



## **The Education Committee inquiry into support for children and young people with special educational needs and disabilities (SEND).**

### **Submission on behalf of the National Association of Principal Educational Psychologists (NAPEP)**

NAPEP seeks to support, advise and influence the leadership of educational psychology services and supports the continuing development of the profession in order to achieve the most positive, inclusive outcomes for children, young people and their families.<sup>1</sup>

This submission has been prepared by:

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### **(1) Assessment of and support for children and young people with SEND**

#### **1.1 Increase in assessments**

NAPEP continues to fully support the aims and aspirations of the Children and Families Act, in particular the desire to place children and families at the heart of the process of assessment. Educational Psychology Services nationally have noted an increase in person centred planning, with many services being instrumental in the delivery of training to settings and SEND teams as well as contributing to the process. As part of the assessment process co-production meetings with parents and professionals, including educational psychologists are seen as very beneficial; face to face discussion can clarify and solve issues arising during the assessment process and lead to smart solutions about how best to meet need bearing in mind the context in which the context is educated.

There has been a noticeable and significant increase nationally in EHC needs assessments since 2014. It is understood that the number of children with complex needs is increasing but that does not explain the totality of the increase of assessments. The process of assessment is obviously not without substantial costs in terms of finance and time. The increase is placing a burden on Educational Psychology Services and other professionals providing statutory advice for EHC assessments which draws them away from early intervention work, creating a vicious circle.

There is a disconnect between the graduated approach towards assessment of SEND advocated in the Code of Practice and the strong push for assessment where a child *may* have special educational needs, as outlined in the Children and Families Act and tribunals are being lost on "failure to assess" grounds. One Principal Educational Psychologist has quoted the outcome of a tribunal which the Local Authority lost on "failure to assess" grounds:

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<sup>1</sup> [www.napep.info](http://www.napep.info)

" without the benefit of an Educational Psychology assessment the LA and school cannot be confident that needs are being met or can be met by the current school. More needs may be identified following an EP report and strategies suggested to meet needs"

Some EP services report that in their Local Authorities there is a perception that it is almost better to submit a request for an EHC assessment with scant information because that leaves some doubt as to whether the child in question may have special needs. This is hugely frustrating.

Schools and academies are expected to provide external agency support for their pupils. EP teams provide a level of core support and/or schools commission EP support on a traded basis. Many if not all Principal EPs are aware of parental complaints that they have to wait a long time to access support from an EP through their child's school. There is a wide discrepancy between the amount of time that schools and academies commission from EP services. It can range for a day a week to a day a term within the same Local Authority. Lack of access in a timely manner to EP support and intervention is contributing to the increase in statutory assessments and is driving the entire system into a more reactive rather than proactive early- intervention mode.

There has been a rise in parental requests but also in requests made by SENCOs on behalf of parents. Through their relationships with schools and academies Principal EPs and EPs have been informed by SENCOs that they may make a request for an EHC assessment on behalf of a parent in order to be seen as supportive to the parent or to prevent damage to relationships, even when they do not think it is necessary.

Parents tell us that they feel that the need to request statutory assessment in the absence of a more graduated response to assessment or because they lack confidence in schools to meet need, linked to funding issues (described below). The writer of this submission conducted a strategic review of SEND provision in two neighbouring local authorities and spoke in depth with parents of pupils with SEND. Parents believe that there are numerous advantages to having an EHCP.

One parent stated:

"EHCPs appear to be the magic ticket to services and support"

## **1.2 The evidence base for "specificity" in recommendations**

NAPEP absolutely supports the value of having a "golden thread" from aspirations, outcomes, needs and provision to ensure that the child or young person and their family can see a way to achieving their goals as they grow up.

The Special Educational Needs and Disability Code of Practice (January 2015) makes it clear that advice written for an Education, Health and Care assessment must be clear, accessible and specific. Equally, the Code is clear that the content of the EHC plan must describe provision that is detailed and specific and should normally be quantified, for example, in terms of the type, hours and frequency of support and level of expertise.

The requirement for specificity is well understood; educational psychologists are aware of the challenge to be faced, potentially in a SEND tribunal, by barristers and SEND panels if specificity of provision is considered to fall short of the standard. Whilst advice writers understand the imperative for specificity, it does pose a dilemma when EPs find they are sometimes expected to provide SEND teams with a level of detail that can go

beyond the available evidence base . Some interventions will be very prescriptive about who should deliver them and how often but many are not. EPs have commented that

" its' the number of minutes that seem to count; the strategies and approaches seem to get dismissed".

EPs have experienced co-production meetings in which they had been pressed for a professional view about whether a group of 2 or 4 pupils is required, or whether 40 minutes twice a week is required, or 30 minutes three times a week, for example. The truth is that this level of specificity is very often spurious. Other factors are more important than the specific number of minutes dedicated to the interventions, relationships, motivation and attention span being obvious examples and Educational psychologists will draw on their knowledge of theories of learning and memory to inform recommendations. Additionally, advice about intervention should be based on the child's observed capacity to engage with learning on a 1:1, small group or class basis. This is could be summed up by a decision to use practice based evidence where there is an absence of evidence based practice. Co-production meetings with parents, professionals and SEND officers have the potential to be an excellent forum for settling these issues.

### **1.3 Educational Psychology workforce capacity**

At a time when there has been a significant increase in statutory assessment, many educational psychology services are carrying vacancies and are struggling to recruit<sup>2</sup>. This is starting to impact on the ability of Local Authorities to complete statutory assessments within 20 weeks. The reasons accounting for this situation include:

- **The limited supply of newly qualified EPs**

There has been an increase in the number of EP training places each year since 2014 (from 120 funded places in 2014 to 150 for Sept 2018). This will result in an increase in the supply of newly qualified EPs from 2019 but this will not be sufficient to offset the number of EPs retiring or choosing to leave LA posts.

The increase in training places is welcome, but will not resolve the current capacity issues. Even if there was a significant increase in the supply of newly qualified EPs, this would, at best, be a very short-term answer to the current capacity issues. In the longer term, challenges would remain due to other factors as outlined below.

- **The impact of the changing balance of work on LA EP retention**

All EPs undergo extensive training in order to deliver a wide range of psychological knowledge, skills and interventions. Statutory SEND work is an important area of EP work and EPs make a critical professional contribution to the statutory SEND processes. However, statutory SEND work represents only a small part of EPs' broader professional expertise and is only one of the ways in which EPs can contribute to improved outcomes for children, young people and families.

The increased focus on statutory SEND work has left many EPs in local authorities feeling that they cannot develop their professional skills and experience in the fullest way.

### **1.4 Support for children and young people with SEND**

The amount of support provided in an EHC plan will be dependent upon the individual child and their needs. Many plans contains large numbers of recommendations about provision and it is worth reflecting on the

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<sup>2</sup> The capacity of Educational Psychology services to deliver statutory SEND work: Recommendations from SE19 SEND Network Steering Group Task and Finish Group – January 2018

extent to which it is feasible to deliver everything in a plan for a child. Or if feasible, is it desirable? What is the cost to the everyday experience for that child in school? Does school feel like a series of interventions or a cohesive and integrated experience? Is there an implicit assumption that the more advice about provision and interventions the better the plan? Is there a fear of litigation somewhere down the line if an EP is deemed to have omitted a significant piece of advice about provision? EPs feel that they are perceived by some parents and professionals as gate-keepers to resources and admit to feeling uncomfortable about this. They, or other advice writers may feel blamed if a request for an EHC assessment is declined or if a plan is not issued especially if the amount of provision does not tip over the funding threshold of £6,000.

EPs have commented that they do not always see all the provision outlined in a plan, in place. Schools hint that they cannot provide all the provision in some cases. If this is the reality, it is time to face it.

In many local Authorities outcomes for pupils with EHC plans are better than those for pupils on SEN Support. NAPEP considers that this may relate to funding issues as schools are finding that element 2 funding is completely tied up with support to pupils with EHC plans, leaving little for other pupils with SEND. This situation is a reality nationally. Principal Educational Psychologists know about this from the work their teams are doing in schools. SENCOs feel uncomfortable about it and are asking for help.

Action is required to ensure that pupils with SEND are included in mainstream schools (reference the rising number of pupils with autism who are excluded from school). More training and outreach support is required for all schools, especially secondary schools in order to build capacity to support pupils with SEND. Parents talk to Educational Psychologists about their concerns around transition to secondary school, fearing their child may not cope in a larger setting. There can be less flexibility regarding support in secondary schools. It takes staff longer to get to know individual pupils and this is difficult for pupils with SEND particularly those with social communication difficulties, autism and or social, emotional and mental health needs. Unless training and support issues are addressed schools will lose confidence and motivation to support pupils with SEND when the numbers of pupils with SEND in increasing. Parents will also lose confidence and the proportion of pupils with EHC plans in special schools (as opposed to mainstream schools) will continue to grow. The number of pupils educated in out of area independent schools will also rise at a huge cost to the public purse.

## **(2)The transition from statements of special educational needs and Learning Disability Assessments to Education, Health and Care Plans**

All statements and LD assessments were to be transferred to EHC plans by 31<sup>st</sup> March 2018. Whilst this may have been achieved Principal Educational Psychologists are aware that the process for a proportion of parents and children and young was less person centred than would have been desired due to the high numbers of plans involved. The workload has been immense for SEND teams as well as advice providers .

## **(3)The level and distribution of funding for SEND provision**

In 2017 the Association of Directors of Children's Services (ADCS) issued a high needs funding survey<sup>3</sup> to all Directors of Children's Services. Across the 85 LAs who responded, the planned high needs block budget for 2016/17 was £2.95 billion and the actual spend was £3.08 billion. 68 local authorities reported an overspend totalling £139.5 million The most common means of managing an overspend were: utilising Dedicated Schools Grant (DSG) reserves; transferring funding from the schools and early years block; and/ or carrying the high needs block deficit forward.

Local authorities were asked about the specific issues which were driving demand and cost pressures in the high needs budget and from the received responses, three themes emerged:

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<sup>3</sup> ADCS High Needs Fund Survey Summary <http://adcs.org.uk/sen/article/high-needs-fund-survey-summary>

- the increase in numbers of children with SEND related to the extension of support to young people up to the age of 25 and early identification of additional needs, particularly in the early years;
- increasing complexity of need; and
- a lack of capacity within mainstream settings to provide a graduated response to additional needs before turning to statutory processes. There is a perception among schools that funding for special educational needs is inadequate. Special Educational Needs Co-ordinators (SENCOs) have commented that EHCPs are seen as a means to ensure funding is targeted at pupils who need support. However the unintended adverse consequence is that it becomes increasingly challenging to meet needs for pupils on SEN Support.

NAPEP recommends that continued support around the implementation of the SEND reforms is required , that the financial impact resulting from the reforms are addressed and a funding system that adequately reflects the needs of children with SEND is put in place.

#### **(4)The roles of and co-operation between education, health and social care sectors**

The Children and Families Act has encouraged greater dialogue and cooperation between Education, Health and Social Care though systems are still less joined up than the aspirations of the 2014 Act. It is acknowledged that the reforms were the most significant change since Warnock and the 1981 Act and change will be incremental. More work is required to ensure that Health and Social Care needs and provision are fully included in EHC plans and there is an accountability structure in place for Health and Social Care provision as well as Education. The 2014 Act described how services should be designed around the needs of children and families and not around the convenience/needs of service structures. This remains an issue still. Many families cope with multiple appointments on a weekly basis which is one of the reasons why educational psychologists will assess children in their usual setting and meet parents there as it is more convenient. In addition it provides much useful contextual information that contributes to an "ecosystemic assessment" - a strength of Educational Psychology assessment.

#### **(5)Provision for 19-25-year olds including support for independent living; transition to adult services; and access to education, apprenticeships and work**

Educational Psychology Services have embraced the opportunity of working with young people up to the age of 25 and sees the 0-25 age range encompassed in the SEND reforms as very positive step which can help prevent the "cliff-edge " at 18. Planning for adulthood needs to start sooner, and at least by the age of 14 for pupils with EHC plans. Outcomes need to be tailored to the PFA outcomes by key stage 4 as these provide a far more helpful focus than the four areas of the code of practice. Adult services need to actively engage in planning for a young person from the age of 14. Schools need to think beyond 16.

Working with young people in the 19-25 age range has highlighted for educational psychology services some of the anomalies that make life more challenging for young people with SEND. For example young people with high functioning autism may need help from Adult Social Care teams but do not meet criteria for Adult Learning Disability teams and yet this is where their needs will be best understood and catered for.

Access to Social Care teams and some services ( for example, support for students at university) may require standardised cognitive assessments linked to IQ "thresholds" . Principal Educational Psychologists are working to address this; access to support at school or special school provision is not contingent upon IQ scores and nor should it be so for young people once they leave school.

## Conclusion and recommendations

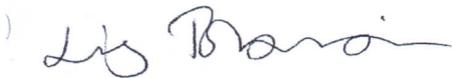
Members of NAPEP support the aims and aspirations of the SEND reforms which have brought about positive changes. However, there have been some unintended consequences, particularly in relation to shifting the focus of SEND work and creating a drift to a new 'front door' of requesting an EHC needs assessment. This has shifted the skills and energy of EPs (and the wider SEND workforce) towards statutory work and away from early intervention, prevention and strategic work. It has also often contributed to an increased focus on statutory processes rather than on co-production and agency.

The role of educational psychologists places them in a unique position of being able to view the SEND landscape from the perspective of parents, children, schools and the local authority. We can see the pressures on all stakeholders in the EHC assessment process, the concerns parents still describe about whether the needs of their children will be properly identified and met, access to assessment, advice and support, the concerns from schools about training and workforce capacity, and the biggest concern of all being the issue of funding for schools and local authorities. All of the factors listed above work together within an interconnected system. Principal Educational Psychologists are working at local and regional levels to help to address these issues and wish to do so at national level also.

1. EHC assessments were designed for those children and young people with the most complex, long term and severe needs. Further clarification in relation to the Children and Families Act's definition of when to initiate an Education Health and the disparity with the graduated approach towards assessment described in the Code of and Care needs is required.
2. There is a need to ensure that non-statutory, preventative EP work is part of commissioned/funded LA EP work, or is commissioned adequately by schools and academies, as it can play an important role in reducing the need for statutory assessments. The focus needs to shift back to non-statutory work, in order to build parent/carer and organisational confidence, meet children's needs and reduce the need to request statutory assessments.
3. Four years in to the Children and Families Act it is time to take stock of "specificity" and share good practice about what is appropriate and helpful.
4. The time allocated to individual EP statutory Advices should be given careful consideration. It is recommended that LAs commission pilots to explore the ways that EPs could contribute more effectively to the statutory assessment process, building on existing work in some LAs. This could include ways of making the process of EHC plan writing more person-centred and collaborative, reducing the need for long written EP reports and enabling EPs to contribute their advice in more direct and succinct ways. Best practice with regard to co-production meetings should be shared and adopted nationally.
5. Increasing the supply of newly qualified EPs is necessary but it is not sufficient to resolve the current capacity issues (impacting on EHC assessment deadlines). It is recommended that LAs continue to press for an increase in the overall number of EPs trained each year.
6. It is recommended that Local Authorities explore ways of ensuring that EPs have opportunities to use the full breadth of their professional skills and knowledge which will help promote good outcomes for **ALL** pupils with SEND including, possibly especially, those at **SEN support**. This will also help with recruitment and retention issues in the profession

7. Linked to (6) Schools and academies require more training and support for ALL pupils with SEND if we are to promote Inclusion. Enhanced work-force capacity is require to prevent EHC assessments being the panacea for supporting SEND.
8. NAPEP recommends that the financial impact resulting from the reforms are addressed and a funding system that adequately reflects the needs of children with SEND is put in place.
9. More work is required to ensure that Health and Social Care needs and provision are fully included in EHC plans and there is an accountability structure in place for Health and Social Care provision as well as Education.
10. Planning for adulthood needs to start sooner, and at least by the age of 14 for pupils with EHC plans.
11. Outcomes need to be tailored to the PFA outcomes by key stage 4 as these provide a far more helpful focus than the four areas of the code of practice.
12. Adult Services need to actively engage in planning for a young person from the age of 14.

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