

# **SEN: The Truth about Inclusion**

*By Charlotte Leslie and Chris Skidmore*

## **Contents:**

### **1. Introduction**

- i. Executive summary
- ii. The Policy of Inclusion – a short guide

### **2. The demographics of SEN**

- i. The reduction in statementing
- ii. Life in the mainstream
- iii. Going Independent
- iv. The Gender Divide

### **3. Included or Excluded? The welfare of SEN pupils**

- i. Missing out – SEN and truancy
- ii. Inclusion is exclusion –temporary and permanent suspensions
- iii. Ending up in PRUs

### **4. Conclusion**

## 1. Executive Summary

The Special Educational Needs debate has long been dominated by the inclusion – exclusion debate. This paper recognises that inclusion in mainstream school is good for many children with SEN and does not seek to enter into a debate of ideology, but simply to reveal the facts: Since the Labour Government came into power in 1997 and began to implement its policy of inclusion we find that:

On Statements and Special School Places:

- **Around 9000 places at special schools have been lost**
- **The number of statements and assessments issued for children with SEN have fallen by over a third**

On Truancy:

- **Children on 'School Action Plus' schemes, which are replacing statements are twice as likely as other children with SEN to truant.**
- **A fifth of all children of School Action Plus are persistent Truants.**

On Exclusions:

- **Special Educational Needs pupils make up the majority of pupils expelled from school at 67%, though they comprise only 17% of the school population**
- **SEN pupils are more likely to be suspended more than once in a year. Out of the 78,600 pupils who were excluded more than once in a single year, half (49.7%) were SEN pupils.**
- **For the first time, this year over half of all suspensions from secondary school are pupils with Special Educational Needs (55%)**

On SEN and Pupil Referral Units (PRUs):

- **Over half of pupils are suspended from PRUs — nearly three quarters have Special Educational Needs**
- **Two thirds (66%) of all SEN pupils at PRUs end up being suspended**
- **Special Educational Needs pupils in Pupil Referral Units has risen by 70% since 1997**

On Parental choice:

- **Around 83% of the increase in Independent School numbers over the last ten years are children with SEN.**
- **Over half all appeals are against a local authority's decision not to assess or statement a child.**

We conclude that whilst inclusion in mainstream school is very beneficial for some children with SEN, these figures are a compelling argument for an urgent systemic review of the Government's 'inclusion' policy, particularly focusing on the failures of the School Action Plus scheme and support David Cameron's call for a moratorium on the closure of special schools until a review of the statementing process has taken place.

## ii. The Policy of Inclusion: A short guide

### **The Warnock Report**

In 1978 Baroness Warnock wrote a seminal report. The report focussed on the unacceptable marginalisation of children with special educational needs. Until this point, children with SEN had been treated more or less as social pariahs, who were beyond any hope of education. The original Warnock report intended to bring children with special needs back into mainstream society, to include them, in every way.

### **Conservative Government implements the Warnock Report**

Three years later, the Conservative Government converted this aim for inclusion into strong legislation the Education Act in 1981. The 1981 Education Act entitled children with SEN to appropriate school provision, so children with SEN were no longer treated as social pariahs. For the first time the needs of children with SEN were safeguarded. The Act set up a process of assessment consisting of stages, firstly in school then followed by 'statutory assessment' leading to a Statement of special educational needs, which exists today. A Statement is a legally binding document setting out the child's needs and provision and placement that an LEA is legally bound to implement.

In the 1990s, the Government realised that this was not quite enough and in the 1993 and 1996 Education Acts the Conservative Government went further and gave SEN children an entitlement to mainstream provision if appropriate, and parents the right of appeal to an SEN Tribunal. For the first time, there was a formal Code of Practice, guidance to Local Authorities and schools on how to administer the SEN process. It also gave parents more power in the right of appeal to the Special Educational Needs Tribunal if they were unhappy with the contents of the Statement or the LEAs refusal to assess their child.

### **The great pendulum swing on inclusion**

But in 2001, New Labour's Education Act 2001 made a giant leap.

*"The starting point is always that children who have statements will receive mainstream education"*  
(*Inclusive Schooling Guidance, 2001, para.22*)

It changed the balance on inclusion and legislated that SEN children *must* be educated in mainstream schools unless there is overwhelming evidence otherwise. This evidence was based on:

1. Whether the child would disproportionately disrupt the rest of the class.
2. Whether it was cost efficient.

The needs of the child, in practice, assumed secondary importance, and as figures in this report show, local authorities strapped for cash tended to interpret this as an obligation to educate SEN children in mainstream schools. At the same time, the Government has issued guidance to reduce statementing, and reliance on special schools. (see below).

Many parents feel that the pendulum has now swung too far and that the battle parents previously had to give their child recognition in a mainstream educational environment has now transformed into a battle for parents to get recognition for their child's special educational needs. A groundswell is emerging that the balance needs to be reset. It is against this background that this report looks at the legacy so far of New Labour's 2001 legislation.

## 2. The Demographics of SEN

### i. The reduction in Statementing:

#### The Statement

If a child does not have a statement, they cannot get a place at a special school.<sup>1</sup> They have no legal entitlement to appropriate provision, and no ring-fenced funding to meet their needs.

In a little published DfES and Cabinet Office document in 2004, the Government pledged to reduce reliance on statementing children with SEN, to reduce the numbers of children with statements of SEN going to special schools under a policy banner of 'Inclusion'.

*"DfES to: pursue the aim of reducing reliance on statementing by assessing the need for further guidance on when it is necessary to carry out statutory assessments."*<sup>2</sup>

*"DfES to: Consider how to reduce the numbers of new statements and focus the resulting savings on school based provision to enable early intervention"*<sup>3</sup>

#### Clamping down on Assessments: Number of assessments plummeted by a third

Without an assessment for a statement, there is of course no way to certainly ascertain whether a child should be statemented. But research shows that under guidance from the Government, local authorities are clamping down on the number of statements being issued by clamping down on the number of assessments they carry out for statements. This means that there is no formal, external assessment process to look at a child's needs. Whether a child goes on to be statemented or not, it is of concern if their needs are not formally assessed.

The number of assessments for obtaining a statement has dropped from 37,340 assessments in 1997 to 23,770 in 2006: a reduction of 36%.<sup>4</sup>

#### Parents unhappy

Parents feel this concern at the sharp end. The vast majority (39%) of parents' appeals to the SEN Tribunal (SENDIST) are because of the local authority's refusal to assess their child, and the majority (two thirds) of these appeals are decided in parents' favour in 2005/6.<sup>5</sup>

---

<sup>1</sup> Except in a very small minority of cases. Children without statements at special schools are often awaiting a statement, eg. If they have returned to England from abroad.

<sup>2</sup> (DfES and Cabinet Office, Special Educational Needs Bureaucracy Project 2004, summary report, p.7)

<sup>3</sup> (ibid. p.11)

<sup>4</sup> Hansard 19 February 2007; PQ 119121/119145 and DfES SFR 20/2007, [http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20\\_2007\\_tables\\_oh.xls](http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20_2007_tables_oh.xls) Table 3a .

<sup>5</sup> SENDIST Annual Report 2005/6 , page 7 and page 10  
<http://www.sendist.gov.uk/publications/documents/SENDISTAnnualReport2006.pdf>

### Clamping down on statements:

In light of the reduction in assessments for statements, it is unsurprising that

The total number of children for whom a statement was made in a single year has dropped by 13,050 since 1997- a decrease of 37%, as the table below shows.

	Total number of children assessment for statements of SEN	Total children for whom a statement was SEN was made
1997	37,340*	35,650
1998	37,830	36,180
1999	37,070	35,420
2000	35,330	33,750
2001	33,980	32,470
2002	32,110	30,720
2003	30,370	28,780
2004	27,290	25,990
2005	25,190	24,040
2006	23,770	22,600 <sup>6</sup>

\*Excludes Staffordshire which did not make a return.

Consequently, the total number of pupils with statements of SEN has dropped sharply since 2001.

	Total number of Pupils with SEN statements (LA maintain a statement)	Total number of Pupils with SEN statements at school
1997	238,558	234,629
1998	244,728	242,294
1999	255,584	248,041
2000	259,520	252,857
2001	264,300	258,200
2002	264,850	248,200
2003	263,680	250,550
2004	261,070	247,590
2005	253,220	242,580
2006	244,460	236,750
2007	236,510 <sup>7</sup>	229,110 <sup>8</sup>

<sup>6</sup> Hansard 19 February 2007; PQ 119121/119145 ;

[http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20\\_2007\\_tables\\_oh.xls](http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20_2007_tables_oh.xls) Table 2 and Table 3a

<sup>7</sup> For 1997-2001 figures: <http://www.dfes.gov.uk/rsgateway/DB/SBU/b000301/sb12-2001.pdf> Table 9; 2001-2007 figures: [http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20\\_2007\\_tables\\_oh.xls](http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20_2007_tables_oh.xls) Table 16

<sup>8</sup> For 1997-2001 figures: <http://www.dfes.gov.uk/rsgateway/DB/SBU/b000301/sb12-2001.pdf> Table 2; 2001-2007 figures: [http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20\\_2007\\_tables\\_oh.xls](http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20_2007_tables_oh.xls) Table 1a

## ii. The SEN move to Mainstream

### No reduction in SEN, reduction in special schools:

But of course this drop in statements does not mean that there is any drop in numbers of children with SEN, nor does it suggest any drop in the number or percentage of children whose needs are severe enough to have warranted a statement in 1997.

But special school places have been lost at a fast rate since 1997. We have lost in total 8,840 places – 94% of those in maintained special schools, run by local authorities.

### Numbers in special schools<sup>9</sup>

Special Schools	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Maintained	93,020	93,470	93,080	91,800	90,960	89,800	88,930	86,930	85,500	84,620	84,680
Non Maintained	5,230	4,960	4,610	4,770	4,640	4,670	4,950	4,840	4,870	4,770	4,720
TOTAL	98,250	98,430	97,690	96,570	95,600	94,470	93,880	91,770	90,370	89,390	89,410

So due to the closure of special schools, the number of statemented pupils in mainstream schools is rising.

But additionally, because of the reduction in the issuing of statements, the number of non-statemented pupils with SEN in mainstream schools is also therefore rising. NB. The DCFS state that data from 2001 is not directly comparable to previous data due to a differences in how the data was collected. This may partially account for the sharp drop in numbers we see after 2002.

	Primary Pupils non-statement SEN	Secondary Pupils non-statement SEN	Total Pupils non-statement SEN
1997	759,449	442,024	1,222,973
1998	821,342	479,675	1,331,219
1999	859,742	514,386	1,409,811
2000	885,952	541,406	1,465,106
2001	927,000	586,300	1,556,156
2002	834,143	519,116	1,401,995
2003	685,100	430,080	1,169,780
2004	685,700	450,120	1,197,490
2005	692,480	473,510	1,230,800
2006	716,780	506,610	1,293,250
2007	727,700	529,780	1,333,430 <sup>10</sup>

<sup>9</sup> From parliamentary answer to David Willetts, Hansard 29<sup>th</sup> January 2007

<http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070129/text/70129w0016.htm#07012937002112> ; 2007 figures: [http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20\\_2007\\_tables\\_oh.xls](http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20_2007_tables_oh.xls) Tables 1 and 10.

<sup>10</sup> For 1997-2000 figures: <http://www.dfes.gov.uk/rsgateway/DB/SBU/b000207/sb09-2000.pdf> Table 1b (Special Educational Needs Bulletin 2000); for 2001-2002 figures: <http://www.dfes.gov.uk/rsgateway/DB/SBU/b000367/unlinked2-ordered.xls> Table 1b (Special Educational

**Life in the mainstream:**

These non-statemented SEN pupils are generally divided into two categories, based on assessment of teachers, SENCOs, head-teacher and Governors in conjunction with parents and the Local Authority:

- a) School Action
- b) School Action plus

**School Action** is the lesser-need category. The school sets out a plan to give the child extra attention and help, within the schools own ability. An 'in-house' arrangement of help, resulting in an individual education plan. (IEP.) The Special Educational Needs Code of Practice 2001 states:

*“When a subject teacher, member of the pastoral team or the SENCO identifies a child with SEN they should provide interventions that are additional to or different from those provided as part of the school’s usual differentiated curriculum offer and strategies”. (para 6.50)*

**School Action Plus** is the level above- on advice from the staff, SENCO, and parents, external help is brought in to provide and supplement an individual education plan (IEP) for the child with SEN. This could be external tuition and therapy brought into the school.

The breakdown of non-statemented SEN pupils is as follows. Numbers of children on School Action Plus in secondary schools has rocketed by over a third.

		2003	2004	2005	2006	2007	% Increase from 03-07
<b>Primary</b>	School Action	475,290	467,020	468,480	483,080	484,830	2% (+9,540)
	School Action +	209,810	218,680	224,000	233,710	242,870	16% (+33,060)
<b>Secondary</b>	School Action	308,870	318,660	333,250	352,950	364,660	18% (+55,790)
	School Action +	121,210	131,470	140,260	153,650	165,120	36% (+43,910)

---

Needs January 2002); 2002-2007 figures:  
[http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20\\_2007\\_tables\\_oh.xls](http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20_2007_tables_oh.xls) Table 1b (Special Educational Needs January 2007).

### iii. Going independent

One of the most concerning aspects of the inclusion agenda is the apparent push for inclusion at any cost, regardless of efficacy or appropriateness, as seemingly articulated in the Government's 2001 publication, 'Inclusive Schooling':

*“Mainstream education cannot be refused on the grounds that the child's needs cannot be provided for within the mainstream sector<sup>11</sup> ... Admissions authorities must not refuse to admit a child who has special educational needs but does not have a statement because they feel unable to cater for their special educational needs.”<sup>12</sup>*

And a closer look at Government guidance reveals a disregard for parental choice if parents wish their child to be educated in a special school.

*“Where parents want a mainstream school for their child everything possible should be done to provide it. Equally, where parents want a special school place their wishes should be listened to and taken into account”<sup>13</sup>.*

There is a deliberate asymmetry: If parental choices chime with Government policy, 'everything possible must be done', however, if parental choice dissents from Government policy, there is merely a vague duty to listen to their views and 'take them into account'.

Many parents are therefore unable to get their child into a special school and often not happy that their child is to be educated in a mainstream school. In 2006, Ruth Kelly, the former Education secretary was not happy with the mainstream provision offered her son with SEN, so opted, under intense media scrutiny, to go private. Anecdotally, many other parents find their only option for the personalised education they need is to send their child to an independent school.

**Our research shows that numbers of children with SEN in independent schools has rocketed since 1997 and makes up 83% of the increase in independent school places.**

There has been a substantial rise in the total number of independent school places. Numbers attending Independent schools have risen by 63,110 since 1997- from 567,720 in 1997 to 630,720.<sup>14</sup>

But the number of independent SEN places has risen by 52,594- from 19,026<sup>15</sup> to 71,620<sup>16</sup> (see table below).

So that means that independent SEN places accounts for 83% of the rise in independent school places since 1997.

---

<sup>11</sup> 'Inclusive Schooling' (DfES, 2001). para 9 [http://www.teachernet.gov.uk/\\_doc/4621/InclusiveSchooling.pdf](http://www.teachernet.gov.uk/_doc/4621/InclusiveSchooling.pdf)

<sup>12</sup> *ibid.* para.20

<sup>13</sup> *ibid.* para 4

<sup>14</sup> [http://www.dfes.gov.uk/rsgateway/DB/SFR/s000744/UPDATEDSFR30\\_2007\\_tables.xls](http://www.dfes.gov.uk/rsgateway/DB/SFR/s000744/UPDATEDSFR30_2007_tables.xls) Table 2d.

<sup>15</sup> <http://www.dfes.gov.uk/rsgateway/DB/SFR/s000024/sfr-1099.pdf> Table 2

<sup>16</sup> [http://www.dfes.gov.uk/rsgateway/DB/SFR/s000744/UPDATEDSFR30\\_2007.pdf](http://www.dfes.gov.uk/rsgateway/DB/SFR/s000744/UPDATEDSFR30_2007.pdf) Tables 9 and 10

**The rise of SEN in independent schools is also far above the rise of SEN places in schools overall.**

In all schools, numbers of pupils with SEN (statemented and non-statemented) has gone from 1,457,602 in 1997 to 1,562,540 in 2007- an increase of 104,938 pupils- an increase of 7.2% since 1997.

In maintained schools, the figure has risen from 1,433,550 to 1,486,290- an increase of 52,740-an increase of just 3.6% since 1997. The remaining 52,000 have gone to the Independent sector. So the percentage of SEN pupils being educated in maintained schools has dropped from 98% to 95% overall.

The table below highlights the increase in SEN pupils at Independent schools between 1997-2007.<sup>17</sup>

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Non statemented SEN pupils	12,565	20,689	25,541	28,046	32,751	36,447	42,610	49,140	52,370	56,460	62,690
Statemented SEN pupils	6,461	6,450	6,862	6,816	6,600	6,989	6,990	7,800	7,930	8,210	8,930
Total SEN pupils	19,026	27,139	32,403	34,862	39,351	43,436	49,600	56,940	60,300	64,670	71,620

The rise in the number of pupils attending Academies, included in the SEN Independent School data, should be noted here. 41,470 independent school places can be accounted for by the introduction of the Academies programme.

This has had an impact on where SEN pupils are educated. Through separate analysis of SEN pupils in Academies, not available in Departmental data, we have been able to establish that Academies accounted for 11,056 non-statemented SEN places and 1020 statemented SEN places in 2007: 12,076 SEN places<sup>18</sup>

When Academies are removed from the Independent school SEN figures, this leaves 59,544 SEN independent school places in 2007- a rise of 40,518 SEN places since 1997. This more accurately reflects the number of pupils attending Independent private schools. Over the same period, the total number of pupils attending Independent private schools has also risen from 552,310 in 1997 to 577,670 in 2007- a rise of 25,360.<sup>19</sup>

<sup>17</sup> For 1997-2000 figures: <http://www.dfes.gov.uk/rsgateway/DB/SBU/b000207/sb09-2000.pdf> Tables 1a & 1b (Special Educational Needs Bulletin 2000); For 2001-2002: <http://www.dfes.gov.uk/rsgateway/DB/SBU/b000367/unlinked2-ordered.xls> Tables 1a & 1b (Special Educational Needs January 2002); for 2003-2007 figures: [http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20\\_2007\\_tables\\_oh.xls](http://www.dfes.gov.uk/rsgateway/DB/SFR/s000732/sfr20_2007_tables_oh.xls) Table 1a & 1b (Special Educational Needs January 2007).

<sup>18</sup> Collated from Hansard 11 June 2007, Column 782W; <http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070611/text/70611w0013.htm#07061182002207>

<sup>19</sup> Schools and Pupils in England, January 2006 and January 2007: <http://www.dfes.gov.uk/rsgateway/DB/SFR/s000682/SFR38-2006.pdf> Table 1; [http://www.dfes.gov.uk/rsgateway/DB/SFR/s000744/UPDATEDSFR30\\_2007\\_tables.xls](http://www.dfes.gov.uk/rsgateway/DB/SFR/s000744/UPDATEDSFR30_2007_tables.xls) Table 1.

The large increase in the number of SEN pupils in Independent private schools could of course be partially because independent private schools are better than maintained schools in recognising that their existing pupils have SEN, but since there is substantial anecdotal evidence of parents resorting to paying independent school fees to give their child with SEN an appropriate education, it is reasonable to assume that a significant part of this increase is due to parents despairing of maintained provision. And if diagnosis in independent schools is so much better than that in maintained schools as to account for much of the increase in SEN pupils at independent schools, that will provide parents with further incentive to go independent.

#### iv. The Gender Divide: Boys and SEN

The majority of pupils with SEN- both stated and non-stated- are boys:

- 73% of SEN pupils with statements are boys (95,010 out of a total 130,800)
- 64% of SEN pupils without a statement are boys (801,300 out of a total 1,257,480)

A breakdown of SEN by gender and age reveals that a third of boys between the ages of 8 and 10 are classed as having SEN.

*% of boys with SEN, stated and non-stated by age (girls in brackets)<sup>20</sup>*

Age	% Boys SEN non-stated (girls)	% Boys SEN stated (girls)	Total % Boys with SEN (girls)
5	20.9 (11.2)	1.5 (0.6)	22.4 (11.8)
6	25.6 (13.9)	1.9 (0.8)	27.5 (14.7)
7	26.9 (14.9)	2.3 (0.9)	29.2 (15.8)
8	27.3 (15.6)	2.6 (1.0)	29.9 (16.6)
9	27.2 (15.9)	3.0 (1.1)	30.2 (17.0)
10	26.1 (15.7)	3.2 (1.2)	29.3 (16.9)
11	23.9 (15.2)	3.2 (1.2)	27.1 (16.4)
12	23.3 (14.5)	3.3 (1.2)	26.6 (15.7)
13	22.0 (13.6)	3.5 (1.3)	25.5 (14.9)
14	20.2 (12.9)	3.4 (1.3)	23.6 (14.2)
15	18.8 (12.3)	3.3 (1.3)	22.1 (13.6)

<sup>20</sup> Collated from DfES SFR 20/2007 Table 5.

### 3. Included or Excluded? The welfare of SEN Pupils

It is to be expected that learning difficulties will inevitably go hand in hand with behavioural challenges. This report looks at the effect of reducing statementing on pupil behaviour, on the premise that a pupil whose needs are adequately met will be less likely to misbehave, or play truant. In simple terms, truancy and exclusions are measures of the appropriateness of the school the child attends.

#### i. Missing Out: SEN and Truancy

Pupils with SEN have far higher rates of unauthorised absence in Secondary Schools than pupils with no SEN. Given many of these children have behaviour problems, this is not unexpected.

##### **School Action Plus pupils missing out most:**

However, the rate of unauthorised absence for pupils with SEN without a statement is actually far higher than for statemented SEN pupils. In particular, pupils without statements of SEN on School Action + have the highest rate of unauthorised absence.<sup>21</sup> These are the children who would be likely to have been eligible for a statement before the Government drive to reduce statementing.

	Unauthorised Absence, Secondary Schools*
Statemented SEN pupils	2.48
SEN pupils without statements	2.89
School Action +	4.05
No SEN	1.06
Total	1.42

\*Percentage of half days missed

This must draw into question the Government's policy to replace statements with School Action Plus policies.

##### **School Action Plus pupils are most persistent absentees**

SEN pupils also make a significant proportion of the number of persistent absentees— those pupils who miss more than 63 sessions of school in a year. Though the number of persistent absentees is a relatively small one- making up 7.1% of the overall school population- SEN pupils account for 61% of all cases of absence.

Though non-statemented SEN pupils account for 17% of the school population, 34% of persistent absentees are non-statemented SEN pupils (74,580 out of a total 217,390).

Breaking down the figures between those non-statemented SEN pupils on School Action and School Action + demonstrates that these groups have a high rate of persistent absenteeism: Shockingly, a fifth of all pupils on School Action + are persistent truants.

31,730 School Action + pupils- 20.5% of all pupils on this programme are persistent absentees (out of a total of 140,260). 42,850 School Action pupils are also persistent absentees. In total, 41% of persistent absentees have SEN <sup>22</sup> :

<sup>21</sup> DfES SFR 11/2007 Table 1.6.

<sup>22</sup> DfES SFR 11/2007 Table 3.2.

### Analysis of Persistent Absentees by SEN status:

SEN status	Numbers	Percentage
Pupils with SEN statements	10,400	5%
School Action +	31,730	15%
School Action	42,850	20%
No SEN	128,330	59%
Total SEN pupils	89,060	41%
Total	217,390	100%

### Percentage of SEN pupils who are Persistent Absentees:

SEN status	Persistent Absentees	Percentage pupils who are persistent absentees
Pupils with SEN statements	10,400	14.4%
School Action +	31,730	20.5%
School Action	42,850	12.3%
No SEN	128,330	5.3%

This is a damning indictment of the efficacy of the School Action Plus programme. These are the children who, before the present Government's policies on so-called inclusion, would have been likely to have had a statement, and have gone to a special school. The truancy figures show that these children's needs are simply not being met at school. It is unlikely they are being met outside the school gates and on the streets either.

## ii. Included or Excluded? SEN and Exclusions

### Special Educational Needs pupils make up the majority of pupils expelled from school

The table below shows how SEN pupils make up the majority of pupils expelled from school.<sup>23</sup> In the past year, the percentage of pupils expelled with SEN has risen from 58% to 67%

### Number of pupils expelled from school

	2001/2	2002/3	2003/4	2004/5	2005/6
No SEN	3,700	3,120	3,600	3,970	3,000
SEN pupils	5,840	6,170	6,280	5,470	6,170
Total pupils	9,540	9,290	9,880	9,440	9,170
% SEN	61%	66%	64%	58%	67%

<sup>23</sup> Figures collated from DfES SFR 21/2007: Permanent and Fixed Period Exclusions from Schools 2005/06 <http://www.dfes.gov.uk/rsgateway/DB/SFR/s000733/SFR21-2007.pdf>

**For the first time, this year over half of all suspensions from secondary school are pupils with Special Educational Needs**

In the past year, the number of suspensions of pupils with SEN in secondary school has risen dramatically— from 146,970 to 187,810: a 28% rise.

The table below demonstrates that currently 55% of pupils suspended in secondary schools have SEN, compared with 46% last year.<sup>24</sup>

**Pupils Suspended in secondary schools**

	2003/4	2004/5	2005/6
No SEN exclusions	158,190	182,710	156,030
SEN exclusions	129,860	146,970	187,810
Total exclusions	288,050	329,680	343,840
% SEN	45%	46%	55%

In primary school, though the data is not available for 2005/06, 30,590 exclusions out of a total 43,720 were pupils with SEN in 2004/5— 70% of all primary school exclusions.<sup>25</sup>

**SEN pupils are more likely to be suspended more than once in a year**

Out of the 78,600 pupils who were excluded more than once in a single year, half (49.7%) were SEN pupils.

SEN pupils are more likely to be the pupils who are frequently suspended from school. The correlation between a pupil being repeatedly excluded from school and having SEN increases:

Number of pupils receiving a suspension from primary and secondary schools<sup>26</sup>:

	SEN	Total	% SEN
Once	48,950	135,830	36%
Twice	18,930	41,190	46%
3 to 5	16,630	31,600	53%
More than 5	3,550	5,810	61%

<sup>24</sup> <http://www.dfes.gov.uk/rsgateway/DB/SFR/s000733/SFR21-2007.pdf> Table 7.

<sup>25</sup> <http://www.dfes.gov.uk/rsgateway/DB/SFR/s000733/SFR21-2007.pdf> Table 7.

<sup>26</sup> Hansard 19 June 2007, PQ 132386.

### iii. Relegated to Pupil Referral Units

#### Special Educational Needs pupils in Pupil Referral Units has risen by 70% since 1997

Pupil referral units are schools for children who are deemed uneducable in mainstream school. Pupil referral units are not required to follow the curriculum. They are meant for children with bad behaviour, often violent. It is hard to understand how they are a desirable substitute for a special school, and an appropriate place to teach children with special educational needs. As Ofsted's annual report in 2005/6 pointed out:

*"Increasingly, PRUs are receiving pupils with statements of special educational need, who in the past might have been placed in schools for pupils with educational and behavioural difficulties. PRUs are often ill-equipped to cope with these pupils who have complex behaviour difficulties as well as a statement of SEN. Indeed, they were not designed to admit such pupils,"*<sup>27</sup>

The number and percentage of pupils with SEN in Pupil Referral Units has risen sharply since 1997, from 5610 to 9520 pupils in 2007.<sup>28</sup> The number of SEN pupils in PRUs is detailed in the following table:

	SEN Statement	SEN no statement	Total SEN
1997	1690	3920	5610
1998	1800	4270	6070
1999	1890	4910	6800
2000	1770	4430	6200
2001	1800	4770	6570
2002	1840	4940	6780
2003	2010	5600	7610
2004	2300	6440	8740
2005	2260	6540	8800
2006	2290	7780	10070
2007	1990	7530	9520

#### Over half of pupils are suspended from PRUs — nearly three quarters have Special Educational Needs

Back in 2001, Government guidance suggested that pupil referral units might play the role of surrogate special schools, in their aim to keep children with SEN in mainstream education,

*"Learning support units, or short term use of pupil referral units can also play a significant part in ensuring that pupils are able to remain in mainstream education, or make a successful return to mainstream following exclusion."*<sup>29</sup>

They were proved wrong. In July 2006, in a report on SEN and Inclusion, Ofsted identified PRUs as the least effective place for children with SEN to be educated.<sup>30</sup> And our research reveals just how unsuitable they are for teaching children with SEN.

<sup>27</sup> [http://www.ofsted.gov.uk/assets/Internet\\_Content/Shared\\_Content/Files/annualreport0506.pdf](http://www.ofsted.gov.uk/assets/Internet_Content/Shared_Content/Files/annualreport0506.pdf) para.290

<sup>28</sup> Data compiled from Hansard 30 January 2007, PQ 116993, DfES SFR 23/2006 and DfES SFR 20/2007.

<sup>29</sup> *Inclusive Schooling*, para.48 <http://www.teachernet.gov.uk/doc/4621/InclusiveSchooling.pdf>

The table below shows that the number of pupils suspended from Pupil Referral Units has risen by 32% in the past year — from 5,780 to 7,630.<sup>31</sup> 53% of pupils in PRUs are suspended from the PRU in one year. But of these pupils suspended from PRUs, 72% have Special Educational Needs— up from 69% in the previous year.

In fact, two thirds of all SEN pupils at PRUs end up being suspended: Out of the total number of pupils with SEN in PRUs (5490 out of 8800) 66% are suspended, compared with 37% of pupils without SEN (2140 out of 5680).

#### Pupils receiving fixed-period exclusions from PRUs

	2003/04	2004/05
Pupils with SEN statements	1,170	1,640
SEN pupils without statements	2,790	3,850
Total SEN pupils	3,960	5,490
Pupils with no SEN	1,820	2,140
Total pupils	5,780	7,630
% of SEN pupils	69%	72%

To contextualise these figures, children with SEN in PRUs are either children already excluded from an unsuitable mainstream school, or children who have had to be placed in a PRU because suitable provision did not exist for them in the mainstream.

#### Local lottery for discipline

A local authority breakdown of where pupils are being suspended from PRUs reveals that some local authorities have severe problems with discipline. In 43 out of a total 130 local authorities, the number of suspensions is more than the number of pupils in the PRUs.<sup>32</sup>

---

<sup>30</sup> [http://www.ofsted.gov.uk/assets/Internet\\_Content/Publications\\_Team/File\\_attachments/inclusion2535.pdf](http://www.ofsted.gov.uk/assets/Internet_Content/Publications_Team/File_attachments/inclusion2535.pdf)

<sup>31</sup> Hansard 6 June 2007; PQ 139512.

<sup>32</sup> Hansard 6 June 2007; PQ 139512.

#### **4. Conclusion:**

Inclusion must be judged not by which building a child is educated in, but by the standard of education and life they receive. The figures in this report provide compelling argument for an urgent re-think over the Government's current inclusion policy.

The statistics show that the unintended results of Labour's inclusion policy are unacceptable levels of exclusion for children with SEN from mainstream education through either truancy, exclusion, or relegation to pupil referral units. In addition, what we have not been able to measure in this report, but must not discount, is the extent of personal isolation and social exclusion that children placed in inappropriate schools experience on a daily basis.

This report finds particular evidence against the School Action Plus system, which, under the Government policy of inclusion replaces the statement for children with more severe SEN. The shocking exclusion and truancy figures for children on School Action Plus speak for themselves.

The dramatic increase in parents abandoning the state system and following Ruth Kelly in sending their child with SEN to an independent school is an indication of the inadequacies of the state system.

As in 1981, we have reached a point where many children with SEN are being excluded from our society. It is time once again urgently to recognise that systematic reform is needed. We must enable pupils with SEN to get an appropriate assessment of needs and appropriate provision to meet those needs. No child is the same, that includes children with SEN. Systemic reform must encompass a spectrum of provision to meet a spectrum of needs.

## Appendix:

### 1. Inclusion or not inclusion? The Government's mixed message:

#### 1. "Removing Barriers To Achievement: The Government's Strategy for SEN", DFES, 2004, Chapter 2,

*"The 1997 Green Paper "Excellence for All Children" signalled our commitment to the principle of inclusion and the need to rethink the role of special schools within this context."*

para 2.15 states:

*"Local authorities have an important strategic role to play in planning a spectrum of provision needed to meet children's needs within their area. They should take account of the following considerations: **the proportion of children educated in special schools should fall over time as mainstream schools grow**"*

#### Inclusive Schooling Guidance 2001:

*"The starting point is always that children who have statements will receive mainstream education"*  
(Inclusive Schooling Guidance, 2001, para.22)

### 2. Disability Act 2001: The legislative presumption of inclusion is typified in the Special Educational Needs and Disability Act 2001, which states:

*'If a statement is maintained under Section 324 for the child, he must be educated in a mainstream school unless that is incompatible with (a) the wishes of his parent, or (b) the provision of efficient education for other children.'*

This presumption in favour of mainstream schools limits choice for parents who feel that they are being pushed towards them when they would prefer a special school. The current wording of the law actually discourages LEAs from telling parents about special schools that might suit the needs of their children.

### 3. The Ed & Skills Select Committee found:

(House of Commons Education and Skills Committee – Special Educational Needs, Third report of the Session 2005-6)

- *'it is reasonable for those involved in SEN to assume that the Government holds a policy of inclusion from which it has given guidance to local authorities to reduce both the proportion of pupils in special schools and to reduce reliance on statements'* (para.72)
- However, they noted that *'written and oral evidence given to this inquiry by the DFES, along with written evidence from the Minister, has caused confusion... The Government has repeatedly told this Committee that it does not hold a policy of inclusion that is resulting in the closure of special schools'* (para.75).
- Regarding Lord Adonis' evidence, the committee states *he' directly contradicts the stated aim in the 2004 SEN Strategy'* and that *'the Minister's words demonstrate a significant change in policy direction'* (para.79).
- They conclude that *'The most generous reading of the evidence is that the Government is moving towards seeking a "flexible continuation of provision" being available in all local authorities to meet the needs of all children, including those with SEN.'* But, they say *'changing a key policy and hoping to tie it back in to a particular reading of the existing SEN Strategy is not acceptable. The Government should be up-front about its change of direction on SEN policy and the inclusion agenda, if this is indeed the case'* (paras.85 & 87)