



# Education (Wales) Measure 2009

2009 nawm 5

## PART 1

### EDUCATION APPEALS AND CLAIMS BY CHILDREN

#### *Disability discrimination claims*

#### [<sup>F1</sup>15 [<sup>F1</sup>Independent advocacy services]

- (1) Schedule 17 to the Equality Act 2010 is amended in accordance with this section.
- (2) After paragraph 6C (resolution of disputes — Wales) insert—

“6D *Independent advocacy services — Wales*

  - (1) Every local authority in Wales must—
    - (a) make arrangements for the provision of independent advocacy services in its area;
    - (b) refer any disabled child in its area who requests independent advocacy services to a service provider;
    - (c) refer any person who is a case friend for a disabled child in its area and who requests independent advocacy services to a service provider.
  - (2) In this paragraph “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 has contravened Chapter 1 of Part 6 because of the child’s disability; 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 paragraph 6C.
  - (3) In making arrangements under this paragraph, every local authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—

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*Changes to legislation: There are currently no known outstanding effects for the Education (Wales) Measure 2009, Section 15. (See end of Document for details)*

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- (a) the subject of a claim to the 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 authority in Wales must take such steps as it considers appropriate for making the arrangements under this paragraph known to—
  - (a) disabled children in its area,
  - (b) parents of disabled children in its area,
  - (c) head teachers and proprietors of schools in its area, and
  - (d) such other persons as it considers 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 authority must have regard to any guidance given from time to time by the Welsh Ministers.”.]

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**Textual Amendments**

- F1** S. 15 substituted (6.7.2011) by [The Right of a Child to Make a Disability Discrimination Claim \(Schools\) \(Wales\) Order 2011 \(S.I. 2011/1651\)](#), arts. 1(2), **9**

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**Commencement Information**

- I1** S. 15 in force at 6.3.2012 by [S.I. 2012/320](#), art. 3(j)

**Changes to legislation:**

There are currently no known outstanding effects for the Education (Wales) Measure 2009, Section 15.