

Status: Point in time view as at 01/10/2010.

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SCHEDULES

SCHEDULE 10

Section 88

ACCESSIBILITY FOR DISABLED PUPILS

Accessibility strategies

- 1 (1) A local authority in England and Wales must, in relation to schools for which it is the responsible body, prepare—
 - (a) an accessibility strategy;
 - (b) further such strategies at such times as may be prescribed.
- (2) An accessibility strategy is a strategy for, over a prescribed period—
 - (a) increasing the extent to which disabled pupils can participate in the schools' curriculums;
 - (b) improving the physical environment of the schools for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the schools;
 - (c) improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.
- (3) The delivery in sub-paragraph (2)(c) must be—
 - (a) within a reasonable time;
 - (b) in ways which are determined after taking account of the pupils' disabilities and any preferences expressed by them or their parents.
- (4) An accessibility strategy must be in writing.
- (5) A local authority must keep its accessibility strategy under review during the period to which it relates and, if necessary, revise it.
- (6) A local authority must implement its accessibility strategy.
- 2 (1) In preparing its accessibility strategy, a local authority must have regard to—
 - (a) the need to allocate adequate resources for implementing the strategy;
 - (b) guidance as to the matters mentioned in sub-paragraph (3).
- (2) The authority must also have regard to guidance as to compliance with paragraph 1(5).
- (3) The matters are—
 - (a) the content of an accessibility strategy;
 - (b) the form in which it is to be produced;
 - (c) persons to be consulted in its preparation.
- (4) Guidance may be issued—
 - (a) for England, by a Minister of the Crown;

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(b) for Wales, by the Welsh Ministers.

- (5) A local authority must, if asked, make a copy of its accessibility strategy available for inspection at such reasonable times as it decides.
- (6) A local authority in England must, if asked by a Minister of the Crown, give the Minister a copy of its accessibility strategy.
- (7) A local authority in Wales must, if asked by the Welsh Ministers, give them a copy of its accessibility strategy.

Accessibility plans

- 3 (1) The responsible body of a school in England and Wales must prepare—
 - (a) an accessibility plan;
 - (b) further such plans at such times as may be prescribed.
- (2) An accessibility plan is a plan for, over a prescribed period—
 - (a) increasing the extent to which disabled pupils can participate in the school's curriculum,
 - (b) improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school, and
 - (c) improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.
- (3) The delivery in sub-paragraph (2)(c) must be—
 - (a) within a reasonable time;
 - (b) in ways which are determined after taking account of the pupils' disabilities and any preferences expressed by them or their parents.
- (4) An accessibility plan must be in writing.
- (5) The responsible body must keep its accessibility plan under review during the period to which it relates and, if necessary, revise it.
- (6) The responsible body must implement its accessibility plan.
- (7) A relevant inspection may extend to the performance by the responsible body of its functions in relation to the preparation, publication, review, revision and implementation of its accessibility plan.
- (8) A relevant inspection is an inspection under—
 - (a) Part 1 of the Education Act 2005, or
 - (b) Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation and inspection of independent education provision in England).
- 4 (1) In preparing an accessibility plan, the responsible body must have regard to the need to allocate adequate resources for implementing the plan.
- (2) The proprietor of an independent educational institution (other than an Academy) must, if asked, make a copy of the school's accessibility plan available for inspection at such reasonable times as the proprietor decides.

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- (3) The proprietor of an independent educational institution in England (other than an Academy) must, if asked by a Minister of the Crown, give the Minister a copy of the school's accessibility plan.
- (4) The proprietor of an independent school in Wales (other than an Academy) must, if asked by the Welsh Ministers, give them a copy of the school's accessibility plan.

Power of direction

- 5 (1) This sub-paragraph applies if the appropriate authority is satisfied (whether or not on a complaint) that a responsible body—
 - (a) has acted or is proposing to act unreasonably in the discharge of a duty under this Schedule, or
 - (b) has failed to discharge such a duty.
- (2) This sub-paragraph applies if the appropriate authority is satisfied (whether or not on a complaint) that a responsible body of a school specified in sub-paragraph (3)—
 - (a) has acted or is proposing to act unreasonably in the discharge of a duty the body has in relation to the provision to the authority of copies of the body's accessibility plan or the inspection of that plan, or
 - (b) has failed to discharge the duty.
- (3) The schools are—
 - (a) schools approved under section 342 of the Education Act 1996 (non-maintained special schools);
 - (b) Academies.
- (4) This sub-paragraph applies if a Tribunal has made an order under paragraph 5 of Schedule 17 and the appropriate authority is satisfied (whether or not on a complaint) that the responsible body concerned—
 - (a) has acted or is proposing to act unreasonably in complying with the order, or
 - (b) has failed to comply with the order.
- (5) If sub-paragraph (1), (2) or (4) applies, the appropriate authority may give a responsible body such directions as the authority thinks expedient as to—
 - (a) the discharge by the body of the duty, or
 - (b) compliance by the body with the order.
- (6) A direction may be given in relation to sub-paragraph (1) or (2) even if the performance of the duty is contingent on the opinion of the responsible body.
- (7) A direction may not, unless sub-paragraph (8) applies, be given to the responsible body of a school in England in respect of a matter—
 - (a) that has been complained about to a Local Commissioner in accordance with Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009 (parental complaints against governing bodies etc.), or
 - (b) that the appropriate authority thinks could have been so complained about.
- (8) This sub-paragraph applies if—
 - (a) the Local Commissioner has made a recommendation to the responsible body under section 211(4) of the Apprenticeships, Skills, Children and

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- Learning Act 2009 (statement following investigation) in respect of the matter, and
- (b) the responsible body has not complied with the recommendation.
- (9) A direction—
- (a) may be varied or revoked by the appropriate authority;
- (b) may be enforced, on the application of the appropriate authority, by a mandatory order obtained in accordance with section 31 of the Senior Courts Act 1981.
- (10) The appropriate authority is—
- (a) in relation to the responsible body of a school in England, the Secretary of State;
- (b) in relation to the responsible body of a school in Wales, the Welsh Ministers.

Supplementary

- 6 (1) This paragraph applies for the purposes of this Schedule.
- (2) Regulations may prescribe services which are, or are not, to be regarded as being—
- (a) education;
- (b) a benefit, facility or service.
- (3) The power to make regulations is exercisable by—
- (a) in relation to England, a Minister of the Crown;
- (b) in relation to Wales, the Welsh Ministers.
- (4) “Disabled pupil” includes a disabled person who may be admitted to the school as a pupil.
- (5) “Responsible body” means—
- (a) in relation to a maintained school or a maintained nursery school, the local authority or governing body;
- (b) in relation to a pupil referral unit, the local authority;
- (c) in relation to an independent educational institution, the proprietor;
- (d) in relation to a special school not maintained by a local authority, the proprietor.
- (6) “Governing body”, in relation to a maintained school, means the body corporate (constituted in accordance with regulations under section 19 of the Education Act 2002) which the school has as a result of that section.
- (7) “Maintained school” has the meaning given in section 20 of the School Standards and Framework Act 1998; and “maintained nursery school” has the meaning given in section 22 of that Act.

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