

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 6 - Independent advocacy services (inserting a new section 332BB into the Education Act 1996)

30. Subsection (1) of the new section 332BB places a duty on Local Education Authorities in Wales to arrange for an independent advocacy service to be available in their area, and for a child or a case friend for a child to be referred to the service should they request it.
31. Subsection (2) defines “independent advocacy services” as services intended to provide advice and assistance to a child who is considering whether to appeal to the Tribunal, who has made or intends to make an appeal, or who is taking part in or intending to take part in dispute resolution arrangements.
32. Subsection (3) requires Local Education Authorities when making advocacy services arrangements, to have regard to the principle that the advocacy service must be independent of any person who is the subject of an appeal or involved in investigating or adjudicating on the appeal.
33. Subsection (4) requires Local Education Authorities to comply with any regulations made by the Welsh Ministers that relate to advocacy services arrangements.
34. Subsection (5) 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 independent advocacy services are available.
35. Subsection (6) allows a Local Education Authority to make arrangements that provide for payment to be made to, or in relation to, a person who provides independent advocacy services to a child or case friend.
36. Subsection (7) requires Local Education Authorities to have regard to any guidance given by the Welsh Ministers when making arrangements to provide independent advocacy services to children or case friends.