



DARLINGTON

Borough Council

Cabinet Agenda

5.00 pm

Tuesday, 3 May 2022

Council Chamber, Town Hall, Darlington DL1 5QT

Members and Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting.
2. Declarations of Interest.
3. To hear relevant representation (from Members and the General Public) on items on this Cabinet agenda.
4. To approve the Minutes of the meeting of this Cabinet held on Tuesday, 5 April 2022.
(Pages 3 - 8)
5. Matters Referred to Cabinet –
There are no matters referred back for reconsideration to this meeting
6. Issues Arising from Scrutiny Committee –
There are no issues referred back from the Scrutiny Committees to this Meeting, other than where they have been specifically consulted on an issue and their comments are included in the contents of the relevant report on this agenda.
7. Key Decision - Accessibility Strategy – Report of the Group Director of People.
(Pages 9 - 52)
8. Release of Capital Allocation in the Medium Term Financial Plan (MTFP) - Corporate Landlord Capitalised Repairs 2022/23 – Report of the Group Director of Operations.
(Pages 53 - 56)
9. Membership Changes - To consider any Membership Changes to Other Bodies to which Cabinet appoints.

10. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting.

11. Questions.

A handwritten signature in black ink, appearing to read 'Luke Swinhoe', written in a cursive style.

Luke Swinhoe
Assistant Director Law and Governance

Friday 22 April 2022

Town Hall
Darlington.

Membership

Councillors Clarke, Dulston, Durham, Keir, Marshall, K Nicholson, Mrs H Scott and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact Lynne Wood, Elections Manager, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays (e-mail Lynne.Wood@darlington.gov.uk or telephone 01325 405803).

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
WEDNESDAY 20 APRIL 2022**

CABINET

Tuesday, 5 April 2022

PRESENT – Councillors Mrs H Scott (Chair), Clarke, Dulston, Durham, Keir, Marshall, K Nicholson and Tostevin

INVITEES – Councillors Curry, Harker and Snedker

APOLOGIES – Councillor Tait

ALSO IN ATTENDANCE – Councillors McCollom

C118 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C119 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.

In respect of Minute 123(2) below, representations were made by a member of the public in attendance at the meeting.

C120 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON TUESDAY, 8 MARCH 2022.

RESOLVED – That the Minutes be confirmed as a correct record.

REASON – They represent an accurate record of the meeting.

C121 MATTERS REFERRED TO CABINET

There were no matters referred back for re-consideration to this meeting.

C122 ISSUES ARISING FROM SCRUTINY COMMITTEE

There were no issues arising from Scrutiny considered at this meeting.

C123 KEY DECISIONS:-

(1) ANNUAL PROCUREMENT PLAN UPDATE

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to the Annual Procurement Plan (also previously circulated) including the assessment of contracts

that are considered to be strategic or non-strategic; updating Members on the outcomes of procurement(s) previously designated as Strategic; and the decisions taken by the Procurement Board to waive the Contract Procedure Rules.

The submitted report stated that any contract award decision with a value below £100,000 was delegated to officers; the Annual Procurement Plan contained all existing and new contracts that were valued at £100,000 and above which required a tender process; outlined the process for designating them either strategic and non-strategic contracts; and stated that three contracts had been designated strategic in the update to the Annual Plan.

RESOLVED - (a) That the assessment of strategic and non-strategic contracts as presented in Appendix 1 of the submitted report, be approved, and it be noted that:-

- (i) further reports/updates on the procurement process for those contracts designated as strategic (including decisions made by the Procurement Board) be brought to Cabinet;
- (ii) contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1, will be subject to approval by the Procurement Board and will be reported back to Cabinet; and
- (iii) contract award decisions for the contracts designated as non-strategic will be made by staff from the appropriate Directorate as listed in the plan at Appendix 1 to the submitted report.

(b) That the contents of the report in respect of the update of strategic procurements, Procurement Board waiver decisions, and Social Value, be noted.

REASONS – (a) In respect of strategic/non-strategic contracts, the recommendations are supported by the following reasons: -

- (i) the Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic;
- (ii) contracts designated strategic are of high value and high significance in respect of the impact on residents, Health & Safety and public safety; and
- (iii) the contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

(b) In respect of Procurement Board waiver decisions, the recommendations are supported by the following reasons:

- (i) in order to comply with the Contract Procedure Rules;
- (ii) to provide Cabinet with information about the decisions made by the Procurement Board; and
- (iii) to supplement the reports that are taken to Cabinet about proposed spend over

£100,000, that are set out in the Annual Procurement Plan and the in year update to that report.

(2) TEES VALLEY ENERGY RECOVERY FACILITY LOCAL AUTHORITY SPECIAL PURPOSE VEHICLE

The Cabinet Member with the Local Services Portfolio introduced the report of the Group Director of Services (previously circulated) providing an update to Members on all aspects of the Tees Valley Energy Recovery Facility (TV-ERF) project; outlining the rationale for setting up the Local Authority Special Purpose Vehicle (LA-SPV); how the LA-SPV will be governed; and the commercial principles as to how costs and liabilities shall be shared between the seven Councils over the term of the Project.

The submitted report stated that this Council had joined with Durham County Council, Hartlepool Borough Council, Middlesbrough Council, Newcastle City Council, Redcar and Cleveland Borough Council and Stockton Borough Council, to procure a contractor to design, build, operate and finance a new Energy Recovery Facility to be located in the Tees Valley, servicing the waste of 1.5m residents; outlined the current waste / treatment contracts for each of the seven authorities which were due to expire in 2025/26; stated that a new Residual Waste Treatment Contract was required to be procured to allow for a new facility to be constructed and fully commissioned in preparation for the commencement date for the new service of 1 April 2026; and that the contract would terminate on 31 March 2052 unless both parties agreed to an extension.

It was reported that the procurement process was being undertaken in accordance with the Public Procurement Regulations 2015 (as amended); the OJEU Notice to commence the procurement process was issued on 24 July 2020; supported by Business Cases, the requirement was for a 450,000 tonne per annum Energy Recovery Facility (ERF) with Combined Heat and Power (CHP) capability to treat the Councils' municipal solid waste; the combined tonnage unlocked economies of scale; the Tees Valley Energy Recovery Facility (TV-ERF) would be designed to have a minimum 40-year lifespan; the Contractor appointed would build, finance and operate the ERF; the initial contract term would commence in 2022 to enable construction of the facility; and that a 22-acre brownfield site, owned by South Tees Development Corporation (STDC), had been selected within the Teesworks regeneration site to locate the facility.

It was also reported that a Local Authority Special Purpose Vehicle (LA-SPV) (a Limited Company) was required to be formed by the seven Councils; the regulation and management of the LA-SPV would be governed by a Shareholders' Agreement (SHA); and that each Council (Shareholder) would be required to formally enter into the Shareholders' Agreement approximately three months in advance of the Project Agreement being entered into with the successful Contractor (Financial Close).

Particular references were made to the Waste Supply and Support Agreement (WSSA) which would govern the terms of the commercial arrangements between the seven Councils (the Shareholders) in relation to the LA-SPV; the target date for completion of the procurement process; and the governance of the project.

A member of the public in attendance at the meeting made reference to the possible inclusion, by the Government, of incineration in the Emissions Trading Schemes (ETS) and

enquired whether calculations had been done to factor in ETS costs and their impact and whether there was a evidence that 450,000 tonnes of incineration capacity would be required. References were made at the meeting to the fact that municipal waste was not included in the definition of energy from a renewable source in the Renewable Energy Directive; the carbon emissions from the facility; how the on-going reductions in emissions would be captured and what sanctions would the company face should they not be met; concerns around the bottom ash produced by the facility; carbon capture; and the implications should the economies of scale not be met. The Cabinet Member with the Local Services Portfolio responded thereon.

RESOLVED – (a) That the creation of a Local Authority Special Purpose Vehicle (LA-SPV), which will be the contracting body for the seven Councils with the successful contractor, be approved, and the Assistant Director Community Services be appointed as a Director of the LA-SPV.

(b) That the Council enter into the Shareholders Agreement and authority be delegated to the Group Director of Services to finalise the agreement, in consultation with the Cabinet Member for Local Services.

(c) That it be noted that the Council will be entering into a service level agreement with Redcar and Cleveland Borough Council as the host Authority to provide support services to the LA-SPV.

(d) That the Council enter into the Waste Supply and Support Agreement with the LA-SPV, and authority be delegated to the Group Director of Services to finalise the agreement, in consultation with the Cabinet Member for Local Services.

(e) That authority be delegated to the LA-SPV to enter into contract with the successful contractor at financial close and to enter into a 50-year lease with South Tees Development Corporation (Teesworks) for the site.

(f) That authority be delegated to the Group Director of Services, in consultation with the Cabinet Member for Local Services, to enter into two guarantees, the first for the LA-SPV and the second to underwrite the LA-SPV's obligations under the 50-year lease for the site.

(g) That authority be delegated to the Group Director of Services, in consultation with the Cabinet Member for Local Services, to finalise and agree the business plan for the LA-SPV.

(h) That authority be delegated to the Group Director of Services, in consultation with the Cabinet Member for Local Services, to finalise and agree an equalisation agreement between the Tees Valley Authorities for the transfer and bulk transportation of material to the TV-ERF.

REASONS – (a) The current waste contract has already been extended and cannot be extended further as this could potentially breach procurement regulations. The other Tees Valley Councils are in a similar position.

(b) It is essential the Tees Valley Councils have in place a contract for the treatment of the residue of waste once recyclable materials have been removed. This will provide diversion of waste from landfill and maximise the recovery of energy and any residues.

(c) The recommendations are the necessary steps to move forward the Tees Valley Energy Recovery Facility project.

(d) By procuring the development of the Tees Valley Energy Recovery Facility together with other Councils, this Council will be able to ensure the construction of a purpose designed modern facility within the region and be able to benefit from economies of scale.

C124 DISPOSAL OF LAND AT 294 HAUGHTON ROAD, DARLINGTON

The Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the disposal of Council owned land at 294 Haughton Road Darlington, as shown edged red on the plan (also previously circulated), subject to the granting of planning permission for development.

The submitted report stated that the Council owned land at Haughton Road, totalling 0.13 hectares (0.34 acres), which was surplus to Council requirements and available for development; the land was currently grassed open land; the landlord for the Wickes retail store adjacent to the land, had approached the Council about acquiring the site in order to increase the outdoor retail area for Wickes, with access coming from the store not off Haughton Road; stated that without prejudice negotiations with the landlord had reached an agreed sales figure for the site, subject to a restricted use and subject to obtaining planning consent; and outlined the legal and financial implications.

RESOLVED – (a) That the sale of 0.13 hectares (0.34 acres) of land at 294 Haughton Road, Darlington, be approved, in principle, with the Chief Executive’s Office being authorised to negotiate full terms in consultation with the Cabinet Member with the Resources Portfolio and with the terms being reported subsequently on the Schedule of Transactions.

(b) That the Assistant Director Law and Governance be authorised to document sales accordingly.

REASONS – (a) To achieve a capital receipt for the Council.

(b) To assist business development and job creation in Darlington.

C125 SCHEDULE OF TRANSACTIONS

The Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the Schedule of Transactions (also previously circulated).

RESOLVED – That the Schedule of Transactions, as detailed in the appendix to the submitted report, be approved, and the transactions be completed on the terms and conditions detailed therein.

REASONS – The terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

C126 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

**DECISIONS DATED –
FRIDAY 8 APRIL 2022**

CABINET
3 MAY 2022

ACCESSIBILITY STRATEGY

**Responsible Cabinet Member -
Councillor Jon Clarke, Children and Young People Portfolio**

**Responsible Director -
James Stroyan, Group Director of People**

SUMMARY REPORT

Purpose of the Report

1. This report requests Cabinet approval for the reviewed Special Educational Needs (SEND) Accessibility Strategy 2021-2024 [the Strategy].
2. This Strategy has been reviewed as required to comply with legislation and was considered by the Children and Young People's Scrutiny on 21 February 2022. There were no further considerations following this meeting, however, a focus group was held with children and their views have informed examples of best practice, which have been included in the revised Strategy (please see paragraph 18).

Summary

3. Whilst the Strategy does not form a part of the Council's Policy Framework, it is a statutory requirement as required by Schedule 10 of the Equality Act 2010 [the Act] for the Local Authority to prepare an Accessibility Strategy [the Strategy] in relation to schools for which it is the responsible body, the maintained settings as listed below¹.
4. To comply with legislation a review of the Strategy is required every three years, however due to COVID, the review has taken place in Autumn 2021 and concluding in early 2022.
5. The current Strategy (2017-2020) is available on the Local Offer:
<https://livingwell.darlington.gov.uk/Services/649>
6. The Strategy sets out how the Local Authority will work with maintained settings to:
 - (a) Increase the extent to which disabled children and young people can participate in the school curriculum;

¹ Described in the Act as "Responsible body" means— (a) in relation to a maintained school or a maintained nursery school, the Local Authority or governing body; (b) in relation to a pupil referral unit, the Local Authority;

Darlington maintained settings are: Borough Road Nursery School, George Dent Nursery School, Harrowgate Hill Primary School, Red Hall Primary School, Whinfield Primary School and Rise Carr College (the Pupil Referral Unit).

- (b) Improve the physical environment of schools;
 - (c) Improve delivery of information to pupils with disabilities and/or learning difficulties.
7. The Council monitors the maintained settings in this respect through undertaking an annual review of maintained settings' Accessibility Plans.

Recommendation

8. It is recommended that:
- (a) Cabinet note the process undertaken to review the Strategy including consultation.
 - (b) Cabinet agree the Strategy.

Reasons

9. The recommendation is supported by the following reason; the Strategy is required under the Local Authority statutory duty.

**James Stroyan,
Group Director of People**

Background Papers

- (i) Equality Impact Screening
- (ii) Special Educational Needs Accessibility Strategy 2021-2024

Eleanor Marshall: Extension 6134

S17 Crime and Disorder	No recommendations from this report.
Health and Well Being	Support schools to undertake Accessibility Planning. This is in order for children and young people to access the curriculum, ensure the environment is accessible and there is sufficient quality of information for parents and carers to make choices in order to best enhance children's life chances and opportunities to thrive. This includes prevention and early intervention.
Carbon Impact and Climate Change	Schools are both encouraged, and where works are undertaken by the Local Authority in support of accessible environments, that these are done with the highest regard to sustainability and aim to reduce the carbon footprint and environmental resources.
Diversity	The principles of inclusion, (equality and diversity) are set out in the Strategy. Schools should work with parents, carers and the wider community to create greater understanding of differences and to remove barriers and potential barriers to participation and achievement.
Wards Affected	The maintained schools and settings to which this Strategy applies are in the following wards: Red Hall and Lingfield (Red Hall Primary School), Whinfield (Whinfield Primary School), Pierremont (George Dent Nursery School), North Road (Rise Carr Pupil Referral Unit and Harrowgate Hill Primary School), Park East (Borough Road Nursery School)
Groups Affected	Children and young people at maintained schools and settings.
Budget and Policy Framework	This report does not recommend a change to the budget and policy framework.
Key Decision	Yes - This Strategy affects more than one ward.
Urgent Decision	For the purpose of the 'call in' procedure this does not represent an urgent matter.
Council Plan	Children with the best start in life Enough support for people when needed
Efficiency	The outcome of this report will enable the Council to support maintained schools in the most efficient manner to improve their Accessibility Plans.
Impact on Looked After Children and Care Leavers	This report presents a Strategy that will benefit all children regardless of being Looked After or Care Leavers.

MAIN REPORT

Information and Analysis

10. Attached as **Appendix 1** is the final draft of the revised SEND Accessibility Strategy (2021 – 2024).
11. The review has taken into consideration research into other Local Authority (LA) strategies which has informed its presentation and level of detail. The key change is the inclusion of a key priorities section, pages 12 to 23.

Equalities Considerations

12. An Equality Impact Assessment screening (**see Appendix 2**) has not identified any significant impacts to people with a protected characteristic. The Strategy will have a positive impact on all children with disabilities as it sets out schools' duty not to treat pupils less favourably and to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage.

Financial Considerations

13. This decision does not represent a change to the budget and policy framework. In the case of any additional costs to the Council, these would be picked up through the Special Educational Needs grant and reported through the usual grant conditions.

Consultation

14. Consultation has taken place with parent/carers and maintained settings to whom this Strategy applies and stakeholders, the Darlington Parent/Carer Forum, and Darlington Association on Disability. The consultation has followed lines of enquiry in relation to in what ways and how well, schools and the LA meet their duty in the three statutory areas of responsibility:
 - (a) **Curriculum:** Schools are responsible for providing a broad and well-balanced curriculum including the wider curriculum such as enrichment activities and school trips.
 - (b) **Physical Environment:** Physical environment includes the school buildings and facilities as well as physical aids to access education.
 - (c) **Information:** including making clear what can be reasonably expected about supporting individual access needs and what to do when support is not provided.
15. The methods for consultation included one to one meetings with settings, and through an online questionnaire with parent/carers. Maintained settings were asked to forward this questionnaire to parent/carers of children with SEND in these settings. Consultation meetings with the Parent/Carer Forum and Darlington Association on Disability (DAD) also informed the development of the questionnaire. The questionnaire was also sent to parent/carers through the Parent/Carer Forum and DAD. Feedback on the Strategy from these stakeholders has also been reflected in the updated Strategy.

16. Consultation with SENCos and Head Teachers of the LA maintained settings included the two new special units for Social Emotional and Mental Health needs (SEMH) at Red Hall Primary School and Rise Carr College. Consultation also took place with the Low Incidence Needs Service (support for Hearing, Visual and Physically impaired pupils).
17. The requirements of the general public sector equality duty are critically important in ensuring that public bodies consider the needs of people with different protected characteristics as they respond to coronavirus. Therefore, the consultation reflected on the context of schools meeting immediate needs for vulnerable children and young people during the initial lockdown and subsequent return to school during the COVID-19 pandemic. Examples of best practice were provided, and whilst access to the curriculum support from the LA was limited for a time to on-line, the settings felt well supported.
18. For consultation with children, parental consent was sought for an advisory teacher to run a focus group. The children provided some examples of how school has adapted the curriculum and how support is provided in other environments around school. This provides evidence of schools taking advantage of the Local Authority support and also gives evidence of activities, interventions and a graduated response, that can be seen as best practice. These examples have been included in the Strategy.

Outcome of Consultation

19. Following the key lines of enquiry, relating to the three priorities, the Strategy has been updated to reflect more detail in respect to how the LA supports schools in the Borough. This includes more detailed information in relation to the Low Incidence Needs Service.
20. Settings agreed that where specialist equipment and Early Years SEN funding was requested it was supported by the LA, but some areas for improvement in process were suggested.
21. Feedback from stakeholders included the need to reflect the social model of disability and that the Strategy should support schools in decision making in relation to the anticipatory duty.
22. A consistent message from parent/carers was the need to ensure more staff training for equality and diversity and to ensure that information is accessible. The below are some comments from parent/carers on these points:

Comments from Parent/Carers

“The school has SEN meetings, and we have an appointed person available to speak to if problems arise. We get welfare every morning and afternoon. We have a book which is written in daily if ... tried anything new, did good at and if necessary, any problem. Normally full of positives.”

Provide ... “more talking points, all staff trained on how to manage disabilities/needs. Even pupils should be educated to help support and understand”.

“More staff training”

“The school has been nothing but accommodating, making adjustments fast when necessary”.

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DARLINGTON

Borough Council

PEOPLE SERVICES DIRECTORATE

SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) ACCESSIBILITY STRATEGY 2021-2024



CONTENTS

PART 1: INTRODUCTION	3
Overview.....	3
Guiding set of principles and vision.....	3
Definition of Disability	5
Special Educational Needs.....	5
Social Model of Disability	6
Legal Duties	6
School Accessibility Plans	7
Reasonable Adjustments	8
Darlington’s Context.....	9
Darlington’s Local Offer	10
Our data.....	10
PART 2: THE ACCESSIBILITY STRATEGY	11
Aims of the Strategy	11
Our Accessibility Priorities.....	12
Accessibility to the curriculum, physical environment, and delivery of information	12
Monitoring and review	21
PART 3: APPENDICES	23
Appendix 1 - Legal framework	23
Equality Act 2010.....	23
Reasonable adjustments duty	25
Children and Families Act 2014	26
SEN and Disability Code of Practice 2014.....	27
Supporting Children and Young People at School with Medical Conditions (DfE December 2015).....	28
Appendix 2 - Definitions	30
Appendix 3 – Guidance and Best Practice	31
Appendix 4 - Bibliography	35

PART 1: INTRODUCTION

Overview

Darlington Borough Council (the Council), is required under the Equality Act 2010 to have an Accessibility Strategy in which it promotes better access for disabled pupils at school and its local community. All maintained settings should have due regard to this Accessibility Strategy and use it to inform their Accessibility Plan that shows how, over time, access to education for disabled pupils will be improved. Schools must publish their Accessibility Plan with links to their Special Educational Needs (SEN) Information report on the Local Offer. Schools are also required to pro-actively consider accessibility of their site in relation to parents, contractors, and other site visitors under their public sector Equality Duty of reasonable adjustment.

This Accessibility Strategy sets out the approach that Darlington Borough Council is taking to increase access to education for disabled children and young people, so that they can benefit from educational provision to the same extent that children without disabilities can.

Guiding set of principles and vision

This strategy was reviewed and updated following consultation in 2021. The Council was given some key messages which underpin this strategy which are encompassed within the principles of **inclusion in education**. We believe that the majority of children and young people will thrive within their local mainstream settings, learning and developing as part of their local community. We consider it essential that children and young people feel that they belong and that they have formed relationships within schools and settings across the town. To achieve inclusion for all requires children and young people **to be present, to participate, to achieve and to belong**.

Our vision for children and young people within Darlington is that each and every one has the **“Best Start in Life”**. We recognise that in order to achieve this we need to provide services that meet the needs of children and young people and ensure that they are protected from harm, have their welfare safeguarded and promoted and receive help and support tailored to their individual needs.

[Darlington's SEND Strategy 2019-2022](#) for improving outcomes for children and young people with SEND 0-25 giving them the 'best start in life' outlines the vision and key priorities for supporting Darlington's children and young people with SEND and their families.

VISION

Our vision for all children and young people with special educational needs and disabilities will aim high and achieve their full potential, grow up to be as independent as possible and become active citizens within their community.

These are the **key values** that underpin this vision:

- Focus on the child's real experience
- Being proactive early
- Investing in local solutions
- Being aspirational on holistic outcomes
- Value families
- Investment in systems and services that we know work

We would like to thank:

Borough Road Nursery School, George Dent Nursery School, Harrogate Hill Primary School, Red Hall Primary School, Whinfield Primary School, Rise Carr College, Darlington's Low Incidence Needs Service, Darlington Association on Disability, the Darlington Parent Carer Forum, and the children, young people and parents who participated in the consultation.

Definition of Disability

The definition of disability is set out in the Equality Act 2010 and states that a disabled person is someone who has a physical or mental impairment which has a substantial and long-term adverse effect¹ on their ability to carry out normal day to day activities.

This definition includes children and young people with physical, sensory, intellectual, or mental impairments, those with learning difficulties, autism, speech language and communication needs, severe dyslexia, diabetes, and epilepsy.

A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

Within this context we will see and value the child or young person, not his or her disability and in doing so endeavour to break down barriers by promoting informed understanding of what a child or young person can do. Importantly, we will seek to overcome barriers to learning.

Special Educational Needs

The special educational needs and disability code of practice 0-25, states that 'A child or young person has special educational needs if they have a learning difficulty or disability which calls for special educational provision to be made for him or her'. Just because a child has special

¹ at least a year or lifelong

educational needs does not necessarily mean they also have a disability and vice versa. They do often overlap, however.

Social Model of Disability

The key principle running through the Local Authority Equality policy 2018-22² is that inequality and social exclusion are caused by social and organisational barriers rather than the medical, economic, cultural, or other circumstances of the individual. This principle is well established in the Social Model of Disability, but it can be applied more widely. It is the position that underpins Equality Impact Assessment and is appropriate across all the legally Protected Characteristics. This strategy has been developed having undertaken an Equality Impact Assessment screening which has been reviewed throughout consultation.

Legal Duties

Darlington Borough Council is committed to ensuring that the Council meets and, where practicable, exceeds its requirements under Schedule 10 of the Equality Act (the Act) 2010. The Council has therefore researched and developed this Accessibility Strategy for the schools for which it is responsible³ therefore this strategy applies to all maintained schools, which includes maintained nursery schools and the pupil referral unit. The pupil referral unit provides education for vulnerable children and young people unable to attend a mainstream school.

This strategy applies only to maintained schools: The Equality Act requires all providers to make reasonable adjustments to avoid disadvantaging pupils with disabilities, but schools have an additional duty to plan for better access for disabled pupils. The reasonable adjustments duty and a wider and more strategic planning approach for schools are intended to complement each other. These planning duties therefore do not apply to Further Education, Higher Education or Early Years settings (unless constituted as a school). For them, the requirement to remove physical barriers is contained within the reasonable adjustment's duty.

² [Darlington Borough Council - Equality Policy](#)

³ Three Local Authority maintained schools, 2 nursery schools and Pupil Referral Unit.

In researching and developing this strategy, Darlington Borough Council has met its statutory duties under:

- Equality Act 2010
- Reasonable adjustments duty (schedule 13 of the Equality Act 2010)
- Children and Families Act 2014
- The Special Educational Needs and Disability (SEND) regulations 2014
- Special Educational Needs and Disability (SEND) Code of Practice January 2015
- Supporting children and young people at school with medical conditions (DfE September 2014)

Please see the additional guidance in Appendix 1.

School Accessibility Plans

Just as Section 10 of the Equality Act requires local authorities to prepare an Accessibility Strategy, it also requires that schools' responsible bodies produce Accessibility Plans. This strategy and accompanying Accessibility Plan template and audit tools⁴ aim to support all schools in being able to meet this duty in writing and publishing their plan.

Schools have a statutory duty to develop and implement their own strategies (including development of Accessibility Plans), setting out how they are going to meet the needs of children and young people with disabilities to enable them to access the curriculum⁵ and to make their learning and studying environment, enrichment⁶ activities and all educational visits both on and off school sites as accessible as possible.

Accessibility Plans must be published on-line, which should include details of how they support the above objectives. The Accessibility Plan can either be a freestanding document or be part of another document (such as the school development plan), in this later case this must be clearly signposted from the school's website. School Governors are accountable for ensuring the

⁴ The Accessibility Plan template outlines the duties of schools set out in schedule 10 of the Equality Act 2010.

⁵ There are statutory programmes of study and attainment targets for physical education at key stages 1 to 4. Sport is included in the definition of physical education.

⁶ Activities outside of the core curriculum including any sporting/physical activity.

implementation, review and reporting of progress of the Accessibility Plan which must be reviewed every three years.

We have provided schools with further support through development of an Accessibility Plan template, and Accessibility audit tool for both Early Years and Primary settings.

Reasonable Adjustments

Some children and young people (CYP) require special educational provision because they have a disability⁷ which prevents or hinders them from making use of the educational facilities generally provided (see Annex A for SEND Code of Practice 6.34 extracts). They may need specialist equipment⁸ to access all the opportunities available to their peers. A CYP's needs may be age related and may fluctuate over time, however, some CYP with a disability may require long term additional ongoing support. From September 2012 settings and Local Authorities have a duty to supply specialist equipment, alternative/augmentative communication (AAC) aids and associated technical access equipment as reasonable adjustments. According to the Equality Act 2010 (Equality Act 2010 www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils, n.d.), **what is 'reasonable' for a setting to provide is subject to various factors.**

- Where something a setting does places a disabled pupil at a disadvantage compared to other pupils then the setting must take reasonable steps to try and avoid that disadvantage.
- Settings will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.

Many disabled pupils may receive support in school through the SEN framework. In some cases, the substantial disadvantage that they experience may be overcome by support received under the SEN framework and so there will be no obligation under the Act for the school or LA to make reasonable adjustments. However, in some cases this may be appropriate.

⁷ <https://www.gov.uk/government/publications/equality-act-2010-advice-for-Settings>

⁸ Including auxiliary aids (see paragraph 4.18) of equality-act-2010-advice-for-Settings

Some of the factors that are likely to be considered when considering what adjustments, it is reasonable for a setting to have to make are highlighted in the Equality Act 2010 technical guidance⁹ :

- The extent to which special educational provision will be provided to the disabled pupil under Part 3 of the CYP and Families Act 2014
- The resources of the setting and the availability of financial or other assistance
- The financial and other costs of making the adjustment
- The extent to which taking any step would be effective in overcoming the substantial disadvantage suffered by a disabled pupil
- The practicability of the adjustment
- The effect of the disability on the individual
- Health and safety requirements
- The need to maintain academic, musical, sporting, and other standards
- The interests of other pupils and prospective pupils

Settings are not subject to the requirement of reasonable adjustment duty concerned with making alterations to physical features because this is already considered as part of their planning duties. For example, building works/structural adaptations to the building fabric, stair lifts, grab rails etc.

Darlington's Context

Delivering Success for Darlington is the Council Plan and it sets out the vision for the borough:

“Darlington is a place where people want to live and businesses want to locate, where the economy continues to grow, where people are happy and proud of the borough and where everyone has the opportunity to maximise their potential.”

The Plan is structured around the following priorities: (a) Growing Darlington's Economy (b) Maximising the Potential of our Young People (c) Working with Communities to Maximise their Potential (d) Supporting the Most Vulnerable in the Borough (e) A dedicated workforce who are proud to serve the borough and an accessible, effective and engaged council.

⁹ Equality Act 2010 Technical Guidance <https://www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils>

Darlington's Local Offer

The Local Offer sets out in one place the support available to families of children and young people with SEND in Darlington. To ensure the effectiveness of the local offer, the Local Authority:

- encourages educational settings to link their Accessibility Plan and SEND Information Report to the Local Offer
- reviews and updates the Local Offer regularly, responding to feedback from professionals, children and young people and their families
- makes the Local Offer available both online – external link: <https://livingwell.darlington.gov.uk/Categories/528> and through distribution of leaflets to a wide range of organisations in Darlington, including health services, social care, education and schools, voluntary organisations, reception areas, and private companies

Our data

Every local area is required to have a joint strategic need assessment – external link: [Darlington Borough Council - Darlington Joint Strategic Needs Assessment 2018](#). Data relating to pupils who live in Darlington but who do not necessarily attend an educational establishment in Darlington Data are published on <https://explore-education-statistics.service.gov.uk/find-statistics/education-health-and-care-plans>

Each SEN2 Return is carried out in January and is for the period 1st January to 31st December of the preceding year. In January 2021 there were 16,223 pupils on roll, of these:¹⁰

- 2,686 pupils required additional and specialist support
- 305 pupils were on roll in special schools
- 2,355 pupils with SEND were supported in mainstream settings
- 26 pupils were supported in the Pupil Referral Unit.

¹⁰ Source: SEN2 Returns (2021)

PART 2: THE ACCESSIBILITY STRATEGY

Aims of the Strategy

This Accessibility Strategy sets out how the Local Authority will work with schools for which is responsible. The key aims of this strategy are to:

- increase the extent to which disabled children and young people can participate in the schools' curriculum
- improve the physical environment of schools
- improve delivery of information to children and young people with disabilities and/or learning difficulties

It is the Local Authority vision that this strategy provides best practice for which all schools in the borough will benefit.

Children and young people who were consulted in development of this strategy have told us:

*There is always a teacher free in the group room, so you can always have someone to talk to. We also have an **ELSA** (Emotional Learning Support Assistant) room and a teacher/TA will take you .. if you need to calm down.*

*We have an '**Ask it Basket**' - if worried you put your worry in the basket and a teacher will look at it and talk to you. The Ask it Basket is private.*

*There are **SAT groups for extra learning** so we can ask questions there, the teachers can see in the work that we are struggling in and will adapt the lessons.*

*The teacher **can send packs home** to help you, there is **online learning and websites** that we can log into to help us, online it will test and then it will find your gap. We feel that it is open and we can ask the teacher.*

***Antibullying buddies** (Y6 pupils). There are a lot of lunch supervisors and they will help you if you have a problem and they are really nice, they will join in with the games. There is a **buddy bench** so if you are sat alone then someone will come and play with you.*

Our Accessibility Priorities

Accessibility to the curriculum, physical environment, and delivery of information

Increasing participation in the school curriculum

Schools are responsible for providing a broad and well-balanced curriculum including the wider curriculum such as enrichment activities and school trips. The Council will work in partnership with schools and other agencies in the following ways to support schools and settings:

What are we going to do?	How?
<ul style="list-style-type: none"> • Provide training and awareness raising opportunities for governors and parents/carers 	<ul style="list-style-type: none"> • Governor briefings • PCF meetings and briefings
<ul style="list-style-type: none"> • Share good practice across schools 	<ul style="list-style-type: none"> • The Council works alongside the local SEND co-ordinators Network (including Early Years) to provide on-going training and development • School SEND co-ordinators and Mental Health Leads (including Early Years) whose role is to embed good practice in their setting to meet the needs of pupils
<ul style="list-style-type: none"> • Respond to disabled children and young peoples' diverse learning needs and to set suitable learning challenges, overcoming potential and perceived barriers to learning and assessment 	<ul style="list-style-type: none"> • The Council works collaboratively to plan and commission children and young people's provision, through a 'Multi Agency Provision Panel' combining Education, Health and Social Care with continual quality assurance • Advice and guidance to educational establishments through statutory and traded service is delivered through the

	<p>LA Educational Psychology Service (EPS)</p> <ul style="list-style-type: none">• Support from Emotional Learning Support Assistants is available in most Darlington schools, trained by the Darlington EPS.• Ongoing training is provided for School SEND co-ordinators delivered through the SEND Inclusion Advisor and from outreach services e.g., all schools have fully trained ASD and Mental Health Leads whose role is to embed good practice in their setting to meet the needs of pupils.• Provision of specialist teachers within a Low Incidence Needs Service (LINS) that provides support for children and young people with visual and hearing impairments. The LINS responds to children and young people’s physical and sensory (HI and VI) needs and supports school staff to set suitable learning outcomes, to help ensure that children meet their full potential. For example: effective use of amplification aids, modifications and adaptations to visual resources, e.g., large print, braille, and tactile resources. The service provide advice on the provision of specialist equipment and assistive technology. This advice would be for either purchases made through LA funding or
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	<p>through school budgets as appropriate. LINS will identify the equipment required to optimise the child’s learning such as magnification software, large print rulers and protractors, dark lined paper or to enable access to learning e.g., slings, toilet seat for the schools to purchase as appropriate. LINS will support schools in their applications to the LA for equipment, (radio aids, CCTV, braille note takers, hoists) through the Specialist Equipment Policy.</p>
<ul style="list-style-type: none"> • Ensure that schools are aware of support services that provide advice to schools and staff 	<ul style="list-style-type: none"> • As above, provision of meetings and networks, training, and briefings. • The Local Offer sets out in one place the support available to families of children and young people with SEND in Darlington.
<ul style="list-style-type: none"> • Provide specialist help where possible to identify ways forward in increasing the inclusion of all disabled children and young people 	<ul style="list-style-type: none"> • The LA has developed a Special Educational Need and Disability graduated response ‘ranges’ guidance for SENCOs and schools/services to assess and identify the needs of pupils and to put into place the appropriate support. They describe the pupil’s needs and provide suggestions for the types of interventions that will be required within each of the SEND Code of Practice broad areas of need.

	<p>The Council SEND Inclusion Advisor provides support to schools.</p> <ul style="list-style-type: none">• The Darlington Life Stages Service can support disabled children and young people with a learning disability and /or physical disability aged 0-25 years. to improve outcomes for children and young people who have a variety of needs. Experienced social care coordinators in the team work with children and young people and their parents/carers, as well as partner agencies.• Commissioning of outreach support services which is available to all schools that supports schools graduated response for children and young people, specifically with Social Communication (including Autism) difficulties, cognition and learning, and speech and language.• Commissioning of physical needs support and in-reach water therapy for children with physical needs in liaison with Occupational Therapy services:<ul style="list-style-type: none">- Integrated therapies- Physical needs advisor (LIN service)
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	<p>The Council commissions through its statutory services for example, therapeutic social workers, occupational therapy, youth justice engagement service pathways.</p>
<ul style="list-style-type: none"> • Ensure sufficiency of places to support children and young people with Special Educational Needs 	<p>The LA has commissioned and provided specialist SEND places in special schools, resource bases and SEND units. These specialise in Autism Spectrum Disorder (ASD), Speech Language and Communication Needs, Social Emotional and Mental Health (SEMH) and Cognition and Learning needs.</p> <ul style="list-style-type: none"> • Mount Pleasant Primary School Social Communication provision • Hurworth Secondary School Autism provision • Red Hall Primary School STRIVE provision (SEMH) • Heathfield Primary School cognition and learning provision (The Ark) • Northwood Primary School Speech and Language Base provision • Rise Carr College (Pupil Referral Unit) provision for SEMH

Improving the physical environment of schools

Physical environment includes the school buildings and facilities as well as physical aids to access education. Schools would be expected to allocate their Devolved Formula Capital funding to capital works for example to:

- make reasonable adjustments to enable better physical access to the school, its classrooms, and activities
- where appropriate, re-arrange room space or change the layout of classrooms to create extra physical space/opportunities to move around where needed
- consider the needs of children and young people with complex physical impairments who use wheelchairs to move around the school
- ensure that where children and young people who for various reasons require toilet and changing facilities, adaptations are made.

Using revenue funding, schools should plan and provide specialist equipment to:

- ensure children and young people with less complex physical impairments who are ambulant receive required adaptations or adjustments to the school environment
- ensure that children and young people with a sensory impairment or other difficulty receive adaptations to the school environment or the presentation of information in appropriate formats

Where a distinct, unusual, or specific impact is likely to affect disabled children and young people, then schools should conduct a full Disability Impact Assessment.

Schools are also provided with 'notional' SEN funding which is channelled through additional needs factors contained within the funding formula. It is expected that schools use this funding to plan and provide specialist equipment, however, the Council will support schools to apply for specialist equipment funding in negotiation with the school.

The Council will work in partnership with schools and other agencies in the following ways to support schools and settings:

What are we going to do	How?
<ul style="list-style-type: none"> The Council will ensure that all maintenance of, improvements to, and additions to school property within our control comply with current building regulations and are physically accessible 	<ul style="list-style-type: none"> In the case of Local Authority funded capital works (e.g., SEND Capital Grant funding), the Council will work with settings in consultation with Parents and Carers to explore opportunities of going beyond obligations and duties. Where possible, the Council will be able to support schools to make adaptations using basic need funding where linked to the provision of additional school places. The allocation of school condition improvement funding for maintained non-VA schools is agreed with schools on an annual basis
<ul style="list-style-type: none"> The Council also provide schools with funding to make reasonable adjustments 	<ul style="list-style-type: none"> The LA specialist equipment policy outlines the process for schools to apply for funding. Provision of specialist teachers within the Low Incidence Needs Service (LINS) that provides support for children and young people with visual and hearing impairments. This advice includes support either for purchases made through LA

funding or through school budgets as appropriate. LINS will identify the equipment required to optimise the child's learning such as magnification software, large print rulers and protractors, dark lined paper or to enable access to learning e.g., slings, toilet seat for the schools to purchase as appropriate. LINS will support schools in their applications to the LA for equipment, (radio aids, CCTV, braille note takers, hoists) through the Specialist Equipment Policy.

- The LINS advises schools about their own responsibilities regarding reasonable adjustments. This refers to but is not limited to:
 - Physical – [Physical needs advisor](#) for example, addressing physical access, classroom layout, toilets, dining hall, playground etc.
 - Visual – for example, ensuring appropriate assessment by Habilitation Officer to address the need for hand rails, appropriate lighting, high contrast strips on stairs, uneven surfaces etc.
 - Hearing – for example, optimising learning environment and listening conditions through good lighting, reducing reverberation and excess

	<p>noise, e.g. soft furnishings around the room, rubber feet on chairs.</p> <ul style="list-style-type: none">• The Early Years Disability Access Funding (DAF) helps providers to make reasonable adjustments in their settings, either to support an individual child, or for the benefit of all children attending the setting. The purpose of the funding is ‘to support access to free entitlements for 3- and 4-year-old children with disabilities or Special Educational Needs (SEN)’.
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Improving the delivery of information

The School Information (England) (Amendment) Regulations 2012 details the minimum requirements for information which must be provided on school websites and reproduced as a paper copy without charge on request by parents/carers. School websites must be reviewed annually and this link sets out what must be published online - [What maintained schools must publish online - GOV.UK \(www.gov.uk\)](#).

Darlington Borough Council is committed to making its website accessible, in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. The Council Accessibility Policy and Statement can be found on the website [here](#).

The requirement in the Children and Families Act 2014 to develop a [Local Offer](#) has the express purpose of simplifying and making information about processes, systems and services that support children and young people with special educational needs and disabilities more accessible. In addition, the SEND Information, Advice and Support Service (SENDIASS) can offer impartial information, advice, and support over the phone and in person.

Information for parents and young people should be written and made available with everyone's needs in mind, considering the needs of CYP with hearing and visual impairments e.g., through use of large print, digital resources, alternative methods of communication e.g., texting, emails, BSL interpreter, foreign language interpreter. The Council has commissioned the [Low Incidence Needs Service](#) to advise on these specific areas. The service provides outreach support from a range of specialist staff who facilitate the school to address the needs of children and young people with low incidence needs so that their needs are met within the daily life of their school or learning establishment. This includes (as set out in the above)

- Advice on the provision of specialist equipment and assistive technology
- Increasing participation in and access to the school curriculum
- Access to the environment
- Access to information

Monitoring and review

Darlington Borough Council is responsible for keeping its Accessibility Strategy under review during the period to which it relates (2021-2024) and if necessary, to revise it, implementing any changes in relevant legislation. This will be achieved through means of an annual monitoring cycle which will consider:

- Monitoring settings' accessibility plans
- Feedback from parents/carers
- Feedback from disabled children and young people
- Monitoring outcomes from equality impact assessments where required

This strategy is the responsibility of the Education and Inclusion Service within the People Directorate. It will be monitored by the Education and Inclusion Senior Management Team and governed by the People Services Directorate Leadership Team. An Annual Report will be provided to the Children and Young People's Scrutiny Committee by exception.

In its first full review the key messages arising for this Strategy are:

Awareness

- There is strong evidence of good inclusive practice, and educational settings have been encouraged to develop case studies to support these.

Curriculum Access

- All staff will benefit from regular updated training to understand equality, diversity and inclusion and act on the additional needs of children and young people with SEND.

Physical Access

- The Local Authority specialist equipment policy, and SEN funding, aids schools in making reasonable adjustments under the anticipatory duty.

Information and advice

- The review of this Strategy has led to the presentation of information as set out in pages 12-21 above.

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PART 3: APPENDICES

Appendix 1 - Legal framework

Darlington Borough Council has met its legal obligations relating to the Accessibility Strategy under the following legislation:

- Equality Act 2010
- Reasonable adjustments duty (schedule 13 of the Equality Act 2010)
- Children and Families Act 2014
- The Special Educational Needs and Disability (SEND) regulations 2014
- Special Educational Needs and Disability (SEND) Code of Practice January 2015
- Supporting children and young people at school with medical conditions (DfE December 2015)

A brief overview of the key points from each piece of legislation which have been considered in developing the Accessibility Strategy are given below.

Equality Act 2010

Schedule 10 of the Equality Act explains that local authorities in England and Wales must prepare an Accessibility Strategy for the schools for which it is responsible. An Accessibility Strategy is intended to:

- Increase the extent to which disabled children and young people can participate in the school curriculum
- Improve the physical environment of schools for the purpose of increasing the extent to which disabled children and young people can take advantage of education and benefits, facilities or services provided or offered by the schools
- Improve the delivery to disabled children and young people of information which is readily accessible to children and young people who are not disabled

Darlington Borough Council (as the local authority) must keep its accessibility strategy under review following its implementation during the period to which it relates (usually three years) and, if necessary, revise it.

The Equality Act 2010, Schedule 10, also states that a relevant inspection may extend to the performance by the responsible body of its functions in relation to the preparation, publication, review, revision, and implementation of its Accessibility Strategy.

The law on disability discrimination is different from the rest of the Equality Act 2010 in that it only works in one direction, e.g., it protects disabled people but not people who are not disabled. This means that schools can treat disabled children and young people more favourably than non-disabled children and young people. The disability equality duties state that the Local Authority must:

- Promotes equality of opportunity
- Eliminates unlawful discrimination
- Eliminates disability – related harassment
- Promotes positive attitudes towards disabled people
- Encourages participation by disabled people in public life
- Take steps to meet disabled people’s needs by doing things you would not normally do for non-disabled people

School governing bodies and proprietors must also publish information about the arrangements for the admission of disabled children/young people, the steps taken to prevent disabled children/young people being treated less favourably than others, the facilities provided to assist access of disabled children/young people, and their accessibility plans. Where a child or young person is covered by SEN and disability legislation, reasonable adjustments and access arrangements should be considered as part of SEN planning and review. Where school governors are publishing information about their arrangements for disabled children and young people, this should be brought together with the information required under the Children and Families Act 2014. Positive Action provisions allow schools to target measures that are designed to alleviate disadvantages experienced by, or to meet, the needs of pupils with protected characteristics.

Reasonable adjustments duty

The reasonable adjustments duty is part of the Equality Act 2010 and came into force on 1 October 2010 (as part of the original Act). The Equality Duty came into force later, 5 April 2011, but is still part of the original Act.

Under the Equality Duty 2011 the duty to make reasonable adjustments in schools is as follows:

- If a school takes an action which places a disabled children and young people at a disadvantage when compared to other children and young people who do not have disabilities, then the school must take reasonable steps to try and avoid that disadvantage
- Schools will also have to consider reasonable adjustments for disabled children and young people generally – both current and future. The duty to make reasonable adjustments is an anticipatory duty so schools should not wait until a disabled children or young person arrives before making or planning to make reasonable adjustments
- Schools are not obliged to anticipate and make adjustments for all potential disabilities and need only consider general reasonable adjustments e.g., producing documents in a large font
- Schools will be required to consider the reasonableness of adjustments based on each individual case

The Equality Act does not set out what would be a reasonable adjustment or a list of factors to consider in determining what is reasonable, however this adjustment should be to address a substantial disadvantage. Schools may consider financial or other resources required for an adjustment, its effectiveness, the effect on other children and young people, health, and safety requirements and whether aids should be made available from other agencies.

A reasonable adjustment should be decided by agreement between the Local Authority, the school, and parents/carers.

The Local Authority has developed a 'Specialist Equipment Policy' which has detailed guidance on the duty and how schools can apply to the Authority for funding.

Children and Families Act 2014

There are four key principles in the Act for Local Authorities:

- to consider the views, wishes and feelings of the child, young person, and their parents
- to involve the child, young person and their parents in decisions that affect them
- to give the child, young person, and their parents the information and support they need to be involved in decision making
- to support the child, young person, and their parents to achieve the best possible outcomes

The Local Authority is required to arrange for children or young people with special educational needs or disabilities (SEND) and their parents to have [information and advice](#) about these. This should include information on health and social care and personal budgets.

Local Authorities need to develop and publish a [Local Offer](#) setting out the support and services available for local children and young people with SEND.

They should also talk to them about developing their education, health, and care (EHC) plan, including the schools and colleges they can choose and how they can use [personal budgets](#).

All parents, children and young people should have access to impartial information, advice, and support about SEND which includes different options.

The Act includes the right of parents or children and young people to challenge decisions made by the Local Authority in relation to their education, health, and care. The Act details how Local Authorities should identify ways of dealing with any disagreements and what further action

parents or children and young people can take to resolve any disagreements. For details see the Darlington SEND Information Advice and Support Service: [SENDIASS](#).

The Local Authority has specific additional responsibilities for children and young people with SEND who are:

- looked after (in care)
- care leavers
- in need of additional social care in addition to special educational support and services
- educated away from home (in another Local Authority Area)
- educated at home
- in education somewhere other than at school
- in hospital
- in custody or detention
- the children of parents in the armed forces

SEN and Disability Code of Practice 2014

The principles which underpin the Code of Practice are:

- the views, wishes and feelings of the child or young person, and their parents
- the importance of the child or young person, and their parents, participating as fully as possible in decisions; and being provided with the information and support necessary to enable participation in those decisions
- the need to support the child or young person, and their parents, to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood

The local offer should reflect the services that are available. The local offer must include provision in the local authority area. It must also include provision outside the local area that the local authority expects is likely to be used by children and young people with SEND or disabilities.

Parents, children, and young people must be involved in the development and review of the local offer. This includes:

- Collaboration between education, health, and social care services to provide support. Schools must use their best endeavours to offer high quality teaching which is differentiated and personalised for all children and young people and in addition high quality special educational provision - that which is additional to or different from what is provided to all – for those who need it
- A child or young person who does not have an EHC plan must be educated in mainstream setting except for specific circumstances

Local authorities are required to arrange for children and young people with SEN or disabilities and their parents to be provided with information and advice about matters relating to their SEND, including matters related to health and social care.

The SEND Code of Practice emphasises that educational settings including further education establishments must not have discriminatory admissions policies. Where a child or young person has SEN but does not have an Education, Health and Care Plan they must be educated in a mainstream setting except in specific circumstances set out in the Code of Practice.

Supporting Children and Young People at School with Medical Conditions (DfE December 2015)

Local Authorities are required to provide support, advice, and guidance, including suitable training for school staff, to ensure that the support specified within individual healthcare plans can be delivered effectively. They should work with schools to support children and young people with medical conditions to attend full time. Where children and young people would not receive a suitable education in a mainstream school because of their health needs then the Local Authority has a duty to make other arrangements.

The intention is to ensure that children and young people at school with medical conditions are properly supported so that they have full access to education, including school trips and physical education. Governing bodies are expected to ensure that arrangements are in place in schools to support children and young people with medical conditions and detail those requirements.

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Appendix 2 - Definitions

Settings/Schools

All maintained schools, maintained nurseries and the pupil referral unit for which Darlington Borough Council is responsible.

Discrimination

Public bodies, specifically schools this instance, must not disadvantage a disabled child or young person as a direct consequence of their disability. As required by the Equality Act 2010, schools must not implement changes which apply to all children and young people but could have a significant adverse effect on disabled children and young people.

Children and young people

Children and young people spoken of in this strategy are of compulsory school age and in attendance in a maintained setting, i.e., nursery school, school, or pupil referral unit, and where a nursery school provides childcare and education for 2- to 4-year-olds.

Compulsory school age

Start of compulsory school age


A child reaches compulsory school age on or after their fifth birthday. If a child turns five between 1 September and 31 December, they are of compulsory school age on 31 December. If a child turns five between 1 January and 31 March, they are of compulsory school age on 31 March. If a child turns five between 1 April and 31 August, they are of compulsory school age on 31 August.

End of compulsory school age

A child can leave school on the last Friday in June if they are 16 by the end of the summer holidays. Then, they must do one of the following until they are 18:

- stay in full-time education, for example at a college
- start an [apprenticeship](#) or [traineeship](#)
- spend 20 hours or more a week working or volunteering, while in part-time education or training


Appendix 3 – Guidance and Best Practice

 [SEND Code of Practice \(DfE July 2014 - updated in January 15\) PDF format 3.32MB\)](#)

The Special Educational Needs and Disability code of practice: 0 to 25 years

 [SEND Regulations \(DfE 2015\) \(PDF format 210KB\)](#)

Special Educational Needs and Disability Regulations 2014

 [Statutory Guidance on Supporting Children and young people at School with Medical Conditions \(PDF format 402KB\)](#)

Statutory guidance to support Children and young people with medical needs in schools

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DFE Guidance (external link)

<https://www.gov.uk/government/publications/local-area-send-inspection-framework>

The framework for the inspection of local areas' effectiveness in identifying and meeting the needs of Children and young people who have special educational needs and/or disabilities

DFE Guidance (external link)

<https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>

The DFE guidance for maintained schools for **publication of the Accessibility Plan in compliance with [paragraph 3 of schedule 10 of the Equality Act 2010](#)**.

This can be provided as part of the SEND information report in the school's policy for children and young people with SEND.

DFE Guidance (external link)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410294/Advice_on_standards_for_school_premises.pdf

The DFE guidance helps schools and local authorities understand their obligations and duties in relation to:

- the [School Premises Regulations 2012](#)
- part 5 of the revised [Education \(Independent School Standards\) \(England\) Regulations 2010](#), which came into force on 1 January 2013

Health and Wellbeing Strategy – external link

<https://www.darlington.gov.uk/media/2636/darlington-health-and-wellbeing-plan-as-adopted-by-health-and-wellbeing-board-october-2017.pdf>

Darlington Borough Council's Health and Wellbeing Strategy 2017-2022

Children and Young People’s Plan – external link

<https://www.darlington.gov.uk/education-and-learning/cypp/>

Darlington Borough Council’s Children and Young People’s Plan 2017-2022

Advice on school premises

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410294/Advice_on_standards_for_school_premises.pdf

DFE Guidance:

Advice on standards for school premises. For local authorities, proprietors, school leaders, school staff and governing bodies

School Premises Regulations 2012, which came into force on 31 October 2012, and Part 5 of the revised Education (Independent School Standards) (England) Regulations 2010, which came into force on 1 January 2013.

Public Sector Equality Duty and Human Rights Regulations

[Equality Act technical guidance | Equality and Human Rights Commission](https://www.equalityhumanrights.com/equality-act-technical-guidance)
([equalityhumanrights.com](https://www.equalityhumanrights.com))

The Commission has produced dedicated Technical Guidance for Schools for both England and Scotland that outlines the requirements of the Equality Act 2010 on schools, in relation to provision of education and access to benefits, facilities or services, both educational and non-educational. It provides an authoritative, comprehensive, and technical guide to the detail of the law.

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

Background to what the Public Sector Equality Duty is, how it came about and why we need it. A PowerPoint presentation is also available to download covering the same.



Appendix 4 - Bibliography

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Initial equality impact assessment screening form

This form is an equality screening process to determine the relevance of equality to an activity, and a decision whether or not a full EIA would be appropriate or proportionate.

Directorate:	People
Service Area:	Education
Activity being screened:	SEND Accessibility Strategy 2021-2024
Officer(s) carrying out the screening:	Eleanor Marshall
What are you proposing to do?	Review existing SEND Accessibility Strategy 2017-2020
Why are you proposing this? What are the desired outcomes?	It is a statutory duty to review the Strategy
Does the activity involve a significant commitment or removal of resources? Please give details	Undertaking the activity itself does not involve any additional resource. The strategy will reflect any changes to support that schools receive from the Local Authority. It should also reflect the context of schools meeting immediate needs for children and young people during Covid-19.


Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or any other socially excluded groups?

As part of this assessment, please consider the following questions:

- **To what extent is this service used by particular groups of people with protected characteristics?**
- **Does the activity relate to functions that previous consultation has identified as important?**
- **Do different groups have different needs or experiences in the area the activity relates to?**

If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate.

Protected characteristic	Yes	No	Don't know/ Info not available
Age		No	
Disability		No	
Sex (gender)		No	

Race		No	
Sexual Orientation		No	
Religion or belief		No	
Gender reassignment		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
Other		No	
Carer (unpaid family or friend)		No	
Low Income		No	
Rural Location		No	
Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	The Strategy is specifically in relation to support schools to set out their obligations in respect to CYP with Special Educational Needs and/or Disabilities.		
Will the activity have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	This EIA applies to the Accessibility Strategy for maintained schools and settings. It does not apply to Academies for which owners/governing bodies must produce their own Accessibility Strategy as required by the Equality Act 2010. All schools have the duty to support children and young people with disabilities and make reasonable adjustments.		
Decision (Please tick one option)	EIA not relevant or proportionate:	X	Continue to full EIA:
Reason for Decision	This strategy will have a positive impact on all children with disabilities as it sets out schools' duty not to treat pupils less favourably and to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage. It is not proposed to make significant changes to the existing strategy. However, the approach to supporting schools and CYP with SEND has been adjusted due to COVID-19, as have schools, and these changes will be reflected in the strategy. If during consultation any unforeseen equality impacts arise, the decision not to carry out a full EIA will be reviewed.		
Signed (Assistant Director)			
Date	18 November 2021		

CABINET
3 MAY 2022

**RELEASE OF CAPITAL ALLOCATION IN THE MTFP
CORPORATE LANDLORD CAPITALISED REPAIRS 2022-23**

Responsible Cabinet Member – Councillor Scott Durham
Resources Portfolio

Responsible Director – Elizabeth Davison
Group Director of Operations

SUMMARY REPORT

Purpose of the Report

1. To seek the release of funding allocated in the Capital MTFP 2022/23 – 2025/26 to undertake Capitalised Repairs in corporate buildings.

Summary

2. An allocation of £250,000 has been made available for 2022/23 in the Capital MTFP for Capitalised Repairs and it is requested that the funding be released in order for essential remedial works to progress.

Recommendation

3. It is recommended that the £250,000 allocated in the Capital MTFP for Capitalised Repairs be released.

Reason

4. The recommendations are supported to safeguard the condition of the Council's corporate buildings and to meet statutory and legal obligations.

Elizabeth Davison
Group Director of Operations

Background Papers

No Background papers were used in the preparation of this report.

Kelvin McDade: Extension 6468

S17 Crime and Disorder	There are no direct implications.
Health and Well Being	There are no direct implications.
Carbon Impact and Climate Change	There are no implications on Carbon Impact and Climate Change as a result of this report
Diversity	The recommendation does not have any specific diversity implications.
Wards Affected	Depending on the location of the Council's buildings, a number of Wards may be affected.
Groups Affected	There are no specific groups affected.
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	This is not a Key Decision
Urgent Decision	This is not an Urgent Decision
Council Plan	This report supports the Council plan to maintain the condition of the Council's assets and modernise our key public buildings.
Efficiency	The proposed works will ensure the ongoing safety and condition of the Council's buildings and reduce the frequency of ongoing inspections and temporary repairs.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Background

5. An allocation of £250,000 has been made in the Capital MTFP for Capitalised Repairs.
6. The Council occupies a number of properties predominantly freehold where we have a responsibility to maintain them in a condition appropriate to their use and in accordance with our statutory obligations.
7. Pennington Choices were commissioned to undertake stock condition surveys in our corporate properties to identify immediate remedial works and future investment requirements.
8. Further to the Pennington surveys, additional survey and servicing data has been acquired and essential works prioritised.
9. It is proposed that the Capitalised Repairs allocation be used to meet these urgent works which include:
 - (a) Town Hall – Roof Covering, Gutters and Downpipes
 - (b) Eastbourne Sports Complex – Gutters and Downpipes
 - (c) Pease House – Windows and Doors

(d) Tubwell Row – External Fabric

Financial Implications

10. A sum of £250,000 was allocated for Capitalised Repairs in the 2022/23 MTFP Capital programme. The work will be funded from corporate resources such as capital receipts or prudential borrowing.

Legal Implications

11. The Council will need to address any lease issues associated with works on leasehold properties.

Corporate Landlord Advice

12. In the main the Council's revenue budgets are adequate for addressing day to day repair and maintenance items but where larger works are required, these fall under Capital and need to be addressed through Capitalised Repairs.

Procurement Advice

13. The Contract Procedure Rules must be followed in relation to all procurements carried out by Building Services. If the procurement of external services is in excess of £100,000, this must be detailed on the Procurement Plan and authorisation received by Procurement Board.

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