

**NDCS Response to: Education and Culture
Committee**

Call for evidence on: Education (Scotland) Bill

18 May 2015



The National Deaf Children's Society (NDCS) welcomes the proposed Education (Scotland) Bill (herein referred to as 'the Bill'), particularly around its intention to legislate for closing the education attainment gap for the most disadvantaged children in Scotland. The proposed Bill is another critical step in making rights real for every child, and making Scotland the best place in the world to grow up.

NDCS Scotland has recognised that deaf learners are among the lowest attaining groups in Scotland and we have a strong strategic focus on raising awareness of the gap they experience. We have welcomed the Scottish Parliament and Scottish Government's commitment to seeking solutions to close this gap and we hope the proposed Bill will become a key future driver in achieving education inclusion and equality in outcomes.

1. Attainment

- 1.1. NDCS welcomes this section of the Bill and regards legislating to close the gap in education outcomes as a key opportunity to promote a consistent drive and focus across Scotland.
- 1.2. There is no clear consensus on what is meant by the terms attainment and achievement. In addition, other than the exam qualifications learners obtain in the Senior Phase of the Curriculum for Excellence, there is no national framework for data collection which is used by Education Authorities to measure attainment or achievement. The Bill does not yet clarify these definitions however it presents an appropriate opportunity to do so.
- 1.3. We recommend that Education Authorities consider how to close inequalities in education outcomes from the early years right through to the senior phase of the Curriculum for Excellence and post school destinations. To affect change in attainment and life chances, it is vital that risks to education outcomes and early gaps are identified and addressed as soon as possible to prevent disadvantage from widening throughout childhood.
- 1.4. The Bill contains a key focus on socioeconomic disadvantage as a main contributor to educational inequality. NDCS agrees that there is a strong association for all young people, including those who are deaf, between socioeconomic status and educational outcomes. University of Edinburgh

research¹ commissioned by NDCS illustrated that deaf young people from relatively socially advantaged backgrounds tend to do better in school and may progress to Higher Education. They also have higher rates of employment post-university, similar to the employment rates of non-disabled graduates. Young people from less socially-advantaged backgrounds tend to move into vocational education and training after school, where they have less access to individually tailored support and poorer labour market outcomes.

- 1.5. Analysis of Scottish Government data shows that deaf young people are relatively evenly spread across different neighbourhoods as measured by the Scottish Index of Multiple Deprivation. We cannot therefore solely attribute the impact of socioeconomic deprivation to their poorer level of attainment. For example, a deaf learner from a socioeconomically advantaged background could be well supported at home but still not attaining their full potential at school due to delays in language development and subsequent lower levels of numeracy and literacy skills. Their parents may be effective in advocating for the child, and ensuring the right support is in place. However, it may be that the provision that a child needs (such as lipreading classes, technology in classrooms, better acoustics in the school building) are not available locally and undermine the child's attainment.
- 1.6. Overall, all examples of inequality should be addressed within the Bill to ensure a holistic view and understanding of the individual circumstances of the lowest attaining groups. It is difficult to disassociate from each other the factors which undermine attainment and by taking a broad view, we can ensure these multiple factors (such as the double disadvantage that deaf learners from socioeconomic disadvantaged groups) can be addressed.
- 1.7. NDCS recommends Part 1 Section 1, references to the "desirability" of carrying out functions in way designed to reduce inequalities, is removed. This would strengthen the duties on Ministers and Education Authorities to "have due regard" to carrying out functions in this way. NDCS recommends that by strengthening language we can promote a stronger implementation of the legislation and improve likelihood of achieving the Bill's aims.
- 1.8. "Inequalities of outcome" should be clearly defined and interpreted in the Bill and/or accompanying statutory guidance. Inequalities of outcome should address both academic attainment and wider achievement. NDCS agrees that a move towards the broader notion of achievement should be welcome. However until the current imbalance in data sets is redressed the emphasis on academic attainment and exam qualifications is likely to remain.
- 1.9. A broader view of achievement should demonstrate that young people have acquired the life skills and knowledge required to improve their life chances. The University of Edinburgh research referred to earlier raised concerns about the delays deaf young people, especially those entering Further Education as opposed to Higher Education, experience in achieving markers of adulthood. These markers included independent living, financial independence, positive

¹ University of Edinburgh (2013), Post school transitions of people who are deaf and hard of hearing

relationships and clear plans for the future. Equipping young people with valuable skills such as these should be acknowledged in our measuring of achievement.

- 1.10. The language of attainment and achievement must be clearly defined and embedded within a framework of measurable outcomes and indicators which can be used consistently across Education Authorities. This will help establish a national picture of attainment for children at all stages of education and will be critical evidence for the Scottish Government to determine if they are meeting their duties under the legislation.
- 1.11. The Bill and accompanying guidance should result in a clear framework with regards to defining attainment and achievement. If education authorities are able to use this to design and evidence their local initiatives this will be specific new action they are able to take.
- 1.12. In addition, ensuring each local authority has a nominated Chief Education Officer who is a qualified and highly experienced educationalist able to make effective strategic decisions, will also be a specific new action they are able to take.
- 1.13. The notion of sanctions is challenging, what is required to close inequalities of outcome is deep thinking and culture change by Education Authorities (and other partners). Sanctions may not be the best mechanism by which to bring about this positive change, however it is not useful to side step the issue of performance review which is critical to achieving change.
- 1.14. The reporting process will need to facilitate genuine performance review and self-reflection. How local authorities are encouraged to work together, share effective practice and peer review service delivery should also be encouraged.

2. Additional Support for Learning

- 2.1. NDCS welcomes this section of the Bill, it is positive for those children aged over 12 and with capacity in terms of extending their rights under the Education (Additional Support for Learning) Act and is progress towards making rights real for every child in Scotland.
- 2.2. However the extension of rights in itself will not make rights real for children. A significant amount of work is required to ensure children understand and are able to exercise their rights.
- 2.3. NDCS would welcome further detail around how assessments on capacity will be made and who will be responsible for making these decisions. In the case of deaf children with communication support needs, language preferences or language deficits, specialist assessments will be required to ensure these are carried out effectively. NDCS recommends that this issue addressed on the face of the Bill, with Education Authorities having due regard to the communication needs of children in assessments.

- 2.4. Consideration must be given to areas where young people have conflicting views with their parents and carers. With rights extended to both groups guidance must be clear on how services are to mediate any conflicts which arise.
- 2.5. In many cases it will be unlikely that children would have the skills to mediate, negotiate and compromise in pressured situations where there is a clear unfavourable power dynamic. Access to independent advocacy will therefore be critical for children who wish to exercise their rights under Additional Support for Learning. These services will have to be child-centred and involve educating children about rights and responsibilities.
- 2.6. The provision of independent advocacy services for children is currently patchy across Scotland and will need to be strengthened to meet the aspirations of the Bill. In addition, it will be critical to ensure that separate advocacy services are able to meet the needs of children and parents/carers respectively in order to mitigate potential conflicts of interest.
- 2.7. To ensure children have access to effective, and genuinely independent advocacy, this service should be commissioned nationally. Attaching independent advocacy provision to local authorities could create a number of challenges and potentially undermine impartiality.
- 2.8. With the extension of rights for children under Additional Support for Learning it should be clarified whether parents and children will be able to exercise their rights to effectively pursue the same issue twice. For example if a child appeals a decision and is unhappy with the outcome, would a parent be able to exercise their right to appeal the same decision again?
- 2.9. A statutory children's support service is a welcome proposal from the Scottish Government. A service which will support children to exercise their rights under Additional Support for Learning will be necessary to achieve the aspirations of the legislation. However, getting the logistics right in delivering this service will be critical to its success. NDCS is concerned that if it exists in isolation as an information service it may be difficult for young people to engage with it. A service may have more success if it is in some way embedded into schools or other settings where young people are likely to engage. If it is likely that parents and other adults will be required to support children to access the service it is possible it could become conflated with a parents' service.

3. Chief Education Officer

- 3.1. NDCS welcomes the possible advantages that legislating for the role of Chief Education Officer (CEO) could bring. The CEO should set an aspirational strategic direction for meeting education outcomes, informed by the robust experience and knowledge of the educational practitioner in the role. Regardless of individual local authority structures it will be beneficial to have consistent strategic leadership with appropriate skills and expertise which is accountable and responsible for driving forward the attainment agenda.

- 3.2. Accompanying guidance to the Bill should identify how this role will ensure that peer learning and best practice is shared and achieved. Guidance should also encourage Education Authorities to consider the cost effectiveness of CEOs being responsible for a cluster of authorities with one authority acting as a lead.

4. Registering teaching staff

- 4.1. Yes all teachers should be registered in order that we can be confident as a nation that our teaching workforce should be adhering to consistently high standards of conduct and delivering learning and teaching standards. In addition there must be formal routes of redress for anyone who wishes to raise an issue about a teacher, which is not always the case in relation to unregistered teachers. It is clear that grant-aided schools, independent schools and their pupils will benefit from this.

5. Complaints

- 5.1. While 112 working days is a realistic timescale in which to resolve difficult education matters and conflicts it is critical to remember that the primary focus during this time should be the child at the centre of this process. Around six months is a significant length of time for the child who may well be prevented from attending school during that time. The legislation should highlight that the matter should be resolved with highest sense of urgency and be resolved within 112 working days.

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