

EXPLANATORY NOTES

EDUCATION (WALES) MEASURE 2009

INTRODUCTION

COMMENTARY ON SECTIONS

PART 1 – EDUCATION APPEALS AND CLAIMS BY CHILDREN

Special educational needs appeals

Sections 1- 8 insert new provisions into the Education Act 1996

Section 1 – Right of a child to appeal to the Tribunal in respect of special educational needs (inserting a new section 332ZA into the Education Act 1996)>

Section 2 – Notice and service of documents on a child (inserting a new section 332ZB into the Education Act 1996)

Section 3 – Case Friends (inserting a new section 332ZC into the Education Act 1996)

Section 4 - Advice and information (amending section 332A and inserting a new section 332AA into the Education Act 1996)

Section 5 - Resolution of disputes (amending section 332B and inserting a new section 332BA into the Education Act 1996)

Section 6 - Independent advocacy services (inserting a new section 332BB into the Education Act 1996)

Section 7 - Tribunal procedure

Section 8 - Procedure for making regulations (amending section 569 of the Education Act 1996 and inserting a new section 569(2A) and (2B) into that Act)

Disability Discrimination Claims

Sections 9 - 16 insert new provisions into the Disability Discrimination Act 1995

Section 9 - Right of a child to make a disability discrimination claim (inserting a new section 28IA into the Disability Discrimination Act 1995 – Jurisdiction and Powers of the Tribunal)

These notes refer to the Education (Wales) Measure 2009 (c.5)

Section 10 – Case friends (inserting a new section 28IB into the Disability Discrimination Act 1995)

Section 11 - Advice and information (inserting a new section 28IC – Disability Discrimination Act 1995)

Section 12 - Resolution of disputes (inserting a new section 28ID – Disability Discrimination Act 1995)

Section 13 - Independent advocacy services (inserting a new section 28IE – Disability Discrimination Act 1995)

Section 14 - Tribunal procedure

Section 15 - Role of the Welsh Ministers

Section 16 - Procedures for making regulations

Section 17 - Piloting the rights of a child to appeal or make a claim

Section 18 - Power to make provision about appeals and claims by a child

Section 19 - Interpretation of sections 17 and 18

Section 20 - Powers on repeal and re-enactment of the Disability Discrimination Act 1995

PART 2 – MISCELLANEOUS AND GENERAL

Amendments to Part 7 of the Education Act 2002

Section 21 - Foundation phase

Amendments to the Learning and Skills Act 2000

Section 22 –Local curriculum entitlements for students aged 16 to 18

General

Section 23 – Minor and consequential amendments

Section 24 – Orders and regulations

Section 25 – Orders made under section 18: procedure

Section 26 - Commencement

Section 27 – Short title

RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES