

National Deaf Children's Society response

Summary

1. We welcome the draft charter for a National Education Service and its commitment that “every child, and adult matters, so the National Education Service will be committed to tackling all barriers to learning, and providing high-quality education for all”.
2. A significant number of children and young people - over 14% - in schools and colleges have a special educational need.¹ We believe that the litmus test for whether a National Education Service is working effectively is whether it meets the needs of these vulnerable children. In relation to deaf children, we believe that the following areas should be prioritised:
 - high needs funding is adequate so that specialist education services are able to effectively support deaf children and young people and their families. As part of this, we believe the ring-fencing of the schools block needs to be relaxed or removed so that local authorities have more flexibility to move funding to respond to growing SEND pressures.
 - the specialist SEND workforce, including Teachers of the Deaf, so that families, early years settings, schools and colleges can receive specialist support and advice when they need it. Action in particular is needed to address a sharp decline in the number of Teachers of the Deaf in recent years.
 - the accountability framework around SEND to ensure education settings and local authorities are held to account for the support they provide to deaf children.
 - how local authorities work together and collaborate to meet the specialist needs of children with low-incidence needs with steps taken to ensure there is more regional commissioning of these services.
 - college funding, particularly those without an Education, Health and Care plan, so that they receive the support they need to be able to attend further education on the same basis as other young people.

Background

3. The National Deaf Children's Society is the leading charity for deaf children. We support deaf children and their families, and work with decision-makers and professionals to overcome the barriers that hold deaf children back. Our response is informed by our engagement with deaf young people, their families, and the professionals who support them.
4. There are over 50,000 deaf children and young people in the UK.² Of those of school-age, 78% attend mainstream schools where there is no onsite specialist provision.

¹ Department for Education. Special educational needs in England: January 2017. www.gov.uk/government/statistics/special-educational-needs-in-england-january-2017.

² Consortium for Research into Deaf Education (CRIDE). CRIDE report on 2015/16 survey on educational provision for deaf children in the UK. www.ndcs.org.uk/CRIDE.

5. Many deaf children and young people, and their families, rely on support from local authority specialist education services, who employ teams of Teachers of the Deaf and other specialists, to achieve their potential. As research³ commissioned by the Department for Education has found, Teachers of the Deaf and specialist education services for deaf children play a crucial role in advising mainstream teachers and ensuring that the needs of deaf children are met.
6. These services are a unique solution to the 'low-incidence' nature of sensory impairment as they are able to deploy specialist advice and support to families, early years settings, schools and colleges where needed in each local area. This is important because staff in education settings are unlikely to come across a deaf child with enough regularity to retain knowledge of what effective support looks like. In addition, over 90% of deaf children are born to hearing families who have no prior experience of deafness. The support and advice they receive in the early years from a Teacher of the Deaf, particularly on language and communication, can be invaluable.

General comments on the charter

7. We support the key principles underpinning the charter. We would, however, welcome a more explicit reference to the need for a National Education Service to meet the needs of children and young people with special educational needs and disabilities. We would also welcome a recognition of the role that local authorities play in the provision of specialist education services to children with SEND, such as to deaf children.

Addressing gaps in funding to ensure high-quality education for all

8. We welcomed the commitment given by the Labour party to protecting schools budgets in real terms in the last manifesto. We would welcome an additional commitment to also protect high needs funding in real terms, from which local authority specialist education services for deaf children are funded.
9. Our analysis of Freedom of Information requests to local authorities shows that these services are under increasing threat. We've found that 37% of local authorities are planning to reduce their budget for specialist education services for deaf children in the next year. Deaf children in these areas will be losing £4m of support this year, with these councils on average cutting 10% from deaf children's services.
10. The Department for Education has claimed that SEND funding is at a record high. We believe this is a hollow claim. Whilst the high needs block, which covers funding for these services has been protected in cash terms, it has not been adjusted to reflect the wider spending pressures that local authorities are subject to:
 - the rising number of children and young people requiring additional support. Government figures show there were over 30,000 more children in 2017 with statements or EHC plans than in the previous year.⁴
 - greater local authority responsibilities to support young people with SEND, aged between 16 and 25, following the SEND reforms introduced through the Children and Families Act 2014. We have seen significant increases in the number of 16-25year olds with a statement of SEN or an EHC plan since 2014. These additional responsibilities have, in our view, been largely unfunded.

³ Carroll, J. et al (2017) SEN support: A rapid evidence assessment. Department for Education. www.gov.uk/government/publications/special-educational-needs-support-in-schools-and-colleges.

⁴ Department for Education. Statement of SEN and EHC plans: England, 2017. www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2017.

- a trend towards many more children being placed in special schools. The number of children in special schools rose by 12.5% between 2014 and 2017.⁵

11. Further evidence that the additional funding has been insufficient to meet increasing demands is reflected in:

- a. the increased number of local authorities who have recorded a deficit in their section 251 statement to the Department for Education on planned education and children's social care spending. In 2016/17, 17 local authorities reported a deficit, rising to 22 in 2017/18. These deficits amount to £68.7m and £85.9m respectively.⁶
- b. data from SEND Tribunals. There was a 27% increase in appeals registered with the Tribunal between 2015/16 and 2017/18. In 2016/17, 89% of the decisions made by the Tribunal were in favour of the families. This indicates a high level of frustration by families over SEND support in place.⁷

12. We also believe that these cuts are making it harder for local authorities and education providers to meet their ongoing duties under the Equality Act to, for example, promote equality of opportunity and ensure the provision of auxiliary aids as a reasonable adjustment. Radio aids, which provide deaf children and young people with additional amplification so that they can hear their parents and teachers clearly, is often cited as an example of an auxiliary aid. However, data from 2016⁸ suggests that 37% of local authorities did not allow school-aged deaf children and young people to take their radio aids home, despite the important role that families can play in promoting language and communication. Elsewhere, we continue to come across anecdotal evidence that schools and colleges are failing to take action to improve acoustics within classrooms so that deaf children can listen and learn effectively.

National funding formula

13. Addressing existing issues in the national funding formula will also help to ensure a National Education Service works for all. In order to create a national funding formula for schools, the Department has ring-fenced the schools budget. 99.5% of the schools block is ring-fenced, and the remaining 0.5% can only be transferred to the high needs block (which funds local authority specialist SEND services) with agreement from the schools forum.

14. This ring-fencing has created significant problems for local authorities. A large number of local authorities have been forced to apply to the Secretary of State for Education to request that more than 0.5% of the schools block be transferred to the high needs block and/or to override a decision made by the schools forum not to allow funding to be transferred. We feel that this approach, rather than encourage schools and local authorities work together, is creating tension between schools and local authorities. It may also create a perverse incentive for schools to try and move pupils with SEND out of mainstream settings towards special schools or other settings, regardless of the views and wishes of families, knowing that the cost of this will be met by the local authority.

⁵ Department for Education. Statement of SEN and EHC plans: England, 2017. www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2017.

⁶ National Association of Head Teachers (NAHT). NAHT analysis of high needs funding. www.naht.org.uk/news-and-opinion/news/funding-news/naht-analysis-of-high-needs-funding/.

⁷ Ministry of Justice. Tribunal and gender recognition certificate statistics quarterly – July to September 2017: SEND Tribunal tables 2016 to 2017. www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-july-to-september-2017.

⁸ Consortium for Research into Deaf Education (CRIDE). CRIDE report on 2015/16 survey on educational provision for deaf children in England. www.ndcs.org.uk/CRIDE.

15. Ensuring that there is additional funding available for the high needs block will go some way to addressing this issue. However, we also believe that the ring-fence should either be removed or relaxed so that local authorities have greater flexibility to move more than 0.5% of the schools block as needed. The Department should also consider introducing some kind of financial consequence for individual schools if a pupil has to be transferred because of a failure by the school to reasonably meet their needs.

Specialist SEND workforce

16. The consultation asks what steps need to be taken to ensure the National Education Service has the staff it needs. We believe it would be helpful to look at the specialist SEND workforce, to ensure that early years professionals, teachers and college staff receive the specialist advice they need to effectively support children with SEND.

17. The cuts mentioned earlier are having a significant impact on the SEND workforce. For example, since 2011, there has been a 14% decline in the number of qualified Teachers of the Deaf.⁹ In addition, over half of Teachers of the Deaf are due to retire in the next 10 to 15 years. There is currently no coordination action in place by the Department to address this staffing decline through, for example, a bursary scheme to refund training costs.

18. As set out earlier, any reduction in the specialist SEND workforce will likely make it harder for early years settings, mainstream schools and colleges to effectively support children and young people with SEND and to tackle any barriers to learning, undermining the goal of high-quality education for all.

Parity of esteem in post-16 education

19. One key barrier to ensuring parity of esteem between academic and vocational/technical education is the SEND funding system.

20. SEND funding for mainstream post-16 providers is provided where a young person has been commissioned a place using high needs funding. In practice, this means that, in many areas, colleges will only receive funding for young people if they have an EHC plan. Government figures suggest that more than 85% of deaf young people¹⁰ do not have an EHC plan. If SEND funding is, in practice, restricted to those with an EHC plan, this means that a large number of deaf young people are less likely to get the support they need to access the curriculum, such as a radio aid to help with additional amplification or notetakers.

21. In addition, many specialist education services for deaf children report to us that they are not funded to provide support to deaf young people in further education colleges. This means that many Teachers of the Deaf are unable to provide advice to mainstream college staff or support to deaf young people. It also means that Teachers of the Deaf may struggle to maintain or develop their skills in this area through lack of practice.

22. This raises serious questions about the extent to which deaf young people in further education are receiving the support they need. Research¹¹ published in 2015 already indicated concerns in this area.

⁹ Consortium for Research into Deaf Education (CRIDE). CRIDE report on 2016/17 survey on educational provision for deaf children in England.

www.ndcs.org.uk/CRIDE.

¹⁰ Drawing on data from Department for Education response to Freedom of Information requests submitted by the National Deaf Children's Society, we estimate that 13% of deaf young people in year 12 have an EHC plan. Data is taken from 2015/16 academic year.

¹¹ Young, A et al. Deaf young people in further education. 2015. The University of Manchester/National Deaf Children's Society. Available at

www.ndcs.org.uk/research.

For example, it found that one quarter of deaf young people did not gain any qualification whilst in further education. In addition, deaf young people were twice as likely to drop out as their peers.

23. We believe that the college funding system has long been in need of reform. Whilst colleges receive 'disadvantage' funding which can be used to meet the needs of disabled young people without an EHC plan, it is not restricted to this purpose and nor do we believe it is set at a sufficient level.
24. We also believe that funding for support for young people aged over 19 with SEND is also in need of review to establish if there is adequate funding in place to support young people with SEND to complete their education. This should look at funding for both young people with and without an EHC plan. We know of a number of cases where young people have been told that they must have EHC plans in place in order to access a mainstream college course and were turned away when the college could not access funding from other sources. Whilst Learning Support Funding is available from the Education and Skills Funding Agency for adult learners with disabilities, we have come across examples of it being restricted with providers telling deaf young people there is no funding available. This can result in deaf young people effectively being turned away. A review should look to clarify and tighten up guidance in this area.
25. The adult education budget's funding rules currently state that learners aged 19-25 must have a letter from their local authority explaining why they do not need an EHC plan in order for their provider to claim Exceptional Learning Support. We feel this is unnecessary bureaucracy. As before, the majority of deaf children and young people do not have an EHC plan but may still require support.
26. Some apprenticeship training providers have told us that they find the process of applying and claiming for Learning Support Funding to be overly bureaucratic. We believe that this is leading to many training providers not putting in place specialist learning support for deaf apprentices.

Accountability

27. We believe that action needs to be taken to strengthen the accountability framework around SEND to ensure education settings and local authorities are held to account for the support they provide. The National Education Service charter currently emphasises the importance of local accountability within communities. We would be keen to explore how this would work in practice for services for children with SEND.
28. Because deafness is a low-incidence need, commissioners tend to be less familiar with what good provision looks like. Their attention will also inevitably be drawn to other children, particularly if they are driven by democratic accountability to local communities. This risks leaving services for deaf children and other children with low-incidence needs in a 'Cinderella' position. It also means that parents of deaf children receive less information than other parents about the quality of support they receive.
29. To guard against these risks, we believe a National Education Service needs to ensure there is a specific focus on SEND services and that a robust and national accountability framework remains in place.
30. In terms of the current position, until recently, there was virtually no scrutiny of the quality of local authority SEND services. Unlike other teachers, Teachers of the Deaf, for example, working in a peripatetic role, were not subject to any kind of Ofsted inspection.
31. In 2016, Ofsted and the Care Quality Commission introduced new inspections of local area provision for children with SEND, two years after the SEND reforms were passed. However:

- a) the Department have not yet indicated whether these inspections will continue beyond the existing five-year programme. This removes any incentive for local authorities that have already been inspected to maintain or improve the quality of SEND provision.
- b) only around half of the inspection reports to date have made any reference to deaf children and even then, references tend not to be more than a brief sentence. There still remains no detailed scrutiny, for example, of the work of peripatetic Teachers of the Deaf. One option to address this would be to introduce additional ad-hoc in-depth inspections of specific services for different groups of children with SEND, alongside the existing inspections.

32. More widely, we believe that more attention needs to be placed on the consistency and depth of Ofsted inspections and the quality of SEND provision in mainstream education settings. We understand that SEND is no longer a limiting judgement, meaning that a school can't be graded as outstanding if SEND provision is not at least good. We are concerned that this results in SEND being treated as a lesser priority within education settings.

Cooperation between local authorities

33. As the charter says, "educational excellence is best achieved through collaboration." In relation to deaf children, we believe there needs to be more collaboration at a regional level. Given that deafness is a low incidence disability, we feel it would be more effective for smaller services to work together to meet the diverse needs of deaf children in their area. In leading to economies of scale, this approach could result in funding being released to provide support to more deaf children. It could also lead to more effective commissioning of special school placements for deaf children.

34. However, there has been no noticeable increase in recent years in the extent to which services and provision for deaf children are regionally commissioned. Indeed, existing examples of regional consortia appear to be increasingly under threat due to cuts and service reviews. We feel that more needs to be done to broker and incentivise local authorities to work together in this way. In particular, we feel the Department should create a new legal duty on local authorities to regionally commission services and provision for children with low incidence needs.