

Rethinking Statutory Advice: A Working Party's Solution

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Abstract

This article describes the response of an Educational Psychology Service (EPS) to a marked increase in requests from their Local Authority (LA) for statutory advice reports. A working party was developed to consider how educational psychologists (EPs) might write statutory reports for the LA in a time-efficient manner, without compromising the quality of the advice given. The working party met during the 2015–16 academic year, in which the psychological advice format was streamlined, piloted and eventually launched. The article concludes with some reflections on the wider issues that arose from discussions within the working party and, in particular, the impact of increased statutory demands on other aspects of EP practice.

Keywords: education, psychology, special needs, statutory assessment, psychological advice

Introduction

Over the last two years, data from a large Shire County confirmed the perceptions of the Educational Psychology Service (EPS) that the weight of statutory work was showing a notable increase. Closer examination of the data revealed that the number of requests for Educational Psychologists (EPs) to provide statutory advice to the Local Authority (LA) had increased by 100 per cent in the previous twelve months, placing considerable pressure upon members of the EPS. Additional demands upon the workload for EPs had resulted from the implementation of the Children and Families Act (2014) and, in particular, its requirement of working with the 19–25 year age group, where a large number of new statutory assessments (SAs) or conversions from Statements of Special Educational Needs (SSEN) to Education, Health and Care Plans (EHCP) had been agreed.

The impact of this increase for the EPS was considerable; time that had been allocated for other areas of Educational Psychology (EP) practice, including preventative and therapeutic services to schools, started to be redirected towards the ever-increasing demand for completing statutory advice within expected timescales. This situation was further exacerbated by a reduction in the core budget, resulting in fewer psychologists being employed by the LA.

With the LA taking a strategic role in considering how the total number of SA requests might be reduced, the EPS management team agreed to convene a working party to consider whether EPs were writing their statutory reports in the most time-efficient manner possible. The writing of statutory advice had not been formally reviewed within the EPS for a number of years, and therefore it appeared to be an opportune time to ascertain whether the process could be streamlined, without compromising the detail or quality of the content.

This article describes how, during the 2015–16 academic year, the EPS working party met to review the writing of statutory advice within the service. It continues by describing how the writing of the advice was streamlined and piloted, and how this was subsequently received by EP colleagues, parents and partner agencies. Some further reflections are included regarding the wider issues that were raised by the working party and, in particular, concerns as to whether EPs will be able to continue to work in a consultative and systemic way in the future while working in a professional climate that is increasingly driven by external deadlines arising from statutory demands.

Developing the Working Party

Main-grade colleagues and trainee educational psychologists (TEPs) working within a large Shire County were asked for expressions of interest to help re-imagine how the writing of statutory psychological advice might be implemented within the service. This resulted in a working party of seven EPs and TEPs volunteering to meet over the 2015–16 academic year with the purpose of considering whether statutory reports were being written in the most time-efficient manner possible.

The working party elicited five key tasks to help achieve this objective.

- Review the current guidelines and psychological literature relating to the writing of statutory advice.
- Collate and review examples of statutory advice completed by EP colleagues working in the home Authority.

- Collate and review examples of statutory advice completed by EPs working in other Local Authorities.
- Develop a new psychological advice template for EPs to pilot, using best practice examples elicited by tasks 2 and 3.
- Seek feedback from colleagues in the EPS, partner agencies and parental groups regarding the pilot template and agree next steps.

A timeline was also developed, with the focus on tasks 1 to 3 in the first half of the Autumn Term, leading to the development of a new draft template (task 4) being developed and presented to the wider EP team in December 2015. EPs and TEPs would then be given the option to pilot the new template during the Spring Term and give feedback to the working party for the start of the Summer Term. The working party would then consider the feedback, make any required adjustments to the template and consider the efficacy of the new model before considering whether it would be adopted officially by the whole service.

The need for feedback from the Business Support team, other partner agencies and parents (task 5) was also built into the timeline. It was agreed that colleagues from the SEN team would be alerted to the pilot at the start of the process. Parents' groups and partner agencies were approached in the Spring Term of 2016 and their views about the new template were collated; the feedback was categorised into broad themes by members of the working party and classified as being a strength or weakness of the new format.

Each of the five tasks that were completed by the working party is described below.

Task 1: Review the current guidelines and psychological literature relating to the writing of statutory advice

Members of the working party reviewed the Children and Families Act (2014), the Special Educational Needs and Disability (SEND) Code of Practice (2014), Standards of Proficiency for Practitioner Psychologists from the Health and Care Professions Council (2015), and guidance from the British Psychological Society regarding the writing of statutory advice (2015). Psychological literature was also consulted, although research in this area was found to be limited, despite the completion of statutory advice for LA employers being both a renewed legal obligation under the Children and Families Act 2014 and being considered as one of the core activities of LA EPs (Buck, 2015).

From this review, particular features of statutory psychological advice emerged that were considered by the group to be integral and be central to any new format that was developed. Of particular importance was the need for psychology to be central to the advice; concerns had been identified from the literature that there was a risk of EPs fulfilling the role of an 'external generalist' (Norwich, 1995), without the unique psychological contribution remaining intact. More recently, it had been suggested that statutory psychological advice contained 'little psychology' (Imich, 2013, in Buck, 2015); however, Buck (2015) acknowledged that there are tensions between the 'theoretical underpinnings and practical demands' of writing a report of this type.

The Nine Commandments of Report Writing (Grime, 1990) provided some useful principles for the working party about writing reports that remain relevant, including the need for the written information to be jargon free, clearly organised and for test results to be interpreted in an unambiguous manner. Whilst the BPS Guidance for Educational Psychologists (2015) emphasised that their information did not suggest that a particular style of written report was recommended over any others, members of the working party were agreed that the report format should be as clear as possible, in order to fulfil the different roles required of it and to be accessible to multiple audiences.

Having considered the current guidelines and psychological literature, the working party listed a set of priorities for the content of statutory advice reports. These were considered to be the First Principles for the completion of a new streamlined report style. A pilot statement was also developed by the group to guide the thinking of the working party towards their goal.

Priorities/First Principles for statutory advice reports:

- *Psychological*: Providing a psychological interpretation of the presented information.
- *Time efficient*: Completed in a timely manner.
- *High quality*: The best possible record of the information that could be achieved.
- *Audience friendly*: Accessible to the multiple audiences that it would be presented to.
- *Evidence based*: Adhering to current research and knowledge in Educational Psychology.
- *Unique contribution*: Providing a perspective that differs from that of other professionals.
- *Holistic*: Providing consideration of the whole child and the contexts in which they learn and behave.

These priorities were then used to develop a pilot statement:

Educational Psychology Statutory Advice is...The psychological contribution to a working document that provides a holistic and child-centred perspective of a child or young person's (CYP's) current achievements and needs.

The conclusions that are drawn should be independent, analytical and evidence based, and take account of the CYP's responses to interventions within the context of the learning environment. The psychological advice details the support that is required for the CYP based on anticipated, time-limited outcomes identified through the psychologist's assessment.

Task 2: Collate and review examples of statutory advice completed by EP colleagues working in the home LA

Members of the working party collated examples of statutory advice written by EPs working in the home LA to consider similarities and differences between colleagues' writing styles and to provide a view regarding the strengths and limitations of these.

A sample of anonymised examples of statutory advice were gathered from within the home EPS. Considerable variation was identified in the style of the statutory psychological advice completed within the service, with reports ranging from 3 to 22 pages in length. There was also variation in the subheadings used and the formality of the writing style; some reports were written in the first person, whilst others were written in the third person; some included abbreviations and shortened titles (e.g., "John's Mum"), whilst in other reports a more traditional stance including the parent's title and surname was consistently selected.

When reflecting upon these differences, the working party referred back to the priorities and pilot statement completed in task 1 and agreed that, in streamlining the writing of statutory advice, adherence to the priorities and pilot statement was to be more important than an individual's preferred writing style. It was anticipated, however, that the process of reviewing statutory psychological advice and piloting a new format would encourage EPs to reflect upon their own report writing. It was also hoped that the new format might assist in making the process of writing statutory advice more streamlined for those EPs who wrote the longer-style reports.

Task 3: Collate and review examples of statutory advice completed by EPs working in other LAs

Examples of anonymised statutory psychological advice that had been completed by EPs from other LAs were collected to help consider the strengths and limitations of different formats and to reflect upon how elements from them might be used.

There were considerable differences between the formats for statutory advice that had been adopted by different LAs. These ranged from those with a more traditional stance, comprising longer reports containing pages of prose, to briefer documents, which focused more heavily on hypotheses and outcomes. A particular issue for EPs was the inclusion of test results in tables or technical appendices. The level to which these were interpreted showed considerable variation.

Emphasising the psychological component of the reports by explicitly referencing hypotheses and formulations appealed to members of the working party.

Task 4: Develop a new template to pilot within the home LA using best practice examples elicited by tasks 2 and 3

Following the completion of tasks 1 to 3, the working party developed a new template to pilot within the LA. This was based on the priorities and pilot statement from task 1 and the examples of reports considered in tasks 2 and 3. It was agreed by the working party that the new template would contain the following sections.

- Background
- Parent/Carers' views
- Child/Young Person's views
- Strengths/Difficulties
- Formulation/Hypotheses
- Outcomes

The views of the parent/carer and child were intentionally placed near the beginning of the report, as research has emphasised the importance of having parents involved in their child's support (Hartas, 2008) and the need for parents/carers to have confidence in EP advice (DCSF, 2009).

The most significant and obvious difference about the new format was that the Strengths/Difficulties and Outcomes sections were presented as a matrix, rather than as a prose document. This was a change to the format that most EPs had previously used in the LA. The matrix was intended to encourage a more succinct summary of the pupil's needs and to shorten the report, which has sometimes been considered to be too long (Imrich, 2013, in Buck, 2015).

The Strengths/Difficulties matrix adopted the following format. Each developmental area was listed in a separate row on the left-hand side, along with a list of the evidence considered (see Figure 1). It was anticipated that the child's strengths and difficulties in each developmental area would then be listed under bullet points in the corresponding boxes in the middle and on the right-hand side.

Figure 1. Example

Psychological Advice Matrix		
Developmental Area and Evidence Considered	Strengths	Difficulties
Sensory and Physical Development - Observation in class - Consultation with John's parents - Discussion with John - Round Robin	-Excellent sportsman including black belt in kickboxing -Physically in good health -No concerns re eyesight/hearing	None recorded
Social, Emotional and Mental Health Needs - Observation in class - Discussion with John - Consultation with John's parents	-Excellent social skills -Well behaved at home and school -Confident and happy personality seen at home and school	None recorded
Communication and Interaction -Assessment using BAS III -Observation -Discussion with John	-Appropriate eye-contact used -Able to take turns in conversation	-Difficulties following instructions in class -Vocabulary and verbal reasoning skills assessed as delayed; (5th percentile level)
Cognitive development - Assessment using the BASIII	-Non-verbal and spatial skills tested as being in the average range	-Verbal skills tested as being in the low range

In the Outcomes matrix (see Figure 2), outcomes were developed for the child based on their difficulties from the Strengths/Difficulties Matrix and were listed under bullet points in the appropriate box in the central column; recommended provision was then mapped onto the corresponding box on the right hand column.

Figure 2. Example Outcomes Matrix

Recommended Provision Matrix		
Developmental Area	Outcomes	Provision
Communication and Interaction	By the end of Year 8 -SMART targets relating to X's language skills will be developed and included on his SEN Support Plan -X will extend his technical vocabulary and verbal reasoning skills to allow him greater access to the curriculum -All staff/TAs involved with teaching X will be made aware of his language difficulties and how to support him	- An assessment by the Speech and Language Therapy Service will be requested by school staff - X will attend the weekly speech and language support group at school - Individual support will be directed towards interpreting language for X - Technical terms that used within the classroom will be differentiated for X - Staff involved in teaching X will receive additional training in supporting CYP with language needs.

A section detailing the psychologist's Formulation/Hypotheses was another new aspect of the report and was intended to make the psychological contribution explicit to the reader. A difference in the report's formatting was a change from the page being oriented as a landscape rather than portrait document to allow the matrices to fit on the page more effectively.

The new format was presented to the whole EPS in December 2015.

Task 5: Seek feedback from colleagues in the EPS and partner agencies regarding the pilot template and agree next steps

Members of the working party were responsible for piloting the template in the Spring Term. Other members of the EPS were also encouraged to use it if they wished to do so. Following the December Service Day, members of the Business Support team requested some immediate amendments, due to difficulties in formatting the new template, and, once these alterations had been made, the revised format was made available to the EPS team.

Following the pilot period in the Spring Term of 2015, feedback from EPs/TEPs, members of the Business Support team, parents' groups and the SEN team was sought. The feedback was then categorised by members of the working party as being either a strength or weakness of the new template.

Identified Strengths

The new template was generally well received by EPs, who reported that they felt 'liberated and inspired' by being given permission to develop a more creative approach to writing statutory advice. They also appreciated having permission to exclude irrelevant details from the report that they might have previously felt the need to comment upon. EPs liked the format's emphasis on the pupil's strengths and what was working well. Some EPs reported that they found the format so helpful that they had used it for writing other types of pupil records, including preschool reports and consultation records, and they were particularly pleased with how the new format had speeded up the process of writing statutory psychological advice.

EPs perceived the new template to be more parent-friendly and accessible, a view that was subsequently supported by the parents' groups that had been consulted. One parent stated that EP reports had previously been confusing for them, because the language used in the document was beyond their experience to date; however, they felt that the new template had improved this situation. The parents' group also requested that they would like the format to be used by all professionals, not just by the EPS. The level of accessibility was important, as the need to be audience-friendly had been one of the priorities for the new template.

In terms of using the new template to report their views, EPs stated that the recording of the pupil's strengths/difficulties in a matrix format did not feel different in terms of processing the presented information. However, writing the information in the matrix format represented a significant change, which was initially difficult to master. EPs were happy to persevere with the matrix system, as they felt that it allowed them to give a professional view in a direct and succinct manner.

Unsurprisingly, the strengths/weaknesses matrix generated the most discussion amongst the EPs, as this represented a significant change in formatting for most people. Listing the pupil's difficulties in the matrix supported EPs in identifying the logical outcomes for the individual. These could then be easily mapped onto the final Outcomes matrix, providing a clear link between difficulties/areas of need and Outcomes.

The formulation/hypothesis section also represented a difference in style for most EPs. They liked the psychologist's formulation and hypotheses being made explicit, as this emphasised the unique psychological contribution in the statutory assessment process.

The SEN Team also provided positive feedback about the new format, stating that it fitted in better with the formatting of the Education, Health and Care Plan (EHCP) structure that had been adopted by the LA. SEN officers reported that the majority of their team described the new format as being an improvement on the previous format.

EPs who were not part of the working party perceived that the format mapped onto the BPS guidance for psychological advice, and those in the working party considered it to fulfil the group's priorities and pilot statement, thus meeting the initial criteria that were thought to be important by the working party members.

Identified Weaknesses

In terms of format, a central practical weakness was the landscape orientation of the page; however, it was not possible to change this because the boxes would become unworkable if the orientation was altered. Formatting the new template was a particular issue for the Business Support Team, where bullet points and margins initially interfered with the boxes in the matrix; however, the grid was subsequently reworked so that it had a similar look but also the ability to accommodate the appropriate formatting.

A great deal of discussion was generated about the need for a standardised template. Some EPs wanted the freedom to use personal headings to reflect their view of the child; however, others wanted a greater level of standardisation in the given wording of the template. Caution in the use of standardisation had been emphasised by the parents' groups consulted. They had concerns that this might result in a dilution of the individualised and accurate picture of their child that they hoped for from the EP.

EPs were also concerned about using the term 'Hypotheses', especially where the child's needs were long standing and well established. The use of 'psychological formulation' was preferred. The initial use of the word 'Difficulties' in the strengths/difficulties matrix was replaced to reflect a more positive stance and was altered to become 'Areas of Need/Areas for Development'.

In relation to the content of the report, some EPs stated that they preferred to write a prose account, as they felt that this allowed them to give a richer picture and tell the child's story in a more detailed way. They questioned whether the new format allowed the child to be described in enough detail within their context. They also expressed concern that while the matrix format provided a summary of the EP's thinking, the triangulation of the evidence would not be communicated in detail in the report, potentially diluting the quality of the evidence. The possibility of including a summary paragraph was discussed but not implemented.

Additional concerns from EPs about the new-style report related to wider LA processes. For example, questions were raised about how easily the new report would support the SEN panel's decision-making processes and whether it would be robust enough to be defensible within a tribunal. Colleagues from the SEN team stated that the new report could make it difficult to determine the child's primary need or level of need and requested that this be made more explicit in the form of a summary paragraph.

Following the piloting period, the EPS management team agreed that the new format would be adopted throughout the EPS, albeit with some revisions and additional guidance provided for the team. Standardised wording was included in the proforma; however, the professional responsibility was left to the discretion of the report's author, allowing psychologists the freedom to use or not use suggested wording, according to their own professional style.

Next Steps and Reflections

Since a launch at a Service Day in September 2016, the new format has been adopted by all EPs and TEPs in the service. In addition, the EPS is considering whether other written records might benefit from being amended to improve their clarity and efficiency using the new template. The quality of individual reports is monitored through the Quality Assurance (QA) procedure that is implemented through the LA's performance management system.

What is evident is that the number of requested EHC assessments in the LA is still rising, and, despite working smarter and faster using the new format, there is an increasing waiting list of psychological statutory advice reports that need to be completed. It has become clearer that the work pressures experienced by the EPs are part of a bigger picture: that of supply and demand. Despite giving considerable thought to how the statutory psychological advice could be written as efficiently as possible, the underlying increase in requests has not diminished and feeding the statutory monster in a more timely manner has not satiated its appetite.

The risks of this increased demand are considerable. The amount of statutory reports that need to be completed by EPs in the LA is increasingly driving the service back to an individual child assessment model and away from the integrated approaches associated with consultative work. Opportunities for EPs to consider a CYP's needs as part of a response to intervention or plan–do–review cycle have been reduced considerably, and, with a finite amount of EP time available, EPs are having to skew their time towards plugging the statutory backlog, often working with pupils with whom they have had no previous contact, at the expense of adopting more systemic approaches.

The current situation within the LA is concerning on several levels: for pupils, parents and school staff there is limited access to specialist psychological support at preventative and interventionist levels; for EP services, where there is already a shortage of educational psychologists in the profession (NAPEP Educational Psychology Workforce Survey, 2015), LA-retained staff are increasingly seeing colleagues resign to take up locum or private appointments. Moreover, EPs working in the service are concerned about the limited opportunities available to apply their psychological knowledge and are reporting a loss of confidence in their professional skills. The situation also creates a vicious supply/demand circle for schools, as, with limited access to non-statutory EP support, SENCos consider EHC requests to be the only way to access the EP service, resulting in the number of statutory requests increasing even further. Within this context, additional work with schools to look at the demand issues would seem to be a useful next step for the LA, and the need for psychology to be re-embraced by the Local Authority to help consider these challenges has never been greater.

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