



## DISABILITY POLICY

### AIMS

The aims of this policy are:

- to afford opportunity to employees and children who are disabled;
- to ensure compliance with recent legislation
- to have regard to guidance issued by the Disability Rights Commission.

### OBJECTIVES

Thomas's Kindergarten will:

- maintain and drive a positive culture towards inclusion of disabled people in all the activities of the Kindergarten;
- train staff to understand the types of disabilities and how to deal with employees and children who are disabled. Staff will not be expected, unless medically qualified, to administer medication;
- adopt user-friendly procedures for considering admissions from parents of disabled children, being prepared to make reasonable adjustments in the admissions process where appropriate;
- implement and review the Accessibility Plan with the aim of increasing the accessibility of the Kindergarten's curriculum, and to improve the physical environment of the Kindergarten and to improve access to information for our employees, children and prospective children;
- keep under review the Kindergarten's Admissions Policy, Equal Opportunities Policy, Anti-Bullying, Behaviour Management, SEND Policy in line with SENDA.

### DEFINITION OF A DISABILITY

- A disability is a "physical or mental impairment which has a substantial, long-term, adverse effect on day-to-day activity" (Disability Under the Equality Act 2010) By way of further explanation:
- Physical disability includes medical conditions for which a person needs to use a wheelchair, for example, cerebral palsy or brittle bones.
- A mental impairment is a recognised mental illness which has been diagnosed, a severe learning difficulty or a psychiatric illness.
- "Long-term" means a period of 12 months or longer.
- An "adverse effect on day-to-day activity" means having a 'significant and material' effect on the following:  
Mobility; manual dexterity; physical co-ordination; continence; ability to lift carry or move everyday objects; speech, hearing or eyesight; memory or ability to concentrate, learn or understand; and perception of the risk of physical dangers.

Case law indicates that "significant and material" means "more than minor or trivial".

Other disabilities which may amount to disability include:

- severe disfigurements, scarring conditions and birthmarks (but not including tattoos or piercings);
- progressive conditions which will result in a substantial long-term adverse effect on day-to-day activity;
- a controlled impairment, i.e. a person with a prosthesis, or a person with drug-controlled epilepsy or diabetes;
- a history of impairment, for example a person who used to be disabled and has recovered, for example, a person with a previous mental illness.

Disability does not include:

- hay fever sufferers;
- a person with anti-social tendencies such as paedophilia and/or abusive behaviour
- a person diagnosed as HIV positive, until they exhibit physical symptoms or related conditions
- a person who has a behavioural difficulty, for a reason other than a disability, for example, arising from social or domestic circumstances
- a person who is addicted to nicotine, alcohol and other non-prescribed substances

The registration or admission form will enable the parents to give details of their child's disability.

Every application will be considered on its merits within the Kindergarten's criteria for selection on grounds of the child's ability and aptitude.

The Kindergarten will treat every application from a disabled child in a fair, open-minded way.

The Kindergarten will, if appropriate, request from the parents or previous setting, full details in the form of medical reports, educational psychologist reports and any other report which assesses the child's disability so that the Kindergarten can make an assessment of the adjustments that would be needed in order to provide adequately for the child's physical and educational needs.

The applications will be considered on the basis that all 'reasonable adjustments' have been made by the Kindergarten in order to cater for the child's disability. (See definition below)

The Kindergarten will not offer a place if, after all reasonable adjustments have been made, the Kindergarten will not be able to provide adequately for the child's physical and educational needs.

The Kindergarten shall inform the parents of their decision and give details of the reasonable adjustments they are going to make or give reasons why the offer of the place is declined.

## **EDUCATION AND ASSOCIATED SERVICES**

The Kindergarten has an on-going duty to make reasonable adjustment in respect of the education and associated services provided. This is a broad expression that covers all aspects of Kindergarten life. The range of activities that are covered by the expression include:

- the curriculum
- room organisation and timetabling
- access to Kindergarten facilities, toileting and personal care

- kindergarten sports
- kindergarten policies
- breaks and lunchtimes
- visits and other activities
- preparation of children for the next phase of education

## **REASONABLE ADJUSTMENTS**

The Kindergarten is legally required to make 'reasonable adjustments' in order to cater for a child's disability. The Kindergarten is not legally required to supply auxiliary aids or services or to make any alterations to the physical features of the Kindergarten.

- The Kindergarten shall inform the child and parents of the reasonable adjustments that the Kindergarten is legally required to make for that child, which may typically include:
- Rearranging Kindergarten sessions to allow a child to attend a class in an accessible part of the building;
- Arranging a variety of accessible activities.

The Kindergarten is not legally required to make adjustments which include:

- physical alterations such as the provision of a stair-lift or new ground floor facilities;
- auxiliary aids and services such as a loop for children with hearing aids; large LCD screen computers and disability trained classroom assistants.

If parents are willing to pay for auxiliary aids and services, the Kindergarten will carefully consider any proposals and will not unreasonably refuse any requests for such aids and services to be provided.

## **DISCLOSURE**

Parents will be requested to provide the Kindergarten with copies of their child's latest medical report, educational psychologist's report and any other information regarding the child's disability.

If, following the offer of the place, it is discovered that the Kindergarten has not received full disclosure of information relating to the child's disability and the Kindergarten is not able to make reasonable adjustments for those disabilities, then the Kindergarten may withdraw the offer of a place, or ask the parents to withdraw a child who is already at the Kindergarten.

## **REVIEW PROCEDURE**

Parents may request a review if the Kindergarten decides it is unable to offer their child a place on the grounds of disability. The request must be made as soon as possible and in any event within seven days of the decision being notified to the parents. The Head will advise as to the procedure under which such a review will be conducted.

## **ACCESSIBILITY PLANS**

The Kindergarten has prepared an Accessibility Plan which is available, on request, to all parents and staff. Please see: SENDA Policy.

The Accessibility Plan includes consideration of how the Kindergarten proposes to:

- increase the extent to which disabled children can participate in the Kindergarten’s curriculum
- improve the physical environment of the Kindergarten for the purpose of increasing the extent to which disabled children are able to take advantage of education and associated service
- improve the delivery of information to disabled children which is usually provided in writing to children who are not disabled

The plan will be reviewed every year, to ensure that the Plan is up-to-date and covers all aspects of Kindergarten life.

**REFERENCES**

This Policy has been informed by:  
 ‘Disability Under the Equality Act’ (2010) as amended by the Special Educational Needs and Disability Act 2001 ("SENDA");  
 The Special Educational Needs Code of Practice (0-25) (2015)

**See also:** [Admissions Policy](#), [Equal Opportunities Policy](#)

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|--|-----|-------------------------------------|------------|
| <b>This policy will be reviewed annually</b> |     |                                     |            |
| Latest Review: February 2020                 | By: | Kathy Ballantine, Kindergarten Head | No changes |
| Next Review: February 2021                   | By: | Chantal Baard, Kindergarten Head    |            |