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Guidance for Educational Psychologists (EPs) when preparing reports for children and young people following the implementation of The Children And Families Act 2014



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PART 1

1.1 Introduction

The publication of this document was requested by many educational psychologists (EPs) and by the Department for Education (DfE) in order to update and replace *Guidance to Educational Psychologists (EPs) in Preparing Statutory Advice to Children’s Services Authorities*, which was published by the Association of Educational Psychologists (AEP) in 2004 and revised in 2009. The previous guidance was used extensively within the EP profession and within the wider Special Educational Needs and Disability (SEND) field.

The Joint Professional Liaison Group (JPLG)¹ has produced this document to provide guidance for EPs working within England in response to the implementation of Part 3 of the Children and Families Act (2014), including the SEND Code of Practice (DfE/Department of Health (DoH), 2015) and associated regulations. It is of particular relevance to EPs commissioned by local authorities to provide psychological advice for Education, Health and Care (EHC) needs assessments. It is not intended to be taken as a prescriptive document nor does it promote any particular format for presenting a written report.

1.2 Purpose of this guidance

The purpose of this guidance is to provide support to EPs in writing their psychological advice for EHC needs assessments.

1.3 The work of EPs

EPs offer a wide range of support and advice to children, young people, families and other professionals in a wide range of settings. They have a statutory role in providing advice or information to local authorities for children and young people who have SEND and are undergoing a statutory EHC needs assessment. This statutory role was extended via the Children and Families Act (2014) to include young people aged 19–25 years.

EPs are regulated by the Health and Care Professions Council (HCPC) and their practice is informed by the HCPC standards of proficiency, conduct, performance and ethics (HCPC, 2008). ‘Educational Psychologist’ is a protected title.

When providing advice and information on SEND to local authorities the EP provides a unique perspective, based on a holistic and child-centred approach and rooted in

¹ The Joint Professional Liaison Group (JPLG) meets regularly to discuss matters relating to the professional practice of educational psychologists (EPs) across the UK. The group comprises of two representatives from the following groups – Association of Educational Psychologists (AEP), British Psychological Society – Division of Educational and Child Psychology (BPS-DECP), National Association of Principal Educational Psychologists (NAPEP) and the Programme Directors for Initial Training (PDs).

psychological theory. EP assessment and reporting takes into account the learning environment and the circumstances in which children and young people and their families are living and functioning. It is with this understanding that the EP reports on the strengths, needs, proposed outcomes and provision for children and young people. In doing so, EPs remain mindful of their professional responsibilities and remit, as described by the HCPC (2008). An EP's priority is always to give advice which is, in their professional judgement, in the best interests of the child or young person.

1.4 The nature of psychological advice

EPs assist others to identify and build on strengths and ameliorate difficulties or barriers to learning. During the process of assessment the EP's primary task is to help to clarify and define the needs of the individual child/young person in the context in which they are living and learning. This is informed by developing and testing hypotheses. EPs work in a number of ways:

- i Acting as consultants for school staff, other professionals and parents and contributing to the development of their direct work with children and young people.
- ii Direct assessment, developing interventions, monitoring progress and writing reports.
- iii Contributing to a multi-agency planning process for children and young people by attending meetings and/or providing reports.

The EP assists in the generation of outcomes and the intervention strategies that will lead to these being achieved. These are informed by psychological frameworks and research. The extent to which particular strategies are successful will guide future decision-making as part of the iterative four part assess, plan, do and review process. As a part of this process, medium and long-term outcomes may change. The process is therefore one of continuous data collection in order to monitor the success of interventions, with any statutory written evidence providing a description of the child in a specific situation, at a particular point in time.

The child's functioning should not be separated from the analysis of the interactions between the child and the context or environment (family, peers, teachers, classroom setting or community).

Any recommendations for outcomes, intervention and provision must be clearly related to the EP's analysis of the data collected in the definition and formulation of the problem and to the psychological theories underpinning it. Such analysis should include any lessons learned from the previous stages of the assess, plan, do and review cycle and the advice should reflect this approach.

1.5 Duty of care when making recommendations

Whilst EPs will always seek to work in partnership with parents, local authorities and other professionals, and include their opinions when making any recommendations, the EP has a primary duty of care to any child or young person for whom advice is requested. They will also be guided by the United Nations Convention on the Rights of the Child (UNICEF, 1989) and by the Mental Capacity Act (The Stationery Office, TSO, 2005) (see Annex 1 from the SEND Code of Practice, DfE/DoH, 2015).

The report should reflect the EP's own professional opinion on strengths, barriers to learning, outcomes and recommended strategies and approaches. This may include comments on options for types of provision and will be informed by the evidence of data collected and the psychological research and models. It will also take into account the aspirational outcomes of the child/young person, their family and educational setting.

EPs' recommendations should be confined to advice on the approaches required to overcome the barriers to learning that affect the child/young person and should not therefore be driven by financial or other constraints of the requesting local authority or parent.

1.6 General principles of good practice

In line with the *AEP Code of Professional Conduct* (AEP, 2012), the *BPS Code of Ethics and Conduct* (BPS, 2009) and the relevant HCPC documents (HCPC, 2008; 2009) all EPs should:

- ensure informed consent is obtained before their involvement with any individual;
- act in the best interests of service-users. The child or young person's views need to be at the centre of the process;
- respect the confidentiality of service users;
- practise in a non-discriminatory manner;
- work in partnership, where appropriate, with other practitioners, service users and parents /carers. Where possible the aim should be for co-production of psychological advice;
- ensure effective communication with service-users and other practitioners. This will include liaison with other practitioner psychologists;
- maintain clarity regarding their role as applied EPs in offering professional expertise. This will include acting within the limits of their knowledge, skills and experience and ensuring that their professional knowledge and skills are up to date;
- use high quality evidence-based assessment, referenced where appropriate;
- monitor intervention over time to inform assessment and formulation;
- ensure a range of factors are taken into consideration e.g. the contexts and perspectives of the child and young person, and those around them;
- clearly attribute information reported from others;
- maintain clarity around formulation and ensuing recommendations; and
- exercise a duty of care to all those with whom they work.

PART 2

2.1 Education, health and care needs assessment

An EHC needs assessment may be requested by a professional, parent or young person (aged 16–25 years). The expectation is that parents, children and young people are at the heart of the process. The challenge for the EP is to ensure that the content of their advice is accessible to all, even though some of the information may be complex and technical.

2.2 Content of the advice

The nature of assessment as part of the cycle of assess, plan, do and review, within the graduated approach, should enable the EP to provide information on progress over time. The EP's hypotheses should be explicitly articulated and there should be clear reporting on the evaluation of progress made. Reference may be made to relevant research. The EP may describe medium and long term outcomes.

The voice of the child or young person needs to permeate the advice. The Children and Families Act (2014) gives new rights to young people aged 16 years and over (see sections 8.13 – 8.19 from the SEND Code of Practice) which EPs should be particularly aware of when formulating their advice (see also Annex 1: Mental Capacity). The process of providing the EP's advice should always be embedded within a person-centred approach.

EPs are not required to comment on all the headings which are covered by the EHC plan, particularly where a section will be covered in depth in other reports. However it is recognised that EPs are very skilled at taking a holistic approach, drawing together a range of information, synthesising that information and expressing it in terms which have relevance to the learning environments. They will effectively provide the case formulation.

As when writing any report, the EP should consider:

- the purpose of the advice;
- the needs of their client group; and
- how the report may be used in future.

The advice should clearly attribute sources of information. The EP will provide a balanced view of the child or young person's strengths, needs and potential areas of development, making links between the child or young person's skills and how these may be used or built upon to enable progress in other areas of need.

2.3 Areas that could be covered within EP advice

Whilst there is no expectation that EPs should cover all sections of an EHC plan in their advice, their advice will cover the essential components as set out below:

The SEND Code of Practice specifies four key aspects to an EHC plan (section 9.2):

- the views, interests and aspirations of the child or young person and their parents;
- a description of the child's or young person's needs;
- desired outcomes based on the child's or young person's needs; and
- specified provision to achieve these outcomes.

i. Context of the report

- Reasons for involvement of the EP.
- Evidence on which the report is based.
- Range and extent of involvement.

ii. The views, interests and aspirations of the child or young person

EPs are skilled at eliciting the views and preferences of children and young people. They may use a range of creative methods for obtaining these views, which may include specific aspirations which had been articulated by the child or young person during their work with the EP.

iii. The views, interests and aspirations of the parent for the child or young person

EPs are often considered by parents to provide an independent professional opinion. On many occasions, they will have been involved with the child or young person over time, before an EHC needs assessment is requested and are therefore likely to have built up a positive working relationship with the parents. This means that an EP may be in a good position to obtain the views of parents. Describing the views of the parent within the advice should not compromise the position of the EP, who should always present their own professional view of the child or young person's strengths and needs.

iv. The child or young person's special educational needs

A detailed description of the child or young person's current educational needs, with additional information from their developmental history or life experiences which may have an impact on future progress, should be included. The EP will select the most appropriate methodology for collecting relevant information, triangulated with evidence in their learning environments and broader community where appropriate. The EP may comment on the psychological impact of the child or young person's social and emotional development and their life experiences on their education and learning.

v. The child or young person's health care needs

The EP may sometimes be in the best position to comment on what impact some health needs may have on learning outcomes. It is not the role of EPs to provide advice on specific needs requiring the on-going involvement of healthcare professionals.

vi. The child or young person's social care needs

The EP may, in some circumstances, comment on the approaches that may be required to support a child or young person's psychological wellbeing in a care setting. This may apply to the psychological wellbeing of a child or young person in a residential setting, or where changes in home environments may have an impact on their progress.

vii. The outcomes sought for the child or young person

The SEND Code of Practice (section 9.66) states that an outcome is the 'benefit or difference made to an individual as a result of an intervention'. EPs will make a clear distinction in the advice between outcomes and provision. Readers of the advice should be able to see a clear link between outcomes and approaches; and strategies required to achieve these outcomes. Outcomes are the bridge between the child or young person's needs and aspirations. Outcomes may be medium to long term, for example reflecting stages in the child or young person's education. They will be linked to the increasing independence of the child or young person as a learner and as an included member of their learning environment. The outcomes will be phrased in positive and constructive terms and describe what the child/young person should be able to do when the outcome is achieved. Where possible any proposed outcome should have been discussed with the child or young person and their family before being included in the advice.

viii. The provision required in order to meet the child or young person's needs

The EP will describe the interventions or strategies which will be put in place to help the child or young person meet their educational outcomes. This may include advice on possible modifications to the national curriculum or alternative ways of delivering it. EPs are in a unique position to comment on the evidence base which supports the choice of a particular, recommended intervention. Provision may also include direct intervention by an EP. Key principles of EP assessment are shown in Figure 1 below.

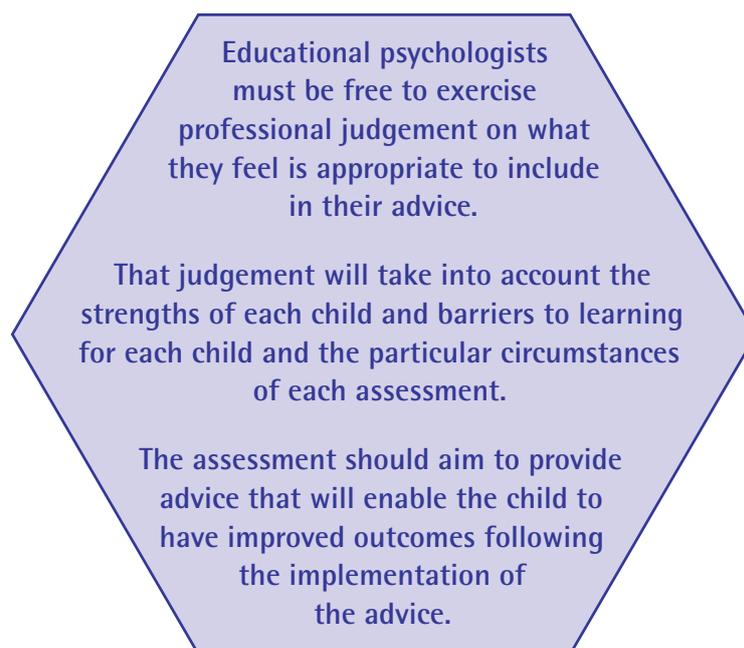


Figure 1: Principles of EP assessment

PART 3

Providing statutory psychological advice within the context of EHC needs assessment

3.1 Introduction

The SEND Code of Practice lists EPs as people from whom a local authority must seek advice or information when it is carrying out a statutory needs assessment (section 9.49). The EP should normally be employed or specifically commissioned by a local authority for this purpose. However, any EP writing the advice should consult with any other psychologist known to be involved and there is an expectation that the EP writing the advice will include relevant information from any previous EP reports. While the SEND Code of Practice does not provide any guidance on structure for statutory advice, there is a clear assumption that any advice or information provided should be consistent with the general principles set out and inform the development of an EHC plan if necessary.

3.2 Key aspects of EHC plans and EP involvement

The SEND Code of Practice specifies four key aspects to an EHC plan (section 9.2):

- The views, interests and aspirations of the child or young person and their parents.
- A description of the child's or young person's needs.
- Desired outcomes based on the child's or young person's needs.
- Specified provision to achieve these outcomes.

Throughout the SEND Code of Practice there is an emphasis on collaboration between practitioners and children and young people and their families. There is an expectation that everyone should adopt a person-centred approach (section 9.23) and that there should be 'high quality engagement with child and parents' (section 9.7).

The SEND Code of Practice gives timescales within which assessment and developing an EHC plan must be completed and essential components of an EHC plan, but does not provide detailed guidance on the process or involvement of specified professionals, including EPs, other than the requirement to provide advice or information. The pattern of meetings and organisational responsibility will vary from local authority to local authority. EPs will need to be fully aware of their own, or the commissioning local authority's policies.

3.3 Timescales

When a local authority requests statutory advice or information, the EP must respond in a timely manner (section 9.39) and in any case within six weeks of the date of the request, which in some cases is a statutory requirement (section 9.41). There are only a few exceptions to this; for example if appointments are missed by the child or young person, or if the child or young person is away from the area for a continuous period of more than four weeks or where there are exceptional personal circumstances which affect the child or young person or their parents.

3.4 Advice/information

One of the principles underpinning the SEND Code of Practice is that local authorities and practitioners should try to avoid having the child or young person or their parents provide the same information multiple times (the ‘tell us once’ approach). The SEND Code of Practice suggests (section 9.47) that the child or young person’s parents should be helped to decide whether existing available information is sufficient for the purposes of the needs assessment. The SEND Code of Practice explicitly states that: ‘The local authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the local authority and the child’s parents or young person are all satisfied that is sufficient for the assessment process. In making this decision, the local authority and the person providing the advice should ensure the advice remains current’ (section 9.47).

The implication of this is that the EP is not necessarily required to make a full assessment if they have recently been involved and relevant information is available to the local authority. It is the EP who should decide whether or not additional assessment and/or the collection of further information is required in order to provide good quality psychological advice for the EHC needs assessment.

There is no national, statutory guidance on how psychological advice should be presented. However, local authorities can reasonably expect that EP advice/information will support the development of an EHC plan providing a clear description of needs, suggested outcomes, strategies and provisions to enable the child or young person to achieve these outcomes.

Psychological advice should not be influenced by consideration of the name of the school at which the child or young person might eventually be placed. The local authority will decide on the placement at a later stage of the process in the light of parental preference and the assessment of need. EP advice must not commit the authority to a particular placement or pre-empt the parents’ preferences. It could, however, include descriptions of the type of provision that would meet the child’s needs and help achieve the stated outcomes.

PART 4

4.1 Summary

The EP's primary role in a statutory EHC needs assessment is to provide psychological advice or information. There is no statutory requirement for a particular format for psychological advice. However, EPs should provide relevant information to support the development of an EHC plan. They should respect the process of the local authority commissioning their services but remain mindful of their professional responsibilities and duty of care to any child or young person for whom advice or information is requested. In some local authorities EPs are also commissioned to take on additional roles and responsibilities associated with the statutory process.

4.2 References

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