

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

64. Subsection (1) of the new section 28IE places a duty on Local Education Authorities to arrange for an independent advocacy service to be available in their area, and for a disabled child or a case friend for a disabled child to be referred to the service should they request it.
65. Subsection (2) defines “independent advocacy services” as services intended to provide advice and assistance to a disabled child who is considering whether to make a claim to the Tribunal, who has made or intends to make a claim, or who is taking part in or intending to take part in dispute resolution arrangements.
66. Subsection (3) requires Local Education Authorities when making advocacy services arrangements, to have regard to the principle that the advocacy service must be independent of any person who is the subject of a claim or involved in investigating or adjudicating on the claim.
67. Subsection (4) requires Local Education Authorities to comply with any regulations made by the Welsh Ministers that relate to advocacy service arrangements.
68. Subsection (5) places a duty on Local Education Authorities to make disabled children, parents, head teachers and proprietors of schools in their area, and such other persons as they consider appropriate, aware that independent advocacy services are available.
69. Subsection (6) allows a Local Education Authority to make arrangements that provide for payment to be made to, or in relation to, a person who provides independent advocacy services to a disabled child or case friend.
70. Subsection (7) requires Local Education Authorities to have regard to any guidance given by the Welsh Ministers when making arrangements to provide independent advocacy services to children or case friends.