



## Disability Policy

**This policy applies to all members of Bishop's Stortford College including those in Early Years Foundation Stage and Key Stage 1.**

Bishop's Stortford College is an academically selective school which welcomes all pupils who can make the most of the opportunities that are offered, and who can flourish in the caring environment provided. Treating every child as an individual is important, and the College welcomes pupils with disabilities and physical disabilities provided that they can access education productively on the site. This policy refers to all pupils with disabilities across the College, including those in the EYFS and KS1.

One of the obvious problems which the College has (in common with many other schools) is its lay-out, which covers a wide area and consists of many separate and some historic, and listed, buildings of several storeys and without lifts, which have grown up since the College was founded. The College is striving to improve physical access to buildings, where practical, across the site. (See Three Year Accessibility Plan)

Another is the system, again common to many schools, of having fixed classrooms for each subject, based on the valid objective of having all the facilities for one subject in that place. This requires pupils to go from classroom to classroom, often up steps or in buildings without lifts.

### **Aims of the Policy.**

- To afford opportunity to pupils who have a disability. This refers to physical disabilities, health issues including mental health, or learning disabilities that meet the legal definition of "disability".
- To ensure compliance with the *Special Educational Needs and Disability Act 2001 (SENDA)*.
- To have regard to the guidance issued by the Disability Rights Commission "The Code of Practice for Colleges".
- To have regard to the Equality Act 2010
- To have regard to The Children and Families Act 2014.

## **Policy Statement**

Bishop's Stortford College ('the College') will:

- prepare and maintain a written, three-year Accessibility Plan. This plan seeks to increase the extent to which disabled pupils (including those with special educational needs) can participate in the school's curriculum, take advantage of the education and benefits of the school and improve the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled. It will cover improving the physical environment of the school so that disabled pupils are able to take advantage of education and associated services offered by the school. Adequate resources will be allocated to implement the plan and review or revise it as necessary;
- maintain, develop and encourage a positive culture to prevent discrimination towards disabled people;
- train staff, as necessary, to understand the types of disabilities, and how to deal with pupils, who have disabilities. Staff will not be expected, unless medically qualified, to administer medication, or to take part in manual handling and/or intimate care support unless specifically trained and required to do so;
- adopt user-friendly procedures for considering admissions from parents of disabled children; and
- keep under review, the College's Admissions Policy, Equal Opportunities Policy and Anti-Bullying Policy, in line with SENDA.

## **Definition of Disability**

The Equality and Human Rights Commission guidance, produced after the 2010 Act came into operation, states that "A person is a disabled person (someone who has the protected characteristic of disability), if they have a physical and/or mental impairment which has what the law calls a substantial and long-term adverse effect on their ability to carry out normal day to day activities".

## **In relation to physical impairment**

Conditions that affect the body, such as arthritis, hearing or sight impairment (unless this is correctable by glasses or contact lenses), diabetes, asthma, epilepsy, menopause, conditions such as HIV infection, cancer and multiple sclerosis, as well as loss of limbs or the use of limbs are covered.

- HIV infection, cancer and multiple sclerosis are covered from the point of diagnosis.
- Severe disfigurement (such as scarring) is covered even if it has no physical impact on the person with the disfigurement, provided the long-term requirement is met.
- People who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist, are automatically treated as disabled under the Act.

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

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

- the length the effect of the condition has lasted or will continue; it must be long-term. 'Long-term' means that an impairment is likely to last for the rest of the person's life, or has lasted at least 12 months, or where the total period for which it lasts is likely to be at least 12 months. If the person no longer has the condition, but it is likely to recur, they will be considered to be a disabled person;
- whether the effect of the impairment is to make it more difficult and/or time-consuming for a person to carry out an activity, compared to someone who does not have the impairment, and this causes more than minor or trivial inconvenience;
- if the activities that are made more difficult are 'normal day-to-day activities' at work or at home; or
- whether the condition has this impact without taking into account the effect of any medication the person is taking, or any aids or assistance or adaptations they have, like a wheelchair, walking stick, assistance dog or special software on their computer. The exception to this is the wearing of glasses or contact lenses, where it is the effect while the person is wearing the glasses or contact lenses, which is taken into account.

### **Disability Discrimination**

**We will not treat a pupil, or a prospective pupil, less favourably on the grounds of disability without justification.**

We will not knowingly discriminate against a person on the grounds of disability:-

- In the arrangements for determining admission or employment procedures.
- In the terms on which a place at the College is offered.
- By refusing or deliberately omitting to accept an application for admission or employment.
- In the provision of education and associated services.
- By excluding a person on the grounds of their disability.
- By victimising a person with a disability.
- By failing to take steps to ensure that disabled persons are not placed at a substantial disadvantage, in comparison with non-disabled persons.

### **Education and Associated Services**

The College will be open to applications from any prospective pupil with a disability and/or mental impairment.

- The registration or admission form will enable the parents to give details of their child's disability.

- Every application will be considered on its merits within the College's criteria for selection on the grounds of the pupil's ability and aptitude.
- The College will treat every application from a disabled pupil in a fair, open-minded way.
- The College will, if appropriate, request from the parents or previous school, full details in the form of medical reports, educational psychologist's reports, and any other report which assesses the child's disability, so that the College can make an assessment of the adjustments that would be needed in order to provide adequately for the pupil's physical and educational needs.
- The application will be considered on the basis that all 'reasonable adjustments' have been made by the College in order to cater for the child's disability. (See definition below).
- The College will not offer a place if, after all reasonable adjustments have been made, the College will not be able to provide adequately for the pupil's physical and educational needs.
- The College shall inform the parents of their decision and give details of the reasonable adjustments they are going to make or give reasons why the application for a place is refused.

The College has an on-going duty to make reasonable adjustment in respect of the 'education and associated services provided'. This is a broad expression that covers all aspects of College life. The range of activities that are covered by the expression include:-

- the curriculum;
- classroom organisation and time-tabling;
- access to College facilities, including boarding and dining facilities;
- College sports;
- College policies;
- breaks and lunchtimes, the serving of College meals;
- assessment and examination arrangements;
- College discipline and sanctions;
- exclusion procedures;
- College clubs, trips and other activities; and
- preparation of pupils for the next phase of education.

## Reasonable Adjustments for Pupils

The College is legally required to make 'reasonable adjustments' in order to cater for a child's disability.

Reasonable Adjustments – The College has a duty to make **reasonable** adjustments for disabled pupils. Where something a school does places a disabled pupil, or pupil with special educational needs, at a disadvantage compared to other pupils, then the school must take reasonable steps to try and avoid that disadvantage.

The College shall inform the pupils and parents of the reasonable adjustments that the College are legally required to make for the pupil, which may typically include:-

- making arrangements for a child in a wheelchair to attend an interview in an accessible ground floor room;
- providing examination papers in larger print for a child with a visual impairment;
- re-arranging the timetable, to allow a pupil to attend a class in an accessible part of the building; or
- arranging a variety of accessible sports activities.

## Auxiliary aids and services

The College will be expected to provide an auxiliary aid or service, for a disabled pupil or pupil with special educational needs, **when it would be reasonable to do so**, and if such an aid would alleviate any substantial disadvantage that the pupil faces, in comparison to non-disabled pupils.

## Disclosure

Parents are asked to provide the College with copies of the child's latest medical report, education psychologist's report, and any other information regarding any disability.

If, following the offer of a place, it is discovered that the College has not received full disclosure of information relating to any disability, and following a thorough review of the issues taking into account the resources and availability of financial or other assistance, the practicability of adjustments and health and safety requirements, there are no reasonable adjustments that the College is able to make for those disabilities and adjustments are required beyond this that the College is unable to accommodate, then the College reserves the right to withdraw the offer of a place, or ask the parents to withdraw a child who is already a pupil.

Parents may request a review, if the College decides it is unable to offer their child a place on the grounds of its inability to make reasonable adjustments for any disability. The request must be made as soon as possible, and in any event within seven days of the decision being notified to parents. The Head will advise as to the procedure under which such a review will be conducted.

## References

- ISI Handbook for the Inspection of Independent Schools- The Regulatory Requirements September 2021
- Boarding Schools: National Minimum Standards, effective from 5<sup>th</sup> September 2022