



# Education (Wales) Measure 2009

2009 nawm 5

## PART 1

### EDUCATION APPEALS AND CLAIMS BY CHILDREN

#### *Special educational needs appeals*

#### **6 Independent advocacy services**

- (1) The Education Act 1996 (c. 56) is amended in accordance with this section.
- (2) After section 332BA insert the following—

#### **“332BB Independent advocacy services — Wales**

- (1) Every [<sup>F1</sup>local authority] in Wales must—
  - (a) make arrangements for the provision of independent advocacy services in their area;
  - (b) refer any child in their area who requests independent advocacy services to a service provider;
  - (c) refer any person who is a case friend for a child in their area and who requests independent advocacy services to a service provider.
- (2) In this section “independent advocacy services” are services providing advice and assistance (by way of representation or otherwise) to a child—
  - (a) making, or intending to make an appeal to the Tribunal under section 332ZA, or
  - (b) considering whether to appeal to the Tribunal under that section, or
  - (c) taking part in or intending to take part in dispute resolution arrangements made under section 332BA.
- (3) In making arrangements under this section, every [<sup>F1</sup>local authority] must have regard to the principle that any services provided under the arrangements must be independent of any person who is—

---

**Changes to legislation:** *Education (Wales) Measure 2009, Section 6 is up to date with all changes known to be in force on or before 29 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*

---

- (a) the subject of an appeal to the Tribunal, or
  - (b) involved in investigating or adjudicating on such an appeal.
- (4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (5) Every [<sup>F1</sup>local authority] in Wales must take such steps as they consider appropriate for making the arrangements under this section 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.
- (6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.
- (7) A [<sup>F1</sup>local authority] must have regard to any guidance given from time to time by the Welsh Ministers.”.

---

**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)**
- 

**Commencement Information**

- I1** S. 6 in force at 6.3.2012 by [S.I. 2012/320](#), art. 3(e)

**Changes to legislation:**

Education (Wales) Measure 2009, Section 6 is up to date with all changes known to be in force on or before 29 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.

[View outstanding changes](#)

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

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