



BATOD's response to the SEND review: right support, right place, right time

1. What key factors should be considered when developing national standards to ensure they deliver improved outcomes and experiences for CYP with SEND and their families? This includes how the standards apply across education, health and care in a 0–25 system. (Please refer to Chapter 2: paragraphs 4–6 for further details).

New standards must ensure consistency of process, provision and expectation nationally and remove the “postcode lottery”, particularly for children and young people (CYP) with low incidence, high level needs such as deafness.

On publication, they should clearly state:

- how they sit within the existing SEND framework
- legislation and guidance being removed/replaced
- their impact on the requirements of the Children and Families Act 2014

The standards and accompanying guidance must:

- be in clear, accessible English
- include definitions of technical vocabulary
- reflect the voices of CYP and their families

The standards must be outcomes focused and cover:

- identification and assessment, including specialist teachers
- appropriate provision to include staff training and access to specialist support
- standardised processes for accessing and reviewing support
- transition at all stages from identification to adulthood
- clear and measurable expectations on universal and specialist providers
- quality assurance and accountability

They must:

- be relevant for high and low incidence needs
- reflect the needs of all ages (0–25)
- promote effective multi-agency working
- ensure ongoing participation of the CYP and families in decision-making

They should:

- build upon current good practice, evidenced through data and research
- draw upon existing effective standards and guidance published by specialist bodies including British Association of Teachers of the Deaf (BATOD), National Deaf Children's Society (NDCS) and National Sensory Impairment Partnership (NatSIP)
- address disincentives to inclusion, such as the overriding focus on academic attainment and national league tables

BATOD would welcome involvement in the development of the standards so that the voice of deaf CYP is included.

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? (Please refer to Chapter 2: paragraphs 6–12 for further details).

BATOD welcomes the proposal to develop SEND partnerships, bringing together representatives from early years to post 16, across all agencies, working together with families to develop a strategic plan.

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 Qualified Teachers of the Deaf (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 multi-agency 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 (CHSWGs) 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.

3. What factors would enable local authorities to successfully commission provision for low incidence high-cost need, and further education, across local authority boundaries? (Please refer to Chapter 2: paragraph 10 for further details).

Factors include:

- 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.

4. What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version? (Please refer to Chapter 2: paragraphs 15–23 for further details).

BATOD welcomes the move towards standardisation of Education, Health and Care Plan (EHCP) templates and processes.

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 information contained within the EHCP must provide a precise description which accurately reflects:

- the CYP as an individual
- their full range of needs
- the provision and support they require
- the outcomes that the provision should enable them to achieve.
- the views and longer-term aspirations of the CYP and their family
- clear timelines and processes for monitoring and review
- quality assurance and accountability

The role of the SEN officers and plan co-ordinators is also vital. In order to support the revised plans and promote consistency nationally, funding must be available for sufficient capacity within teams and mandatory training for all those involved in the development, implementation and monitoring of plans. Specialists, such as QToDs, Qualified Teachers of the Vision Impaired (QTVIs), Qualified Teachers for Multi-sensory Impairment (QTMSIs), and related health and social care professionals, must be included in plan development, implementation and review.



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? (Please refer to Chapter 2, paragraphs 24–28 for further details).

BATOD welcomes the proposal that parents of CYP with an EHCP should retain the choice of a placement that they feel is most appropriate for their child, and that this may be mainstream or specialist.

To support parents 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 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 CYP's needs
- all appropriate specialists have been fully involved in the assessment process, including, for example, specialist QToDs
- the inclusion plan must be truly comprehensive and have sufficient specialist placements to meet need, including those outside the LA boundary
- families must be able to visit placements
- while recognising the pressure on LAs, for this approach to be effective and gain confidence of parents, 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 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.

6. To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation? (Please refer to Chapter 2: paragraphs 29–32 for further details).

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected **Disagree** or **Strongly Disagree**, please tell us why, specifying the components you disagree with and alternatives or exceptions, particularly to mandatory mediation.

It is BATOD's view that appropriately implemented national standards and the genuine engagement of families in the decision-making process, should significantly reduce the number and level of disputes between LAs and families.

BATOD agrees that the system of redress should be reviewed but does not agree on the introduction of mandatory mediation for the following reasons:

- Although mediation has been available to families for many years, there is little evidence that this is having a significant impact in reducing the escalation of concerns going to tribunal.



- Do the data relating to the number of families actually attending mediation and subsequently withdrawing their appeal to tribunal represent value for money?
- Entering mediation through requirement rather than through choice may have a negative impact on the process.
- Mandatory mediation will further delay the decision-making process for families, adding to their stress at an already challenging time.

The proposal to implement an independent multi-agency panel should be further explored.

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? Please give a reason for your answer with examples, if possible. (Please refer to Chapter 2: paragraphs 33–34 for further details).

BATOD queries "Does the current system really work and provide value for money if the attainment gap for children with SEND remains so high?"

There are parents and professionals who are unaware of the detail of the Equality Act. In schools there could be a lack of awareness and real application of the essence of the Act. Deafness is a low incidence disability, and therefore, parents and schools need continued support from the QToDs to identify what support should be put in place, to raise awareness, and work to ensure barriers are not there. This could be at the individual deaf CYP and whole school level.

It is not clear from the current inspection framework how this area is being considered. If disability discrimination has been found, it is not always clear how this was remedied. The challenge for families is there is a gap between those who have the knowledge and resources to fight their case and those who do not; therefore, many cases are not brought. In the absence of detail of the national standards, BATOD cannot comment further on this matter.

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? (Please refer to Chapter 3: paragraphs 3–5 for further details).

BATOD strongly feels that mandatory 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 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 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 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.

**9. To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo? (Please refer to Chapter 3: paragraphs 21-24)
Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree**

It is a matter of concern that the reference to the qualification for SENCos is not expanded to refer to the mandatory qualification for QToDs, (QTVIs), (QTMSIs).

BATOD agrees with the introduction of the new SENCo NPQ for school SENCos. A new NPQ should build on the strength of the existing qualification and address areas where further development is required.

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.

BATOD notes 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.

BATOD views the increase of the number of staff with an accredited level 3 qualification in early years settings as a progressive step.

**10. To what extent do you agree 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? (Please refer to Chapter 3: paragraphs 21–24 for further details).
Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree**



BATOD strongly agrees. This should be a requirement of headteachers and the respective governing body. The required timeframe for which SENCOs achieve this qualification should be the same as it is for the mandatory qualifications in sensory impairments (within three years) for QToDs, QTVIs, QTMSIs.

11. To what extent do you agree or disagree that both specialist and mixed MATs should be allowed to 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. (Please refer to Chapter 3: paragraphs 39–40 for further details). Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree – If you selected Disagree or Strongly Disagree, please tell us why

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.

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 through access routes like traineeships? (Please refer to Chapter 3: paragraphs 44–51 for further details).

This is a critical area in which further development and safeguards are needed. QToDs play a key role regarding the transitions for deaf young people. They often have detailed knowledge about the young person'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. Post 16 provision that enables young people to achieve their aspirations is a victim of the postcode lottery. The aspirations of the SEND reforms of 2015 were full of merit, but what followed was a serious lack in commissioning to support this work.



All professionals working with deaf learners should seek the specialist advice and support from suitably qualified professionals including QToDs. In addition, guidance should exist to secure this. Many deaf young people 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 recently created 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.

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? Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why

A failure to recognise or appropriately support deaf CYP may be one of the causes for their challenging behaviours; therefore, access to a QToD is essential to prevent and reduce exclusions.

For deaf CYP in any alternative provision (AP), it is essential that they receive specialist support from a QToD to ensure their individual needs in relation to their deafness are appropriately met.

APs should receive training so they are able to recognise when a CYP is deaf and know how to access the QToD for support.

The QToD should also support the transition from the AP into the next setting.

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 re-integration?

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.

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? Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why

BATOD would welcome having an involvement in the expert working group. BATOD believes the role of the specialist sensory support services should be an integral partner in the provision of quality alternative provision for CYP with a deaf profile.



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? Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

– If you selected Disagree or Strongly Disagree, please tell us why

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.

17. What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these. (Please refer to Chapter 5: paragraph 14–20 for further details).

BATOD feels this is important and would align with the existing work undertaken by the CRIDE. However, BATOD would request clarification on the detailed components of the key metrics. There are 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.

18. How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks?

A national framework 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.

19. How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully?

BATOD believes the needs of deaf CYP must be represented on the National SEND Delivery Board. Therefore, BATOD would welcome involvement as a partner representing the low incidence but complex profile of the deaf CYP population.

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? (Please refer to Chapter 6: paragraphs 8–14 for further details).

BATOD believes successful implementation of these proposals requires:

- clarity of expectation for all stakeholders, CYP and their families
- recognition of the needs across the age ranges 0–25
- access to specialist support from the point of identification
- clear protocols and secured funding in preparation for adulthood to include housing, employment and continuing adult education
- appropriate funding and allocation of resources that support sustainable planning and delivery
- effective accountability to eliminate the postcode lottery
- coherent and comprehensive data collection processes at national level, supporting local decision-making
- clear transition arrangements and timelines from current arrangements to new arrangements
- training across education, health and social care in the new arrangements
- centrally funded national strategy for the recruitment, retention and ongoing training of a specialist workforce, including QToDs
- investment in IT systems and protocols that facilitate secure information sharing across education, health and social care
- recommendations from the green paper must align with the proposals within the Education White Paper (2022)

21. What support do local systems and delivery partners need to successfully transition and deliver the new national system? (Please refer to Chapter 6: paragraphs 8–14 for further details).

BATOD believes that a successful transition to a new system requires:

- regional multi-agency partnerships already exist through the work of CHSWGs, among others. The expertise and knowledge of these groups should be drawn upon when mapping out regional boards
- clarity of expectation and funding requirements within and across agencies



- clear timelines and accountability
- in the areas of low incidence SEND, mainstream settings must have access to specialist support and deaf CYP must receive support from QToDs.

22. Is there anything else you would like to say about the proposals in the green paper?

BATOD is disappointed in:

- the lack of clarity about proposals
- the lack of clear evidence of the impact of the Children and Families Act 2014, 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.