



SPECIAL EDUCATIONAL NEEDS

IMPLEMENTATION OF THE SEN AND DISABILITIES CODE OF PRACTICE FOR SCHOOLS, FE AND SPECIALIST COLLEGES

**SEND Code of Practice Framework
in Somerset
(September 2014)**

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Background

The Department for Education (DfE) published the new Special Educational Needs and Disability Code of Practice in 2014. The Code offers practical statutory guidance to Local Authorities (LAs) when identifying, assessing and making provision for children and young people with special educational needs (SEN) across the age range 0-25 years.

National Context

The new Code of Practice replaces the 2001 code and defines the way such arrangements for learners with SEN should be managed by LAs in partnership with parents, young people, schools and other services. Actual provision and support arrangements differ in each LA but one result of the reforms particularly in the funding introduced in April and September 2013, has meant a greater consistency across local authorities.

- The statutory arrangements need to be considered alongside more recent Government initiatives and documents:
 - Equalities Act 2010
 - School Funding Reforms 2013
 - Valuing People Now 2010
 - Direct Payments for Healthcare April 2014
 - Health and Social Care Act 2013

The presumption continues that learners with special educational needs and those with Education, Health and Care Plans (EHC Plans) will normally be educated in a mainstream schools and colleges, where this is in line with parental preference.

The nationally prescribed implementation period means that Statements of SEN and EHC plans will co-exist until up to the end of April 2018.

Somerset Context

The Somerset interpretation of the Code of Practice is detailed here in the "Implementation of the SEN and Disability Code of Practice 2014".

At the core of the framework is the emphasis on identification and support made available to schools and colleges through SEN Support to address needs at the earliest opportunity.

In this document the term 'learner' is used as the information may relate both to those at school and at college.

SEND Code of Practice Framework in Somerset (September 2014)

The main column headings are explained below:

Element 1 Provision for All	Element 2 Additional Needs	Element 3 High Needs 'Top Up'	LA Action
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Element 1 - Provision for All

This is mainstream school provision made available to all pupils that recognises all teachers as teachers of Special Educational Needs. Most pupils will make progress through the expected differentiated curriculum offered to all pupils and resourced through element 1 which is what was referred to as the Age Weighted Pupil Unit (AWPU). This includes national literacy, numeracy and social inclusion initiatives to raise achievement – see quality first teaching.

In Colleges 'Place funding' is made up of two components. Element 1 is paid to institutions and represents the funding that all students at the institution attract for their basic study programmes. It does not take into account the additional support costs of high needs students. From August 2014 as part of their study programme students will have to continue to study Mathematics and English if they did not achieve a GCSE Grade C in these subjects by the age of 16. Students with learning difficulties and/or disabilities will be excluded from this requirement where appropriate. However, all students with LLDD who do not hold a GCSE level A* - C in English and/or Maths should work to qualifications at some level in these subjects, where it is appropriate for them to do so to be eligible for study programme funding.

Element 2 - Additional Needs

This is provision additional to and different from Provision for All. Mainstream schools identify groups/individual learner needs and make group and or individual provision to address these as they become evident. Support Services are available to advise/guide schools in building capacity and meeting individual needs. The level of support for an individual can be resourced within this category up to £6,000.

In Colleges Element 2 provides up to £6,000 to help meet the additional support costs for high needs students. This element of place funding is not intended for meeting the needs of students who require a lower level support costing less than £6,000. Element 2 is not reserved for a specific student or local authority. Institutions are free to fill places they have been allocated in the order that local authorities agree and commission those places.

Element 3 - High Needs - 'Top Up' Funding

Element 3 is for individual learners both in schools who have severe and complex needs meeting the criteria as published. (This was the previous School Action Plus criteria Levels 2 and 3). Element 3 is the national pupil specific funding methodology depending on individual need and in Somerset determined by audit criteria both in mainstream and special schools. In mainstream schools Element 3 resources are made available without the need for a statutory assessment.

There are graduated steps within Element 3 from Level 2 to Level 3; the highest level being sufficient (with all other SEN resources) to support a child with the highest level of need in a mainstream school. In mainstream schools, Level 1 criteria are still available for schools to use as a way of differentiating support needs within element 2.

In special schools the combination of a primary and a possible secondary need is reflected in levels 3 to 5 and then into bandings of funding.

In Colleges Element 3 is the funding required over and above the place funding to enable a student with high needs to participate in education and training and is allocated on a per-student basis by the local authority who has responsibility for the student. This will be based on the student's assessed needs, agreed between the LA and the provider, and paid in or close to real-time movement of the student. The LA will use the funds from its high needs block allocation to pay the top up funding to colleges.

LA Action

LA Action is determined through statutory assessment and the production of an EHC Plan where the LA decides the special educational provision required is beyond that normally made available to a mainstream school or college.

The LA makes such arrangements for learners who require a placement in special or enhanced provision (special school / college or unit) or require a highly co-ordinated multi-agency provision to support a mainstream placement. Where a placement is made in a special school, PRU or resource base, elements 1 and 2 are put together as the resource commissioned of those providers. Element 3 is agreed as a top up reflecting the individual needs of the learner.

Somerset protocols for learners with severe and complex needs, described in a Statement of SEN/Education Health and Care Plan moving into a Somerset school/college.

- a) Learner's home address in Somerset:
- The SEN Statutory Panel will decide on an appropriate placement using the Somerset placement protocols.
 - If a child is placed in a mainstream school/college, then the Statutory Panel will assimilate to the appropriate High Needs category (if required) or allocate units to the equivalent of that specified in the statement/EHC Plan and identify a 'next application' date.
 - The LA will ask the school/college to arrange an Annual Review within three months to decide whether to adopt, amend or cease to maintain the Statement/EHC Plan.
- b) Learner's home address outside Somerset:
- The 'home' LA will continue to maintain, review and amend the Statement/EHC Plan and commission the place directly with the school/college.

- c) Learner 'in care' to another LA and resident in Somerset (CiC):
- Somerset administers the Statement/EHC Plan, places the child and agrees with the school the cost of commissioning the place.
 - Somerset recoups resources from other LA.

Protocol for a previous Somerset learner with High Needs funding (without a Statement of SEN), moving to another LA:

- Somerset school informs LA of the child's move and destination LA.
- Somerset LA will then provide the receiving LA with a letter detailing:
 - High Needs funding arrangements;
 - the current High Needs allocation.

This will be in addition to information passed between the individual schools.

Protocol for a learner with High Needs funding previously in a Somerset school, moving to a school in another LA, but remaining resident in Somerset:

- Based on a request for Statutory Assessment being made usually by the current Somerset school, the LA will decide, as in Somerset, whether a statutory assessment leading to a Statement/EHC plan is necessary, based on whether the provision arrangements cannot reasonably be provided within resources normally made available to the other LA school without a statutory process.

Eligibility Criteria for Family Service Plan

(LEVEL 2)

Significant early years multi-agency response required to address the complexity of need as defined by:

1. A long lasting and severe restriction, or lack of ability to perform activities considered usual for a child of a similar age, and
2. The child will need significant assistance in at least five of the following areas:
 - personal care
 - mobility
 - communication
 - equipment/accommodation
 - health care
 - education

3. It is well recognised that there are a range of children who will need some involvement at some point in their lives from Health, Education and Social Services staff. However, the Family Service Plan (Level 2) is concerned with children who have long lasting multiple or profound disabilities which affect several aspects of their lives. Children eligible for Family Service Plan (Level 2) will require a range of therapies and services from a variety of professions and agencies over a long period of time, probably throughout their childhood. Because of this they require extra help with co-ordinating and reviewing their services.
 4. For children with visual impairment alone, eligibility includes being registered blind by a Consultant Ophthalmologist. For children with hearing impairment alone, eligibility includes profound bi-lateral neuro-sensory hearing loss greater than 90 decibels.
 5. Eligibility may be seen as an indicator that a statutory assessment is appropriate.
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Quality First Teaching

There are two key questions to help teachers assess their effectiveness in Wave 1:

Are all learners making progress?

Are individuals making the progress expected given their previous attainment?

All teachers are expected to set targets for all learners that help them progress as far as possible by using summative and formative assessment and the use of Assessment for Learning techniques.

The Inclusion Development Programme is still a valuable resource to increase the skills, knowledge and expertise of non-SEN specialist staff and remove barriers for pupils with Dyslexia, Speech, Language and Communication Needs (SLCN) and those on the Autism Spectrum.

Through increased knowledge about the needs, the potential barriers and how to remove the barriers, teachers can create accessible learning environments through their ability to make reasonable judgments.

Within Element 2, interventions tend to be for small groups of pupils following a particular programme or activity. There needs to be a group education plan setting out the aims, the timescale and the success criteria which may be specified for each member of the group reflecting different starting points.

When it is clear that there is an increased need for more individual support and external agency involvement which may require High Needs funding it is important that the pupil has an Individual Education Plan and close contact with parent/carer at the reviews.

SEND CODE OF PRACTICE FRAMEWORK IN SOMERSET FROM SEPTEMBER 2014

ELEMENT 1 PROVISION FOR ALL

Definition

Reference: SEN Code of Practice 2014; High Needs funding reforms June 2013

- Broad and balanced curriculum and strategies available for all pupils recognising that all teachers are teachers of pupils with SEN.
- Quality First Teaching, which incorporates the principles of Assess, Plan, Do, Review.

Features of Provision for Learners

Whole School/College Provision

- Implementation of whole school positive behaviour policy emphasising reward and recognition.
- Personalised Learning approach clear in school practice.
- Study programmes in Colleges.
- Structures in school provide support and advice to class teachers (eg, advice from SENCO).
- Pupil/student voice is important in the school/college.
- Nurturing school/college ethos which recognises and values equality and diversity.
- Learning environment which meets sensory and physical needs, eg, acoustics, lighting and physical space.
- General whole school/college approaches/methods, eg Somerset Total Communication and Social and Emotional Aspects of Learning.
- Safe and supported learning environment.
- Broad and balanced curriculum.
- Inclusive school/college ethos.
- Preventative bullying policies.
- All staff involved in SEN are fully aware of procedures for identifying and making provision including close links between pastoral care and SEN.
- Summer schools.

- Opportunities for creative learning programmes (eg, Forest School).

Class Provision

- Primary Strategy (Wave 1 Quality First Teaching).
- Access to equipment, eg, laptop, ICT.
- Support for homework.
- Support for emotional literacy.
- Primary Strategy Wave 2

(NB: Planned interventions used in appropriate year group is Provision for All)

Small Group Provision

- Co-ordination groups.
- Language enrichment groups.
- Social skills group.

Individual

- Involving parents in their children's learning.
- Personal Education Plans (PEPs) for Children Looked After.

Implications for Policy and Practice for Schools and the Local Authority

School Implications

Schools carefully monitor pupil progress to ensure provision is targeted and appropriate to address pupil need reflecting positive progress and appropriately high expectations.

School policies reflect

- Flexibility in planning to meet the diverse needs of children and young people, eg alternative to GCSE, use of P-Scales, adapted learning environments, early interventions.
- Positive promotion of pupil progress within flexible provision.
- School provision map to show range of supportive activities available within a class, with clear; signposts to the school SEN resource bank.
- Understanding of key elements of 'Quality First' teaching.
- Effective implementation of social and emotional aspects of learning.

- Involvement of Governors to see that children with SEN are supported, and are making progress, and that schools duties under the Equalities Act are met.
- Adequate time and facilities for the SENCO to carry out duties effectively as outlined in the Code of Practice.
- SENCO closely involved in the strategic development of school policy and provision, either with or as a member of the School Leadership Team.
- Training is provided to enable all teachers to recognise, plan and cater for pupils with SEN.
- Developing a positive partnership with parents, including parent-friendly information and clear details of the school's Local Offer.
- Teacher planning should include SEN provision required for individuals and groups.

Local Authority Implications

- To clearly define core services and traded services, to enable schools to plan appropriate professional development and support.

DSG Resources Allocated by Department through Element 1, what was previously known as Age Weighted Pupil Unit (AWPU).

Monitoring and Evaluation

- School Performance Group (SPG).
- Analysis of school Ofsted reports.
- Local authority oversight of Key Stage test results.
- School monitor pupil progress throughout the year and Key Stage test results.
- SENCO monitoring of whole-school SEN provision:
 - progress of SEN pupils against targets;
 - effectiveness of teaching and learning strategies for SEN pupils.
- Judgements on SEN/Inclusion:
 - provision at the school, to inform targeted intervention at whole school level;
 - encouragement towards achievement of external validation.

ELEMENT 2 FUNDED ADDITIONAL NEEDS

Definition

Reference: SEN Code of Practice 2014 High Needs Funding Reforms 2013

- A broad and balanced curriculum and strategies available for all pupils recognising that all teachers are teachers of pupils with SEN.
- Quality First teaching.
- Triggers for intervention at Element 2 Additional Needs, are focused on lack of progress as supported by Element 1.
- Interventions that are additional to and different from those provided as part of the school `s usual differentiated curriculum and strategies. These interventions should be carried out as part of the Assess, Plan, Do, Review process.
- Information regarding the recording under PLASC and on SIMS will follow when DfE advise the LA and schools.
- A pupil should only be moved to being seen as accessing Element 2 after parents have been consulted.
- Targeted interventions at an individual level up to and including the first £6,000 of costs incurred to meet the pupil`s additional needs.

Features of Provision for Learners

Whole School Provision

- Consultation meetings.
- Multi professional teams supporting school development.

Class Provision

- Differentiated learning supported by appropriate materials.

Small Group Provision

- Individual short term target setting (eg IEP/Provision Map).
- Group and or individual support.
- Social use of language group.
- Co-ordination group following OT programme.
- Multi sensory literacy programme.
- Small group work for pupils needing additional focussed help with their social, emotional and behavioural skills.

- Primary strategy 'Wave 2' programmes when outside targeted year group.

Individual Provision

- Detailed assessment of pupil's needs learning and behaviour using a range of assessment tools, eg observational summative and formative methods.
- Parents and where appropriate, the young person, are informed, consulted and involved in planning and reviewing individual short term targets (eg IEP/Provision Map).
- Further assessment and collection of information following review including consideration of use of Common Assessment Framework (CAF) where needs are across a broad spectrum and include out of school issues.
- In addition to the Element 1 resource, Element 2 provides further £6,000 to fund the individual's support programme, including staffing, equipment and materials. (DfE School Funding reforms June 2013).
- Specialist equipment.
- Pastoral Support Plans.
- Learning mentors.
- Peer support mediation.
- Support commissioned from Pupil Referral Service Schools eg outreach and short term support.
- Access to targeted interventions, eg 'Wave 3' programmes.

Other

- Access to support services for short term indirect or direct intervention.
- Starting a CAF where a formal description of the child and family's needs are required (See Early Help Strategy).

Implications for Policy and Practice for Schools and the Local Authority

School Implications

- IEP/Provision Map would reflect both adaptations within the learning environment and to support pupil targets through the provision of additional or different resources.
- Flexibility in provision of curriculum opportunities to meet pupil needs, eg alternative to GCSE at Key Stage 4, P Scales and special arrangements (exams).
- Different and additional action taken by the school.
- Effective IEP/Provision Map process in use for a smaller number of pupils than previously.

- Effective communication with parents/outside agencies.
- Meeting training needs of staff.
- Appropriate records to monitor and evaluate progress.
- Ongoing monitoring to identifying School Action Plus applications.
- Rigorous monitoring of progress of pupils and use of Support Service resources.

Local Authority Implications

- Explicit LA support for newly appointed SENCOs in understanding the SEN Code of Practice Framework in Somerset and Somerset's SEN funding model.
- Ensuring relevant comparative SEN achievement data is available to support school self-evaluation and target setting.

Resources Allocated by Department

- A formula based on deprivation, prior attainment and free school meals.
- Access to members of the Support Services (Learning Support, Communication and Autism, Sensory, Physical and Medical, Educational Psychologists PRS, and Special Provision support).

Monitoring and Evaluation

As Element 1 plus:

- Consultation meetings between schools and Somerset Support Services, review the progress, and the provision made for pupils/groups of pupils with SEN and informs priorities for capacity building, training and targeted support.

ELEMENT 3 HIGH NEEDS FUNDING

Definition

Reference: SEN Code of Practice 2014 High Needs Funding Reforms

- In addition to all in Element 2 Additional Needs.
- Targeted interventions at an individual level that has included the first £6,000 of costs incurred and now may require further or increased levels of work with the individual. This targeted provision should be based on the Assess, Plan, Do, Review process. This may include access to High Needs Funding under Element 3.
- Information regarding the recording under PLASC and on SIMS will follow when DfE advise the LA and schools.

Features of Provision for Learners

The Somerset graduated response ensures that provision at Element 3 includes all provision described under Elements 1 and 2.

- Descriptions of need and associated provision are set out in the High Needs Funding Guidance.
- Typically, there is an increase in the extent, frequency and duration of interventions in line with the level of severity and complexity.
- Annual Review should include parent and be person centred (supported as necessary).
- Individual Education Plans/Provision Maps which demonstrate the provision and track the progress through objectives to meet individual Special Educational Needs (at least termly).
- Access to ongoing direct intervention from support services.
- Where appropriate, links with specialist services and providers through:
 - a) Interactive Protocol for Somerset partnership working with special schools, including:
 - In-reach;
 - Out-reach;
 - Training (on-site Peer Support);
 - Consultancy;
 - Dual Placements;
 - Flexibility of Provision.
 - b) Specialist resource bases
- Nurture groups.
- Provision may increase based on a recognition of increased needs. A graduated increase in funding from Level 1 to Level 2 or 3 supports this.

Implications for Policy and Practice for Schools and the Local Authority

School Implications

- All annual reviews must be person centred.
- Transparent deployment of Element 3 resources to target pupil need and assure progress.
- School identifies specific training requirements and engage appropriate providers to address needs.
- Ongoing monitoring of pupil progress to identify those whose needs are currently not being met, to inform future action.
- To maintain ongoing records to ensure that monitoring requirements are met (evidence).

- Strategic whole school planning for meeting individual pupil needs.
- Where a pupil at High Needs with Element 3 funding has not responded to relevant and purposeful measures taken by the school and external specialists, the school should:
 - hold an Annual Review;
 - initiate or update the CAF;
 - with Support Services, identify a lead professional who will advise and support and assist in drawing up an Action Plan.

Local Authority Implications

Somerset Framework for Inclusive Education enables:

- Element 3 funding for additional support in school does not require an EHC Plan.
- Clear protocols exist for:
 - pupils with High Needs Element 3 funding moving out of Somerset;
 - pupils with High Needs Element 3 funding who live in Somerset but attend a school in another LA (OLA);
 - pupils moving into Somerset with complex SEN.
- SEN Transport
 - Free transport is not automatically provided for pupils with SEN (with or without an EHC Plan);
 - The LA will only provide free SEN transport to school when, either:
 - a) the pupil satisfies the general requirements of free school transport which apply to all pupils; or
 - b) the pupil's special educational needs means that they would not be able to attend the appropriate school (normally the nearest appropriate school) without LA provided transport.

Resources Allocated by Department

- Element 3 individually targeted funding through audit.
- Direct ongoing intervention and support at school level from Somerset Support Services.

These resources are normally made available in mainstream schools.

Monitoring and Evaluation

As Element 1 and 2 plus:

- Annual Review for High Needs Pupils.
- P-Scale data collection and target setting.

- Periodic re-application for High Needs pupils re-establishes need and monitors effectiveness of provision made/use of resources.

The Headteacher is responsible for High Needs pupil applications, supported by the SENCO.

LA ACTION

Definition

Reference: SEN Code of Practice 2014, High Needs Funding Reforms June 2013

Parents, young people over the age of 16, and educational settings may request the Local Authority carry out a statutory assessment of a child's needs. Other agencies may bring the needs of the young person to the LA's attention and the LA will then decide whether to start an assessment.

If the Local Authority agrees, this is recorded as Q for PLASC and SIMS.

If an Education Health Care (EHC) plan is agreed, then this is recorded as 'P' for PLASC and SIMS.

All statutory decisions will take into account the circumstance of children and young people who are:

- Children/Young people in Care (CiC).
- Travellers.
- Attending/or likely to be attending another Local Authority (OLA) School.
- Children/young people of parents in military service.
- Children/young people living in refuges.
- Children/young people who are homeless.

Features of Provision for Learners

The Local Authority will begin a statutory assessment when:

- The child/young person has not responded to relevant and purposeful action, (following the Assess, Plan, Do, Review process), taken by the early years provider/school or post 16 provider and Support Services to identify, assess and meet the special educational needs of the child/young person through SEN Support and Element 3 (High Needs) interventions.

And

- The child/young person may require special educational provision which cannot reasonably be provided within the resources normally available to mainstream early years providers, schools and post 16 institutions.

Or

- The child/young person requires a significant integrated multi-agency response to address the severity and complexity of need, eg Family Service Plan, Level 2.

The child/young person will need significant assistance in at least five of the following areas which require support from Health and Social Care:

- Personal care;
- Mobility;
- Communication;
- Equipment/accommodation;
- Healthcare;
- Education.

For example, the child/young person requires specialist placement or may require one within the next 18 months, for example at transition and in summary, the Local Authorities preliminary view is that they may need to determine the special educational provision.

- Every case will be treated on its individual merit within the context of the agreed policies.
- An EHC plan will be issued when the statutory assessment confirms that the Local Authority needs to determine the additional provision to meet the child/young person's needs.
- Where an EHC plan is not issued, the LA will provide written feedback collected during the assessment process which can then inform how the outcomes sought for the child/young person can be provided through special educational provision made by the educational setting.

Implications for Policy and Practice for Schools and the Local Authority

School Implications

- The school or setting named in the plan is required to deliver the provision specified, and hold a Statutory Annual Review.

Local Authority Implications

- Clear protocols exist for:
 - 1) Naming of setting.
 - 2) Pupils with an EHC plan moving into Somerset.
 - 3) Pupils with an EHC plan moving out of Somerset.
 - 4) Out of Authority placements in accordance with National Association of Special Schools (NASS) agreement and the Peninsula group protocols.
- A child/young person with an EHC plan is not automatically entitled to free SEN transport.
- SEN Statutory Panel will not make a new placement of a learner with an EHC plan where Ofsted have judged the school/setting "inadequate".

- Liaison with area-based Permanently Excluded and Vulnerable Pupils Panel (PEVP) arrangements to ensure 'fair access' arrangements for all schools and children and young people.

Resources Allocated by Department

In addition to mainstream high needs (Element 3) funding, the High Needs Block provides the resources for the LA to commission an individual place or an agreed number of high needs places at the following specialists providers:

- Autism and Communication Resource Bases.
- Maintained special schools.
- Independent/non-maintained specialist provision.
- Local FE Colleges.
- Independent Specialist providers.

Monitoring and Evaluation

- Consultation meetings.
- Annual Review for pupil with EHC plan. Recommendations from Annual Review report are considered by Casework Team, and referred to SEN Statutory Panel as required.
- P-Scale data collection and target setting.
- Analysis of school Ofsted findings.
- The SEN Casework Officer monitors Annual Review reports.
- Exclusions of pupils with EHC plan are raise at SEN statutory panel.
- Tribunal outcomes monitored to further inform practice and strategic decision making.
- All placement decisions in independent/non-maintained sector are made using pre-qualified providers of the South-West Peninsula Project
- All independent/non-maintained provision is monitored annually to ensure all the needs of the child/young person are examined and reported upon.
- All individual placements in independent/non-maintained provision are reviewed through the Annual Review of the EHC plan.

CONTACT POINTS:

The Headteacher or the Special Educational Needs Coordinator (SENCO) will explain further the framework and how it is developed within each school.

The School Governor with responsibility for Special Educational Needs will explain how the framework relates to school policy and funding.

Support Services provided by Somerset Education Services comprising Educational Psychology, Behaviour Support, Learning Support, Physical/Medical and Sensory Support Services are located in area bases across the County. The school SENCO will explain how these services support the school and its pupils.

The four Area Bases are:

Chandos House, Bridgwater	Tel: 01278 446445
Shape Mendip Hub	Tel: 0300 303 8588
Morley House, Yeovil	Tel: 01935 463888
Holway Centre, Taunton	Tel: 01823 334475

The SENDIAS (SEND Information and Advice Service) located at The Holway Centre, Taunton (01823 355578) may be contacted in relation to the framework. Their website also contains links to all LA SEN documents/guidance and the full range of SENDIAS leaflets.

SENDIAS also run a Parent Forum on their website:

www.somersetparentpartnership.org.uk

Information and advice is also available from the Somerset Parent carer Forum (SPCF) (www.somersetpcf.org.uk)