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Voices and Choices Part 2: A proposed right for children themselves to make claims of disability discrimination to the SENTW

The AJTC and its Welsh Committee are broadly supportive of the proposal to give children, in certain circumstances, the right to make claims of disability discrimination to SENTW. As the principles underlying this proposal are the same as those for the earlier consultation on giving children the right to appeal to SENTW, most of the AJTC's previous comments apply equally to this consultation.

If children are given the right to make claims of disability discrimination to SENTW, there seems to be no reason why they should not also have the same right to make a discrimination claim relating to admission to, and permanent exclusion from, LEA maintained schools. Under these proposals, children will have an independent right to make disability discrimination claims regarding temporary exclusion to SENTW, but no such corresponding right in relation to disability discrimination claims regarding a permanent exclusion to an Education Panel. This could be seen as inequitable and confusing. In attempting to add new rights to the existing system of appeal rights, it may be that these proposals inadvertently themselves discriminate against certain groups of disabled children.

The route to making a claim of disability discrimination should be as consistent and user-friendly as possible. The Council on Tribunals, the predecessor body to the AJTC, argued against having different routes of appeal for different types of disability discrimination claims, and thought that SENDIST/SENTW would be best placed to have overall jurisdiction. This is because SENDIST/SENTW includes a legally qualified chair (unlike the admissions and exclusions panels), and would therefore be better able to deal with the complex issues involved in disability discrimination cases.

As with the previous 'Voice and Choices' consultation, it is felt that the success of this proposal will depend on it being implemented carefully, in close consultation with key stakeholders. The AJTC and its Welsh Committee look forward to continued dialogue with those with responsibility for this important area of policy.