

Mental health in schools

This page provides information on how schools can support children and young adults experiencing mental health difficulties and when a mental health difficulty can be considered a disability or Special Educational Need.

Who can identify a mental health difficulty?

Only medical professionals can make a formal diagnosis of a mental health condition. However, children or their carers can inform the school of a suspected mental health difficulty. You do not necessarily need to have a particular condition but you can explain that you have experienced a series of symptoms that you feel is affecting your quality of life.

Teachers within schools are well placed to observe children day-to-day and identify behaviour which suggests that the child may be suffering from a mental health problem or be at risk of developing one. The government is seeking to educate teachers on mental health difficulties in children and young adults; however teachers are not professional psychologists so teachers are not under a duty to identify mental health difficulties.

What services can the school offer a child experiencing mental health difficulties?

Pastoral support

Every school teacher owes a pupil a duty of care. This duty is *loco parentis* (that is in the place of the parent). Broadly, this means the school has to do what is reasonably practicable to ensure they care for their pupils, as any reasonable parent would do. This duty is usually reflected in a structured pastoral system within schools that upholds key values related to well-being. The child's class teacher is usually an initial point of contact for the child. This means that if a pupil is experiencing mental health difficulties they can speak to this teacher and, depending on the seriousness of the mental health difficulty, the teacher can either speak to the pupil themselves or refer them to the head teacher who can call upon more specialist help as outlined below.

Counselling

The British Association for Counselling and Psychotherapy (BACP) define school-based counselling as:

'a professional activity delivered by qualified practitioners in schools. Counsellors offer troubled and/or distressed children and young people an opportunity to talk about their difficulties, within a relationship of agreed confidentiality.'

Schools are not legally obliged to offer school-based counselling. Therefore there is no automatic right of a child to access counselling for mental health problems within a school.

However the government has issued departmental advice entitled [Counselling in schools: a blueprint for the future 2015](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497825/Counselling_in_schools.pdf) (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497825/Counselling_in_schools.pdf) which suggests strategies that schools can use to set up and/or improve counselling services in primary and secondary schools. If your school does not have counselling you may wish to refer to this document and suggest the school implement counselling.

Counselling services can still be accessed through voluntary sector community based services, private practices, GPs and specialist children's mental health services (known as [CAMHS \(http://www.nhs.uk/nhsengland/aboutnhservices/mental-health-services-explained/pages/about-childrens-mental-health-services.aspx\)](http://www.nhs.uk/nhsengland/aboutnhservices/mental-health-services-explained/pages/about-childrens-mental-health-services.aspx)).

Counselling is confidential unless there are safeguarding concerns. Child protection concerns and the welfare of children and young people can at times take precedence over confidentiality. The counsellor should explain confidentiality and its limitations to the child or young person at the start of a counselling relationship. If appropriate counsellors should, wherever possible, seek the child or young person's agreement before making a referral to other agencies and individuals.

If a counsellor has welfare concerns they may speak to their clinical supervisor, line manager and, if appropriate, the designated safeguarding leader within the school. The decision to share information should be one that is carefully made.

If you feel that there has been an inappropriate breach of conduct or confidentiality then you can make a complaint to the school's safeguarding officer who should then investigate the complaint.

Child and Adolescent Mental Health Services (CAMHS)

If a school believes that a child or young adult would benefit from a more clinical approach and treatment for mental health difficulties then they can refer the child to [CAMHS \(http://www.nhs.uk/nhsengland/aboutnhservices/mental-health-services-explained/pages/about-childrens-mental-health-services.aspx\)](http://www.nhs.uk/nhsengland/aboutnhservices/mental-health-services-explained/pages/about-childrens-mental-health-services.aspx). CAMHS are specialist NHS children and young people's mental health services and can offer a variety of trained mental health professionals such as:

- Social Workers
- Occupational Therapists
- Psychologists
- Psychotherapists
- Counsellors
- Family Therapists
- Primary Mental Health Worker
- Outreach Workers

Waiting times for CAMHS can be long. If you feel you are not being offered help within a reasonable time then you can make a formal complaint first to the person or organisation providing the service e.g. the GP, dentist, hospital or pharmacist. Alternatively, it is possible complain to the commissioner of that service – either [NHS England \(http://www.england.nhs.uk\)](http://www.england.nhs.uk) or the area [clinical \(http://www.nhs.uk/Service-Search/Clinical%20Commissioning%20Group/LocationSearch/1\)](http://www.nhs.uk/Service-Search/Clinical%20Commissioning%20Group/LocationSearch/1) [commissioning group \(CCG\) \(http://www.nhs.uk/Service-Search/Clinical%20Commissioning%20Group/LocationSearch/1\)](http://www.nhs.uk/Service-Search/Clinical%20Commissioning%20Group/LocationSearch/1).

Can mental health difficulties be considered a disability?

Some children suffering with mental health problems can be considered disabled under the [Equality Act 2010 \(http://www.legislation.gov.uk/ukpga/2010/15/section/6\)](http://www.legislation.gov.uk/ukpga/2010/15/section/6). All schools are under an obligation not to discriminate against pupils on the grounds of disability. See our information page on [Disability discrimination in education \(http://childlawadvice.org.uk/information-pages/disability-discrimination-in-education/\)](http://childlawadvice.org.uk/information-pages/disability-discrimination-in-education/) for further details.

Under the Act disability includes a mental impairment. The mental impairment must have a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

Long term means that the symptoms have lasted or are expected to last for 12 months but this need not be consecutive. Transient symptoms may not fall within the Act.

The following are examples of mental health symptoms that can be regarded as a mental impairment under the Act:

- Anxiety

- Low mood
- Panic attacks
- Phobias
- Eating disorders
- Bipolar affective disorders
- Obsessive compulsive disorders
- Personality disorders
- Post traumatic stress disorder
- Some self-harming behaviour
- Depression
- Schizophrenia
- Autistic spectrum disorders
- Dyslexia and dyspraxia
- Learning disabilities

Examples of what would not count as a mental impairment under the Act include:

- Some shyness and timidity
- Inability to speak in front of an audience as a result of nervousness
- Inability to concentrate on a task requiring application over several hours

If a child or young person falls within the definition of disability above then the school has particular obligations. Schools are under a duty to make reasonable adjustments to put disabled students on a more equal footing with pupils without disabilities. If an adjustment is reasonable then it should be made and there can be no justification for why it is not made. An adjustment may be considered unreasonable if it is very expensive, and may be a reason for a school refusing to offer school-based counselling.

The duty to make reasonable adjustments is also anticipatory. This means that schools should give thought in advance to what disabled children and young people might require and what adjustments might be needed to prevent disabled students from being disadvantaged.

If you feel that a school has not complied with its duties under the [Equality Act 2010 \(http://www.legislation.gov.uk/ukpga/2010/15/section/6\)](http://www.legislation.gov.uk/ukpga/2010/15/section/6), then the child's parents can bring a claim within 6 months of the incident in the [Special Educational Needs and Disability Tribunal \(https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability\)](https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability). See our information page on [Disability discrimination in education \(http://childlawadvice.org.uk/information-pages/disability-discrimination-in-education/\)](http://childlawadvice.org.uk/information-pages/disability-discrimination-in-education/) for further details.

Can mental health difficulties be considered to be a Special Educational Need?

A child or young person has special educational needs (SEN) if they have learning difficulties or disabilities that make it harder for them to learn than most other children and young people of about the same age. These special needs do include social, emotional or mental health difficulties such as establishing friendships, relating to peers/adults or behaving properly in an early years setting, school or college.

Schools must have a SEN Co-ordinator (SENCO) who is responsible for co-ordinating help for children with special educational needs. Children and parents can talk over their concerns with the SENCO and work with them. The SENCO takes day-to-day responsibility for the provision made for children with SEN, working closely with staff, parents and carers, and other agencies and should develop a strategy for the child.

If a child has particularly complex requirements for education, health and social care support and cannot benefit from resources, assessments or interventions ordinarily available at the school they may need an Education, Health and Care Plan (EHCP).

The EHCP is a legally binding document that can set out the nature of the child's needs, additional provision they will need and agreed outcomes about how it will be met. This may include naming a new specialist school to meet their needs. The health section of the document can identify in depth the mental health problems the child is experiencing and how they can be supported to alleviate it as much as possible. Parents and the

school can identify key individuals for the local authority to consult when drafting the document such as mental health workers and CAMHS specialists.

For more information on SEN including EHCP's see our [information page on Special Educational Needs](http://childlawadvice.org.uk/information-pages/special-educational-needs/) (<http://childlawadvice.org.uk/information-pages/special-educational-needs/>).

Further information

For further information on supporting a student's mental health in school see the following resources:

- [Special educational needs and disability: A guide for parents and carers: August 2014](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417435/Special_educational_needs_and_disabilites_guid)
(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417435/Special_educational_needs_and_disabilites_guid)
- [Supporting pupils at school with medical conditions: September 2014](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306952/Statutory_guidance_on_supporting_pupils_at_sc)
(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306952/Statutory_guidance_on_supporting_pupils_at_sc)
- [Equality Act 2010: Guidance on matters to be taken into account in determining questions relating to the definition of disability](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85010/disability-definition.pdf)
(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85010/disability-definition.pdf)
- [Mental health and behaviour in schools: Departmental advice for school staff: March 2015](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416786/Mental_Health_and_Behaviour_-_Information_and_Tools_for_Schools_240515.pdf)
(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416786/Mental_Health_and_Behaviour_-_Information_and_Tools_for_Schools_240515.pdf)

The Patient Advice and Liaison Service (PALS) offers confidential advice, support and information on health-related matters. It can help resolve concerns or problems with using the NHS. The nearest PALS office can be found on the [NHS Choices website](http://www.nhs.uk/Service-Search/Patient%20advice%20and%20liaison%20services%20(PALS)/LocationSearch/363) ([http://www.nhs.uk/Service-Search/Patient%20advice%20and%20liaison%20services%20\(PALS\)/LocationSearch/363](http://www.nhs.uk/Service-Search/Patient%20advice%20and%20liaison%20services%20(PALS)/LocationSearch/363)).