

A RESPONSE TO THE GOVERNMENT CONSULTATION ON THE FUTURE OF LEGAL AID IN EDUCATION LAW CASES

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Introduction

The Case of David –v- Goliath

As a practitioner who has spent nearly 20 years representing the needs of children and adults, including those less fortunate than ourselves, I read with great sadness the Government's proposals on reform of legal aid in the category of Education Law. In essence apart from Judicial Review challenges, which will become notoriously difficult to bring without the availability of initial legal advice, these proposals will remove legal aid from the most vulnerable members of our Society – children and the disabled. The very group least likely to be able to mount a challenge and be heard.² Rather, the needs of children and adults many with learning difficulties and disability will be buried below the ground trampled upon by those blinded by the pleasures of financial and physical independence. While I note that other high volume areas of law³ currently covered under legal aid are intended to be axed from the budget, I believe the interests of those individuals affected will be well represented in the undoubtedly many responses likely to this consultation. However, I consider those people whose cases fall under the low volume categories such as Education, and the identity of the client group within it, namely children and the disabled need a prominent and powerful voice.

This response to the consultation paper, will demonstrate that these proposals, if implemented, will not only significantly harm a very vulnerable group, but will conflict with other legal objectives which a serving Government must by law have regard to, by virtue of Domestic, European and International obligations. Furthermore this paper will demonstrate not only the great need for this service but the more damaging social/economic consequence of its implementation.

The cynical reader might argue that professionals like myself have vested financial interests in pursuing what some perceive to be a one sided view. However, as a very experienced solicitor primarily representing private institutions and clients, yet exercising supervisory responsibility over legal aid matters generally handled by others, neither this firm nor I, place any financial reliance on the continuation of a scheme which is impossible to profit under.

I am sincere in the view that I shall express here, namely that those who practice in this subject, do so, borne of a desire to support the vulnerable and the enormous satisfaction of securing justice for those that may be less fortunate.. When one is at the coal face, looking on at a child with significant disability, and in desperate need for help, either due to an unmet need or perhaps a tragic bullying dilemma, it is hard to be motivated by financial incentive above the desire to offer that person the support that they require. It is the case, that those ignorant of the law and of individual rights are often more emotionally able to disregard the significance of an injustice and sometimes turn a blind eye. In contrast for any specialist, detailed knowledge of the law handicaps ones ability to emotionally detach oneself from the individuals left paralysed by financial limitation. It is difficult to even begin to comprehend the difficulties that in particular parents of disabled children face on a day to day basis never mind having to fight a legal case.

2 Those with learning difficulties and other disabilities are going to be less likely to be able to afford legal representation;-

"In the paper, published in the journal [BMC Pediatrics](#), researchers found that households with a disabled child were £50 a week worse off than those without. This is despite the fact that the extra costs of bringing up a disabled child means families need an extra 18% in income. Nationally, this heavy burden weighs on the 950,000 families identified in the paper as having disabled children." <The Guardian 19th April 2010>

3 High Volume areas refers to areas of the law where there is a larger population placing demands for the service ie Family Law.

The Government Proposal and Reasons

In his Ministerial foreword Mr Clarke MP argues for a “*simpler justice system.*” and one “*more responsible to public need*”⁴ going on to argue that this could be achieved through “*more informal remedies*”. Yet supposed informal remedies currently existing in the category of Education Law, such as representation before the Special Needs Tribunal, or before an Independent Admission or Exclusion appeal panel, are already under the current system, out of scope of legal aid. This is and has been the case now for a number of years. It is therefore hard to see how abolishing legal aid in Education is going to produce the rich cash savings desired.

This is not the case of revising financial eligibility to make those who could otherwise afford to pay, pay, but the extinguishing of the poorest and most vulnerable people gaining access to justice. The Minister records in his foreword that “*The Government believes access to justice is the hallmark of civilised society.*” justifying reform that will be based on “*an assessment of the rights involved, the clients ability to represent his or her own case and the availability of alternative remedies or funding.*” However, that hallmark is likely to be increasingly within view, but not within reach of thousands of disabled and special needs children and their families if these proposals go ahead.

This will now be explained :-

Some examples of the type of cases covered by Education Legal Aid

Education Law predominantly involves the rights of a child, and having to challenge decisions taken by Local Authorities and sometimes schools. Generally, these bodies are capable of mobilising in house legal departments which have access to public finances. With the added prospect of facing cost consequences should they embark on unsuccessful litigation, the average parent, never mind a parent of a disabled child, might very well view with some trepidation entering into a dispute with local government. The access to specialists and other experts open to a Local Authority and the clear financial disparity between the parties exposes a perilous inequality of arms.

In the years I have dealt with these types of cases, I have all too often experienced that Local Authority decisions are not always right or fair, and indeed in some cases plainly dangerous. A detached officer of the state entrusted to protect the public purse often fails to fully appreciate the impact that a poor decision will have on the individual and his or her family.

Often, these arguments can be better explained by a true examples as follows:-

Child 1

I represented recently, a child aged 15 within an English Local Authority. He disliked school and became disengaged. His depression about school escalated to a proportion that he began drug taking and leaving school unofficially, wandering the streets, both in the day (including school days) and sleeping in the streets throughout the night. His desperately worried parents asked the Local Authority to assess his needs. They refused.

The child continued to abuse drugs, a fact well known to the Local Authority yet they continued to refuse to assist. The parents consequently, without legal advice launched an appeal before the Tribunal but regrettably the case failed. After this, the charitable organisation that had assisted the

family advised them to take legal advice and consequently instructed myself to assist.

I soon found that the child's school had, throughout maintained that they could not meet his needs and that they too were extremely worried about the child. Further, the child's Consultant admitted that he needed specialist support and warned of the dire consequences of this not being urgently arranged.

Despite this evidence, the Local Authority continued to resist arguing instead that the child did not need any further educational help than that which was available at the school that had been arguing could not meet his needs.

The child was of such concern to the experts who I had arranged to assess him, that they argued that the child was likely to suffer a complete mental breakdown. All professionals concurred that the child was at severe risk of significant harm with one professional believing that he could end up “dead on the streets” unless urgent specialist support was arranged. It also transpired that he had Aspergers Syndrome. (An autistic spectrum disorder.) all along, which was never previously diagnosed.

In that case, despite the overwhelming evidence that existed fully supporting a change of placement and provision, the Local Authority fought the family all the way until it lost before the eventual tribunal hearing.

The child has now fortunately found a successful school placement and is at last off drugs and doing well.

These parents did not find that the process that they were expected to follow was either “simpler” or “informal”. The parents had to fund expensive reports in order to prove their case. However, there are countless more examples that can be provided -

Child 2

In another recent case, I was asked to advise a parent who had, due to family pressures moved away from an area where the child of the family was happily attending at a local school. Upon the family returning to the area about a year later all of the schools apart from one were full. The child's mother consequently arranged for him to attend at the only available school despite the fact that to enable him to attend she would have to transport him⁵.

Tragically, the mother's health subsequently and very rapidly deteriorated. She became so ill that she could not drive, and had to undergo life saving surgery. She pleaded with the Authority to help her arrange for her son to continue at school. They refused arguing instead that she had chosen the school herself and that it was not the next nearest school to her home. This was despite the fact that the nearest schools were all full and had refused to accept the child. Consequently her son had to remain at home. No-one from the Local Authority made any attempt to contact the mother or to help with the provision of any home education.

The consequence of this demonstrably poor decision was that the child was expected to remain at home for over a full school year without any form of education. The mother at the same time was being criticised for failing to secure her child's attendance at school.⁶

5 It was also the next nearest school which was available.

6 It is a Criminal Offence under section 444 Education Act 1996 for a parent not to secure a child's regular attendance at school.

The above examples only represent the very tip of a quite enormous iceberg, but demonstrate the type of poor Local Authority decision making that renders individuals compelled to turn to the law.

The Government contends that having assessed “*the rights involved*” and individuals abilities to represent themselves, these types of cases should no longer be worthy of public funding. Without legal aid funding , child 1 above would have been still abusing drugs and on the street. Child 2, would be remaining at home indefinitely without education, and his mother who is still fighting a life threatening condition dis empowered to do anything to assist.

One cannot ignore that the rules governing Education are constantly changing. Governments constantly alter provisions to suit political policy. For example since 1996 when Parliament introduced a consolidating Act, (The Education Act 1996) it continued to alter the law almost each year, so that virtually by the time one Act is brought into force, it is speedily replaced. Indeed some provisions of a new Act are introduced before an earlier Act is even fully implemented. Even for Lawyers keeping up with these constant changes can be an arduous task. It is impossible to comprehend how parents who are not legally trained or who have access to specialist advice, are to now be expected to navigate through this ever changing maze of regulation.⁷

Parents can expect that Governments of today and those of the future will continue to introduce endless new statutory provisions governing Education and Procedure to suit the political climate of the day. It follows that it is simply unrealistic to expect people to digest this amount of detail and advance their case against the financial might of a Local Authority which has full access to a legal department. It seems pointless riding the wave of positive public reaction to new reformist and empowering legislative measures yet simultaneously disarming those (particularly children) that seek to enjoy them. One should not forget, that the rights of children are dependent on the will and financial ability of their parents, without which they will be allowed to drift as exposed and easy targets, that have rights on a shelf which they are unable to reach..

Special Educational Needs⁸

As the consultation paper reveals, legal aid in this area predominantly covers parents who seek to challenge decisions of Local Education Authorities often through the Special Needs Tribunal. The Government say that such appeals should be handled by parents themselves due to the tribunal being “*designed to be accessible to individuals without legal assistance, and they can generally present their case without specialist legal knowledge or representation*”. The fact however is, that the Tribunal is essentially an evidence based tribunal, which is expected to follow a series of rules which most will agree is in many ways similar to a Court. The Chair persons have adopted the title “Judge” (an intimidating title in itself to the lay person who has to argue their case), and the procedure often involves procedural directions hearings which may determine preliminary issues and evidence time tables.

The tribunal will sit in the Local Authority shoes, and make a critical decision such as how a child's special needs should be explained and what legally guaranteed provision should be included within a

7 Since the 1996 Education Act 1996, there has been endless major primary statutory changes to Education Law introduced by Education Act 1997, Education Schools Act 1997, School Standards and Framework Act 1998, Learning and Skills Act 2000, The Special Needs and Disability Act 2001, Education Act 2002, Education Act 2005, The Disability Discrimination Act 2005, Education and Inspections Act 2006, Further Education and Training Act 2007, Education and Skills Act 2008, Apprenticeship Skills Children and Learning Act 2009, Children Schools and Families Act 2010 , The Equalities Act 2010(And all of the above does not even include the endless amount of Statutory Regulations and Amendments, Codes of Practice and Guidance, Welsh Measures since the devolution of Education to Wales (Wales Learner Travel Measure, 2008, The Education Measure 2009 etc) See Appendix A for the law passed since 1996 only)

8 According to Dyslexia Action some 2 million people have dyslexia. Yet only 20% of the population are known to the disability service.

statement. It also decides how a statement should be precisely worded. Such wording is essential, as should a parent seek to obtain the assistance of the court thereafter because perhaps the Local Authority fails to make the actual provision, the wording contained within the document will determine whether the child will win or fail in court.

However, there are more critical arguments that can be employed to support the continuation of legal aid in this category.

- a) A Local Authority is expected by law, to assess the child generally through using its own employed experts.
- b) Parents have no choice as to the experts the authority instruct.
- c) Many employed experts follow policies which ensure that expert opinions are kept purposely vague to avoid the specificity that the law would otherwise seek to guarantee.
- d) The Local Authority are by law expected to reach its own decision as to the provision the child might need including the school the child should attend and
- e) The Local Authority are obliged to pay for the provision it determines appropriate.
- f) In the course of doing all of this, the Authority may be said to have a vested interest in ensuring that the recommendations as to provision accords with budgetary constraint rather than meeting the child's needs. It will in the process of defending a parental appeal, have unfettered access to its own specialist legal departments. Solicitors for the Local Authority can advise it on the evidence needed, the phraseology that should be used in documentation and will very often actually represent the Local Authority at the final hearing. This is particularly the case if the child might be otherwise said to need expensive educational support.

The parent with limited means and who has a complicated case, on the other hand -

- a) Will be left with having to fight a Local Authority themselves
- b) Will not have any access to legal advice
- c) Will be unable to obtain their own reports to challenge the Local Authority expert opinions.(Unlike in for example the United States where the state pays for independent evaluations)⁹

The stress impact on parents of disabled children is also well documented¹⁰, but they will now be expected to attend at a tribunal, and face the prospect of arguing their case before a “Judge” and two lay persons but who are specialist educationalists. They will appear against a Local Authority, who might very well be represented by legal professionals, and have a number of expert witnesses paid for by the Authority. Being an evidence based tribunal, the conclusion will, I would submit, be a foregone conclusion. Yet even taking this into account, these parents will have even more difficulties;-

- I) They might very well be disabled themselves.
- II) They might very well have learning difficulties such as Dyslexia themselves¹¹

9 Section 1415 “Procedural Safeguards” at (b)(1) Parents have the right to obtain an independent evaluation including the right to choose their own independent evaluator who is paid for by the District (The Individuals with Disabilities Act 2004)

10. The Experiences of Families of Children with Learning Disabilities: Parental Stress, Family Functioning, and Sibling Self-Concept – Lily Dyson Phd University of Victoria

11 Writing on the web site “family Education” Jereme Shultz Phd says “ Dyslexia is regarded as a neurobiological condition that is genetic in origin. This means that individuals can inherit this condition from a parent and it affects the performance of the neurological system (specifically, the parts of the brain responsible for learning to read). It's not uncommon for a child with dyslexia to have an immediate family member who also has this condition.Unfortunately, unless children get the right kind of services early in life, very young poor readers often

How can it follow therefore, that the life line currently in the form of legal aid should be removed on the grounds that these people “*can generally present their case*” on their own. Such a proposition is, with respect not only absurd but cruel. It should be remembered that generally lawyers will only handle the complicated cases, as a lot of cases may be simple to resolve. It is the complicated cases which cause the problem and these are typically where a child requires complex and expensive provision.

The Government go on to argue that “*there are alternative sources of basic help for education issues*” as another justification for removal of legal aid in this category. Yet, “*basic*” help is not always what these individuals need. They often need “*specialist*” help, particularly in complicated cases, in the form of legal and other expert assistance. Whilst it may be said that the complicated cases represent a smaller percentage of the annual SEN cases, they are nevertheless of critical importance and often deal with the most needy of individuals. This is reflected by the fact that Education Legal Aid cases are regarded as “low volume categories”. (ie they are not in great demand compared to other areas)

Further, the existence of charitable institutions which currently provide a valuable service to the individuals, are currently available but are not bearing the full load now. Neither should they be expected to. There will always be cases where a client can be assisted by charity, but that is, and should never be said to be a proper substitute for legal professional advice in the more complicated cases. The consultation paper does not provide an evidential basis for claiming that the charitable sector will be able to bear the load of both the simpler and the more complex cases. These most complicated cases are the ones that would often place the greatest burden upon society both in terms of cost and social consequences if they go wrong. Further the Government does not appear to ask itself whether the charitable sector can financially afford to handle all of these cases and whether they have sufficient resources. Again, I would submit that the arguments advanced in this respect demonstrate another example of groundless thinking.

I would respectfully suggest that to argue for the casting of the entire burden of such serious matters onto the charitable sector without regard to their ability to handle the weight of these cases is certainly not an attractive prospect.

The Economic Case

I have already explained above, that Local Authority decision making is not always just or fair. The same applies in special needs cases as perhaps can be demonstrated by sight of the annual Special Needs Tribunal statistics. In England alone 82% of appeals in 2008/09 were successful^{12 13} This means that 82% of the Local Authority decisions which were challenged were adjudged to be “wrong”, or to put another way, had decided on inappropriate and inadequate educational provision for a child. The current figures show that 52% of appeals involve parents who are represented by lawyers or other highly trained specialists. Yet representation generally occurs in the more complicated cases as referred to below.

Any expert in this field will say that many SEN appeals may indeed be relatively straight forward, but of those appeals, the ones that relate to a child needing a change of school placement or a specialist independent school will generally be much more complex. Indeed the issues involved will often require

grow up to be poor readers as adults”

12 In Wales the same figure is 86% Special Educational Needs Tribunal for Wales Annual Report 2008-09 at pg 19

13 Special Educational Needs Tribunal (England) Annual Report 2008-09 at pg 5

detailed preparation and knowledge of complicated cost and legal rules. Further they will most certainly require an individual to obtain expert evidence to counter the Local Authority opinions. How can a parent of limited means afford this? In the year 2008/09 the number of appeals relating to this represented about 29% ¹⁴of the total number of SEN appeals. Of those appeals a staggering 93% were successful.¹⁵

Indeed, these percentages fully accord with the statistics that my own office holds. Considering that in my firm which handles SEN cases throughout England and Wales, and incidentally holds the only contract in Wales, the percentage success rate is 96% (taking into account also the number of cases that settle to the satisfaction of the parent without recourse to the tribunal).

The above proves, that handled correctly, legal aid actually makes a material difference to these countless numbers of children but as will be demonstrated below it is of profound economic benefit to society generally.

In order to explain the full economic benefits one has to have regard to published data. The Royal College of Nursing on its web site quotes a study by *Emmerson and Hatton 2008* which describes that in England alone learning difficulties affect up to 1.5 million people. Further that people with learning disabilities are living longer. Mean life expectancy is now estimated to be 74, 67 and 58 for those with mild, moderate and severe learning disabilities respectively.¹⁶ Expenditure on adults aged between 18-64 with a learning disability has increased from £3.5 billion to £3.8 billion in 2008-09 (10% in cash terms and 8% in real terms).¹⁷ The unit cost of providing Residential and Nursing Care has increased (for those with learning disabilities - 7% in cash terms and 5% in real terms) from £1,047 per person per week in 2007/08 to £1,125 in 2008/09. If one takes that weekly figure and multiply it over a life span of 55 years it will produce an average expenditure of £3, 217, 500.00 per person per life time.

Taking, only one of the branches of my firm for example, which has now become the only legal aid provider for Education cases in Wales (leaving aside England for the moment for arithmetical purposes only), the Welsh legal aid education budget is no more than approximately £100,000 (excluding VAT) per annum. Applying the same calculation over 55 years this would produce a legal aid spend of only £5.5million. This is less than the cost which the state would confront, in having to accommodate only 2 children over the same period. However if by accessing legal advice and expert opinion this and other specialist legal firms manage to secure provision for children which enables them to become productive citizens, the cost which the state will avoid will be substantial. Indeed it could very well be in the multi billion pound category, let alone the tragedy of consigning them to a lifetime of dependency and economic support.¹⁸

Yet, I can assure the reader this firm as an example, has successfully handled many cases which have made a profound difference to the lives of children thereby bringing them out of this category of needing life time support. In nearly 20 years I have personally witnessed these results. Again I can perhaps explain this by way of an example;-

About 10 years ago I represented a child who everybody said had severe learning difficulties. The child

14 In England in the period 2008/09 there were 472 appeals involving a request for change of school of a total of 1639.

15 At page 8

16 Bittles et al 2002

17 "The Personal Social Services Expenditure and Unit Costs England (Final) 2008/09" published 28th April 2010

18 In year 2009/10 the firm of Sinclairslaw has handled at least 30 cases in which young people in the most severe of categories, have now been successfully placed on course to a brighter future with a real prospect of ultimately securing employment. Leaving aside tax receipts from those in employment, if approximately 30 children a year are removed from the high dependency category by arranging specialist support whilst in childhood there is a potential saving of over £5 billion

was desperately unhappy at school, and all working with the child felt that he would experience a life of high dependency, and at best sheltered employment. After taking the case, I realised that a lot more could be done to help the child, by securing for example extra provision at another specialist school. Through my assistance his appeal was successful before the tribunal.

I did not see that child again until around 6 months ago when I happened to visit a local hotel. I was delighted to confront a young man who happened to be the hotels trainee manager.

That young man – was the same child.

When one considers all that I have set out above, and in particular the vast amount of successful cases which are brought each year in England and Wales it is perhaps unsurprising that the United States Government back in 1972, appreciated the importance of strengthening the law in the case of children with learning difficulties. A Congressional Investigation commented on damning statistics that recorded that of 8 million US children with disabilities only 3.9 million were receiving appropriate education, and wrote;-

“The long range implications of these statistics are that public agencies and taxpayers will spend billions of dollars over the life time of these individuals to maintain such persons as dependents and in a minimally accepted lifestyle. With proper education services, many would be able to become productive citizens, contributing to society instead of being forced to remain burdens. Others through such services, would increase their independence, thus reducing their dependency on society.¹⁹ .. There is no pride in being forced to receive economic assistance. Not only does this have negative effects upon the handicapped person, but it has far reaching effects for such persons family.”

It follows that the laws which Governments pass to protect individuals rights in this respect are pointless and will be ineffective unless they are capable of being accessed. Again perhaps one can look to the words of the Supreme Court in the United States in the landmark civil rights decision in *Brown -v- Board of Education*²⁰ in which the court wrote;-

Today education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditure for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today, it is the principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right that must be available to all on equal terms.”²¹

I would respectfully suggest that this country should not have to look to the United States for inspiration to do what is right.

It is also well known that children with special needs are more likely to experience exclusion from school ²²despite the expense and social consequence. It is also well documented that those who might

19 (U.S.C.C.A.N. 1975 at page 1433)id. at page 1433

20 347 U.S. 483 (1954)

21 At page 493

22 DCSF figures for 2007/08 show pupils with SEN are over 8 times more likely to experience permanent exclusions.

have been permanently excluded are more likely to be imprisoned in later life.²³

Exclusion Appeals

I have touched upon this above, but suffice to say that in particular children who might have SEN are more likely to be excluded. Brian Lamb in his article in the Education Public Law & the individual volume 13 issue 3, states “*excluding a child is a last resort and expensive in the long run. Better to identify the needs of the child, ask how far behaviour problems are rooted in learning difficulty and look for solutions.*”²⁴

Exclusion from school can have deep rooted and devastating consequences. Many cases of exclusion might very well be justified, but I have also seen in my experience terrible mistakes.²⁵

Educational Negligence

Although the Government dismisses this area as primarily about “monetary compensation” , it is however the case that these situations only arise from serious failures on a schools part to afford a child proper protection as in bullying cases. I have experienced the tragedy of dealing with bereaved parents in such situations where children have resorted to taking their own life rather than face another day of bullying. The situation is grave and rife within our schools. The law already provides that children should be afforded every safeguard, and yet negligence claims only ever arise if those safeguards had failed because of professional negligence. I submit that there must in a civilised society be mechanisms in place to afford children both the physical and mental protection whilst in the care and custody of a school.

These children must it is submitted have rights of redress without which the high standards that we as a country expect from our schools could be compromised by complacency. The issue of protecting our children must be in the forefront of our thinking.

Legal Provisions

The Equalities Act 2010 is relevant and in particular the following;-

1 Public sector duty regarding socio-economic inequalities

(1)An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

(2)In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance

23 “The Independent Effects of Permanent Exclusion from school on the offending careers of young people” Beridge Brodie, Pitts, Porteous, Tarling - “ the present study has confirmed earlier research in revealing that a substantial proportion of permanently excluded young people, 178 of 297, were involved in crime. This finding mirrors that of Martin *et al.* (1999) who found that a substantial proportion of youngsters persistently involved in crime had been excluded from school.” at conclusion.

24 Brian Lamb is chair of the Lamb Inquiry into Parental Confidence in Special Educational Needs.

25 S – Y P School

issued by a Minister of the Crown.

(3)The authorities to which this section applies are—

(a)a Minister of the Crown;

(b)a government department other than the Security Service, the Secret Intelligence Service or the Government Communications Head-quarters;

As those who have disabilities are given protection under the Act it is also relevant to refer to;-

13 Direct discrimination

(1)A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

(2)If the protected characteristic is age, A does not discriminate against B if A can show A's treatment of B to be a proportionate means of achieving a legitimate aim.

(3)If the protected characteristic is disability, and B is not a disabled person, A does not discriminate against B only because A treats or would treat disabled persons more favourably than A treats B.

As for public bodies note:-

149 Public sector equality duty

1)A public authority must, in the exercise of its functions, have due regard to the need to—

(a)eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b)advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c)foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Also section 49 of the Disability Discrimination Act 1995 (as amended by DDA 2005) remains presently in force, the terms of which provide;-

49A General duty

(1) Every public authority shall in carrying out its functions have due regard to

(a) the need to eliminate discrimination that is unlawful under this Act;

(c) the need to promote equality of opportunity between disabled persons and other persons;

(d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;

(f) the need to encourage participation by disabled persons in public life.

Note also the provisions in Wales :-

The Education (Wales) Measure 2009 section 1 of which amends section 332 of the Education Act 1996 and reads

332ZA Right of a child to appeal to the Welsh Tribunal

(1) This section applies to the rights of a parent of a child to appeal to the Welsh Tribunal under any of the following provisions—

(a) section 325(2) (appeal against decision not to make statement);

(b) section 326(1) (appeal against contents of statement);

(c) section 328(3)(b) (reviews of educational needs);

(d) section 329(2)(b) (assessment of educational needs at request of child's parent);

(e) section 329A(8)(b) (review of assessment of educational needs at request of responsible body);

(f) paragraph 8(3)(b) of Schedule 27 (change of named school);

(g) paragraph 11(2)(b) of Schedule 27 (ceasing to maintain a statement).

(2) The child may exercise the rights conferred on the parent in respect of that child.

(3) The child's rights are exercisable concurrently with the parent's rights.

European Convention on Human Rights

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

International Law

The Convention on the Rights of the Child is the first legally binding international instrument to incorporate the full range of human rights — civil, cultural, economic, political and social rights²⁶. (The United Kingdom signed on 19th April 1990) It came into force on 2nd September 1990 – but in particular note:-

Article 4 *“Governments must do all they can to fulfil the rights of every child.”*

and -

Article 23 *“A child with a disability has the right to*

live a full and decent life in conditions that promote dignity, independence, and an active role in the community. Governments must do all they can to provide free care and assistance to children with disability.”

Discussion

By virtue of that stated above, can it really be said that provisions that will be introduced and will undoubtedly have more harmful effects on those with learning difficulties would be consistent with the Equalities duty? Further, the arguments advanced significantly call into question how it could be said that Ministers of the Crown who seek to introduce measures to disadvantage the already disadvantaged are acting consistently with the duty to promote equality of opportunity for the disabled. Neither can it be said that these actions demonstrate that disabled persons are being treated “*even more favourably than other persons*”.²⁷

It is further disappointing that the parents of children who seek to challenge the state in critical decisions involving education will not be afforded their European Law Convention rights under Article 6 ECHR.

Insofar as Wales is concerned, the Welsh Assembly Government's 2009 legislative measure giving a child a right of appeal in their own name will be merely a theoretical token of little value or force. To suggest that somehow a child, who relies only on the will of his or her parents and their financial ability, could exercise such a right without legal aid is absurd.

It is perhaps an irony, that within the same consultation paper the Government speaks of its wish to preserve legal aid to permit children to bring claims for disability discrimination on the grounds that the issues are important. Yet the Disability Tribunal has very limited powers to order redress and usually will direct a defendant to issue an “apology”. This is hardly an effective remedy for a child who may as a result of disability discrimination lose his/her school placement and provision. Indeed this appears to be a short changed remedy. The child could bring proceedings for an apology but is powerless to bring proceedings to achieve an effective solution to resolve his/her critical educational needs.. This will render the Equality Legislation in the context of education a hopeless dream for those who can ill afford to enforce their rights. Yet ironically they will be able to bring proceedings against the Government to argue that the approach taken by it is discriminatory.

Conclusion

Having spent most of my professional life representing the interests of children and the disabled, I am absolutely certain that these proposals will, if implemented have catastrophic consequences for those that need and deserve the most help. The coalition government has been in power now for less than a year and it already feels like the interests of the disabled are already being subjected to a continuous onslaught.²⁸

I do however conclude with a question; do we really want in a humane and civilised society, local

27 Section 49a Disability Discrimination Act 1995

28 The Governments consultation on the removal of the mobility component in DLA for those in residential care <http://www.bbc.co.uk/news/uk-12141725>

authorities empowered to dictate the future of our children based on short term financial constraints, with parents powerless to challenge them? The removal of legal aid is the modern day equivalent of removing the sling that allowed David to defeat Goliath.

Appendix A – Education Law Statutes & Provisions since 1996

Education - Primary

Education (Schools) Act 1997 1997 c. 59 UK Public General Acts
Teaching and Higher Education Act 1998 1998 c. 30 UK Public General Acts
Education Act 2002 2002 c. 32 UK Public General Acts
Education (Wales) Measure 2009 2009 nawm 5 Measures of the National Assembly for Wales
Mesur Addysg (Cymru) 2009
Higher Education Act 2004 2004 c. 8 UK Public General Acts
Education and Inspections Act 2006 2006 c. 40 UK Public General Acts
Education and Skills Act 2008 2008 c. 25 UK Public General Acts
Education Act 1996 1996 c. 56 UK Public General Acts
Further Education and Training Act 2007 2007 c. 25 UK Public General Acts
Education Act 2005 2005 c. 18 UK Public General Acts
Education Act 1997 1997 c. 44 UK Public General Acts
Nursery Education and Grant-Maintained Schools Act 1996 1996 c. 50 UK Public General Acts

Education – Secondary

The Education (School Teachers' Pay and Conditions) Order 2006 2006 No. 1274 UK Statutory Instruments
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2005 2005 No. 1718
UK Statutory Instruments
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2008 2008 No. 1479
UK Statutory Instruments
The Education (Student Loans) (Amendment) (No. 2) (England and Wales) Regulations 2002 2002
No. 1433 UK Statutory Instruments
The Further Education and Training Act 2007 (Commencement No. 1) (England and Wales) Order
2008 2008 No. 1065 UK Statutory Instruments
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2001 2001 No. 1627
UK Statutory Instruments
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2006 2006 No. 929
UK Statutory Instruments
The Education Act 1996 (Electronic Communications) Order 2004 2004 No. 2521 UK
Statutory Instruments
The Education (School Teachers' Pay and Conditions) Order 2009 2009 No. 2132 UK Statutory
Instruments
The Education (School Teachers' Pay and Conditions) Order 2008 2008 No. 2155 UK Statutory
Instruments
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2007 2007 No. 1630
UK Statutory Instruments
The Education (School Teachers' Pay and Conditions) Order 2007 2007 No. 2282 UK Statutory
Instruments
The Education (Fees and Awards) (Amendment) Regulations 2006 2006 No. 483 UK Statutory
Instruments

The Education (School Teachers' Pay and Conditions) (No.2) Order 2004	2004 No. 2142	UK
Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 5) Order 2001	2001 No. 2962	
UK Statutory Instruments		
The Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 2) Regulations 2004		
2004 No. 1602	UK Statutory Instruments	
The Education (School Teachers' Pay and Conditions) (No. 2) Order 2002	2002 No. 2223	
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) Order 1996	1996 No. 1816	
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) Order 1997	1997 No. 1789	
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 4) Order 2001	2001 No. 2899	
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) Order 1998	1998 No. 1884	
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) Order 1999	1999 No. 2160	
UK Statutory Instruments		
The Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 3) Regulations 2004		
2004 No. 2041	UK Statutory Instruments	
The Education (School Teachers' Pay and Conditions) (No. 2) Order 2003	2003 No. 2169	
UK Statutory Instruments		
The Education Act 2005 (Commencement No. 2 and Transitional Provisions and Savings) Order 2006		
2006 No. 2129	UK Statutory Instruments	
The Regulatory Reform (Sugar Beet Research and Education) Order 2003	2003 No. 1281	
UK Statutory Instruments		
The Education Act 2005 (Commencement No. 1 and Transitional Provisions) (Wales) Order 2006		
2006 No. 1338	Wales Statutory Instruments	
Gorchymyn Deddf Addysg 2005 (Cychwyn Rhif 1 a Darpariaethau Trosiannol) (Cymru) 2006		
The Education (School Teachers' Pay and Conditions) (No. 3) Order 2000	2000 No. 2321	
UK Statutory Instruments		
The Education Act 2005 (Commencement No.1 and Savings and Transitional Provisions) Order 2005		
2005 No. 2034	UK Statutory Instruments	
Education (Student Loans) (Amendment) (England and Wales) Regulations 2004	2004 No. 1030	
UK Statutory Instruments		
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2003	2003 No. 1647	
UK Statutory Instruments		
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2002	2002 No. 1329	
UK Statutory Instruments		
The Education (Fees and Awards) Regulations 1997	1997 No. 1972	UK Statutory
Instruments		
The Education (Student Support) (European Institutions) Regulations 2000	2000 No. 2197	
UK Statutory Instruments		
Education (Teacher Student Loans) (Repayment etc.) Regulations 2002	2002 No. 2086	UK
Statutory Instruments		
Education (Teacher Student Loans) (Repayment etc.) Regulations 2003	2003 No. 1917	UK
Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) Order 2006	2006 No. 2133	
UK Statutory Instruments		

The Education (Student Support) Regulations 1998 1998 No. 2003 UK Statutory Instruments
 The Education (Student Loans) (Amendment) (No. 2) (England and Wales) Regulations 2005 2005
 No. 2119 UK Statutory Instruments
 The Education (Student Loans) (Amendment) (England and Wales) Regulations 2000 2000 No. 1804
 UK Statutory Instruments
 The Education (School Teachers' Pay and Conditions) (No. 2) (Amendment) Order 2006 2006
 No. 3171 UK Statutory Instruments
 The Teaching and Higher Education Act 1998 (Commencement No. 8) Order 2001 2001 No. 1211
 UK Statutory Instruments
 The Education (Student Support) (Amendment) Regulations 2005 2005 No. 1341 UK Statutory
 Instruments
 The Education (School Teachers' Pay and Conditions) Order 2005 2005 No. 539 UK Statutory
 Instruments
 The Education (School Teachers' Pay and Conditions) (No. 3) Order 2005 2005 No. 2212
 UK Statutory Instruments
 The Education (Grants for Disabled Postgraduate Students) Regulations 2000 (Amendment)
 Regulations 2000 2000 No. 3087 UK Statutory Instruments
 The Education (School Teachers' Pay and Conditions) Order 2004 2004 No. 658 UK Statutory
 Instruments
 The Education (Inspection of Nursery Education) (Wales) Regulations 1999 1999 No. 1441
 UK Statutory Instruments
 The Education (School Teachers' Pay and Conditions) (No. 2) Order 2000 2000 No. 929 UK
 Statutory Instruments
 The Disability Discrimination Act 1995 (Amendment) (Further Education) Regulations 2007 2007
 No. 1849 UK Statutory Instruments
 The Education (School Teachers' Pay and Conditions) (Amendment) Regulations 2003 2003 No. 1708
 UK Statutory Instruments
 The Local Education Authorities and Children's Services Authorities (Integration of Functions) (Local
 and Subordinate Legislation) Order 2010 2010 No. 1172 UK Statutory Instruments
 The Education (School Teachers' Pay and Conditions) Order 2003 2003 No. 769 UK Statutory
 Instruments
 Education (Student Loans) (Repayment) (Amendment) Regulations 2002 2002 No. 2087 UK
 Statutory Instruments
 The Education (Grants etc.) (Dance and Drama) (England) (Amendment) (No. 2) Regulations 2005
 2005 No. 3436 UK Statutory Instruments
 The Education (Student Support) (Amendment) (No. 2) Regulations 2005 2005 No. 2084 UK
 Statutory Instruments
 The Health Education Authority (Abolition) Order 2000 2000 No. 604 UK Statutory Instruments
 The Education (School Teachers' Pay and Conditions) (No.3) Order 2003 2003 No. 2640 UK
 Statutory Instruments
 The Education (Prohibition from Teaching or Working with Children) (Amendment) Regulations 2004
 2004 No. 1493 UK Statutory Instruments
 The Education (Student Support) (Amendment) Regulations 2002 2002 No. 1318 UK Statutory
 Instruments
 The Education (School Teachers' Pay and Conditions) (No. 6) Order 2001 2001 No. 3243
 UK Statutory Instruments
 The Education (Student Support) Regulations 2000 (Amendment) (No. 3) Regulations 2000 2000
 No. 2912 UK Statutory Instruments
 The Nursery Education Regulations 1996 1996 No. 2086 UK Statutory Instruments

Education (Prohibition from Teaching or Working with Children) Regulations 2003 2003 No. 1184
 UK Statutory Instruments

The Education (Grants for Education Support and Training) (England) Regulations 1998 1998 No. 656
 UK Statutory Instruments

The Education (Grants for Education Support and Training) (Wales) Regulations 1996 1996 No. 334
 UK Statutory Instruments

The Education (Grants for Education Support and Training) (England) Regulations 1997 1997 No. 514
 UK Statutory Instruments

The Education (Grants for Education Support and Training) (Wales) Regulations 1997 1997 No. 390
 UK Statutory Instruments

The Education (Grants for Education Support and Training) (England) Regulations 1996 1996 No. 734
 UK Statutory Instruments

The Education (Grants for Education Support and Training) (Wales) Regulations 1998 1998 No. 392
 UK Statutory Instruments

The Education (Prohibition from Teaching or Working with Children) (Amendment) Regulations 2007
 2007 No. 195 UK Statutory Instruments

The Education (School Teachers' Prescribed Qualifications, etc) Order 2003 2003 No. 1709
 UK Statutory Instruments

The Education (School Teachers' Pay and Conditions) (No. 2) (Amendment) Order 2007 2007 No. 1688
 UK Statutory Instruments

The Education (School Teachers' Pay and Conditions) Order 2002 2002 No. 838 UK Statutory
 Instruments

The Education (School Teachers' Pay and Conditions) Order 1996 1996 No. 1003 UK Statutory
 Instruments

The Education (School Teachers' Pay and Conditions) (No.2) Order 2001 2001 No. 1254 UK
 Statutory Instruments

The Education (Grants for Disabled Postgraduate Students) Regulations 2000 2000 No. 2330
 UK Statutory Instruments

The Education (School Teachers' Pay and Conditions) Order 2001 2001 No. 720 UK Statutory
 Instruments

The Education (School Teachers' Pay and Conditions) Order 1997 1997 No. 755 UK Statutory
 Instruments

The Education (School Teachers' Pay and Conditions) Order 1999 1999 No. 917 UK Statutory
 Instruments

The Education (Teachers) (Amendment) (No. 2) Regulations 1997 1997 No. 2679 UK
 Statutory Instruments

The Education (Areas to which Pupils and Students Belong) Regulations 1996 1996 No. 615 UK
 Statutory Instruments

The Education (School Teachers' Pay and Conditions) Order 1998 1998 No. 903 UK Statutory
 Instruments

The Education (School Teachers' Pay and Conditions) (No. 2) Order 2005 2005 No. 1101
 UK Statutory Instruments

The Education (Education Standards Etc. Grants) (England) Regulations 1999 1999 No. 606 UK
 Statutory Instruments

The Education (Education Standards Grants) (Wales) Regulations 1999 1999 No. 521 UK Statutory
 Instruments

The Sugar Beet (Research and Education) Order 1998 1998 No. 468 UK Statutory Instruments

The Sugar Beet (Research and Education) Order 1999 1999 No. 415 UK Statutory Instruments

The Sugar Beet (Research and Education) Order 1997 1997 No. 484 UK Statutory Instruments

The Education (School Teachers' Pay and Conditions) Order 2000 2000 No. 868 UK Statutory Instruments

The Education (Student Support) Regulations 1999 1999 No. 496 UK Statutory Instruments

The Sugar Beet (Research and Education) Order 1996 1996 No. 679 UK Statutory Instruments

The Education (Student Support) Regulations 2005 2005 No. 52 UK Statutory Instruments

The Education (School Teachers' Pay and Conditions) (No. 3) Order 2001 2001 No. 1284
UK Statutory Instruments

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2007 2007 No. 1336
UK Statutory Instruments

The Education (Mandatory Awards) (Amendment) Regulations 2005 2005 No. 2083 UK
Statutory Instruments

The Education (School Teachers' Pay and Conditions)(No. 4) Order 2000 2000 No. 3106 UK
Statutory Instruments

The Education (New Procedures for Property Transfers) Regulations 2000 2000 No. 3209
UK Statutory Instruments

The Education (School Teachers' Pay and Conditions) (No. 7) Order 2001 2001 No. 3435
UK Statutory Instruments

The Education (School Inspection) Regulations 1997 1997 No. 1966 UK Statutory
Instruments

The Education (School Inspection) (Wales) Regulations 1998 1998 No. 1866 UK Statutory
Instruments

The Education (Mandatory Awards) (Amendment) (No. 2) Regulations 2001 2001 No. 2800
UK Statutory Instruments

The Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations
2006 2006 No. 1721 UK Statutory Instruments

The Education (Publication of Local Education Authority Inspection Reports) Regulations 1998 1998
No. 880 UK Statutory Instruments

The Education Act 1996 (Amendment) Order 1996 1996 No. 3210 UK Statutory Instruments

The Education (Student Loans) (Repayment) Regulations 2009 2009 No. 470 UK Statutory
Instruments

The Education (Qualifications, Curriculum and Assessment Authority for Wales) (Conferment of
Functions) Order 1997 1997 No. 2140 UK Statutory Instruments

The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order
2010 2010 No. 1158 UK Statutory Instruments

The Nursery Education (Amendment) Regulations 1996 1996 No. 3117 UK Statutory
Instruments

The Education (Student Support) Regulations 2002 2002 No. 195 UK Statutory Instruments

The Education (Assisted Places) (Incidental Expenses) Regulations 1997 1997 No. 1969 UK
Statutory Instruments

The Education (Student Support) Regulations 2000 2000 No. 1121 UK Statutory Instruments

Education (Mandatory Awards) (Amendment) Regulations 1996 1996 No. 2088 UK Statutory
Instruments

The Education (Student Support) Regulations 2001 2001 No. 951 UK Statutory Instruments

The Education (Student Support) (No. 2) Regulations 2002 2002 No. 3200 UK Statutory
Instruments

The Education (School Premises) Regulations 1999 1999 No. 2 UK Statutory Instruments

The Education (Fees and Awards) (England) Regulations 2007 2007 No. 779 UK Statutory
Instruments

The Education and Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007 2007 No. 462 UK Statutory Instruments

Education (Student Loans) (Repayment) Regulations 2000 2000 No. 944 UK Statutory Instruments

The Education (Student Support) (No.2) Regulations 2008 2008 No. 1582 UK Statutory Instruments

The Education (Student Support) Regulations 2006 2006 No. 119 UK Statutory Instruments

The Education (Student Support) Regulations 2007 2007 No. 176 UK Statutory Instruments

The Education (Infant Class Sizes) (Transitional Provisions) Regulations 1998 1998 No. 1947 UK Statutory Instruments

The Education (Student Support) Regulations 2008 2008 No. 529 UK Statutory Instruments

The Education (School Premises) Regulations 1996 1996 No. 360 UK Statutory Instruments

The Education Act 1996 (Infant Class Sizes) (Modification) Regulations 1998 1998 No. 1948 UK Statutory Instruments

The Education (Mandatory Awards) Regulations 2000 2000 No. 2123 UK Statutory Instruments

The Education (Mandatory Awards) Regulations 1998 1998 No. 1166 UK Statutory Instruments

The Education (Mandatory Awards) Regulations 1999 1999 No. 1494 UK Statutory Instruments

The Education (Review of Staffing Structure) (Wales) Regulations 2005 2005 No. 1910 Wales Statutory Instruments

Rheoliadau Addysg (Adolygu Strwythur Staffio) (Cymru) 2005

The Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002 2002 No. 1857 Wales Statutory Instruments

Rheoliadau Addysg (Cynllun Grant Dysgu'r Cynulliad) (Cymru) 2002

The Education (Mandatory Awards) Regulations 2001 2001 No. 1734 UK Statutory Instruments

The Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 1998 No. 3237 UK Statutory Instruments

The Education (Supply of Information about the School Workforce) (England) Regulations 2007 2007 No. 1264 UK Statutory Instruments

The Education (Capital Grants) (Wales) Regulations 2002 2002 No. 679 Wales Statutory Instruments

Rheoliadau Addysg (Grantiau Cyfalaf) (Cymru) 2002

The Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007 2007 No. 2260 UK Statutory Instruments

UK Statutory Instruments

The Education (Assisted Places) Regulations 1997 1997 No. 1968 UK Statutory Instruments

The Education (Schools) Act 1997 (Commencement) Order 1997 1997 No. 2774 UK Statutory Instruments

Education (Head Teachers' Qualifications) (England) Regulations 2003 2003 No. 3111 UK Statutory Instruments

The Education (Review of Staffing Structure) (England) Regulations 2005 2005 No. 1032 UK Statutory Instruments

The Education (Education Standards Grants) (Wales) Regulations 2000 2000 No. 834 Wales Statutory Instruments

Rheoliadau Addysg (Grantiau Safonau Addysg) (Cymru) 2000

The Education (Education Standards Grants) (Wales) Regulations 2001 2001 No. 891 Wales Statutory Instruments

Rheoliadau Addysg (Grantiau Safonau Addysg) (Cymru) 2001

The Abolition of the Central Council for Education and Training in Social Work Order 2002 2002
No. 797 UK Statutory Instruments

The Education (Inspection of Vocational Training) (Prescribed Persons and Bodies Awarding or
Authenticating Vocational Qualifications) Regulations 1999 1999 No. 963 UK Statutory
Instruments

The Education (Budget Statements and Supplementary Provisions) Regulations 1999 1999 No. 486
UK Statutory Instruments

The Education (Student Loans) Regulations 1997 1997 No. 1675 UK Statutory Instruments

The Education (Mandatory Awards) Regulations 1997 1997 No. 431 UK Statutory Instruments

The Education (Student Loans) Regulations 1996 1996 No. 1812 UK Statutory Instruments

The Education (School Teachers' Qualifications) (Wales) Regulations 2004 2004 No. 1729
Wales Statutory Instruments

Rheoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004
UK Statutory Instruments

The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008
2008 No. 2699 UK Statutory Instruments

The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003
2003 No. 1250 UK Statutory Instruments

The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 2002 No. 3184
Wales Statutory Instruments

Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol) (Cymru) 2002

The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 1999
No. 2817 Wales Statutory Instruments

Rheoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999

The Education (School Teacher Appraisal) (Wales) Regulations 1999 1999 No. 2888 Wales
Statutory Instruments

Rheoliadau Addysg (Gwerthuso Athrawon Ysgol) (Cymru) 1999

The Education Maintenance Allowance and School Access Funds (England) Grants Regulations 2001
2001 No. 797 UK Statutory Instruments

The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of
Council 2004 2004 No. 1767 UK Statutory Instruments

The Postgraduate Medical Education and Training Board (Members – Removal from Office) Rules
Order 2004 2004 No. 3410 UK Statutory Instruments

The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007
2007 No. 2978 UK Statutory Instruments

The Education (Mandatory Awards) Regulations 2002 2002 No. 1330 UK Statutory
Instruments

The Education Standards Grants (Wales) Regulations 2002 2002 No. 438 Wales Statutory Instruments

Rheoliadau Grantiau Safonau Addysg (Cymru) 2002

The Education (Mandatory Awards) Regulations 2003 2003 No. 1994 UK Statutory
Instruments

The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010
2010 No. 234 UK Statutory Instruments

The Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2004 2004
No. 161 UK Statutory Instruments

The Education (Grants) (Dance and Drama) (England) Regulations 1999 1999 No. 2264 UK
Statutory Instruments

The Education (Grants) (Dance and Drama) (England) Regulations 2000 2000 No. 2144 UK
Statutory Instruments

The Education (Grants etc.) (Dance and Drama) (England) Regulations 2001 UK Statutory Instruments	2001 No. 2857
The Education (School Teachers' Qualifications) (England) Regulations 2003 UK Statutory Instruments	2003 No. 1662
The Education Standards Fund (England) Regulations 2000 Instruments	2000 No. 703 UK Statutory
The Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999 No. 2166 UK Statutory Instruments	1999
Contracting Out (Local Education Authority Functions) (England) Order 2002 Statutory Instruments	2002 No. 928 UK
The Education (Student Loans) (Repayment) (Amendment) Regulations 2010 Statutory Instruments	2010 No. 661 UK

Schools – Primary

Education (Schools) Act 1997	1997 c. 59	UK Public General Acts
School Standards and Framework Act 1998	1998 c. 31	UK Public General Acts
Nursery Education and Grant-Maintained Schools Act 1996	1996 c. 50	UK Public General Acts
School Inspections Act 1996	1996 c. 57	UK Public General Acts

Schools – Secondary

The Education (School Teachers' Pay and Conditions) Order 2006 Instruments	2006 No. 1274	UK Statutory
The Education (School Teachers' Pay and Conditions) Order 2009 Instruments	2009 No. 2132	UK Statutory
The Education (School Teachers' Pay and Conditions) Order 2008 Instruments	2008 No. 2155	UK Statutory
The Education (School Teachers' Pay and Conditions) Order 2007 Instruments	2007 No. 2282	UK Statutory
The School Teachers' Pay and Conditions Order 2010 Instruments	2010 No. 1979	UK Statutory
The School Crossing Patrol Sign (England and Wales) Regulations 2002 Statutory Instruments	2002 No. 3020	UK
The School Crossing Patrol Sign (England and Wales) Regulations 2006 Statutory Instruments	2006 No. 2215	UK
The Education (School Teachers' Pay and Conditions) (No.2) Order 2004 Statutory Instruments	2004 No. 2142	UK
The Education (School Teachers' Pay and Conditions) (No. 5) Order 2001 UK Statutory Instruments	2001 No. 2962	
The Education (School Teachers' Pay and Conditions) (No. 2) Order 2002 UK Statutory Instruments	2002 No. 2223	
The Education (School Teachers' Pay and Conditions) (No. 2) Order 1996 UK Statutory Instruments	1996 No. 1816	
The Education (School Teachers' Pay and Conditions) (No. 2) Order 1997	1997 No. 1789	

UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 4) Order 2001		2001 No. 2899
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) Order 1998		1998 No. 1884
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) Order 1999		1999 No. 2160
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) Order 2003		2003 No. 2169
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 3) Order 2000		2000 No. 2321
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) Order 2006		2006 No. 2133
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) (Amendment) Order 2006		2006 No. 3171
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) Order 2005	2005 No. 539	UK Statutory Instruments
The Education (School Teachers' Pay and Conditions) (No. 3) Order 2005		2005 No. 2212
UK Statutory Instruments		
The Independent Schools (Employment of Teachers in Schools with a Religious Character) Regulations 2003	2003 No. 2037	UK Statutory Instruments
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) Order 2004	2004 No. 658	UK Statutory Instruments
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) Order 2000		2000 No. 929 UK Statutory Instruments
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (Amendment) Regulations 2003		2003 No. 1708
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) Order 2003	2003 No. 769	UK Statutory Instruments
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No.3) Order 2003	2003 No. 2640	UK Statutory Instruments
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 6) Order 2001		2001 No. 3243
UK Statutory Instruments		
The Education (School Teachers' Prescribed Qualifications, etc) Order 2003		2003 No. 1709
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No. 2) (Amendment) Order 2007		2007 No. 1688
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) Order 2002	2002 No. 838	UK Statutory Instruments
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) Order 1996	1996 No. 1003	UK Statutory Instruments
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) (No.2) Order 2001	2001 No. 1254	UK Statutory Instruments
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) Order 2001	2001 No. 720	UK Statutory Instruments
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) Order 1997	1997 No. 755	UK Statutory Instruments
UK Statutory Instruments		
The Education (School Teachers' Pay and Conditions) Order 1999	1999 No. 917	UK Statutory Instruments
UK Statutory Instruments		

The Education (School Teachers' Pay and Conditions) Order 1998 1998 No. 903 UK Statutory Instruments

The Education (School Teachers' Pay and Conditions) (No. 2) Order 2005 2005 No. 1101
UK Statutory Instruments

The Education (School Teachers' Pay and Conditions) Order 2000 2000 No. 868 UK Statutory Instruments

The Financing of Maintained Schools Regulations 1999 1999 No. 101 UK Statutory Instruments

The Education (School Teachers' Pay and Conditions) (No. 3) Order 2001 2001 No. 1284
UK Statutory Instruments

The Education (School Teachers' Pay and Conditions)(No. 4) Order 2000 2000 No. 3106 UK Statutory Instruments

The Education (School Teachers' Pay and Conditions) (No. 7) Order 2001 2001 No. 3435
UK Statutory Instruments

The Education (School Inspection) Regulations 1997 1997 No. 1966 UK Statutory Instruments

The Education (School Inspection) (Wales) Regulations 1998 1998 No. 1866 UK Statutory Instruments

The School Organisation (Requirements as to Foundations) (England) Regulations 2007 2007 No. 1287
UK Statutory Instruments

The Local Government Act 1988 (Defined Activities) (Exemptions) (Schools) Order 1997 1997 No. 2748 UK Statutory Instruments

The Designation of Schools Having a Religious Character (Wales) Order 1999 1999 No. 1814
UK Statutory Instruments

The Charities (Royal Russell School) Order 1998 1998 No. 2883 UK Statutory Instruments

The Corporation of the Cranleigh and Bramley Schools (Charter Amendments) Order 1999 1999 No. 656 UK Statutory Instruments

The Education (School Premises) Regulations 1999 1999 No. 2 UK Statutory Instruments

The Charities (Most Honourable and Loyal Society of Ancient Britons (known as St. David's School)) Order 2001 2001 No. 106 UK Statutory Instruments

The Education (School Premises) Regulations 1996 1996 No. 360 UK Statutory Instruments

The Education (Supply of Information about the School Workforce) (England) Regulations 2007 2007 No. 1264 UK Statutory Instruments

The Staffing of Maintained Schools (Wales) Regulations 2006 2006 No. 873 Wales Statutory Instruments

Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006

The Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007 2007 No. 2260 UK Statutory Instruments

The Education (Schools) Act 1997 (Commencement) Order 1997 1997 No. 2774 UK Statutory Instruments

The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003 2003 No. 3118 Wales Statutory Instruments

Rheoliadau Cyllidebau AALI, Cyllidebau Ysgolion a Chyllidebau Ysgolion Unigol (Cymru) 2003

The Charities (The Royal School for the Blind) Order 1996 1996 No. 1667 UK Statutory Instruments

The Education (School Teachers' Qualifications) (Wales) Regulations 2004 2004 No. 1729
Wales Statutory Instruments

Rheoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004

The LEA Budget, Schools Budget and Individual Schools Budget (England) Regulations 2002 2002

No. 3199 UK Statutory Instruments
 The Education (School Teacher Appraisal) (Wales) Regulations 1999 1999 No. 2888 Wales
 Statutory Instruments
 Rheoliadau Addysg (Gwerthuso Athrawon Ysgol) (Cymru) 1999
 The Education Maintenance Allowance and School Access Funds (England) Grants Regulations 2001
 2001 No. 797 UK Statutory Instruments
 The School Funding (Wales) Regulations 2010 2010 No. 824 Wales Statutory Instruments
 Rheoliadau Cyllido Ysgolion (Cymru) 2010
 The LEA Budget, Schools Budget and Individual Schools Budget (England) Regulations 2004 2004
 No. 3131 UK Statutory Instruments
 The LEA Budget, Schools Budget and Individual Schools Budget (England) Regulations 2003 2003
 No. 3170 UK Statutory Instruments
 The Education (School Teachers' Qualifications) (England) Regulations 2003 2003 No. 1662
 UK Statutory Instruments
 The Financing of Maintained Schools (England) Regulations 2002 2002 No. 377 UK Statutory
 Instruments
 The Financing of Maintained Schools (England) Regulations 2000 2000 No. 478 UK Statutory
 Instruments
 The School Finance (England) Regulations 2008 2008 No. 228 UK Statutory Instruments
 The Financing of Maintained Schools (England) Regulations 2001 2001 No. 475 UK Statutory
 Instruments
 The School Finance (England) Regulations 2006 2006 No. 468 UK Statutory Instruments

Disability - Primary

Disability Discrimination Act 2005 2005 c. 13 UK Public General Acts

Disability – Secondary

The Disability Discrimination Code of Practice (Public Authorities) (Duty to Promote Equality)
 (Appointed Day) Order 2005 2005 No. 3340 UK Statutory Instruments
 The Disability Discrimination (Transport Vehicles) Regulations 2005 2005 No. 3190 UK
 Statutory Instruments
 The Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions)
 Regulations 2005 2005 No. 2901 UK Statutory Instruments
 The Disability Discrimination Act 2005 (Commencement No. 1) Order 2005 2005 No. 1676
 UK Statutory Instruments
 The Disability Discrimination (Private Clubs etc.) Regulations 2005 2005 No. 3258 UK
 Statutory Instruments
 The Disability Discrimination (Public Authorities)(Statutory Duties) Regulations 2005 2005 No. 2966
 UK Statutory Instruments

Equality Act - Primary

Equality Act 2010 2010 c. 15 UK Public General Acts

Equality Act - Secondary

The Equality Act 2010 (Designation of Institutions with a Religious Ethos) (England and Wales) Order 2010 2010 No. 1915 UK Statutory Instruments

The Equality Act 2010 (Offshore Work) Order 2010 2010 No. 1835 UK Statutory Instruments

The Equality Act 2010 (Disability) Regulations 2010 2010 No. 2128 UK Statutory Instruments

The Equality Act 2010 (Amendment) Order 2010 2010 No. 2622 UK Statutory Instruments

The Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010 2010 No. 2317 UK Statutory Instruments

The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 2010 No. 2279 UK Statutory Instruments

Children - Primary

Child Poverty Act 2010 2010 c. 9 UK Public General Acts

Children - Secondary

The Children and Young Persons Act 2008 (Commencement No.3, Saving and Transitional Provisions) Order 2010 2010 No. 2981 UK Statutory Instruments

The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 2010 No. 1080 UK Statutory Instruments

The Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010 2010 No. 1898 UK Statutory Instruments

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