

Including children who have additional needs in educational visits

All children benefit from participating in off-site educational visits. With careful planning all children can be included.

The Disability Discrimination Act (DDA) defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

For the purpose of this document, therefore, the term “disabled pupils” refers to pupils who have physical disabilities, medical needs (including ADHD, ADD), sensory impairment, autistic spectrum condition or learning difficulties.

1. Overarching principles

- Schools have a duty not to **discriminate** against disabled pupils.
- Schools must ensure that disabled pupils are given equal opportunities and are not put at a **substantial disadvantage** to other pupils
- Schools have a duty to be proactive and **anticipate** the needs of current and future pupils

2. Background legislation

The Disability Discrimination Act 1995 part 4, amended by the Special Educational Needs and Disability Act 2001, prohibits discrimination in relation to:

- school admissions, exclusions and the education or associated services provided to pupils
- further and higher education admissions, exclusions and student services

The Act requires schools/establishments to anticipate the need for reasonable adjustments to be made in order to include all children in educational activities. Therefore schools/establishments must not exclude a disabled child from any associated educational activity because of his/her disability. The school/establishment must make reasonable adjustments (e.g. choose a wheelchair accessible hotel for a residential visit, ensure adequate staffing for full participation of a pupil with learning difficulties).

2i What might be described as being placed at a **substantial disadvantage**?

- Additional time or additional effort expended by the disabled child
- Inconvenience, indignity or discomfort a disabled child may experience

- Loss of opportunity or diminished progress that a disabled child might make compared with his/her peers

Example:

A school organises a visit to a residential centre where the Games Room is on the first floor. Arrangements are made for a selection of games to be brought downstairs for a child who is a wheelchair user. **Comment:** *The venue is not fully accessible to children in wheelchairs. The arrangement might cause loss of dignity and feelings of isolation. The school should have explored alternative accommodation.*

Example 2:

A school organises a trip to an exhibition where pupils are required to follow worksheet instructions on following the exhibits. **Comment:** *the activity is not accessible to children requiring modified or differentiated materials. The arrangement may cause loss of dignity and feelings of isolation. The school should provide modified or differentiated worksheets.*

Example 3:

A school organises a trip to a public lecture. **Comment:** *The activity is not fully accessible to children with hearing impairment. The arrangement may cause loss of dignity. The school should explore hearing loop or signing arrangements.*

Example 4;

A school organises a trip to an open dance festival. **Comment:** *the activity may present problems for pupils with behavioural difficulties or ASC pupils. The arrangement may lead to inappropriate behaviour by the pupil. The school should consider the need for extra supervision for the pupil with behavioural difficulties. The school should also prepare pupils for the trip using visual prompts and social stories.*

2ii How can schools/establishments **anticipate** the needs of disabled pupils on future visits? The disabled child and his/her parents/carers will be able to provide valuable information and ideas about how individual pupils can be included. In addition to this type of consultation schools' anticipatory steps could be to:

- Review their school's Educational Visits policy with reference to disability
- Ensure school accessibility plan includes reference to inclusive participation on all educational visits.
- Ensure school SENCo is involved from the outset in planning of all educational visits.
- Compile a list of potential difficulties that may be encountered by a disabled pupil and suggest strategies to enable participation
- Provide staff training in disability awareness
- Ensure an appropriate number of staff are trained in moving and handling and administering medicines
- Research residential centres which can offer accessible accommodation and inclusive activities
- Ensure staff are familiar with differentiation of resources required by pupils with additional needs (learning difficulties or sensory impairment)
- Ensure staff are familiar with agreed effective behaviour strategies to support pupils with behavioural or attention difficulties.

- Ensure staff are familiar with a basic knowledge of maintaining equipment required by pupils with additional needs (eg. Hearing aids, radio aids)
- Ensure staff are familiar with procedures for accessing information on pupils' medical needs or dietary requirements

Example:

The school minibus does not have a ramp or tailgate lift. **Comment:** *The school should research companies which can provide accessible transport and factor any additional expense into the overall cost of the visit. Consideration should be given to this when replacing the school minibus.*

2iii. What is a reasonable adjustment for an educational visit?

The legislation does not define what is **reasonable**, this depends on individual cases. However, the school/establishment can take account of the:

- the need to maintain academic and other standards
- financial resources available
- cost and practicality of taking a particular step
- aids and services provided by the Statement of Special Educational Needs
- health and safety requirements
- the safety and welfare of other pupils, staff and volunteers

Example:

A geography field visit is being planned to the White Horse, Helmsley. A pupil who uses a powered wheelchair is included the group. **Comment:** *The visit leader should consult with the pupil and his/her parents well in advance of the visit. An access visit should be conducted by the visit leader to assess the suitability of the proposed venue. See appendix 2 Checklist. Further consultation may be needed with the pupil, parents/carers and involved professionals to discuss strategies to facilitate participation. E.g. some of the paths in the park become soft during/after wet weather. A reasonable adjustment and anticipatory measure could be to plan an alternative route which restricts access to unsuitable paths; to use a manual wheelchair instead of the powered wheelchair; to ensure the transport arrangements are wheelchair friendly; to check toilet facilities are accessible.*

3. What issues should be considered when planning an educational visit for a group that includes a child with additional needs?

- Has a venue been chosen that will enable ALL members of the group to participate and achieve the desired learning outcomes? See appendix 2 Checklist.
- Has consultation taken place with the pupil, parents/guardians and relevant agencies e.g. physio, OT, specialist teacher, inclusion support worker, school nurse, regarding the pupil's needs and his/her requirements in order to participate?
- Has consideration been given to the reasonable adjustments (e.g. staffing, transport, activities equipment and clothing) and additional costs that may be required to enable the child to participate fully in the visit?

- Are there any health and safety issues for the pupil in accessing the proposed visit? Are these included in the risk assessment of the activity/visit? Is a separate risk assessment necessary?
- Is there a requirement to notify the insurance company of any pre-existing medical condition?
- Can any concerns regarding the safety and accessibility of the activity be addressed by reasonable adjustments, such as:
 - careful timetabling/modifications to the itinerary
 - preparing the pupil prior to the visit
 - specialised transport
 - additional, or targeted, adult support
 - liaison with health professionals in the locality of the trip/visit
 - limiting distances to be walked
 - liaising with establishments, regarding toilet facilities, ramps, quiet/withdrawal areas etc.
 - providing staff with necessary training in disability and/or medical needs to support the pupil during the visit
 - preparation of materials prior to the visit in appropriate formats
 - provision of modified or specialist equipment
 - Pre-teaching in the form of social stories

4. What if ... after careful and thorough consideration, participation for all pupils in the educational visit cannot be ensured?

The school/establishment needs to be able to demonstrate clearly why the disabled pupil cannot participate, or they may be acting unlawfully. Appendix 1 Case Studies may be useful. Important factors will include:

- all reasonable measures have been considered/taken to support the disabled pupil's participation in the event
- the safety of all persons involved in the educational visit
- there is no alternative activity that would meet the requirements of the educational visit as well as enabling all pupils to participate
- disabled pupils who are disadvantaged, because his/her needs prevent participation in an event, have been fully consulted (as well as his/her parents/carers) and all reasonable steps have been explored
- the visit must take place despite the disadvantage to a young person because, for the visit not to take place, would disadvantage all young people
- alternative activities have been discussed and offered to those young people who are unable to participate in the visit/trip
- there is a reason which is both material to the circumstances of the case and substantial which amounts to the justification of a pupil with a disability not participating in a particular educational visit
- there is no blanket ban on a pupil with a disability participating in activities

All of the above should have been considered BEFORE any arrangements are finalised, bookings/deposits paid and letters sent to parents.

5. What action can pupils or parents/carers take if they believe discrimination has taken place?

If parents think that their child has been discriminated against, they have a right of redress by making a claim of disability discrimination to the SEN and Disability Tribunal (SENDIST). If the Tribunal finds that an establishment has discriminated unlawfully against a disabled pupil it can order any remedy that it sees fit, except financial compensation. SENDIST might order:

- disability training for staff
- a meeting between an LA officer, parents, the pupil and the establishment to review what reasonable adjustments should be made
- the review or alteration of the establishment's policies
- additional tuition to compensate for missed lessons
- a formal written apology to a pupil

It is important that schools/establishments realise that whereas an appeal to SENDIST against a decision made regarding a pupil's Special Educational Needs is an appeal against the LA and must be defended by the LA, appeal against disability discrimination is against the establishment's 'responsible body' and therefore must be defended by them not the LA.

It would be advisable to check with the LA legal department if you decide that the disabled child cannot be included for any reason.

Contacts:

Specialist Teaching Team Tel 554256

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References

Disability Discrimination Act (1995). Available at <http://www.tdf.org.uk/pdf/08-disabilitydiscriminationact.pdf>

Special Educational Needs Code of Practice (2002)

DfES (2006) Implementing the DDA – making reasonable adjustments

Further reading:

Local Authority Guidance for Educational Visits

www.equalityhumanrights.com follow links [Home](#) > [Publications and resources](#)
> [Disability](#) > [Education](#)

<http://www2.halton.gov.uk/pdfs/educationandlearning/dda>

<http://www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/>

<http://www.teachernet.gov.uk/wholeschool/healthandsafety/visits/?353871437f62757a2b75c7>

<http://www.schooltravelforum.com/>

Appendix 1: CASE STUDIES The following examples are adapted from the Disability Rights Commission Code of Practice for Schools. (Now known as the Equality and Human Rights Commission)

A. A year 9 pupil with cerebral palsy who uses a wheelchair is going on a trip with her class to an outdoor activity centre. The leaders arrange to take the class on a 12-mile hike over difficult terrain but, having carried out a risk assessment, they decide that the child in the wheelchair will be unable to accompany her class, for health and safety reasons.

Is this less favourable treatment for a reason that is related to the pupil's disability? Yes, this is less favourable treatment for a reason that relates to the pupil's cerebral palsy, namely the use of a wheelchair.

Is it less favourable treatment than someone gets if the reason does not apply to him or her? Yes, the treatment that she was to receive then has to be compared with the treatment that the others would receive who did not use a wheelchair. They were being offered the opportunity to go on the hike whereas this pupil was being denied it.

Is it justified? The school is likely to be able to justify the less favourable treatment for a material and substantial reason: a risk assessment, carried out in relation to this particular pupil in the particular setting in which she would have to travel, indicated that the health and safety of the pupil, and her classmates, could be jeopardised if she were to attempt the hike. This is likely to be lawful.

B. A secondary school takes pupils to an outdoor education centre each year. The school can benefit from a reduced rate if they book with the same centre for three years. The school checks with the centre before booking to ensure that if they were to take disabled pupils as part of a group they would be able to access the facilities of the centre. This is likely to be a reasonable step that the school should take.

C. A theatre visit is being arranged to see a performance of Macbeth. The school does not offer the visit to a pupil with co-ordination difficulties and learning difficulties on the basis that he would not understand the play. Is this less favourable treatment for a reason related to the pupil's disability? Yes, the reason for not offering the boy the opportunity to go on the trip is his limited understanding which is directly related to his disability. Is it less favourable treatment than someone gets if the reason does not apply to him or her?

The treatment that he was to receive has to be compared with the treatment that other pupils would receive who did not have limited understanding. They were being offered the trip. Is it justified? The reason for not offering the trip was an assumption that the boy would not understand the play. This was a general assumption and not a material reason. This is likely to be unlawful discrimination

D. An exchange trip is offered to pupils studying Italian in a secondary school. Accessible transport arrangements are made and a suitable host is identified who can accommodate a pupil who uses a wheelchair. At the last minute the Italian host drops out.

The school went through the following considerations:

It was not practicable to take the disabled pupil without a host to go therefore the school considered cancelling the trip, but if the other pupils did not go they would lose the opportunity of improving their Italian.

In the interests of other pupils the school decides to go ahead with the trip. The school has considered the factors and, whilst it has not been able to identify a reasonable adjustment that would enable the pupil to go on the trip, it is likely to be acting lawfully.

E. The parents of a nine-year-old boy with epilepsy ask the head teacher to keep confidential the existence of and the nature of their child's disability. Their son's medication has been effective in reducing the number of fits that he has and he is unlikely to have a fit in school. However, on seeking professional advice the head teacher is told that it would be unsafe for the boy to go swimming without informing the staff at the pool.

The parents do not want them to be told. The head teacher decides that the safety of the child dictates that he should not go swimming unless staff at the pool can be told. This is likely to be lawful.

F. A school will only agree to a disabled pupil coming on a field trip if the parents sign an agreement stating that they do not hold the school responsible for making any adjustments which may be necessary to ensure that the pupil benefits from the planned activities on the trip and will not take any action if the pupil is excluded from activities. It is likely that the agreement is not legally binding.

G. A pupil with Tourette's syndrome is stopped from going on a visit because he has used abusive language in class. The establishment has a policy of banning pupils from trips and after-school activities if they swear or are abusive to staff.

The reason for not allowing the pupil to go on the visit is his use of abusive language. His involuntary swearing is a symptom of his Tourette's syndrome. This is less favourable treatment for a reason that relates to the pupil's disability.

The comparison has to be made with others who had not used abusive language. In this case, the pupil who used abusive language, which is directly related to his disability, was treated less favourably than pupils who had not used abusive language. So, for a reason that relates to his disability, this boy is being treated less favourably than another child to whom that reason does not apply.

Is the less favourable treatment justified? In this case the establishment might argue that the inclusion of the disabled pupil on the visit would make the maintenance of discipline impossible. This may constitute a material and substantial reason. However, the establishment would need to have considered the extent to which the disabled pupil's behaviour could have been managed. It would also need to have considered whether reasonable adjustments could have been made to its policies and procedures before it could attempt to justify less favourable treatment.

Appendix 2: Checklist

Points to consider when planning to include a child with additional needs
<p>Pupil's needs: what are the pupil's main additional needs?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Health care plan: consider administering medicines, storage of medicines, and emergency procedures in the context of the educational visit.</p> <p>.....</p> <p>.....</p> <p>Individual behaviour plan: Consider supervision throughout different activities itemised on the itinerary. Consider arrangements should the pupils' behaviour require that he is removed from any single activity or escorted home</p> <p>.....</p>
<p>Nominate staff to take responsibility for coordinating support during the visit eg Mr Smith - Teaching Assistant (contingency Mrs Another - Teaching assistant)</p> <p>.....</p>
<p>Named support staff who will be involved in personal care: (include contingency)</p> <p>.....</p> <p>.....</p> <p>Named support staff who will be providing individual supervision: (include contingency)</p> <p>.....</p>
<p>Transport:</p> <p><input type="checkbox"/> Has accessible transport been investigated?</p> <p><input type="checkbox"/> Are there any additional expenses to be factored into the overall cost of the visit?</p> <p><input type="checkbox"/> Are personnel clear about roles e.g. loading and unloading wheelchairs, clamping, evacuation procedures, contingency plans in event of vehicle breakdown, monitoring behaviour of identified pupils.</p>
<p>Venue:</p> <p><input type="checkbox"/> Parking facilities - is there a suitable drop off point?</p> <p><input type="checkbox"/> Paths/walkways - are these suitable for visitors with limited mobility or sensory impairment? Consider all weather surfaces and gradients.</p> <p><input type="checkbox"/> Entrances and corridors - are these sufficiently wide for visitors with mobility difficulties or sensory impairment.</p> <p><input type="checkbox"/> Toilet/changing facilities - is specialist handling transfer equipment required? If so can school provide, contact Specialist Teaching Team for advice regarding loan of equipment. Are staff appropriately trained and experienced in moving and handling the pupil.</p> <p><input type="checkbox"/> Dining facilities - are special diets catered for; does the pupil need specialist equipment?</p> <p><input type="checkbox"/> Evacuation procedures – are evacuation routes negotiable by those with limited mobility? Are they understood by all participating pupils?</p>
<p>Activities:</p> <p><input type="checkbox"/> Activity provider - ensure 'activity provider staff' are fully aware of individual needs of children with additional needs. Preserve confidentiality where appropriate. Agree with pupil and carers in advance regarding disclosure of medical information.</p>

- Establish pupil and parents/carers attitude and expectations regarding activities which are normally offered. Negotiate inclusion/access strategies in advance wherever possible.
- Ensure named staff are confident in handling the pupil under proposed conditions. Check the pupil is happy to be handled in this way.
- Contingency plans – what arrangements will be made if an activity does not work out for any reason
- Appropriate clothing for wheelchair users.
- Ensure named staff are confident with support strategies, which have been agreed. Check the pupil is happy to be supported in this way.

Residential accommodation:

- Sleeping accommodation for a disabled pupil– is it suitable, accessible, and secure and located adjacent to other pupil accommodation. Will it meet the pupil's personal needs e.g. storage of personal care requisites, mattress protector, bed side safety rail, raised bed etc.
- Support staff accommodation – is this available if overnight support is required. Can contact be made with the 'visit leader' by intercom, phone or walkie talkie in an emergency?
- Bathroom facilities – check accessibility considering space, handrails in toilets and showers, provision of shower chair, privacy and emergency 'alert' cord.
- Hoists/slings/manual wheelchair -check availability of moving and handling equipment. Arrange to borrow equipment if necessary.
- Evacuation routine – are procedures understood by staff and pupils.
- Transport – will accessible transport be required to and from activities during the visit?
- Recreational facilities/Games room – check for space, flooring, circulation space, seating, table height, heating, inclusive activities
- Grounds – check for safety issues such as vehicular entrances and exits, access car parks, pathways, kerbs, change of levels,