

Children's Wellbeing and Schools Bill:

Report on the Supplementary Legislative Consent Memorandum (Memorandum 4)

February 2026

1. Introduction

1. This report considers the Supplementary Legislative Consent Memorandum (Memorandum 4) ("SLCM No 4") of the Children's Wellbeing and Schools Bill ("the Bill").
2. We have previously reported on the LCM, and subsequent supplementary LCMs 2 and 3 in September 2025.¹ This report is solely focused on SLCM No 4.

The Bill

3. The Bill was introduced in the House of Commons on 17 December 2024. It has passed through the House of Commons. At the time of writing it was at Report stage in the House of Lords.
4. The long title of Bill states that it is a Bill to:

¹ CYPE Committee, Children's Wellbeing and Schools Bill: Report on the Legislative Consent Memorandum, 19 September 2025



*"A Bill to make provision about the safeguarding and welfare of children; about support for children in care or leaving care; about regulation of care workers; about regulation of establishments and agencies under Part 2 of the Care Standards Act 2000; about employment of children; about breakfast club provision and school uniform; about attendance of children at school; about regulation of independent educational institutions; about inspections of schools and colleges; about teacher misconduct; about Academies and teachers at Academies; repealing section 128 of the Education Act 2002; about school places and admissions; about establishing new schools; and for connected purposes."*²

The Legislative Consent Memorandum

5. Standing Order 29.1 provides that the Welsh Ministers must lay a legislative consent memorandum where a UK Bill makes provision "in relation to Wales that has regard to devolved matters."³ The Welsh Government must lay a memorandum in relation to such a Bill normally no later than two weeks after:

- its introduction to the first House of UK Parliament that makes provision in relation to Wales; and
- amendments are tabled or agreed to any Bill that make (or would make) provision in relation to Wales.⁴

6. The Cabinet Secretary for Education ("the Cabinet Secretary") laid an LCM in relation to this Bill on 24 March 2025.⁵ A Supplementary LCM ("SLCM No 2") was laid by the Cabinet Secretary on 28 May 2025.⁶ A further SLCM ("SLCM No 3") was laid by the Cabinet Secretary on 12 June 2025.⁷

² UK Parliament website, Parliamentary Bills, Children's Wellbeing and Schools Bill. [accessed 22 January 2026]

³ Senedd Cymru, Standing Orders of the Welsh Parliament, January 2026, Standing Order 29.1

⁴ Senedd Cymru, Standing Orders of the Welsh Parliament, January 2026, Standing Order 29.2

⁵ Welsh Government, Legislative Consent Memorandum, Children's Wellbeing and Schools Bill, March 2024

⁶ Welsh Government, Supplementary Legislative Consent Memorandum (Memorandum No.2), Children's wellbeing and Schools Bill, May 2025

⁷ Welsh Government, Supplementary Legislative Consent Memorandum (Memorandum No.3), Children's Wellbeing and Schools Bill, June 2025.

- 7.** SLCM No 4 was laid by the Cabinet Secretary on 16 January 2026.⁸
- 8.** The Business Committee referred the SLCM No 4 to the Legislative, Justice and Constitution Committee and our committee with a reporting deadline of 3 February 2026.⁹
- 9.** Paragraph 7 of SLCM No. 4 sets out a summary of what the Bill does as a whole.¹⁰

2. Provisions requiring consent

- 10.** Amendments to the Bill were tabled on 7 January for consideration by the House of Lords at Report Stage. SLCM No 4 confirms that the Welsh and UK Governments agreed that Senedd's legislative consent is required for the amendments listed in SLCM No. 4.

Clause 12 – Health

- 11.** Amendment 65 inserts new provision into the Care Standards Act 2000 ("the 2000 Act"), to allow notices under Part 2 of the 2000 Act to be served by email. This would include notices that are to be served by Health Inspectorate Wales, acting on behalf of the Welsh Ministers. It would also cover services by independent hospitals and clinics in Wales. Such health services are not reserved under Schedule 7A to Government of Wales Act and the amendment therefore has regard to devolved matters.

Clause 20 – Social services

- 12.** Amendments 72 to 74 amend clause 20 of the Bill. We previously considered this clause in our earlier report on the LCM. Clause 20 is intended to address a loophole in the law, whereby there is existing provision to protect children in health and social care settings under a wide-ranging offence in section 1 of the Children and Young Persons Act 1933. This provides for the offence of child cruelty and neglect, but only applies to children under the age of 16 and therefore 16 and 17 year olds in health and social care settings are not afforded the same protections. The amendments proposed by clause 20 of the

⁸ Welsh Government, Supplementary Legislative Consent Memorandum [Memorandum No. 4], Children's Wellbeing and Schools Bill, 16 January 2026

⁹ Business Committee, Timetable for consideration: Supplementary Legislative Consent Memorandum (No. 4) on the Children's Wellbeing and Schools Bill, January 2026

¹⁰ Welsh Government, Supplementary Legislative Consent Memorandum [Memorandum No. 4], Children's Wellbeing and Schools Bill, paragraph 7, 16 January 2026

Bill to the Criminal Justice and Courts Act 2015 ("the 2015 Act") seek to close this loophole for 16 and 17 year olds by prohibiting the ill-treatment or wilful neglect of individuals by care workers and care providers in health and social care settings.

13. Amendment 72 provides that for the purposes of the care provider offence in section 21 of the Criminal Justice and Courts Act 2015 (as amended by clause 20) "regulated care" includes care or support provided for any child rather than only a child aged 16 or 17, which widens the scope of the protection. Amendments 73 and 74 are consequential on amendment 72.

Clause 26 – Child employment

14. Amendments have been tabled in relation to clause 26 which relates to child employment. We previously considered clause 26 in our earlier report on the LCM.

15. The amendments that have been tabled address changes relating to the terminology for statutory instruments arising from the changes made by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.

Clause 31 – Local authority consent for withdrawal of certain children from school

16. Clause 31 of the Bill deals with local authority consent for withdrawal of certain children from school. We previously considered clause 31 in our earlier report on the LCM.

17. Amendment 120 expands the criteria for local authorities to provide consent to the withdrawal of certain children from school to include children who have been subject to a child protection plan in the previous 5 years. Without this amendment, the Bill covers children who are subject to a child protection plan at the time of their withdrawal.

18. Amendment 125 inserts new provision into clause 31 of the Bill which would require the Welsh Ministers to make regulations implementing a pilot scheme across no more than 30 per cent of the local authorities in Wales. This pilot scheme will require parents who are seeking to withdraw their child from school to meet with the local authority before their child is deregistered.

19. Memorandum No. 4 notes that the amendments to clause 31:

"... are proactive government amendments that follow the publication of the Surrey Child Safeguarding Practice Review in respect of Sara Sharif, published on 14th November 2025. The report made specific recommendations in respect of Elective Home Education (EHE). While recommendations relate to the EHE procedures in Surrey, there are points of relevance to EHE more generally. Amendments to extend the scope of the consent requirement (Amendment 120) and powers to make Regulations (Amendments 125 and 126) in respect of a pilot for mandatory meetings ahead of deregistration, have been introduced to address some of the recommendations in the Review."¹¹

Clause 32 – Registration of children not in school

20. Various amendments have been tabled in relation to clause 32. We previously considered clause 32 in our earlier report on the LCM.

21. Amendment 131 places a new duty on local authorities to consider where the child lives and their education setting within 15 days of the child being registered on the Children Not In School ("CNIS") register. The local authority can request a home visit at the point of CNIS registration. If a home visit is declined the local authority must consider the refusal as a relevant factor in serving a preliminary notice for a school attendance order (see below regarding clause 33).

22. Amendment 133 requires each parent who registers their child on the CNIS register to provide a previous address if they have lived at their current address for less than 12 months. Amendment 134 ensures that the CNIS register will include any additional address at which the child lives.

23. Amendments 136 and 137 require parents to provide an estimate of the overall amount of time, rather than the actual amount of time that the child spends receiving education from their parents and providers. A consequential amendment is also made to ensure that regulations can be made under section 436C(4) of the Education Act 1996 to make provision about how such time estimates are to be calculated.

¹¹ Welsh Government, Supplementary Legislative Consent Memorandum [Memorandum No. 4], Children's Wellbeing and Schools Bill, paragraph 20, 16 January 2026

- 24.** Amendments 138 and 148 provide for the CNIS register to contain information about a registered child's education provided by persons other than the child's parent. The requirement only applies when the education exceeds an amount of time that is to be specified in regulations and set out the definition of a prescribed amount of time.
- 25.** Amendment 144 provides for local authorities to include information on the CNIS register about all schools or institutions that a child attends or has attended in the past, including those which are institutions not in the further education sector. The published Bill currently limits this to further education settings only.
- 26.** Amendment 145 enables the outcomes of any home visits or consideration of the child's home and education settings to be prescribed as information that may be included in the register of CNIS.
- 27.** Amendment 150 requires parents to notify their local authority of changes to the child's education on request from the local authority, rather than requiring parents to inform the authority separately every time there is a change. Amendment 153 requires parents to comply within 15 days of the authority's request.
- 28.** Amendments 149 and 152 are consequential amendments that set the parameters for the request for information for the registers, ensuring parents only have to notify against the specified criteria for the register and that a local authority must request a parent to provide information about changes to information about education at least once a year, but not more frequently than once every 3 months.
- 29.** Amendment 151 ensures that parents do not have to notify the local authority once their child ceases to be of compulsory school age
- 30.** Amendment 155 sets out instances whereby a child is not eligible for registration because they are in receipt of a suitable full-time education via a combination of school and local authority maintained education.
- 31.** Amendment 156 clarifies that a local authority may ask an education provider to confirm whether they are providing out-of-school education for children regardless of whether those children live in the authority's area.
- 32.** Amendment 158 requires local authorities in England and Wales to provide information relating to GCSEs for children on the CNIS register should a parent request it.

33. Amendment 164 requires all regulations made by the Welsh Ministers concerning eligibility for registration for CNIS to be subject to the Senedd approval procedure.

Clause 33 – School attendance orders

34. Amendment 165 allows a local authority to serve a preliminary notice for a school attendance order ("SAO") where a child has been subject to a child protection order during the period of 5 years prior to the date on which the notice is to be served.

35. Amendment 166 prevents a preliminary notice for an SAO being served where the child is no longer of compulsory school age.

36. Amendment 167 enables the local authority to consider all settings where the child is being educated and request a home visit when it is considering whether a preliminary notice for an SAO should be served on the parent.

Clause 35 – Guidance on children not in school and school attendance orders

37. Amendment 175 provides that local authorities must have regard to guidance when exercising functions relating to the withdrawal of children from school.

Clause 64 – Power to make consequential provision

38. Amendment 244 is the previously requested amendment by the Welsh Government to include a new Clause in the Bill providing Welsh Ministers with power to make consequential provision to the clauses that apply to Wales.

Approach to scrutiny

39. We considered SLCM No 4 at our meeting on 28 January. Due to the reporting deadline, we did not have time to do any additional work on SLCM No 4.

40. However, we did receive correspondence from Home Ed Cymru, which we considered alongside the SLCM No 4 at our meeting on 28 January.¹²

¹² CYPE Committee, 28 January 2026, Paper to Note 3.8, Legislative Consent: Children's Wellbeing and Schools Bill, Email correspondence to CYPE Committee from Home Ed Cymru.

3. Our view

41. We agree with the Welsh Government's position that the Senedd's consent is required for all the amendments covered in SLCM No.4.

42. We are satisfied that the Senedd should provide consent for all the amendments covered in SLCM No 4.

Recommendation 1. The Senedd should grant consent to SLCM No.4