



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **Children’s Right to Make Special Educational Needs Appeals and Claims of Disability Discrimination to the Special Educational Needs Tribunal for Wales**

**DATE**            **15 December 2014**

**BY**                **Huw Lewis, Minister for Education and Skills**

The Education (Wales) Measure 2009 (‘Measure’) is a pioneering piece of legislation that makes provision for children in Wales to have a right of appeal in respect of special educational needs (SEN) and the right to make a claim of disability discrimination in schools, to the Special Educational Needs Tribunal for Wales (‘SENTW’) themselves. The Measure also places duties on local authorities to give effect to these new rights.

Subsequently, the Education (Wales) Measure 2009 (Pilot) Regulations 2012 (‘Pilot Regulations’) were made to enable the new rights and duties provided for by the Measure to be piloted in the local authority areas of Carmarthenshire and Wrexham until the end of June 2015. Once the pilot regulations cease to have effect, the rights and duties will automatically apply to the whole of Wales.

Following an evaluation of the pilots, I published a report in June 2014 of how the provisions were implemented in the pilot areas and how effective they were in promoting the well-being of children. This report was laid before the National Assembly for Wales. At this time I also announced my decision to bring forward the new rights and duties under the Measure to come into force across Wales from January 2015.

The Education (Wales) Measure 2009 (Pilot) (Revocation) Regulations 2014 are today being laid before the National Assembly for Wales. These Regulations will revoke the Pilot Regulations in their entirety. The effect is to bring forward the rights and duties conferred by the Measure across Wales from the 5 January 2015.

Welsh Government has been working with local authorities, SENTW and the Children’s Commissioner for Wales to ensure that appropriate information, guidance and support is available to deliver these duties. New statutory guidance aimed at helping local authorities

discharge their new functions has been developed and will also be published on 5 January 2015.

Through this legislation we are extending the rights of some of our most vulnerable children in Wales and this demonstrates our ongoing commitment to the United Nations Convention on the Rights of the Child (UNCRC), as encapsulated in our Rights of Children and Young Persons (Wales) Measure 2011.

I look forward to this important piece of legislation coming into force across Wales.

This statement is being issued during recess in order to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Assembly returns I would be happy to do so.