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Deaf Children's Rights and Mental Wellbeing

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Starting questions...

- Why discuss deaf children's rights and not just children's rights?
- What have 'rights' got to do with mental well being?

Today

- Universal/specific rights tension
- Approaches to language rights in relation to deaf children
- Safeguarding and rights of ‘safety’

Children's Rights

- UN Convention on the Rights of the Child, not the rights of particular children or children in different contexts
- Four core principles:
 - Non-discrimination
 - Devotion to the best interests of the child
 - Right to life, survival and development
 - Respect for the views of the child

Universal Rights

- UN Convention – children’s needs are so important they are called ‘rights’
- Increasingly translated into universal **outcomes** for children
- Not special guidance/ outcomes/ expectations for special populations

English context

- Universal outcomes
 - Be healthy
 - Stay safe
 - Enjoy and achieve
 - Make a positive contribution
 - Achieve economic well being

Positives in looking universally

- Equality of expectations
- Structures services to common goals
- Creates leverage

National Early Childhood Development Strategy

1. children are born and remain **healthy**
 - Impediments to optimum development
2. children's environments are **nurturing, culturally appropriate and safe**
 - Language growth, cultural identity, safeguarding
3. children have the **knowledge and skills for life and learning**
 - Socio-emotional development, education

National Early Childhood Development Strategy

4. children benefit from **better social inclusion** and reduced disadvantage
 - Access; without barriers
5. children are engaged in and **benefitting from educational opportunities**
 - Attainment
6. **families are confident** and have **the capabilities** to support their children's development
 - Family centred practice
7. quality early childhood development services support the workforce participation **choices of families**
 - Informed choice

Universal and/or specific?

- Positives in looking universally
- Different pathways/different resources to achieve the same desired outcomes
- ‘Walk this way’

“Walk this way”

To go in a particular direction



To walk with a
characteristic style



- So what is it about deaf children and/or the way in which society treats deaf children/deaf people that means it might be important to focus on some population specific rights?

Deaf children's rights to...

- Language
- Safety (safeguarding)

LANGUAGE RIGHTS

Language

Language of
enough quantity
and quality
to develop, feel,
think, express and
be known

Specific languages
and modalities
Signed /spoken/
written
Lang. of home and
of society

?



Examples

- Mode/kind of language above all else
- Essentialist arguments
- Liberal assumptions

Languages and structural value

- Languages and language use is not value-neutral
- Within living memory
 - Signed languages not regarded as ‘human’ or as ‘real’ languages
 - Spoken languages for deaf children regarded as limited and coming with restrictions

Early study (Young et al., 2007)

- Parental expectations of communication and language development
- Average age of child at time of parent interview (25 weeks)
- All hearing parents (n=45)

Early study

- Early ID = 'normal' child
- 'Normal' = mainstream school, milestones on time, spoken language
- Conflation of direction with route there

Early Study

- Sign Language [majority view]
 - Not relevant
 - Not appropriate (speech = society)
 - Fall back
- Sign Language [minority view]
 - Giving the child a choice
 - It's not one or the other
- Leaving the future 'open'

'open futures' (Feinberg)

- Often presented as
 - Not closing off possibilities
 - Being attendant to child's emerging strengths
 - Prioritising language per se
- But there are limitations to the argument
 - Optimum times?
 - The need to specialise?
 - Monitoring

Open futures

- Arguments cast in terms of **outcomes**
 - The right time for the best benefit BUT...
- Parent-led lobby for open futures as a **process**
 - To try out possibilities
 - To change one's mind
 - BUT do resources/policy/practice endorse or close down processes (Young et al, 2006)

Language rights as demands

You have the right to receive unbiased, thorough information about communication and education possibilities.

You have the right to meet other families who have raised a child who is deaf/hard of hearing and adults and older children who are deaf/hard of hearing if you so choose.


You have the right to demand the kind of services you believe would best suit your child and family.

Language rights as Rights in Trust

- ‘Anticipatory autonomy rights’
- Put yourself in the child’s shoes?
- Making choices on behalf?
- Internal and external conditions [society]

2011 French
protests against
universal newborn
hearing screening

NON AU DÉPISTAGE PRÉCOCE DE LA SURDITÉ !!!



MOI BÉBÉ SOURD J'AI BESOIN :

- d'une maman et d'un papa qui m'aiment ...
- d'être éveillé par le toucher, les parfums, les images et par les signes ...
- d'être encouragé et félicité comme tous les bébés du monde ...

ET JE REFUSE :

- d'être considéré comme un bébé à « problèmes »
- d'être otage d'un système médical qui ne voit en moi qu'une « oreille cassée »
- d'être opéré sans mon « consentement » alors que je vais très bien !!!

An Act

**CONCERNING THE EDUCATION OF CHILDREN WHO ARE
DEAF AND HARD OF HEARING.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration.

(2) The general assembly further finds that:

(a) Deafness involves the most basic of human needs: The ability to communicate with other human beings. Many deaf and hard-of-hearing children use an appropriate communication mode, sign language, which may be their primary language, while others express and receive language orally and aurally, with or without visual signs or clues. Still others, typically young deaf and hard-of-hearing children, lack any significant language skills.

(e) It is essential that deaf and hard-of-hearing children have an education in which their parents and, where appropriate, deaf and hard-of-hearing people are involved in determining the extent, content, and purpose of programs;

What we **put in place** for rights to be fulfilled

“Even though Deaf people have the same rights as everyone else, implementation of four basic factors is tantamount to the protection of the human rights of Deaf people: sign language, bilingual education, accessibility and interpreting”

So....

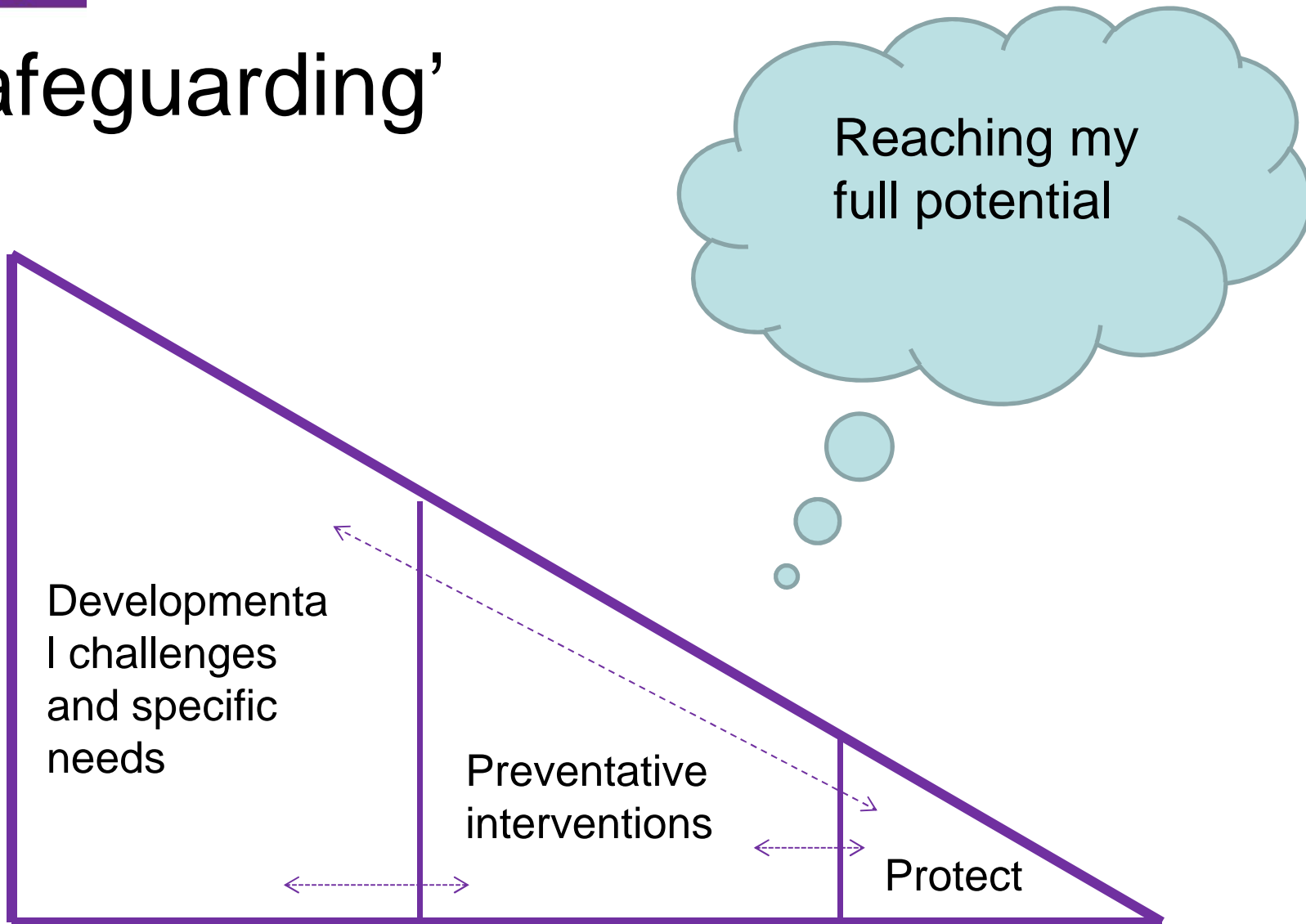
- In any discussion of deaf children's rights **language** is a fundamental consideration
 - Conflation of aims and means
 - Demands, 'in trust', legislation, condition
- A concern with mental health will inevitably incorporate understanding the influence of the social world(s) in which an individual has grown up
- For deaf children, that social world is a site of contested and complex arguments about language with life long consequences...

RIGHTS OF PROTECTION AND 'SAFEGUARDING'



- When does 'non-compliance' count as neglect?
- If parents are not supporting development is that child considered at risk?
- How long do you leave a child/family you have concerns about?
- Referral seems too drastic a step...
- I am not sure there is the expertise?

'Safeguarding'



Does the system work to safeguard deaf children?

- Study of social work service delivery (Young et al., 2009/2010)
- Discussion document about specialist (family) assessment
- Formal guidance
- Inspection

Specialist social work research

- 5 in depth case studies
 - Documentary analysis
 - 17 in depth interviews
- 52 LAs structured survey response
- Full spectrum of safeguarding activity
- Impact of ‘integrated services’

SW contribution to development/prevention interface

- Starting point
 - Fundamental focus on the family not the child
 - Family/social/economic context as the starting point of professional activity (making space)
 - Concern with child's development in a broad sense, not developmental problems attributed to deafness

Social work studies [Young et al., 2008; 2009; 2010]

“For us, it will be looking at the family or the community or the society around that child and often the work we do is not with the child. Although the perception is we will go in and we will ‘fix’ the child (and we will do work with child), often the work we do is with the family.”

“[we] would then need to analyse whether it really was the deafness because that’s a key question, but people often make that assumption and we quite often get people referred for issues because the child is deaf and it actually just happens that they’re deaf...”

SW contribution to development/prevention interface

- Values and principles which shape the outcomes not just the process
 - Promotion of autonomy
 - Nurturing of independence
 - Facilitation of choice
 - Fostering of social inclusion

- “I see the role of the social worker... as supporting, empowering, informing, helping them make choices, being alert to any safety issues and that can be in its widest possible sense from say traditional safeguarding and child abuse issues right the way through to life stage work so if you know that a child is just moving from primary to secondary school, are they Ok with road safety, when they are moving up to teenage stage, are they ok about the community, do they know that they themselves can get to their GP, can they use interpreters, that sort of thing. So it’s empowering at different life stages for the child, informing, supporting the family when you’re thinking of the whole family.” [Young et al., 2008]

Development/preventive interface

- Being 'deaf' does not usually hit the criteria for service response
- 'child in need' /universal outcomes discussion
- 40% of LAs would not regard deaf children as children in need because they were 'deaf' (Young et al., 2010)
- Of the 60% who would, fewer than half would actually carry out an initial assessment (Young et al., 2010)

Development/preventative interface

- Capacity to recognize the seriousness of some features for development and consequences when not present
- Requires a good calibration of normal expectations
- Specific skills/experience
- Structural/strategic commitment

Structural vulnerabilities

- “where deaf children and their families may require assessment and/or service provision”
 - 50% of LAs – no formal arrangements between social work and education
 - 45% of LAs – no formal arrangements between social work and health
- 50% of LAs – no defined multi-disciplinary pathway for planning and service provision
- Ofsted (2012) good practice study still identified problems

Thresholds: prevention to protection

- High eligibility criteria/thresholds for response (severe, critical)
- Some developed different ways of showing/assessing/recognizing 'ways and means'
- Involvement becomes at a crisis point only

- In a specific case example:
 - a profoundly deaf minor,
 - school excluded,
 - not age appropriate language and displaying abusive behaviour
- **10% of LAs would not have responded at all.**
- When escalating circumstances involved **other members of the family ALL** would provide a response

Thresholds: prevention to protection

- ‘Child in need’ – child protection
- Disabled children far less likely to become subject of child protection plans in comparison with other children in need (CiN stats, 2011)
- **Tolerance** of poor parenting or low expectations or lack of progress goes on much longer than non-disabled children

Deaf children more vulnerable to abuse

- Maturity/understanding/'fund of knowledge'
- Residential environments (less)
- Others' ability to communicate and understand
- False readings/extrapolations

Protection services

- Equipped, skilled, experienced enough workforce?
 - Normal development
 - What is being 'deaf' and what is evidence of abuse
 - Ability to communicate directly with the child
- **Pre-existing** arrangements for joint working/investigating/reporting?

LSCB Guidance [Young, Hunt & Stow, 2012]

- “The child at the centre” – fundamental principal in all safeguarding
- For Deaf children it is predicated on:
- Language and communication
 - Preferences
 - Strengths
 - Needs

Language and communication

- Preference
 - diversity
 - situational
- Strengths
 - Receptive, productive, non ‘verbal’
- Needs
 - Person, place, medium, gaps/scaffolding

So...

- Can those involved discern these subtleties?
- Do you know what actions to take to meet these?
- Is direct communication possible and if so is it preferred and prioritized?

Problematic CP investigation arrangements

- Skilled CP social workers with little or no understanding of deaf children's development, communication skills, understanding
- Skilled CP professionals who assume the provision of communication support in addition to themselves is enough
- Specialist social workers with deaf children who have no experience, knowledge or skills in child protection

Standard requires:

- specialist social care expertise with deaf children
- specialist expertise in child protection
- specialist communication skills
- Where one element is lacking, arrangements cannot be regarded as adequate

Some Conclusions

- ‘rights = demands’ is an easy criticism of rights talk
- But focus on rights is important in assisting us to recognise the relationship between universal outcomes and sector specific needs
- We are part of the conditions for the fulfilment of deaf children's rights [language/protection]

Some Conclusions

- Failure to ensure the fulfillment of basic rights impacts on mental wellbeing through:
 - Failure to value
 - Failure to endorse
 - Failure to promote
- What do developing deaf children internalise about their worth, equality and contribution to society?

Some Conclusions

- Good mental wellbeing is an issue of rights
- Because it is a gateway to possibility, opportunity, fulfilment, contribution...
- AND can be much harder to achieve/ experience for deaf young people