

### Introduction

At Brook Learning Trust we bring together our unique academies in our belief in the power of education to change lives and communities. It is our steadfast purpose to challenge and defy the barriers that constrain the educational progress of any child. We set high aims for aspiration and secure collective responsibility for all our children's achievements. Our work is underpinned by the values of Integrity, Respect, Courage, Optimism, Excellence and Accountability.

### Key Facts:

- This plan enables schools to ensure compliance with laws regarding opportunity for pupils/potential pupils
- It is reviewed every three years
- Brook Learning Trust will comply with statutory requirements and guidance
- Individuals are responsible for their discriminatory actions
- The academy's liability extends beyond the life of the pupil at the school
- The spirit of the law is to make/consider reasonable adjustments
- The plan outlines Brook Learning Trust's duties around accessibility and how to deal with claims
- Guidance for creating each school's unique plan is given in the Appendix

## 1 Background

On 1 October 2010, The Equality Act replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. It extends protection from discrimination in some areas and has placed new duties on schools. (For further information see the Equality and Diversity Policy).

The Act makes it unlawful for Brook Learning Trust and The Ebbsfleet Academy's Academy Council to discriminate against, harass, or victimise a pupil or potential pupil in relation to:

- Admissions
- The way we provide education for pupils
- The way we provide pupils access to any benefit, facility or service
- By excluding any pupil or subjecting them to any other detriment
- The protected characteristics are:
  - sex
  - race
  - disability
  - religion or belief
  - sexual orientation
  - gender reassignment
  - pregnancy or maternity

There is a requirement to have an accessibility plan outlining how we intend to improve access for disabled pupils to the physical environment, the curriculum and written information.

The Equality Act applies to all independent schools in England and Wales. (Equality Act 2010: Schedule 10, Paragraph 3 and Disability Discrimination regulations 2005). Furthermore, as proprietors Brook Learning Trust are required to draw up equality objectives under the Specific Duties Regulations 2011 so that we meet the general aims of the Public Sector Equality Duty. This Accessibility Plan is reviewed every three years.

Any person such as staff in schools who act on behalf of Brook Learning Trust are responsible for their own discriminatory actions and the Brook Learning Trust is also liable unless it can prove that it has taken all reasonable steps to stop the staff member from doing the discriminatory action, or from doing anything of that kind.

The school's liability not to discriminate, harass or victimise does not end when a pupil has left the school, but relates also to events afterwards such as the provision of references, or former pupil networks.

## **2 Disability Discrimination Act**

The disability provisions in the Equality Act mainly replicate those in the former Disability Discrimination Act (DDA). There are some minor differences as follows:

- the definition of disability is less restrictive
- direct discrimination can no longer be defended as justified
- failure to make a reasonable adjustment can no longer be defended as justified
- from September 2012, we are under a duty to make available auxiliary aids and services as reasonable adjustments, where these are not being supplied through a Statement of Special Educational Needs or from other sources

## **3 Definition of Disability**

The Act defines disability as *when a person has a physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities.*

Some specific conditions such as multiple sclerosis, cancer or HIV are considered as disabilities regardless of their effect.

Long term is defined as lasting, or likely to last, for at least twelve months.

## **4 Reasonable Adjustments**

We aim to ensure that nothing we do as a school places a disabled pupil at a disadvantage compared to other pupils. However, where we have to do so, we make sure that we take reasonable steps to try and avoid that disadvantage. When it is reasonable to do so, we provide auxiliary aids or services for a disabled pupil, when such an aid would alleviate any substantial disadvantage that the pupil faces compared to other non-disabled pupils.

Where an auxiliary aid is not provided under the SEN system (ie via a Statement/EHC Plan) there should be no assumption that it must be provided as a reasonable adjustment. Any decision would be taken on the basis of the facts of an individual case, including cost implications. There is no legal definition of auxiliary aids. We interpret this to mean any or all of the following: helpful; providing

support or assistance; and that these can be things or persons which help. We include hearing loops, adaptive keyboards, and special software.

Our SEND policy defines what provision we make available including reasonable adjustments in our school. We will consider what is reasonable in the context of our school, given the circumstances of each individual case.

Where the auxiliary aid has a benefit to the rest of the child's life outside of school, it would be unreasonable for our school to make such provision, eg hearing aids.

We consider that effective and practicable adjustments for disabled pupils will involve little or no cost or disruption, and will therefore be considered as reasonable. Where substantial adaptations are required which are not contained within our three year accessibility plan, we reserve the right to deem these as unreasonable.

It is our aim to ensure that disabled pupils play as full a part as possible in school life and our accessibility plan and reasonable adjustments help support that aim. Where any adjustment would have a detrimental effect on other pupils, we would not consider it to be *reasonable*. For example, if a geography field trip were planned to involve climbing and a wheelchair user could not take part, we would carefully consider how the disabled pupil could participate viably, but we would not cancel the trip because to do so would be detrimental to other pupils.

## 5 Our Vision

Our key priority and focus is to remove the barriers to learning in order to secure good and better progress and outcomes for all students no matter what their starting points or challenges. Working with a small multi-academy trust, the Brook Learning Trust, this is an academy that is committed to ensuring that children achieve well and are given every opportunity to develop a diverse range of skills and abilities that will serve them well in adult life.

Inclusion is the process of taking the necessary steps to ensure that every young person is given equality of opportunity to develop socially, to learn and to enjoy school life.

## 6 Our duty around Accessibility for Disabled Pupils

Our accessibility plan focuses on the following areas for implementation:

- increasing the extent to which disabled pupils can participate in the curriculum
- improving the physical environment to enable disabled pupils to take better advantage of education, benefits, facilities and services provided
- improving the availability of accessible information to disabled pupils

Our plan also includes the resource implications of implementing the Plan.

Our approach includes the following:

An access, audit and review (see Appendix 1)

The access audit goes on to:

- set goals and targets
- identify actions
- explain how the school would consult on the proposed plan
- explain how the school would publicise the plan
- explain how the school would implement the plan
- explain how the school would evaluate the effectiveness of the plan

- Appendix 1 Academy's Accessibility Plan outline
- Appendix 2 Accessibility Audit Checklist: Physical Environment
- Appendix 3 Accessibility Audit Checklist: Curriculum & Materials

## 7 Discrimination Claims

Claims for discrimination on the grounds of disability against our school must be heard by the First Tier Tribunal (SENDIST) in England.

Such claims of discrimination or harassment which would be brought by a parent of a pupil against our school, would be brought to the Tribunal by the parent. This must be brought within six months of the act to which the claim relates. Any remedy will not include compensation.

## 8 Monitoring & Evaluation

The named person in our school who is responsible for this plan is Jon Field, Vice Principal.

The Principal, Gurjit Shergill, is responsible for ensuring that this Plan is implemented and to ensure that it is fair and equal to all.

It is the responsibility of all staff to monitor the success of this Plan by ensuring that the priority areas are addressed by them in the classroom, particularly with regard to the provision of information and curriculum access.

Brook Learning Trust's Estates Manager, Kevin Dickinson, oversees relevant aspects of the Accessibility Plan.

Premises status reports are provided three times a year to Brook Learning Trust Audit and Risk Committee by the Estates Manager.

### **POLICY REVIEW AND RATIFICATION**

Plan reviewed at least every three years and ratified by the Academy Council in December

This review by SLT & Estates Manager                      December 2020

Summary of amendments to this iteration:                      Updating to reflect changes of personnel, etc

Ratified by the Academy Council                                      January 2021

Next review & ratification    by December 2023 at the latest

**Appendix 1: Brook Learning Trust Accessibility Plan****Academy: The Ebbsfleet Academy****Date: December 2020**

Goals/targets	Action	Timeframe (and lead person)
To continue developing the leadership and management of SEND	VP to directly line manage the SENCO	December 2020 (JEA)
	Teaching Assistants to be line-managed by the SENCO	December 2020 (JEN)
To continue developing staff understanding of different learning needs	SENCO to complete requisite training	December 2020 (JEN)
	Teachers to continue to receive updates and key information about individual and groups of students	Ongoing (JEN)
To ensure that students access the support to which they are entitled in exams	KWI to continue ensuring that students' Access Needs are met.	Ongoing (KWI)
To ensure that the curriculum meets the needs of all learners	2020/2021 curriculum to be designed to ensure suitable challenge and support for all students	September 2020 (JEA)
	Well-structured small group intervention sessions to be provided as appropriate.	September 2020 (JEN)
To extend the range of support for disengaged students	Deliver on-site alternative provision	September 2020 (JEN)

Appendix 2: Brook Learning Trust Accessibility Audit Checklist – Physical Environments  
 Academy: The Ebbsfleet Academy  
 Date: December 2020

Brook Learning Trust Accessibility Audit Checklist – Physical Environments Academy: The Ebbsfleet Academy	Yes	No
1. Is there any car parking on site or in the vicinity?	Y	
2. Is there any designated parking for Disabled Parking Badge Holders?	Y	
(a) Does it comply with the standard size and layout (see Appendix A)?	Y	
(b) How far is the designated parking from the main entrance (approx.)? Should be no more than 50m	10m	
(c) What is the surface of the car park (gravel, tarmac etc)?	tarmac	
(d) Is the car park well lit?	Y	
3. Is there a bus stop in the vicinity (within 50m)?		N
4. Is the route to the main entrance clearly signed?	Y	
(a) Is the route suitable for wheelchair users?	Y	
(b) Are there dropped kerbs where necessary?	Y	
(c) Is this route suitably lit?	Y	
5. Is the main entrance level, ramped or stepped?	Level	
(a) If stepped are there handrails on both sides?	n/a	
(b) Are the nosings colour contrasted?	n/a	
(c) Is there a tactile warning strip at the top?	n/a	
(d) What is the rise of the steps?	n/a	
(e) What is the going of the steps?	n/a	
(f) How many steps in a flight?	n/a	
(g) Is there a ramp alongside the steps?	n/a	
(h) What is the gradient of the ramp?	n/a	
(i) What is the length of the ramp?	n/a	
(j) Is there a level platform at the top of the ramp	n/a	
6. Is the entrance door automatic or manual?	Manual	
7. Does at least one leaf give a minimum clear opening width of 800mm?	Y	

8. Is the door furniture at a reasonable height (1400mm from ground level and colour contrasted from the frame?)	Y	
(a) If there is a doorbell or entry system, is it at a reasonable height (1200mm from ground level)?	Y	
(b) Is the entrance mat of firm texture and flush with the floor?	Y	
(c) Is there a vision panel at wheelchair level?	Y	
9. Is at least part of the reception desk at a wheelchair accessible height?	Y	
(a) Is there a hearing induction loop or other amplifying device fitted in reception?		N
(b) Is there any seating in the waiting area?	Y	
(c) If yes, is there a mix of seats with arms and seats without arms?		N
(d) Is there space for a wheelchair user to wait?	Y	
10. Is all the ground floor accessible?	Y	
11. Is there a lift in the building?	Y	
What type of lift? <b>(Please tick)</b>		
(a) a full passenger lift?		Y
(b) If a passenger lift does it comply with Part M (see Appendix B)		Y
(c) a platform stair lift?		n/a
(d) a platform lift?		n/a
12. Is the staircase suitable for ambulant disabled people (see Appendix C)?	Y	
(a) What is the rise of each step?		150mm
(b) What is the going of each step?		
(c) Are the nosing of each step colour contrasted	Y	
(d) How many steps in each flight?		15
(e) Are there any intermediate landings?	Y	
(f) Are the handrails continuous on both sides?	Y	
(g) Do the handrails extend 300mm past the top and bottom steps?	Y	
13. Do all internal doors give a minimum clear opening width of 750mm?	Y	
14. Is the door furniture at a reasonable height?	Y	
(a) Is there a vision panel at a wheelchair height?	Y	
15. Are there any internal ramps in the building?		N

(a) If yes what are the gradients?	n/a	
(b) What are the lengths of the ramps?	n/a	
(c) Are handrails on the ramps	n/a	
16. Is there a wheelchair accessible WC cubicle?	Y	
(a) Does it comply with the minimum dimensions of 2000mm x 1500mm?	Y	
(b) Does it comply with the dimensions in BS 8300 2200mm x 1500mm	Y	
(c) Are the grab-rails colour contrasted from the background?	some	
(d) Are the hand washing and drying facilities within easy reach of anyone sitting on the WC?	Y	
(e) Is there an emergency pull-cord that reaches down to the floor?	Y	
17. Is there a textphone in the building?		N
18. Is there a public telephone?		N
(a) Is it at a reasonable height for wheelchair users (car or coin slot 1200mm from floor level)?	n/a	
(b) Does it have an acoustic hood?	n/a	
19. Is the main hall fitted with a hearing induction loop?		N
20. If kitchen facilities are available are they at a wheelchair accessible height?	n/a	

Appendix 3: Brook Learning Trust Accessibility Audit Checklist – Curriculum & Materials  
 Academy: The Ebbsfleet Academy  
 Date: December 2020

	Yes	No
<b>Section A - Curriculum</b>		
Do you ensure that teachers & teaching assistants have the necessary training to teach and support disabled pupils?	Y	
Are your classrooms optimally organised for disabled pupils?		N
Do lessons provide opportunities for all pupils to achieve?	Y	
Are lessons responsive to pupil diversity?	Y	
Do lessons involve work to be done by individuals, pairs, groups & the whole class?	Y	
Are all pupils encouraged to take part in music, drama & physical activities?	Y	
Do staff recognise and allow for the mental effort expended by some disabled pupils, for example using lip reading?	Y	
Do staff recognise and allow for the additional time required by some disabled pupils to use equipment in practical work?	Y	
Do staff provide alternative ways of giving access to experience or understanding for disabled pupils who cannot engage in particular activities, for example some forms of exercise in physical education?	Y	
Do you provide access to computer technology appropriate for students with disabilities?	Y	
Are school visits, including overseas visits, made accessible to all pupils irrespective of attainment or impairment?	Y	
Are there high expectation of all pupils?	Y	
Do staff seek to remove all barriers to learning and participation?	Y	
<b>Section B – Materials</b>		
Do you provide information in simple language, symbols, large print, on audiotape or in Braille for pupils and prospective pupils who may have difficulty with standard forms of printed information?		N
Do you have the facilities such as ICT to produce written information in different formats?	Y	
Do you ensure that staff are familiar with technology and practices developed to assist people with disabilities?	Y	

Additional Comments: None