

NDCS CYMRU RESPONSE TO WELSH GOVERNMENT'S

DRAFT CHILDREN'S RIGHTS SCHEME 2014.

About Us

The National Deaf Children's Society (NDCS) Cymru 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 deaf children and their families.

Please note that in referring to "deaf" we refer to all levels of hearing loss, including mild, moderate, severe, profound, and temporary hearing loss.

Response

We welcome the opportunity to respond to the Draft Children's Rights Scheme 2014 and also welcome the positive steps the Welsh Government is taking to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) in its legislation and policies.

However, we are disappointed that there seems to be very little specific reference to the rights of disabled children in the draft scheme or in the Children's Rights Impact Assessment (CRIIA) tool.

We acknowledge that the duty to have due regard to the UNCRC sits alongside other duties, such as the legal duties under the Equalities Act 2010 and the Welsh Language Act 1993, as well as the European Convention on Human Rights. However, there seems to be no clarification as to how the various duties will work together in practice and how specific consideration will be given to the needs of disabled children. This could lead to confusion or to the needs of disabled children being overlooked in CRIAs. In the case of deaf children we would want to seek reassurance that their needs and rights will not fall between two stools.

Training

In the CRIIA six step model much emphasis is put on training staff to understand the UNCRC to enable them to give appropriate advice to Ministers on having due regard to the UNCRC. We would wish to see that the Measure Implementation Group provides training that includes awareness of the needs of deaf children.

For example, NDCS believes that deaf children have the right to be educated in settings which are accessible and allow them to listen and learn effectively. Under building regulations, new build and major refurbishments of school buildings are required to meet a minimum acoustic standard. The guidelines are within Building Bulletin 93 (BB93) which has recently been being revised in England. Building regulations were devolved to the Welsh Government on December 31st 2011 and at present it is not clear whether the Welsh Government is also considering revising BB93. We would expect that under the legal duty to have due regard to the UNCRC that the specific needs of deaf children were considered when BB93 is revised. This requires that policy officials have a basic awareness of the needs of disabled children when considering CRAs and have undergone training in these kinds of issues.

Promoting knowledge & understanding

We welcome the steps the Welsh Government is taking to promote knowledge and understanding of the UNCRC amongst children and young people. We would want assurances that any initiatives to promote knowledge and understanding of the UNCRC are accessible to all deaf children and young people, whatever their communication preferences. The same goes for supporting deaf children and young people who wish to complain about or challenge Welsh Ministers when they feel they have not complied with the due regard duty. We would seek assurances that all organisations that provide support are fully accessible to deaf children and young people.

Data

One concern we have is that the lack of data on the specific needs of deaf children and young people could have an impact on the duty to have due regard to the UNCRC in respect of deaf children and young people. Data is collected on deaf children in maintained schools who have special educational needs and are on School Action, School Action+ or have a Statement. The data on post-16 education provision in FEIs is less consistent. No data is collected on the non-education needs of deaf children and young people, for instance social care needs. Without such data it will be difficult for Welsh Government staff to make a full and reasoned assessment of the needs of deaf children and young people and of the impact of any particular policy or legislation when undertaking a CRA. We would wish to see Statistics Wales collating data on deaf children and young people in one place and in a form that is easily accessible. The information would be collated from a variety of sources, such as local education authorities, local authority social services departments and local health boards. This data should include the existing information on SEN; the number of deaf children and young people supported by social services; how many have received assistive equipment; information from audiology departments on incidence of deafness and glue ear and waiting times for audiology appointments and hearing aid clinics. We believe that if this

data was available in one place it would enable Welsh Government civil servants to make better informed decisions when ensuring compliance with the Children's Rights Scheme.

Conclusion

We would welcome the opportunity to support the work of the Welsh Government with regard to the UNCRC. In particular we would be pleased to advise on training for civil servants and others in ensuring that the needs of deaf children and young people in Wales are considered. We would also be keen to see deaf children and young people playing an active part in monitoring how Wales is complying with implementing the UNCRC. NDCS has a Youth Advisory Board comprising 17 young deaf people aged 13 to 18 with two representatives from Wales on the Board. We would welcome the opportunity for these young people to engage with the implementation of the UNCRC.

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