

# Specialist equipment in schools and educational settings

Children and Young People's Service

Supporting children and young people  
who have special educational needs and  
disabilities (SEND)

2016

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## 1. Introduction

This guidance is concerned with Children and Young People (CYP) from birth to 25 who have complex health/learning needs and as a consequence require specialist equipment in order for them to;

- Access the curriculum / environment to the maximum extent
- Manage health and personal care needs during the school day

The purpose of this document is to formalise the processes by which specialist equipment may be provided. It is intended that this guidance will allow for transparency in the decisions made and ensure the funding process is more efficient. It outlines the system for requesting, providing and monitoring equipment which will apply in the majority of cases. It is intended for guidance only. There will be individual circumstances which are not covered by this guidance.

As part of their Accessibility Strategy, local authorities are required to set out what equipment or auxiliary aids schools and early years settings can be reasonably expected to provide from their own budget, and what is provided by the local authority, in line with the Equality Act 2010: Advice for schools, published by the Department for Education in May 2014.

“From 1 September 2012 the reasonable adjustments duty for schools and education authorities includes a duty to provide auxiliary aids and services for disabled pupils.”

“The duty is ‘to take such steps as it is **reasonable** to have to take to avoid the substantial disadvantage to a disabled person caused by a provision, criterion or practice applied by or on behalf of a school, or by the absence of an auxiliary aid or service.’ Reasonable Adjustments for Disabled Pupils (Equality and Human Rights Commission)

## 2. Definitions

- **Disability:** The Equality Act 2010 states that “a pupil has a disability if they have a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out normal day-to-day activities. Physical or mental impairment includes sensory impairments such as those affecting sight or hearing.”
- **Specialist equipment:** ‘A piece of **portable** equipment which, having been assessed for by a relevant professional is required to **avoid substantial disadvantage** to a child with a complex disability. This equipment must be **specialist** or used for a **specialist purpose** i.e. relating to that child or young person’s special educational need or disability and should facilitate access to the environment / facilities / curriculum and should usually move on with the child or young person.’

- **Substantial disadvantage** The Equality and Human Rights Commission defines this as being “anything more than minor or trivial. Whether or not a disabled pupil is at a substantial disadvantage or not will depend on the individual situation. The pupil must be at a substantial disadvantage in comparison with non-disabled pupils.”
- **Augmentative and Additional Communication (AAC)**; AAC covers a range of strategies, equipment, systems, methods and techniques used by children and young people who have speech, language and communication difficulties. These approaches may be unaided or aided and used to augment or provide alternative approaches that utilise visual, spoken or written mediums. It can include use of eyes, facial expression, gesture, signing, symbols, communication boards or books. AAC may incorporate the integration of different systems.
- **AAC Specialist Equipment** in relation refers to high-need, high-tech based systems.
- **Technology-based systems** are those which require some power to function; ranging from systems such as single recorded message output devices to more complex systems which take text or symbol input and produce a speech output.’ (*Communication Matters, April 2013*)

Examples of equipment typically funded by NYCC can be found in appendix 2. Similarly, examples of equipment not typically funded by NYCC can be found in appendix 3. Please note: requests for equipment are considered on the equipment’s suitability for the child or young person and their situation, not on the precedent of that type of equipment having been funded previously.

### 3. Finance

In consultation with Finance and the Schools’ Forum it has been agreed that funding of £63,990 would be made available for specialist equipment in mainstream and special schools. This budget is funded 70% Direct Schools Grant (DSG) of which 88% is High Needs and the remaining 30% Local Authority.

**Delegated funding** (up to approximately £10,000) is available to schools through elements one and two. It is expected that schools will be able to use this funding to make reasonable adjustments for the child and young person to improve their access to the curriculum / environment. It is also expected that from 1<sup>st</sup> April 2015 schools will fund the first £500 of any specialist equipment per CYP per financial year. This also applies to **independent schools** and out of **authority schools**.

For specialist equipment costing more than £500 schools may request a contribution from the Local Authority using the Specialist Equipment funding request form

(appendix 1). Where schools have fewer resources and feel they cannot fund the required initial £500, e.g. a small rural primary / large number of SEN pupils requiring specialist equipment, the school should submit a funding request form (appendix 1) stating the financial difficulties and should also contact schools finance for further support/advice.

**Early years settings** (including mainstream, independent and private) and **Elective Home Education**; As these provisions do not receive element 2 funding they will not be expected to contribute towards specialist equipment. This also applies to specialist equipment for a child in an early years setting within a school. For a child in a reception class within a school the first £500 agreement applies to this situation as the school is in receipt of element 2 funding.

**Specialist AAC equipment**; Where all parties are in agreement that the specialist equipment will improve the child or young person's access to the curriculum and where the request also meets the requirements of this guidance. Then the cost of the equipment will be funded as follows:

50% by Health

50% by LA (less £500 school contribution where applicable)

**Note:** *It is likely to be unlawful for a school to charge a pupil (or his parents) for making a reasonable adjustment in any circumstances, whatever the financial cost to the school and however the school is funded. The Equality Act duty applies to all schools in England and Wales irrespective of how they are funded. This includes Independent Schools and academies.*

## Value for Money

It is essential for the Local Authority and for schools to demonstrate quality and productivity and to:

- Show value for money
- Demonstrate improvements in outcomes for individual CYP

Value for money is not necessarily accepting the cheapest option but about delivering the best outcome for a given investment over time.

## 4 Scope and Eligibility for Specialist Equipment

These guidelines apply to all children and young people whose home address is within NY, including those with a Statement of Special Educational Needs or Education, Health and Care Plan or Section 139 learning difficulty assessment and who attend the following:

- Mainstream schools – primary and secondary
- Academies – primary, secondary, special
- Special schools – maintained, non-maintained, independent,
- Primary or secondary free schools
- FE colleges
- Early years settings provided by the local authority - maintained, non-maintained, independent
- Independent primary or secondary schools.
- Pupil Referral Units

For ease of reading the collective term 'school' will be used for all of the above

### **Out of Authority**

If the child or young person does not reside within the geographic boundary of North Yorkshire the school should request funding for specialist equipment from the home local authority.

Correspondingly, North Yorkshire County Council will fund specialist equipment for North Yorkshire children and young people who are attending a school outside of North Yorkshire and where the request meets the requirements of this guidance. Out of Authority schools will also be expected to fund the first £500.

### **Dual placements/large school sites**

Requests for duplicate pieces of specialist equipment will be considered on an individual basis taking into account reasonable adjustments i.e. cost v the advantage it will provide v the ease of moving equipment around. It may not be reasonable to provide multiple pieces of equipment.

## **5. Procedure for Requesting Specialist Equipment**

Advice and recommendations about the use of specialist equipment will usually result from specialist assessment and from discussions between head teachers, health professionals, specialist teachers, class teachers, Special Educational Needs Co-ordinators, parents and children and young people.

Children and young people will be assessed for the equipment by the relevant therapist/ advisory teacher. Where the cost of the equipment exceeds £500 (or where the school has already spent their first £500) the school should complete and submit a Specialist Equipment Request Form (appendix 1) along with any quotations.

**Note:** Requests for funding of **AAC aids** are made by speech and language therapists following the North Yorkshire Communication Aid Project guidance which has similar criteria and request procedures. In these circumstances the speech and language therapist should complete the funding request form (appendix 1) and submit it to Health in the first instance for their agreement and then to the LA. Funds from the LA will be transferred to the school who is then responsible for ordering the equipment. The school should invoice the appropriate Clinical Commissioning Group for their 50% contribution.

## Panels

Requests will be considered by one of two panels:

1. The **specialist equipment panel** considers requests for specialist equipment on a fortnightly basis (term time). The panel is chaired by an Inclusive Education Service team lead and includes advisory support teachers.
2. The **extended specialist equipment panel** considers requests as required. They consider requests where there are exceptional circumstances; for example requests for an unusual piece of equipment or where the equipment will be unusually expensive or where a school has determined it is unable to fund the initial £500. This panel will include the a Finance Manager, the Head for Inclusive Education and the Head of SEND. Appeals to requests which have been refused will also be considered by this panel.

## Communicating a decision

Once a decision has been made the Equipment Coordinator within the LA will send a letter to the school and/or the professional involved.

## Appeals

If a decision is made not to approve the request, the letter will include the reasons for this decision and if the school, parent or professional does not agree with the panel's reason for not funding the equipment they are able to appeal the decision by writing (including email) to the Equipment Coordinator. All appeals will be considered by the extended specialist equipment panel.

They may appeal the decision only when:

- They have further information or evidence to provide to the panel or
- They have grounds to believe the panel did not fully consider the information provided to them when making the initial decision
- There has been a change in the CYPs needs

This appeal should be made within one month of the panel communicating the decision.

Pathways for Requests – see appendices for flow charts

## 6. **Ownership of and Responsibility for Specialist Equipment – including insurance, maintenance and repairs**

Schools have a **duty of care** for all equipment, including responsibility for any servicing, maintenance and ensuring the equipment is cared for in a way to prevent damage, loss or unreasonable wear.

Any insurance, repairs, maintenance and servicing costs are the responsibility of the school. In the case of communication aids a request can be made by school via the Speech and language therapist for 50% funding from health of any repairs.

Lost or damaged equipment should be repaired or replaced with the same or similar model immediately so that C&YP are never left without equipment they use regularly. It is essential that schools plan ahead for how they will repair or replace an item to avoid unnecessary delays for the CYP.

Specialist equipment will generally be deemed to be owned jointly by the school and the CYP and if the CYP moves school the equipment should transfer with them.

Where a school has purchased the item entirely from their own funds transfer costs should be negotiated with the receiving school. If the CYP's home address transfers out of county the equipment does not generally transfer with them (for equipment no longer in use see section 9).

In exceptional cases, where the specialist equipment is highly personalised or where changes in equipment will result in significant inconvenience, it is possible to request that the equipment transfers with the child or young person. In cases where the LA contributed to the cost of the equipment they may request a sliding scale of charges from the receiving authority.

- Up to 1 year – cost less 25%
- Up to 2 years – cost less 50%
- Up to 3 years – cost less 75%



Where a child moves to another school, within or without the LA, specialist equipment should move with the child and where the school has contributed funding towards it then they should negotiate reimbursement with the receiving school ensuring that the transfer of the equipment is not delayed in the process. The above sliding scale of charges may also be useful in such instances but this should be negotiated between the head teachers.

### **Use of Equipment outside normal school hours**

Some specialist equipment may be required to be used by the CYP in the home, after school clubs, during holidays etc. e.g. radio aids, IT equipment for homework, communication devices, long canes. The local authority expects schools to make reasonable judgements about whether they will allow the equipment to be used by the CYP outside their normal hours.

**Note:** *Parents cannot be charged for any additional insurance costs that may be involved if equipment is taken home. This is the responsibility of the school. Where schools are unable to obtain suitable insurance for this then the equipment will remain uninsured.*

*In the case of computer equipment e.g. laptops, ipads, ipods refer to NYCC Hand Held Devices as Communication Aids Guidance 2014 in addition to this guidance*

### **Delivery and assembly charges**

Delivery charges may be included in funding requests.

Wherever possible, items of equipment should be purchased ready assembled. For larger items of complex equipment assembly may be required in situ and may be charged separately. Where this is the case, the cost of assembling the equipment may be included with the request for funding.

### **Consumables and software**

Consumable items, for example specialist batteries, specialist ink cartridges or specialist paper are not included in this funding. These are deemed to be reasonable adjustments and as such should be provided by the school.

Requests for software will in general not be funded. However in instances where software is considered highly specialist and specific to the individual, this may be considered.

## **Warranties**

Extended warranties are individually considered by the panel, and may be cost effective for more expensive pieces of equipment, but are usually outside the remit of this funding.

## **Funding for assessments**

Occasionally some pupils require an assessment for equipment that the specialist service may not have available as an assessment tool. e.g. eye gaze system. Some companies charge for such assessments. The assessment may be funded from this budget following a recommendation by a professional involved with the child. Schools are expected to fund the first £500.

## **Transporting equipment**

The cost of transporting a re-issued / refurbished / returning piece of large / heavy equipment may be met from this budget when it makes financial sense to do so.

Where a large/ heavy piece of equipment needs to be transported to a CYPs next school it is the responsibility of the receiving school to arrange and fund this (up to £500). To ensure a well organised transition for the child or young person this should be considered well in advance of the move and should form part of transition planning.

## **Lost/damaged equipment**

Schools must ensure any specialist equipment is included in their insurance schedule and will be expected to claim against their insurance for any lost/damaged equipment. Any equipment which is loaned to schools by the Inclusive Education Service (IES) e.g. brailers will be serviced and maintained by IES although any damage or loss to the equipment whilst in a school should be repaired / replaced at the expense of the school. Maintenance and servicing of loaned equipment is within the remit of the specialist equipment budget and will require the advisory teacher involved to submit specialist equipment funding request form (appendix 1)

## **7. Monitoring and Review of Equipment**

The use of and continued need for specialist equipment must be considered at or prior to the child or young person's annual review. Consideration should be given to updating, reviewing and replacing equipment and any appropriate recommendations should be included in the annual review documentation.

It is the responsibility of the school or specialist professional to review the suitability of the specialist equipment. This should be done at least annually ahead of the child or young person's annual review. If the equipment is still considered suitable this should be reflected in the annual review of the EHC Plan. If the equipment is no longer suitable or in use this should also be reflected in the annual review paperwork for the EHC Plan.

If there is an identified need for staff training, including moving and handling training, around any of the equipment the school should seek advice from the professional who recommended the equipment.

It is the responsibility of the school to conduct regular maintenance checks and cleaning of the specialist equipment and to follow any manufacturer or NYCC guidance on the health and safety around the use of the equipment.

## 8. Quality Standards

- **QS1:** The local authority will inform the school of the outcome of their decision within 10 working days of receipt of the funding request form.
- **QS2:** The panels will use this guidance to inform all their decisions.
- **QS3:** Data analysis will be produced at end of each financial year to inform future budgets.

## 9. Equipment no longer in use

When a CYP no longer needs the use of a piece of specialist equipment it remains the property of the school (regardless of how it was funded) who may dispose of it as appropriate.

However, it is in the interests of finance and the environment for the piece of equipment to be re issued / reused if possible and so schools may contact the professional who recommended the equipment to inform him/her that the equipment is no longer in use and to offer it for reuse.

Where a piece of equipment is not required for re use then the school is responsible for appropriate disposal and any costs associated with this. Specialist chairs which include mechanical parts e.g. hydraulic lifting mechanisms are unlikely to be re issued due to manufacturers 'life expectancy' guidelines, servicing implications and costs involved.

Any equipment loaned by IES should be returned by contacting the advisory teacher involved.

Computers e.g. iPads, specialist laptops etc. will not be re issued due to security reasons.

## 10. Record Keeping

The LA will keep a record of the decision made about the provision of equipment and the reason for them. This is good practice to show that the panel have aimed to make as reasonable and equitable decisions as possible based on this guidance.

## 11. Contacts

- In case of queries relating to this guidance e-mail:  
[Inclusiveeducation@northyorks.gov.uk](mailto:Inclusiveeducation@northyorks.gov.uk)
- In case of queries about the funding of equipment by Health services contact the Individual Funding Panel:

NHS NY and Humber  
Truine Court  
York  
YO32 9GT  
Tel: 0300 3031042  
Email – [nyh.csu@nhs.net](mailto:nyh.csu@nhs.net)

## 11. References

- Reasonable Adjustments for Disabled Pupils: Equality and Human rights commission
- Equality act 2010
- Disability Discrimination Act 1995
- NHS England Specifications for Specialist AAC services ( draft document )
- NYCC Hand Held Devices as Communication Aids 2014
- Aiming High for Disabled Children
- Healthy Lives; Brighter Futures, DOH
- A Report to the Posture and Mobility Group May 2008
- The Bercow Review of Services for Children and Young People with speech, language and communication needs (July 2009). This report aims

to address the needs of children and young people who use Assistive and Augmentative Communication aids (AAC)

## 12. Interdependencies

- Health/ Social Care (SEND)/Education
- Education Health and Care Plans

## 13. Glossary of Abbreviations

- LA Local Authority
- AAC Alternative Augmented Communication
- CYP Child / Young Person
- IES Inclusive Education Service

## 14. Appendices

- Funding request form
- List of equipment typically funded
- List of equipment not typically funded
- Panel response letter
- Pathway for specialist seating
- Pathway for hearing equipment