

London Borough of Tower Hamlets Strategy for Accessibility January 2016

This document sets out the provision and plans put in place by the London Borough of Tower Hamlets in order to secure effective accessibility arrangements.

Local Authorities have a duty to prepare, for the schools and settings¹ for which they are responsible, an accessibility strategy based on the same principles as the accessibility plan that schools should have in place. Please note that the word “schools” is used throughout the document to cover schools and settings as defined in note 1 below.

The three main objectives of accessibility planning are as follows:

- 1. Increase the extent to which disabled pupils can participate in the curriculum**
- 2. Improve the physical environment of all schools for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided**
- 3. Improve the availability of accessible information to disabled children and young people**

Our vision for inclusive education

To increase participation in learning and local community opportunities, thereby raising education standards for all.

Our policy is focused on the principles and practice of creating a comprehensive learning community by:

- Establishing an equal entitlement for all to the opportunities offered by education
- Striving for excellence for all learners
- Responding positively to difference and diversity
- Promoting effective partnerships
- Building capacity for inclusion
- Using person centred planning to involve children with SEND in decisions made about them

¹ schools are defined as those that the Local Authorities have a responsible for.

This accessibility strategy therefore applies to local authority maintained schools, and settings such as nurseries, children’s centres and other early years settings. It does not apply to academies, PFI funded schools or private nursery providers on a school site, owners/governing bodies of provisions must produce their own accessibility strategy in accordance with the Equality Act.

The Legal Framework

The Equality Act 2010 brought together a range of equality duties and requirements within one piece of legislation. The Act introduced a single Public Sector Equality Duty (PSED – sometimes referred to as the “general duty”) that applies to public bodies, including maintained schools and academies (including free schools) and organisations that perform a “public function” such as early years settings offering the free childcare entitlement. This extends to all protected characteristics - race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment. This combined equality duty came into effect in April 2011. These duties are referred to in the Children and Families Act 2014 and how they apply to schools and early years settings.

The duty has three main elements. In carrying out their functions, public bodies are required to have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it

Requirements for local authorities to put in place an accessibility strategy are specified in schedule 10 of the Act: Accessibility for disabled pupils.

Schedule 10 (see appendix 1 for details)

This schedule states that: an accessibility strategy is a strategy for a prescribed period to -

- a. increase the extent to which disabled pupils can participate in the schools’ curriculums;
- b. improve the physical environment of the schools for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the schools;
- c. improve the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

The delivery of information in (c) must be:

- a. within a reasonable time;
- b. in ways which are determined after taking account of the pupils’ disabilities and any preferences expressed by them or their parents.

Duties within the legislation

Local authorities and schools have had a duty to provide reasonable adjustments for disabled pupils since 2002. Originally this was under the

Disability Discrimination Act 1995 (DDA) and subsequently under the Equality Act 2010 and related Disability Discrimination Act 2011.

The three key duties are:

- Not to treat disabled pupils less favourably for a reason related to their disability
- To make reasonable adjustments for disabled pupils, so that they are not at a substantial disadvantage
- To publish and implement an accessibility strategy to increase access to school education for disabled pupils

The Equality Act 2010 and Public Sector Equality Duty make it clear that schools are still required to produce an accessibility plan, have regard to the need to provide adequate resources for implementing them and must regularly review them.

From September 2012 the reasonable adjustments duty for LAs and schools included a duty to provide auxiliary aids and services for disabled pupils. It is anticipated that these aids will usually include low cost items or change in practice e.g. coloured overlays, software, adapted keyboards, enlarging texts etc. It is unlawful for a school to charge a pupil if they make a reasonable adjustments in any circumstances, whatever the financial cost to the school and however the school or setting is funded.

Definitions

A person is disabled if they have a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day to day activities. A physical or mental impairment includes learning difficulties, mental health conditions, medical conditions and hidden impairments such as dyslexia, autism and speech, language and communication impairments (Equality Act 2010).

The Act sets out relevant factors in determining whether a person meets the definition of disability. "Long term" is defined as lasting, or likely to last, at least 12 months.

Normal day-to-day activities: the test of whether the impairment affects this is one or more of the following:

- Mobility
- Manual dexterity
- Physical co-ordination
- Continence
- Ability to lift, carry or otherwise move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand
- Perception of risk of physical danger

“Schools” are defined as all maintained schools and settings for which The London Borough of Tower Hamlets is responsible. (see appendix 1 for details)

Reasonable adjustments: this duty applies only to disabled people. This Accessibility Duty recognises and promotes the principles identified for schools, i.e.

- Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that discrimination
- Schools are subject to the other reasonable adjustments duty such as making alterations to physical features because this is already considered as part of their planning duties
- In addition to having a duty to consider reasonable adjustments for particular identified disabled pupils, schools will also have to consider potential adjustments which may be needed for disabled pupils generally as it is likely that any school will have a disabled pupil at some point. It is important to note that the duty on schools to make reasonable adjustments is anticipatory. Schools should not wait until a disabled pupil arrives before making or planning to make adjustments. This may be too late and could lead to the pupil being substantially disadvantaged; it is important, therefore, for schools to plan a broad range of accessibility improvements over time.

The Tower Hamlets Context

Tower Hamlets has consistently pursued a policy of developing the capacity of mainstream schools to meet the needs of all learners regardless of any physical disability or learning difficulties they may be experiencing.

Tower Hamlets has a significantly high percentage of children and young people with SEN statements or EHC plans. Both the number and percentage of SEN statements or EHC plans is higher than most other London LAs².

This policy has led to considerable achievements, for example

- Blind and Vision Impaired pupils are educated mainly in mainstream schools and are supported to navigate their local community
- Many autistic children are in mainstream schools (supported by outreach from Phoenix Special School and the Early Years Inclusion Team in settings)
- Children and young people with long term medical conditions are included and thrive in mainstream schools
- All but the most profoundly physically disabled pupils are educated in mainstream schools

² In January 2015 there were 1754 LBTH SEN statements or EHC plans (3.6% of the school population)

- An increasing number of Tower Hamlets Schools are able to accommodate children and young people who are in a wheelchair or may need ongoing physical care
- An increase in inclusive practice in schools and settings has gone alongside an increase in attainment and achievement for children and young people

In response to the new Code of Practice for Special Educational Needs the LA has

- Developed a working model for Education Health and Care Plans which and has a time table for converting existing statements of Special Educational Need to EHC (single) plans
- Following extensive consultation with parents and young people, put a Local Offer in place which gives information to the community about services that are available in Tower Hamlets and how to access them
- Ensured that all schools have clear information on the websites about the policy, procedure and provision for SEND
- Supported schools and settings in drawing up accessibility plans

In 2013 (following five previous consultation events) the Integrated Service for Children with Disabilities commissioned a major consultation exercise for primary and secondary children with disabilities involving the Children with Disabilities Social Work team, the Youth Service, Youth Sport Foundation and the Support for Learning Service and the Parents Advice Centre. Pupils tried new activities and met other disabled young people from their local area and their supporting adults made useful links with other teams. These events provided the young people with an opportunity to practice contributing to society by learning to express their views with growing confidence in order to keep them safe and happy.

These events provided valuable independent insights into what is really important to our children and young people and what consultation methods, resources and technology most enable access to their views and communication amongst their friends. As a result, training materials useful for any service wanting to improve consultation methods were produced.

Other consultation projects included a pilot project commissioned by the Integrated Services for Children with Disabilities to trial a consultation forum for young children with disabilities. Children from a cluster of 5 mainstream, primary schools in Tower Hamlets attended. A film of the event was produced as a model for training and a suggested forum model was successfully developed.

Objective 1: Increasing Access to the curriculum

Key development targets

- Ensure all schools have received training in Person Centred Approaches and are supported in putting this into practice
- Launch a new training initiative on Maximising the Impact of Teaching Assistants with the Institute of Education UCL in September 2016

Tower Hamlets provides guidance to school and governing bodies on increasing pupil participation in the curriculum by:

- Offering direct training both central and in school
- Facilitation of SENCO networks and a termly SENCO conference
- Provision of information through a SENCO bulletin and on Fronter with a dedicated space for SENCOs on this platform
- Management of an Auxiliary Aids budget on behalf of head teachers
- Provision of a range of services

Direct training is provided by a range of teams such as the Support for Learning Service, Early Years' Service and Educational Psychology Service. Schools can buy into a training subscription or pay as they go. Training is run centrally or can be arranged in schools or for a cluster of schools and covers all areas of SEND including Person Centred Planning, the effective deployment of teaching assistants and communication and participation; how to consult disabled children effectively/meaningfully. All Inclusion Coordinators in early years settings are provided with a programme of core training develop their skills and expertise in carrying out their role and duties required under the SEND Reforms.

Tower Hamlets ensures that all SENCOs are kept up to date with local and national initiatives through a termly conference; a half termly bulletin; the facilitation of local networking and a termly SENCO forum. A forum is maintained on Fronter through the London Grid for Learning that allows all SENCOs to access the latest information as well as share resources and ideas. A support group for Inclusion Coordinators in early year's settings is provided each term which enables coordinators to share ideas and best practice, gain support from colleagues and keep up to date with local and national developments relating to inclusion.

In April 2014 Schools Forum agreed to allocate a dedicated on-going budget of form the High Needs Block to create a central fund for specialist equipment for sensory impaired pupils, to be funded from Direct Schools Grant. This is called the Auxiliary Aids budget. It was also agreed that the Specialist Sensory Impairment Service manage the resource on behalf of all schools and targeted pupils.

Services provided by the London Borough of Tower Hamlets to support schools in meeting the needs of children and young people with SEN and disabilities include:

- The Support for Learning Service - a team of teachers who provide advice and support to schools and settings to include pupils with sensory, language, literacy, behaviour, physical and medical needs. This is done through a combination of assessment, case work, service level agreements and training.
- Educational Psychology Service – provide child and young people focused services include identifying, assessing their special educational needs and working with adults especially those in schools so that they are able to meet these needs.
- Special School Outreach Teams – Teams from LBTH special schools provide advice to mainstream schools to support the inclusion and achievement of pupils with autism, social emotional and mental health difficulties and complex needs or severe learning difficulties.
- The Children with Disabilities Team is part of an Integrated Service for Disabled Children. The team offers early help for children in need, child protection and children looked after with a diagnosed disability.
- Area Inclusion Co-ordinators - offer support to private, voluntary and independent early year's settings and maintained day nurseries to help develop inclusive practice and plan for children with additional needs. They work in localities and every early years setting has an allocated co-ordinator who will visit the setting

Objective 2: Improving the physical environment

Key development targets

- The LA will ensure that all new schools will allow physical access to and throughout the school premises. This will also include a hygiene room for pupils with more complex needs who may require changing assistance.
- In existing schools, where access is required to upper floors and/or there is no hygiene room, the LA will consider implementing improvements where practicable.
- In existing schools, the LA will consider with each school how improvements can be funded. In some cases the school will fund or the school will make a contribution to a larger scheme funded by the LA.

The local authority, in collaboration with schools will continue to work strategically to take account of work that has already been done to improve access and ensure the broadest possible choice of accessible schools across

the borough. LA advisors are available to work with schools to give advice regarding suitable adjustments for specific pupils (e.g. changing facilities, ramps, hoists) as well as changes to the environment that benefit all pupils e.g. acoustics.

For example, support for learning service advisory teachers, Early Years Foundation Stage Coordinators, Managers in the Private, Voluntary and Independent sector and SENCOs were briefed regarding the DfE revision of the “Acoustic Design of Schools: performance standards” 2015. Where individual schools have concerns about the listening environment in their buildings the Sensory Support Service can provide advice and carry out some preliminary measurements prior to a full assessment report from a qualified acoustician.

The Support for Learning Service provides advice to SENCOs on how to develop their accessibility plans.

Tower Hamlets Children’s Community Occupational Therapy Service when working with individual children will support access to the physical environment in terms of:

1. Access to the school building and grounds, i.e. its layout, design and facilities
2. Access to and ability to use school equipment, large and small, such as school furniture; playground and PE equipment and classroom tools and materials.

This is done through:

- Assessment of the individual child to determine basis of the difficulties
- Collaboration with school staff to identify potential solutions
- Collaboration with borough staff such as surveyors on layout and any adaptations and/or specialist equipment to be put in place

Solutions may include:

- Major adaptations – such as re-design and re-fits of toilet areas, passenger lifts to upper floors
- Minor adaptations such as additional handrails on steps/stairs or ramps to doorways
- Assessment for specialist equipment to enable access to school activities such as specialist seating or portable ramps
- Advice on safe use of existing equipment
- Advice on activity accommodations such changing layout of classroom furniture and placement of classroom materials for easy access

Objective 3: Improving the availability of accessible information

Key development targets

- Implement a communications strategy to ensure that more children, young people, parents and people that work with them are aware of the Local Offer and how to access it.
- Continuously improve the functionality and content of the Local Offer in response to feedback

The London Borough of Tower Hamlets supports schools and early years settings to present information in an appropriately accessible format by:

- Providing schools and settings with formats and templates for their web based School Report in order that they have a clear explanation of their SEN provision and processes.
- Ensuring that schools and settings are kept up to date with how to access and use the Tower Hamlets Local Offer on the internet or over the phone
- Providing training and ongoing support in person centred approaches to reviews and learning
- Providing advice and training to schools on the presentation of learning materials for pupils with vision, hearing and literacy difficulties
- Advising schools on how to consult with children and young people with SEND about how they and their parents would like to receive information
- Helping schools to use a wide variety of technology and innovative communication tools such as Wiki Websites, Braille, large print, British Sign Language and visual timetables
- Ensuring parents and carers are informed and kept up to date through PACSEN, the borough's forum for parents/carers of children and young people with SEND, and consulted on developments in schools and settings.
- Ensuring young people 16 – 25 are informed and kept up to date through Our Time, the borough's new forum for young people with SEND, and consulted on developments in schools and settings.

Schools or settings also make individual arrangements to meet individual needs. The provision of accessible information in a variety of responsive formats is a key part in ensuring the active participation of the widest range of school users in the design and dissemination of all school services. This includes extra-curricular activities and school trips.

Accessible decision making

The London Borough of Tower Hamlets supports schools and early year's settings to develop a person centred approach to planning and review with children with SEND. This approach is based on the idea of "co-production" as required by the 2015 Code of Practice for SEND; in LBTH a model of person centred practice has been developed and evaluated in collaboration with parents, children and young people and education professionals.

The Tower Hamlets model of person centred planning enables professionals to involve children and young people with SEND in decision making, through the use accessible information (as detailed above) and through adapting meeting structures to suit the needs of the child or young person. The child or young person is supported to make a contribution to planning and review meetings as is appropriate to their age and their level of development, and a person centred agenda ensures the tone and content of the meeting are constructive, supportive and respectful.

Through this flexible and practical approach, children and young people with SEND, and their families, are enabled to take an active role in planning and decision making, contributing to setting outcomes which move them towards an independent adulthood and the life they want for themselves.

Reviewing the effectiveness of the strategy

This strategy covers the period 2016 – 2019 and will be next reviewed, and updated in January 2017.

The borough will take into account the feedback from existing forums for:

- Children and young people
- Parents and carers
- Maintained schools
- Other stakeholders

Relevant extract from the Equality Act 2010

SCHEDULE 10 ACCESSIBILITY FOR DISABLED PUPILS

Accessibility strategies

1(1)A local authority in England and Wales must, in relation to schools for which it is the responsible body, prepare—

(a)an accessibility strategy;

(b)further such strategies at such times as may be prescribed.

(2)An accessibility strategy is a strategy for, over a prescribed period—

(a)increasing the extent to which disabled pupils can participate in the schools' curriculums;

(b)improving the physical environment of the schools for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the schools;

(c)improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

(3)The delivery in sub-paragraph (2)(c) must be—

(a)within a reasonable time;

(b)in ways which are determined after taking account of the pupils' disabilities and any preferences expressed by them or their parents.

(4)An accessibility strategy must be in writing.

(5)A local authority must keep its accessibility strategy under review during the period to which it relates and, if necessary, revise it.

(6)A local authority must implement its accessibility strategy.

2(1)In preparing its accessibility strategy, a local authority must have regard to—

(a)the need to allocate adequate resources for implementing the strategy;

(b)guidance as to the matters mentioned in sub-paragraph (3).

(2)The authority must also have regard to guidance as to compliance with paragraph 1(5).

(3)The matters are—

(a)the content of an accessibility strategy;

(b)the form in which it is to be produced;

(c)persons to be consulted in its preparation.

(4) Guidance may be issued—

(a) for England, by a Minister of the Crown;

(b) for Wales, by the Welsh Ministers.

(5) A local authority must, if asked, make a copy of its accessibility strategy available for inspection at such reasonable times as it decides.

(6) A local authority in England must, if asked by a Minister of the Crown, give the Minister a copy of its accessibility strategy.

(7) A local authority in Wales must, if asked by the Welsh Ministers, give them a copy of its accessibility strategy.

Accessibility plans

3(1) The responsible body of a school in England and Wales must prepare—

(a) an accessibility plan;

(b) further such plans at such times as may be prescribed.

(2) An accessibility plan is a plan for, over a prescribed period—

(a) increasing the extent to which disabled pupils can participate in the school's curriculum,

(b) improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school, and

(c) improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

(3) The delivery in sub-paragraph (2)(c) must be—

(a) within a reasonable time;

(b) in ways which are determined after taking account of the pupils' disabilities and any preferences expressed by them or their parents.

(4) An accessibility plan must be in writing.

(5) The responsible body must keep its accessibility plan under review during the period to which it relates and, if necessary, revise it.

(6) The responsible body must implement its accessibility plan.

(7) A relevant inspection may extend to the performance by the responsible body of its functions in relation to the preparation, publication, review, revision and implementation of its accessibility plan.

(8) A relevant inspection is an inspection under—

(a) Part 1 of the Education Act 2005, or

(b)Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation and inspection of independent education provision in England).

4(1)In preparing an accessibility plan, the responsible body must have regard to the need to allocate adequate resources for implementing the plan.

(2)The proprietor of an independent educational institution (other than an Academy) must, if asked, make a copy of the school's accessibility plan available for inspection at such reasonable times as the proprietor decides.

(3)The proprietor of an independent educational institution in England (other than an Academy) must, if asked by a Minister of the Crown, give the Minister a copy of the school's accessibility plan.

(4)The proprietor of an independent school in Wales (other than an Academy) must, if asked by the Welsh Ministers, give them a copy of the school's accessibility plan.

Power of direction

5(1)This sub-paragraph applies if the appropriate authority is satisfied (whether or not on a complaint) that a responsible body—

(a)has acted or is proposing to act unreasonably in the discharge of a duty under this Schedule, or

(b)has failed to discharge such a duty.

(2)This sub-paragraph applies if the appropriate authority is satisfied (whether or not on a complaint) that a responsible body of a school specified in sub-paragraph (3)—

(a)has acted or is proposing to act unreasonably in the discharge of a duty the body has in relation to the provision to the authority of copies of the body's accessibility plan or the inspection of that plan, or

(b)has failed to discharge the duty.

(3)The schools are—

(a)schools approved under section 342 of the Education Act 1996 (non-maintained special schools);

(b)Academy schools;

(c)alternative provision Academies.

(4)This sub-paragraph applies if a Tribunal has made an order under paragraph 5 of Schedule 17 and the appropriate authority is satisfied (whether or not on a complaint) that the responsible body concerned—

(a)has acted or is proposing to act unreasonably in complying with the order, or

(b)has failed to comply with the order.

(5)If sub-paragraph (1), (2) or (4) applies, the appropriate authority may give a responsible body such directions as the authority thinks expedient as to—

(a)the discharge by the body of the duty, or

(b) compliance by the body with the order.

(6) A direction may be given in relation to sub-paragraph (1) or (2) even if the performance of the duty is contingent on the opinion of the responsible body.

(7) A direction may not, unless sub-paragraph (8) applies, be given to the responsible body of a school in England in respect of a matter—

(a) that has been complained about to a Local Commissioner in accordance with Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009 (parental complaints against governing bodies etc.), or

(b) that the appropriate authority thinks could have been so complained about.

(8) This sub-paragraph applies if—

(a) the Local Commissioner has made a recommendation to the responsible body under section 211(4) of the Apprenticeships, Skills, Children and Learning Act 2009 (statement following investigation) in respect of the matter, and

(b) the responsible body has not complied with the recommendation.

(9) A direction—

(a) may be varied or revoked by the appropriate authority;

(b) may be enforced, on the application of the appropriate authority, by a mandatory order obtained in accordance with section 31 of the Senior Courts Act 1981.

(10) The appropriate authority is—

(a) in relation to the responsible body of a school in England, the Secretary of State;

(b) in relation to the responsible body of a school in Wales, the Welsh Ministers.