

Consultation on Draft Regulations: The Children Act 2004 Education Database (Wales) Regulations 2020; & The Education (Information about Children in Independent Schools) (Wales) Regulations 2020



April 2020

Response by the National Deaf Children's Society Cymru

About Us

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

We support deaf children and young people with all levels of hearing loss from mild to profound, including those with a unilateral loss (hearing loss in one ear) and temporary hearing loss.

Our Response

The National Deaf Children's Society Cymru acknowledge the Welsh Government's intention to create a database that allows for 'each local authority to compile a reasonably complete list of all children of compulsory school age in their area, to ensure they are receiving a suitable education regardless of where that takes place'.¹

Having considered the consultation, we recommend that Additional Learning Needs (ALN) should be classified as 'proportionate and reasonable'² data and be recorded within the database by type of ALN (including "hearing impairment"). If the purpose of the database is to ensure that children 'are receiving a suitable education regardless of where that takes place'³, then ensuring the child's ALN are met forms a fundamental part of this aim.

Recording ALN by type would also allow Local Authorities (LAs) to assess whether there is a disproportionate number of children with ALN in elected home education. This could be used to identify areas of concern. For example, where large numbers of children with ALN are being

¹ Welsh Government, *Consultation on Draft Regulations: The Children Act 2004 Education Database (Wales) Regulations 2020; & The Education (Information about Children in Independent Schools) (Wales) Regulations 2020*, p.2. Available at: <https://gov.wales/sites/default/files/consultations/2020-01/consultation-document.pdf>

² Welsh Government, *Consultation on Draft Regulations: The Children Act 2004 Education Database (Wales) Regulations 2020; & The Education (Information about Children in Independent Schools) (Wales) Regulations 2020*, p.6. Available at: <https://gov.wales/sites/default/files/consultations/2020-01/consultation-document.pdf>

³ Welsh Government, *Consultation on Draft Regulations: The Children Act 2004 Education Database (Wales) Regulations 2020; & The Education (Information about Children in Independent Schools) (Wales) Regulations 2020*, p.2. Available at: <https://gov.wales/sites/default/files/consultations/2020-01/consultation-document.pdf>

home-schooled, questions should be asked as to why and assessments made as to the suitability of mainstream educational provision for children with ALN.

Recording the presence of ALN would also help LAs to fulfil their duty to students with ALN who are home schooled. Under Section 14 of The Additional Learning Needs and Education Tribunal (Wales) Act 2018, LAs have a duty to provide children with ALN with an Individual Development Plan (IDP).

The duty is not specific to particular groups of children and would include those who are home educated. Under section 14 of the Act, if a local authority decides the child has ALN, it must prepare and maintain an individual development plan (IDP) for the child.⁴

We appreciate that, where families have opted for elected home education, LAs are not obliged to provide the support themselves, but are responsible for ensuring needs-matched support is in place.

Section 14 of the Act also sets out that where a local authority maintains an IDP for a child or a young person, the local authority must secure the additional learning provision (ALP) described in the plan. This does not mean the local authority has to directly provide the ALP. Where, for example, the IDP sets out the ALP as being one-to-one support, this could be provided by a parent home educating the child.⁵

Recording a child's ALN on the database would allow for swift identification of children who may have additional support needs.

Finally, including ALN as information held on the database would also help with safeguarding. It is a sad but accurate fact that children with additional learning needs are more likely to be vulnerable and susceptible to abuse whilst simultaneously being less likely to/ unable to speak out and raise their concerns.⁶ As the Wales Safeguarding Procedures state, safeguarding is everyone's business, and early intervention and resolution is key to preventing long lasting impact and distress⁷. As the Procedures outline:

Child Practice Reviews has highlighted the need for children to meet on their own with practitioners, away from parents and carers in an environment where they feel safe, so that the child can speak about the impact that the circumstances which have prompted safeguarding concerns are having on them.⁸

⁴ Welsh Government, *The Additional Learning Needs and Education Tribunal (Wales) Act 2018*, p.5-6. Available at: <https://gov.wales/sites/default/files/consultations/2019-07/draft-statutory-guidance-for-local-authorities-on-home-education.pdf>

⁵ Welsh Government, *The Additional Learning Needs and Education Tribunal (Wales) Act 2018*, p.6. Available at: <https://gov.wales/sites/default/files/consultations/2019-07/draft-statutory-guidance-for-local-authorities-on-home-education.pdf>

⁶ National Society for the Prevention of Cruelty to Children, *Safeguarding children with special educational needs and disabilities (SEND)*. Available at: <https://learning.nspcc.org.uk/safeguarding-child-protection-schools/safeguarding-children-with-special-educational-needs-and-disabilities-send/>

⁷ Wales Safeguarding Procedures. Available at: <https://www.safeguarding.wales/chi/>

⁸ Wales Safeguarding Procedures, *Safeguarding children who are home educated*. Available at: <https://www.safeguarding.wales/chi/c6/c6.p8.html>

A key part of ensuring children have their voices heard is supporting them to communicate using their preferred communication method. For D/deaf children, this may be via British Sign language (BSL), Sign Supported English (SSE), written and/or oral methods. By including ALN on the database, anyone working with children will be able to sufficiently prepare to ensure their contact with children is meaningful and accessible.

Further information

Thank you for the opportunity to respond. For further information please contact us at campaigns.wales@ndcs.org.uk