Getting In On The Act
A Review of Progress on Special Educational Needs

Special educational needs (SEN) services are under increasing pressure...
• the number of children with a statement has risen by 35 per cent since 1992
• the money spent on SEN services now accounts for about 15 per cent of the money spent on schools, an increase of 25 per cent since 1992

Getting In On the Act, published in 1992, recommended that...
• the level of disability triggering a statement should be better defined
• more children with a statement should be educated in mainstream schools
• assessment processes should be faster, and should meet the Government's target

...and the Government responded with changes to legislation and a Code of Practice on the Identification and Assessment of Special Educational Needs.

The Audit Commission has recently reviewed the extent to which local education authorities (LEAs) have implemented its recommendations. There have been some improvements...
• the proportion of children with a statement in mainstream schools has risen
• more assessments are being made within the target time
• the criteria for a statement appear to be better understood within LEAs, with fewer statutory assessments that do not result in a statement

...but problems remain...
• there appears to be little consistency between different LEAs in their policies on identifying needs or issuing statements
• the growth in the number of children with a statement needs to be reviewed

...and there is still a wide variation between authorities, with scope for many authorities to improve so that they match the standards of the best.

LEAs now need to take action by...
• reviewing progress and performance with their auditors, who will be able to provide comparative information for each authority
• identifying areas where action needs to be taken or policies reviewed
• developing an action plan

...to improve their support for children with special educational needs.

Value-for-money indicators
This update is part of a series that tracks progress on a number of selected national value-for-money studies, using indicators based on the original study recommendations.
The significance of special needs

1. Children with special educational needs (SEN) account for a significant and growing part of the school population, and take an increasing share of educational resources. On average 1 in 8 of the under 19 population (1 in 5 of the population aged 5 to 15) are identified as having special needs, and 1 in 50 have statutory statements of needs. The latter proportion has risen from 1 in 66 in 1992/93. Fifteen per cent of educational resources is now spent on special needs, a 25 per cent increase on 1992/93. Although varying in extent, most local education authorities (LEAs) have experienced these increases [EXHIBITS 1 and 2].

2. Children with special educational needs have greater difficulty in learning than the majority of children of the same age, or a physical, mental or behavioural disability that makes it difficult to use the educational provision generally provided locally, and require additional help. In some cases the extra help needed can be provided by the school from its own resources, but often additional help from the LEA will be required. A small proportion of children will have gone through a detailed assessment of their needs and will have a statutory statement that will identify the support that they will require.

EXHIBIT 1
Change in children with a statement (1992/93 to 1996/97)
The proportion of children with a statement has increased by 35 per cent nationally.

<table>
<thead>
<tr>
<th>Percentage change in number of children with a statement as percentage of all children</th>
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<tr>
<td>200%</td>
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<td>150%</td>
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<td>0%</td>
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<td>-50%</td>
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All authorities

Source: Audit Commission value-for-money (VFM) indicators

EXHIBIT 2
Change in SEN budgets (1992/93 to 1996/97)
The proportion of the budget allocated to SEN has grown by 25 per cent nationally.

<table>
<thead>
<tr>
<th>Percentage change in the proportion of the general schools budget allocated to SEN</th>
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<tbody>
<tr>
<td>150%</td>
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All authorities

Source: Audit Commission VFM indicators
Changing national policies and provision

3. The Audit Commission and Her Majesty's Inspector of Schools reported on the management of special education in a national report, *Getting in on the Act*, and an accompanying management handbook, *Getting the Act Together*, both published in 1992. The report noted that the 1981 Education Act did not indicate in practical terms the threshold of learning difficulty or disability that would warrant a statement of special educational need, and that there were wide differences in interpretation between LEAs. As a result there was a variation in the level of disability that triggered a statutory assessment and statement, both between LEAs, and between schools within the same LEA. The report criticised the speed of assessment in many authorities, and found that LEAs were taking significantly longer to issue statements than the target times set out in government guidelines. It also recommended that LEAs should increase the ability of their mainstream schools to manage children with SEN, and rationalise their special schools in the light of the falling pupil numbers at that time.

4. The Government acted swiftly to address deficiencies in the national framework, incorporating many recommendations of the study in the 1993 Education Act, and publishing the *Code of Practice on the Identification and Assessment of Special Educational Needs*, which came into effect in 1994. This provided guidance on assessing children, and on the recognition of children with special needs who do not have statements. It described a five stage model for identifying and managing different levels of special needs. Stages 1 to 3 are managed by schools with stage 1 covering the initial identification of need, leading to increased differentiation within the child's normal classroom work. Stage 2 includes the preparation of an individual education plan for the child, and at stage 3 the school will involve outside specialists to help the child to make progress. Stage 4 involves the LEA jointly with the school, the child's parents and other agencies in deciding whether a statutory assessment of needs is necessary and, if so, conducting that assessment, while at stage 5 the child will have a statement of special needs.

5. The Commission commented on these changes in the Bulletin, *The Act Moves On* (1994), warning that not only was the number of requests for assessment growing, but many of the issues highlighted in the original report for action by LEAs were still outstanding.

6. More recently, in 1997 the Government published a consultative document, *Excellence for all Children*. This emphasised the importance of working with parents, increasing the capability of mainstream schools to cater for children with special needs, and by better meeting the needs of children with SEN, reducing the pressure for children to have statements.

7. So how well are LEAs tackling this agenda for change? Three key issues are considered in this update, which reports the result of a recent follow-up survey carried out by the Commission (a description of the follow-up process is given on page 8).

- more emphasis on enabling mainstream schools to manage children with SEN;
- reducing delays in assessment; and
- ensuring greater consistency of assessment.
Enabling mainstream schools to manage children with SEN

8. Since the audit, carried out in 1992, the national proportion of children with statements of special needs who are educated in mainstream schools has risen from 40 per cent to 55 per cent, although there is considerable variation between individual LEAs [EXHIBIT 3].

9. Some of this variation may be explained by differences in LEAs' practices on issuing statements. There is a slight correlation between the number of children with a statement as a proportion of all children, and the proportion of children with a statement who are educated in mainstream schools. An LEA with a low proportion of children with a statement may give statements only to the children with the greatest disabilities, who are more likely to need a place in a special school and are less suitable for education in a mainstream school. But the variation could also be influenced by other factors, such as LEAs having different policies on issuing statements [EXHIBIT 4].

10. The Government's consultative document proposes that mainstream schools should be helped to meet a higher level of special needs without having to have children assessed. The Commission's survey provides no evidence that authorities spending more per child on children in stages 1-3 of the code have fewer children with a statement, so this change may be difficult to achieve in practice. However, this relationship may be clouded by LEAs' different policies on issuing a statement.

11. Although the number of children with statements of SEN in mainstream schools has risen, the increase in the total number of children with a statement means that the fall in the number of children in special schools has not taken place. As a result, the opportunity for rationalising special school places has not generally arisen.

EXHIBIT 3

Use of mainstream schools (1996/97)

There is a wide variation in emphasis given to educating children with statements in mainstream schools.

Children with a statement in mainstream schools as a percentage of all children with a statement

All authorities

Source: Audit Commission VFM indicators
There may be a link between the LEA policy on statements and the use of mainstream schools.

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12. Delays in the process of making an assessment were one of the main sources of complaint by parents of children with SEN. The Government has set a target timetable for making an assessment [EXHIBIT 5, overleaf].

13. Data was originally collected to measure performance against the 26-week total target. However, achieving the target time on the final stage of the process is critically dependent on the child's parents, and the Commission's local authority performance indicators now measure performance over the 18-week period to the draft statement. Long-term trends are not therefore available, but the latest published performance indicators show an improvement from 40 per cent of statements issued in the time target to 48 per cent between 1995/96 and 1996/97.
Consistency of policies

14. At a national level, the Commission’s report, Getting In On the Act, noted considerable variation in the proportion of children with a statement between different LEAs and concluded that there was little consistency in LEAs’ policies. The Commission’s survey found that the variation between LEAs in the proportion of children with a statement has increased, and now ranges from less than 1 per cent to over 4 per cent of the under 19 population. The total number of children with identified needs also shows a wide variation, ranging from 7 per cent to 20 per cent of the population. A similarly wide variation was also noted in the Government’s consultation paper, Excellence for all Children.

15. Some differences in the proportion of children identified as having special needs are to be expected, resulting from the different socio-economic make-up of each area, but this is unlikely to explain all the variation observed. The factors that determine the level of special needs identified in an LEA are complex, and warrant closer investigation at the national level, particularly in view of the growth in the number of children with identified SEN.
16. However, there is some evidence that the criteria for giving a child a statement are becoming better understood within individual LEAs. While the assessment process should not automatically lead to a statement, a child should have a statutory assessment only if there is a high probability that a statement will result. The small, but significant, reduction in the number of assessments that do not result in a statement found in this survey suggests that schools are better able to assess whether a child’s needs are likely to meet the LEA’s criteria for a statement. However, there is still a wide variation between LEAs, with a number issuing a statement to every child who is assessed, while others issue a statement in fewer than 80 per cent of cases [EXHIBIT 6].

17. While the decision to issue a statement is a matter of local policy, the extent of the disparity between LEAs is a matter of concern, in terms of the equity of support given to children with SEN, in interpreting the exceptional growth in SEN over the past five years, and in terms of making valid spending comparisons between authorities.

The next steps

18. While there has been some improvement in the problems identified in the 1992 report, there is still a need to investigate further some of the fundamental issues on the criteria for identifying need and on the reasons for the recent growth in statements. This will require national research. There is also considerable scope for more action locally. Individual LEAs need to know where they fit into this picture. The Commission’s auditors will provide personalised analyses for each authority that highlight the key issues that they should address. Chief executives and directors of education should discuss these results with their auditors if they have not already done so.
Following up value-for-money studies and audits

Each year the Audit Commission follows up selected national studies and associated local audits that it has carried out to see what changes have taken place. It does this by identifying key indicators - value-for-money indicators (VFMIs). These are based on the recommendations made by the study and compare new data for these indicators against the data collected at the time of the original audit. The choice of studies depends on the continued relevance of the topic and recommendations, and the scope for change. The results provide not only a valuable national picture of change, but they also allow individual authorities to gauge their own progress against that of other, similar authorities. Separate results are produced by auditors for each individual authority using computer software that allows them to select indicators and tailor comparative groups to particular local needs. The information for special educational needs has recently been given to auditors, and chief executives should discuss the mechanisms for local feedback with their auditor if they have not already done so.