

REASONABLE ADJUSTMENTS POLICY FOR PUPILS

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1. The duty not to discriminate

The Trustees in all its policies has due regard to the need to eliminate discrimination and advance equality of opportunity.

The Trustees recognises that disabled pupils have a right not to be discriminated against at Passmores Cooperative Learning Community , and that this covers everything that the Passmores Cooperative Learning Community provides for pupils, beyond just the formal education available. It includes access to all Passmores Cooperative Learning Community activities such as extra-curricular and leisure activities, after-Passmores Cooperative Learning Community and homework clubs, sports activities and educational visits, as well as access to Passmores Cooperative Learning Community facilities such as libraries, laboratories and workshops.

The Passmores Cooperative Learning Community must not discriminate against, or victimise, a pupil:

- in the way the Passmores Cooperative Learning Community provides education for the pupil;
- in the way the Passmores Cooperative Learning Community affords the pupil access to a benefit, facility or service;
- by not providing education for the pupil;
- by not affording the pupil access to a benefit, facility or service; or
- by subjecting the pupil to any other detriment.

These obligations, however, do not apply to anything done in connection with the content of the curriculum. The Passmores Cooperative Learning Community is not restricted in the range of issues, ideas and materials used in the Passmores Cooperative Learning Community syllabus. The Passmores Cooperative Learning Community can expose pupils to thoughts and ideas of all kinds, however controversial. Even if the content of the

curriculum causes offence to pupils with certain protected characteristics, this will not make it unlawful unless it is delivered in a way which results in harassment or subjects pupils to discrimination or other detriment.

2. The 'reasonable adjustments' duty

The Trustees expects the Passmores Cooperative Learning Community to make 'reasonable adjustments' to enable disabled pupils as far as is reasonably practicable to overcome any disadvantage felt by a disabled pupil.

The 'reasonable adjustments' duty was introduced under the Disability Discrimination Act 1995. The 'reasonable adjustments' duty under the Equality Act 2010 operates slightly differently and has been extended to cover the provision by a Passmores Cooperative Learning Community or local authority of auxiliary aids and services. This element of the duty came into force in September 2012. The object of the duty is the same - to avoid as far as possible by reasonable means, the disadvantage which a disabled person experiences because of his/her disability.

This duty towards pupils sits alongside the Passmores Cooperative Learning Community's duties towards special educational needs and those of local authorities under Part 4 of the Education Act 1996. In some cases the support a disabled pupil may receive under the special educational needs framework may mean that they do not suffer a substantial disadvantage, and so there is no need for additional reasonable adjustments to be made for them. In other cases disabled pupils may require reasonable adjustments in addition to the special educational provision they are receiving.

There are also disabled pupils who do not have special educational needs but still require reasonable adjustments to be made for them. The level of support a pupil is receiving under Part 4 of the Education Act 1996 is one of the factors to be taken into account when a Passmores Cooperative Learning Community considers what it would be reasonable for the Passmores Cooperative Learning Community to have to do.

3. Definition of disability

The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

- **'Normal day-to-day'** means things that people do on a regular or daily basis, such as reading, writing, using the telephone, having a conversation and travelling by public transport.
- **'Long-term'** usually means the impairment should have lasted or be expected to last at least a year.
- **'Substantial'** means not minor or trivial.

The key issue is not the impairment but its effect. Impairments such as migraines, dyslexia, asthma and back pain can count as a disability if the adverse effect on the individual is substantial and long-term. Some conditions automatically count as disabilities for the

purposes of The Equality Act 2010, from the point of first diagnosis - these are cancer, HIV and multiple sclerosis (MS).

"Where:

- a) a provision, criterion or practice applied by or on behalf of an employer, or
- b) any physical feature of premises occupied by the employer,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the employer to take such steps as it is reasonable, in all the circumstances of the case, for him/her to have to take in order to prevent the provision, criterion or practice, or feature, having that effect."

4. Confidentiality and data protection

Data protection

The Data Protection Act 1998 places duties on the Passmores Cooperative Learning Community to ensure confidential and appropriate handling of 'sensitive personal data', which includes data about a person's health.

The Data Protection Act also gives individuals the right to see personal data and information held or processed about them, provided they request it in writing. This provision is important in accessing personal information relating to a risk assessment and any other information about the disabled pupil.

Revealing a disability

In order to enable the Passmores Cooperative Learning Community to make reasonable adjustments a disabled pupil (or their advisers) must provide the Passmores Cooperative Learning Community with sufficient information for the Passmores Cooperative Learning Community to carry out that adjustment.

The Passmores Cooperative Learning Community must, however, recognize the disabled person's right to confidentiality and the Passmores Cooperative Learning Community must not disclose confidential details about them without their explicit consent.

5. When it is reasonable to make an adjustment

Where disabled pupils are placed at a substantial disadvantage by a provision, criterion or practice or the absence of an auxiliary aid, the Passmores Cooperative Learning Community will consider as soon as reasonably practicable whether any reasonable adjustment can be made to overcome that disadvantage.

The Passmores Cooperative Learning Community's starting point in determining what a reasonable adjustment might be is to consider how to ensure that disabled pupils can be involved in every aspect of Passmores Cooperative Learning Community life, and to introduce and maintain 'adjustments' that the Passmores Cooperative Learning Community considers are effective.

The Passmores Cooperative Learning Community will take into account the Equalities and Human Rights Commission (EHRC) advice that often effective and practical adjustments involve little or no cost or disruption. (See examples in Appendix 1).

The Passmores Cooperative Learning Community considers that it is good practice to work with disabled pupils and their parents in determining what reasonable adjustments can be made.

Although the Passmores Cooperative Learning Community will not expect disabled pupils to suggest adjustments, the Passmores Cooperative Learning Community will encourage them to make suggestions and will have regard to any suggestions made that might help to overcome the disadvantage. The Passmores Cooperative Learning Community will determine whether the suggestions are reasonable for the Passmores Cooperative Learning Community to implement in all the circumstances.

6. Factors that the Passmores Cooperative Learning Community must take into account

The Passmores Cooperative Learning Community is required to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled pupils at a substantial disadvantage.

This duty is owed to:

- existing pupils;
- applicants for places; and
- in limited circumstances, to disabled former pupils

in relation to the following areas:

- deciding who is offered admission to the Passmores Cooperative Learning Community as a pupil;
- the provision of education; and
- access to any benefit, service or facility.

The factors to take into account when making an adjustment are:

- how effective the adjustment would be in overcoming the disadvantage;
- how practicable it is to make the adjustment;
- the financial and other costs incurred and the extent of any disruption to activities;
- the extent of the employer's financial and other resources;
- the availability of financial and/or other assistance in making the adjustment.

The duty does **not** require the Passmores Cooperative Learning Community to make reasonable adjustments to avoid the disadvantage caused by physical features as this is covered by the planning duties.

The Passmores Cooperative Learning Community cannot justify a failure to make a reasonable adjustment. Where the duty arises the issue will be whether or not to make the adjustment is 'reasonable' and this is an objective question for a tribunal to determine ultimately.

The duty is an anticipatory and continuing one that the Passmores Cooperative Learning Community owes to disabled pupils generally, regardless of whether staff at the Passmores Cooperative Learning Community know that a particular pupil is disabled or whether the Passmores Cooperative Learning Community currently has any disabled pupils on roll.

The Passmores Cooperative Learning Community understands that it is not expected to anticipate the needs of every prospective pupil but acknowledges that it is required to think about, and take reasonable and proportionate steps to overcome, barriers that may impede pupils with different kinds of disabilities.

The Passmores Cooperative Learning Community will not wait until an individual disabled pupil approaches the Passmores Cooperative Learning Community authorities before considering how to meet the duty. The Passmores Cooperative Learning Community will plan ahead for the reasonable adjustments that may need to be made, regardless of whether the Passmores Cooperative Learning Community currently has any disabled pupils on roll. By anticipating the need for an adjustment the Passmores Cooperative Learning Community sets out to be well placed to help disabled pupils who come to the Passmores Cooperative Learning Community .

7. Provision of auxiliary aids and services

The Passmores Cooperative Learning Community has a duty to provide reasonable auxiliary aids and services which are required in order to overcome a disabled pupil's disadvantage.

Many disabled children will have a SEN and are provided with an auxiliary aid or service as part of their SEN provision; in some circumstances specified in a statement of SEN. If these aids are provided in the Passmores Cooperative Learning Community under the SEN route, there will be no need for the Passmores Cooperative Learning Community to provide those aids as part of their reasonable adjustment duty.

Academies will have to consider whether to provide auxiliary aids as a reasonable adjustment for disabled children. This will particularly be the case where a disabled child does not have an SEN statement or where the statement does not provide the auxiliary aid or service.

There should be no assumption, however, that if an auxiliary aid is not provided under the SEN regime then it **must** be provided as a reasonable adjustment.

Whilst academies and LAs are under the same reasonable adjustment duty, there should be no assumption that where it is unreasonable for an Passmores Cooperative Learning Community to provide an auxiliary aid or service, for example on cost grounds, it would then be reasonable for the local authority to provide it. All decisions must depend on the facts of the particular case including the nature of the aid or service, and existing local arrangements between academies and local authorities.

All the information to hand will help to determine what would be reasonable for the Passmores Cooperative Learning Community or the LA to provide. For example, where there is a centrally organised visual or hearing impairment service it may be reasonable for the local authority to provide more expensive aids or support through that service but not

reasonable for an individual Passmores Cooperative Learning Community to have to provide them.

The term "auxiliary aids" found in the Equality Act 2010 covers both auxiliary aids and services, but there is no legal definition for what constitutes auxiliary aids and services. Legal cases have referred to the Oxford English Dictionary definition of auxiliary as "helpful, assistant, affording aid, rendering assistance, giving support or succour," and that auxiliary aids and services "are things or persons which help." Examples of what may be considered an auxiliary aid could be; hearing loops; adaptive keyboards and special software. However the key test is reasonableness and what may be reasonable for one Passmores Cooperative Learning Community to provide may not be reasonable for another given the circumstances of each case.

Academies, cannot charge for auxiliary aids and services which are adjudged to be reasonable.

Charging for Passmores Cooperative Learning Community services will follow the Passmores Cooperative Learning Community 's 'Charging and Remissions' policy. The Passmores Cooperative Learning Community may not charge unless there is a local authority or governing body policy in place.

An Passmores Cooperative Learning Community cannot charge pupils for the following:

- an admission application;
- education provided during Passmores Cooperative Learning Community hours (including the supply of any materials, books, instruments or other equipment);
- education provided outside Passmores Cooperative Learning Community hours if it is part of the national curriculum , or part of a syllabus for a prescribed public examination that the pupil is being prepared for at the Passmores Cooperative Learning Community , or part of religious education;
- tuition for pupils learning to play musical instruments if the tuition is required as part of the national curriculum, or part of a syllabus for a prescribed public examination that the pupil is being prepared for at the Passmores Cooperative Learning Community , or part of religious education;
- entry for a prescribed public examination, if the pupil has been prepared for it at the Passmores Cooperative Learning Community ; and
- examination re-sit(s) if the pupil is being prepared for the re-sit(s) at the Passmores Cooperative Learning Community .

Reasonableness in the provision of auxiliary aids and services

What is 'reasonable' will depend on many factors - including the nature of the aid or service, the size of the Passmores Cooperative Learning Community , the funds available, the effects on other pupils, and staff expertise. In determining the reasonableness of the provision of an auxiliary aid or service the Passmores Cooperative Learning Community will take account of:

- the nature of the disability;
- the age, ability and aptitude of the pupil;

- the range of possible adjustments which would substantially improve the disabled pupil's ability to participate in the life and activities of the Passmores Cooperative Learning Community ;
- the nature and range of the auxiliary aids and services which might be required to make substantial improvements for the pupil;
- the availability of persons with relevant expertise;
- the likely effect on other pupils and on staff of the provision of possible auxiliary aids and services;
- the resources available; and
- the finance available.

Decisions about the reasonableness of the provision of aids and services will be made by the head or the head's representative following consultations with the pupil and/or his/her parents.

Parents may appeal against the decision to The Trustees.

8. Responsibilities

The 'responsible body' of a Passmores Cooperative Learning Community is responsible for ensuring there is no discrimination in relation to education or access to any benefit, facility or service.

The Trustees is the 'responsible body in this Passmores Cooperative Learning Community .

The 'responsible body' has determined this policy and delegated the implementation to the head.

The Principal has delegated responsibilities to members of staff as follows:

Inclusion Manager

The Principal, or the person with delegated duties, will make decisions about the reasonableness of the provision of auxiliary aids and resources.

All staff must co-operate with the Passmores Cooperative Learning Community as far as is compatible with their contractual duties in discharging the Passmores Cooperative Learning Community 's responsibility.

9. Training

The Passmores Cooperative Learning Community will ensure that staff receive appropriate training, and will keep a log of the training, which will be regularly reviewed.

In particular all staff will be made aware of the requirements of the Act and the implications for the education provision and delivery.

10. Equal opportunities

The governors recognize the Passmores Cooperative Learning Community's responsibility to uphold the equality duty laid on public bodies by s149 of the Equality Act 2010.

11. Monitoring and review

The Passmores Cooperative Learning Community will make regular reviews of its practices, policies and procedures to ensure that appropriate reasonable adjustments are made to alleviate the effects of pupil' disabilities.

The Principal will report on the working of the policy to The Trustees at least annually.

The policy will be reviewed every two years.

12. Date of next review: _____

Signed: _____

APPENDIX 1

Examples of simple and effective 'reasonable adjustments'

- A teacher always addresses the class facing forward to ensure that a pupil with hearing difficulties is able to lip-read.
- A secondary Passmores Cooperative Learning Community runs a buddy system for new pupils, allowing disabled pupils to adapt more easily to a new environment.
- A primary/preparatory Passmores Cooperative Learning Community introduces a playground buddy system and a friendship bench which creates a supportive and friendly place for disabled pupils during breaks.
- A Passmores Cooperative Learning Community provides appropriate training for the disabled pupil and his/her colleagues.
- The Passmores Cooperative Learning Community provides suitable equipment, or adapts equipment for the disabled pupil. e.g. chairs, desks, computers, minibuses.
- The Passmores Cooperative Learning Community ensures that teachers are trained to modify instructions or procedures, e.g. by providing larger print, or material in Braille, or hearing loops.
- The Passmores Cooperative Learning Community might improve communications for disabled pupils e.g. by providing a reader, or visual as well as audible alarms.
- Teachers could be trained to provide suitable alternative work for disabled pupils.