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Autonomy, Rights and Children with Special Needs: A New Paradigm?



Working paper 1 (Update): An overview of SEN statistics in England and ASN statistics in Scotland

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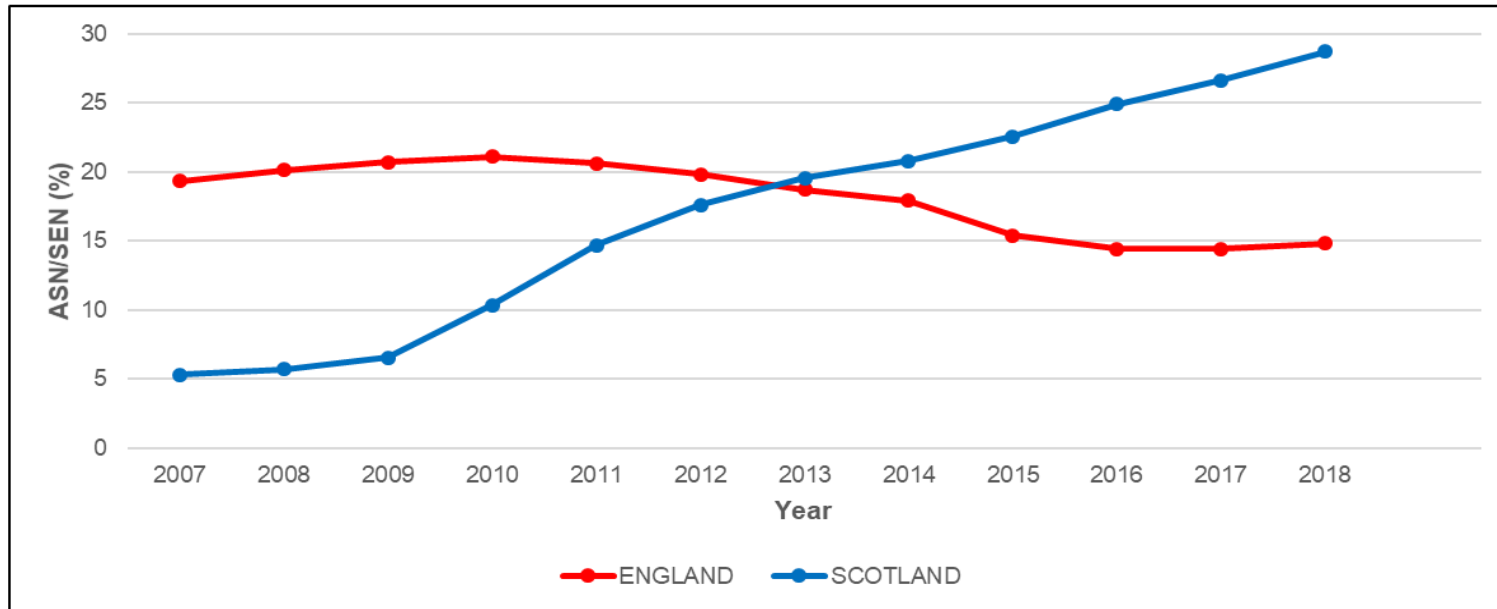
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Children with SEN/ASN as a percentage of the total school population in England and Scotland



Source: DfE, 2018; Scottish Government, 2018

In England, the number of pupils with SEN has steadily declined year on year, representing 14.8% of the total pupil population in 2018.

In Scotland, the opposite trend is shown, with ASN rates increasing sharply year on year, representing 28.7% of the total pupil population in 2018.

2% increase in incidence of ASN in Scotland between 2017-2018 but SEN incidence in England remained stable.

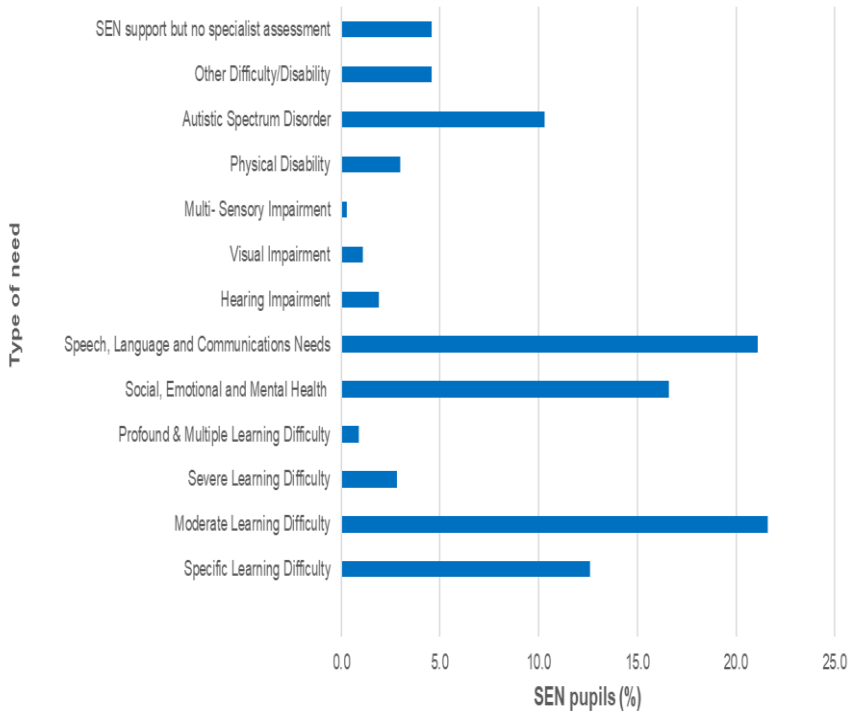


SEN/ASN pupils by each type of need in England and Scotland, 2018:

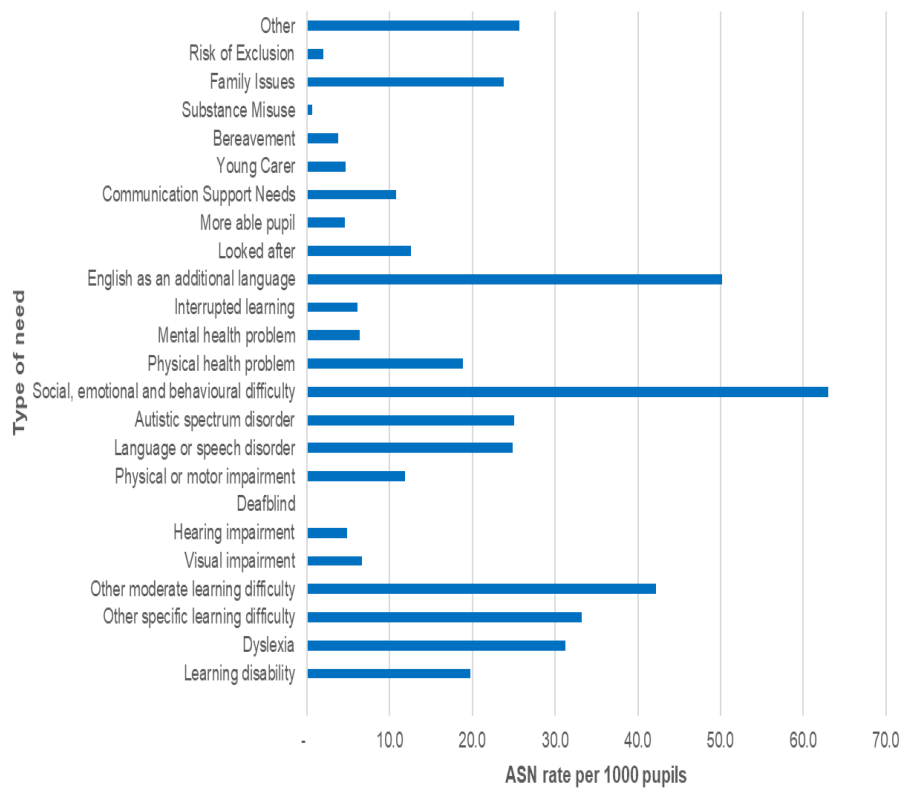


proliferation of categories in Scotland – includes EAL, more able

ENGLAND

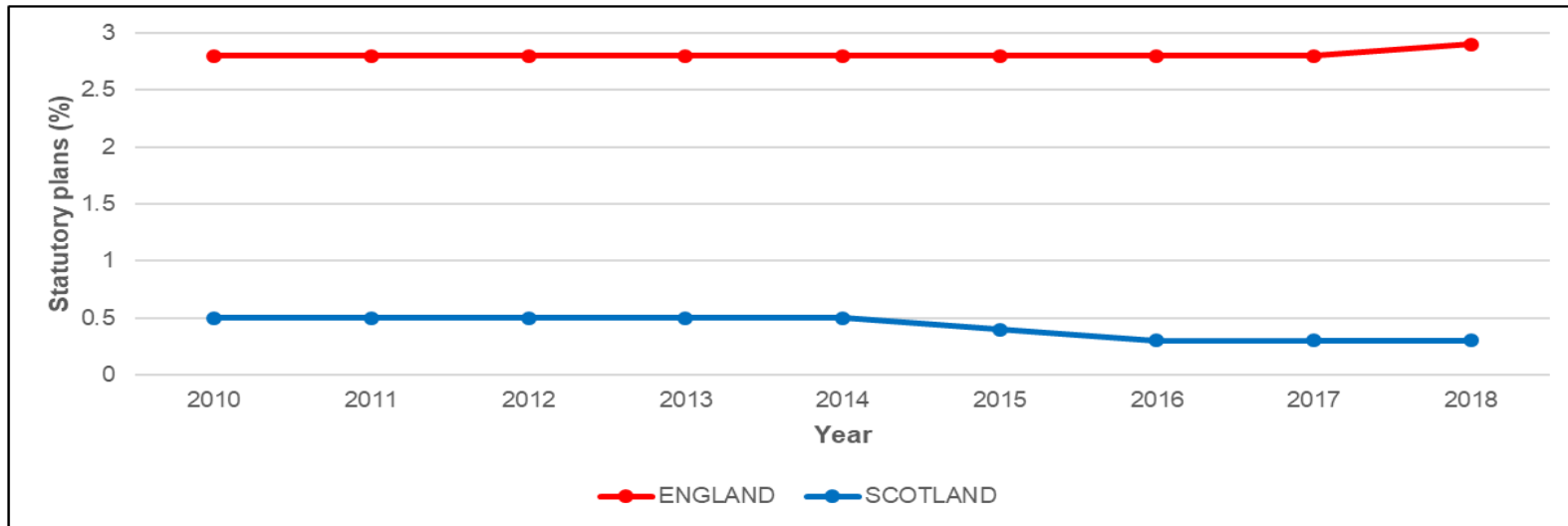


SCOTLAND



In Scotland, increase in rate of ASN pupils in the categories of Social, Emotional and Behavioural Difficulties (50 → 63 pupils per 1000) and English as an additional language (39 → 50 pupils per 1000).

Percentage of whole school population with statutory plans in England and Scotland



Source: DfE, 2018; Scottish Government, 2018

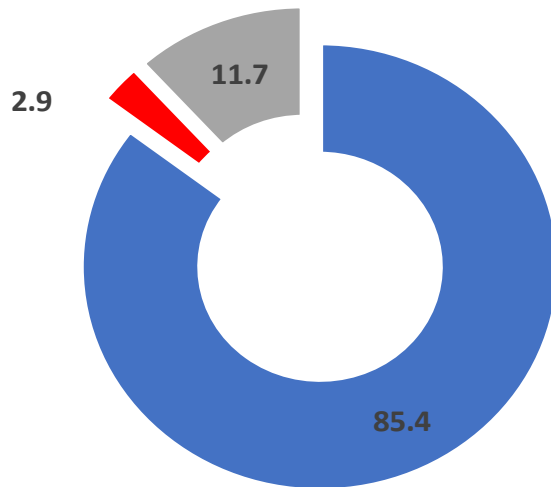
Even though the overall number of pupils with ASN has been increasing in Scotland while the number of pupils with SEN has been decreasing in England, the opposite trend has occurred with respect to statutory plans.

The percentage of the total school population in Scotland with a CSP has decreased and remained stable to 0.3% in 2018, while in England, the percentage increased from 2.8 to 2.9% in the past year.

Rates of statutory plans differ by category of need, with pupils in high incidence non-normative categories such as ASD and Social, Emotional and Mental health difficulties showing higher use of statutory plans than pupils in low incidence normative categories e.g. sensory impairments.

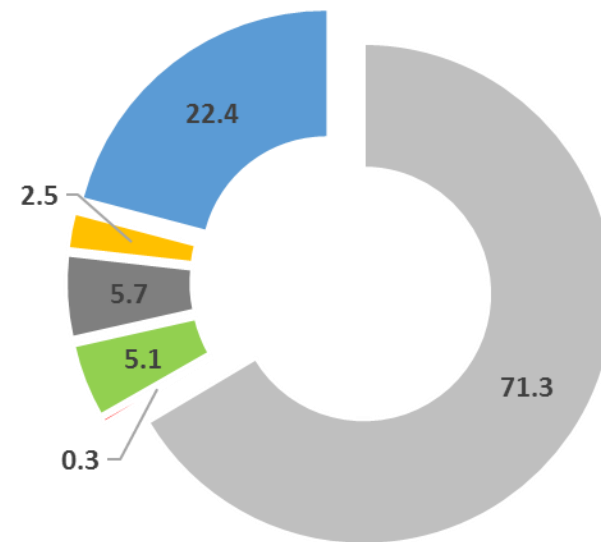
Classification of all pupils by SEN/ASN designation in England and Scotland, 2018: **proliferation of plans in Scotland, but only CSPs have legal status guaranteeing rights**

ENGLAND



■ Non-SEN ■ Statement/EHC ■ SEN support

SCOTLAND



■ Non-ASN ■ CSP ■ IEP ■ Child Plans ■ Disabled ■ Other

SEN provisions in England remained relatively stable across the past year (0.1% increase in both plans).

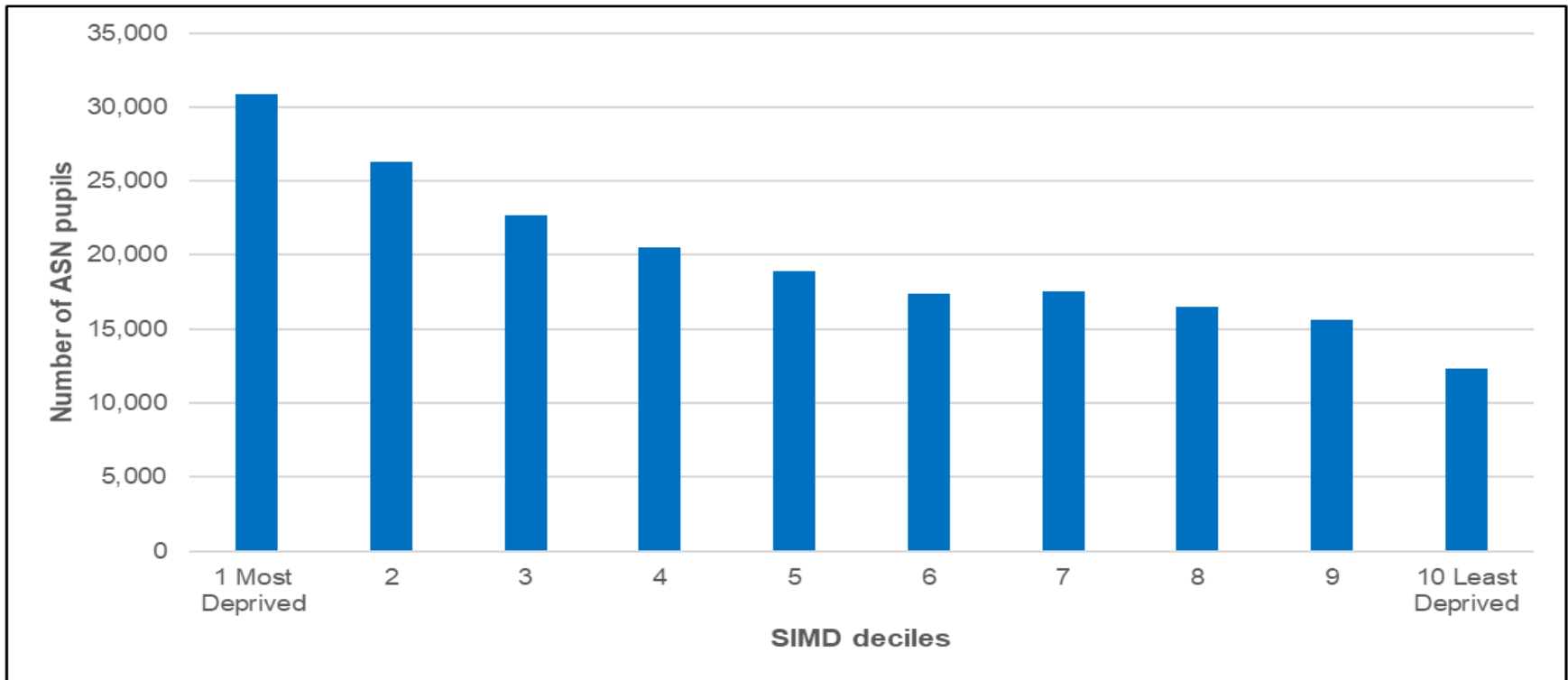
In Scotland, CSPs remained steady at 0.3% but use of Child Plans and Other Plans both increased by 3% and use of IEPs declined slightly by 0.4%.



ASN pupils by SIMD decile



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Source: Scottish Government, 2019

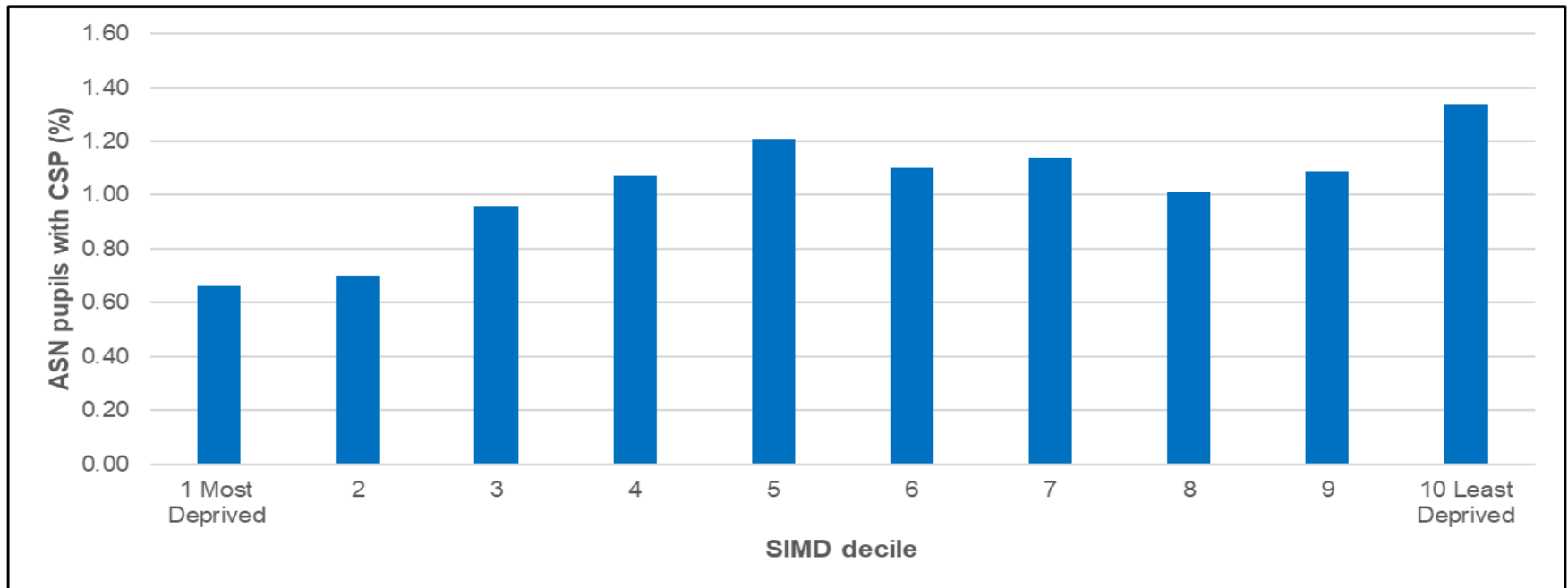
Pupils living in the most deprived areas are more likely to have ASN identified.

We need individual pupil level data for England to analyse SEN by IMD (or IDACI)



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Percentage of ASN pupils with a CSP per SIMD decile



Source: Scottish Government, 2019

A child with ASN living in the **least deprived** neighborhoods in Scotland is **more likely** to have a CSP (1.34% in SIMD10) than a child with ASN living in the most deprived neighborhoods (0.66% in SIMD 1).

We need individual level pupil data from England to explore whether similar pattern pertains.



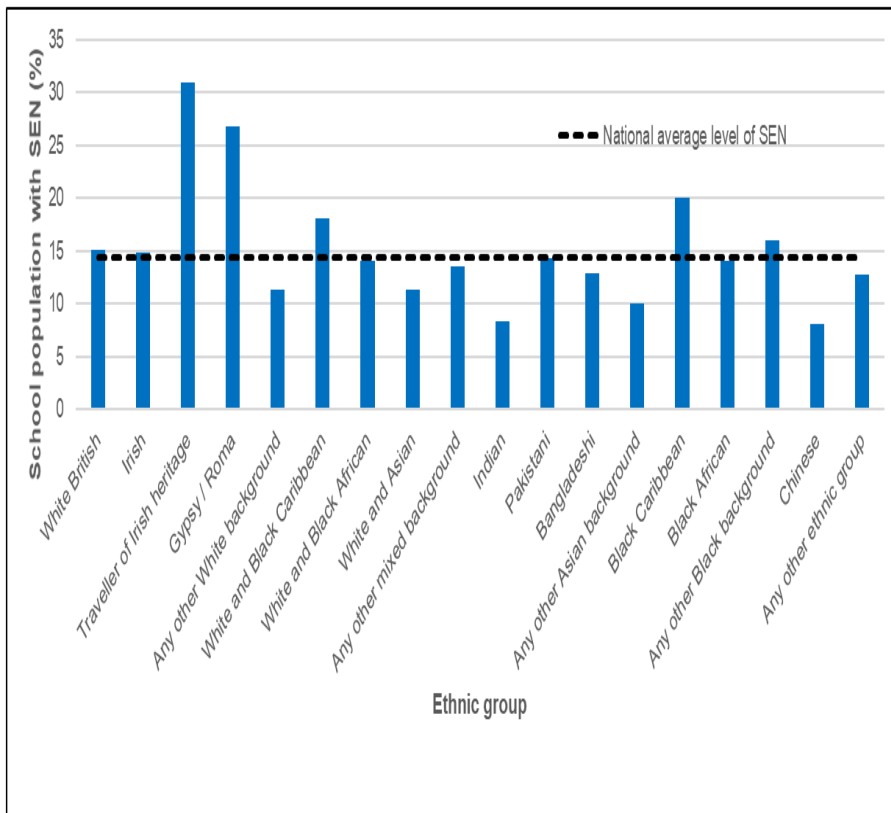
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Percentage of pupils within each ethnic group identified with SEN/ASN in England and Scotland:

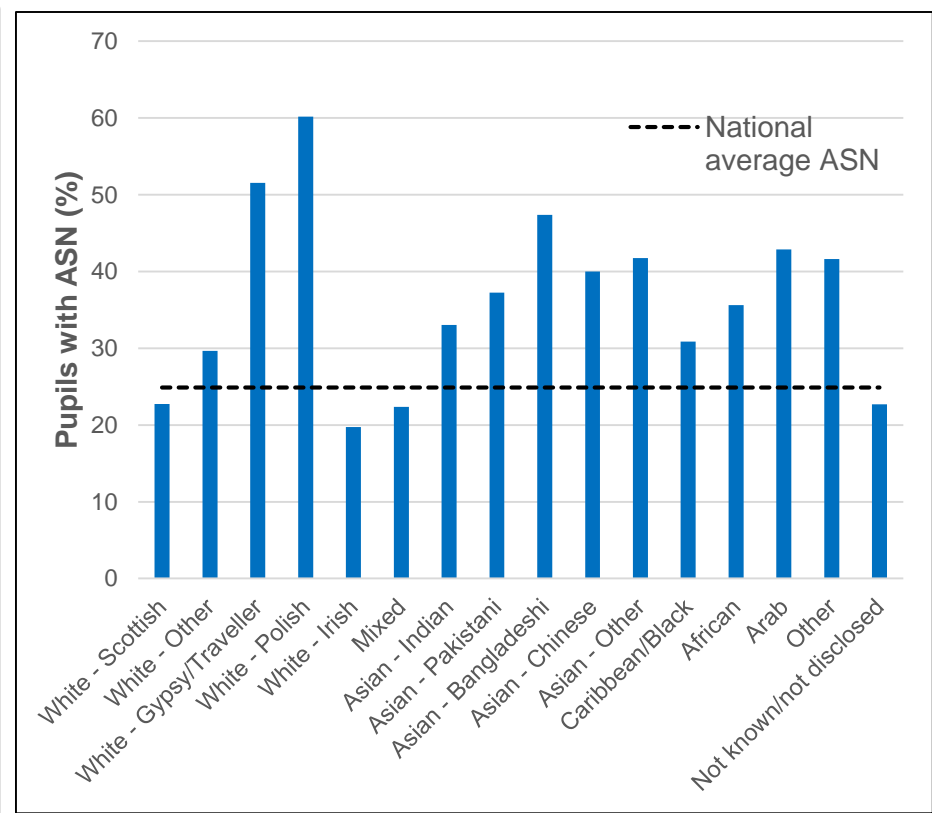
Suggests 60% of Polish pupils have ASN - Indicates problem of including EAL in ASN stats – see next slide



ENGLAND



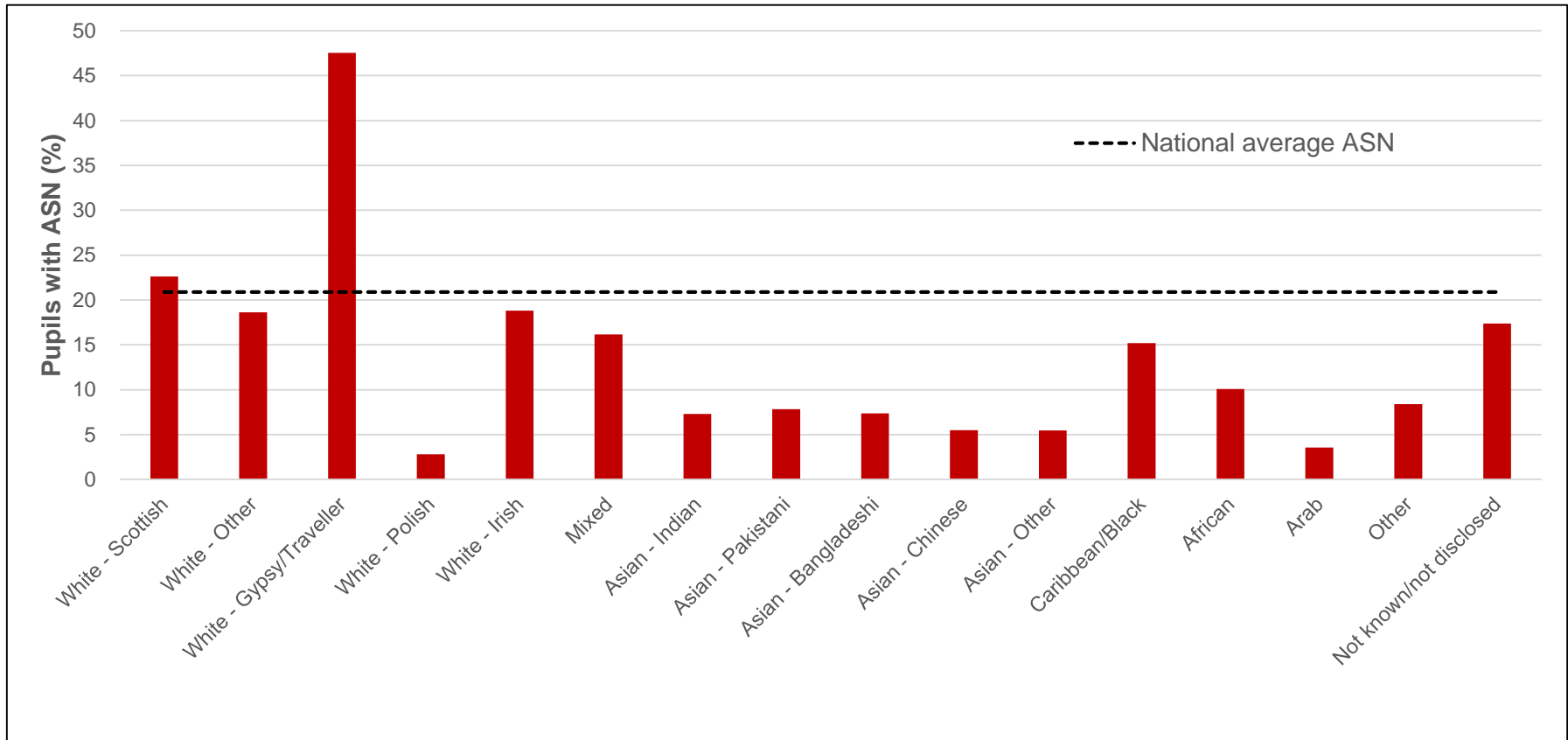
SCOTLAND



Source: DfE, 2018, Scottish Government, 2017

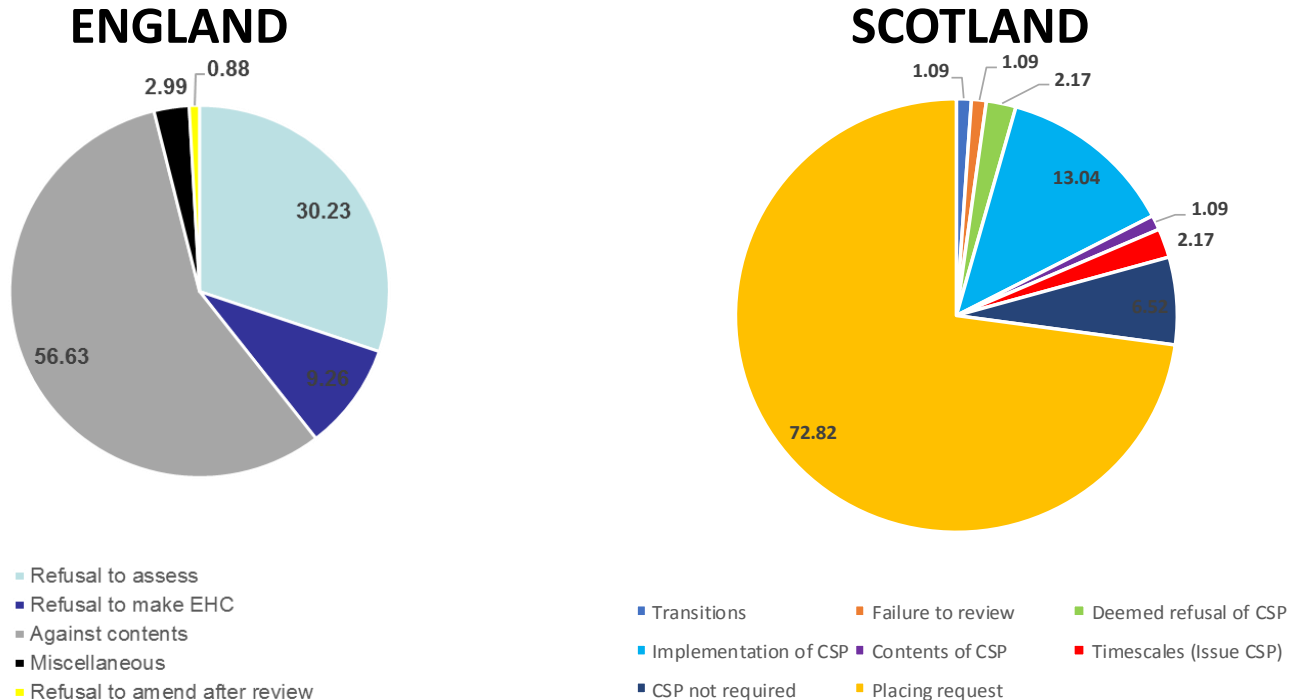


Percentage of pupils within each ethnic group identified with ASN excluding EAL in Scotland, 2016



Source: Scottish Government, 2017

Registered appeals by type in England and Scotland, 2017-2018



Source: MoJ, 2018; ASN Tribunal for Scotland, 13th Annual report, 2018

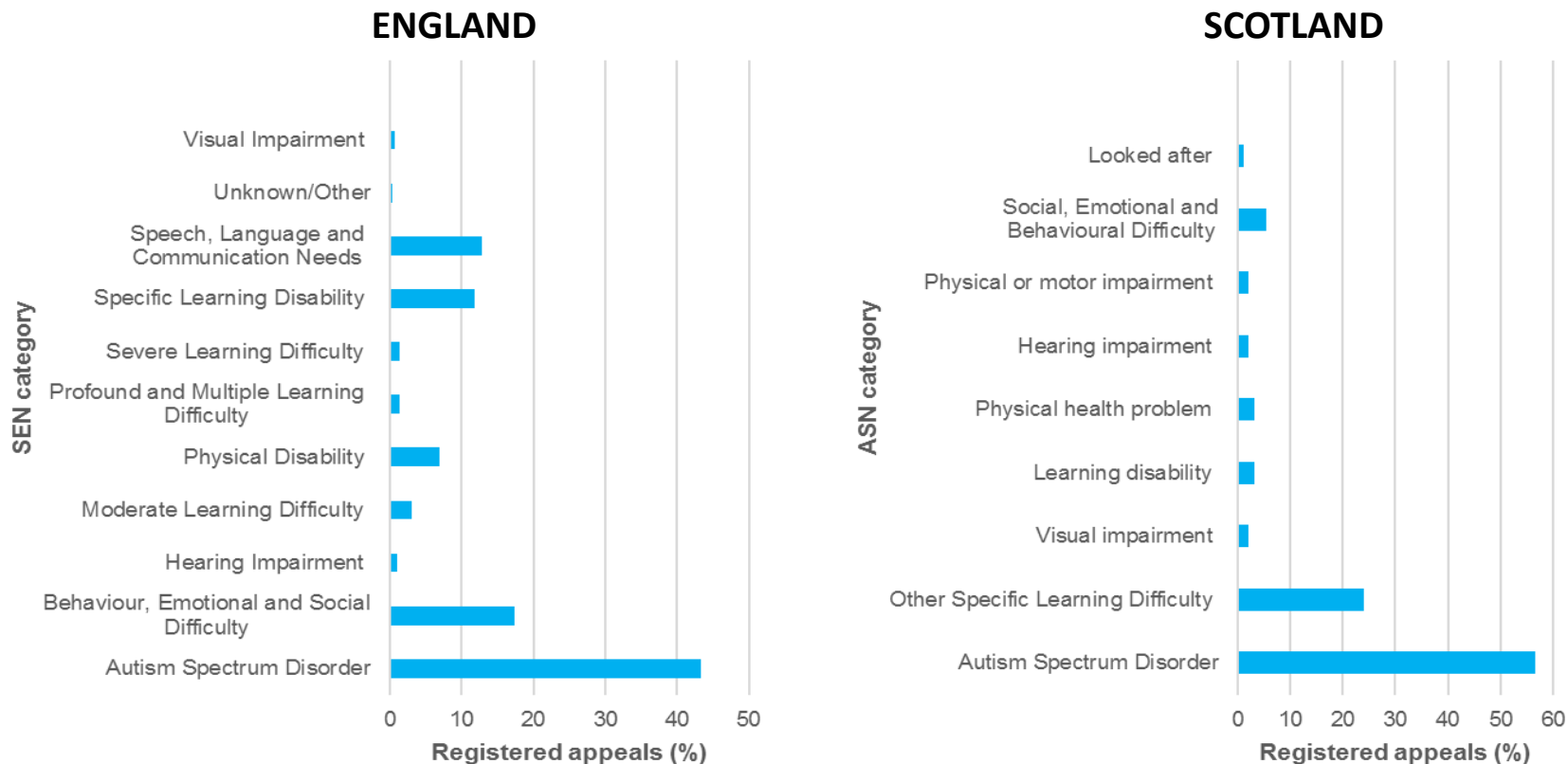
In England the number of appeals registered by the First-Tier Tribunal (Health, Education and Social Care Chamber) increased from 3712 (2015-2016) to 5679 (2017-2018). In Scotland the number of appeals registered by the ASN Tribunal increased from 62 (2015-2016) to 92 (2017-2018). Therefore, per head of population there was 5x as many tribunal appeals in England than Scotland.

In England there was an increase in appeals within the categories of 'against contents' and 'refusal to amend after review'. In Scotland there was an increase in appeals within the categories 'implementation of CSP' and 'CSP not required'.



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Registered appeals by type of SEN/ASN in England and Scotland, 2017-2018



Source: MoJ, 2018; ASN Tribunal for Scotland, 13th Annual report, 2018

Across both Scotland and England, the majority of references concerned a pupil with Autism Spectrum Disorder. In England, this increased from 38% to 43% of appeals and in Scotland this declined from 65% to 56% of appeals between 2015-2016 and 2017-2018.



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Conclusions



Comparisons across nations are difficult because of different understandings of nature of SEN/ASN & types of difficulty and different measures of social deprivation.

There are disproportionalities in ASN/SEN identification and provisions across social variables, including ethnicity and deprivation.

Further statistics requested from the Scottish government which will allow further analysis and comparisons between jurisdictions along the social variables of deprivation and ethnicity.

- The percentage of pupils within each ethnic group identified with ASN including EAL (2018 data).
- The percentage of pupils within each ethnic group identified with ASN excluding EAL (2018 data).
- The percentage of ASN pupils per category of need by SIMD quintile (2018 data).
- The percentage of all Scottish pupils, pupils with ASN and pupils with a CSP by FSM eligibility and broken down by type of need.