

2021 No. 1418 (W. 368)

EDUCATION, WALES

**The Equality Act 2010 (Disabled
School Pupils) (Wales) Regulations
2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the duties of local authorities in Wales under paragraphs 6B, 6C and 6D of Schedule 17 to the Equality Act 2010.

Regulation 2 makes provision about the arrangements a local authority must make to provide advice and information about disability discrimination in schools to disabled pupils and their case friends.

Regulation 3 makes provision about the appointment of independent persons to facilitate the resolution of disputes about disability discrimination in schools.

Regulation 4 makes provision about the appointment of persons to provide independent advocacy services for disabled school pupils.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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**The Equality Act 2010 (Disabled
School Pupils) (Wales) Regulations
2021**

Made 13 December 2021

Laid before Senedd Cymru 14 December 2021

Coming into force 5 January 2022

The Welsh Ministers in exercise of the powers in paragraphs 6B(3), 6C(4) and 6D(4) of Schedule 17 to the Equality Act 2010⁽¹⁾ make the following Regulations.

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Equality Act 2010 (Disabled School Pupils) (Wales) Regulations 2021.

(2) These Regulations come into force on 5 January 2022.

(3) In these Regulations, “the 2010 Act” means the Equality Act 2010.

(4) Words and expressions used in these Regulations and in the 2010 Act have the same meaning as in that Act, except so far as a contrary intention appears.

Advice and information

2.—(1) When making arrangements under paragraph 6B(1) of Schedule 17 to the 2010 Act to provide advice and information to disabled school pupils in its area, and the case friends⁽²⁾ of such pupils, a local authority must ensure that the advice and information is also provided to the parents of disabled school pupils in its area.

(2) The arrangements must require the advice and information to include—

⁽¹⁾ 2010 c. 15.

⁽²⁾ Paragraph 6A of Schedule 17 to the 2010 Act provides for the appointment of case friends.

- (a) the rights of disabled school pupils under the 2010 Act relating to disability discrimination in schools,
 - (b) the local authority's duties under the 2010 Act relating to disability discrimination in schools,
 - (c) how to access the local authority's arrangements for resolving disagreements,
 - (d) how to access independent advocacy services, and
 - (e) how to bring a disability discrimination claim to the Education Tribunal for Wales.
- (3) The arrangements must ensure the advice and information is—
- (a) clear, factual and accurate, and
 - (b) kept up to date.

Dispute resolution

3. Before appointing a person for the purposes of paragraph 6C(2) of Schedule 17 to the 2010 Act, a local authority must be satisfied that the person they propose to appoint is—

- (a) sufficiently knowledgeable about the subject matter of Chapter 1 of Part 6 of the 2010 Act, and
- (b) independent of the local authority and the persons involved in any dispute.

Independent advocacy services

4.—(1) Before making arrangements with a provider for the purposes of paragraph 6D of Schedule 17 to the 2010 Act, a local authority must be satisfied that the provider—

- (a) is sufficiently knowledgeable about the subject matter of Chapter 1 of Part 6 of the 2010 Act,
- (b) has the skills needed to communicate effectively with disabled school pupils, including those with communication difficulties,
- (c) is not on the children's barred list, or, in the case of a provider working with young people, the adults' barred list, and
- (d) will keep confidential records of the services provided under the arrangement.

(2) For the purposes of this regulation—

- (a) "provider" means a person providing independent advocacy services;
- (b) "children's barred list" and "adults' barred list" mean the lists maintained by the Disclosure

and Barring Service under section 2 of the
Safeguarding Vulnerable Groups Act 2006⁽¹⁾.

Jeremy Miles

Minister for Education and Welsh Language, one of
the Welsh Ministers

13/12/2021

⁽¹⁾ 2006 c. 47.