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Research and analysis

Area SEND review: equality impact assessment

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Applies to England

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Introduction

In this equality impact assessment, we (Ofsted and the Care Quality Commission (CQC)) set out how the area special educational needs and/or disabilities (SEND) framework will continue to fulfil the requirements of the [Equality Act 2010](#), including the public sector equality duty (PSED) set out in [section 149 of the Equality Act 2010](#).

The PSED requires that Ofsted and the CQC, when carrying out their functions, have regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

We have set out our assessment of the equality, diversity and inclusion implications of the changes to the area SEND inspection framework that we have committed to implementing in response to the feedback we received as part of the 2024/25 area SEND review.

Impact of the recommended changes against the relevant protected characteristics

The proposed changes will make a positive difference to the way Ofsted and CQC inspect the system for supporting children with SEND in England. This means that groups of children who are more likely to have SEND are expected to benefit disproportionately. This includes boys, children with disabilities and children from some ethnic groups, including 'Traveller of Irish heritage', 'Black Caribbean' and 'Other Black background', as well as their families. The data below shows that all of these groups are disadvantaged (in terms of equality of opportunity) relative to other groups of children.

The proposed changes aim to ensure that our area SEND inspections are as effective as possible in holding local areas to account and helping to drive improvements in the experiences and outcomes of children, young people and their families, within Ofsted and CQC's operating constraints. The net effect of all changes made to the area SEND inspection framework in response to the review (in terms of equality of opportunity) is expected to be positive. Furthermore, where possible, additional inspectors will be deployed on monitoring inspections, which will further strengthen accountability in areas where the need for support and oversight is most pressing. Finally, by improving the effectiveness of area SEND inspections, we aim to enhance the improvement of experiences and outcomes of children and young people with SEND and their families.

SEND, the protected characteristics, and pupil performance by characteristic: national data sources

This equality impact assessment has been informed by an analysis of publicly available data on the ethnicity and attainment levels of children and young people with SEND in England.

- In January 2024, among the different ethnic groups, those recorded as 'Traveller of Irish heritage', 'Black Caribbean' and 'Other Black background' had the highest proportion of pupils with an education, health and care (EHC) plan, with percentages of 7.3%, 6.4% and 6.3% respectively.
- More boys have SEND than girls: 72.0% of pupils with an EHC plan are male, and 62.0% of pupils receiving SEN support are male. However, the proportion of pupils with SEND who are male has been decreasing in recent years.
- The 'Traveller of Irish heritage' ethnic group has the highest rate of children with

SEND: 25.9% had SEN support in 2024, and a further 7.3% had an EHC plan.

- The ‘Chinese’ ethnic group had the lowest rate of children with SEND: 5.2% of pupils in this ethnic group had SEN support and 2.2% had an EHC plan.^{[\[footnote 1\]](#)}
- All the groups named above have lower attainment at key stage 4 than other children – a defensible if very simple proxy for equality of opportunity in education sense.
- In 2022/23 and 2023/24 pupils with SEN had significantly lower attainment than pupils without SEN across all the headline measures.
- In 2023/24, the average Attainment 8 score by ethnicity was: all pupils 52.9, Black Caribbean pupils 46.5, Mixed 46.7, White 44.6 Traveller of Irish Heritage, 31.0.^{[\[footnote 2\]](#)}

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1. Data on ethnicity is taken from: ‘[Special educational needs in England, Academic year 2023/24](#)’, Official Statistics, Department for Education, June 2024. [↩](#)
 2. Data on attainment is taken from: ‘[Key stage 4 performance, Academic year 2023/24](#)’, Official Statistics, Department for Education, February 2025. [↩](#)

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