

# EDUCATION (WALES) MEASURE 2009

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 – Education Appeals and Claims by Children**

##### **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)***

42. The new section 28IA gives disabled children the right to make a claim to the Tribunal themselves, and allows the Tribunal to consider and adjudicate on a claim made by a child.
43. Subsection (1) of the new section specifies the grounds on which a disabled child may make a claim to the Tribunal.
44. Subsection (2) provides that the child's right to make a claim does not extend to a claim that relates to admission or permanent exclusion decisions against a school maintained by the Local Education Authority.
45. Subsection (3) permits a child to make a claim at the same time as the child's parent whether on the same or on different grounds.
46. Subsection (4) allows the Tribunal to make an order in relation to a claim made by a child.
47. Subsection (5) allows the Tribunal to make an order to prevent or alleviate discrimination, but this does not include a power for the Tribunal to order payment by way of compensation.
48. Subsection (6) provides that the exercise of rights granted under this section is subject to any provisions made by regulations under sections 28IB and 28J of the Disability Discrimination Act 1995.