**Empowering Schools: Education (Scotland) Bill**

**Consultation response by the National Deaf Children’s Society**

**January 2018**

Background

The National Deaf Children’s Society is the leading charity dedicated to creating a world without barriers for deaf children and young people. We want to work with Government, local authorities, health bodies as well as our third sector partners to ensure they can effectively support deaf children and their families.

Context

* Childhood deafness affects the lives of around 3850 children in Scotland. They require unique support to access their rights to education and achieve their full potential.
* In Scotland, the challenges deaf children face manifest in a significant attainment gap which starts early and affects deaf learners through their school career and beyond. The Scottish Government have recognised this unacceptable attainment gap.
* According to the most recently released Scottish Government data only 44% of deaf young people obtained Highers or Advanced Highers, compared with nearly 70% of hearing students. Deafness is not a learning disability and with the appropriate support deaf children should achieve the same results as their hearing peers.
* Around 80% of school-aged deaf children attend mainstream schools, making additional specialist support crucial to ensuring these learners reach their full potential.[[1]](#footnote-1)
* We welcomed the Scottish Parliament’s 2015 Inquiry into the attainment of pupils with a sensory impairment which examined the varied factors contributing to this attainment gap and the challenges facing deaf education.
* The British Sign Language (Scotland) Act 2015 provides opportunities to make improvements to the educational outcomes for deaf learners by strengthening the specialist support that many deaf learners rely on.

Headteachers’ Charter

In order to ensure Headteachers are equipped to make positive decisions in relation to children with Additional Support Needs (ASN), they will require an improved understanding of the needs of these learners as well as the impact of support. Much of this knowledge is not currently held at school level and education authority wide specialist services often provide this. For Headteachers to make decisions about the support needs for these learners they require access to this specialism. This will be of particular importance where low incidence needs (such as deafness) are concerned as Headteachers are likely to have less experience in supporting children with these needs.

The vast majority of deaf children are educated in mainstream schools where specialist knowledge is required to ensure that a deaf child is getting the right support at the right time from the right person. In education this specialism can only come from Teachers of the Deaf (ToDs). This service varies significantly across Scotland and a Scottish Parliament inquiry in 2015 has highlighted a “national shortage” of ToDs and lack of Educational Audiologists. If Headteachers are to be consistent with the Getting it Right For Every Child (GIRFEC) approach in undertaking these new duties then they must be supported by a high quality Local Authority ToD service. We recommend that where a Headteacher does not sufficiently support learners with ASN, there should be mechanisms in place to monitor this and hold schools to account.

Having the relevant knowledge in specialist fields will also be necessary to determine levels of spending. We have concerns around how these decisions will be made when it comes to a low incidence need like deafness. We recommend spending is evidence based with support from specialists and the third sector.

In terms of making staffing decisions we are concerned that, in an era of budget cuts, there will be temptation to divert money away from low incidence needs and inclusive learning environments. For example, this has been the case in England where there has been a negative impact on specialist education needs services.

Parental and Community Engagement

Depending on the barriers parents and carers experience (such as poverty, disability and communication and language barriers), different methods of engagement is required to enable them to play a stronger role in school life. For example, for parents who have British Sign Language (BSL) as their first or preferred language, it is essential that appropriate processes are in place for booking communication support to facilitate engagement with the school. It is likely that many parents are unaware of their rights to communication support and this can be a serious barrier to their participation in school life.

For other parents who are more removed from school life, typical forms of parental engagement such as parent councils and parents evenings will not be effective. More tailored and informal engagement may be required, and teachers may not be best placed nor have the skills and capacity required to carry out this work. The third sector can play a valuable role here in working in partnership with parents. In addition it would be helpful to look at where family outreach workers have been employed within education services and the impact these workers have had on improving parental engagement.

One parent of a deaf child who we consulted with on these proposals noted that the parents need knowledge to better support their children’s learning, “Parents do have a role [in school life] but are not necessarily educated in the best way to support hearing impaired pupils.”

In many cases collaboration with other agencies such as social work, health and third sector services is critical to reaching parents. Barriers to partnership working among professionals need to be addressed, including budget cuts which impact on capacity. This is in line with the Scottish Government’s Getting It Right For Every Child (GIRFEC) agenda and it’s commitment to joined up working between children, young people, parents and services.

Pupil Participation

We welcome the provisions in the Bill around pupil participation, which has the potential to positively impact how deaf children participate with school life if delivered. The role of the new advocacy service for pupils who require additional support, ‘My Rights, My Say’, will be crucial in ensuring that they are empowered to understand and exercise their rights, as well as receive impartial information and advice to ensure their rights are safeguarded. We welcome the creation of this new service. To make rights real for pupils using this service it needs to be well resourced, accessible and provide for parity across Local Authorities. Equally, staff will need to be equipped with the knowledge and skills necessary to support deaf pupils.

The importance of making rights real for deaf pupils will be also be crucial in meeting the aims of GIRFEC. Childhood deafness is primarily a communication need and therefore deaf children may require more assistance than others if they are to be at the centre of decision making around the support available to them. The language and communication preferences of deaf pupils will vary. These include spoken English, British Sign Language, lip reading, Sign Supported English and others. Often the lack of awareness of these preferences can cause communication barriers for both deaf children and parents. It is critical that schools place high expectations on deaf pupils in terms of participating in school life and that they are equipped to support the unique needs of deaf pupils in order to achieve this.

Regional Improvement Collaboratives

We note the consultation questions are of a structural nature, however we would like to offer information on what we recommend these Collaboratives could address in practice.

The eligibility criteria that is used by local authority hearing impairment services varies significantly. In some areas children with all levels of hearing loss are supported, while in some authorities no or minimal support is provided for learners with mild or unilateral hearing losses. Parents tell us they often have inadequate mechanisms through which to challenge this inconsistent provision of support. The Collaboratives could be a means of addressing these inconsistencies between authority provision through inspection within or between Collaboratives.

We believe that the education regions could offer potential for more strategic thinking and effective working practices to support deaf learners. A regional approach could help create more equitable services across Scotland by ensuring deaf learners had access to a team of specialists including ToDs, Educational Audiologists, Educational Interpreters and Early Years specialists. This would help promote partnership working within GIRFEC principles and create stronger link with the NHS newborn hearing screening programme.

Attainment advisers will need to have specialist knowledge in order to advise around ASN including deafness. There is an opportunity to place fresh impetus on ensuring that, at every level, practitioners (including senior management) have the specialist knowledge and experience required to effectively delivery sensory services. Consideration should also be given to UNCRPD Article 32 which says that state parties should ensure data collected to formulate and implement policies is disaggregated according to disability.

We welcome that the Scottish Government is currently working on an Action Plan which will seek to address the recommendations made following the Inquiry into the attainment of pupils with a sensory impairment. We see the creations of Collaboratives as an opportunity to facilitate a workforce planning review into deaf education as well as a training needs analysis of professionals working with deaf pupils.

Ultimately, there is a need at national level, to adopt best practice in terms of the delivery of deaf education. The Collaboratives provide an opportunity to draw on and share the examples of best practice we know exist across Scotland. This approach is only consistent with GIRFEC if high quality specialism is available in mainstream schools. The Collaboratives could also help clarify the link between national policy and a move towards greater national consistency.

Education Workforce Council

We agree with the principles behind establishing a Council and would firmly recommend such a body, or similar, is set up for those educational professionals who are not teachers, such Communication Support Workers (CSWs) and classroom support assistants. These practitioners are currently not subject to formal registration and it is our concern that in times of budget cuts it is their training that is the first to be withdrawn.

Deaf learners who use BSL as their preferred method of communication require high quality of fluency of support, which, given the lack of qualification framework and registration of support staff, is not always available. It is crucial that CSWs working with deaf pupils are subject to quality assurance procedures and review as well as have access to Continuing Professional Development opportunities and we would support the establishment of a regulatory body to ensure this.

Missing

We would strongly recommend that Equality Impact Assessments and Children’s and Wellbeing Impact Assessments are carried out on the proposals if this has not already been completed.

We would also recommend the reforms are tied in with early years education settings the Early Learning and Child Care expansion. There is currently very little provision in place in early years and childcare settings for deaf children. Investment into a fit for purpose workforce in ELCC and minimum expectations relating to early years provision locally is essential.

For more information contact:

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1. CRIDE 2013 [↑](#footnote-ref-1)