

Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

About you

Organisation: National Deaf Children's Society Cymru

1. The Bill's general principles

1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

Partly

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1500 words)

The National Deaf Children's Society Cymru is the national charity dedicated to creating a world without barriers for deaf children and young people. We support deaf children and young people with all levels of hearing loss from mild through to profound, including those with a unilateral (a hearing loss in one ear only) and a temporary hearing loss.

Deaf children and young people may use a range of different communication techniques. Some may use assistive technology such as hearing aids and cochlear implants, others may not. Some may use oral communication and lip-reading, some may sign and others may use a mixture of both.

Welsh Government statistics demonstrate a significant attainment gap between deaf learners and their hearing peers. Deafness is not a learning disability and with appropriate support, deaf children and young people can achieve the same as their peers. As part of closing this attainment gap, it is essential that the new curriculum in Wales is accessible to deaf children and young people in Wales.

The National Deaf Children's Society Cymru is keen to ensure that the new curriculum is accessible to deaf children and young people. We welcome the references in the draft

legislation to needing to ensure that the curriculum meets the needs of learners with additional learning needs (ALN). We also welcome the work of an advisory group to the Welsh Government, which is seeking to ensure the wording of the curriculum is accessible to BSL users and to ensure that it enables schools to teach BSL as a second language. These are all positive steps.

However, during the development of the curriculum, the National Deaf Children's Society Cymru has also been highlighting a number of reservations, which we are still concerned remain unaddressed.

Welsh Government statistics have consistently shown significant attainment gaps between deaf learners and their hearing peers. Proposals through the curriculum reforms to change the way in which data on attainment is collated as random samples jeopardises the availability of data on low incidence needs groups, including deaf learners. Continued publication of such data is crucial in relation to monitoring the attainment gap. We would want to see guarantees the collation and publication of attainment data by ALN type continues under the new curriculum as at present.

Deaf learners tell us the one of the biggest barriers that they face is a lack of deaf awareness from mainstream teachers. In emphasising a cross-curricular approach to teaching, consideration must be given to the access needs of deaf learners in delivering all aspects of the new curriculum. We would want to see specific reference in statutory guidance that all teachers have training on ALN, specifically including deaf awareness.

The need for teachers to have awareness of the specific needs of deaf learners is particularly important in the light of the cross-curricular emphasis on literacy, languages and numeracy. Deafness is not a learning disability and deaf learners are able to achieve as well as their hearing peers in these areas of learning. But they are likely to have specific access and support requirements. This support needs to be replicated across lessons where cross-curricular teaching is in place to ensure accessibility at all times. We would want to see that the cross-curricular sections within the statutory guidance for the AoLEs include reference to the need to ensure that deaf learners and those with ALN have the access and support required in these strands of the curriculum.

The National Deaf Children's Society Cymru understands the rationale for the progression step model, but the model poses some risks to the most vulnerable learners and it is essential that these risks are safeguarded against. Without appropriate monitoring mechanisms in place, the progression step model could exacerbate a culture of low expectations for deaf learners. It is important that learners are truly being supported to reach their full potential and that it is not complacently accepted that they are simply

working on a different progression step. We would want to see statutory guidance include clear monitoring mechanisms to ensure progression steps do not exacerbate a culture of low expectations for vulnerable ALN learners and that the new Estyn inspection framework takes this monitoring into account.

We feel that there are many opportunities presented within the AoLEs and emphasis on “ethical citizens” to teach children and young people about the social model of disability and inclusivity. But we are very disappointed that disability is not listed alongside other areas of protected characteristics to be covered within learning. This lack of emphasis on disability awareness is a serious missed opportunity. We would want to see specific reference in the statutory guidance that raising awareness of deafness and disability be part of the Health and Wellbeing and Humanities AoLEs.

The National Deaf Children’s Society Cymru welcomes the emphasis in the new curriculum on emotional wellbeing. Being deaf in a hearing-orientated society presents deaf young people with particular barriers and can lead to feelings of isolation. Research has shown that deaf children are 60% more likely to experience mental health difficulties than other children (Towards Equity and Access, Department of Health and National Institute of Mental Health, 2005.) Some deaf children can also be vulnerable as they may lack the vocabulary to express their full range of emotions. We would welcome a specific reference within the statutory guidance for the Health and Well-being AOLE to the particular vulnerabilities that deaf and disabled young people can face and the importance of considering their specific needs in this area of the curriculum.

The multilingual approach to learning is emphasised within the new curriculum. Many deaf learners can achieve as well as their hearing peers in this area, as long as they have the appropriate support. But it is important to acknowledge that a multilingual approach to learning can be particularly challenging for some deaf learners. This may be especially the case where a deaf learner has not been accessing support to develop a complete first/home language. Children with a complete first language are more likely to be able to transfer some of the understanding of this language into learning a second language. For deaf children who may have lacked specialist support in developing language in the early years, an incomplete first language can present difficulties in multilingualism and translanguaging. It is vital that adopting a multilingual approach does not present barriers for young deaf people who struggle with this type of learning in accessing other parts of the curriculum. We would want to see that statutory guidance for this AOLE pays particular attention to access needs and adaptations that deaf learners may require.

1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

(we would be grateful if you could keep your answer to around 500 words)

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2. The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

Much of the language in the current Curriculum Guidance documents is inaccessible to deaf learners, particularly those who use BSL. An emphasis on 'listening' and 'speaking' for instance, may not be appropriate for some deaf learners. Elsewhere there is reference to 'speaking with clarity'. Again this might not always be appropriate for some deaf learners who may not be able to hear certain sounds and frequencies. We are aware the Welsh Government has an advisory group looking at rewording the curriculum with BSL users in mind. It will be imperative that the Welsh Government continues to work closely with this group to ensure the curriculum is accessible.

See also answer below. The National Deaf Children's Society Cymru is keen to seek assurances around a possible misinterpretation/misuse of section 33 of the draft bill.

2.2 Do you think the Bill takes account of these potential barriers?

(we would be grateful if you could keep your answer to around 500 words)

Some general consideration is given to the needs of children and young people with ALN, but the detail is lacking. We feel that more needs to be done to address the specific needs of deaf learners on the face of the bill and in statutory guidance documents, as outlined elsewhere in this response.

With regards to the draft Bill itself, we would welcome assurances in relation to section 33, which provides headteachers with the power to make decisions to disapply learners from subjects on a range of grounds, including suitability (clause 3a) and disproportionate expense (clause 3d). It would be inappropriate for headteachers to determine whether it

was suitable for a deaf child to be disapplied from a part of the curriculum without consultation and discussion with specialists such as Teachers of the Deaf. While in a small number of cases, disapplication may be appropriate, it is often possible to make adaptations to secure accessibility. Disapplication for ALN learners on suitability grounds should not be presumed without consulting with the relevant and appropriate professionals. We are also concerned that the "disproportionate expense" clause for disapplication should not be interpreted to supercede rights under the Equality Act for reasonable adjustments nor under the Additional Learning Needs and Education Tribunal Wales Act. Learners with ALN, including deafness may indeed require adaptations at a cost to access lessons. It must be clear that discussions and decisions around disapplication or curriculum modification in light of a learner's ALN are attributed to the IDP process as opposed to being permitted at the headteacher's discretion under section 33 of this bill. The National Deaf Children's Society Cymru seeks assurances that section 33 of the draft Bill could not be misused/misinterpreted with regard to disapplication on grounds of ALN.

On page 60, paragraph 74 implies that IDPs must be local authority maintained if the IDP affects the delivery of the curriculum for a child. Broadly this makes sense and is to be welcomed as a protective safeguard to ensure that appropriate specialists are involved in such decisions. However, it might be worth noting that in the small number of instances where a child attends a school with a specialist resource base, there are specialist professionals on site.

Presumably, paragraph 74 also facilitates the ability to enable a learner to attend a specialist provision across the border in England, where the curriculum differs? It is important that this is enabled as some specialised placements are unavailable in Wales.

On page 14, paragraph 35 subsection 5, we would recommend there be reference to other legislation/guidance on determining whether or not a learner has capacity.

We would suggest adding reference to meeting the needs of learners with ALN under clause 22 in Chapter 2 of the Bill.

3. Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

See response above.

4. Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

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5. Powers to make subordinate legislation

5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

(we would be grateful if you could keep your answer to around 500 words)

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6. Other considerations

6.1 Do you have any other points you wish to raise about this Bill?

(we would be grateful if you could keep your answer to around 1000 words)

The National Deaf Children's Society would be happy to provide any further information to the Committee. For more information, please contact Campaigns.Wales@ndcs.org.uk.
Many thanks.

