



Education (Wales) Measure 2009

2009 nawm 5

PART 1

EDUCATION APPEALS AND CLAIMS BY CHILDREN

Disability discrimination claims

13 Independent advocacy services

After section 28ID of the Disability Discrimination Act 1995 (c. 50) insert—

“28IE Independent advocacy services — Wales

- (1) Every local education authority in Wales must—
 - (a) make arrangements for the provision of independent advocacy services in their area;
 - (b) refer any disabled child in their area who requests independent advocacy services to a service provider;
 - (c) refer any person who is a case friend for a disabled 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 disabled child who is—
 - (a) making, or intending to make a claim that a responsible body—
 - (i) has discriminated against that child in a way which is unlawful under this Chapter, or
 - (ii) is by virtue of section 58 to be treated as having discriminated against that child in such a way; or
 - (b) considering whether to make such a claim; or
 - (c) taking part in or intending to take part in dispute resolution arrangements made under section 28ID.

Status: This is the original version (as it was originally enacted).

- (3) In making arrangements under this section, every local education authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—
 - (a) the subject of a claim to the Welsh Tribunal, or
 - (b) involved in investigating or adjudicating on such a claim.
- (4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (5) Every local education authority in Wales must take such steps as they consider appropriate for making the arrangements under this section known to—
 - (a) disabled children in their area,
 - (b) parents of disabled 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 local education authority must have regard to any guidance given from time to time by the Welsh Ministers.”.