**Consultation guide: SEND Review**

**Guide for parents of deaf children in England on how you can respond to the Department for Education consultation - *SEND Review: Right support, right place, right time***

Last updated: 16 May 2022

The needs of deaf children can sometimes be very different to those of other children with SEND – so it’s important that the Department hear from as many parents of deaf children as possible on their plans to change the system.

This guide will help you respond to the consultation and pick out the areas where deaf children could be most affected. There are 22 questions in the SEND review. In this guide, we’ve gone through each question, summarised what the Department have said about it, and briefly summarised what we think about it.

The SEND review is what’s called a ‘Green Paper’. This means that the Government have lots of ideas but haven’t yet made any firm decisions on what to do next. This means there is often not yet much detail on how things will work in practice. This makes it harder to decide if something is a good or bad idea. But, it’s a good opportunity to influence them at an early stage and to shape their thinking.

There’s a lot in this paper and in the SEND review. Remember:

* you don’t have to respond to the whole consultation in one go. You can come back to it at different times and think about your answers. You can also use this document to make notes about what you think
* you don’t have to answer all the questions
* as a parent, your experiences are important evidence for the Department to think about. So do include this if you can as a way of explaining why you think what you do. Individual responses won’t be made public.
* the Department have included a question at the end if there’s anything you want to say that doesn’t fit in any of the earlier questions
* we’ve set out our thoughts – but what you think will or won’t work, is the most important thing for the Government to hear

The online consultation form is here: <https://consult.education.gov.uk/send-review-division/send-review-2022/>

If you’d like to read the Government’s response in detail, the SEND review papers, including a BSL version can be found at: [www.gov.uk/government/consultations/send-review-right-support-right-place-right-time](http://www.gov.uk/government/consultations/send-review-right-support-right-place-right-time%20%20)

**The consultation closes at 11.45pm on Friday 22 July.**

 **The consultation questions at a glance:**

Q1: National standards

Q2: Local SEND partnerships

Q3: How local authorities work together with others in a region

Q4: Education, Health and Care plans (EHCPs)

Q5: Producing ‘tailored lists of settings’ for EHCPs

Q6: Mandatory mediation

Q7: Disability discrimination cases at SEND Tribunals

Q8: Early years – progress check at age 2

Q9 and Q10: Training for SENCos

Q11: Multi-academy trusts

Q12: Post-16 support and apprenticeships for young people with SEND

Q13 to Q16: Alternative provision

Q17: Information about how local authorities are doing – data dashboards

Q18: Funding – national bandings and tariffs

Q19: National SEND delivery board

Q20 and Q21: How the new changes will be introduced

Q22: Open question for anything else not covered above (for example, Teachers of the Deaf)

| **Consultation question** | **Background – what the SEND review proposes**  | **What we think – our initial thoughts**  | **Notes – what do you think?**  |
| --- | --- | --- | --- |
| ***Consultation Question 1: What key factors should be considered when developing national standards to ensure they deliver improved outcomes and experiences for children and young people with SEND and their families? This includes how the standards apply across education, health and care in a 0-25 system.*** | * New national standards, aiming to improve how needs will be identified and met across education, health and care.
* Will include what support should be available in mainstream schools and “best practice in reasonable adjustments for disabled children”.
* Will also include information on what specialist provision should be available, when this would be appropriate and how it should be funded, as well as guidance on when a specialist placement or a statutory Education, Health and Care plan might be necessary.

More information: Paragraphs 1 to 5 of Chapter 2 | We think this is a good idea – but only if the national standards lead to better support for deaf children. We will not support anything which might result in a ‘race to the bottom’ or any deaf children losing support they now get and still need. We think there should be more consistency in support for deaf children and parents have the right to know what they should expect. We think there should be separate standards for deaf children that include:* Teachers of the Deaf
* choice of specialist provision depending on individual needs
* support with language development in the early years
* technology
* deaf awareness for teachers
* specialist careers advice and tailored support for moving into employment.
 |  |
| ***Consultation Question 2: How should we develop the proposal for new local SEND partnerships to oversee the effective development of local inclusion plans whilst avoiding placing unnecessary burdens or duplicating current partnerships?***  | * Proposed change to the law to require local authorities to set up new local SEND partnerships bringing together representatives from across early years, schools, further education, specialist provision, as well as health and care partners
* Local partnerships will work with parents and carers to look at what’s available in the local area and how it should be improved

More information: Paragraphs 6 to 11 of Chapter 2 | We think this is a good idea - but only if the new local SEND partnerships include those who manage specialist education services for deaf children.  |  |
| ***Consultation Question 3: What factors would enable local authorities to successfully commission provision for low-incidence high-cost need, and further education, across local authority boundaries?*** | * Most decisions about support for children with SEND takes place at a local authority level. The Government wants to encourage more decisions about support for children with more complex or ‘low incidence’ needs (needs which are less common than others, such as deafness) to be made at a regional level.

More information: Paragraph 10 of Chapter 2 | We think it would be a good idea if more decisions are made at a regional level. We think there are too many local authorities with services that are too small to meet the different needs of deaf children in their area. We want to see more joined up working. We think the Government needs to do more to make this happen so that local authorities have to work together on support for deaf children, unless they can show they are doing a good job in meeting the needs of deaf children by themselves.  |  |
| ***Consultation Question 4: What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?*** | * New local multi-agency panels will be created to review and make recommendations for decisions around Education, Health and Care needs assessments and plans.
* New templates and processes for Education, Health and Care plans (EHCP) which will be the same across England (instead of local authorities being able to produce their own versions as now).
* Digitised EHCP process with a new digital EHCP template and a secure central location for parents, carers and professionals to upload key information.
* More information: Paragraphs 14 to 23 in Chapter 2.
 | We think it’s a good idea to have the same template EHCP across England and to make EHCPs digitisedWe’re not sure about the use of local multi-agency panels. We think they could work but only if:1. they are genuinely independent of the local authority (i.e. not employed by the authority)
2. if they focus only on how local authorities have made decisions and don’t interfere with parents’ decisions or rights
3. it doesn’t make the process of getting an EHCP any longer
4. if they include Teachers of the Deaf and/or specialist education services for deaf children when making recommendations about deaf children.
 |  |
| ***Consultation Question 5: How can parents and local authorities most effectively work together to produce a tailored list of placements that is appropriate for their child, and gives parents’ confidence in the EHCP process?*** | * Local inclusion plans will set out the provision that is available within the local area, including resource bases within mainstream, alternative and specialist provision.
* Parents will be provided with a “tailored list of settings” that may be a good place for their child to go to. This could include schools outside of the local authority area.
* Parents will continue to have the right to request their child can go to a mainstream school, even if their child might be able to go to a special school or resource base
* More information: Paragraphs 24 to 28 of Chapter 2
 | We have concerns about how this will work.A tailored list could be helpful for parents in seeing what options are available in your area. We know that sometimes parents don’t know that, for example, there are specialist resource bases within a mainstream school in their area. At the same time, we’re worried that tailored lists could end up being used to discourage or restrict choice for parents.   |  |
| ***Consultation Question 6: To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation?*** | * Families and local authorities must engage in mediation before they can appeal to the SEND Tribunal about their child’s EHCP. Currently, this is optional, rather than mandatory.
* New national standards will set out clear expectations for how mediation will work, including around timescales and local authority representation.
* Government might also consider whether to introduce an additional redress measure in the form of an ‘independent review mechanism’.

More information: Paragraphs 29 to 32 of Chapter 2 | We think that mandatory mediation is a bad idea. We think it’s counter-productive because mediation won’t work if anyone feels like they’re forced to be there. We are also worried that mandatory mediation will introduce new delays, including in cases where a child is waiting to hear which school they will be going to. We think the Government should focus instead on how local authorities make decisions about EHCPs. We’re not sure about any new independent review mechanism. We think it could work - but only if it focuses on how local authorities have made decisions about EHCPs, is genuinely independent of the local authority and doesn’t reduce parents’ rights to appeal or slow things down. |  |
| ***Consultation Question 7: Do you consider the current remedies available to the SEND Tribunal for disabled children who have been discriminated against by schools effective in putting children and young people’s education back on track?*** | The Government want to look at how disability discrimination cases are handled by the SEND Tribunal. More information: Paragraph 33 to 34 of Chapter 2. | We will be thinking more about how to respond to this question.  |  |
| ***Consultation Question 8: What steps should be taken to strengthen early years practice with regard to conducting the two-year-old progress check and integration with the Healthy Child Programme review?*** | The Government wants to make sure that early year practitioners are well-skilled and that the progress check that takes place when your child is aged two goes well. More information: Paragraphs 3 to 5 of Chapter 3. | We think that it should be a requirement that Teachers of the Deaf are involved in the two-year-old progress check and that they work closely with early years practitioners and health visitors as part of this. We think their advice on deaf children’s language development is really important at this age.  |  |
| ***Consultation Question 9: To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo?******Consultation Question 10: To what extent do you agree or disagree that we should strengthen the mandatory SENCo training requirement by requiring that headteachers must be satisfied that the SENCo is in the process of obtaining the relevant qualification when taking on the role?*** | The Government plans to introduce a new leadership qualification for SENCos.More information: Paragraphs 21 to 24 of Chapter 3. | We have no strong views on this.  |  |
| ***Consultation Question 11: To what extent do you agree or disagree that both specialist and mixed multi-academy trusts (MAT) should coexist in the fully trust-led future? This would allow current local authority maintained special schools and alternative provision settings to join either type of MAT.*** | * The Government wants academies to work more closely with specialist schools and for them to form part of wider multi-academy trusts.

More information: Paragraphs 41 to 42 of Chapter 3. | We have no strong views on this question. |  |
| ***Consultation Question 12: What more can be done by employers, providers and government to ensure that those young people with SEND can access, participate in and be supported to achieve an apprenticeship, including though access routes like Traineeships?*** | * New national standards will include standards for transition between education and work.
* New teacher training or further education teachers being developed – is “likely to include” a specialist option in SEND for further education teachers
* The Government will also improve careers guidance, including better information about the support that is available as young people move into work.

More information: Paragraph 43 to 53 of Chapter 3. | We think that the proposals in this section are a good idea. We want the Government to make sure that schools, colleges and local authorities work together on specialist careers advice for deaf young people, with links to work-based training opportunities and employment schemes such as Access to Work and Jobcentre Plus. We think the above should also be included in any new national standards. We also think the Government should go further on teacher training for further education teachers and commit to it, including a section on SEND (rather than just saying this will be “likely”). This should include a section on deaf awareness and working with specialist teachers. Whilst this section of the consultation talks about support for young people to move into employment, the consultation question only focuses on apprenticeships. You should feel free to talk about anything else the Government can do to support deaf young people to move into employment if you would like to. |  |
| ***Consultation Question 13: To what extent do you agree or disagree that this new vision for alternative provision will result in improved outcomes for children and young people?******Consultation Question 14: What needs to be in place in order to distribute existing funding more effectively to alternative provision schools to ensure they have the financial stability required to deliver our vision for more early intervention and reintegration?******Consultation Question 15: To what extent do you agree or disagree that introducing a bespoke alternative provision performance framework, based on these 5 outcomes, will improve the quality of alternative provision?******Consultation Question 16: To what extent do you agree or disagree that a statutory framework for pupil movements will improve oversight and transparency of placements into and out of alternative provision?*** | The Government is proposing to improve how children in alternative provision are supported. More information: Chapter 4. | Alternative provision refers to education support for children where, because of behaviour issues, exclusion or illness, they have been provided with a different education from normal (e.g. in a Pupil Referral Unit). This is not an area that we know lots about. However, if you’re a parent of a deaf child in alternative provision, we encourage you to share your thoughts and experiences with the Government. |  |
| ***Consultation Question 17: What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these****.* | * New local and national inclusion dashboards so that parents can more easily look at data to see how their local area is doing.
* Will show data on:
	+ outcomes and experiences
	+ identification of need
	+ value for money.
* The Department for Education will work with NHS England on better data sharing between education and health.

More information: Paragraphs 14 to 20 of Chapter 5. | We think this is a good idea – but only if the new national and local dashboards specifically include information and data on deafness. We think that the dashboards should include information and data on outcomes achieved by **all** deaf children from early years up to higher education. We also think that dashboards should track the destinations of deaf young people post-school and post-college. We also think that numbers of Teachers of the Deaf and funding available to specialist education services for deaf children are also important to show how well the system is supporting deaf children.  |  |
| ***Consultation Question 18: How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks****?* | * Introduction of a new national framework of banding and price tariffs to show how much the Government thinks should be spent for different types of needs and support.
* Government will also set guidelines for who pays for support and how local authorities set funding levels

More information: Paragraphs 27 to 31 of Chapter 5. | We are worried about how this will work. We think there is a risk that any bandings or tariffs end up being too simplistic when looking at what support individual deaf children need, particularly if deaf children have any other needs. We think it’s important that any bandings and tariffs are set at the right level – otherwise, specialist services and schools might find it harder to continue. This may reduce the range of specialist support available to deaf children.  |  |
| ***Consultation Question 19: How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully?*** | * A new national SEND Delivery Board will be established, bringing together national delivery partners including parents, and representatives of local government, education, health and care.

More information: Paragraphs 6 to 7 of Chapter 6. | We think this is a good idea - but only if the Board includes representation from organisations representing deafness, or sensory impairment.  |  |
| ***Consultation Question 20: What will make the biggest difference to successful implementation of these proposals? What do you see as the barriers to and enablers of success?*** | * The Government acknowledges that changes made in 2014 didn’t work as well as they should have done because they didn’t think enough about how the changes were introduced.
* Government will take into account local conditions and the impact of the pandemic. They will also listen to what local areas say they can realistically do.

More information: Paragraphs 8 to 11 of Chapter 6. | We think there are four important factors that will help make sure that these reforms deliver better support for deaf children: 1. Workforce. It’s important there are enough Teachers of the Deaf to support deaf children from birth all the way up to adulthood. This includes the important work they do with families in the early years to promote good language development. It also includes the work they do with teachers in mainstream early years settings, schools and colleges to make sure they’re deaf aware. We think the Government needs to take action to reverse the 17% fall in Teachers of the Deaf since 2011.
2. Funding. Although the Government say there is more funding going into SEND, we still come across examples of funding for local authority specialist education services being cut.
3. Accountability. We don’t think that the SEND review goes far enough in holding local authorities to account. For example, we’re not clear what parents could do if they found that any new national standards were not being met.
4. Coproduction. We agree with the Government that the full involvement and engagement of families is important. But we think that they need to look more closely at how this is done at a local level.
 |  |
| ***Consultation Question 21: What support do local systems and delivery partners need to successfully transition and deliver the new national system?***  | More information: Paragraphs 8 to 11 of Chapter 6. | We think that there are two important things that need to be in place: 1. More Teachers of the Deaf. As above, we don’t think the changes will succeed for deaf children unless there are enough Teachers of the Deaf able to provide support to families and deaf children from birth onwards.
2. Being firmer in how local areas are held to account. As above, we don’t think that the SEND review goes far enough and that the Government should consider how they will learn from parents on how things are going and whether any new national standards are being met.
 |  |
| ***Consultation Question 22: Is there anything else you would like to say about the proposals in the green paper?*** | N/a  | In this section, we plan to focus on numbers of Teachers of the Deaf and specialist education services for deaf children. We’re disappointed that there is no mention of Teachers of the Deaf anywhere in the review.We think they play a really important role in the SEND system for deaf children but, despite this, we’ve seen a 17% fall in the numbers of Teachers of the Deaf since 2011. We also continue to hear from parents that specialist education services are reducing support in many areas because of cuts to budgets. If you or your child has benefited from support from Teachers of the Deaf, this is a good place to say so.Equally, if support for your child has been reduced and/or you’re not getting the support you think you need you can use this section to ask the Government how the SEND review will address this.  |  |

Reminder:

* The Department for Education are asking people to give their views through an online form: <https://consult.education.gov.uk/send-review-division/send-review-2022/>
* If you’d like to read the Government’s response in detail, the SEND review papers can be found at: [www.gov.uk/government/consultations/send-review-right-support-right-place-right-time](http://www.gov.uk/government/consultations/send-review-right-support-right-place-right-time)
* **The consultation closes at 11.45pm on Friday 22 July.**