



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

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

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**Title:** Proposed Education (Wales) Measure

**Date:** 27 April 2009

**By:** Jane Hutt, Minister for Children, Education, Lifelong Learning and Skills

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Members will wish to note that the proposed Education (Wales) Measure will be laid today, 27 April 2009. I will be making a Legislative Statement in plenary tomorrow, 28 April 2009, to introduce the Measure.

This Measure will provide rights for children and young people to make special educational needs (SEN) appeals and claims of disability discrimination to the SEN Tribunal for Wales (the Tribunal). It amends the law providing for parents in Wales to make appeals and claims to the Tribunal, as set out in the Education Act 1996 (as amended) and the Special Educational Needs and Disability Act 2001.

The Measure:

- provides for an initial legislative pilot and evaluation phase, during which children in specified areas will be able to make appeals and claims to the Tribunal; and also enables the Tribunal to register and hear appeals and claims;
- subsequently gives children across Wales the right to appeal and claim to the Tribunal;

- requires that Local Education Authorities (LEAs) inform children of their appeal rights;
- places a duty on LEAs to make arrangements for, and inform children about access rights to, Partnership and Disagreement Resolution Services;
- places a new duty on LEAs to provide access to independent advocacy services that can listen to, and give voice to, children's views and concerns. Advocates will be expected to be able to assist children in resolution processes, appeal/claim case preparation and support or represent them at hearings;
- removes Minister of the Crown functions and consent requirements in relation to regulations governing the Tribunal's special educational needs and disability discrimination jurisdictions;
- empowers Welsh Ministers to make statutory instruments regulating the Tribunal's Disability Discrimination jurisdiction; and
- places on Welsh Ministers the responsibility for considering complaints about non-implementation of Disability Discrimination Orders.

The Measure is also used as a vehicle to amend current legislation relating to the Curriculum in Wales following introduction of the Foundation Stage (commonly referred to as Foundation Phase) on 1<sup>st</sup> August 2008 for those pupils aged 3-4 years old. The Foundation Stage is being commenced in phases and will be fully rolled out by 1<sup>st</sup> August 2011. Accordingly, the Foundation Stage applies to those pupils aged:

- 3-4 years old from 1<sup>st</sup> August 2008;
- 3-5 years old from 1<sup>st</sup> August 2009;
- 3-6 years old from 1<sup>st</sup> August 2010; and
- 3-7 years old from 1<sup>st</sup> August 2011.

The Foundation Stage, once fully rolled out on 1<sup>st</sup> August 2011, will wholly replace the first key stage of the National Curriculum which currently includes those pupils aged 5 to 7. Consequently the following legislative changes are to be made:

- the removal from the statute book of all references to the "first key stage" from 1<sup>st</sup> August 2011; and;
- the re-naming of the "Foundation Stage" to the "Foundation Phase". This is purely a change of name and does not affect the type of educational provision provided by the foundation stage. "Foundation Phase" is the term used by practitioners and in Assembly Government publications, and it is considered desirable to amend legislation so that it fits with the term currently in use.