



# Education (Wales) Measure 2009

2009 nawm 5

## PART 1

### EDUCATION APPEALS AND CLAIMS BY CHILDREN

#### *Special educational needs appeals*

#### **5 Resolution of disputes**

- (1) Section 332B of the Education Act 1996 (c. 56) is amended in accordance with subsection (2).
- (2) In section 332B (resolution of disputes)—
  - (a) in the heading, after the word “disputes” insert “ — England ”;
  - (b) in subsections (1) and (2), after the words “[<sup>F1</sup>local authority]” insert “ in England ”;
  - (c) in subsection (4), for “given—” substitute “ given by the Secretary of State. ”;
  - (d) in subsection (4), omit paragraphs (a) and (b).
- (3) After section 332B insert—

#### **“332BA Resolution of disputes — Wales**

- (1) A [<sup>F1</sup>local authority] in Wales must make arrangements with a view to avoiding or resolving disagreements between—
  - (a) authorities and children in their area about the exercise by authorities of functions under this Part, and
  - (b) authorities and parents of children in their area about the exercise by authorities of functions under this Part.
- (2) A [<sup>F1</sup>local authority] in Wales must also make arrangements with a view to avoiding or resolving, in each relevant school, disagreements between—

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**Changes to legislation:** *Education (Wales) Measure 2009, Section 5 is up to date with all changes known to be in force on or before 24 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) a relevant child and the proprietor of the school about the special educational provision made for that child, and
  - (b) the parents of a relevant child and the proprietor of the school about the special educational provision made for that child.
- (3) The arrangements must provide for the appointment of independent persons with the functions of facilitating the avoidance or resolution of such disagreements.
- (4) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.
- (5) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (6) The authority must take such steps as they consider appropriate for making the arrangements under subsections (1) and (2) known to—
- (a) children in their area,
  - (b) parents of children in their area,
  - (c) head teachers and proprietors of schools in their area, and
  - (d) such other persons as they consider appropriate.
- (7) The arrangements cannot affect the entitlement of a child or a parent of a child to appeal to the Tribunal, and the authority must take such steps as they consider appropriate to make that fact known to children, to parents of children and to case friends for children in their area.
- (8) In this section—
- “authorities” means the governing bodies of maintained schools and the <sup>F1</sup>local authority];
  - “relevant child” means a child who has special educational needs and is a registered pupil at a relevant school.
- (9) For the purposes of this section a school is a relevant school in relation to a child if it is—
- (a) a maintained school or a maintained nursery school,
  - (b) a pupil referral unit,
  - (c) an independent school named in the statement maintained for the child under section 324, or
  - (d) a school approved under section 342.”.

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**Textual Amendments**

**F1** Words in Measure substituted (5.5.2010) by [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, **5(2)**

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**Commencement Information**

**II** [S. 5](#) in force at 6.3.2012 by [S.I. 2012/320](#), **art. 3(d)** (with [art. 4\(b\)](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1-7 omitted by [2018 anaw 2 Sch. 1 para. 6\(m\)\(i\)](#)