provision for the time of staff engaged on SEN activities. In larger schools the budget could help support a core establishment of LSAs. This budget will also allow school to purchase specialist text, materials and equipment and/or put aside time to differentiate their own materials. It is for the school to determine how to spend this budget but it is likely that pupils working below the 10<sup>th</sup> centile and particularly those working at 1<sup>st</sup> – 5<sup>th</sup> centile, will be those to whom this funding is directly applied. Provision of significantly differentiated approaches, texts, materials and equipment with extra teacher and LSA support are likely to be implemented.

#### **10.4 Non-delegated Resource Bases (Special Units)**

The funding for hearing impaired resource bases is currently held centrally. This funding is to cover incidental supplies and services costs with a small lump sum delegated to the appropriate schools. This funding applies to Mendip Green First, St Martin's Junior and Priory Secondary schools, which each have 8 places.

#### **10.5 Delegated Resource Bases (Special Units)**

All funding for the other two resource bases in North Somerset for physical impairment and speech and language difficulties is delegated to the appropriate schools. Schools receive funding for each planned place, a lump sum and AWPU funding for pupils in the resource base. This funding applies to Castle Batch Primary and St Katherine's Secondary schools, who have 19 and 18 places respectively.

#### **10.6 Audit Funding**

Audit funding is additional to the child's AWPU and share of the core SEN factor and should not be seen as the sole source of funding for children with higher level needs. The categories of need identified within the audit are based on the categories of SEN set out in the Code of Practice but subdivided as follows:

- Cognition and Learning -1 level
- Emotional, behavioural and social development – 2 levels for Primary Schools and Level 2 only for Secondary Schools.
- Communication and Interaction – 2 levels
- Sensory - 2 levels for Visual Impairment and 2 levels for Hearing Impairment
- Physical - 3 levels

Additionally there is a medical category. This will be set according to individual needs.

Audit funding, although assessed against individual children's identified needs, can be used flexibly by schools in order to; for example, set up a small group which includes the individual child. Obviously other children thereby benefit from this funding.

## **SECTION 2 ACCESSIBILITY STRATEGY FOR SCHOOLS**

Part 4 of the Disability and Discrimination Act also places a duty on all schools to plan to increase the accessibility of their particular school. This duty covers three areas: curriculum, physical environment and information to children and young people. This is a duty placed on schools whether or not they currently have a disabled pupil on roll.

This duty came in to force in September 2002 with the expectation that plans should be in place from April 2003. For the LEA, this involves the development in the first instance of a three year plan to March 2006.

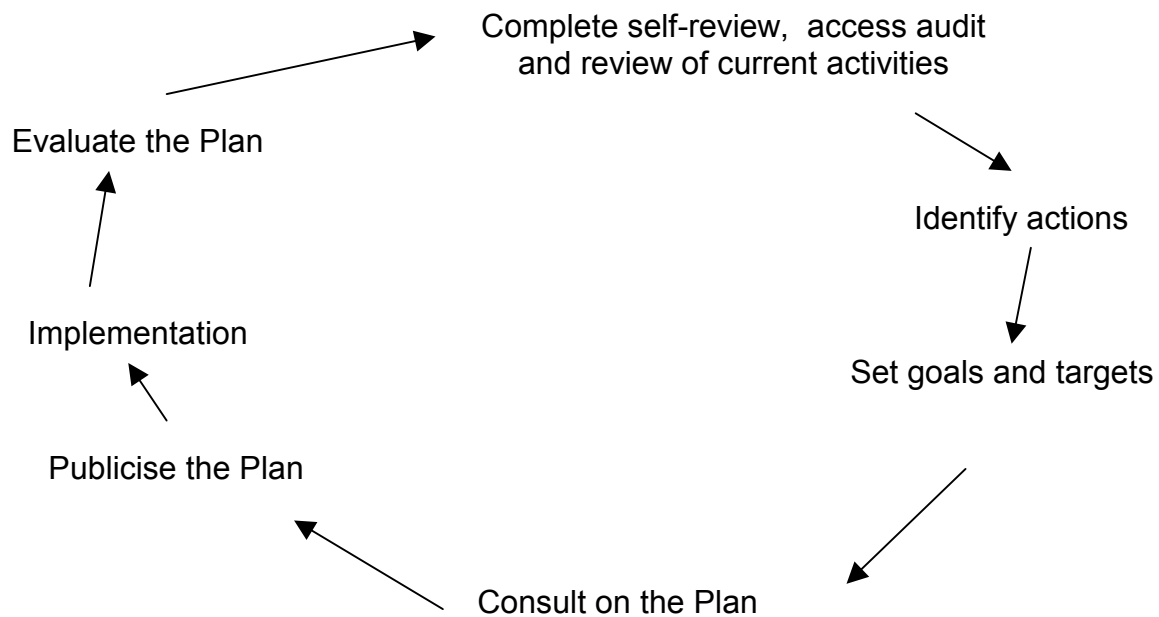
Schools must prepare and implement accessibility plans, e.g. there should be a strategy or plan for increasing the extent to which disabled pupils can participate in the school curriculum, and improving the physical environment.

Plans and strategies should be kept under review and revised as necessary.

To develop an accessibility plan schools should:

- Consult with pupils, parents, support services and local organisations
- Review current provision for access
- Identify internal adjustments which could be made to increase access for disabled students
- Develop short, medium and long term plans and identify how they will be put in to practice

Whilst the Act imposes a distinct planning duty, schools are not required to undertake a separate planning process. Schools might dovetail their accessibility plans with other plans, for example the School Development Plan. In providing information about the accessibility plan in their annual report, governors might include a new section on accessibility planning within the SEN report. The guidance below describes the elements of an effective planning process.



The school might set up or use an existing planning group to lead the process. This might not be a large group, but should be able to reflect all aspects of school life. For example, the working group of a larger school could include the governor with designated responsibility for SEN, the Headteacher and a parent of a disabled child.

The school should make best use of the available expertise. Disabled children, their parents, specialist teachers, local voluntary and disability organisations might be able to bring a useful perspective to help identify practices and arrangements that act as a barrier to admitting, accommodating and including disabled children.

Further information can be found in Accessible Schools: Planning to Increase Access to Schools for Disabled Pupils (DfES) at [www.dfes.gov.uk](http://www.dfes.gov.uk).

# SCHOOL SELF-REVIEW

## ACCESS AUDIT - ACCESS TO THE CURRICULUM

**Key:**            **1 = 100% achieved**    **2 = 75% achieved**    **3 = 50% achieved**  
                      **4 = 25% achieved**       **5 = Struggling**

	Rating	Comment
▪ Does your school differentiate teaching and learning to ensure that there is a match between the learning needs of all children and the teaching methods that are then adopted?	<input type="text"/>	.....
▪ Do you ensure that teachers and teaching assistants have the necessary training to teach and support disabled children?	<input type="text"/>	.....
▪ Given the needs of your school population, does your SENCO have sufficient time to undertake their full role?	<input type="text"/>	.....
▪ Are your classrooms optimally organised for disabled children?	<input type="text"/>	.....
▪ Do lessons provide opportunities for ALL pupils to achieve?	<input type="text"/>	.....
▪ Are lessons responsive to pupil diversity?	<input type="text"/>	.....
▪ Do lessons involve work to be done by individuals, pairs, groups and the whole class?	<input type="text"/>	.....
▪ Are all children enabled to take part in music, drama and physical activities?	<input type="text"/>	.....
▪ Do staff recognise and allow for the additional time necessary to enable disabled children to use equipment in practical activities?	<input type="text"/>	.....
▪ Do staff recognise and allow for the extra effort a disabled child may need to make in order to access certain tasks?	<input type="text"/>	.....
▪ Do staff provide alternative access to disabled pupils who cannot engage in particular activities, e.g. PE?	<input type="text"/>	.....
▪ Do you provide access to computer technology appropriate for disabled children?	<input type="text"/>	.....
▪ Is attention given to the accessibility of spoken and written language and alternative methods of recording?	<input type="text"/>	.....
▪ Are school visits, including overseas visits, made accessible to all pupils irrespective of attainment or impairment?	<input type="text"/>	.....
▪ Do staff seek to remove barriers to learning and participation?	<input type="text"/>	.....
▪ Do staff have planning and preparation time to enable them to produce suitably differentiated materials?	<input type="text"/>	.....

## PHYSICAL ACCESS

**Key:**            **1 = 100% achieved**    **2 = 75% achieved**    **3 = 50% achieved**  
                      **4 = 25% achieved**       **5 = Struggling**

	Rating	Comment
▪ Does the size and layout of all areas of the school allow access for all children? If not, please list areas that are <u>not</u> accessible.	<input type="text"/>	
▪ Can children who use wheelchairs move around the school without experiencing barriers to access such as those caused by doorways, steps and stairs, toilet facilities and showers?	<input type="text"/>	
▪ Are pathways of travel around the school site and parking arrangements safe, routes straightforward and clearly signed?	<input type="text"/>	
▪ Are emergency and evacuation systems set up to inform ALL pupils including alarms with both visual and auditory components?	<input type="text"/>	
▪ Is there a personal EGRESS plan in place for each disabled pupil?	<input type="text"/>	
▪ Are non-visual guides used to assist in the use of buildings, e.g. tactile buttons?	<input type="text"/>	
▪ Is the décor designed to help identify doorways, light switches etc?	<input type="text"/>	
▪ Are classrooms and corridors well lit?	<input type="text"/>	
▪ Are routes around the school clear and hazard free?	<input type="text"/>	
▪ Are door handles at suitable heights?	<input type="text"/>	
▪ What percentage of the curriculum is not accessible and why?	<input type="text"/>	
▪ Are steps made to reduce background noise for hearing impaired pupils such as considering a room's acoustics, noisy equipment etc?	<input type="text"/>	
▪ Is furniture and equipment selected, adjusted and located appropriately?	<input type="text"/>	
▪ Do you have access to disabled toilets, including sufficient space for an adult to support toileting?	<input type="text"/>	
▪ Do you have sufficient space and equipment for changing facilities?	<input type="text"/>	
▪ Do you have appropriate space and equipment for therapy, including physiotherapy, occupational therapy and speech and language therapy?	<input type="text"/>	
▪ Does your school organise parents evenings, meetings and school activities to enable a disabled parent to attend?	<input type="text"/>	

## INFORMATION TO PUPILS

Key:            1 = 100% achieved    2 = 75% achieved    3 = 50% achieved  
                   4 = 25% achieved    5 = Struggling

	Rating	Comment
<ul style="list-style-type: none"> <li>▪ Do you provide information in simple, jargon-free language, large print etc for pupils and prospective pupils who may have difficulty with standard forms of print?</li> </ul>	<input style="width: 80px; height: 40px;" type="text"/>	
<ul style="list-style-type: none"> <li>▪ Do you ensure that information is presented to groups in a way which is user friendly for people with disabilities, e.g. by reading aloud overhead projections and describing diagrams?</li> </ul>	<input style="width: 80px; height: 40px;" type="text"/>	
<ul style="list-style-type: none"> <li>▪ Do you have the facilities, such as ICT, to produce written information in different formats?</li> </ul>	<input style="width: 80px; height: 40px;" type="text"/>	
<ul style="list-style-type: none"> <li>▪ Do you ensure that staff are familiar with technology and practices developed to assist people with disabilities?</li> </ul>	<input style="width: 80px; height: 40px;" type="text"/>	
<ul style="list-style-type: none"> <li>▪ Are staff and children aware of professional advice givers?</li> </ul>	<input style="width: 80px; height: 40px;" type="text"/>	
<ul style="list-style-type: none"> <li>▪ Do you access translation services if required?</li> </ul>	<input style="width: 80px; height: 40px;" type="text"/>	
<ul style="list-style-type: none"> <li>▪ When a family visits the school, are they provided with details of what the school can offer in terms of access and disability?</li> </ul>	<input style="width: 80px; height: 40px;" type="text"/>	
<ul style="list-style-type: none"> <li>▪ Are disabled children provided with accessible handout, timetables, textbooks and information about school events?</li> </ul>	<input style="width: 80px; height: 40px;" type="text"/>	

## CREATING YOUR SCHOOL ACCESSIBILITY PLAN

After considering the above three sections, a school might produce a plan listing options for improvements. This will need to be implemented, monitored and reviewed in the light of the access needs of each individual school.

Attached at [Appendix 1a](#) is an example of a plan that a school might produce after reviewing existing plans (in particular, refurbishment and arrangements and SEN Policy), looking at options for improving accessibility within existing arrangements and an audit of the school site for accessibility. A blank proforma is also attached at [Appendix 1b](#).

## EXAMPLE ACCESS PLAN

	<b>Targets</b>	<b>Strategies</b>	<b>Lead Responsibility</b>	<b>Outcome</b>	<b>Timeframe</b>	<b>Goals Achieved</b>	<b>Resources</b>
<b>Short Term</b>	Availability of written material in alternative formats	The school makes itself aware of the services available through its LEA for converting written information into alternative formats		If needed the school can provide written information in alternative formats.	Term 3 2002/3	Delivery of information to disabled pupils improved.	
<b>Medium Term</b>	Incorporation of appropriate colour schemes when refurbishing to benefit pupils with visual impairments and install window blinds.  Training for teachers on differentiating the curriculum.	Seek advice from LEA sensory support service on appropriate colour schemes and blinds.  After an audit, the school decides that some teachers would benefit from training on differentiating the curriculum		Several classrooms are made more accessible to the visually impaired children.  Teachers are able to more fully meet the requirements of disabled children's needs with regards to accessing the curriculum.	Term 1 2003/4  Term 2 2003/4	Physical accessibility of school increased.  Increase in access to the National Curriculum.	
<b>Long Term</b>	School plans to improve access to designated areas over successive financial years. The school decides which of its entrances and exits have priority, and plans to fit ramps and handrails to all of these.	Planned use of minor capital delegated resources and discuss with the LEA using Schools' Access Initiative funding.		Having secured capital resources from the LEA, over three-year period the school's entry areas and the science block will be fully accessible.	Term 3 2004/5	Physical accessibility of school increased.	

## ACCESS ACTION PLAN

	Targets	Strategies	Lead Responsibility	Outcome	Timeframe	Goals Achieved	Resources
<b>Short Term</b>							
<b>Medium Term</b>							
<b>Long Term</b>							

## **SECTION 3 HEALTH AND SAFETY**

### **Introduction**

Health and Safety underpins all that we do within schools. This is even more important when dealing with vulnerable children and young persons, especially those young persons with disabilities. The law requires us to ensure, in so far as is reasonably practicable, the health and safety and welfare at work of all employees, which includes pupils.

### **What is the Protocol?**

North Somerset Local Education Authority has a protocol for schools to register any health and safety concerns for individual pupils. This could include children with ongoing medical conditions, children who present with extreme behaviour such as violence and aggression to others around them, indeed who self harm or act in a dangerous way without realising the consequences of their actions. Also children who run away, particularly where there is no concept of dangerous situations. Schools should notify the LEA via a HS1 form (blue form) and return it to:

Jane Routledge  
SEN Manager  
Education Department  
North Somerset Council  
Town Hall  
Weston-super-Mare  
Somerset  
BS23 1ZZ

Attached to the blue form should be the relevant background information such as individual school policies, individual health care plans, behaviour management plans, incident logs, confirmation of specific training that some staff may need to support the children. For example, if the child needs lifting, have the staff been specifically trained? The background information provides the fuller picture of how any concerns manifest within the school environment and what mechanisms are already in place to manage them. Once this information has been received, discussions take place between both the SEN Team and the Health and Safety Officer and further considerations/actions can be taken accordingly, such as risk assessments etc. The flowchart on [page 32](#) outlines the risk assessment process adopted by the LEA on receipt of an HS1 Blue Form that indicates the need for an assessment.

Once you have sent a form to the Local Education Department, it is important that information is kept up to date. Please therefore make sure that the LEA are fully informed of any changes, in particular, any deterioration in the child's behaviour and/or condition. The Health and Safety at Work Act and the Management of Health and Safety at Work Regulations place a duty of care on schools and the LEA to safeguard pupils and assess any significant, risks and to put adequate control

measures in place to control those risks. Whilst there is no statutory requirement for you to liaise with parents over the HS1 Blue Form it is recommended that you involve parents at the earliest possible stages.

The following information is included:

1. Sample letter that can be sent to parents
2. Copy of HS1 (blue form)
3. Additional information to be completed with HS1 Form
4. Incident Log

In the past, all schools have been sent copies of:

- Model School Medical Policy
- Model Health Care Plan

Further copies can be requested from Jo Crickson.

**Example of an appropriate letter to send to parents to inform them that a Health and Safety form is being sent into the LEA:**

Dear

**Re: (child's name and date of birth)**

We are supporting the LEA with their system for ensuring that they are aware of and can respond to the needs of pupils with health and safety issues.

We feel that it is appropriate for a form to be filled in for .....  
because .....

The LEA will then know of your child's needs and can arrange for the appropriate action to be taken to meet them.

Please could you fill in the form at the foot of this letter and return it to school as soon as possible. If you have any concerns about this, please do not hesitate to contact me.

Yours sincerely

-----

Child's name:

Date of birth:

I understand the need for the school to fill out a Health and Safety Issues form for my child and give my consent to this.

Signed: ..... (parent/guardian/carer)

Date: .....

**Pupil with Health and Safety and/or Life-Threatening Issues**

**School:** \_\_\_\_\_

**Pupil's Name:** \_\_\_\_\_ **d.o.b** \_\_\_\_\_

**Pupil's Address:** \_\_\_\_\_

\_\_\_\_\_

**Stage of Code of Practice:** \_\_\_\_\_ **N.C.Year:** \_\_\_\_\_

**Educational Psychologist:** \_\_\_\_\_

**Nature of Concern:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Names and phone numbers of other agencies/professionals involved:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signed :** \_\_\_\_\_ **Designation:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Checklist**

- A blue SEN HS1 to be sent to the school's SEN Officer, Special Educational Needs Team, North Somerset Council, Room 119, Town Hall, Weston-super-Mare, BS23 1ZZ.
- Copy to be sent to the school Educational Psychologist
- School to check with SEN Officer safe receipt of form

**(3) STANDARD SAFETY RISK ASSESSMENT FORM FOR  
PUPILS WITH HEALTH & SAFETY AND/OR LIFE  
THREATENING ISSUES**

**PUPIL ASSESSMENT:**

**Name of Assessor:** .....

**How does condition/behaviour manifest itself?**

\* If violent/aggressive behaviour please attach **incident/evidence log** (model attached)

**Other Potential Harm Factors:**

**How are you currently controlling the risks (e.g. training, supervision, managing medicines, enforcement of school policies etc?)**

**Further Action:**

**Signed:** .....

**Date:** .....

**Chair of Panel:** .....

**Date:** .....

#### (4) SEPARATE SHEET TO BE COMPLETED FOR EACH INCIDENT

Name of Pupil:

School context (ie Period 7, History)

Location:

Date:

Adult(s) present:

Time of Incident:

Log Entry by:

Time of Log Entry:

Countersigned by:

#### Key:

- |                           |                                  |                             |   |
|---------------------------|----------------------------------|-----------------------------|---|
| 1. Self Harming           | 3. Verbal Abuse/Non Verbal Abuse | 5. Substance Misuse         | 7. Disruption in class (not covered by above) |
| 2. Intimidatory Behaviour | 4. Physical Violence             | 6. Damage to Property/plant | 8. Other behaviour (identify)                 |
- with weapons/objects
  - without weapons/objects

(Please ring item which most closely describes observed behaviour)

#### RISK ASSESSMENT HEALTH AND SAFETY EVIDENCE LOGS

Date	Full details of behaviour	Antecedents (what led up to behaviour)	Consequences	Effects on other pupils	Effects on school staff	Effects on others	Existing control measures	No control measures in place ✓/X	<u>Comments</u> Particularly on any patterns related to 'context'

# RISK MANAGEMENT PROCESS

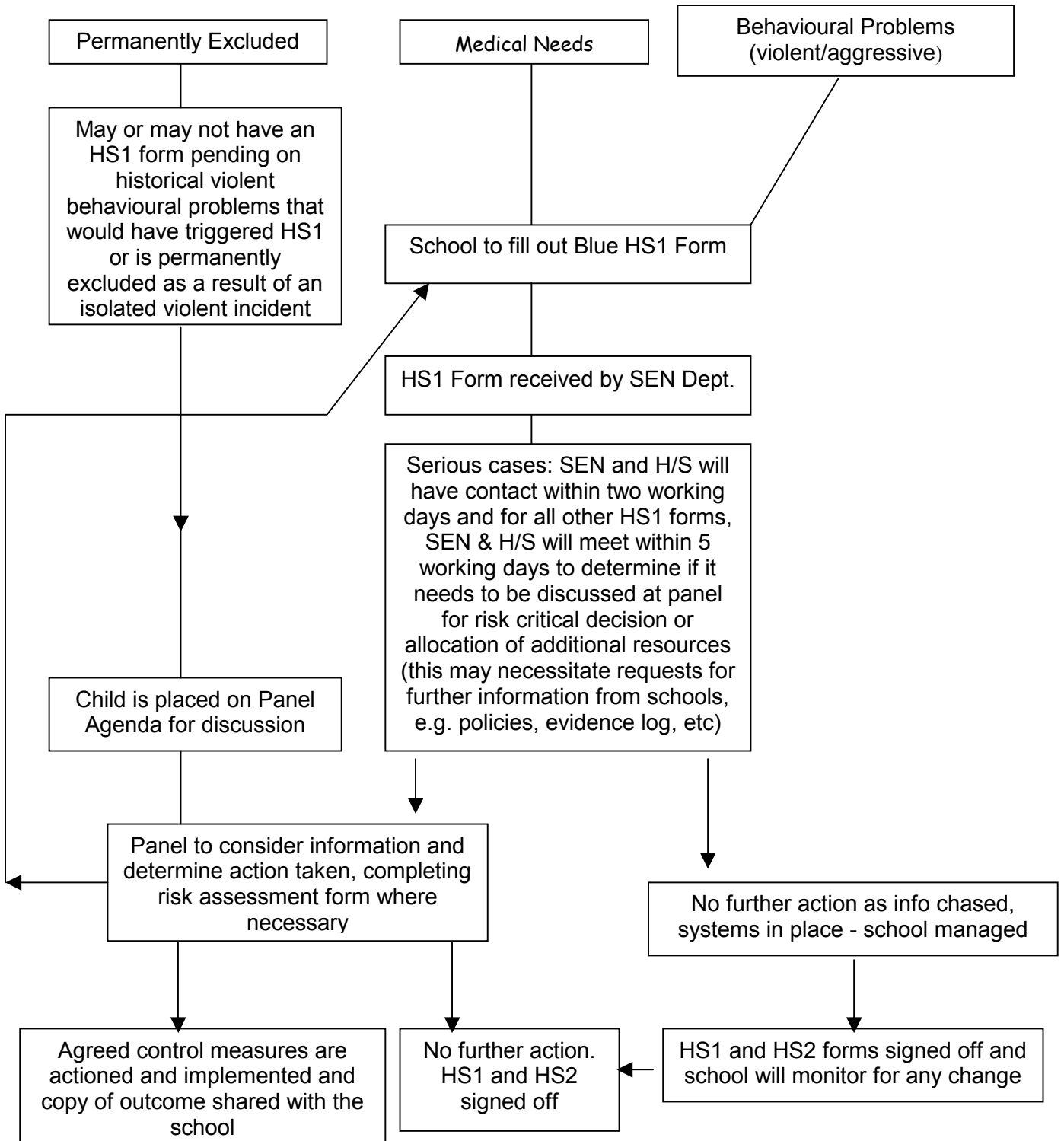
## Criteria

Permanently excluded  
 Medical Needs  
 Behavioural Problems

## Procedures

Blue Form and subsequent policies, evidence log, etc.  
 Risk assessment, partial or full

## What's the Process?



## **SECTION 4**

### **CENTRALLY FUNDED SPECIAL EDUCATIONAL NEEDS EQUIPMENT**

This is a protocol to be used by schools to access centrally funded SEN equipment items. This is to include the purchase of specialist ICT access hardware for students and the access software.

#### **Background History**

During recent years, decisions made by North Somerset to process specialist equipment requests have been made on an individual student need basis, most recently by the Statutory and Complex Issues Panel. No previous written guidance has been issued to schools and requests have been received both from schools themselves and from health professionals.

#### **Principles**

The principles below will help streamline the process by standardising the request format, defining funding levels, and providing suitable guidance criteria. The following principles are recommended for adoption:

- The definition of an item of equipment is one, which is free standing and not fixed to any part of the school building.
- All requests will be considered on an individual basis.
- In order for North Somerset to realistically manage this system a minimum funding level of £100 per item will apply in primary schools and £200 per item will apply in secondary schools. For items in excess of £1,000 joint funding may be sought which may also include a school contribution request.
- In consultation with SEN colleagues and in order to promote the inclusion process additional funding will be considered for schools receiving students with complex access requirements for the first time. It may also be appropriate to consider accessing the school's devolved capital in line with the Asset Management Plan.
- In order to promote a fair allocation of the equipment budget as a whole and in accordance with North Somerset Education Policy the following criteria will be used:
  - Is the request is a result of a Health and Safety Issue?
  - Does the request promote access to educational provision?
  - Does the request originate from a school transfer?

- Is there unanimous professional judgement concerning the request?
  - Identified level of additional needs.
- The Statutory and Complex Issues Panel will make funding decisions on a monthly basis. Confirmations of decision will be made formally in writing to all schools.
  - If joint funding arrangements are operable e.g. charitable donations, school, health, social services, or parental part-funding possibilities exist clear distinctions re ownership, maintenance etc, will need to be made before the equipment is ordered.
  - As a general rule, North Somerset will not be responsible for the maintenance or repair of any centrally funded specialist equipment item located in mainstream schools unless explicitly stated.
  - It is expected that all centrally purchased equipment under this budget code will be included where appropriate within a school's insurance arrangements.
  - At present, unused centrally purchased equipment items are not stored centrally. In order to preserve security requirements, log any storage changes, and ensure the smooth running of such provision schools should complete the attached proforma Appendix 1 and send it to the SEN Team whenever local transfer arrangements are actioned. Associated transport arrangements for the transfer of existing equipment within North Somerset will be the responsibility of the receiving school.
  - Charitable funding applications – there may be funding routes open to schools where applications from a Local Education Authority would not be acceptable. Although the schools may check the wording of applications with North Somerset to ensure they do not impose any unintentional liabilities upon themselves, it is unlikely that North Somerset would become involved. If an item of equipment were purchased in this way, however, schools would be liable regarding its use.
  - Cross border arrangements will continue to operate as normal with funding applications considered for students resident in North Somerset but placed in other LEAs (no specialist equipment funding is available for students placed in North Somerset schools by other LEAs).

## **EQUIPMENT PROTOCOL**

### **Stage 1 – Equipment Assessment**

- The school to co-ordinate equipment assessment involving appropriate professionals. This may include occupational therapists, physiotherapists, support service staff, key school staff, pupil, etc.
- Requests for ICT access software to be processed by the school

## **Stage 2 - Equipment Request**

- School to complete equipment request proforma Appendix 2 as fully as possible and send to the SEN Team based at the Town Hall.
- Requests that are not signed by the Headteacher will be returned without consideration.

## **Stage 3 – LEA Responsibility**

The SEN Team will collate all the equipment requests.

- The Statutory and Complex Issues Panel will consider requests on an individual student need basis and in the light of available funding, assessments and reports, and make decisions accordingly.
- The SEN Team will write to schools informing them of outcomes. Reasons will accompany any unsuccessful/not-approved responses.
- An equipment database will be maintained to encourage and monitor recycling possibilities.
- The SEN Admin Team will initiate the ordering process using the centrally managed general equipment budget.
- The SEN Admin Team will log all new equipment on to this equipment database.
- Servicing and repair costs for all centrally purchased equipment located in mainstream schools will be the responsibility of the school other than those where a warranty still applies.

## **Stage 4 - School Responsibility**

- As far as is possible, schools must ensure that centrally funded specialist equipment is kept secure and well maintained.
- Schools must include specialist equipment items within their insurance arrangements.
- Schools must inform the SEN Team of any specialist equipment no longer in use ensuring that it is in good working order and securely stored.

# APPENDIX 1

## PROFORMA FOR SPECIALIST EQUIPMENT REQUEST

<b>NAME OF SCHOOL:</b>	
<b>NAME OF RELEVANT STUDENT:</b>	
<b>NATURE OF REQUEST IN PRIORITY ORDER:</b>  <b>Including where possible the manufacturer for each item.</b>	<ul style="list-style-type: none"><li>•</li><li>•</li><li>•</li><li>•</li></ul>
<b>REASON FOR REQUEST:</b>	
<b>NAMES OF PROFESSIONALS CONSULTED:</b>	
<b>APPROPRIATE ACCOMPANYING LITERATURE:</b>	
<b>HEADTEACHER'S SIGNATURE:</b>  .....	<b>DATE:</b>

## APPENDIX 2

### PROFORMA FOR SPECIALIST EQUIPMENT TRANSFER

<b>EQUIPMENT ITEM DETAIL:</b>	
<b>NAME OF EXISTING SCHOOL:</b>	
<b>NAME OF EXISTING USER:</b>	
<b>NAME OF TRANSFER SCHOOL:</b>	
<b>NAME OF NEW USER:</b>	
<b>MAIN CONTACT PERSON IN TRANSFER SCHOOL:</b>	
<b>REASON FOR TRANSFER:</b>	
<b>TRANSFER ARRANGEMENT DETAILS:</b>	
<b>NAMES OF PROFESSIONALS CONSULTED IF APPLICABLE:</b>	

## **SECTION 5 BUILDING IMPROVEMENT CHECKLIST**

Participants at the SENCO Conference days in June 2003 asked for an aide-memoire that could be used to prompt key questions/issues that need to be considered as part of general maintenance or for smaller building projects in school.

Further information and advice can be sought from the Asset Management Team:

Mark Cage  
School Buildings Surveyor  
Education Asset Management Team  
North Somerset Council  
PO Box 51  
Town Hall  
Weston-super-Mare  
BS23 1ZZ

Telephone: 01275 884 170

Fax: 01275 888 316

Email: [mark.cage@n-somerset.gov.uk](mailto:mark.cage@n-somerset.gov.uk)

# BUILDING IMPROVEMENT CHECKLIST

This sheet is to be used as an aide-memoire for smaller projects to assist in the design process with respect to legal obligations and disabled accessibility issues

<b>Name of Project or Scheme:</b>	
<b>Start Date?</b>	

<b>THE LAW</b> Does this scheme require Building Regulations Approval? Does this scheme require Planning Consent? <i>(if yes, approval of Director of Education required via Asset Mnmt)</i> Do the CDM Regulations apply? <b>* If "Don't Know" contact Asset Management Section</b>	Yes/No/Don't Know* Yes/No/Don't Know* Yes/No/Don't Know*	<u>Notes</u>
<b>DEMOLITION</b> Is there any demolition/dismantling work required? <b>If "Yes" contact Asset management Section</b>	Yes*/No	<u>Notes</u>
<b>ACCESS</b> Will the works affect any disabled access facility? Are there any steps being created as part of the works (including door frame bases)? <i>(Avoid wherever possible, esp. door frames!)</i> Can disabled ramps or wider walkways be incorporated in the design?	Yes/No Yes/No Yes/No	<u>Notes</u>
<b>PAINTING &amp; DECORATING</b> Do paint schemes contrast: Between Wall and Floor Between Walls and Doors Between Door and Door Handles <i>(Contrast in colours aids the visually impaired)</i> Will the decoration affect lighting levels (lux)? <i>(Lighter colour paints will improve lux levels, darker colour paints will reduce lux levels) (improved lighting aids the visually impaired, however, avoid "glare")</i> When decorating ceiling, has cleaning of lighting shades or reflectors been included in the specification? <i>(this will improve lux levels if they have not been cleaned recently)</i> Where there are steps or other trip hazards, are they clearly marked with high visibility paint or adhesive tape? Are anti-skid paint/resin products required on steps or ramps?	Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No	<u>Notes</u>
<b>TOILET FACILITIES</b> When considering new or refurbished toilet facilities: Has a disabled toilet been considered? Have non-slip floors been considered? <i>(Note: some non-slip floors may require specialist cleaning products)</i> Do the colour of the sinks contrast with the walls? Do the colour of the taps contrast with the sinks? <i>(Contrast in colours aids the visually impaired)</i>	Yes/No Yes/No Yes/No Yes/No	<u>Notes</u>
<b>FITTINGS AND FURNITURE</b> Have adjustable height work surfaces/sinks been considered? Are the door openings large enough for wheelchair access? Do the door self closers inhibit disabled use? Have visual <b>and</b> audio fire alarm systems been considered? <i>(visual for hard of hearing, e.g. flashing light)</i>	Yes/No Yes/No Yes/No Yes/No	<u>Notes</u>

Signed:

Date:

## USEFUL WEBSITES

- [www.disability.gov.uk/info/inex.html](http://www.disability.gov.uk/info/inex.html)
- [www.dfes.gov.uk/sen](http://www.dfes.gov.uk/sen)
- [www.dfes.gov.uk/sen/viewDocument.cfm?dID-400](http://www.dfes.gov.uk/sen/viewDocument.cfm?dID-400) re Access Plans
- [www.buildingcontrol.org/bcni/advice/gn3\\_99](http://www.buildingcontrol.org/bcni/advice/gn3_99) , useful for Elliot and other temporary buildings and for disabled access and general siting
- [www.rnib.org.uk](http://www.rnib.org.uk) - a good general site for blind and partially sighted, especially the equipment design fact sheet
- [www.rnib.org.uk/wesupply/fctsheets/devices.htm](http://www.rnib.org.uk/wesupply/fctsheets/devices.htm) - gives good practical advice, including painting colour combinations for visual clarity
- Building Bulletin 91 from the Department for Education and Skills "*Access for Disabled People to School Buildings*" - a very useful, easy to understand design manual which can be ordered from the DfES.

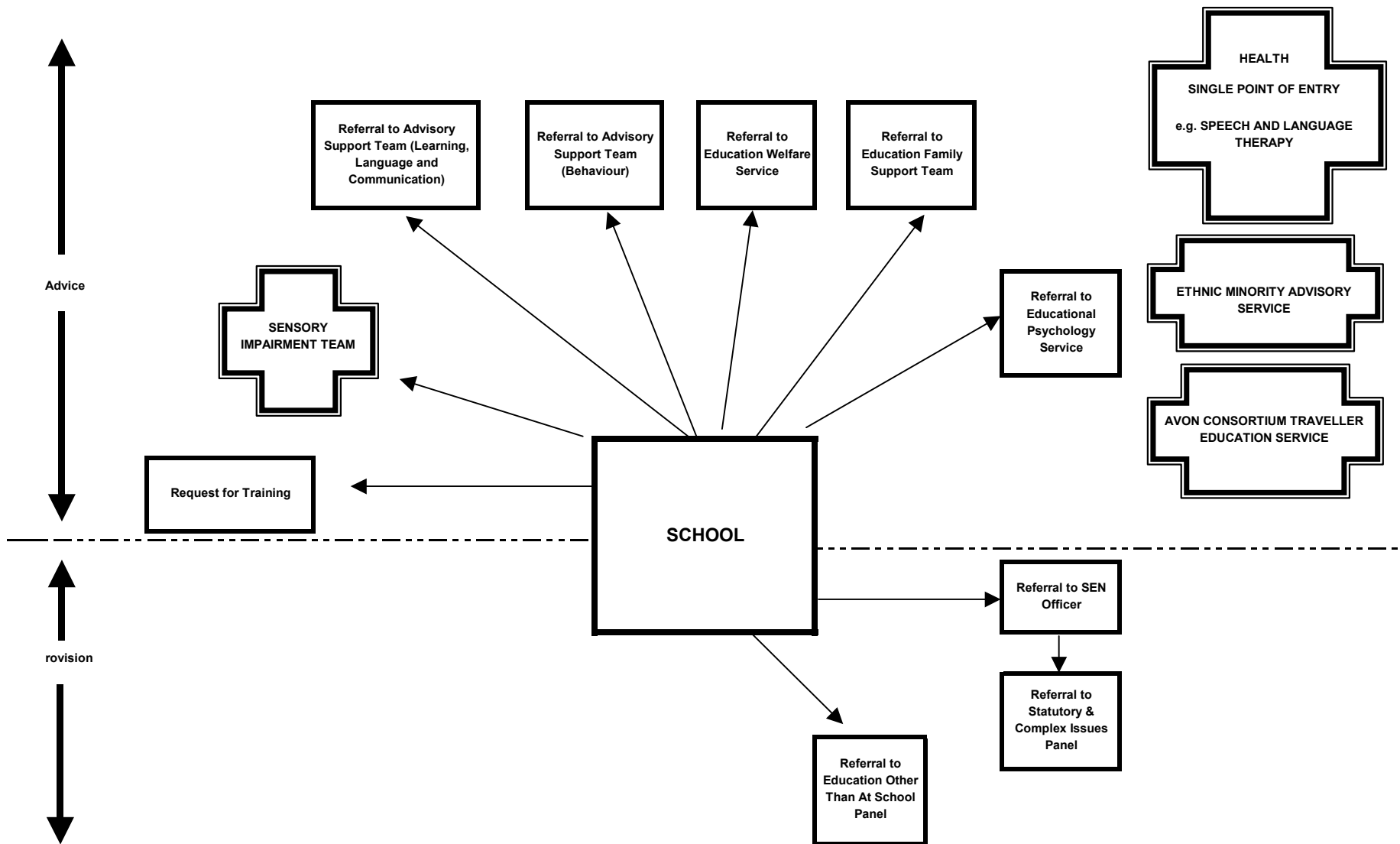
## SECTION 6 CURRENT REFERRAL ROUTES

Schools can contact these teams in the following ways:

Service/Team	Referral Route
Education Welfare Service	Referral form to be discussed with named school Education Welfare Officer.  Emergency via Duty Desk Tel: 01275 888 303/310  Principal Education Welfare Officer - Colin Tincknell
Educational Psychology Service	Referral forms - Primary and Secondary to be sent to Town Hall  Principal Educational Psychologist/Inclusion Support Service Manager - Carol Franzen
Education Family Support Team	Telephone contact with Manager of Education Family Support Team Jeannie Osmond Tel: 01275 853 533 You may be asked to complete a referral form
Education Support Services:  <ul style="list-style-type: none"> <li>▪ Behaviour Support Team</li> <li>▪ Learning, Language and Communication Team</li> </ul>	The Teams will be actively involved with pupils identified on the Audit. They will review and monitor these pupils. Current involvement with pupils will be reviewed. No new referrals from schools until January 2003, when guidance will be re-issued.  Education Support Services Manager - Sue Harding
Special Educational Needs Team	Telephone/written contact with named Special Educational Needs Officer for the school  SEN Manager - Jane Routledge
Training	Please approach individual teams - training co-ordinated and brochure to be launched September 2003
Health - including Speech and Language Therapy, Occupational Therapy, Child and Mental Health Service, Physiotherapy Service.	Single point of entry referral forms sent to Drove Road (Somerville House, Drove Road, Weston-super-Mare, BS23 3NT)

Service/Team	Referral Route
Sensory Impairment Service	<p>Children tend to be known to both the Visually Impaired and Hearing Impaired Team from pre-school. The team will contact schools - open referral system to schools and parents.</p> <p>Contact can be made by phone Tel: 0117 903 8441</p> <p>(Hearing and sight assessments NOT completed by this service).</p> <p>Head of Service - Peter Fudge</p>
Ethnic Minority Advisory Service	<p>Schools can make phone contact: Judith Longstreth Tel: 0117 931 1111</p>
Avon Consortium Traveller Education	<p>Team will contact schools. Schools can phone service for input on direct work, awareness training and access to resources.</p> <p>Contact Linda Howells Tel: 01454 862 620</p>
Statutory and Complex Issues Panel	<p>No direct access from schools. Information received from professional teams and Special Educational Needs Officer.</p>
Education Other Than At School Panel	<p>Referral form - send to Jan Richards, EOTAS Manager. Evidence of ongoing advice from appropriate teams will need to be demonstrated. It is expected that there would be involvement of at least one of the professional teams over a period of time (i.e. a term).</p>
Supportive Parents for Special Children - Parent Partnership arrangement	<p>No direct access from schools. Parents have access to the team. Schools need to provide parents with information.</p> <p>Contact: Supportive Parents for Special Children, Third Floor, Royal Oak House, Royal Oak Avenue, Bristol, BS1 4GB. Helpline No: 0117 989 7725</p>

ACCESS TO CONSULTATION AND ADVICE



## **SECTION 7 PUBLICATIONS AND USEFUL CONTACTS**

### **Disability Rights Commission (DRC) Publications**

A range of information and guidance on the Disability Discrimination Act 1995 is available from the DRC, including the highly recommended Code of Practice for Schools and TALK video.

- The Data Protection Act 1998
- The Health and Safety at Work Act 1974 and related regulations
- The Fire Precautions Act 1971 and related regulations
- The Occupiers' Liability Act 1957 and the Occupiers' Liability (Scotland) Act 1960
- The Defective Premises Act 1972
- The Human Rights Act 1998
- The Race Relations Act 1976 and the Race Relations (Amendment) Act 2000
- The Sex Discrimination Act 1975
- The Welsh Language Act 1993
- Common Law Duties
- Statutory Responsibilities of other bodies
- Other relevant legislation
  - The Social Work (Scotland) Act 1968
  - The Schools (Safety and Support of Pupils) Scotland Regulations
  - The Chronically Sick and Disabled Persons Act 1970 (England and Wales) and the Chronically Sick and Disabled Persons (Scotland ) Act 1972)
  - The Disabled Persons (Services, Consultation and Representation ) Act 1986
  - The NHS Community Care act 1990
  - The Children Act 1989
  - The Mental Health (Scotland) Act 1984 and the Mental Health Act 2000 (England and Wales)

Telephone:           08457 622 633

Textphone: 08457 622 644  
Fax: 08457 778 878  
E.mail: [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org)  
Post: DRC Helpline, FREEPOST, MID02164,  
Stratford upon Avon, CV37 9BR  
Website: <http://www.drc-gb.org>

### **Department for Education and Skills Publications**

- Code of Practice on School Admissions (1999)
- Circular 10/99 Social Inclusion: Pupil Support
- Special Educational Needs Code of Practice
- The SEN Toolkit (2001) DfES
- Accessible Schools: Planning to increase access to schools for disabled pupils
- Accessible Schools: Summary Guidance 2002

Post: The Department for Education and Skills, Sanctuary Buildings,  
Great Smith Street, London, SW1P 3BT

Telephone: Public enquiries: 0870 000 2288  
Publications centre: 0845 602 2260

Website: [www.dfes.gov.uk](http://www.dfes.gov.uk)

### **Her Majesty's Stationery Office**

- Building Bulletin 87 - Guidelines for Environmental Design in Schools (1997)
- Building Bulletin 90 - Lighting Design for Schools (1999)
- Building Bulletin 91 - Access for Disabled People to School Buildings
- Building Bulletin 93 - (out for consultation) Acoustic Design of Schools
- Building Bulletin 94 - Inclusive School Design. Accommodating pupils with Special Educational Needs in Mainstream Schools (2001)
- Designing for 3 to 4 year olds: Guidance on Accommodation for Various Settings (1999)

- Managing School Facilities, Guide 7: Furniture and Equipment in Schools: a Purchasing Guide

Post: The Stationery Office, PO Box 29, Norwich, NR3 1GN

Telephone: Orders/general enquiries: 0870 600 5522

Fax Orders: 0870 600 5533

E.mail: [bookorder@thseso.co.uk](mailto:bookorder@thseso.co.uk)

Website: [www.clicktso.com](http://www.clicktso.com)

### **Special Educational Needs and Disability Tribunal**

Post: SENDIST, 7<sup>th</sup> Floor, Windsor House, 50 Victoria Street,  
London, SW1H 0NW

Telephone: 020 7925 5750

Fax: 020 7925 6926

### **Centre for Studies in Inclusive Education**

Post: Room 2S203, S Block, Frenchay Campus, Coldharbour Lane,  
Bristol, BS16 1QU

Telephone: 0117 344 4007

Fax: 0117 344 4005

Website: [www.inclusion.org.uk](http://www.inclusion.org.uk)