

National Deaf Children's Society response to Department for Education consultation:

The Draft Special Educational Needs and Disability (Detained Persons) Regulations 2015 and Draft Revised SEN and Disability Code of Practice: 0-25 years.

NDCS is a member of the Special Educational Consortium and the Communication Trust who will both be responding to this consultation. Our response is restricted to question 6 and Annex A of the consultation paper outlining proposed amendments to the Code and specifically on the below proposed amendment to paragraph 6.1 of the Code:

Para 6.1 – under the section on improving outcomes, change the terminology which currently refers to 'children and young people are entitled to an education which enables them to make progress etc' to 'should expect to receive' as there is no legal entitlement in the terms described.

NDCS is extremely disappointed by this proposed amendment. The consultation describes this and other changes in Annex A of the consultation as "minor and non-substantive amendments". We do not agree. We believe that this change is a significant weakening of the Code as it goes from giving children and young people with special educational needs and disabilities an entitlement to a good education to something that 'should' (but not necessarily 'must') happen.

When NDCS shared the Code with parents of deaf children during the consultation period, this line had been something that had been particularly welcomed. Their response to their consultation may have been rather different had the new wording been included instead.

NDCS does not accept the argument that there is no legal entitlement in the terms described, given that the Code itself is statutory guidance and given that Parliament has approved this Code and the wording within.

In addition, the Government has ratified the UN Convention on Rights of Persons with Disabilities. Article 24 of this states that:

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;*
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;*
- c. Enabling persons with disabilities to participate effectively in a free society.*

In addition, Article 29 of the UN Convention on the Rights of the Child states that:

1. States Parties agree that the education of the child shall be directed to:

- a. The development of the child's personality, talents and mental and physical abilities to their fullest potential;*

We feel that the previous wording of the Code is more consistent with both Articles.

In light of the above points, we therefore urge the Department to reverse their proposed amendment to this key text.