

Status: Point in time view as at 01/01/2018.

Changes to legislation: Equality Act 2010, Cross Heading: Case friends — Wales is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 17

DISABLED PUPILS: ENFORCEMENT

Modifications etc. (not altering text)

- C1** Sch. 17: power to amend or repeal conferred (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 18(2)(c) (as amended by S.I. 2011/1651, art. 12(b)); S.I. 2012/320, art. 2(g)

PART 2

TRIBUNALS IN ENGLAND AND WALES

^{F1F2}Case friends — Wales

Textual Amendments

- F1** Sch. 17 para. 6A and cross-heading inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 12(2) (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), art. 6; S.I. 2012/320, art. 2(e)
- F2** Sch. 17 para. 6A and cross-heading inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 12(2) (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), art. 6; S.I. 2012/320, art. 2(e)

- 6A (1) The Welsh Ministers may by regulations provide for—
- (a) a disabled child in a local authority area in Wales to have a person to make representations on behalf of the disabled child with a view to avoiding or resolving disagreements about contraventions of Chapter 1 of Part 6; and
 - (b) a relevant person (within the meaning of paragraph 3A) to have another person to exercise the relevant person's rights under that paragraph on the relevant person's behalf.
- (2) A person exercising rights or making representations on behalf of a disabled child or a relevant person under sub-paragraph (1) is referred to in this Schedule as a “case friend”.
- (3) A case friend must—
- (a) make representations and exercise rights fairly and competently;
 - (b) have no interest adverse to that of the disabled child or relevant person;
 - (c) ensure that all steps and decisions taken by the case friend are for the benefit of the disabled child or relevant person and take account of the disabled child or relevant person's views.

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- (4) Regulations made under this paragraph may (among other things)—
- (a) confer functions on the Welsh Tribunal;
 - (b) make provision about procedures in relation to case friends;
 - (c) make provision about the appointment and removal of case friends;
 - (d) specify the circumstances in which a person may or may not act as a case friend;
 - (e) specify the circumstances in which a relevant person (within the meaning of paragraph 3A) must have a case friend;
 - (f) specify further requirements in respect of the conduct of case friends.
- (5) In this paragraph and in paragraphs 6B, 6C, 6D and 6E, “local authority” has the meaning given in section 89(10).
- (6) In this paragraph and in paragraphs 6B, 6C and 6D—
- “disabled child” means any disabled person who is a pupil (or a prospective pupil) of—
- (a) a maintained school or maintained nursery school,
 - (b) a pupil referral unit,
 - (c) an independent school, or
 - (d) a special school not maintained by a local authority;
- “proprietor” has the meaning given in section 89(4);
- “school” has the meanings given in section 89(5).
- (7) In sub-paragraph (6)—
- “independent school” has the meaning given in section 89(8);
- “maintained school” has the meaning given in section 20(7) of the School Standards and Framework Act 1998;
- “maintained nursery school” has the meaning given in section 22(9) of the School Standards and Framework Act 1998
- “pupil” has the meanings given in section 89(3);
- “pupil referral unit” has the meaning given in section 19 of the Education Act 1996; and
- “special school” has the meaning given in section 89(9).]

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