

Additional Learning Needs and Education Tribunal (Wales) Bill: Evidence to the Children, Young People and Education Committee



November 2015

About Us

The National Deaf Children's Society (NDCS) is the national charity dedicated to creating a world without barriers for deaf children and young people.

We represent the interests and campaign for the rights of all deaf children and young people from birth until they reach independence.

Response

Please note that due to the short time frame on this inquiry, our response is brief and focuses on key pointers rather than detailing all of our concerns and thoughts on the draft Bill. However, NDCS Cymru is due to attend a round table discussion with the Committee and would be prepared to give oral evidence. We also intend to submit a detailed response to the Welsh Government consultation in December.

NDCS Cymru acknowledges that there are difficulties within the current system for supporting learners with Special Educational Needs and welcomes some aspects of the proposals. In particular the following points are encouraging steps forward:

- The inclusion of early years within the new system.
- The extension of the right of appeal to post-16.
- The emphasis on including young people in the development of their support plans.

While we welcome aspects of the draft Bill, we also have a number of major concerns about how the draft Bill will work in practice. We are particularly concerned that some of the changes could negatively affect deaf learners. Welsh Government statistics demonstrate that deaf learners are already vulnerable to underachievement, and it is imperative that changes to the system seek to address this vulnerability rather than increase it. As such, we consider that further work is needed to develop the draft Bill prior to its formal introduction to the Assembly.

In particular, NDCS Cymru wishes to draw the Committee's attention to the following broad concerns:

- There is a lack of clarity around how the process of developing an IDP will work and who will be responsible for driving it forward, particularly within the early years context. Nearly all (more than 90%) deaf children are from families with no first-hand experience of deafness.¹ Ensuring that children with sensory impairments and their families have appropriate support from diagnosis is crucial to communication development and subsequent future academic attainment. It is

imperative that the Bill and Code are further developed to reflect the importance of IDPs in the early years.

- The nature of sensory impairment means that deaf children will have ongoing support needs throughout their education. We would urge that the Code of Practice makes it clear that deaf and deafblind children must be eligible for an IDP.
- The involvement of specialist professionals in an assessment of need is imperative for children with low incidence needs such as a sensory impairment, and this must be clearly outlined.

With the draft Bill passing more responsibility to schools for creating support plans, the need to seek advice from specialist support staff/ the local authority could be easily overlooked with drastic consequences for the child. This is a particular issue for low incidence needs as the school ALNCo is likely to have little experience of the disability.

Therefore, should the redrafted Bill continue to make schools the gate-keepers for determining whether a plan is created at school or by the local authority, statutory guidance is needed to ensure frontline staff understand deaf children will always need a support assessment and the specialist professionals who must be involved. It is worth noting that the new Code of Practice in England clearly highlights the need to seek advice from Teachers of the Deaf in a deaf child's assessment for an EHCP.

- It is imperative that ALNCoS receive training in the IDP process; person centred planning; and specific deaf and deafblind awareness training.
- The IDP will outline legal rights and entitlements to specialist support. We are concerned that the guidance presented in the Code will result in flimsy plans which do not sufficiently outline a child's key ongoing support needs.

NDCS Cymru would urge that the IDP has a clear statutory format to assist with transparency and portability of support plans.

- We are disappointed that IDPs for the 16-25 age group are to be restricted to include only those in further education. Other deaf learners within this age group would greatly benefit from a support plan. It is particularly regrettable that young people undergoing apprenticeships will not have access to an IDP, unlike those over the border in England who are able to access an EHCP. It is also regrettable that the system does not encompass Higher Education. An IDP would be a great help to supporting young people in accessing higher education, particularly if the proposals to restrict Disabled Students Allowance (as recently consulted on by Student Finance Wales) go ahead.
- In order to gain trust in the system, it is important that disagreement systems and advocacy services are required to meet minimum national standards. It is also important that information on how to access these services is clearly made available to young people and their families from the outset and at key points throughout the IDP process.

- We are disappointed that the duties on health authorities and early years settings to work collaboratively on IDPs are weak.
- NDCS Cymru is concerned about how the quality of the new system and structures will be appropriately monitored. In particular, we would welcome further detail on how Estyn can be involved in ensuring that the new ALN system works effectively.
- Other details in the Bill need to be developed more fully. For example, the need to ensure that families are involved in decisions to make changes to an IDP. There is also the need for more detail in the Bill around the young person's ability to decline an IDP. It is important to ensure that where a young person makes this decision, they are fully informed and also of a mental capacity to make this choice.
- NDCS Cymru would like to see more detail on how the system will work within the post-16 context and around transitions.

Further Information

For further information please contact:

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Thank you.

ⁱ Rawlings B.W. & Jensema C (1977) *Two Studies of the Families of Hearing Impaired Children*. Office of Demographics, Washington DC Gallaudet University.

However, in light of recent evidence suggesting that half of deaf children become deaf during childhood, it is likely that this figure is a lot higher but there is no research to support this.