

UPDATE PENDING:

PLEASE NOTE THAT GUIDANCE IN THIS SECTION MAY NOT REFLECT RECENT POLICY CHANGES. FOR ADVICE AND CLARIFICATION, PLEASE CONTACT THE SECTION / DEPARTMENT AS DETAILED BELOW.

## **A22**

### **ACCESSIBILITY SPECIAL EDUCATIONAL NEEDS AND DISABILITY ACT 2001**

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#### **Reference Points**

- Code of Practice for Schools  
Disability Discrimination Act 1995 Part 4  
Disability Rights Commission  
Tel: 08457 622 633  
Email: enquiry@drc-gb.org  
Website: www.drc-gb.org
- Accessible Schools : Planning to Increase access to schools for disabled pupils Ref. LEA/0168/2002  
Further information: Schools Disability and Access Team  
2T Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT  
Email: planning.guidance@dfes.gsi.gov.uk  
Tel: 020 7925 6148
- Disability Discrimination in Schools : How to Make a Claim  
Ref: HTC 001  
Special Educational Needs and Disability Tribunal  
01325 392 555  
Email: tribunalqueries@sendist.gsi.gov.uk  
Website: www.sendist.gov.uk
- Answering a claim of disability discrimination: a guide for responsible bodies  
Special Educational Needs and Disability Tribunal  
01325 392 555  
Email: tribunalqueries@sendist.gsi.gov.uk  
Website: www.sendist.gov.uk

#### **Contact Points**

##### **Lincolnshire County Council**

- For premises/capital issues: the School's Capital Development Adviser
- For SEN pupil-related matters – see the Special Educational Needs Administrative Handbook for School

There are two driving forces behind this legislation:

- 1) the Government's intention to ensure an inclusive approach towards young people with Special Educational Needs, and

- ii) The implementation of the recommendations of the Disability Rights Task Force which advocated the extension of the scope of the Disability Discrimination Act 1995 to educational provision.

The main purpose of the Act is to strengthen the right of children with SEN to be educated in mainstream schools where parents wish it and to make it unlawful to discriminate against pupils, students and adult learners because of their disability in the provision of education.

LAs and schools are required to make “reasonable adjustments” so that pupils with a disability are not put at a substantial disadvantage compared to others. The definition of “disability” is much broader than just physical disability and includes, for example, learning difficulties and medical problems such as epilepsy. In connection with employment of staff and where school buildings are open to the general public, additional legal responsibilities apply.

LAs are required to have in place an Accessibility Strategy. The Lincolnshire Strategy may be found on the website at [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk).

### **Action Points**

- Since April 2003 every school must produce, monitor and keep under review an Accessibility Plan which shows how the Governing Body will improve:
  - i) the extent to which pupils with disabilities can participate in the school curriculum;
  - ii) the physical environment of the school, to increase the extent to which disabled pupils and others can access educational and associated services; and
  - iii) the delivery of written information (including curricular materials, signs and directions) in a way which is accessible to them.
- The school’s Plan should be produced following an audit. Guidance on carrying out audits and preparing plans is available on NETLinc. There is also training available if required.
- It should be noted that in most instances, adaptations and improvements to school premises are the responsibility of the Governing Body, using Devolved Formula Capital or revenue budget as appropriate. The LA’s responsibility in this area relates to strategic access issues. Any capital investment will be in accordance with its strategy and the Asset Management Plan, and generally confined to major capital projects such as the installation of lifts.
- Individuals have the right to pursue discrimination claims via the Special Educational Needs and Disability Tribunal (see Reference Points).