

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

49. Subsection (1) of the new section 28IB allows regulations to be made by the Welsh Ministers that provide for a disabled child to have a person to make representations on behalf of the child to avoid or resolve disputes with the body responsible for a school, or to exercise the child’s right to make a claim to the Tribunal.
50. Subsection (2) specifies that a person who makes representations or makes a claim on behalf of a child is to be known as a “case friend”
51. Subsection (3) sets out the criteria that a case friend must satisfy when making representations or making a claim on behalf of a child.
52. Subsection (4) provides that regulations made by the Welsh Ministers under this section may 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 the 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.
53. Subsection (5) defines a “disabled child” for the purposes of the new provisions in this Measure