

**EXPLANATORY MEMORANDUM TO THE**  
**EDUCATION (INFORMATION AS TO PROVISION OF EDUCATION)**  
**(ENGLAND)(AMENDMENT) REGULATIONS 2005**

**2005 No. 346**

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 Data on Wheelchair Access in schools is no longer to be collected as part of the Schools Surplus Places Survey. This instrument amends the Education (Information as to Provision of Education )(England) Regulations 1999 )(SI 1999/1066)(“the 1999 Regulations”) so that Part II of Schedule 1 which contains the requirement for information about Wheelchair Access, is omitted. This instrument also removes obsolete definitions in and makes a minor change to Schedule 1 to the 1999 Regulations.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Background**
  - 4.1 Since 1994 the Department has collected information annually on surplus school places including information about wheelchair access. The information is collected from each Local Education Authority (LEA) and shows the levels of surplus places throughout England. Returns of surplus places are currently required under the 1999 Regulations.
  - 4.2 The Special Educational Needs and Disability Act 2001 amended Part 4 of the Disability Act 1995 so that schools now have a duty to plan to improve access for all their disabled pupils.
  - 4.3 The limited nature of the Wheelchair Access Survey questions does not encourage schools and LEAs to include other improvements to the physical environment of schools that might benefit disabled pupils, or planning to improve to access to the curriculum and the provision of written materials in alternative formats.

- 4.4 Ministers have concluded that the Wheelchair Access questions be removed from the Schools Surplus Places Survey and are exploring ways of collecting better data to help schools and LEAs meet the duties they have to all their disabled and prospective disabled pupils under Part 4 of the Disability Discrimination Act 1995. In consequence the 1999 Regulations require an amendment.

## **5. Extent**

- 5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

- 6.1 Not applicable

## **7. Policy background**

- 7.1 Schools have a duty under Part 4 of the Disability Discrimination Act 1995 to publish plans to show how they will increase over time the accessibility of schools for disabled pupils (planning duties). This includes planning improvements to the physical environment of the school, to the curriculum and the provision of written materials in alternative formats.
- 7.2 Currently schools' and LEAs' plans and strategies tend focus on improvements to the physical environment (in particular to improvements benefiting wheelchair users), and largely exclude planning to improve access to the curriculum and the provision of written materials in alternative formats.
- 7.3 Additionally a review of the data from the 2001 Wheelchair Access Survey concluded the data collected is unreliable as the answers given can often depend on an individual's knowledge and understanding.
- 7.4 Schools and LEAs need accurate data to review their progress and future planning requirements effectively. Better data will help schools to ensure that all disabled pupils are not disadvantaged in their access to education by measuring progress in improvements to their access to the physical environment of the school, the curriculum and the provision of written materials in alternative formats. Pupils who encounter difficulties in any of these areas are unlikely to reach their full potential or gain skills that will enable them to progress on to further education and or into employment.
- 7.5 In order to help schools and LEAs meet the duties they have to all their disabled and prospective disabled pupils under Part 4 of the Disability Discrimination Act 1995, Ministers have concluded that the Wheelchair Access questions be removed from the Schools Surplus Places Survey and are exploring ways of collecting better data.

## **8. Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

- 9.1 Jill Clark at the Department for Education and Skills, Tel : 01325 391283 or email [jill.clark@dfes.gsi.gov.uk](mailto:jill.clark@dfes.gsi.gov.uk) can answer any queries regarding the instrument.