

A response from the National Deaf Children's Society (NDCS)

Introduction

The National Deaf Children's Society (NDCS) is the leading charity dedicated to creating a world without barriers for every deaf child. There are over 35,000 deaf children in England.

NDCS is extremely pleased to have the opportunity to respond to this consultation. We have long campaigned for stronger accountability of local authority SEN services. Our briefings to MPs and peers on the then Children and Families Bill highlighted the absence of any real external scrutiny over the quality of education that many deaf children receive, arguing that changes to the SEND framework were unlikely to be effective unless local authorities were held to account for how these changes were being implemented. We strongly supported the announcement that Ofsted would carry out a review which then led to the proposal that Ofsted and CQC inspect local area SEND provision.

Overall, we welcome the proposed approach. In our response, we set out a number of areas where we would like Ofsted and CQC to consider going further to ensure that the new inspection framework makes a significant difference to the support that deaf children receive. We also provide a number of suggestions for how the inspections might be carried out.

Proposal 1

Inspectors will evaluate how effectively the local area identifies disabled children and young people and those who have special educational needs

Q1. Do you agree with this?

Yes, subject to the below points.

- a) We feel it's important to recognise that local areas may be better at identifying and assessing the needs of some groups of children but not others. A generic report on how well the local authorities is identifying SEN needs more generally is unlikely to be as helpful to parents of children with specific needs and disabilities. It is unclear if Ofsted inspections will be carried out in such a way as to bring such differences to light.
- b) We would welcome a clearer focus and reporting on how different bodies within each local area are complying with their legal duties to identify and assess children with SEN or disabilities. For example, whether local authorities are complying with their duties under the Children and Families Act 2014 to identify children (clause 22) and whether health bodies are bringing certain children to the attention of local authorities (clause 23).
- c) Ofsted currently propose that inspections will look at how nursery, school or college and other professionals work together during assessments. NDCS recommends that inspections also specifically look at how effectively health, education and social care services work together more widely to identify and assess need. In relation to deaf children, this might involve looking at how effectively audiology services join up with specialist education services for deaf children and social care services to ensure the needs of deaf children are identified following diagnosis.

d) We would suggest that Ofsted and CQC also look **separately** at the **accuracy** in which children are identified and assessed. Identification can be timely but it may not be comprehensive and it may not always lead to effective assessment of needs. For example, previous government audits of the newborn hearing screening programme have revealed that, whilst most areas effectively identify hearing loss in newborn children, there are considerable variations in the quality of subsequent audiological assessments. We also have evidence of variation between areas in the availability and quality of education assessments. It will therefore be important that the inspection report takes account of the possibility of a local area being good at identification but less good at subsequent assessment.

e) It will be important to consider the use of specialist assessments, including those carried out by specialists employed by the local authority. The SEND Code of Practice makes it clear that specialist qualified Teachers of the Deaf must be involved in any Education, Health and Care needs assessments. NDCS recommends that Ofsted audit a sample of these specialist assessments when reviewing how effectively local areas are identifying needs.

f) The proposal seems to focus on how **individual** needs will be identified. NDCS recommends that Ofsted look more widely at the systems in place to identify the needs of the wider population of children and young people. This might include, for example, reviewing the quality and accuracy of data sets on the number of deaf children overall. NDCS is concerned that some local authorities do not have reliable data sets on all deaf children in their area. This raises a question over the extent to which we can be confident that local authorities are identifying or meeting their needs of the wider SEND population. We therefore believe that the inspection should include a specific evaluation of how the local authority is using data to ensure sufficiency of provision for children with low incidence needs, including deaf children, as these groups are often overlooked in planning and provision.

g) We would welcome detail on the inspection framework that will be used, particularly around some of the definitions that will be used. For example:

- When looking at whether identification has been "timely", how will "timely" be defined?
- What criteria will be used to judge whether information provided by assessments is "useful"?

Proposal 2

Inspectors will evaluate how effectively the local area meets the needs and improves the outcomes of disabled children and young people and those who have special educational needs.

Q2. Do you agree with this?

Yes, subject to the below points.

a) We feel there needs to be a more specific consideration of the extent to which local authority specialist education services improve outcomes for children and young people with SEN. Given their important role, as identified in previous Ofsted thematic reports, we strongly believe that their role should be considered in **all** local area inspections.

Paragraph 32 of the consultation states that inspection visits "will not include the observation of teaching and learning activity since this is a focus of institutional inspections of [early years settings, schools and further education] providers." This fails to recognise that teaching and learning activity carried out by peripatetic Teachers of the Deaf is **not** currently inspected by

Ofsted. For this reason, we believe it's especially important that Ofsted particularly focus on the work of specialist education services, to ensure there is oversight of their work.

b) The consultation states that Ofsted will look at how effectively the needs of the area as a whole are met and outcomes improved. NDCS recommends that this be done by type of need, using data broken down by type of need. A generic look at outcomes achieved by children with SEND as a whole, without recognising the diversity of the cohort, is unlikely to be helpful to parents of individual groups of children. For example, it will likely mask the extent to which children with sensory impairment, which is not a learning disability, are achieving on a par with non-disabled children.

c) Again, we would encourage Ofsted and CQC to look in detail at how bodies in each area are complying with their legal duties to meet needs. This could include, for example, a review of how the requirements in the SEND Code of Practice (2015) in relation to SEN support are being met. It could also include consideration of the arrangements for joint commissioning of health and education services, as required under clause 26 of the Children and Families Act 2014, as well as the extent to which local authorities keep provision under review (clause 27).

d) We are concerned by paragraph 18 of the consultation which states that *"the evaluation of social care and health responsibilities will focus on how these services have contributed to meeting the needs of children and young people who are being assessed for, or are subject to, education, health and care plans"* (para 18). NDCS feels the focus should be broader because:

- It is likely it would fail to pick up any issues around joint working between health and education in the early years. Although Education, Health and Care needs assessments can start from birth, in most cases statutory assessments are undertaken at a later age.
- It is important to consider how well the needs of a significant number of children without a statutory assessment but who have health and social care needs are being met. It is estimated that less than a quarter of deaf children do not have a statutory assessment. However, many will still be reliant on audiology services if they are to make good progress.

e) Whilst NDCS agrees that it is important to ask how satisfied children, young people and parents are on whether their needs are met and good progress is made, we are concerned that this presumes they will have a good awareness of what good support looks like. NDCS regularly encounters families who are unaware that the quality of the support their child receives actually compares poorly with neighbouring areas. NDCS would recommend that Ofsted explore the extent to which children, young people and parents are able to reach an informed view about whether their needs are being met and that good progress is being made. NDCS also recommends that Ofsted consider if more needs to be done to raise awareness of what parents should expect from education and health services.

f) As with proposal 1, NDCS feels that more detail on how Ofsted will determine the answers to the questions it will raise during inspections is needed including, for example, on how "satisfaction" will be measured. Sight of the inspection framework would helpfully provide clarification on this.

Proposal 3

A wide range of information will be used to evaluate how effectively the local area fulfills their responsibilities to identify disabled children and young people and those who have special educational needs; and to meet their needs and improve their outcomes.

Q3. Do you agree with this?

Yes, subject to the below points.

a) As set out earlier, we believe that any analysis of data needs to look at differences between groups of children with SEND. A local authority may achieve good outcomes for some children with SEND but not others. An inspection report that does not unpick these differences is unlikely to be particularly helpful for parents of children with specific needs or disabilities.

b) We also believe that, in any visits to any education settings, inspectors should seek views from how well they believe they are being supported by wider support services, such as the local authority specialist education service for deaf children, educational psychologists, speech and language therapy, etc.

c) For Ofsted to evaluate how well the needs of children and young people are being identified and met, they will need to have access to robust data for this group. However, data on children with SEND is extremely patchy. For example, the School Census does not record information by type of disability (only by type of SEN) and so for a large group of deaf children, we have no data on the outcomes they achieve. In addition, there is also very little data available on post 16. NDCS recommends that Ofsted discuss with the Department for Education how this can be addressed so that it can make sound judgements on whether a local area is meeting the needs of children and young people through the full age spectrum 0 to 25.

d) We recommend that Ofsted carry out an audit of a random sample of 10 Education, Health and Care needs assessments and plans. We also recommend that Ofsted review the adequacy of a sample of pupil's SEN support under the assess, plan, do, review framework.

e) We encourage Ofsted to draw on data sets and information held by charities and organisations such as the National Deaf Children's Society. We would be pleased to discuss with Ofsted how this data can be provided. In addition, Ofsted should also draw on data from the National Sensory Impairment Partnership (NatSIP) which collect data from participating local authorities on outcomes achieved by children with sensory impairment.

f) Paragraph 32 of the consultation document implies that Ofsted and CQC would only look at health involvement in relation to EHC needs assessments and plans. Reassurance that inspection will look at the wider involvement of health would be welcome. This might include consideration of the quality of Joint Strategic Needs Assessments and the data presented within this, to establish how effectively the needs of children with SEND are being identified and met within this.

g) Finally, NDCS would welcome clarification on how it will be decided which settings will be visited by inspectors. NDCS would be concerned by any approach in which inspectors were directed by the local authority on this, given the obvious risk that they may be directed away from provision and settings which are known to be less effective.

Proposal 4

A wide range of ways will be used during the inspection to obtain the views of disabled children and young people and those who have special educational needs, and their parents and carers.

Do you agree with this?

Yes, subject to the below points.

a) NDCS believes that it will be very difficult to get the views of a wide range of parents and young people with only 2 days notice of inspections. NDCS recommends that this be extended to at least 14 days to ensure meaningful engagement. This would help ensure that local groups and stakeholders can raise awareness of a forthcoming inspection, make arrangements for childcare, travel, etc. if needed and also give families time to reflect and consider their views on local provision.

b) NDCS would support the principle of local authorities being required to notify all relevant parents, children and young people that a local area inspection is taking place and drawing attention to their opportunity to have their say.

c) NDCS notes that Ofsted will meet with "established" groups of children and young people. We encourage Ofsted to make arrangements to meet with local deaf children's societies across England and to seek views from parent representatives on Children's Hearing Services Working Groups (CHSWGs - local multi-agency forums). NDCS would warn against relying on Parent Carer Forums as the sole established group in each area as, in our experience, sensory impairment tend to be unrepresented on these forums.

d) We are pleased that Ofsted will be seeking views of children and young people. We recommend that Ofsted consider what support they will provide to ensure that children and young people can give their views. This includes provision of communication support for deaf children and young people. It also includes support to build up their confidence and understanding of the support they should expect to receive.

e) NDCS is pleased to see that Ofsted will look at information/responses to surveys already gathered in the area. Again, we encourage Ofsted to draw on data sets and information held by charities and organisations such as the National Deaf Children's Society. We would be pleased to discuss with Ofsted how this data can be provided. Again, we also suggest that Ofsted also draw on data from the National Sensory Impairment Partnership (NatSIP) which collect data from participating local authorities on outcomes achieved by children with sensory impairment.

f) In looking at local views, we would also encourage any Ofsted inspections to have regard for any comments left about the Local Offer for each area, as well as any complaints that parents have made.

g) We would encourage Ofsted to consider if parents, children and young people and local charities/organisations can be given the opportunity to leave feedback or highlight concerns about local area provision outside of the inspection cycle, similar to how they can already do so for schools under *Parent View*. This might be helpful in giving Ofsted intelligence on where it should focus its inspections.

Q5. Please tell us about anything in particular that you think is important for Ofsted and CQC to consider in their inspections of local areas that has not been included in the above proposals.

a) As set out earlier, we strongly believe that inspection should consider local area provision by type of need. We are pleased that the consultation states that "inspections will look at a wide range of groups of children and young people, including those with different disabilities and SEN." However, we recommend that Ofsted go further and commit to looking at local area provision for **each** main type of SEND. We are concerned that a generic inspection of local area SEND provision, which largely treats SEND as if it were a single homogenous entity, is unlikely to provide parents with information about the specific services and professionals that support their child, such as Teachers of the Deaf, that they need to be able to hold their local authority to account. We consider it unfair that parents of children with SEND are not provided with the same detailed information about the quality of their child's education that other parents are.

As a charity which represents children with a low incidence need, we believe there is an especially strong case for inspections to specifically focus on sensory impairment as, without this specific focus, there is a very high likelihood that these children will be overlooked and overshadowed.

Over 75% of deaf children are educated in mainstream schools where teachers have little experience of working with deaf children and rely on expert advice from peripatetic Teachers of the Deaf. In addition, 90% of deaf children are born to hearing families with no prior background in deafness. Many families and teachers therefore rely on support and advice, particularly on language and communication, from Teachers of the Deaf and specialist education services. Ofsted and the Department for Education have both previously recognised that these services are vital. We do not believe it is unreasonable for parents of deaf children, and of other children with other disabilities and needs, to be able to access information about the quality of the specific support that their child is receiving.

In *Communication is the key* (2012), a thematic review by Ofsted, it was found that, even in services for deaf children identified as achieving best practice, there were still weaknesses in how local authorities were generally weak on quality assurance, evaluating the impact of their service and using data effectively.

A NDCS poll of deaf young people, carried out via the NDCS Buzz website found that 77% felt it was "very important" that Ofsted check the quality of education services for deaf children in their area whilst 19% replied "a lot" when asked about importance.

If capacity is an issue, we recommend that Ofsted reconsider the scope of its inspections. NDCS would, for example, support a narrower focus on local authority specialist education services and statutory assessment teams. NDCS would also, for example, prioritise the inspection of the education support that deaf children receive over any leisure weekend residential activities that children with SEND undertake, which are currently subject to inspection by Ofsted.

b) Separately, we do not support the proposal for a narrative judgement of local area SEND provision. Whilst we recognise that local area provision covers a wide range of support, we do not understand why Ofsted / CQC could not break this down into different categories or areas or types of provision, give a judgement on each aspect before reaching a summary graded judgement on the area as a whole. NDCS understands that graded judgements are given in other Ofsted inspections and that previous multi-agency inspections involving Ofsted have also resulted in graded judgements. NDCS is unclear that the use of narrative judgements for inspections of SEND provision sends a negative signal about the relative importance of these inspections. In addition, a graded judgement is easy for parents to understand and also helps them hold local

providers to account and to press for improvements. 90% of the deaf young people that we polled felt that Ofsted should give a graded judgement.

c) It is not clear from the consultation what consequence there would be if Ofsted or CQC identify significant concerns about local area provision and if the local authority does not provide an adequate response. NDCS would like to see a commitment that Ofsted will re-inspect within a year or that Ofsted will recommend to the Secretary of State for Education that a notice to improve be issued to the local authority.

d) Finally, NDCS has concerns about the proposed composition of the inspection team. We do not believe that there should be a local authority representative unless there is also a parent representative. This would ensure balance within the team and also ensure that any inspections are credible.

If Ofsted pursue this proposal, we recommend that Ofsted set out the specialist knowledge that local authority representatives on the inspection team will have so that parents can have confidence in the inspection team. We would also suggest that any local authority representative be from an area where children's services have been graded as good or outstanding.

e) We would also suggest to Ofsted consider expanding the team of inspectors in larger local areas where it may be difficult for 3 inspectors to give a sensible view on provision across the whole local area.

Q6. Do you have anything else you would like to add to this consultation?

We would welcome clarification over whether the more detailed inspection framework for these inspections will be published in due course and if stakeholders will have an opportunity to comment and feedback on this also.

Having lobbied extensively for greater accountability of specialist education services for deaf children for some time, we have taken a long-standing interest in this issue and are extremely pleased that this consultation has been issued.

Deafness is not a learning disability and yet nearly two thirds of deaf children (64%) failed to get 5 good GCSEs in 2014. We believe that one of the reasons there is such a wide attainment gap is because local authorities are not held sufficiently to account for the outcomes achieved by deaf children.

We hope that Ofsted and CQC will carefully consider the representations made for a more specific look at the support received by groups of children with different needs and disabilities, so that there is a stronger focus on the outcomes achieved by deaf children and other groups.

We would like to thank Ofsted and CQC for considering the views in our response. We would be very happy to discuss or clarify any element of our response in more detail.