

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.

## **Draft response to the SEN Code Consultation Questionnaire:**

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

### **Do you agree that the responsibilities of the Learning Support Co-ordinator (LSC) are clearly set out in the SEN Code?**

Yes. However we have additional suggestions that should be included within the code:

Deaf Awareness training should be a requirement for LSCs, as well as for classroom teachers and learning support staff who have 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. Ongoing input and advice on the **individual** needs of deaf children from Qualified Teachers of the Deaf is also needed, and it is good to see that the Code specifies that their advice is required at key points.

Incentivising continuity in the LSC 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".*

The Code should contain a mechanism to check that every LSC has sufficient dedicated time allowed within school to do their role properly.

Schools must also ensure that LSC have sufficient focus on the role, particularly in smaller schools:

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

### **Where there is a concern that a child may have SEN, do you agree that the process to be followed by schools is clear in the SEN Code?**

Yes. Advice from a qualified Teacher of the Deaf, particularly where they may have been working with families to support learning and development from birth, will be key in identifying a deaf child's difficulties in learning, alongside engaging fully with the family. We are pleased to see that 'partnerships with parents and young people' and the 'views of the child' are recognised as key elements of the process at every stage.

It is also good to see that parents, children and young people have a clear right to information on all aspects of the SEN process, and recognition that they may need help 'to understand the SEN Framework and the important role they have to play in it'. In discharging their duty to inform, schools will need to be aware of the specific communication requirements of deaf

children and young people. Schools should seek advice if necessary, to make sure that they are providing information in an appropriate format.

**Where a child is at Stage 1 of special educational provision, do you agree that the process to be followed by schools is clear in the SEN Code?**

Yes. Parents are clear that it is valuable to explore what support can be provided by schools by means of making reasonable adjustments and by taking advice from Teachers of the Deaf. The Personal Learning Plan should be a useful, working document to build understanding of a child's special educational needs and what is, or is not, helping them make progress in learning.

Expectations and ambitions should be high, and deaf children should move quickly to stage 2 if they are not progressing and achieving as expected. One young person expressed the importance of this:

*"The school had high expectations for me, and I have grown and achieved because of this. If I was in a different school, I would be totally different to what I am now."*

All schools should be helping children to grow and achieve.

**Where a child is at Stage 2 of special educational provision, do you agree that the process to be followed by schools is clear in the SEN Code?**

Yes. We are pleased to see that, if a child is deaf, both the new Regulations and Code still **require** the EA to seek educational advice "from a person suitably placed" – in other words, a qualified Teacher of the Deaf. Their contribution to the process is irreplaceable.

Particularly relevant for deaf children are the indicators which suggest that the EA should make a Statement, which include: "where the child requires regular direct teaching by a specialist teacher, daily individual support from a non-teaching assistant, or a major piece of equipment which would put an unreasonable demand on the school's resources". We are pleased to see this within the Code.

**Where a child is at Stage 3 of special educational provision, do you agree that the process to be followed by schools is clear in the SEN Code?**

Yes, although this is a detailed document, and we look forward to the 'clear, transparent and easily accessible guidance' that the EA is required to provide. We recommend that this is co-produced with parents, children and young people with SEN, to ensure that starts from their viewpoint and covers the information that they feel they need to know. It should be provided in a range of formats to suit the communication needs of those who will use it.

Again, we are pleased to see that seeking educational advice from a suitably qualified person is a requirement when making an assessment or a Statement for a deaf child or young person.

**Do you agree with the proposed content of the Personal Learning Plan (PLP)?**

There was a great deal of support for both the proposed content of the PLPs and also for how they are intended to be used to support consistency and continuity throughout a child's education.

Parents particularly liked that it began and ended with the views of the child. They welcomed the opportunity to make sure that the actions and approaches were appropriate to the age and stage of the deaf child, and relevant to the curriculum as taught within that particular school, rather than using generic approaches. Comments included:

"I like this – it's more organised, and at the moment they put whatever they feel."

'I like the accountability. I like that they have to come back and check if it's working – and if it's not working, [ask] what can we do about it now?'

"If it starts on time with the beginning of the school year and ends well at the end of the year, it would set them up for the next year too."

Parents stressed that ILPs should focus on high aspirations for the child, on what they can achieve, not what they cannot.

They welcomed proposals to share ILPs as children progress through their school career, so that they are not having to start from scratch every time.

In particular, it was felt that ILPs would be very useful as a starting point for discussion with LSCs at any new school they were considering for their child at times of transition. It was suggested that

"while transition is being made, the same support should be given as the child had in Primary school",

until new arrangements can be agreed, regardless of whether this provision is set out in a Statement or in an ILP.

**Once a child with a Statement reaches the age of 14, do you agree that the school process for the completion of the first transition plan is clear?**

Yes, however, strong reservations were expressed about the contribution currently made by the careers service, in many parent's experience.

"She handed us a leaflet with the names of colleges on it. If that was the sum total of what I was relying on, I would be concerned."

"If that's what our children in secondary schools are given, it's too little, too late."

The commencement of the new regulations and code should be seen as an opportunity to clarify the role and the input of the Careers Service, to ensure that staff involved in transitions planning for deaf young people have had deaf awareness training and are better equipped to understand and meet their specific needs. Careers advisors should have high aspirations for deaf young people, and should be in a position to ensure they are clear on the specialist

funding and support available to them in the workplace (i.e. Access to Work) and on their equality rights.

We welcome particularly the commitment within the Code that it will be possible for children who have SEN but who do not have a Statement to avail of transition planning arrangements, where appropriate.

## **Other comments on proposals within new SEN Code**

### **Dispute resolution and Mediation**

Parents welcomed the extension of options for independent dispute resolution and mediation, particularly in the early stages, before going to formal appeal. Clarity around the roles and responsibilities of the different parties is helpful. It was felt that independent input to dispute resolution can help protect positive relationships, particularly with the school.

### **Annual Review**

On balance, parents agreed that as long as ILPs were genuinely live working documents, subject to real-time review and adaption, and as long as parents could request a review of a Statement if they felt it was necessary in a year when none was planned, then they would support the proposals in the Code.

‘It makes the learning plan even more important, making sure it’s robust enough to catch everything.’

### **Provision for 16+ young people to make their own decisions:**

This was supported. One young person said:

“I think that would be a handy thing to have – to give them responsibility for themselves more, and what is best for themselves. I think it’s nice to have but I might not use it myself. That’s what I think”;

‘It should be an option for everyone to choose.’