



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART IV

#### EDUCATION

#### [<sup>F1</sup>CHAPTER 1

#### SCHOOLS]

#### *[<sup>F1</sup>Duties of responsible bodies]*

#### [<sup>F1</sup>28D Accessibility strategies and plans

- (1) Each local education authority must prepare, in relation to schools for which they are the responsible body—
  - (a) an accessibility strategy;
  - (b) further such strategies at such times as may be prescribed.
- (2) An accessibility strategy is a strategy for, over a prescribed period—
  - (a) increasing the extent to which disabled pupils can participate in the schools' curriculums;
  - (b) improving the physical environment of the schools for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and associated services provided or offered by the schools; and
  - (c) improving the delivery to disabled pupils—
    - (i) within a reasonable time, and
    - (ii) in ways which are determined after taking account of their disabilities and any preferences expressed by them or their parents, of information which is provided in writing for pupils who are not disabled.
- (3) An accessibility strategy must be in writing.

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*Status: Point in time view as at 25/05/2007. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 28D. (See end of Document for details)*

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- (4) Each local education authority must keep their accessibility strategy under review during the period to which it relates and, if necessary, revise it.
- (5) It is the duty of each local education authority to implement their accessibility strategy.
- (6) [<sup>F2</sup>An inspection under section 38 of the Education Act 1997 (inspections of local education authorities) may extend to the performance by a local education authority of their functions in relation to the preparation, review, revision and implementation of their accessibility strategy.]
- (7) Subsections (8) to (13) apply to—
- (a) maintained schools [<sup>F3</sup>and maintained nursery schools];
  - (b) independent schools ; and
  - (c) special schools which are not maintained special schools but which are approved by the Secretary of State, or by the [<sup>F4</sup>Welsh Ministers], under section 342 of the Education Act 1996.
- (8) The responsible body must prepare—
- (a) an accessibility plan;
  - (b) further such plans at such times as may be prescribed.
- (9) An accessibility plan is a plan for, over a prescribed period—
- (a) increasing the extent to which disabled pupils can participate in the school's curriculum;
  - (b) improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and associated services provided or offered by the school; and
  - (c) improving the delivery to disabled pupils—
    - (i) within a reasonable time, and
    - (ii) in ways which are determined after taking account of their disabilities and any preferences expressed by them or their parents,
 

of information which is provided in writing for pupils who are not disabled.
- (10) An accessibility plan must be in writing.
- (11) During the period to which the plan relates, the responsible body must keep its accessibility plan under review and, if necessary, revise it.
- (12) It is the duty of the responsible body to implement its accessibility plan.
- (13) An inspection under the [<sup>F5</sup>Part 1 of the Education Act 2005] 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 plan.
- (14) For a maintained school [<sup>F6</sup>or maintained nursery school], the duties imposed by subsections (8) to (12) are duties of the governing body.
- (15) Regulations may prescribe services which are, or services which are not, to be regarded for the purposes of this section as being—
- (a) education; or
  - (b) an associated service.
- (16) In this section and in section 28E, “local education authority” has the meaning given in section 12 of the Education Act 1996.

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[<sup>F7</sup>(17) In this section—

“prescribed” means prescribed in regulations;

“regulations” means—

- (a) in relation to England, regulations made by the Secretary of State, and
- (b) in relation to Wales, regulations made by the [<sup>F4</sup>Welsh Ministers].]

(18) “Disabled pupil” includes a disabled person who may be admitted to the school as a pupil.

(19) “Maintained school” and “independent school” have the meaning given in section 28Q(5).]

#### Textual Amendments

- F1** S. 28D inserted (E.W.S.) (1.7.2002 for specified purposes and otherwise 1.9.2002 for E.S and 8.10.2003 for W.) by 2001 c. 10, ss. 14(1), 43(3) (with s. 43(13)); S.I. 2002/1721, art. 4, Sch. Pt. II; S.I. 2002/2217, art. 4, Sch. 1 Pt. II; S.I. 2003/2532, art. 2, Sch.
- F2** S. 28D(6) repealed (E.W.) (1.4.2005 for E. and 31.7.2008 for W.) by Children Act 2004 (c. 31), ss. 64, 67, Sch. 5 Pt. 3; S.I. 2005/394, art. 2(2)(g); S.I. 2008/1904, art. 2(c)
- F3** Words in s. 28D(7)(a) inserted (W.) (31.10.2005) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913), reg. 3
- F4** S. 28D(7)(c)(17)(b): words substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order (S.I. 2007/1388), arts. 1, 3, {Sch. 1 para. 51(3)}, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see s. 161(5) of the Government of Wales Act 2006.
- F5** Words in s. 28D(13) substituted (1.9.2005 for E. and 1.9.2006 for W.) by Education Act 2005 (c. 18), ss. 61, 125, Sch. 9 para. 8; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch.
- F6** Words in s. 28D(14) inserted (1.9.2003 except in relation to W. and 31.10.2005 for W.) by 2002 c. 32, ss. 215(1), 216, Sch. 21 para. 26 (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F7** S. 28D(17) substituted (30.6.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), Sch. 1 para. 24(2); S.I. 2005/1676, art. 2(1)(c)

#### Modifications etc. (not altering text)

- C1** S. 28D(1)-(3)(5)(6): Functions of a local education authority made exercisable by authorised persons (E.) (1.4.2002) by S.I. 2002/928, art. 3, Sch. 3 para. (r)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 28D.