

Education Act 1981

The following concerns and recommendations regarding the implementation of the Education Act 1981 have been approved by Council and forwarded to the Department of Education and Science, and to the DHSS.

The Royal College of Psychiatrists wishes to inform the Department of Health and Social Security and the Department of Education and Science, of their concern about some negative effects of the application of the Education Act 1981, and to recommend changes in practice which we believe would be beneficial to children, less daunting to their parents, result in quicker placement, be less cumbersome and less costly to administer, and would lead to special needs being met more quickly than they are at present.

Child and adolescent and where appropriate mental handicap psychiatrists should be involved with the placement of children whose special educational needs result from emotional or behavioural problems, including many children with intellectual and learning problems. Between them, these children constitute a high proportion of those who will be subjects of statements of need. It is for this reason that a national survey of the first full year of working of the Education Act, 1981 was carried out and the concern of the consultants was reported in the *Bulletin of the Royal College of Psychiatrists* in January 1986. In September 1986, consultants' representatives from all the regions of the NHS reported unanimously that since the initial interview there were still problems, particularly of delays in placement, which were severe and getting worse.

The following were the main causes for concern:

- (1) The way in which the Act has been implemented has led to long, harmful delay in the placement of children in special schools in all regions. With maximum goodwill, interprofessional and administrative co-operation and speedy clerical work, the procedure takes a minimum of three to four months. It was reported that it often took more than a year from the first recommendation to completion of the procedure and placement of a child in an appropriate school. The delays are so long in some cases that the statement procedure is completed too late for the child's educational needs to be met at all. This problem is reported to be getting worse in a number of regions except where Local Education Authorities reduce delay by arranging for children to be placed informally before the formal statement of need is completed. This practice met approval wherever it was done because it reduced stress and tension for clients and got them appropriate help quickly.
- (2) Since the implementation of the Act, Local Authorities will not make provision to meet special needs *within a school* until a child or children have been made subject

of a statement of need, apparently to justify the expenditure. This policy prevents Local Education Authorities and teaching staff from responding to the immediate needs of pupils and seems contrary to the aims of Warnock and of the Act.

- (3) Since 1982 the number of educational psychologists in employment has risen; despite this increase educational psychologists appear less available to advise and liaise with school or do direct work with children, and the valued co-operation and joint work with child and adolescent psychiatrists, has decreased. We are concerned that the time of expensive, highly-trained professionals is being taken up by administrative processes and thus lost to clinical, consultative and liaison work which might prevent the need for statementing.

Recommendations

- (1) We recommend that there is urgent need for a review of the working of the 1981 Education Act. Implementation has proved costly and yet is delaying appropriate educational provision for children with special needs. We ask why waste money on cumbersome procedure involving expensive professional time which could be better spent on preventative activities.
- (2) While we recognise that some form of recording of need is essential for the reasons stated by Warnock, we recommend a less cumbersome method for all cases where there is agreement between parents, professionals and the Local Education Authority about the child's needs. We suggest that the full statementing procedure should be reserved for those cases where there is disagreement or special difficulties.
- (3) Provision to meet special requirements within a school should not await the statementing procedure.
- (4) When there is complete agreement between parents and the Local Education Authority about the needs of a child, Local Education Authorities should be advised to make use of the advice given in paragraph 16 of circular 183.
- (5) Local Education Authorities should enable their educational psychologists to give more time to preventative and clinical work and reduce the burden of administration and form filling.
- (6) We recommend that the work of the designated medical officers be reviewed.
- (7) We recommend as an immediate step that designated medical officers be advised that an opinion from a consultant in child and adolescent psychiatry be sought early when emotional, behavioural or psychiatric disorder is a major factor in the child's educational problem.