

EDUCATION (WALES) MEASURE 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Education Appeals and Claims by Children

Special educational needs appeals

Sections 1- 8 insert new provisions into the Education Act 1996

Section 5 - Resolution of disputes (amending section 332B and inserting a new section 332BA into the Education Act 1996)

21. Section 332B of the Education Act 1996 is amended so that it applies to England only.
22. A new section 332BA is inserted into the Education Act 1996.
23. Subsection (1) of the new section places a duty on Local Education Authorities in Wales to make arrangements to provide independent dispute resolution services to avoid or resolve disagreements between the Local Education Authority and a child and the Local Education Authority and a parent of a child.
24. Subsection (2) obliges Local Education Authorities to make arrangements to provide independent dispute resolution services with a view to avoiding or resolving disputes between a child and the proprietor of a school and a parent and the proprietor of a school.
25. Subsection (3) requires Local Education Authorities to make arrangements that provide for the appointment of an independent person to help avoid or resolve disputes.
26. Subsection (4) requires Local Education Authorities to have regard to any guidance given by the Welsh Ministers when making arrangements to provide dispute resolution services.
27. Subsection (5) requires Local Education Authorities to comply with any provision made in regulations by the Welsh Ministers that relate to dispute resolution services.
28. Subsection (6) places a duty on Local Education Authorities to make children, parents, head teachers and proprietors of schools in their area, and such other persons as they consider appropriate, aware that dispute resolution services are available.
29. Subsection (7) requires Local Education Authorities to notify children, parents and case friends for children in their area that participation in dispute resolution arrangements will not affect a parent or a child's entitlement to appeal to the Tribunal.