

## DISABILITY EQUALITY POLICY

### Legal Status:

- Special Educational Needs and Disability Act (SENDA)
- Equality Act (2010) including schedule 10 and the Public Sector Act (2011)

### Applies to:

- the whole school including the Early Years Foundation Stage (EYFS), the out of school care and extra-curricular activities inclusive of those outside of the normal school hours;
- all staff (teaching and support staff), the proprietors and volunteers working in the school

### Related Documents:

- School Improvement/Development Plan
- Special Educational Needs and Disability Act (SENDA)
- Equality and Diversity Policy (Equal Opportunities, Racial Equality and Anti-bullying)
- Curriculum Policies
- Admissions Policy
- Inclusion Policy
- Educational Visits Off-Site Activities Policy
- Health and Safety
- Safer Recruitment
- Behaviour Management

### School Strategy:

The school strategy is to address and comply with the requirements of the Disability Discrimination Act 1995 and the Special Educational Needs and Disability Act (SENDA), as amended.

### Available from:

- the school office on request

### Monitoring and Review:

- This policy will be subject to continuous monitoring, refinement and audit by the Principal.
- The proprietor (who is also the Principal) will undertake a formal review of this policy for the purpose of monitoring the efficiency with which the related duties have been discharged, by no later than three years from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

Signed:

Date: September 2016

Mrs Elizabeth McConnell  
Principal and Proprietor

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## **Disability Equality Policy**

### **Compliance with the Special Educational Needs and Disability Act (SENDA)**

The Proprietor of Pattison College has a proactive approach in ensuring that there is no discrimination against disabled children and prospective children in the provision of education and associated services in the school and in respect of admissions and exclusions. Improving access to education and educational achievement by disabled children is essential to the Proprietor's policy of ensuring equality of opportunity, full participation in society and the economy.

We are committed to Disability Equality and understand the need to embrace the spirit of the Disability Equality Duty detailed in the Disability Discrimination Act 2006 (DDA) and the Equality Act 2010. Through a positive approach we actively work towards disability equality, with our pupils, parents/guardians and staff. We note that the Duty is grounded in the Social Model of Disability and undertake to understand the implications of this and ensure it is embedded in the school culture and informs the way we apply the Duty. The school's ethos of love and care and its commitment to justice are the foundation of its aims in educating the whole school community to make its proper contribution to society. This policy and the Accessibility Plan contribute to the review and revision of related school policies as follows:

- School Improvement/Development Plan
- Special Educational Needs and Disability Act (SENDA);
- Equality and Diversity Policy (Equal Opportunities, Racial Equality and Anti-bullying);
- Curriculum Policies;
- Admissions Policy;
- Inclusion Policy;
- Educational Visits Off-Site Activities Policy

### **Definition of Disability**

"A person has a disability 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 carry out normal day to day activities."

### **Our Aims and Objectives for Disability Equality**

Our key objective is to reduce and eliminate barriers to accessing the curriculum and to full participation in the school community for pupils, prospective pupils and adult users with a disability. Our aims and objectives reflect the requirements of the Duty and that is to have due regard to do the following:

- to continually aim to improve the inclusivity of the curriculum;
- promote equality of opportunity between Disabled People and non-Disabled People;
- eliminate discrimination that is unlawful under the Disability Discrimination Act;
- eliminate harassment of Disabled People that is related to their impairment;
- promote positive attitudes towards Disabled People;
- encourage participation by Disabled People in public life;
- take steps to meet Disabled People's needs, even if this requires more favourable treatment.

### **Principles**

Compliance with the DDA is consistent with the school's aims and equal opportunities policy, and the operation of the school's SEN policy. The school recognises its duty under the DDA:

- not to discriminate against disabled pupils in their admissions and exclusions, provision of education and associated services;
- not to treat disabled pupils less favourably;
- to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage;
- to publish an Accessibility Plan.

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In performing their duties, the school has regard to the DRC Code of Practice (2002). The school recognises and values parents' knowledge of their child's disability and its effect on the child's ability to carry out normal activities, and respects the parents' and child's right to confidentiality. The school provides all pupils with a broad and balanced curriculum, differentiated and adjusted to meet the needs of individual pupils in the light of their assessed needs; and endorses the key principles in the National Curriculum Framework, which underpin the development of a more inclusive curriculum:

- setting suitable learning challenges;
- responding to pupils' diverse learning needs;
- overcoming potential barriers to learning and assessment for individual and groups of pupils.

### **Increasing Accessibility**

The Prep School building is on one level and therefore easily accessible for children, parents and staff. This is not the case with the Senior School or Cressage, where the dance studios and offices are based. These are two Victorian detached two-storey houses which, being in a conservation area, cannot be structurally altered. There are steps at the entrance and exits to both buildings and no room for ramps, therefore wheelchair access is not possible. Furthermore, once inside the buildings, the classrooms and studios are reached by going up and down stairs. It is likely that severely physically disabled pupils would have to attend a different school for their secondary education.

Before admitting a pupil the school must feel reasonably sure that we will be able to meet the educational needs and develop the prospective pupil to the best of their potential. This is to ensure that there is every chance that the child will have a complete, happy and successful time at school and will grow into a well-rounded adult, fully equipped with essential life skills. The strands to the planning duty at Pattison College are:

- To improve the inclusivity of the curriculum.
- The term "curriculum" covers not only teaching and learning but the wider curriculum of the school such as participation in after-school clubs, leisure, sporting and cultural activities or school visits. The small classes at Pattison College enables children with learning difficulties to access the curriculum and teaching assistants are available in the Prep School for extra support.  
Pattison College uses a variety of approaches when planning and delivering the curriculum to draw on the different strengths and aptitudes of children. It also takes into account and considers staff training needs.
- Pattison College must produce its own accessibility plan. The duty to do so is placed upon the Proprietor.
- An accessibility plan is a plan for:
  - (a) increasing the extent to which disabled children can participate in the school curriculum;
  - (b) improving the physical environment of the school if at all possible to increase the extent to which disabled children can take advantage of education and associated services;
- The accessibility plan must be in writing. Pattison College has a duty to review plans, revise them if necessary, and implement them. Adequate resources for implementation should be allocated.
- Pattison College has to make its accessibility plan available to interested parties on request at reasonable times.
- OfSTED monitors the planning duty through their inspections. The Secretary of State can intervene where a school is not complying with the planning duty, and can direct a school to do so.

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## **POLICY ON THE SCHOOL FULFILLING ITS DUTIES UNDER THE DISABILITY DISCRIMINATION ACT (DDA)**

### **1 Disability Discrimination**

Disability discrimination law covers employment, the provision of services and the provision of education. It is the policy of the School to comply with the DDA. All documentation in Pattison College (handbooks, policies and procedures) take into account the implications of the DDA.

### **2 Special Educational Needs and Disability Act 2001**

This new and extremely important piece of legislation received Royal Assent on 11 May 2001 and introduced significant new duties on the proprietors of independent schools from September 2002.

It legislates in four main areas.

- It provides new protection for disabled children by preventing discrimination against them at school on the grounds of disability.
- It grants jurisdiction to Special Educational Needs Tribunals to hear claims of disability discrimination.
- It revises and reforms the existing Special Educational Needs regime ("SEN").
- It imposes new planning duties on independent schools.

It is the policy of Pattison College to ensure that it does not discriminate against a disabled child by either:

- treating a disabled child or prospective child less favourably for a reason relating to his or her disability than someone to whom that reason does not apply *without justification*; or
- failing to make reasonable adjustments to admission arrangements and, in relation to education and associated services, failing to ensure that disabled children or prospective children are not placed at a substantial disadvantage in comparison with their non-disabled colleagues *without justification*.
- It is, however, extremely important to note that the duty on the school to make reasonable adjustments does not extend to providing auxiliary aids and services or to making alterations to the physical features of the school.

There are several very important concepts within the above definitions of discrimination. These include:

#### Disability

The definition of disability is the same as for disability discrimination in the employment field. In brief, a disabled child or prospective child is someone who has a physical or mental impairment that has a substantial, long term and adverse effect on his or her ability to carry out normal day-to-day activities. Disabilities may, for example, include epilepsy, learning and behavioural difficulties, as well as the "traditionally" recognised disabilities. There are, however, specific exclusions for substance dependency, seasonal allergies, and tendencies to steal, start fires or physically/sexually abuse.

#### Admissions, Education and Associated Services

Pattison College has a duty not to discriminate within the parameters of our published admission policy. "Admissions" refers to the criteria set out within the published admissions policy including the terms on which admission is offered. This extends in reverse to exclusions. "Education and associated services" means effectively all aspects of school life including preparation for entry, the curriculum, classroom organisation, time-tabling, access to Pattison College facilities, and extra-curricular activities, school policies including discipline and off site activities.

#### Less Favourable Treatment

This means treating a child, for the reason relating to the child's disability, less favourably than Pattison College would treat a child without such a disability. For example, in the case of a child with epilepsy, if Pattison College refused to admit the child on the grounds that the child would have fits, then the comparison to be made would be with a child who meets similar criteria for admission but does not have epilepsy.

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Assuming here that the other child would not be barred from admission, the disabled child in this example would be the subject of less favourable treatment.

### Reasonable adjustments

Pattison College take steps that are reasonable to ensure that enrolled and prospective disabled children are not placed at a substantial disadvantage in comparison with non-disabled children. The School understands that it will be treated as discriminating against such a child if it fails *without justification* to take such reasonable steps to the child's detriment. Although as stated above, the duty to make reasonable adjustments does not (in the education context) extend to the provision of auxiliary aids or services or the make of physical alterations to buildings, wherever possible and practical it is the policy of the school to make such arrangements.

Examples of the type of reasonable adjustment may include:

- The School equal opportunity and bullying policies covering the instances of harassment on grounds of disability;
- Training willing teaching and support staff to administer medication (eg. in the case of an epileptic fit) or to adopt teaching practices to cope with disabled children (eg. those with hearing difficulties);

### Without justification

Treating a disabled child less favourably or failing to make a reasonable adjustment is discriminatory unless there is *justification*, which may include financial considerations. Pattison College operates its admission criteria objectively.

## **1 Planning Duties**

Whilst Pattison College is not required by SENDA to make alterations to the physical features of the School, it has drawn up accessibility plans to improve access to education over time. The plans concentrate on two specific areas:

- Improvements in access to the curriculum;
- Improvements in the provision of information in a range of formats for disabled children.

At Pattison College the plan has been prepared in writing, implemented and will be regularly reviewed. It is understood that the accessibility plans will be subject to review as part of the Ofsted inspection.

## **2 The Disability Discrimination Act in the Employment Context**

The Act defines certain types of disabled people who are protected from discrimination by employers. S.1(1) of the Act provides that *"a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities"*. The definition of disability contained in s.1 can therefore be said to break down into four main parts:

- The person must have a physical or mental impairment;
- The impairment must have adverse effects which are substantial;
- The substantial effects must be long-term; and
- The long-term substantial effects must have an adverse effect on normal day-to-day activities.

## **3 Discrimination and Reasonable Adjustment**

The Act imposes an obligation on the School to make certain adjustments to its premises and the ways in which it offers employment, in order to accommodate disabled employees.

A failure to comply with the duty to consider reasonable adjustments is, in itself an act of unlawful discrimination, unless it can be justified for a reason which is both material to the circumstances of the particular case and substantial (s4(2) and (4)). The duty of Pattison College to make adjustments will only be triggered when it employs a disabled person, or a disabled person applies, or considers applying for a job at the school. In the past Pattison College made the necessary adjustments when a member of staff became blind through diabetes. Her daughter was employed to read and help mark work and a guide dog was in attendance.

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### Recruitment arrangements

In the recruitment process, the duty to make adjustments for disabled persons applies in relation to disabled people who are actual or potential job applicants (s.6(5)(a)). However, the School only has a duty to make adjustments in relation to an actual or potential job applicant or an employee whom it knows, or could reasonably be expected to know, has a disability (or has had a disability) and is likely to be put at a substantial disadvantage by the proprietor's existing arrangements (s.6(6)(b)).

If applicants indicate in their CV and application form that they are disabled, then Pattison College will make adjustments for them in the recruitment process. Pattison College will appraise all staff involved in the recruitment process (receptionists, interviewers) as to the nature of applicants' disabilities, so that they can look for disabled applicants when they arrive and offer them assistance, if necessary.

#### **4 What adjustments should Pattison College be making to the School Premises?**

The Disability Discrimination (Employment) Regulations 1996 (SI No 1456) provides that for the purposes of the Employer's duty to make reasonable adjustments, the following are to be treated as physical features of its premises whether they are permanent or temporary (Regulation 9):

- Any feature arising from the design or construction of a building on the premises;
- Any feature on the premises of any approach to, exit from or access to such building;
- Any features, fittings, furnishings, furniture, equipment or materials in or on the premises; and
- Any other physical element or quality of any land included in the premises.

Pattison College is careful not to take steps which would involve altering any physical characteristics of its premises which were adopted with a view to meeting the requirements of the Building Regulations 1999.

#### **Admissions**

The school asks parents to include in their admissions documentation a note as to the health of the prospective child at the time of application. In assessing any child or prospective child the school may take advice and require such assessments as it regards as appropriate. Subject to this, the school is sensitive to any requests for confidentiality.

Applications are considered in line with the admission arrangements for all pupils. A child's disability does not prevent their being offered a place and integrated into the school unless:

- the content, structure and delivery of the curriculum are such that the child would be prevented from fulfilling a major part of it;
- the school would be unable to provide suitably trained staff, facilities or resources to allow the requirements of our curriculum to be met.

We have an on-going commitment to disability equality within our school and through a positive approach, actively work alongside the proprietor, parents/guardians, staff and pupils of the school. We work towards:

- increasing the extent to which disabled pupils can participate in the school curriculum and associated services;
- improving the delivery to disabled pupils of information that is provided in writing to non-disabled pupils by ensuring that a range of different formats are used where necessary to ensure that all information is accessible to everyone within our school.

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### **Definition (Disability)**

A person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities. Reference to disabled people includes disabled children, young people and adults, as pupils, employees, proprietors, parents and carers and other members of the wider community that might use school premises for leisure or other activities. The definition of disability covers a broad spectrum of impairments including:

- Cancer;
- Diabetes;
- Epilepsy;
- HIV;
- Multiple sclerosis;
- Hearing or sight impairments;
- Mobility difficulties;
- People with mental health conditions or learning difficulties/disabilities.

### **Activity**

Pattison College has identified the following points for action as part of its School Improvement Plan, in order to achieve the key objectives.

### **Education and Associated Services**

“Education and Associated Services” is a broad term that covers all aspects of school life. This list exemplifies the range of activities that may be covered by this term:

- Preparation for entry to the school
- The curriculum
- Teaching and learning
- Classroom organisation and Grouping of children
- Timetabling and Target Setting
- Homework
- Access to school facilities
- Activities to supplement the curriculum e.g. drama group visiting the school
- School sports
- School policies
- Breaks and lunchtimes including the serving of school meals
- Interaction with peers
- Assessment and exam arrangements
- School discipline and sanctions including exclusion procedures
- School clubs and activities
- Educational visits
- The school’s arrangements for working with other agencies
- Preparation of children for the next phase of education.

### **Delivery of the curriculum**

Pattison College staff are provided continuous professional development in further making the curriculum accessible to all pupils. The school seeks and follows the advice of Local Authority (LA) services, such as specialist teacher advisers and SEN inspectors/advisers, and of appropriate health professionals from the local NHS Trusts.

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### Access to the Curriculum

It is vital that disabled pupils be able to access the curriculum. There should be:

- a communicative friendly environment;
- a commitment to becoming a dyslexic-friendly school;
- support for individual needs.

### **Physical environment**

The school, continues to take account of the needs of pupils and other users with physical difficulties and sensory impairments when planning and undertaking future improvements and refurbishments of the site and premises.

### **Teaching and learning style**

Through the combination of teaching and pastoral care we aim to provide all our pupils with the opportunity to succeed, and to reach the highest level of personal achievement. To do this, teaching and learning will:

- ensure equality of access for all pupils and prepare them for life in a diverse society;
- promote attitudes and values that will challenge discriminatory behaviour;
- seek to involve all parents/guardians in supporting their child's education;
- provide educational visits and extra-curricular activities that all pupils can participate in;
- take account of the performance of all pupils when planning for future learning and setting challenging targets;
- make best use of all available resources to support the learning of all pupils.

In our school we aim to tackle disability discrimination and promote equality of opportunity across all aspects of school life. We do this by:

- creating an ethos in which pupils and staff feel valued and secure;
- building self-esteem and confidence in our pupils, so that they can then use these qualities to influence their own relationships with others;
- removing or minimizing barriers to learning, so that all pupils can achieve;
- ensuring that our teaching takes into account the learning needs of all pupils through our schemes of work and lesson planning;
- actively tackling disability discrimination and promoting equality of opportunity through our newsletters to parents and displays of work;
- making clear to our pupils what constitutes aggressive and discriminatory behaviour.

All our staff have a duty to work to this policy to ensure inclusion of pupils with disabilities. Wherever practicable the school considers and seeks to employ disabled people in jobs suited to their aptitudes, abilities and qualifications in line with the Disability Discrimination Act (2005). We ensure that employees with disabilities are considered for promotion according to their aptitudes, abilities and qualifications and they are not disadvantaged when renewal of fixed-term contracts is being considered.

Members of staff who become disabled, so far as is practicable, should continue to remain employed by the school at the discretion of the proprietor. This is dependent on their ability to carry out the duties of their post. Help from related professional organisations should be sought when considering not only the possible effects of the disability but also other consequential disadvantages, such as loss of status or financial loss.

The school will endeavour to make any reasonable adjustments to enable the employee to continue in post. However, options might include:

- continuing in the same post;
- a gradual return to work;
- a reduction in hours;

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- redeployment;
- premature retirement on grounds of incapacity;
- termination of employment.

In cases where a disability is a degenerative, progressive condition that develops over time, careful consideration should be given to the selection of the most appropriate option(s). The school makes reasonable changes to work practices and, where possible, the workplace to enable disabled people to work successfully, including those members of staff who become disabled whilst employed. The school ensures that a programme of training is offered to staff to increase their awareness of children with disabilities and inform them of appropriate action to be taken when delivering the curriculum.

### **Tackling Disability Harassment**

Any incident of disability harassment is unacceptable in our school. Any adult witnessing an incident or being informed about an incident must follow these agreed procedures:

- stop the incident and comfort the pupil who is the victim;
- reprimand the aggressor and inform the victim what action has been taken;
- if the incident is witnessed by other pupils, tell them why it is wrong;
- report the incident to the Principal and inform her of the action taken;
- inform the form teacher of both the victim and the aggressor, then record what happened on the STAR chart which is kept in the office;
- inform both sets of parents, if appropriate.

### The Elimination of Harassment / Promotion of Understanding

It is important to maintain a supportive environment and eliminate negative pressures that might impede the progress of a disabled child and damage self-esteem:

- Anti-bullying Policy regularly reviewed;
- Regular assemblies, PSHE lessons about our differences;
- Education regarding types of disabilities and the needs of those individuals – among staff, pupils and the general community to encourage empathy.

### **Policy impact**

- We have a rolling programme for reviewing our school policies. We regularly review the impact of our policies on the needs, entitlements and outcomes for pupils with a disability. We pay specific attention to the impact that our policies have on the attainment of pupils with a disability.
- We make regular assessments of pupils' learning and use this information to track pupils' progress, as they move through the school. As part of this process, we regularly monitor the performance of pupils, to ensure that all groups of pupils are making the best possible progress. We use this information to adjust future teaching and learning plans, as necessary. Resources are available to support groups of pupils where the information suggests that progress is not as good as it should be.
- Our monitoring activities enable us to identify any differences in pupil performance. This allows us to take appropriate action to meet individual needs and to set targets in our strategic plan, in order to make the necessary improvements.

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