

**Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002**

**Planning to Improve Access to Education for Pupils with Disabilities**

**GUIDANCE ON PREPARING ACCESSIBILITY STRATEGIES**



## Executive Summary

This document provides guidance to local authorities and those responsible for independent, grant-aided and self-governing schools (the responsible bodies) to assist them in meeting the requirements of sections 1 to 3 of the Education (Disability Strategies and Pupils' Educational Records) Act<sup>1</sup>.

The Act requires these responsible bodies to prepare and implement accessibility strategies to improve over time access to education for pupils and prospective pupils with disabilities. These duties comes into force in October 2002 and will ensure that long-term strategic planning is carried out across school education in Scotland to improve access for all pupils with disabilities. Most education providers already have planning systems in place for pupils with special educational needs and disabilities. The Scottish Executive would like them to build on and move forward existing planning.

At the same time, this legislation aims to ensure that those who do not currently plan for pupils with disabilities begin to do so. This Act will therefore help to promote a positive attitude towards disability in all Scottish schools and will help responsible bodies to ensure that they can meet their new duties under the amended Disability Discrimination Act 1995 – effective from September 2002.

This guidance advises on:

- the legal position and coverage of this planning duty;
- the three strands which accessibility strategies must cover;
- the main processes local authorities and non-local authority schools should consider in preparing accessibility strategies.

Further information and copies of this guidance are available from the SEN Unit at the Scottish Executive:

E-mail: [anouska.stevenson@scotland.gsi.gov.uk](mailto:anouska.stevenson@scotland.gsi.gov.uk) ; Tel: 0131 244 7139,

or on the Scottish Executive website at: <http://www.scotland.gov.uk/publications>

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<sup>1</sup> Education (Disability Strategies and Pupils' Educational Records)(Scotland) Act – The Stationery Office

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# Chapter 1 - Introduction

## Coverage and Responsible Bodies

1. The requirements under the new Act apply to both the state and independent sectors throughout Scotland. For the state sector, the responsible body is the local authority, referred to in the Act as the ‘education authority’. However, in preparing and implementing their accessibility strategies, Councils’ Education Departments will require to co-operate with Social Work Services and NHS Boards and Trusts in their area. Local authorities’ strategies should cover all the schools and nursery schools for which the authority is responsible. They should also cover the provision of nursery classes in local authority centres which are not schools, such as community centres, and any education provided by the authority in portacabins on Gypsy/Traveller sites. Wherever this guidance refers to schools (which a local authority is responsible for), this should be interpreted as including nursery schools and classes, local authority nursery classes in non-school centres and any education provided on Gypsy/Traveller sites.
2. It is worth noting that local authority accessibility strategies do not need to cover pre-school education provided by private or voluntary sector providers operating in partnership with a local authority. Instead, in negotiating contracts with these providers, local authorities should ensure that providers are committed to improving access to pupils with disabilities. At the same time, these providers are already subject (as service providers) to duties under Part III of the Disability Discrimination Act 1995 (DDA). In their contracts with providers, local authorities should underline the need for the provider to comply with its duties and responsibilities under the DDA.
3. Individual local authority schools do not need to prepare their own strategies, but they should clearly be involved in the preparation and implementation of the authority’s strategy and relevant elements of the accessibility strategy should be fed into school development plans.
4. For independent, grant-aided and self-governing schools, accessibility strategies will normally cover only one school, or two schools where junior and senior schools or boys’ and girls’ schools are linked. For independent schools, the responsible body is defined as the proprietor, although, in practice, this is the managers of the school. The responsible body for grant-aided and self-governing schools is the board of management of the school.

## **Definition of Disability**

5. The Act uses the same definition of disability as the DDA<sup>2</sup>. This states that a person is disabled if:

*He or she has a mental or physical impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities.* (Part I, section 1(1))

6. Therefore this means that accessibility strategies will need to cover improvements for a broad range of pupils. Appendix One of the Disability Rights Commission Code of Practice (Schools)<sup>3</sup> gives more details about the definition and should be referred to by those preparing strategies. In general, those pupils who are planned for through accessibility strategies will overlap closely with those considered as having special educational needs.

7. Some pupils may have disabilities as defined by the DDA, but these may be 'hidden', such as epilepsy or diabetes and are unlikely on their own to give rise to special educational needs. Other pupils with special educational needs will not be classed as disabled under the DDA, such as those with mild learning difficulties.

8. Although not all pupils with social, emotional and behavioural difficulties would be seen as 'disabled' under the DDA, a responsible body may wish to link their accessibility strategy closely with behaviour support initiatives they are undertaking, for example, through the implementation of the recommendations of the Discipline Task Group Action Plan<sup>4</sup>. Clearly, responsible bodies are encouraged to take an inclusive approach and also to include provision for pupils who do not have a disability in their strategy.

## **The Legislative Requirements of the Education (Disability Strategies and Pupils' Educational Records) Act**

9. The legislation requires that a responsible body's accessibility strategy must cover improving access to education for pupils with a disability or disabilities. This includes 'prospective' pupils (i.e. pupils who may well in

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<sup>2</sup> Disability Discrimination Act 1995 - HMSO

<sup>3</sup> Part IV, Disability Discrimination Act 1995 – Code of Practice (Schools) – Disability Rights Commission 2002

<sup>4</sup> Better Behaviour, Better Learning – A Joint Action Plan – Scottish Executive 2001 (published by The Stationery Office)

future attend the schools) and children who are receiving pre-school education from the local authority.

10. The strategy must cover at least the following aspects of education for pupils with disabilities:

- increasing the extent to which pupils can participate in the curriculum;
- improving the physical environment of the school or schools to make it more accessible;
- improving communication with pupils of school information and, in particular, providing information to pupils with disabilities in alternative forms, both within a reasonable time and taking into account the pupils' needs and any preferences that they or their parents express.

11. Each of these three aspects is covered in detail in Chapter 2.

12. In addition, the Act states that regulations will prescribe when accessibility strategies must be prepared and what period of time they should cover. These regulations, which are expected to come into force in October 2002 and to state that responsible bodies must prepare their strategies by 1 April 2003 at the latest and the strategy period must then begin. Implementation should then start as soon as possible. The first strategies will be expected to cover a period of up to three years. They might cover a shorter period than this in order to allow them to fit into other planning cycles, such as those for National Priorities. Apart from the first accessibility strategy, all subsequent strategies should cover a three year period. Copies of the regulations will be sent out to responsible bodies for their records once they are finalised.

13. Before the end of the time period covered by the first strategy, responsible bodies will have to prepare another strategy to cover the following three year period. This cycle will continue for as long as the regulations are in force and unamended. Strategies must also be kept under review and, if necessary, revised.

14. There are also a number of additional requirements of the Act, to which responsible bodies must adhere:

15. The Act specifically states that statutory guidance is to be given on certain matters and that responsible bodies must take that into consideration. This means that responsible bodies must have regard to the guidance in relation to these statutory elements:

- a) the content of accessibility strategies;

- b) the form in which strategies should be produced (i.e. how the strategy is linked to other relevant plans – and what format it is produced in);
- c) whom they should consult in preparing their strategies; and,
- d) their duty to review and revise their strategies.

16. However, as each responsible body will be operating under, and responding to, differing circumstances, the guidance aims to offer flexibility to accommodate this.

17. Responsible bodies should consult children, young people and parents in preparing their strategy. It is up to the responsible body to decide which children, young people and parents they should consult, but this guidance gives recommendations on this in Chapters 3 and 4.

18. They need to make sure that they allocate sufficient resources to implement any changes which their strategy proposes to make. More information on this is provided in Chapters 3 and 4.

19. Accessibility strategies must be in writing and must also be made available in alternative forms (such as: orally, on audio tape, in large print, in Braille, on CD Rom or other means of electronic communication, through sign language or lip speaking or on video (using signing and/or lip speaking)) on request. Regulations will define that the forms listed above should be considered as an ‘alternative form’ for this purpose. In deciding whether a request must be complied with, the responsible body should also have regard to Part III of the Disability Discrimination Act and the Code of Practice<sup>5</sup> on this, which provides information about how it can be determined whether or not such a request is ‘reasonable’.

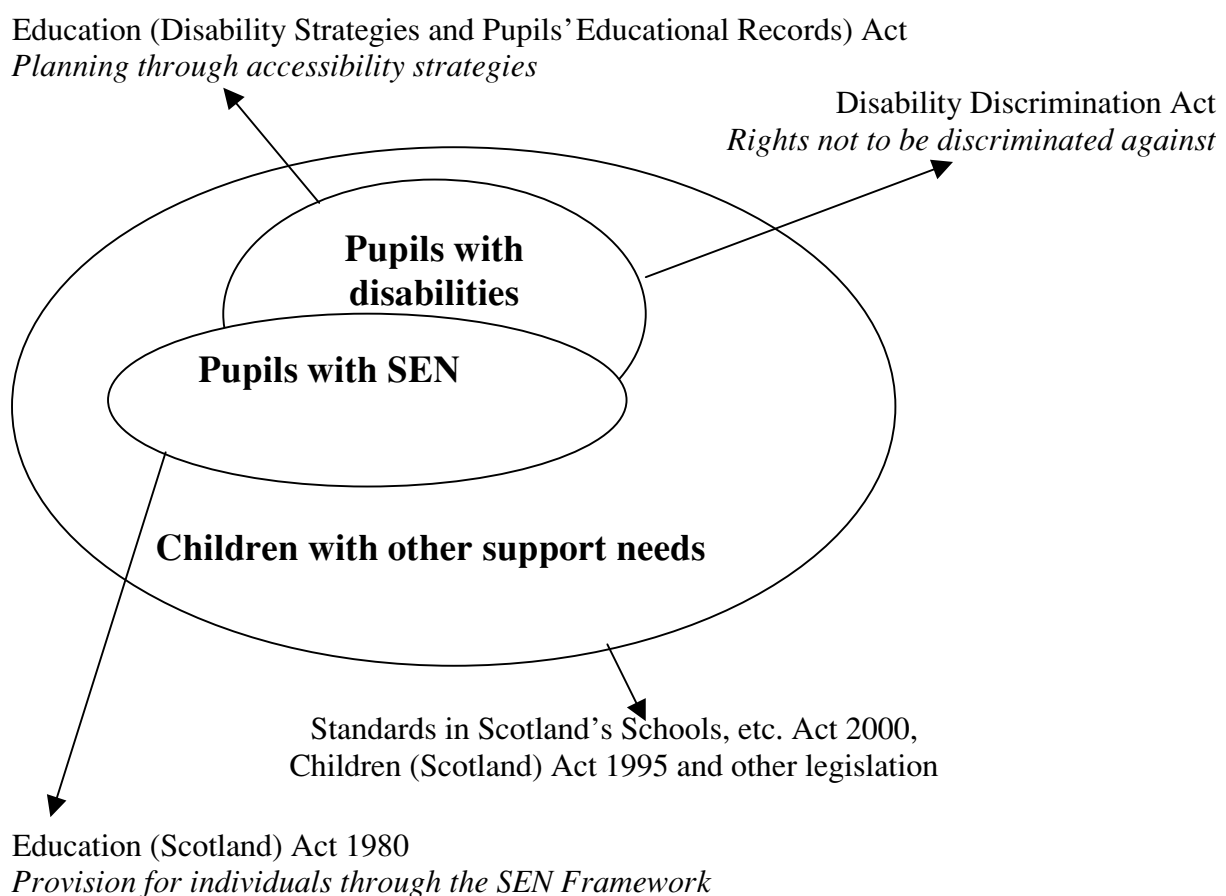
20. A copy of each accessibility strategy must be supplied to the Scottish Executive when it is finalised to allow examples of good practice to be monitored and disseminated. Therefore, copies of responsible bodies’ first accessibility strategies should be sent (by post or e-mail) to the Scottish Executive Special Educational Needs (SEN) Unit by the beginning of April 2003 (if a strategy cannot be provided by this date because it is awaiting approval by a Council’s Education Committee, local authorities should inform the Scottish Executive of this in advance and send in a draft) – contact details are provided in Annex B. Copies of subsequent three year strategies must also be sent to the SEN Unit when they are finalised.

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<sup>5</sup> Code of Practice on Rights of Access: Goods, Facilities, Services and Premises – The Stationery Office, 2002

21. Strategies must also be provided on request to Scottish Ministers and their officials in the Scottish Executive (if the strategy has been revised) or to any other person who asks to see them. However, it is not necessary to send in copies of a strategy every time it is revised during its three year period. This does not mean that strategies must be published, but it does mean that they must be available in either electronic or printed format. Further information on dissemination of strategies is provided in Chapters 3 and 4.

### **The Legislative Framework in Scotland**



**Diagram 1** – The Scottish legislative framework (NB. Future legislative changes to the SEN Framework are planned).

## The Disability Discrimination Act 1995

22. The Education (Disability Strategies and Pupils' Educational Records) Act will form part of a framework of Scottish and UK legislation, much of which also has an impact on school pupils and education as well as on discrimination and disability.

23. The Act promotes a strategic overview of provision and supports any changes which will be brought forward for individual pupils by the new duties under the **DDA**, as amended by the Special Educational Needs and Disability Act 2001<sup>6</sup>. These new DDA duties are effective across Great Britain from September 2002. They make it unlawful for education providers to discriminate against disabled pupils and prospective pupils in the provision of education and associated services in schools, and in respect of admissions and exclusions.

24. There are two key duties involved in ensuring that education providers do not discriminate against disabled pupils:

- ◆ not to treat disabled pupils less favourably; and
- ◆ to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage (this is known as the reasonable adjustments duty).

25. The reasonable adjustments duty under the DDA excludes requirements for physical alterations to be made to schools and for the provision of auxiliary aids and services (such as equipment, learning support staff and therapy services). Instead, physical alterations should be considered as part of the more strategic approach in the Education (Disability Strategies and Pupils' Educational Records) Act to improving access to school buildings and made through the implementation of accessibility strategies.

26. The provision of auxiliary aids and services will also need to be considered in the same way because they are important in improving access to the curriculum for pupils with disabilities. In education authority schools, auxiliary aids and services will continue, in most cases, to be provided under the SEN Framework (*see paragraphs 31 to 36*). This is because the SEN Framework focuses on the needs of the individual child. Through accessibility strategies, responsible bodies will consider their strategic approach to the provision of auxiliary aids and services across the population of pupils with disabilities.

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<sup>6</sup> Special Educational Needs and Disability Act 2001 (sections 11 to 13) – The Stationery Office

27. This guidance should be read along with the Disability Rights Commission (DRC) **Code of Practice for Schools**, which gives guidance on how the new duties under the DDA should be interpreted. It also gives a clearer picture of what adjustments school managers and local authorities should be making in order to comply with that Act.

## **Other Legislation**

28. In preparing their accessibility strategies, and in meeting the requirements of the amended DDA, responsible bodies will need to take into account their other statutory duties, such as those imposed by: the Health and Safety at Work Act 1974, the Fire Precautions Act 1971, the Human Rights Act 1998, the Race Relations Act 1976 as amended by the Race Relations Amendment Act 2000, the Data Protection Act 1998, the Sex Discrimination Act 1975 and the regulations made under those Acts. The bibliography at Annex A provides details of how to obtain copies of these and other Acts. Education providers must ensure that any changes they make through their accessibility strategies meet the requirements of these Acts and any other legislation.

29. The Race Relations Amendment Act placed a statutory duty on public bodies to promote race equality. Education authorities are also subject to specific duties to promote race equality in order to ensure their better performance of the general duty. As some pupils with disabilities may come from a minority ethnic background, local authorities might want to consider, for example, which materials can be made available in community languages if that is considered appropriate. This should help to avoid cases of multiple discrimination. In fact, one local authority has found it helpful to focus on a combined strategy for inclusion – which focuses both on ensuring racial equality and on promoting accessibility for disabled pupils.

30. In addition to these Acts, there is also legislation specific to Scotland which should be taken into consideration:

31. Firstly, the Education (Scotland) Act 1980<sup>7</sup> provides the basis of the legislative framework (known as the SEN Framework) for educational provision for pupils with special educational needs, many of whom will also have a disability. The Standards in Scotland's Schools etc. Act 2000<sup>8</sup> and the following guidance: *Circular 4/96 – Children and Young Persons with Special*

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<sup>7</sup> Education (Scotland) Act 1980, sections 60 to 65 - HMSO

<sup>8</sup> Standards in Scotland's Schools etc. Act 2000 (especially sections 1, 2 and 15) – The Stationery Office

*Educational Needs: Assessment and Recording*<sup>9</sup> and *A Manual of Good Practice*<sup>10</sup> are all also relevant to the SEN Framework.

32. The 1980 Act imposes a general duty on education authorities to secure the ‘adequate and efficient provision of school education for their area’. In addition to this, the Act includes specific duties for education authorities in relation to children with special educational needs. These include requirements to open and review a Record of Needs for children with ‘pronounced, specific or complex special educational needs, which are such as require continuing review’ to ensure that agencies come together to plan and review a child’s needs.

33. The Scottish Executive has carried out a review of assessment and recording for children with special educational needs. As a result, new legislation is likely to be brought forward to replace the Record of Needs with a new, more flexible Co-ordinated Support Plan and more streamlined intervention processes, which should support all children with additional support needs in a more integrated way. The publication on ‘The Way Forward’<sup>11</sup> sets out the Scottish Executive’s outline proposals for change. This future legislation is likely to amend or repeal a number of sections of the Education (Scotland) Act.

34. Secondly, the Standards in Scotland’s Schools etc. Act makes further provisions. It requires that education authorities secure that education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential (section 2). In addition to this, section 15 of the Act includes a presumption in favour of providing mainstream education for all children. This is subject to the following exceptions:

- it would not be suited to the child’s ability or aptitude;
- it would not be compatible with the provision of efficient education for other children with whom the child would be educated;
- it would result in unreasonable public expenditure that would not ordinarily be incurred.

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<sup>9</sup> Circular 4/96 – Children and Young Persons with Special Educational Needs: Assessment and Recording – The Scottish Office Education and Industry Department, 1996

<sup>10</sup> A Manual of Good Practice in Special Educational Needs – The Scottish Office Education and Industry Department, 1998

<sup>11</sup> Assessing our children’s educational needs – The Way Forward? Scottish Executive response to the consultation – Scottish Executive, 2002

35. When this section comes into force, a child could still be educated in a mainstream school, even if such exceptional circumstances occur, but the wishes of the child and the parents must be taken into account. The mainstreaming provision will be effective from August 2003 and guidance on this has been published by the Scottish Executive<sup>12</sup>.

36. Therefore, in preparing and implementing accessibility strategies, local authorities should bear in mind that mainstream schools will need over time to accommodate some pupils who might previously have been educated in a special school. Accessibility strategies should support moves towards the mainstreaming of children with more complex difficulties by planning how mainstream schools will be prepared for the challenge of supporting new pupils.

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<sup>12</sup> Guidance on Presumption of Mainstream Education – Scottish Executive, 2002



## Chapter 2 – The Three Duties

### Introduction

37. This chapter will look in turn at each of the three aspects of improvements which accessibility strategies must address: access to the curriculum, the school environment and school communication. There is clear overlap across the three duties. It is up to responsible bodies, in drafting their strategies, whether or not they wish to include their improvements under separate headings or all together or in any other way (for example, improvements may be detailed under each school which will benefit from them, with a separate heading for authority-wide initiatives).

38. When combined, the three strands should work to improve access to education and associated services for pupils with disabilities. Education and associated services should be interpreted widely to encompass all aspects of a child's educational experience. Chapter 4 of the **DRC Code of Practice for Schools** provides examples as guidance on what should be considered within the broad definition of education and associated services. The examples in the Code include: preparation for entry to the school, the curriculum, teaching and learning, classroom organisation, timetabling, grouping of pupils, homework, access to school facilities, activities to supplement the curriculum (such as a drama group visiting the school), school sports, school policies, breaks and lunchtimes, the serving of school meals, interaction with peers, assessment and exam arrangements, school discipline and sanctions, exclusion procedures, school clubs and activities, school trips, the school's arrangements for working with other agencies, and preparation of pupils for the next phase of education.

39. Responsible bodies should also take account of any out of school care services provided on school premises (even though it may be a voluntary or private organisation providing this) and work with the group providing the out of school care to ensure that these facilities are accessible to pupils with disabilities.

### Access to the Curriculum

40. Pupils with disabilities should as far as possible have access to a full and broad curriculum, similar to that followed by their non-disabled peers. At the same time, many of these pupils may need additional support and/or different approaches to teaching to enable them to learn and to benefit from the curriculum. Clearly many adjustments to allow pupils to access a full

curriculum will still need to be provided on the basis of individual pupils' needs and therefore will continue to be made available through the SEN Framework or in response to the new Disability Discrimination Act duties.

41. However, many of the barriers to full participation may be similar for groups of children and therefore it will be useful for the responsible body to take a strategic approach to removing these barriers. For example, an authority may wish to consider in its accessibility strategy how learning support and auxiliary provision could be better distributed across the authority's schools. Alternatively, responsible bodies may wish to establish a policy for the provision of auxiliary aids, such as specialist equipment, for pupils with certain disabilities and to negotiate new contracts, where necessary, for supplying auxiliary aids. Similarly, they could consider implementing a strategy to make curriculum resources, that are currently paper-based (such as textbooks or worksheets), available in common electronic forms to assist pupils with visual or learning difficulties.

42. Accessibility strategies must include details of how the responsible body intends to help increase the extent to which pupils with disabilities can fully access the curriculum by securing staff training and considering the use of alternative approaches for teaching and support. Schools should also be encouraged to share good practice and collaborate on initiatives with other schools or agencies, such as therapists and other health professionals. Therefore, in consultations during the preparation of strategies, school staff should be encouraged to tell the planning group preparing the strategy not just about areas where improvements are needed, but also about examples of good practice, where initiatives are working well.

43. As far as possible, especially for pupils with complex education and health and/or social needs, local authorities should aim to ensure that their accessibility strategies plan for an integrated approach to delivering improved access to the curriculum. New community schools offer a good approach to joined-up working between professionals, but local authorities can also ensure that other schools have good access to support from health and social work services wherever necessary. Joint training will help to promote integrated working. It is clearly very important that health professionals and social workers are fully involved and consulted in the preparation of the strategy.

44. Although non-local authority schools may not have pupils with very complex needs, unless they are special schools, they should also consider their arrangements for working with health professionals and other agencies.

45. In considering how pupils' access to the curriculum can be improved, responsible bodies should not just look at the more 'formal' aspects of the curriculum – traditional subjects, such as English, mathematics, languages, sciences, music and physical education. They should also consider the wider aspects of the curriculum and pupils' social development. Therefore, their planning should include initiatives to overcome any barriers which prevent or make it difficult for pupils to participate fully in school trips and extra curricular activities, such as school plays and after school clubs. Responsible bodies should also consider facilities, such as study support clubs, where pupils can access additional support in relation to homework.

46. Many minor improvements should be carried out at school level under the new DDA provisions because they will involve reasonable adjustments for individual pupils. However, accessibility strategies should look at larger changes or authority-wide policies on, for example: ensuring that pupils can be involved in all after school services; or ensuring that special arrangements are in place for all pupils with special educational needs and disabilities to sit examinations and tests, whether external or internal.

### **Information and Communications Technology**

47. Through the National Grid for Learning, new computers and networks are being installed in schools across Scotland to allow pupils to benefit from the use of ICT in learning. At the moment, various service providers are being contracted to install the network, but some pupils with disabilities are unable to use these computers for a variety of reasons.

48. Therefore, as part of their accessibility strategies, responsible bodies should make certain that contracts for any future supply of computers or upgrade of existing stock ensure that the computers (and associated furniture) are accessible or can easily be modified to be accessible to pupils with disabilities. They should also ensure that teaching staff are aware and can receive specialist advice on the use of accessible software and websites which are available (accessibility approval systems can provide information about these). For example, DAISY (Digital Audio Information System) has been trialed successfully in Scottish schools.

In reviewing existing contracts and, if necessary, negotiating new ones, a commissioning body should ensure that:

- specialised items of hardware and software, such as an alternative keyboard, mouse or switches can be added easily;
- software needed by pupils with disabilities, such as speech output or screen magnification, can be installed;

- the full range of accessibility options within the operating system can be utilised, for example, to slow down mouse speed or keyboard repeat rate, or to enlarge screen fonts or reduce screen clutter;
- equipment can be placed in accessible locations, for example, so that wheelchair users can reach the keyboard and see the screen;
- access privileges are flexible enough to enable staff to make necessary changes to afford access (for example, to adjust control panels or save individual settings for specific programs).

49. Local members of ICT Support for Learning in Scotland (ICTSLS) can advise on ICT and inclusion, as can Learning and Teaching Scotland. The CALL (Communication Aids for Language and Learning) Centre can also provide more information on any complex improvements to ICT. For their contact details, see Annex B.

### **Different disabilities**

50. In considering barriers to full participation in the curriculum and short, medium and long-term priorities, responsible bodies must consider pupils with different types of disabilities. They should look in turn at the needs of pupils with: communication difficulties, specific learning difficulties (e.g. dyslexia and developmental co-ordination disorders, including dyspraxia), other learning difficulties, specific language impairment, autistic spectrum disorders, hearing impairments, visual impairments and physical disabilities/motor impairments. Although most of these difficulties are on a continuum and, therefore, not all pupils with these difficulties will be defined as ‘disabled’ under the DDA, these broad groups should all be considered. Some of these groups may need additional support from school staff or other professionals and possibly different methods of curriculum delivery. Others may need auxiliary aids or specialist equipment to help them access the curriculum. Improvements here may also contribute to improving the physical environment of the school (for example, where classroom furniture is adapted) or to improving the provision of school information (for example, where a child is given textbooks and handouts in large print or in Braille).

51. Independent, grant-aided and self-governing schools should consider similar issues to those suggested above in improving access to the curriculum, such as staff training, the availability of auxiliary aids, the accessibility of ICT to pupils with disabilities. They might also look at how the curriculum can be delivered in different ways and consult other professionals, such as speech and language therapists, for advice.

For example, pupils learn in different ways. Many pupils may benefit from more information being given through the use of pictures and symbols. This will especially benefit those with learning difficulties, but may also benefit other pupils in the school, who do not have a disability. Similarly, giving information orally, rather than through text books/handouts will especially help visually impaired pupils and those with learning difficulties, but other pupils may also prefer this style of learning. Changes to the way in which the curriculum is delivered by schools could therefore be considered through the accessibility strategy.

## **Access to the Physical Environment of Schools**

52. The second area which accessibility strategies must cover is improvements to the physical environment of schools and pre-school provision to increase the extent to which pupils with disabilities can participate in the education and associated services provided by the school. The physical environment includes the accessibility of school buildings and also entrances to the school and outdoor facilities, such as playing fields, and any boarding houses/residential facilities. In a similar way to its considerations under the 'access to the curriculum' category, the responsible body preparing the strategy should take a broad approach and also look to improve access outside as well as within schools; for example, through a policy and negotiated contract to ensure that buses provided for all school trips are accessible to pupils with physical disabilities. The responsible body should also think about whether changes are needed to their policy on transport for pupils, to and from school.

53. In considering access to the physical environment, the responsible body will look at improvements to enable children with disabilities to be able to attend, wherever possible, the school of their choice and to be able to access all the areas and activities of the school.

54. Improvements will include:

- physical access (such as architectural planning for accessibility: the installation of ramps, handrails, widened doorways, lifts, automatic doors, accessible toilets, showers and changing areas, adapted/adjustable furniture and equipment, ensuring sufficient space for manoeuvring and storing equipment, floor coverings and evacuation procedures)
- access for pupils with visual impairments (such as: improvements to signage, route finding systems to enable pupils to find their way round a school easily, colour contrasting for e.g. door handles and steps to enable pupils to

make best use of their residual vision, adjustable lighting, blinds, tactile paving outside the school, evacuation procedures)

- access for pupils with hearing impairments (such as: induction loops/radio systems/infrared systems, adjustable lighting, sound insulation for walls, floors and ceilings, evacuation procedures, floor coverings)
- access for pupils with other disabilities (such as requirements for space: the provision of pupil support bases, quiet rooms, sensory rooms/play areas, therapy rooms, etc. and way finding systems)

Occupational therapists and access officers should, wherever possible, be consulted for advice.

55. Many of these issues, where they are reasonable adjustments, are likely to be tackled by those responsible for schools when considering individual cases under the new DDA duties.

For example, schools will have in place their own specific evacuation procedures in case of fire or other emergency. However, the local authority might feel it would be useful to draw up a policy on evacuation procedures for pupils with disabilities (if they do not already have one), which it would then issue to all schools in its area to ensure that all school staff are clear about recommended procedures for pupils with disabilities. The local authority might also arrange, for example, for visual alarm systems to be installed in a number of schools catering (or which are likely in future to cater) for deaf pupils.

56. Alternatively, reasonable adjustments may be made under the DDA as interim improvements until long-term improvements can be put in place.

For example, in some schools, lifts may be necessary to make the whole school fully accessible to pupils who use wheelchairs. However, such an adjustment is likely to be costly and could be difficult to make within the existing school layout and therefore may not be possible for some time. Whilst clearly it would be preferable for pupils to be able to access the upstairs rooms, it may be possible, as an interim solution, to alter the timetabling to allow the pupil's (or pupils') classes to take place on the ground floor and to move facilities, such as a music room or a science laboratory, downstairs. This could be arranged by schools themselves or as a short-term priority through the accessibility strategy (especially if similar changes to timetabling are likely to happen in a number of schools).

57. In planning improvements, responsible bodies should remember that, they may require planning or other consents and in particular, if any of their

buildings are ‘listed buildings’ due to their historical or architectural significance, they will need to ensure that any changes they make are permissible for listed buildings. Other options may need to be considered for listed buildings. Any structural changes will also clearly need to comply with building regulations and other relevant legislation, such as health and safety regulations.

58. Most responsible bodies, especially local authorities, are likely to link projects for large structural changes to their schools to other capital building work, either through ongoing capital allocations or through public/private partnership projects.

For example, where school buildings are due to be refurbished (or new schools are being built) the responsible body should use this as an opportunity to improve access to the school. This may avoid too much disruption to school classes if all refurbishments can be carried out at the same time and should be more cost effective, especially where, for example, the classrooms were due to be painted anyway. The accessibility strategy can ensure that new colour schemes incorporate colour contrasting for pupils with visual impairments and use appropriate colours to create a stimulating/soothing environment, depending upon the needs of the pupils in the school.

59. It is worth noting that, although the responsible body will normally own the school/nursery class premises for which they are planning, this will not necessarily always be the case. If the responsible body does not own a school or the land on which it is built, they will clearly need to discuss any physical alterations they wish to make with the owner and secure his or her agreement. If the owner does not want alterations to be made to the structure (for a specified reason), this will obviously limit what the responsible body can do and the responsible body may need to consider other options and perhaps focus instead on improving access to the curriculum and communication with pupils.

60. If no capital building work is planned for the near future, the responsible body will have to consider bringing forward its own refurbishment projects.

For example, a local authority planning group might assess the accessibility of all its schools and then plan in its strategy to carry out a full adaptation of one school in each area or neighbourhood each year to improve physical access for a range of children. This should enable nearly all children to be able to attend a school or nursery school close to their home. Clearly rural authorities face a greater challenge here and they may, instead, need to respond more on the basis of immediate demand.

If this approach is not considered suitable, the planning group may wish instead to focus on improving the physical environment across all schools for pupils with a certain type of disability, where perhaps the demand for mainstream places is increasing.

61. Bodies responsible for other schools should take a similar approach to that of local authorities, although clearly the work they carry out will be on a much smaller scale. They may prefer to start by tackling minor adaptations which are needed in their school. They could then link any more expensive adaptations which are needed to planned refurbishments or building works, where new facilities are being installed or older ones replaced.

### **Improving communication and the delivery of school information**

62. The third duty requires responsible bodies to improve communication with pupils with disabilities. Responsible bodies should take steps to improve how these pupils can give their views on any issue about which they have an interest, gather in those views and consider them. Consideration should be given to whether class work or homework could be given in alternative forms and, also, consider how any homework, or other work pupils do in alternative forms, can best be marked/commented on by school staff. Pupils' communication with teaching and auxiliary staff as part of their learning should also be considered under the "access to the curriculum" duty.

63. However, there will be other non-curricular activities, which pupils will be informed about and pupils with disabilities should be able to give their views or ask questions about these activities in the same way as their peers. Pupils should also be able to communicate with other staff, pupils or people working in a school, for example, in the dining room or in the school office.

Responsible bodies should consider how improving communication can be addressed through, for example, ensuring that awareness is raised amongst all school staff about the difficulties pupils with particular disabilities may have in communicating with other people.

64. In particular, this communication duty covers the delivery of information normally provided to pupils in writing. This 'school information' includes any information given to pupils by the school, such as: handouts and worksheets, textbooks, timetables, handbooks, test and examination papers, posters around the school, information about school events. Responsible bodies should ensure that any information that is important to enable pupils to learn or to be able to

participate in school activities can be provided in an alternative form if the pupil may have difficulty reading information provided in standard written form.

65. Information may need to be provided in alternative forms, such as: providing information orally (for example, to ensure that a pupil has understood information provided on posters or in their timetable), in Braille, in large print, in audio formats, through ICT, through sign language (either on video or by using appropriately qualified teachers or auxiliary staff) or through a recognised symbol system (such as Makaton). The responsible body should ensure that this information is provided within a reasonable time so that it does not place pupils with disabilities at a disadvantage in relation to other pupils. Therefore, demands would have to be anticipated in advance and school staff would need make sure that any materials to be provided in alternative forms, such as Braille, large print, audio tape, video signing and electronic files were provided for translation well in advance of the time when they will be needed.

66. In addition to this, responsible bodies may wish to explore the use of new communication technologies, such as videotelephony, which can help deaf pupils to communicate and to access information. Many of the organisations listed in Annex B, such as RNIB Scotland, offer advice about how to provide information in alternative formats, and can direct schools to the right service providers.

67. The form chosen should take into account the preferences of individual pupils or their parents and, may often be provided through the SEN Framework or by the school (for example, for information provided orally) under the new DDA duties.

However, a local authority may wish, for example, to include in their accessibility strategy a commitment to establish contracts with specialist providers to ensure that information can easily and quickly be translated into a variety of forms, such as Braille or audio tapes, at discount rates. This contract could also be used to provide copies of accessibility strategies in alternative forms on request.



## Chapter 3 – Procedures for Local Authorities

### Form in which the accessibility strategy should be produced

68. Local authorities already have considerable experience of strategic planning for pupils with special educational needs and disabilities. For example, they plan in advance capital spending on improvements in schools and they prepare plans to demonstrate how they will spend funding under the Inclusion Programme, which forms part of the Scottish Executive National Priorities Action Fund.

69. In addition to this, two larger planning programmes include planning for children with disabilities: Improvement Plans under the National Priorities in education, and Children’s Services Plans.

70. The National Priorities specify as a priority the need to “*promote equality and help every pupil benefit from education, with particular regard paid to pupils with disabilities and special educational needs, and to Gaelic and other lesser used languages*”<sup>13</sup>. Under section 5 of the Standards in Scotland’s Schools etc. Act 2000, local authorities should prepare an ‘annual statement of improvement objectives’ – known as an Improvement Plan or a Progress Report on the Improvement Plan – which shows what they have achieved and how they intend to make further progress in meeting the National Priorities.

71. Local authorities should document their accessibility strategies where they feel it is most appropriate to do so, and they are encouraged to dovetail and cross-refer to their accessibility strategy in other related plans. All these plans should form a clear part of the Community Planning framework. **It is expected that local authorities’ strategies should form part of their Improvement Plans under National Priorities. This will expand and build on the work that local authorities have already started carrying out through their Improvement Plans.**

72. As a result, school development plans (under section 6 of the 2000 Act), should take account of the local authorities’ accessibility strategies and how they will affect individual schools. Individual schools will not be required to have their own accessibility strategies, but staff should clearly be involved in the preparation and implementation of the authority’s strategy.

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<sup>13</sup> The Education (National Priorities) (Scotland) Order 2000 - Scottish Statutory Instrument No.443, The Stationery Office

73. The authority may also choose to include their accessibility strategy within their Children’s Services Plan, which must be prepared every three years. The Children’s Services Plan<sup>14</sup> should demonstrate how the authority is improving its children’s services in general and must include information about how it is promoting equal opportunities for children. There should at least be a cross-reference in the Children’s Services Plan to the accessibility strategy.

74. As was stated in the Introduction, accessibility strategies should last for a period of three years. However, the regulations under the Education (Disability Strategies and Pupils’ Educational Records) Act state that initial strategies should last for a period of ‘up to’ three years. This will allow those initial strategies to fit into the current National Priorities and/or Children’s Services Plan planning cycles.

**Process – How to prepare and implement an accessibility strategy**

75. The suggested cycle for auditing, planning, implementing and reviewing strategies is as follows:



**Getting started**

76. A local authority’s accessibility strategy should not be prepared by one person alone unless similar extensive planning for pupils with disabilities has recently been carried out. Although one person may be given the lead in taking

<sup>14</sup> Children’s Services Plans are prepared under section 19 of the Children (Scotland) Act 1995

the strategy forward, the authority should set up a small planning group to devise the strategy, arrange consultation and ensure that the strategy is implemented and reviewed.

77. The planning group should not just involve education officials, although of course they are likely to take the lead in developing the strategy. It is up to each local authority to decide who is likely to be able to make a valuable input as part of the planning group. This might include or involve: access officers/officers in charge of disability access across the authority, inclusion co-ordinators, pre-school co-ordinators, educational psychologists, officials from the buildings/capital investment department, social work services, head teachers and others from outwith the authority, such as: local health professionals/therapists, design professionals, parents' group/forum representatives, voluntary organisations or pupils with disabilities.

78. The planning group should meet regularly during the period when the strategy is being prepared. Once the strategy is in place, the group should probably continue to meet at least two or three times each year to take forward implementation and review progress.

### **Access audit and review of accessibility**

79. A local authority cannot determine its priorities and prepare an accessibility strategy without knowing what progress it has already achieved and identifying areas where improvements are needed. Many local authorities have carried out audits of existing facilities over recent years, though these may need to be updated. Those who have not, or whose audits have been restricted to physical access, for example, should consider how they will assess the current accessibility of their schools (and also of course nursery classes and any education provided on Gypsy/Traveller sites). If a planning group wants to audit all its schools, but feels it does not have time, it could plan a programme to audit a certain number of schools each year (one in each cluster perhaps). Any issues could then be fed in when the strategy is reviewed.

80. If the authority chooses not to carry out a formal audit (either using its own staff or by contracting occupational therapists or other experts/organisations to do this), it must be satisfied that it has accurate and up to date information it can use to inform the preparation of the strategy. Local authorities may find it helpful to refer to the Department for Education and

*Skills Building Bulletin 94 – Inclusive School Design*<sup>15</sup> which provides useful guidance on carrying out accessibility audits of schools and improving accessibility.

81. Any audit or information gathering exercise carried out should not just use checklists to consider physical access. It should also look at wider considerations: the need for staff training, the need for additional space/ rooms for pupils with disabilities, the availability of teaching materials in alternative formats, the use of inclusive teaching methods and schools' experiences of and attitudes towards pupils with disabilities and inclusion. Self-assessment tools like *How good is our school?*<sup>16</sup> are useful in carrying out these audits.

### **Initial Consultation**

82. How widely a local authority consults before drafting its strategy will depend to a large extent on how much experience the authority, and those on the planning group, already have in accessibility matters and determining where improvements will be needed. The planning group may need to seek advice on improvements for pupils with certain disabilities from those with relevant expertise, such as voluntary organisations and design professionals. They may also wish to develop links with other local authorities to share good practice. Head teachers and/or school boards and managers in local authority centres which have pre-school classes (as well as local parents' groups and, if possible, children) should be contacted at this early stage (if this has not already been done as part of an audit) and asked to identify priorities for change in their school.

### **Shared Premises**

83. In planning for improvements on premises which may be shared with local authority departments, other than education (e.g. leisure services, Social Work Services, etc.), or other agencies (e.g. health services), the planning group should ensure that they consult people from these services early on to encourage joint improvements.

84. For example, nursery classes provided by a local authority outwith schools may be held in a building, such as a community centre. The centre is likely to be used for a range of purposes and it may be necessary to consider whether any physical alterations are required in other parts of the building where others may require access. The aim should be to ensure a co-ordinated

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<sup>15</sup> Building Bulletin 94, Inclusive School Design – Accommodating Pupils with special educational needs and disabilities in mainstream schools – DfEE, 2001. Available from the Stationery Office

<sup>16</sup> How good is our school?, 2002 Edition – Her Majesty's Inspectorate of Education

approach, and that, where appropriate, any physical alterations take account of the wider range of users, rather than just the pre-school pupils.

85. By October 2004, under Part III of the DDA, service providers in such centres, will have to take reasonable steps to remove, alter or provide a means of avoiding physical features of a building which continue to make access impossible or unreasonably difficult for people with disabilities. Therefore, planning to make improvements to the physical environment in such non-school centres should already be underway.

86. So other agencies/services will wish to ensure that any proposals will also take account of their obligations and, in some cases, the cost of alterations might be shared between the different services. This approach should also apply to new community schools and to any education provided by the local authority on Gypsy/Traveller sites. Although it is not a requirement of the legislation, local authorities may want to include planning for any education they provide in hospitals or in a child's home, where the child is too ill to attend school. Here, plans could be made to improve access to the curriculum and improve communication with pupils. Guidance on 'children too ill to attend school' provides further advice on this<sup>17</sup>.

87. Local authorities may also want to work with local Further Education colleges to improve pupils' access to the curriculum while they are on link placements at a college.

88. Planning groups will also want to consider how the accessibility strategy is addressing access for children with disabilities to services provided in schools by other groups, such as parents' groups providing out of school care on a voluntary basis.

### **Drafting the accessibility strategy**

89. Annex C includes a template of suggested headings which could be included in an accessibility strategy. Quality is more important than quantity in drafting an accessibility strategy and the focus should be on what will be improved as a result of the strategy, rather than producing a lengthy document. When they start to draft the strategy, the planning group should have information about all the barriers or potential barriers to participation for pupils with disabilities. These may be barriers in individual schools or pre-school provision or to education provided to children on Gypsy/Traveller sites, or they

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<sup>17</sup> Guidance on Education of Children Absent from School through Ill Health, Scottish Executive, 2001

may be common needs for improvement in all or most of the schools in the authority's area, such as staff training needs.

90. Local authority accessibility strategies do not need to cover **pre-school education provided by private or voluntary sector providers** operating in partnership with a local authority. The majority of these providers are small companies or voluntary groups, who may be operating in premises which they do not own. Therefore, it would be too burdensome to require such providers to prepare and implement formal strategies when they are already subject to the duties to improve the physical environment under Part III of the DDA (Access to Goods and Services). Instead, local authorities should use their negotiations for contracts with these providers to ensure commitment to improving over time access to all aspects of education for children with disabilities.

91. In drafting the accessibility strategy, the group should make sure that it considers and tackles barriers to participation for pupils with all kinds of disabilities, not just one or two. However, this does not mean that a strategy cannot place a focus on one disability if the group feels that there are particular weaknesses here which need to be addressed before other improvements are carried out. In preparing the strategy, the group should also make sure that any proposals for change fully take into account issues of pupils' gender, race/ethnicity, religion, sexual orientation or any other characteristic.

92. The planning group should also look to improve access to education which the local authority provides in portacabins or other temporary accommodation on Gypsy/Traveller sites. Currently, at least three local authorities provide education in this way. Although such education will normally be provided, along with health and other community services, on a temporary basis, the local authority should be aiming to ensure that all Gypsy/Traveller children with disabilities are able to access education. Any initiatives which are taken across the authority to improve the accessibility of the curriculum and school information should clearly be extended to education provided on Gypsy/Traveller sites.

93. The group may find it easiest to list the barriers under each of the three aspects of access which they must consider: the curriculum, the school environment and school information. Each of these aspects is considered in detail in Chapter 2. There may also be an extra category for barriers or needs which either do not fit into the three specified categories or span all three. For example, the authority may recognise that it needs to improve awareness amongst staff and pupils about disability and promote positive attitudes towards inclusion.

94. In considering the list of barriers and suggested improvements, the group should rank these in broad terms as short, medium and long-term priorities. This will probably include some improvements which have been already planned or are underway, but have not been completed, such as an ongoing rolling programme of improvements to schools. There may also be a category for improvements which are not thought to be a priority at that time or where the cost would exceed the long-term benefit.

95. The group should then decide which of these priorities it can realistically tackle over the period of the strategy. The strategy should look to address at least all of the short-term priorities (i.e. the most immediate needs), probably within the first year. Most or all of the medium-term priorities would also be expected to be addressed or to start to be addressed during the period covered by the first accessibility strategy. Some long-term priorities should also start to be addressed during the first period, such as rolling programmes of training for all staff or the roll out of new teaching methods. However, it is recognised that a key objective during the first strategy period may be establishing baseline details for the next strategy and, therefore, that many longer-term priorities may not start to be addressed until the second strategy. Preparation of strategies should be seen as an ongoing process, rather than the production of documents in isolation.

## **Resources**

96. Local authorities are required by the Act to resource adequately their accessibility strategies. This means that the authority must recognise this as legitimate expenditure and include it within its budget, and should ensure that funding provided for accessibility or inclusion is used for these purposes. Therefore, the planning group will need to involve someone from the finance team or with control over budgets to ensure that funding is set aside for the improvements that the authority commits itself to in its strategy. At the same time, the planning group will clearly need to bear in mind in prioritising proposed improvements, that the resources available will not be unlimited. This means that they will need to plan the implementation of improvements, particularly more expensive measures, such as major one-off physical alterations to school buildings (for example, installation of lifts), over time.

97. In making its plans, the group will need to consider the demand or future demand in order to analyse the benefits against the cost of an improvement. In looking at future demand, especially in considering medium and long-term priorities, the planning group may need to forecast how need will change in future and plan for the necessary adaptations, even though some of these may not be carried out within the period of the first strategy. Health professionals

and Social Work Services may be able to help here by providing, for example, information/data from any local register of children with disabilities or passing information about pupils with disabilities on to education professionals in the pre-school joint assessment team (PRESCAT).

98. In looking at how to resource the strategy, the planning group should consider all the potential sources of funding available to them to implement the strategy.

99. It is expected that account would be taken of the following:

- Additional funds that are being made available nationally in general grant (grant-aided expenditure) specifically to assist in implementation of accessibility strategies;
- Inclusion Programme funding, which should be used to promote equality and inclusion in Scottish schools;
- Existing local authority revenue expenditure on education services including resources identified specifically against SEN;
- The SEN Specific Grant for in service training, which is available to provide training for teaching, learning support, auxiliary and other staff to enable them to support and teach effectively children with a variety of special educational needs and disabilities;
- Capital investment in schools from local authorities' single capital allocations for non-housing services.
- Other funding sources, such as funding from other agencies for joint initiatives.

### **Public/Private Partnerships (PPPs)**

100. Some authorities have also received revenue support, which is currently helping to fund new school building and refurbishment work in schools, with a capital value of around £500 million. A further tranche of revenue support is now available and will lead to significant further investment in schools through PPPs. This offers an excellent opportunity for local authorities to make improvements to the physical environment of their whole school estate, including outside areas, such as playgrounds.

101. Local authorities should ensure that accessibility is fully addressed in negotiating future PPP contracts. Authorities should not just assume that private partners will automatically consider all the necessary accessibility requirements when building or refurbishing schools. This will be especially important when negotiating building specifications and contracts for new builds – long-term future requirements for space, access, lighting, colour contrasting and signage to make it easy for pupils to find their way around, etc. should be incorporated into the initial design.

### **Setting goals and targets**

102. Once the planning group has decided what changes and improvements should be included in the accessibility strategy, they should set goals and targets to demonstrate exactly what they wish to achieve. Where possible, they should use SMART (Specific, Measurable, Achievable, Relevant and Timed) targets to specify what outcomes will be achieved and by what date. However, there are some improvements for which the outcomes may be difficult to quantify or where it is difficult to specify dates by which they will be achieved. For example, strategies should, as they are implemented, lead to improvements in the following areas:

- in changing positively the ethos of schools and attitudes amongst pupils towards pupils with disabilities;
- in increasing the confidence of school staff in supporting pupils with disabilities and special educational needs;
- in visibly increasing the opportunity for involvement of pupils with disabilities in extra curricular activities, school trips, sports and wider school life in general.

### **Further consultation**

103. Local authorities should consult as widely as possible on their draft strategies, especially if they have carried out a limited initial consultation. Information about reasons why certain improvements have been made a priority and why other proposals may have not been included should be outlined in the accessibility strategy. This will assist those who are being consulted (or who may be reading the strategy after it has been finalised) in understanding why certain proposals have been prioritised above others.

104. Interested groups and individuals should be consulted either directly or indirectly. The authority should ask some or all head teachers or school boards to consult groups of pupils, parents and school staff directly. Schools should consult as widely as possible. The local authority should ensure that head teachers and school boards are clear about the legislation, what the strategy is for and what it can and cannot do before they consult their staff, pupils, parents and others. This is important as parents naturally may have high expectations and are likely to want what is best for their own child. Head teachers and school boards and the planning group need to ensure that parents and others are aware that the accessibility strategy will not necessarily bring forward major changes overnight, but instead will lead to a gradual programme of longer-term improvements.

105. Schools should involve all their staff, not just teaching staff, and should remember to consult a wide range of pupils. This should not only be pupils with disabilities – those who do not have a disability may also have views and relevant ideas to contribute. Similarly, the school should seek to involve a wide range of parents and carers, not only those who have children with disabilities or those who are always involved in school activities.

106. It is important that staff are not just told about the strategy, but that they are able to give their views at this stage. This should ensure that everyone ‘buys into’ the strategy, which is vital in the case of school staff who will have to implement many of the changes and ensure that these are effective. The planning group must be prepared to revise the draft strategy in light of the consultation exercise.

107. Consultation might be in the form of an open meeting or meetings/ seminars to discuss the strategy, focus groups, a written or web consultation asking for comments on the strategy or ad hoc telephone calls and small discussions, asking for advice on particular points, etc. The group should ensure that any consultation is accessible to everyone with an interest, including pupils or parents with disabilities or those from minority ethnic backgrounds, where, for example, English is not their first language. Therefore, special arrangements should be in place to support those pupils or parents who may otherwise find it difficult to give their views.

108. Planning groups should involve or consult the following groups, either formally or informally:

- schools and nursery schools, their staff and parents/carers;

- a sample of pupils;
- specialist teachers and inclusion co-ordinators/network support;
- school boards;
- local parents groups;
- local Councillors – the Council’s Education/Children’s Services Committee;
- local childcare partnerships and pre-school joint assessment teams;
- NHS Boards/Trusts: health professionals – therapists, doctors, school nurses;
- Social Work Services;
- Local authority ICTSLS (ICT Support for Learning in Scotland) group members;
- relevant national and local voluntary organisations (see Annex B) and equality groups (e.g. local Gypsy/Traveller groups) as necessary; architects and/or other design professionals;
- out of school clubs and others who use school premises;
- any other relevant bodies, such as the SQA, sportscotland, Learning and Teaching Scotland and any relevant trade unions.

### **Implementation and Publicising the Strategy**

109. Once the strategy has been prepared and revised as necessary following consultation, it then needs to be implemented. Either the whole planning group should be jointly responsible for ensuring that the strategy is implemented or an individual within the local authority should be given responsibility for driving forward implementation. They should liaise with school staff and those who will be carrying out any improvements.

110. Local authorities must make a copy of their strategy available in electronic format or hard print copy to anyone who asks to see it. The strategy should wherever possible be made available within a few working days of the

request. However, if someone requests a copy of the strategy in an alternative form, this may take longer to prepare. For example, someone with a visual or hearing impairment might request a copy of the strategy: in Braille, in large print, on CD Rom, on audio tape or through video signing/subtitled videos. Such requests should be complied with as soon as possible. In addition, wherever possible, local authorities should make their accessibility strategy or a summary of the strategy available in any other alternative form or in community languages or Gaelic, taking account of the needs of local communities.

111. Those responsible for implementation should ensure that the finalised strategy is publicised and relevant and interested groups are aware of how it will affect them. They should make every effort to provide a summary of the strategy to all those who may have an interest. (This might, for example, be as part of the Children's Services Plan.) All those consulted during the preparation of the strategy should be at least made aware of how the strategy has been finalised. School staff especially should be aware of how the strategy will impact upon them and should make staff, pupils and parents aware of this. The authority may consider organising awareness raising events for school staff and pupils or linking information about the accessibility strategy to staff training sessions. Copies of the whole strategy might also be sent to relevant groups or organisations (in alternative forms where necessary) and posted on a relevant website.

112. The local authority and its schools should ensure that relevant improvements and commitments to change within the accessibility strategy are fed into School Development Plans<sup>18</sup> when they are reviewed. Summaries of the School Development Plan should include reference to the accessibility strategy to ensure that all parents are aware of it and know that they can ask to see the strategy if they wish to. Similarly, head teachers should consider including a summary of how the strategy applies to their school in the School Handbook.

### **Monitoring, Review and Evaluation**

113. The planning group will need to review the strategy at regular intervals during its lifespan. At a minimum, the planning group should meet formally once every year to review progress in implementing the strategy. In most cases, the group would probably wish to meet two to four times each year to consider progress. The group should also review the strategy if individuals or organisations complain to the local authority that the accessibility strategy does

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<sup>18</sup> under section 6 of the Standards in Scotland's Schools etc. Act 2000 – The Stationery Office

not include certain important improvements which may be necessary or that the strategy has not been properly implemented.

114. The group should consider how they will aim to resolve disputes or reach a compromise with anyone who has a complaint. The authority's complaints procedures should be used to deal effectively with complaints related to the accessibility strategy and these procedures should be well publicised (and accessible to those with disabilities). Any parent support or mediation services relating to education that the authority has in place should be able to consider disputes relating to the accessibility strategy.

115. If necessary, the accessibility strategy may need to be revised following a review. Revisions may be needed, for example, if certain expected improvements are found not to have been successful and a different approach is needed, or where changing circumstances mean that a new priority emerges, which had not been anticipated (or which was not previously such a high priority). If the group wishes to make large or significant changes to the strategy, they should consult relevant people before doing so and ensure that they make schools and other interested groups aware of the changes that have been made.

116. Towards the end of the three year period (or the period covered by the strategy if the first strategy is shorter than this), the group will want to evaluate how successful the strategy has been. The evaluation should include an assessment of whether the goals and targets have been met and also whether there has been a qualitative improvement in access to education for pupils with disabilities. The group should also ask stakeholders, such as school staff, pupils and parents to evaluate progress which has been made.

117. This evaluation should give the local authority a clear picture of what has worked well, what has not worked well and where further improvements are needed. This information should then form the basis of the development of the accessibility strategy for the following three year period. The local authority should then go through a similar process of consultation in developing the next strategy. The next strategy should start immediately the previous one ends.

118. A brief evaluation of what has been achieved (and what was not achieved) during the period of the strategy should be included in the introduction to the following strategy and should help explain why certain priorities have been chosen for the next strategy over others.

## **Checklist for preparing and implementing an accessibility strategy**

- Planning group set up/individuals to take the lead identified
- Decisions taken as to how and where the accessibility strategy will fit into existing planning initiatives
- Audit carried out of existing accessibility of provision
- Initial consultation with schools and experts carried out
- Early discussions held with other agencies and organisations about joint improvements which might be taken forward
- Short, medium and long-term priorities identified and accessibility strategy drafted
- Sources of funding identified for taking forward measures identified in the strategy
- Goals and targets set for progress during the period of the strategy
- Any further consultation carried out with a wide range of interested groups
- Strategy finalised and publicised, with a copy sent to the Scottish Executive
- Arrangements made for implementing the strategy
- Progress monitored and reviewed regularly, with the strategy revised where necessary
- Progress evaluated towards the end of the period of the strategy in order to inform the priorities for the next accessibility strategy

## Chapter 4 – Procedures for Independent, Grant-Aided and Self-Governing Schools

119. Procedures for those bodies responsible for independent, self-governing and grant-aided schools will be similar to those for local authorities, although clearly the planning is likely to be on a much smaller scale as the strategy will normally only cover one or two schools.

### Form in which the accessibility strategy should be produced

120. Many of those responsible for these schools already have experience of strategic planning for pupils with special educational needs and disabilities. For example, they plan in advance for capital spending on improvements in the school and they plan for learning support and other support for pupils with disabilities as part of their existing business planning.

121. Responsible bodies are free to prepare their accessibility strategy as a free-standing strategy or to integrate it within existing frameworks, such as school development planning, if they prefer. As was stated in the Introduction, accessibility strategies should cover a period of three years. However, the regulations under the Education (Disability Strategies and Pupils' Educational Records) Act state that initial strategies should last for a period of 'up to' three years. This will allow those initial strategies to fit into current planning cycles.

### Process – How to prepare and implement an accessibility strategy

The suggested cycle for auditing, planning, implementing and reviewing strategies is as follows:



## Getting started

122. Although one person, such as the head teacher or head of learning support, may be given the lead in taking the strategy forward, depending on the size of the school, the responsible body may wish to consider setting up a small planning group to devise the strategy, arrange consultation and ensure that the strategy is implemented and reviewed.

123. It is up to the individual school to decide who might have a role to play in the planning group. The planning group might, for example, involve a teacher, someone involved in learning support, the head teacher/principal, a member of the board of management, the bursar/finance manager or someone with responsibility for the school estate. The group may also include representative parents, health bodies or voluntary sector organisations.

124. The planning group should meet regularly during the period when the strategy is being prepared. Once the strategy is in place, the group should continue to meet probably at least two or three times each year to take forward implementation and review progress.

## Access audit and review of accessibility of the school

125. A planning group cannot determine its priorities and prepare an accessibility strategy without knowing what progress it has already achieved and without identifying areas where improvements are needed. Some schools may already have carried out an audit of existing facilities over recent years, though it may need to be updated. Where this has not been done or where audits have been restricted to physical access, for example, the planning group should consider how they will assess the accessibility of the school (or schools). If a planning group wants to carry out a detailed audit, but feels it does not have time, it could initially do a simpler audit using a checklist or indicators and carry out a detailed audit during the strategy period. Any issues raised by the detailed audit could then be considered when the strategy is reviewed.

126. If they do not choose to carry out a formal audit, they must be satisfied that they have accurate and up-to-date information they can use to inform the preparation of the strategy. The lead person or planning group may find it helpful to refer to the Department for Education and Skills *Building Bulletin 94*

– *Inclusive School Design*<sup>19</sup>, which provides useful guidance on carrying out accessibility audits of schools and improving accessibility.

127. The planning group should also be clear from the start about what can and cannot be changed. For example, some of a school's buildings may have listed building status. Therefore, the scope for physical alterations may be limited and the group must make sure that they are aware of what alternative arrangements or alterations they can make to improve physical access.

128. Any audit carried out should not just consider physical access to the school. It should also look at wider considerations: the need for staff training, the need for additional space/rooms for pupils with disabilities, the availability of teaching materials in alternative forms, the use of inclusive teaching methods and the school's experiences of and attitudes towards pupils with disabilities and inclusion. Self-assessment tools like *How good is our school?*<sup>20</sup> can be useful in carrying out these audits. Although the focus of the strategy should be on access to education, if the school has boarding houses, then access to facilities in these should also be addressed.

### **Initial Consultation**

129. How widely a group consults before drafting its strategy will depend to a large extent on how much knowledge and experience those on the planning group already have in determining where improvements will be needed. The planning group may need to go to those with relevant expertise, such as voluntary organisations and design professionals, to seek advice on improvements for pupils with certain disabilities. They may also wish to develop links with those in other schools or with their local authority to share good practice and get ideas from them.

### **Drafting the accessibility strategy**

130. When they start to draft the strategy, the planning group should have information about all the barriers or potential barriers to participation. Annex C includes a template of suggested headings which could be included in an accessibility strategy. Quality is more important than quantity in drafting an accessibility strategy and the focus should be on what will be improved as a result of the strategy, rather than producing a long document.

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<sup>19</sup> Building Bulletin 94, *Inclusive School Design – Accommodating Pupils with special educational needs and disabilities in mainstream schools* – DfEE, 2001- available from The Stationery Office

<sup>20</sup> *How good is our school?*, 2002 Edition – Her Majesty's Inspectorate of Education

131. In drafting the accessibility strategy, the group should make sure that it considers and tackles barriers to participation for pupils with all kinds of disabilities, not just one or two. However, this does not mean that a strategy cannot place a focus on one disability if the group feels that there are particular weaknesses here (or current demands) which need to be addressed before other improvements are carried out.

132. In deciding what disabilities should be covered by the accessibility strategy, the planning group should look at Appendix One of the Disability Rights Commission's Code of Practice for Schools (pages 117-122) for an explanation of which pupils are considered as disabled under the Disability Discrimination Act. Ultimately, in the case of a complaint under the DDA, it is for the Sheriff Court to decide whether or not a pupil is defined as disabled. Broadly speaking, pupils who might be planned for in the accessibility strategy include those in the following groups:

- ⇒ Physical disabilities (pupils who use wheelchairs, those with other mobility difficulties (such as cerebral palsy), those who need help changing, toileting or eating and so on);
- ⇒ Sensory impairments (pupils who are blind/have a visual impairment, deaf/have a hearing impairment or deafblind);
- ⇒ Learning difficulties (those with moderate, severe, complex or profound learning difficulties (these difficulties might be the result of a disability, such as Down's Syndrome), as well those with specific learning difficulties, such as dyslexia or dyspraxia);
- ⇒ Autistic Spectrum Disorders (pupils with classic/childhood autism, Asperger's Syndrome or high functioning autism who will have problems with social interaction, communication and imagination);
- ⇒ Language and communication disorders (such as pupils with a specific language impairment);
- ⇒ 'Hidden' disabilities (pupils with epilepsy, diabetes, severe asthma or mental health problems (such as depression or eating disorders)).

However, clearly this list should be used with caution because there will be some pupils with these types of difficulties, who may not be considered as disabled under the DDA (although this does not mean that schools should not plan for them) and many other, less common, disabilities which are not on this list. Similarly, accessibility strategies are likely to focus more on certain groups of disabilities than others – depending on the circumstances of each school.

133. The group may find it helpful to list the barriers under each of the three aspects of access which they must consider: the curriculum, the school environment and school information. Each of these aspects is considered in detail in Chapter 2. There may also be an extra category for barriers and needs which either do not fit into the three specified categories or which span all three. For example, the group may recognise that there is a need to improve awareness amongst staff and pupils about disability and promote positive attitudes towards inclusion.

134. In considering the list of barriers and suggested improvements, the group should rank these in broad terms as short, medium and long-term priorities. These may include some improvements which have been already planned or are underway, but have not been completed, such as an ongoing programme of improvements or training. There may also be a category for improvements which are not thought to be a priority at that time or where the cost would exceed the long-term benefit.

135. The group should then decide which of these priorities it can realistically tackle over the period of the strategy. The strategy should address at least all of the short-term priorities (i.e. the most immediate needs), probably within the first year. Most or all of the medium-term priorities would also be expected to be addressed or start to be addressed in the first accessibility strategy. Some long-term priorities might start to be addressed in the first strategy, such as rolling programmes of training for staff or the roll out of new teaching methods. However, it is recognised that a key objective during the first strategy period may be establishing baseline details for the next strategy and, therefore, that many longer-term priorities may not start to be addressed until the second strategy. Preparation of strategies should be seen as an ongoing process, rather than the production of documents in isolation.

## Resources

136. Bodies responsible for schools are required to resource adequately their accessibility strategies. This means that the body must recognise this as legitimate expenditure and include it within its budget. Therefore, the planning group will need to involve the bursar or finance manager to ensure that funding is set aside for the improvements that the school commits itself to in its strategy. At the same time, the planning group will clearly need to bear in mind in prioritising proposed improvements that the resources available may be limited. This means that some of the more expensive measures it wishes to take forward, such as physical alterations to school buildings (for example, installation of lifts) may need to be planned over a longer period to ensure that sufficient

resources are available. The group will need to consider the demand or future demand in order to analyse the benefits against the cost of an improvement.

137. Scottish Ministers recognise that bodies responsible for independent sector schools will need to fund improvements themselves, either through existing budgets, through increases in fees or through fundraising and other sources. Ministers believe that all school education in Scotland should become more accessible and that pupils with disabilities should have equal rights to education in both the state and independent sector. However, at the same time, they clearly recognise the financial constraints on independent schools.

138. In their inspections, HMIE will take such constraints into account and recognise that large scale changes may take some time. Although accessibility strategies should be anticipatory and should cover prospective pupils, planning groups do not have to include large scale alterations (for example, to make the school accessible to pupils in wheelchairs) if there is not an apparent demand for this in the foreseeable future, and if there are other higher priority demands for improvements.

139. It is more likely that any significant physical alterations would be carried out either when existing buildings are being refurbished or when new buildings are being constructed. Contracts for the construction of new buildings should be informed by the accessibility strategy and long-term future requirements for space, lighting, physical access, colour contrasting and signage to make it easy for pupils to find their way around, etc. should be incorporated into any initial designs.

### **Setting goals and targets**

140. Once the planning group has decided what changes and improvements should be included in the accessibility strategy, they should set goals and targets to demonstrate exactly what they wish to achieve. Where possible, they should use SMART (Specific, Measurable, Achievable, Relevant and Timed) targets to specify what outcomes will be achieved and by what date. However, there are some improvements for which the outcomes may be difficult to quantify or difficult to specify dates by which they will be achieved. For example, strategies should, as they are implemented, lead to improvements in the following areas:

- in changing positively the ethos of schools and attitudes amongst other pupils towards pupils with disabilities;

- in increasing the confidence of school staff in supporting pupils with disabilities and special educational needs;
- in visibly increasing the involvement of pupils with disabilities in extra curricular activities, school trips, sports and wider school life in general.

### **Further consultation**

141. Schools should consult as widely as possible on their draft strategies, especially if they have not carried out much initial consultation. Information about reasons why certain improvements have been made a priority and why other proposals may have not been included should be outlined in the accessibility strategy. This will assist those who are being consulted (or who may be reading the strategy after it has been finalised) in understanding why certain proposals have been prioritised above others.

142. They need to ensure that parents and others are aware that the accessibility strategy will not necessarily bring forward major changes overnight, but instead will lead to a gradual programme of longer-term improvements. Consultation might take the form of a meeting or meetings to discuss the strategy, a written or web exercise asking for comments on the strategy or ad hoc telephone calls asking for advice on particular points, etc. The group should ensure that any consultation is accessible to everyone with an interest, including pupils or parents with disabilities or those from minority ethnic backgrounds, where, for example, English is not their first language. Therefore, special arrangements should be in place to support those pupils who otherwise may find it difficult to give their views.

143. All school staff should be involved, not just teaching staff, and the group should remember to consult a wide range of pupils. This should not only be pupils with disabilities – those who do not have a disability may also have views and good ideas to contribute. Similarly, the group should seek to involve a wide range of parents and carers, not only those who have children with disabilities or those who are always involved in school activities. It is important that staff are not just told about the strategy, but that they are able to give their views at this stage. This should ensure that everyone buys into the strategy, which is vital in the case of school staff as they will have to implement many of the changes and ensure that they are effective.

144. The planning group should consult with the following groups, either formally or informally, wherever relevant:

- pupils and parents/carers;
- the board of management;
- health professionals – therapists, doctors, school nurses, etc.;
- Social Work Services, where necessary;
- relevant national and local voluntary organisations (see Annex B) and equality groups as necessary;
- architects and other design professionals;
- other relevant bodies e.g. the SQA, sportscotland, etc.

### **Implementation and Publicising the Strategy**

145. Once the strategy has been prepared and revised as necessary following consultation, it then needs to be implemented. Either the whole planning group should be jointly responsible for ensuring that the strategy is implemented or an individual, such as the head teacher, should be given responsibility for driving forward implementation.

146. Schools must make a copy of their strategy available (within a reasonable time) to anyone who asks to see it. The strategy should wherever possible be made available within a few working days of the request. However, if someone requests a copy of the strategy in a form other than by e-mail or standard hard copy, this may take longer to prepare. For example, someone with a visual or hearing impairment might request a copy of the strategy: in Braille, in large print, on CD Rom, on audio tape or through video signing. Such requests should be complied with as soon as is reasonably possible.

147. Those responsible for implementation should ensure that the finalised strategy is publicised and relevant and interested groups are aware of how it will affect them. They should make every effort to provide a summary of the strategy to all those who may have an interest. All those consulted during the preparation of the strategy should be at least made aware of the final strategy. Staff, pupils and parents especially should be aware of how the strategy will impact upon them. Copies of the strategy might also be sent to relevant organisations and posted on the school's website.

## **Monitoring, Review and Evaluation**

148. The planning group or individual responsible for implementation will need to review the strategy at regular intervals during its lifespan and beyond in the cycle, into the next strategy period. The planning group, if there is one, should meet formally at least once every year to review progress in implementing the strategy. The group should also review the strategy if individuals or organisations make a complaint that the accessibility strategy does not include certain important improvements which may be necessary or that the strategy has not been properly implemented.

149. The planning group should consider how they will aim to resolve disputes or reach a compromise with anyone who has a complaint. They should make sure that the school's complaints procedure can be used to deal effectively with complaints related to the accessibility strategy and that these procedures are well publicised.

150. If necessary, the accessibility strategy may need to be revised following a review. Revisions may be needed, for example, if certain changes are found not to have been successful and a different approach is needed, or where changing circumstances mean that a new priority emerges which had not been anticipated (or was not previously such a high priority). If the group wishes to make large or significant changes to the strategy, they should consult any relevant people before doing so and ensure that they make interested groups aware of the changes that have been made.

151. Towards the end of the three year period (or the period of the strategy if it is shorter than this), the group will want to evaluate how successful the strategy has been. The evaluation should include an assessment of whether the goals and targets have been met and also whether there has been a qualitative improvement in access to education for pupils with disabilities. The group should also ask stakeholders, such as school staff, pupils and parents to evaluate progress which has been made.

152. This evaluation should give the planning group a clear picture of what has worked well, what has not worked well and where further improvements are needed. This information should then form the basis of the development of the accessibility strategy for the following three year period. The planning group should then go through a similar process of consultation in developing the next strategy. The next strategy should start immediately the previous one ends.

153. A brief evaluation of what has been achieved, and what was not achieved, during the period of the strategy should be included in the introduction to the following strategy and should help explain why certain priorities have been chosen for next strategy over others.

### **Checklist for preparing and implementing an accessibility strategy**

- Planning group set up/individuals to take the lead identified
- Decisions taken as to how and where the accessibility strategy will fit into existing planning initiatives
- Audit carried out of existing accessibility of provision
- Initial consultation with schools and experts carried out
- Early discussions held with other agencies and organisations about joint improvements which might be taken forward
- Short, medium and long-term priorities identified and accessibility strategy drafted
- Sources of funding identified for taking forward measures identified in the strategy
- Goals and targets set for progress during the period of the strategy
- Any further consultation carried out with a wide range of interested groups
- Strategy finalised and publicised, with a copy sent to the Scottish Executive
- Arrangements made for implementing the strategy
- Progress monitored and reviewed regularly, with the strategy revised where necessary
- Progress evaluated towards the end of the period of the strategy in order to inform the priorities for the next accessibility strategy

## Chapter 5 – Monitoring, Evaluation and Enforcement

### Monitoring and Evaluation

154. Although clearly all responsible bodies will have different priorities and take individual approaches to planning, the Scottish Executive wishes to ensure that progress is made in all schools and to maintain an overview of all accessibility strategies.

155. In order to do this, every responsible body must send a copy of their accessibility strategy (by e-mail or post) to the Scottish Executive (contact details are in Annex B) when it is finalised. Progress reports<sup>21</sup> on local authorities' Improvement Plans should be provided to the Scottish Executive every year, which will show what progress has been made in implementing accessibility strategies (as well as other National Priorities initiatives). The Progress report will also show how the authority is performing against the National Priorities indicators and targets. All accessibility strategies (not just those for local authorities), except the initial ones, should include a brief evaluation of what has been achieved as a result of the previous strategy.

156. Checking progress made in developing strategies at regular intervals will allow the Scottish Executive to evaluate how successful overall the implementation of accessibility strategies has been. If there are areas which Scottish Ministers feel are not being tackled sufficiently or where progress has been too slow, they may issue further guidance to encourage progress. In addition, any specific funding provided to local authorities for inclusion and accessibility purposes will be monitored by the Scottish Executive. However, it is important to emphasise that the Scottish Executive will not be “approving” accessibility strategies. Instead, officials will use strategies to identify good practice and use these examples of good practice to advise other responsible bodies.

### Inspections

157. In their inspections of schools and education authorities, Her Majesty's Inspectorate of Education (HMIE) may ask to see the accessibility strategy and how it is being implemented, depending on the nature of the inspection. *How good is our school?*<sup>22</sup> includes a number of quality indicators which may be

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<sup>21</sup> Progress report = the authority's annual statement of improvement objectives – section 5 of the Standards in Scotland's Schools etc. Act 2000 – The Stationery Office

<sup>22</sup> *How good is our school?*, 2002 Edition (Self Evaluation using Quality Indicators) – Her Majesty's Inspectorate of Education 2002

used by inspectors in assessing progress which has been made in improving access in a school, especially the following:

- Indicator 3.4 – *Meeting pupils' needs*, which will look at –
  - ⇒ choice of tasks, activities and resources;
  - ⇒ provision for pupils with differing abilities and aptitudes;
  - ⇒ identification of learning needs.
  
- Indicator 4.5 – *Learning Support*, which looks at –
  - ⇒ programmes to support pupils' learning;
  - ⇒ pupils' progress and attainment;
  - ⇒ implementation of the role of learning support.
  
- Indicator 4.6 – *Implementation of legislation relating to special educational needs and disabilities*, which looks at –
  - ⇒ knowledge and understanding of legislation and related procedures;
  - ⇒ meeting the requirements of legislation;
  - ⇒ procedures for implementing the legislation.
  
- Indicator 4.7 – *Placement of pupils with special educational needs and disabilities*, which looks at –
  - ⇒ processes for placements of pupils with special educational needs and disabilities into both provision and classes.
  
- Indicator 5.3 – *Equality and fairness*, which looks at –
  - ⇒ sense of equality and fairness;
  - ⇒ ensuring equality and fairness.
  
- Indicator 6.2 – *Provision of resources*, which looks at –
  - ⇒ sufficiency of available finance;
  - ⇒ sufficiency, range and suitability of resources.
  
- Indicator 6.1 – *Accommodation and facilities*, which looks at –
  - ⇒ sufficiency, range and appropriateness;
  - ⇒ arrangements to ensure health and safety.

- And, in the case primarily of independent, grant-aided and self-governing schools (for public sector schools, responsibility for planning lies with local authorities), Indicator 7.3 – *Planning for improvement*, which looks at –
  - ⇒ the development plan;
  - ⇒ action planning;
  - ⇒ the impact of planning.

158. In the case of inspections of education authorities and independent, grant-aided and self-governing schools, HMIE will evaluate how accessibility strategies have been developed, how they are being implemented, who has been involved and what improvements have been/will be achieved as a result. They might want to speak to relevant staff about this.

159. Inspections of education authorities comprise an assessment of how well the local authority performs its education functions in relation to the five key areas (strategic management, consultation and communication, operational management, resource and financial management, and performance monitoring and continual improvement) detailed in *Quality Management in Education*<sup>23</sup>. Each of these key areas includes quality indicators, all of which are relevant in assessing the authorities' preparation and implementation of their accessibility strategies.

160. In the case of inspections of education authority schools, HMIE will take into account the involvement of school staff in developing and implementing authorities' accessibility strategies when evaluating the improvements that result from these strategies.

161. HMIE may make recommendations for improvements in accessibility strategies in their published reports. Such recommendations should be incorporated in revised accessibility strategies, or improvements made to the way strategies are being implemented or relevant stakeholders are involved.

### **Pre-school**

162. The Regulation of Care (Scotland) Act 2001 established the Scottish Commission for the Regulation of Care (the Care Commission). From April 2002, the Care Commission will inspect pre-school provision against national care standards issued by Scottish Ministers. The care standards require providers to conform to all other relevant legislation on accommodation and facilities. The Care Commission's inspections of pre-school provision will be

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<sup>23</sup> Quality Management in Education, Scottish Executive (HMIE) 2000

expected to include consideration of: the accessibility of the physical environment to pupils with disabilities; all aspects of children's experience and staff's relations with children, including, to some extent, children's learning; and their wider emotional, social and personal development.

163. All early years services delivering elements of both care and learning will be subject to an integrated inspection regime with inspection being undertaken by the Care Commission and HMIE. The inspections will aim to promote improvement in the quality of both education and care. In carrying out the integrated inspections, HMIE will have a particular focus on children's development and learning, including the delivery of and access to the curriculum (and the implementation of accessibility strategies).

164. It is worth noting here that inspections may also look at what steps have been taken to ensure that a school or local authority is complying with the new duties in Part IV of the DDA.

### **Ensuring Compliance**

165. Whilst responsible bodies will have sufficient flexibility in drawing up and implementing their strategies to tackle their own local priorities, the Scottish Executive will consider any case where any individual or organisation makes a complaint (either formal or informal) to Ministers or officials that a responsible body is failing to comply with the legislation. Therefore, the Scottish Executive may request at any time that responsible bodies send in a copy of the up to date version of their strategy. They may also contact the responsible body to enquire about the complaint and to ask about progress made at that stage in implementing the accessibility strategy.

166. The aim of accessibility strategies is for responsible bodies to work closely together with all interested parties to plan for the future on the basis of consensus. If the relevant responsible body is found not to be complying with their duties, then the Scottish Ministers will intervene to require that it does so. Parents, children and organisations have no direct way of compelling a responsible body to implement a strategy or to make them alter the contents of a strategy. However, in such cases, the Scottish Executive will refer a person to the relevant responsible body to discuss their concerns with them.

167. In an individual case, if a child has been discriminated against on account of his or her disability, there may be a remedy under the DDA. Currently, such appeals will be heard in the Sheriff Court<sup>24</sup>.

168. In addition, where a child or young person has special educational needs, parents of that child or the young person may have a right of appeal to their local authority's Education Appeals Committee and then either Scottish Ministers or the Sheriff Court (in the case of placing requests) under the SEN Framework<sup>25</sup>. Scottish Ministers' proposals to change parents' and children's rights of appeal under the SEN Framework have been published in the document *Assessing our Children's Educational Needs – The Way Forward? Scottish Executive response to the consultation*<sup>26</sup> and these proposals are being developed further.

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<sup>24</sup> section 23 of the Special Educational Needs and Disability Act 2001, which inserts section 28N into the Disability Discrimination Act 1995

<sup>25</sup> Education (Scotland) Act 1980, sections 63 to 65 - HMSO

<sup>26</sup> *Assessing our children's educational needs – The Way Forward?*, Scottish Executive response to the consultation – Scottish Executive 2002



## **Annex A – Bibliography and Useful Publications**

### **Legislation**

The following UK and Scottish Acts and statutory instruments (including regulations) can be viewed at <http://www.hmso.gov.uk> (for those post-1988) or should be available from:

The Stationery Office

71 Lothian Road, EDINBURGH, EH3 9AZ

Telephone: 0870 606 5566; General Enquiries: 0870 600 5522

Parliamentary orders: 08457 023474

<http://www.clicktso.com> – see the ‘Legislation, Acts and SIs’ link

Education (Disability Strategies and Pupils’ Educational Records)(Scotland) Act 2002

Disability Discrimination Act 1995 - as amended by:  
Special Educational Needs and Disability Act 2001

Education (Scotland) Act 1980

Standards in Scotland’s Schools etc. Act 2000

Children (Scotland) Act 1995

The Education (National Priorities) (Scotland) Order 2000 - Scottish Statutory Instrument No.443

Health and Safety at Work Act 1974

Fire Precautions Act 1971 and related regulations

Human Rights Act 1998

Race Relations Act 1976 (<http://www.homeoffice.gov.uk/raceact/racerel1.htm>)  
and the Race Relations Amendment Act 2000

Data Protection Act 1998

Sex Discrimination Act 1975

The Code of Practice for Schools (Part IV) to accompany the new duties under the Disability Discrimination Act and the Code of Practice on Rights of Access: Goods, Facilities, Services and Premises (Part III), as well as translation, interpreting and communication fora, can be obtained from:

Disability Rights Commission

Telephone: 08457 622 633/Textphone: 08457 622 644

Fax: 08457 778 878

e-mail: [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org) website: <http://www.drc-gb.org>

## **Other useful publications**

Circular 4/96 - Children and Young Persons with Special Educational Needs: Assessment and Recording – The Scottish Office Education and Industry Department, 1996 (copies of all Scottish Executive/Scottish Office documents listed are available from the Scottish Executive on 0131 244 7139)

A Manual of Good Practice in Special Educational Needs – The Scottish Office Education and Industry Department, 1998

Effective Provision for Special Educational Needs (A Report by HM Inspectors of Schools) – Scottish Office Education Department, 1994

Special Educational Needs: the Programme of Action – The Scottish Executive, 2000 (copies are available from the Stationery Office)

Assessing our children's educational needs – The Way Forward? – consultation document, Scottish Executive, 2001

Assessing our children's educational needs – The Way Forward? – Scottish Executive response to the consultation, Scottish Executive, 2002

Guidance on Presumption of Mainstream Education – Scottish Executive, 2002  
Guidance on Education of Children Absent from School Through Ill Health, Scottish Executive, 2001

How good is our school?: 2002 Edition – Self Evaluation using Quality Indicators, HMIE, 2002

Quality Management in Education – Self Evaluation for Local Authority Education Departments, Scottish Executive, 2000

Building Bulletin 94 – Inclusive School Design – Accommodating pupils with special educational needs and disabilities in mainstream schools – Department for Education and Employment, 2001. Copies are available from the Stationery Office.

website: <http://www.dfes.gov.uk/schoolbuildings>

Index for Inclusion – developing learning and participation in schools – Centre for Studies on Inclusive Education, 2000. Copies are available from:

CSIE, 1 Redland Close, Elm Lane, Redland, BRISTOL. BS6 6UE.

Telephone: 0117 923 8450/Fax: 0117 923 8460

Success for All National Project: Target Setting within IEPs – ‘Section 5: Inclusive Education: A framework for auditing effective learning and teaching’, University of Aberdeen 2001. Copies are available from the University of Aberdeen, Faculty of Education on 01224 283527 (price £32.50) or can be downloaded from the website: <http://www.abdn.ac.uk/education/success/>

## Annex B – Useful Contacts

The following organisations may be able to provide useful information, advice and/or publications to assist responsible bodies in preparing their accessibility strategies. There are likely to be many other local organisations who can also offer advice.

**Scottish Executive:** Special Educational Needs Unit, Area 3-B (North), Victoria Quay, EDINBURGH, EH6 6QQ.

Telephone: 0131 244 7139, Fax: 0131 244 7943

e-mail: [senforum@scotland.gsi.gov.uk](mailto:senforum@scotland.gsi.gov.uk)

website: <http://www.scotland.gov.uk>

Copies of accessibility strategies should be sent to the e-mail or postal addresses above, unless they are already being sent to another Scottish Executive Division as part of another plan.

**Afasic Scotland:** 93 Denoon Terrace, DUNDEE, DD2 2DG.

Telephone: 01382 666560;

e-mail: [afasicscot@aol.com](mailto:afasicscot@aol.com)

Afasic represents children and young adults with speech and language impairments and can provide information and advice.

**The CALL Centre** (Communication Aids for Language and Learning):

The University of Edinburgh, Paterson's Land, Holyrood Road, EDINBURGH, EH8 8AQ.

Telephone: 0131 651 6236/6235; Fax: 0131 651 6234

e-mail: [call.centre@ed.ac.uk](mailto:call.centre@ed.ac.uk) website: <http://www.callcentrescotland.org.uk>

The CALL Centre provides specialist expertise in technology for children who have speech, communication and/or writing difficulties in schools across Scotland. They are able to provide specialist advice on ensuring that ICT used in schools is suitable for pupils with disabilities, on augmentative communication and technology and on how ICT and/or augmentative communication can be used to improve access to the curriculum. The CALL Centre and its website can also give information and details of local members of the ICTSLS (ICT Support for Learning in Scotland) group.

**Capability Scotland:** 22 Costorphine Road, EDINBURGH, EH12 6HP.

Telephone: 0131 337 9876; website: <http://www.capability-scotland.org.uk>

Capability Scotland can provide a information and reading material on a wide range of disability issues, such as new therapy treatments, new research, and, in particular, information about cerebral palsy.

**The Commission for Racial Equality:** The Tun, 12 Jackson's Entry, Off Holyrood Road, EDINBURGH, EH8 8PJ

Tel: 0131 524 2000;

website: <http://www.cre.gov.uk>

**Disability Rights Commission:** DRC Helpline, FREEPOST, MID 02164, Stratford upon Avon, CV37 9BR.

Telephone (general enquiry line): 08457 622633  
Textphone (general enquiries): 08457 622644  
e-mail: [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org) website: <http://www.drc-gb.org>

**Down's Syndrome Scotland:** 158/160 Balgreen Road, EDINBURGH, EH11 3AU.  
Telephone: 0131 313 4225; website: <http://www.dsscotland.org.uk>

**Dyslexia in Scotland:** Stirling Business Centre, Wellgreen, Stirling, FK8 2DZ.  
Telephone: 01786 446650; website: <http://www.dyslexia.scotland.dial.pipex.com>

Dyslexia in Scotland can provide information and leaflets about dyslexia and can put people in touch with their local dyslexia groups.

**ENABLE:** 6<sup>th</sup> Floor, 7 Buchanan Street, GLASGOW, G1 3HL.  
Telephone: 0141 226 4541; website: <http://www.enable.org.uk>

**ENQUIRE (the National Advice Service for Special Educational Needs in Scotland):**  
Children in Scotland, Princes House, 5 Shandwick Place, EDINBURGH, EH2 4RG.  
Telephone: 0131 222 2400; Typetalk: 0800 959598  
e-mail: [Enquire.SENinfo@childreninscotland.org.uk](mailto:Enquire.SENinfo@childreninscotland.org.uk)  
website: <http://www.childreninscotland.org.uk/enquire.htm>

Children in Scotland operates the Enquire telephone helpline which offers advice for parents, professionals and other interested bodies on special educational needs. Enquire and the rest of Children in Scotland also provide leaflets, newsletters and organise conferences which may be of interest.

**Epilepsy Action Scotland:** 48 Govan Road, GLASGOW, G51 1JL.  
Telephone (main office): 0141 427 4911; Helpline: 0141 427 5225  
website: <http://www.epilepsyscotland.org.uk>

**Learning and Teaching Scotland:** Gardyne Road, DUNDEE, DD5 1NY.  
Telephone: 01382 443600; website: <http://www.ltscotland.com/>

Learning and Teaching Scotland are setting up a group to consider how to promote inclusion through improving the delivery of the curriculum, especially through the use of ICT.

**National Autistic Society:** Central Chambers, First Floor, 109 Hope Street, GLASGOW, G2 6LL.  
Telephone: 0141 221 8090; website: <http://www.nas.org.uk>

The National Autistic Society can provide information and a wide range of publications about education for children with autistic spectrum disorders. They also have an Autism Accreditation Service to help educational establishments to become 'autism friendly' in both their design and their teaching.

**National Deaf Children's Society:** Suite 293/295, Central Chambers, 93 Hope Street, GLASGOW, G2 6LD.

Telephone: 0141 248 2429 (Contact: Veronica Rattray)

Website: <http://www.ndcs.org.uk>

**RNIB Scotland:** (Royal National Institute for the Blind) and **JMU Access Partnership:** Dunedin House, 25 Ravelston Terrace, EDINBURGH, EH4 3TP.

Telephone: 0131 311 8500; Fax: 0131 311 8529

Contact: Dr Neil Todd, Senior Education Officer

website: <http://www.rnib.org.uk>

RNIB can provide information about provision for pupils who are blind or have visual impairments. JMU Access Partnership has a team of Access Consultants who can carry out audits of accessibility.

**RNID Scotland:** (Royal National Institute for the Deaf) Crowngate Business Centre, Brook Street, GLASGOW, G40 3AP.

Telephone: 0141 554 0053; Textphone: 0141 550 5759

website: <http://www.rnid.org.uk>

**Scottish Society for Autism:** Hilton House, Alloa Business Park, Whins Road, Alloa, FK10 3SA.

Telephone: 01259 720044; Fax: 01259 720051

website: [www.autism-in-scotland.org.uk](http://www.autism-in-scotland.org.uk); e-mail: [autism@autism-in-scotland.org.uk](mailto:autism@autism-in-scotland.org.uk)

**Scottish Qualifications Authority:** Hanover House, 24 Douglas Street, GLASGOW, G2 7NQ.

Telephone: 0845 279 1000; Fax: 0141 242 2244

website: <http://www.sqa.org.uk>

The SQA has recently issued a revised edition of their document Guidance on Special Assessment Arrangements. They are looking to ensure that examinations can be taken in suitable formats and with adequate support permitted for pupils with special educational needs.

**Sense Scotland:** 5<sup>th</sup> Floor, 45 Finnieston Street, Clydeaway Centre, GLASGOW, G3 8JU.

Telephone: 0141 564 2444; e-mail: [info@sensescotland.org.uk](mailto:info@sensescotland.org.uk)

website: <http://www.sensescotland.org.uk>

Sense Scotland is an organisation for people with complex support needs because of deafblindness or sensory impairments with other difficulties. It has extensive direct and consultancy experience in planning and implementation of new build and renovation projects to meet the needs of a range of service users with complex support needs.

**sportscotland:** Caledonia House, South Gyle, EDINBURGH, EH12 9DQ.

Telephone: 0131 317 7200; website: <http://www.sportscotland.org.uk>

sportscotland has links with Scottish Disability Sport and is working to increase the number of children throughout Scotland with disabilities who are involved in sports.

**The Scottish Council on Deafness:** Clerwood House, 96 Clermiston Road, EDINBURGH, EH12 6UT.

Telephone: 0131 314 6075;

Textphone: 0131 314 6078

The Scottish Council on Deafness is an umbrella body of organisations working with deaf children and adults and can provide information and advice on a wide range of topics, including deaf education.

**The Scottish Sensory Centre:** Moray House Institute of Education, The University of Edinburgh, Holyrood Road, EDINBURGH EH8 8AQ

Telephone: 0131 651 6501;

website: <http://www.ssc.mhie.ac.uk>

The Scottish Sensory Centre is a national resource for information on deafness, visual impairment and deafblindness. The Centre has an extensive resource library, website, on-line database and a variety of relevant publications.

## **Annex C – Possible Template for an Accessibility Strategy**

These are the headings which are likely to be included in responsible bodies' accessibility strategies. However, this is only a suggested template and the format can be changed to whatever a responsible body feels is most suitable.

Possible headings:

- Introduction
  - ⇒ Outline of what the strategy is for
  - ⇒ Requirements of legislation and guidance
  - ⇒ Time period covered
  
- Approach to developing the strategy
  - ⇒ Summary of responsible body's assessment of current levels of accessibility of its schools and nursery classes
  - ⇒ Summary of recent progress made and improvements implemented. (After the period of the first strategy, this should include a report on what was and was not achieved under the previous strategy)
  - ⇒ Information about membership of the planning group
  - ⇒ Summary of consultation/audits carried out in developing the strategy and how priorities were determined (if any criteria were used, these should be included)
  - ⇒ Summary of key areas of accessibility/schools where improvements are needed
  
- Access to the curriculum
  - ⇒ List of short, medium and long-term priorities for improvements in ensuring that pupils have access to a full curriculum – consider including: staff training – especially for mainstream class teachers, provision of learning support and auxiliaries, availability of auxiliary aids (e.g. laptops), provision for assessments and examinations, etc.
  - ⇒ Identify targets to be met during the period of the strategy (include timescales)
  
- Access to the physical environment
  - ⇒ List of short, medium and long-term priorities for improvements in ensuring that pupils have physical access to schools – consider including: access to all school buildings/areas for pupils with physical disabilities, hearing impairments and visual impairments, improved access to sports facilities, school transport, etc.

- ⇒ Identify targets to be met during the period of the strategy (include timescales)
- ⇒ Ensure all planning refurbishments of schools have been looked at to consider whether improvements to access can be carried out as part of the work
- Improving Communication
  - ⇒ List of short, medium and long-term priorities for improvements in ensuring that two-way communication with pupils can be improved – consider including: improving the availability of school information/work in alternative forms for pupils with visual impairments, hearing impairments and learning difficulties, and ensuring that pupils can communicate their views/their work to school staff, etc.
  - ⇒ Identify targets to be met during the period of the strategy (include timescales)
- Other projects
  - ⇒ For example, include plans to raise awareness about disability amongst school staff and pupils through school activities.
  - ⇒ Identify links and explain how connections will be made with other initiatives or programmes and plans such as the Children’s Services Plan, the Improvement Plan, the Community Plan, School Development Plans and so on.
- Conclusions and Action Plan
  - ⇒ Resulting action plan for each year, including details of who will take each action point forward and any resources expected to be allocated for each action point.

## Annex D – the text of the Act

# Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act [AS PASSED]

An Act of the Scottish Parliament to require bodies responsible for schools to prepare and implement strategies relating to the accessibility, for pupils with a disability, of school education; and to make provision in respect of the educational records of school pupils.

### *Accessibility strategies*

#### **1 Accessibility strategies**

(1) Each responsible body shall prepare in relation to the school, or schools, in respect of which they are the responsible body—

- (a) an accessibility strategy; and
- (b) at such times as may by regulations be prescribed, further such strategies,

and the strategy (or combination of strategies) in force from time to time is referred to in the following provisions of this section and in sections 2 and 3 of this Act as an “accessibility strategy”.

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

- (a) increasing the extent to which pupils with a disability can participate in the school's curriculum or, as the case may be, the schools' curriculums;
- (b) improving the physical environment of the school, or schools, in relation to which the strategy is prepared for the purpose of increasing the extent to which pupils with a disability are able to take advantage of education and associated services provided or offered by such school or schools; and
- (c) improving communication with pupils with a disability and, in particular, improving the communication to pupils with a disability—
  - (i) within a reasonable time; and
  - (ii) in ways which are determined after taking account of their disabilities and any preferences expressed by them or their parents,of information which is provided in writing for pupils, or persons who may be admitted as pupils, who do not have a disability.

(3) An accessibility strategy shall be in writing.

(4) Each responsible body shall keep their accessibility strategy under review during the period to which it relates and, if necessary, revise it.

(5) It is the duty of each responsible body to implement their accessibility strategy.

(6) The Scottish Ministers may by regulations prescribe services which shall, or services which shall not, be regarded for the purposes of this section as being—

- (a) education; or
- (b) an associated service.

## **2 Accessibility strategies: education of children under school age etc. outwith schools**

(1) Each accessibility strategy prepared by an education authority shall, in relation to each place, other than a school, at which the authority provide school education for pupils, include a strategy for, over a period prescribed by regulations—

- (a) increasing the extent to which pupils with a disability can participate in the school education provided at that place or those places;
- (b) improving the physical environment of the place, or places, in relation to which the strategy is prepared for the purpose of increasing the extent to which pupils with a disability are able to take advantage of education and associated services provided or offered at such place or places; and
- (c) improving communication with pupils with a disability and, in particular, improving the communication to pupils with a disability—
  - (i) within a reasonable time; and
  - (ii) in ways which are determined after taking account of their disabilities and any preferences expressed by them or their parents,of information which is provided in writing for pupils, or persons who may be admitted as pupils, who do not have a disability.

(2) In subsection (1) above, the references to pupils and to pupils with a disability are references only to persons of that description—

- (a) who are under school age; or
- (b) who are of school age and are travelling people.

(3) In subsection (2) above, “travelling people” means persons of nomadic habit of life, whatever their race or origin.

## **3 Accessibility strategies: procedure**

(1) In preparing their accessibility strategy, a responsible body shall—

- (a) have regard to the need to allocate adequate resources for implementing the strategy;
- (b) consult such children, parents and young persons as they think fit; and
- (c) have regard to any guidance issued by the Scottish Ministers as to—
  - (i) the content of an accessibility strategy;
  - (ii) the form in which it is to be produced; and
  - (iii) the persons to be consulted in its preparation.

(2) Any guidance issued for the purposes of subsection (1)(c)(iii) above may refer to persons other than persons whom a responsible body is required, by subsection (1)(b) above, to consult.

(3) A responsible body shall have regard to any guidance issued by the Scottish Ministers as

to compliance with the requirements of section 1(4) of this Act.

- (4) A responsible body shall—
- (a) as soon as they have prepared an accessibility strategy, provide the Scottish Ministers with a copy of it; and
  - (b) on being so required by the Scottish Ministers at any time after the body have revised their accessibility strategy, provide them with a copy of the strategy as revised.
- (5) If requested to do so, the responsible body shall—
- (a) make a copy of their accessibility strategy available for inspection at such reasonable times as they may determine; and
  - (b) subject to subsection (6) below, make the information in their accessibility strategy available in any alternative form stipulated by the person requesting it.
- (6) For the purposes of subsection (5)(b) above, “alternative form” means any form or forms, other than writing, as may be prescribed by regulations.

#### *Educational records*

### **4 Educational records**

- (1) The Scottish Ministers may, by regulations, provide as to the keeping, transferring and disclosure of educational records about pupils.
- (2) The regulations may—
- (a) define “educational records” for the purposes of the regulations;
  - (b) provide as to the supply of copies of such of those records to such persons, and in such circumstances, as may be determined by or under the regulations; and
  - (c) authorise persons who supply those copies to charge such fees as they think fit (not exceeding the cost of supply) in respect of each copy so supplied.

#### *General*

### **5 Regulations**

- (1) Any power conferred by this Act on the Scottish Ministers to make regulations is exercisable by statutory instrument; and any such statutory instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (2) Regulations under this Act may make different provision for different cases and for different classes of case.
- (3) Before making any regulations under this Act, the Scottish Ministers shall consult such persons as they think fit about the proposed regulations.

### **6 Interpretation**

- (1) In this Act—
- “the 1980 Act” means the Education (Scotland) Act 1980 (c.44);

“pupil with a disability” means a person who has a disability for the purposes of the Disability Discrimination Act 1995 (c.50) who—

- (a) is a pupil;
- (b) may be admitted to a school as a pupil; or
- (c) being a child who is under school age, may be provided with school education at a place other than a school; and

“responsible body” means—

- (a) in relation to a school which is managed by an education authority, the education authority;
- (b) in relation to an independent school, the proprietor;
- (c) in relation to a school in respect of which the managers are for the time being receiving grants under section 73(c) or (d) of the 1980 Act, the managers of the school; and
- (d) in relation to a self-governing school, the board of management.

(2) Any expression used in this Act and in the 1980 Act has, unless the contrary intention appears, the same meaning in this Act as in that Act.

(3) The Scottish Ministers may, by order made by statutory instrument, repeal paragraph (d) of the definition of “responsible body” in subsection (1) above.

## **7 Short title and commencement**

(1) This Act may be cited as the Education (Disability Strategies and Pupils’ Educational Records) (Scotland) Act 2002.

(2) Sections 1 to 3 above shall come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint; and different days may be so appointed for different purposes.

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