1. Purpose of report

1.1 The purpose of the report is to set out the Local Authority's duties around accessibility for disabled pupils and to ensure that the Local Authority meets its statutory duty of publishing an accessibility strategy.

2. Recommendation

2.1 It is recommended that the Cabinet Member:

- Approves the Portsmouth School Accessibility Strategy 2015-2018 as set out in Appendix 1

3. Background

3.1 The Equality Act 2010 replaced nine major Acts of Parliament and provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful. It simplifies the law by getting rid of anomalies and inconsistencies that had developed over time and it extends protection against discrimination in certain areas.

3.2 The Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil:

- In relation to admissions
- In the way it provides education for pupils
- In the way it provides pupils access to any benefit, facility or service, or
• By excluding a pupil or subjecting them to any other detriment.

3.3 The law on disability discrimination is different from the rest of the Act in a number of ways. In particular, it works in only one direction; it protects disabled people but not people who are not disabled. This means that schools are allowed to treat disabled pupils more favourably than non-disabled pupils and in some cases are required to do so, by making reasonable adjustments.

3.4 Schools and Local Authorities (LAs) need to carry out accessibility planning for disabled pupils. Schools must implement accessibility plans which are aimed at.

• Increasing the extent to which disabled pupils can participate in the curriculum
• Improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided
• Improving the availability of accessible information to disabled pupils.

3.5 Schools will also need to have regard to the need to provide adequate resources for implementing plans and must regularly review them. An accessibility plan may be a free standing document but may also be published as part of another document such as the school development plan.

3.6 LAs must, for maintained schools, prepare accessibility strategies based on the same principle as the access plans for schools. Although this does not apply to academies, free schools or private nursery providers on school sites, the LA will endeavour to work closely with all providers and expect them to have an awareness of our strategy and to reflect this in their own accessibility strategies. The Portsmouth Academy Protocol will be updated to reflect this.

4. Portsmouth School Accessibility Strategy 2015 - 2018

4.1 The Portsmouth School Accessibility Strategy (Appendix1) covers the key accessibility planning areas outlined in 3.4 above, along with an outline of the support that Portsmouth City Council offers to schools and parents.

4.2 A draft version of the Portsmouth School Accessibility Strategy was reviewed by the following groups between July and September 2015;

• SEN Strategy Group
• Priority 5 of the Children's Trust Board
• Portsmouth Parent Voice

The comments received are reflected in the final version of the Portsmouth School Accessibility Strategy.
The draft strategy has also been published on the Local Offer website.
4.3 A further period of consultation was held between September and October 2015 and which included the following groups:

- All Portsmouth School Headteacher and Special Educational Needs Co-ordinators
- All Portsmouth School Chairs of Governors
- All Nurseries, children centres and early years settings

The strategy was also published on the Council website.

4.4 The Council has not received any responses or comments during the consultation period.

5. **Reviewing the effectiveness of the strategy**

5.1 The Equality Act includes a requirement that LA accessibility plans are kept under review regularly and that adequate resources are made available to implement the strategy. The Inclusion and Strategic Commissioning teams within Education offer a wide range of support in all the key accessibility areas as outlined in sections 6 and 7 of the strategy (Appendix 1).

5.2 The effectiveness of the strategy will be regularly reviewed and revised if felt necessary. This will be undertaken using a variety of means which are outlined in section 10 of the strategy and include:

- monitoring the number of schools that meet the minimum standards for accessibility
- monitoring the admissions to Portsmouth City Council maintained schools
- feedback from Headteachers/Governors
- feedback from children and young people.

6. **Equality Impact Assessment**

6.1 As part of the school organisation planning process, a preliminary Equality Impact Assessment has already been completed. The Portsmouth School Accessibility Strategy promotes diversity and choice and will not have a negative impact on any of the equality groups. A full EIA was therefore not required.

7. **Legal Services' comments**

7.1 Schedule 10 of the Equality Act 2010 requires local authorities to prepare and implement an accessibility strategy in relation to schools for which the authority is the responsible body. The accessibility strategy must be in writing and include plans to increase disabled pupils' access to the curriculum and improve the physical environment and the provision of
information. The accessibility strategy must be kept under review and revised if necessary.

7.2 In preparing its accessibility strategy, a local authority must have regard to the need to allocate adequate resources for implementing the strategy.

7.3 In addition, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don’t.

8. Head of Finance’s comments

8.1 Whilst there will be financial implications of the Accessibility Strategy, as they cannot be quantified they will be different for each school.

8.2 Under the Equality Act 2010, the school/LA is required to consider any reasonable adjustment required to avoid placing a disabled pupil at a disadvantage compared to other pupils. This should be considered in consultation with the LA, school and parent/carer and should consider the responsibility of the school and LA to make the best use of resources.

Signed by: Di Smith, Director of Children’s Services

Appendices:

Appendix 1  Portsmouth School Accessibility Strategy 2015 - 2018

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<table>
<thead>
<tr>
<th>Title of document</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Equality Act 2010 and schools: Departmental advice for school leaders, school</td>
<td>Department for Education</td>
</tr>
<tr>
<td>staff, governing bodies and local authorities (May 2014)</td>
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</tbody>
</table>
The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ........................................ on ........................................

.........................................................
Signed by: