



## 2016 CHAPTER 8

### *Appeals and claims by children*

#### **Appeals and claims by children: pilot scheme**

**13.—**(1) The Department may by regulations make a scheme (referred to in this section as a “pilot scheme”) for the purpose of enabling a child who has not attained the upper limit of compulsory school age to—

- (a) appeal to the Tribunal under any provision of the 1996 Order mentioned in subsection (2);
- (b) make a claim to the Tribunal under Article 22 of the Special Educational Needs and Disability (Northern Ireland) Order 2005 (unlawful discrimination against disabled pupils).

(2) The provisions are—

- (a) Article 17(2)(b) (appeal against decision not to make statement);
- (b) Article 18(1) (appeal against contents of statement);
- (c) Article 20(3)(b) (appeal against refusal to arrange assessment of educational needs);
- (d) Article 20A(8)(b) (appeal against decision not to assess educational needs at request of responsible body);
- (e) in Schedule 2—
  - (i) paragraph 11(3)(b) (appeal against refusal to substitute named school); and
  - (ii) paragraph 13(2)(b) (appeal against Authority ceasing to maintain a statement).

(3) The pilot scheme may make provision—

- (a) about the age from which children may appeal or make a claim;
  - (b) in respect of appeals under subsection (1)(a), about mediation and the application of Article 21C;
  - (c) about the bringing of appeals or making of claims by a child and by his or her parent concurrently;
  - (d) about determining whether a child is capable of bringing an appeal or making a claim, and the assistance and support a child may require to enable the child to do so;
  - (e) enabling a person to exercise a child's rights under the scheme on behalf of the child;
  - (f) enabling children to have access to advice and information which is available to a parent in respect of an appeal or claim of a kind mentioned in subsection (1);
  - (g) about the provision of advocacy and other support services to children;
  - (h) requiring notices to be given to a child (as well as to his or her parent);
  - (i) applying any statutory provision (with or without modifications); and
  - (j) making consequential or transitional provision with respect to the cessation of the scheme.
- (4) The pilot scheme shall have a duration of at least 2 years.
- (5) This section is repealed at the end of 10 years beginning with the day on which this Act receives Royal Assent.
- (6) Regulations shall not be made under subsection (1) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.