

## **Submission from the National Deaf Children's Society for Children and Young People's Overview and Scrutiny Board meeting - Service Changes at the St Margarets and Spires Hearing Units**

### **Introduction**

Without the right level of support at the right time deaf children are extremely vulnerable to difficulties and delays in core areas of their language, communication, social and cognitive development leading to poorer academic attainment and outcomes. Even a small change in provision can have a significant impact on a deaf child's development and outcomes.

Deaf children in a small group setting, in a quiet environment and with a higher level of specialist staff to pupil ratio, are better able to access the curriculum because it is tailored to their needs. They can make progress in their learning and communication skills.

A resource provision specifically caters for the needs of deaf children as an integral part of a mainstream school. It provides support from a range of specialist staff that ensure the needs of the deaf pupils are fully met within the daily life of the school.

Typically, expectations in terms of achievement of deaf children are high and there is a strong focus on raising attainment. Deaf children develop social skills, have good levels of self-esteem and confidence, and develop a positive self-identity.

The level, qualifications, specialist skills and knowledge, training and deployment of staff in the resource provision ensures that deaf children and make good progress.

The resource provision provides effective support to classroom teachers to ensure that the curriculum:

- is accessible to deaf children across the full range of subjects and activities
- is differentiated to meet individual needs of deaf children and supports the development of aptitudes and talents.

### **Context**

St Margarets Primary HI Enhanced Resource Base and The Spires College HI Enhanced Resource Base ensure specialist provision for deaf children. This includes a Qualified Teacher of the Deaf in each and specialist Teaching Assistants in the former.

The Equality Act 2010 states that education settings must make reasonable adjustments, including the provision of auxiliary aids and services, to ensure disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory – it requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage.

The National Deaf Children' Society was contacted by people who were of the view that the Council intended to close specialist deaf resource provision at St, Margaret's Academy and The Spires College. NDCS wrote to the Council on 5th November 2024 setting out in detail the concerns regarding Torbay Council's ("the LA's") proposed decision, and the absence of a public consultation having been held prior to the decision having been taken.

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**Consultation**

The LA has failed to consult parents and deaf children, with EHCPs or otherwise, on any decision linked to provision at the specialist units meaning that these parents and deaf children were denied the opportunity to fully consider and comment on them prior to the decision being made. The school settings are firmly of the view that the LA also failed to consult either of them prior to deciding upon the closures.

[REDACTED]

Ms Alex Newton, principal of the Spires College writes:

“On 15 July 2024, I was informed by the Head of SEND for Torbay that the College’s HI ERP would close in a year’s time. I was told the decision had been made and would not change. I was asked to attend a meeting on 18 September 2024 to plan the communication of this to stakeholders. The local authority proposed that affected staff and parents of the children in the provisions would all be told on the same day, via letter written by the local authority. The Head of St Margaret’s and I stressed the importance of telling staff first and of telling parents face-to-face, not via letter. We therefore managed this process ourselves.

There was no consultation – I was informed (in July 2024) that the decision had been made and was told there was no room for discussion regarding alternatives. Parents and staff were not consulted. I was told to inform them that the decision had been taken. I can see no record of any genuine alternatives being considered.”

Minutes of the council’s cabinet meeting of 20th August 2024, show that around a month later, the LA did decide a consultation was to be held on proposed changes to it’s SEND provision model in the form of a “Proposal for a Locality Model to Support our Children in Torbay who have additional needs including those with Special Educational

Needs. Improving Inclusivity and Support...the outcome of the consultation, together with recommendations on the new proposed Locality Model for Higher Needs and Special Educational Needs and Disabilities (SEND) be presented to a future Cabinet meeting”

Although the LA has maintained consultation was separate and not relevant to its decision to close the specialist resource provisions, its Record of Officer decision states, “By delivering support for those with a hearing impairment in a different way we will be able to repurpose the 16 special school places to children and young people who are on the waiting list to receive support.” It is the view of NDCS that this admission highlights the relevance of the closure decisions to the substance of the consultation, given the clear overlap with Higher Needs and SEND with the repurposing of special school places.

### **Torbay’s Decision**

NDCS is given to understand that additional funds will be allocated to pupils with an EHCP to ensure needs are met by each school they attend, and that the HSC will no longer be funded by the LA.

We maintain that reduced funding impacts on pupils with SEND that were able to benefit without the need of an EHCP or while evidence is being collected in support of an EHCP. The decision has the potential to impact negatively on those children directly.

Reduced funding will also impact on the units’ ability to ensure appropriate staffing to meet the needs of deaf children. Both units maintain that they are to close.

The opportunity to consult on the wider Locality Model has now passed. Neither NDCS, now as we understand it families of deaf children, were made aware as stakeholders of the wider Locality Model consultation taking place until after the consultation closed on 8th December 2024, denying them the opportunity of contributing their views. NDCS first became aware of the wider consultation having occurred on 22nd January 2025. We are not aware of any families of deaf children being informed of the wider consultation prior to this date.

The LA itself states the decision to close was taken by the Director of Children’s Services on 18th October 2024 with the Record of Officer Decision being dated 18th November 2024. These dates sitting within the middle of the Locality Model consultation window and, consequently, prior to responses having been collated and reviewed, in any event.

Consultation must be carried out at a time when the proposals are at a formative stage with sufficient reasons for any proposal. Adequate time must then be given for consideration and response, following which the product of consultation must be conscientiously taken into account in finalising any statutory proposals. The concerns regarding the LA’s failure to consult on the planned closure of the units are an ongoing issue for NDCS and families.

## **Opportunities**

In January 2025 a spokesperson for the Council said the LA is aware of the anxieties for families. They commented that, “supporting all children and young people in Torbay with their individual needs is important to Torbay Council.” NDCS contends this is an opportunity for the LA to demonstrate that commitment by reversing the planned closures.

With St Margarets Primary HI Enhanced Resource Base and The Spires College HI Enhanced Resource Base, the LA has quality specialist provision for deaf children. They ensure positive education experiences for deaf children that is extremely difficult to replicate in other settings. The spokesperson also said: “the Local Authority has a duty only to provide for those children with an EHCP.”

NDCS believes local authorities has a duty to provide for all children, with especial consideration for those with SEND. Deaf children are particularly vulnerable. This is an opportunity for Torbay Council to show a duty of care to them and their families.

The Council may wish to review their decision or at least pause for further discussion about how options will impact on the future of deaf children and their families.