

# **EDUCATION (DISABILITY STRATEGIES AND PUPILS' EDUCATIONAL RECORDS) (SCOTLAND) ACT 2002**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Sections 1 and 2 – Accessibility strategies*

5. **Section 1** places a duty on responsible bodies to prepare a strategy to increase, over time, the physical accessibility of the school environment and the accessibility of the curriculum for pupils with disabilities and prospective pupils with disabilities. The strategy must also provide for the improvement of communication with pupils with disabilities, especially in relation to the provision of school information.
6. **Section 6** provides that a “responsible body” is—
  - in relation to schools managed by an education authority, that authority (an “education authority” is a local authority); and
  - in relation to independent, grant-aided and self-governing schools, the proprietor, the managers or the board of management respectively.
7. Each responsible body’s accessibility strategy must set out their plans for increasing the accessibility of all the schools for which they have responsibility, including nursery schools. **Section 2** provides that an education authority’s strategy must also include plans in relation to education provided to children under school age in non-school premises managed by that authority for improving communication and increasing access to the physical environment and the curriculum. The duty imposed by **section 2** does not require an education authority to provide a strategy in relation to places where education is provided by private and voluntary sector bodies operating in partnership with the authority.
8. **Section 2** also provides that the accessibility strategy should cover any education which may be provided by the education authority to children, of under school age and of school age on gypsy/traveller sites.
9. Individual strategies need not be prepared in respect of each school. A local authority need prepare only one strategy in relation to all of the schools they manage. A responsible body does not have to produce a free-standing strategy. Instead, for example, a local authority could incorporate the strategy into their annual statement of improvement objectives under the National Priorities in Education. **Section 1(5)** places responsible bodies under a duty to implement their strategies once these are in place.
10. Responsible bodies will have to keep their strategies under review, and revise them if necessary in light of that review. The Scottish Ministers will prescribe, in regulations, the period that strategies must cover and will issue guidance as to the regularity with which a responsible body should review, and if necessary revise, their strategy.