
WELSH STATUTORY INSTRUMENTS

2011 No. 1651

**The Right of a Child to Make a Disability
Discrimination Claim (Schools) (Wales) Order 2011**

Case friends

6. For section 12 of the Measure (resolution of disputes), substitute—

“12 Case friends

(1) Schedule 17 to the Equality Act 2010 is amended in accordance with this section.

(2) After paragraph 6 (procedure) insert—

“6A Case friends — Wales

(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.

(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).”.”.