SPECIAL EDUCATIONAL NEEDS (INFORMATION) BILL
EQUALITY IMPACT ASSESSMENT

Description of the Policy

1. There are concerns over the adequacy of information about children with special educational needs and whether data collected is analysed and published in a manner which assists in improving outcomes for this group of children.

2. Sharon Hodgson MP has therefore proposed this private members bill with the objective of improving information available about children with special educational needs (SEN) to assist the Secretary of State, local authorities and schools in improving outcomes for these children. The intended effect will be that, when the Secretary of State exercises his powers to require information to be gathered and published, he considers what would be likely to assist in relation to improving outcomes for children with SEN. In practice, this would be balanced against the burden on schools and local authorities in providing and publishing information.

3. The Bill amends the Education Act 1996 to require the Secretary of State, when he exercises his existing information collection and publication powers, to do so with a view to securing information about children with SEN which is likely to assist in improving their well-being. It also requires him to publish information every calendar year with the same aim. Well-being is defined as the Every Child Matters outcomes, as in the Children Act 2004, see http://www.everychildmatters.gov.uk/aims/.

The Evidence Base

4. Information about the characteristics of all pupils in Government funded schools is collected through the school census (SC). The SC collects information on pupils’ gender, ethnicity and whether they have a SEN. For those with a statement of SEN or who are receiving provision at the school action plus level, it also collects information on the type of need. Other fields include eligibility for free school meals. SC characteristics are matched to pupil attainment information through the National Pupil Database, allowing examination of the factors affecting pupil progress.

5. Information about the number and characteristics of pupils with SEN derived from the SC are published in the statistical first release Special Educational Needs in England, January 2007 (available at http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/index.shtml). Information about the number of pupils with SEN by gender is available in table 5. Information about the number of pupils with SEN by ethnicity is available in tables 8a (primary schools) and 8b (secondary schools). Information about type of need for pupils with a statement of SEN or receiving provision at the school action plus level is available in table 9.

7. While there is considerable overlap between the group of pupils with SEN and the group of disabled pupils, there are also children with an SEN who are not disabled and disabled pupils with a disability who do not have an SEN. At present, the Department does not have any collection that picks up the number of disabled pupils. However, the Universities of Bath and Bristol are conducting research commissioned by the Department looking at how disabled pupils can be identified. This will inform future policy and data collection development. The Education and Social Research Council (ESRC, http://www.esrcsocietytoday.ac.uk/) published Can we Count Them? Disabled children and their households by researchers at the University of Warwick in 2007 which highlights the difficulties in identifying children with disabilities and reviews data sources.

8. The Department has commissioned specific research on SEN and ethnicity (SEN and ethnicity: issues of over- and under-representation, Lindsay, Pather, Strand, University of Warwick 2006), available at http://www.dfes.gov.uk/research/programmeofresearch/projectinformation.cfm?projectId=14467.

What the evidence shows – Key Facts

9. In January 2007, there were 1,333,430 pupils with SEN without a statement (16.4% of the relevant school population) and 229,110 pupils with a statement of SEN (2.8%).

10. There are substantial differences in the proportion of girls and boys identified with SEN. In January 2007, 21.4% of boys have SEN without a statement compared with 12.6% of girls and 2.5% of boys have a statement of SEN compared with 1.0% of girls.

11. The 2006 research by the University of Warwick on SEN and ethnicity (see above) found that socio-economic disadvantage and gender have stronger associations than ethnicity with overall prevalence of SEN and of certain categories of SEN. However, after controlling for the effects of socioeconomic disadvantage, gender and year group significant differences in representation of different minority ethnic groups were found.

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2 (source: School Census, reported in the SFR Special Educational Needs in England, January 2007)
3 (source: School Census, reported in the SFR Special Educational Needs in England, January 2007)
a. Black Caribbean and Mixed White & Black Caribbean pupils are around 1.5 times more likely to be identified as having Behavioural, Emotional and Social Difficulties (BESD) than White British pupils;
b. Bangladeshi pupils are nearly twice as likely to be identified as having a hearing impairment than White British pupils, and Pakistani pupils are between 2 and 2.5 times more likely to be identified as having Profound and Multiple Learning Difficulties, a Visual Impairment, Hearing Impairment or Multi-sensory Impairment than White British pupils;
c. Asian and Chinese pupils are less likely than White British pupils to be identified as having Moderate Learning Difficulties, Specific Learning Difficulties and Autistic Spectrum Disorder; and
d. Traveller of Irish Heritage and Gypsy/Roma pupils are over-represented among many categories of SEN, including Moderate, and Severe Learning Difficulties, and BESD.

12. As reflected above, there is believed to be a large overlap between pupils with SEN and disabled pupils. The School Census collects type of need information for pupils receiving provision at the school action plus level and with a statement with SEN. The primary type of need of of these pupils is set out in the following table

<table>
<thead>
<tr>
<th>Primary Type of Need</th>
<th>Proportion of Pupils and School Action Plus or with a statement, January 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moderate Learning Difficulty</td>
<td>27.0%</td>
</tr>
<tr>
<td>Behavioural, Emotional and Social Difficulties</td>
<td>22.2%</td>
</tr>
<tr>
<td>Speech, Language and Communication Needs</td>
<td>14.2%</td>
</tr>
<tr>
<td>Specific Learning Difficulties</td>
<td>12.1%</td>
</tr>
<tr>
<td>Autistic Spectrum Disorder</td>
<td>6.9%</td>
</tr>
<tr>
<td>Severe Learning Difficulty</td>
<td>4.8%</td>
</tr>
<tr>
<td>Physical Disability</td>
<td>4.0%</td>
</tr>
<tr>
<td>Hearing Impairment</td>
<td>2.2%</td>
</tr>
<tr>
<td>Profound and Multiple Learning Difficulty</td>
<td>1.4%</td>
</tr>
<tr>
<td>Visual Impairment</td>
<td>1.3%</td>
</tr>
<tr>
<td>Multi-sensory Impairment</td>
<td>0.1%</td>
</tr>
<tr>
<td>Other Disability or Difficulty</td>
<td>3.9%</td>
</tr>
</tbody>
</table>

13. The attainment of pupils with SEN is lower than pupils with no identified SEN. The proportion of pupils with no identified SEN, with SEN without a statement and with a statement of SEN that achieved the expected level in key stage 2 tests in 2006/07 was 92%, 46% and 19% respectively in English,

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4 (source: School Census, reported in the SFR Special Educational Needs in England, January 2007)
88%, 46% and 20% respectively in Maths and 95%, 69% and 34% respectively in Science. At GCSE, 53.9% of pupils with no identified SEN achieve five or more A*-C grades including English and Maths in 2006/2007 compared with 11.6% of pupils with SEN without a statement and 4.4% of pupils with a statement of SEN. (Source: National Pupil Database, reported in the SFR National Curriculum Assessment, GCSE and Equivalent Attainment and Post-16 Attainment by Pupil Characteristics, in England 2006/07).

Challenges and Opportunities

14. Data is used by schools, school improvement partners, local authorities, National Strategies advisers and others to evaluate and challenge school performance and identify areas for improvement. Improved use of data on pupils with SEN will help focus improvement on supporting this group of pupils, which have significantly lower attainment than other pupils. As has been observed, pupils with SEN are disproportionately likely to be male.

Equality Impact Assessment

15. It is unlikely that the bill will have an adverse impact; on the contrary, the policy intention and the Bill has the clear potential to have a positive impact by assisting in identifying and enabling action to reduce and remove barriers and inequalities that currently exist.

16. This Bill would ensure that future data collection arrangements and information publication and usage policies are developed with consideration for the need to use data to help improve the well-being of children with SEN.

Next Steps

17. The Government will support the Special Education Needs (Information) Bill in its passage through parliament.

18. Data on the characteristics of children with SEN will continue to be published annually, disaggregating for gender and ethnicity.

19. The Department will continue to work towards improving information on the number and characteristics of disabled pupils.

20. We expect that Ofsted will look at the collection and use of SEN data as part of a review of progress on implementation of the Government’s SEN strategy (Removing Barriers to Achievement, available at http://www.teachernet.gov.uk/docbank/index.cfm?id=11221) planned for 2009/10. The Government will then consider the recommendations of the review, including any on data, consulting more widely if appropriate.

21. Any specific changes to the data collection will be subject to a further equality impact assessment.