



Department  
for Education

# **Statements of SEN and EHC plans: England 2018**

**Technical document**

**May 2018**

# Contents

Background	3
Production	4
Data cleaning	4
Publication tables	4
Calculated items	4
Disclosure control	5
Quality	6
2018 collection	6
Statements for those aged 20-25	6
Statements at Post 16 establishment types	6
Discontinued statements and plans (compulsory school age)	7
Local data issues	7
2017 collection	7
Apprenticeships, traineeships or supported internships	7
Establishment types	7
Local data issues	7
2016 collection	8
Cases currently being assessed	8
Establishment types	8
Learning Difficulty Assessments (LDAs) – Experimental Statistics	8
Local data issues	9
Personal Budgets - Experimental Statistics	10
Post 16 establishment types	11
Statements and EHC plans issued within the timescales	11
Transfers from statements or LDAs to EHC plans	11
2015 collection	12
Pathfinder authorities	12
Issues in the 2015 SEN2 return guide	12
Users and usage	13

## Background

The information collected in the SEN2 return is the only source of data on all statements of special educational needs (SEN) and education health and care (EHC) plans maintained by individual local authorities. The SEN2 return is mandatory for all local authorities and collects aggregate local authority level information on children with statements of SEN, or EHC plans. Further details on the SEN2 collection can be found at the [SEN2 collection webpage](#).

The Statements of SEN and EHC plans: England 2018 publication includes data from the annual SEN2 data return. Prior to 2015, SEN2 data was published as part of the Special Educational Needs in England publication alongside data from the school census. From 2015, the SEN2 data has been published in a separate publication to the school census data. SEN data from the January 2018 school census data will be published as part of the Special Educational Needs in England publication in July 2018.

In September 2014, the special educational needs and disability (SEND) reforms came into effect as part of the Children and Families Act 2014. From 1 September 2014, any children or young people who are newly referred to a local authority for assessment are considered under the new EHC plan assessment process. The legal test of when a child or young person requires an EHC plan remains the same as that for a statement under the Education Act 1996. The time limit for completing EHC plans is 20 weeks. This is shorter than the previous time limit of 26 weeks for statements. Local authorities are expected to review all statements and transfer to EHC plans by 31<sup>st</sup> March 2018.

Children and young people with a learning difficulty assessment (LDA) can request an assessment for an EHC plan. Local authorities were expected to review all LDAs and transfer to EHC plans by 31<sup>st</sup> August 2016, the date upon which LDAs ceased to have a legal effect. However, this deadline was later relaxed until 31<sup>st</sup> December 2016. The purpose of this extension was to allow some flexibility for EFA funding to safeguard high needs provision.

As part of the SEND reforms, local authorities should ensure there is a Designated Medical/Clinical Officer (DMO/DCO) to support the Clinical Commissioning Groups (CCG) in meeting its statutory responsibilities for children and young people with SEN and disabilities, primarily by providing a point of contact for local partners, when notifying parents and local authorities about children and young people they believe have, or may have, SEN or a disability, and when seeking advice on SEN or disabilities. See the [SEND code of practice: 0 to 25](#) for more detailed information on the SEND reforms.

## Production

Local authorities return their information on children and young people with statements of SEN and EHC plans to the DfE via the COLLECT (Collections On-Line for Learning, Education, Children and Teachers) system. For details of the SEN2 data collection see the [SEN2 collection webpage](#).

## Data cleaning

COLLECT has 77 built-in validation rules which flag up data which is invalid or the quality is questionable. This allows local authorities to identify errors and clean the data before final submission to DfE. Local authorities are encouraged to clean all errors and double-check data where queries are flagged. Local authorities are also encouraged to add notes to their return to explain any “unusual” data.

Additional common sense checks are carried out by DfE within and across local authorities, comparing local authorities with each other.

Once all users have cleaned and submitted their data, a final dataset is compiled.

## Publication tables

The publication contains 11 tables, which cover:

- Numbers of statements and EHC plans
- Placement of children and young people
- Statements and EHC plans issued within timescales
- Progress transferring cases to the new system
- Personal budgets taken up
- Mediation and tribunal cases

In all cases, the figures are compiled from the aggregate data provided by local authorities.

## Calculated items

The ‘Number of children and young people assessed and decision taken whether or not to issue a statement or EHC plan during the calendar year’ included in tables 2 and 6 is the sum of:

- Number of children and young people for whom statements or EHC plans were made for the first time during the calendar year.
- Number of children and young people assessed during the calendar year for whom it was decided not to issue a statement or EHC plan.

## Disclosure control

The Code of Practice for Official Statistics requires us to take reasonable steps to ensure that our published or disseminated statistics protect confidentiality.

The data that underpins this release, the SEN2 return, collects aggregate local authority level information on children with statements of SEN, or EHC plans. Therefore, the data published in this release does not allow for the identification of individuals. Where there is a single pupil with a particular characteristic, prior knowledge of that circumstance would be required to determine which pupil it is.

When reviewing the tables, please note that we use the following symbols:

- . not applicable
- .. not available

## Quality

From 2015 onwards, the scope of the SEN2 return increased to collect information on EHC plans for the first time following their introduction in September 2014. Systems and processes may still be bedding in during this period. There is anecdotal evidence that local authorities are prioritising the transformation to the new system in different ways. Potential differences in planning and prioritising need to be considered when interpreting the data.

More specific points are outlined in the sections below:

### 2018 collection

#### Statements for those aged 20-25

A child with a statement includes any person for whom a statement has been issued who has not attained the age of 19 and is a registered pupil at a school. Therefore, there should be no young person with a statement who is aged 19 or over at 31 August 2017.

A small number of local authorities are known to have young people aged 20-25 with statements, whom were in the process of or awaiting transfer from a statement to an EHC plan. However, there was not an option on the SEN2 return to record young people with statements as attending these establishment types. Therefore, local authorities were advised to report these cases as young people with EHC plans. This also applies to the 2016 and 2017 data collections.

#### Statements at Post 16 establishment types

Prior to September 2014, children and young people with statements at school were eligible to receive an LDA when they moved to general further education, sixth form college, specialist post 16 institutions or other further education. Local authorities were advised to prioritise the transfers from statements to EHC plans for young people in their final year at school, as statements are not legally binding in these establishments and LDAs would be discontinued.

A small number of local authorities are known to have young people at post 16 establishments with statements, while waiting to transfer from a statement to an EHC plan. However, there was not an option on the SEN2 return to record young people with statements as attending these establishment types. Therefore, local authorities were advised to report these cases as young people with EHC plans. This also applies to the 2016 and 2017 data collections.

## **Discontinued statements and plans (compulsory school age)**

There is a known undercount in the data item “Discontinued statements and plans (compulsory school age)” for a small number of local authorities. This only affects cases where a child has had their EHC plan discontinued in the calendar year, where the plan was previously a statement and had been transferred from a statement to an EHC plan using a specific review system.

Across all local authorities and all EHC plans, there were 2,740 EHC plans discontinued in total during the 2016 calendar year. Some affected local authorities are known to have manually corrected the undercount. This issue also affects the 2017 collection.

## **Local data issues**

No local authority specific data issues have been raised at the time of publication.

## **2017 collection**

### **Apprenticeships, traineeships or supported internships**

The number of children and young people with statements or EHC plans who are undertaking apprenticeships, traineeships or supported internships was collected on a mandatory basis for the first time in the 2017 collection, having previously been voluntary in the 2016 collection. However, a small number of local authorities failed to return data in the 2017 collection. As a result, where a local authority has left this section of the collection blank for statements and EHC plans, we have reported as ‘..’. If local authorities have recorded zero this is published as “0”. It is possible that in some cases local authorities may also have entered zero if the number is not known.

### **Establishment types**

Local authorities requested support regarding how to record children and young people who attend secure units, young offenders institutions or accessing education in prison. Local authorities were advised to record these young people as accessing ‘other arrangements made by local authority’.

Some local authorities have told us that young people who are not in employment, education or training have been entered in either ‘other arrangements made by local authorities’, or ‘awaiting provision’.

## **Local data issues**

Birmingham local authority failed to include statements currently being transitioned to EHC plans where an EHC needs assessment had been initiated, but the final plan was

not yet issued. Estimates provided by Birmingham suggesting that this has resulted in an undercount of 1,168 statements maintained by Birmingham local authority as at 19th January 2017. This impacts upon the number of statements presented for 2017 in Tables 1, 3 and 5.

## 2016 collection

### Cases currently being assessed

Item 2.4 asks: 'Please state the number of children and young people assessed for an EHC plan during the 2015 calendar year who are still being assessed or where assessment has been completed by 21 January 2016 but no decision taken for an EHC plan'. We are aware that a number of local authorities have included cases where a decision has been made to issue an EHC plan but this had not been issued by the census date.

### Establishment types

Local authorities requested support regarding how to record children and young people who attend secure units, young offenders institutions or accessing education in prison. Local authorities were advised to record these young people as accessing 'other arrangements made by local authority'.

There is no category for children and young people attending resourced provision or SEN units in mainstream academies. Local authorities have been advised to record these cases under 'mainstream academies.' The establishment type selection has been amended for the 2017 collection to include SEN units and resourced provisions in mainstream academies.

Some local authorities have told us that young people who are not in employment, education or training have been entered in either 'other arrangements made by local authorities', or 'awaiting provision'.

## Learning Difficulty Assessments (LDAs) – Experimental Statistics

### Experimental statistics

Experimental statistics are defined in the Code of Practice for Official Statistics as 'new official statistics undergoing evaluation. They are published in order to involve users and stakeholders in their development and as a means to build in quality at an early stage.' For more information on experimental statistics, please visit the UK statistics authority website.

The data published for the number of LDAs and percentages linked to this data have been published as experimental statistics in 2016. This is a result of several data quality issues highlighted since the 2015 publication. Generally LDAs are not maintained by local authorities in the same way as statements or EHC plans. Many local authorities



report outside agencies will maintain and keep records of LDAs, whereas statements and EHC plans are maintained and recorded by all local authorities. This means that local authorities do not always have accurate records available for the number of LDAs in place.

Before using the LDA data, the following should be considered:

- This year, a small number of local authorities have reported providing incorrect figures for the 2015 collection, therefore direct comparisons with 2016 LDA data cannot be made.
- This year, some local authorities have reported more LDAs in place on 15<sup>th</sup> January 2015, than they reported were in place at 31<sup>st</sup> August 2014 in the 2015 collection. We have been told by some local authorities that this is due to improvements in data collection methods since the 2015 collection leading to more LDAs being identified.
- Local authorities had a duty under section 139 of the Learning and Skills Act 2000 to arrange for an LDA for all persons in respect of whom they maintain a statement, and who they expect to leave school at 16-19 to receive post-16 education, training or higher education. They had discretion to make LDAs for others. It is possible that some of the discretionary LDAs that were made are for children or young people with SEN who will not meet the criteria for an EHC plan.

## Local data issues

Cases where local authorities have not submitted a data item, or have told us they reported 0 as the actual figure is not known, have been published as ‘.’ in the main tables. A small number of local authorities have reported issues regarding their data return which are listed below:

- Wandsworth local authority told us their figure for statements ending because they have left school at the end of compulsory schooling or after reported in table 7 is likely to be an underestimate of the actual figure.
- Lancashire local authority was only able to provide a combined number of statements and EHC plans discontinued at the end of compulsory schooling or after. All cases have been published as statements, so the national total of statements discontinued at the end of compulsory schooling reported in table 2 may be slightly greater than the actual total, and the total number for EHC plans may be slightly lower than the actual figure.
- Lancashire local authority has not been able to provide data for the number of statements or EHC plans issued excluding exceptions or the number transferred within the time limit. This has been recorded as ‘.’ in table 8 and 9 to represent data not available. The number of statements and EHC plans issued including and excluding exceptions for this local authority has been removed from the national

and regional figures. As a result these totals are likely to be an underestimate of the actual figure.

- A small number of local authorities have told us that they have not been able to provide the number of LDAs at 15<sup>th</sup> January 2015. Two local authorities have not been able to provide the number of LDAs transferred to EHC plans. One local authority has not been able to provide the number of statements transferred to EHC plans. In cases where data is missing, ‘..’ has been reported in table 10. Local authorities with incomplete data have been removed from the percentage transferred calculation for regional and national level data.
- The number of mediation and tribunal cases has only been collected for six months by Lancashire local authority. Figure published in table 11 is for six months and therefore it’s possible that the national and regional total is a slight underestimate of the actual total.
- Hertfordshire local authority was not able to provide the number of mediation cases that went onto tribunal. This has been reported as ‘..’ in table 11. This data has been removed from the national and regional percentage calculation in this section.
- Cumbria local authority has informed us that due to the way data is extracted on their system, it has not been able to provide the number of children with statements and EHC plans in resourced provision in mainstream schools. These children have been included in the ‘maintained mainstream school’ figure. This means that the national figure for the number of children in resourced provision in maintained mainstream schools is likely to be a slight underestimate of the actual figure.
- Birmingham local authority stated that their data systems are currently under review and to meet requirements some manual counts have been necessary.

## Personal Budgets - Experimental Statistics

### Experimental statistics

Experimental statistics are defined in the Code of Practice for Official Statistics as ‘new official statistics undergoing evaluation. They are published in order to involve users and stakeholders in their development and as a means to build in quality at an early stage.’ For more information on experimental statistics, please visit the UK statistics authority website.

The number of personal budgets has been reported as experimental statistics for the 2016 publication. This is due to data quality issues for this item.

There are a number of local authorities who have reported having a small number of personal budgets but a large number of direct payments. Discussions with some local authorities have led us to believe that some local authorities may have misinterpreted the question and reported direct payments issued by social care and not from personal budgets outlined in the young person’s EHC plan. The total number of direct payments from personal budgets outlined in EHC plans is therefore likely to be an overestimate.

## Post 16 establishment types

Prior to September 2014, children and young people with statements at school were eligible to receive an LDA when they moved to general further education, sixth form college, specialist post 16 institutions or other further education. Local authorities were advised to prioritise the transfers from statements to EHC plans for young people in their final year at school, as statements are not legally binding in these establishments and LDAs would be discontinued. A small number of local authorities are known to have young people at these establishments with statements, while waiting to transfer from a statement to an EHC plan. There was not an option on the SEN2 return to record young people with statements as attending these establishment types. A number of local authorities are known to have recorded these young people under 'educated elsewhere'. A small number of local authorities are known to have reported these cases as young people with an EHC plan, and one local authority is known not to have included these young people in their return.

## Statements and EHC plans issued within the timescales

There are certain circumstances when it is legitimate for local authorities not to record the timescales for both statements and EHC plans. This means that the total number of new statements or EHC plans used to calculate the percentages in Table 8 and Table 9 can be different to the total number of new statements or EHC plans in Table 2. We would expect any differences to be small. Circumstances when local authorities are permitted not to record the timescales are given in the [2016 SEN2 return guide](#). These may include, following mediation or, a tribunal or reconsideration of the original decision not to issue, or a transfer between local authorities.

In Section 1.6 of the 2016 [SEN2 return guide](#), details are given on how to record cases that started as an assessment for a statement but resulted in an EHC plan. In these cases the EHC plan is considered a new EHC plan. However, when it comes to recording the timescales for these plans, the timescales and exceptions apply as for statements under the Education Act 1996 (26 week limit). Local authorities were advised to record these cases as having met the time limit for an EHC plan if they had met the time limit for a statement.

## Transfers from statements or LDAs to EHC plans

A small number of local authorities had missing data for this section. The missing data items are recorded as '..' and where data is available, it has been included in the regional and national totals.

In cases where the number of statements transferred is not available, the number of statements in place at 15 January 2015 has been removed when calculating the percentage of statements transferred to EHC plans in both the national and regional totals.

In cases where the number of LDAs transferred is not available, the number of LDAs in place at 15 January 2015 has been removed when calculating the percentage of LDAs transferred to EHC plans in both the national and regional figures.

## **2015 collection**

### **Pathfinder authorities**

The Department for Education funded twenty 'pathfinders', covering 31 local authority areas and associated clinical commissioning groups (see annex A for the full list), to test the provisions set out in what was the Children and Families Bill.

Pathfinder local authorities will have issued non-statutory EHC plans before 1 September 2014 and these plans are not included in the figures. These non-statutory EHC plans do not have the same duties and rights associated with them as an EHC plan issued on or after 1 September 2014 and local authorities will need to undertake EHC needs assessments to transfer them to statutory EHC plans. While some may be suitable to be transferred to statutory EHC plans without significant changes, others may require further work to comply with the 2014 Act and related Regulations.

Some children and young people who have been issued with non-statutory EHC plans before 1 September 2014 also have statements. If a statement was issued alongside a non-statutory EHC plan, the statement should have been counted as a statement. If a pathfinder area counted a non-statutory EHC plan as a new statement in an SEN2 return and reissues the EHC plan on a statutory basis this is recorded as a transfer from a statement to avoid double counting.

Only statutory EHC plans (i.e. EHC plans issued on or after 1 September 2014) are counted in the 2015 and 2016 SEN2 data return. However, local authorities were advised to count non-statutory EHC plans as statements in the 2014 SEN2 return. As a result, some pathfinder local authorities could have large differences between 2014 and 2015 data. This should be taken into consideration when making year on year comparisons.

### **Issues in the 2015 SEN2 return guide**

In 2015 we were aware that for item 2.3 and 2.4, some local authorities may have counted some or all of the transfers from statements or LDAs. The wording in the guide was amended to ensure we only collected this data for new statements or EHC plans in 2016.

We were also aware that for items 5.1 (a) and 5.1 (b) some local authorities may have reported those transfers in progress rather than those where a decision has been made not to issue a plan. The wording in the guide was amended to ensure we only collected this data for those where a decision has been made not to issue an EHC plan in 2016.

## Users and usage

We would like to know more about our users and would encourage and welcome any feedback on how the data is used. Comments on any issues relating to this publication are also welcomed and encouraged. If you would like to be involved in future user engagement consultations then please do get in touch. Please email us at:

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Reference: [Statements of SEN and EHC plans: England, 2018 Technical Document]



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