



## DISABILITY POLICY

### INTRODUCTION

1. This policy is a 'Whole School Policy' and informs practice in the Senior School, Prep School and Nursery. Battle Abbey School recognises its general responsibilities under the Equality Act 2010 to have due regard to the need to:

- promote equality of opportunity between disabled and non-disabled people;
- eliminate discrimination that is unlawful under the Disability Discrimination Act;
- eliminate harassment of disabled persons that is related to their impairments;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life; and
- take steps to take account of a disabled person's impairments, even where that involves treating the disabled person more favourably than other people.

2. At Battle Abbey School we are committed to ensuring equality of education and opportunity for disabled pupils, staff and all those receiving services from the School. We aim to develop a culture of inclusion and diversity in which people feel free to disclose their disability and to participate fully in school life. Our admissions policy does not discriminate against disabled pupils. We will not tolerate harassment of disabled people with any form of impairment.

### LEGISLATION AND GUIDELINES

3. A key Government objective for children with disabilities and Special Education Needs (SEN) is that they should (where appropriate) attend mainstream schools. The regulatory framework has strengthened over the years and has incorporated the changes introduced by the Equality Act 2010. This has made significant changes to the law on discrimination as it affects disabled pupils and in particular the extension of duties on schools to include the provision of auxiliary aids and services from September 2012. Further guidance from the Department for Education (DfE) was published in May 2014 (*The Equality Act 2010 and Schools*) and May 2015 (*The SEN and Disability (SEND) Code of Practice: 0 – 25 years*). The requirements are also contained in the Independent Schools Inspectorate's Commentary on the Regulatory Requirements and National Minimum Standards for Boarding.

4. Battle Abbey School policies also refer to non-statutory guidance on the Equality Act contained in the Equality and Human Rights Commission (EHRC) documentation '*What does the Equality Act say?*' (April 2016), '*Equality Act technical guidance*' (November 2016) and '*Reasonable adjustments for disabled pupils*' (April 2015). All our policies, including disciplinary and behaviour policies, explicitly cover our duties to take reasonable steps to avoid children with a disability or learning difficulty being placed at a disadvantage compared to non-disabled children.

### AIMS

5. The aims of this policy are to ensure that Battle Abbey School has procedures in place to:

- Increase access for disabled people to the school curriculum and to extra-curricular activities.
- Improve access to the physical environment of the school.

- Improve the delivery of written information to disabled pupils.
- Make reasonable adjustments (including by providing 'auxiliary aids and services') to avoid substantial disadvantage to disabled pupils or pupils with special education needs.
- Ensure that all pupils understand that unlawful discrimination, victimisation and harassment of disabled and SEN pupils is prohibited.
- Ensure that all staff are trained to enforce zero tolerance of such activities.

### **DEFINITION OF DISABILITY**

6. The Equality Act 2010 states that a person has a disability if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities. For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping

People who have had a disability in the past that meets this definition are also protected by the Act. The definition of 'disability' now also includes people with HIV, multiple sclerosis and diagnosed cancer. In addition to pupils with long term impairments which significantly impact on their day to day activities, all pupils with SEN and those with long term medical needs are treated as disabled for the purposes of the Act and equality. A copy of the EHRC guidance on the definition of disability is at Appendix 2.

### **DEFINITION OF SPECIAL EDUCATIONAL NEEDS (SEN) AND LEARNING DIFFICULTY**

7. The DfE website ([www.education.gov.uk](http://www.education.gov.uk)) states that a child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- Has a significantly greater difficulty in learning than the majority of others of the same age, or
- Has a disability which prevents him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

Battle Abbey School has a separate SEN Policy which is available on the school website or as a paper copy from the School office. We ensure the curriculum, plan and schemes of work take proper account of the needs of all pupils, in terms of ability, need and aptitudes and take SEN fully into account when making decisions affecting the education of children.

### **THREE YEAR ACCESSIBILITY PLAN**

8. The guidance states that all schools are expected to produce their own accessibility plans and Battle Abbey School's accessibility plan is at Appendix 1. This plan covers a 3 year period and is reviewed annually by the governor-led Academic Committee. The aim of the plan is to:

- increase the extent to which disabled pupils can participate in the school's curriculum
- improve 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
- improve the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

## **WHAT WE DO**

9. At Battle Abbey School, we involve disabled people in the following ways:

- Pupils – we identify our disabled pupils with disclosure by parents, feeder schools and discussions with the SENCO. Information on all disabled pupils is collated by the SENCO and disseminated to other staff;
- Staff and Governors - are asked to self-disclose any disability and what reasonable adjustments that they feel they need to fully participate in school life;
- Parents – are invited to let the School know, in confidence, if they have a disability and again what adjustments that we might make to enable them to fully participate in their child's education.

We also monitor access to extra curricular activities (inside and outside the school day) and school trips for all disabled pupils. The PSHE and RS curriculum includes topics which enhance social relationships for all including those between disabled and non disabled pupils.

## **ADMISSIONS AND DISABLED PUPILS**

10. We advise parents of children with physical disabilities to discuss their child's requirements with the Head or Prep Head so that we can make adequate provision for the child. Parents may be asked to provide a copy of a medical report to support their request, for example, for large print material or other special arrangements. Factors that may be taken into account when making an initial assessment include:

- Costs
- Practicability
- LDD/SEN provision
- Health and Safety
- The interests of other pupils in the School

11. Battle Abbey School will not discriminate on grounds of physical disability, although there will be cases that the School cannot reasonably cater for. If it is possible to make practical changes that will not prove too disruptive to the workings of the School, and if these changes can be made at a reasonable cost, then the School will be happy to make such reasonable adjustments to accommodate the child.

12. Parents and prospective parents of disabled children may wish to obtain copies of Battle Abbey School's Accessibility Plan from the web site. This shows the ways in which we plan to make our buildings progressively more accessible to disabled pupils, parents and visitors although the nature of the Abbey building restricts adjustments possible. Battle Abbey School has an active monitoring policy and will do its best to make adjustments to take account of an individual pupil's needs, within the constraints imposed by its historic buildings on a scattered site. Parents should note that in the event that special needs become apparent during the course of a pupil's time at Battle Abbey School, the Head may deem it necessary to require parents to remove the child. That said, the School will do all that it reasonably can to cater for pupils in its care.

## **TRAINING**

13. All staff are given regular annual training on working with SEN and disabilities during INSET. This training focuses on helping each child to reach their maximum potential, the appropriate adjustments (such as large print or using coloured paper) that can give full access to the curriculum and facilities of the school to the greatest extent possible. The school trains its teachers to differentiate within the curriculum and to take into account pupils' learning difficulties (as well as the needs of gifted and talented pupils). The SENCO liaises with the teaching staff about the most appropriate means of meeting the needs of pupils with SEN and learning difficulties. The SENCO has an important role in ensuring consistency of approach by all

teachers in providing, for example, access to learning materials that are easier to read and understand, or extra time in exams.

### **BEHAVIOUR AND DISCIPLINE**

14. The school takes pride in its well developed system of pastoral care for social interaction amongst pupils. All pupils (including Nursery pupils) are taught that discrimination, victimisation and bullying are prohibited and will not be tolerated. The school's objective is to ensure that a disabled pupil, or a pupil with SEN or other protected characteristic, does not suffer less favourable treatment as a result of discrimination.

15. Pupils are taught through the curriculum and other activities the importance of respecting each other and behaving towards each other with courtesy and consideration. The school's behaviour policies make clear the seriousness of bullying, victimisation and harassment in all its pernicious forms, including racial, religious, cultural, sexual, sexist, gender-related, sexual orientated homophobic, disabled and cyber, in causing serious psychological damage and even suicide. Considerable teacher time is expended in preventing bullying, victimisation and harassment and in dealing with it when it occurs. All pupils understand that the school has a zero tolerance policy on bullying and that bullies can expect strong sanctions to be applied to them.

### **PARTNERSHIP WITH PARENTS**

16. The school's hope is that all parents will feel able to share any concerns about their child with the pastoral staff in order that a healthy partnership for the care of their child can be developed. The SENCO, other pastoral staff and teachers who are involved with their child are always happy to discuss any parental concerns. A member of staff will always ask to see a parent if they felt that an adjustment to the curriculum followed by their child might be in their best interests, or if there was a specific concern.

### **COMPLAINTS**

17. The School naturally hopes that a parent will not feel that they have cause to complain but its Parents' Complaints Policy is published on the website for any parent who wishes to use it. Parents of children with SEN or disabilities also have the legal right to seek redress from the First Tier Tribunal (Special Educational Needs and Disability) if they believe that their child has been discriminated against.

Appendices:

1. Three year accessibility plan (September 2015 to August 2018).
2. EHRC Technical Guidance on Disability.

## THREE YEAR ACCESSIBILITY PLAN (SEPTEMBER 2015 TO AUGUST 2018)

### Introduction

1. This plan refers to disabled pupils and prospective pupils in a wide sense, including those with special educational needs. It demonstrates how we will develop each of the three strands (curriculum, physical environment and delivery of information) such that disabled pupils will not be treated unfavourably, and the reasonable steps we will be taking to avoid putting disabled pupils at a substantial disadvantage in matters of admission and access to the curriculum. This includes improving the delivery of written information to disabled pupils.

### Physical Environment

2. Physical accessibility is kept under regular review. Within the limitations imposed by historical buildings which are not easily capable of modification, we ensure that all buildings are physically accessible as far as possible. Almost all buildings on each site are accessible by wheelchair at ground floor level, although a number of entrances and doorways are constrained. Accessibility requirements are regularly reviewed and taken into account in all works carried out to improve or upgrade facilities. Major works for new and refurbished buildings take full account of accessibility requirements.

### The School's layout and facilities

3. The School caters for pupils from 2 - 18 years old and is split over several sites as follows:

- **Nursery**. This two-storey building has a classroom for younger pupils upstairs which is not accessible to wheelchair users. The downstairs spaces both inside and out are accessible to all.
- **Swimming Pool**. This single storey building is accessible to all, with access to the building from the car park in form of a ramp. All doorways are wheelchair accessible, however there is no disabled toilet installed, nor is there any lifting equipment available poolside.
- **Preparatory School**. This Victorian property is situated over three floors with the majority of the ground floor being accessible to wheelchair users. There is a disabled toilet on the ground floor. The upper floors do not have lift access.
- **Senior School**. The main Abbot's House is an ancient monument over three floors with the ground floor accessible to all, including some classrooms, toilets, changing rooms and communal spaces. The stable block - which houses the science laboratories - is single storey and accessible to all as is the art block opposite. The Performing Arts Centre has lift access and is otherwise a single storey facility with both disabled access and toilet facilities.
- **Martlet House**. Martlet House accommodates classrooms, a fitness studio, dance studio and café area. The rear building has disabled facilities including a lift and toilet, but access to the building is restricted by a narrow passageway. The ground floor classrooms in the front building are wheelchair accessible.
- **Boarding facilities**. Boarding accommodation in the Abbey and Westnedge is not suitable for wheelchair users; however, Marylands has rooms on the ground floor which could be used for disabled pupils although there is no disabled toilet installed.

### Improving access to the curriculum

<b>Timescale</b>	<b>Action</b>	<b>Person responsible</b>	<b>Date completed</b>
Annually via INSET	Training for teachers to help pupils develop digital literacy	Prep Head, Deputy Head and SENCO	Ongoing
Termly	Review all extra-curricular activities to ensure they are accessible to all	Prep Head and Deputy Head	Ongoing
By August 2018	Improve classroom facilities to make resources available online to further independent learning	Prep Head and Deputy Head	Ongoing
By August 2018	Improve computer and i-pad availability to aid pupils with print impairments	IT Manager, Deputy Head and SENCO	Ongoing

### Improving the delivery of information

<b>Timescale</b>	<b>Action</b>	<b>Person responsible</b>	<b>Date completed</b>
By August 2018	Add language portals to school website to improve information access to those for whom English is an additional language	IT Manager and Marketing Manager	Ongoing
By August 2018	Review and reframe content in learning materials (motivate learners in internet use)	Prep Head and Deputy Head	Ongoing
By August 2018	Make available school prospectus, newsletter and other information for pupils in alternative formats.	Bursar and Marketing Manager	Ongoing
By August 2018	Further improvement of communication systems throughout all sites to allow flow between Nursery and Prep School and then transition to Senior School	Prep Head, Deputy Head and Bursar	Ongoing

**Improving access to the physical environment**

<b>Timescale</b>	<b>Action</b>	<b>Person responsible</b>	<b>Date completed</b>
By Jan 2018	Create disabled parking bays at the Swimming Pool and Prep School sites	Bursar	Ongoing as part of new development at Prep School site
Mar to Dec 2017	Install visible fire alarm in Martlet House fitness and dance studios	Bursar	Ongoing
By August 2018	Obtain funding for powered wheelchair stair-climber to use outside Performing Arts Centre	Bursar	Ongoing
When needed	Purchase of portable induction loops for Battle and Bexhill sites	Bursar	Ongoing

**EQUALITY AND HUMAN RIGHTS COMMISSION TECHNICAL GUIDANCE ON DISABILITY**

A person is a disabled person (that is, someone who has the protected characteristic of disability) if he or she has, or has had, a physical and/or mental impairment that has what the law calls 'a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'.

There is no need for a person to have a medically diagnosed cause for his or her impairment; what matters is the effect of the impairment, not the cause.

In relation to physical impairment:

- Conditions that affect the body such as arthritis, hearing or sight impairment (unless this is correctable by glasses or contact lenses), diabetes, asthma, epilepsy, conditions such as HIV infection, cancer and multiple sclerosis, as well as loss of limbs or the use of limbs are covered.
- HIV infection, cancer and multiple sclerosis are covered from the point of diagnosis.
- Severe disfigurement (such as scarring) is covered even if it has no physical impact on the person with the disfigurement, provided the long-term requirement is met.
- People who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist, are automatically treated as disabled under the Act.

Mental impairment includes conditions such as dyslexia and autism as well as learning disabilities such as Down's syndrome and mental health conditions such as depression and schizophrenia.

The other tests to apply to decide if someone has the protected characteristic of disability are:

- The length the effect of the condition has lasted or will continue: it must be long term. 'Long term' means that an impairment is likely to last for the rest of the person's life, or has lasted at least 12 months or where the total period for which it lasts is likely to be at least 12 months. If the person no longer has the condition but it is likely to recur, they will be considered to be a disabled person.
- The activities upon which the impairment has a substantial adverse effect must be 'normal day-to-day activities'. Just because the activity is mainly undertaken at work (e.g. typing) does not mean that it is not a normal day-to-day activity.
- 'Substantial' means more than minor or trivial.
- The condition must have this impact without taking into account the effect of any medication that the person is taking, or any aids or assistance or adaptations that he or she uses, like a wheelchair, walking stick, assistance dog or special computer software. The exception to this is the wearing of glasses or contact lenses, for which it is the effect while the person is wearing the glasses or contact lenses that is taken into account.