

# EQUALITY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 16: General and Miscellaneous**

#### *Schedule 17: Disabled pupils: enforcement*

#### **Part 1: Introductory**

910. This Schedule sets out the arrangements for making disability discrimination claims in respect of school pupils.

#### **Part 2: Tribunals in England and Wales**

##### **Jurisdiction: paragraph 3**

911. Disability discrimination claims in respect of school pupils are made to the First-tier Tribunal in England and to the Special Educational Needs Tribunal in Wales, unless they relate to admissions or exclusions. Claims are brought by the child's parent.

##### **Time for bringing proceedings: paragraph 4**

912. Claims need to be made within six months of conduct commencing. This period can be extended to nine months if the Equality and Human Rights Commission makes arrangements for conciliation in respect of disputes. In addition, tribunals could consider cases beyond this time limit.

##### **Powers: paragraph 5**

913. If a tribunal finds that a school has discriminated against a pupil, it can make any orders it sees fit, particularly in order to remove or reduce the problem. However, it may not award the payment of compensation.

##### **Procedure: paragraph 6**

914. The Welsh Ministers are given powers to make regulations to govern the procedure of claims heard by the Welsh Tribunal.

#### **Part 3: Tribunals in Scotland**

915. In Scotland the power to make procedural rules for the hearing of disability discrimination claims by the Additional Support Needs Tribunals for Scotland will be exercised by the Scottish Ministers.

#### **Part 4: Admissions and exclusions**

916. If the disability discrimination claim made is in respect of admissions to, or permanent exclusion from, a maintained school or an Academy, then the claim will be brought

*These notes refer to the Equality Act 2010 (c.15)  
which received Royal Assent on 8 April 2010*

under independent education appeals panel arrangements as set out in education legislation, rather than going to the tribunals.

**Background**

917. This Schedule is designed to replicate the effect of provisions in the Disability Discrimination Act 1995.

**Examples**

- A school pupil is not allowed to join other children in the playground at break-times because of his wheelchair and his parents believe he is being discriminated against because of his disability. They are able to bring a claim against the school which is heard by the First-tier Tribunal (in England). The Tribunal rules in favour of the pupil and makes an order for the school to alter the practice which caused the discrimination and make arrangements for the pupil to join his peers at break time.
- A pupil is refused admission to a school and her parents believe that it is because of her disability and make a claim. The claim cannot be heard by the First-tier Tribunal and is heard by an independent education appeals panel under education legislation.