

Chapter 3 - Selection and inclusion of young people

SUMMARY OF KEY POINTS – see rest of chapter below for full details

- Every effort should be made to **ensure that offsite visits and activities are available and accessible to all** who wish to participate, irrespective of special educational or medical needs, disability, ethnic origin, gender, or religion.
- **Managers and visit leaders should be aware of the requirements of the Equality Act**, and that reasonable adjustments are made to include all young people on visits.
- Every reasonable effort should be made to **find a venue that is both suitable and accessible** and that enables the whole group to participate fully and be actively involved.
- It is important for visit organisers to **plan carefully ahead to take account of the needs of each individual** in the group.
- **Staffing ratios may need to be increased** for visits involving young people who are disabled or have special educational/behavioural needs.
- **A decision to exclude a young person from a visit should never be taken lightly**, and only after extensive consultation with all those who have responsibility for the young person.
- **It may be reasonable to exclude a young person where their behaviour presents a significant, unmanageable and unacceptable risk** to the health, safety and welfare of either themselves, or other members of the group, or the leaders.
- Careful consideration should be given to the inclusion of young people who are related to the Visit Leaders or who are not members of the school/establishment. **It is important that leadership responsibilities are not compromised.**
- **Visit leaders should obtain up to date details of all group members' medical/special needs** (including any medication taken), and ensure that all leaders are informed of relevant information that might affect the safety and welfare of group members.
- **Visit leaders should be aware of, and comply with, the latest national guidance on administering medicines.**
- **Visit leaders should carry with them a full up to date list of all group members (including Leaders) together with their parent/guardian/emergency contact details.** This list should also be left with the designated Emergency Home Contact(s) and other relevant managers (such as the Educational Visits Coordinator, if applicable) before departure.
- **For further information, see also the Outdoor Education Adviser Panel national guidance webpages:**
Access via <https://oeapng.info/>

3.1 Equality and inclusion – general principles

- Every effort should be made to ensure that offsite visits and activities are available and accessible to all who wish to participate, irrespective of special educational or medical needs, disability, ethnic origin, gender, or religion.
- Visit Organisers and Managers/Headteachers should check that all reasonable efforts have been made during the planning and risk assessment process to fully include those young people who are disabled or who have special/additional needs in educational/offsite visits. This includes making every reasonable effort to find a suitable accessible venue that enables everyone in the group to participate fully and be actively involved.

3.2 Legal requirements regarding equality and inclusion

- The Equality Act 2010 replaced previous anti-discrimination Acts and regulations with one single Act. The new Act uses different wording and some different concepts from those used previously but makes only a few changes to the substance of existing law. In particular, it can be safely assumed that decisions made by the Courts in cases decided under previous law will remain relevant.
- The Equality Act states that the responsible body of a school/establishment must not discriminate, harass or victimise a young person to whom one of the protected characteristics applies (Disability; Gender reassignment; Pregnancy and maternity; Race; Religion or belief; Sex and sexual orientation) in the way that it affords (or not) the young person's access to a benefit, facility or service. There is a duty to make reasonable adjustments.
- Every effort should be made to ensure that outdoor learning, off site visits and Learning Outside the Classroom activities are available and accessible to all, irrespective of special educational or medical needs, ethnic origin, gender, religion or any of the other protected characteristics. If a visit needs to cater for young people with special needs, every reasonable effort should be made to find a venue that is both suitable and accessible and that enables the whole group to participate fully and be actively involved.
- Establishments should take all reasonably practicable measures to include all young people. The principles of inclusion should be promoted and addressed for all visits and reflected in establishment policy, thus ensuring an aspiration towards:
 - an entitlement to participate
 - accessibility through direct or realistic adaptation or modification
 - integration through participation with peers
- However, the Disability Discrimination Act Code of Practice for Schools (which has not yet been repealed) states (section 4.6 page 27) 'where a child has a behaviour difficulty for a reason other than a disability, for example arising from social or domestic circumstances, it is likely that such a difficulty is not covered by the legislation.'
- For more details and frequently asked questions regarding the inclusion of disabled group members on visits, see Appendix VGA 3.1 at the end of this chapter.
- Any adjustments that are made in order to include a disabled young person, should not impinge unduly on the planned purpose of the activity. As an example, it may not be appropriate for a parent to accompany a child on a residential visit where the planned learning outcomes of the visit include "developing independence" and "developing relationships".
- A decision to exclude a young person should never be taken lightly, and only after extensive consultation with all those who have responsibility for the young person, including the Head teacher/Manager, visit leader, class teacher, parents/guardians, any support staff, any third party provider, and possibly their GP.
- It may be reasonable to exclude a young person where their behaviour presents a significant, unmanageable and unacceptable risk to the health, safety and welfare of either themselves, or other members of the group, or the leaders. When a young person is excluded on these grounds, visit leaders should consider providing alternative ways of achieving the same learning outcomes.
- Where there is some doubt about whether to exclude a young person on the grounds of their behaviour, the following action is recommended:

- identify the issue at the earliest stage of planning.
- involve all interested parties.
- record this process.
- establish a behaviour management plan with agreed action points that may enable inclusion on the visit.
- establish behaviour targets and timescales to be met to allow inclusion, or trigger a decision to exclude.
- provide an additional adult, such as a parent or support worker, with a specific brief to manage behaviour issues.
- ensure that what is expected of staff is reasonable and within their competence.

3.3 Special educational needs and disabilities - points to consider

- If there are concerns about the suitability of a young person to attend a visit, there should be an extensive consultation with all interested parties, including head teacher/manager, visit leaders, class teacher, parent/guardian, support staff, possibly their GP and any third party provider. The consultation should take place well before the visit is finalised. This is especially important when considering the possible exclusion of a young person with serious behavioural issues so that sufficient time is given for the young person to improve their behaviour and for staff to develop ways of managing the situation.
- Parents/guardians should always be informed well in advance of a visit taking place, so as to ensure that any additional needs can be accommodated. Parents/guardians may also be able to offer advice on how a young person is likely to behave on a visit. Where the young person is the subject of an individual risk assessment or behaviour/care plan, the plan should be consulted and should inform the overall plan for the visit.
- All staff involved in any visit should be fully briefed, ensuring that staff understand their assigned roles and, in particular, who will be directly supervising those young people who are for example, likely to abscond, display challenging behaviour, or have an epileptic seizure.
- A preliminary visit to the venue(s) is strongly recommended as this will help to identify potential problems, such as inadequate access for a wheelchair user.
- Ensure that staff are confident about supervision ratios before the visit goes ahead. For supervision to be effective, staff should be experienced in dealing with the behaviour and particular needs of the young people involved.
- Staffing ratios may need to be increased for visits involving young people who are disabled or have special educational/behavioural needs. The following factors might need to be considered when determining staffing requirements:
 - the need to administer medication.
 - the need for a member of staff to accompany a child to the toilet.
 - the likelihood of a young person absconding.
 - the likelihood of a medical emergency arising.
 - the way in which being away from the normal setting will affect behaviour e.g. some young people have unpredictable fears and phobias which will be more difficult to cope with out of their normal environment.
 - the risk of violence/assault.
 - the need for manual handling of young people.
 - the need for restraint, and deployment of trained staff.
 - the flexibility for staff working on a 1:1 basis to take a break. Where a member of staff is needed to supervise or care for an individual young person, they should not be considered to be part of the overall staffing ratio, as their role will be focussed on their charge's wellbeing, not on the wider supervision needs of the group. If a member of staff is driving a minibus, they will not be able to supervise passengers, nor deal with any emergencies. If young people needs supervision while travelling, visit organisers should ensure that another member of staff is available as part of the staffing ratio.

3.4 Young people with medical needs

- Additional measures may be necessary to support young people with medical needs during visits, including arrangements for taking medication and ensuring sufficient supplies for

residential visits. All schools/establishments should have their own policy and procedures regarding the support of young people with medical needs, and this should include provision for offsite visits and activities.

- Visit Organisers and Managers/Headteachers should be aware of, and comply with, the latest national guidance on administering medicines. In meeting this duty, the governing body, proprietor or management committee must have regard to the latest statutory guidance 'Supporting pupils at school with medical conditions December 2015' available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349435/Statutory_guidance_on_supporting_pupils_at_school_with_medical_conditions.pdf
(If this link does not work, try copying the link and pasting it into your browser, taking care to remove any rogue spaces).
- There is no legal duty on non-medical staff to administer medicines or to supervise children taking it – this is purely a voluntary role. Staff members who do volunteer to administer medicines should not agree to do so without first receiving the appropriate information and training.
- Leaders supervising visits should be aware of each group member's medical needs and any medical emergency procedures. A copy of any individual health care plans which have been agreed with the parents/guardians/doctor/school nurse should be taken on visits in the event of information being needed in an emergency.
- If appropriate, a specified staff member might volunteer to be trained in administering medication and to take responsibility in a medical emergency. In this instance, prior written guidance and approval should be given by the parents/guardians and manager/headteacher.
- If a young person's health/safety is deemed to be at particular risk, it may be appropriate to ask a parent/guardian or a trained care assistant to accompany them.
- The visit leader should discuss the young person's needs with the individual concerned, and agree an action/health care plan with medical experts (the person's GP or Consultant if appropriate), and the parent/guardians.
- Parents/guardians should be asked to provide:
 - details of medical conditions;
 - emergency contact numbers;
 - the child's GP's name and contact information;
 - information on the young person's previous experience of similar offsite visits;
 - written details of any medication required (including instructions on dosage/times) and parental permission to administer, including self-administration;
 - information on any other relevant special needs including allergies/phobias, dietary requirements, toileting difficulties etc;
- Enquiries should be made at an early stage about access and facilities for securing wheelchairs on transport and at residential centres etc, if appropriate. If ramps are not going to be available, the visit leader may arrange to take portable ramps with them. The visit leader should at an early stage assess whether manual handling skills will be needed and, if so, whether training should be sought.
- All staff supervising the visit should be given the opportunity to discuss any concerns they may have about their ability to support the young person. Extra help should be requested if necessary, from e.g. a care assistant.
- It is not necessary legally to obtain parental consent for emergency medical treatment on visits, as a doctor's professional duty of care will require them to judge and act upon each situation in the best interests of the patient. Nonetheless, parents/guardians should be made aware of this, and asked to give their written consent in advance of a visit. The Overall Group Leader should take the original consent forms on the visit, as there have been cases when medical treatment has been refused abroad due to the lack of these.
- Some parents/guardians may object on religious grounds to their children undergoing certain medical treatments – especially involving blood transfusions - whilst away on a visit. This issue should be discussed and resolved by all parties concerned well in advance of the visit. See Appendix VGA 13.6 for sample letter for Jehovah's Witness parents/guardians regarding consent for emergency medical treatment.

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- The visit leader should check that the visit insurance policy covers any staff or young people with pre-existing medical needs.
- There is an expectation that children and young people with medical needs will be fully included in activities and visits. Individual risk assessments may be necessary, and reasonable adjustments should be made to enable individuals to participate, unless evidence from a clinician states otherwise. For example, a carer or an additional supervisor such as a parent or other volunteer might be needed to accompany a particular child. A copy of any health care plans and emergency procedures should accompany the individual.
- Parents should be asked to provide written details of medical conditions and of any medication required (including instructions on dosage/times), and for their permission for staff to administer medication, or for their child to administer their own if this is appropriate. Arrangements should be made for taking sufficient supplies of any necessary medicines on visits, and for ensuring that they are safely labelled, transported, stored (refrigerated if necessary), controlled and administered, and that records are kept of their use.
- All staff supervising visits should be made aware of individuals' medical needs and any medical emergency procedures. Summary sheets held by all staff, containing details of each individual's needs and any other relevant information provided by parents, is one way of achieving this. You should consider how individuals' confidentiality can be protected, and ensure that personal information is securely disposed of when it is no longer needed.
- If appropriate, a member of the staff team should be trained in administering medication, and should take responsibility for this.
- Some individuals may need to take precautionary measures before or during exercise and may also need to have immediate access to their medicines such as asthma inhalers. Staff should check that such medicines are available during activities, and that spares are available if necessary.
- It is illegal to give a medicine which has been prescribed for one person to another. However, in two specific cases schools may buy, carry and administer medication in emergency situations.
- Asthma Inhalers. Since the 1st October 2014, schools have been allowed to carry emergency salbutamol inhalers, and use these when they have parental consent to do so. Use of emergency inhalers should be subject to a protocol forming part of the establishment's medical conditions policy. Government guidance is available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360585/guidance_on_use_of_emergency_inhalers_in_schools_October_2014.pdf
(If this link does not work, try copying the link and pasting it into your browser, taking care to remove any rogue spaces).
- The well-being of children and young people should always be given the highest priority: if a child suffers from a life-threatening asthma attack and does not have their own inhaler, then the benefit of giving a blue inhaler from elsewhere is likely to outweigh the risks of not doing so.
- Adrenaline auto-injectors. From 1st October 2017 the Human Medicines (Amendment) Regulations 2017 allow schools to buy adrenaline auto-injector devices (epi-pen etc.) without prescription. These must be for administration to a pupil at the school who is known to be at risk of anaphylaxis and requires the product in an emergency. Use of emergency auto-injectors should be subject to a protocol forming part of the establishment's medical conditions policy. Such 'spare' auto-injectors should not be seen as a replacement for the young person's own medication. All young people at risk of anaphylaxis should carry two auto-injector devices at all times.
- The Department of Health has issued "Guidance on the use of adrenaline autoinjectors in schools" available at: <https://www.gov.uk/government/publications/using-emergency-adrenaline-autoinjectors-in-schools>
(If this link does not work, try copying the link and pasting it into your browser, taking care to remove any rogue spaces).
- Conditions occurring during a visit. Depending upon the duration and type of visit, it is likely that some participants will require medication for the prevention or treatment of minor ailments, for example: sunburn, heat rash, insect bites, period pains, headaches, athlete's foot, indigestion, sore throats, colds and coughs, cuts and grazes, muscle stiffness.

Parents must be asked for their permission to administer any medication, including non-prescription medicines. One way of achieving this for minor ailments is to provide parents with a list of common non-prescription medicines and to ask them to indicate if there are any which they do not want administered to their child. It can be useful at the same time to ask about allergy to adhesive plasters. Care should be taken with all medication to observe the recommended dosage appropriate to age. If a condition arises which requires medication which had not been anticipated, parental permission should be obtained, and a doctor's prescription may be necessary.

- Medicines which may be legally held in one country may be illegal in another. The rules of any country to be visited should be checked. Medicines should be properly labelled, and prescription medicines should be accompanied by a copy of the prescription. Where medication includes delivery by syringe, it may be necessary to show an accompanying doctor's note at border security. A personal licence may be required to take certain controlled medicines abroad. In some countries, it is possible to purchase medicines over the counter which would require a prescription in the UK. These should not be used unless prescribed by a qualified medical practitioner.

3.5 Young people with special educational needs

- Schools/establishments should already be familiar with the nature of a young person's special educational needs.
- Any limitations or problems the young person may have should be taken into account at the planning stage and when carrying out the risk assessment.
- Offsite visits and activities may pose additional difficulties for a young person with special educational needs, and the behaviour of some young people may prove challenging.
- The following factors should be taken into consideration:
 - is the young person able to take part in and benefit from the activity?
 - can the activity be adapted to enable the young person to participate?
 - will additional equipment be required?
 - is the young person able to understand and follow instructions?
 - will additional care or supervision be needed?
- It may be helpful to the young person if one of the supervisors already knows them well and understands their needs fully.
- The group leader should discuss the visit with the parents/guardians to ensure that adequate arrangements have been put in place to ensure their child's safety.

3.6 Excluding young people from a visit – general considerations

- Schools/establishments should take every reasonable measure to include all young people on visits, and should not prejudice, discriminate or unfairly exclude anyone from educational opportunities that are offered to others.
- The decision to exclude a young person should never be taken lightly, and only after extensive consultation with others who are responsible for them, including the young person's parents/guardians. Make sure that adequate time is given for this consultation process, and it is advisable that a written record is kept of all discussions, agreements, and actions taken.
- However, it is generally considered reasonable for a young person to be excluded from an offsite visit if their behaviour presents a significant, unmanageable and unacceptable risk to the health, safety and welfare of either themselves or other members of the group (including the adult leaders responsible).
- The exclusion of a young person could take place at any time prior to the visit or even during a visit if the behaviour of the individual was serious enough to warrant it.
- The exclusion of a young person from a visit should only be considered, and only as a last resort, after:
 - A formal risk assessment has been carried out to evaluate the likelihood of harm occurring as a result of the young person's involvement;
 - All reasonable control measures have been carefully considered, but the health and safety risks are still considered to be unmanageable and unacceptable.
 - Reasonable alternative options have been considered unacceptable or unviable, such as:

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- the postponement or cancellation of the visit;
 - a change in venue (perhaps where the risk could be more easily controlled);
 - a change in timing (perhaps to when more staff might be available);
 - the splitting up of the group (into smaller, more manageable units);
 - the provision of additional staffing (perhaps from additional funding);
 - a parent accompanying their child (and perhaps agreeing to be fully responsible for them at all times);
 - the young person participating in only certain aspects of the visit (when or where the risk to safety could be acceptably controlled).
- It might be helpful for visit organisers to consider the inclusion of the example statements below in letters that inform parents/guardians of a forthcoming visit and seek their consent:

"I agree to impress upon my child the necessity to behave responsibly and to understand that it is most important for his/her safety and the safety of the group that rules and instructions given by the staff in charge are obeyed."

I understand that the school/establishment reserves the right at any time before or during a visit to exclude a young person from a visit if it is considered that their conduct or behaviour presents a significant, unacceptable, and unmanageable risk to the health, safety and welfare of either themselves or other members of the group (including the adult leaders responsible)."

- The requirement for responsible behaviour, and the consequences of non-compliance should be emphasized in all communication with the parents/guardians, including at the parents' meeting. If the young person's behaviour is not acceptable on the visit, and it jeopardises the health and safety of others, there should be no cause for complaint if the young person has to be returned home early.
- It might therefore be helpful to agree with parents/guardians beforehand (preferably in writing) the required standards of conduct and behaviour during the visit, and who will be responsible for arranging the pick-up and transport home of group members who do comply. If both the young person and his/her parents/guardians have understood and accepted these statements and agreements, it will hopefully encourage good behaviour on the visit, and avoid any difficulties.
- During the planning stage of a visit, if a young person is already perceived as a risk to the health and safety of others, it might be constructive for the young person to be given specific and attainable targets (perhaps with a set date) for behavioural improvement that, if achieved, will enable them to participate in the visit.
- Every effort and encouragement should be given to assist the young person to achieve his/her goals of behavioural improvement, and thus to participate successfully and safely in a trip alongside his/her colleagues.
- The exclusion of a young person from an offsite visit should never be regarded or used as a punishment, but young people need to be aware that if their behaviour or conduct is likely to put at risk the health and safety of themselves or others, then it may jeopardise their participation on the visit.
- Where a young person's difficult or disruptive behaviour can be attributed to some form of recognised disability, their exclusion from an offsite visit can only be considered if there is clear evidence that it is their behaviour alone that poses a significant, unacceptable and unmanageable risk to the their own or others' health, safety and welfare.
- It is important for a young person and his/her parents or guardians to be made aware as early as possible of any concerns relating to the young person's behaviour and their involvement in an offsite visit. It is essential that all parties understand what is required and can agree upon an appropriate action plan.
- For school visits, if the risk of a young person's involvement is ultimately considered to be unmanageable and unacceptable, consideration should be given to alternative ways of achieving the educational objectives of the visit for the young person concerned.

3.7 Involving young people who are related to staff, or who are from another school/establishment

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- This might have an adverse impact upon the roles and responsibilities of leaders, and might complicate or compromise their supervisory duties in some way (for example, if the Overall Group Leader's own child becomes ill and needs to attend hospital, there is likely to be a conflict of interest).
- Each circumstance should be carefully risk assessed, and particular consideration should be given to the implications of any differences in the young person's age, gender, or maturity from the rest of the group.
- It is important to consider possible scenarios within the normal risk assessment process, and to establish effective contingencies to deal with such issues.
- It is sensible, in most circumstances, not to include a member of staff, who has their own child accompanying them, within the calculations of staffing ratios.
- The Manager/Headteacher should be made aware of any visit plans to include young people who are related to staff, or who are from another school/establishment, and they will be responsible for deciding if it is acceptable.

3.8 Involving young people who are not the responsibility of the Local Authority

- There is no statutory duty of the Local Authority in relation to young people who are not the responsibility of the Authority taking part in an offsite visit.
- Serious accidents have occurred on visits when young people who have left or moved to another school/establishment have not followed their group leader's instructions. Careful consideration should therefore be given to the inclusion of young people who are not members of the school/establishment. It is advisable to ask any such group member (and their parents/guardians) to sign a written statement regarding their conduct and behaviour, agreeing to operate fully under the direction and authority of the group leaders.
- In such circumstances, particular consideration should be given to the following issues:
 - **Travel insurance** - the young person will not ordinarily be included within the Council's travel insurance arrangements, and the matter should be discussed with the Council's Insurance Group. In most circumstances, the parents/guardians of the young person will need to make their own alternative insurance arrangements. The Visit Organiser should ensure that the alternative cover provided is adequate and acceptable.
 - **Liability insurance** – a school/establishment will remain accountable and liable for all the young people placed in its care, and claims made by young people or their parents/guardians for any form of negligence during a visit would normally be dealt with under the LA's standard liability policy. It is important therefore that all group leaders, and those responsible for approval, must be fully informed, and give their consent to, the inclusion on a visit of a young person for whom they are not normally responsible. Appropriate risk assessments should be undertaken to ensure that the school/establishment is not exposing itself to an unreasonable and unacceptable level of risk, bearing in mind that an adverse claim experience may lead to increased premiums.

3.9 Involving pupils who are moving school within the county

- Pupils on the register of an educational visit who move school within the county before the visit takes place may, with the consent of the parents/guardians and the school, continue to take part in the visit. However, the pupil will not necessarily be covered by the county's insurance policy, and alternative arrangements might need to be made.

3.10 Group lists

- It is important that a full up-to-date list of all group members (including Leaders) and their home contact details is left with the designated Emergency Home Contact(s) and other relevant managers (such as the Educational Visits Coordinator, if applicable) before departure.
- In the event of an accident or incident, it is vital for the Emergency Home Contact(s) to know who is involved on the visit, and to be able to contact the parent/guardian or next-of-kin, if necessary.

Practical guidance for schools regarding the Equality Act (2010) including the Disability Discrimination Act (2002) and its relevance to the planning and leadership of Offsite Visits

Key Principles

- **The Equality Act sets out the duties on public bodies, including schools, not to discriminate against persons with a protected characteristic.** This Act replaces previous disability discrimination acts and other equality legislation (e.g. Sex Discrimination Act) into one single act, and schools should consider the implications that this may have upon educational visits e.g. the need to avoid arranging residential trips that coincide with religious festivals or holidays.
- A school's duty **not to discriminate** against disabled pupils extends to 'education and associated services' – a term that covers all aspects of school life, including all educational visits and offsite activities.
- Schools must ensure that disabled pupils are given equal educational opportunities (including offsite visits), and are not put **at a substantial disadvantage**– i.e. treated less favourably as a result of their disability.
- **Schools have a duty to be proactive and to “anticipate”** the likely needs of current and future pupils on school visits, and should not respond reactively or retrospectively.
- A school must demonstrate that it has **taken all reasonable steps and undertaken reasonable adjustments** to try and ensure that offsite visits are accessible to all disabled pupils.
- Schools **must not exclude a child** from any associated educational activity, including offsite visits, because of their disability.
- From 1 September 2012 the reasonable adjustments duty for schools and education authorities also includes a duty to provide auxiliary aids and services for disabled pupils. The Equality and Human Rights Commission (EHRC) has produced guidance for schools on this new duty – see the following website for further details:
[www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-guidance-downloads/#Guidance for workers](http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-guidance-downloads/#Guidance_for_workers)
- An example in this guidance is as follows:
A disabled pupil requires assistance with personal care needs such as toileting, washing and dressing. This assistance is provided during the school day by his learning support assistant provided through his statement. The school arranges a residential school trip for his year group. The pupil wishes to attend but is not able to do so unless his personal care needs are met.
Is he at a substantial disadvantage?
Yes he is unable to attend the trip with his peers.
Could the disadvantage be avoided?
The following options could avoid the disadvantage and enable the pupil to attend:
 - ask his learning support assistant to go on the trip and provide support beyond the normal school day.
 - liaise with social services to see if any support can be provided by them discussing with the pupil and his parents ways they think the support could be provided, such as a family member going on the trip to provide the overnight support.**Is it reasonable for the school to take these steps?**
These steps are all potentially reasonable depending on the circumstances. If it is not possible for the school to find a reasonable means of enabling the pupil to attend then it should consider whether there is an alternative equivalent trip that could be organised for that year group that the disabled pupil would be able to participate in.

Frequently Asked Questions

1. In what ways might a disabled child be placed at a “substantial disadvantage” on a school visit?

Consider issues such as:

- the time and effort that might need to be expended by a disabled child;
- the inconvenience, indignity or discomfort a disabled child might experience;
- the loss of opportunity or the diminished progress that a disabled child may make in comparison with his or her peers who are not disabled.

Example:

A school, with a physically disabled pupil who is a wheelchair user, organises a visit to a residential centre. There is only one wheelchair accessible bedroom available, which has a single bed and is on the ground floor. No lift is available to the first floor where all the other pupils are in shared bedrooms. All of the centre’s showers are on the first floor, so a bowl of water, flannel and towel will be left in the bedroom for the child’s use.

The facilities for this pupil are not of similar standard to the other pupils, and the proposed arrangements might cause the disabled pupil to lose some dignity and to miss out on sharing a bedroom with friends, hence putting the pupil at a “substantial disadvantage”. The school should have identified the child’s needs and assessed the centre’s facilities before booking. If wheelchair access at the centre was not acceptable, the school should have explored alternative options.

2. How can a school “anticipate” the needs of disabled children on future school visits?

Schools should not wait until a disabled child seeks admission or is admitted as a pupil to consider what reasonable adjustments it might make generally to meet the needs of disabled pupils with regard to educational visits. Anticipatory changes may be prompted by thinking about the potential needs of disabled children who might come to the school in the foreseeable future.

Schools might consider the following anticipatory steps:

- Review the school’s policy/practice with regards to educational visits;
- Devise a list of common impairments, and identify the potential adjustments required to enable participation in educational visits;
- Provide staff training in disability awareness, correct handling and moving techniques, and how to administer medicines and care to young people during visits.
- Research residential centres that are fully accessible, and have the facilities, equipment and training to include disabled guests fully.

If schools are aware of a particular disabled pupil who will be coming to the school, discussions with parents/carers and with pupils themselves well in advance of their arrival will be important in establishing more precisely the nature of the adjustments that may be needed to participate fully in future school visits.

Example 1:

The school’s existing minibuses might not allow easy wheelchair access.

The school should research those companies that hire wheelchair accessible minibuses and coaches. Consideration should be given to improving this when the school next updates its fleet. Additional staff training may also be required in the loading, securing and unloading wheelchairs, and for assisting with the transfer of wheelchair users onto minibus seats, where appropriate.

Example 2:

A small rural primary school has little experience of taking disabled pupils on outdoor visits. The school is going to admit a five-year old girl with a rare syndrome involving moderate learning difficulties, poor muscle tone, and speech and language difficulties.

As early as possible, the head teacher should research the girl’s condition and liaise closely with the child’s mother and others with expert knowledge about her likely needs in school and when

on offsite visits. Staff training should be arranged to ensure that all relevant staff have the knowledge and confidence to enable the girl to access and participate fully on outdoor visits.

3. **What “reasonable adjustments” might be necessary when organising a school visit?**

Reasonable adjustments might be necessary with regard to the planning of the transport (e.g. a coach with a lift access), the choice of venue or accommodation (e.g. wheelchair accessible shower facilities), staff supervision (e.g. extra or specialist staffing might be necessary) or the programme and location of activities (e.g. mountain walking might need to be changed to orienteering using forest tracks). Equipment or clothing might also need to be modified.

Visit organisers should give plenty of time to discuss any concerns or uncertainties about the inclusion of a disabled child on a visit with all those involved, including the child themselves and their parents/carers. Beware of making assumptions about a child’s needs or abilities.

It is important that all relevant staff are made aware of each child’s needs, and that they have the expertise and knowledge to provide the care, support and supervision necessary. Particular consideration should be given to additional staffing (or parental) support that might be required.

Most “difficulties” are usually surmountable - it often only requires the commitment and determination of staff, and a little additional imagination and lateral thinking, to ensure that activities are adapted to be inclusive and accessible for all. It might be necessary to discuss compromises that are acceptable to all. Where there is a will there is usually a way!

The Acts do not define “reasonable” – this depends upon individual cases. However, schools/establishments should take account of the:

- Need to maintain academic or other standards
- Cost and practicality of making a particular adjustment
- Financial and staffing resources available
- Aids and services provided by the Statement of Special Educational Needs
- Health and safety requirements
- The safety and welfare of others in the group (including the staff)

Example 1

A boy with a spinal injury who uses a wheelchair wants to attend an outdoor education visit. The teachers are concerned, as they do not know which activities he is capable of undertaking. The boy might be at a substantial disadvantage if he is not included in the visit.

The visit leaders should consult carefully with the boy, his parents, and others with expert knowledge – and then liaise with the outdoor centre manager regarding the activity programme. An inspection visit by the visit organisers (and possibly the child/parents as well) may be particularly helpful to establish the accessibility and suitability of the centre’s activities. It is important that all relevant personnel (e.g. activity instructors) are suitably trained and fully briefed about the child’s needs. It might be agreed that the pupil cannot participate fully in all the activities on offer, but an adapted programme will enable him to participate to some degree. This might be considered to be an acceptable compromise and a reasonable adjustment.

Example 2

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 boy who uses a wheelchair. At the last minute, the Italian host drops out.

The school considers the following options:

- *it is not practicable to take the disabled pupil without a host to go to;*
- *the school considers cancelling the trip, but if the other pupils do not go, they will 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 relevant factors and, whilst it has not been able to identify a reasonable adjustment that would enable the pupil to still go on the trip, it is likely to be acting lawfully as it has done all that it reasonably could to include the pupil. Nevertheless, the school should try to make alternative provision so that the pupil still has the opportunity to improve his/her Italian in an interesting and enjoyable way.

4. What issues should be considered when planning an educational visit for a group that includes a disabled child?

- a. What is the most suitable venue to enable ALL members of the group to participate and achieve the desired learning outcomes?
- b. Have all relevant parties (child, parents/guardians, SENCO, doctor/nurse, teaching and support staff) been consulted regarding the child's needs and their requirements in order to participate?
- c. Has consideration been given to the reasonable adjustments (e.g. staffing, transport, activities, equipment) and additional costs that may be necessary for the child to participate fully in the visit?
- d. Are there any health and safety issues for the young person in accessing the proposed visit? Are these included in the risk assessment of the activity/visit? Is a separate risk assessment necessary?
- e. 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, e.g. museums, regarding toilet facilities, ramps, quiet/withdrawal areas etc.
 - staff with necessary training in disability and /or medical needs to support the young person during the visit
 - preparation of materials prior to the visit in appropriate formats

5. What specific issues should be considered when inspecting the accessibility of a residential activity centre?

This will depend upon what impairments (e.g. hearing? vision? mobility?) are involved, but the following checklist might be helpful:

- Entrance and corridors
(e.g. w/c access, steps, gradients, lifts, signage, width of corridors, flooring/carpets, lighting, banisters and rails)
- Bedrooms and sleeping arrangements
(e.g. location/access, location of staff, bunks/beds, windows, balconies, door locks and handles, bed height, plastic sheeting, door closures, fire escape routes/procedures, space, storage space, overnight supervision, security, communication – loudspeaker systems)
- Toilets and washroom/showers
(e.g. space, access, seating, independence/assistance with toileting/showering, door locks/privacy, emergency pull cord, supports)
- Dining room and eating arrangements
(e.g. diets, menus, medication, space, access, seating, flooring, table height, cutlery, collecting meals, clearing tables, washing up, hot drinks/meals, signage, shop arrangements)
- Lounge
(e.g. space, access, seating, flooring, table height, signage, indoor games, open fires, hearing loops)
- Games Room
(e.g. space, access, seating, flooring, table heights, signage, involvement/inclusion, supervision arrangements)

- Gardens and Grounds
(e.g. space, access, pathway surfaces/widths, gradients, seating, flooring, table height, playground equipment involvement/inclusion, signage, games, supervision, access to car parks and roads/traffic)
- Activities
(e.g. parent/child consent, instructors aware of special needs, waterproofs, clothing, training/experience/attitudes of staff/instructors, equipment, staffing support, locations/accessibility, involvement/inclusion, length/timing of activities, drying room, weather conditions, plan B alternatives)
- Transport to activities
(e.g. mode of transport, wheelchair access/loading/securing, space, lifting/handling, staff/pupil seating, seat belts, emergency/evacuation procedures)

6. After careful consideration, what if the safe participation for all pupils in the visit cannot be ensured?

Schools need to be able to demonstrate clearly why that is the case, or they may be acting unlawfully. Important factors will include:

- all reasonable measures have been considered/taken to support the disabled young person's participation in the event.
- there is no alternative activity that would meet the requirements of the educational visit as well as enabling all young people to participate.
- disabled young people who are disadvantaged because their needs prevent participation in an event have been fully consulted (as well as their 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 young person with a disability not participating in a particular educational visit.
- there is no blanket ban on a young person with a disability participating in activities.

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

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 a school 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.
- Meeting between an LA officer, parents, the pupil and the school to review what reasonable adjustments should be made.
- The review or alteration of school policies.
- Additional tuition to compensate for missed lessons.
- A formal written apology to a child.

It is important that schools 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 school's 'responsible body' and therefore must be defended by them not the LA.

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

Case Studies

Example 1

Daniel is in Yr 5 in our school. He has a diagnosis of ADHD and takes medication. His mother is finding it difficult to manage his behaviour in the home. We have a Behaviour Policy that rewards children who behave appropriately with 'Golden Time' activities. The policy stipulates that children who receive five or more red cards (given for inappropriate behaviour) in one school year will not be permitted to join our summer visit to 'Funland'. Daniel has six red cards therefore can we legitimately exclude him from the visit?

Daniel is likely to be disabled within the definition of the DDA as he has a mental impairment that has an adverse effect on his ability to concentrate, learn or understand. His underlying impairment results in Daniel having behavioural difficulties. Schools must keep their policies, practices and procedures under continuous review to ensure that disabled pupils are not placed at a substantial disadvantage in comparison to their non-disabled peers.

In this example it may be that the behaviour that led to Daniel receiving a red card was related to his disability. The school will need to ensure that all incidents are thoroughly recorded and evidence that there were no reasonable steps that the school could have taken to avoid the incidents taking place. Steps the school could take include:

- Staff training on ADHD and management of pupils with this disability
- Meet with parents, Daniel and others to agree a Care Plan to include rewards and sanctions
- Review of the Behaviour Policy to evaluate its suitability for pupils with disabilities. Evidence from disability discrimination claims shows that a blanket policy is the most likely way for a school to discriminate against a disabled child.

If the school cannot evidence reasonable steps such as those listed above they are unlikely to be able to justify excluding Daniel from the visit. They may feel that they can justify on health & safety grounds because of Daniel's unpredictable behaviour. To justify this decision the school would need to carry out a Risk Assessment, discuss this with the parent and explore any reasonable steps. For example the school may be able to allocate a member of staff to supervise Daniel or a family member may be willing to volunteer to support Daniel on the visit.

Example 2

Our Yr 9 pupils are going on a visit to Stratford-upon-Avon to watch a performance of 'Macbeth'. Laura is a pupil in this yr group. She has moderate learning difficulties and mild mobility difficulties. The English Dept do not feel that it is appropriate to take Laura on the visit because she will not understand the play and it will be difficult for her to sit comfortably and quietly because she will be bored throughout the performance. Shall we suggest to Laura's parents that she does not join the visit?

It is important that the school make arrangements to meet with Laura's parents to discuss the teaching of Shakespeare Plays, and in particular Macbeth, to Laura and about the suitability of the visit. This should be well in advance of the date to enable careful planning. The school could make contact with their local special school and the School Improvement Service for advice on differentiation of the KS3 English curriculum.

The school should not make an assumption that Laura will not understand the play. This is not a material reason to justify her exclusion from the visit and would likely to be unlawful.

Example 3

Charlotte has Cerebral Palsy and uses a wheelchair. She is in yr 8 at our school and has expressed an interest in our Yr 8 summer residential camping trip. The site we use is basically a farmer's field. We do not see how we can meet her needs so would we be justified to say 'no'?

The duty on schools to make reasonable adjustments to ensure that a disabled pupil does not receive less favourable treatment is anticipatory. Secondary school's should anticipate that children with physical disabilities will join their school and should be reviewing policies, practices and procedures to ensure that they do not discriminate against disabled pupils.

The school should adopt proactive as against reactive approaches and should ask themselves 'How can we ensure our residential visit meets the needs of all our pupils?' rather than 'How can we make our visit fit Charlotte?' The LA Educational Visits Officer, Taff Bowles, can provide invaluable information, advice and support to help schools plan accessible visits.

The following examples are taken from the Disability Rights Commission Code of Practice for Schools.

Example 1

A pupil with **Tourette's Syndrome** is stopped from going on a school visit because he has used abusive language in class. The school 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 school 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 school 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 school 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.

Example 2

Some pupils from a special school are going to the theatre. The school does not offer the trip to a pupil with **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?

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.

Example 3

A pupil with **cerebral palsy** who uses a wheelchair is on a trip with her class to an outdoor activity centre.

The teachers arrange to take the class on a 12-mile hike over difficult terrain but, having carried out a risk assessment, they decide that the pupil who uses a wheelchair will be unable to accompany her class, for health and safety reasons.

Is the less favourable treatment for a reason that is related to the pupil's disability?

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?

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.

Example 4

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.

Example 5

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;

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.

Nevertheless, the school should try to make an alternative provision available to the disabled pupil so that he/she does have access to an opportunity to improve his/her Italian and, hopefully has an interesting and enjoyable experience.

Example 6

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.

Example 7

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.