

A photograph of three children peeking from behind a brick wall. The child in the foreground is a young girl with blonde hair, wearing a blue school uniform and a pink sash, smiling broadly. Behind her, another child is partially visible, and further back, a girl in a maroon school uniform looks towards the camera. The brick wall is dark and textured, running diagonally across the frame.

# Extending inclusion

Access for disabled children  
and young people to extended  
schools and children's centres:  
a development manual

Philippa Stobbs  
Council for Disabled Children

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# Foreword



I am very pleased to introduce this report from the Council for Disabled Children, which has been looking at access for disabled children and young people to children's centres and extended schools.

We want every child to be able to reach their potential, in early years and in school, and make a successful transition to adulthood and the world of further and higher education, training or work. Disabled children and children with special educational needs are very much part of this vision. Support for children in learning and developing life skills should begin from their earliest years and continue throughout their school life and beyond, so they grow up happy and healthy and they achieve their goals. Children's centres and extended schools are key to the achievement of our Every Child Matters vision.

We know that many children's centres and schools already offer real opportunities for learning for all, both inside and outside the normal school day. There is much going on across the country from which we can learn and on which we can build. We are making very good progress towards our commitment for a children's centre for every community and every school providing access to extended services by 2010. And we have announced additional investment to underpin delivery – Sure Start Children's Centres and Sure Start Local Programmes revenue will increase significantly, bringing total funding in 2010-11 to more than £1bn, and we will invest more than £1.3bn over the next three years to support the development of extended services and activities in schools.

But we must recognise that achieving the vision will present a big challenge in many areas. Disabled children and their families have to be confident that services can meet their needs and be reliable and affordable. In

accessing provision, some disabled children and their families have encountered barriers; in providing access, some children's centres and schools have encountered challenges. We are dedicated to promoting the welfare and interests of disabled children, and improving the support they receive. So we asked CDC to look carefully at these issues, working closely with local authorities, children's centres, schools and other partners to explore and identify good practice that will help those developing services to meet the challenges and overcome the barriers. This guidance shares developing practice, taking account of the views of disabled children and young people and their families. It is consistent with, and complementary to, the Early Support Programme, the Government's mechanism for achieving better coordinated, family focused services for young disabled children and their families across England.

I would like to thank the CDC for their hard work and commitment over the period of this project and for producing this manual. I hope that children's centres, schools and all those working in the sector and involved in service coordination and provision will find this a useful tool which helps and supports them in developing activities and services which all children, whoever they are and whatever their background, are able to take part in and enjoy the many benefits, leading a happy and prosperous life and fulfilling their potential.

A handwritten signature in black ink that reads "Beverley Hughes".

**Beverley Hughes**  
*Minister of State for Children,  
Young People and Families*



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The text of *Extending Inclusion*

# Extending Inclusion: a bit about the project

The Council for Disabled Children (CDC) undertook this project to identify effective practice in including disabled children and young people in children's centres and extended schools. *Extending Inclusion* was commissioned by Sure Start, Early Support and the Department for Children, Schools and Families (DCSF). It was originally commissioned as two projects: one reviewing access to and inclusion in children's centres for young disabled children and their families; the other reviewing access to and inclusion in extended schools provision for disabled children and young people. However both projects were designed to:

- identify practice that promotes access to extended services for disabled children and young people;
- identify practice that promotes the participation of disabled children and young people in extended services;
- share this developing practice;
- take account of the views of disabled children and young people and their families;
- be developed with partner local authorities, their schools, services and local voluntary organisations.

As the projects got under way, it became apparent that many of the issues would be common to both projects and the two projects were merged into one.

*Early Support*<sup>1</sup> contributed to the funding and oversight of the project. In addition it forms an important part of the context for work with children's centres and extended

schools and the development of policy and practice.

CDC worked with partner organisations and with five partner local authorities, their children's centres, extended schools, voluntary organisations, parents and children and young people. The partner authorities already had a focus on disabled children and young people either through their involvement as an Early Support pilot or as a pathfinder children's trust with a particular focus on disability.

## Extending Further

CDC is undertaking an additional piece of work, *Extending Further*, which runs until March 2008 and links access and participation in children's centres and extended schools to the disability equality duty. CDC is working with services on ways of monitoring the take up of children's centres and extended schools by disabled children and young people. CDC is working in partnership with other agencies to embed into mainstream training and development work effective practice in including disabled children and young people.

# Introduction

Extended schools and children's centres are designed to provide extra learning opportunities, childcare and easy access to a range of services for all children and young people and their families. For families with disabled children extended activities offer new opportunities for participation in their community. But for how many is this a real offer? Disability discrimination legislation requires all services to make reasonable adjustments and places a disability equality duty on 'public authorities.' It is essential that children's centres and extended schools are developed in a way that is accessible to disabled children and that all staff have the confidence and support to ensure that disabled children are able to participate fully.

## Children's centres and extended schools

Children's centres and extended schools are designed to support children and young people in achieving the five outcomes set out in *Every Child Matters*, to:

- stay safe;
- be healthy;
- enjoy and achieve;
- make a positive contribution; and
- achieve economic well-being.

The vision for children's centres is both broadly inclusive and quite specifically targeted to reduce inequalities in outcomes between the most disadvantaged children and the rest. In consequence, priority has been given to the development of children's centres in the most deprived areas of the

country. In these areas children's centres must provide the following core services:

- integrated childcare and early learning;
- child and family health services, including ante-natal care;
- outreach and family support services;
- links with Jobcentre Plus for training and employment advice;
- support for childminders;
- support for children and parents with special needs.

In the less disadvantaged areas there are similar requirements, though the requirement on integrated childcare and early learning becomes a requirement to provide drop-in sessions and activities for parents, carers and children.

The vision for extended schools is equally focused on children's well-being, as set out in the Every Child Matters outcomes, and makes clear linkages to children fulfilling their potential and achieving good educational outcomes:

Well-organised, safe and stimulating activities before and after school provide children and young people with a wider range of experiences and make a real difference to their chances at school. It gives them the opportunity to keep fit and healthy, to acquire new skills, to build on what they learn during the school day or simply to have fun and relax.

Department for Education and Skills  
(DfES) (2005)

Extended schools offer:

- a varied menu of activities (including study support and play) and childcare. For primary schools this means providing access to a varied menu of activities, combined with childcare, from 8am to 6pm, five days a week, 48 weeks a year. In secondary schools this means access to a varied menu of activities which also offers young people a safe place to be from 8am to 6pm during term time and more flexibly in the holidays;
- parenting support, including family learning;
- swift and easy access to targeted and specialist services;
- community access to school facilities.

The Government is clear that '*Children with disabilities and/or special educational needs must be able to access all extended services*' (DfES, 2005). However, evaluations of the development of children's centres and of extended schools show that some of the families who may most need these services are not accessing them. This includes disabled children and young people and their families. In their second year of evaluation of Full Service Extended Schools, Cummings and others (2006) indicated that future developments may need to involve:

6 finding ways of engaging the most vulnerable and marginalized people as well as those who are easier to reach.

The National Audit Office (2006) examined a range of data and visited 30 children's centres. Most centres were developing their services and some of these developments were making services more relevant to some families. The report says that:

6 Less progress was being made in improving services for fathers, parents of children

with disabilities and for ethnic minorities in areas with small minority populations.

Research shows that good quality early childhood learning and care can prevent difficulties later (Sammons and others, 2003). Disabled children are amongst those most in need of such provision but are amongst those who are least likely to access it. Equally, with the mothers of disabled children more likely not to be in employment than mothers of children who are not disabled (Wooley M, 2004) the need for appropriate childcare and education is high. Disabled children and their families are amongst those least likely to access provision but they are also amongst those who are most likely to benefit from it (Sylva and others, 2003).

The purpose of the *Extending Inclusion* project was to identify both the barriers and the solutions that services are exploring to ensure that disabled children have the same access to these opportunities as other children.

### **The Disability Discrimination Acts 1995 and 2005**

The Disability Discrimination Act 1995 (DDA) has applied progressively to employment and to the provision of goods and services since it came into force in 1996. The Special Educational Needs and Disability Act 2001 brought in changes that extended the coverage of the DDA to include education so that, since September 2002, it has been unlawful to discriminate against disabled children and young people in the provision of any service.

The DDA duties apply differently to schools and to non-school providers of childcare and education. The duties that apply to provision made by youth and community services are different again. However, there are common elements in the DDA that apply to all providers.

The DDA sets out two main duties. These apply to all providers under both Parts 3 and

4. A failure to comply with these two duties may amount to unlawful discrimination. The two key duties are:

- not to treat disabled children 'less favourably', and
- to make 'reasonable adjustments' for disabled children.

The Disability Discrimination Act 2005 brought in the disability equality duty for all 'public authorities.' In addition specific duties, which include the development of a disability equality scheme, apply to some public authorities. Schools and local authorities are included in the specific duties. These duties apply to the provision made by schools and local authorities but also need to be taken into account when schools and local authorities procure goods and services from other agencies to whom the duties may not apply, for example, where extended school provision or a children's centre is run by a voluntary organisation or a private company.

### The planning context

Services are now planned within the framework of *Every Child Matters* (see above). Children's Trust arrangements cover responsibilities for planning and commissioning services for children, local authorities draw up a Children and Young People's Plan bringing together social care, education and other services. It is crucial that, in planning extended day provision, local authorities bring together their responsibilities under disability discrimination legislation, the Childcare Act 2006 and the Children Act 2004, and link the development of children's centres and extended schools to their responsibilities to undertake childcare sufficiency assessments and to work with other agencies to reduce inequalities. Plans therefore need to take account of every type of provision all the year round: from holiday playschemes to after-school clubs, from early years provision in the private and voluntary sector to the provision made by childminders and networks of childminders, from children's centres to wraparound care in extended schools.

The childcare duty applies to children up until the first September after their

fourteenth birthday. However, for disabled children it applies until they reach the age of eighteen. In addition, the Education and Inspections Act 2006 requires local authorities to secure access to educational leisure-time activities to improve the well-being of children and young people aged 13-19 and up to the age of 25 for young people with learning difficulties. So, in addition to thinking about a range of provision, local authorities need to plan across the age-range.

Local authorities are required to work with other agencies so that all aspects of early childhood services are planned and delivered in integrated ways that maximise access and the benefits for young children and their families. However services are organised, agencies are required to work together. They may also share their resources and pool budgets. In many cases joint working will be through the co-location of services. Children's centres have a particular role to play for families with disabled children where this multi-agency support is in one place. However, accessing services depends on effective partnership working with parents and carers. *Early Support* has an important role to play here. The coordination of services, partnership working and joint family-focused planning form the bedrock of the *Early Support* approach. The Government expects *Early Support* to be a mainstream, standard component of the integrated services that local authorities and Primary Care Trusts provide for families and children.

The achievement of the five outcomes for disabled children and young people depends, as it does for others, on access to all the opportunities afforded by a range of services including those provided through children's centres and extended schools. The focus then needs to be on ensuring equality of access for disabled children and young people and their families to these services.

### Work in progress

The Government has set targets for the development of extended schools and children's centres. The aim is that by 2010:

- there should be 3,500 children's centres; and

- all schools should be providing access to a core set of extended services and activities.

In addition, individual local authorities have targets for the number of children to reach through their children's centres.

The period during which the *Extending Inclusion* project took place was one of rapid development and expansion of extended services. In September 2005 there were 350 children's centres, by September 2006 there were 1,000 and, by September 2007, over 1,500. Over a similar period there was a rapid expansion in the number of extended schools, from under 1,000 in June 2006, to over 3,000 by September 2006 and over 8,000 by September 2007, exceeding government targets at each stage.

Over the same period, new legislation, new policies, new guidance and a new framework for learning and development have focused the work of children's centres and extended schools even more sharply on addressing inequalities. Some of these developments contributed significantly to *Extending Inclusion*, in particular the DfES and Disability Rights Commission (2006) resource *Implementing the DDA in schools and early years settings*. For other developments, the effects on practice fell beyond the period of the practical work with our partners, but change the context in which future developments are planned. In Section 5, *Next Steps*, we return to these issues.

With the focus very much on expansion, the partners with whom CDC worked: local authorities, schools, children's centres and voluntary organisations were all developing their approach and managing significant related change at the same time. None discussed their work as their 'final draft'; all talked about how they had got to where they were, why they were approaching current challenges in the way that they were and how they hoped to move forward.

## **The shape of the manual and how to use it**

What CDC sets out here is based on a snapshot, taken at a particular moment in time and at a time when services were developing rapidly. This manual is structured

around these developments and maps out the process by which local authorities are seeking to ensure that disabled children are included in children's centres and extended schools provision.

Local authorities will find this manual a useful resource to refer to in meeting their responsibilities under the Childcare Act 2006 and developing plans to improve the well-being of young children and to reduce inequalities in the early years.

This manual is designed to support a local development process. It follows the process that CDC worked through with the partner authorities in *Extending Inclusion*. The process is seen as common to a range of contexts: local authorities, services and individual extended schools and children's centres. In different settings the content and focus will vary. No level of the service is unaffected by the needs of, or by changes in, another level of the service. So, for example, changes in the way support is provided to disabled children in a particular setting may be shared with other settings and affect training requirements across a number of settings. Such changes may also lead to a re-examination of the way that funding is allocated to services and settings. Equally, a change in local authority policy, or the organisation of services, affects settings. The development process is multi-layered.

The process is set out in five stages. Stages are set out here as being discrete. However, in practice, stages merge, some stages need to run in parallel, some need to be revisited and, in different local authorities and different settings, different stages will need to be addressed in more detail than others. The stages also reflect the process that an authority might go through in order to develop its disability equality scheme and to address its responsibilities under other equalities legislation.

The first five sections of the manual address five identified stages of the development process:

### **1. Starting with the DDA**

Raising awareness of the DDA, the definition and the duties and considering how the duties interact with issues arising in different services and settings.

## 2. Developing information and data

Review/audit how many disabled children and young people are using services and how many could potentially access them but are not currently doing so.

## 3. Identifying barriers

Identifying the issues that may be creating barriers. This stage needs to be informed by the views of stakeholders: parents and carers, disabled children and young people, staff in settings and local authority officers.

## 4. Developing solutions

Planning and developing strategy, policy and practice through a range of approaches:

- sharing practice locally, regionally, nationally;
- interrogating the data;
- problem-solving.

## 5. Next steps

Setting priorities, developing a strategy, putting it all into practice and checking that it has happened.

## Appendix: Statutory duties

This section provides brief summaries of some of the relevant legislation. These can be used for reference and in training activities.

Throughout the manual there are thumbnail sketches outlining relevant practice, examples to illustrate a particular approach, quotes from parents and other material relevant to the discussion at that point. Many of these examples are described at greater length as case studies on the CD-ROM (a note in the corner of the box indicates whether there is a longer case study). Many practitioners, managers, parents and planners have permitted us to provide contact information so that those who wish to do so can follow up aspects of practice in which they may have a particular interest.

## CD-ROM

Materials to support the process are included in different sections of the manual and on the CD-ROM accompanying the manual. The resources on the CD-ROM include:

- training materials developed through the project;
- case studies reflecting particular aspects of practice in settings and services in our partner local authorities and in other authorities across the country;
- resources: published guidance and reports, tools and checklists; and
- the text of this manual which is available so that: materials can be copied and used in training and development activities; and text can be converted into other formats, for example large font, for increased accessibility.

The summaries of the DDA, some of the training materials and some of the tools on the CD-ROM are from, or are adapted from, the Department for Education and Skills (DfES) and Disability Rights Commission (DRC) (2006) resource *Implementing the DDA in schools and early years settings*. CDC wishes to thank the DCSF for their kind permission to use these materials.

As part of the training within the Extending Inclusion project, CDC made significant use of the DVD materials in *Implementing the DDA in schools and early years settings* (DfES and DRC, 2006). The use of the DVD material helped to inspire and to build a shared understanding of what is meant by reasonable adjustments and a shared vision of how to promote access and inclusion for disabled children and their families.

## A word about language

Throughout the manual CDC refers to disabled children and young people who have a particular impairment or medical condition. This reflects the language of the DDA. Where CDC quotes from other documents, particularly, but not only, in the resources section, the language is that used by the authors of those documents.

For ease of reading, we use the word 'parents' to stand in the text for 'parents and carers.'



# Starting with the DDA

Starting with a discussion of the DDA raises questions about who counts as disabled, patterns of take-up and local barriers to access and participation.

Many providers are already going beyond making reasonable adjustments to ensure that disabled children can access and participate in a range of settings and a variety of activities. However, development work brings together different agencies and different providers. Inevitably this means that there is variation in understanding the DDA and what it requires.

Some common misconceptions about the DDA:

- *'the DDA only applies to people with a physical or sensory impairment'*;
- *'alterations to improve access only apply to the physical environment'*;
- *'reasonable adjustments are likely to be costly'*.

In fact:

- the DDA does apply to people with a physical or sensory impairment but also to people with a wide range of other impairments, including learning difficulties and a range of medical conditions;
- physical alterations are only a small part of the changes that may be needed to enable disabled people to access services. Attitudes, policies and aspects of organisation are more likely to restrict access;
- whilst some reasonable adjustments may be costly, most reasonable adjustments cost little or nothing.

To ensure a shared understanding of responsibilities under the DDA, work in an authority, a setting or group of settings needs to start with a discussion of the DDA, the definition and the duties. This has a number of benefits:

- the shared understanding of the DDA informs subsequent discussions and development work;
- it highlights areas that may otherwise be overlooked in terms of developing access and participation;
- it provides a focus on disabled children and young people;
- it supports the discussion of who counts as disabled;
- it leads directly into discussions about barriers and from there to both current and potential solutions;
- it can increase the capacity, confidence and commitment of staff in working with disabled children.

It is important to start with a shared understanding of how the DDA applies to extended schools and children's centres. Materials in the Appendix and on the CD-ROM can be used to support training activities and discussion of the DDA.

Set out below are some of the key considerations that need to be taken into account in the DDA discussions:



### **Definition**

The issue that arises at every level of the service is the definition of disability in the DDA. The common perception is of a narrow definition covering physical and sensory impairments. In consequence, there is a tendency to think of access requirements as being focused on, or even limited to, alterations to the physical environment. The approach may then be further limited by an assumption that any changes will be very costly and that, in consequence, they will have to be delayed until sufficient funding is available. This may encourage the view that there is nothing to be done, or nothing to be done yet.

Ensuring a proper understanding of the definition in the DDA is therefore fundamental to thinking broadly about access and participation and to the development of a problem-solving approach, including the identification of many reasonable adjustments that may be low cost or no cost to implement.

High Fell Children's Centre worked with the local children's trust to develop a specific piece of work to support access and inclusion for disabled children and their families. This work started with a training and planning day focused on both existing and new DDA duties and how they would relate to work in the Children's Centre. The day was attended by staff from the centre, the co-located school, SENCO, health and social care staff, children's trust managers and local authority strategic planners.

Case study 1 on CD-ROM

Ensuring a proper understanding of the definition in the DDA is therefore fundamental to thinking broadly about access and participation and to the development of a problem-solving approach, including the identification of many reasonable adjustments that may be low cost or no cost to implement.

## Duties

Whilst the core duties in the DDA: 'less favourable treatment' and 'reasonable adjustments' are not reliably understood, many settings already demonstrate a commitment to access and inclusion that takes them beyond the requirements of the DDA. However, such a commitment is not universal and there is a continuing need to:

- develop an understanding of how the DDA applies in practice in children's centres and extended schools;
- develop an understanding of what reasonable adjustments may involve in these settings;
- develop an understanding of the simple practical nature of many reasonable adjustments;
- develop an understanding of the factors that make it easier for staff in children's centres and extended schools to make reasonable adjustments.

The implementation of the 2005 duties from December 2006 provides an important spur to promoting disability equality in children's centres and extended schools. An understanding of the disability equality duty, and how it applies across the pre-existing DDA duties, is important both to the implementation of the duties themselves and to knowing whether an authority, a school or a setting is securing increased participation of and improved outcomes for disabled children and young people.

The disability equality duty is helpfully discussed as an on-going process of 'plan, do and review' and includes:

- the development of a vision;
- the involvement of disabled people, both children and adults;
- the gathering of information;
- impact assessments across all policies and practices;
- the development of an action plan;
- the review of the success of the disability equality scheme.

The approach must encompass the different parts of the DDA: Parts 2 and 3, with Part 4, in addition, for schools. The duties apply differently according to the nature and governance of the provider. The provider needs:

- to develop its own disability equality scheme, where the governance is through a school; or
- to contribute to a local authority scheme, where the provider is not constituted as part of a school; or
- where it is a contractor, contribute to the school or local authority scheme as agreed through the contract that governs the provision.

There are brief summaries of the legislation in the Appendix at the back of this manual. On the CD-ROM accompanying the manual, there are materials to support training on the DDA: there are PowerPoint presentations and scenarios for discussion.



# Developing information and data

Gather information and data to inform the starting point.

In order to make sure that children's centres and extended schools are accessible to disabled children and their families, there is a need to start with a sound understanding of the local population of disabled children. There are several local sources of data to draw on:

- the number of low birth weight babies born in the area;
- numbers of children on the Disabled Children Register;
- information gathered as part of the Children and Young People's Plan;
- information on children with special educational needs (SEN) from PLASC<sup>2</sup> returns from local schools.

The need to gather information to inform planning processes is increasing significantly with the requirements of:

- the disability equality duty;
- the collection of Children in Need census data (2008);
- Childcare Act audits (by April 2008).

The need for data on young disabled children (0-5) increases with the introduction of statutory guidance on the Early Years outcomes duty in the Childcare Act 2006. This includes an expectation that local authorities will collect, pool and analyse data and research from across their own sources and those of their partners to build up a single shared needs assessment for young children and their families across the area.

There are several considerations to be taken into account in gathering information:

- the breadth of the definition in the DDA. This goes wider than definitions used in drawing up local authority registers of disabled children;
- whilst schools currently gather information on children with special educational needs, via the annual school census, there are children who have a disability but who do not have SEN, and vice versa, so there is not a direct read across;
- the largest group of children who may count as disabled but who do not necessarily have SEN as well is probably the group of children with a range of medical needs, including those with severe asthma, severe eczema and those with conditions such as diabetes, epilepsy, childhood cancer and a range of other conditions;
- the DCSF has commissioned a research project to examine a range of ways of going about the collection of disability data.

Local information can be considered against the national statistics that indicate that:

- about 7 percent of the total child population is disabled;
- about 20% of all children have special educational needs.

Some local authority data on pupil progress is highly sophisticated in its analysis and, whilst it relates to SEN, it is reasonable to make some read across to disability. At the moment such data relates to pupil progress not to take-up of extended schools and children's centres. For use in informing disability equality schemes and in planning



and informing progress on inclusion in extended schools and children's centres, the data needs to be collected at a school or centre level.

“ In one authority officers are examining the register of disabled children to see how many of them are accessing extended services.

“ One County Council is specifically setting out to increase the take-up of extended services by disabled children.

Some local authorities have brought together information on disabled children with more complex needs and know what services are being used by this group of children and their families.

The London Borough of Enfield is improving the information it holds on the provision used by disabled children. The numbers attending after school provision have increased from 150 in 2005 to 205 in 2006. Those attending holiday playschemes have increased from 326 in 2005 to 447 in 2006.

Case study 2 on CD-ROM

Information needs to go beyond the numbers of disabled children attending provision. It is important, for example, to have information on:

- the type of provision being used by disabled children and their families, for example: are musical and sporting activities being used? Is provision being used where it is not on the same site as the child's education?
- whether there is a different pattern of take-up for children with different types of impairment;
- whether disabled children from black or minority ethnic families are accessing provision, and whether there is a different pattern of take-up by families from different ethnic communities;
- the number of sessions attended;
- children placed out of authority, who may need weekend or school holiday provision;
- levels of unmet need.

In addition, information on the quality of the provision needs to be considered:

- how well children are learning and developing within a setting;
- turnover: whether disabled children stay in provision as long as other children do.

Many settings include into their core work the use of quality standards, quality assurance or quality improvement schemes, and many local authorities promote the use of such schemes to support the review and improvement of the quality of provision. Some schemes focus on inclusion and some

In Gateshead the Accessibility and Strategy Group are leading work to run a 'mapping' exercise to identify all disabled children. This is to aid strategic planning for 2010. The Group has funds to allocate to improve access, for example, for the production of guidance materials. There is an authority-wide Accessibility Strategy in place.

Case study 3 on CD-ROM

specifically on the inclusion of disabled children. Several schemes are described in the Resources section on the CD-ROM. In some cases checklists and other supporting materials are also included.

Other aspects of available resources need to be considered, for example, whether skills and expertise in one setting can be shared with another to enable disabled children to be included. Feedback from children and young people themselves can be an important measure of the quality of the provision. In the next section this aspect of information is developed as part of the analysis of the barriers that exist for disabled children and young people and their families in accessing provision.

Improved collection of information and data is crucial, in order to know whether there is any increase in the use of children's centres and extended schools by disabled children and young people and their families and any improvement in the quality of their experiences.





# Identifying barriers

Understanding barriers is a stepping stone to identifying solutions. This stage needs to be informed by the views of parents and carers, children and young people and staff.

A section dedicated to identifying barriers may seem to focus unduly on negative aspects of provision. However, some time invested in developing an understanding of the barriers that exist holds significant potential for identifying solutions that will lead to more accessible and inclusive provision in the future. An understanding of barriers is not an end in itself; rather it is crucial to the identification of solutions. Whilst this section focuses on barriers, it is integrally linked to the next section on developing solutions.

In identifying barriers to local provision, it is important to listen to the views of disabled children and young people themselves, their families and staff working in a range of local services. Hearing what local voices are saying is a crucial source of information that can shape how services are developed to become more inclusive in the future.

In the Extending Inclusion project CDC sought the views of parents and carers and children and young people in a variety of ways:

- in one local authority the parent partnership service convened a series of meetings with parents of disabled children over Autumn 2005 to Spring 2006;
- in two local authorities, Contact a Family consulted with parents of disabled children on the design of new children's centres. Their reports fed into the CDC work;
- in one authority a voluntary organisation consulted a group of

young people about out of school and after school activities;

- the views of young disabled people in transition were sought through the Transition Information Network;
- the Early Childhood Unit at the National Children's Bureau commissioned a study of the views of young disabled children using children's centres;
- where CDC visited schools and settings, they sought the views of the children and young people with whom they met.

Staff in children's centres and extended schools, local parent and carer organisations and local authority officers with related responsibilities should also contribute their views. They are well-placed to have an informed view about the barriers that frustrate access for disabled children and young people and will be an important part of identifying solutions and implementing them. Staff who are already working with families, for example in outreach services from a children's centre, are particularly well-placed to influence the understanding of barriers.

Whilst talking about barriers, the same group of people will start to explore and identify solutions and possible ways forward. This is particularly the case where barriers arise from false assumptions. False assumptions may exist for both families and for settings, for example: staff may assume that they do not have the skills and expertise



to work with a particular child or young person. At the same time, parents may assume that their local provision may not be able to provide for their child's needs. In practice, an open exploration of the child's needs and the potential of the setting to develop staff skills or change the way that provision is organised may lead to a resolution. The open discussion is a crucial starting point.

A number of published studies can also helpfully inform an understanding of the barriers for disabled children and young people and their families. Particularly relevant to this work are:

- the Eastern Region SEN Partnership and Sure Start Project (2005) *Joining In*;
- Joseph Rowntree Foundation (2006) report, *Inclusion of disabled children in primary school playgrounds*;
- Barnes, Corker and others (2000) *Lives of disabled children*;
- the Disability Rights Commission report (Lewis, Parsons and Robertson, 2007) *My school, my family, my life: Telling it like it is*;
- *Listening to Parents of Disabled Children*, a report for the London Development Agency by the Daycare Trust (2007).

Several sources identify factors that create barriers to the participation of disabled children in extended schools and children's centres. Some of the most significant barriers identified are:

- lack of information for parents and carers;

- attitudes of staff and managers in children's centres and extended schools;
- parents' concerns about safety and staff skills;
- lack of appropriate staff training and development;
- transport;
- funding and charges.

To a lesser extent the physical environment is also identified as a factor.

In this section each of these issues is considered in turn. For each issue the views of parents, carers and disabled children and young people themselves are considered first. In the next section, *Developing solutions*, CDC then identifies relevant solutions, drawn from the work with local authorities.

### **Lack of information for parents**

Lack of information, or inadequate information, is often identified as one of the factors affecting access to children's centres and extended services for disabled children. Many parents of disabled children do not know what services are available, what support there might be for their child to attend different types of provision or what funding may be available. Parents say that their access to information is too dependent on individual circumstances: the social worker they have seen, the other parents who pass on information by word of mouth.

The information duties in the Childcare Act 2006 place new and specific requirements on local authorities to provide information for parents of disabled children on childcare that is suitable for them and on other services, facilities and publications that may be of particular benefit to them.

In one locality parents were sending their children to a special school with extended day provision outside their local community, when there was an inclusive local children's centre and primary school that was willing and able to meet their children's needs. Staff identified lack of information about local facilities as being a contributing factor.

Although general information may be available, there is often little specific information to help the parents and carers of disabled children.

According to parents, there are considerable problems with the provision of information about childcare and childcare entitlements for parents of disabled children. Information is hard to find and difficult to understand and many parents rely entirely on word of mouth. It is also believed that for parents who are not in contact with other parents and are not engaged with any groups are in danger of not receiving any childcare information at all. Knowledge of the Children's Information Service (CIS) is extremely low, and they are perceived as being largely irrelevant for disabled children. Parents need a source of official, comprehensive information that is easy to access for all – for instance, through outreach workers.

The Daycare Trust (2007)

### Attitudes

Not all settings provide a ready welcome for disabled children. Parents report how, in a variety of settings, including leisure services, they encounter a range of responses to their child.

One parent encountered extremes of welcome and rejection. On investigating one provision, she was told, 'Your son is too disabled to come here.' In another provision that she investigated, her son was welcomed warmly, but, on returning to join the agreed activity, it was apparent that no thought had been given as to how her son might be supported. The mother found this as unsatisfactory as the provision that rejected her son immediately. In both instances, she felt that a relatively brief discussion would have been all that was required to determine what support her son might need and how he might have been included.

Case study 4 on CD-ROM

### Parents' concerns

Having the appropriate support in place is essential to parental confidence in their child's safety in the provision. Parents may know, or assume, that appropriate support is not available, and so know, or assume, that their child cannot attend the provision. There are parents who, for example, know that a support assistant who works individually with their child during the school day is not available after school hours and so they assume that their child cannot attend after school provision.



This assumes that the model of 1:1 support provided during the school day is appropriate beyond the school day. For a very small number of children with high level needs, this may be the case. However, for many children and young people 1:1 support from an adult may not be necessary or appropriate.

For some children there will be times during the extended day when they need support in a 1:1 relationship, for example:

- over the period of transition into a setting;
- as a settling in period at the beginning of each session;
- at snack or meal times;
- for personal care.

However, assumptions about the provision of 1:1 support appear to apply beyond this group and 1:1 may not always be the best solution. There is some evidence from the classroom that the provision of 1:1 support may:

- result in too few opportunities to work independently (Ofsted, 2004);

- get in the way of the development of peer relationships (Barnes, Corker and others, 2000) (Farrell and others, 1999).

In some instances, where an individual member of staff is allocated to support an individual child or young person, there are further difficulties when that member of staff is absent. Some settings and some parents say that if the particular member of support staff is absent the setting is not able to accommodate that child on that day.

“ They can't cover sick leave.

### Staff training and development

Parents' concerns are not always about additional staffing, they are often about staff having the relevant skills. Parents report feeling that staff lack understanding of their child's needs and don't have the specific skills and techniques that are needed, or the opportunity to develop those skills.

In a survey of 507 children with a learning disability, Mencap (2007) found that 8 out of 10 children were scared to go out because of bullying.

“ The leader wanted me to stay with [deaf child] to interpret for him and supervise him.

Many disabled young people say that if staff had a better understanding of their needs they would be able to join in more. They feel that they are not allowed to take part in some activities because the adults in charge are concerned about their safety. Young people who experience these restrictions cite the adults' lack of understanding of their condition as the reason, rather than any real risk to them.

Many disabled children and young people say that they are concerned about being bullied. In a survey of 507 children with a learning disability, Mencap (2007) found that 8 out of 10 children were scared to go out because of bullying. In many cases this stops them from using mainstream services such as extended schools.

Some disabled young people say that their parents do not want them to attend after school activities. They pick up their parents' concerns about their safety and about the expertise of staff.

Parents need to see that the setting can make adjustments for children with different impairments. They also need to be confident that the appropriate adjustments will be made for their child. Parents feel that they are often not asked about simple things that enable their child to be included in a club or activity.

“ People just need to ask: 'What can we do to support your son?'

### Transport

Transport before and after extended day activities is identified by parents and carers, by many staff and by children and young people themselves as being a problem that frustrates their access to extended day provision. Transport is seen as being inflexible and unable to accommodate after-school clubs.

Many parents who have experienced the inflexibility of transport arrangements feel that they would not be able to secure changes, such as dropping their child off at a local club after school, instead of at home.

“ Why can't after school transport just take the child home later than usual if a regular club takes place?'

Some children attending special schools want to be able to take part in activities in a school near their home but are unable to do so because transport is not available to collect them later, or in some cases to drop them off at the right time and place. There is also an issue with timing, as many disabled young people get back to their home area too late to join in with the local activities.

All parents in work and on low to middle incomes will be entitled to tax credits and, where their child is on Disability Living Allowance, will automatically be entitled to the Disabled Child Premium.

The underlying cost of transport arrangements also makes this a difficult aspect of provision. In one authority officers had calculated the cost of an additional school run after extended day provision. They were fearful that someone would find out what it was costing and stop this additional run.

### Funding and charges

More parents of disabled children are lone parents and more families with a disabled child are living in or at the margins of poverty. Many parents do not feel able to take up paid employment. This may be because they are committed to caring for their child, but it is often because they have not been able to access reliable and affordable childcare arrangements that would enable them to be in paid employment. Parents in one local authority could not imagine that such arrangements could exist.

All parents in work and on low to middle incomes will be entitled to tax credits and, where their child is on Disability Living Allowance, will automatically be entitled to the Disabled Child Premium.

Parents who are not in work do not benefit from the Working Tax Credits that can cover up to 80 percent of childcare costs. In consequence, where extended day provision is available, but where it doesn't enable parents to be in work, parents have difficulty affording the childcare costs.

Some arrangements have been designed to keep down the costs to parents. These include:

- staff working extended hours for no additional pay or for a small honorarium;
- subsidy from charitable trusts;
- a combination of a small charge (below cost) and a charitable subsidy.

The difficulty with such arrangements is their reliability and sustainability. It means that some disabled young people cannot attend extended day activities every day that they would like to. Parents also talk about provision that they valued that had stopped because of lack of funding. If provision is not sufficient or sustainable, this further reduces the potential for parents to be in paid employment.

There are significant further challenges identified by local authorities in respect of the costs of including children with higher level support needs into extended day provision. It is anticipated that significant new funding announced in *Aiming High for Disabled Children: Better support for families* (HM Treasury and DfES, 2007) will help to address these challenges.

### Buildings and access

Parents talk much more about attitudinal and organisational barriers than about physical features of buildings that act as barriers. However, there are also many features of the built environment that make life more difficult for parents in accessing extended services for their child. Some provision simply does not appear very welcoming to parents and this may deter less confident parents and parents who are less certain of a ready welcome for their child.



Children with different impairments have different requirements of the physical environment, but many improvements made for disabled children benefit other users, for example, improvements to the acoustic environment that might be needed for children with a hearing impairment, benefit all users by reducing noise levels. The organisation of accommodation, the size of rooms within a setting and the availability of quiet areas have obvious implications in terms of the adequacy of the accommodation for disabled children and an immediate impact on parents' impressions of its appropriateness.

In addition to physical features of the buildings themselves the way the buildings are used can either frustrate or facilitate access. The amount of clutter in corridors and circulating spaces, temperature and noise levels all have an impact on the appropriateness of the facilities for disabled children.

Changes to the physical environment also need to take account of disabled parents bringing or collecting their child. Disabled parents say that the biggest barrier for them is the lack of a suitable car parking space (Disabled Parents Network: [www.disabledparentsnetwork.org.uk](http://www.disabledparentsnetwork.org.uk)) (Davies, 2006) (Davies, 2006a).



# Developing solutions

Developing solutions through strategy, policy and practice by: sharing practice and networking locally, regionally, nationally; problem-solving.

This section explores some of the inclusive solutions that local authorities, services and settings are developing. As far as possible, it links back to the relevant parts of the previous section and links solutions to identified barriers.

A clear picture of the barriers is an important starting point for identifying possible solutions. The exploration of possible solutions can be based on a problem-solving approach with colleagues, it can be focused on sharing good practice and networking locally, regionally or nationally or it may be a combination of the two. It may be prompted by changes in legislation, in this case changes in the DDA.

The problem-solving approach needs to start with the relevant people round the table. Different perspectives need to be represented: services and settings, parental and professional, statutory and voluntary. There may be tension as different perspectives challenge each other, but this tension can generate a creative energy. The identification of the barriers may interact with the exploration of possible solutions as participants check and redefine barriers and test out alternative solutions. The process may be demanding for participants but may be more effective in identifying appropriate local solutions and securing ownership and a better chance of implementation. Round-the-table discussions, though difficult and challenging, can be most productive in identifying practical ways forward.

This section is illustrated with some brief practice examples. These are intended to inform discussions in local authorities, extended schools and children's centres, not

to substitute for them. There is no suggestion that solutions or partial solutions in one location can necessarily be transferred to another. Equally, the process of identifying the barrier is an important part of identifying the best solution for a particular child, setting, service or authority.

The majority of the practice examples are drawn from case studies that are written up in more detail in the 'case studies' section of the CD-ROM.

## Information

Parents need both general information and more specific information about local provision.

High Fell Children's Centre and Felldyke Primary School in Gateshead did not feel that they were attracting all the local children that they might. 'We want to make Felldyke a place for all pre-school children,' said the head teacher. Many ideas for improving local take-up came from a development day at Felldyke. An immediate and practical development was the planning of information about the Children's Centre. Parents contributed to the thinking about the language in the leaflet and the images that were included. It included pictures of the entrance area and the reception staff so that new parents could have some idea of what to expect on arriving at the Centre. The leaflet is being made widely available. Health visitors are taking the leaflet with them when visiting families locally.

Case study 1 on CD-ROM



An important aspect of the High Fell/Felldyke information is the accessible, welcoming, parent-friendly format, but even more important is the outreach function that the information was designed to fulfil and the distribution of the information by health visitors in person.

For most parents their first concern is their child's safety. Knowing how their child will be provided for safely is therefore crucial to giving them confidence that their child could attend a particular setting. It is important that information that parents receive indicates ways in which children can be supported to participate in that setting. Parents are encouraged when, on a visit, they see that a setting is able to make adjustments. Equally they are discouraged if they do not see evidence of this. It is the reassurance about the capacity of the setting to make adjustments that can give parents the confidence that their child can also be included.

Tinsley Children's Centre in Sheffield includes a number of disabled children with a range of impairments and medical conditions. The Centre uses a discussion of risk assessments around children's medical conditions to both engage and re-assure parents about the ability of the Centre to provide for their child. One parent, who was originally very reluctant to leave her child and thought she would have to give up work, is now leaving her child at the Centre.

Case study 5 on CD-ROM

The *Early Support* materials provide a range of information for families. Where families have a number of different support needs and are accessing *Early Support*, their lead professional or key worker has a key role to play in informing families of the services available in their area.

Parents very much want one central place where information is readily available, one person who knows all the provision locally. The information duties in the Childcare Act 2006 place new and specific requirements on local authorities to provide information for parents of disabled children on childcare that is suitable for them and on other services, facilities and publications that may be of particular benefit to them.

### Welcoming ethos and attitude

For many children and young people, the welcome they receive in children's centres and extended schools, and their participation in a range of activities, depends on an openness and a 'can do' attitude from staff. This in turn is reflected in staff willingness to make reasonable adjustments for disabled children and young people.

Broomhall Nursery School and Children's Centre in Sheffield promotes a positive welcome for all children and an ethos that says 'can do.' Staff have developed skills in making reasonable adjustments for children with autistic spectrum disorders (ASD), attention deficit hyperactive disorder (ADHD), hearing and other impairments. Links with the Footsteps early intervention ASD team, the Portage team and the hearing impairment team have been crucial to the development of staff skills, but the starting point is the Centre's commitment to welcoming all children.

Case study 6 on CD-ROM

Extending that welcome to all children may require active steps on the part of children's centres and extended schools. Provision that includes disabled children has often developed outreach or made specific links with parents or special provision to ensure that they were included.

'extratime,' a voluntary organisation in Brighton, runs three extended schools in the City. Two of these are the outcome of joint working between a special and a mainstream school. At Woodingdean, extratime makes after school and holiday provision in a centre situated in the grounds at Downsview special school. Pupils from Downsview take up their full allocation of places at the provision.

Case study 7 on CD-ROM

Recognising that more detailed planning is needed to achieve inclusion, summer scheme provision and term-time clubs in Bradford have specifically targeted disabled children and children with complex health needs. Schemes work closely with care, education and health services to establish safe protocols that promote the child's engagement on activities. Parents are involved so that the protocols reflect their preferences. The summer schemes were developed in response to parental demand and places have increased from 180 to 850 over three years.

Case study 8 on CD-ROM

Parents may not seek a place in a group setting for a young disabled child. They may prefer a childminder who can provide their child with a domestic setting. However, childminders may form useful links with children's centres and it may be through this route that parents are introduced to inclusive provision in children's centres.

Where families receive additional support in the home or from community-based services, the people who work with them have a critical contribution to make in facilitating the approach of families to children's centres. The *Early Support* Family File can help in this process, enabling families to share their knowledge of their child with children's centre staff.



Importantly, children's views should inform the development of extended schools.

Through Mencap's me2 project a panel of young people developed standards that are used as part of the me2 kitemark for childcare and leisure services. The panel advises settings on the welcome they extend to disabled children and on all aspects of the accessibility of the service.

Mencap (in development)

Torbay has developed a 'holiday buddy scheme'. This brings together children aged 5 –12 attending the local mainstream playschemes with children attending the 'special needs playscheme,' in preparation for all the children attending the same playschemes.

## Staffing

A number of parents think that, because their child has 1:1 support during the school day, they will need the same support in provision beyond the school day. Clearly, a small number of children need 1:1 support from a member of staff. For other children and young people, different forms of support are more likely to promote their inclusion, support their interactions with their peers and ultimately their social integration. Some children need 1:1 at particular times and some settings have clearly considered carefully how to target support at the most critical times of the session. These times will be different according to the needs of the child:

Early Days Children's Centre in Sheffield has a welcoming room for childminders. This is well-used, but childminders also integrate into the drop-in and other facilities at the Centre. It is through this route that a number of parents of disabled children have seen their child engaging in activities at the Centre and have become comfortable with their child progressing to provision at the Centre.

Case study 9 on CD-ROM

A mother told us that her son has an autistic spectrum disorder. He travels from a special school to after school provision at a mainstream school near his home. The after school provision has an additional member of staff to support a number of disabled children who attend the provision. On arrival, the boy is greeted by the member of staff, who stays with him until he has settled in and is clear about the activities available that evening. The member of staff then gradually steps back as the boy joins in his chosen activity.

Case study 4 on CD-ROM



Some settings have made a significant investment in additional staffing to ensure that the provision works well for pupils with high level needs:

Extended day provision, run by a voluntary organisation, has enhanced staffing to reflect the high number of disabled pupils who attend. Many children who attend do need individual support at times during the session, some need it throughout. The provision operates a key worker system, but this does not mean that it is the key worker who spends the session with a particular child. This approach means that all staff work with all children and, in the event of staff absence, there is no question about the attendance of an individual child.

Case study 7 on CD-ROM

In this provision, staffing ratios are carefully calculated in the light of the particular children attending on any day. Usually about 6 members of staff support a total of 24 children, of whom 16 are disabled and many of whom have high level needs. The staffing levels are high and staff are trained to an exacting standard.

The way that a setting is staffed can significantly affect the nature of the provision and how disabled children are included into provision.

A secondary school in North London uses peer mentoring and buddying as part of its 'daytime' provision. The school has developed a partnership with a special school and in Saturday and holiday provision, run in a three-way partnership with a voluntary organisation. Students from the secondary school have acted as helpers.

Special schools in the south-west are recruiting and training parents to run extended activities.

A secondary school in the south-west includes resourced provision for children with ASD. The extended day activities are staffed primarily by the teaching assistants who support pupils during the school day. The teaching assistants make a conscious effort to step back and let young people find their own level and develop relationships.

Case study 10 on CD-ROM



## Training, staff development and support

Key to including disabled children into extended provision is the ethos of the provision and the attitude of staff. All staff skills and expertise need to be firmly rooted in a welcoming ethos and a 'can do' attitude.

*Working in Partnership through Early Support* is training developed to support the inclusion of young disabled children into early years settings. The training is designed to challenge professional attitudes, promote partnership working with families and induct professionals into the effective use of Early Support.

Resources on CD-ROM

There are layers of skill and expertise that contribute to the inclusion of disabled children. There are:

- skills that staff draw on all the time, for example: observation, behaviour management, inclusive play, working with parents. These are skills that staff draw on in their work with all children, but more so for disabled children;
- more specific skills that some staff need and draw on from time to time, for example: alternative methods of communication, moving and handling;
- individual techniques for use with particular children, for example: the administration of a particular medicine, a particular method of communication or a particular feeding technique.

'extratime' runs extended day provision and trains all its staff in some core areas, including: child protection; lifting and handling; a range of aspects of inclusive play; planning, observation, team work, disability awareness; general approaches to behaviour management; communication methods; working with parents and carers; key working. More detailed training is then provided on particular aspects. Depending on the children and young people attending the provision, this might be in the administration of particular medication, the use of particular communication methods, a particular approach to preventing or managing challenging behaviour.

Case study 11 on CD-ROM

An important part of inclusive provision is easy access to training, skills and expertise. Children's centres and extended schools are developing a range of ways to access these.

To share expertise and resources, special and mainstream schools in the south-west are developing clusters and planning jointly run holiday playschemes.

In a number of authorities, special schools are providing outreach support that extends to after school activities. In Blackburn a 'virtual special school' provides support to all of Blackburn's children's centres.

Case study 12 on CD-ROM



For children with complex needs, *Early Support* can secure effective multi-agency working, improving outcomes for young disabled children and their families.

Buckinghamshire commissioned the NCMA to provide a community childminding network for childminders working with disabled children and young people, and other 'vulnerable' groups. This provides training and support to local childminders in making adjustments to accommodate disabled children whose families request services.

Case study 13 on CD-ROM

## Multi-agency working

Close working between agencies has a wide range of benefits for disabled children and their families. It can:

- help to identify and address needs early;
- reduce the number of appointments and visits that families need to make;
- make for better co-ordinated provision;
- enable disabled children to join in activities with their peers; and
- act as outreach and draw children and families into provision that they might not have visited otherwise;
- improve outcomes for disabled children and young people.

For children with complex needs, *Early Support* can secure effective multi-agency working, improving outcomes for young disabled children and their families. The process is driven by joint, family-centred planning, using the Family Service Plan in the Family File (see *Resources* on CD-ROM).

In many children's centres and extended schools around the country, staff from a range of agencies visit to provide services on a regular basis or are based at a school or centre and visit other sites from there.

Chat-a-way groups are weekly drop-in play and talk sessions for under-fives. They are run by speech and language therapists and family support workers in children's centres in Tower Hamlets. The sessions are designed to promote children's play, listening, talking and social skills in a group setting and to support parents in promoting their child's communication skills through play and everyday activities. Children may be referred to the groups where there are concerns about their play or communication skills.

Case study 14 on CD-ROM

The summer schemes in Bradford are closely planned between care, education and health. The schemes target disabled children and children with complex health needs, for whom more detailed planning is required to achieve inclusion. Working together, services establish safe protocols that promote children's engagement in activities.

Case study 8 on CD-ROM

At Early Days Children's Centre in Sheffield ante-natal checks are available on site. In addition midwives, health visitors and the Sure Start team are available without an appointment, a range of groups meet and a wide range of information is available. This means that by the time a young disabled child might come to the nursery, their parents are already familiar with the Centre.

Case study 9 on CD-ROM

SNIPS is Sheffield's citywide service working with a range of out-of-school providers to develop capacity and facilitate access for disabled children and young people to playcare, recreational and leisure services. The service has a referral process that is open to families and professionals and it provides a central point of access to information, support and service provision. Through the development of partnership working and joined up funding streams it has been effective in supporting the development of inclusive out-of-school services.

Case study 15 on CD-ROM

## Transport

Transport is frequently identified as the issue that most frustrates access to extended day provision. Several different approaches have been explored and work well in different authorities:

“ In a number of authorities the significant use of taxis means that many pupils can stay for after-school activities, with an alteration to the contracted pick-up time. This is not just an urban option: a large rural county is amongst these authorities.



A boy who attended a special school wanted to attend extended day provision near his home, where his brother attended. With the help of the head teacher the boy's mother managed to persuade the school bus to drop him off at the local provision. His mother collected the two boys together at the end of the session and walked back home.

Case study 4 on CD-ROM

The Government has announced significant additional funding for extended schools and children's centres in 2008–2011.

The London Borough of Tower Hamlets runs an award-winning independent travel training scheme for children with special educational needs. Individual programmes are devised and, after training, many children are able to travel to school independently either by walking or by using public transport. In two years the scheme has trained over 100 children.

Case study 16 on CD-ROM

St Chads is commissioned to provide before- and after-school care in Gateshead. These services are fully inclusive and disabled children with a range of needs use them. One service offered is a walking bus from the centre to local primary schools at the start and end of the school day.

Case study on 18 CD-ROM

Enfield considers that there is no one single solution to the transport challenge. It has set up a 'Transport Solutions Group' to identify a range of transport solutions for young disabled people. A pilot project will provide young people with transport to a choice of activities, including a trip to Covent Garden, a shopping trip, going to a football match and a trip to the cinema.

Case study 17 on CD-ROM

## Funding

### *Extended schools*

The Government has committed funding of £840m over 2003-2008. Most of this has been made available through local authorities. Some has been provided directly to schools. The funding can be used flexibly to support schools in developing extended services.

In addition, £1.3 billion has been made available over the period 2006-08 for schools to support personalised learning during and beyond the school day. This supports access to extended services, especially for children from disadvantaged areas. A significant amount of the personalisation funding has been allocated through the Dedicated Schools Grant. This is controlled through the Schools Forum.

“A number of extended services ask parents to collect children at the end of the day. One extended school talked about the benefit to parents in this arrangement: they see the mutual support of parents that develops at the gate.”

6 In a number of authorities the Schools Forum has agreed to allocate a small amount of the personalisation money to ensure that extended services are accessible to all children. In one authority this means that £500 goes to each school to ensure that the provision is inclusive.

Further investment in extended schools has been announced for the period 2008-2011. This amounts to more than £1.3 billion over the period. The funding will support start-up costs, sustainability and study support for secondary aged pupils in around a quarter of secondary schools. This funding includes a £265 million extended schools subsidy scheme, to ensure that children from disadvantaged families can access the full range of extended services. Within this group there are many disabled children.

The Government sees the development of extended services as a long-term agenda, putting in place services that will last and provide continual benefits to children, young people and families over time. The Government expects services to become sustainable by charging for services such as childcare, and working with the local children's trust to develop links to appropriate agencies and professionals who will deliver services in new ways through schools.

### *Children's Centres*

Between 2004 and 2008 the Government is committing £3.2 billion for children's centres and Sure Start Local Programmes. As with extended schools the Government expects children's centres to have income from various sources including grants and fees for childcare charged to parents.

The Government has committed £4 billion over the period from 2008-11. Sure Start Children's Centres and Sure Start Local Programmes revenue has been increased significantly and will bring total funding in 2010-11 to more than £1 billion.

The funding for children's centres is routed through the General Sure Start Grant and the local authority. The Grant is to be spent on centres, and the services delivered by them, and on ensuring that these are inclusive of and accessible to disabled children.

School Forums play a central role in allocating the funding for all under 5s. The DCSF has published, for consultation, draft regulations that will bring into membership of Schools Forums additional non-school members representing both local authority 14-19 partnerships and private, voluntary and independent providers of early education for three- and four-year olds.

Several authorities are holding a small part of their funding for extended services in order to provide targeted help for inclusion. In some authorities this money is used to fund special toys or equipment and human resources. In one authority 72% of this inclusion money is allocated to the 1:1 support for individual children. In another, the entire 'inclusion budget' is allocated to individual support.



The Government sees the development of extended services as a long-term agenda, putting in place services that will last and provide continual benefits to children, young people and families over time.

### Charging

The DCSF (DfES, 2006a) sets out clearly what can be charged for in schools and what cannot. Equally, it is clear that schools can use their delegated budget to pay for or subsidise a child's access to a chargeable extended activity because it is of educational benefit to the child.

In general, parents are expected to pay for childcare costs. If parents are in work, and subject to eligibility, some of the childcare cost can be recovered through the Working Tax Credit system. However, CDC identified (above) that parents who are not in work may not benefit from this system.

Local authorities can charge for the childcare they provide but cannot charge for:

- *early years provision* which is part of the 'free entitlement' for 3- and 4-year olds; or
- day care provided to children in need under section 18 of the Children Act 1989.

Charlton School, Greenwich is an 11-19 special school with places for 150 pupils. Most of the school's after-school clubs are supported and funded by its school-based charity, with parents making voluntary contributions. For the last four and a half years Charlton has employed a full-time, school-based Education Social Worker, sharing her time and salary with their local feeder primary school. A key part of her role is to advise parents about benefits that they are entitled to and the services that they can access including Working Tax Credits, local voluntary and parent support groups, social services and housing. She found that 48 families were not receiving benefits to which they were entitled. These families have since benefited by many thousands of pounds. The impact of the improved standards of living on their children is visible, and the school reports that the families are much happier and less stressed as a result.

DfES (2006a)



A voluntary organisation providing three extended schools in one local authority recognises that not all parents can pay for extended school. The organisation estimates that about a third of their income comes from charges to parents, about a third comes from grants from the local authority and about a third comes from funds that they raise from charitable sources.

## Buildings and access

Parents of disabled children do not, by and large, raise issues about physical accessibility of buildings as being their first or their principal concern. However, the design of the physical environment is vital to enabling access and full participation. Parents' experiences and insights can be most helpful in informing the design and development of buildings.

Contact a Family was commissioned to carry out a number of workshops with small groups of parents of disabled children to find out from them how children's centres could best be developed to support them. The workshops focused on a range of issues, from buildings to information and which health professionals parents would like to be able to meet at the children's centre.

The workshops highlight the importance of a range of information and support for parents, but also highlight some issues about the physical environment:

- the importance of a car park with marked parking spaces for disabled drivers or passengers;
- transport for parents without cars;
- well-equipped toilet facilities that allow for changing and washing as well as toileting;
- a range of play equipment, indoor and outdoor;
- a range of feeding equipment in the refreshment area.

Resources on CD-ROM

The Contact a Family consultations highlight the importance of involving parents in thinking about the facilities they need and the importance of listening to what they say. The consultations also acknowledge that it may not be the most expensive items that can make the most difference to overall accessibility.

One parent mentioned that she could never eat out with her daughter who could not swallow solids and required all her food to be blended. A blender in the refreshment area is all that is required to remedy this.

Importantly, the views of children and young people should inform the design or improvement of the physical environment. Their experiences and insights can help to identify barriers and develop solutions.



# Next steps

## Planning and developing strategy, policy and practice.

The development of inclusive practice is often in response to an individual child or young person arriving in a setting with staff, parents and children working together to find solutions to identified barriers. The local authority supports this process by providing the strategy, the policy framework and the funding, and providing or securing the services that support the development of inclusive practice.

Both at the level of the setting and at the level of the local authority, steps that enable provision to include more disabled children need to be incorporated into a more strategic approach: for settings, into their approach to institutional development; for local authorities, into their local planning frameworks.

Action at one level has implications for other levels of the system.

The development of information for parents at Felldyke School and High Fell Children's Centre was designed from the start to be a template for a wider approach to developing information for parents across Gateshead.

Case study 3 on CD-ROM

National policies can also steer the cycle of development and improvement: for example *Early Support* is now expected to be mainstreamed and embedded into local practice, underpinning effective partnership working with parents and carers. One of the key aspects of mainstreaming this approach is to ensure that it is properly embedded in practice in children's centres. Some local

authorities have found the model of partnership working with families to be a crucial element in making effective provision and are including older children and their families in this approach, see Leicester case study below.

This project has captured some of the practice within settings, services and local authorities that is promoting inclusive policies, practices and procedures. It has also played a part in promoting development, by sharing good practice and supporting a process of identifying barriers and developing solutions to facilitate the inclusion of disabled children.

Sharing practice locally, regionally or nationally can feed into a development process. It provides an opportunity to consider, with colleagues, possible solutions against particular local sets of circumstances. It values and celebrates aspects of practice that practitioners and managers may see as entirely unremarkable; it can affirm and help to embed practice and sometimes accelerate progress on the aspects of practice that are being discussed. Ideas may feed into change and development on a longer timescale.

Sheffield City Council organised a day with the two-fold purposes of: updating early years settings on the requirements of the DDA; and providing a local forum for sharing good practice in developing access and inclusion for disabled children and their families.

Case study 19 on CD-ROM

Actions arising from development work will need to be incorporated into school, centre or local authority planning frameworks.



Yorkshire and Humberside Regional Partnership organised a day with the two-fold purposes of: updating local authority officers and services on the requirements of the DDA; and providing a regional forum for sharing good practice in developing access and inclusion for disabled children and their families.

Case study 20 on CD-ROM

Local authorities need to support and nurture problem-solving approaches and practice development. They have a particular responsibility for bringing together the different agencies involved in supporting disabled children and their families: across statutory and voluntary sectors; across care, education, employment, health and youth justice.

'In Sutton the children's centre and extended schools programmes have been brought together under a single strategy for extended services and early years. This is under the management and leadership of an assistant director who is a joint appointment between the borough and the local Primary Care trust, and who leads on the commissioning of children's health services. This means that we are building on expertise from the local authority and other partners and making good use of funding. This provides the best possible support for schools as they develop services. More than half the borough's schools are working towards providing the full core offer.' Pat Lancaster, Extended Services Project Manager, London Borough of Sutton.

DfES (2007)





Within any planning framework, the impact of any action should be reviewed and evaluated.

Actions arising from development work will need to be incorporated into school, centre or local authority planning frameworks and be subject to the oversight of the governing body, the management committee or the Children and Young People's Strategic Partnership. Equally, local strategy drives the development of local provision and practice.

To enable disabled children and their families to access high quality co-ordinated support in their local children's centre, Blackburn with Darwen has re-organised Broadlands special school into a 'virtual school', providing support to all the children's centres in the Borough.

Disabled children and their families can now access early intervention support services from birth to five. This is provided by Portage Home Visitors, Broadlands Virtual School Staff and by the Early Years Complex Needs Team. The support continues from home visits, into the children's centres and then continues into Reception Year in schools.

All aspects of the support for assessment and early intervention are monitored through four Early Support Multi-Agency Panels which meet monthly in four of the children's centres.

Case study 12 on CD-ROM

Within any planning framework, the impact of any action should be reviewed and evaluated both against initial information and against quality measures. This is a developmental process with the need to review and evaluate as it develops.

Leicester has a history of multi-agency working. This included an early scheme, funded by health, education and social care, to support the development of key working with the families of disabled children. This was positively evaluated, but the expansion of key working presented challenges. Some of the relatively small health-based services involved in the earliest contact with families were more likely to be selected by families as key workers. For a small specialist service, the demand was not sustainable.

Participation as an Early Support Pathfinder provided the opportunity for Leicester to develop a designated key working service. This was commissioned from a local voluntary agency that had experience in providing family-focused services for disabled children. The service was evaluated in its early phase and families indicated a high level of satisfaction. Having focused initially on families with children aged 0-3 years old, the scheme expanded to support families of children aged 0-5.

As the children's strategy developed, different models for the future of the service were considered. The decision was taken to mainstream the service into the children's centres. In the transition phase the voluntary agency is continuing to provide the full range of Early Support functions and is training Family Support Workers, based in the children's centres, to become Early Support Key workers.

The Early Support model has been extended. It now includes children up to the age of 19 and their families, the



group who were supported through the original multi-agency scheme. The voluntary agency will continue to provide user evaluation on an annual basis and, working with the local authority is developing an evaluation to help Leicester measure improved outcomes for disabled children and their families against the Every Child Matters outcomes. Leicester has found that the clear focus on family priorities has been central to the success of their approach.

The Government's vision is of children's centres and extended schools playing a central role in improving outcomes for all children, and in reducing the inequalities in outcomes between the most disadvantaged children and the rest. The Sure Start Children's Centre Practice Guidance (2006) identifies the groups of *'families that are experiencing particular challenges that mean that their children may be at risk of poor outcomes'*. The Guidance includes a specific focus on supporting children from those families most in need within the community and highlights the importance of children's centres in delivering responsive services that are more closely tailored to their needs.

These developments are set in the context of the introduction of the Early Years Foundation Stage (EYFS), a new framework that brings together the 'learning and development requirements' and the 'welfare requirements' that promote the well-being of young children. EYFS sets out an inclusive approach, designed to be responsive to individual needs:

Within the EYFS, inclusion is critical to the aims of: delivering improved outcomes for all children; closing the achievement gap between disadvantaged children and others. It is non-negotiable in that it respects and responds to children's entitlements that are defined by the United Nations Convention on the Rights of the Child and a range of legislation in this country.

DfES (2007a)

Within a framework that is designed to improve outcomes for all children, action to improve outcomes for disabled children needs to be woven into strategy, policy and practice alongside action to address other specific aspects of equalities. The local authority's response to different aspects of equality and diversity needs to be informed by a careful consideration of the differing needs of children and families.

The local authorities response to different aspects of equality and diversity needs to be informed by a careful consideration of the differing needs of children and families.

A toolkit developed by Together for Children (2007) provides practical advice and guidance highlighting the importance of understanding and analysing the local situation, consulting widely and the need to treat children and families as individuals rather than make assumptions based on their membership of certain groups. Forthcoming guidance, from Save the Children, on working with Gypsy, Roma and Traveller families will also provide more advice on these issues which can be applied more widely.

### Future developments

Following a review of services for disabled children and their families, *Aiming high for disabled children* (H M Treasury and DfES, 2007) announced significant new funding from central government over the spending period 2008-2011. The largest allocation is for the development of short breaks for disabled children and their families, but particularly relevant to the development of extended schools and children's centres is the announcement of a childcare accessibility project and £35m of additional funding to support the development of childcare for disabled children.

The examples used in this manual illustrate ways in which provision is being developed to include disabled children and their

families. The process set out here is rooted firmly in the DDA and in a commitment to involving disabled children and their families in identifying and removing barriers. Using this approach will help local authorities, extended schools and children's centres to meet their statutory duties; will improve the quality and coverage of local authority and school disability equality schemes; will help local authorities, extended schools and children's centres to make best use of the significant funding that is becoming available over the next spending review period and to ensure they develop inclusive services that are well-used by disabled children and their families. Such services will contribute significantly to improving the life chances of disabled children.



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<sup>1</sup> Early Support is the Government's recommended approach to achieving better co-ordinated, family-focused services for young disabled children and their families, see *Resources* on CD-ROM or visit [www.earlysupport.org.uk](http://www.earlysupport.org.uk)

<sup>2</sup> PLASC: Pupil Level Annual School Census, the annual census information sent to the DCSF includes information on pupils' SEN.

# Appendix: Statutory duties

**Childcare Act 2006**

**Children Act 2004**

**DDA 1995**

**DDA 2005**

**Education and Inspections Act 2006**

## Summaries of the duties

This section provides a set of summaries of legislation that is relevant to the provision of children's centres and extended schools, and, in particular, outlines the main provisions of the DDA. The summaries are brief and include only a selection of the main provisions of the legislation, not the detail of all the duties. For a more full account of the

duties, there is reference to relevant guidance and other publications and, for the DDA, to the Codes of Practice produced by the Disability Rights Commission's (DRC). The guidance, the publications and the Codes are listed as references at the end of this section.

# Childcare Act 2006

Part 1 of the Childcare Act 2006 includes a requirement on local authorities to:

- improve the well-being of young children in their area (broadly, children ages 0-5) and reduce inequalities in well-being;
- secure, so far as is reasonably practicable, sufficient childcare to meet the requirements of parents in their area who wish to work or take up education or training to assist them in finding work; and
- provide information, advice and assistance to parents about childcare and other services in their area.

Well-being is defined by reference to the five outcomes in *Every Child Matters*: being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being. The Secretary of State can set targets for local authorities to improve outcomes and reduce inequalities.

The Act requires local authorities to make arrangements for the following services ('early childhood services') to be provided in an integrated manner:

- childcare for young children;
- social services for young children and their parents and prospective parents, for example: early intervention for families identified as needing support;
- health services relevant to young children and their parents and prospective parents, for example, health visitors, ante-natal and post-natal care;
- services provided under section 2 of the Employment and Training Act 1973, or helping parents to get into or stay in work (as delivered through Jobcentre Plus);
- information services for parents.

Local authorities must also:

- take steps to identify parents or prospective parents who are unlikely to take advantage of early childhood services that may benefit them and their young children, and to encourage them to take advantage of those services;
- take all reasonable steps to encourage and facilitate the involvement of:
  - parents and prospective parents,
  - childcare providers from the private and voluntary sectors, and
  - others whose activities may improve the well-being of young children;

in arrangements being made to integrate early childhood services in the area;

- take children's views into account.

To deliver an integrated service, the local authority and its partners:

- must work with each other in relation to the arrangements that the authority puts in place; and
- may share their resources and pool budgets.

The duty is consistent with section 10 of the Children Act 2004 under which children's trust arrangements have been made. The local authority and their partners in the NHS and Jobcentre Plus are placed under a particular obligation to work together in relation to the local authority's duty to make arrangements to improve outcomes for the youngest children in the local area.

Local authorities are required to ensure that, so far as is reasonably practicable, there is sufficient childcare for parents who need childcare in order to work and for parents undertaking education or training that may lead to work. The duty applies in relation to childcare for disabled children until they reach 18 and to childcare for

other children until 1<sup>st</sup> September after their 14<sup>th</sup> birthday. Local authorities have to:

- assess the demand for, and the availability of, local childcare provision. This has to be done at least every three years and kept under review;
- in making this assessment, have regard to the needs of parents in their area for: childcare that is eligible for the childcare element of the Working Tax Credit; childcare that is suitable for disabled children;
- provide information, advice and training to local childcare providers (whether in schools or in the private and voluntary sectors).

Local authorities can charge for the childcare they provide but cannot charge for:

- *early years provision* which is part of the 'free entitlement' for 3- and 4-year olds;
- day care provided to children in need under section 18 of the Children Act 1989.

Local authorities are required to set up and run an information service for parents and prospective parents, providing:

- information on services, facilities and publications which may be of benefit;
- advice and assistance on childcare in the area;
- information for parents of disabled children on childcare that is suitable for them and on other services, facilities and publications that may be of benefit to them.

Part 3: the Early Years Foundation Stage (EYFS) brings together the 'learning and development requirements' and the 'welfare requirements' that promote the well-being of children receiving early years provision. From September 2008, all registered and maintained provision must provide the EYFS. Ofsted inspects compliance with EYFS.

Not all the obligations discussed above are fully in force at the time of writing. The expectation is that they will all be fully in force by September 2008.

The Childcare Act is intended to assist in the implementation of the aims set out in *Choice for parents, the best start for children: a ten year strategy for childcare*, published on 2 December 2004. This set out the Government's plans for the future of childcare.

The duties reflect the growing strategic role that local authorities have in planning, commissioning and delivering services for children and families. The duties allow local authorities the flexibility to implement delivery in ways that best suit their particular circumstances.

Children's centres play an important role in the provision of integrated childhood services.

McAuliffe, Linsey and Fowler (2006) provide a detailed guide to the Childcare Act 2006.

# Children Act 2004

## Section 10: Co-operation to improve well-being

Section 10 creates a statutory framework for local co-operation in order to improve the well-being of children in the area. Co-operation is required between local authorities, key partner agencies ('relevant partners') and other relevant bodies ('other bodies or persons') including the voluntary and community sector. Local authorities are required to make these arrangements and relevant partners are required to co-operate with the local authority.

These duties and powers will also provide the statutory context within which agencies will be encouraged to integrate commissioning and delivery of children's services, underpinned by pooled budgeting arrangements, in Children's Trusts.

Section 10 imposes a duty on the local authority to make arrangements to promote co-operation between the authority, its relevant partners and other relevant bodies. The relevant partners are:

- for a county council, their district councils;
- the police authority and the chief officer of police;
- the local probation board;
- the youth offending team;
- the Strategic Health Authority and Primary Care Trust;
- the Connexions Partnership;
- the Learning and Skills Council.

The arrangements are to be made with a view to improving the well-being of children in the authority's area. 'Well-being' means the five outcomes in Every Child Matters.

Local authorities must have regard to the importance of the role of parents and carers in improving the well-being of children.

Section 10 also sets out a power for all the specified partners to provide staff, goods, services, accommodation or other resources and to pool budgets in support of these arrangements.

Those subject to the duties are required to have regard to guidance from the Secretary of State. This guidance is issued jointly by the relevant government departments to all of the relevant partners. The guidance sets out the outcomes expected of these arrangements. These include:

- effective working together to understand the needs of local children,
- agreeing the contribution each agency should make to meet those needs,
- effective sharing of information at a strategic level and about individual children to support multi-agency working, and
- oversight of arrangements for agencies to work together in integrated planning, commissioning and delivery of services as appropriate.

Arrangements made under this section can also include those relating to persons aged 18 and 19 and persons over 19 receiving services as care leavers under the Children Act 1989 and persons under 25 with learning difficulties receiving services under the Learning and Skills Act 2000.

# Disability Discrimination Act 1995

The Disability Discrimination Act 1995 (DDA) applies to a range of different functions:

- to employment;
- to the provision of goods and services to the general public;
- to the provision of education.

The employment and service provision duties were implemented in 1996. The education duties were added by the SEN and Disability Act 2001. The Disability Discrimination Act 2005 inserted the Disability Equality Duty into Part 5A of the DDA.

- Part 1 of the DDA provides the definition of disability. The definition informs the duties in the other parts of the DDA.

Parts 2, 3 and 4 of the DDA apply to different aspects of our national life:

- Part 2 sets out employers' duties to disabled employees and prospective employees;
- Part 3 sets out duties on those providing goods and services to the general public; and
- Part 4 sets out duties on schools, local authorities, higher and further education and adult, youth and community education to disabled learners.

The Disability Equality Duty in Part 5A applies across the other main functions covered by the DDA.

## Summaries of the duties

This section provides a set of summaries of the different Parts of the DDA. The summaries are brief and include only the main provisions of the DDA, not the detail of all the duties. For a more full account of each set of duties, refer to the Disability Rights Commission's (DRC) Codes of Practice, see references.

# DDA Part 1: The definition of disability

The DDA defines a disabled person as someone who has:

‘a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.’

Definition of the terms:

- ‘physical impairment’ includes sensory impairments;
- ‘mental impairment’ includes learning difficulties and an impairment resulting from or consisting of a mental illness;
- ‘substantial’ means ‘more than minor or trivial’; and
- ‘long-term’ is defined as 12 months or more.

The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on

the person’s ability to carry out normal day-to-day activities is substantial and long-term, as defined above.

The effect on normal day-to-day activities is on one or more of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- perception of risk of physical danger.

Some people are automatically covered by the definition: those with cancer, multiple sclerosis, HIV infection or a severe disfigurement. There are special provisions for people with progressive or recurring conditions.

The definition covers a much larger group of people than is commonly thought. A report from the Cabinet Office (2005) suggests that about 772,000 children in the UK are disabled, equivalent to 7 per cent of all children and about 11 million adults, equivalent to 24 per cent of all adults.

For children and young people in schools, there is a significant overlap between those who count as disabled under the DDA and those who have special educational needs as defined by the Education Act 1996. The definition of SEN includes many, but not necessarily all, disabled children: a disabled child has special educational needs if they have a disability and need special educational provision to be made for them in order to be able to access the education which is available locally.

The Department for Work and Pensions (2006) provides guidance on the definition of disability. There is more information on the definition of disability, and a checklist, *Is Tom disabled?* in Section I of the resource produced by the Department for Education and Skills and the Disability Rights Commission (2006) *Implementing the DDA in schools and early years settings*.

## DDA Part 2: Duties of employers to employees

Part 2 of the DDA says that it is unlawful for employers to discriminate against disabled employees and disabled people who apply for a job. It is discrimination if an employer:

- treats a disabled employee or applicant less favourably than another on the ground of the disabled person's disability (direct discrimination). Direct discrimination cannot be justified;
- fails to take reasonable steps to avoid placing a disabled employee or applicant at a substantial disadvantage (the 'reasonable adjustments duty'). There is no justification for failing to make a reasonable adjustment;
- treats a disabled employee or applicant less favourably than another for a reason related to their disability and without justification ('disability-related discrimination').

The duties apply to:

- recruitment, selection and interview procedures;
- terms and conditions of employment;
- induction, opportunities for promotion and transfer, training, professional development and other benefits;
- termination of employment.

The duties apply to disabled employees and disabled people who apply for a job:

- teaching and non-teaching;
- full-time and part-time;
- permanent and temporary or casual staff;
- contract staff, for example contract cleaners and agency supply teachers.

The reasonable adjustments duty in Part 2 of the DDA includes:

- making changes to an employee's duties, working hours or place of work;
- making changes to any provision, criterion or practice which places the disabled person at a substantial disadvantage in comparison with persons who are not disabled;
- the provision of auxiliary aids and services;
- physical alterations to buildings.

When a disabled person considers that they have been discriminated against they should first seek to resolve the dispute within the workplace, wherever possible. A claim of discrimination is made by application to an employment tribunal.

It is unlawful for employers to subject an employee, or applicant, to harassment.

The DRC (2004) *Code of Practice: Employment and Occupation* provides detailed information including examples to illustrate the provisions of Part 2, measures that employers would sensibly take to prevent discrimination in the workplace and how employers can plan to avoid discrimination in the future.

The *Access to work* scheme offers advice, guidance and resources to support the employment of disabled people. Employers may want to investigate the employer's disability 'two ticks' scheme, which promotes good practice in the employment of disabled people.

### *The employer*

It is important to be clear about who the employer is. This may differ from one setting to another.

For children's centres, the employer may be the local authority or an organisation that provides services at a children's centre for the local authority, for example a voluntary organisation. In some local

## DDA Part 2: Duties of employers to employees *continued*

authorities the responsibility for children's centres is being delegated to schools, in which case it is the school that has responsibility.

For community, community special, voluntary controlled and maintained nursery schools and for pupil referral units (PRUs), the local authority is the employer.

For Academies, City Technology Colleges and City Colleges for Technology of the Arts the employer is the Trust. For foundation, foundation special and voluntary aided schools, the employer is the governing body of the school. However, these schools have significant delegated responsibilities, and, in respect of functions that have been delegated, the governing body is treated as the employer.

Schools vary in the extent to which they, in turn, use the services of the local authority, for example their local authority's recruitment services. There may also be some responsibilities that are shared and aspects of employment where the local authority provides schools with advice and guidance, for example: with model policies and advice on the conduct of individual cases.

# DDA Part 3: Duties in relation to the provision of goods, facilities and services

Part 3 of the DDA says that it is unlawful for service providers to discriminate against disabled people. A service provider discriminates if:

- it treats a disabled person less favourably for a reason relating to that person's disability and without justification (the 'less favourable treatment duty');
- it fails to make reasonable adjustments for a disabled person and without justification (the 'reasonable adjustments duty').

The less favourable treatment duty covers:

- refusing to provide a service to a disabled person which is provided to other members of the public;
- providing a disabled person with a lower standard of service; and
- providing a service on less favourable terms to a disabled person.

The reasonable adjustments duty applies to:

- any practice, policy or procedure that makes it impossible or unreasonably difficult for a disabled person to make use of a service;
- the provision of auxiliary aids and services that would enable or facilitate the use of a service by a disabled person;
- physical features. Reasonable adjustments to physical features might include:
  - removal or alteration;

- providing a reasonable means of avoiding the feature;
- making the service available by a reasonable alternative means.

Reasonable adjustments made to avoid a physical feature or to provide a service by a reasonable alternative means should take into account whether the provision of the service in this way significantly offends the dignity of disabled people and the extent to which it causes them inconvenience or anxiety.

The reasonable adjustments duty is owed to disabled people in general. It is an anticipatory duty. In determining what is reasonable factors such as the cost of the adjustment, its practicability and the extent of the service provider's financial and other resources may be taken into account. The reasonable adjustments duty does not require service providers to do anything that fundamentally alters the nature of the service provided.

It is also unlawful for a provider of services to subject a disabled person to harassment if that person is using that service or has requested that service.

Part 3 applies to schools where they provide services to parents and carers and to the wider public, for instance: the use of the school buildings by a community group.

A claim of discrimination is heard in the County Court.

More detail on the Part 3 duties, and guidance on their interpretation, can be found in the Code of Practice issued by the DRC (2005).

## DDA Part 4: Schools' duties towards their pupils and prospective pupils

The SEN and Disability Act 2001 made changes to Part 4 of the DDA. Chapter 1 of the new Part 4 brought in requirements on those providing school education.

Part 4 of the DDA says that it is unlawful for schools to discriminate against disabled pupils and prospective pupils. A school discriminates if:

- it treats a disabled pupil or prospective pupil less favourably than another for a reason related to their disability and without justification (the 'less favourable treatment duty');
- it fails, without justification, to take reasonable steps to avoid placing disabled pupils at a substantial disadvantage (the 'reasonable adjustments duty').

The duties apply to:

- admissions;
- exclusions;
- education and associated services (a broad term covering the whole life of the school).

Schools are also required to develop plans (accessibility plans) to improve access for disabled pupils by:

- increasing access to the curriculum;
- improvements to the physical environment of the school to increase access;
- making written information accessible to pupils in a range of different ways.

For schools, the reasonable adjustments duty in Part 4 of the DDA does not include:

- the provision of auxiliary aids and services: this provision is made through the SEN duties;
- physical alterations to buildings: these are made through the planning duties.

Accountability:

- Ofsted inspects the quality of education provided for all pupils;
- Ofsted inspects schools' plans.

When a parent considers that their disabled child may have been discriminated against, they can make a claim of disability discrimination. Most claims are made to the SEN and Disability Tribunal.

The DRC *Code of Practice for schools: DDA 1995: Part 4* (DRC, 2002) provides guidance on how Part 4 of the DDA applies to schools.

There is more information on these duties in *Implementing the DDA in schools and early years settings* (DfES and DRC, 2006).

# Disability Discrimination Act 2005

## DDA Part 5A: The Disability Equality Duty

The DDA 2005 brought in a duty on all public authorities to promote disability equality. It also made some changes to the definition of disability in the DDA.

The disability equality duty includes two main elements:

- a general duty and
- a specific duty.

Both apply to local authorities and to publicly-funded schools.

Responsibility for the duty lies with:

- the governing body of a primary or secondary school;
- the proprietor of a city technology college, city college for technology of the arts, or an Academy;
- the governing body of a community special school or a foundation special school;
- the local authority with respect to pupil referral units that it runs.

The disability equality duty builds on existing duties under Parts 2, 3 and 4 of the DDA.

### The General Duty

The duty requires public authorities, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled people and other people;
- eliminate discrimination that is unlawful under the Disability Discrimination Act;
- eliminate harassment of disabled people that is related to their disability;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life;

- take steps to meet disabled people's needs, even if this requires more favourable treatment.

The duty applies across existing duties under the DDA:

- to disabled staff;
- to disabled service users;
- to disabled pupils.

The general duty applies from 4 December 2006.

# Disability Discrimination Act 2005 continued

## The Specific Duty

In addition to the general duty, regulations made under the Part 5A of the DDA (2005) set out a specific duty on certain public authorities, including local authorities and all publicly-funded schools, requiring them to demonstrate how they are meeting the general duty. In effect the general duty sets out what public authorities have to do; the specific duty sets out how they have to do it and what they need to record as evidence of what they have done.

The main requirements of the specific duty are to:

- prepare and publish a disability equality scheme (a scheme);
- involve disabled people in the development of a scheme;
- implement the scheme;
- report on it.

The purpose of the scheme is to demonstrate how the 'authority' is going to meet the disability equality duty. 'Authorities' are required to undertake the development of their scheme in a particular way and to include particular elements. They must:

- involve disabled people (staff, service users, pupils and students) in the preparation of the scheme;
- set out in their scheme:
  - how disabled people have been involved in its preparation;
  - their arrangements for gathering information on the effect of their policies on: the recruitment, development and retention of disabled employees; (for schools and local education authorities) the educational opportunities available to and the achievements of disabled pupils; and (for local authorities) the extent to

which the services they provide and other functions they perform take account of the needs of disabled people;

- their methods for assessing the impact of their current or proposed policies and practices on disability equality;
- the steps they are going to take to meet the general duty (the action plan);
- the arrangements for using information to support the review of the action plan and to inform subsequent schemes;
- implement the actions in their scheme within three years;
- report on their scheme annually;
- review and revise their scheme every three years.

'Authorities' are not required to do anything under their scheme that is unreasonable or impracticable.

Schemes must be published by 4 December 2006, except for schemes for primary schools, special schools and PRUs. These schemes must be published by 3 December 2007. It is the local authority that has responsibility for the scheme for a PRU.

The DRC can take action against 'authorities' that have not met their duties.

The DRC publishes a Code of Practice (DRC, 2005a) and guidance for schools (DRC, 2006).

# Education and Inspections Act 2006

## Section 6: Functions in respect of recreation etc

Section 6 of the Education and Inspections Act introduces two new sections into the Education Act 1996, Section 507A and 507B:

Section 507A requires local authorities to ensure that primary and secondary education includes adequate facilities for recreation and social and physical training for children under the age of 13. This section re-enacts provisions in the 1996 Act, in relation to children under 13.

Section 507B requires local authorities to promote the well-being of children and young people aged 13 – 19 (and up to 25 for young people with learning difficulties). Local authorities have to secure access to sufficient educational and recreational leisure-time activities and facilities, so far as is reasonably practicable.

A local authority can meet this duty by:

- providing activities and facilities;
- assisting others to do so; or
- making other arrangements to facilitate access, which can include the provision of transport, financial assistance or information.

Local authorities are required to provide up-to-date information on the leisure-time activities and facilities that are available locally.

Local authorities are required to take into account the views of young people on existing provision and the need for any additional provision.

The authority is also required to consider whether they or another agency should provide the services.

The local authority can make charges for the services it provides.



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