



## HILL HOUSE SCHOOL

### **Reasonable Adjustments for Pupils with Special Educational Needs or Disabilities**

#### **CONTENTS**

- 1. Introduction**
- 2. Three Levels of Action Plans**
- 3. Measures Ensuring Access to a Broad and Balanced Curriculum**
- 4. Individual Regular Support**
- 5. Examination Arrangement**
- 6. Review Meetings**
- 7. Accessibility**
- 8. Example of Adjustments Not Considered Reasonable But Available at Extra Cost.**
- 9. Examples of Adjustments Not Considered Reasonable.**
- 10. Complaints Procedure**

#### **Appendix: ISC Reasonable adjustments decision-making checklist**

### **1. INTRODUCTION**

Hill House recognises its responsibility to make reasonable adjustments to provide education for Pupils with Special Educational Needs or Disabilities. This policy should be taken in conjunction with the school's Special Educational Needs Policy.

Any adjustments which the school cannot reasonably make will be those which require extra funding or detrimentally effect the provision of education to other children.

If there is any doubt as to whether possible adjustments are reasonable in the context of Hill House School, the Independent Schools Council checklist will be used.

Reasonable Adjustments which the school can make include:

## **2. THREE LEVELS OF ACTION PLANS:**

### **a) The first stage**

At this stage the teacher should:

- refer to the appendix for forms related to graduated approach;
- use Form A (guidance and referral process);
- provide as much information as possible including evidence and observation notes about the concern. (Use form A to record);
- liaise with the child's parents to gather further information to be written on referral and establish close working partnership;  
involve the Head of Learning Support, who should collect relevant information from external agencies that may already be involved with the pupil.

Following referral there will be a period during which the child will be observed, teaching and learning strategies will be tried and evidence will be recorded and gathered. This will be overseen and coordinated by the Head of Learning Support. In Junior and Senior school this will normally be a period of up to one full term. In the sixth form this will be a minimum of half a term.

On completion of this period of observation the child may need to undertake a period of assessments in order to establish further support required or signposting to outside agencies.

On completion of the assessments the child may be placed on an intervention programme either within a small group or on an individual basis. The Head of Learning Support will open a SEN file and Individual Learning Support Plan (Form B).

### **b) The second stage is SEN Support.**

At this stage SENCO and staff involved should:

- ensure that relevant records and information are available for external specialists to use;
- liaise with the external specialists and make sure their advice and support is made available to all concerned (including parents, and pupil if appropriate).
- work together with the specialist agent/s to decide on a new SEN Support Plan to include smart outcomes.
- ensure a review date is set, which must be every term.

### c) **The third stage is Education and Health Care Plan (EHCP)**

When the LEA is considering an assessment the school will need to provide evidence of:

- identification of difficulties;
- evidence of assess ,plan, do review cycle with a minimum of two rounds of SEN Support plans
- child one page profile to include wishes and feelings.
- records of the pupil's progress in National Curriculum tests and any other standardised test results;
- advice from outside agencies which has already been gathered and acted upon;
- parental views, wishes and feelings.

### **3. MEASURES ENSURING ACCESS TO BROAD AND BALANCED CURRICULUM**

By careful planning, members of staff ensure that the curriculum contains work which is differentiated for a pupil with SEN. To assist, the following adjustments can be implemented within the School:

- Differentiation in the curriculum
- Variety of grouping/setting systems.
- Opportunity to have assessment by the SENCO, who can then support differentiated curriculum planning.
- Individual strategy sheet to inform quality first teaching.

### **4. INDIVIDUAL REGULAR SUPPORT**

Required support for pupils with an identified need will be provided at an appropriate level by the Learning Support Department.

Parents should refer to the school fees and charges if their child requires additional support.

In the Senior School, the school policy is for any work by Learning Assistants to take place outside the classroom, due to class size, the importance of independence, and social considerations.

### **Support Workers**

Support workers are those who are employed on an individual basis and are not funded by the school, but are funded by parents or by the local authority if appropriate. These may be accommodated where practical in the Junior School but not in the Senior School, due to class size, the importance of independence, and social considerations.

## **5. EXAMINATION ARRANGEMENTS**

Where pupils have certain SEN, the school is able to request access arrangements in public examinations; this is done by the SENCO & Examinations Officer. All arrangements are individually assessed by the SENCO and awarded in line with the Joint Council for Qualification (JCQ) regulations.

Where access arrangements are applicable, the school will apply when appropriate to Y7 Entrance Examinations, End of Year Examinations and Mock Public Examinations.

Where examination boards grant a pupil the right to use a computer in a public examination, the school will provide and set up a computer as appropriate for the particular examination.

## **6. REVIEW MEETINGS**

The SENCO will be available for one formal review meeting each year for children with SEN. Form Tutors will also be available for 2 further review meetings each year.

## **7. ACCESSIBILITY**

The School has an Accessibility Plan which provides for Pupils with Disabilities, including recognising three key duties towards disabled pupils, under Part 4 of the Disability Discrimination Act.

- not to treat disabled pupils less favourably for a reason related to their disability;
- to make reasonable adjustments for disabled pupils, so that they are not at a substantial disadvantage;
- to plan to increase access to education for disabled pupils.

## **8. EXAMPLES OF ADJUSTMENTS NOT CONSIDERED REASONABLE BUT AVAILABLE AT EXTRA COST**

Adjustments which the school deems helpful to a pupil but not reasonable for the school to undertake within the normal school fees might include:

- Individual regular support beyond the provision outlined above.
- More frequent meetings with the school's SENCO
- Attendance by school staff at multi-disciplinary meetings outside school.
- Provision of a scribe selected by the school in an examination or controlled assessment
- Provision of a reader selected by the school in an examination or controlled assessment
- Provision of a lap top/special software for general school use.

Items on this non-exhaustive list may be available at extra cost.

## **9. EXAMPLES OF ADJUSTMENTS NOT CONSIDERED REASONABLE**

Adjustments which are not reasonable and not available might include (non-exhaustive):

- Admission to the Senior School without passing the Y7 Entrance Examination.
- Provision of a separate curriculum which places undue burden on school staff.
- Provision of support workers in lessons in the Senior School.
- Patterns of behaviour which undermines the education of other children

## **10. COMPLAINTS PROCEDURE**

Complaints about SEN provision should follow the school's Complaints Procedure.

September 2019



independent  
schools  
council

### **Reasonable adjustments decision-making checklist**

Ultimately only an adjudicating body can determine whether a person meets the definition of “disabled” and what is a “reasonable adjustment” in a particular context. But most cases will not go to a court or tribunal. This form aims to take you through a structured decision making process similar to that followed by adjudicators to enable you to come to a view yourself. By recording your decisions and evidence in this structured way, you should be well-prepared to explain your view to others if you are ever challenged on your conclusions.

**Name of pupil:**

**Class:**

1. If the answers to **all** the following questions is “yes”, a pupil has a disability<sup>1</sup>

	Yes/No - Comments and evidence
<p>Does the pupil have a physical or mental impairment?</p> <p>NB - If the answer is not clear,</p> <ul style="list-style-type: none"> <li>• read the government <a href="#">guidance</a></li> <li>• discuss these questions with parents and/or pupil</li> <li>• seek professional advice e.g. medical, educational psychology, legal.</li> </ul>	
<p>Does the impairment have an adverse effect on their ability to carry out normal day-to-day activities<sup>2</sup>, including accessing education?</p>	<p>(Give examples of which activities are impacted and how.)</p>
<p>Is the impact substantial?<sup>3</sup> (More than the normal differences between people, and more than minor or trivial.)</p>	<p>(Describe the impact.)</p>
<p>Is it long-term? (Over 12 months.)</p>	
<p><b>Conclusion: Does the pupil meet the legal definition of “disabled”?</b></p>	

<sup>1</sup> Note that “disability” is a context specific judgement. A person could be disabled in one context and not another.

Paragraph 3 of the [guidance](#) states: “**In the vast majority of cases there is unlikely to be any doubt whether or not a person has or has had a disability, but this guidance should prove helpful in cases where the matter is not entirely clear.**” This indicates that you would not normally expect to find this a difficult judgement.

A few conditions and diseases are automatically deemed disabling without having to show that they have a substantial, long-term adverse effect on the ability to carry out normal day-to-day duties, as follows in this form. These conditions are: blindness and partial-sightedness, cancer, HIV, multiple sclerosis. By contrast, other conditions are potentially disabling depending on the impact which they have in the individual case. Potentially disabling mental impairments include learning disabilities such as dyslexia, dyspraxia and autism.

<sup>2</sup> See pages 47-51 of the Guidance for a non-exhaustive list of examples.

<sup>3</sup> Account may be taken of, for example, the time taken to carry out an activity, the way in which it is carried out, cumulative effects of impairment, how far a person can reasonably be expected to modify his behaviour, effects of environment.

**2. If the pupil has a disability (see section one above), has the duty to make reasonable adjustments arisen?**

If the answers to **all** the following questions is "yes", then the duty to make reasonable adjustments has arisen.

Will the pupil be put, or is the pupil being put, at a disadvantage at school in comparison with pupils who are not disabled?	
If "Yes", is the disadvantage substantial? (More than minor or trivial.)	
a) Is the disadvantage caused by a provision, criterion or practice of the school?  AND/OR  b) Is the disadvantage caused by the lack of an auxiliary aid or service?	
<b>Conclusion: Has the duty to make reasonable adjustments for a pupil with disabilities arisen?</b>	

**3. Reasonable steps**

If the answers to sections one and two above are both "yes", consider:

What steps could be taken to avoid putting the pupil at the substantial disadvantage(s) identified?	
What steps could be taken to provide the auxiliary aid or service?	



#### 4. Is it reasonable for this school to have to take these steps?

Check list of considerations (Examples – others may be included.) <sup>4</sup>	Comments
The extent to which support is available from the local authority or health service	
Overall resources of the school and the availability of financial or other assistance	
Financial or other cost of making the adjustment(s) or providing the aid or service	
Effectiveness of step(s) to avoid or overcome the disadvantage	
The practicability of the adjustment(s)	
The effect of the disability on the individual	
Health and safety requirements	
The need to maintain academic, musical, sporting and other standards	
Interests of other pupils or prospective pupils	
Interests of and impact on the staff <sup>5</sup>	

<sup>4</sup> Guidance on these many of these matters is available from the Equalities and Human Rights Commission [here](#) – [England](#), [Welsh](#), [Scotland](#). Note that “reasonableness” is a context specific judgement. Just because it might be reasonable for one school to have to do something, does not mean that it is reasonable for another to have to do it as the two schools might be operating in quite different circumstances.

<sup>5</sup> E.g. physical or mental health or working hours  
JB/MHW/Policies/SEN Initial Cause for Concern(Form A)

Overall charging policy of the school e.g. are charges levied on other categories of pupil <sup>6</sup>	
Other regulatory or legal requirements	
Other	
<b>CONCLUSION: In the light of the above, is it reasonable for this school to have to make this adjustment or provide this auxiliary aid or service for this pupil?</b>	<b>Yes/No</b>

5. If you have concluded after this thorough process of consideration, supported by conversations with parents and the pupil, and anyone else (e.g. class teachers and other experts) that
- the pupil is disabled **and**
  - at a substantial disadvantage but for the provision of an auxiliary aid or service, **and**
  - that it is reasonable for the school to have to take the step or provide the auxiliary aid or service,

**then you may not charge for so doing.** For these adjustments are “reasonable adjustments” and it is unlawful to charge for reasonable adjustments.

Note: Considerations of cost will have been taken into account in the process of deciding what is reasonable for the school to have to do or provide without charge.

6. If you have concluded that it is **not reasonable** for the school to have to take the steps or provide the aids or services identified for the pupil in question, then ostensibly the school is not obliged to do so.<sup>7</sup> This is because these adjustments are not “reasonable adjustments”.

In this case, if the school decides to go ahead and make the adjustment or provide the service, then **the school may pass on the charge** as this is a charge for an adjustment which goes beyond “reasonable” for this pupil in your school context.

<sup>6</sup> If the school does not levy additional charges for other services, such as elite sports coaching or scholarship classes, it would be unlikely to be reasonable for additional charges to be levied only on services and support for pupils with disabilities.

<sup>7</sup> If the school were to be challenged on its conclusion, parents could take the school to a tribunal. The tribunal would follow the same, or a very similar, process to that set out above and would examine the evidence on which the school had reached its decision. If a tribunal were to reach a different decision to that reached by the school, it would instruct the school on what it should do. In so doing it can make any appropriate order. This might include, for example, an order to make a certain type of provision for the particular child or make an apology, review policies or train staff. But it is not punitive; the tribunal may not order payment of compensation (damages), impose fines or impose criminal sanctions.

NOTE: The school's Disability Access Policy should be used to plan and implement ways to increase access to the school so that adjustments which you are not currently able to make may become reasonable in future.