



BHES

“Reasonable adjustments agreement”

Note: in this policy reference to governing body or governors refers to the management committee and its members.

Where contextually appropriate for school read service.

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1. What are reasonable adjustments?

Under the Equality Act 2010, schools must make 'reasonable adjustments' for:

- Pupils
- Staff
- Parents

2. Pupils

BHES has a duty to make 'reasonable adjustments' for pupils with disabilities. The DfE's guidance on the Equality Act summarises the duty as:

Where something BHES does places a pupil with disabilities at a disadvantage compared to other pupils, BHES will take reasonable steps to try to avoid that disadvantage.

BHES 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 with non-disabled pupils.

BHES is not under a reasonable adjustment duty to make alterations to physical features, as this is already considered as part of their pre-existing planning duties.

Considerations when making reasonable adjustments for pupils:

- Our resources and the availability of financial or other assistance
- The extent to which taking any particular step would be effective in overcoming the substantial disadvantage experienced by a disabled pupil
- The effect of the disability on the individual
- Health and safety requirements
- The interests of other pupils and prospective pupils
- Adjustments that affect other pupils

Ultimately it is up to BHES to decide whether an adjustment is reasonable for any given case (DfE guidance, paragraph 4.26).

If BHES is having difficulty making a decision, we will seek HR or legal advice at each stage of the decision-making process.

BHES will consider the cost of an adjustment when deciding whether it's reasonable. Some adjustments are going to be more reasonable for schools with 'substantial financial resources' (DfE guidance, paragraph 4.24).

However, BHES understands it's unlawful for us to charge a pupil for a reasonable adjustment (EHRC guidance, page 15).

BHES will consider using hardship funds, or carry out fundraising activities, if we need to help fund reasonable adjustments.

3. Staff

BHES has a duty as an employer to make reasonable adjustments for members of staff with a health condition or disability that puts them at a disadvantage in the workplace.

This may include adjustments such as:

- Changing working hours
- Providing special pieces of equipment

BHES understands we must do everything reasonable to allow your staff to do their jobs.

However, what constitutes a 'reasonable' adjustment will depend on our setting and what you're capable of providing, according to ACAS.

BHES will always involve the member of staff concerned in the process of working out reasonable adjustments, as they'll know best about what support they need.

Dismissing employees on grounds of capability

- BHES will "consider as many ways as possible to help the employee back to work" before resorting to dismissal, according to government guidance on dismissing employees due to illness.

Before terminating a member of staff's contract, we will consider carefully whether:

- BHES can make reasonable adjustments that mean the staff member can carry on in their role
- There are other roles they could take in the school

Dismissing a member of staff who's disabled may still be fair if no reasonable adjustments can be made. However, if the employee feels that BHES hasn't done enough to make reasonable adjustments and explore alternatives, they could take legal action.

4. Parents

At public events such as parents' evenings, reviews or award ceremonies, BHES acts as a service provider for parents, according to the Equality Advisory and Support Service (EASS).

If we find that there are barriers to disabled people in the way BHES does things, we will consider making adjustments, and then make them if they're reasonable. This is explained in guidance from the Equality and Human Rights Commission (EHRC) on reasonable adjustments for disabled people when using a service.

This duty is anticipatory, which means that we must think in advance about what people with a range of impairments might reasonably need and make adjustments accordingly.

As with adjustments for pupils and staff, what is 'reasonable' will depend on our context and what we're capable of providing.

The responsibility for making reasonable adjustments lies with the school, and not the local authority (LA), this has been confirmed by the EASS.

5. Auxiliary aids and services

Using and providing auxiliary aids and services

There's no clear definition of what an 'auxiliary aid or service' is, but they include things like:

- Hearing loops
- Adaptive keyboards
- Special software

Many children with disabilities have special educational needs (SEN), and may need auxiliary aids or services as part of their SEN provision. This is covered in paragraphs 4.14-4.18 of the DfE guidance linked to above.

Auxiliary aids as reasonable adjustments

Auxiliary aids may be included as part of an EHC plan. However, if a pupil doesn't have an EHC plan (or the plan doesn't mention auxiliary aids), we will consider whether we should still use them as a reasonable adjustment.

BHES will consider each case individually, taking into account the various factors mentioned in the previous sections. What is considered reasonable for one school may not be reasonable for BHES (DfE guidance, paragraph 4.17).

It's likely to be considered unreasonable for BHES to provide an aid (e.g. hearing aid) that is needed for all aspects of a child's life, rather than just for their education or participation in school life (DfE guidance, paragraph 4.19).

Funding the provision of auxiliary aids

This provision would come out of the BHES budget or funding requested from on roll school. An assessment of reasonableness will include the cost of providing an auxiliary aid.

6. Reasonable adjustments for trips

All pupils will be able to attend trips linked to the school curriculum and not be disadvantaged because of their disability.

BHES will consider how reasonable any adjustments would be to make on a case-by-case basis, taking into account the following factors:

- The cost of making the adjustment
- How effective the adjustment would be
- The effect on other pupils
- How practical the adjustment would be to make

BHES will not use cost as an excuse not to make a school trip accessible to all pupils. If reasonable adjustments for a school trip would cost too much, alternative trips where it would be practical to make reasonable adjustments will be considered.