

## **ANED country report on equality of educational and training opportunities for young disabled people**

**Country: United Kingdom**

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The information contained in this report was compiled by the Academic Network of European Disability experts (ANED) in May 2010.

The [Academic Network of European Disability experts](#) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network will support the future development of the EU Disability Action Plan and practical implementation of the United Nations Convention on the Rights of Disabled People.

This country report has been prepared as input for the Thematic report on the implementation of EU Equality of educational and training opportunities in European countries with reference to equality for young disabled people.

The purpose of the report ([Terms of Reference](#)) is to review national implementation on equality of educational and training opportunities for young people, and in particular the National Strategic Reports of member states from a disability equality perspective in education and training, and provide the Commission with useful evidence in supporting disability policy mainstreaming.



## Section 1: Executive summary and conclusions

The timing of this report coincides with a significant change of Government (in May 2010). All previous public spending and relevant policy functions are now under comprehensive and critical review. There may be significant changes in some areas.

There are separate arrangements for devolved implementation of much education and training in England, Wales, Scotland and Northern Ireland. This report uses mainly data from England for illustration (the largest jurisdiction). Aggregated English data on participation and outcomes can be regarded as fairly representative of the aggregated pattern for Great Britain, or the UK as a whole, but there are real policy differences.

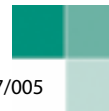
Basic and secondary school education is provided free to all. Parents have some 'choice' but do not have an absolute the right to decide which school their child attends. A national curriculum is followed in almost all schools, including special schools (there is no separate 'special' curriculum). The school system has been based, largely, on the responsibility of local authorities to allocate provision, including provision for 'special educational needs' (SEN) but there are now some moves towards more decentralised/autonomous school management.

All children have a right to an assessment of their needs and there is a responsibility to assess those at any risk of falling behind their peers. The SEN category includes all reasons for support, not only for 'disabled' pupils; however it is possible to disaggregate the SEN data by subsidiary categories of need. There is a formal system of registering SEN, at different levels of need and for different categories (including a formal written 'statement' for those requiring more support). All school leavers with SEN should also have an individual 'transition plan'.

The availability of published data on disabled students' participation and outcomes in school and post-school education is relatively good (and it will soon be possible to disaggregate 'disabled' pupils from the SEN schools data). It is often possible to disaggregate by age, gender, ethnicity, and impairment categories.

Almost 40% of school pupils with formal statements of SEN attend special schools - around 1.1% of all pupils (but they are mainly those with 'emotional and behavioural' needs and many more boys than girls). There are more than 1,000 special schools in England alone, employing over 45,000 staff. More than 3,500 children with statements are not being educated in school (e.g. because they have been 'excluded' from school, because 'other arrangements' were made by their local authority or parents, or because they were 'awaiting provision').

In terms of participation and outcomes, the Office for Disability Issues provides a range of useful indicators concerning disabled children and young people. There are substantial gaps in the average attainment of pupils with and without SEN.



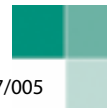
In general, this educational attainment gap (between those with/without declared disability/SEN) appears to become more and more narrow at each level of academic study after compulsory schooling – for those who succeed in progressing from one level to the next – but this overlooks those who do not progress.

It is harder to source data about those in non-academic training and apprenticeship schemes, or in work. The number of young ‘disabled’ people in the Labour Force Survey sample is too small to produce comparative statistics of participation for this age group, for example. New data from training providers is likely to become available in 2010, and young disabled people appear to be under-represented in apprenticeship training. Historic cohort data provides some indications, suggesting that the educational participation gap (contrary to the attainment gap between peer students) widens at the entry point into higher education.

There have been rather separate administrative systems of financial and practical support for students in education (i.e. separate from the systems of support provided to disabled people in employment or for help in daily living or via the social security system). The example of Disabled Students Allowance (for costs of practical support) provides useful information. Practical assistance is usually arranged by the college and sometimes by the student in the case of personal assistance for University students.

Schools, colleges, universities and training providers (including employers) are required to make ‘reasonable adjustments’ and must not to treat disabled learners ‘less favourably’, under disability discrimination legislation. Public providers (most of the educational institutions) also have a positive duty to monitor and promote disability equality.

However, in relation to the UN Convention, the previous UK Government’s position has raised some concerns. The UK ‘reserved’ and ‘declared’ its intention to maintain special school provision, including the option of schooling away from home (even where this is not the family’s preference). The newly-elected Government’s position goes further by seeking to oppose what it perceives as ‘the bias towards the inclusion of children with special needs in mainstream schools’. In conjunction with massive public spending cuts, this raises much concern about the limitation of Convention rights in terms of educational participation and progression.



## Section 2: Legal and policy context

It should be emphasised that UK education and training policy is, in many respects, devolved to the authority of regional governments in England, Wales, Scotland and Northern Ireland. This means that, in principle, there are common elements but also some significant policy differences. For example, the European Agency country reports<sup>1</sup> and Eurydice country descriptions<sup>2</sup> include four separate reference files. Further details on the general educational systems can be found in those reports.

It is also important to note that the election of a new Conservative-Liberal Democrat Government in May 2010 (at the same time of writing this report) introduces the possibility of some significant changes in relevant law and policy in the short to medium term. Policy goals for disabled children were consolidated by the previous New Labour Government, in 2007, in a national programme of reform under the title *Aiming High for Disabled Children*<sup>3</sup> (AHDC). This measure involved collaboration between the Department of Health and the Department for Children, Schools and Families. One of the key intentions was to share 'best practice' with the hope of making this 'common practice'. However, the emphasis here was primarily on services to disabled children and their families rather than education and training per se.

The current framework of responsibility in Government was established in the 2007 Apprenticeships, Skills, Children and Learning Act<sup>4</sup>. Responsibility for education and special education policy has been with the Department for Children, Schools and Families (DCSF) (emphasizing connections between educational and other relevant issues, such as child welfare and child poverty). This Department included a Special Educational Needs and Disability Division<sup>5</sup>. Following the May 2010 General Election, the DCSF was immediately re-organized, so that it is now known as the Department for Education. Policy for further education, skills and higher education is the responsibility of the Department of Business, Innovation and Skills<sup>6</sup>. However, there has inevitably been some cross-over with the responsibilities of the Department for Work and Pensions (DWP). More generally, high level and transversal responsibility for all disability policy resides with the Office for Disability Issues<sup>7</sup>, which is also located within the DWP. A new Minister for Disabled People (Maria Miller) was appointed on 18 May 2010. The Office for Standards in Education (Ofsted) is also conducting a comprehensive review of SEN provision and will report in 2010. The modern system of school provision for disabled children was established in the 1944 Education Act<sup>8</sup> (1945 in Scotland) but has undergone considerable legislative reform since then, and the 1944 Act was repealed in 1996.

<sup>1</sup> <http://www.european-agency.org/country-information/>

<sup>2</sup> [http://eacea.ec.europa.eu/education/eurydice/eurybase\\_en.php#uk](http://eacea.ec.europa.eu/education/eurydice/eurybase_en.php#uk)

<sup>3</sup> <http://www.dcsf.gov.uk/everychildmatters/healthandwellbeing/ahdc/AHDC/>

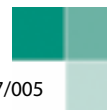
<sup>4</sup> [http://www.opsi.gov.uk/acts/acts2009/ukpga\\_20090022\\_en\\_1](http://www.opsi.gov.uk/acts/acts2009/ukpga_20090022_en_1)

<sup>5</sup> <http://www.teachernet.gov.uk/wholeschool/sen/>

<sup>6</sup> <http://www.bis.gov.uk/>

<sup>7</sup> <http://www.officefordisability.gov.uk/>

<sup>8</sup> [http://www.opsi.gov.uk/acts/acts1944/pdf/ukpga\\_19440031\\_en.pdf](http://www.opsi.gov.uk/acts/acts1944/pdf/ukpga_19440031_en.pdf)



The Act (as amended) created a free secondary education for all and a strong involvement for local authorities in the strategic and operational management of schools, with increased control over the admission and selection of pupils. In particular, its Regulations (e.g. the 1945 Handicapped Pupils and School Health Service Regulations) established specific categories of children, based on impairment types or labels. It did not assume that children in these categories should be excluded from mainstream schools but did allow for the creation of publicly-funded special schools in each category (initially 11 categories).

Despite extensive reform since the 1940s, the current system does retain some elements of this framework – the guarantee of free schooling for all, the existence of provision in both mainstream schools and special schools that target impairment-specific needs, and the overall responsibility of local education authorities in assessing and determining individual needs and school placements for most children. Following the 1978 Warnock Report, the 1981 Education Act<sup>9</sup> introduced the concept of ‘special educational needs’ (SEN) and promoted a greater focus on support for ‘integration’ in ordinary schools. It established the need for SEN to be assessed by schools and gave parents a stronger voice. The 1988 Education Reform Act<sup>10</sup> then established the basis for a National Curriculum and the right of all children (including those in special schools) to follow this curriculum. However, Halpin and Lewis (1996) note that the original proposal was not designed with special school pupils in mind and that there was active resistance from many special schools.

Within a strong policy agenda for parental ‘choice’, promoted by former Conservative Governments (1979-97), the 1993 Education Act introduced a Special Educational Needs Tribunal system with the intention of allowing greater rights of appeal for parents. Riddell et al. (2000: 631) argue that, particularly in England, such developments highlighted ‘a shift away from a policy framework based on professional control’ towards more bureaucratic and managerial approaches (see also Vincent et al. 1996; Harris et al. 1997). In practice, however, there has been much criticism of the Tribunal system’s effectiveness in facilitating access to mainstream schooling against professional opinion (e.g. Kenworthy and Whittaker 2000; Bagley et al. 2001; Runswick-Cole 2007). In 2008 the Tribunal structure was reformed into a ‘two-tier’ system and there have been moves to encourage mediation rather than formal judicial processes. However, as Riddell et al. (2010) point out, there is little evidence that mediation has been widely used in practice. In 2010 the responsibility of the Local Government Ombudsman was extended to consider complaints about LEA provision for special educational needs<sup>11</sup>.

The 1996 Education Act<sup>12</sup> placed a duty on local authorities in England and Wales to identify all children with SEN in their area and to assess their needs. Such assessment can be requested at any time by the school or the parent (and may be carried out before a child reaches compulsory schooling age).

<sup>9</sup> [http://www.opsi.gov.uk/acts/acts1981/pdf/ukpga\\_19810060\\_en.pdf](http://www.opsi.gov.uk/acts/acts1981/pdf/ukpga_19810060_en.pdf)

<sup>10</sup> [http://www.opsi.gov.uk/acts/acts1988/ukpga\\_19880040\\_en\\_1](http://www.opsi.gov.uk/acts/acts1988/ukpga_19880040_en_1)

<sup>11</sup> <http://www.teachernet.gov.uk/docbank/index.cfm?id=14656>

<sup>12</sup> [http://www.opsi.gov.uk/acts/acts1996/ukpga\\_19960056\\_en\\_1](http://www.opsi.gov.uk/acts/acts1996/ukpga_19960056_en_1)



Where a need is identified a formal 'Statement of Special Educational Need'<sup>13</sup> may be produced by the education authority. This statement details the actions required and includes the designation, as appropriate, of a particular school, or type of school, and the need for particular kinds of support (such as particular adjustments, technologies or teaching approaches required). Guidance on the type of support and provision is contained in the statutory Special Educational Needs Code of Practice<sup>14</sup> (which has been revised since 1996). A non-technical guide for parents is also available<sup>15</sup>. Where formal statement of SEN provision is not judged necessary, the pupil may be assigned to 'School Action' (e.g. a need for ongoing assessment, or a different approach to teaching as defined in the child's Individual Education Plan), or 'School Action Plus' (e.g. where external professional advice is sought about the best way to work with the child). The movement from School Action, to School Action Plus, to statement of SEN depends on an assessment of whether the child is making sufficient progress at school (as defined in the Codes of Practice).

Under the 1996 Education Act 1996, SEN is defined as follows: 'a child has special educational needs if he or she has a learning difficulty which calls for special educational provision to be made for him or her'. In addition, the same Act notes that a 'learning difficulty' includes 'a disability, which prevents or hinders them from making use of education facilities' (if it requires some additional or different kind of educational provision). Under the 1995 Disability Discrimination Act (DDA) a disabled person was defined as someone who has, 'a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'. This definition is interpreted very broadly and would include children and young people with a very wide range of impairments or health conditions (e.g. it would include children with learning difficulties, dyslexia, diabetes, epilepsy or HIV, if this had a substantial and long-term effect on their education). A more detailed definition was also given in the 2007 *Code of practice for schools - DDA 1995: Part 4*<sup>16</sup> by the former Disability Rights Commission (now replaced within the Equality and Human Rights Commission).

This means that not all children with statements of SEN would be considered as 'disabled' children (under the Disability Discrimination Act) and not all disabled children would have a statement of SEN.

However, in practice, almost all children with significant needs for adjustment or additional expenditure associated with impairment or disabling barriers will have a formal statement of SEN (but most children with minor needs for adjustment do not have statements).

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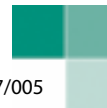
<sup>13</sup> <http://www.direct.gov.uk/en/parents/schoolslearninganddevelopment/specialeducationalneeds/dg4000870>

<sup>14</sup> <http://www.teachernet.gov.uk/doc/3724/SENCodeofPractice.pdf>

<sup>15</sup> <http://www.teachernet.gov.uk/docbank/index.cfm?id=3755>

<sup>16</sup> [http://83.137.212.42/sitearchive/drc/the\\_law/legislation\\_codes\\_regulation/codes\\_of\\_practice.html](http://83.137.212.42/sitearchive/drc/the_law/legislation_codes_regulation/codes_of_practice.html)





The number of children who have a statement of SEN has decreased slightly in recent years, although the number of new statements appears to have increased in the last year of measurement (see statistics presented in Section 3 of this report).

Although the DDA was enacted in 1995<sup>17</sup> it was not applied to educational provision until amended by the 2001 Special Educational Needs and Disability Act<sup>18</sup> (known as SENDA). The key features of the legislation demand that disabled students should not be subject to 'less favourable treatment' by providers of education (including schools, colleges and universities) and that 'reasonable adjustments' should be made. However, this is subject to interpretation and there are a number of possible justifications for less favourable treatment or not making adjustments. For example, less favourable treatment could be justified because of: the 'ability of the disabled student to benefit from the provision'; the 'effect on provision for other students where the disabled student would be unable to meet medical or other requirements of a profession to which the course leads'; 'health and safety'. Similarly, a failure to make adjustments could be justified because of the:

- Effect on academic and other standards.
- Cost and financial resources available.
- Practical possibility of making the adjustment.
- Effectiveness of the adjustment or additional provision.
- Disruption caused to others.
- Grounds that the student, or others, should provide the additional provision or services.
- Importance of the service to which access is being sought.

The duties are anticipatory and apply not only to those currently attending the school but also prospective pupils. Official guidance and resource materials on *Implementing the Disability Discrimination Act in Schools and Early Years Settings* were published by the Department for Education and Skills in 2006<sup>19</sup>. Statutory guidance on *Access to Education for Children and Young People with Medical Needs*<sup>20</sup> was previously published in 2001 (setting out minimum standards of education for children who are unable to attend school).

This was supplemented in 2010 with further guidance on the home education of children with SEN<sup>21</sup> emphasising that local education authorities remain responsible for children even if they are not attending school.

<sup>17</sup> [http://www.opsi.gov.uk/acts/acts1995/ukpga\\_19950050\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1)

<sup>18</sup> [http://www.opsi.gov.uk/acts/acts2001/ukpga\\_20010010\\_en\\_1](http://www.opsi.gov.uk/acts/acts2001/ukpga_20010010_en_1)

<sup>19</sup> <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES+0160+2006>

<sup>20</sup> <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES/0025/2002&>

<sup>21</sup> <http://www.teachernet.gov.uk/docbank/index.cfm?id=14700>



In 2006, a Disability Equality Duty (DED) was introduced (under Part 5A of the DDA), which requires all public bodies (including publicly-funded schools, colleges and Universities) to positively promote disability equality, to actively monitor equality and to produce a 'Disability Equality Scheme' (DES). DED guidance was issued to schools<sup>22</sup> and to the further and higher education sectors<sup>23</sup> (all colleges and universities were expected to produce an Equality Scheme by December 2006, to report annually and to revise their schemes every three years). The guidance required the involvement of disabled people in developing the Scheme. However, it has also been possible for institutions to produce a 'single Equality Scheme' covering not only disability equality but also other dimensions (such as gender racism and so on). According to the guidance, each DES should include:

- a statement of how disabled people have been involved in developing the Scheme
- arrangements for gathering information on:
  - the recruitment, development and retention of disabled employees
  - the educational opportunities available to and achievements of disabled students
- details of how information gathered will be used, in particular to review the effectiveness of Action Plans and prepare subsequent Schemes
- a method / methods for assessing the impact of policies and practices on disability equality and where improvements can be made
- an Action Plan detailing the steps that are going to be taken to meet the general duty.

Beckett et al.'s (2009) recent survey of mainstream primary schools in England found that only 38% of respondent schools had prepared their DES two years after the deadline when they were legally required to do so.

In a survey by the teachers' union, the Association of Teachers and Lecturers (ATL) (2008: 2) it was stated that: 'more than 40% of respondents did not know whether their school or college had a disability equality scheme. Of those who did know about the existence of such a scheme in their school or college, 63.4% did not know whether disabled people had been involved in its preparation'. The Lamb Inquiry (Lamb 2007) into Special Educational Needs and Parental Confidence found evidence of a commitment to positive outcomes for disabled pupils in school, suggesting that leadership has been an important factor (supported by the government's Aiming High for Disabled Children initiative). However, it also found that parents were often unaware of their children's rights under the Disability Discrimination Act.

It recommended that government should give greater promotion to Disability Equality Schemes 'as a vehicle for working with disabled pupils to identify and address bullying' (Lamb 2007: 34) and that official data should be published on the extent to which local authorities have complied with the requirements.

<sup>22</sup> <http://nationalstrategies.standards.dcsf.gov.uk/node/245305>

<sup>23</sup> <http://www.dotheduty.org/files/Furtherandhighereducation.pdf>



The transition to post-compulsory education presents a slightly complex system of alternatives. Many secondary schools provide post-compulsory schooling (e.g. for students aged 16-19) but many school leavers study in local colleges of further education rather than in schools (although many of them will study the same examination curriculum). Further education colleges also provide a very wide range of 'adult and community learning' opportunities, which may include vocational training courses and basic skills but which are not restricted to young people only. Further education colleges and universities may also provide 'access courses' with the specific intention of helping prospective adult students gain entry to higher education. Since these kinds of courses are intended for those who have not gained entry level at school, and from social groups who often have low participation rates, disabled students are sometimes targeted in provision. Finally, there are additional vocational training and qualification opportunities available to school leavers in the form of national (as well as local) apprenticeship schemes<sup>24</sup>. HEIs, FE colleges, adult community learning and work based learning are all covered by the DDA so that those entering this phase have the same protection.

The 2000 Learning and Skills Act<sup>25</sup> established a Learning and Skills Council (LSC) in England with responsibility for ensuring provision of training and education (other than higher education) for 16-19 year-olds, and for those over 19; also encouraging individuals and employers to participate. The law required that 'the needs of persons with learning difficulties' be taken into account. It also gave powers to secure residential placements where alternative education and training could not be put in place (up to the age of 25).

The definition of 'learning difficulty' is essentially the same as SEN in schools and a written assessment of need for all pupils with a statement of SEN is required during their final year at school (see also DCSF 2010). The LCS (2006) strategy on *Improving Education and Training Opportunities for People with Learning Difficulties and/or Disabilities* was framed within the wider Government agenda for improving the life chances of disabled people. It sought to ensure that 'People with learning difficulties and/or disabilities must not be marginalised and we must strive harder to deliver access to, and experience of, post-16 learning...that is equal to that experienced by their peers without learning difficulties and/or disabilities'. The LSC has now been replaced by two bodies – the Young People's Learning Agency<sup>26</sup> (YPLA) and the Skills Funding Agency<sup>27</sup> (within the Department for Business, Innovation and Skills).

The YPLA provides financial support to young learners and supports local authorities, which now have increased duties to arrange education and training for all 16-19 year-olds. The Skills Funding Agency regulates and funds further education and skills training at national level.

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<sup>24</sup> <http://www.apprenticeships.org.uk/Types-of-Apprenticeships.aspx>

<sup>25</sup> [http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000021\\_en\\_1](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000021_en_1)

<sup>26</sup> <http://www.ypla.gov.uk/>

<sup>27</sup> <http://skillsfundingagency.bis.gov.uk/>

There has been an increasingly strong focus in recent Government policy to ensure that all school-leavers are placed in some sort of education, training or employment (prompted by concern over the rising number of those not so placed, discussed later). There is a National Qualifications Framework, a Qualifications and Credit Framework (for work-related qualifications) and a Framework for Higher Education Qualifications, which set out the different levels and opportunities available<sup>28</sup> (although the framework typology differs somewhat in Scotland). In England, the former Youth Training Scheme (YTS) was replaced by 'Work-based Learning for Young People' (WBLYP) in 1998. This included initiatives such as Advanced Modern Apprenticeships (AMAs) and Foundation Modern Apprenticeships (FMAs), focused on provision of work-based skills training options for those aged 16-24. In principle, all of these opportunities are available to disabled young people. Attendance at any particular type of school, including special school, would not legally prevent someone from continuing with either an academic or vocational pathway (although, in practice, individuals may face considerable disadvantages and barriers to some routes).

Young people who had a statement of special need at school should have a transition plan that sets out the support they may expect to receive as they progress after the age of 16.

"The Transition Plan should draw together information from a range of individuals within and beyond school in order to plan coherently for the young person's transition into adult life.

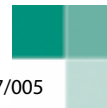
Transition Plans, are not simply about post-school arrangements. They should plan for ongoing educational provision, under the Statement of Need as overseen by the Local Educational Authority" (Special Educational Needs Codes of Practice, Para 9.51)

Chapter 9 of the Special Educational Needs Codes of Practice also makes it clear that transition planning should address questions concerning the young person, their family, the school and the professionals supporting them. Questions should include:

- What are the hopes and aspirations for the future and how can these be met?
- Will parents experience new care needs and require practical support?
- How can the curriculum help young people play their role in the community?
- Does the young person have any special health or welfare needs that will require planning and support from Health and Social Care Services now and in the future?

There has been national encouragement to use person-centred planning and although this is far from universal, there is an increasing number of examples of this approach.

<sup>28</sup> [http://www.direct.gov.uk/en/EducationAndLearning/QualificationsExplained/DG\\_10039017](http://www.direct.gov.uk/en/EducationAndLearning/QualificationsExplained/DG_10039017)



Key information for professionals about the transition process for disabled children was published by the Department for Children, Schools and Families/Department of Health in 2007<sup>29</sup> and the DCSF and Department of Business, Innovation and Skills also produced a joint publication<sup>30</sup>. However practices have been patchy<sup>31</sup> and there have been particular difficulties where children have been educated outside their 'home' area (Heslop and Abbott 2008). A wider (though cursory) view of educational transition and disability is available from the Quality Improvement Agency<sup>32</sup>. There has been an increase in the amount of information available to young disabled people and their parents concerning transition opportunities<sup>33</sup>.

In summary, the general legal framework guarantees free access to compulsory schooling for all children but there is no guarantee that this can be provided in mainstream schools. Law and policy, until now, has tended to favour mainstream school placements where possible but also provides for parental preference and appeal.

Both disability advocacy groups, within the disabled people's movement, and some parental advocacy groups, in a climate of educational consumerism, have played a part in promoting mainstream education (Clough and Barton 1999; Clough and Corbett 2000; Halpin 1999). Local authorities have a responsibility to identify and assess every child's individual need for special educational provision; schools and colleges are required to make reasonable adjustments to accommodate their disabled students. They must not treat them less favourably than other students. They are also required to monitor their own institutional progress towards disability equality, and to actively promote that equality in published plans. These latter requirements apply to education and training providers in further and higher education as well as to schools.

In relation to the UN Convention, the UK Government position on schooling has raised some concerns. The outgoing New Labour Government ratified the Convention (June 2009) and Optional Protocol (August 2009) but registered its right of Reservation and Interpretive Declaration on Article 24 (Education). The UK Reservation stated that:

'The United Kingdom reserves the right for disabled children to be educated outside their local community where more appropriate education provision is available elsewhere.'

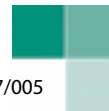
<sup>29</sup> [www.everychildmatters.gov.uk/resources-and-practice/IG00322/](http://www.everychildmatters.gov.uk/resources-and-practice/IG00322/)

<sup>30</sup> [http://www.actiononaccess.org/resources/files/resources\\_7th\\_bulletin\\_16-19.pdf](http://www.actiononaccess.org/resources/files/resources_7th_bulletin_16-19.pdf)

<sup>31</sup> <http://www.bristol.ac.uk/norahfry/research/completed-projects/bridging-findings.pdf>

<sup>32</sup> [http://sflip.excellencegateway.org.uk/PDF/Briefing\\_paper\\_on\\_disability\\_issues\\_2.pdf](http://sflip.excellencegateway.org.uk/PDF/Briefing_paper_on_disability_issues_2.pdf)

<sup>33</sup> For example, see <http://www.after16.org.uk/> and a range of specific or local sites, such as: Newham (Learning difficulties) <http://www.newhameasyread.org/>; Moving forward <http://readingroom.lsc.gov.uk/lsc/NorthEast/HIP0187.pdf>; or Moving on Up <http://www.movingonup.info/>; or 123 Go in North East Lincolnshire <http://www.123go.org.uk/>



Nevertheless, parents of disabled children have the same opportunity as other parents to state a preference for the school at which they wish their child to be educated.'

The Declaration asserted a commitment to 'to develop an inclusive system where parents of disabled children have increasing access to mainstream schools and staff' but added that: 'The General Education System in the United Kingdom includes mainstream, and special schools, which the UK Government understands is allowed under the Convention'<sup>34</sup>.

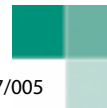
In this sense, there has been no Treaty commitment to move decisively or comprehensively towards the elimination of segregated schooling. The meaning of 'access to mainstream schools and staff' remains open to interpretation and this position raises new concerns in light of the newly-elected Government's position on this issue. Indeed, the new Prime Minister made an unequivocal, and much publicised, election manifesto commitment to a 'moratorium on the ideologically-driven closure of special schools', and a pledge to 'end the bias towards the inclusion of children with special needs in mainstream schools'<sup>35</sup>.

To add to this concern, the new Government moved rapidly, in its first days, to confirm proposals for legislation on the right of schools to apply for greater self-governance and financial autonomy from the local education authority (so-called Academy school status). The implication is that schools granted this status will receive full funding from their local authority's school budget, but will not be obliged to purchase support services provided by that local authority. There is a concern that reductions in some local authority budgets, coupled with significant austerity cuts in public expenditure, will result in a reduction of local capacity to provide specialist disability support and advice services to mainstream schools (thereby increasing parents' incentive to seek specialist resources in special schools). It is therefore difficult at this moment in time to conclude, precisely, the UK Government's current policy position.

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<sup>34</sup> <http://www.un.org/disabilities/default.asp?id=475>

<sup>35</sup> <http://www.general-election-2010.co.uk/2010-general-election-manifestos/Conservative-Party-Manifesto-2010.pdf>



## Section 3: Evidence of outcomes and progress towards inclusion

### 'SEN' and 'disability' data in schools

In order to understand the various indicators of participation and outcomes it is important to consider how data is reported in official statistics (particularly in relation to the distinction between 'disability' and 'special educational needs'). In the broad sense, there are some 1.7 million school children/pupils aged 3-19 (21%) who could be considered as having a special educational need, and up to 70% in some schools (DCSF 2010). Information about those in schools has been collected routinely in the Pupil Level Annual Schools Census (PLASC), now replaced by the Annual School Census for publicly-maintained secondary schools. Completion of the data returns is compulsory under law. The data includes information on all children with an identified special educational need (whether or not they have a formal statement of that need). All children with SEN are assigned to one of 11 categories, according to the main category of need for which special provision is being made (as set out in the Codes of Practice). The draft version of the 2011 PLASC also includes two new questions on disability, which will identify children who are covered under the legal terms of the Disability Discrimination Act (this will enable a clearer disaggregation of 'disabled' children from children with 'SEN' in future data reports).

The data provides considerable opportunities for detailed analysis (although much beyond the scope of this report). It includes, for example, information on gender, ethnic group, language spoken, free school meals, course type studied by pupils over 16, permanent exclusion (as well as information on teachers, types of schools, etc). There are, however, some limitations in disaggregating individual level data for all variables. The data for 2008<sup>36</sup> is used as a basis for summary reporting in the European Agency country profiles (DCSF 2008). There is a separate School Census for England, Scotland and Wales (we focus here on England for illustration as it is by far the largest). The official headline figures for England, in January 2008, can be summarised as follows<sup>37</sup> (these differ slightly from those reported by the European Agency).

- There were 1,390,700 pupils identified as having SEN who did not have a statement (17.2% of all school pupils and an increase of 16.4% from the previous year)
- There were 223,600 pupils with a statement of SEN (2.8% of all school pupils)
- The incidence (%) of pupils with statements of SEN increased steadily from 2.5% in 1994 to 3.1% in 2000, and then declined to 2.8% in 2008.
- The proportion of pupils with SEN in England was 19.5% in primary schools and 19.8% in secondary schools (but with considerable variation between rural and urban areas).
- 60.2% of pupils with statements of SEN attended mainstream schools (publicly-maintained or independent), while 39.8% attended special schools

<sup>36</sup> <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000794/index.shtml>

<sup>37</sup> [http://www.dcsf.gov.uk/trends/upload/xls/3\\_5t.xls](http://www.dcsf.gov.uk/trends/upload/xls/3_5t.xls)

(this includes pupil referral units targeting mainly children with emotional and behavioural difficulties).

- There was a decrease in the number attending publicly-maintained mainstream schools and an increase in the much smaller number attending independent mainstream schools.

For comparison, the influential policy agenda document *Improving the Life Chances of Disabled People* (PMSU 2005), estimated that there were 772,000 disabled children in the UK (around 7%). There is thus some disparity between data on those for whom special educational provision is made and those who might be protected by disability non-discrimination legislation. However, the 2008 SEN data does provide some indication of the different categories that are judged to constitute each child's 'primary need' for special educational provision (and whether or not they have a formal statement). The following tables are adapted from the official statistical release<sup>38</sup> (and should be read with reference to any relevant statistical footnotes at source):

**Table 1: Pupils with and without statements of SEN (by primary need)**

	SEN pupils with school Action Plus		SEN pupils with statement	
	Number	%	Number	%
Specific Learning Difficulty	63,380	14.3	13,700	6.4
Moderate Learning Difficulty	127,860	28.9	44,100	20.7
Severe Learning Difficulty	3,750	0.8	25,390	11.9
Profound & Multiple Learning Difficulty	680	0.2	8,380	3.9
Behaviour, Emotional & Social Difficulties	118,440	26.8	30,600	14.3
Speech, Language and Communications Needs	69,370	15.7	26,550	12.4
Hearing Impairment	7,680	1.7	6,570	3.1
Visual Impairment	4,240	1.0	3,840	1.8
Multi- Sensory Impairment	400	0.1	540	0.3
Physical Disability	10,290	2.3	15,130	7.1
Autistic Spectrum Disorder	12,750	2.9	34,550	16.2
Other Difficulty/Disability	23,070	5.2	3,930	1.8
Unclassified	260	0.1	60	0.0
<b>Total</b>	<b>442,170</b>	<b>100.0</b>	<b>213,330</b>	<b>100.0</b>

<sup>38</sup> <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000794/PrimaryNeedTables2008Final.xls>



It is worth noting, then, that more children with ‘visual’ or ‘hearing’ difficulties are provided for without a statement than with (e.g. because their education can be achieved through adaptation to classroom teaching, without need for specialist staff or equipment). The same is true for ‘specific learning difficulty’ (such as dyslexia), ‘moderate learning difficulty’, ‘speech and language’, and the large proportion of pupils labelled with ‘behaviour, emotional or social difficulties’ or ‘other’. Nearly four out of ten pupils whose main need for provision is defined as ‘physical disability’ are accommodated without a formal statement.

The SEN census data can then be broken down by other significant variables, such as gender, age or ethnicity. There are very significant gender differences in the categories of need identified through SEN statements.

**Table 2: Pupils with statements of SEN (by gender and primary need)**

	Boys		Girls		Total	
	Number	%	Number	%	Number	%
Specific Learning Difficulty	10,600	6.9	3,110	5.2	13,700	6.4
Moderate Learning Difficulty	28,840	18.8	15,260	25.6	44,100	20.7
Severe Learning Difficulty	16,140	10.5	9,250	15.5	25,390	11.9
Profound & Multiple Learning Difficulty	4,660	3.0	3,720	6.2	8,380	3.9
Behaviour, Emotional & Social Difficulties	26,900	17.5	3,690	6.2	30,600	14.3
Speech, Language and Communications Needs	19,430	12.6	7,120	11.9	26,550	12.4
Hearing Impairment	3,630	2.4	2,940	4.9	6,570	3.1
Visual Impairment	2,170	1.4	1,670	2.8	3,840	1.8
Multi- Sensory Impairment	320	0.2	220	0.4	540	0.3
Physical Disability	8,790	5.7	6,340	10.6	15,130	7.1
Autistic Spectrum Disorder	29,620	19.3	4,930	8.2	34,550	16.2
Other Difficulty/Disability	2,490	1.6	1,440	2.4	3,930	1.8
Unclassified	40	0.0	10	0.0	60	0.0
<b>Total</b>	<b>153,630</b>	<b>100.0</b>	<b>59,700</b>	<b>100.0</b>	<b>213,330</b>	<b>100.0</b>

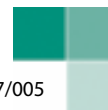
As this data shows, boys are much more likely to receive a statement than girls (and the same is true for the identification of SEN without formal statement). Girls are more likely to have their main need defined as 'Moderate', 'Severe' or 'Profound Learning Difficulty' (intellectual impairment). The same is true for 'Hearing', 'Visual', 'Multi-sensory' and 'Physical Impairment', and for 'Other'. Boys, however, are much more likely to be identified as having 'Behaviour, Emotional & Social Difficulties' or 'Autistic Spectrum Disorder' as their main category of need. These differences are substantial and also raise questions about practice and process. It is, however, essential to recall that the census records the 'main' category of special provision as defined by the school (so that some categories of secondary provision are masked by the labelling of large numbers of boys in certain categories).

Some similar patterns may be seen in the data on ethnicity<sup>39</sup> (again for those with SEN statements).

**Table 3: Pupils with statements of SEN (by ethnicity)**

	<b>White</b>	<b>Mixed</b>	<b>Asian</b>	<b>Black</b>	<b>Chinese</b>	<b>Other</b>	<b>All</b>
	%	%	%	%	%	%	%
Specific Learning Difficulty	7.1	5.5	2.8	4.2	2.3	3.9	6.6
Moderate Learning Difficulty	21.8	17.4	21.6	14.8	12.1	15.6	21.2
Severe Learning Difficulty	11.3	10.0	17.2	12.0	15.4	16.4	11.8
Profound/Multiple Learning Difficulty	3.3	3.5	7.0	3.9	5.6	6.3	3.6
Behaviour, Emotional & Social	15.5	19.5	3.9	14.5	3.5	7.9	14.8
Speech, Language & Communications	11.9	13.2	13.4	17.4	22.8	17.2	12.3
Hearing Impairment	2.6	2.6	7.9	3.3	3.3	6.4	3.0
Visual Impairment	1.6	1.6	3.9	1.5	3.1	2.9	1.8
Multi-Sensory Impairment	0.2	0.3	0.4	0.2	x	x	0.2
Physical Disability	6.9	6.0	9.3	4.8	5.1	6.4	6.9
Autistic Spectrum Disorder	16.0	18.7	10.8	21.4	24.9	14.8	16.0
Other Difficulty/Disability	1.8	1.7	1.7	1.7	1.8	2.2	1.8

<sup>39</sup> The data table is simplified here from 17 categories (the main sub-categories are retained)



Unclassified	0.0	x	x	0.1	0.0	x	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Number</b>	<b>170,010</b>	<b>7,090</b>	<b>13,630</b>	<b>9,620</b>	<b>510</b>	<b>1,750</b>	<b>205,630</b>

...and for those without statements...

**Table 4 : SEN pupils without statements of SEN (by ethnicity)**

	<b>White</b>	<b>Mixed</b>	<b>Asian</b>	<b>Black</b>	<b>Chinese</b>	<b>Other</b>	<b>All</b>
	%	%	%	%	%	%	%
Specific Learning Difficulty	16.2	12.5	7.9	10.2	9.3	11.3	<b>15.1</b>
Moderate Learning Difficulty	29.6	26.4	41.8	27.9	18.4	31.6	<b>30.1</b>
Severe Learning Difficulty	0.7	0.7	1.1	0.9	x	1.0	<b>0.8</b>
Profound/Multiple Learning Difficulty	0.1	0.1	0.2	0.1	0.0	0.2	<b>0.1</b>
Behaviour, Emotional & Social	27.6	36.0	14.6	35.0	14.3	21.6	<b>27.6</b>
Speech, Language Communications	12.5	13.3	20.5	17.1	40.1	21.7	<b>13.4</b>
Hearing Impairment	1.7	1.1	2.9	0.9	2.1	1.7	<b>1.7</b>
Visual Impairment	0.9	0.6	1.6	0.6	x	0.7	<b>0.9</b>
Multi- Sensory Impairment	0.1	0.1	0.1	0.1	0.0	0.1	<b>0.1</b>
Physical Disability	2.2	1.6	2.6	1.2	0.9	1.9	<b>2.1</b>
Autistic Spectrum Disorder	3.0	2.6	1.2	1.6	2.0	1.1	<b>2.7</b>
Other Difficulty/Disability	5.3	4.9	5.5	4.3	12.0	7.0	<b>5.3</b>
Unclassified	0.1	0.1	0.1	0.1	0.0	x	<b>0.1</b>
Total	100.0	100.0	100.0	100.0	100.0	100.0	<b>100.0</b>
<b>Total number</b>	<b>338,990</b>	<b>15,720</b>	<b>26,010</b>	<b>24,380</b>	<b>810</b>	<b>4,630</b>	<b>415,790</b>

Looking at this data, pupils of 'Asian' origin (mainly Indian, Pakistani, Bangladeshi) are more likely to be identified as having learning difficulties (intellectual impairment), hearing, visual or physical impairments as their main need, while 'Mixed' and 'Black' (Caribbean, African) pupils are much more likely to be categorised with reference to provision for 'Behaviour' difficulties. Official guidance asks schools, specifically, not to use English as a foreign language in categorising primary need for SEN but it is likely that that is happening (e.g. in the large proportion of 'Chinese', 'Asian' and 'Other' pupils labelled with 'Speech, Language and Communication Needs').

Finally, there is a strong association between certain categories of primary need and whether or not pupils are eligible for 'free school meals' (a much-used proxy for pupils from low income families).

**Table 5: Pupils with SEN statements (by eligibility for free school meals, if known)**

	Eligible		Not eligible		Total	
	Number	%	Number	%	Number	%
Specific Learning Difficulty	2,830	4.8	10,880	7.0	13,700	6.4
Moderate Learning Difficulty	15,050	25.8	29,050	18.7	44,100	20.7
Severe Learning Difficulty	8,000	13.7	17,380	11.2	25,390	11.9
Profound & Multiple Learning Difficulty	2,050	3.5	6,330	4.1	8,380	3.9
Behaviour, Emotional & Social Difficulties	11,220	19.2	19,380	12.5	30,600	14.3
Speech, Language and Communications Needs	6,230	10.7	20,320	13.1	26,550	12.4
Hearing Impairment	1,400	2.4	5,170	3.3	6,570	3.1
Visual Impairment	780	1.3	3,060	2.0	3,840	1.8
Multi- Sensory Impairment	130	0.2	410	0.3	540	0.3
Physical Disability	3,470	5.9	11,670	7.5	15,130	7.1
Autistic Spectrum Disorder	6,350	10.9	28,200	18.2	34,550	16.2
Other Difficulty/Disability	840	1.4	3,090	2.0	3,930	1.8
Unclassified	10	0.0	50	0.0	60	0.0
<b>Total</b>	<b>58,350</b>	<b>100.0</b>	<b>154,980</b>	<b>100.0</b>	<b>213,330</b>	<b>100.0</b>

Pupils eligible for free school meals are less likely to be categorised with a ‘main’ need of ‘specific learning difficulties’ (e.g. dyslexia), ‘autism’, ‘hearing’, ‘visual’ or ‘physical disability’ compared to higher income families but they are more likely to be labelled with ‘behaviour’ difficulties, or ‘moderate’ and ‘severe’ learning difficulties (i.e. intellectual impairment).

### Segregation and integration

As mentioned in Section 2, the 1944 Education Act gave local authorities powers to establish special schools for pupils with different categories of impairment, but promoting the idea that ordinary schools could meet many of these needs. The number of special schools increased through the 1960s and 1970s, but the proportion of children attending them reduced from 1.87% in the early 1980s, to 1.30% by 2001 (see Norwich 1997; 2002). Eleven special school categories are identified in the School Census. The following table shows the types of provision for which special schools had been approved in 2008<sup>40</sup>.

**Table 6: number of special schools by type of provision**

	<b>Maintained Special Schools</b>	<b>Non-Maintained Special Schools<sup>41</sup></b>	<b>Total</b>
Visual Impairment	286	20	306
Hearing Impairment	298	26	324
Speech, Language and Communication Need	379	34	413
Autistic Spectrum Disorder	540	34	574
Behaviour, Emotional and Social Difficulty	496	28	524
Multi-Sensory Impairment	215	15	230
Physical Disability	324	18	342
Moderate Learning Difficulty	481	28	509
Severe Learning Difficulty	520	21	541
Profound & Multiple Learning Difficulty	386	18	404
Specific Learning Difficulty	193	20	213
Other	163	24	187

The 2008 census data shows 1,065 special schools (a decrease from 1,148 in 2004) with 89,480 pupils (some of whom also attended part-time in mainstream).

<sup>40</sup> [http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000794/SEN\\_LATablesFinal.xls](http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000794/SEN_LATablesFinal.xls)

<sup>41</sup> Information on non-maintained special schools from:  
<http://www.teachernet.gov.uk/wholeschool/sen/schools/nmss/>

Special schools are usually smaller than mainstream schools and more likely to include a wider age range of young people (e.g. from nursery to age 19). This means that there are often smaller classes, sometimes in mixed year groups.

There was an average pupil-teacher ratio of 6:1 (with a pupil-adult ratio of 1.9:1.0). Suffice to say that there are still more than one thousand publicly-maintained special schools in England, plus a small number of non-maintained schools, employing some 16,000 teachers. The allocation of staff resources in these schools is shown below:

<b>Table 7: Total Special Schools in 2008</b>		1,065
	<b>Number of teachers</b>	
	Full time equivalent - Qualified	14,640
	Full time equivalent - Other	1,170
	Full time equivalent - total teaching staff	15,810
	<b>Number of support staff</b>	
	Full time equivalent - education support staff	29,480
	Full time equivalent - administration staff	3,070
	Full time equivalent - total support staff	32,550

The continuing provision of special schools is intended for a 'small minority' and it has been expected that most children will attend mainstream schools. The proportion of children attending special schools remains constant at around 1.1% of all pupils. Given that the proportion of pupils with statements of special educational needs is around 2.8% this means that, despite considerable policy change, approximately 40% of children for whom formal arrangements are made attend special schools. The 2008 School Census data for England indicates that although the number of statemented pupils in special schools or units has continued to decline so has the number who are in mainstream schools (i.e. the overall number is smaller). The number in independent mainstream schools increased somewhat.

**Table 8: number of statemented pupils in special and mainstream schools**

	<b>Special Schools + Pupil Referral Units</b>	<b>Maintained mainstream</b>	<b>Independent (mainstream)</b>
<b>2000</b>	93,260	152,800	6,820
<b>2004</b>	91,250	148,550	7,290
<b>2008</b>	88,900	126,660	8,050

The proportion of children with very recent/new statements placed in mainstream school shows a slight decrease, from 71% in 1997 to 69% in 2007 (Department for Education and Skills 2007; DCFS 2008).



It is worth underlining that, although there has been an increase in the number of children with physical and sensory impairments in the mainstream, the total number of pupils enrolled in special schools at the beginning of the twenty first century was actually higher than it was in 1970 (Office for National Statistics 2000).

The most significant change then is in the type of need for which special schools provide (with a very substantial increase in provision for 'behavioural' difficulties and some other categories, such as autism).

Children who are 'looked after' (i.e. they are in the care of the local authority, for example in residential care or in foster care placements) are nine times more likely to have a statement of SEN than children in general. Indeed, most of them have a statement and disabled children are over-represented (Priestley et al 2003). There has been concern from researchers and advocacy organisations that many of these children are placed outside their home local authority (i.e. in another city or county) leading to Government guidance on 'Looked After Children with Special Educational Needs placed out-of-authority'<sup>42</sup>.

It is relevant to note that, even in special schools, there are some children who do not have formal statements of SEN provision (sometimes because they are awaiting an assessment). For example, in 2008, there were at least 1,730 special school pupils (out of 88,660 with SEN) at the 'School Action Plus' level. The following summary table therefore includes pupils with statements and those who were in School Action Plus (a more detailed breakdown by specific sub-type of school is available via the tables referenced in footnote<sup>43</sup>).

**Table 9: SEN pupils in mainstream and special schools (primary and secondary)**

	<b>Mainstream Primary</b>	<b>Mainstream Secondary</b>	<b>Special</b>
	%	%	%
Specific Learning Difficulty	10.6	16.9	1.0
Moderate Learning Difficulty	27.2	26.2	22.9
Severe Learning Difficulty	1.7	1.1	23.7
Profound & Multiple Learning Difficulty	0.4	0.1	8.4
Behaviour, Emotional & Social Difficulties	18.6	30.6	14.9
Speech, Language, Communication	23.8	6.9	4.3
Hearing Impairment	2.1	2.4	1.8

<sup>42</sup> <http://publications.teachernet.gov.uk/DownloadHandler.aspx?ProductId=DCSF-00060-2010&VariantID=Guidance+on+Looked+After+Children+with+Special+Educational+Needs+placed+out-of-authority+PDF&>

<sup>43</sup> [http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000794/SEN\\_NationalTablesFinal.xls](http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000794/SEN_NationalTablesFinal.xls)

Visual Impairment	1.2	1.3	1.0
Multi- Sensory Impairment	0.2	0.1	0.2
Physical Disability	4.0	3.4	5.0
Autistic Spectrum	6.2	5.4	16.0
Other Difficulty/Disability	3.9	5.6	0.7
Unclassified	0.0	0.1	x
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Finally, it is also worth noting that some 3,640 children with statements were not being educated in school (e.g. because they were 'permanently excluded' from school, because 'other arrangements' were made by their local authority or parents, or because they were 'awaiting provision'). The DCFS commissioned a review of home schooling (Badman 2009) which reported suggested that many parents of children with SEN choose to educate at home because of perceived failures in provision within the school system (or simply because they were waiting for an assessment or Tribunal appeal decision). It also showed that they found it hard to access support for SEN in home schooling from local authority staff.

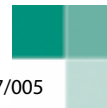
Children/young people with SEN (both with and without statements) are over eight times more likely to be permanently excluded than other pupils. According to official statistics<sup>44</sup> for England in 2007/8 '33 in every 10,000 pupils with statements of SEN and 38 in every 10,000 pupils with SEN without statements were permanently excluded from school. This compares with 4 in every 10,000 pupils with no SEN'. In terms of fixed periods of exclusion the rate was 30.8% for those with statements and 28.9% for those without, compared to 5.1% for pupils with no SEN.

### **Educational participation and outcomes**

In 2004, a report on inclusive education by the UK Office for Standards in Education (OFSTED 2004) highlighted a series of problems in relation to the manner in which the current framework for inclusion was being put into practice. Problems identified included: continuing low or insufficiently well-defined expectations of achievement for children who have 'SEN'; 'inconsistent' quality of work to improve the literacy skills of these children/young people; and SEN teaching being of 'varying quality, with a high proportion of lessons having shortcomings' (OFSTED 2004: 5).

A certain amount of policy and support has been put into addressing some of these issues since then but provision has been inconsistent between different localities and schools (OFSTED 2006).

<sup>44</sup> <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000860/index.shtml>



A more recent report for the outgoing Government (DCFS 2010) focused on *Breaking the link between special educational needs and low attainment*, reviewing evidence and identifying good practice. It acknowledges the improving school test results of recent years but highlights the gaps in attainment for pupils with SEN (although no clear distinction is made in disaggregating achievement by type of educational need).

In terms of participation and outcomes, the Office for Disability Issues includes a range of useful indicators concerning disabled children and young people<sup>45</sup>. These have been developed from secondary analysis of existing datasets but, as far as school education is concerned, are subject to the same data conflation of 'SEN' and 'disability' described in the previous sections (and, in most cases, cannot be disaggregated by type of need categories). The headline indicators and trends can be summarised as follows:

Standard Assessment Tests in English, Maths and Science (SATs) at Key Stage 2 (usually the last year in primary school, at age 11) show improving results, year-on-year for pupils with SEN and for those without<sup>46</sup>. The same is broadly true for SATs at Key Stage 3 (usually after three years in secondary, at age 14)<sup>47</sup> and for public examination results at Key Stage 4 (at the end of compulsory schooling, usually at age 16)<sup>48</sup>.

However, there are substantial gaps in the average attainment of pupils with and without SEN on reaching this point. In 2008-9, only 14.9% of students with a statement of SEN attained five or more GCSE exams at grades A\*-C, compared to 40.3% of SEN pupils without statements, and 80.2% of students without SEN<sup>49</sup>.

Data from the Youth Cohort Study in 2003-4 have been used to indicate the attainment of Level 3 academic qualifications at the age of 18. This shows a narrower, but still significant, gap at 38% for disabled young people and 46% for non-disabled young people<sup>50</sup>.

Once in higher education, a measure of disability can be identified amongst students who receive Disabled Students Allowance (DSA) and by self-declaration, and this information is available in the higher education statistics (for the whole of the UK). Amongst students who self-declare a disability status and complete their first degree (Bachelor) university studies, 56% attain at least an 'upper second' class degree, compared to 59% of non-disabled students<sup>51</sup>.

<sup>45</sup> <http://www.officefordisability.gov.uk/research/indicators.php#child-yp>

<sup>46</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a3.pdf>

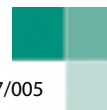
<sup>47</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a4.pdf>

<sup>48</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a5.pdf>

<sup>49</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a5.pdf>

<sup>50</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a7.pdf>

<sup>51</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a9.pdf>



There are very few differences in students' satisfaction levels with higher education courses<sup>52</sup> and differences in the employment rates of disabled and non-disabled graduates are somewhat closer than employment rates for disabled and non-disabled people more generally<sup>53</sup>.

Looking at the working-age population of Great Britain as a whole (using data from the 2008 Labour Force Survey) 'disabled' people can be identified with a definition that is consistent with the Disability Discrimination Act (so-called 'DDA disabled'). This data is used to produce indicators of highest educational qualifications<sup>54</sup>.

So, for example, the proportion of disabled people with no qualifications is reported at 24.3%, compared to only 10% of non-disabled people. The proportion with Level 2 qualifications, as highest qualification, was 12.7% (compared to 16.4%). The proportion with university degree qualifications was 10% (compared to 21.8%). It is also clear that 'disabled people with higher educational levels are more likely than other disabled people to gain access to employment (twice as likely in the case of disabled men) compared to those with low educational levels' (Li et al. 2008: iv). However, it is essential to note that this data includes men aged 16-64 and women aged 16-59 (and it does not distinguish whether the person was 'disabled' when they studied for the qualification). For degree qualifications, in particular, there has been a significant widening of participation in recent years and recent cohort data would be more meaningful.

The number of young people in the Labour Force Survey sample is too small to produce statistics of participation in different training schemes. For example, the second quarter 2009 data includes 34 people aged 16-24 on the 'New Deal for Young People' programme and only one on the 'New Deal for Disabled People (only two people of any age). The same quarterly sample appears to include no-one who was categorised as 'DDA disabled' and on a government training scheme.

In general, the educational attainment gap (amongst cohorts with and without declared disability or need for special educational provision) appears to become more and more narrow at each level of academic study after compulsory schooling – at least for those who succeed in progressing from one level to the next – but this overlooks those who do not progress. For this reason, measures of participation in post-compulsory education and training are important.

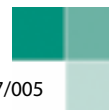
Data from the Youth Cohort Study in 2003-4 have been used to provide some indication of the proportion of 16-year-olds who are 'disabled' (by self-identification) and who continue studying for academic Level 3 qualifications. This suggests that 39% continued into post-16 academic schooling, compared to 50% of non-disabled young people<sup>55</sup>. Separating 'disability' in this way suggests a rather smaller participation gap than using the broader 'SEN' data.

<sup>52</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a11.pdf>

<sup>53</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a12.pdf>

<sup>54</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/b8.pdf>

<sup>55</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a6.pdf>



The data from the Youth Cohort Study should be treated with considerable caution because the cohort sampling methodology was not intended to be representative of disability, and probably under-represents those with more severe impairments.

However, there are patterns in the Youth Cohort Study data suggesting that the educational participation gap widens at the entry point to higher education. This data indicates that only 28% of 'disabled' young people had entered higher education by the age of 19, compared to 41% of 'non-disabled' young people<sup>56</sup>.

For those who do reach university, young students receiving disability support through DSA (see Section 4a below) are actually less likely to drop-out in their first year than non-disabled students, but disabled students who do not receive DSA are more likely to drop-out than either group (the same pattern is true for adult students)<sup>57</sup>.

The participation of disabled young people in non-academic training routes is harder to establish and requires data analysis that is not clearly reported in official statistics or major published studies. In 2002, there were 284,000 young people placed in Work Based Learning Schemes in England and significant gender differences were reported in different vocational sectors (but not for disability)<sup>58</sup>. However, under the 2000 Learning and Skills Act<sup>59</sup> learners with a 'learning difficulty' (analogous to SEN in schools) were recorded in the Learning and Skills Council (LSC) statistics, and this provides some opportunities for analysis. New figures will be published in 2010.

For example, the national bureau for disabled students (SKILL, 2009) argues that disabled people are almost certainly under-represented in data on apprenticeship training. Although 10.1% of trainees declare a 'learning difficulty' this includes many with basic skill needs who would not be considered as 'disabled' under the DDA. They argue there is a need for the National Apprentice Service (NAS) to report more detailed information on disability by vocational sector.

LSC (2005) conducted a Strategic Review of provision in the post-16 sector, which led to calls for a more coherent strategy. They noted that, in 2003/4 around 11% of learners on their eligible schemes had declared a learning difficulty or disability (579,000), the majority of them aged 19-25 (337,000) with a roughly even gender balance. Most were in further education (382,000) and a small minority in specialist colleges (3,038).

While most post-16 learners with 'learning difficulties' are placed in mainstream training settings there are still some who are placed with specialist agencies (some of whom are in residential placements). The processes and conditions are set out by the Young People's Learning Agency (YPLA 2010), which includes regular inspection within the Common Inspection Framework for Further Education and Skills.

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<sup>56</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a8.pdf>

<sup>57</sup> <http://www.officefordisability.gov.uk/docs/res/annual-report/indicators/a10.pdf>

<sup>58</sup> <http://www.statistics.gov.uk/STATBASE/ssdataset.asp?vlnk=7314&More=Y>

<sup>59</sup> [http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000021\\_en\\_1](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000021_en_1)

In 2009 there were 57 independent specialist providers with YPLA contracts (enabling them to receive public funds for training). Three of these were special schools offering post-16 provision (e.g. for blind students). The LSC had previously estimated that 43% of the cost of these ‘training’ placements was related to health/care.

Statistics for young people ‘not in employment, education and training’ (NEET) come from several sources, some of which are not directly comparable<sup>60</sup>. However all measures refer to young people between the ages of 16, when they may leave school, and age 18 when they are classified under unemployment statistics.

The DCSF (recently replaced by the Department for Education) has produced data on young people who are ‘not in employment, education and training’ (NEET), noting both statistical trends over time and categorising the young people involved. The most recent Statistical First Release (SFR)<sup>61</sup> from DCFS stated that the overall 2009 NEET rate for 16-18 year olds was 11.9%. Disabled young people are included in the sub-category ‘young people who have a barrier to participation’ but as a group they are not disaggregated from other risk groups, such as young lone parents. The NEET rate for ‘young people who have a barrier to participation’ was 17% in 2009. The previous New Labour government aimed for a reduction in the overall proportion of 16-18 year olds NEET by 2%, from 9.6% in 2004 to 7.6% by 2010, although clearly this target has not been reached, due to economic downturn (Audit Commission, 2010).

More detailed data on young people who are NEET is available from the Connexions<sup>62</sup> Service, which supplies advice and guidance to young people aged 13 to 19, and up to age 25 for young disabled people and people with learning difficulties - the service must contact all young people who are NEET and provide support until they are in education, training or employment (they are also required to assess all young people with SEN statements in their final year of school).

**Table 10 Young Disabled People as Proportion of all Young People Not in not in Employment, Education or Training**

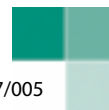
Young People who have this characteristic	As a percentage of all young people	As a percentage of all young people NEET	As a percentage of all young people NEET for 6 months
Disabled and / or learning difficulties	7%	12%	16%
One or more SEN statements	3%	5%	7%

<sup>60</sup> For details of the relevant sources, see: <http://www.dcsf.gov.uk/14-19/index.cfm?go=site.home&sid=42&pid=343&lid=337&ctype=Text&ptype=Single>

<sup>61</sup> <http://www.dcsf.gov.uk/rsgateway/DB/STR/d000870/index.shtml>

<sup>62</sup> <http://www.connexions-direct.com/index.cfm?pid=177> Connexions is overseen by the Department for Education. From 2011/12, responsibility for the service will be transferred and local councils will commission courses from schools, further education colleges, the third sector and a range of other training providers.





Source: Adapted from Audit Commission analysis of Connexions data (2010)<sup>63</sup> (approximately 24,000 young people)

These figures show therefore, that young disabled people are more disadvantaged within the NEET group: their representation is proportionately higher and they are more likely to be NEET for longer in comparison with the group as a whole.

### Teacher training

In mainstream, every school must also nominate a Special Educational Needs Co-ordinator (SENCo) who acts as the contact point and coordinator for provision relating to pupils assessed with SEN in the school. The Training and Development Agency for Schools (TDA) states that: 'the main objective of national SENCo training should be to increase the participation of pupils with SEN and/or disabilities and raise their achievement, through developing SENCOS' professional attributes and improving their knowledge, understanding and skills'<sup>64</sup>. In April 2009, the TDA announced the introduction of a National Award for SEN Coordination for those taking up the post after 2008<sup>65</sup>.

The Education (Special Educational Needs Co-ordinators) (England) Regulations 2008<sup>66</sup> introduced a new requirement that SENCOS should be qualified teachers. The Regulation came into effect on 1 September 2009 and required that all SENCOS who are not currently teachers, but who have been in post for at least six months should gain Qualified Teacher Status by September 2011. It is worth noting that the Association of School and College Leaders (ASCL) opposed this idea<sup>67</sup>.

The Lamb Inquiry (2007; 31) recommended 'the DCSF commissions the TDA to develop teachers with specialist SEN and disability skills across clusters of schools' and that 'preparation for working with parents of disabled children and children with SEN is included in initial and continuing training across the children's workforce' (plus disability training for schools inspectors and appeals tribunals). It also recommended that 'a dedicated independent advice line for parents of disabled children and children with special educational needs' be established' (ibid: 46).

There have been recurrent concerns about the training of teachers (and other professionals) in relation to disability and special educational needs. These related to Initial Teacher Training<sup>68</sup> and to continuing professional development.

<sup>63</sup> <http://www.audit-commission.gov.uk/nationalstudies/localgov/againsttheodds/Pages/default.aspx>

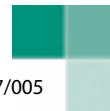
<sup>64</sup> [https://www.tda.gov.uk/upload/resources/pdf/s/national\\_senco\\_training\\_specification.pdf](https://www.tda.gov.uk/upload/resources/pdf/s/national_senco_training_specification.pdf)

<sup>65</sup> [http://www.tda.gov.uk/teachers/sen/advanced\\_skills/senco.aspx](http://www.tda.gov.uk/teachers/sen/advanced_skills/senco.aspx)

<sup>66</sup> <http://www.teachernet.gov.uk/wholeschool/sen/teacherlearningassistant/sencos2008/>

<sup>67</sup> [http://www.timesonline.co.uk/tol/life\\_and\\_style/education/article5429922.ece](http://www.timesonline.co.uk/tol/life_and_style/education/article5429922.ece)

<sup>68</sup> <http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Documents-by-type/Thematic-reports/How-well-new-teachers-are-prepared-to-teach-pupils-with-learning-difficulties-and-or-disabilities> .



Under the previous New Labour Government, a range of important initiatives were developed based on the principles of strengthening training at all career stages (e.g. Initial Teacher Training and CPD) and ensuring a continuum of expertise (e.g. web-based training needs for all school-based and early years staff aimed at increasing their confidence and expertise in meeting high incident special educational needs <sup>69</sup>).

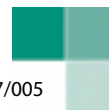
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<sup>69</sup> <http://nationalstrategies.standards.dcsf.gov.uk/node/116691>



#### **Section 4: Types of support for students and trainees**

Arrangements for support for pupils, students and trainees should be considered as separate between the contexts of school, further and higher education, and employment training. Broadly speaking, support for children in school (up to and beyond compulsory school age) is organised and financed by the schools, with the support of local authorities. Support for students in further and higher education is organised within colleges and universities, largely funded by national government and, to some extent, controlled by the student. Support for post-school trainees in employment-related schemes is arranged via a combination of government employment services, social security benefits and local social services. The latter are also reported on in the respective UK ANED reports on employment, on social protection and social inclusion, and support for independent living. Therefore, we focus here only on the kinds of practical support provided in educational contexts (schools, colleges and universities). However, it is also worth noting that there has been an emergent trend towards peer support (between students and between parents) including a growth in new Internet resources and forums for informal support.



## Section 4a: Financial support

There is no direct financial support to school age disabled children and their families of specifically for educational purposes. While such families may receive disability-related social security benefits, premiums, allowances and social services, these are not intended for educational purposes. So, for example, while a disabled child may be eligible for payment of the Mobility Component of Disability Living Allowance, any special arrangement for transport to school (such as taxis) would be paid for directly by the education authority or school. Similarly, although a child or parent might be eligible for personal assistance funding (e.g. via a social services direct payment or individual budget) their practical support at school would be provided and funded by the education authority or school. In this respect there are differences with some other European countries where the public funding of support might be transferable between social care, education and employment contexts.

Education Maintenance Allowance<sup>70</sup> (EMA) has been paid to people aged 16-19 at a rate of up to £30 per week, means-tested (to support young people with their studies). It is not specific to disabled young people. EMA is currently 'under review' within the context of the new Government's public spending review.

In further education, young disabled people may be able to claim disability-related benefits (described in the ANED country report on social protection and social inclusion). For example, a student in further education would be able to receive Disability Living Allowance towards some of the extra costs of care or mobility. Those on a low income may be able to claim Employment and Support Allowance while studying.

Further information on eligibility to claim social protection benefits while studying is provided by SKILL<sup>71</sup>. However, it is important to note that disability benefits eligibility will be under close review under the new government.

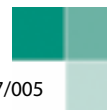
Disabled Students Allowance<sup>72</sup> (DSA) is perhaps the most obvious financial support for disabled students. It is available to those in higher education who are assessed as having additional costs/needs arising from disability. The amount paid depends on the assessed need (for specialist equipment, personal assistance, travel costs, etc) but it does not provide any addition to the student's basic income, which is paid at the same rate as other students via student grants and loans. DSA payments are subject to maximum amounts for equipment, for assistance, and for general costs. The current maximum rates are as follows<sup>73</sup>:

<sup>70</sup> [http://www.direct.gov.uk/en/EducationAndLearning/14To19/MoneyToLearn/EMA/DG\\_066945](http://www.direct.gov.uk/en/EducationAndLearning/14To19/MoneyToLearn/EMA/DG_066945)

<sup>71</sup> <http://www.skill.org.uk/page.aspx?c=14&p=147>

<sup>72</sup> [http://www.direct.gov.uk/en/DisabledPeople/EducationAndTraining/HigherEducation/DG\\_1003489](http://www.direct.gov.uk/en/DisabledPeople/EducationAndTraining/HigherEducation/DG_1003489)

<sup>73</sup> [http://www.direct.gov.uk/en/DisabledPeople/EducationAndTraining/HigherEducation/DG\\_070188](http://www.direct.gov.uk/en/DisabledPeople/EducationAndTraining/HigherEducation/DG_070188)

**Table 11: 2010 rates of payment for Disabled Students Allowance**

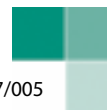
Type of allowance	Full-time students	Part-time students
<b>Specialist equipment</b>	£5,161 for entire course	£5,161 for entire course
<b>Non-medical helper</b>	£20,520 a year	£15,390 a year (depends on intensity of course)
<b>General Disabled Students' Allowances</b>	£1,724 a year	£1,293 a year (depends on intensity of course)

The Higher Education Statistics Agency (HESA) records the proportion of undergraduate students who receive DSA as one of its performance indicators of 'widening participation' in higher education (although this would be less than the proportion who register any kind of disability status). The data for the whole of the UK in 2005/6 showed that 42,985 full-time students out of 1,083,415 (or 4%) and 2,415 part-time students out of 233,225 (or 2.1%)<sup>74</sup> are DSA recipients. The HESA data for 2008/9<sup>75</sup> indicates an absolute and relative increase to 52,815 out of 1,128,480 full-time (4.7%) and 3,660 out of 141,810 part-time (2.6%) undergraduates claiming DSA. The same data can also be broken down by the qualifications they held at entry and their broad subject of study programme<sup>76</sup>.

<sup>74</sup> [http://www.hesa.ac.uk/dox/performanceIndicators/0506/t7\\_0506.xls](http://www.hesa.ac.uk/dox/performanceIndicators/0506/t7_0506.xls)

<sup>75</sup> [http://www.hesa.ac.uk/dox/performanceIndicators/0809/t7\\_0809.xls](http://www.hesa.ac.uk/dox/performanceIndicators/0809/t7_0809.xls)

<sup>76</sup> [http://www.hesa.ac.uk/dox/performanceIndicators/0809/sd1\\_0809.xls](http://www.hesa.ac.uk/dox/performanceIndicators/0809/sd1_0809.xls)



## Section 4b: Personal assistance, equipment and adaptations

The obligations on adaptation to buildings and premises are described in Section 2 (legal and policy context). All providers of education and training services (with the exception of armed forces etc.) have legal non-discrimination duties under the Disability Discrimination Act and its Equality Duty. They must make reasonable adjustments and positively plan to increase accessibility and participation. The new construction or modification of buildings for use by the public, including educational establishments, must comply with accessible building regulations.

Personal assistance and equipment provided through local social services budgets (e.g. via direct payments) or by the Independent Living Fund are described in the ANED country report on support for independent living. However, these are not provided with the intention for use in educational contexts. Assistance with learning at school or further education college is arranged by the school or college (and may vary from one college to another). The alternative is support at a specialist college catering for disabled students, most of which operate independently of the public education system. However, financial support is available from the Young People's Learning Agency (as described previously) based on an assessment of need. Advice and guidance for young disabled people is also provided by the Connexions<sup>77</sup> service up to the age of 25.

As stated in the previous section, in higher education, personal assistance is generally funded through the Disabled Students Allowance. Depending on the university concerned, it may be more or less managed by the student or arranged by a disability services unit within the institution. A similar pattern of provision would be evident in the provision of specialist equipment for learning (as noted also in the ANED country report on support for independent living). Equipment for use by an individual pupil/student at school or in a college of further education would generally be funded and arranged via the institution, while similar equipment in higher education is more likely to be funded from a Disabled Students Allowance budget (although it might be more or less managed by the institution or by the student).

For trainees in workplace-based learning the provision of assistance and equipment would be somewhat different, and covered mainly by the provisions for employers' workplace accessibility obligations and the Access to Work funding provided via the public employment service (described in the ANED country report on employment).

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<sup>77</sup> [http://www.direct.gov.uk/en/D11/Directories/DG\\_10011904](http://www.direct.gov.uk/en/D11/Directories/DG_10011904)



## Section 5: Evidence of good practice

SKILL (the National Bureau for Students with Disabilities) is an independent national organisation that provides information, support and advice in the context of post-16 education, training, work-based learning and volunteering. SKILL supports both young people and adults with any kind of impairment, advocates for inclusive policies and promotes best practice. SKILL's Annual Review for 2008-9<sup>78</sup> shows a working budget of approximately £1 million, of which 60% is spent on grants and projects (including research) and 17% on training and consultancy. The majority of income comes from similar activities.

The information service<sup>79</sup> is provided free of charge and extensive information is also published on the website via information and FAQ sheets covering a wide range of topics (including detailed information on the kinds of rights, practical support and benefits summarised earlier). In 2006-7 the Information Service received 2,232 enquiries (the majority from individual disabled students or their family members). Training, consultancy and conferences are also provided for staff and educational institutions. In addition, SKILL provides a forum for the sharing case studies of individual disabled students' experiences of learning in different contexts<sup>80</sup>. A database of higher and further education institutions provides links to disability support services in individual colleges and universities<sup>81</sup>.

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<sup>78</sup> <http://www.skill.org.uk/uploads/Skill%20Annual%20Review%202008-09.pdf>

<sup>79</sup> <http://skillcms.ds2620.dedicated.turbodns.co.uk/page.aspx?p=104&c=9>

<sup>80</sup> <http://skillcms.ds2620.dedicated.turbodns.co.uk/page.aspx?c=12&p=118>

<sup>81</sup> <http://www.skill.org.uk/page.aspx?c=6&p=0>





## Section 6: References

[Note: additional web links to Acts of legislation and statistical tables are included as footnotes in the text. Web-based references were valid at May 2010].

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