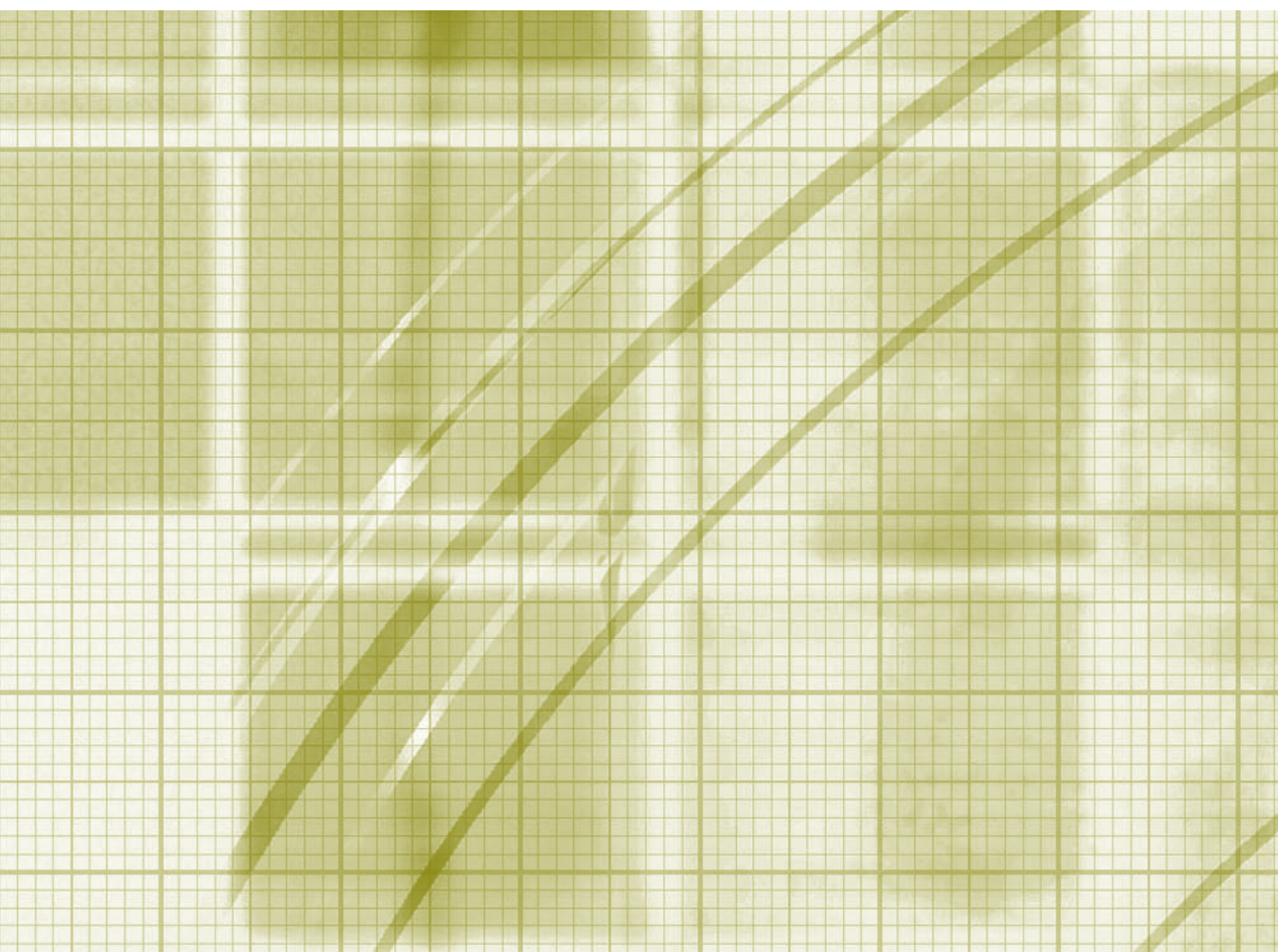




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# Statutory guidance to Welsh local authorities on the provision of independent counselling services



## Guidance

Guidance document no: 106/2013

Date of issue: June 2013

Replaces guidance document no: 103/2013

# Statutory guidance to Welsh local authorities on the provision of independent counselling services

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| <b>Audience</b>            | Local authorities (LAs) and senior education managers; school counsellors; counselling service providers, governing bodies and headteachers; teachers in charge of Pupil Referral Units; Education Welfare Services; Principal Youth Officers; looked after children education coordinators; child protection officers; Local Safeguarding Children Boards; special educational needs coordinators; and national and local bodies in Wales with an interest in education.   |
| <b>Overview</b>            | This document provides guidance for LAs on duties and powers introduced under the School Standards and Organisation (Wales) Act 2013 regarding the provision of independent counselling services to children and young people.  |
| <b>Action required</b>     | LAs must have regard to this statutory guidance.  |
| <b>Further information</b> | Enquiries about this document should be directed to:<br>Pupil Wellbeing Branch<br>Support for Learners Division<br>Department for Education and Skills<br>Welsh Government<br>Cathays Park<br>Cardiff<br>CF10 3NQ<br>e-mail: <a href="mailto:IndependentCounsellingServices@wales.gsi.gov.uk">IndependentCounsellingServices@wales.gsi.gov.uk</a>   |
| <b>Additional copies</b>   | This document and further summary information can be accessed from the Welsh Government's website at <a href="http://www.wales.gov.uk/educationandskills">www.wales.gov.uk/educationandskills</a>   |
| <b>Related documents</b>   | School Standards and Organisation (Wales) Act 2013<br><a href="http://www.legislation.gov.uk/anaw/2013/1/introduction/enacted">www.legislation.gov.uk/anaw/2013/1/introduction/enacted</a><br><i>School-based Counselling Operating Toolkit</i> (Welsh Assembly Government and British Association for Counselling and Psychotherapy, 2011)<br><a href="http://www.wales.gov.uk/topics/educationandskills/schoolshome/wellbeing/schoolcounselling/counsellingtoolkit/?lang=en">www.wales.gov.uk/topics/educationandskills/schoolshome/wellbeing/schoolcounselling/counsellingtoolkit/?lang=en</a><br><i>Evaluation of the Welsh School-based Counselling Strategy: Stage One Report</i> (2011)<br><a href="http://www.wales.gov.uk/docs/caecd/research/110712schoolcounsellingen.pdf">www.wales.gov.uk/docs/caecd/research/110712schoolcounsellingen.pdf</a><br><i>School-based Counselling Services in Wales: a National Strategy</i> (2008)<br><a href="http://www.wales.gov.uk/topics/educationandskills/publications/guidance/counselling-services-strategy/?lang=en">www.wales.gov.uk/topics/educationandskills/publications/guidance/counselling-services-strategy/?lang=en</a><br><i>Counselling in schools: A research study into services for children and young people</i> (2007)<br><a href="http://www.wales.gov.uk/docs/dcells/publications/110823researchcypen.pdf">www.wales.gov.uk/docs/dcells/publications/110823researchcypen.pdf</a> |

# Contents

|   |          |
|---|----------|
| <b>Introduction</b>   | <b>2</b> |
| <b>What is an independent counselling service?</b>                      | <b>4</b> |
| <b>What is meant by 'reasonable provision' of counselling services?</b> | <b>5</b> |
| <b>The scope and location of the independent counselling service</b>    | <b>6</b> |
| <b>Data requirements</b>  | <b>7</b> |

# Introduction

## Background

The Welsh Government's national strategy for delivering school-based counselling services in Wales was published in April 2008. The strategy was subsequently implemented by local authorities (LAs) with the assistance of specific grant funding, enabling all secondary schools maintained by LAs to provide a counselling service since autumn 2010.

Counselling is one of a range of services that help to support the health, emotional and social needs of young people and lead to a healthy school culture, although it is not intended to replace the support provided by responsible adults in educational settings to promote the well-being of young people. Early and easy access to counselling can prevent mental health problems developing or becoming more serious, and can build up trust and confidence to enable young people to access more specialist services if required.

## School Standards and Organisation (Wales) Act 2013

From 1 April 2013 LAs have a duty to provide an independent counselling service in respect of health, emotional and social needs for children and young people in their area.

At the same time that the new duties and powers on LAs come into force, the specific grant funding for the service transfers to LAs' Revenue Support Grants as part of the Local Government Settlement. This will secure the sustainable funding of the service.

## Status of guidance

This is statutory guidance issued under section 92 of the School Standards and Organisation (Wales) Act 2013 ("the 2013 Act"). In accordance with section 92 (2), LAs must have regard to the guidance. This means that LAs must take account of the guidance and, if they decide to depart from it, have clear reasons for doing so. This guidance applies to LAs in Wales.

This guidance builds upon and complements the existing *School-based Counselling Operating Toolkit* (2011), a joint publication between the Welsh Government and the British Association for Counselling and Psychotherapy (BACP). The toolkit includes standards

Statutory guidance to Welsh local authorities on the provision of independent counselling services

June 2013

Guidance document no: 106/2013

and guidance for counsellors and counselling services in Wales, to enable the delivery of counselling services which are safe, accessible and of a high standard. Rather than being a definitive document, the toolkit will evolve as counselling services continue to develop, and to reflect changes in professional practice.

Statutory guidance to Welsh  
local authorities on the  
provision of independent  
counselling services

June 2013

Guidance document no:  
106/2013

## What is an independent counselling service?

In delivering counselling services the counsellor must be, and must be seen to be, independent of the school or other educational establishments where the service is provided to young people<sup>1</sup>. It is important that the counsellor is able to support the child/young person without any conflict of interest. The independence of the counsellor is particularly important when dealing with children and young people who are alienated from school, or when dealing with parents/carers who may feel reluctant to approach the school to discuss issues.

The independence of the counsellor and the needs of the child/young person need to be balanced with an understanding of and respect for the school ethos, so that the counsellor is a supportive part of the school community. Counselling should complement the work being carried out in schools and other educational settings to support and promote the emotional well-being of learners.

Independence should be built into all stages of the independent counselling services provision including, for example, the agreement entered into between an LA and a counselling service provider.

Statutory guidance to Welsh local authorities on the provision of independent counselling services

June 2013

Guidance document no:  
106/2013

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<sup>1</sup> Section 92 (2) (a) of the School Standards and Organisation (Wales) Act 2013 describes this as being independent of 'the governing body or other proprietor of a school at which a person to whom the service is provided is receiving education, and the management of a school at which a person to whom the service is provided is receiving education'.

## What is meant by 'reasonable provision' of counselling services?

The duty is to make 'reasonable provision' for an independent counselling service. The duty therefore requires an LA to take positive steps to ensure that some level of counselling service is available for the category of persons specified in legislation.

The 2013 Act does not say what level of service would constitute as 'reasonable'. This allows for flexibility for different sets of circumstances so that, for example, what is reasonable in one set of circumstances may not be reasonable in another set of circumstances. While it is not possible to say what will or will not be reasonable in any particular situation, LAs should consider a range of factors, including:

- the demand for counselling services in their area
- the number of counselling sessions required by individuals
- access at the location where the counselling is provided, particularly for children and young people with disabilities
- the distance to the counselling venue. This could be an acute issue in some LA areas where access to counselling might need to be managed differently
- the preferred language of the child/young person
- recruitment and retention of counsellors
- the extent to which counselling support is already provided to children/young persons in its area by other services
- that an event might trigger the need for counselling among a discrete cohort of children/young people, e.g. the death of a classmate.

This is not an exhaustive list.

Funding, considered in isolation, would not be an acceptable reason for not providing, or continuing to provide, reasonable provision of counselling services.

# The scope and location of the independent counselling service

## Who is eligible to receive counselling?

An LA must provide an independent counselling service for:

- registered pupils who receive secondary education at:
  - a school maintained by the authority
  - other schools in its area (e.g. independent schools)
- registered pupils who are in Year 6 of their primary education at:
  - a school maintained by the authority
  - other schools in its area
- young people in its area between the ages of 11 and 18 who are not being educated at school.

As not all of the children and young people who are eligible to receive independent counselling attend maintained schools, LAs should consider how they can raise the profile of independent counselling for children and young people outside maintained schools. This could include making links with independent schools, further education institutions and the home education community, and through having information on the service available in youth centres, libraries and GPs' surgeries.

## Where should the child/young person receive counselling?

The 2013 Act requires an LA to provide an independent counselling service on the site of each secondary school that it maintains. An LA may in addition offer counselling services at other locations, e.g. at independent schools or at a local community centre, youth centre or other community facility for young persons who are not in school and/or wish to access counselling outside of a formal education setting.

The *School-based Counselling Operating Toolkit* provides information on the type of setting that should be used for delivering counselling services.

Statutory guidance to Welsh local authorities on the provision of independent counselling services

June 2013

Guidance document no: 106/2013



## Data requirements

Until recently, LAs provided the Welsh Government with anonymised demographic and outcome data on children and young people accessing counselling under the terms and conditions of the school-based counselling grant. From April 2013, when the statutory duty to provide independent counselling came into force, LAs are required to provide anonymised information about their counselling service to the Welsh Government, in compliance with a direction issued by the Welsh Ministers under section 93 of the 2013 Act. LAs should therefore make arrangements to compile data about their independent counselling services from 1 April 2013.

The 2013 Act goes on to state that where an LA has arranged for a person to provide an independent counselling service on its behalf, the authority must give the person a copy of the Welsh Minister's direction and that person must compile the information necessary for compliance with the direction and submit it to the LA.

Importantly, the LA, or the person who provides the counselling service, must not provide information about an identified individual or provide information in such a way (either by itself or combined with other information) that it identifies an individual or enables an individual to be identified.

### Compiling data

LAs should compile outcome data on children and young people accessing counselling. The data should show a split between male and female and encompass:

- ethnic background
- sexual orientation
- year group
- whether they are looked after by the LA
- whether they have special educational needs and/or disabilities
- where they are receiving education
- preferred language
- religion or belief
- number attending more than one counselling episode
- total number of sessions attended

- number who did not keep a counselling appointment
- number of sessions not kept
- the average score at the start and end of a counselling episode (score measured using the Young Person Clinical Outcomes in Routine Evaluation (YP-CORE)<sup>2</sup> or the Strengths and Difficulties Questionnaire (SDQ)<sup>3</sup> or other measure)
- form of referral, i.e. self-referral, via parents/carers, staff at school or other educational establishment, social services or GP/school nurse/other health professional
- presenting issues on referral
- predominant issues in counselling
- onward referrals, e.g. to specialist Child and Adolescent Mental Health Services (CAMHS), child protection and other
- numbers accessing online counselling (if applicable)

In practice, this should largely reflect existing requirements.

In collecting data, LAs and school counselling providers need to be mindful of their other statutory obligations. The Data Protection Act 1998 protects the individual rights and freedoms of individuals, especially their right to privacy with respect to the processing of personal data. The Data Protection Act 1998 applies to personal data whether it is held on a computer system or on paper.

The LA is responsible for ensuring the security of the data even if the counselling service is provided by another person on the authority's behalf. LAs should satisfy themselves that the data is handled correctly – this includes the storage, transfer and destruction of data.

The *School-based Counselling Operating Toolkit* includes further information on data protection.

The demographic and anonymised outcome data collected by LAs can be used at a local level as a tool for identifying trends and issues, including whether certain cohorts of children and young people are

Statutory guidance to Welsh local authorities on the provision of independent counselling services

June 2013

Guidance document no: 106/2013

<sup>2</sup> The Young Person's CORE form (YP-CORE), a 10-item measure of psychological difficulties for young people aged 11–16 – see 'The Young Person's CORE: Development of a brief outcome measure for young people' by E Twigg, M Barkham, BM Bewick, B Mulhern, J Connell and M Cooper in *Counselling and Psychotherapy Research*, 9, pages 160–168 (Taylor & Francis Group, 2009).

<sup>3</sup> Strengths and Difficulties Questionnaire (SDQ), a well-established measure of psychological difficulties in children and young people – see 'Psychometric properties of the Strengths and Difficulties Questionnaire (SDQ)' by R Goodman in *Journal of the American Academy of Child & Adolescent Psychiatry*, 40, pages 1337–1345 (Elsevier, 2001).

under-represented in terms of accessing school-based counselling. This information could then be used at an LA level to identify where extra support is required for children and young people and to drive service improvement. However, the compilation of data at this level tends to be concerned with very small cohorts of children and young people, in some cases broken down by identifiers such as gender and ethnic origin. If the cohorts are small enough there is a risk of individual identification. LAs should take steps to protect sensitive data in order to meet the requirements of the Data Protection Act 1998.

### **Providing data to Welsh Government**

As indicated earlier, LAs are required to provide information about their counselling services to the Welsh Ministers in compliance with a direction issued under section 93 of the 2013 Act.

Due to the sensitivity of the data it must be transferred to the Welsh Government via a secure medium and also held in a secure environment. The secure medium for transferring the data is the Data Exchange Wales Initiative (DEWi). DEWi was developed specifically to provide schools, LAs and the Welsh Government with a means of exchanging electronic files easily and, importantly, securely over the internet. Further information on using DEWi is available via

[www.wales.gov.uk/docs/dcells/publications/100604s7datacollectionen.pdf](http://www.wales.gov.uk/docs/dcells/publications/100604s7datacollectionen.pdf)

No data must be provided to the Welsh Government at an individual level, nor should LAs provide information in such a way (either by itself or combined with other information) that it identifies an individual or enables an individual to be identified.