

**PROTOCOLS FOR TEACHERS
OF THE DEAF WITHIN THE
TRIBUNALS PROCESS**



Background

As a result of professional concerns expressed by members around appropriate conduct at SENDIST hearings, BATOD approached a number of Teachers of the Deaf who are Tribunal members, with a suggestion of a potential "code of conduct" for both sides at hearings.

The President of the Tribunal approves this initiative.

Consultation

A small group drew up an initial consultation document. Members were:

Gary Anderson	Head of service for deaf children; Assistant Secretary, BATOD
David Couch	Head of service for deaf children
Ann Duffy	Tribunal member
Anne-Marie Hall	Tribunal member
Lindsey Rousseau	South East Regional Partnership (SERSEN), Tribunal member
Tony Shaw	Non-maintained school
Paul Simpson	Secretary, BATOD
Sheila Smith	Tribunal member

We are very grateful for responses to the consultation from the following:

David Braybrook, SEN Consultant, Tribunal member
Donald Allan, Waltham Forest
Honor Andersen, Hertfordshire
David Canning, UCL
Dorothy Hadleigh, SW Regional Partnership
Catharine Hindmarch, Leeds
Rosemary, Lady Hughes, President of the Tribunal
Susan Parsons, Manchester
Bridget Shield, London South Bank University
Beverley Vann, Cornwall
Telford and Wrekin SI Service
John Ellwood, British Association of Educational Audiologists

Document

This document comprises the protocols for Teachers of the Deaf within the Tribunals process, a flowchart showing the framework for the consideration of out of area educational placement, and a summary acoustics document published separately by BATOD and available on the website. www.batod.org.uk

There are two appendices: **Appendix 1: Classroom acoustics – recommended standards**, **Appendix 2: Acoustic requirement - Guidelines**, which give a more detailed consideration of issues relating to acoustics and a part of Section 6 of BB93 which is specifically concerned with issues related to deaf children.

Protocols for Teachers of the Deaf within the Tribunals Process

We believe that it is in the best interests of the child, and beneficial to the family, for the two parties to communicate from the outset and demonstrate mutual professional respect.

Code of Conduct

- Professionals will show respect for their colleagues and will not seek to denigrate others.
- Professionals should not undermine parents' confidence in their provision.
- Professionals should demonstrate the benefits of their provision without undermining or criticizing other providers explicitly or by implication.
- Professionals should actively promote a positive view of all those involved in the process.
- Positive and courteous behaviour will enable professionals and parents to continue to work together after a Tribunal, regardless of the outcome.
- Professionals need to acknowledge that children and young people (C&YP) thrive in different provisions.

Context

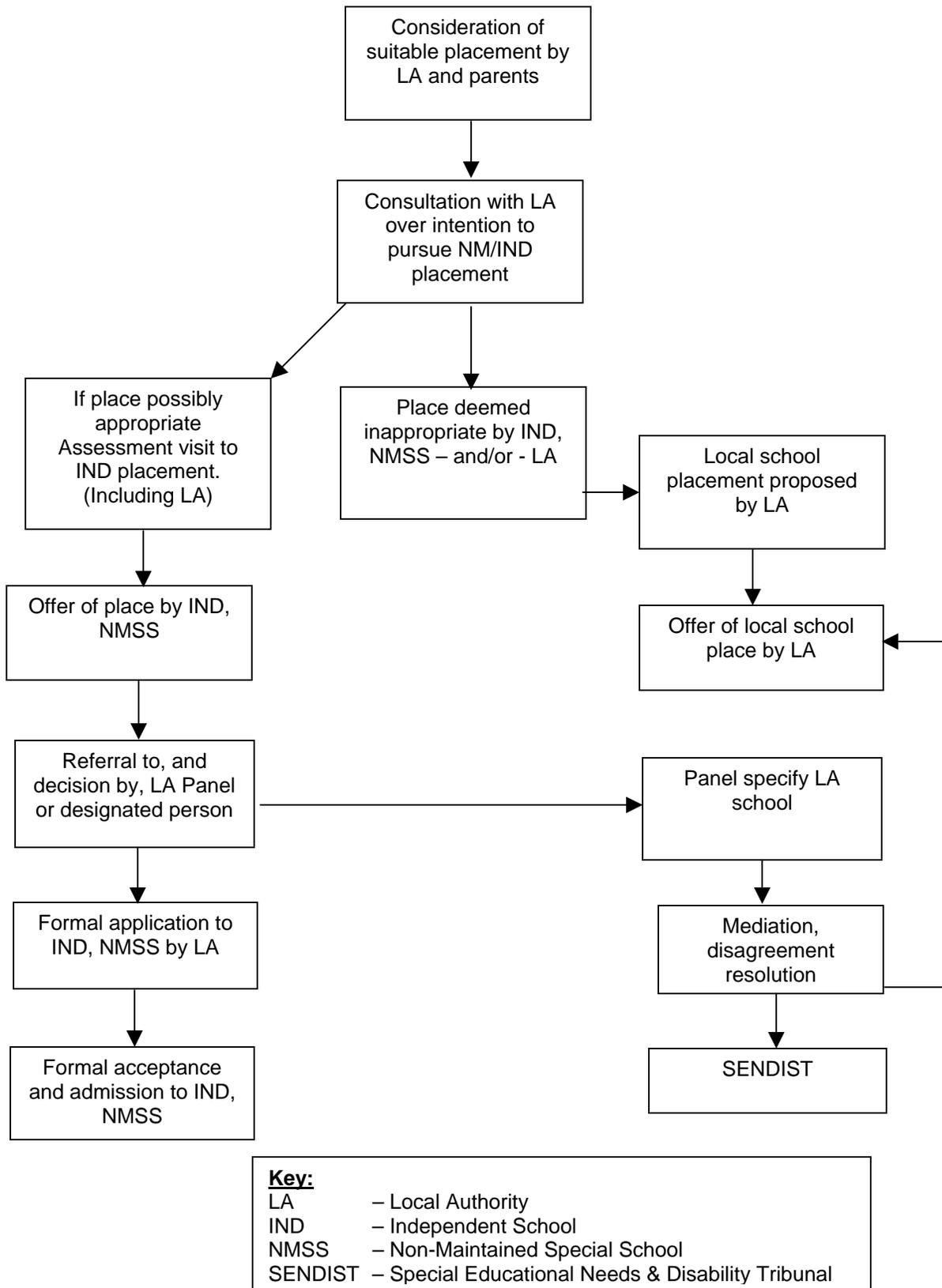
If the appeal is concerned with a child or young person's statement the focus of the Tribunal hearing will be to establish whether the Local Authority can meet the child's needs as set out in the statement.

Professionals at the Tribunal will need to:

- Be clear, objectively and pragmatically, about the educational needs of the child.
- Have a thorough knowledge of the Code of Practice and be able to demonstrate, with evidence, the progress that the child has made.
- Identify and understand the issues and related factors.
- If appearing for an alternative provision, demonstrate how and why that placement is appropriate and how the proposed alternative provision can meet the child's needs.
- Give careful consideration to the choice of witness, or legal representative, bearing in mind that continued contact would be maintained with the family, regardless of the outcome of the Tribunal.

The attached flowchart shows the framework for the consideration of out of area educational placement.

Flowchart: Framework For The Consideration Of Educational Placement



Pre–Tribunal Hearing

The Local Authority needs to:

- Identify from the outset what actions are planned for after the Tribunal ruling, in order to secure and maintain positive relationships, as far as possible.
- Begin preparations in good time, as soon as the appeal has been lodged.
- Ensure that there is as full and up to date understanding of the child’s needs as possible. Make sure that there has been a recent assessment of the child by relevant specialist professionals e.g. EP, SALT, etc.
- Secure specialist information e.g. acoustic audits of rooms, buildings etc. where these are relevant.
- Ensure that professional witnesses have specialist knowledge, e.g. EP with an understanding/background in deafness, and know the child.
- Identify the areas of disagreement between the parents and professional.
- Make every attempt to maintain a dialogue with the parents and seek to resolve differences through informal mediation or more formal processes e.g. mediation services.
- Explain to parents and witnesses that professional behaviour will prevail regardless of the outcome of the Tribunal process.
- Prepare the case with all relevant information to show a clear knowledge of the child’s current provision, progress and needs. Seek guidance on any potential areas for negotiation prior to the Tribunal hearing itself.
- Ensure that all those attending the Tribunal hearing meet together to prepare the case and relevant evidence. Be aware that the panel members may not have direct specialist knowledge.
- Make sure that sufficient time is committed to preparing for the Tribunal hearing, by reading the bundle thoroughly; highlighting relevant sections with quick reference solutions e.g. “post-its” and annotated pages. It is very helpful if everyone who is attending the Tribunal hearing has his or her own copy of the bundle.

At the Tribunal hearing

All professionals agree to abide by the code of conduct set out in this document.

The Tribunal hearing is not a court of law. It is intended to be as informal as possible, whilst allowing all points of view to be explained. The Chair of the panel is legally qualified, and the two specialist members are selected for their knowledge of Special Educational Needs and Disability and their experience.

Professionals at the Tribunal need to:

- Focus on the child’s educational needs, current and proposed placement.
- Provide precise factual and objective information.
- If asked, provide professional opinion based on experience and knowledge of the child.

- Never try to discredit the knowledge, skills and experience of another Teacher of the Deaf or others whilst discussing an educational setting.
- Guide the Panel through specialist information or technical details e.g. acoustics, audiology in the context of the child's needs.

All professionals must act in a courteous manner especially when offering opinions which conflict with those of another professional who may be acting as a witness for the other party.

After the Tribunal hearing

The Tribunal reaches a decision within the legal framework based upon the evidence placed before it, in the papers and at the Tribunal hearing. The result is not a reflection on the professional integrity of those involved.

All professionals must:

- Encourage the re-establishment of a normal working relationship with the family once the outcome of the Tribunal is known.
- Ensure that the Tribunal decision is put into effect as smoothly and efficiently as possible, working professionally with all other personnel involved, especially the family.
- Put actions, agreed prior to the Tribunal hearing, in place.

CLASSROOM ACOUSTICS - RECOMMENDED STANDARDS

The unoccupied Ambient Noise Level should not exceed 35dB(A) Reverberation Time should not exceed 0.4 second across the frequency range 125Hz to 4000Hz. The Signal To Noise Ratio:

- should exceed 20 dB across the frequency range 125Hz to 750Hz
- should exceed 15 dB across the frequency range 750Hz to 4000Hz

Early diagnosis of hearing loss, together with good pre-school guidance, consistent appropriate hearing aid fitting and cochlear implants are making it possible for severely and profoundly deaf pupils to be educated in mainstream classes. The government policy of inclusion also encourages this situation.

It is therefore important to have realistic targets for acoustic conditions in schools in order to influence either existing provision or new building regulations. Good acoustic conditions benefit both hearing and deaf pupils. However, classroom acoustics is only one of many factors which will support or inhibit the successful inclusion of severely and profoundly deaf pupils.

Recommended standards need to be used sensitively and put in the context of other strategies used by pupils and staff. They would be one factor in the learning environment and the impact on individuals will be variable.

Background Noise Levels (BNL) and Reverberation Times (RT) can be improved by: -

- acoustic treatment: carpets, curtains, doors (and closing doors), soft covers on display tables, ceilings etc
- INSET to mainstream teachers re management of hearing loss, use of radio aids and attachments
- Auditory Training Units (ATU), conference microphones etc
- good classroom management
- provision of quiet areas
- monitoring and evaluating the use of hearing aids (including modern technology e.g. digital hearing aids)
- use of radio aid (RA) transmitter input adaptors and leads
- ensuring that classrooms where deaf pupils are located preclude intrusive noise from playing fields, roads etc
- use of visual clues and access through text

- skilled use of radio aid by deaf pupils
 - knowing when it is working correctly
 - being able to assist in fault finding (when old enough)
 - being able to decide the situations when a radio aid is useful
 - using additional leads and adaptors with TVs, computers etc
 - having confidence to explain use to other pupils and teachers
- provision of Soundfield FM System

The outcomes of severely and profoundly deaf pupils educated in mainstream, unit and resource settings, where BNLs and RTs have not been ideal, need to be researched in order to demonstrate the value of the additional strategies that can be successfully used. There are many educational and social advantages in attending local mainstream schools and living at home. These should not be underestimated in the overall view of provision. It is important that young deaf adults, whether they communicate in sign or speech, can function in the hearing world as well as the deaf world.

GUIDELINES FOR CLASSROOM ACOUSTICS

Acoustic Requirements Of Schools – Advice For Teachers Of The Deaf Attending Tribunals

Acoustic recommendations for schools were published in 1997 under ‘Building Bulletin 87’ (BB87). In this guidance, levels of ambient noise, and reverberation time were specified. These measures were not the same for all the rooms within a school and some specific workspaces were given different recommendations. BB87 also makes recommendations for ventilation, lighting, heating etc.

Building Bulletin 93 (2003) deals only with acoustics and is entitled ‘Acoustic Design of Schools – a Design Guide’. This document specifies more stringent acoustic requirements and also includes specific reference to rooms in which Hearing Impaired (HI) children will be taught. This guidance is contained within Section 6 of BB93 entitled, ‘Acoustic design and equipment for pupils with special hearing requirements’.

BB93 differed from BB87 in that the acoustic recommendations became a legal requirement rather than simply guidelines. In fact it is only Section 1 in BB93 that sets out the ‘compliance’ to the performance specifications. The remainder of BB93 is merely guidance on various aspects of the acoustic design of the school building.

The acoustic environment is specified in the document for the purpose of informing the building contractors who will build the school. It would seem safe to assume that all schools built post 2003 will comply with the acoustic limits specified in BB93. This is assured by the fact that BB93 is a legal recommendation. However, adherence to BB93 may not always be the case where building contractors use various clauses (legitimately) to specify different measures in special workspaces.

It is less safe to assume that schools built post 1997 will comply with the recommendations of BB87, as this document did not carry a legal obligation. However, reference would have been made to the current acoustic recommendations of the time.

Many older schools were not bound by regulations or recommendations for the acoustic environment. For example, Victorian schools with high vaulted ceilings would clearly not meet the current specifications of BB93. However, in many schools, refurbishments have taken place and acoustic conditions improved. The effect of a lowered ceiling using acoustic tiles can be dramatic and in many cases enable the room to meet current recommendations.

Any new additions to the school are also covered by the guidelines current at the time. Extensions built after 1997 will have been built with regard to BB87 and those built after 2003, to BB93.

It is possible to take measurements of the acoustic environment of any school, using specialist equipment. The purchase cost of the equipment is high and it is often preferable to hire the equipment for the duration of the measurements. In a typical school it is likely to take a week or more to take measurements of the different learning environments. There are specialist acoustics companies who can supply the measuring equipment and take the measures if required. Training in taking acoustic measurements is available from the acoustic companies themselves as well as other providers. This task is also within the remit of the Service's Educational Audiologist.

It should be borne in mind that the acoustic specifications refer to unoccupied classrooms – in fact unoccupied schools. The ambient noise measures refer to external noises, such as road noise, as well as internal noise generated from ventilation and heating systems. The specifications do not refer to noise from adjacent classrooms or infrequent external noises (temporary road works etc.).

Acoustic conditions change immensely when children and furniture are present in the classroom. Undoubtedly, reverberation time (the 'echo' effect) gets shorter (improves) when soft surfaces, such as children, are placed in the room. The number of children, their place in the room and the amount of furniture, all affect the acoustics of the room making it impossible to take any meaningful measure of the environment with regard to BB93. It is for this reason that the acoustic specifications are for unoccupied schools only.

Table 1 – Background noise levels

Type of room	Room classification for the purpose of airborne sound insulation in Table 1.2		Upper limit for the indoor ambient noise level $L_{Aeq,30min}$ (dB)
	Activity noise (Source room)	Noise tolerance (Receiving room)	
Nursery school playrooms	High	Low	35 ¹
Nursery school quiet rooms	Low	Low	35 ¹
Primary school: classrooms, class bases, general teaching areas, small group rooms	Average	Low	35 ¹
Secondary school: classrooms, general teaching areas, seminar rooms, tutorial rooms, language laboratories	Average	Low	35 ¹
<i>Open-plan</i> ²			
Teaching areas	Average	Medium	40 ¹
Resource areas	Average	Medium	40 ¹
<i>Music</i>			
Music classroom	Very high	Low	35 ¹
Small practice/group room	Very high	Low	35 ¹
Ensemble room	Very high	Very low	30 ¹
Performance/recital room	Very high	Very low	30 ¹
Recording studio ³	Very high	Very low	30 ¹
Control room for recording	High	Low	35 ¹
<i>Lecture rooms</i>			
Small (fewer than 50 people)	Average	Low	35 ¹
Large (more than 50 people)	Average	Very low	30 ¹
Classrooms designed specifically for use by hearing impaired students (including speech therapy rooms)	Average	Very low	30 ¹
Study room (individual study, withdrawal, remedial work, teacher preparation)	Low	Low	35 ¹
<i>Libraries</i>			
Quiet study areas	Low	Low	35 ¹
Resource areas	Average	Medium	40
Science laboratories	Average	Medium	40
Drama studios	High	Very low	30 ¹
<i>Design and Technology</i>			
• Resistant materials, CAD/CAM areas	High	High	40
• Electronics/control, textiles, food, graphics, design/resource areas	Average	Medium	40
<i>Art rooms</i>	Average	Medium	40
Assembly halls ⁴ , multi-purpose halls ⁴ (drama, PE, audio/visual presentations, assembly, occasional music)	High	Low	35 ¹
Audio-visual, video conference rooms	Average	Low	35 ¹
Atria, circulation spaces used by students	Average	Medium	45
Indoor sports hall	High	Medium	40
Dance studio	High	Medium	40
Gymnasium	High	Medium	40
Swimming pool	High	High	50
Interviewing/counselling rooms, medical rooms	Low	Low	35 ¹
Dining rooms	High	High	45
<i>Ancillary spaces</i>			
Kitchens*	High	High	50
Offices*, staff rooms*	Average	Medium	40
Corridors*, stairwells*	Average - High	High	45
Coats and changing areas*	High	High	45
Toilets*	Average	High	50

* Part E of Schedule 1 to the Building Regulations 2000 (as amended by SI 2002/2871) applies to teaching and learning spaces and is not intended to cover administration and ancillary spaces (see under Scope in the Introduction). For these areas the performance standards are for guidance only.

Table 1.1: Performance standards for indoor ambient noise levels - upper limits for the indoor ambient noise level, $L_{Aeq,30min}$

Table 2 – Reverberation time

Type of room	T_{mf} ¹ (seconds)
Nursery school playrooms	<0.6
Nursery school quiet rooms	<0.6
Primary school: classrooms, class bases, general teaching areas, small group rooms	<0.6
Secondary school: classrooms, general teaching areas, seminar rooms, tutorial rooms, language laboratories	<0.8
<i>Open-plan</i>	
Teaching areas	<0.8
Resource areas	<1.0
<i>Music</i>	
Music classroom	<1.0
Small practice/group room	<0.8
Ensemble room	0.6 - 1.2
Performance/recital room ³	1.0 - 1.5
Recording studio	0.6 - 1.2
Control room for recording	<0.5
<i>Lecture rooms³</i>	
Small (fewer than 50 people)	<0.8
Large (more than 50 people)	<1.0
Classrooms designed specifically for use by hearing impaired students (including speech therapy rooms)	<0.4
Study room (individual study, withdrawal, remedial work, teacher preparation)	<0.8
Libraries	<1.0
Science laboratories	<0.8
Drama studios	<1.0
<i>Design and Technology</i>	
• Resistant materials, CAD/CAM areas	<0.8
• Electronics/control, textiles, food, graphics, design/resource areas	<0.8
<i>Art rooms</i>	<0.8
Assembly halls, multi-purpose halls (drama, FE, audio/visual presentations, assembly, occasional music) ^{2,3}	0.8 - 1.2
Audio-visual, video conference rooms	<0.8
Atria, circulation spaces used by students	<1.5
Indoor sports hall	<1.5
Gymnasium	<1.5
Dance studio	<1.2
Swimming pool	<2.0
Interviewing/counselling rooms, medical rooms	<0.8
Dining rooms	<1.0
<i>Ancillary spaces</i>	
Kitchens*	<1.5
Offices*, staff rooms*	<1.0
Corridors, stairwells	See Section 1.1.6
Coats and changing areas*	<1.5
Toilets*	<1.5

Table 1.5: Performance standards for reverberation in teaching and study spaces – mid-frequency reverberation time, T_{mf} , in finished but unoccupied and unfurnished rooms

* Part E of Schedule 1 to the Building Regulations 2000 (as amended by SI 2002/2871) applies to teaching and learning spaces and is not intended to cover administration and ancillary spaces (see under Scope in the introduction). For these areas the performance standards are for guidance only.

Table 2 contains recommendations for Hearing impaired pupils. In addition to this, Table 3 details recommendations from professional groups in the field of Hearing Impairment.

Table 3 – Recommendations by BATOD and ASHA

As it is not possible at present to provide definitive acoustic requirements for hearing impaired individuals it is appropriate for acousticians and architects to be aware of the recommendations published by specialist professional organisations. These include the British Association of Teachers of the Deaf [5] and the American Speech Language Hearing Association [6].

Acoustic Parameter	British Association of Teachers of the Deaf ^[5]	American Speech Language Hearing Association ^[6]
Unoccupied noise level	35 dB(A)	30 – 35 dB(A)
Reverberation time (unoccupied)	0.4 s across frequency range 125 Hz to 4 kHz	0.4 s
Signal to noise level	+20 dB across frequency range 125 Hz to 750 Hz +15 dB across frequency range 750 Hz to 4 kHz	≥ +15 dB

The specifications in Table 3 are recommendations only and are not a legal requirement of a new build. They might rightly be regarded as an aspiration in rooms where this is possible.

Summary

In practice, we generally only consider reverberation time and ambient noise measures. Full instructions and training for their measurement are available from specialist providers as detailed earlier. It is possible to calculate the Reverberation time of a room by measuring its dimensions and factoring in the absorption coefficient of the various surfaces in the room. The absorption coefficients and calculations are available from Educational Audiology services.

If desired a simple measure can be made of the signal to noise ratio by measuring the ambient noise level and by measuring the level of the teacher’s voice at a point in the classroom. If the ambient noise level was found to be, say, 40dBA and the teacher’s voice level was 70dBA then the signal to noise ratio would be +30dB. This measurement can be made for different points in the classroom if desired (perhaps the HI child is always sited at the front of the class nearest the teacher). More detailed information relating to this measurement is available from Educational Audiology services.

It is important to remember that acoustic conditions outside the limits specified in BB93 are not a reason on their own to remove a HI pupil from the school. The school will have a plan to address features of the school that might prove to be a barrier to disabled pupils (ref: DDA). This is the School's Accessibility Plan and should detail improvements and adaptations over a three-year period and be reviewed each year. Improvements to the acoustic environment would be included in this plan where advised by the ToD or Educational Audiologist. This would be an appropriate answer at Tribunal.

It is also essential to bear in mind that wireless technology (radio FM and infra-red systems) plays a large part in overcoming the disadvantages of a poor acoustic environment. Such systems reduce the effect of hearing over distance, high ambient noise levels and high reverberation time. They are particularly useful in improving the signal to noise ratio, which is a major factor in improving speech intelligibility.