



Ingleby Manor Free School

Accessibility Policy

Reviewed on 21st September 2016

Review date: Sept 2018

Accessibility Policy

Ingleby Manor Free School & Sixth Form – Accessibility Statement

The school building has been designed within the EFA building framework and is fully DDA compliant. Full details of the building use and design are contained in the BAM building use folders held on site.

Relevant Legislation and Guidance

Disability Discrimination Act 1995 (DDA)

Ingleby Manor Free School – Accessibility Statement

The Disability Discrimination Act 1995, as amended, gives disabled people rights in the areas of recruitment, employment and in the provision of goods and services, including education. Service providers and employers must ensure that they are not discriminating against disabled people either in the way they provide services or in their buildings and facilities. However, it is important to be aware that the DDA relates to access to ‘services’ and ‘employment’ rather than specifically to buildings.

The Act does not override other legislation relating to buildings such as planning legislation, Building Regulations, listed building legislation and fire regulations. The Act itself does not include building design guidance and where other regulations do not apply it is advisable to follow current best practice design guidance to be able to justify design decisions taken.

An access appraisal of a proposed scheme and the preparation of an Access Statement is a useful first step towards meeting the requirements of the Act, though the DDA is an ongoing duty so it is recommended that accessibility is monitored and maintained throughout the life of the building. Any features or elements that have been carefully designed to be accessible should be retained during ongoing maintenance programmes (replacing ‘like for like’ for example) and management procedures should take due care not to compromise the achievement of the design.

The DDA defines disability as a ‘physical or mental impairment which has a substantial or long term adverse effect on their ability to carry out day to day activities’, which is far broader than the definition provided in Building Regulation Part M. The Government currently estimates that 11.7 million people fall under this definition and will be covered by the Act.

Parts of the DDA have been phased in over a number of years and the Act was extended and amended in April 2005.

Employment

Part 2 of the DDA relates to recruitment and employment and came into force in 1996. From this date, employers have had a duty to make reasonable adjustments to buildings and provide equipment which enables access to the workplace for disabled employees whether existing or prospective. The employment provisions include job advertisement and interview, workplace,

allocation of duties, training and promotion opportunities. Funding is available for improvement once the employee is in place.

While there are no duties under Part 2 to anticipate the needs of all employees, it is advised that a general level of accessibility is achieved where possible so that future costly, inconvenient and unsightly building improvements are avoided

Failure to respond to the needs of disabled employees may result in a case being taken against the employer through an Industrial Tribunal. This may result in a sizeable award of compensation and an injunction to prevent future discrimination by making reasonable adjustments that may well have cost and disruption implications.

Service provision

Part 3 of the DDA relating to the provision of goods and services is being phased in over a number of years.

Since 1996 it has been unlawful for a service provider to refuse a service on the grounds of a person's disability, or to provide it at a lower standard or on worse terms.

Since October 1999, service providers have had a duty to make reasonable adjustment to policies, procedures and practices, to provide auxiliary aids or provide the service by a reasonable alternative means where physical features make it impossible or unreasonably difficult to access the service. Auxiliary aids may include temporary ramps, portable induction loop systems, vibrating alarm systems, note pad and pen or information provided in alternative formats.

Since 1 October 2004, should a physical feature of a building make it impossible or unreasonably difficult to use the service, then that person may take a case against the service provider where reasonable steps have not been taken to remove, alter or avoid the feature or again, to provide it by a reasonable alternative means.

Part IV: Education

New duties for education providers came into effect in September 2002 under Part IV of the DDA, amended by the Special Educational Needs and Disability Act 2001 (SENDA). These require schools, colleges, universities, and providers of adult education and youth services to ensure that they do not discriminate against disabled people. The Part IV duties cover both school and post-16 education.

The Act requires schools and LEAs:

- not to treat disabled pupils less favourably for a reason related to disability, unless the treatment is justified;
- to take "reasonable steps" to ensure that disabled pupils, or prospective pupils, are not placed at a substantial disadvantage compared to their non-disabled peers;
- to plan to increase over time access to school premises and to the curriculum and to improve the provision of information in a range of formats for disabled pupils.

The Act does not require schools to remove or alter physical features of the school as a matter of course in order to comply with the Act, but to make reasonable adjustments in order to ensure that pupils with disabilities are not disadvantaged. The need to carry out changes to the physical features of the school is covered by the planning duties whereby LEAs and schools should plan to make the necessary changes.

Schools also have a duty under Part III of the Act to overcome barriers to access to the school for parents and other members of the public attending school or community activities.

The duties on post-16 education providers are being introduced in three stages:

- from 1 September 2002 it has been unlawful to discriminate against disabled people or students by treating them less favourably than others, and there has been a duty to provide certain types of reasonable adjustments to provision where disabled students or other disabled people might otherwise be substantially disadvantaged
- the duty to make adjustments involving the provision of auxiliary aids and services came into force on 1 September 2003
- the duty to make adjustments to physical features of premises where these put disabled people or students at a substantial disadvantage will come into force on 1 September 2005.

Wholly privately funded education providers and providers of work-based training are covered by Part III of the Act.

Disability Discrimination Act 2005

The Disability Discrimination Act 2005 amended the original Act in a number of ways, including the introduction of a new positive duty on public bodies, including schools and Local Education Authorities, to promote equality of opportunity for disabled people.

Human Rights Act 1998

The Human Rights Act 1998 came fully into force in October 2000. It incorporates into UK law rights and freedoms guaranteed by the European Convention on Human Rights. Some of these rights may have significant implications for disabled people and be relevant to building design, such as the right to education and the protection from inhuman and degrading treatment.

The Building Regulations

Part M – Access and facilities for disabled people

Part M of the Building Regulations requires reasonable provision to be made for people to gain access to and use buildings. It includes requirements covering sanitary provision, audience and spectator seating and dwellings. Part M was revised in 2004 and the new regulations and Approved Document took effect from May of that year. The new edition covers alteration to existing buildings where Building Regulation approval is required and the guidance provided has been substantially expanded using the BS8300: 2001 as a benchmark standard.

Building Regulations and the DDA

It should be noted that the duty under Part III the DDA to make reasonable adjustments to physical features of buildings can be affected by Building Regulation compliance. Where the physical features of a building met the requirements of Part M (or its equivalent in Northern Ireland or Scotland) at the time of its construction, and continues to meet them, a service provider may not have to make any further adjustment to those features. This might apply, for example, to the width of a doorway. However, the service provider might still need to alter other aspects of the door, such as the handle.

The service provider may still however be required to provide:

- a reasonable means of avoiding that feature; or
- a reasonable alternative method of making services available.

This exemption to the duties under Part III of the Act is only available for a period of ten years from the date when a feature was constructed.

It should be noted that the partial exemption from the duty to remove or alter physical features, which applies to service providers under Part III of the Act, does not apply to employers under Part II.

Part B – Fire safety

Part B of the Building Regulations applies to all construction, including new-build, refurbishment, extensions and alterations and sets out the requirements for fire safety. Approved Document B gives guidance on meeting these requirements and makes reference to BS 5588, which gives detailed information on the design, construction and use of buildings.

BS 5588 - Fire precautions in the design, construction and use of buildings

BS 5588 covers different building types and elements of buildings. BS 5588-8 covers means of escape for disabled people.

It is proposed that BS 9999, will replace BS 5588. It is intended that this new Code will offer the most practical, relevant and up to date guidance to assist designers and managers of buildings in providing and managing reasonable means of escape for all building users.

BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people – Code of practice

BS 8300:2001 is an amalgamation and updating of BS 5619:1978 and BS 5810:1979, and gives detailed guidance on good practice in the design of domestic and non-domestic buildings. Importantly, the guidance also draws on research, commissioned by the Department of the Environment, Transport and the Regions in 1997 and 2001, into the access needs of people with disabilities. The research looked into issues such as reach ranges and space requirements in order to assess the capabilities and needs of people in relation to the use of buildings. The guidance incorporates the research findings and gives detailed design recommendations set in context by a commentary explaining user needs.

BS 8300:2001 contains sections covering building elements as well as particular building types and the guidance given takes account of a wide range of needs.

Recommendations are included on car parking, access routes to and around buildings, entrances and interiors, horizontal and vertical circulation, surfaces and communication aids, facilities in buildings, assembly areas, individual rooms and building types.

The new revision of Part M of the Building Regulations incorporates some of the guidance and standards given in BS 8300:2001. It is likely that the guidance given in the British Standard and new Approved Document M will be taken into account when considering 'reasonable provision' in relation to the Disability Discrimination Act.

11.0 Approval by Local Educational Advisory Board (EAB) and Review Date

11.1 This policy and procedure will be reviewed by the Assistant Principal - Inclusion when there are changes in the law, or in accordance with the schedule drawn up by the Principal and agreed by the Local Educational Advisory Board

11.2 This policy has been formally approved and adopted by the Local Educational Advisory Board at a formally convened meeting

Signed: (Chair

of EAB) Date:

Review date: 21/9/2016

End of statement