



**THE AEP RESPONSE TO THE SEND REVIEW 'RIGHT SUPPORT, RIGHT PLACE, RIGHT TIME'**

**THE AEP'S RECOMMENDATIONS**

- 1. A restatement of the definition of both SEND and Special Educational Provision.**
- 2. A clear definition of inclusion and the social model of disability, including a mandatory outline of what must be available for all CYP in mainstream schools/settings.**
- 3. A reframing of the current curriculum, behaviour policies and OFSTED judgements.**
- 4. A greater emphasis on encouraging active participation of all CYP within their own education.**
- 5. A clear plan to facilitate early intervention for CYP who have or may have SEND including:**
  - A restatement of the principle that “all teachers are teachers of CYP with SEND”
  - A funded workforce strategy and implementation plan to ensure that there is a well-trained specialist workforce with sufficient capacity for all settings and schools to have access to a “team around a setting/school” facilitating early intervention.
- 6. An increase in the number of initial training places for EPs.**
- 7. A clear outline of plans around Alternative Provision and its increase in the future, particularly including data around its current implementation and how effective it actually is. We would recommend this includes:**
  - Guidance for schools in applying a graduated approach prior to any discussion regarding an AP placement for any CYP.
  - Regulation on the planning of placements, which includes the involvement of parents and CYP.
  - Overall emphasis on APs as a provision to meet a child’s needs without the perception of it being a punishment
- 8. Greater funding reform and accountability for local authorities. Specifically:**
  - An increase in per pupil funding
  - Specific funds ringfenced for SEND provision within all schools/settings’ budgets
  - Ringfenced funding available with LAs to ensure that specialist support services are available free at the point of delivery for all mainstream schools/settings
  - A budget forecast for more than 3 years, to ensure appropriate workforce planning

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## 1. INTRODUCTION

The Association of Educational Psychologists (AEP) is the professional association and trade union for 3,200 Educational Psychologists (EPs) in England, with a membership of 3,600 across the UK. The AEP seeks to promote the overall wellbeing of children and young people (CYP), as well as to ensure that their specific special educational, learning and mental health needs are met. Our members are a highly skilled and essential element of the nation's workforce, working collaboratively with many other professionals to provide expertise in responding to and supporting a range of issues related to CYP's learning and development, including special educational needs and disabilities (SEND), mental health, and emotional and social wellbeing. EPs have played a significant role in supporting early intervention and supporting a graduated approach via the "Assess, Plan, Do, Review" process as well as their statutory role in the assessment and reviews of CYP with SEN and SEND since the implementation of the Education Act 1981 in 1983.

## 2. THE ROLE OF THE EDUCATIONAL PSYCHOLOGIST (EP)

2.1 EPs play a vital role in ensuring that CYP have the "right support, at the right time, in the right place." EPs are all trained in how to use psychology to develop appropriate interventions, deliver training and work collaboratively with professionals and families to meet the needs of CYP and promote the delivery of high-quality provision at universal, targeted and specialist levels.

2.2 EPs' understanding of psychology, learning, and mental health puts them in an excellent position to support the aspirations outlined in the Green Paper. We are keen to work with the CQC and OFSTED to help in their development of a Local Area SEND assessment framework.

## 3. THE AEP POSITION ON THE SEND REVIEW GREEN PAPER (Ref. Q. 1, 12-13)

3.1 We have consulted widely with our members in preparing our response to the review and were pleased to welcome DfE officials to two webinars as part of that process. Our members overwhelmingly agree with the aims of the SEND Green Paper and the intention to move from "late intervention, low confidence and inefficient resource allocation" to a system "**where appropriate support is put in place at the earliest opportunity.**" We believe that CYP have the right to prompt and appropriate support at an early stage and that the earlier the intervention, the more effective it is. However, we remain unsure whether the overall proposals within the Green Paper will be able to deliver the intended results.

3.2 We were particularly encouraged to see that the Green Paper recognises the necessity of a strong specialist support sector to support children and young people with more complex needs, and the focus on early intervention to deliver appropriate provision for them. We see EPs continuing to be an integral part of this specialist support sector.

3.3 It is important for staff working in all educational settings to have timely access to appropriate advice and support to help them to provide high quality provision for all the CYP (who have or may have SEND) with whom they are working. The Green Paper aspires to have in place "**a confident and expert workforce and access to high quality targeted support as needed**" – a specialist workforce (which would include educational psychologists, specialist teachers for low

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incidence SEND, speech and language therapists, physiotherapists and occupational therapists amongst others) is essential to meet this. However, there needs to be a robust analysis of need and audit of what is currently available supported by a funded workforce strategy and implementation plan to ensure that the specialist workforce has sufficient capacity for all settings and schools to have access to a “team around a setting/school” facilitating early intervention.

3.4 Access to that specialist workforce would help all settings/schools to be able to support the Green Paper’s focus on improving the mainstream universal offer for all CYP, so that CYP with SEND are supported within all mainstream settings. The introduction of a new SENDCo qualification (which should include some contribution from EPs) could further support the embedding of high quality SEND teaching standards within all educational settings. We hope that this would lead to all SENDCos being included as integral members of the senior leadership teams within educational settings ensuring the adoption of a “whole school/setting approach” towards SEND where all members of the community take on responsibility for teaching and supporting CYP with SEND.

3.5 We also support the logistical aspects of national consistency outlined in the Green Paper. An online dashboard and a digital EHCP template is likely to simplify and provide greater transparency around the EHCA process for parents and for CYP. However, it is important to note that parents and CYP who do not have access to ICT facilities should have access to a non-digitised way of being included in the process to ensure effective co-production. We would further support the consideration of eco-systemic factors and how they contribute towards SEND. Space should be given to encourage practitioners to consider outcomes and provision that focus on environmental adaptations, as well as CYP skill acquisition.

3.6 We are pleased to see the Green Paper’s proposals to improve the access for young people with SEND in achieving an apprenticeship. As the education for many young people with SEND can be so fragmented, many of the people that EPs work with have not had consistent education so end up with other social difficulties, such as job retention, and social mobility etc. It is therefore positive that more of these alternative provision institutions are being held to account.

3.7 We support the aims of the Green Paper to improve the co-ordination of work between education, health, care and local government staff in a way that enables greater collaboration across professions. We look forward to continuing working with colleagues both within the DfE and wider SEND field, to improve the services available for and the outcomes of CYP across England and indeed, the UK.

3.8 However, the AEP is concerned about the following:

- Little discussion about the definition of SEND and SEND provision
- No detail about what inclusion means and how to achieve inclusive schools
- Little mention of the rights of CYP and how to listen to their voices within schools/settings
- The lack of concrete proposals to address the barriers which prevent early intervention being implemented at present
- How Alternative Provision is currently used and the plans for its increased use in the future
- Funding reform and accountability

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## 4. THE DEFINITION OF SEND AND SPECIAL EDUCATIONAL PROVISION (Ref. Q. 1-4)

4.1 The Children and Families Act 2014 provides the definitions for SEND – we think that it is important to provide that definition of both SEND and Special Educational Provision at the beginning of any document. When there is a clear intent to support inclusion for all CYP it seems appropriate to have a clear statement on what should be “generally available” within mainstream schools and to restate the key elements of the SEND Code of Practice with a greater focus upon the graduated approach and the Assess/Plan/Do/Review process.

## 5. INCLUSION (Ref. Q. 1, 5-8)

5.1 We were pleased to note that inclusion was mentioned regularly in the Green Paper. The “proposals for an inclusive system, starting with improved mainstream provision,” is an aspiration that is fully and wholeheartedly supported by the AEP. Educational settings are an integral part of our wider society and should be structured and managed in a way that means all CYP and families can access provision in their local area, learn alongside a diverse range of peers, and feel a part of their community. It would be helpful to include a reference to the social model of disability, which locates the creation of disabling conditions (e.g. social exclusion, physical exclusion) in the ways in which our societies are set up, rather than in a deficit that is inherent to the human being.

5.2 We would like to see a clear definition of inclusion within education which positions and promotes it as a fundamental human right and aspires to develop the universal schooling offer in such a way that allows for all children to be able to access learning alongside their peers within their local community. We would suggest that:

- a. The Index for Inclusion (Booth and Ainscow (2002) is still an excellent document that outlines a pathway towards this goal (see: [Index 2002 complete 05 \(eenet.org.uk\)](https://www.eenet.org.uk/index2002complete05) ) and might be revised and/or republished as guidance to support the final outcomes from this review.
- b. The definition of inclusion should also include a clear and mandatory outline of what schools and/or educational settings must provide as part of their “ordinarily available” offer.

5.3 The impact of the curriculum, both content, delivery and accessibility/differentiation on a school’s inclusivity should be addressed so that CYP are not labelled as SEND or excluded because they cannot access the setting’s curriculum. This can be supported by “quality first teaching” and advice from specialist professionals at a range of different levels. We would welcome a curriculum that is more flexible and credits settings’ development of approaches that are inclusive, celebrating the broader development of CYP.

5.4 Regarding ongoing support, the AEP would like to emphasise the importance of ongoing involvement of professionals through the **graduated approach**, in delivering best practice SEND support. We would also like to see an increased capacity for EPs to be involved in statutory work for CYP who have Education, Health and Care Plans (EHCPs). For example, greater involvement of EPs in EHCP annual reviews would be beneficial in ensuring that the plan evolves over time as the CYP grows and develops. This, in turn, would ensure that provision remained appropriate and inclusive. EP involvement should also be sought where a change of provision is being considered,

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to ensure that the graduated approach has been followed as inclusively as possible before alternative provision is considered.

5.5 We would welcome further guidance outlining what best practice inclusive SEND provision looks like at universal, targeted and specialist levels. Best practice would also include ongoing communication between professionals across education, health and care when supporting a CYP or setting. Local authority workers should know who the link professionals are in health and should be given the time and resources to meet and collaborate.

5.6 The current focus upon schools developing behaviour policies based on a “zero tolerance” approach is in direct conflict to the aspiration of inclusive schools.

5.7 To support the further development of inclusive schools, OFSTED judgements on the whole school should not be at a level above the judgement on their inclusiveness/SEND judgement.

## **6. DELIVERING CHANGE FOR CHILDREN, YOUNG PEOPLE AND FAMILIES (Ref. Q. 5, 11)**

6.1 We support the 2014 Code of Practice’s continuing commitment to including the voices of CYP in any discussions about how to support their learning and would like to see more emphasis upon this in any guidance/legislation for the future.

6.2 We further believe that any new pieces of legislation must not water down existing rights for children and families as outlined in the Children and Families Act (2014) and SEND Code of Practice (2014).. are being upheld within educational settings.

6.3 Regarding the proposal to provide parents with a tailored list of schools, support in this regard is already a statutory requirement as outlined by the SEND Code of Practice 2015: "The local authority must advise the child’s parent or the young person where they can find information about the schools and colleges that are available for the child or young person to attend, for example through the Local Offer (9.77)." We are concerned that a tailored list of settings would take power away from parents to choose an appropriate setting for their child.

6.4 Regarding the proposals around MATs, should the Government choose to extend the number of local authorities and/or the health and social care boundaries across MATs, there is concern that lack of clarity will lead to a loss in knowledge and effective service provision. The SEP strongly disagrees that specialist and mixed MATs should be allowed to co-exist. AEP members believe there needs to be more joined up working with social care and with children who are living in vulnerable circumstances. EPs, therefore, need to be aware of the increased number of different systems in order to be able to work effectively, supporting the bridge between services, with clear and transparent signposts to other services where required.

## **7. BARRIERS TO EARLY INTERVENTION**

We support the aims of the Green Paper in relation to early intervention. However, a number of issues present barriers to that being achieved.

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7.1 The continually increasing numbers of requests for statutory Education, Health and Care (EHC) assessments and the subsequent time required from the specialist workforce to provide advice for those assessments, have diverted resources away from early intervention and support by that same workforce.

7.2 **The rapid decline of per-pupil spending.** This has fallen by 8% in England between 2009-10 and 2018-19 has resulted in the reduction of money being available to provide early in-school/setting support. We therefore believe that there should be specific funds ringfenced for SEND provision within school budgets.

7.3 **A reduction in local authority budgets since 2009.** This has resulted in a 57% reduction in per-pupil spending on services provided by local authorities and the significant decrease in specialist services being freely and readily available to schools/settings.

#### 7.4 Shortage of EPs

An overall shortage of educational psychologists has led to restricted access for schools being able to seek advice on early intervention from EPs. The number of EP vacancies being advertised with the AEP by LAs shows a startling upward trend, as seen in data below:

Year	2017	2018	2019	2020	2021	2022
No. of Vacancies	333	371	480	457	477	325 (July 2022)

This shortage has also been highlighted by the [UK Government](#), who include them in their shortage occupation list. In 2019 a report by the [Institute for Employment Research](#) at Warwick University, commissioned by the DfE, noted the following:

- Over two-thirds (68%) of Principal Educational Psychologists (PEPs) surveyed reported difficulties in recruiting to fill vacant posts, resulting in a shortage of EPs and insufficient staff to cope with demands within their LA services. Two-thirds (66%) of LA PEPs said that they had at least one vacancy for a permanent EP post and of these, 83% reported that they consistently experienced recruitment difficulties.”
- “Of the LA PEPs surveyed, 93% said that they were experiencing more demand for EP services than could currently be met. The most commonly cited demand side factor contributing to a shortage of EPs in LAs was the increase in statutory assessment work following the SEND reforms in 2014. More than three quarters of the EPs surveyed thought that their workload was increasing (78%) and that they never seemed to have enough time to get everything done on their job (76%)”

A follow up study by the same group is due to make its recommendations in the autumn of 2022 but, in advance of their findings, the AEP would recommend that there is an expansion in the numbers of educational psychologists being trained. This would build and increase capacity so that more EP time could be spent working at an earlier stage on developing and improving the universal offer for children in schools.





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## **8. THE ROLE OF ALTERNATIVE PROVISION (AP)**

- 8.1 As is acknowledged in the Green Paper, Alternative Provision (AP) is a broad term that encompasses a variety of needs and providers. However, it is recognised that 80% of children accessing AP have a special educational need, primarily related to their Social Emotional and Mental Health Needs. Due to this, our response will be focused on the AP provisions that seek to support CYP with SEMH needs.
- 8.2 The AEP acknowledges that the use of APs is widespread across the country and agrees that, if their use is to continue, it is right that they should be regulated in an attempt to address a number of concerns before any expansion plan is agreed. Many APs across the country were created to support mainstream schools' management of those CYP who presented with challenging behaviours. The underlying premise is that, if a CYP cannot manage their behaviour in a mainstream school setting, they should be moved to a smaller setting which can implement a short-term intervention to help the CYP better manage their needs when they return to the mainstream provision. We do not support this premise.
- 8.3 There is no evidence that the use of AP is effective in supporting CYP's successful long-term return to mainstream schools. The move to AP can often damage existing attachments and relationships between CYP and mainstream school staff leading to a challenging and often unsuccessful reintegration when they return. Such approaches do not consider prevailing theory and evidence which argues that secure relationships are at the heart of child-wellbeing, inclusion, effective learning and behaviour regulation. The widespread use of AP effectively excludes children from mainstream provision and therefore undermines the current stated aspirations towards inclusion.
- 8.4 Generally, EPs support the idea of addressing problems or issues in the environment within which they present. Thus, it is better to address difficulties within the mainstream setting rather than in an alternative provision. We understand behaviour as something that is co-constructed through our social relations and material conditions. Thus, behaviour management should have a strong focus on environmental and relational adaptations that might support and encourage positive behaviours, rather than perceiving 'good behaviour' as something that can be 'taught' to children through interventions alone.
- 8.5 Often, what is initially meant to be a short-term placement at an AP becomes a long-term one so that the CYP has an insecure status, having neither a mainstream nor a specialist educational placement. There is an urgent need to halt the exclusion of CYP with SEND and move them only with the support and informed consent of parents and the CYP themselves, with a clear and reviewed continued offer of support.
- 8.6 The consequences of moving CYP to AP are complex and risky. It can lead to restricted access to positive role models and supportive peers, who provide links back to their community, a narrowing of opportunities for social experiences and development of communication skills, and a limiting of future pathways into adulthood by restricting access to a broad set of qualifications.
- 8.7 The review does not seem to be exploring how AP settings can be adapted to help CYP with a range of SEND. By ensuring APs are linked to Multi-Academy Trusts it will be easier for schools to



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move CYP into AP without adhering to a graduated approach. There is some failure in the graduated response, particularly within secondary schools, to offer a flexible curriculum offer accessible to children with SEND. The AEP would welcome further statutory guidance to support the consistency in approach across local authorities, as many members' experiences has demonstrated a lack of compliance with the existing code of practice.

8.8 Whilst we support regulation of existing alternative provision to meet SEMH needs, we would like to see more funding and training go into meeting these needs at an earlier stage so that schools can become less reliant on AP. We would also like to see SEND proposals outline national expectations for what a graduated approach might look like in advance of schools considering AP as an option. Finally, we would like to see a relational approach being taken to behaviour management, further expanded below.

## **9. BEST PRACTICE RELATIONAL BEHAVIOUR MANAGEMENT**

9.1 Educational psychologists understand behaviour as a communication of need. Whilst we acknowledge that challenging behaviour can be emotionally stressful for professionals to manage, we would reject the discourse of the 'naughty child' and instead consider such behaviours to be communication of an unmet need of some kind.

9.2 EP support is often vital in assessing the underlying needs that a CYP's behaviour is trying to communicate and supporting schools to try and meet that need. Often underlying needs relating to behaviour are linked to trauma (both past and ongoing), disrupted relationships, or CYP feeling unsafe and/or anxious.

9.3 Key to addressing these issues is developing secure, caring and nurturing relationships within the school community. We would like to see greater use of trauma-informed approaches, relational approaches, restorative approaches, and nurture-based approaches at the universal level of all educational settings in the hope that it would mean that the alternative provision system was needed less and CYPs needs could be met through inclusive practice within their own school.

## **10. FUNDING REFORM AND ACCOUNTABILITY (Ref. Q. 14-15, 18)**

10.1 Accountability is a key issue for educational psychologists. Professional advice, including statutory advice, is not always followed by schools, and there remains significant issues around the lack of compliance with existing codes of practice in many local authorities. There is a mismatch between the legal responsibilities that are held by local authorities and the necessary funding and powers to implement them.

10.2 Lack of accountability within schools, has caused significant loss of confidence and distress for parents of CYP. OFSTED should have a greater focus on identifying good practice within schools and establishing a national expectation across the system for children with SEND.

10.3 We have a variety of questions related to accountability and the DfE Regions group. These are:

- How would the DfE Regions Group fit within the current framework and hold LAs and MATs to account?



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- What framework would the DfE Regions Group be measuring LAs and MATs on?
- How might this impact on the LAs ability to hold schools accountable for meeting the needs of young people?

10.4 We are concerned that the use of Regions Groups will undermine the powers of the local authority and suggest that powers to hold schools accountable for meeting the needs of CYP should lie more with the LA.

10.5 Funding continues to be an overarching issue. EPs have found that there isn't enough specificity within school budgets in the funding criteria, therefore it is challenging to be able to identify what should be available to provide any support for individual /groups of CYP within the "ordinarily available" offer within a school.