



# Education (Wales) Measure 2009

2009 nawm 5

## PART 1

### EDUCATION APPEALS AND CLAIMS BY CHILDREN

#### *Piloting*

#### **18 Power to make provision about appeals and claims by a child**

- (1) The Welsh Ministers may by order make provision about—
- (a) the rights of a child to appeal to the Welsh Tribunal in respect of matters for which a parent has a right to appeal under Part 4 of the Education Act 1996;
  - (b) the right of a person to make a claim to the Welsh Tribunal in respect of matters for which a parent of that person has a right to make a claim under section 28I of the Disability Discrimination Act 1995;
  - (c) any matter connected to such rights;
  - (d) provision of advice and information to children about matters relating to special educational needs;
  - (e) provision of advice and information to disabled children about matters relating to disability discrimination in schools;
  - (f) advocacy services about special educational needs or disability discrimination in schools;
  - (g) arrangements with a view to avoiding or resolving disagreements between—
    - (i) a local education authority (on the one hand) and a child (on the other) about the exercise by authorities of functions under Part 4 of the Education Act 1996;
    - (ii) the proprietor of a relevant school (on the one hand) and a child (on the other) about special educational provision (within the meaning of section 312(4) of the Education Act 1996);
    - (iii) a body responsible for a school (on the one hand) and a disabled child (on the other) about disability discrimination.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The power to make an order under subsection (1) includes power—
  - (a) to add, remove or modify rights;
  - (b) to amend or repeal provisions of Part 4 of the Education Act 1996;
  - (c) to amend or repeal provisions of Part 4 of the Disability Discrimination Act 1995;
  - (d) to make consequential amendments and repeals to provisions in those Acts.
- (3) The power to make an order under this section may not be exercised—
  - (a) before a report is laid before the National Assembly for Wales under section 17(3), or
  - (b) after a period of 24 months from the last day of the pilot period specified in regulations under section 17(1).