

BRIEFING NOTE – EDUCATION AND PUPILS WITH DISABILITIES

Introduction

Schools have a responsibility to ensure that pupils with disabilities have access to an appropriate education and that they are given the necessary support.

This is a short briefing to remind Education staff of those responsibilities and to highlight where they can find further support and guidance with regard to meeting the needs of pupils with disabilities. Further information is available in Disability in Schools on the Highland Council website, or in other formats on demand.

Definitions

A child with a disability

A disability is defined in the Disability Discrimination Act 1995 (the DDA) as:
“a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities.”

Disability is not just about people in wheelchairs. About one in seven people in Scotland has some form of disability. If a child has problems with mobility, seeing or hearing, learning disabilities, mental health problems, epilepsy, Aids, asthma, diabetes or a progressive condition such as multiple sclerosis, then they may be covered under the DDA.

A child or young person with additional support needs is unable to benefit from a school education without the provision of additional support. A child may be included within this definition and be defined as having a disability under the DDA. However, not all children with disabilities have additional support needs.

Additional support is help given in school which is extra to or different from the help normally given to children and young people of the same age.

Education and disability rights

It is against the law for schools to discriminate against a child for a reason related to his/her disability in:

- Admissions (including placing requests),
- Education and associated services, including:
 - school trips
 - the curriculum
 - teaching and learning
 - school sports
 - the serving of school meals

Support for pupils with disabilities in schools comes under four pieces of related legislation including:

- **the disability discrimination duties** (Disability Discrimination Act 1995, Part 4) *Schools have an “anticipatory” duty to take reasonable steps to avoid substantial disadvantage to disabled pupils. This duty does not include the provision of auxiliary aids and services*
- **accessibility strategies** (The Education (Disability Strategies and Pupils’ Educational Records) (Scotland) Act 2002) *places a duty on education authorities to prepare a strategy to improve the physical accessibility of the school environment and the accessibility of the curriculum for pupils with disabilities and prospective pupils with disabilities.*
- **the additional support for learning (ASL) framework** (Education (Additional Support for Learning) (Scotland) Act, 2004) *requires education authorities to identify children and young people with additional support needs and provide adequate, efficient and co-ordinated support. Children have the right to have their views heard and taken into account.*
- **the disability equality duty** (Disability Discrimination Act 2005) *requires education authorities to take a more proactive approach to disability equality. Among other responsibilities, schools must assess the impact of, and gather information on, the effect of policies and practices on equality for disabled pupils. It also requires public authorities to involve disabled people in planning services.*

What should schools do?

Schools should not treat pupils with disabilities less favourably than other pupils because of their disability without justification as defined by the DDA . For example, pupils with disabilities should normally be included in classes, school excursions or other activities, and not excluded because of their disability.

Schools are expected to take "reasonable steps" to meet the needs of pupils who may have disabilities and should consider the broad range of needs of pupils with different types of disabilities. Schools may have to make some changes to the way they do things. Pupils with disabilities may need extra time or support to complete class work or schools may need to ensure access to suitable teaching environments.

Education authorities are expected to meet the individual needs of children who require additional support, including differentiating the curriculum and making reasonable changes to the physical environment to increase access or to provide auxiliary aids and services (*such as sign language, interpreters or information in formats such as Braille or audiotape*). These issues should be dealt with under the ASL legislation and guidance and the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 described above.

Some sources of advice and information:

In Highland, **CHIP+ (Children in the Highlands Information Point)** provides independent information, support and advice to the families and carers of children and young people with additional support needs. The service is also available to professionals working with young people and their families. You can contact: CHIP+ at:

Birnie Child Development Centre
Raigmore Hospital, Inverness IV2 3UJ

Tel: 01463 711189

e-mail info@chipplus.org.uk

<http://www.chipplus.org.uk/>

The following key Highland Council documents apply:

- [Highland Council Accessibility Strategy \(Improving Access to Education for Pupils with Disabilities\)](#)
- [Highland Council Additional Support for Learning](#)
- [Highland Council Disability Equality Scheme](#)

Off site excursions. Always take into consideration the DDA, e.g. refer to the [Guidance for Schools](#) document for further information. (link in quick guide not working)

<http://www.highland.gov.uk/learninghere/communitylearning/outdooreducation/offsiteexcursions/offsiteexcursinapprovalforms.htm>

Disability Discrimination Act - Guidance for schools and parents in Scotland can be found on the [Equality and Human Rights Commission web site](#)

Key Contacts:

Additional Support for Learning:

Barrie Forbes, tel. 01463 701326

Deaf Education Services:

[Sheila Lundberg](#), tel 01463 862882

Education Vision Support:

tel 01463 226062

Psychological Services:

[Bernadette Cairns](#), tel 01463 233494

Autism Outreach Service:

[Myna Dowds](#), tel 01349 868251

Additional Support Needs Technology Service: [Alan Stewart](#), tel 01349 868253

Interrupted Learning Development Officer: [Karen Macmaster](#), tel 01349 868208

Equal Opportunities Lead ECS:

[John Ritchie](#), tel 01349 863441

Equal Opportunities Officer:

[Rosemary Mackinnon](#), tel 01463 702094

Disability Sports Officer:

[Charlie Forbes](#), tel 01463 232262

- Additional sources of advice, information and contacts are available in [Disability in Schools](#) on the Highland Council website, or in other formats on demand

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