

Dear Emma,

Thank you for inviting the British Association of Teachers of Deaf Children and Young People (BATOD) to share our views on the Department for Education's support for children and young people with special educational needs and disabilities (SEND) in England. Please find below our response.

1. Does DfE's SEND and alternative provision improvement plan adequately address all the root causes behind current challenges in the SEND and AP system? If not, what is missing?

Qualified Teachers of Deaf Children and Young People

The improvement plan does reflect the commitment of the Department to ensure there are enough qualified Teachers of Deaf Children and Young People (QToDs) (p 62), and to exploring further options to increase numbers. It noted "Those teaching classes of children with sensory impairments **must** hold an appropriate qualification approved by the Secretary of State – the Mandatory Qualification for Sensory Impairment (MQSI). Teachers working in an advisory or peripatetic role are **also strongly advised** to complete MQSI training, in the best interests of the children and young people with whom they work."

BATOD believes teachers working in an advisory or peripatetic role **must** also complete MQSI training, in the best interests of the deaf children and young people (CYP) with whom they work across the ages from birth to adulthood.

The plan noted the possible new apprenticeship for specialist teachers of children with sensory impairment. BATOD believes there must be a process in place to ensure individuals are qualified within the stipulated three-year period (2003 regulations).

National standards

"Standards will improve early identification of needs and intervention, and set out clear expectations for the types of support that should be ordinarily available in mainstream settings" (p 4). This has potential to remove the postcode lottery that some families of deaf children and deaf young people experience.

BATOD agrees with the National Deaf Children's Society that "there needs to be a stronger focus on disability in the new national standards. Under the Equality Act 2010, education settings and local authorities have to make "reasonable adjustments" to make sure disabled children aren't disadvantaged." BATOD also believes that any new national standards should clearly set out what these reasonable adjustments might look like for deaf CYP.

Teacher training

It was stated there will be a review of Initial Teacher Training (ITT) this year. BATOD believes there should be a consistent expectation for ITT to include deaf awareness training to support the understanding of deaf CYP, a low-incidence but high-need cohort.

Post-16 support

The plan noted a good practice guidance on transition into and out of post-16 settings (p 35). This guidance should be positive if it can effectively combine aspects such as the Disability Support Allowance Non-Medical Help, National Institute for Health and Care Excellence (NICE) quality standards

(transitions to adult services). Equally the 'adjustments passports' should help deaf and disabled young people move into employment by setting out what support they might need.

Education, Health and Care plans (EHCP)

A new standard template for plans (p 10) should be helpful. The template should be secure, easy to navigate and to access. It must be compatible for those requiring access for visual needs or requiring British Sign Language (BSL) interpretation, for example, to meet the access needs of all care givers and CYP. BATOD supports the proposal to move to a digitised format. However, arrangements must be in place for those families who do not have access to technology in their homes and who may need support to navigate a digital format.

The new tailored lists of settings (p 10) should be inclusive of all suitable options and must not be used to restrict the choice of families of deaf children and deaf young people in the future.

To support parents/carers to make a truly informed choice so that the tailored list is appropriate to their child's needs, it is essential that:

- the family, and where possible the deaf CYP, are involved in decision-making from the start and have confidence that their contributions are welcomed and taken note of/acted upon
- the EHCP is an accurate and detailed reflection of the deaf CYP's needs
- all appropriate specialists have been fully involved in the assessment process, including, for example, specialist QToDs
- the inclusion plan is truly comprehensive and has sufficient specialist placements to meet need, including those outside the local authority (LA) boundary
- families are able to visit placements
- while recognising the pressure on LAs, for this approach to be effective and gain confidence of parents/carers, placement costs cannot be an overriding factor
- where a mainstream placement is a suitable, preferred option, the LA must ensure that appropriate funding and provision are in place, that the funding is ring-fenced, and the school/setting is fully compliant with the implementation and review of the plan
- SEND officers responsible for decision-making must be sufficiently trained and experienced, supporting the legal processes while taking advice from specialists and the family about the specific needs and provision required.

Inclusion dashboards

If the dashboards capture data specifically and accurately on deaf CYP this should be helpful.

What's not in the improvement plan?

The plan omits detail on how the Department will improve the age 2 checks for children. The SEND review consultation indicated that the Department would look at how these could be strengthened. BATOD strongly believes that QToDs must be involved in the two-year progress check. QToDs can be working with deaf children as young as 4 weeks of age, following identification of deafness after the newborn hearing screening and subsequent detailed hearing assessment. The QToD role involves carrying out detailed specialist assessment and monitoring, which will have key information about a deaf child. The QToD will also have the skills to be able to highlight where there may be a need that is not solely explained by their deafness. The two-year progress check is a key milestone for multi-agency

working, and it is essential for health and education agencies to work together within systems that allow for seamless information sharing and joined up working. There is evidence of significant gaps in awareness of the role of QToDs from health visitors carrying out this check. The Consortium for Research into Deaf Education (CRIDE) survey found that 53% of local services were not involved in the two-year checks and that indicates gaps in knowledge in the workforce and lack of joined up working. The requirement for QToD involvement in this check also facilitates awareness raising amongst the health visiting profession about deafness and signs to look out for. Health visitors may be visiting children who were not identified as deaf at the newborn hearing screen but may have later onset deafness.

The plan lacks clarification on inclusion – what does an inclusive system/school look like? How would we know if it was in place?

2. If you could choose one issue for DfE to prioritise action on to improve support for children and young people with special educational needs in England, what would it be? Why?

A priority action is the investment in securing and sustaining the number of Qualified Teachers of Deaf Children and Young People (QToDs).

A QToD is a qualified teacher with the additional mandatory qualification that equips them to work with deaf children and young people (CYP) from birth to young adulthood. The upper age limit is regulated by each of the respective four UK governments but can be up to 25 years. A number of deaf CYP have additional needs ie a number of CYP with special educational needs have permanent or temporary deafness.

QToDs play a crucial role in the lives of deaf babies, children, young people and their families by providing advice and support, from the point of identification of deafness right through to the end of education.

For the early years, QToDs play a crucial role in supporting families to interact confidently and effectively with their deaf baby from point of identification and support them using evidenced based strategies to create rich language environments and make informed choices about which language and communication choices are right for them and their deaf child. However, the structural and policy challenges limit the consistent availability of well-targeted early identification and multi-agency intervention across education and health, and thus an effective inclusive early years provision is often not available. Factors such as long waiting lists for Ear, Nose and Throat (ENT) appointments is creating an increased population of young children vulnerable to language and social well-being development due to the untreated glue ear cases. This in turns increases the needs demand in early years settings, education and health to provide interventions.

Across all ages, the premise of an effective QToD role is to share a depth of understanding of the needs of deaf CYP and how to meet them. This specialist support focusses on two key outcomes as a route to social inclusion, ensuring all CYP have fair and optimised access to education and that all CYP have opportunities to develop their own agency, voice and independence. Achieving these outcomes requires inclusive practice such as:

- Family-centred practice
- Partnership working with educational professionals
- Multi-agency working with partners in health, social care and third sector organisations.

- Direct teaching

If sufficient numbers of QToD are not maintained, this will continue to have a negative impact on deaf CYP and their families – on their education, social inclusion and health and well-being.

3. What is working well in the SEND system? Would you highlight any good practice, including approaches taken by specific local authorities or education providers?

The following are working well:

Understanding of importance of early intervention

- Newborn hearing screening and NHS key performance indicators to measure referral timeframes to audiology
- QToD intervention from point of identification of deafness (congenital and late diagnoses) - CRIDE ([Consortium for research in deaf education](#)) - measures of timeframes for specialist engagement from QToDs services.

Understanding of multi-agency family centred working

– Children’s Hearing Service Working Groups (CHSWGs) are groups of parents and professionals who work with deaf CYP. They meet regularly to help improve health, education and social care services for deaf CYP and their families.

– Settings and sectors have access to the [specialist deaf curriculum framework](#) that has been written to support deaf babies, CYP, and their families to develop knowledge and make informed and independent decisions about their deafness, from identification through to adulthood.

Specialist training for support staff

City/county wide training and network support for support staff/teaching assistants in mainstream and special school settings.

4. What do you believe are the major barriers to achieving the ambitions set out in DfE’s improvement plan? How can these be overcome?

Definitions

Common agreement on ‘what is inclusion?’, ‘what are reasonable adjustments?’, ‘what are additional needs?’, ‘what are complex needs?’, ‘what is a complex profile?’, ‘how are SEN support and EHCPs defined?’, ‘what are the expectations of ordinarily available provision in a mainstream setting?’

Parity in practice

Parity in practice across academy and non-academy provisions – staff qualifications of specialists supporting deaf CYP

Parity in practice and access to opportunities for staff with disabilities. Barriers exist within educational institutions and employment sectors, that prevent some deaf people accessing higher education to then pursue careers in teaching and for some subsequently specialist teaching professions.

Planning provision

Planning provision at a regional level must enhance the development of provision and promote more effective deployment of the High Needs Funding for CYP with low incidence high level needs, as for many deaf learners. Deaf learners must be educated in provisions that can meet their need, with access to QToDs, irrespective of their geographical location. Such a proposal must state clearly how:

- these new partnerships will link to/build upon the work of current partnerships
- the inclusion plan will be developed, implemented and inform local authority (LA) Local offers
- statutory expectations and funding arrangements will facilitate genuine multiagency working and decision-making
- barriers such as information sharing and information technology (IT) protocols can be overcome, to facilitate time and cost-effective support to families, reducing duplication and bureaucracy
- these partnerships will be accountable to LAs and to CYP and families
- low incidence needs will be represented – for example, the well-established Children’s Hearing Services Working Groups (CHSWG) that represent the needs of deaf CYP and their families at local levels.

BATOD would welcome involvement in the development of this proposal and formulation of the SEND Partnerships and regional commissioning protocols to inform planning and commissioning for low incidence, high level and complex needs, such as the diverse cohort of deaf CYP that QToDs support.

BATOD believes AP funding should be sufficiently long term to ensure coherent planning. The amount of funding and the allocation process should allow for the diverse cohort.

Any national framework for funding bands and tariffs should very clearly identify the funding allocation process. It must be transparent to parents and all stakeholders. There should be transparent accounting processes on the expenditure. The management of eligibility criteria, thresholds and levels of support must be consistent. Key principles must reflect the Equality Act 2010. For deaf CYP, there are access requirements that must be met so that their disability is not a barrier to achieving good outcomes.

Local Authorities

LAs are held accountable for the effectiveness of the local SEND arrangements, the outcomes of deaf CYP, and the delivery of provision in EHCPs, yet the majority of decisions relating to the identification of and support for deaf CYP takes place in educational settings over which LAs have little oversight and no direct control. LAs need support to hold suppliers eg academies to account. In the existing system they have responsibility with power and have limited ability to

- ensure settings, whatever their status, make inclusive provision/spend funding as identified,
- monitor and review provision – implement changes

BATOD believes LAs that use and commission alternative provision must take into consideration broader needs of CYP placed in such provision, including those who also have low incidence needs such as deafness. If deaf CYP must be placed in such provisions, the acoustics of alternative provision buildings should meet their needs. Similarly, the staff within such provisions must have the skills to meet the teaching strategies needs of deaf learners.

Currently LAs have little power to ensure non-ringfenced notional funding is allocated to inclusive practice. This impacts on the ability to deliver and maintain effective service quality using evidence-based practices.

It is important that LAs continue to be accountable for their provision to deaf CYP/CYP with SEND. Inspectors should have good knowledge of deaf education, and in particular the inspections of areas with deaf resource bases/deaf schools must have at least one QToD in the inspection team.

5. What changes need to happen for DfE to achieve the ambitions set out in their improvement plan?

The improvement must maintain and deliver a focus on inclusion in education for all and allow CYP, from the earliest stages, to be prepared for adulthood.

The success of the improvement plan needs commitment of the workforce across education and health, and that workforce must not be forced to operate with insufficient and under-qualified staffing. The workforce requires new standards to be consistent in process, provision and expectation nationally and remove the “postcode lottery”, particularly for CYP with low incidence, high level needs such as deafness.

The standards need to address disincentives to inclusion, such as the overriding focus on academic attainment and national league tables.

Workforce

BATOD welcomes the announcement that the School Teacher’s Review Body (STRB) recognises that teacher wellbeing and workload, alongside pay, are important influences on the teacher labour market and significantly impacts recruitment and retention.

A pay award of 5.5% is an essential first step in the reversal of the real terms pay cuts inflicted upon teachers and school leaders under the previous 10 Conservative Education Secretaries.

Retention of mainstream teachers and specialist teachers such as QToDs is vital alongside attracting graduates and professionals from other sectors into the education workforce in order to provide the skilled professional input for all CYP now and in the future. Therefore, steps need to be taken to restore the 14% that teachers and school leaders have lost since 2010 and BATOD would expect this to be addressed in future pay rounds. This announcement by the Labour Government is a welcome signal to the profession of a new direction in education.

The Government’s commitment to additional investment to fund this pay award will be welcome news to school leaders who are juggling overstretched budgets resulting from years of funding cut.

It is vital that QToDs have opportunities to be assessed by their employer as meeting the criteria required to be paid on the Upper Pay Range and opportunities to reward additional leadership and management responsibilities undertaken by classroom teachers by Teaching and Learning Responsibility (TLR) payments and other allowances. For the SEN allowances it will be important to establish the principle that ToDs in training receive SEN tier 1 and those with the mandatory qualification (QToD) receive SEN tier 2.

In additional, an investment into upskilling the specialist support staff/teaching assistant profession is essential. This also requires awarding pay structures that reflect the professional expertise of that valuable and essential workforce.

LA support

To enable LAs to successfully commission provision for low incidence high-cost need, and further education, across local authority boundaries they require support to create

- effective information sharing protocols
- shared/compatible IT systems that allow for effective transfer of data, enabling all agencies to predict and monitor need
- shared intelligence to support decision-making, so that LAs and other agencies collaboratively identify the need to establish specialist schools/settings that would not be sustainable at an individual LA level, including a training strategy for specialist teachers such as QToDs
- clear expectations about the provision and funding for transport – which historically has often been a barrier for CYP to access appropriate support
- clear statutory expectations for each agency about their responsibilities for identification, funding and review of provision
- consistent funding arrangements – so that LAs can commission for a sufficient period and plan any transition to alternative arrangements as needs change
- increased focus on the needs of CYP post 16 – support at further education, higher education, employment-based training and transition to employment: for example, current arrangements fail to support access to high quality evidenced-based interventions from QToDs holding the mandatory qualification
- evidence from existing successful consortium models about what works well for LAs working together at a regional level

Regional commissioning may be most effective in meeting the needs of CYP with the most significant needs, where full-time specialist provision is required. A regional/consortium model of support services may be appropriate to support the recruitment, retention and ongoing professional development of support services of specialist teachers for CYP with low incidence needs such as deafness.

Setting level

At setting level, it is essential that SENCOs draw on the knowledge and expertise of the specialist workforce, in particular QToDs, when addressing the needs of deaf CYP. The SENCO training should entail awareness raising of the needs of deaf CYP and also equip SENCOs with the knowledge of how to engage specialist services as the nature of low incidence disability means that SENCOs may not come across deaf CYP very often. The QToD will also have breadth and depth of knowledge of the local area in supporting deaf CYP and their families, including for example, linking with health professionals, deaf family support networks, etc. Therefore, the status of SENCOs should be raised within schools. They play a crucial role, amongst others, in ensuring schools adhere to the Equality Act and therefore should be seen as having strategic leadership status in their education setting. The role should also allow for the necessary dedicated time, if SENCOs are to be truly effective in meeting the needs of CYP with SEND.

The view of BATOD is that it is essential that the setting, regardless of the structure, must ensure there is a specialist workforce, including QToDs. BATOD has evidence from our membership base that academic settings with resource provisions for deaf learners are failing to employ the specialist QToD workforce that deaf CYP are entitled to access. Academy settings need to be transparent to parents and other stakeholders regarding their budget management of LA funding. There is evidence that unqualified

staff are being employed to teach deaf CYP in the resource provisions. In some cases, the SENCo is carrying out this role. Deaf CYP cannot be expected to make the progress they are capable of if they are being supported by staff without the relevant training or experience. This should be set out clearly within a service level agreement and quality assured so that it cannot be seen as a cost-cutting exercise.

Post-16

Currently some deaf CYP are vulnerable in their Post 16 provision and/or on the pathway to further and higher education. All employers, providers and government must ensure that those young people (YP) with SEND, including deaf YP, can access, participate in and be supported to achieve an apprenticeship, including through access routes like traineeships. This remains a critical area in which further development and safeguards are needed. QToDs play a key role regarding the transitions for deaf YP. They often have detailed knowledge about the YP's strengths and areas of difficulty and how to support a successful transition in education, training or employment post 16. BATOD is aware from its members that there is a wide variety in support services on offer across England and the UK. Effective strategic place-planning between LAs and post -16 education settings is under-developed. YP's experiences are subject to a "postcode lottery" due to significant discrepancy between the levels of need of deaf learners that are not considered to have "high needs" and the funding that post -16 colleges receive to meet the needs of those learners.

In addition, due to a significant lack in commissioning to support this work, there is a lack of effective, joined-up planning of the transition beyond post-16 education, especially for YP with the most complex profiles.

All professionals working with deaf CYP should seek the specialist advice and support from suitably qualified professionals including QToDs. In addition, guidance should exist to secure this. Many deaf YP require support from QToDs to know about and access the support outlined in the Equality Act and within their EHCP, as well as with Disabled Students Allowance and applications for Access to Work. There are resources, training for professionals including career advisors, and publications specific to deaf CYP's needs, designed and led by NDCS. Whether the route is into further/higher education, apprenticeship or employment, these safeguards must be secured with guidance, funding and quality assurance.

Alternative provision

BATOD believes there should be clear data on placements into and out of alternative provision for deaf CYP. A robust statutory framework should allow for greater accountability.

Local and national performance

The key metrics used to capture and measure local and national performance is important and should align with the existing work undertaken by the CRIDE. However, BATOD would request clarification on the detailed components of the key metrics. There continues to be gaps and weaknesses with the current data collection. Not all deaf CYP have an SEN, but they do all have a disability. Is it only data around SEN that is collected or SEND? In order for this to be accurately recorded and reported on, education settings should seek advice from QToDs on how to record the individual special educational need and disability of each individual deaf CYP. Within the specialist field of deafness, much data is already collected, as stated before with CRIDE. There are also quality standards with key performance indicators which are pertinent to the specialism, for example, timeliness of identification of deafness, referral to the local QToD service, timescales by which parents should receive contact from a QToD following identification of deafness, and for reports to be written with recommendations for support and outcomes made. These quality standards are cross agency – between education and health; there is

strong evidence in the field of deafness of collaboration across the agencies, which could be made mandatory and shared across other specialist areas. It is also BATOD's view that, as deafness can have a significant impact on mental health and well-being, there should be national data collected around these themes, rather than focusing solely on academic outcomes.

BATOD would welcome clear evidence of the impact of the Children and Families Act 2014 ie what elements worked well and areas for improvement. BATOD believes that:

- new reforms must be evidence based, appropriately resourced and have clear structures of accountability
- all agencies and stakeholders, including strategic leads and frontline workers, must attend training on the new reforms
- the requisite infrastructure must be in place before the full rollout of the reform.

6. In which respects is DfE engaging effectively with sector stakeholders to deliver improvements in the SEND system? Are there any ways in which you would like to see DfE take a different approach to stakeholder engagement?

DfE has engaged with BATOD directly and indirectly with BATOD via NatSIP (National Sensory Impairment Partnership) on deaf education eg collaborative working between education and health, national standards, assistive technology.

Please do not hesitate to contact us if any further information or clarification is required.

Safe regards



Teresa

Teresa Quail

National Executive Officer

British Association of Teachers of Deaf Children and Young People (BATOD)