

**Consultation on Excellence and Equity for All: Guidance on the Presumption of Mainstreaming**

**RESPONDENT INFORMATION FORM**

**Please Note** this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

Individual

Organisation

Full name or organisation’s name

National Deaf Children’s Society

Phone number

0141 354 7850

Address

2nd floor, Empire House, 131 West Nile Street, Glasgow

Postcode

G1 2RX

Email

Lois.drake@ndcs.org.uk

**Information for organisations:**

The option 'Publish response only (without name)’ is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

The Scottish Government would like your

permission to publish your consultation

response. Please indicate your publishing

preference:

Publish response with name

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Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

**CONSULTATION QUESTIONS**

(If you are responding to this consultation electronically, to complete tick boxes, please double click on one of the boxes above and select the default value as ‘checked’).

**Section 1 - Introduction**

The introduction sets out the purpose of the document, a vision for inclusive education in Scotland, a series of key principles that underpin the guidance and a summary of the key legislative and policy milestones.

The vision for inclusive education in Scotland is -

‘Inclusive education in Scotland starts from the belief that education is a human right and the foundation for a more just society. An inclusive approach, with an appreciation of diversity and an ambition for all to achieve to their full potential, is essential to getting it right for every child and raising attainment for all. **Inclusion is the cornerstone to help us achieve equity and excellence in education for all of our children and young people.**’ (para 2)

Q.1 Do you agree with the vision for inclusive education in Scotland?

**Yes  No  Don’t know**

If you selected yes or no, please explain why you either agree or disagree with this definition. If you disagree, please offer alternative suggestions.

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| We agree with an inclusive approach to education. The presumption of inclusion of children with additional support needs (ASN) in mainstream settings is welcome and has enriched the lives of many children both with and without ASN. To achieve inclusion however it is critical that the needs of a deaf child within a mainstream school are effectively identified and addressed. On a national level there is a need to understand how best to achieve inclusion and how mainstream and specialist practitioners should work together, drawing on the examples of best practice that we know exist across Scotland. |

The key principles that underpin the guidance are:

* Improve outcomes and support the delivery of excellence and equity for all children and young people
* Meet the needs of all children and young people
* Support and empower children and young people, parents and carers, teachers, practitioners and communities
* Outline an inclusive approach which identifies and addresses barriers to learning for all children.’ (para 3)

Q.2 Do you agree with these principles?

**Yes  No  Don’t know**

If you selected yes or no, please outline why.

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| We agree with the principles in theory, however are aware that these principles are often not met in practice due to a number of competing factors.  We are concerned that the legal presumption of mainstreaming, a depletion of deaf educational specialists and health and social care work force, plus the current financial pressures which local authorities find themselves operating within, that the needs of children with Additional Support Needs (ASN) is often service led as opposed to being child centred and needs led. Including a principle around collaborative working between sectors here would help in ensuring a holistic approach to needs which is not coloured by judgement or what is or is not available locally. |

**Section 2 – Key features of inclusion – present, participating, achieving and supported**

This section of the guidance sets out four key features of inclusion which can be used to set expectations and evaluate children and young people’s inclusion in their learning environment **–** present, participating, achieving and supported.

Q.3 Are the expectations set out under each of the ‘present, participating, achieving and supported’ principles the right ones?

**Yes  No  Don’t know**

If you selected yes or no, please explain why. If you have said no, please offer alternative measures.

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| **Examples of educational provision for deaf learners**  Resource provision Hearing Impairment Units attached to mainstream schools and peripatetic sensory support services offering a visiting service to deaf children and support for mainstream teachers. Resource bases offer the benefit of specialist staff on-site, developing curriculum materials and delivering teaching to deaf children. They also offer deaf children the opportunity to have access to a deaf peer group, whilst also having access to elements of a mainstream education as far as possible.  **Present**  The reality in Scotland is that only about half of local authorities have a resource base. All deaf young people should have an option to access this kind of specialist support if the expectation of best meeting their needs is to be met.  Furthermore, there is disparity in the availability and quality of specialist support in mainstream settings. Delivering specialist support through Communication Support Workers (CSWs) and Teachers of the Deaf (ToDs) can be expensive and, particularly for smaller authorities, can be a pressure on education budgets. This type of support, however, is high impact as it can help remove significant barriers to the curriculum for deaf learners. We would welcome further consideration on increasing the number of resource bases in mainstream schools for those who require a high level of support and/or alternative communication and peer support from other deaf learners.  **Participating**  *Voices heard in decisions*  The role of the new advocacy service for pupils who require additional support, ‘My Rights, My Say’ will be crucial in ensuring expectations under participation can be met within mainstream education settings. To make rights real for pupils using this service it will beed 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 also be crucial in meeting the GIRFEC aims. For deaf children with communication support needs, this will mean they may require more assistance than others if they are to be at the centre of decision making around choosing the support that is available to them. It is important that schools are properly equipped to support the unique needs of deaf pupils in order to achieve full participating in school life by them.  *Access to an excellent education*  For deaf learners, resource bases have been held up as examples of best practice, where young people can access 1:1 support, develop a peer group, access a range of specialist staff and still benefit from the opportunities that being in a mainstream school can provide. Windsor Park and Grange Academy have both been acknowledged as examples of good practice by Education Scotland.  **Achieving**  The reality for deaf learners is that barriers exist in support which manifest in a significant attainment gap which continues to persist for this group. 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.  This gap in achievement in school goes on to affect deaf young people’s life chances with 36% going on to university compared with nearly 46% of those with no additional support needs. This gap in attainment has been recognised by the Scottish Government and was highlighted in the 2015 Education Committee Inquiry.  **Supported**  It is worrying that not all local authorities have resource based learning within them, and many are moving towards a consultancy approach to specialise support. We are aware of a number of changes that have affected Hearing Impairment (HI) education services across Scotland. A number of local authority peripatetic ToD services have moved towards a consultancy model, providing information and advice to staff rather than delivering direct support to deaf learners. This is a significant shift which has the potential to seriously affect the learning support available to this group.  We would welcome further consideration into how to drive up ToD numbers in Scotland to allow for increased contact time between teacher and pupil. There is an opportunity for local authorities to commit to this through their first British Sign Language (BSL) Local Plans under the BSL (Scotland) Act 2015. |

**Section 3 – Deciding on the right provision for a child or young person**

This section sets out entitlements and options for provision and Annex B sets out a series of reflective questions to ask when deciding on the most appropriate provision for an individual child or young person.

Q.4 Are the entitlements and options for provision clear?

**Yes  No  Don’t know**

If you selected no, please suggest ways in which this section might be improved. Please state the relevant paragraph numbers.

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| **Specialist support for deaf learners**  Around 80% of deaf learners are educated in mainstream settings, around 10% are in mainstream schools with attached HI resource bases and around another 10% are within special schools (CRIDE 2013). However when it comes to choosing the most appropriate provision the reality of the situation is that not every local authority has these options and placing requests are not always successful. The support in each of these settings varies considerably, with the majority of deaf learners in mainstream settings relying on peripatetic HI Services whose ToDs or other specialist staff visit mainstream schools to support their learning.  Ensuring deaf learners have access to the additional support they require is critical to ensuring they reach their full potential and in closing the attainment gap experienced by this group. The diverse needs of deaf learners are predominantly met within mainstream settings, with implications for the capacity and skill set required by mainstream practitioners. Specialist support within these settings is therefore crucial.  The shift towards inclusion of children with ASN in mainstream settings is welcome. However the shift towards inclusion is increasing in pace with regards to the reduced role of specialist services and in many instances an increased focus on these specialists acting as consultants for mainstream practitioners.  The previous [Education Committee Inquiry into the attainment of pupils with a sensory impairment](http://www.google.co.uk/url?url=http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/87932.aspx&rct=j&frm=1&q=&esrc=s&sa=U&ved=0ahUKEwiE8bzOw4fZAhXSJ-wKHU5_CukQFggUMAA&usg=AOvVaw1SnxXq0SHH8LrhRvG8DosQ) revealed mixed views about the presumption of mainstream education for deaf learners. Evidence was highlighted illustrating the difficulties deaf learners can encounter in mainstream school such as communicating with peers, being involved in class discussion, social isolation and mental health issues.  The Committee addressed our recommendation for a **review of deaf education** in their final report, suggesting that some who gave evidence agreed this was required while others said that it is action that is needed. The report also discussed the benefits of the resource provision approach and highlighted best practice at Windsor Park School and Craigie High School. Decision-making in relation to where a child is educated should focus on the best interests of the child and be child-centred in its approach. This was echoed during the Inquiry proceedings.  We agree that the decision about where a child attends school should be child-centred and based on their needs.  “*While we support the presumption of mainstreaming, we are concerned by the views expressed to us that some pupils with sensory impairments are not receiving the support they need in mainstream school... there is clear evidence to suggest that resource base provision is successful.”*  One of the Committee recommendations was that the **resource provision approach should be used where possible**, recognising that rural and island communities may however experience particular difficulties in this regard.  We also agree that the resource base approach is often successful, and this message has been echoed by pupils talking about their own education experiences in NDCS Deaf Learners Conferences. However, currently less than half of local authorities have a resource base. In order for resource base provision to be a genuine option for more deaf learners, more resource bases would need to be established. To achieve at lease one base per authority, investment and restructure would be required. We understand that **10% of deaf pupils are in a resource base**, compared with 80% who are in mainstream schools. As such, it is also critical that peripatetic services and schools are supported to promote positive outcomes from the deaf pupils they work with.  Access to BSL support for children who use BSL as their first language is another primary motivating factor in many placing requests in Scotland at the moment. We are aware of many cases where the BSL skill of a deaf pupil of a higher level than the teacher and/or CSW responsible for educating them. This is something that has been brought up with the advent of the British Sign Language (Scotland) Act 2015. Parents rightly feel this is an additional barrier to learning, and further hinders the deaf child’s ability to communicate their own learning needs in class. |

**Section 4 - How and why could the exemptions be applied?**

This section sets out guidance on the three exemptions set out in legislation.

Q.5 Is the commentary and the reflective questions on each of the exceptions helpful?

**Yes  No  Don’t know**

If you selected no, please suggest ways in which the commentary and reflective questions might be improved.

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| **Ability and aptitude**  Professional judgement will play a key role in teachers assessment of ASN and whether deaf children are reaching their full potential. High expectations should be placed on deaf learners in this regard. We know that with the right support, deaf children can achieve equally well to their hearing peers, however we know that a significant gap in education attainment and life chances still exists for children in Scotland. All education practitioners should have the same high aspirations for deaf learners as they do for any other learner.  A key issue in measuring the attainment of deaf young people is the lack of baseline data collected on the numbers, needs and characteristics of this group in Scotland which will hamper mainstream practitioners assessment of assessment of ability and aptitude and the needs of deaf learners.  *Reduction in specialist staff*  With the current squeeze being experienced by local authorities on spending budgets, the provision of staff is likely to be a continuing pressure. In terms of deaf education provision, the number of specialist teaching staff has continued to fall in recent years. We are extremely concerned at the extent of cuts to ToDs as well as changes to their role in delivering support to deaf learners. HI education services are also being affected by restructure and proposed redesign and/or budget reduction. As far as we are aware, there has been little in the way of local or national equality impact assessments to measure what the impact of these changes in support structures might mean for deaf learners. We feel this is an urgent issue which needs to be addressed. Continued shortages in specialist practitioners will make it more difficult for deaf learners to achieve positive outcomes and ensure accessibility and inclusion for deaf children in mainstream education.  Whilst we appreciate the significant challenges facing local authorities, we believe these changes are of urgent concern, and will undermine the Scottish Government’s ambition to close the attainment gap and ensure every learner reaches their full potential. **We would welcome the Scottish Government’s consideration of how schools can continue to ensure that the ASN of learners are fully addressed and the outcomes of Curriculum for Excellence are being achieved for deaf learners.**  **Unreasonable public expenditure**  Given deaf learners are a low incidence group, it is critical that schools address their needs creatively, meeting demand their service users and effectively using available resources. The new legislation under the British Sign Language (Scotland) Act 2015 marks an opportunity to strengthen educational provision for **all** deaf learners.  Given the financial demands on national and local government, considering possibilities such as national and regional commissioning of communication support and other ways to improve the quality and consistency of provision across Scotland is recommended. This is something that could be undertaken by the new educational Regional Improvement Collboratives as part of the Governance Review. |

**Section 5 – Delivering Inclusion**

This section reflects on how to support the principles of inclusion (present, participating, achieving and supported) in and outside of school. It identifies the following key areas:

* + - Inclusive school values and ethos
    - Leadership
    - Constructive challenge to attitudes
    - Evaluation of planning process
    - Capacity to deliver inclusion
    - Parental and carer engagement
    - Early intervention, prevention and strong relationships
    - Removal of barriers to learning

Q.6 Are there any areas missing, requiring strengthening, or which are not required and could be removed? Please tick the box that applies.

**Yes  No  Don’t know**

If you selected yes, please suggest ways in which this section might be improved. Please refer to relevant paragraph numbers.

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| **Leadership**  The role of Headteachers will be critical in promoting inclusive schools in terms of the new education structure as part of the Governance Review. Headteachers will require an improved understanding of the needs of ASN learners as well as the impact of support. Much of this knowledge is not currently held at school level, with Headteachers being less likely to have experience in supporting children with ASN, especially in relation to a low incidence need such as deafness.  For mainstream schools to make decisions about the support needs for these learners they require access to this specialism. In education, this specialism comes from a ToD, of which there is currently a “national shortage”. ToDs provide a service to deaf children to assist them in achieving to their full potential. The service includes meeting classroom teachers and teaching assistants to advise on curriculum supports, making classrooms deaf friendly, advising teachers on communication strategies and checking hearing aids and radio aids. They also carry out direct face to face work with deaf learners, assisting them to access classroom vocabulary, spelling and mathematics. This is an absolutely vital service in supporting deaf children in mainstream settings to have the same opportunity to achieve as their hearing peers. Continued shortages in specialist practitioners will make it more difficult for deaf learners to achieve positive outcomes and ensure accessibility and inclusion for deaf learners in mainstream education.  If Headteachers are to be consistent with the GIRFEC approach in undertaking these new duties then they must be supported by a high quality local authority ToD service. There should also be mechanisms in place to monitor how sufficiently learners with ASN are supported within mainstream settings with schools being held to account.  In 2015 the Scottish Government carried out a survey on numbers of ToDs and their qualifications. We look forward to seeing the official Scottish Government report of findings from this survey which is yet to be published.  **Capacity to deliver inclusion**  High quality deaf awareness training for mainstream teachers is fundamental to improving inclusive environments for deaf learners. A lack of deaf awareness also creates challenges with supportive technology with pupils describing experiences of teachers being unable to use the FM stystems/radio aids either consistently or at all; “*if the teacher doesn’t wear the microphone properly it can be very noisy”; “new or supply teachers don’t know how to use it.”*  Similarly, a lack of deaf awareness at strategic level is likely to result in an insufficient budget to meet the needs of deaf learners. Each local authority or new education region requires a qualified and highly experienced educationalist with the ability to make such effective strategic decisions.  *“I get a notetaker in one subject and this support only started in 5th year.. before I had no support. Some teachers are more deaf aware than others. Some teachers forget I have a hearing loss due to lip reading which is frustrating.”*  ***Mainstream educated deaf pupil***  *“Only getting ToD support in one subject because they don’t have enough time to help you in more classes – have to decide what subject you have that support.”*  ***Mainstream educated deaf pupil***  We would welcome the opportunity to provide support and resources on deaf awareness training for professionals.  The consistency of support received by deaf pupils differs across Scotland, with the level of BSL and qualifications held by ToDs and support workers not being monitored. There is a need to improve the consistency of the quality of support received by deaf learners across the country to ensure all services are able to meet service users’ needs by having appropriately qualified members of staff.  There are no minimum standards for delivering support to deaf learners, and while Education Scotland can inspect peripatetic HI services, this does not happen routinely. As such there is often much disparity across local authorities in terms of how they deliver education support to deaf learners and access to specialist support is patchy across Scotland. The inclusion agenda must be directed to improve outcomes for **all** deaf children in Scotland in **any** setting with ongoing quality improvement of local provision.  For those deaf young people who use BSL as their preferred method of communication require high quality of fluency in their support, which, given the lack of qualification framework for support staff, is not always available. Ensuring CSWs in schools have a minimum level of BSL qualification so that they can effectively fulfil this role is fundamental.  Deaf young people have expressed concerns to us around some support staff not hold the proficiency of signing required to communicate particular school subjects, such as science or maths.  The absence of any national standards or expectations around delivering peripatetic service can also lead to local disparity. We recommend refreshing the [Count Us In: achieving success for deaf pupils guide](http://lx.iriss.org.uk/sites/default/files/resources/asfdp.pdf) (produced in partnership between NDCS and HMIE in 2007). This could help provide a relevant, consistent, framework which would support Education Scotland to achieve the assessment of teaching standards. We recommend that this framework would also establish expectations around self-evaluation and peer review among peripatetic services to help assess teaching standards.  An example of inconsistent practice in Scotland that we are aware of is around eligibility criteria for support from peripatetic services. Some services directly support all levels of hearing loss, while some services do not support children with unilateral or mild hearing loss.  An example of effective practice in Scotland that we are aware of is regional commissioning across three authorities which allows the peripatetic service to ensure an even spread of support across a very rural region. This service is able to provide direct support to a very high proportion of deaf children who belong to that area.  Similarly, for those pupils who use BSL, services will require to address the issue of BSL qualification level creatively, meeting the needs of their service users whilst effectively making use of available resources. We have recommended that local authorities consider possibilities such as the regional commissioning of communication support and other specialist staff. This would sit nicely within the new regions under Governance Plans in Scottish Education.  These issues have been reflected in the first BSL National Plan for Scotland and we recommend is mirrored within local authority plans which require to be in place by October 2018.  **Parental and carer engagement**  Parents simply want what is best for their child. They want them to be nurtured and achieving, within an educational establishment where there is a culture of high expectations for deaf children.  All too often, we find that parents are not fully aware of the range of learning provisions potentially available to their child. Parents of deaf children are often torn between the value of having access to a local peer group within their community, or sending their child out with their local authority to access their education within an environment where their child will have access to a deaf peer group and specialist staff.  Sadly, in many cases, parents will consider a placing request to resource provision only once they feel that their child is not progressing, or where there is a difference of opinion from the parents and the professionals on what support and progress their child is accessing.  Support and information for parents and carers will be critical to them taking up an active and engaged role in their child’s education. In the case of parents of deaf children, they require targeted specialist support to understand how their child learns, the approaches that work best for deaf children, and the challenges and barriers that exist for their deaf child in learning environments. We would welcome the opportunity to work in partnership to achieve this.  **Early intervention, prevention and strong relationships**  There is currently very little provision in place in early years and childcare settings for deaf children. Investment into shaping a fit for purpose workforce in ELCC for deaf children is also essential.  Some further suggestions to improve the provision of support in the early years for deaf children include:   * Targets on number of early years workers with BSL qualifications * National pool of specialist workers * Every HI service to have specialist early years workers/ToDs with BSL skills * A BSL qualification aimed at working with deaf children   **Case in point: Family D**  Child D uses hearing aids and was recently offered a pre-3 place at their local mainstream nursery. Child D’s parents are Deaf BSL users, who use BSL as their primary communication method with Child D. No staff at the local nursery have BSL skills appropriate for use with a young child and Family D have also experienced communication difficulties with them, e.g. interpreters not being booked, letters continually sent to the family home requesting that Family D phone the nursery despite the family being unable to do this.  The Local Authority has not provided any training for nursery staff to learn BSL. NDCS has delivered a short three-session course for Child Development Workers at the nursery. Six months later, Family D reported that the nursery are still not using sign language to support Child D, who is becoming isolated within his nursery group as he is not able to participate in activities in the same way as his hearing peers can.    Early intervention is critical to ensure parents/carers have access to timely, impartial information and the service they need in terms of communication choice for their deaf child and the access to the services and support they need. We are currently working on the development of early years standards with the Scottish Government to address minimum expectations of early years provision in local authorities.  **Removing barriers to learning**  The optimal range of hearing that hearing technologies can typically offer a deaf child is approximately three metres in a good listening environment. This both reduces their ability to access spoken language beyond this range and limits their access to incidental learning, naturally accessed by their peers, that would enable them to acquire and absorb new language and information from listening to the world around them.  It is therefore of concern that there is no statutory requirement for local authorities to adhere to the recognised best practice guidance on acoustics, Buildings Bulletin 93. In Scotland this is recognised as good practice only and there is no monitoring of compliance. Comments to us from deaf pupils on open plan areas include; “can’t hear conversations” and “felt really left out and stressed”.  While we understand that school builds are complex, we strongly feel that acoustics should be considered as a fundamental aspect of any school build. Good acoustic environments support the learning of all children, not just those who are deaf. Making the appropriate adjustments at the earliest stage of a school build also prevents more costly and disruptive adaptations from being required later on. We would urge the Scottish Government to consider following best practice in other parts of the UK by making the Buildings Bulletin statutory in Scotland so that future schools in Scotland will have sound acoustic environments for all children to learn.  For more information on acoustics see our Scottish Schools Regulations response [LINK]. We also have a range of [resources](http://www.ndcs.org.uk/professional_support/our_resources/acoustics.html) in acoustics in classrooms.  **Missing**  Bullying and low self esteem for many deaf children, particularly in mainstream settings, is a considerable barrier to learning. As one profoundly deaf young person recently told NDCS:  *“I went to a mainstream primary and secondary school, and loved it right up to fourth year. But then I was bullied and felt really excluded, and down on myself. I told my mum, and she was able to get me a place at a specialist unit for deaf children in a nearby area, and although there was more travelling, I enjoyed it better, the teachers were lovely, I made new deaf friends, and got my head down to get my highers. If I hadn’t moved school, I would have probably just left school altogether*.” |
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Q.7 Were the case studies helpful? Please tick the box that applies.

**Yes  No  Don’t know**

If yes, please say why and if you would like further case studies or are content with the current number. If you selected no, please explain why and what would be helpful instead.

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**General**

Q.8 Overall, is the guidance helpful? Please tick the box that applies.

**Yes  No  Don’t know**

If you selected no, please explain your answer. If you selected yes, please indicate what was particularly helpful.

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Q.9 Are there any other comments you would wish to make about the draft guidance on presumption of mainstreaming?

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**Thank you for responding to this consultation.**

**Please return a completed copy of respondent information form by email to** [**mainstreaming@gov.scot**](mailto:mainstreaming@gov.scot) **or by post to Presumption of Mainstreaming, Support and Wellbeing Unit, Area 2C North, Victoria Quay, Edinburgh,   
EH6 6QQ.**