
WELSH STATUTORY INSTRUMENTS

2012 No. 322

**The Special Educational Needs
Tribunal for Wales Regulations 2012**

PART C

CASE FRIENDS

How a person becomes a case friend

66.—(1) A person who wishes to act as a case friend must submit a declaration of suitability to the Tribunal.

(2) The declaration of suitability must state—

- (a) the name and address of the person who wishes to act as the appellant's or claimant's case friend and if available, the person's telephone number, fax number and email address;
- (b) the name and date of birth of the appellant or claimant;
- (c) the person's relationship or connection to the appellant or claimant;
- (d) that the person satisfies the conditions and requirements specified in regulation 65 and section 332ZC(2) of the 1996 Act⁽¹⁾.

(3) The declaration of suitability must include—

- (a) the views of the appellant's or the claimant's parent in relation to the person's wish to act as the appellant's or the claimant's case friend; or
- (b) an explanation of why the person has not established the parent's views.

(4) Subject to paragraph (5) the declaration of suitability must be accompanied by an enhanced disclosure certificate issued by the Criminal Records Bureau confirming the person's suitability to work with children.

(5) The requirement in paragraph (4) does not apply where the person who wishes to act as the case friend is the appellant's or the claimant's parent, step-parent, brother, step-brother, sister, step-sister, grand-parent, uncle, aunt, nephew or niece.

(6) The Secretary of the Tribunal must—

- (a) record on the Tribunal's register the disclosure certificate's number and the start and expiry date;
- (b) use the recorded delivery service to return the disclosure certificate to the person.

(7) The declaration of suitability may be accompanied by evidence to support the person's suitability to act as a case friend.

(8) The declaration of suitability must be signed by the person who wishes to act as the appellant's or the claimant's case friend.

⁽¹⁾ 332ZC(2) of the 1996 Act provides that a child's case friend must make representations and exercise rights fairly and competently, have no interest adverse to that of the child and ensure that all steps and decisions taken by the case friend are for the benefit of the child and take account of the child's views.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(9) The person who wishes to act as the child's case friend must serve a copy of the declaration of suitability on—

- (a) the parties to the proceedings; and
- (b) the appellant's or the claimant's parent.