# 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 17 - Piloting the rights of a child to appeal or make a claim*

79.   Subsection (1) makes provision allowing regulations to be made by the Welsh Ministers to pilot the rights given to a child under this Measure for a period of up to 40 months.

80.   Subsection (2) specifies that regulations made under subsection (1) may make provision for the:

   •   rights conferred on a child by this Measure in relation to special educational needs to apply only to children for whom specified local education authorities are responsible;

   •   duties imposed on a local education authority by this Measure in relation to special educational needs to apply only to specified local education authorities;

   •   rights conferred on a person by this Measure in relation to disability discrimination to apply only to a body responsible for a school in specified areas; and

   •   duties imposed on a local education authority by this Measure in relation to disability discrimination to apply only to specified local education authorities.

81.   Subsection (2) also allows for regulations to make provision for reports, or other information on the operation of the pilot, to be provided to the Welsh Ministers.

82.   Subsection (3) requires the Welsh Ministers to publish and lay a report on how the pilot was implemented and on how effective the pilot was in promoting the well-being of children.

83.   Subsection (4) allows the Welsh Ministers to lay a report under subsection (3) before the end of the pilot period specified in regulations under subsection (1) provided 12 months of the pilot period have elapsed.

84.   Subsection (5) requires the Welsh Ministers to lay a copy of the report under subsection (3) before the National Assembly for Wales within 30 months of the regulations under subsection (1) coming into force.