

19 January 2021

Response to the SEN Regulations Consultation Questionnaire:

We arranged focus groups with parents and young deaf people in November and December 2020 to discuss the draft regulations. Our response is based upon their comments and on NDCS's existing research and policy advice.

Do you agree that the proposed experience requirements for LSCs are sufficient for them to fulfil their role?

Agreed and welcomed, but it is important to note that 3 years SEN experience is no guarantee that LSCs will have experience of working with deaf children. Childhood deafness is relatively rare, with approximately 1,600 deaf children up to age 18 across all of Northern Ireland. Many deaf children find themselves the only deaf child in their mainstream school. Most mainstream schools will only occasionally have a deaf child enrolled, which limits opportunities to develop and retain expertise on deafness.

“Even with 3 years’ experience they won’t necessarily have met a child with a hearing impairment. That’s where deaf awareness training comes in.”

Ongoing input and advice on the **individual** needs of deaf children from Qualified Teachers of the Deaf is clearly needed. However Deaf Awareness training should also be a requirement for LSCs, as well as for classroom teachers and learning support staff with deaf children in their classroom. It needs to be regularly refreshed, not a once-off, to ensure that they are up to date with developments in technology and pedagogy that can maximise deaf children’s learning.

Continuity in the role is important:

“Dealing with 3 different SENCOs between P1 and P4 meant that positive implementation of the statement relied mostly on the relationship with individual teachers”.

“Every year you have to start again, it’s Halloween before it’s sorted and that’s with a permanent teaching assistant since P1”.

Do you agree with the proposal to introduce a maximum upper time limit for the EA to issue a completed Statement?

Agreed and welcomed. Delays are currently a source of great concern. There was, however, anxiety about how feasible this was, and how it would be guaranteed. One parent said:

“The EA never meets statutory time limits, so I’d like to see how they will do it in less time”.

One key suggestion is to make absolutely sure that every LSC has sufficient time allowed within school to do their role properly. There is also concern that they have sufficient focus on the role:

“This is only one of several roles our SENCO has (VP, P4 teacher, forest school leader)”.

There was a strong sense that time was currently wasted in going back and forth to pin down the level of support a child would receive. It would be better if those who advise on the development of the Statement set out in full detail ‘the nature and extent of the special educational provision to be made’ (as required by Regulations) at the earliest possible stage so that Statements can be agreed more quickly. This would include making sure their advice specifies and quantifies the level of input needed.

Transparency and accountability will be important. How will the EA be held to account if deadlines are not met? Who will monitor this? Will data around compliance be published?

There needs to be particularly tight scrutiny of how the regulation on exceptions to the upper time limit is interpreted, to ensure that 34 weeks does not in effect become the rule, rather than the exception.

We recommend that a detailed review is done after one year of operation to fully assess a) the proportion of Statements that have been produced over the 22 week upper limit due to ‘exceptions’, and b) the extent to which those circumstances truly were exceptional.

Where an annual review of a Statement is taking place in any year a meeting is not required, do you agree that the parent or young person over compulsory school age can ask for a meeting?

This is an important safeguard. We note that if Personal Learning Plans really do operate as intended, with two timely and meaningful reviews within school each year, there may not be the same need for annual reviews of Statements.

However there was unanimous agreement that timely review of Statements was essential at the proposed points (in each key stage, and before major transitions). Parents felt that additional reviews may indeed be needed – if current provisions are not working, or if parents felt it was important to start planning for their child’s transition at an earlier stage.

Do you agree with the introduction of time limits for the EA to inform the parent or young person over compulsory school age of the outcome of the annual review of a Statement?

Agreed. Parents felt that delays caused uncertainty and impacted learning:

“Their IEP still isn’t finalised half-way through a transitional year”,

“How are we meant to achieve goals, if they haven’t been set?”

Do you agree with the proposed list of people who can assist and support a young person (child over compulsory school age) to exercise their rights within the SEN Framework?

Support in principle.

Do you agree with the proposed list of people who can raise a question about a young person's lack of capacity to exercise their rights within the SEN Framework?

No views expressed.

Do you agree with the timescales regarding the mediation process?

Parents welcomed the new processes.

Gaps identified by parents of deaf children.

Recent experiences of disruption to education during the Covid 19 pandemic exposed a need for the new regulations/code of practice to include safeguards for interruption to learning for children with SEN.

"I want to see something built in to ensure that provision continues no matter what happens – now that we're all aware that things can happen to disrupt provision, they should have something in place."

Deaf-appropriate contingency plans were felt to be particularly necessary for older children (P4 and up). Differentiation is particularly important in this age group, where repetition and reiteration is not such a feature of standard lesson plans, yet it was not available for most deaf children during lockdown.

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