

Chime Submission

re the consultation on the

Review of the EPSEN Act 2004

March 2023

1.0 Introduction

1.1 Chime is the National Charity for Deafness and Hearing Loss. Chime was founded in 1964 and is dedicated to a society where deafness or hearing loss does not limit individual potential, personal choice or quality of life. Chime works to achieve this through advocating for a more accessible and inclusive society and providing a range of personal support services for Deaf and Hard of Hearing (D/HH) people. Chime's services entail a holistic approach, addressing the person's social, technological and emotional needs.

1.2 Chime welcomes the review of the EPSEN Act. Education is fundamental to the development of D/HH children and has a vital role to play in ensuring they can reach their potential. Historically the education of D/HH people has been the subject of considerable research and some controversy. This submission focusses on specific issues related to the education of D/HH people in Ireland today. Chime has drawn on the experiences and views of parents, young people, teachers and other stakeholders in formulating the views outlined in this submission.

1.3 Chime fully supports the view of the National Council for Special Education (NCSE) that in respect of the education of D/HH children, the goal should be "that Deaf and hard of hearing children graduate from school with levels of educational attainment that are on a par with their hearing peers of similar ability."¹ The EPSEN Act states that "the objective of the educational provision made by this Act is to ensure that children with special educational needs have the right to avail of, and benefit from, appropriate education as do their peers who do not have such needs"² (Sect 13 (3)(b)). It is important that stakeholders and policymakers understand that deafness or hearing loss is not in itself an impediment to learning. Rather it is the environment and the lack of appropriate supports and expertise that can create barriers to learning for D/HH children. In this context, Chime believes that the objective of the educational provision as defined by the EPSEN Act is inadequate in respect of the education of D/HH children. The Act should, with respect to D/HH children, should aim to ensure that these children are supported to achieve their potential on a par with peers of similar ability who do not have a SEN.

1.4 Chime understands that the purpose of this review is to ensure that the law that governs the provision of education for children with special educational needs (SEN) is adequate. This submission provides evidence that current supports and arrangements to achieve the objective of the Act and that of the NCSE vis a vis D/HH children is not adequate, and requires either changes to the Act and/or current practice.

2.0 Special Education Policy

2.1 Chime supports the Department's policy to include children with special educational needs in their local schools with additional supports, and/or special classes in mainstream schools. We agree that in the majority of cases, this is in the best interests of the child and their families. Chime notes that there are over 4,700 D/HH children attending mainstream schools, with 607 attending Deaf schools, units for Deaf children or other special schools.³

2.2 Chime understands that one approach does not suit all children, and that for some D/HH children, a placement in a school for Deaf children is in the best interests of the child. This may especially, though not exclusively, be so for those children whose first language is Irish Sign Language (ISL). The opportunity to learn in an environment that is rich in sign language, has Deaf role models and has a strong connection with Deaf culture and the Deaf community can be critical for the development of some D/HH children. It is vital that the Department of Education continues to ensure that D/HH children have the option of attending a Deaf school. This is consistent with Article 24 of the CRPD which states that governments ensure "that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development"⁴ (CRPD, Art. 24, 3(c)).

3.0 Educational Outcomes

3.1 As already stated, Chime supports the view of the National Council for Special Education (NCSE) that the goal should be "that Deaf and hard of hearing children graduate from school with levels of educational attainment that are on a par with their hearing peers of similar ability."¹ However, the Department of Education does not currently publish data on the educational outcomes for D/HH children, so there is no way of knowing if this is being achieved.

3.2 Chime believes that the Department of Education should publish data on the on the educational outcomes for D/HH, to ascertain to what extent the vision of the NCSE is being achieved. Such data is published in the UK and in general D/HH children there are typically one grade behind hearing children of similar ability.⁵

3.3 The educational deficit of D/HH children in the UK should be of concern to the Department of Education, the NCSE and anyone involved in the education of D/HH children in Ireland. There is evidence to suggest that the educational deficit for Irish D/HH students could be even greater than that of their counterparts in the UK. For example, the level of educational supports provided via Visiting Teachers of the Deaf (VTOD) in Ireland to D/HH children would appear to be considerably lower than that provided in England: there are approximately 33 VTOD in Ireland,⁶ while the corresponding number in England is 625.⁵ If Ireland had the same number of VTOD per head of population there would be 57 VTODs in post, meaning that the provision in Ireland is below 60% that of England. These concerning facts make it all the more imperative that data on the educational outcomes of D/HH students in Ireland is collated and published as soon as possible.

4.0 Educational Supports

4.1 SET Model

4.1. Chime believes that changes to the allocation of additional supports within the special education teacher allocation (SET) introduced on a phased basis in 2017 has resulted in reduced supports for D/HH children. Many parents have reported that their D/HH child has received a reduced allocation since the new SET model came in to effect. Chime believes this may be due to the interpretation of the 'principle' within the model that 'the child with the greatest level of educational need receives the greatest level of support.' Chime believes that some D/HH children, particularly those who may be deemed to be 'performing well' in the average range, are performing significantly below their potential and may have a greater educational need than is understood. Other children, for example those with challenging behaviour or those performing at lower percentiles, may be viewed by school principals as having a greater educational need, even though the potential deficit in educational achievement may be much greater for a D/HH child.

4.1.2 In relation to the new SET model, Chime understands the Department's basis for moving away from a diagnosis led model, but the new model needs to be applied on the basis of the vision for the education of D/HH children – that they achieve levels of attainment on a par with hearing peers of similar ability. This can only be done if school principals have the necessary data and training to make informed decisions, e.g. not to assume that a quiet, unassuming average student who is D/HH does not have a significant SEN – they may in fact be achieving way below their potential. National data on the educational attainment of D/HH children is essential for school principals to make informed and balanced decisions re appropriate levels of SET supports for D/HH children.

4.2 Teachers

4.2.1 Teachers are a key element in the education of D/HH children, and it is vital that teachers involved in the education of D/HH children have appropriate skills and training in the education of these children. The NCSE commissioned an International Review in 2009 and it recommended increased inservice training for teachers concluding that "teachers need to know how their deaf students think and learn if they are to accommodate their needs and utilise their strengths"⁶ (P. 210).

4.2.2 The NCSE provide inservice training for teachers of mainstream classes who have one or more D/HH students in their class. However, based on the numbers of teachers availing of this training, many do not in fact undertake this training. And for many who do, they complete their training towards the end of the school year rather than at the beginning. Chime strongly believes that every class teacher who is teaching a D/HH pupil for the first time should be facilitated to receive this training at the beginning of the academic year.

4.2.3 Based on NCSE figures supplied to Chime in June 2021, just over 600 class teachers and students completed a 2-day inservice course 'Introduction to Deafness' between 2016 and 2020. When one considers that there are over 2,000 D/HH children in primary schools alone, it is clear that the vast majority of teachers of D/HH children in mainstream schools are currently not accessing any inservice training specifically related to the education of these children.

4.2.5 Chime also understands that a considerable number of teachers of D/HH children in Deaf schools and units for D/HH children have no postgraduate qualification in Deaf Education. This is totally unacceptable and, according to research, greatly undermines the education of those children whose first language is ISL.⁸

4.2.5 The NDA Report on the Operation of the ISL Act highlighted the lack of ISL competencies amongst many teachers of D/HH children. Only 38% of parents reported that their D/HH child had full access to the curriculum in ISL and consultation participants “noted that it is not uncommon for deaf children to interpret what the teacher is saying for their deaf peers due to the teacher’s lack of ISL fluency.”⁹ (p. 38). It is clear that the EPSEN Act and the ISL Act is currently failing in terms of the education of those children whose first language is ISL. The NDA Report also points out that the NCSE Policy advice in 2011 was that the Department of Education should set minimum standards of ISL proficiency for VTOD.¹

4.2.6 In relation to those D/HH children who communicate in ISL, Chime welcomes the establishment of the first teacher-training course for Deaf trainee teachers currently running in Dublin City University and the announcement of the Minister for Education and the Minister of State for Special Education. These future graduates will hopefully be a catalyst for improvements in the education of D/HH children, particularly those whose first language is ISL.

4.3. New Irish Sign Language Support Scheme

4.3.1 Chime welcomes the establishment of a scheme to provide ISL support for children whose first language is ISL and who attend recognised schools. However, Chime does not agree with the medical led criteria that “the new scheme is targeted at children...who were born without an auditory nerve or due to infection, disease, trauma, failed technology intervention, their auditory nerve has ceased to function completely and whose primary means of communication is using Irish Sign Language.”¹⁰ This criteria is not child-centred, the language is offensive to many, it may be unconstitutional in that it doesn’t recognise the role of parents as primary educators of the child, and it may exclude some children whose first language is ISL.

4.3.2 Chime urges the Department to progress this scheme on a child-centred basis, and to progress it with as much urgency as possible.

4.3.3 The EPSEN Act and/or Department Circulars need to be developed and adapted to ensure this scheme delivers in full for the relatively small number of children who need it. The new roles of ISL – Classroom Support and the Advisor Deaf/Hard of Hearing (ISL) need to have the appropriate ISL competencies to ensure that children they are supporting have full access to the curriculum and extra-curricular school activities.

4.4 Special Needs Assistants

4.4.1 Approximately 30% of D/HH children may have an additional need.¹¹ Special Needs Assistants (SNA) play a significant role in supporting many D/HH children with additional needs in Irish schools. It is vital that SNAs have appropriate training and skills to support the D/HH children they are working with.

4.4.2 It is welcome that some SNAs are receiving training in recent years, including a module on deafness and hearing loss. However, the reality is that many SNAs have not yet received training, and it is too early to assess if the new training programme is achieving it’s objectives.

4.4.3 Chime hopes that the NCSE and the Department of Education roll out training for all SNAs and complete a formal assessment of the impact of the new training programme in the near future.

4.4.4 Chime notes with some concern the comment in the NCSE review of the SNA scheme that “students who are profoundly deaf (without a cochlear implant) may require a competent ISL communicator to support them in the school setting.”¹² (P. 23, 2018). Again, this comment

demonstrates a lack of understanding and the need for supports to be responsive to the individual learning needs and styles of each child.

4.5 Assistive technology

4.5.1 Assistive technology and a good listening environment (including good acoustics) are critical for the general development and education of many D/HH children, particularly those who use hearing aids and other assistive technology.

4.5.2 Traditionally key assistive technology such as personal FM systems were viewed as 'educational technology'. Typically D/HH children did not have access to this type of technology until they were of school going age, or more recently, began attending early childhood services. In fact even today, many children can only access this technology in the pre-school/school environment as they are not allowed to take the equipment home!

4.5.3 These personal listening systems are vital for the development of communication and learning for many D/HH children, as they enhance the quality of sound and access to speech. They can be especially critical for younger D/HH children in the stages of formative language development. Now that newborn hearing screening has been rolled out, the opportunity to provide this equipment to D/HH children at a much earlier stage is now possible. In fact current best practice is that this equipment would be provided during the first year of life to those D/HH children diagnosed and fitted with hearing aids or cochlear implants, to enhance their pre-lingual and early language development. This relatively straightforward change in current practice should be implemented immediately to help prevent and reduce the early language deficits that many D/HH children experience.

4.5.4 The EPSEN Act and/or Department Circulars should be amended to ensure that any supports provided by the State are available to the child at all appropriate times.

4.6 Irish Sign Language Tuition Scheme

4.6.1 The Irish Sign Language Tuition Scheme is an important support for families parenting a D/HH child whose first language is ISL. In the vast majority of cases, the parents and siblings of the D/HH child are hearing. This scheme needs to support parents, carers and other immediate family members to become fluent in ISL if their D/HH family member is not to experience a serious language delay. The current scheme is not fit for purpose by virtue of the low number of hours available (maximum of 104 hours in a full year). This amount of hours simply could not facilitate fluency in ISL for parents and family members in a timely fashion.

4.6.2 There are many other shortcomings in the scheme which have been regularly communicated to the Department of Education: for example, there is no curriculum and no clear objectives for the scheme; there is no measurement of language outcomes; there is no monitoring of the scheme from a quality or a safeguarding point of view; in some cases parents have retained tuition fees and tutors have not been paid. Given all the difficulties and shortcomings of the current scheme, it is difficult to take seriously the reported view of the Department of Education that "overall the ISL Tuition Scheme is working well."⁹ (Page 36).

4.6.3 The EPSEN Act should be amended to ensure that young D/HH children, including those who have not yet begun attending formal education, have appropriate supports to ensure they are supported to develop language in line with their peers of similar ability. Particular attention should be given to improving the current ISL Tuition Scheme.

5. Other issues in brief

5.1 The use of language is important, and some of the language in the EPSEN Act is outdated. Terms such as ‘Special Educational Need’ should be changed and more appropriate language used consistent with the social model of disability. As already alluded to, deafness or hearing loss is not a barrier to learning – rather it is the environment that creates learning barriers for D/HH children. These barriers may include communication issues, lack of teacher training or delays in providing appropriate support to children and families. D/HH children have different learning styles compared to typically hearing peers – these are not ‘special’ or ‘additional’ – rather they are learning styles that a child has based on their own unique abilities and attributes. In terms of educational needs of D/HH children, this could be better described as ‘individual learning styles’ requiring educators with appropriate skills and experiences. Such language would shift the ‘problem’ from the child to those responsible for education provision.

5.2 Appropriate accommodations, such as exemptions from the studying of Irish, are important for some D/HH children and should be facilitated by the Department of Education and the NCSE in the best interests of those children. In the recent past a Circular in this area clearly lacked an understanding of the particular challenges some D/HH children face in learning a second or third language, particularly one based on spoken language. Thankfully this Circular has since been amended to allow for exemptions for those children who may need it.

5.3 There are many gaps and shortcomings in the current provision for the education of D/HH children, and many examples are outlined in this submission. ‘Deaf education’ is a particularly specialised area of education, and having sufficient appropriately trained education professionals is essential if this cohort of children are not to miss out on achieving their full potential. This submission has not alluded to other important areas such as psychology, speech and language therapy, special needs teachers etc. It is vital that there are professionals across a range of disciplines that have appropriate training and competencies. Time and resources prevent us from doing so in this submission – but they are essential considerations in the education of D/HH children.

5.4 This submission would like to make a final note in relation to decision making by policymakers and others responsible for the education of D/HH children. It is a fact that some of the errors of the recent past could have been avoided and some of the lost opportunities could have been realised if relevant stakeholders had been consulted. Chime as the leading national charity representing D/HH children and adults has not been consulted on education matters by the Department of Education. We would hope that in future deliberations on matters relevant to the education of D/HH children would include the involvement of representatives with particular experiences and insights into Deaf education and the lives of D/HH children. This would be consistent with the CRPD. We also hope that this review of the EPSEN Act will in the near future result in positive progress regarding the education of D/HH children.

6. Summary

This submission addressed the following issues relevant to the education of D/HH children in the context of the consultation on the Review of the EPSEN Act:

- NCSE objective for the educational attainment of D/HH children
- Special Education Policy
- Educational outcomes
- SET Model
- Teacher training, CPD and ISL competencies.
- New ISL Support Scheme

- SNAs
- Access to Assistive Technology
- ISL Tuition Scheme
- Use of language/terminology
- Exemptions from the studying of Irish
- Stakeholder involvement.

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References

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- ² Education for Persons with Special Education Need Act 2004.
- ³ PQ Written reply from Department of Education Ref 34848/22, 29th June 2022.
- ⁴ Convention on the Rights of People with Disabilities. United Nations, 2006.
- ⁵ Note on Department for Education figures on attainment for deaf children in 2021 (England). NDCS, 2022.
- ⁶ Details for VT, 10/01/2023, accessed at https://ncse.ie/wp-content/uploads/2023/02/23.03.2023_VTDHH>Contact-Details_NCSE-1.pdf on 10th March 2023.
- ⁷ Education provision for deaf children in England in 2020/21. CRIDE, 2021.
- ⁸ Evidence of Best Practice Models and Outcomes in the Education of Deaf and Hard-of-Hearing Children. Marschark, M. & Spencer, P. E. NCSE, 2009.
- ⁹ Report on the Operation of the Irish Sign Language Act. NDA, 2022.
- ¹⁰ Department of Education Press Release, March 2nd 2022 accessed at <https://www.gov.ie/en/press-release/c9096-ministers-foley-and-madigan-announce-establishment-of-a-scheme-to-provide-irish-sign-language-support-for-children-whose-primary-language-is-irish-sign-language-isl-and-who-are-attending-recognised-schools/> on 10th March 2023.
- ¹¹ Mental health problems in deaf children. Hindley, P. Current Paediatrics, 2005, Vol 15, 114-119.
- ¹² Comprehensive Review of the Special Needs Assistant Scheme. NCSE, 2018.