

1. Introduction

The National Deaf Children's Society (NDCS) is the leading charity in Scotland dedicated to creating a world without barriers for deaf children and young people. In Scotland, we have a dedicated team based in Glasgow led by Angela Bonomy, Director (Scotland & Northern Ireland).

Our response to this consultation has been informed by consultation we have undertaken as part of our role on the Deaf Sector Partnership with both deaf young people and parents of deaf young people.

NDCS uses the term "deaf" to refer to all types and levels of hearing loss.

2. Background

The passage of the British Sign Language (Scotland) Act 2015 marked a historic moment for deaf people across Scotland. Now, with the implementation of the Act underway and the first BSL National Plan being developed, there is ample opportunity to take advantage of this legislative framework to benefit deaf children and young people and their families and close the existing gaps that exist in provision for this group, particularly in the early years and education. This is complemented by the implementation of Getting It Right For Every Child (GIRFEC) and the attainment agenda. It is important that the first National Plan ties in to the inquiry undertaken by the previous [Education and Culture Committee into the educational attainment of pupils with a sensory impairment](#). NDCS has also secured funding from Big Lottery Scotland to deliver unique early years support for deaf children and their families for the next three years which will also endeavour to deliver positive outcomes for deaf children and young people. We are currently in discussions with the Scottish Government around the development of early years standards to support deaf children and their families and recommend this work is also reflected in the Plan.

It is crucial that the promotional aspects of the legislation, around **raising awareness of the language**, are translated into the first National Plan. With 90% of deaf children being born to hearing parents, it is crucial that families receive timely interventions of support and information and the opportunity to learn BSL to communicate with their child. The availability of age appropriate sign language classes for parents of deaf children is also important in terms of promotion of the language. Even where families have good access to information on BSL, they may not always have genuine informed choice. The decisions some families make with regards to how they communicate with their child may be influenced by the reality of provision in their local area. For example, the lack of local opportunities to learn and be supported in BSL may discourage families

from pursuing BSL as a communication method. Similarly, deaf young people come to us expressing their wish to learn BSL but not being given the opportunity to do so. With 80% of deaf young people currently not using BSL, the first National Plan is an opportunity to **provide opportunities for all young people to learn this language** with the added benefit of promoting inclusive education. Current access to BSL courses is patchy across Scotland.

The steps included in the first BSL National Plan must be **robust and aspirational** to ensure the long term goals are realistically met within the next six years. Failure to provide a strong influential Plan will be a missed opportunity and undermine the spirit of the legislation.

Our main concern relates to **lack of resource attached to the delivery** of the Plan. We recommend that more investment is required from the Scottish Government to enhance BSL provision for deaf children and young people. This investment should support authorities to implement their Plans and create real change and improvement in outcomes for this group. It is also vital that appropriate resources are put in place to ensure the improvement of outcomes and to close the educational attainment gap for deaf learners in Scotland, particularly around specialist education support and professionals working with deaf children having reduced access to continuing professional development opportunities.

Consultation Questions

Q1 (a). Do you think these are the right steps under Public Services?

Yes No Don't Know

Q2 (b) Please tell us why you think this:

We agree with the steps in principle, however they require to be strengthened if they are to meet the long-term aim.

Q3. If there are there any additional steps, or potential solutions that you think could be added to the Public Services section, please tell us.

Step 1: Agree. The position of the public sector to respond to a demand for services in BSL will depend on a number of contributing factors. Particularly the funding available to resource these services, which is not insignificant, together with the current workforce constraints in Scotland of those qualified to deliver services in BSL.

The National Plan presents an opportunity to consider **consistent quality standards** in term of how services are delivered, and how qualified the workforce is undertaking these roles. Investment into the recruitment and shaping of a fit for purpose workforce is essential. This includes education settings and interpreters and CSWs working in a number of roles across public services, such as justice and health.

Step 2: Agree

Step 3: Agree

Step 4: Agree with this step it however needs to be significantly strengthened. A review of the interpreting landscape in Scotland is crucial and should be conducted rather than considered. There are currently only 80 registered interpreters across the country. This mapping exercise will be vital to delivery of the plan in terms of projecting expected demand on public services and how the current workforce will meet this. We recommend a training plan for interpreters is produced as a result of the review. It is unlikely that the current workforce will be able to cope with increased demand and strategic investment at a national level will be required to ensure the delivery of the plan in practice. We also recommend the review takes account of the quality of the service, as well as efficiency. For instance, if this includes a move towards remote interpreting, evidence should be looked at in terms of the quality of the service.

Step 5: Agree.

Step 6: Replace 'consider' with 'decide'.

Step 7: Services should already be person-centred. We recommend this step is strengthened to take account of BSL users specifically.

Q4 (a). Do you think these are the right steps under Early Years?

Yes **No** **Don't Know**

Q5 (b) Please tell us why you think this:

Early years is crucial time in any child's development, and for deaf children there are a number of barriers which can delay development. Our recent report, [Getting It Right From the Start: improving early years support for deaf children in Scotland](#), outlines the key issues for deaf children and their families in the early years. Developing age appropriate language is challenging for deaf children due to the communication barriers they experience, this has an impact on attainment and life outcomes.

We have recently secured funding from Big Lottery Scotland to deliver our Everyone Together project, which will see around 350 families receive unique early years support over three years. The project will provide support to families and professionals supporting deaf children in the early years. Its Family Sign Language element will offer families (including deaf children and their siblings) and early years professionals the chance to take part in Family Sign Language courses in group and one to one settings.

We welcome the ambition for support in the early years for families included in the Plan. We also welcome the strong commitment the Scottish Government has shown towards addressing the gap in early years by funding Family Sign Language and endorse the approach that the Plan is used to build on this commitment by including both the provision of information about BSL and provision of support for families to learn to sign with their deaf child.

Q6 If there are there any additional steps, or potential solutions that you think could be added to the Early Years section, please tell us.

Step 8: We recommend deaf role models play a part in providing this information.

Step 9: We recommend this step is strengthened significantly. An NDCS survey of parents across Scotland raised concerns about the consistency of information provision they had had about using BSL with their child. While it is positive that approximately 50% of the 75 respondents received information about BSL either at the point of identification or in the early years, 15% only gained this knowledge when their child reached primary school and a worrying 35% said they had never received information about BSL. In terms of where this information came from – around 40% said they received this from either audiology or education services. While 46.8% said they received this from NDCS or through their own research. This shows a clear need to improve the consistency of information provision to families with deaf children about the range of communication options available to them. We recommend that ‘commit to continuing support’ is strengthened to ‘affording every family/carer the opportunity’ to learn BSL.

Further steps should be included around the support deaf children receive in early years education settings. We recommend **guidance is developed for providers of Early Learning and Childcare** on what is expected of them when it comes to meeting the needs of deaf children who use BSL. We are currently in discussions with Scottish Government around the development and endorsement of early years standards for deaf children and their families which should tie in directly to the National Plan. These standards should cover areas such as:-

- Provision of accessible information
- Effective practice for local pathways and joined up working between vital services
- Assessing and supporting deaf children’s language development
- The availability of information about/in BSL and support for families to learn to sign with their child
- Training and qualifications for professionals working with deaf children (such as appropriate BSL qualifications and deaf awareness training for early years practitioners and Named Persons)
- Effective listening conditions in early years settings
- Social and emotional support for deaf children and their families

Step 11: We recommend this also includes materials for play in BSL for children.

Q7 (a). Do you think these are the right steps under Education?

Yes **No** **Don’t Know**

Q8 (b) Please tell us why you think this:

We are disappointed at the lack of robust language used within the steps to achieve the goals under education.

Deafness is not a learning disability and with the right support, there is no reason why deaf young people should be achieving any less than their hearing peers. However Scottish Government data shows that there is a wide attainment gap for hearing impaired school leavers, and the attainment of this group is among the lowest of all

pupils in Scotland. This was explored last year by the [Education and Culture Committee inquiry](#).

The latest Scottish Government data shows that last year 11.8% of deaf learners left school with no qualifications (compared with 2.6% of all pupils) and 38.7% obtained Highers or Advanced Highers (compared with 59.3% of all pupils). This gap in achievement at school goes on to affect deaf young people's life chances, with 24.7% going onto university compared with 41.3% of those with no additional support needs.

We recommend that these steps are strengthened with a key focus on improving outcomes for deaf children and young people by addressing the challenges they face including:-

- 1) Closing the **education attainment gap** for deaf learners;
- 2) Ensuring that children and young people who access teaching and learning through BSL are supported by Communication Support Workers (CSWs) who are able to accurately interpret what the teacher is saying. This requires **minimum levels of qualification in BSL**;
- 3) **BSL becoming an accredited school qualification** within the full Scottish Credit and Qualifications Framework, and having the same status as other languages. Recently, the NDCS Young Peoples Advisory Board (YAB) surveyed over 2000 young people across the UK on whether BSL should be taught within schools. The results showed that over 9 out of 10 young people wanted to learn more BSL.

Q9 If there are there any additional steps, or potential solutions that you think could be added to the Education section, please tell us.

First Goal

Step 14: This step does not go far enough to achieve the long term goal and the language used is ambiguous. We recommend this step outlines that work *will* be undertaken with GTCS aimed at removing the barriers deaf people face who want to become teachers. Discussion over the next six years does not go far enough towards improving the status quo.

Step 15: We recommend this step is broadened to **include all education professionals working with deaf learners**, including Teachers of the Deaf (ToDs) and Communication Support Workers (CSWs).

Ensuring full linguistic access is critical for all deaf learners, to ensure they have an equal chance to succeed. The types of support required to achieve linguistic access will vary according to whether a deaf student's preferred language is a spoken one, British Sign Language or a combination of these.

There is currently no qualifications or regulatory framework around the use of communication support workers (CSWs) or interpreters in education settings. This means there is inconsistent provision and disparity in the quality of support provided to

deaf learners. The role of CSWs is critical to ensuring that children and young people who rely on signing to access teaching and learning receive accurate interpretation of what the teacher is saying and what is going on in class.¹

Deaf young people who use BSL as their preferred language require a high quality of fluency of support which, given the lack of qualification framework for support staff, is not always on hand. Ensuring CSWs in schools and colleges have a **minimum level of BSL qualification** so that they can effectively fulfil this role is fundamental.

We believe the first National Plan is an opportunity to strengthen the consistency of qualifications for those working with deaf learners across Scotland, and address issues such as minimum qualifications for Teachers of the Deaf (ToDs) and CSWs, as well as the regulatory framework they work within.

These standards should cover the **role of ToDs** which requires to be investigated and is omitted from this step. In recent years, practitioners have been moving into a consultative role rather than providing one to one support to deaf learners.

This step could be taken relatively quickly and does not require the six year time frame to be realised. Evidence has been provided throughout the passage of the legislation from NDCS and other deaf organisations which can assist in taking this step. In 2015 a survey was undertaken by the Scottish Government Attainment short-life Working Group into numbers of ToDs and their qualifications which can assist with evidence gathering. Additionally, we are carrying out the Consortium for Research Into Deaf Education (CRIDE) survey in Scotland this year. This survey gathers information on numbers of ToDs, their qualifications and numbers of deaf children in education. We would welcome the opportunity to provide more information in this regard.

We recommend more detail is included on next steps after information gathering has taken place.

Step 16: All children, including those who are deaf, should have the option to develop BSL skills. Currently, a very small number of children have the opportunity to study BSL at school, and none have the opportunity to develop their BSL skills right through secondary school due to lack of qualifying routes in senior years through SQA.

The National Plan is a significant opportunity to ensure BSL becomes an accredited school qualification within the full Scottish Credit and Qualifications Framework. The 1 + 2 language initiative to promote the learning of languages in primary school provides a clear model through which BSL could be included. Developing these opportunities would have the benefit of strengthening and enriching the inclusive education experiences of all children and young people.

As well as the benefits mentioned above, the development of **further qualifying routes in BSL would act as a foundation for improving pathways towards strengthening the workforce.**

¹ For more information on the role of CSWs see [NDCS evidence submission](#) 2 February 2015

We are disappointed at the language used in this step which requires to be strengthened if it is to meet the first education goal. For example, there should be a commitment to developing an award, rather than a discussion. Given the SQA is a Scottish Government agency, we would anticipate that this conversation could take place within a relatively short time and would **recommend that a qualification itself is developed by 2023**.

Nationally, education authorities should drive this step. Local authorities will be required to refer to the National Plan when drafting their own plans. We are concerned that if the language used in the National Plan is not strong and prescriptive, aims within local plans will be diluted and the BSL Act will not have the impact that was intended.

Step 17: We are concerned at the lack of detail around who will ensure the availability of this information and who will deem it appropriate. We recommend that a partnership approach is taken to the development of guidance and information to include bodies such as Education Scotland, specialist practitioners and deaf sector organisations in the development of these resources. We would welcome the opportunity to discuss this further with the Scottish Government.

We recommend that the content of this step is strengthened and linked to the existing duties local authorities have under the Education (Additional Support for Learning) (Scotland) Act 2004 (ASL Act). If the ASL Act's code of practice is to be updated this would provide an opportunity to tie in specific detail around meeting the needs of deaf learners. Similarly, links could be made under this step to authority Accessibility Strategies and Equality Impact Assessment guidance. The steps could sit within these frameworks and would be an opportunity to streamline the legislation.

Second Goal

Step 18: As mentioned in reference to step 17, it will be vital to include BSL users and deaf sector organisations in the development of any guidance. We recommend the language is strengthened in this step by committing to ensure the needs of BSL users are met within guidance.

Step 19: There is a disconnect between the second education goal and this step, which we recommend is strengthened in its content. Consideration of how parents who use BSL can be more involved in their child's education has taken place throughout the passage of the legislation and the evidence is already available. We recommend strengthening this step beyond 'consideration' to **ensuring effective measures are put in place** to fully involve parents now and not as a consideration over the next six years.

Third Goal

Step 20: We agree with this step which will promote the language amongst practitioners.

Step 21: We agree with this step but recommend it is strengthened to include the publication of this data.

Step 22: Agree.

Q10 (a). Do you think these are the right steps under Post-School Education?

Yes No Don't Know

Q11 (b) Please tell us why you think this:

More detail requires to be included within these steps to achieve this goal. Duties on post-education providers around transition arrangements already exist under the ASL Act and reasonable adjustment duties under the Equalities Act 2010 and accompanying code of practice. The National Plan provides an opportunity to provide specific expectations on providers to support learners who use BSL.

Q12 If there are there any additional steps, or potential solutions that you think could be added to the Post-School Education section, please tell us.

Step 23: We recommend the content of this step is broadened and strengthened. Clarification is required around what needs to happen ensure students who use BSL have a more positive experience. Currently it is unclear what issue the step intends to address. We recommend **guidance is developed for post-education providers** and their disability support services specifically around meeting the needs of BSL users. Making providers aware of their responsibilities around transitions brings nothing new to the status quo as this is covered, and should already be happening, under the ASL Act.

Reference within the steps should be made to sections 12 and 13 of the ASL Act on information sharing to and from the post-school destination. This should commence 12 months prior to the pupil starting at their chosen destination. Information sharing from the school to post-school destination should then take place 6 months prior to allow for any necessary recruitment, procurement of technology and adjustments to be made to meet the deaf learners needs. Given that this exchange of information is already legislated for, the National Plan should contain more specific detail around the transitional arrangements that should be made in terms of **BSL and communication support for deaf learners**. For example, supporting deaf young people in developing confidence and independence during transition through the development of an accredited programme during school.

Step 24: Agree. Additionally we recommend that **guidance is developed for providers around the content of their plans**. As previously mentioned, there should be minimum recommended standards in place for practitioners working with deaf learners in education settings at each level (early years, school, post-school) with investment into this by the Scottish Government. The National Plan is an opportunity to be more prescriptive in terms of post-school education providers being required to provide BSL support for deaf learners who require it. Currently, the steps do not adequately build on general provisions that exist for learners with Additional Support Needs.

Q13 (a). Do you think these are the right steps under Employment?

Yes No Don't Know

Q14 (b) Please tell us why you think this:

We agree with the steps in principle but please see comments in question 15.

Q15 If there are there any additional steps, or potential solutions that you think could be added to the Employment section, please tell us.

Step 25: Deaf BSL users should already be afforded this protection under existing legislation. The National Plan is an opportunity to be more specific in terms of the support BSL users require to access employment opportunities. Currently, the only funding available for deaf apprentices in Scotland is the Department for Work and Pensions (DWP) Access to Work scheme. However the funding assessments take place after the apprentice has commenced employment and does not cover the period leading up to employment or barriers to learning activities. **Addressing funding issues for deaf apprentices** would help remove the barriers to employment this group face.

Step 26: The step requires more detail around how employability programmes will be made accessible to BSL users. For example, funding for BSL interpreting support to access training/mentoring will be required. This has often been an issue with DWP funded services. Support in employment should also take account of the level of support the young person received in school. BSL users can often feel isolated in the workplace. This would be an opportunity to include provision for colleagues to learn basic signs. Our consultation with parents of deaf children revealed that many thought there should be more detail and emphasis within the steps on support for employers. Currently the focus is mainly on employees.

Step 27: We are concerned as to what happens after the 12 month period of support ends for those BSL users who require ongoing support. We would recommend **in-work support is provided for as long as necessary for BSL users.**

Step 28: We recommend the wording is strengthened in this step to 'ensure' rather than 'expect' around partnership working. It should also be clarified what is meant by 'specialist employment support partners'. For example, this may mean sub-contracting deaf specialist agencies.

Step 29: Agree.

Q16 (a). Do you think these are the right steps under Health, Mental Health and Social Care?

Yes No Don't Know

Q17 (b) Please tell us why you think this:

We agree with steps in principle however see comments in question 18.

Q18 If there are there any additional steps, or potential solutions that you think could be added to the Health, Mental Health and Social Care section, please tell us.

A lack of appropriate support and experiences in the hearing environment can lead to a delay in the development of communication and language skills in some deaf children.

Early intervention and support is therefore vital. As previously mentioned we are currently in discussion with the Scottish Government around the development of early years standards for deaf children and their families following identification.

Existing standards in Paediatric Audiology include the provision for sharing information about BSL. **Audiologists need to be supported in providing this information** and will require information on classes and resources that parents can be sign posted to. This is vital in ensuring that parents are provided with genuine informed choice about communication methods available to use with their deaf child.

Currently mainstream Children and Adolescent Mental Health Services (CAMHS) are not fully accessible to deaf children and young people for the following reasons:

- There is a lack of deaf awareness amongst mainstream professionals of the impact of deafness on a child's emotional well-being, which results in a lack of a clear pathway of support and referral;
- Informal support is often unavailable to deaf children;
- Many children's counselling services are offered over the phone which is not accessible to deaf children. While these can also provide text relay or messenger, for many BSL users, English is not their preferred language. To ensure full accessibility, services like this should be available in BSL.

We recommend that a helpful approach would be for a **scoping exercise to be carried out** in relation to how current CAMHS meets the needs of children with additional support needs, including those who are deaf.

Q19 (a). Do you think these are the right steps under Transport?

Yes No Don't Know

Q20 (b) Please tell us why you think this:

Q21 If there are there any additional steps, or potential solutions that you think could be added to the Transport section, please tell us.

Q22 (a). Do you think these are the right steps under Culture, Leisure, Sport and the Arts?

Yes No Don't Know

Q23 (b) Please tell us why you think this:

Q24 If there are there any additional steps, or potential solutions that you think could be added to the Culture, Leisure, Sport and the Arts section, please tell us.

Q25 (a). Do you think these are the right steps under Justice?

Yes No Don't Know

Q26 (b) Please tell us why you think this:

Q27 If there are there any additional steps, or potential solutions that you think could be added to the Justice section, please tell us.