

To: Business Committee

From: Jane Davidson, Minister for Education and Lifelong Learning

## **EXPLANATORY MEMORANDUM**

### **The Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (Wales) Regulations 2003**

#### **Summary**

These Regulations, which are made under section 28D of the Disability Discrimination Act 1995, prescribe that:

- local education authorities are required to prepare accessibility strategies every three years;
- responsible bodies for schools are required to prepare accessibility plans every three years;
- the periods of the accessibility strategies and accessibility plans are to be three years commencing on 1st April and ending on 31st March and the first such strategy and the first such plan is to begin on 1<sup>st</sup> April 2004 and end on 31<sup>st</sup> March 2007

1. This memorandum is submitted to the Assembly's Business Committee in relation to the Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (Wales) Regulations 2003, in accordance with standing Order 22.5.
2. A copy of the Instrument is submitted with this Memorandum.

#### **Enabling power**

3. The powers enabling this Instrument to be made are contained in Part IV of the Disability Discrimination Act 1995 as amended by sections 28D(1), (2), (8) and (9) of the Special Educational Needs and Disability Act 2001. Assembly functions in and under the latter Act have been delegated to my Ministerial portfolio and therefore those introduced in and under the Instrument will also stand delegated.

**Effect**

4. These regulations will specify the periods and intervals of plans required of Local Education Authorities and of the responsible bodies for schools

**Financial Implications**

5. The need for capital investment in school buildings to make them accessible to disabled pupils has been taken into account in Schools Capital Grant provision. The plans shown in the Supplementary Budget for the School Building Improvement Budget Expenditure Line are £36.7m in 2003-04, £51.7m in 2004-05 and £74.7m in 2005-06. In undertaking major building projects LEAs are already required to provide disabled access; and in their capital plans, LEAs are already identifying work on adapting schools so that over time more of them will become fully accessible.
6. The well-established inclusion agenda in relation to SEN means that many schools are already geared up to meet the needs of disabled pupils in terms of the curriculum.
7. The proposed guidance recommends that LEAs should incorporate their disability access strategy into their education strategic plan or school organisation plan. The legislation requires that information on the school plan must be published within the governing body's annual report to parents. The guidance recommends that the plan itself should form part of the school's annual development plan. Given this approach and the work LEAs and schools are already engaged in to facilitate access for disabled pupils, we do not consider the requirements will give rise to additional costs for the Assembly, LEAs, schools or others in Wales. The planning duty will formalise existing activity. Expenditure in each financial year will be accommodated within the budgets approved by the Assembly.
8. Costs arising from the preparation and issue of guidance to schools and LEAs will be met within existing administration costs budgets for Schools Management Division. Financial Planning and LGF Divisions have been consulted and are content with the financial aspects of this Explanatory Memorandum.

**Regulatory Appraisal**

9. No regulatory appraisal has been carried out in relation to this instrument. The legislation merely sets down timescales for legislation commenced under the Disability Discrimination Act 1995.
10. I concluded therefore, having regard to Assembly guidance, that a Regulatory Appraisal would not be appropriate in this instance.

## Consultation

### 11. With stakeholders

Formal consultation on the paper “Planning to Increase Access to School Buildings for Disabled Pupils” has taken place with relevant stakeholders. In line with agreed procedure consultees included a 10% sample of schools, all LEAs, all teaching unions and other key stakeholders. This consultation covered this order, subordinate legislation and draft guidance.

### 12. With Subject Committee

The instrument has been included in the list of forthcoming legislation provided to the Education and Lifelong Learning Committee. In addition the consultation paper “Planning to Increase Access to School Buildings for Disabled Pupils” was provided to the committee as a paper to note at the meeting of 27 March 2003. The item was not identified for further scrutiny.

## Recommended procedure

13. I recommend that subject to consideration by the Business Committee, this order proceed to plenary under the Accelerated procedure.

## Compliance

14. The Power to make regulations under sections 28D and 28E of the Disability Discrimination Act is devolved to the Assembly under the SEN and Disability Act 2001.

15. The legislation will (as far as is applicable):

- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 Section 120);
- be compatible with the Assembly’s scheme for sustainable development (Section 121);
- be compatible with Community law (Section 106)
- be compatible with the Assembly’s human rights legislation (Section 107);
- be compatible with any international obligations binding the UK Government and the Assembly (Section 108).

16. There are no issues of regularity or propriety or any novel or contentious proposals raised by this submission. (Assembly Compliance Office and the Office of the Counsel General have seen and agreed this submission.)

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**Jane Davidson AM**  
**Minister for Education and Lifelong Learning**

**June 2003**