



Special Educational Needs and Disability Act 2001

2001 CHAPTER 10

PART 2

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER 3

MISCELLANEOUS

37 Conciliation for disputes under Part 4 of the 1995 Act

In the 1995 Act, insert the following section—

“CHAPTER 3

SUPPLEMENTARY

31B Conciliation for disputes

- (1) The Disability Rights Commission may make arrangements with any other person for the provision of conciliation services by, or by persons appointed by, that person in connection with disputes.
- (2) In deciding what arrangements (if any) to make, the Commission must have regard to the desirability of securing, so far as reasonably practicable, that conciliation services are available for all disputes which the parties may wish to refer to conciliation.
- (3) No member or employee of the Commission may provide conciliation services in connection with disputes.

Status: This is the original version (as it was originally enacted).

- (4) The Commission must ensure that arrangements under this section include appropriate safeguards to prevent the disclosure to members or employees of the Commission of information obtained by any person in connection with the provision of conciliation services in accordance with the arrangements.
- (5) Subsection (4) does not apply to information which is disclosed with the consent of the parties to the dispute to which it relates.
- (6) Subsection (4) does not apply to information which—
 - (a) does not identify a particular dispute or a particular person; and
 - (b) is reasonably required by the Commission for the purpose of monitoring the operation of the arrangements concerned.
- (7) Anything communicated to a person providing conciliation services in accordance with arrangements under this section is not admissible in evidence in any proceedings except with the consent of the person who communicated it.
- (8) “Conciliation services” means advice and assistance provided to the parties to a dispute, by a conciliator, with a view to promoting its settlement otherwise than through a court, tribunal or other body.
- (9) “Dispute” means a dispute arising under Chapter 1 or 2 concerning an allegation of discrimination.
- (10) “Discrimination” means anything which is made unlawful discrimination by a provision of Chapter 1 or 2.”