EXPLANATORY MEMORANDUM TO

THE DISABILITY DISCRIMINATION (PRESCRIBED TIMES AND PERIODS FOR ACCESSIBILITY STRATEGIES AND PLANS FOR SCHOOLS) (ENGLAND) REGULATIONS 2005

2005 No. 3221

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 Section 28D of the Disability Discrimination Act 1995 ("the Act") requires local authorities and schools to prepare accessibility strategies and plans for the purpose of increasing the extent to which disabled pupils can access and make use of the education and services provided by schools, over a prescribed period of time. This section also provides for the Secretary of State to make regulations prescribing the dates by which further such strategies and plans must be prepared and the periods to be covered by accessibility strategies and plans. The Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (England) Regulations 2002 ("the 2002 Regulations") prescribed a period of three years from 01 April 2003 to 31 March 2006. This new instrument prescribes the times by which further accessibility strategies and plans must be prepared and the further periods to be covered by those strategies and plans

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Background

4.1 The Special Educational Needs and Disability Act 2001 amended Part 4 of the Disability Discrimination Act 1995 ("the Act") to extend the Act to schools and further and higher education.

4.2 Part 4 includes the so-called "Planning Duties". These are the twin duties imposed upon local education authorities and schools to prepare accessibility strategies and plan respectively for, over a prescribed period, increasing the extent to which disabled pupils can participate in the curriculum, improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils can take

advantage of the education and associated services provided or offered by the school and improving the delivery of information to disabled pupils.

4.3 In particular, section 28D of the Act (Accessibility strategies and plans) imposes a duty on each local education authority to prepare, keep under review, revise where necessary and implement an accessibility strategy in relation to schools for which they are the responsible body. Similarly, each maintained school, independent school and non-maintained special school must prepare, keep under review, revise where necessary and implement an accessibility plan.

4.4 Section 28D also made provision for the Secretary of State to prescribe the times by which further strategies and plans must be prepared and the periods to be covered by accessibility strategies and plans. The 2002 Regulations specified a period of three years from 01 April 2003 to 31 March 2006.

4.5 These Regulations specify the times by which local authorities and schools must prepare further accessibility strategies and plans and the periods to be covered by those strategies and plans, on a three yearly rolling basis.

5. Extent

5.1 This instrument applies to England

6. European Convention on Human Rights

No statement is required.

7. Policy background

7.1 The policy objective of the parent Act is to improve access to education and educational achievement of disabled pupils. The Regulations provide local authorities and schools with a timescale for these planning duties which is concurrent with other plans they might be required to produce.

7.2 With the Disability Discrimination Act 2005, there is a keen interest, in particular, on schools compliance with the duty to promote equality of opportunity for disabled people. It is anticipated in the interest of keeping bureaucracy to a minimum, most schools will want to expand their access plans for disabled pupils so that they include access improvements that will benefit disabled staff , disabled parents and other disabled users of school premises and services.

7.3 These Regulations ensure that there is a continuing requirement for local authorities and schools to produce accessibility strategies and plans. It is not anticipated that their will be much public interest in the Regulations themselves.

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.

8.2 The impact on the public sector is minimal due to the intention of the duties held under the parent Act.

9. Contact

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