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

**Working paper 1 (update)**

**An overview of statistics on  
SEN in England and ASN in Scotland**

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# Summary of key points

## England

- Overall identification of SEN decreased from 21.1% of school population in 2010 to 14.6% in 2018. Since 2010, 2.8% of the pupil population has been provided with a statutory plan (statement of need or EHC plan), with this increasing marginally to 2.9% in 2018.
- In 2018, 97.9% of pupils in special schools had a statement of needs/EHC Plan.
- England uses 13 categories of SEN.
- In 2018, the largest categories were Moderate Learning Difficulty, Speech, Language and Communication needs and Social, Emotional and Mental health difficulties. Between 2010 and 2016, fewer pupils were identified as having Moderate Learning Difficulties. There was also a shrinkage in the category of Behavioural, Emotional and Social difficulties (which was replaced by the category of Social, Emotional and Mental health difficulties).
- Overall, SEN was more likely to be identified in boys than girls, and in pupils who are eligible for free school meals.
- Gender and social deprivation disproportionalities were particularly evident in high-incidence non-normative categories (Learning difficulties and Social, Emotional and Mental health difficulties).
- Statutory plans (statements of need/EHC Plans) were more than twice as likely to be opened for those eligible for free school meals (6.6% of FSM pupils have a statutory plan, compared with 2.9% of the whole school population).
- Of all minority ethnic groups, pupils from Traveller and Black/Caribbean backgrounds had the highest rates of SEN identification. Rates of SEN identification for White British pupils were around the average. Rates for pupils of Bangladeshi heritage and for those of Pakistani heritage were lower than the average. Pupils of Chinese and Indian heritage had the lowest rates of SEN identification.
- More than half of SEN tribunal appeals in 2017-18 (5,679 in total) concerned objection to the contents of a statement or EHC plan. Over 40% of appeals concerned a pupil with Autistic Spectrum Disorder.

## Scotland

- ASN identification rates increased from 10.3% of the school population in 2010 to 28.7% in 2018. Pupils with English as an Additional Language made up 17.5% of the total ASN population in 2018 (equivalent to 50 pupils per 1000 school population). Use of statutory plans (Coordinated Support Plans) decreased from 0.5% of the school population in 2010 to 0.3% in 2018.
- In 2018, 9.8% of pupils in special schools had a CSP.
- Scotland uses 24 categories of ASN, described as reasons for support.
- In 2018, the largest categories were Social, Emotional and Behavioural Difficulties, followed by English as an Additional Language and other Moderate Learning Difficulty.
- More than twice as many boys as girls were identified as having ASN.
- ASN was more than twice as likely to be identified in pupils living in the most deprived neighbourhoods.
- Examining Scottish pupils between P4-S6, the percentage of ASN pupils (24.1%) and pupils with a statutory plan (27.2%) who were registered for free school meals was higher than

the percentage of total pupils (16.3%) in receipt of free school meals. This indicates that pupils who experience social deprivation have a greater likelihood of being identified as having an additional support need, particularly when the need is deemed to warrant a statutory plan.

- Disproportionalities relating to gender and social deprivation were greater in high-incidence, non-normative categories (e.g. learning difficulties, social, emotional and behavioural difficulties), as opposed to low incidence, normative categories (e.g. sensory impairments).
- Statutory plans (CSPs) were more than twice as likely to be opened for pupils with ASN living in the least deprived neighbourhoods.
- When EAL is excluded from the analysis, pupils from all minority ethnic backgrounds have below average rates of ASN identification. White Scottish pupils have slightly above average rates of identification and those from Gypsy/Traveller backgrounds have the highest rates of ASN identification.
- In 2017-18, there were 92 references to the ASN tribunal. The majority concerned pupils with Autistic Spectrum Disorder and were in relation to placement requests.

## Comparison of jurisdictions

### *Rates of identification*

- In Scotland, almost twice as many children in the school population were identified as having ASN (29%) compared with the proportion of children identified in England as having SEN (15%).
- Children are about six times more likely to have a statutory support plan in England (2.9% of the total pupil population) compared with Scotland (0.3% of the total pupil population).

### *Use of plans and categorisation of types of difficulty*

- Differences in ASN/SEN identification are largely explained by different planning and categorisation systems.
- In Scotland, a greater variety of plans are in use (CSP, IEP, Child Plan and other) compared with England (EHC plans and SEN support).
- Since adopting the umbrella term ASN to describe children with any type of additional support need, Scotland has expanded the number of ASN categories, currently using 24. Thirteen categories of SEN are used in England.
- English as an Additional Language (EAL) is counted as an ASN category in Scotland, representing 17.5% of all ASNs, but is not counted as an SEN category in England. When pupils with EAL are removed from the analysis, the rate of ASN identification in Scotland drops from 28.7% to 23.7%.

### *Disproportionalities in rates of identification*

- In both countries, boys and pupils from deprived backgrounds are more likely to be identified as having ASN/SEN compared with girls and those from less deprived backgrounds. These disproportionalities are most evident in high incidence non-normative categories such as Social Emotional and Behavioural difficulties/Social, Emotional and Mental health difficulties.
- It is difficult to make comparisons by ethnicity between Scotland and England because of differences in the ethnic composition of the two countries and the categories of SEN/ASN that are used. In England, pupils of Caribbean heritage have above average rates of SEN

identification. Pupils of Pakistani heritage and Bangladeshi heritage have below average rates of identification. In England, pupils of Indian and Chinese heritage have the lowest rates of any ethnic group. In Scotland, Polish pupils are very likely to have EAL needs identified. When English as an Additional Language is excluded from the analysis, all pupils from a minority ethnic background, have below average rates of identification. In both countries, the indigenous population (White British and White Scottish) have slightly above average rates of identification. Pupils from Gypsy Traveller and Roma backgrounds have much higher rates than the average.

## Appeals

- In 2017-18, 5,679 appeals were registered by the First-tier Tribunal (Health, Education and Social Care chamber) in England (6.5 pupils/10,000 total pupil population) and over this period there were 92 references to the ASN Tribunal (1.3 pupils/10,000 total pupil population). This indicates that, per head of population, there were five times as many tribunal appeals in England as in Scotland.
- More than half of SEN tribunal appeals in 2017-18 concerned objection to the contents of a statement or EHC plan. More than half of references to the Additional Support Needs Tribunals for Scotland concerned a pupil with Autistic Spectrum Disorder and over 60% of appeals were in relation to placing requests.

## Methods

There are notable differences between England and Scotland in the prevalence and characteristics of ASN/SEN in the school population. The aim of this section is to highlight aspects of data collection, presentation of statistics and differences in definitions which could significantly influence the information presented in each jurisdiction. Specific terminology used in this document are the terms used by the respective governments.

**Pupils' needs** are recorded differently in each country. In England, only a pupil's primary need is recorded in the statistics - a pupil with multiple needs would only be recorded according to which of their needs was deemed the greatest. In Scotland, multiple needs are recorded, which means a single pupil with multiple needs would be recorded in multiple categories. A discrete category 'Any type of ASN' is also recorded, which avoids multiple counting.

**Multiple plans** per pupil are possible in Scotland, but not in England. Qualification criteria for plans are also different, contributing to (for example) differences in statutory plan rates across jurisdictions.

**Categories of difficulty/reasons for support are different** in each country. Scotland uses 24 reasons for support, including some that do not exist in England, such as 'more able child' and 'young carer'. English as an additional language is also considered to be an ASN in its own right in Scotland, but not in England. In England, only 13 categories are used.

**Inclusion criteria** for ASN/SEN are also different in each country. In Scotland, looked after children are considered to have ASN by default and the onus is on the local authority to demonstrate otherwise. This is not the case in England.

**Social deprivation** indicators differ between jurisdictions. England uses free school meal eligibility (a measure based on the circumstances of the individual), whereas Scotland primarily uses the Scottish Index of Multiple Deprivation (SIMD), a neighbourhood, rather than individual, measure of deprivation. HMRC data shows that over 50% of children from low income households live



outside SIMD20 (the most deprived areas). Data on free school meal registration is also available for Scotland as an alternative indicator of social deprivation. As all pupils in Scotland between primary 1-3 receive free school meals by law, statistical comparisons using this data are based on Scottish pupils between P3-S6.

# 1. Introduction

This paper provides statistical information on children who have been identified as having special educational needs (SEN) (in England) or additional support needs (ASN) (in Scotland).

## 1.1. Definitions

### 1.1.1. Scotland

In Scotland, The Education (Additional Support for Learning) (Scotland) Act 2004 (amended 2009), considers a child as having additional support needs when “the child or young person is, or is likely to be, unable without the provision of additional support to benefit from school education provided or to be provided for the child or young person.” (Scottish Government, 2010).

Under this legislation, local authorities are required to assess the requirements of any child requiring additional learning support. Pupils with multiple, complex, ongoing needs requiring input from more than one external agency may be eligible for a Coordinated Support Plan (CSP). A CSP is a statutory document prepared by the education authority when a child or young person requires significant additional support from the education authority and at least one other agency from outwith education in order to benefit from education. The Supporting Children’s Learning Code of Practice (Scottish Government, 2010 updated 2017) explains the eligibility criteria for CSPs and their application in greater detail ([https://consult.scotland.gov.uk/supporting-learners/code-ofpractice/user\\_uploads/95216\\_sct0517425858-1\\_learningcode.pdf](https://consult.scotland.gov.uk/supporting-learners/code-ofpractice/user_uploads/95216_sct0517425858-1_learningcode.pdf))

Children who have additional needs but do not qualify for a CSP may be provided with a different type of plan by the local authority, such as an Individualised Education Programme (IEP). An IEP is a written plan setting short-term and long-term targets which the child is expected to achieve. These plans are solely advisory and carry no legal status. An IEP should contain details of the child’s additional needs, learning objectives, and information regarding resources and support. A pupil with a CSP/IEP may also have a Child Plan, developed as part of the Scottish Government’s *Getting it Right for Every Child* (GIRFEC) programme, which focuses on child wellbeing <http://www.gov.scot/Topics/People/Young-People/gettingitright>. Wellbeing outcomes are measured by the following eight indicators: safe, healthy, achieving, nurtured, active, respected, responsible and included. A CSP may form a discrete section of a Child Plan. Education authorities may also use a range of local plans, which are classified as ‘other’. These include Multi-Agency Support Plans, Education Support Plans, Behaviour Support Plans and Looked After Children Support Plans.

### 1.1.2. England

In England, the most recent special educational needs and disability (SEND) provisions were defined in the Children and Families Act 2014, introduced on 1 September 2014. From this date, newly assessed children with special educational needs are allocated to one of the following categories: *SEN support* or *Education, Health and Care (EHC) plan*.

SEN support replaces the previous categories of *School Action* and *School Action Plus* and is defined as support provided to the child that is additional to the school’s usual curriculum. SEN support is advisory and is not legally binding.

EHC plans replace the previous *Statement of Needs*. EHC plans are documents which describe the child’s needs and additional help they require. By law, a formal assessment must be carried out by the local authority if the child has, or may have, special educational needs and if it may be

necessary for provision to be made for that child in accordance with an EHC plan. However, the local authority may decide to refuse an assessment request. If a decision is made to assess, the local authority is required to seek advice and information from a range of appropriate sources (e.g., the child/parent themselves and educational, medical and psychological advice). Based on this advice, the local authority can decide to issue an EHC plan or not. EHC plans are legally binding and subject to ongoing monitoring and assessment. Children with Statements issued prior to 2014 are currently being moved on to EHC plans.

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

## **1.2. Data sources**

Scottish statistics in this document are provided by the Scottish Government. Updates to this information are published annually in March. The figures presented in this paper were published in March 2019. English statistics are provided by the Department of Education and are updated annually in July. The figures presented here were published in July 2018. Links to data sources are provided in the section called 'Links to useful documents' at the end of this paper. In order to complete this report, the researchers have requested additional unpublished data from the Scottish Government.

## 2. Overview of SEN/ASN in England and Scotland

### 2.1. Total SEN/ASN numbers and statutory plans

This section provides an overview of total SEN/ASN pupil numbers in England and Scotland. **Table 1** and **Figure 1** show the total ASN/SEN pupils as a percentage of total pupils from 2007 to 2018.

In England, the number of pupils identified as having SEN increased slowly from 2007, reaching its maximum in 2010. Since then, the number of children with SEN in England has decreased steadily year on year from its peak of 21.1% of all pupils in 2010 to 14.6% in 2018.

In Scotland, the opposite trend has emerged. ASN numbers in Scotland were 5.3% of the total school population in 2007 and increased slowly to 6.5% in 2009. At this point, ASN numbers increased sharply year on year, reaching 28.7% of all pupils in 2018. This increase is due predominately to changes in the way ASNs are classified and recorded, which took effect in 2010.

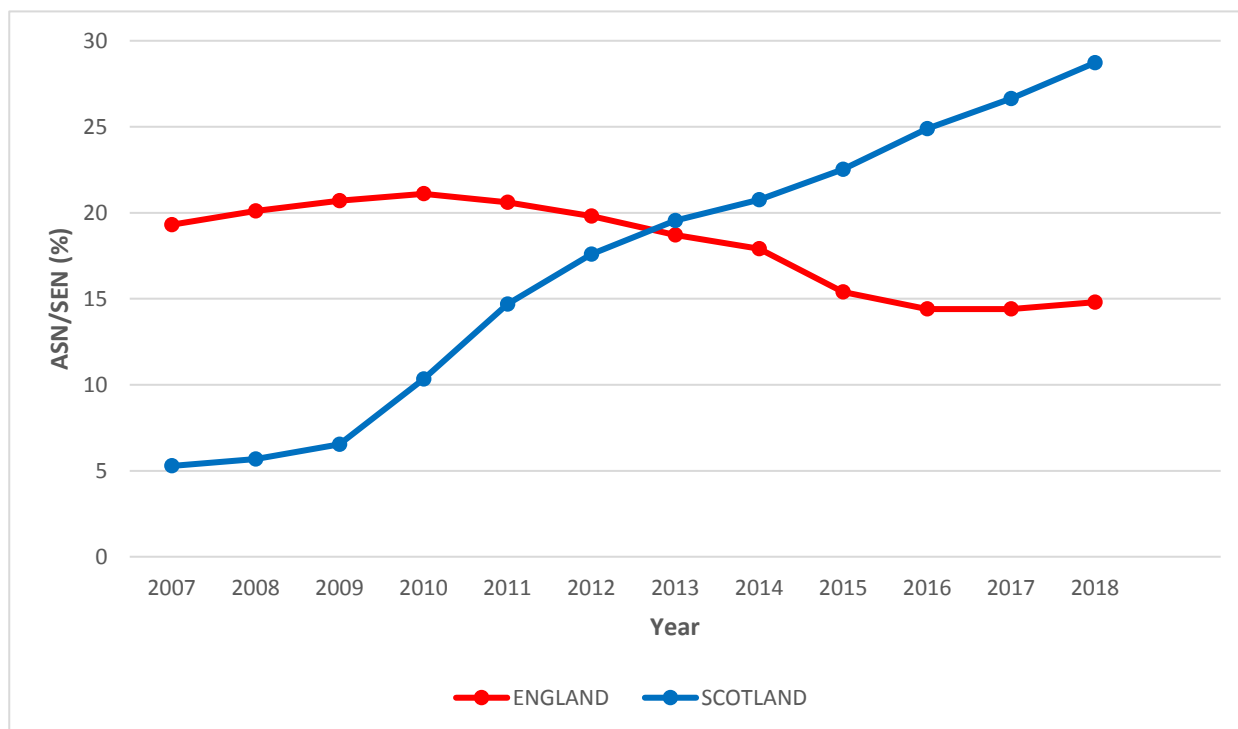
While there has been a decrease in the use of statutory plans since 2004, (see below for further discussion), a plethora of additional support plans have grown up, some of which are nationally recognised and some of which are peculiar to individual local authorities. These include Behaviour Support Plans, Looked After Child's Plans, Individualised Educational Plans, Multi-Agency Support Plans, Additional Support Plans, Young Carer's Plan, More Able Child's Plan and so on. Under the Children and Young People (Scotland) Act 2014, all of these plans are intended to be incorporated into an over-arching Child Plan.

**Table 1: Children with SEN/ASN as a percentage of the total school population in England and Scotland, 2007-2018**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b>SCOTLAND</b>												
Total pupils	692,215	681,573	676,740	673,133	670,481	671,195	673,502	676,914	679,958	684,348	688,959	693,251
ASN pupils	36,542	38,716	44,177	69,587	98,523	118,034	131,621	140,542	153,192	170,422	183,491	199,065
Incidence (%)	5.28	5.68	6.53	10.34	14.69	17.59	19.54	20.76	22.53	24.90	26.63	28.71
<b>ENGLAND</b>												
Total pupils	8,167,715	8,121,955	8,092,280	8,098,360	8,123,865	8,178,200	8,249,810	8,331,385	8,438,145	8,559,540	8,669,080	8,735,100
SEN pupils	1,577,265	1,630,210	1,672,610	1,704,980	1,673,895	1,618,340	1,545,610	1,492,950	1,301,445	1,228,785	1,244,255	1,276,215
Incidence (%)	19.3	20.1	20.7	21.1	20.6	19.8	18.7	17.9	15.4	14.4	14.4	14.6

Source: DfE, 2018; Scottish Government, 2018

**Figure 1: Children with SEN/ASN as a percentage of the total school population in England and Scotland, 2007-2018**



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 from 0.5% in 2010 to 0.3% in 2018, while in England, the percentage remained stable at 2.8% between 2010 and 2018, with a marginal increase to 2.9% in 2018 (see , **2010-2018**

Source: DfE, 2018; Scottish Government, 2018

Figure 2 and **Table 2**).

The proportion of ASN pupils with CSPs in Scotland has decreased year-on-year from 5% in 2010 to 1% in 2018. In England meanwhile, the percentage of SEN pupils with statutory plans has risen from 13.1% in 2010 to 19.9% in 2018 (see

Figure 3).

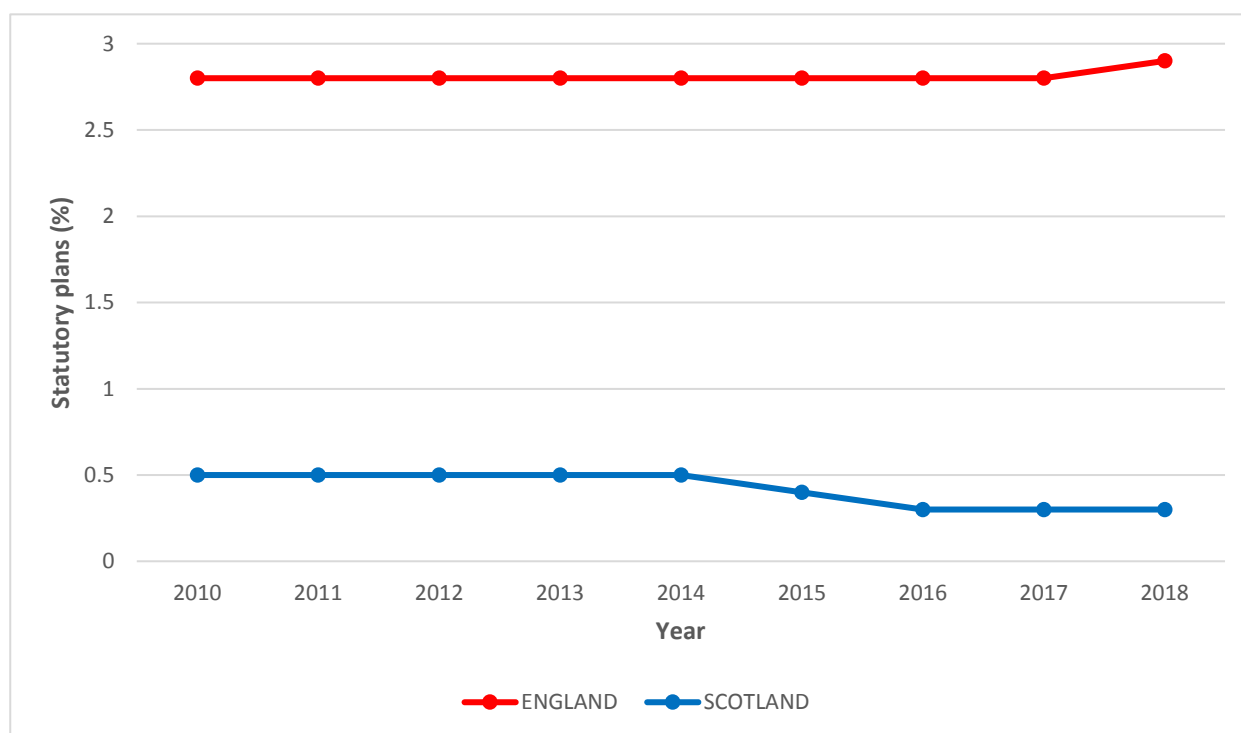
This is an important difference between the countries. While almost a fifth of SEN pupils in England have a statutory support plan, only one percent of ASN pupils in Scotland have equivalent legislative protection.

**Table 2: Percentage of whole school population with statutory plans in England and Scotland, 2010-2018**

	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b>SCOTLAND</b>									
Total pupils	673,133	670,481	671,195	673,502	676,914	679,958	684,348	688,959	693,251
Statutory plans	3,458	3,617	3,448	3,279	3,128	2,716	2,243	2,182	1,986
Incidence (%)	0.5	0.5	0.5	0.5	0.5	0.4	0.3	0.3	0.3
<b>ENGLAND</b>									
Total pupils	8,098,360	8,123,865	8,178,200	8,249,810	8,331,385	8,438,145	8,559,540	8,669,080	8,735,100
Statutory plans	223,945	224,210	226,125	229,390	232,190	236,165	236,805	242,185	253,680
Incidence (%)	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.9

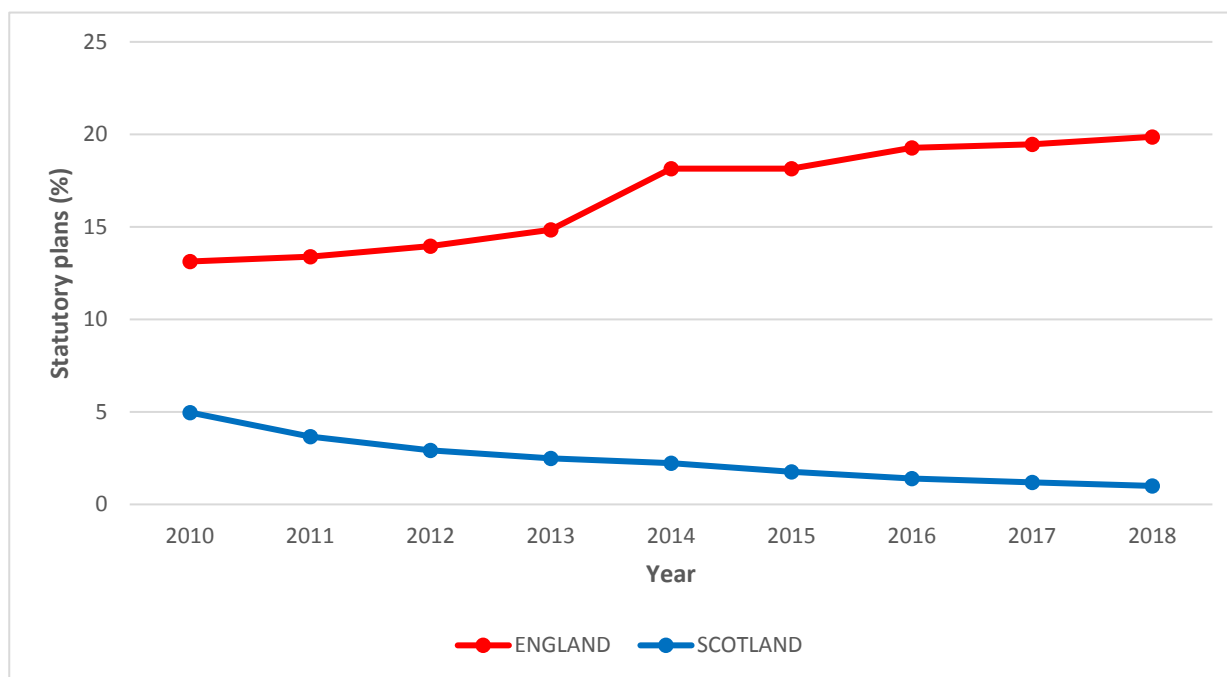
Source: DfE, 2018; Scottish Government, 2018

**Figure 2: Percentage of whole school population with statutory plans in England and Scotland, 2010-2018**



Source: DfE, 2018; Scottish Government, 2018

**Figure 3: SEN/ASN pupils with statutory plans as a percentage of all SEN/ASN pupils in England and Scotland, 2010-2018**



Source: DfE, 2018; Scottish Government, 2018

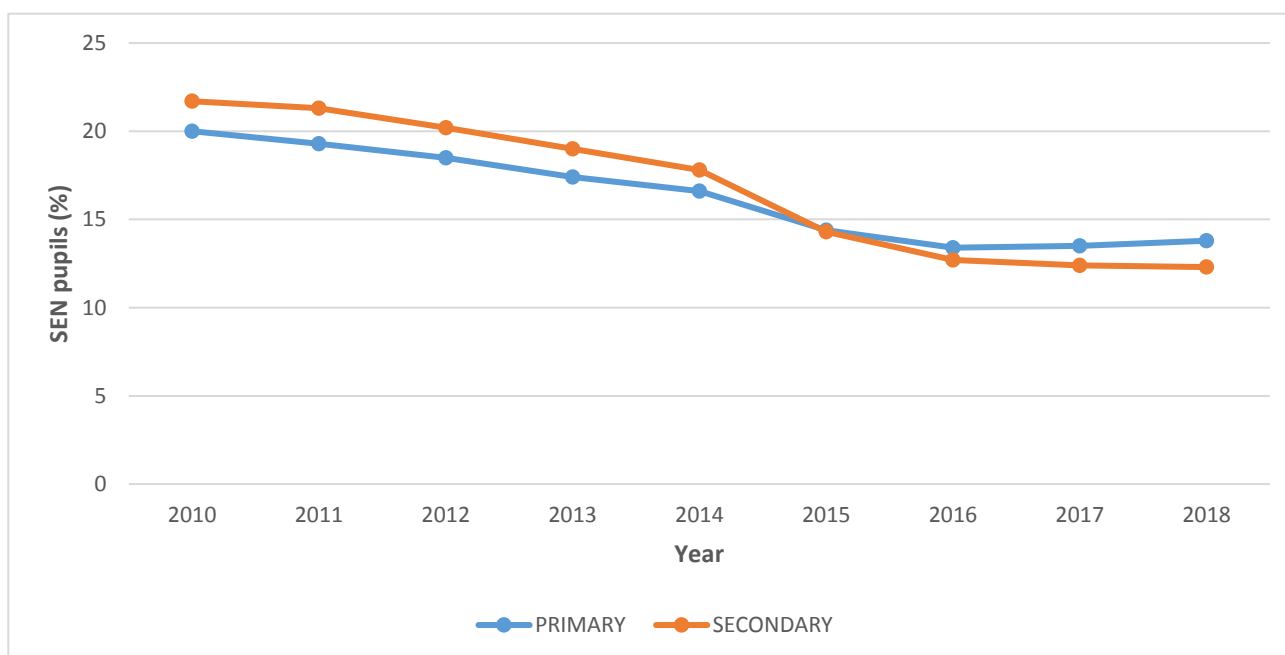
## 2.2. SEN/ASN in primary and secondary schools

The overall trend of increasing ASN identification in Scotland and decreasing SEN identification in England is evident at both primary and secondary stages (see **Figure 4** and **Figure 5**).

There are however, some differences between countries. In England, overall rates of SEN are higher in primary pupils (13.8% in 2018) than in secondary schools (12.3% in 2018). Identification of SEN in primary school overtook the level in secondary school in 2015. Whereas the rate in secondary school has dropped year-on-year, there has been a marginal increase in primary school, from 13.4% in 2016 to 13.8% in 2018 (see **Figure 4**). The decrease in identification at secondary level reflects advice in an Ofsted report of 2010, which suggested that the SEN net was being cast too widely, and many pupils would benefit from better teaching rather than SEN identification.

<http://dera.ioe.ac.uk/1145/1/Special%20education%20needs%20and%20disability%20review.pdf>

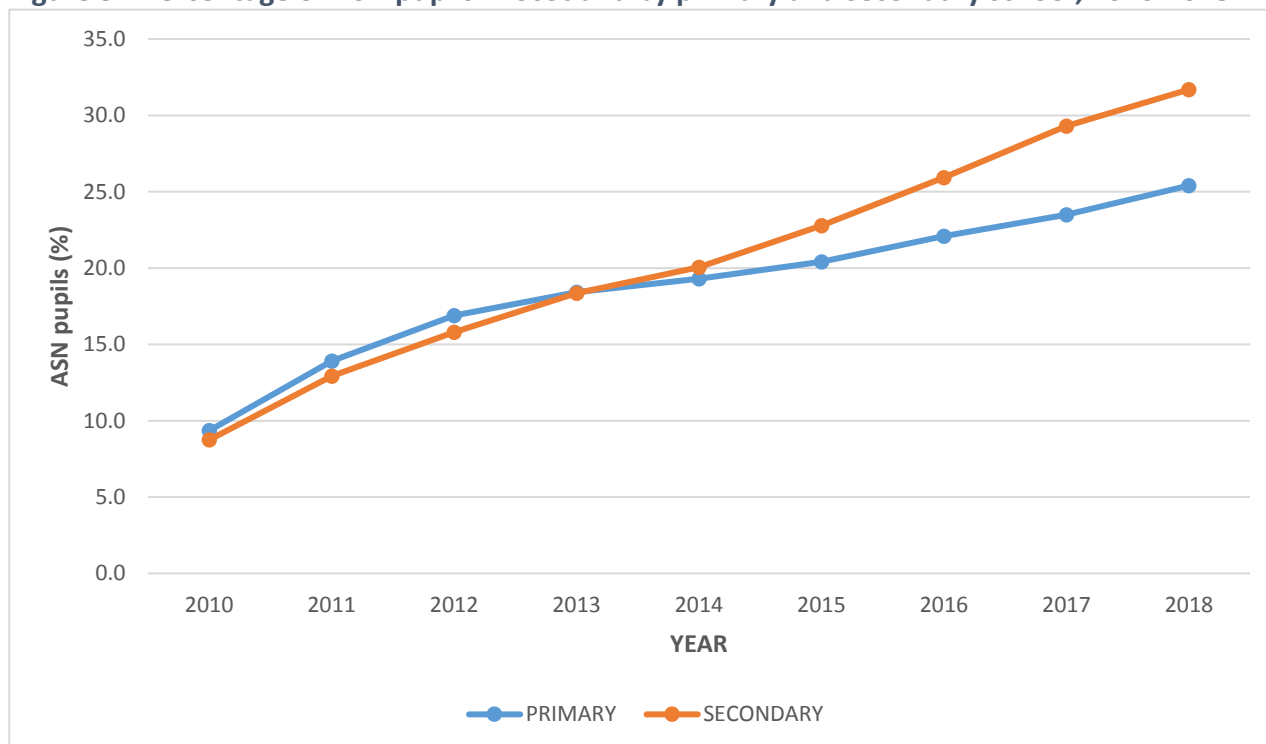
**Figure 4: Percentage of all pupils with SEN in England by primary and secondary school, 2010-2018**



Source: DfE, 2018

In Scotland, the opposite trend has occurred. Rates of ASN identification are greater at secondary school compared with primary school (31.7% versus 25.4% in 2018). From 2010 to 2013, ASN rates in primary and secondary schools closely mirrored each other. However, the rate of ASN in secondary schools equalled primary school rates in 2013 and has been higher since. The magnitude of the gap has also increased from 2014 to 2018, as shown in **Figure 5**.

**Figure 5: Percentage of ASN pupils in Scotland by primary and secondary school, 2010-2018**



Source: Scottish Government, 2019

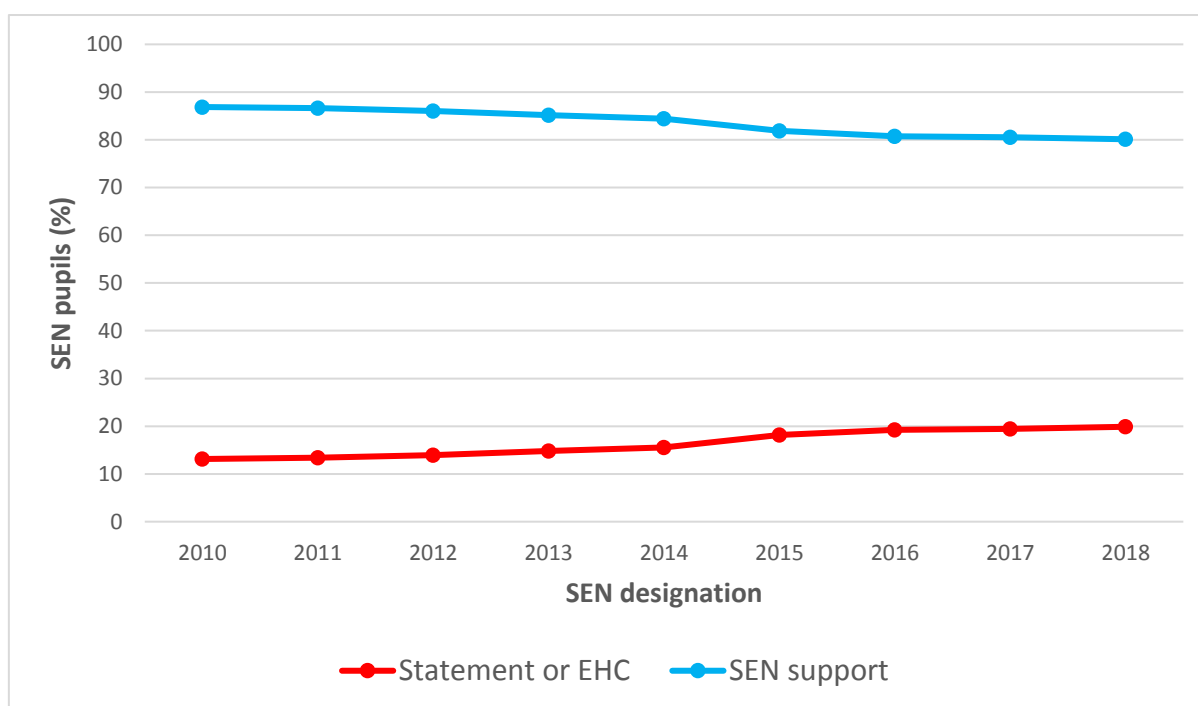


### 3. Characteristics of SEN pupils in England

As noted above, the percentage of pupils with SEN in England peaked in 2010 and has been decreasing year on year since, reaching its current level of 14.6% of the total pupil population (see **Table 1**). This section profiles SEN pupils in greater depth, examining the data in relation to type of support, type of need and associated factors such as gender, ethnicity and social disadvantage (measured by free school meals entitlement).

The proportion of SEN pupils with a statutory support plan has increased. In 2010, 13.1% of SEN pupils had either a statement or EHC plan, a figure which rose to 19.9% by 2018 (see **Figure 6**).

**Figure 6: SEN pupils by SEN designation in England, 2010-2018**

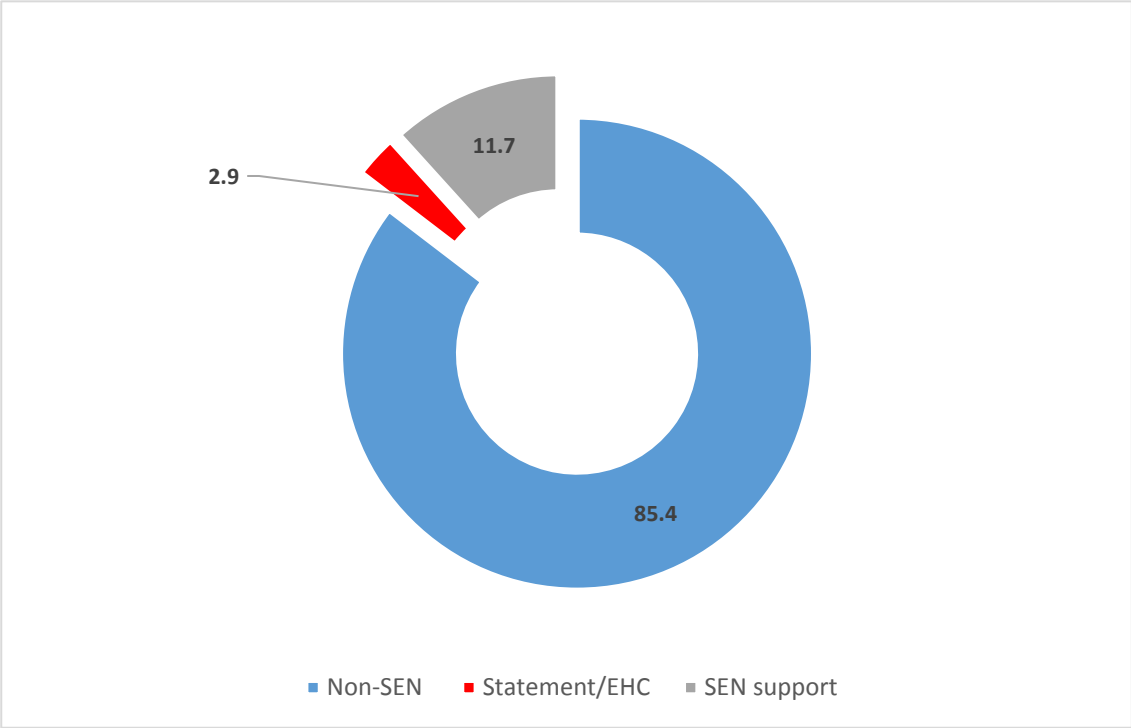


Source: DfE, 2018

**Figure 7** shows the percentage of school pupils with different types of SEN status in 2018. 2.9% of pupils in England have a statement or EHC plan, a figure which has remained relatively consistent since 2010. Pupils on SEN support make up 11.7% of the school population in England, while 85.4% of pupils have no identified special needs.

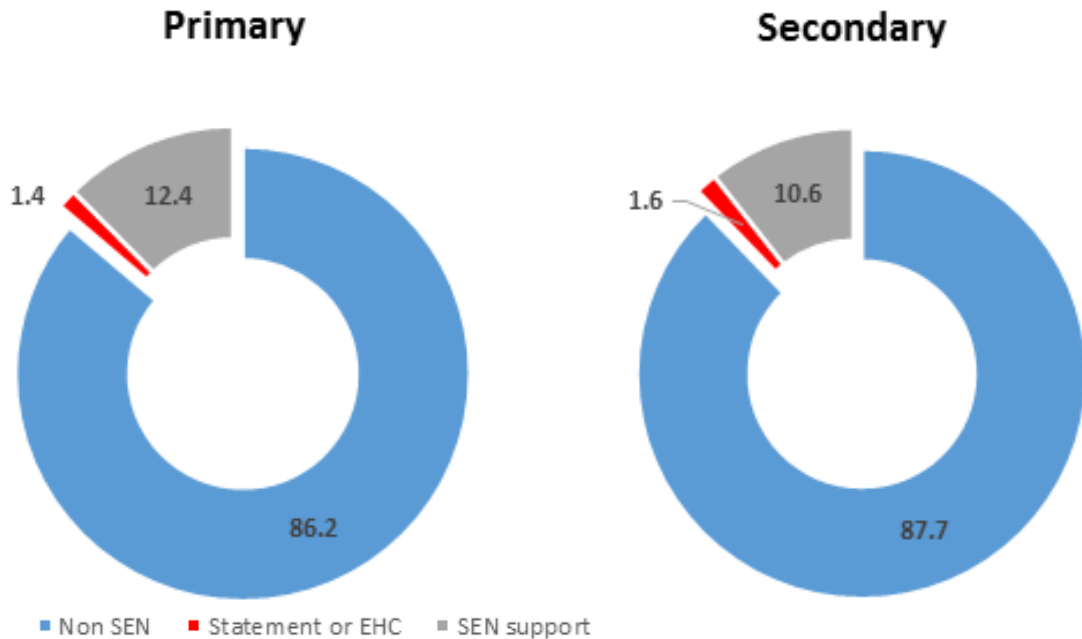
When mainstream primary and secondary school data are examined separately, the percentage of SEN pupils and those with a statement or EHC plan reduces slightly (see **Figure 8**). The reduction is due to pupils in special schools (all of whom have SEN) increasing the overall average figures.

Figure 7: Classification of all pupils by SEN designation in England, 2018



Source: DfE, 2018

Figure 8: Classification of primary and secondary pupils by SEN designation in England, 2018



Source: DfE, 2018

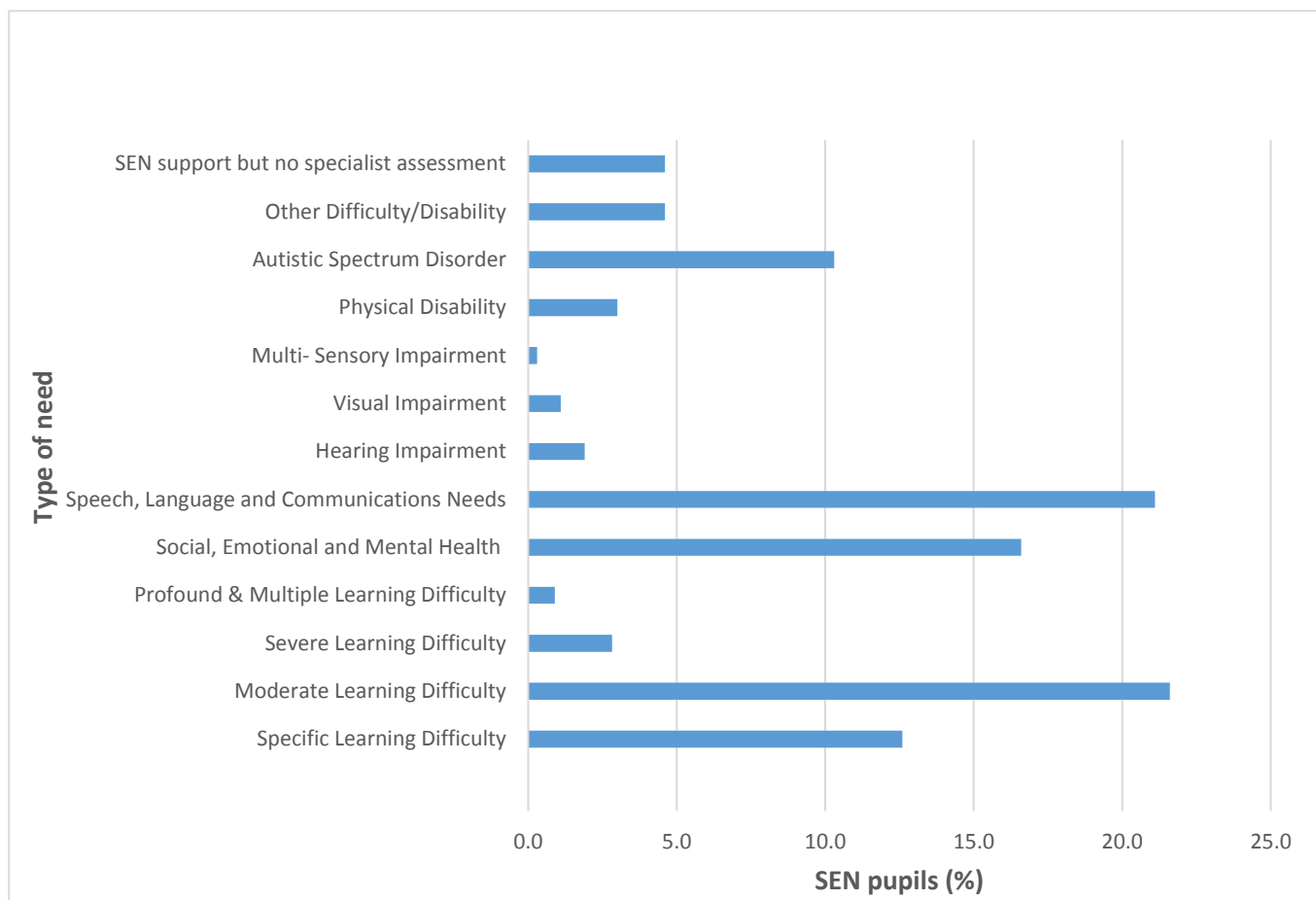
### 3.1. Type of need

In England, there are currently 13 categories of special educational need (see **Figure 9**). In 2015, two significant changes were made to SEN categorisation. The category ‘Behaviour, Emotional and Social Difficulties (BESD)’ was removed and ‘Social, Emotional and Mental Health (SEMH)’ was

added. The new code of SEMH is not intended to be a direct replacement of BESD. An additional code called 'SEN support but no specialist assessment of need' was also added, to account for children with SEN support but who are yet to be assessed for type of need. These changes mean pre- and post-2015 data are not directly comparable.

Four of the thirteen categories of SEN account for almost three quarters of SEN pupils. The most common primary need is Moderate Learning Difficulty, with 21.6% of SEN pupils falling into this category. This is followed by Speech, Language and Communications Needs (21.1%), Social, Emotional and Mental Health (16.6%) and Specific Learning Difficulty (12.6%).

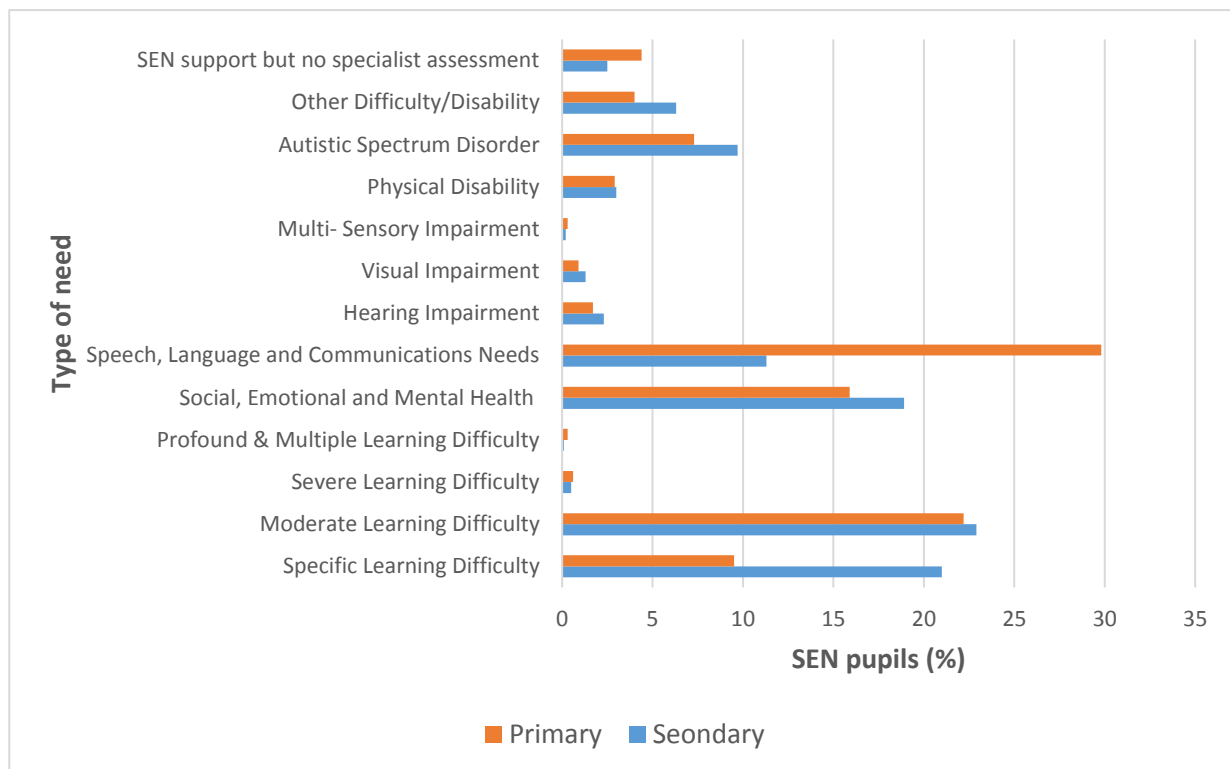
**Figure 9: SEN pupils by each type of primary need in England, 2018**



Source: DfE, 2018

Figure 10 shows the same data as above, split into primary and secondary school pupils with SEN. Overall rates of SEN are broadly comparable between primary and secondary school pupils across all categories, with two notable exceptions. The identification of Speech, Language and Communication Needs in primary schools (29.8% of all SEN) is almost triple the proportion in secondary schools (11.3% of total SEN). Children with Specific Learning Difficulty make up 21% of the total SEN population in secondary school, more than double the proportion found in primary schools (9.5%).

**Figure 10: Percentage of Primary and Secondary SEN pupils by different types of need in England, 2018**

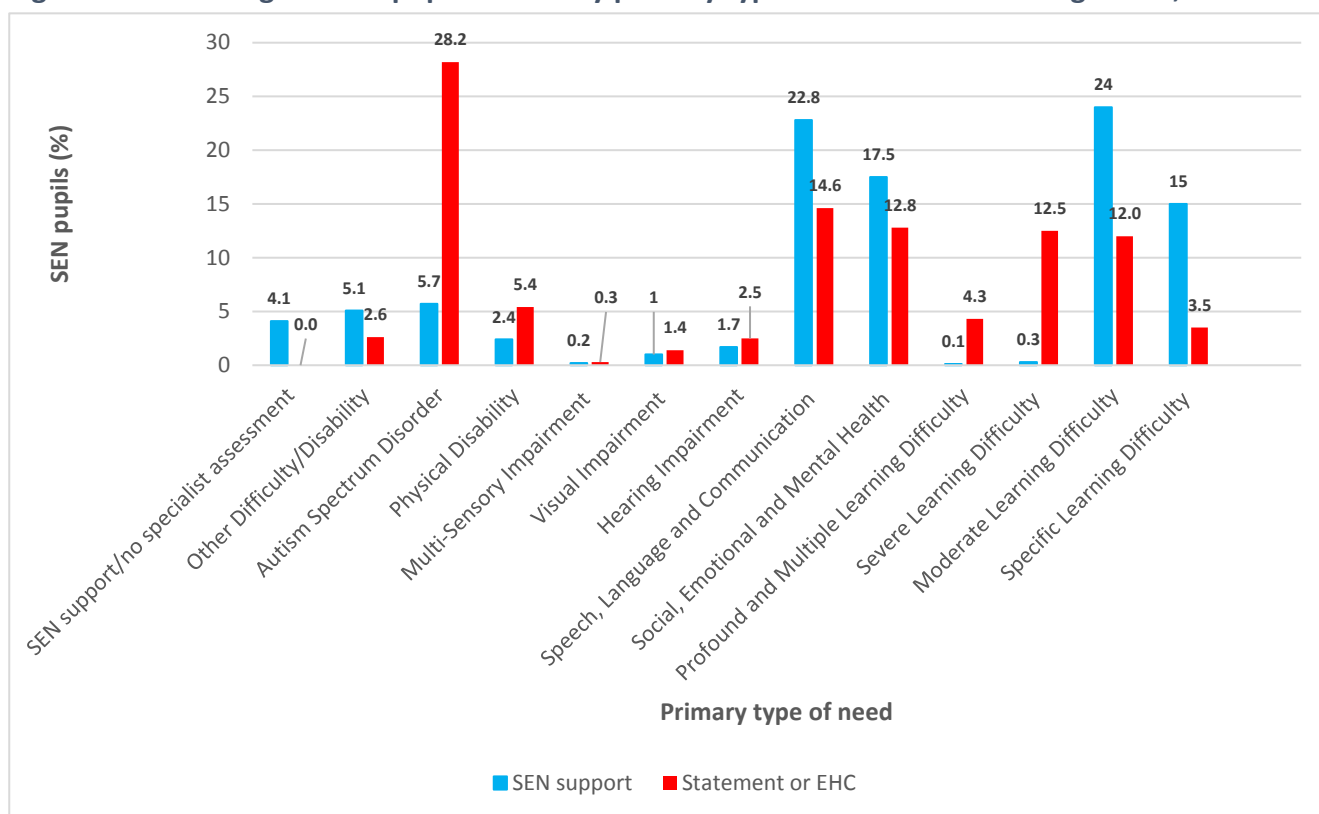


Source: DfE, 2018

**Figure 11** shows the proportion of SEN children by type of need separated into those receiving either SEN support or having a Statement or EHC Plan. The most prevalent type of need for pupils receiving SEN support is Moderate Learning Difficulty, with 24% of pupils receiving SEN support being classified with this type of primary need. The next most prevalent categories among pupils receiving SEN support are Speech, Language and Communication Needs (22.8%), Social, Emotional and Mental Health Needs (17.5%) and Specific Learning Difficulty (15%).

The most prevalent category of primary need for pupils with an EHC plan is Autistic Spectrum Disorder (28.2%). The majority of the remaining EHC plan pupils are almost equally distributed between Speech, Language and Communication Needs (14.6%), Social, Emotional and Mental Health (12.8%), Severe Learning Difficulty (12.5%) and Moderate Learning Difficulty (12%).

**Figure 11: Percentage of SEN pupils shown by primary type of need and SEN designation, 2018**



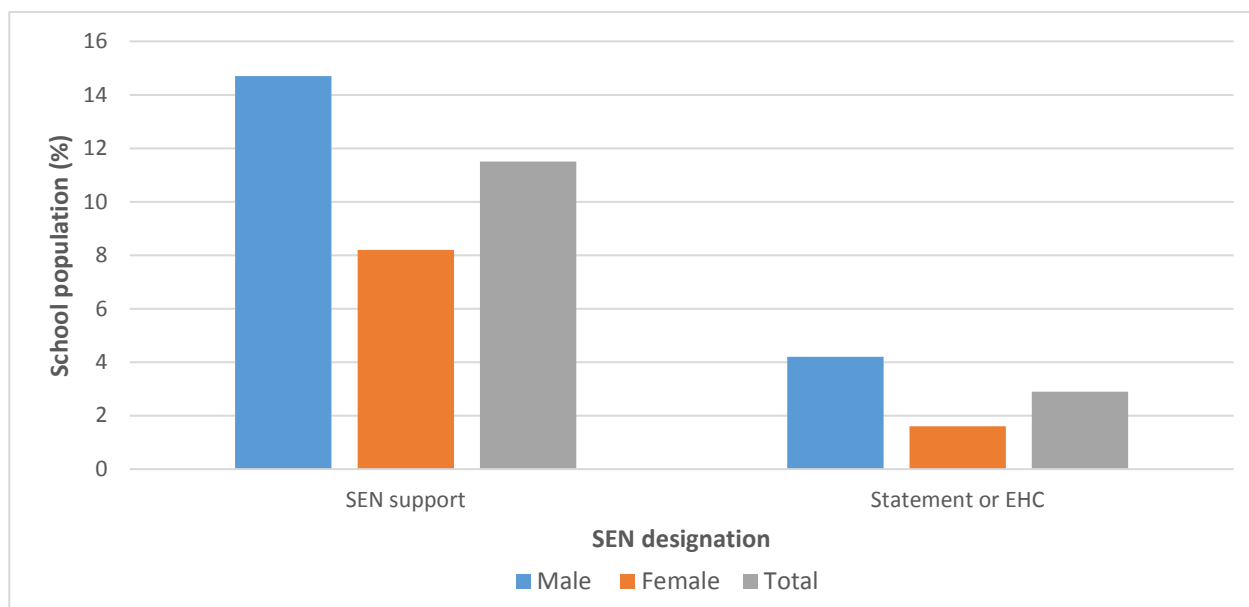
Source: DfE, 2018

SEN support and statement/EHC plan are discrete groups; SEN pupils receive either SEN support or a statutory plan.

### 3.2. Gender

In England, the identification of special educational needs is higher in boys than girls, in both SEN support and Statement/EHC plan designations. In 2018, 14.7% of all boys and 8.2% of all girls at school were receiving SEN support, equating to 11.5% of the school population. 4.2% of all boys and 1.6% of all girls had either a statement or EHC plan, which equals 2.9% of the whole school population (see Figure 12).

**Figure 12: SEN pupils in England by gender and SEN designation, 2018**

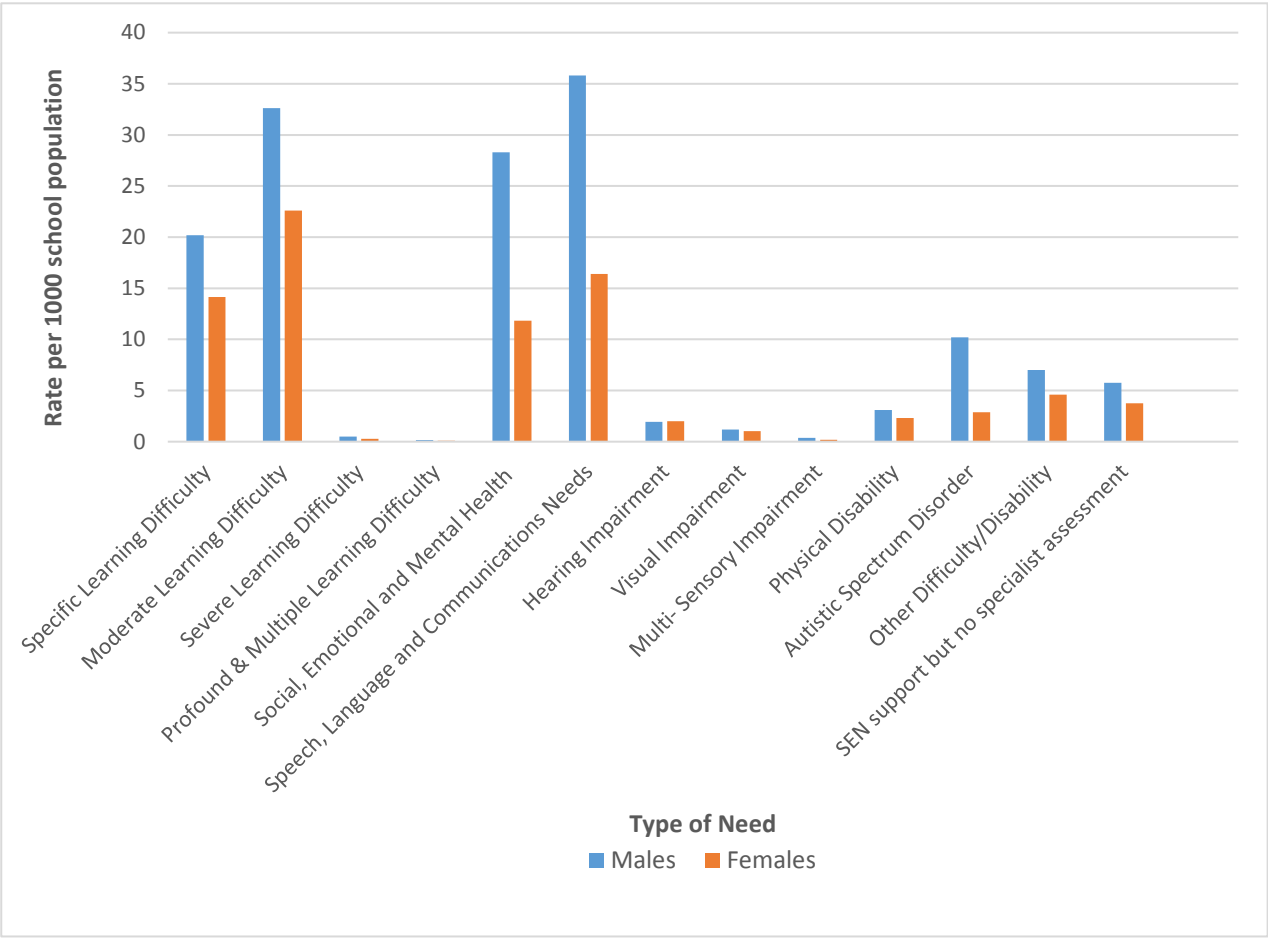


Source: DfE, 2018

**Figure 13, Figure 14, Figure 15** and provide a more detailed look at gender differences by primary type of need, showing the distribution of SEN types for each gender. **Figure 13 and Figure 14** shows this information for pupils in receipt of SEN support, while **Figure 15** and show this information for pupils with a statement or EHC plan.

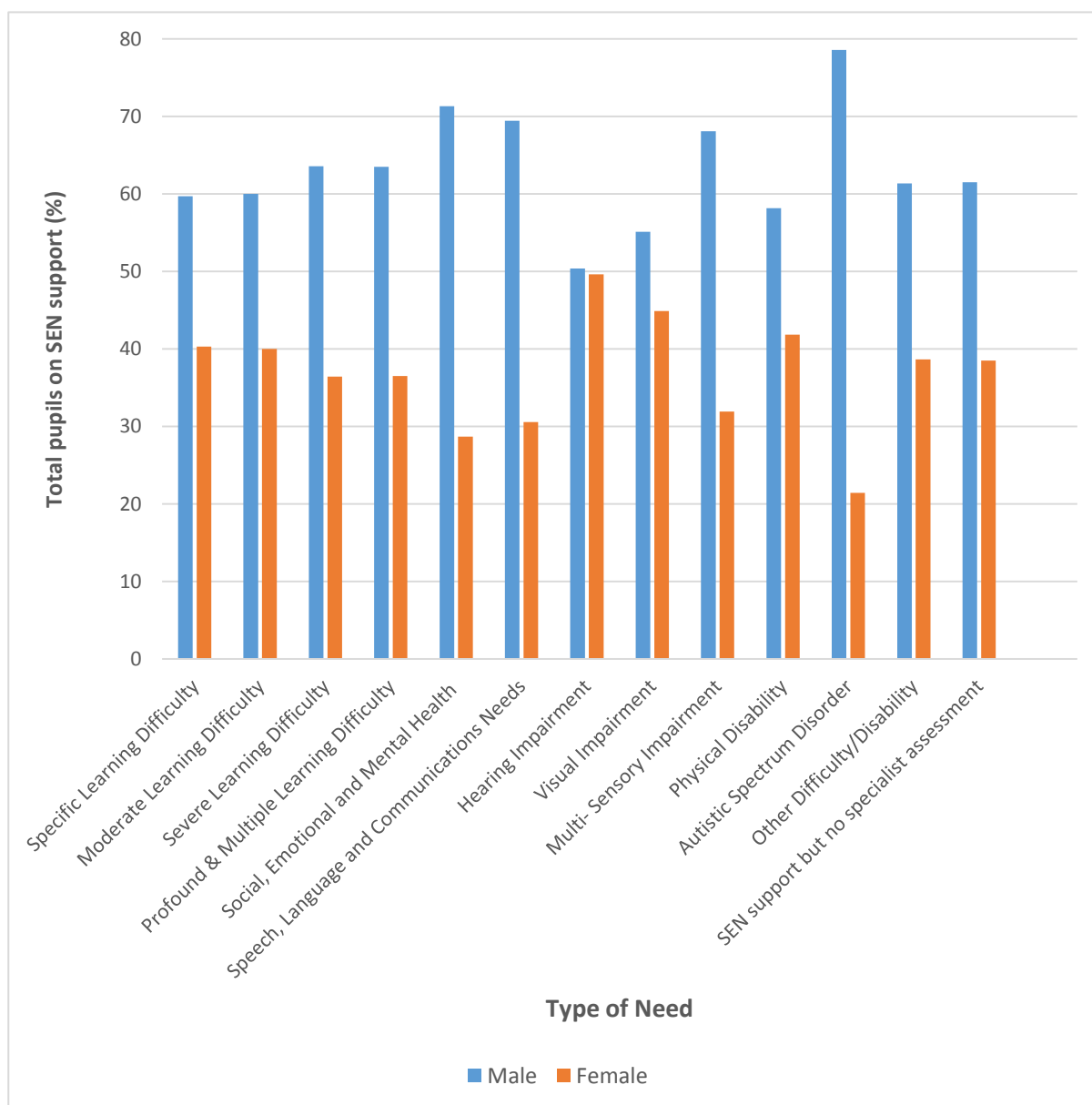
For pupils receiving SEN support, more boys than girls are identified in every SEN category apart from hearing impairment, and in this category, the difference is negligible (1.99 girls per thousand, versus 1.94 boys per thousand school population). The main difference that emerges is the magnitude of difference between males and females. In some categories, the difference is small (e.g., Hearing and Visual Impairments and Physical Disability) and in other categories, the difference is larger. The largest discrepancy is found in the Autistic Spectrum Disorder category, which has 3.5x more males (10.2) than females (2.9). This is followed by Social, Emotional and Mental Health difficulties (2.4x more males (28.3) than females (11.8)) and Speech, Language and Communication needs (2.2x more males (35.8) than females (16.4)).

**Figure 13: SEN support pupils by type of need and gender in England 2018: Rate per 1,000 school population**



Source: DfE, 2018

**Figure 14: Percentage of total pupils on SEN support by type of need and gender, England 2018**



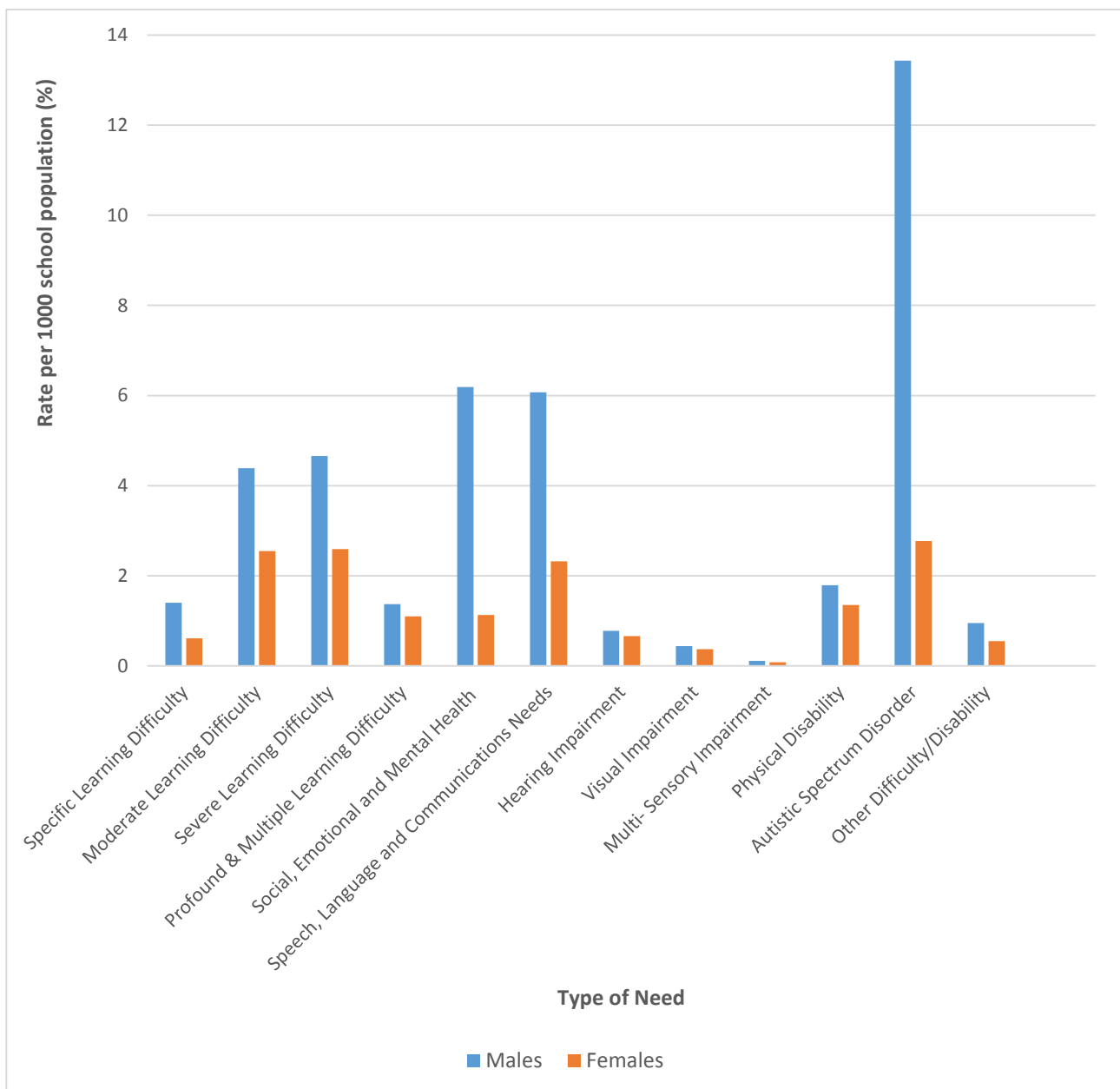
Source: DfE, 2018

For pupils who have a statement or EHC plan (**Figure 15** and **Figure 16**), the picture mirrors the situation for SEN support. There are more boys than girls in every category of SEN. As above, the discrepancy between categories is the magnitude of the difference between the genders. In some categories, such as Hearing, Visual or Multi-sensory impairment or Severe Learning Difficulty, the difference is small. In other categories, the identification of males is much higher. The largest difference between genders is found in the Social, Emotional and Mental Health category, which has 5.4x more males than females. This is followed by Autistic Spectrum Disorder, with 4.8x more males and Speech, Language and Communication difficulties, with 2.6x more males than females recorded in this category.

To summarise, boys are almost twice as likely to be identified as having SEN, and in almost all types of difficulty boys outnumber girls. In the case of low incidence normative difficulties, there are only marginally more boys than girls, whereas in relation to high incidence non-normative difficulties, there are more than twice as many boys as girls. For pupils with statutory plans, their gender disparity is particularly marked, with boys outnumbering girls by a factor of five on some categories.



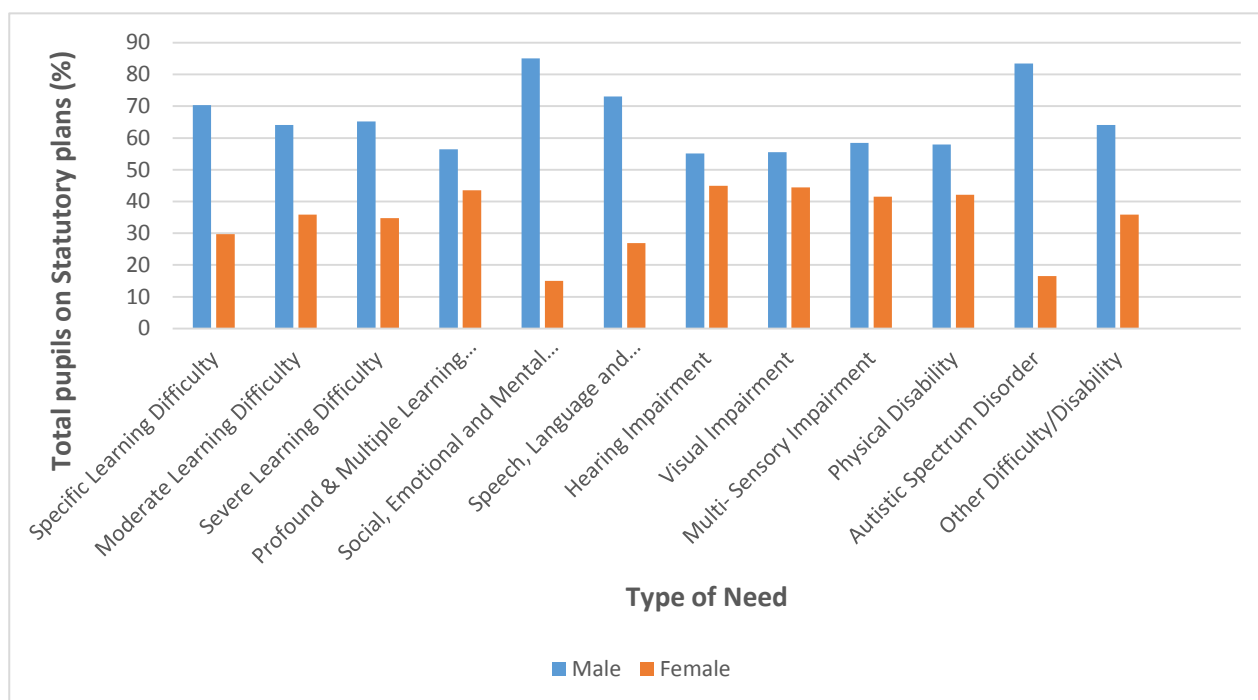
**Figure 15: Pupils with statutory plans by type of need and gender in England 2018: Rate per 1,000 school population**



Source: DfE, 2018.

Statutory plans = Statements and EHC plans

**Figure 16: Percentage of total pupils with statutory plans by type of need and gender, England 2018**



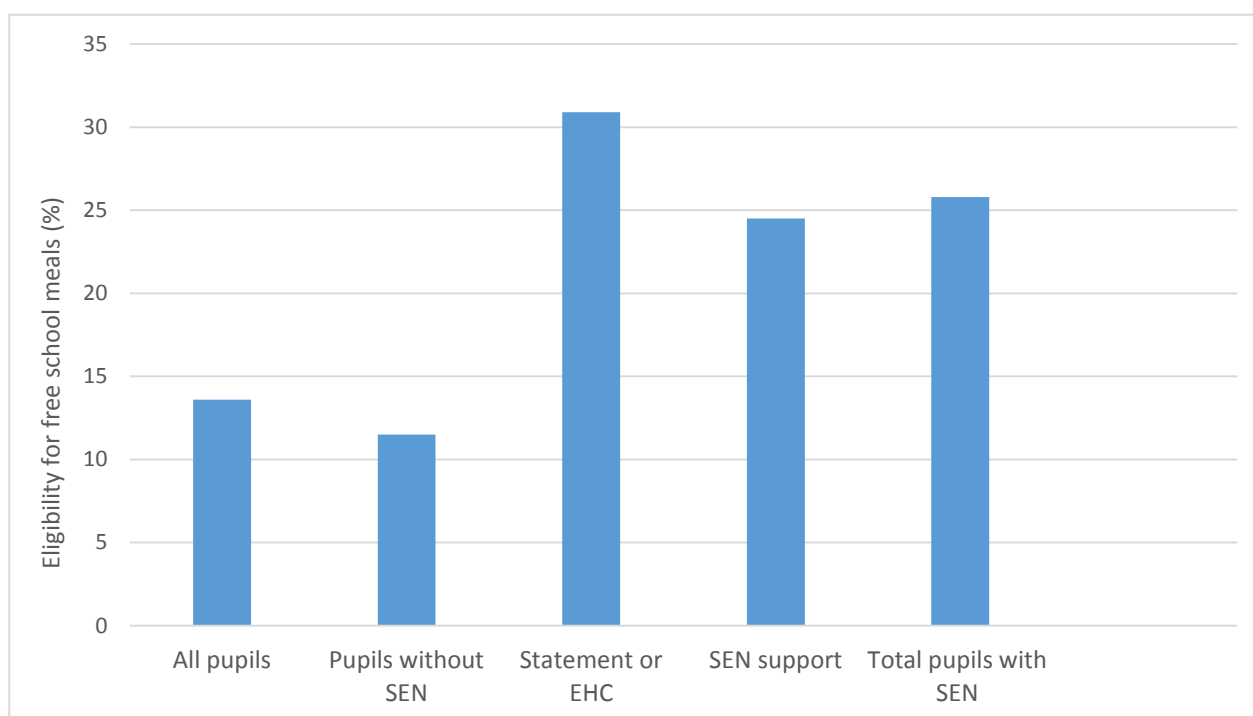
Source: DfE, 2018.

### 3.3. Social deprivation

The primary measure of social deprivation used in SEN statistics in England is eligibility for - and claiming of - free school meals (FSM). Children whose parents or guardian receive any of a specified range of benefits (e.g., Income Support or Universal Credit) may be entitled to FSM. Free School Meal entitlement is a measure of family material deprivation, and is used as a proxy measure of social class. Data are also gathered by the Dept of Communities and Local Government on neighbourhood deprivation (IMD), which is equivalent to the Scottish Index of Multiple Deprivation, but these data are not linked to SEN statistics.

In January 2018, 13.6% of all pupils were eligible for and claiming free school meals, the lowest figure since this information was first collected (**Figure 17**). Overall, pupils with SEN are more likely to be in receipt of FSM (25.8% of all SEN pupils) when compared with pupils without SEN (11.5% of non-SEN pupils). Similarly, pupils with a statement or EHC plan are more likely to be claiming FSM (30.9% of pupil with a statutory plan) when compared with pupils on SEN support (24.5% of these pupils). This indicates that pupils who experience social deprivation have a greater likelihood of being identified as having a special educational need, particularly when the need is deemed to warrant a statutory plan.

**Figure 17: Percentage of pupils who are eligible for and claiming free school meals by pupil group in England, 2018**



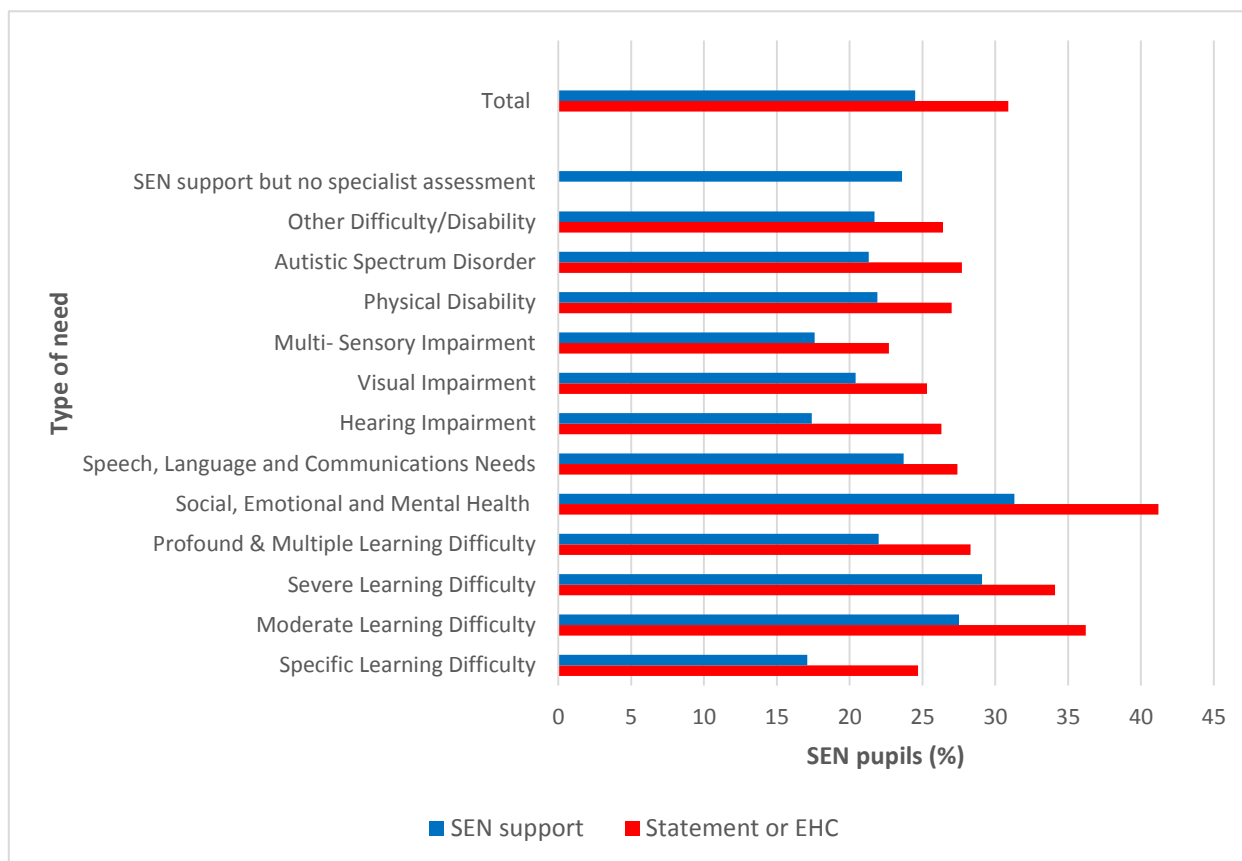
Source: DfE, 2018

**Figure 18** shows the percentage of pupils in each SEN category who are eligible for FSM, broken down into the two categories of SEN support and statement/EHC plan.

In every category of special educational need, the proportion of pupils with that particular need who are eligible for FSM is higher than the proportion eligible for FSM in the total school population. However, the size of the disparity differs between categories of SEN. For example, of pupils who have Hearing Impairment, 17.4% (on SEN support) and 26.3% (with a statement or EHC) meet FSM criteria, versus 13.6% of the overall school population. In contrast, of pupils with Social, Emotional and Mental Health Needs, 31.3% (on SEN support) and 41.2% (with a statement or EHC) meet FSM criteria. This indicates that some categories of SEN, particularly those which are high incidence and non-normative, are associated with social deprivation more than others.

Furthermore, the proportion of pupils with a statement or EHC who are eligible for FSM is higher than the proportion of SEN support pupils in every category of SEN. This indicates that pupils who experience social deprivation to the extent of meeting FSM criteria are more likely to be in receipt of a statutory plan than those receiving SEN support. We do not wish to imply causality here; it is not possible to elaborate on the nature of the association between social deprivation and SEN, or other factors that may be contributing to the FSM/SEN status of the child.

**Figure 18: Percentage of SEN pupils by free school meal eligibility in England, 2018**



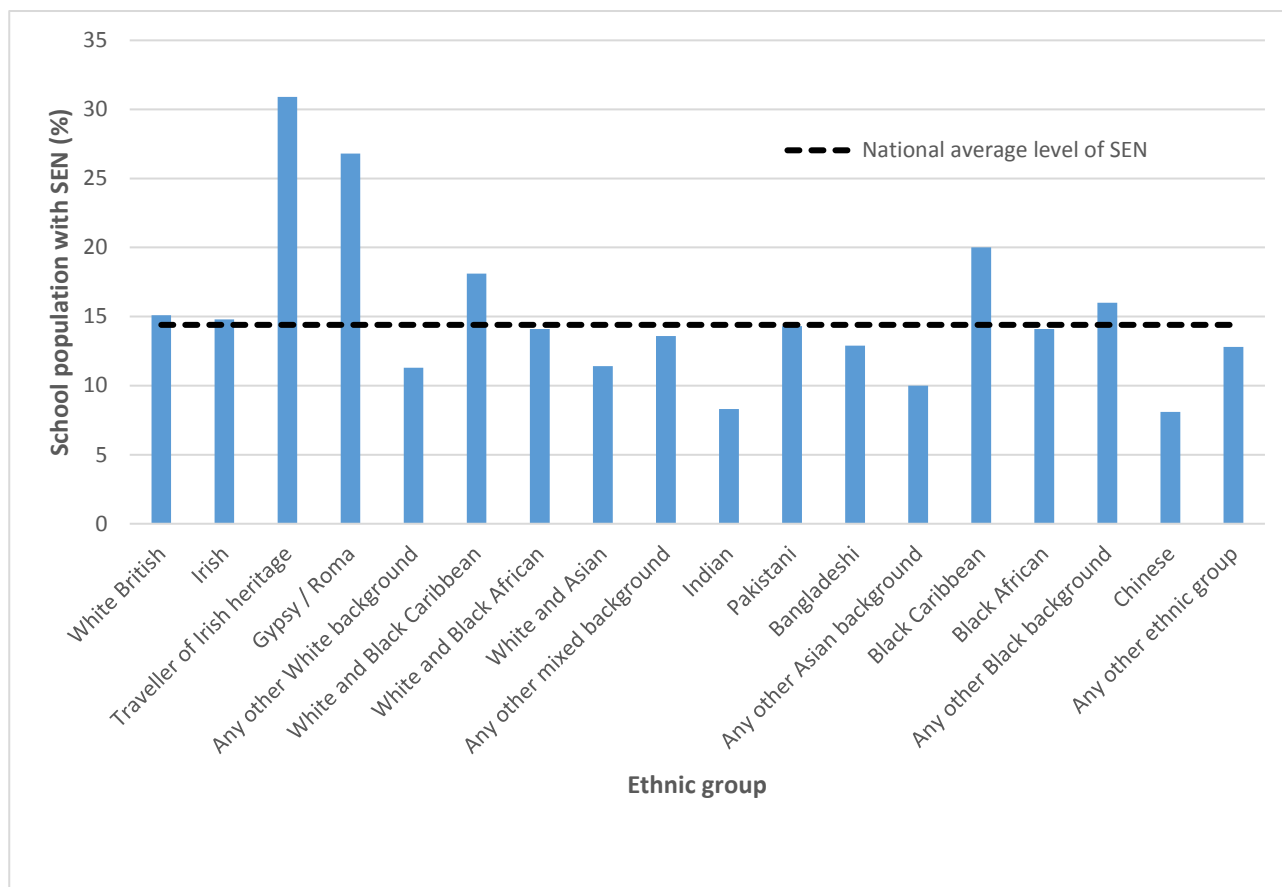
Source: DfE, 2018

### 3.4. Ethnicity

The overall rate of SEN in English school children is currently 14.6%. This masks considerable variation between different ethnic groups (see **Figure 19**). Travellers of Irish heritage and Gypsy/Roma groups have the highest levels of SEN, at 30.9% and 26.8% respectively. However, it is important to note that the total number of pupils in these ethnic groups is smaller than all other ethnic groups. Black Caribbean (20%), White/Black Caribbean (18.1%) and other black background (16%) pupils also have higher levels of SEN.

The lowest levels of SEN are found in Chinese (8.1%) and Indian (8.3%) and 'other Asian' (10%) pupils. Any 'other White' background, White and Black African, White and Asian, Any other mixed background, Pakistani, Bangladeshi, and Black African children all have SEN rates slightly below the national average of 14.6%.

**Figure 19: Percentage of pupils within each ethnic group identified with SEN in England, 2018**



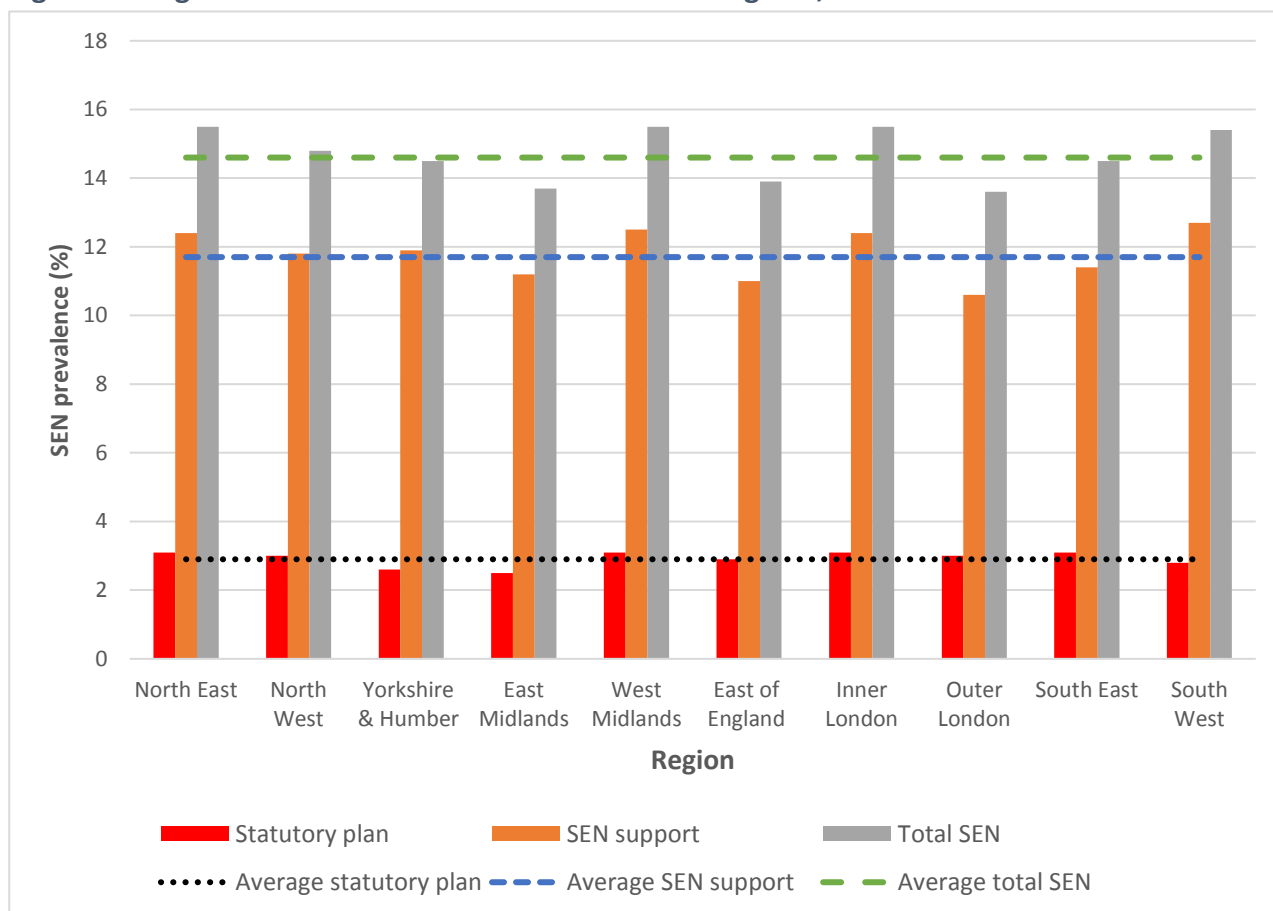
Source: DfE, 2018

### 3.5. Regional variation in SEN in England

There are 151 local authorities in England. A table of SEN statistics for all authorities are presented at the end of this document, in Appendix A. A selection of summary statistics are presented below.

**Figure 20** shows the variation in regional levels of SEN identification. Differences between regions are not overly pronounced. This is due, in part, to the fact that the regions themselves contain a number of local authorities that vary according to a number of other factors that will also influence rates of SEN identification. Combining different local authorities in this way will mask variation at local authority level to some degree. Despite this, a number of points are worth highlighting. Statutory plan provision varies less than levels of SEN support and overall SEN identification. The South West has the highest rates of SEN support, while North East, Inner London and Yorkshire & Humber are also above average on this measure. Inner London and North East have the highest rates of overall SEN identification, while the South West and North West are also above average on this measure.

**Figure 20: Regional variations in SEN identification in England, 2018**

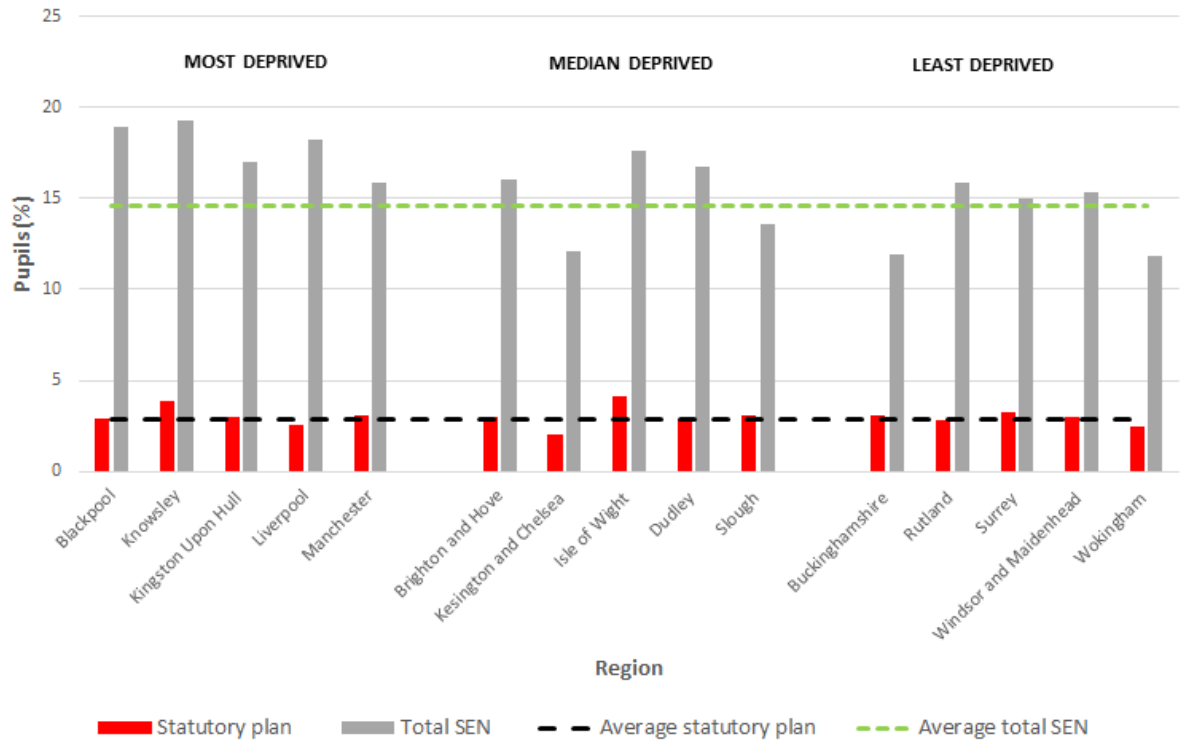


Source: DfE, 2018

As noted above (in section 3.3), levels of social deprivation can exert an influence on rates of SEN identification. **Figure 21** shows levels of SEN in the five most, the five least and the five median local authorities in England. These authorities were identified using their IMD score ranking (see [Appendix A](#)). As social deprivation increases, overall rates of SEN are also higher. All five of the most deprived authorities by IMD ranking have rates of SEN that exceed the national average, whereas rates in the least deprived authorities are notably lower. Levels of statutory plan provision vary less between high and low deprivation areas and are broadly close to the overall national average of 2.9%.

It is worth noting that the measure of social deprivation used to rank local authorities is different to the indicator used by the DfE in combination with SEN statistics. Local authorities are ranked according to IMD score, produced by the Department of Communities and Local Government, which is calculated using a basket of differently weighted indicators in combination (Income, Education, Health, Crime, Housing and Living Environment). The DfE on the other hand, present SEN statistics in combination with free school meal eligibility data. This is an indicator directly linked to individual pupil's domestic circumstances, namely eligibility for certain benefit payments such as income support.

Figure 21:SEN identification by IMD deprivation ranking in England, 2018



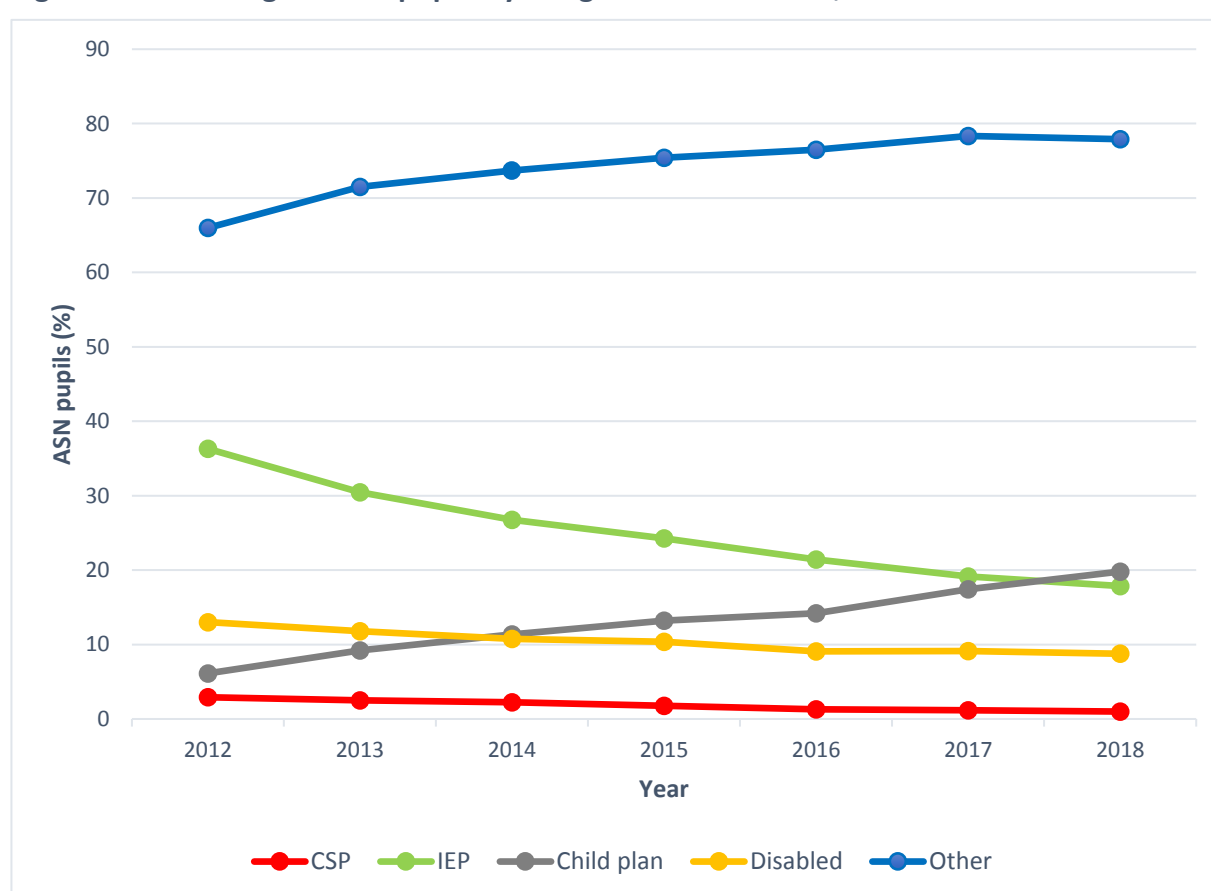
Source: DfE, 2018

## 4. Characteristics of ASN pupils in Scotland

As noted in the introduction, numbers of pupils with ASN have been increasing year on year in Scotland for the previous decade. The percentage of children identified as having some type of ASN has almost tripled between 2010 and 2018, rising from 10.3% in 2010 to its current figure of 28.7% (see **Table 1**). This section profiles ASN pupils in greater depth, looking at the data on this group of children by type of support, type of need and factors such as gender.

As noted earlier, a significant factor in the sharp increase in the proportion of ASN pupil numbers since 2010 has been the inclusion in ASN statistics of pupils with many types of plan, rather than just CSPs and IEPs. **Figure 22** shows the proportion of the ASN population with different types of plan from 2010 to 2018. The proportion of ASN pupils with a CSP or an IEP has decreased year-on-year since 2010, while the proportion of pupils with Child Plans (used from 2011 onwards) or other plans has increased notably. It is important to note that a child can have more than one type of plan.

**Figure 22: Percentage of ASN pupils by designation in Scotland, 2012-2018**



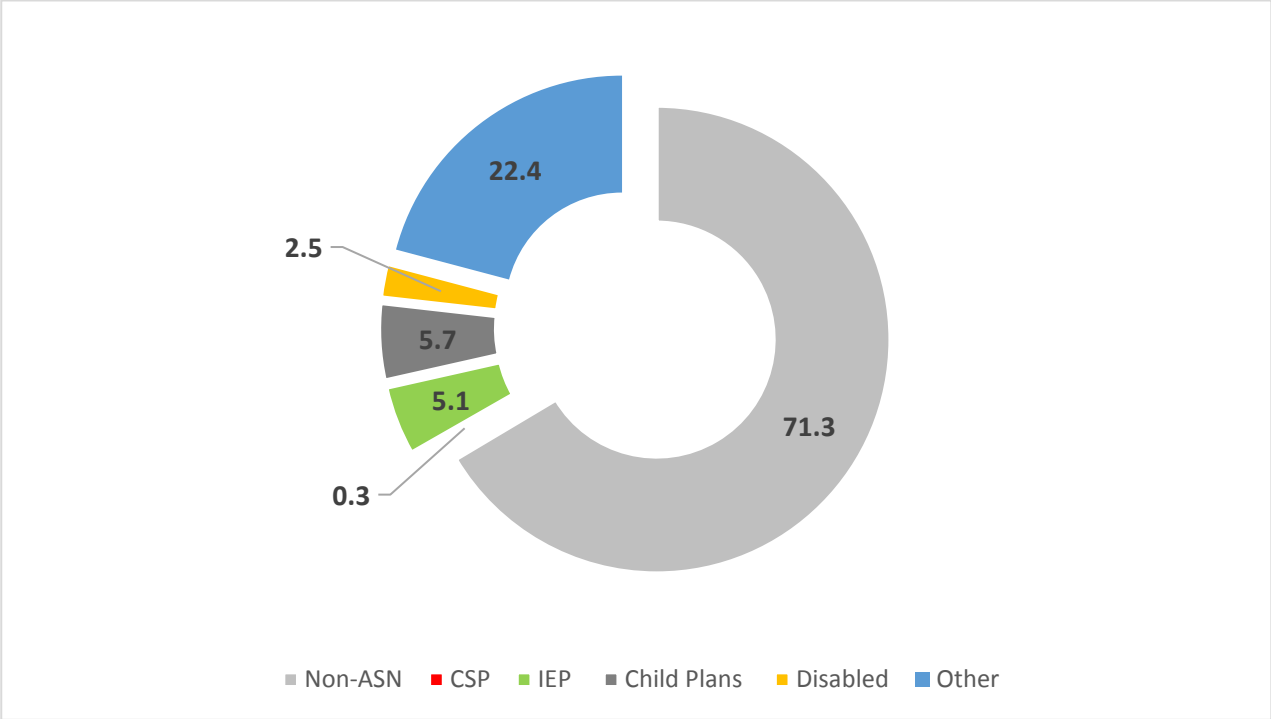
Source: Scottish Government, 2019

Pupil numbers are not discrete; a child can have more than one ASN plan.

**Figure 23** shows that only 0.3% of all pupils in Scotland have a CSP, the lowest figure for a decade. 5.1% of pupils have an IEP, while children with 'Child Plans' and 'other plans' make up 5.7% and 22.4% of the school population, respectively. Disabled children make up 2.5% of pupils in Scotland.

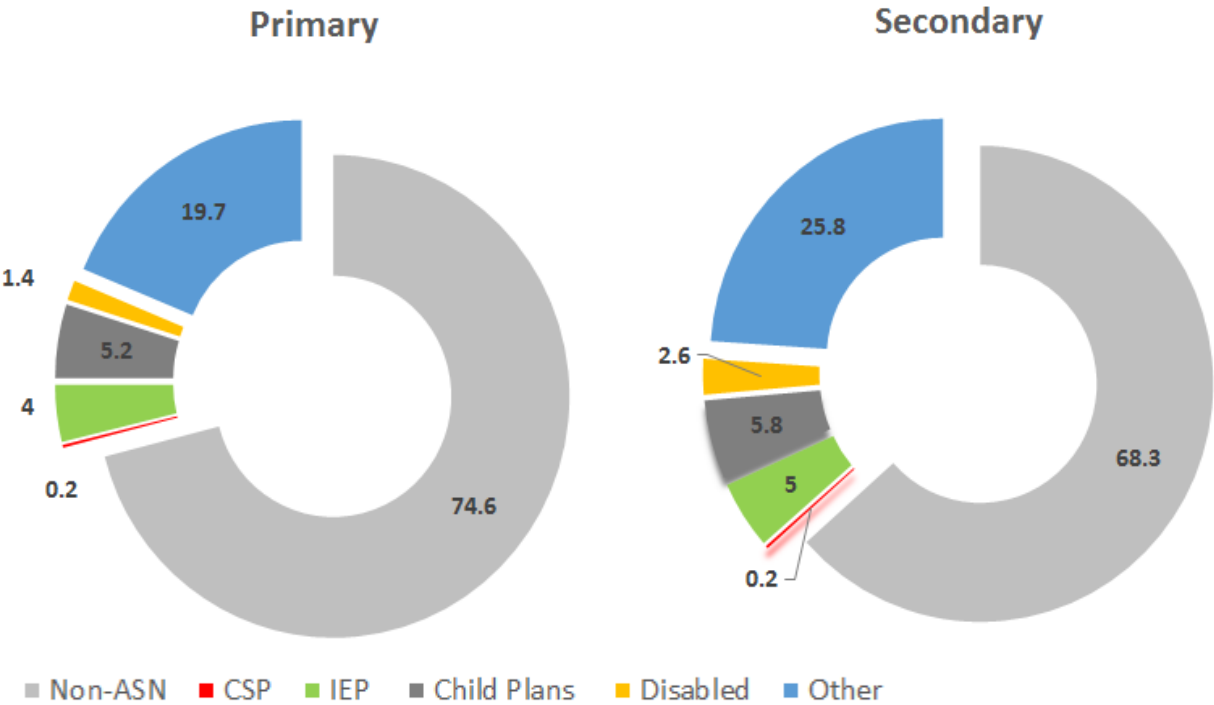


Figure 23: Classification of all pupils by ASN designation in Scotland, 2018



Source: Scottish Government, 2019  
Pupil numbers are not discrete; a child can have more than one ASN plan.

Figure 24: Classification of primary and secondary pupils by ASN designation in Scotland, 2018



Source: Scottish Government, 2019  
Pupil numbers are not discrete; a child can have more than one ASN plan.

When mainstream primary and secondary school data are examined separately, we can see that while the overall rate of ASN is higher in secondary schools, the percentage of the school population with a CSP is the same in both primary and secondary schools, at 0.2% (see Figure 24).

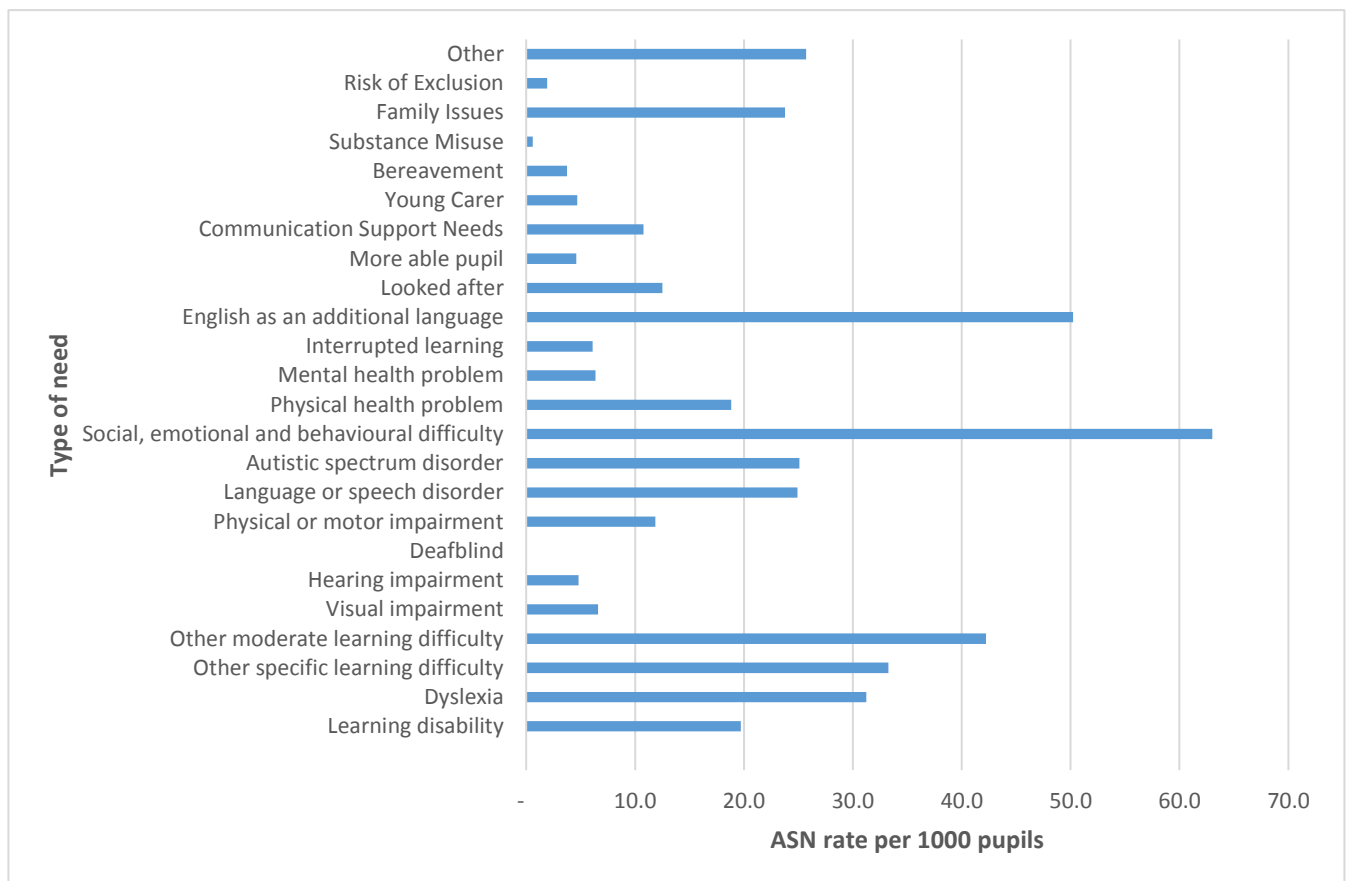
The percentage of 'other' plans, IEPs and child plans is higher in secondary schools (25.8% versus 19.7%, 5% versus 4% and 5.8% versus 5.2% respectively).

## 4.1. Type of need

There has been an increase in the number of categories of need, described as 'reasons for support', with 24 separate categories now in use. In addition to recording pupils with any type of ASN (a discrete category), children may be counted in more than one category. This contrasts with practice in England, where only the child's primary need is recorded.

The largest category is Social, Emotional and Behavioural Difficulty, which is a category used in relation to 63 per 1000 of all pupils in the school population (**Figure 25**). The second largest category is English as an additional language (50.2 pupils per 1000 pupils), followed by other moderate learning difficulty (42.2 pupils per 1000). 33.3/1000 of all pupils are categorised as having other specific learning difficulty and 31.1/1000 pupils are categorised as having Dyslexia, making up the top five additional support needs in Scotland in 2018.

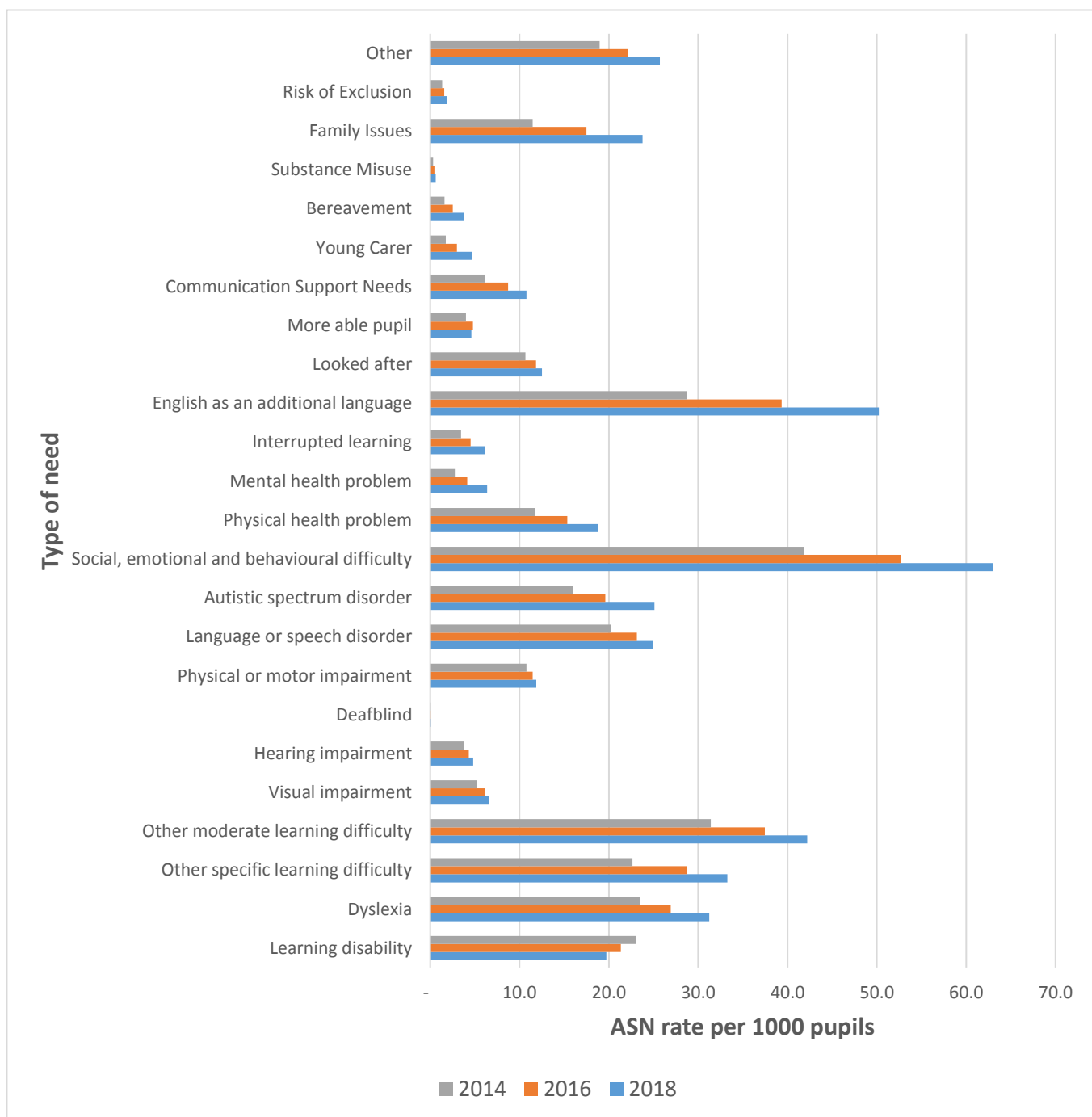
**Figure 25:ASN pupils by each type of need in Scotland, 2018**



Source: Scottish Government, 2019

Entries per category are not discrete; a child with multiple needs will be recorded in multiple categories.

**Figure 26:ASN pupils by each type of need in Scotland, 2014, 2016 and 2018**



Source: Scottish Government, 2015, 2017, 2019

Entries per category are not discrete; a child with multiple needs will be recorded in multiple categories.

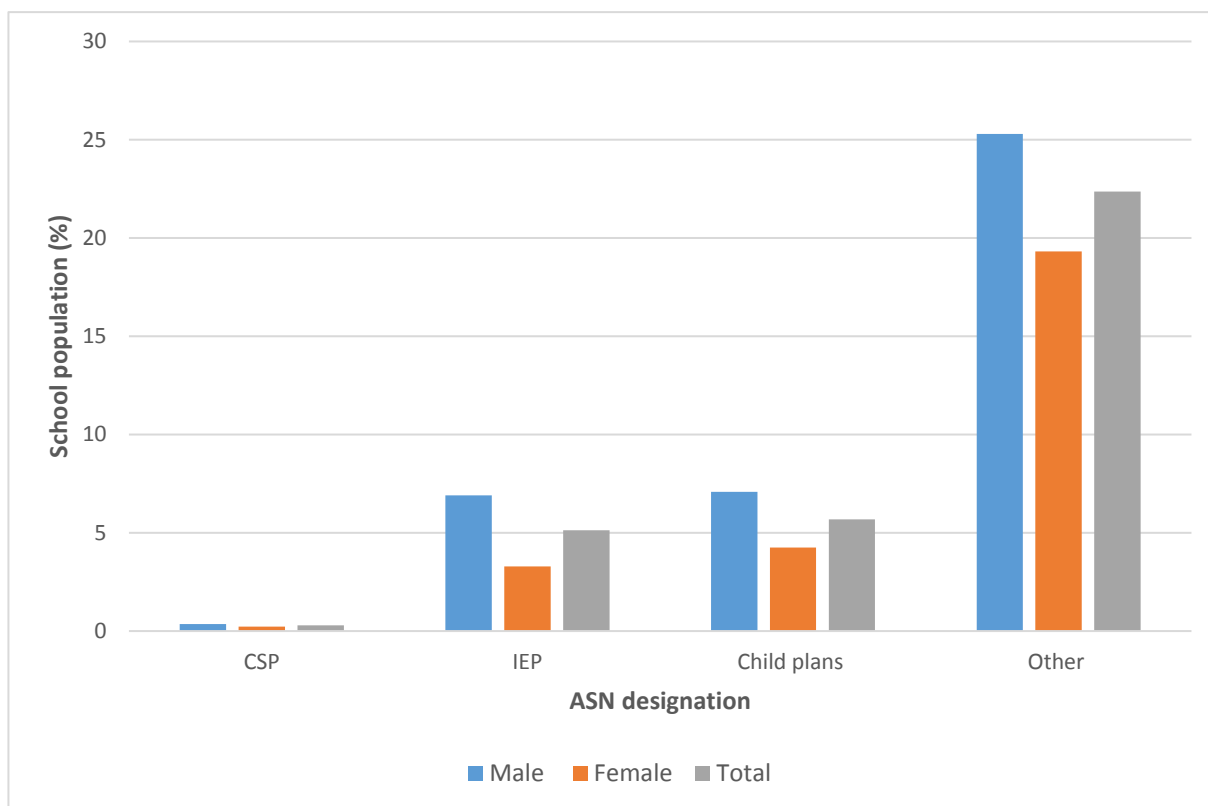
## 4.2. Gender

In Scotland, the identification of additional support needs is higher in boys than in girls, across all ASN designations (**Figure 27**). In 2018, 0.4% of all boys and 0.2% of all girls were in receipt of a CSP, while 6.9% of all boys and 3.3% of all girls had an IEP. 7.1% of boys and 4.2% of all girls had a Child Plan and 25.3% of boys and 19.3% of girls had an 'other' form of plan.

With respect to gender differences and category of ASN, the trend that more boys have additional needs than girls holds across virtually all categories, to a greater or lesser extent (

**Figure 28).** In fact, the proportion of boys exceeds girls in each of the 24 ASN categories in Scotland apart from the category of young carers (5.3 girls/1000 school population, versus 4.1 boys/1000 school population) and deafblind where there are equal proportions of boys and girls.

**Figure 27:ASN pupils in Scotland by gender and ASN designation, 2018**



Source: Scottish Government, 2019

Pupil numbers are not discrete; a child can have more than one ASN plan.

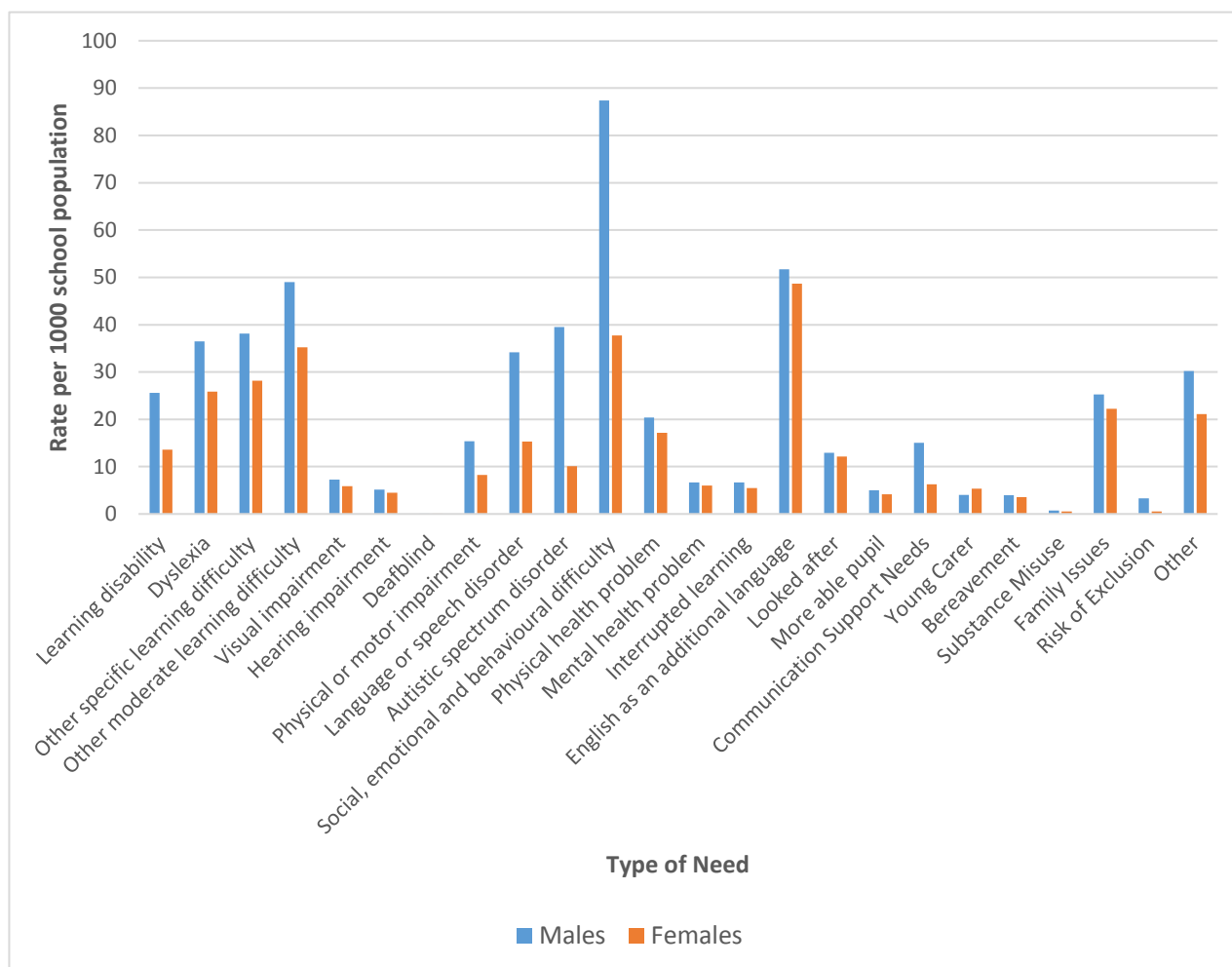
Gender differences across ASN categories can be loosely divided into three broad groups; categories in which the male/female difference is minimal, categories in which the difference is moderate and categories in which the difference is large.

In the following categories, the difference in proportion of boys and girls is minimal: Visual impairment, Hearing Impairment, Deafblind, Physical Health Problem, Mental Health Problem, Interrupted Learning, English as an Additional Language, Looked After, More Able Pupil, Young Carer, Bereavement and Substance Misuse. There are twelve categories which fit this grouping. In eleven of these categories boys marginally outnumber girls. As noted above, girls outnumber boys in the young carer category.

In seven categories, the difference in proportion between boys and girls is moderate (less than double the proportion of boys relative to girls). These categories are: Learning Disability, Dyslexia, Other Specific Learning Difficulty, Other Moderate Learning Difficulty, Physical or Motor Impairment, Family Issues, and Other.

In five categories, the difference in proportion between boys and girls is large (more than double the proportion of boys versus girls). These categories are: Language or Speech Disorder, Autistic Spectrum Disorder, Social, Emotional and Behavioural Difficulty, Risk of Exclusion and Communication Support Needs.

**Figure 28:ASN by type of need and gender, Scotland 2018: Rate per 1,000 school population**



Source: Scottish Government, 2019.

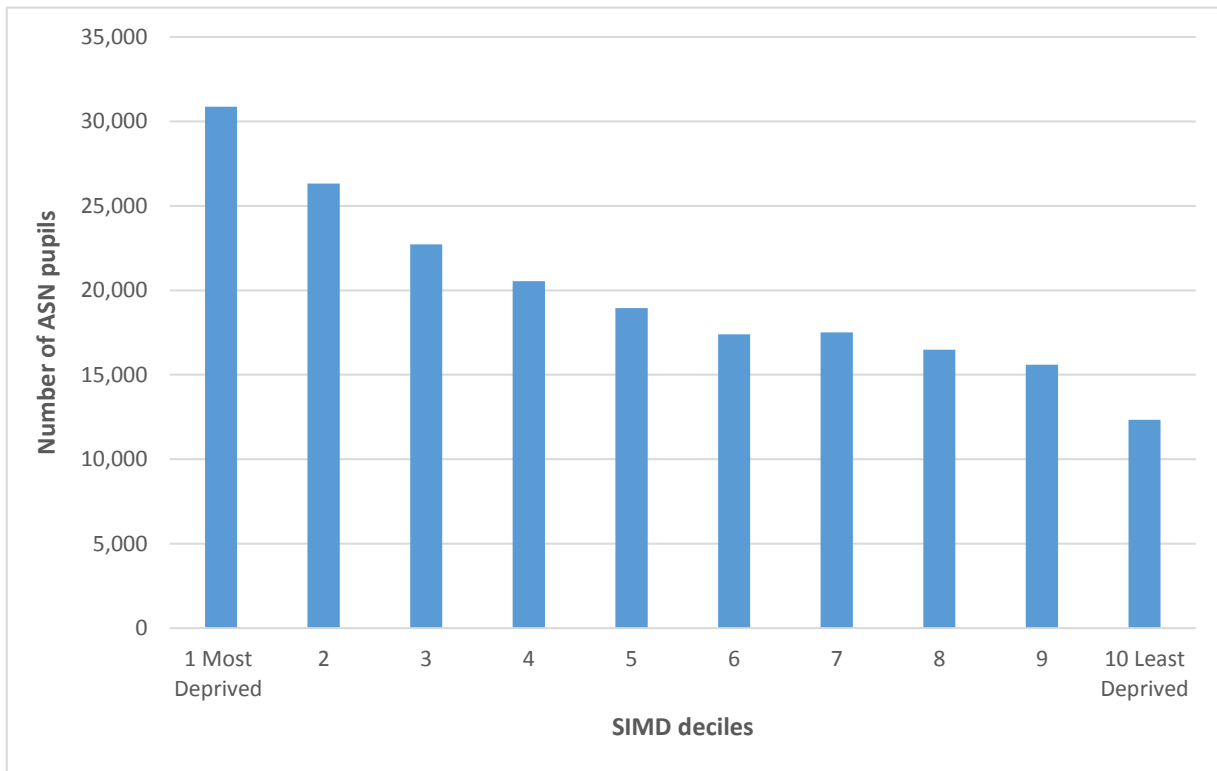
Entries per category are not discrete; a child with multiple needs will be recorded in multiple categories.

### 4.3. Social deprivation

The Scottish Government uses the Scottish Index of Multiple Deprivation (SIMD) to measure deprivation. This is an area based measure which is based on a set of indicators that examine factors such as educational level, crime rates, housing and employment in an area. Each area is ranked and areas can be grouped into deciles from the most (SIMD 1) to the least disadvantaged (SIMD 10).

**Figure 29** shows the total number of ASN pupils split according to which SIMD decile they are resident in. Decile 1 is the most deprived and decile 10 is the least deprived. Fewer ASN pupils live in the least deprived areas, indicating that as levels of social deprivation decrease, the identification of ASN also decreases.

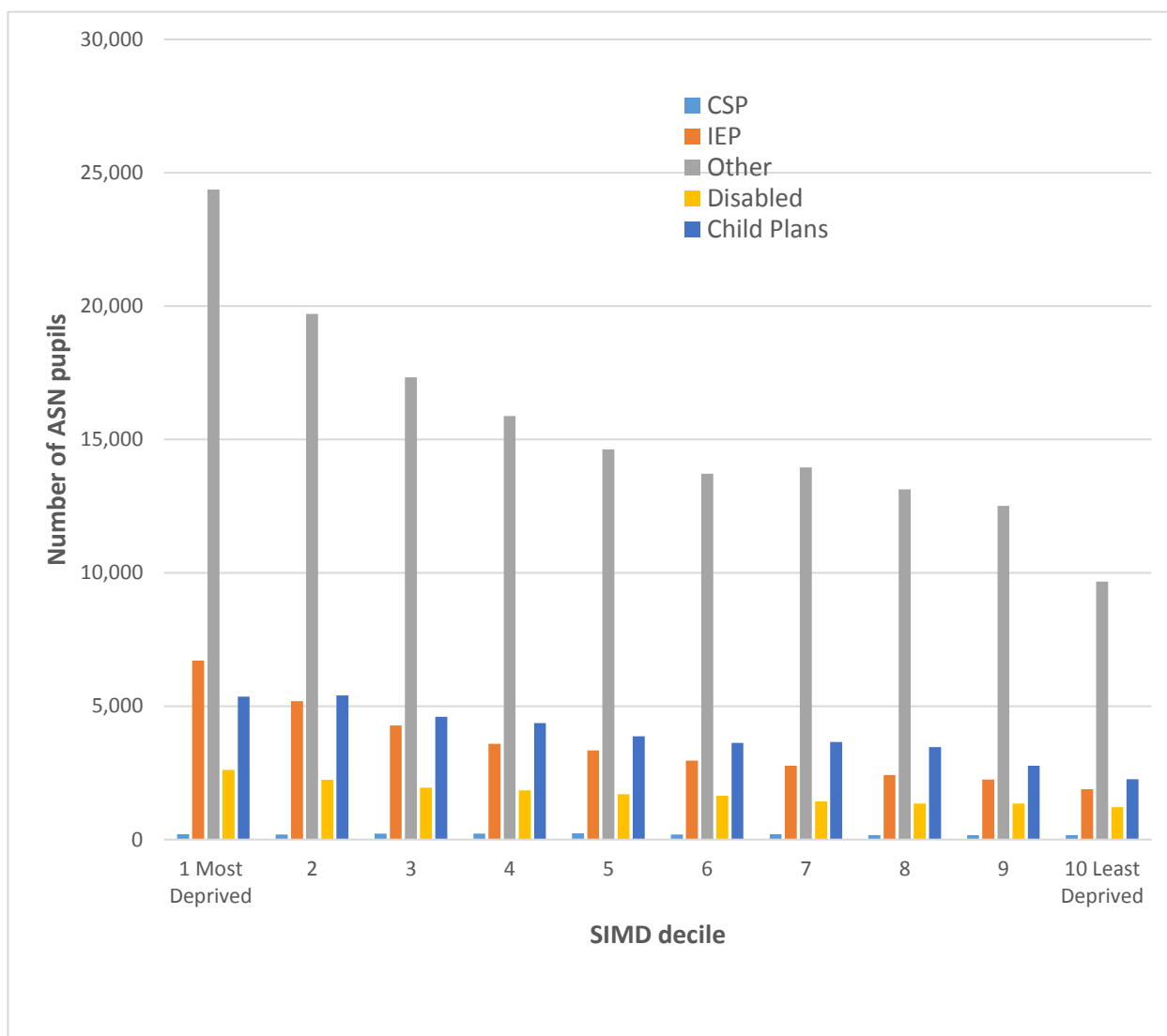
**Figure 29: Total ASN pupils by SIMD decile, 2018**



Source: Scottish Government, 2019.

Although the total number of ASN pupils falls as levels of social deprivation decrease, the distribution of ASN plans across each SIMD decile is not uniform. As expected given the overall decrease in ASN pupils, numbers of each individual plan type also decrease as deprivation decreases (**Figure 30**). The steepest decline is in numbers of plan in the other category, while numbers of IEP, child plans and disabled children also decrease, albeit less sharply.

**Figure 30: Number of pupils by type of plan and SIMD decile, 2018**

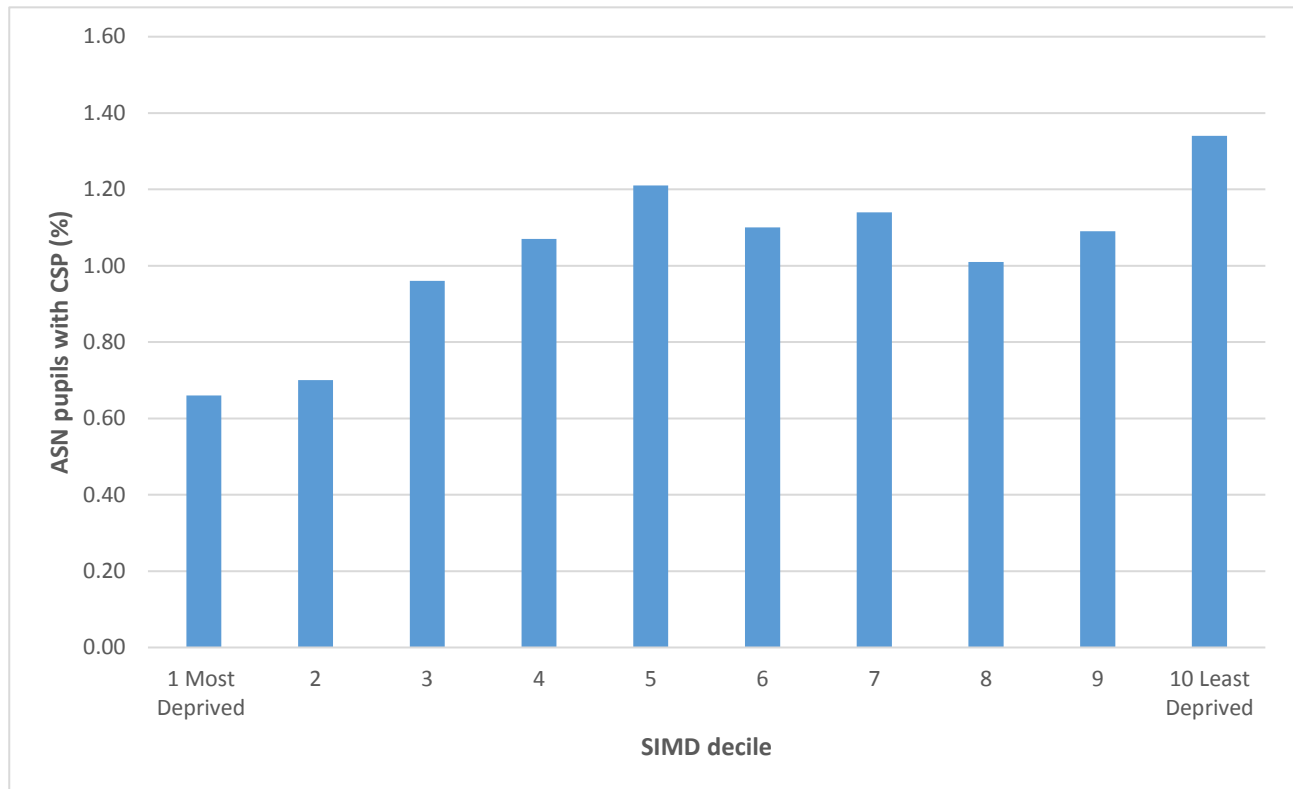


Source: Scottish Government, 2019.

Pupil numbers are not discrete; a child can have more than one ASN plan.

The exception to this trend is the number of CSPs, which remains stable across the deciles, even as overall ASN numbers decrease. A child with ASN living in the least deprived neighbourhoods in Scotland is more likely to have a CSP than a child with ASN living in the most deprived neighbourhoods. This trend is shown in **Figure 31** which shows the proportion of CSPs in ASN pupils per SIMD decile. The percentage of ASN pupils with a CSP in the most deprived areas (SIMD decile 1) is 0.66%, which rises to 1.34% in the least deprived areas (SIMD decile 10).

**Figure 31: Percentage of ASN pupils with a CSP per SIMD decile, 2018**

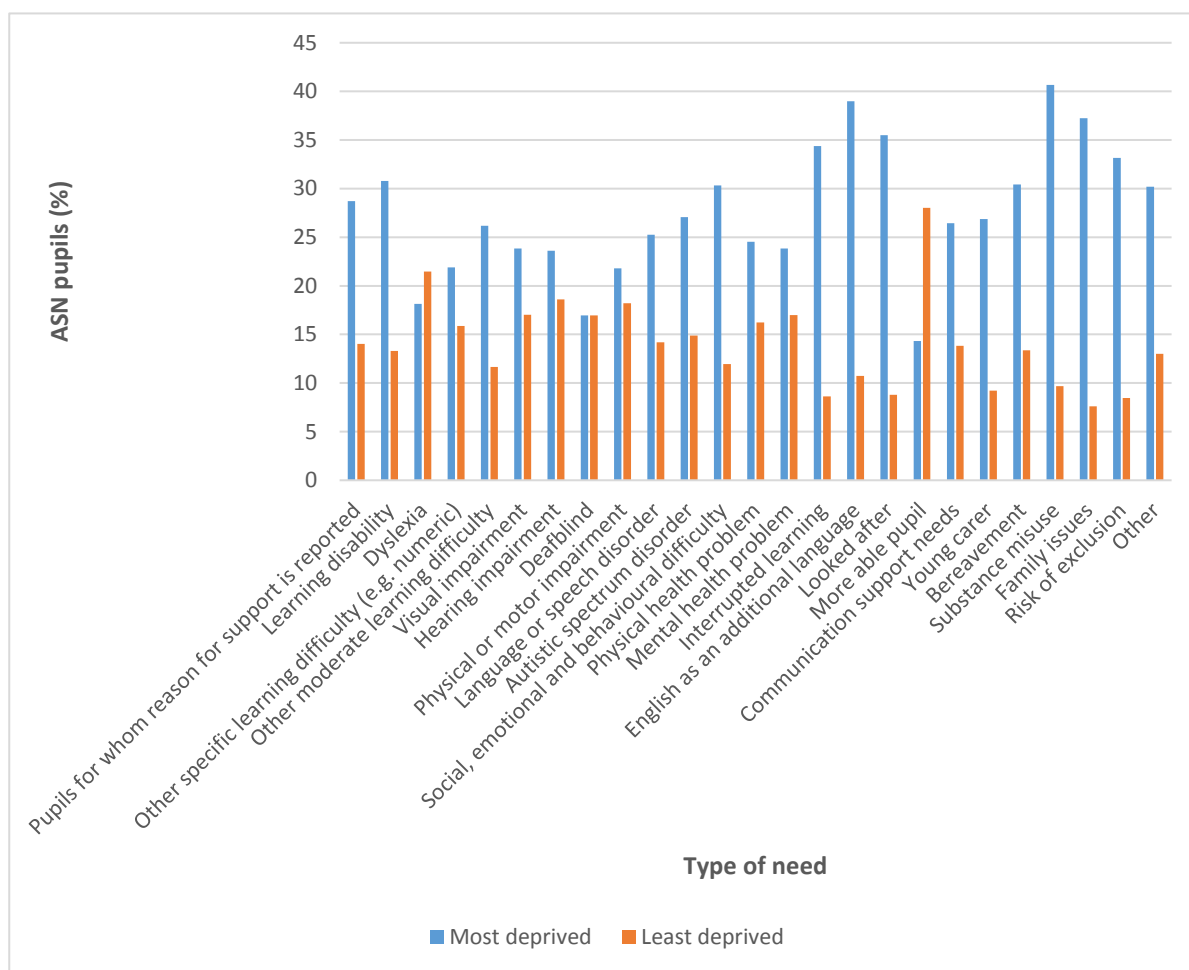


Source: Scottish Government, 2019

The association between ASN and deprivation is evident across all categories (**Figure 32**), apart from Dyslexia and more able pupils where there is higher identification of ASN among pupils living in the least deprived areas. The association is weakest in relation to low-incidence normative categories (e.g. physical and sensory impairments) and strongest in relation to high incidence, non-normative categories (e.g. social, emotional and behavioural difficulties and English as an additional language).



**Figure 32: Percentage of ASN pupils per category of need in the most (quintile 1) and least deprived (quintile 5) areas, 2018**

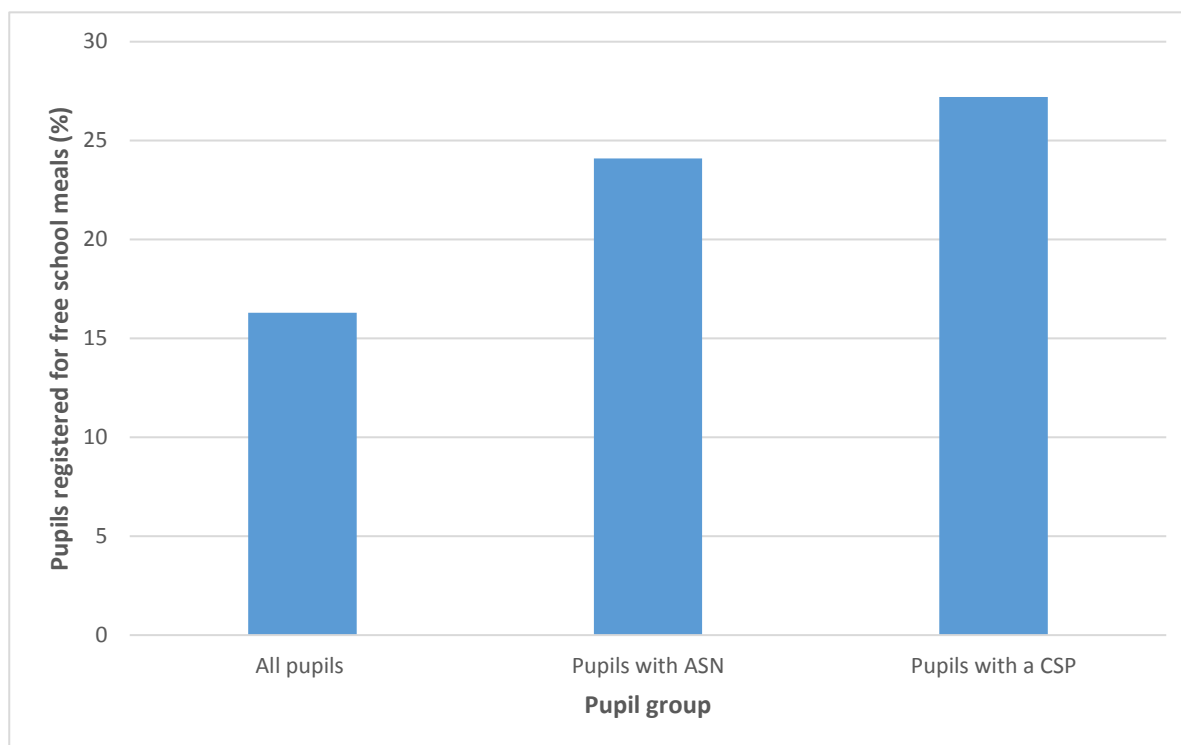


Source: Scottish Government 2019, special request.

An alternative measure of social deprivation used in ASN statistics in Scotland, and which can provide a clearer comparison to the English statistics (see **Figure 53**), is registration for free school meals (FSMs). Children whose parents or carers receive any of a specified range of benefits (e.g., Income Support, Income based job seekers allowance or Universal Credit) may be entitled to free school meals. In 2015, a new policy came into effect that provides all pupils in primaries 1 to 3 with free school meals. As a result, the statistics reported below are based on pupils between P4-S6 who are registered for free school meals.

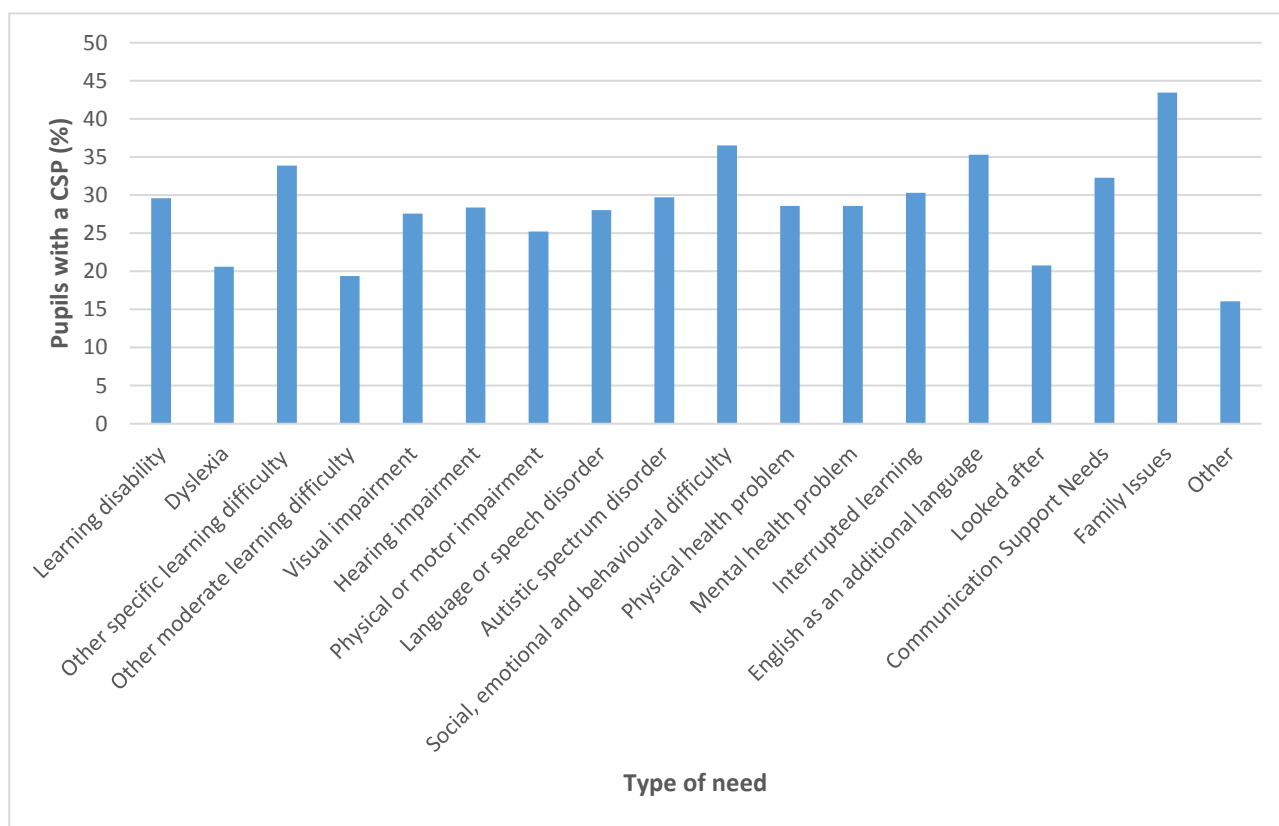
**Figure 33** shows the percentage of pupils who are registered for free school meals by pupil group. In 2018, 24.1% of all ASN pupils in Scotland (between P4 and S6) and 27.2% of pupils with a CSP were registered for free school meals compared to 16.3% of all pupils in receipt of free school meals. This indicates higher levels of social deprivation among pupils with additional support needs and pupils on statutory support plans compared to overall levels of social deprivation in the pupil population.

**Figure 33: Percentage of pupils who are registered for free school meals by pupil group, 2018**



**Figure 34** shows the percentage of pupils with a CSP who are registered for free school meals by type of need. In every category of ASN, with the exception of 'Other', the proportion of pupils with that particular need who are eligible for free school meals is higher than the proportion eligible for free school meals in the total school population. However, the size of the disparity differs between categories of ASN. For example, 19.4% of pupils with Other Moderate Learning Difficulties and 20.6% of pupils with Dyslexia are registered for free school meals, compared with 16.3% of the overall school population. In contrast, 36.5% of pupils with Social, Emotional and Behavioural Difficulty and 43.5% of pupils with Family Issues are registered for free school meals, compared with 16.3% of the overall school population.

**Figure 34: Percentage of pupils with a CSP who are registered for free school meals by type of need, 2018**

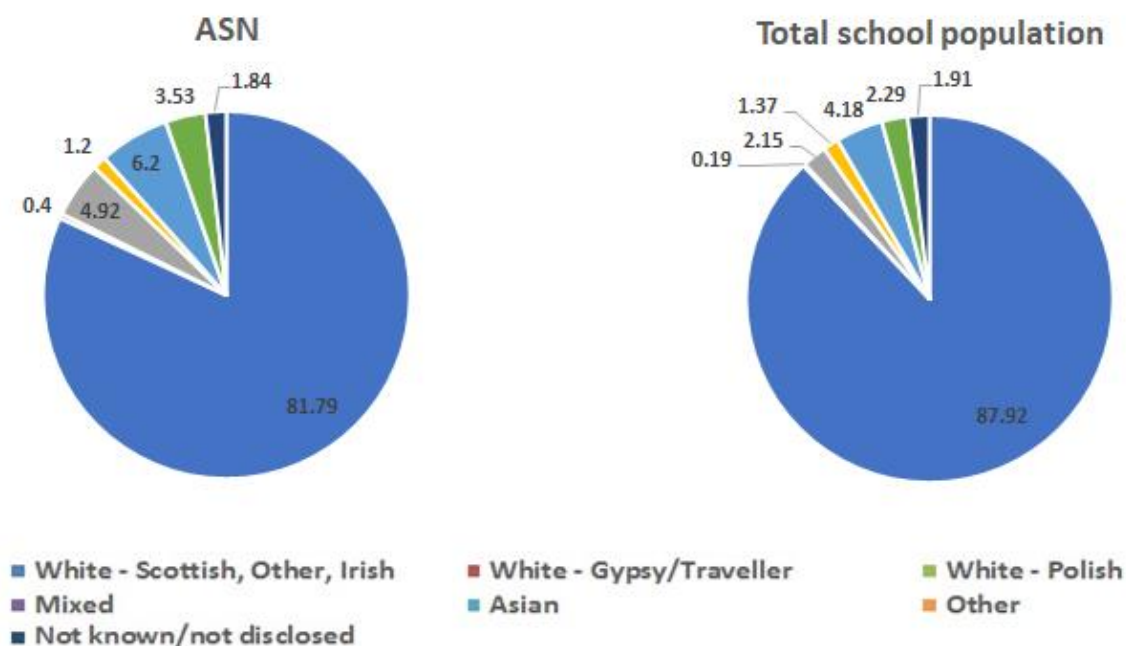


## 4.4. Ethnicity

The ethnic categories shown here are those used in the Scottish Census of 2011. Given the low numbers of ethnic minority pupils in Scotland, a number of categories have been combined in **Figure 35** for ease of presentation. In **Figure 35**, the category 'Asian' contains Indian, Pakistani, Bangladeshi, Chinese and other Asian ethnicities. 'Other' contains Caribbean, African, Arab and other ethnic groups.

When all ASN categories are included, including English as an additional language, it would appear that the proportion of pupils identified as having ASN is higher than the average for the school population as a whole. For example, while Polish children make up 2.3% of the school population, they make up 3.5% of pupils with ASN. Similarly, Asian pupils make up 6.2% of the ASN group but only 4.2% of the total school population. Conversely, while the proportion of White (Scottish, Other and Irish) pupils in the school population is 87.9%, they make up a lower proportion of the pupils identified as having ASN (81.8%).

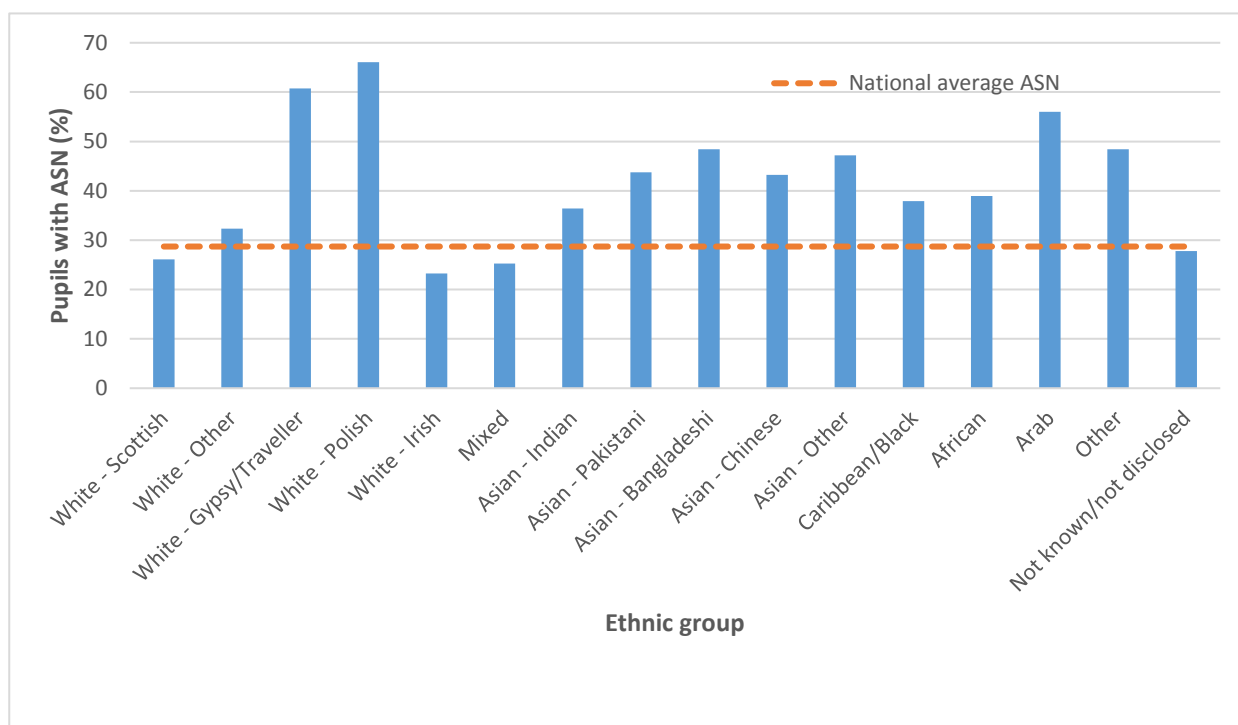
Figure 35: Ethnicity by proportion of ASN pupils and by total school population, 2018



Source: Scottish Government 2019, special request.

**Figure 36** shows the percentage of pupils in each ethnic group identified with some type of ASN. The inclusion of English as an additional language means that a high proportion of pupils from some backgrounds, for example, Polish pupils, are counted as having ASN, although only a minority of this group has a learning difficulty or disability. This caveat is important to bear in mind when drawing conclusions from these data. The percentage of ethnic minority pupils with ASN is typically higher than average (see **Figure 36**). More than 40% of pupils in Gypsy/Traveller, Polish, Pakistani, Bangladeshi, Asian- other, Arab and 'other' pupils are identified as having additional support needs.

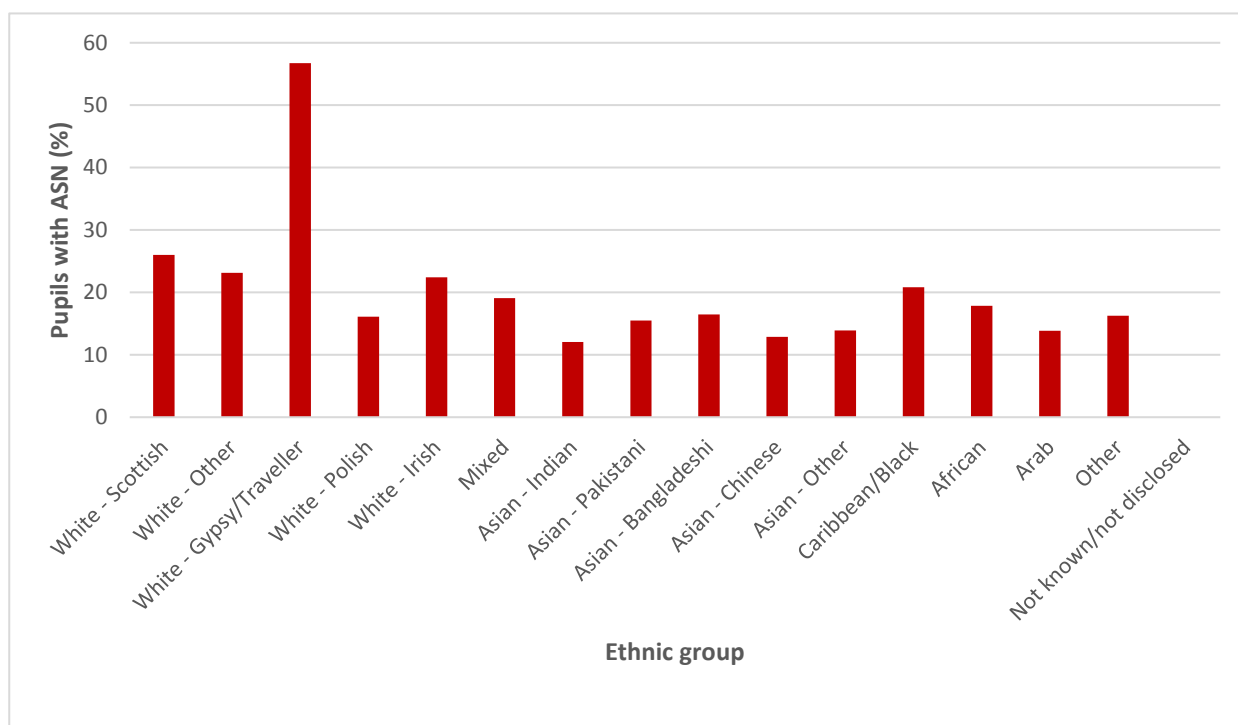
**Figure 36: Percentage of pupils within each ethnic group identified with ASN including EAL in Scotland, 2018**



Source: Scottish Government 2019, special request.

When English as an additional language is removed from the analysis, a different picture emerges with regard to the association between ethnicity and ASN identification. **Figure 37**, which excludes EAL, shows that the identification of ASN across minority ethnic backgrounds in Scotland drops significantly when EAL is removed from the analysis. For example, the proportion of polish pupils with an identification of ASN decreases from 66% to 16% when EAL is excluded from the analysis. However, it is difficult to draw clear comparisons on identification rates between ethnic groups as these are discrete categories with substantial variation in the population size of each group. While Gypsy/Traveller pupils show the highest identification of EAL, this is also one of the smallest populations of all ethnic categories.

**Figure 37: Percentage of pupils within each ethnic group identified with ASN excluding EAL in Scotland, 2018**

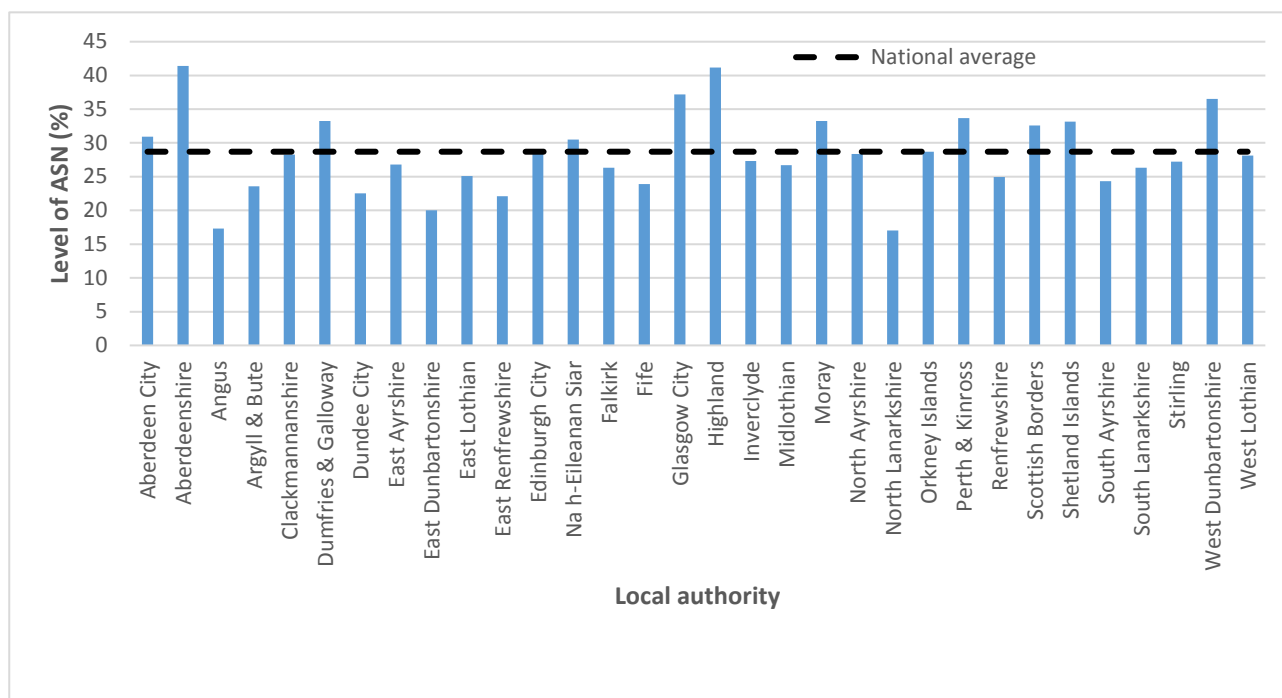


Source: Scottish Government 2019, special request.

## 4.5. Regional variation in ASN in Scotland

The national identification rate of ASN in Scotland is 28.7%, masking considerable regional variation. **Figure 38** shows the percentage of the pupil population identified with ASN in each of the thirty-two local authorities. North Lanarkshire (17%) and Angus (17.3%) have the lowest rates of ASN identification, which is around one third lower than the national average. Four local authorities have ASN identification rates of over 35%. The highest rate is found in Aberdeenshire (41.4%), followed by Highland (41.1%), Glasgow City (37.1%) and West Dunbartonshire (36.5%). Overall, there is no overall pattern with regard to levels of deprivation within each local authority.

**Figure 38: Percentage of pupil population identified as having ASN by local authority, 2018**

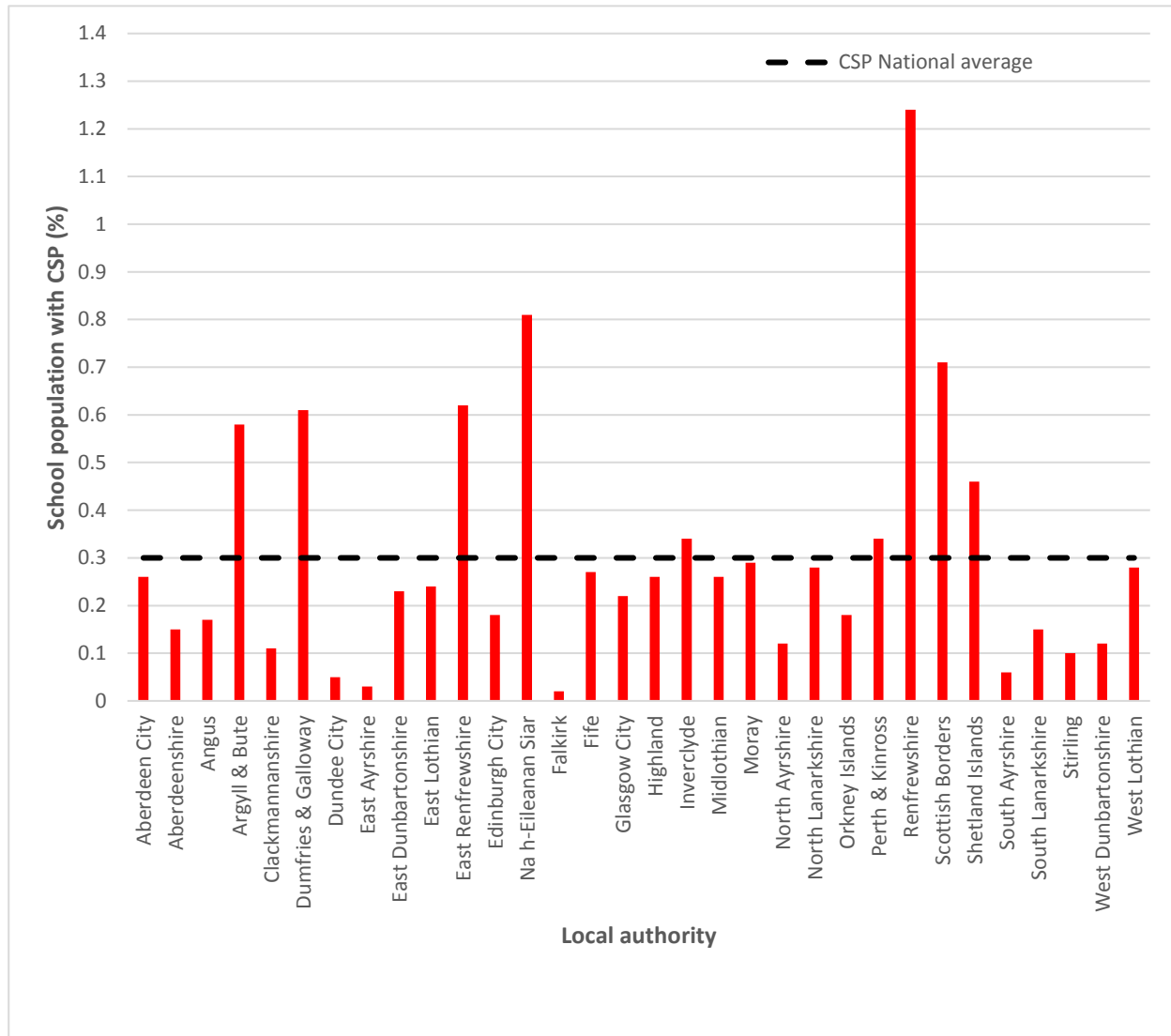


Source: Scottish Government, 2019.

**Figure 39** shows the percentage of all schools pupils with a CSP for each local authority in Scotland. The national average figure of 0.3% again masks considerable regional variation in the use of CSPs. In Renfrewshire, over 1% of the school population have a CSP, while CSP rates in Argyll and Bute, Dumfries & Galloway, East-Renfrewshire are around 0.6% of the school population, and CSP rates in Scottish Borders and Na h-Eileanan Siar are just over 0.7% and 0.8% of the school population, respectively. Dundee City, East Ayrshire, Falkirk and South Ayrshire have the lowest rates, with less than 0.1% of the school population receiving a CSP.

It is important to note that some local authorities in Scotland are relatively sparsely populated with low number of pupils with CSPs (Orkney, for example, has 2783 pupils on roll, with 5 pupils being in receipt of a CSP). This means that changes in individual circumstances (such as a local authority opening a CSP for an additional individual) can change statistics quite noticeably.

**Figure 39: Percentage of all pupils with a CSP per local authority, 2018**



Source: Scottish Government, 2019.



## **5. Comparison between England and Scotland**

This section provides a brief summary of some of the key differences between the jurisdictions noted above.

### **5.1. Rates of identification**

In Scotland, almost twice as many children in the school population were identified as having ASN (28.7%) compared with the proportion of children identified in England as having SEN (14.6%). Children are about six times more likely to have a statutory support plan in England (2.9% of the total pupil population) compared with Scotland (0.3% of the total pupil population).

### **5.2. Use of plans and categorisation of types of difficulty**

Differences in ASN/SEN identification are largely explained by different categorisation systems. In Scotland, a greater variety of plans are in use (CSP, IEP, Child Plan and other) compared with England (EHC plans and SEN support). Since adopting the umbrella term ASN to describe children with any type of additional support need, Scotland has expanded the number of ASN categories, currently using 24. Thirteen categories of SEN are used in England.

English as an Additional Language (EAL) is counted as an ASN category in Scotland, representing 17.5% of all ASNs, but is not counted as an SEN category in England. When pupils with ASN are removed from the analysis, the rate of ASN identification in Scotland drops from 28.7% to 23.7%.

### **5.3. Disproportionalities in rates of identification**

In both countries, boys and pupils from deprived backgrounds are more likely to be identified as having ASN/SEN compared with girls and those from less deprived backgrounds. These disproportionalities are most evident in high incidence non-normative categories such as Social Emotional and Behavioural difficulties/Social, Emotional and Mental Health difficulties.

It is difficult to make comparisons by ethnicity between Scotland and England because of differences in the ethnic composition of the two countries and the categories of SEN/ASN that are used. In England, pupils of Caribbean heritage have above average rates of SEN identification. Pupils of Pakistani heritage have average rates of identification, while pupils of Bangladeshi heritage have below average rates of identification. In England, pupils of Indian and Chinese heritage have the lowest rates of any ethnic group. In Scotland, when English as an Additional language is excluded from the analysis, all pupils from a minority ethnic background have below average rates of identification. In both countries, the indigenous population (White British and White Scottish) have slightly above average rates of identification. Pupils from Gypsy Traveller and Roma backgrounds have much higher rates than the average.

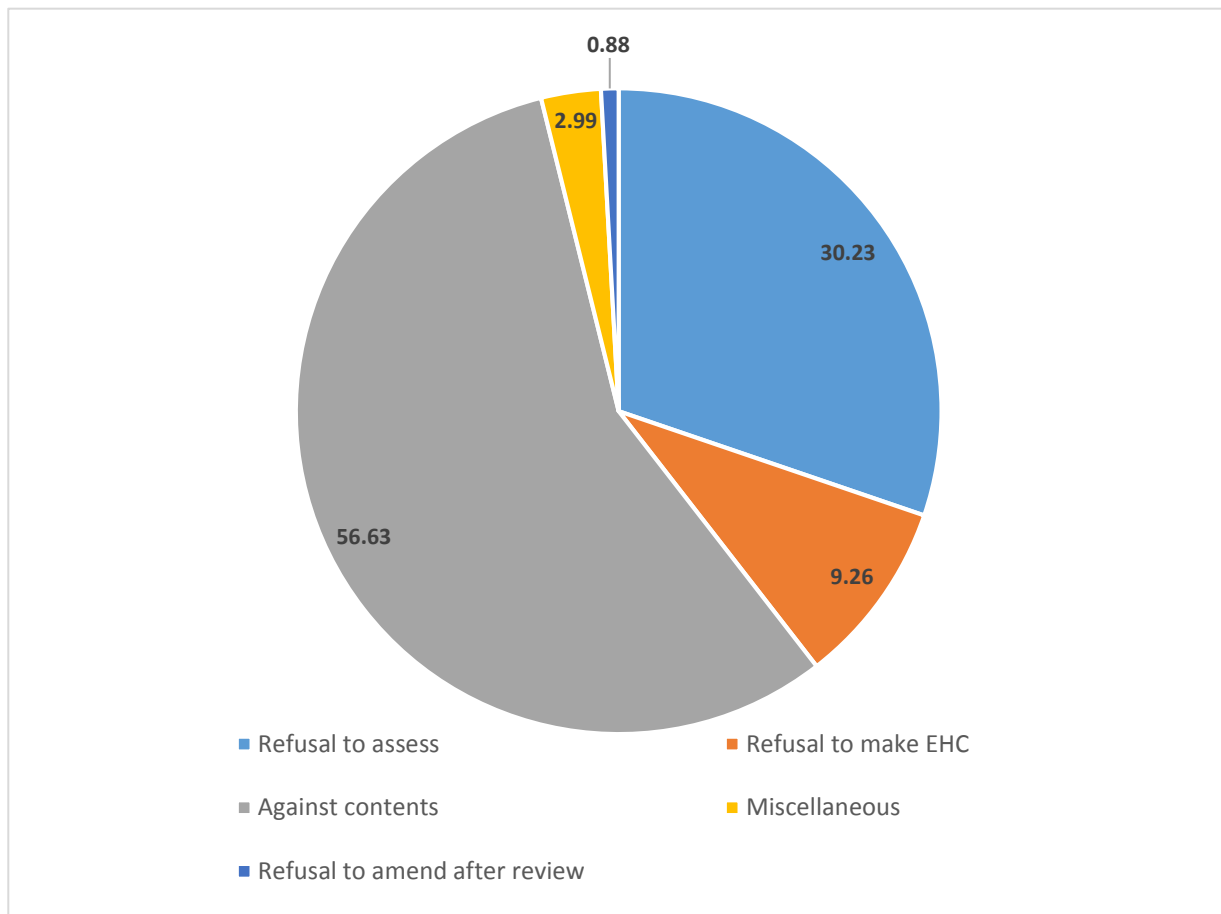
## 6. Appeals and tribunals

### 6.1. England

If, after formal EHC assessment, the local authority does not issue an EHC, the reasons for not doing so must be communicated to the young person/parent. Should they disagree with this decision, or disagree with the contents of the EHC plan, the young person/parent has the right to appeal to the First-tier Tribunal (Health, Education and Social Care Chamber).

In England between 1<sup>st</sup> September 2017 and 31<sup>st</sup> August 2018, there were 5679 appeals registered by the SEND tribunal. The reasons for bringing the case to tribunal are shown below in **Figure 40** below. Over half (56.6%) of cases were raised in objection to the contents of a statement or EHC plan. Almost a third (30.2%) of cases were related to refusal to assess and 9.3% of cases were raised in response to refusal to make an EHC plan.

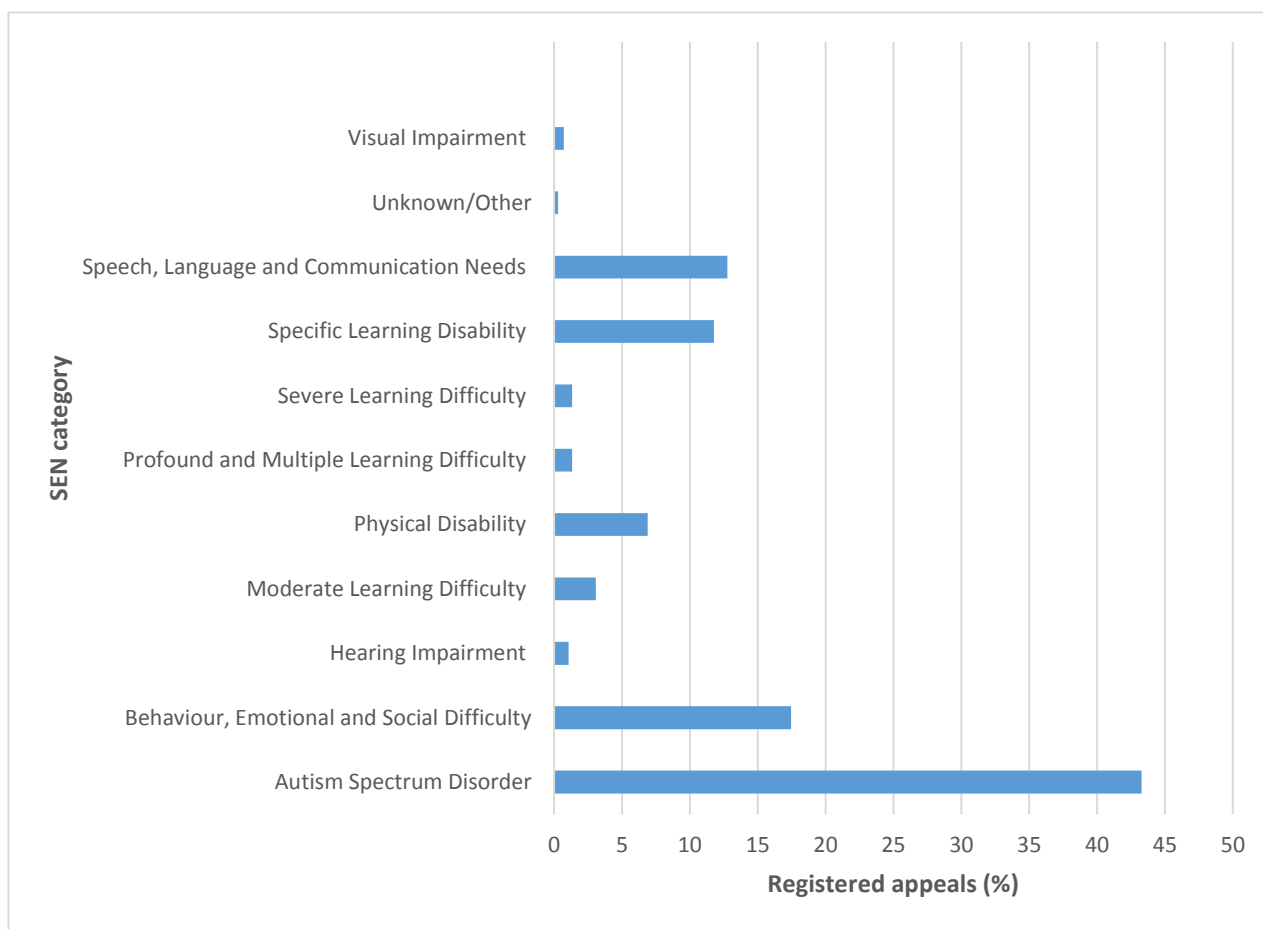
**Figure 40: Registered appeals by type in England, 2017-2018**



Source: MoJ, 2018

**Figure 41** shows appeals broken down by type of special educational need. The majority (43.3%) of SEND appeals were raised with regard to children with Autistic Spectrum Disorder as their primary type of need. The next most common categories of SEN were Behaviour, Emotional and Social difficulty (17.5%), Speech, Language and Communication Needs (12.8%) and Specific Learning Disability (11.8%).

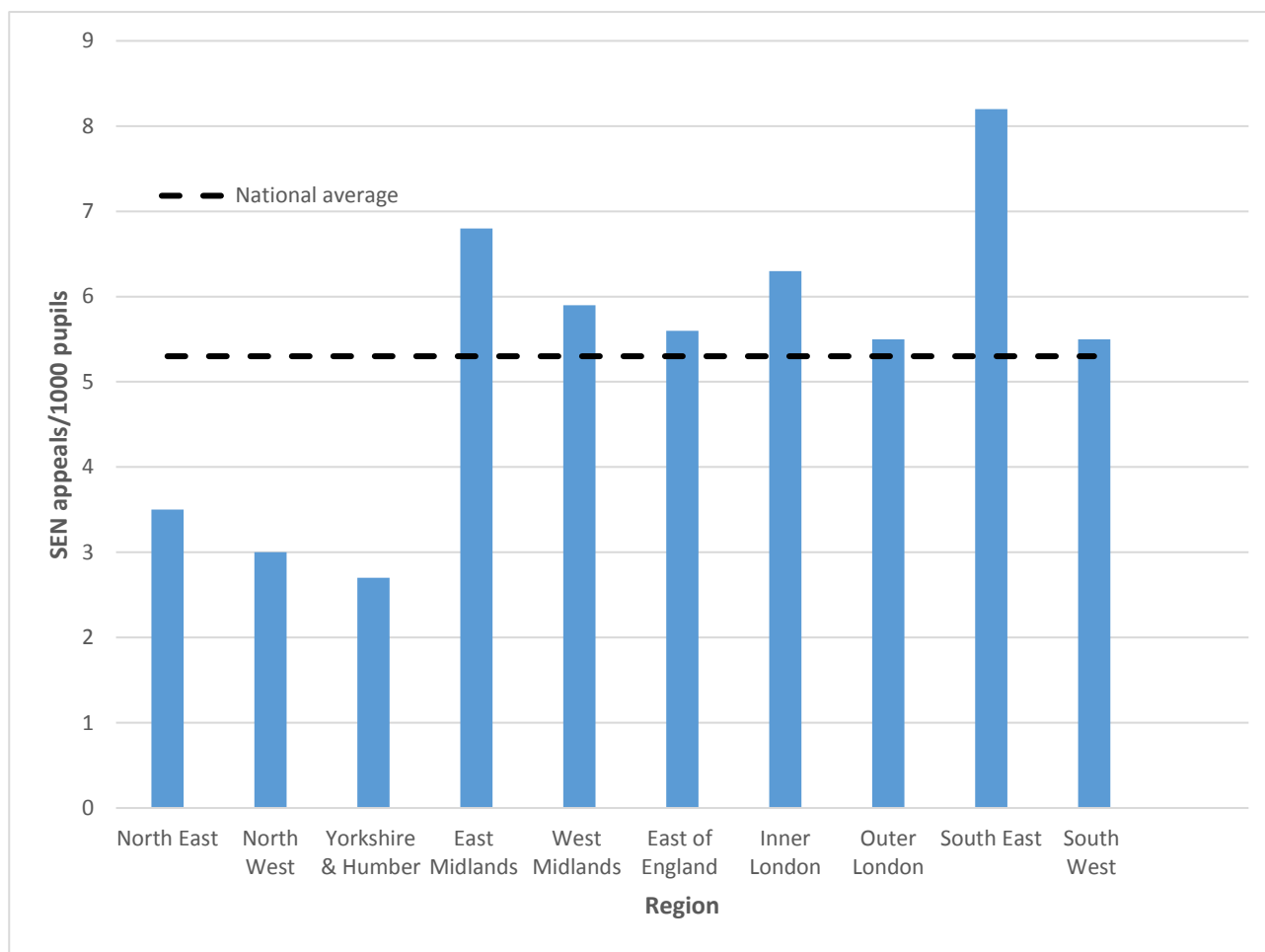
**Figure 41: Registered appeals by type of SEN in England, 2017-2018**



Source: MoJ, 2018

**Figure 42** shows the regional variation in SEN appeal rates. Rates across the North of England are significantly lower than the rest of the country, at approximately half the national average of 5.3 appeals per thousand pupils. East midlands and the South East have the highest rates of appeal.

**Figure 42: Regional variation in appeals in England, 2016-2017**



Source: MoJ, 2018

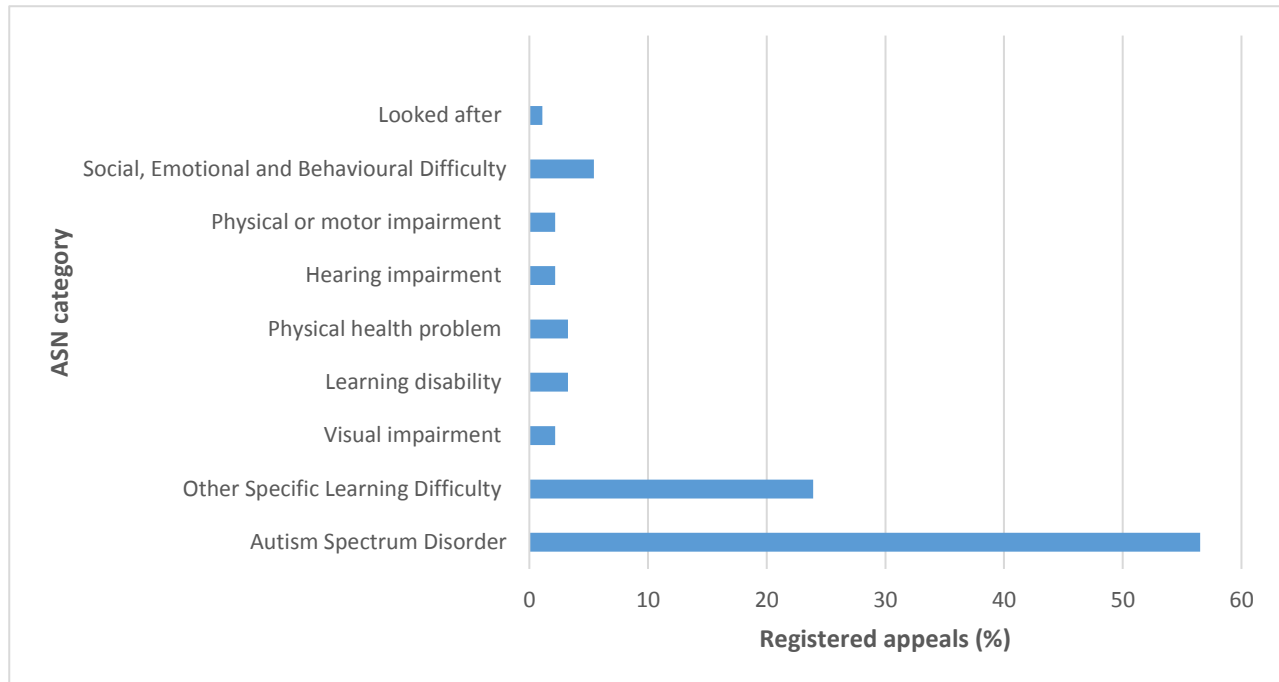
To be updated with 2018 statistics (released in June 2019)

## 6.2. Scotland

In Scotland between 1<sup>st</sup> April 2017 and 11<sup>th</sup> January 2018, 92 appeal requests were received by the Additional Support Needs Tribunal for Scotland (ASNTS). This has since transferred (12<sup>th</sup> January 2018) to the Health and Education Chamber of the First-Tier Tribunal for Scotland. Given the small numbers involved, any conclusions drawn from the data should be treated with appropriate caution.

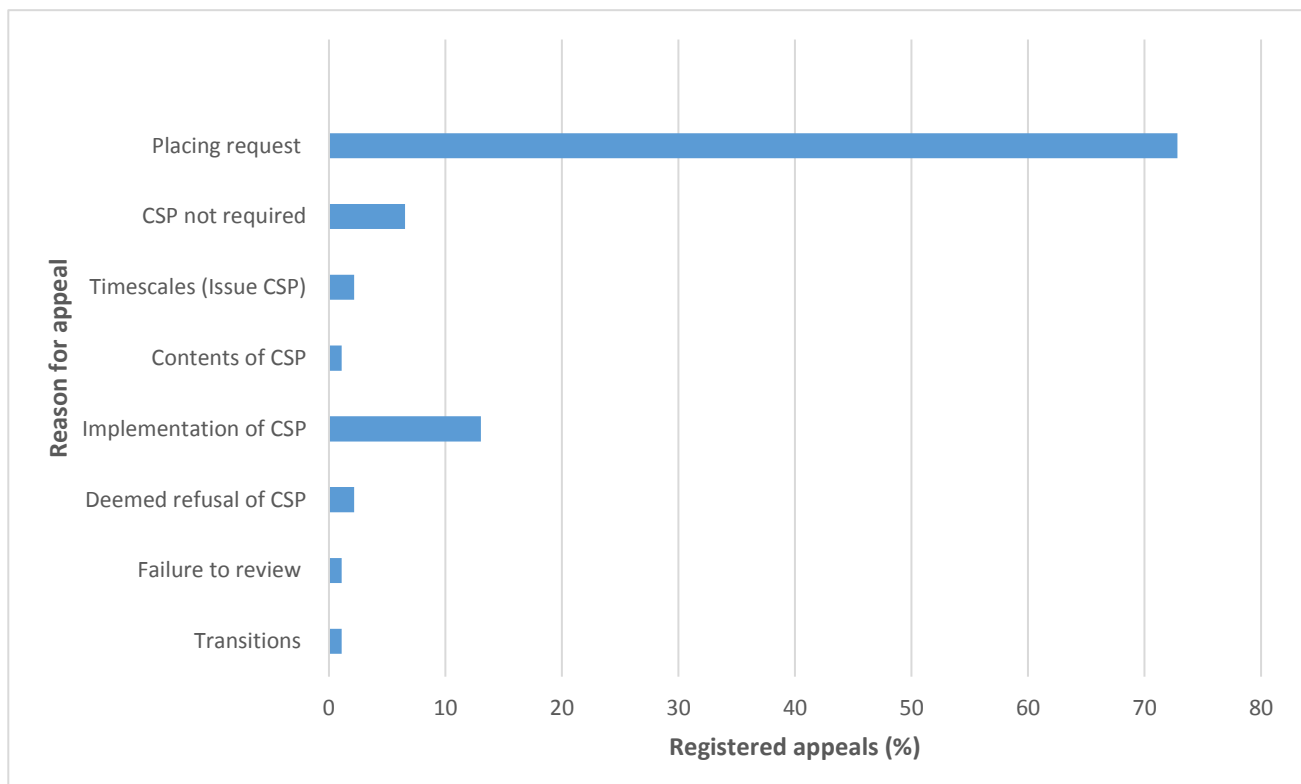
More than half of the registered appeals concerned pupils with Autistic Spectrum Disorder (see **Figure 43**) and over 70% were in relation to placing requests (see Figure 44).

**Figure 43: Registered appeals by category of ASN in Scotland, 2017-2018**



Source: ASN Tribunal for Scotland, 13th Annual report, 2018 – registered appeals between 1 April 2017 & 11th January 2018

**Figure 44: Registered appeals by reason for appeal in Scotland, 2017-2018**



Source: ASN Tribunal for Scotland, 13th Annual report, 2018 – registered appeals between 1 April 2017 & 11th January 2018

## 7. Links to useful documents

### 7.1. England

English data:

<https://www.gov.uk/government/collections/statistics-special-educational-needs-sen#national-statistics-on-special-educational-needs-in-england>

Special educational needs and disability code of practice: 0 to 25 years:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

### 7.2. Scotland

Links to Scottish data:

<http://www.gov.scot/Topics/Statistics/Browse/School-Education/>

ASN code of practice:

[https://consult.scotland.gov.uk/supporting-learners/code-of-practice/user\\_uploads/95216\\_sct0517425858-1\\_learningcode.pdf](https://consult.scotland.gov.uk/supporting-learners/code-of-practice/user_uploads/95216_sct0517425858-1_learningcode.pdf)

# Appendix A

This appendix presents a list of all local authorities in England, listing the number and percentage of pupils with SEN by total SEN, SEN support and statement/EHC plan. The table below also shows the index of deprivation (IMD) score ranking and the number of SEN appeals per 10,000 pupils for each local authority.

LA name	All schools									
	Pupils with statements or EHC plans			Pupils on SEN support		Total pupils with SEN		IMD score ranking (1 = most deprived)	Appeals per 10,000 school population	
	Total Pupils	Number	%	Number	%	Number	%			
Barking and Dagenham	43,506	1,092	2.5	4,973	11.4	6,065	13.9	11	5.36	
Barnet	65,789	1,851	2.8	6,943	10.6	8,794	13.4	109	6.49	
Barnsley	33,980	1,289	3.8	3,911	11.5	5,200	15.3	32	2.07	
Bath and North East Somerset	31,415	955	3.0	3,559	11.3	4,514	14.4	139	4.81	
Bedford	32,934	918	2.8	4,074	12.4	4,992	15.2	95	1.23	
Bexley	44,498	1,204	2.7	4,865	10.9	6,069	13.6	117	4.91	
Birmingham	212,588	6,869	3.2	28,603	13.5	35,472	16.7	7	10.35	
Blackburn with Darwen	29,224	727	2.5	4,444	15.2	5,171	17.7	14	0.35	
Blackpool	18,996	555	2.9	3,037	16.0	3,592	18.9	1	0.53	
Bolton	53,697	1,598	3.0	5,955	11.1	7,553	14.1	40	0.75	
Bournemouth	25,428	750	2.9	2,871	11.3	3,621	14.2	82	3.68	
Bracknell Forest	21,068	446	2.1	2,348	11.1	2,794	13.3	145	4.77	
Bradford	103,772	3,700	2.6	14,151	13.6	16,851	16.2	18	1.54	
Brent	51,308	1,603	3.1	5,010	9.8	6,613	12.9	55	10.14	
Brighton and Hove	37,264	1,124	3.0	4,851	13.0	5,975	16.0	74	4.04	
Bristol, City of	67,161	1,606	2.4	8,737	13.0	10,343	15.4	49	8.18	
Bromley	56,000	1,698	3.0	6,409	11.4	8,107	14.5	122	5.27	
Buckinghamshire	93,764	2,876	3.1	8,328	8.9	11,204	11.9	148	7.33	
Bury	31,400	1,021	3.3	3,715	11.8	4,736	15.1	83	5.74	
Calderdale	37,797	1,020	2.7	4,502	11.9	5,522	14.6	66	1.06	
Cambridgeshire	96,824	2,937	3.0	10,322	10.7	13,259	13.7	134	6.17	
Camden	32,618	1,129	3.5	3,849	11.8	4,978	15.3	62	5.49	
Central Bedfordshire	44,983	1,306	2.9	4,981	11.1	6,287	14.0	137	3.60	
Cheshire East	56,282	1,297	2.3	4,834	8.6	6,131	10.9	130	7.73	

	All schools									
	Pupils with statements or EHC plans			Pupils on SEN support		Total pupils with SEN		IMD score ranking (1 = most deprived)	Appeals per 10,000 school population	
	Total Pupils	Number	%	Number	%	Number	%			
Cheshire West and Chester	53,509	1,661	3.1	6,199	11.6	7,860	14.7	105	2.65	
City of London	2,382	9	0.4	216	9.1	225	9.4	132	0.00	
Cornwall	74,776	1,740	2.3	8,568	11.5	10,308	13.8	70	3.23	
Coventry	58,584	1,444	2.5	7,930	13.5	9,374	16.0	43	3.97	
Croydon	65,028	2,114	3.3	7,636	11.7	9,750	15.0	71	7.82	
Cumbria	71,630	2,269	3.2	8,396	11.7	10,665	14.9	86	1.82	
Darlington	16,486	588	3.6	1,977	12.0	2,565	15.6	72	1.22	
Derby	44,328	1,478	3.3	6,150	13.9	7,628	17.2	44	11.59	
Derbyshire	111,865	3,039	2.7	13,909	12.4	16,948	15.2	101	7.69	
Devon	105,629	2,969	2.8	14,941	14.1	17,901	17.0	114	4.88	
Doncaster	48,314	1,233	2.6	5,444	11.3	6,677	13.8	35	1.03	
Dorset	61,489	1,722	2.8	8,560	13.9	10,282	16.7	128	8.54	
Dudley	47,779	1,351	2.8	6,626	13.9	7,977	16.7	77	5.67	
Durham	74,745	2,202	2.9	8,534	11.4	10,736	14.4	59	4.28	
Ealing	59,339	1,833	3.1	6,413	10.8	8,246	13.9	73	5.40	
East Riding of Yorkshire	47,340	1,187	2.5	5,072	10.7	6,259	13.2	118	1.90	
East Sussex	73,952	2,564	3.5	7,715	10.4	10,279	13.9	99	14.03	
Enfield	59,750	1,659	2.8	6,210	10.4	7,869	13.2	51	0.84	
Essex	220,196	7,437	3.4	21,912	10.0	29,349	13.3	113	7.56	
Gateshead	30,014	695	3.2	3,533	11.8	4,498	15.0	58	10.99	
Gloucestershire	95,486	2,662	2.8	12,016	12.6	14,678	15.4	123	3.71	
Greenwich	47,306	1,309	2.8	5,941	12.6	7,250	15.3	61	12.06	
Hackney	44,569	1,539	3.5	5,987	13.4	7,526	16.9	10	4.71	
Halton	19,490	486	2.5	2,792	14.3	3,278	16.8	23	2.06	
Hammersmith and Fulham	27,595	1,089	3.9	2,980	10.8	4,069	14.7	68	6.16	
Hampshire	191,365	5,832	3.0	21,443	11.2	27,275	14.3	141	9.96	
Haringey	42,090	1,261	3.0	5,135	12.2	6,396	15.2	24	4.57	
Harrow	40,266	1,110	2.8	3,924	9.7	5,034	12.5	129	5.77	
Hartlepool	15,224	374	2.5	1,908	12.5	2,282	15.0	17	0.00	
Havering	40,112	997	2.5	2,726	6.8	3,723	9.3	107	2.78	



	All schools									
	Pupils with statements or EHC plans			Pupils on SEN support		Total pupils with SEN		IMD score ranking (1 = most deprived)	Appeals per 10,000 school population	
	Total Pupils	Number	%	Number	%	Number	%			
Herefordshire	25,124	777	3.1	3,973	15.8	4,750	18.9	92	4.04	
Hertfordshire	218,208	4,559	2.1	26,011	11.9	30,570	14.0	138	5.87	
Hillingdon	56,276	2,003	3.6	5,927	10.5	7,930	14.1	104	5.70	
Hounslow	45,706	1,372	3.0	6,449	14.1	7,821	17.1	80	2.66	
Isle of Wight	17,663	726	4.1	2,389	13.5	3,115	17.6	76	10.75	
Isles of Scilly	271	9	3.3	24	8.9	33	12.2	140	0.00	
Islington	25,890	1,008	3.9	3,837	14.8	4,845	18.7	22	5.37	
Kensington and Chelsea	25,470	519	2.0	2,567	10.1	3,086	12.1	75	6.51	
Kent	250,574	7,860	3.1	24,465	9.8	32,325	12.9	100	8.24	
Kingston Upon Hull, City of	41,843	1,270	3.0	5,840	14.0	7,110	17.0	3	4.88	
Kingston upon Thames	29,624	796	2.7	2,535	8.6	3,331	11.2	144	2.76	
Kirklees	69,344	1,831	2.6	6,896	9.9	8,727	12.6	69	4.20	
Knowsley	20,277	800	3.9	3,195	15.3	3,905	19.3	2	1.98	
Lambeth	40,427	1,660	4.1	5,438	13.5	7,098	17.6	36	7.94	
Lancashire	181,012	5,486	3.0	17,807	9.8	23,293	12.9	79	3.35	
Leeds	127,291	2,424	1.9	15,038	11.8	17,462	13.7	57	1.36	
Leicester	58,521	1,549	2.6	6,962	11.9	8,511	14.5	19	6.44	
Leicestershire	103,844	2,990	2.9	10,701	10.3	13,691	13.2	135	8.16	
Lewisham	42,813	1,337	3.1	5,521	12.9	6,858	16.0	38	11.81	
Lincolnshire	110,119	3,347	3.0	13,923	12.6	17,270	15.7	89	4.37	
Liverpool	73,271	1,920	2.6	11,414	15.6	13,314	18.2	4	3.04	
Luton	39,882	1,069	2.7	4,795	12.0	5,864	14.7	47	2.52	
Manchester	91,647	2,824	3.1	11,784	12.9	14,608	15.9	5	4.92	
Medway	87,470	1,504	3.2	6,448	13.6	7,952	16.8	81	11.28	
Merton	33,184	1,242	3.7	4,018	12.1	5,260	15.9	125	3.01	
Middlesbrough	24,297	868	3.6	3,439	14.2	4,307	17.7	6	0.00	
Milton Keynes	48,272	1,400	2.9	5,336	11.1	6,736	14.0	106	2.94	
Newcastle upon Tyne	44,257	1,096	2.5	5,820	13.1	6,916	15.6	42	0.22	
Newham	63,049	412	0.7	7,051	11.2	7,463	11.8	21	2.90	
Norfolk	120,380	3,702	3.1	15,058	12.5	18,760	15.6	88	5.84	

	All schools								
	Pupils with statements or EHC plans			Pupils on SEN support		Total pupils with SEN		IMD score ranking (1 = most deprived)	Appeals per 10,000 school population
	Total Pupils	Number	%	Number	%	Number	%		
North East Lincolnshire	24,287	560	2.3	2,672	11.0	3,232	13.3	25	2.50
North Lincolnshire	24,496	757	3.1	2,784	11.4	3,541	14.5	85	1.23
North Somerset	31,335	487	1.6	3,222	10.3	3,709	11.8	119	9.04
North Tyneside	30,790	1,060	3.4	3,259	10.6	4,319	14.0	87	4.21
North Yorkshire	89,417	2,071	2.3	9,369	10.5	11,440	12.8	126	4.59
Northamptonshire	122,707	3,080	2.5	12,561	10.2	15,596	12.67	97	5.86
Northumberland	45,815	1,415	3.1	5,185	11.3	6,600	14.4	90	3.89
Nottingham	48,556	789	1.6	6,487	13.4	7,276	15.0	8	7.11
Nottinghamshire	121,939	1,669	1.4	9,895	8.1	11,564	9.5	98	5.88
Oldham	45,070	1,419	3.1	5,061	11.2	6,480	14.4	28	3.13
Oxfordshire	111,291	2,578	2.3	14,227	12.8	16,855	15.1	142	3.87
Peterborough	37,862	1,236	3.3	4,205	11.1	5,441	14.4	46	2.71
Plymouth	40,003	1,434	3.6	5,190	13.0	6,624	16.6	56	2.00
Poole	20,448	555	2.7	2,886	14.1	3,441	16.8	121	11.31
Portsmouth	28,981	1,092	3.8	3,669	12.7	4,761	16.4	50	3.50
Reading	25,531	631	2.5	2,868	11.2	3,499	13.7	93	6.79
Redbridge	60,402	1,521	2.5	4,927	8.2	6,448	10.7	91	3.33
Redcar and Cleveland	21,976	825	3.8	3,024	13.8	3,849	17.5	39	1.36
Richmond upon Thames	37,686	974	2.6	3,495	9.3	4,469	11.9	147	8.14
Rochdale	36,270	1,228	3.4	3,797	10.5	5,025	13.9	15	0.84
Rotherham	44,903	1,321	2.9	6,142	13.7	7,463	17.6	41	0.89
Rutland	7,712	217	2.8	1,011	13.1	1,228	15.9	149	9.05
Salford	40,278	1,360	3.4	6,338	15.7	7,698	19.1	20	4.30
Sandwell	59,806	1,555	2.6	7,389	12.4	8,944	15.0	12	1.87
Sefton	42,260	1,058	2.5	4,121	9.8	5,179	12.3	60	2.58
Sheffield	83,281	2,085	2.5	11,659	14.0	13,744	16.5	48	7.61
Shropshire	44,272	1,558	3.5	4,873	11.0	6,431	14.5	115	0.46
Slough	31,814	1,000	3.1	3,311	10.4	4,311	13.6	78	0.96
Solihull	41,503	1,201	2.9	5,229	12.6	6,430	15.5	112	6.58
Somerset	78,103	1,436	1.8	10,204	13.1	11,640	14.9	110	6.18
South Gloucestershire	39,769	1,323	3.3	4,213	10.6	5,536	13.9	143	8.82

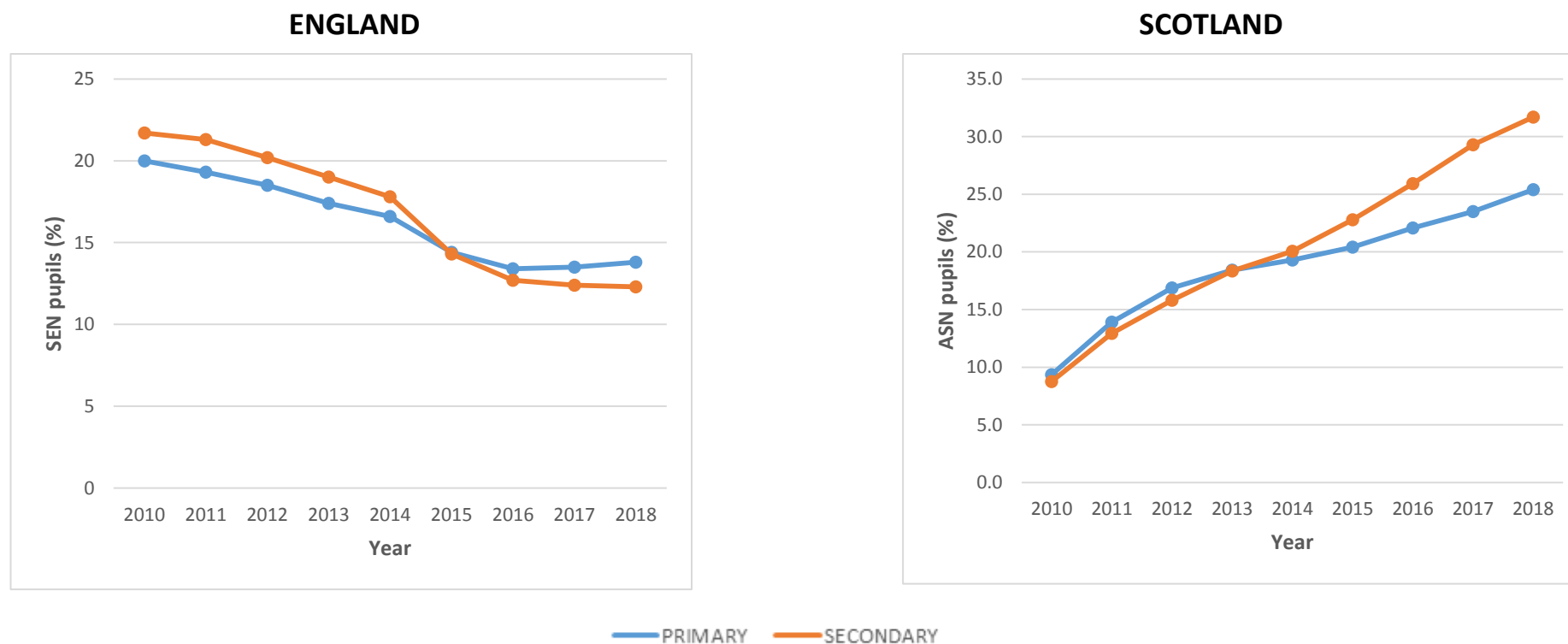
	All schools								
	Pupils with statements or EHC plans			Pupils on SEN support		Total pupils with SEN		IMD score ranking (1 = most deprived)	Appeals per 10,000 school population
	Total Pupils	Number	%	Number	%	Number	%		
South Tyneside	22,096	829	3.8	3,490	15.8	4,319	19.5	26	2.73
Southampton	33,449	1,127	3.4	5,362	16.0	6,489	19.4	54	12.47
Southend-on-Sea	30,532	1,087	3.6	2,438	8.0	3,525	11.5	67	4.96
Southwark	48,706	1,408	2.9	6,413	13.2	7,821	16.1	33	9.16
St. Helens	27,025	626	2.3	4,098	15.2	4,724	17.5	30	4.13
Staffordshire	122,904	4,077	3.3	11,754	9.6	15,831	12.9	116	8.60
Stockport	46,052	1,805	3.9	4,505	9.8	6,310	13.7	96	2.64
Stockton-on-Tees	33,305	964	2.9	4,132	12.4	5,096	15.3	65	2.73
Stoke-on-Trent	40,027	1,485	3.6	5,311	13.3	6,769	16.9	13	4.08
Suffolk	109,899	2,899	2.6	11,139	10.1	14,038	12.8	102	5.30
Sunderland	41,519	1,120	2.7	5,307	12.8	6,427	15.5	31	5.53
Surrey	194,842	6,410	3.3	22,745	11.7	29,115	15.0	150	12.06
Sutton	39,878	1,318	3.3	3,842	9.6	5,110	12.9	127	5.91
Swindon	34,142	1,262	3.7	4,451	13.0	5,713	16.7	108	8.29
Tameside	36,584	671	1.8	4,353	11.9	5,024	13.7	34	2.48
Telford and Wrekin	30,180	1,200	4.0	4,437	14.7	5,637	18.7	64	11.52
Thurrock	28,410	1,004	3.5	3,203	11.3	4,207	14.8	84	3.96
Torbay	22,322	970	4.8	2,619	12.9	3,589	17.7	37	0.49
Tower Hamlets	47,278	2,096	4.4	5,741	12.1	7,837	16.6	9	1.93
Trafford	43,212	1,367	3.2	3,961	9.2	5,328	12.3	120	3.05
Wakefield	56,378	1,672	3.0	6,294	11.2	7,966	14.1	52	0.89
Walsall	52,866	1,348	2.5	5,503	10.4	6,851	13.0	27	3.06
Waltham Forest	45,196	1,497	3.3	5,723	12.7	7,220	16.0	29	3.75
Wandsworth	44,539	1,846	4.1	5,656	12.7	7,502	16.8	103	8.15
Warrington	32,387	1,203	3.7	2,698	8.3	3,901	12.0	94	1.24
Warwickshire	88,433	2,729	3.1	10,279	11.6	13,008	14.7	124	2.99
West Berkshire	29,378	1,194	4.1	3,248	11.1	4,442	15.1	146	4.76
West Sussex	124,452	3,907	3.1	17,036	13.7	20,943	16.8	131	6.97
Westminster	31,830	871	2.7	4,161	13.1	5,032	15.8	45	9.25
Wigan	37,009	1,356	2.9	6,012	12.8	7,368	15.7	63	1.71
Wiltshire	74,176	2,237	3.0	9,309	12.5	11,546	15.6	133	3.93
Windsor and Maidenhead	27,447	834	3.0	3,360	12.2	4,194	15.3	151	5.09

	All schools								
	Pupils with statements or EHC plans			Pupils on SEN support		Total pupils with SEN		IMD score ranking (1 = most deprived)	Appeals per 10,000 school population
	Total Pupils	Number	%	Number	%	Number	%		
Wirral	51,579	1,633	3.2	7,010	13.6	8,643	16.8	53	2.90
Wokingham	29,998	747	2.5	2,799	9.3	3,546	11.8	152	3.76
Wolverhampton	46,285	1,256	2.7	6,519	14.1	7,775	16.8	16	1.10
Worcestershire	87,089	2,491	2.9	10,959	12.6	13,450	15.4	111	4.73
York	27,911	611	2.2	2,756	9.9	3,367	12.1	136	0.72

## Appendix B: Comparisons between England and Scotland

This appendix presents supplementary tables contrasting ASN statistics in England and Scotland.

Figure 45: Pupils with SEN/ASN as a percentage of total pupils in primary and secondary school in England and Scotland, 2010-2018

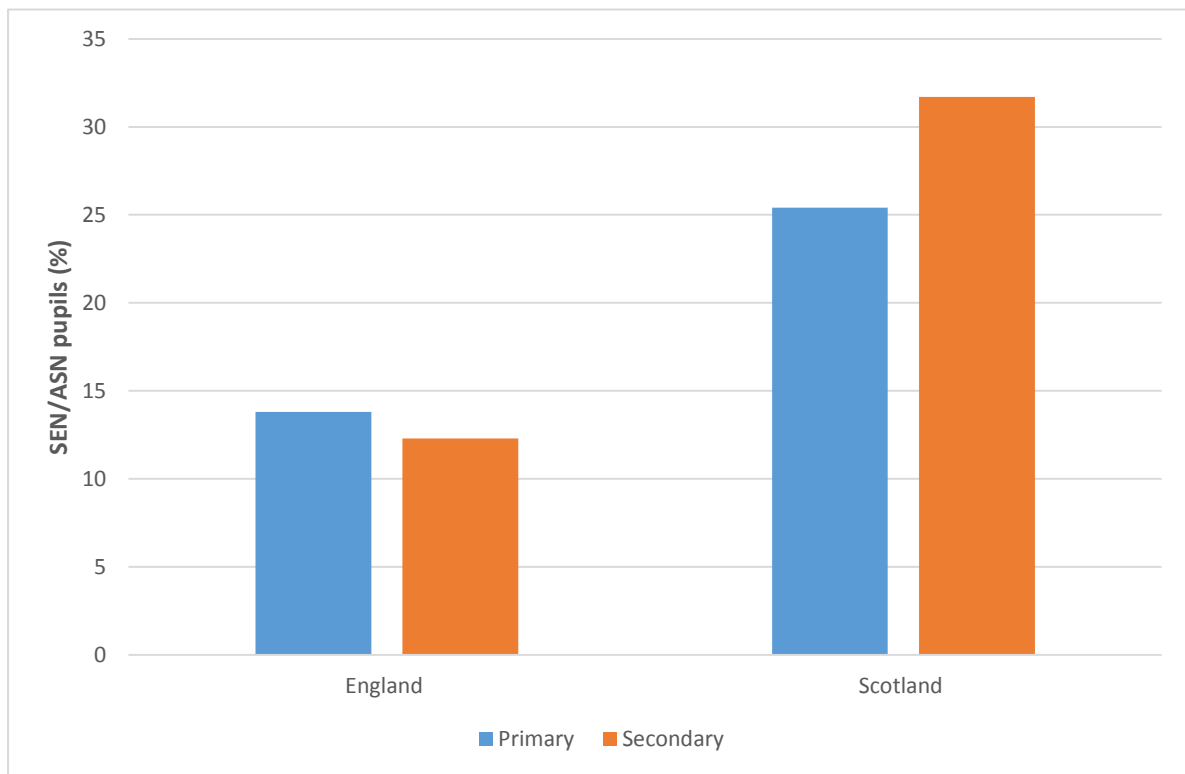


Source: DfE, 2018, Scottish Government, 2019

SEN support and statement/EHC plan are discrete groups; SEN pupils receive either SEN support or a statutory plan.

Pupil numbers for ASN designation in Scotland are not discrete; a child can have more than one ASN plan

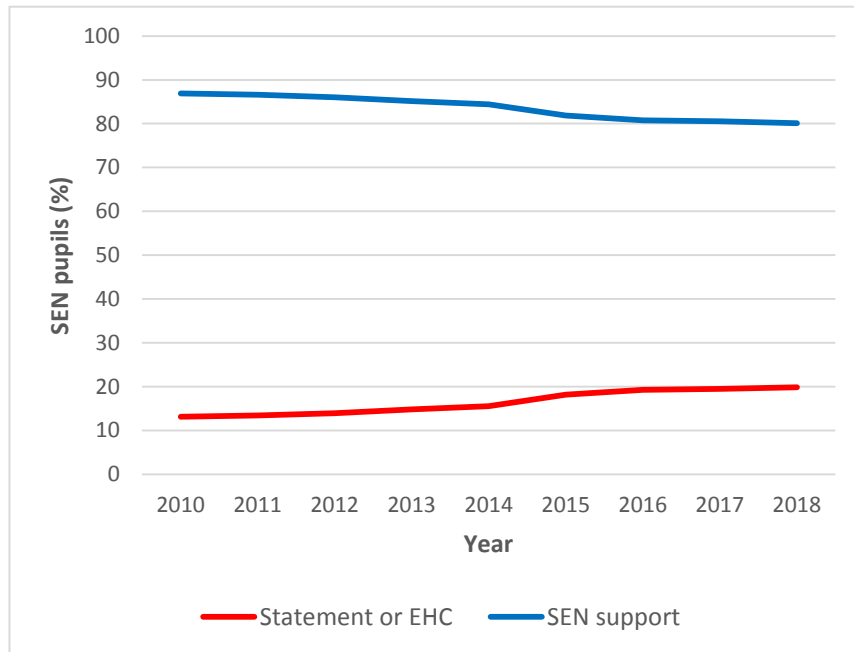
**Figure 46: Pupils with SEN/ASN as a percentage of total pupils in primary and secondary school in England and Scotland, 2018**



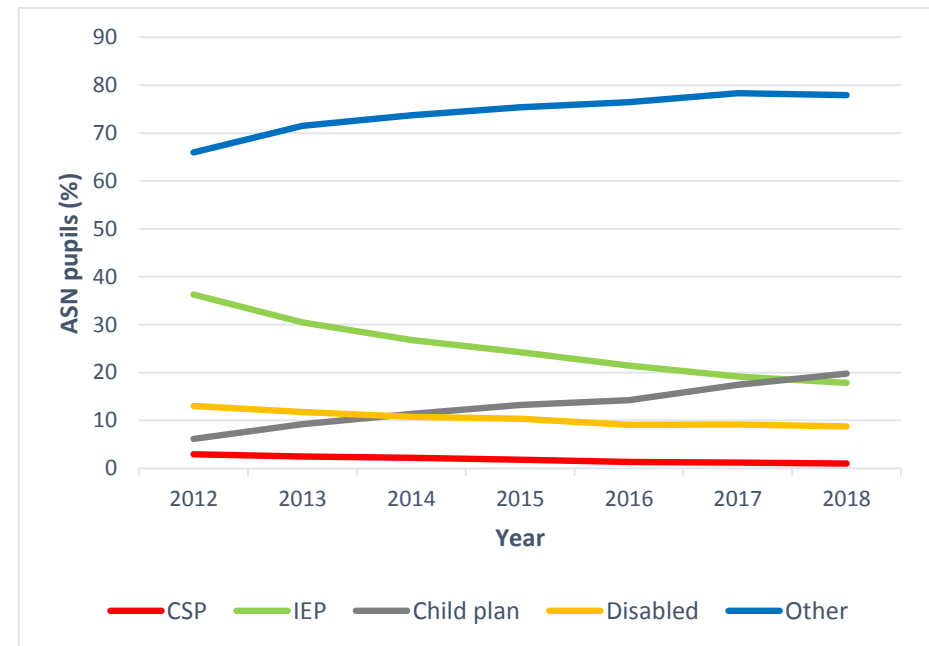
Source: DfE, 2018, Scottish Government, 2019

Figure 47: SEN/ASN pupils by SEN/ASN designation in England and Scotland

### ENGLAND

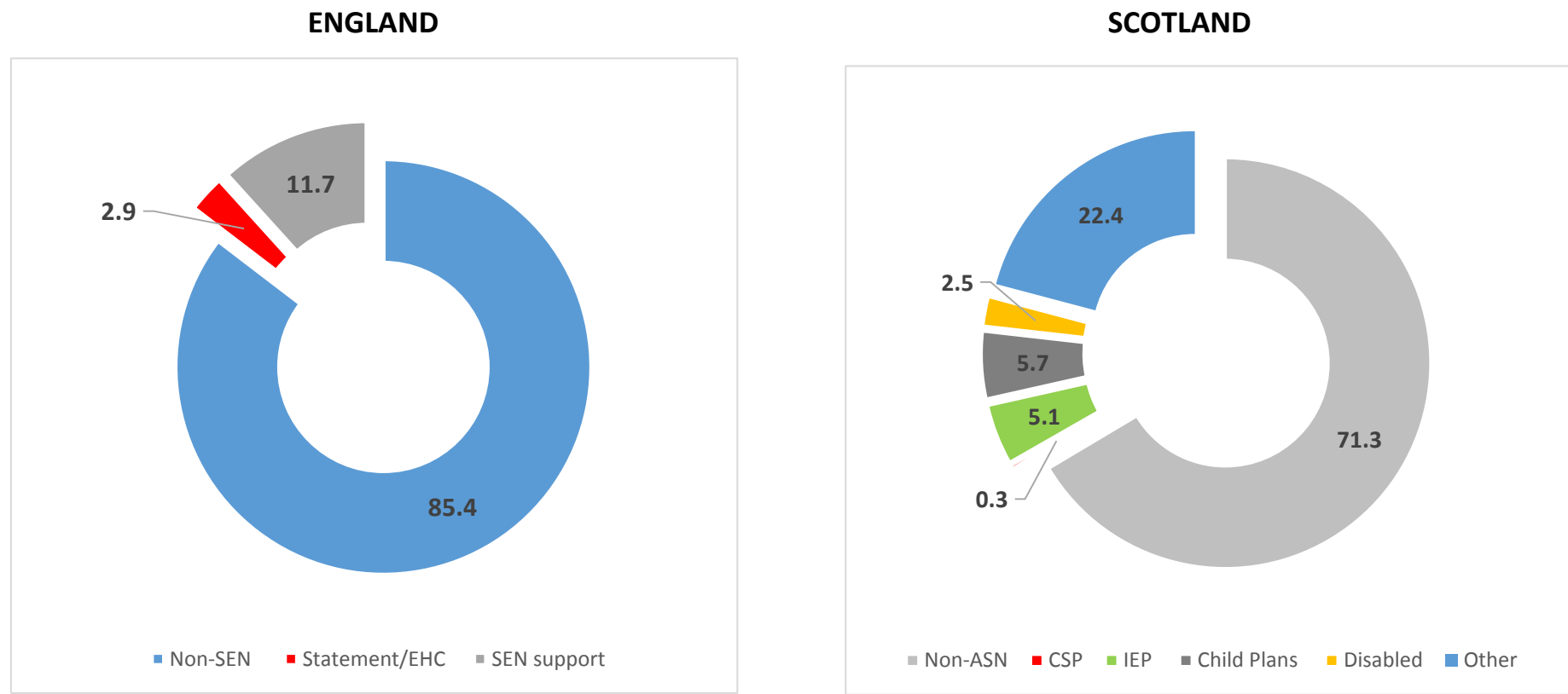


### SCOTLAND



Source: DfE, 2018, Scottish Government, 2019

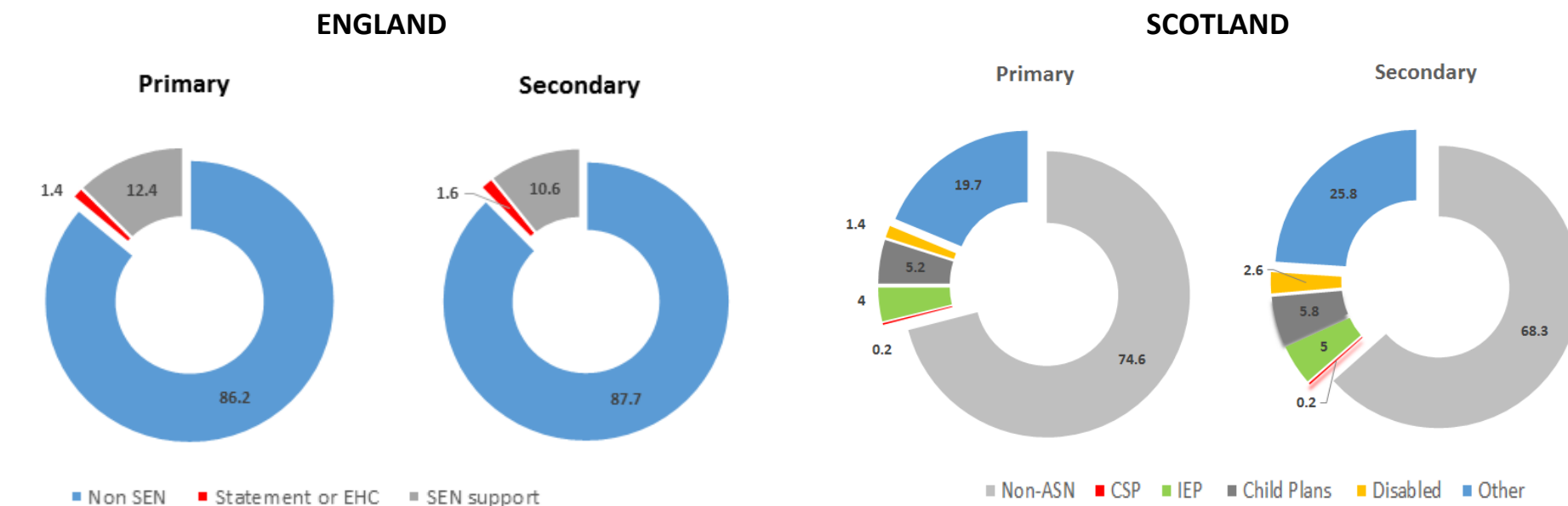
Figure 48: Classification of all pupils by SEN/ASN designation in England and Scotland, 2018



Source: DfE, 2018, Scottish Government, 2019

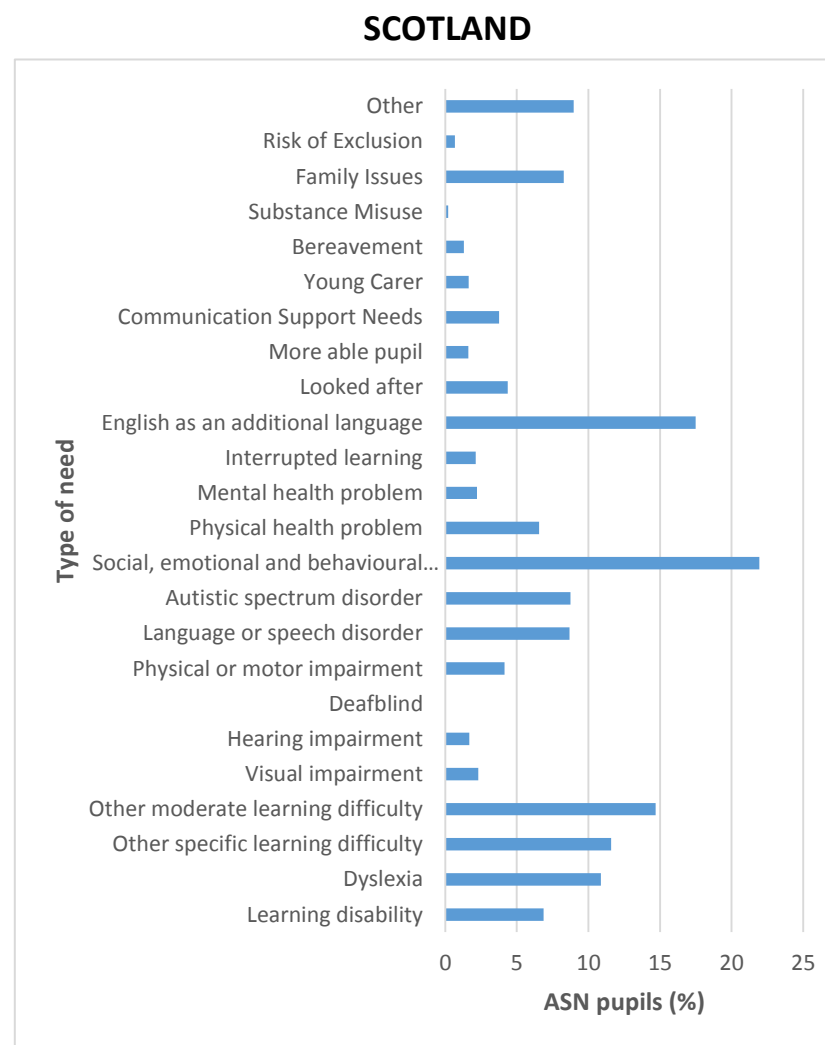
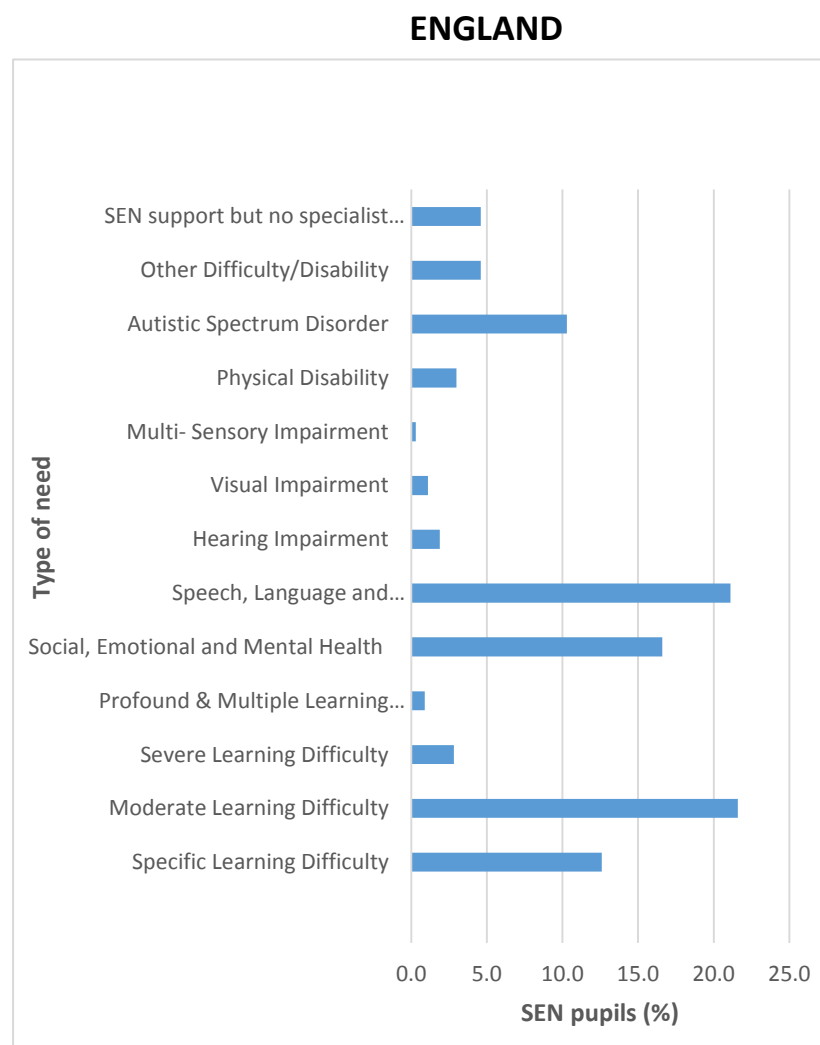


Figure 49: Classification of primary and secondary pupils by SEN/ASN designation in England and Scotland, 2018



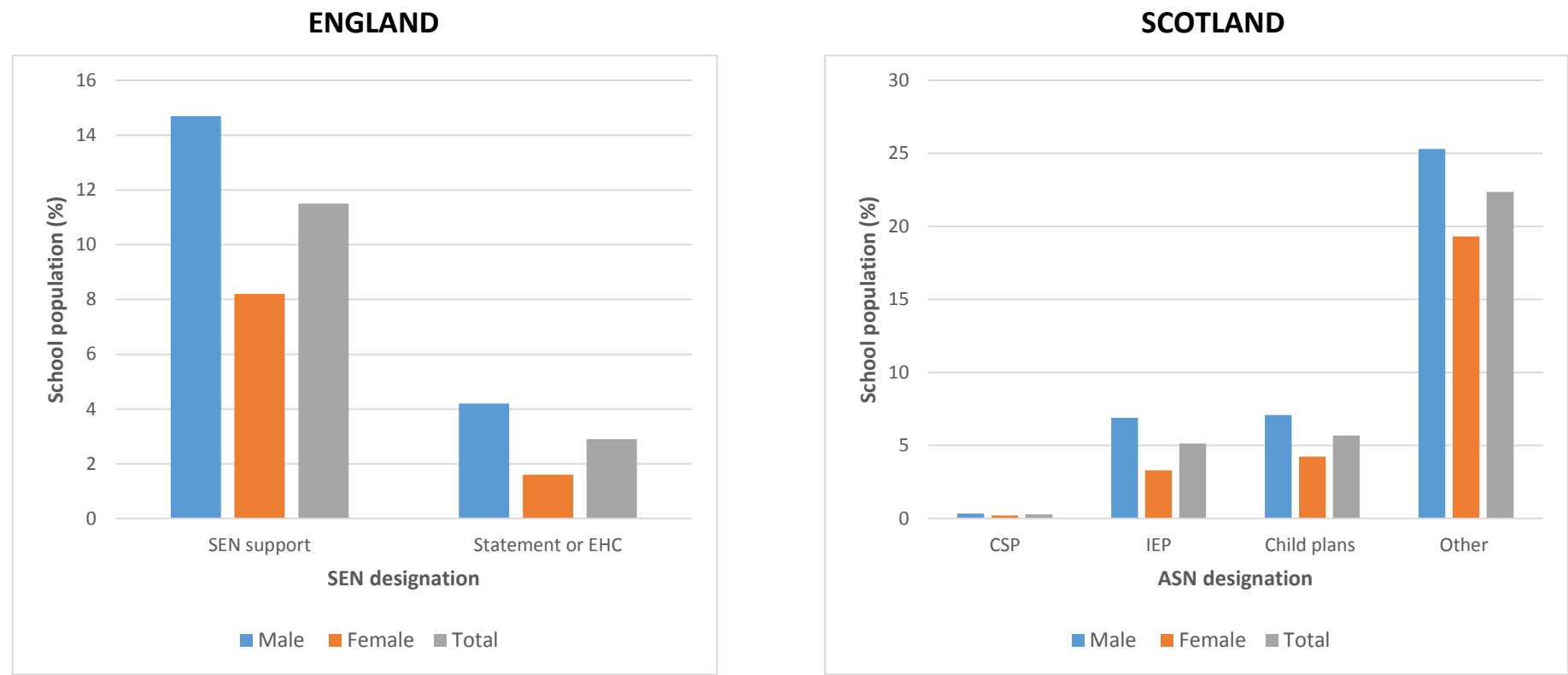
Source: DfE, 2018, Scottish Government, 2019

Figure 50: SEN/ASN pupils by each type of need in England and Scotland, 2018



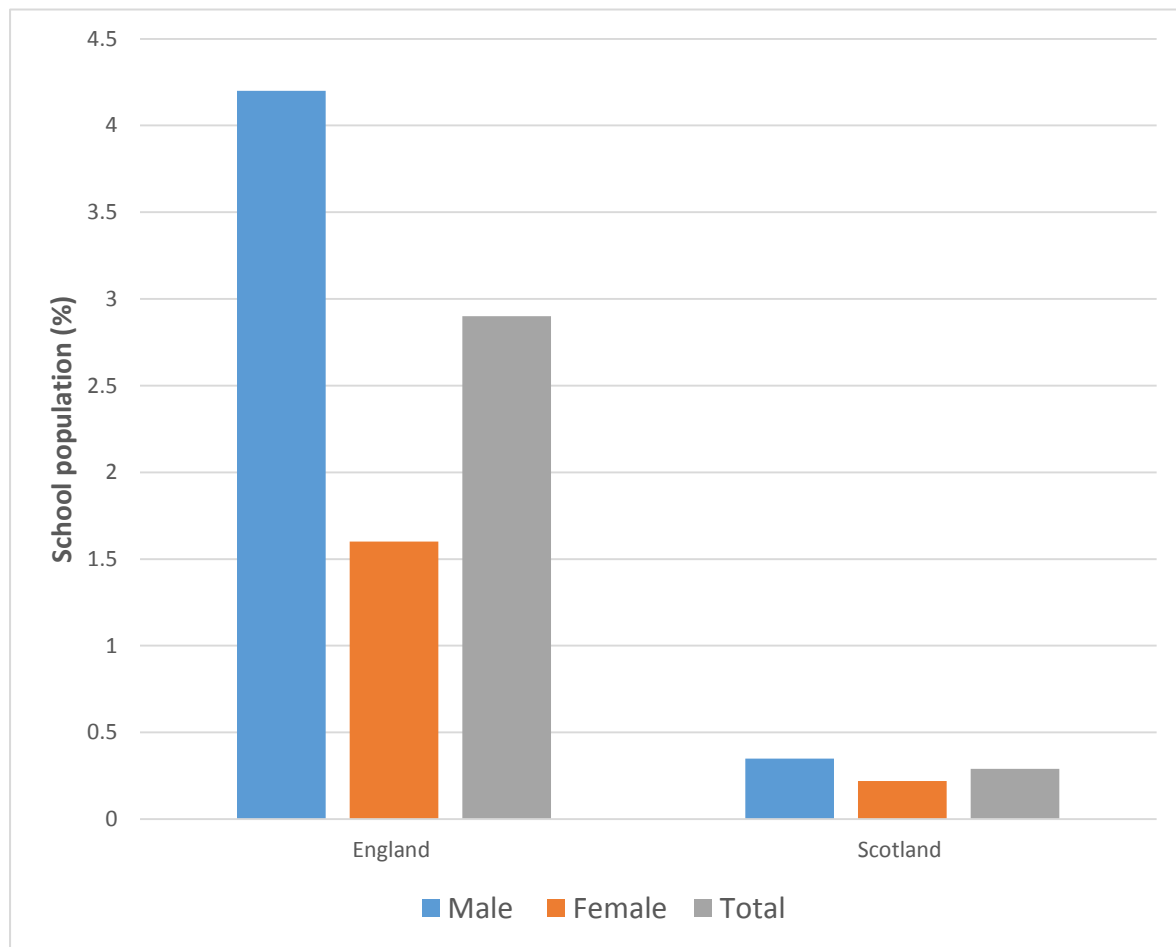
Source: DfE, 2018, Scottish Government, 2019

Figure 51:SEN/ASN pupils by gender and SEN/ASN designation in England and Scotland, 2018



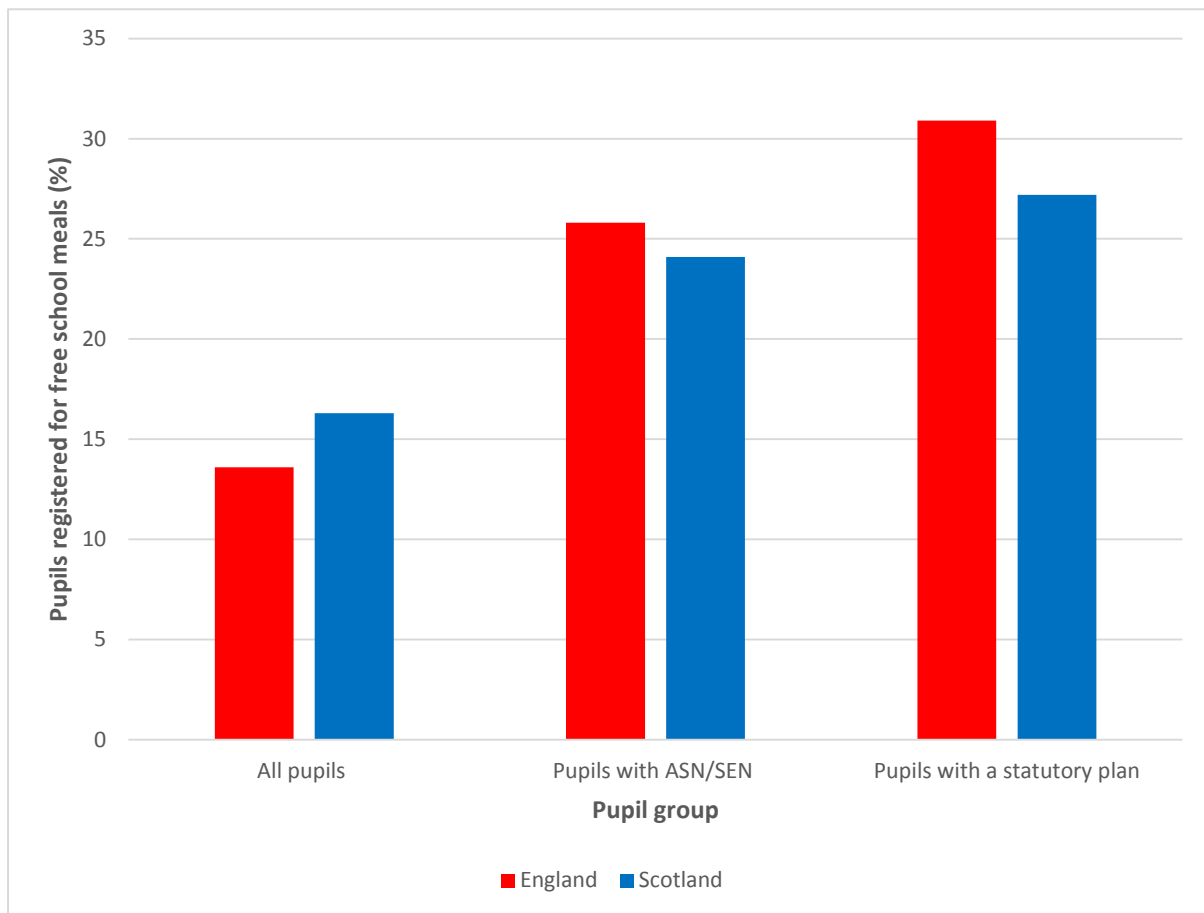
Source: DfE, 2018, Scottish Government, 2019

**Figure 52: Percentage of pupils with SEN/ASN on a statutory plan by gender in England and Scotland, 2018**



Source: DfE, 2018, Scottish Government, 2019

**Figure 53: Percentage of pupils eligible and claiming/registered for free school meals in England and Scotland, 2018**

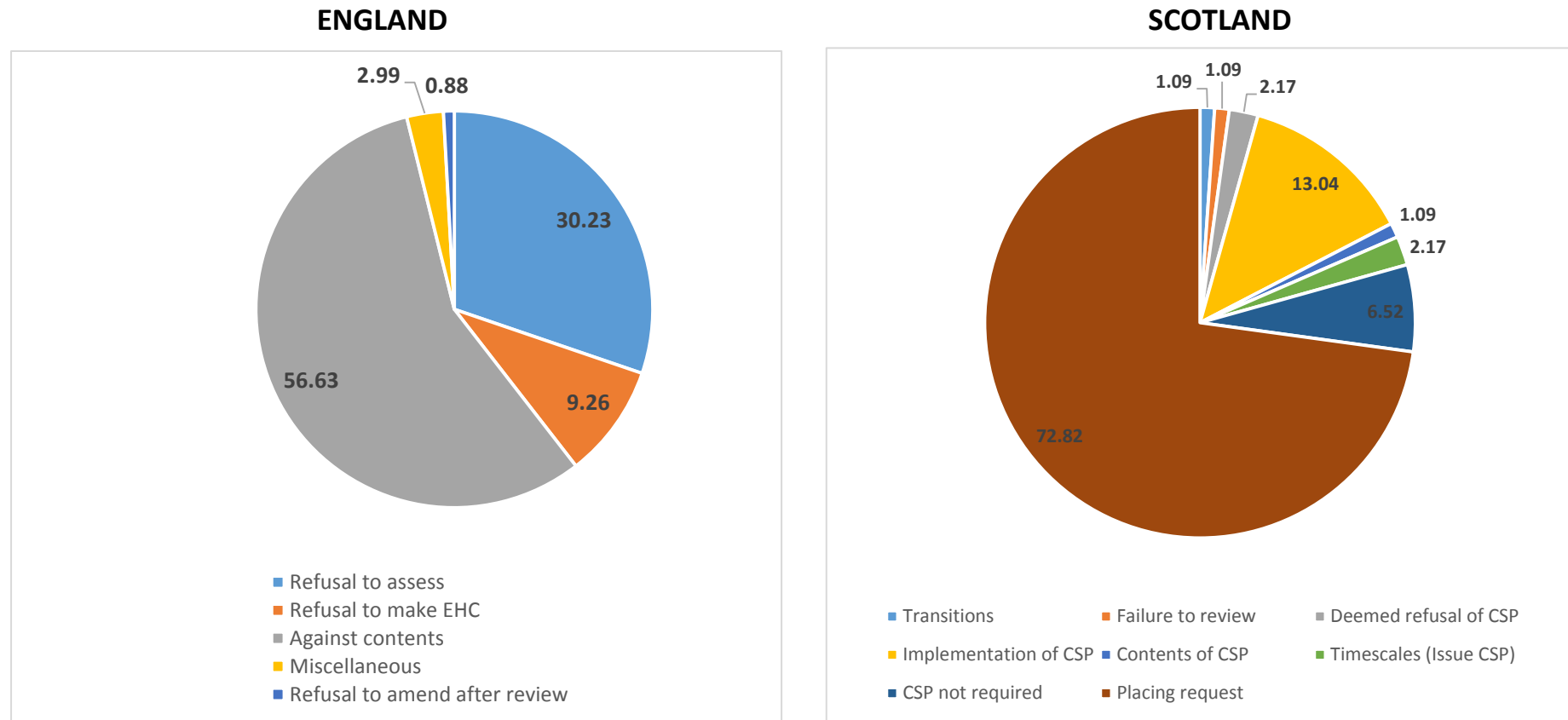


Source: DfE, 2018, Scottish Government, 2019, special request

In England, the statistics refer to the entire school population who are eligible for and claiming FSM.

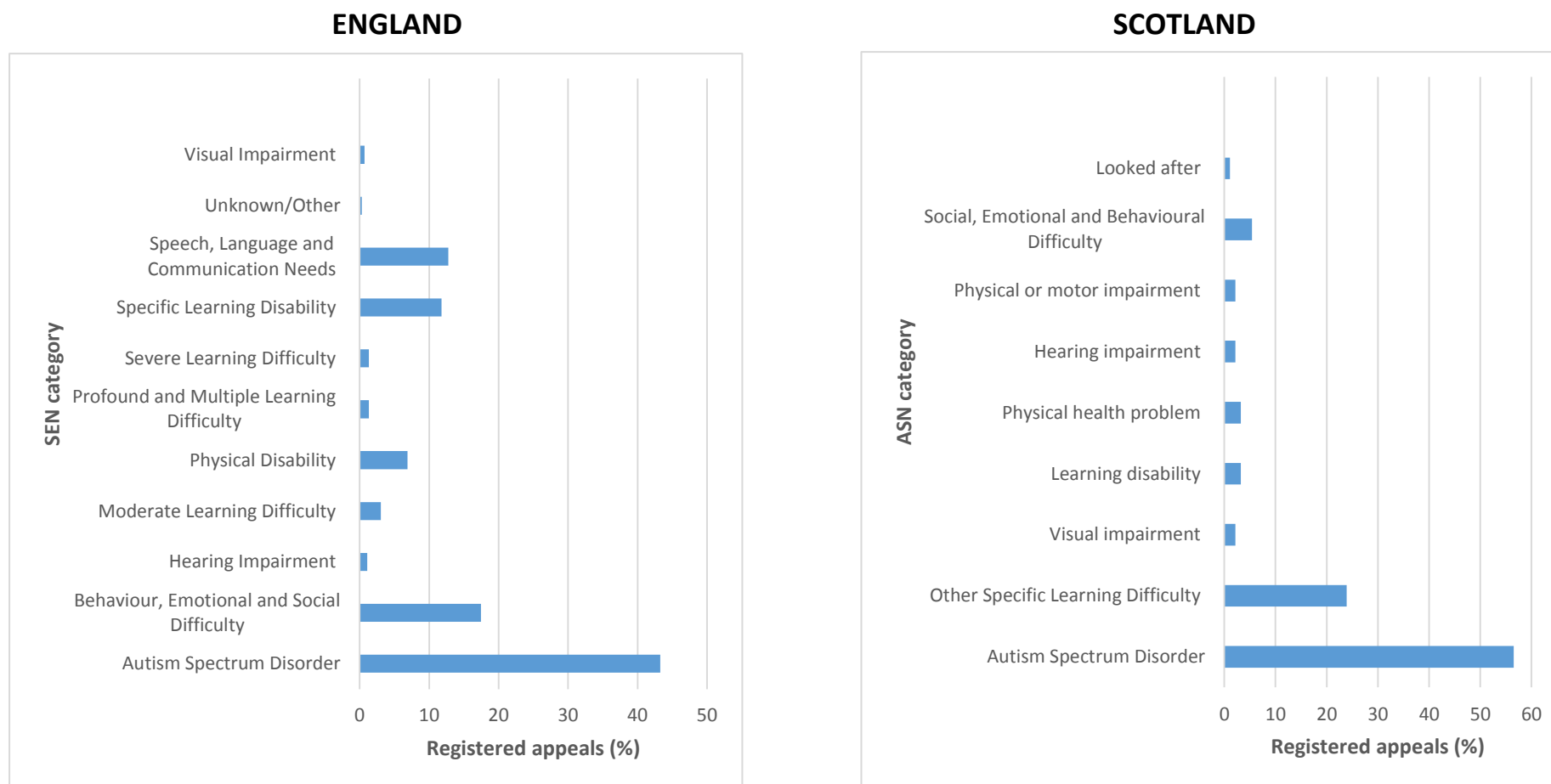
In Scotland, the statistics refer to the percentage of pupils between P4-S6 who are registered for FSM.

**Figure 54: Registered appeals by type in England and Scotland, 2017-2018**



Source: MoJ, 2018; ASN Tribunal for Scotland, 13<sup>th</sup> Annual report, 2018

**Figure 55: Registered appeals by type of SEN/ASN in England and Scotland, 2017-2018**



Source: MoJ, 2018; ASN Tribunal for Scotland, 13<sup>th</sup> Annual report, 2018

## Further information

All working papers and briefings of this project **Autonomy, Rights and Children with Special Needs: A New Paradigm?** (Ref. ES/P002641/1) are available at <https://www.ed.ac.uk/education/rke/centres-groups/creid/projects/autonomy-rights-sen-asn-children> and on the website of the Centre for Research in Education Inclusion & Diversity (CREID), University of Edinburgh ([www.creid.ed.ac.uk](http://www.creid.ed.ac.uk)).

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