

Stephen Brooker

From: Ian Lawson <bursar@cavershamschool.com>
Sent: Wednesday, January 24, 2018 11:20 AM
To: Stephen Brooker
Subject: FW: Caversham Preparatory School - provisions for inclusivity under the Equality Act 2010 (Disability Discrimination)
Attachments: Company Information - Martin Burgess Profile_Dec 2017.pdf

Dear Stephen

This is a summary of the report .

Yours ever

Ian Lawson
Bursar

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From: Martin Burgess [mailto:mcb@accessandbuilding.com]
Sent: 24 January 2018 08:48
To: Ian Lawson
Cc: Tracey Burgess
Subject: Caversham Preparatory School - provisions for inclusivity under the Equality Act 2010 (Disability Discrimination)

Dear Mr Lawson,

I refer to my meeting and site inspection this week in respect to your obligations under the Equality Act 2010 as education providers, as well as assessing the school against the principles set out in Reading Borough Council's Local Development Framework Core Strategy Policy CS5 which is entitled "Inclusive Access". I understand this has been called up as a condition relating to the planning approval for the school.

This email is intended to provide broad feedback on the arrangements at the school and how these relate to the above guidance. The detail in this email will be further developed and included in a formal report, which I can forward to you next week.

Introduction:

This feedback has been provided as part of assessing the schools activity against the planning guidance set out by Reading Borough Council, as identified above. As part of the school's change of use planning application (151633) a condition was added to the approval, requesting an access survey to be carried out to establish the extent of accessibility to the school's facilities. From reviewing the Core Strategy documentation it is understood that meeting the principles of the Equality Act 2010 (which now supersedes the Disability Discrimination Act 1995), will provide evidence that the school is providing an inclusive environment for all potential users.

The principle behind the Council's policy is a positive step and is recognised as providing good practice for all organisations and service providers covered by the Equality Act.

The site inspection undertaken this week was to establish the extent of physical accessibility, but also considering the function and use of buildings and the services offered as part of the educational establishment. This will be discussed in more detail below.

Disability discrimination legislation impacting on the School:

Caversham Preparatory School is covered by a wide range of legislation in relation to the delivery of education. This email specifically covers the issue of disability discrimination as it affects students and staff of the establishment.

As noted above, the Act broadly seeks equality in the delivery of services to "customers" (i.e. students) and in the way employees are treated. As part of this the built environment plays a significant part and the way the building is designed and constructed can enhance or inhibit the ability to achieve equality for all users. The Act also provides a requirement to make "reasonable adjustments" to accommodate the needs of a student with a disability, which can include ancillary facilities or aids, or differing teaching methods.

Schools are not formally subject to the reasonable adjustment duty to make alterations to physical features, like adding ramps. However, they must make the buildings accessible for their disabled pupils as part of a longer term strategy; this is something discussed in more detail below.

The Equality Act is not a prescriptive piece of legislation and it is up to the service provider to review and ensure that the level of service offered to people with a disability is equitable. Ultimately the test of whether this has been achieved can only be established via

Court, though there are conciliation processes both for service providers as well as educational establishments.

The Act is also supported by a wide range of guidance, some of which is specific to education. This element of the Act is particularly intricate and draws in a wide range of other factors including Special Educational Needs. This particular element focuses on individual students who may need additional support and changes to their educational environment to overcome a disability they may have.

Overall a suitable “package” of measures will realistically need to be considered to optimise access for all users.

Application of the Equality Act to Caversham Preparatory School:

The school is fully aware of its obligations under the Equality Act and associated provisions relating to educational services.

It also recognises that the make-up design and layout of the school and associated facilities is not ideal in relation to physical accessibility. Being an existing site with older buildings, significant constraints exist to bringing them up to meeting current technical guidelines for accessibility, in particular the guidance supporting the Building Regulations and associated documentation such as British Standard 8300.

However, the school continues to carry an obligation to ensure equitable access to the “service” of education. In this respect it has policy guidelines for both students and staff which it reviews on a case-by-case basis. The Equality Act does accommodate scope for a more reactive approach to the concept of “reasonable adjustments” when known individuals will be joining the school. When considering students, the admissions process allows the opportunity for them to liaise directly with the student and their parents/guardians to discuss what adjustments would be necessary to enable the prospective student to have equitable access to the facilities and educational services. Similarly, the Act allows a more reactive approach to staff, with changes being considered as and when a member of staff has a disability (or prospective members staff).

In both these cases, it allows the school to cater for the specific needs of an individual. This is different to a service provider who invites members the public into their building to avail themselves to the services they offer, such as a retail premises, theatre, public building or sport stadium. In these later cases there is an obligation to anticipate a customer with a disability will wish to access the services offered.

When considering the above and the nature of the schools responsibilities, the emphasis is therefore placed more on management and policy in the first instance, followed by potential physical changes to the built environment should this be required. As noted above, the Act does carry with it an obligation to look at longer term improvements which

is something the School will undertake going forward. The proposed extension to 1 Derby Road forms part of the strategy to enhance access and use of the facilities in this building.

On the basis that the School continues to have a proactive management approach which is backed up by their policies and procedures, this should mean they continue to meet their obligations under the Equality Act and in doing so will not discriminate in the way that they provide their educational services or support their staff.

Future Improvements:

Notwithstanding the above, the School recognise that improvements can be made to their site and as such are intending to continue to enhance the facilities to improve physical access for all users as part of meeting the guidance noted above. Access and Building Consultancy Ltd will be able to assist with this work with a view to developing a strategy over the coming years. This in turn will help with any future renovation and alteration works as well as meeting the broad guidelines identified in Reading Borough Council's policy guidance noted at the beginning of this email. This broad strategy can also assist with any future submissions to the Council, where works are controlled and the Planning Legislation as well as Building Control. It will also be integrated as part of the school's future management policy to ensure that equality and inclusivity are maintained and improved for all users of the school site and services offered.

Conclusion:

In conclusion, it is recognised that the buildings on the Caversham Preparatory School site would benefit from enhancements to physical accessibility as currently buildings would not meet current technical guidelines, in particular Approved Document M guidance which supports the Building Regulations. This is recognised, and as noted immediately above is to be addressed as part of a medium to long-term strategy for improvements.

However, as identified above the Equality Act does not specify how an organisation or service provider should meet the functional requirements laid out in the legislation. When considering education, the nature and complexity of the service provision as well as how it is delivered allows a more reactive approach to meet the needs of the individual student. The same principle applies to employees. Therefore in the context of this site, many of the physical barriers that restrict full access and circulation to the site can be overcome by proactive and positive management procedures, which is understood the school have in place. On the basis that appropriate policies and procedures are followed then both students and staff can continue to be provided with an equitable service.

The school recognise that improvements will be required to enhance physical accessibility and their objective is to optimise this over the coming years with suitable modifications to key features such as entry points into the building, circulation routes, sanitary accommodation and general teaching facilities as well as the external environment. It is

understood they are developing a strategy for medium to long term improvements as set out in the guidance supporting the Equality Act.

As such, it is felt that the current arrangements adopted by Caversham Preparatory School are capable of meeting the provisions of the Equality Act and therefore in turn meets the guidance set out in the Inclusive Access section of Reading Borough Council's Local Development Framework Core Strategy.

I hope this feedback is helpful and assists in demonstrating that the School is committed to the principles set out under the Equality Act as well as an ongoing undertaking to make improvements.

As noted above feedback provided in this email will be developed into a report format for your review following further assessment work being undertaken.

Finally, I attach a copy of my current CV for your information and use.

Kind regards,

Martin

Martin Burgess

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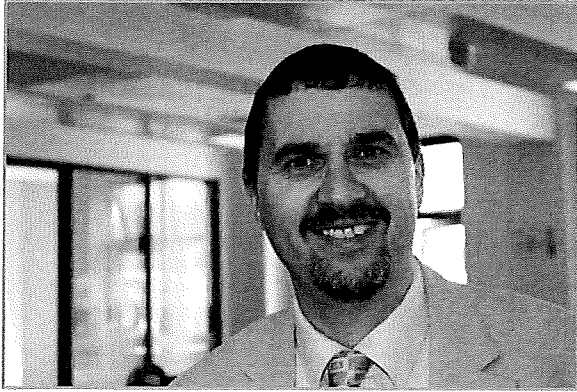
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This transmission is confidential and intended solely for the person to whom it is addressed. If you are not the intended recipient of this transmission, please inform the sender by return.



PERSONAL DETAILS:

Name: **Martin Burgess**

Profession: Chartered Building Surveyor
Building Control Surveyor
Access Consultant

MRICS, Inclusive Environment
Consultant, NRAC / ACAA Accredited
Access Consultant in Australia, DMS

KEY PROFESSIONAL EXPERIENCE:

Martin has extensive building construction experience, initially training as an architect prior to a career in Building Surveying and Building Control. Since the mid 1990s, Martin has had an interest in accessibility, developing a thorough understanding of the broad requirements of Disability Discrimination legislation enabling him to provide expert support and advice to clients and designers.

His understanding of the legislation allows him to be able to provide a wide range of access consultancy services, including training, policy development and assessment and verification solutions to meet the functional requirements of relevant building legislation. His experience also includes work as an Expert Witness.

He has had involvement with technical standards development with the BRE and the Australian ME64 Committee supporting the Australian Standards for accessibility. He has also sat on the management committee of the National Register of Access Consultants, including membership and accreditation panels, as well as the Australian ACAA. He recently presented two papers to the International Accessibility Conference in Brisbane October 2017.

QUALIFICATIONS:

- Member of the Institution of Chartered Surveyors - MRICS
- Post graduate Diploma in Surveying – College of Estate Management
- Diploma in Management Studies
- Certificate in Access Appraisal - Buildings

BRIEF SAMPLE OF PROJECT WORK:

- Holborn Bars, London
- Costco and Tesco Stores (UK and Australia)
- Aston and Oxford, Southampton and Reading Universities (various projects)
- John Lewis Westgate Oxford
- Southmead Hospital, Bristol
- North West Rail Link and Canberra Light Rail (Australia)

KEY EMPLOYMENT HISTORY:

- Head of Building Control at Monmouthshire County Council and Oxford City Council
- Head of Building Surveying and Environment, Butler and Young Ltd
- Team Leader Access – Certis Access Pty Ltd (Australia)
- Senior Access Consultant, Philip Chun, Canberra