

One year on: impact of changes to the special educational needs system on deaf children

A National Deaf Children's Society (NDCS) report



"Help, what should I be doing?"

Parent response to survey

Summary

This briefing sets out our analysis of the impact of part three of the Children and Families Act 2014 on deaf children and their families. This Act introduced significant reforms to the special educational needs (SEN) system and came into force across England in September 2014. Our analysis draws on surveys of parents of deaf children and deaf young people.

Key findings

Our findings suggest that, in many areas, local authorities are not following the law and that the reforms have not been implemented with the pace anticipated.

In particular, there are significant concerns over:

- The quality of Education, Health and Care (EHC) assessments and plans. Of the relatively few parents that had experience of being assessed for an EHC plan, there were mixed views on the extent to which their views were sought, disruption was minimised and the support was provided.
- The content of Local Offers. An NDCS audit found that Local Offers are variable in the information they provide. In several areas, local authorities are acting unlawfully in, for example, failing to provide information about specialist provision for deaf children within and/or outside their local authority. More generally, awareness among parents of the Local Offer is very low. Where parents of deaf children have seen their Local Offer, only a quarter say it was easy to find the information they were looking for.
- The full involvement of parents and children and young people in the changes. Few parents of deaf children have been involved in the development of the Local Offer. Even fewer deaf young people have been involved directly.
- Access to the services that make a difference to the progress of deaf children and young people. Few parents of deaf children are yet to feel the promised benefits of SEN reform in terms of better services, more choice and control and joined up working between services, across health, education and social care.

Overall, there is widespread doubt among parents on the ground that local authorities are ready to implement these changes, that they have the funding to do so effectively or that they will be held to account for failing to do so.

Recommendations

To ensure successful implementation of these reforms in relation to deaf children and all other children with SEN and disabilities, NDCS recommends the Government takes action to ensure balance of support, challenge and strong accountability. Specifically:

- 1) The Department for Education takes steps to ensure that local authorities and health services are challenged through a robust inspection process that will enable parents of deaf children and deaf young people to hold providers to account in the same way they can for schools.**

The Department for Education has asked Ofsted and the Care Quality Commission to review “local area” provision for children with SEN and disabilities in general terms. At the time of writing in late August 2015, Ofsted had yet to consult on their proposed approach – one year after the reforms came into force.

Ofsted has told NDCS that there are no plans to look specifically at services for children with sensory impairment. This is despite the fact that, since these are low incidence needs, local authorities are likely to be less knowledgeable about what services are needed and less likely to be able to meet those needs. If so, NDCS does not believe that any new inspection programme will be effective in improving provision for deaf children. Consequently, it is likely that there will continue to be a wide attainment gap between deaf children and their hearing peers.

2) The Department for Education improve accountability by ensuring there is more and better data available on the outcomes achieved by deaf children and young people and the performance of local authority services, so that parents and young people can assess and compare the quality of service in the area they live with other areas.

Whilst progress has been made, data is still limited to those who have been formally identified as having a SEN. Even though the reforms are intended to benefit children with SEN **and** disability, data is still not collected on disabled children and there appears to be poor co-ordination between health, education and social care on this. Data also tends to be published at a national level only, meaning that there is very limited data on outcomes achieved by deaf children at a local authority level.

3) The Department for Education review the support and funding it provides to local authorities.

Funding to local authorities should be set at a level which:

- a) enables them to maintain at least current levels of service;
- b) ensures thresholds for accessing support and statutory assessment are not increased; and
- c) enables them to meet additional pressures from demography, extended responsibilities for young people with SEN and disabilities aged 16 to 25 years, and the proposals to extend the provision of childcare.

Separately, a Department for Education support and challenge team has been funded for 2015/16. This should continue to 2016/17.

Our findings also raise a number of other specific concerns requiring action:

4) The Department for Education should review the adequacy of training provided to professionals in undertaking good EHC needs assessments, correctly identifying needs and in preparing EHC plans.

Areas of weaknesses that need to be addressed include:

- ensuring assessments provide all the information necessary to identify the child’s needs and prepare the plan;
- agreeing and setting outcomes;
- involving children and young people;
- identifying the steps and provision required to meet outcomes and address the identified needs;
- preparing for transitions; and
- monitoring and review.

NDCS suggests that any Ofsted inspection of local area arrangements should include an audit of a sample of EHC assessments and plans covering the full range of types of SEN, including low incidence needs.

5) The Department for Education should reconsider if there should be a set format for the Local Offer so that it is easy for parents to compare provision in different areas and identify if their Local Offer is inadequate. NDCS also recommends that the Department do more to share good practice in relation to the content of Local Offers and the involvement of parents and young people.

There is too much variability in the quality and provision of information about services for deaf children in Local Offers. Many Local Offers do not perform the basic function of a service directory adequately, let alone fulfil the broader ambitions set by the Department for Education.

It is also clear that the involvement of and engagement with deaf young people has been very limited in most areas.

Information and advice

6) The Department for Education review how children, young people and parents are being informed about these changes.

It is clear that existing communications have not reached many parents of deaf children or deaf children and young people. There are examples of good engagement with Parent Carer Forums but there is a need to explore how they can reach a wider group of parents of children with SEN and disabilities both with and without an EHC plan. This indicates a more direct and targeted approach - perhaps directly by email or writing to the parents of a child identified as having a disability or a SEN - may be needed.

What NDCS will do next

NDCS is keen to work with the Department for Education and local authorities to ensure they can meet their responsibilities and achieve their ambitions set out by the SEN reforms. We will, for example:

- Continue to develop and disseminate a range of resources for parents of deaf children and young people that provide more information about these reforms. These are available online at www.ndcs.org.uk/sen.
- Continue to work with the National Sensory Impairment Partnership (NatSIP), which is funded by the Department for Education, to ensure professionals working with deaf children are adequately supported, particularly in relation to EHC needs assessments and plans. Some of the resources we have developed for professionals can be found online at www.ndcs.org.uk/senprofessionals. Resources developed by NatSIP can be found on their website at www.natsip.org.uk.
- We will carry out focus groups with deaf young people to help identify good practice in effective engagement in terms of the Local Offer.
- Share with local authorities the findings of our Local Offer audit and support and challenge local authorities where improvements are needed, raising awareness of the examples of good practice we have identified.
- Continue to campaign for the Department for Education to improve accountability and increase funding whilst challenging local authorities to improve provision.

Introduction

As far as we are aware, this report is the first attempt to look at the impact of these changes on deaf children. Many other evaluations have looked at the impact on children with SEN more generally. Whilst helpful, these evaluations often take the approach that children with SEN are a homogenous group and that reforms will impact on them in similar ways. NDCS does not believe that this is always the case. As deafness is a low incidence need, commissioners and practitioners are less likely to be familiar with the needs of deaf children and the support that they may need. In any period of reform, there is therefore a risk that the impact of reforms on children with low incidence needs will be overlooked.

Our report looks at:

- 1) The overall impact of the changes
- 2) The Local Offer
- 3) Education, Health and Care (EHC) needs assessments and plans
- 4) Information and support

Our analysis is based on:

- results from a survey of parents of deaf children which attracted over 500 responses;
- results from a shorter survey with 16 deaf young people;
- an NDCS audit of the content of Local Offers; and
- emerging findings and observations from NDCS's casework directly supporting parents of deaf children and young people.

More information on our methodology can be found in Annex A. In the sections that follow, we provide a summary of what we've found.

Overall impact of the changes

Despite promises that the changes would lead to better support for children with SEN, parents of deaf children are ambivalent about the overall impact of the changes introduced:

- Only 6% have detected any improvement to services in the past year.
- 5% agreed that parents and deaf children now have greater choice and control over support for deaf children in their area.
- 7% reported that education, health and social care services are now working more closely together.

Many parents recognised that local authorities were struggling to implement these changes:

- Only 11% were confident that their local authority is successfully implementing the changes.
- Just 4% agree that the local authority has sufficient funding to ensure these changes are a success.

"My daughters support from a Teacher of the Deaf has drastically been reduced which I believe has had a negative impact on her."

Parent response to survey

"It is chaotic and still nothing changes. We continue to battle for basic provision and the Teacher of the Deaf works for education not health and does not help implement recommendations from health professionals or even her own advice to school."

Parent response to survey

Parents expressed doubts that local authorities would be made to improve the quality of their provision:

- 11% were confident that their local authority would be held to account and made to improve things if deaf children in their area don't get the support they need.

"There are not enough Teachers of the Deaf (ToDs), and they do not have enough time with each child. My 4 year old is visited an average of one hour once a term. Some of my son's ToDs (there is a high turnover in our area, he's had 7 in 3 years) have given information and advice that is biased and 30 years out of date. Increased funding is needed to employ more ToDs and to enable them further access to appropriate training so that they can stay up-to-date with current research and educational techniques."

Parent response to survey

On the Local Offer

The SEN and Disability Code of Practice 2015 states that all local authorities must publish a Local Offer which:

- Provides clear, comprehensive, accessible and up-to-date information about the available provision and how to access it.
- Makes provision more responsive to local needs and aspirations by directly involving disabled children and those with SEN and their parents in its development and review.

Local authorities are expected to make their Local Offer widely accessible. Despite this:

- Just 16% of parents who responded said they had seen the Local Offer for the area they live in.
- 17% of parents knew what a Local Offer was and what it was meant to show them.

"I'm not too sure what it is. When I asked I was told it didn't apply to [name of local authority] as there isn't any money in the pot."

Parent response to survey

Of those who had seen their Local Offer, many found it difficult to find information about provision for deaf children:

- 24% said it was easy to find the information they were looking for and 28% reported that the Local Offer gave them information about support for deaf children in their area.
- Only 8% reported that the Local Offer gave them information about the *quality* of support for deaf children in their area.

When the Local Offer was originally proposed, it was suggested that it would help improve provision by allowing parents to identify if provision in their area was poorer than in other areas, and so challenge their own local authority to improve provision. However:

- Only 2% agreed that it was easy to compare what support was available for deaf children in their area compared to others.

Relatively few parents of deaf children have been given a direct opportunity to help shape the Local Offer:

- 24% of parents said they had been given an opportunity to contribute to the development of the Local Offer in their area.

- Only 7% of parents said their child had been afforded a similar opportunity.
- 46% of parents did not feel that it was clear from their Local Offer that they could leave feedback on what they thought about it.

Feedback from deaf young people paints a similar picture:

- 69% did not know what a Local Offer was.
- Only 19% of deaf young people we surveyed had seen the Local Offer for the area they live. Of those, none reported that their Local Offer gave them information about support for deaf children in their area.
- Where young people had seen the Local Offer, they were more likely to say they had found out about it from NDCS, than from their local authority.

Example of good practice:¹

Sign Hi, Say Hi! is a parent/grandparent led charity for deaf children/young people and their families based in Blackpool and the Lancashire districts of Wyre and Fylde. Sign Hi, Say Hi! committee members were invited to be part of the Blackpool Local Offer working group along with parents from other voluntary groups. The meetings were chaired at a senior level and it was made clear at the start that parents were equal partners in the process.

Sign Hi, Say Hi! were successful in securing a grant from the Council for Disabled Children to run a number of events for children/young people and their families to input into the development of the Local Offer. These were fun events which engaged children, young people and their families, providing opportunities for valuable feedback. From these sessions, various issues were raised by parents, grandparents and the children and young people themselves as particular points or case studies, and written up to feed back to the local authority. Blackpool took note of this feedback, proposed actions to address them and had a meeting with Sign Hi, Say Hi! committee members to discuss if the proposed actions were appropriate and met the need.

An example of an issue that was resolved was a course that had been run by adult learning that was funded by central government. The course worked with deaf children / young people and their families to develop their signing. However, the funding was dependent upon the families being from Blackpool, being in the low income bracket and having qualifications under a certain level. Because of this, some families were not able to attend and the course became untenable. A short term funding route has since been found, which has led to the securing of longer term funding.

Blackpool involved Sign Hi, Say Hi! in reviewing feedback from parents on the Local Offer. The issues raised and suggested ways forward are available on the Blackpool's Local Offer website, in the 'you said, we did' section.

Sign Hi, Say Hi! highlighted the importance of accessibility to BSL users. All videos produced by the council as part of the Local Offer have both signed and subtitled versions and other providers are encouraged to do the same. It has been agreed that there will be regular feedback sessions between Sign Hi, Say Hi! and the council to enable continued co-production, and joint working to improve the outcomes for local deaf children and families.

The Children and Families Act and the accompanying Code of Practice and regulations prescribe the content of a Local Offer. A court ruling against Warwickshire local authority² found that local authorities must ensure that this content is provided. However, our audit of each Local Offer and

¹ This is an edited version of the case study, taken from the NDCS advice to local authorities on the Local Offer. This advice is available to download from www.ndcs.org.uk/senprofessionals.

² <http://www.bailii.org/ew/cases/EWHC/Admin/2015/203.html>

the extent to which these were meeting the legal requirements in relation to deaf children, found wide variations and gaps in the content of Local Offers. The biggest gaps were in the following areas:

- No clear reference to the local authorities' accessibility strategy in 126 Local Offers.
- In 103 Local Offers, it was difficult to find information about auxiliary aids. In relation to this point, NDCS would expect Local Offers to, for example, include information about the local authority's approach to radio aids and other technology that might assist deaf children in their learning.
- Difficult to find information about specialist provision **outside** the local authority in 93 Local Offers. As deafness is a low incidence need, there are a relatively small number of special schools and resource provisions for deaf children. Our findings suggest that the Local Offer would not support many families in finding out about these options.
- Worryingly, even in 41 Local Offers, it was hard to find out about specialist provision **within** the local authority. In addition, 21 Local Offers did not seem to include information about the specialist education service for deaf children (e.g. from visiting Teachers of the Deaf) in the area.
- No reference was made to the National Deaf Children's Society as a voluntary and community sector body that provides support to deaf children and young people across England in 60 areas.
- 28 Local Offers did not, in our view, make it clear what families can do if they have a complaint or concern about any provision set out within the Local Offer.
- 30 Local Offers were not clear about which particular services lend themselves to provision of Personal Budgets for families.

There was also rarely any clear evidence from our audit that deaf young people had been directly involved in drawing up the Local Offer. This was backed up by the findings of our survey of young people, where only 3 reported that their local authority had asked for their feedback.

Our audit found a number of areas where the Local Offer seems to be relatively well-developed. For example:

- Most Local Offers were easy to find.
- It was generally clear how to request an EHC needs assessment.
- Information on early years provision for deaf children was relatively strong compared to other areas.

On Education, Health and Care plans

Of our sample, 20% of parents had a child with an Education, Health and Care plan or were currently undergoing an assessment for one.

This means that the number of parents who had experiences of an EHC needs assessment is relatively low. However, their feedback suggests that promises that the new process for EHC needs assessments would be more joined up and parent-centered, are not always being met. Where a child had an EHC plan or was being assessed for one:

- 59% agreed that their views were sought throughout the assessment process, whilst 48% reported that their child's views were sought.
- 29% did not feel that the local authority took steps to minimise disruption to their family during the assessment process.
- 58% had to repeat the same information about their child to different people.
- 40% said they felt their child's EHC plan was easy to understand.

- 43% said they felt their child's health needs were covered in their EHC plan, falling to 30% when considering social care needs.
- Just 18% agreed that it was made clear to them that they had the right to request a Personal Budget.
- Only a quarter - 25% - said they felt confident that their child would get the support they need to achieve good outcomes.

"On the day to day education that my child receives, the changes have made no difference. Changing from a statement to an EHC plan has been a nightmare. We have been told that the local authority have been overwhelmed with all the work and are first concentrating on new plans before they do any transfers. We have no date when my son will be transferred. There is a group who are supposed to be giving support but when my husband and I met someone she did not help us do the first part of the plan with the profile about my son. She gave us some help with an annual review and then thought her job was finished. The special school my son attends has not offered any help with doing the plan."

Parent response to survey

Many families did not feel supported during the statutory assessment process:

- 55% did not feel that their local authority provided them with enough information and support so that they understood what was happening and could give their views.
- 23% of parents said they had been offered support from an Independent Supporter.

Of those who had received support from an Independent Supporter, there were a range of views on how helpful they were:

"Very helpful"

"Visited me at home, helped with forms, advocated for me at school meetings"

"Neither school nor the council gave assistance/advice, I obtained all knowledge and fantastic support from the deaf society who gave me full information and have assisted me step by step helping me to understand and have strength to carry on with what has been a two year battle/EHC plan process. The parent partnership let me down, was uncontactable and lacked knowledge, admitting it was a new process. They were very unhelpful."

"Yes but they were representing the council not me - I could tell with things they were saying"

Parent responses to survey

Case study from NDCS casework:

We worked with a young person who is due to move to secondary school in September 2015. A special educational needs co-ordinator (SENCO) provided the mother with a 'Parents booklet' to complete over the summer and hand in. No help was offered and no information was given about why she was to do this. It was also unclear that her son would be transitioning to a new system at Annual Review and that the Annual Review would be a Transfer Review.

Our survey found that only 7% of families had requested a Personal Budget (amounting to 4 people). Of those, only 1 reported that their local authority agreed to the request.

Where a family had a child who was over 16, we asked about the young person's involvement in the EHC needs assessment process. There were 18 families to which this applied. Of those:

- 28% reported that their child took a lead in developing their EHC plan.

- 35% felt that their child had the information and support they needed to play an active part in developing their EHC plan.
- Just 23% were confident that their child had the information and support they needed to make a successful transition to adulthood.

Case study from NDCS casework:

We have had a number of cases where the local authority has missed the 31 May deadline for finalising an EHC plan for a young person aged 16 transitioning from school. Several local authorities have been issuing final EHC plans very late. This means that, where the young person is unhappy with the choice of placement, they have no hope of having their appeal heard for a start in September. In one case, a young person has to decide whether to start at the college place the local authority has named (which she does not want to do) or stay at home until the case is heard.

Many of the plans we have seen at NDCS through our casework have been deficient in a number of ways, including:

- little evidence of co-production between the local authority and family;
- no clear outcomes;
- provision not being specified or quantified;
- no clear timescales for when steps and interventions should take place by;
- absence of clearly labelled sections;
- lack of information on health and social care provision;
- no clear child's view or meaningful involvement of the child in the assessment process;
- where a child's views and aspirations have been included, little reference made as to how the EHC plan will help the child achieve those aspirations;
- unclear how the EHC plan will be monitored;
- where relevant, lack of information on how the child/young person will be supported during a transition period;
- process taking longer than 20 weeks; and
- out of date professional reports being used in transfers from statements to EHC plans.

We have seen plans which have simply taken the content of a statement of SEN and put them into the format of plan, little more than a "rebranding" of the statement of SEN it was meant to improve on.

Case studies from NDCS casework:

We worked with one young person who was issued with a final EHC plan which had a number of blank pages in both the description of need and provision. The local authority had failed to include any information from the independent reports submitted by parents or relevant details from the young person's statement of SEN. The additional information was only included once the family requested formal mediation and indicated they would appeal against the decision if mediation did not resolve matters.

In another case, a final EHC plan should have been issued before the end of July. However, it was not sent to the parent until early September. Despite the process taking a lot longer than it should have, the parent felt continually pressured by the local authority throughout process to be quick in responding and contributing to the EHC plan. In the final plan, there were a number of outstanding issues including around quantification and specification. There was also still confusion about who would be responsible for some support (i.e. education or health for speech and language therapy). Outcomes set out in the plan were not SMART and outcomes and provision were mixed up (some

outcomes were actually provision). Finally, there was a failure to explain and provide information on the right of appeal in the final EHC plan.

In other cases, we have also had confusing information given either by a local authority about mediation or by the mediation service. In one case, a parent was told at the mediation session by the local authority and the mediator that if an EHC plan was issued, the secondary school she would like for her child next year (a mainstream school) may not accept him. No explanation was given over the presumption in favour of parental preference or the school's duty to admit a child where they are named in a plan. The parent left thinking there was a significant risk that if her son had an EHC plan the school she wanted him to attend would not accept him and she would be able to do nothing about this.

Of those who currently have a statement of SEN, less than half - 46% - know when their child's statement will be converted to an EHC plan.

Information and support

It's clear that parents have limited knowledge of the changes, suggesting a failure to provide sufficient information and support. Just 21% of parents were confident that they had a good understanding of the changes and their impact on deaf children.

37% of parents knew that there was an Independent Advice and Support Service for their area. Of those who had used it, 60% found it helpful and 29% unhelpful.

18% of parents knew if there was a Parent Carer Forum in their area.

"Parents I feel are still not informed clearly enough what all the changes mean and it can be very confusing. Especially as staff do not seem to understand it all either. I have also found that the process of getting anything needed I.e a radio aid is incredibly and unnecessarily long winded. Things just seem to be more complicated and no-one seems to fully understand what is going on. There seems to be a lack of communication between professionals I. E staff at school and then the local authority and to make things more difficult, etc. my child's point of contact at the local authority knows or appears to know nothing or very little about hearing loss!"

"I would like to say that the only information I received was a one page letter from my child's school about how my child comes under the new EHC plan. Since then I have not received a letter or call from them even after phoning to discuss his situation. As for the department for the SEN reform I have never to date received any information."

Parent responses to survey

Conclusion

NDCS supports any efforts or measures by the Government to improve provision and outcomes for deaf children. However, our briefing and analysis sets out a number of concerns about how SEN reform is being implemented. It's possible to dismiss these concerns as 'teething problems'. However, we believe that many of these concerns point to fundamental weaknesses that must be addressed for these changes to be effective. To address these weaknesses, we believe that:

- Local authorities and health services must be challenged to improve through a robust inspection service. Progress in setting up an Ofsted inspection framework is too slow and there are concerns that inspections will be too general to be helpful or meaningful to parents of deaf children.
- There needs to be better data in place on deaf children's outcomes.
- Local authorities need to be adequately supported and funded.
- There needs to be a stronger focus on the quality and content of EHC plans.
- There should be a set format for the Local Offer so that parents can easily compare provision.
- There should be a stronger focus on how to secure greater involvement of deaf young people.
- There should be a stronger focus on how deaf children, young people and their parents are informed about these changes and their rights.

About the National Deaf Children's Society

The National Deaf Children's Society is the leading charity dedicated to creating a world without barriers for deaf children and young people across the UK. We support deaf children, their families and the professionals who work with them, and challenge governments and society to meet their needs. 95% of our work to help deaf children is funded by the public.

We provide information on all aspects of childhood deafness and hearing loss including:

- education
- audiology
- benefits
- technology
- communication
- additional needs
- parenting

At the National Deaf Children's Society we use the term 'deaf' to refer to all levels of hearing loss in children and young people, including a partial or total loss of hearing. This includes those who may describe themselves as having a 'hearing loss', 'hearing impairment' or as 'deaf', and includes those with temporary deafness, such as glue ear. We support all deaf children and young people, regardless of their level of deafness, how they communicate or what technical aids they use.

We use the word 'parent' to refer to all parents and carers of children.

Become a professional member

Join the National Deaf Children's Society for free today by calling our Freephone Helpline on 0808 800 8880 or go to www.ndcs.org.uk/professional_support.

Annex A: Methodology

Parent survey

In July 2015, all NDCS members in England were asked to complete an online survey asking about their experiences of the changes to the education system in the past year. It was made clear that families did not need to have prior knowledge of the changes in order to be able to complete the survey. Over 500 families responded to the survey. The number of responses to individual questions varied.

Survey of young people

Deaf young people were also asked to complete a shorter survey focusing on the Local Offer. This attracted 16 responses. As the response rate was lower, the findings should be used with caution. However, it's clear that their findings correspond with what parents are telling us and also with the findings of our audit.

Local Offer audit

NDCS Regional Directors reviewed each Local Offer across England in July, using a series of 21 standardised questions. The questions included, for example, whether there was information on specialist education services for deaf children, specialist equipment available, social care services and so on.

These questions were selected based on what parents have previously told us is important and also with reference to the legislative requirements set out in the SEN and Disability Regulations 2014.

Full results from the surveys and the audit are available on request.

NDCS casework

We have also reviewed a small sample of EHC plans as part of this analysis. Many of these are plans that we have been given permission to see as part of our casework support to families by our Children and Families Support Officers. We acknowledge that there is a potential for bias in that families may be more likely to contact us for support if they have concerns over draft plans. However, we believe that those we have seen are indicative of common issues more widely. All details have been anonymised in the case studies included in this report.