

# **Cross-border commissioning of specialist education support for deaf children (England)**

National Deaf Children's Society position paper (March 2023)

## **Summary**

Local authorities play a key role in commissioning specialist education services and provision for deaf children and their families, so that they receive the support they need to achieve good outcomes.

Given that deafness is a low incidence need, we believe that specialist education services and provision that have been commissioned across a larger geographical area will be better able to deliver a more comprehensive, high-quality and joined-up offer to deaf children and their families at a local level.

For this reason, we will oppose any steps to 'break-up' existing services unless it can be shown that this will not have a negative impact on deaf children.

We will also support any steps to secure more commissioning of services and provision for deaf children across local authority boundaries.

## **Why cross-border commissioning can help improve support to deaf children**

As deafness is a low incidence need, it can be especially challenging for relatively small local authorities to deliver the services and provision needed to meet the diverse needs of deaf children and their families in their area, across the full age range.

For example, deaf children's needs might vary according to:

- age of identification
- whether the child was born deaf or become deaf later in childhood (before or after language development)
- use of spoken or sign language in the family and in their education setting
- use of other spoken languages in the family
- use of hearing technology (hearing aids, cochlear implants, radio aids, etc.)
- whether the child has any other additional needs
- wider disadvantages or barriers faced by their families.

Cross-border commissioning of specialist education services and provision for deaf children can help to address these challenges. We also believe it can lead to improved outcomes for deaf children and increased parental confidence. For example, it can help ensure:

- greater consistency in the quality and equity of support provided to deaf children, addressing any postcode lottery gaps
- more effective planning and commissioning of specialist education services and provision that can meet the differing needs of deaf children and provide meaningful choice to families. As specialist education services will be working with deaf children from birth, there is often more scope to anticipate the future need for specialist provision based on current assessments of need
- more scope for strategic workforce planning. For example, larger services will also be better able to maintain continuity in provision where there are staff illnesses, vacant posts, etc. than a service that only employs one or two Teachers of the Deaf

- services better able to develop further specialist knowledge within the service (e.g. education audiologists, early years, post-16 or on specific needs) – these expert staff can be deployed where need is, across a wider area
- greater scope for sharing of resources and economies of scale, potentially generating savings that can be reinvested into raising outcomes for deaf children
- more opportunities for training and mentoring, as well as more sharing of knowledge and good practice across an area
- more scope for greater coordination and joint working with health and social care (e.g. pooling of budgets for assistive listening devices or other specialist equipment).

These benefits have been recognised in government documents. For example, paragraph 3.68 of the SEND Code of Practice (2014)<sup>1</sup>, in relation to children with highly specialised and/or low incidence needs, states that:

*“partners should consider strategic planning and commissioning of services or placements for children and young people with high levels of need across groups of authorities, or at a regional level. The benefits include:*

- *greater choice for parents and young people, enabling them to access a wider range of services or educational settings*
- *greater continuity of support for children and young people in areas where there is a great deal of movement across local authorities (for example, in London).”* (paragraph 3.68)

In addition, Department for Education guidance for local authorities *Sustainability in high needs systems*<sup>2</sup> states:

*“... LAs may wish to consider combining specialist SEN and disability services, for example for expert professionals such as educational psychologists and specialist teachers, so that sustainable centres of expertise are created, providing schools and other institutions with the extent and quality of specialist support they need. A number of LAs are already developing such collaborative approaches and seeing better value for money and savings as a result. LAs should consider their neighbours as key partners in their sufficiency planning and develop relationships accordingly.”*

*“Children and young people with low incidence but highly complex special educational needs may require highly specialised provision which is not available in every local area. Such provision is frequently offered by providers which operate at a regional or national level, often through independent or non-maintained special schools and specialist post-16 institutions. LAs should consider what co-operative arrangements across local boundaries could be put in place to meet the needs of these children.”*

### **Why more cross-border commissioning is needed**

Data<sup>3</sup> shows that there are too many relatively small local authorities in England seeking to meet the full range of specialist education services and provision needed by deaf children in their area:

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<sup>1</sup> [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1084835/Local\\_authority\\_guidance\\_on\\_high\\_needs\\_sustainability.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1084835/Local_authority_guidance_on_high_needs_sustainability.pdf)

<sup>3</sup> [www.ndcs.org.uk/media/8490/cride-2022-england-report-final.pdf](http://www.ndcs.org.uk/media/8490/cride-2022-england-report-final.pdf)

- The number of qualified peripatetic Teachers of the Deaf in each service ranges from 0.4 to 12.2 (fte). 29 services employ two or fewer peripatetic Teachers of the Deaf, of which four services employed one or fewer (e.g. 0.5 fte) fully qualified peripatetic Teachers of the Deaf.
- There are 32 services (26%) where each visiting Teacher of the Deaf has a theoretical caseload<sup>4</sup> of, on average, 80 or more deaf children, of which there are 17 services (14%) where there are, on average, 100 or more deaf children on the theoretical caseload.
- 43 local authority specialist education services for deaf children (33%) do not appear to have a resource provision for primary-aged children in their geographical area whilst 52 services (40%) do not appear to have one for secondary-aged children.
- Looking at the spread of resource provisions against the overall population of deaf children, on average, there is one resource provision for every 197 deaf children. Again, there is wide variation around this – the largest spread is found in the West Midlands where there is, on average, one resource provision for every 381 deaf children.

Separately, we also know that there are just 18 special schools for deaf children across England.

### **Action needed – 1) preventing the break-up of existing services**

We do not support any steps to ‘break-up’ existing local authority specialist education services for deaf children, unless it can be clearly evidenced that there will be no negative impact on deaf children.

It is apparent that, where cross-border commissioning already exists, it is highly reliant on robust joint agreements being in place and the goodwill of local authorities. It can also be vulnerable to changes in local authority political control.

To demonstrate that there will be no negative impact, we expect there to be an assessment of the impact that breaking up the service will have, as well as information about how any new local authorities will maintain or improve existing levels or provision. Any assessment should consider any impact on:

- staffing levels and expertise
- eligibility criteria
- any specialist provision that deaf children in the area access
- parental confidence and demand for specialist placements and/or statutory plans
- the extent to which good-practice quality standards<sup>5</sup> will be met in any new structures

We believe that views from parents, deaf young people and professionals should be sought to inform any such impact assessment.

### **Action needed – 2) ensuring more cross-border commissioning**

We also want more local authorities to work together to deliver more joint commissioning of high-quality specialist education services and provision for deaf children. Practical guidance around how this can be done has been produced by the National Sensory Impairment Partnership (NatSIP)<sup>6</sup>.

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<sup>4</sup> In simple terms, and for consistency across all parts of England, a theoretical caseload is calculated by dividing the number of permanently deaf children living in any given area and in non-specialist provision<sup>4</sup> by the number of visiting Teachers of the Deaf who are qualified or in training for the mandatory qualification<sup>4</sup>. Responses have been excluded where there were obvious gaps or anomalies in either the number of Teachers of the Deaf or numbers of deaf children living in the area.

<sup>5</sup> Quality standards for specialist services for children with sensory impairments has been published by the National Sensory Impairment Partnership (NatSIP), funded by the Department for Education - [www.natsip.org.uk/doc-library-login/quality-improvement-for-services/01-quality-standards-for-sensory-support-services](http://www.natsip.org.uk/doc-library-login/quality-improvement-for-services/01-quality-standards-for-sensory-support-services)

<sup>6</sup> [www.natsip.org.uk/doc-library-login/send-reforms-implementation-support/joint-commissioning-files/1421-regional-commissioning-report-mar-2018](http://www.natsip.org.uk/doc-library-login/send-reforms-implementation-support/joint-commissioning-files/1421-regional-commissioning-report-mar-2018)

However, a key challenge is that there is no real incentive for local authorities to work together or any clear framework or 'levers' to bring them together. We believe that these challenges are the most significant barriers to any wider cross-border commissioning. Simply encouraging local authorities to "consider" cross-border commissioning has not been effective. For this reason, we believe that the Government should do more to secure more cross-border commissioning of specialist education services for deaf children. This should include:

- ensuring that education funding systems incentivise local authorities to work together. This can be justified by the likely savings in terms of improved provision
- strengthening guidance to require local authorities to keep provision under review and, as part of this, actively and specifically consider if cross-border commissioning would help them secure effective provision for deaf children and other low incidence needs
- play an active brokerage role in encouraging, facilitating or directing local authorities to commission specialist education services and provision for deaf children on a cross-border basis where it becomes apparent that a local authority will not be able to secure effective provision for these children.