Consent and confidentiality

- EPs aim to work in partnership with parents, children and young people and other professionals. EPs always seek informed consent to be involved with a child or young person.

- Sometimes the Tribunal will direct an EP to provide an expert opinion for a hearing.

- EPs are bound by the Health and Care Professions Council’s Standards of Conduct, Performance and Ethics.

- Leading up to the Tribunal, the EP must report initially to those instructing him or her. Any report produced will then be made available to those involved, through the Tribunal paperwork.

Information Leaflet

The Educational Psychologist as an expert witness for special educational needs and disability tribunals

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County Hall, Walton Street,
Aylesbury, HP20 1UA
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Educational Psychology Service
What is an expert witness?

- The Special Educational Needs and Disability (SEND) Tribunal may call upon a professional expert to advise about a child or young person's needs.

- An Expert Witness has a duty to give a professional opinion, based upon expertise and knowledge.

- Under Tribunal Rules, an Expert Witness addresses their views to the Tribunal, and has a duty to act as an independent expert.

- Information about SEND Tribunals is available at: www.justice.gov.uk/tribunals/send

Educational Psychologists (EP) working as an expert witness

- The EP provides an impartial and professional opinion to contribute the tribunal appeal.

- The EPs’ duty is to represent the needs of the child to the tribunal with no obligation to the person/organisation instructing or paying them, for example, the Local Authority.

- The EP operates within a legal timeframe and expert witness duties are prioritised over other work.

- The EP gathers information for the tribunal, for example by speaking to the child or young person and others who know them well. Additional observation and assessment might take place as well as reading information held within the child’s EPS file.

- The Local Authority might also ask an EP to provide independent, specialist advice about the ‘Working Document’ of the EHC Plan, as part of the tribunal resolution process.

What training and skills do EPs have which enable them to act as an expert witness?

- All EPs in the Buckinghamshire Educational Psychology Service who are expert witnesses are qualified Educational Psychologists, registered with the Health and Care Professions Council (HCPC).

- EPs have specialist knowledge and expertise in the area of SEND, in educational contexts, and an understanding of how the needs of children with SEND can be met.

- EPs have skills in information gathering, assessment and hypothesis testing. Evidence based on research will inform an EP’s expert opinion.