

EDUCATION (WALES) MEASURE 2009

EXPLANATORY NOTES

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

12. Subsection (1) of the new section 332ZC allows regulations to be made by the Welsh Ministers that provide for a child to have a person (known as a “case friend”) to make representations on behalf of the child to avoid or resolve disputes with the Local Education Authority, or to exercise a child’s right of appeal on behalf of the child.
13. Subsection (2) sets out the duties of a case friend when making representations or making an appeal on behalf of a child.
14. Subsection (3) provides that regulations made by the Welsh Ministers under this section may (among other things) confer functions on the Tribunal and set up procedures in relation to case friends. Regulations may also make provision about the appointment or removal of a case friend, specify circumstances in which a person may or may not act as a case friend, specify circumstances in which a child must have a case friend, and specify requirements in respect of a case friend’s conduct.