



# Education (Wales) Measure 2009

2009 nawm 5

## PART 1

### EDUCATION APPEALS AND CLAIMS BY CHILDREN

#### *Disability discrimination claims*

#### **10 Case friends**

After section 28IA of the Disability Discrimination Act 1995 (c. 50) insert—

##### **“28IB Case friends — Wales**

- (1) The Welsh Ministers may by regulations provide for—
  - (a) a disabled child in a local education authority area in Wales to have a person to make representations on behalf of the disabled child with a view to avoiding or resolving disagreements about matters made unlawful under this chapter or to be treated as discrimination by virtue of section 58, and
  - (b) a relevant person (within the meaning of section 28IA) to have another person to exercise the relevant person’s rights under that section on the relevant person’s behalf.
- (2) A person exercising rights or making representations on behalf of a disabled child or a relevant person under subsection (1) is referred to in this Part as a “case friend”.
- (3) A case friend must—
  - (a) make representations and exercise rights fairly and competently;
  - (b) have no interest adverse to that of the disabled child or relevant person;
  - (c) ensure that all steps and decisions taken by the case friend are for the benefit of the disabled child or relevant person and take account of the disabled child or relevant person’s views.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Regulations made under this section may (among other things)—
- (a) confer functions on the Welsh Tribunal;
  - (b) make provision about procedures in relation to case friends;
  - (c) make provision about the appointment and removal of case friends;
  - (d) specify the circumstances in which a person may or may not act as a case friend;
  - (e) specify the circumstances in which a relevant person (within the meaning of section 28IA) must have a case friend;
  - (f) specify further requirements in respect of the conduct of case friends.
- (5) In this section, sections 28IC, 28ID and 28IE, a disabled child means any disabled person who is a pupil (or a prospective pupil) of—
- (a) a maintained school or maintained nursery school,
  - (b) a pupil referral unit,
  - (c) an independent school, or
  - (d) a special school not maintained by a local education authority.”.