

# 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 12 - Resolution of disputes (inserting a new section 28ID – Disability Discrimination Act 1995)***

58. Subsection (1) of the new section 28ID places a duty on Local Education Authorities in Wales to make arrangements to provide dispute resolution services to avoid or resolve disagreements between a disabled child and the body responsible for a school.
59. Subsection (2) requires Local Education Authorities to make arrangements that provide for the appointment of an independent person to help avoid or resolve disputes.
60. Subsection (3) requires Local Education Authorities to have regard to any guidance given by the Welsh Ministers when making arrangements to provide dispute resolution services.
61. Subsection (4) requires Local Education Authorities to comply with any provision made in regulations by the Welsh Ministers that relate to dispute resolution services.
62. Subsection (5) places a duty on Local Education Authorities to make disabled children, parents of disabled children, head teachers and proprietors of schools in their area, and such other persons as they consider appropriate, aware that dispute resolution services are available.
63. Subsection (6) requires Local Education Authorities to notify disabled children, parents of disabled children and case friends for disabled children in their area that participation in dispute resolution arrangements will not affect the entitlement of any person to make a claim to the Tribunal.