



5. Support for families

5.2 Knowing your rights on inclusion

Introduction

All children and young people up to the age of 18 have all the rights set out in the United Nation's Convention on the Rights of the Child (UNCRC). Some groups of children and young people, including young disabled people, have additional rights to make sure they are treated fairly and their needs are met. This section covers the legal duties of schools, and what reasonable adjustments are.

The UK has come a long way in recognising and preserving educational inclusion of disabled children and young people in its laws and policies. Recent legislation, including the Special Educational Needs and Disability Act (2001) and Equality Act (2010), clearly outline the responsibilities of all public bodies – including schools – to include disabled people when they provide services. While they do not guarantee the quality of inclusion or its implementation in all cases, they do offer structures, guidance and expectations that support inclusion to happen.

It is unlawful for schools to discriminate based on disability. Therefore schools must not treat disabled students less favourably than their non-disabled peers.

While all local authorities and schools will manage their work towards inclusion differently, there are national standards that prohibit discrimination in education and support inclusive provision.

Reasonable Adjustments in education

As of the Disability Discrimination Act 1995, schools must make 'reasonable adjustments' so as to avoid as far as possible the disadvantage a disabled pupil experiences due to his or her impairment.

The duty to make reasonable adjustments relates to these three areas:

- deciding who is offered admission as a pupil
- the provision of education
- access to any benefit, service or facility

It could take the shape of:

- changes to practices or procedures
- changes to physical features
- changes to how learners are assessed
- providing extra support and aids (such as specialist teachers or equipment)

Schools are not necessarily required to make changes to their premises, but they are expected to include access improvements in their long-term building plans, in accordance with planning duties.

Questions on reasonable adjustments



It is unlawful for any education provider, including a private or independent provider, to discriminate between pupils on grounds of race, sex, disability, sexual orientation, gender reassignment, pregnancy, and maternity, and religion or belief in admissions, access to benefits, exclusions, and in the employment of staff.

Centre for Studies on Inclusive Education ([CSIE](#))

What is a reasonable adjustment?

Answer: Reasonable adjustment as defined by the Disability Discrimination Act as: “taking reasonable steps to prevent a disabled person from suffering a substantial disadvantage compared with non-disabled people.”

Example: A teacher always addresses the class facing forward to ensure that a pupil with hearing difficulties is able to lip-read. This is simple reasonable adjustment.

What is substantial disadvantage?

Answer: A substantial disadvantage means putting a disabled student in a less favourable position than non-disabled students, which would cause the disabled student not to take part in every aspect of school life.

Example: Deaf pupil is advised that it would be better to remain at school rather than go on work experience as it might be ‘too difficult’ for her to manage. The school does not take steps to help find a placement. The pupil misses the opportunity taken by the rest of their classmates.

How will I know that adjustments need to be made?

Answer: It is the responsibility of the school to anticipate that reasonable adjustments may need to be made. However, it is recommended that you and your child visit the school before they return to look at what might need to be changed. It is important to involve your child in this process and encourage the school to ask your child what they would like to be adjusted. Back Up has volunteers who have a spinal cord injury, and are able to visit schools to help look at what adjustments might need to be made.

On what grounds can the school refuse to make reasonable adjustments?

Answer: Schools can refuse to make a reasonable adjustment on the grounds that it would cost so much that it becomes unreasonable. However, the school needs to be able to justify this and prove that the cost is excessive. Adjustments do not need to be costly. Staff should be encouraged to think creatively to find other solutions.

Example: A school cannot afford to put a lift into the old building, but classroom timetables can be rearranged so that the student does not need to access rooms upstairs but can still attend all their lesson choices with their peers.

Who is responsible for funding of reasonable adjustments?

Answer: Schools and colleges are responsible for ensuring that they have appropriate resources in place to make reasonable adjustments. If expensive adjustments are required schools and colleges may benefit from funding sources to improve access for disabled students such as the Schools’ Access Initiative.

There is more detailed information about the legal responsibilities of schools and local authorities in section 1.5.

Resources

The direct.gov website has very clear information for parents of children with disabilities. This includes rights in [education](#) and general [advice](#)

The Advisory Centre for Education has lots of great resources and advice for [parents](#) and on [disability discrimination](#)

You can get advice on education through the [Independent Parental Special Education Advice](#) website

You can read more about reasonable adjustments on the [Equality Human Rights](#) website.

The [special needs kids](#) website has lots of information rights and benefits.

[Independent Parental Special education Advice](#): Advice on how to complain

[The Children's Society](#) runs services and can offer advice

Information on the [Legal Duties](#) of public bodies towards disabled children in a time of cuts

[Direct.gov website](#): find out more about access to education for children with medical needs