

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Children's Wellbeing and Schools Bill

March 2026



1. Background

The UK Government's Children's Wellbeing and Schools Bill

1. The Children's Wellbeing and Schools Bill¹ (the Bill) was introduced into the House of Commons and had its first reading on 17 December 2024. It is sponsored by the Department for Education.

2. The Explanatory Notes to the Bill state:

"The Children's Wellbeing and Schools Bill ("the Bill") has 38 measures aiming to deliver the Labour Party's 2024 commitments to remove barriers to opportunity in schools and improve the education system to make it more consistent and safer for every child.

*It also seeks to deliver commitments in the Labour Party's 2024 manifesto on Children's Social Care by strengthening regulation, improving quality of care to ensure it meets children's needs and keeping children rooted in their families and local communities where possible."*²

3. The long title to the Bill states that it is 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."*³

¹ The Children's Wellbeing and Schools Bill, as introduced (Bill 151)

² Explanatory Notes to the Children's Wellbeing and Schools Bill, as introduced, paragraphs 1 and 2

³ The Children's Wellbeing and Schools Bill, as introduced, page 1

4. The Bill completed its passage through the House of Commons on 18 March 2025. The Bill had its first reading in the House of Lords on 19 March 2025.⁴ On the date this report was agreed, the Bill had completed its Third Reading in the House of Lords and the House of Commons was due to consider Lords amendments.⁵

The Welsh Government's Previous Legislative Consent Memoranda

5. Standing Orders 29.1 and 29.2 provide that a legislative consent memorandum is required when a relevant UK Bill makes provision in relation to Wales that has regard to devolved matters.

6. On 24 March 2025, Lynne Neagle MS, the Cabinet Secretary for Education (the Cabinet Secretary), laid before the Senedd a Legislative Consent Memorandum (the Memorandum) in respect of the Bill.⁶

7. On 28 May 2025, the Cabinet Secretary laid before the Senedd a Supplementary Legislative Consent Memorandum (Memorandum No. 2) in respect of the Bill.⁷

8. On 12 June 2025, the Cabinet Secretary laid before the Senedd a Supplementary Legislative Consent Memorandum (Memorandum No. 3) in respect of the Bill.⁸

9. We reported on the Memorandum, Memorandum No. 2 and Memorandum No. 3 on 19 September 2025⁹ and received a response to our report (the first report) from the Welsh Government in October 2025.¹⁰

⁴ [HL Bill 84](#) (as brought from the Commons)

[Children's Wellbeing and Schools Bill, Consideration of Lords amendments \(House of Commons\)](#)

⁶ Welsh Government, [Legislative Consent Memorandum on the Children's Wellbeing and Schools Bill](#), 24 March 2025

⁷ Welsh Government, [Legislative Consent Memorandum \(Memorandum No. 2\) on the Children's Wellbeing and Schools Bill](#), 28 May 2025

⁸ Welsh Government, [Legislative Consent Memorandum \(Memorandum No. 3\) on the Children's Wellbeing and Schools Bill](#), 12 June 2025

⁹ Legislation, Justice and Constitution Committee, [The Welsh Government's Legislative Consent Memoranda on the Children's Wellbeing and Schools Bill](#), September 2025

¹⁰ Welsh Government, [Response to the Legislation, Justice and Constitution Committee's report on the Memorandum](#), October 2025

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4)

- 10.** The Cabinet Secretary and Jeremy Miles MS, Cabinet Secretary for Health and Social Care (the Cabinet Secretaries), laid a further Supplementary Legislative Consent Memorandum (Memorandum No. 4) on 16 January 2026 in respect of the Bill.¹¹
- 11.** The Business Committee agreed that the Legislation, Justice and Constitution Committee and the Children, Young People and Education Committee should report on Memorandum No. 4 by 3 February 2026.¹²
- 12.** On 3 February 2026, the Business Committee agreed a new reporting deadline for the committees to report on the memoranda relating to the Bill, of 2 March 2026,¹³ before providing a further extension to 16 March 2026 on 24 February 2026.¹⁴

Update provided by the Welsh Government

- 13.** The Cabinet Secretaries state:

"This LCM No 4 includes additional provisions relating to the children not in school provisions and social services, that have been tabled by the UK government for consideration at Report Stage and require the Senedd's consent."¹⁵

- 14.** The Cabinet Secretaries summarise their engagement with the UK Government on the Bill, referring to discussions on "extending certain provisions to cover Wales towards the end of 2024."¹⁶ They also note that the Welsh and UK Governments have continued regular contact throughout 2025 to discuss provisions in the Bill and state that they have been in communication with the Secretary of State for Education.¹⁷ Specifically, the Cabinet Secretaries state that:

¹¹ Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No. 4\) Children's Wellbeing and Schools Bill](#), 16 January 2026

¹² Business Committee, [Timetable for consideration: Supplementary Legislative Consent Memorandum \(No. 4\) on the Children's Wellbeing and Schools Bill](#), January 2026

¹³ Business Committee, [Revised timetable for consideration: Supplementary Legislative Consent Memorandum \(No.4\) on the Children's Wellbeing and Schools Bill](#), February 2026

¹⁴ Business Committee, [Revised timetable for consideration: Supplementary Legislative Consent Memorandum \(No.4\) on the Children's Wellbeing and Schools Bill](#), February 2026

¹⁵ Memorandum No. 4, paragraph 3

¹⁶ Memorandum No. 4, paragraph 9

¹⁷ Memorandum No. 4, paragraph 10

*"The new amendment which has a minor effect on the powers of Healthcare Inspectorate Wales under the Care Standards Act 2000, was notified to officials by the Department for Education to officials in April 2025, with regular engagement since that time."*¹⁸

15. The Cabinet Secretaries also provide the following update:

"In the first LCM in March 2025 I set out that Senedd Consent was required to apply certain provisions relating to children's social care and children not in school, to Wales. The LCM related to the social care provisions under the current Clauses 12 and 20, and the children not in school provisions at Clauses 31-36 and Schedule 2 (as currently published). The second LCM in May 2025 sought consent to apply child employment provisions (Clause 26) to Wales, whilst the third LCM requested consent for provisions within the children not in school clauses that were not referenced within the first LCM.

*As the Bill has progressed, further amendments to the Bill were tabled by the UK government on 7 January 2026. These amendments will now be considered at Report Stage."*¹⁹

Provisions for which the Senedd's consent is required

16. The Cabinet Secretaries note that the UK Government tabled amendments on 7 January 2026, for consideration at House of Lords Report Stage, with the majority of the amendments making provision within the clauses relating to the children not in school elements of the Bill. They also note that additional amendments were tabled in relation to child employment and health and social services.²⁰

17. Specifically, Memorandum No. 4 is seeking consent for amendments to the following clauses in the Bill (as amended at House of Lords Committee stage):

¹⁸ Memorandum No. 4, paragraph 9; see also the discussion of the amendment to clause 12 at paragraphs 14(i) and paragraphs 15 to 17 of Memorandum No. 4.

¹⁹ Memorandum No. 4, paragraphs 11 to 12. The Bill as published at the time of the laying of Memorandum No. 4 was [HL Bill 135 \(as amended in Committee\)](#)

²⁰ Memorandum No. 4, paragraph 13

- clause 12 – the amendment amends section 37 of the *Care Standards Act 2000* to allow Health Inspectorate Wales to serve certain notices via email;
- clause 20 – the amendment extends protection against ill-treatment or wilful neglect under section 21 of the *Criminal Justice and Courts Act 2015* to all children, rather than those aged 16 and 17 as in the Bill as currently drafted;
- clause 26 – technical amendments to provisions relating to employment of children in England and Wales to reflect changes to terms used in Senedd scrutiny of secondary legislation;
- clauses 31 to 35 – amendments to provisions related to children not in school;
- new clause (after clause 64) – a power for the Welsh Ministers to make consequential provision;
- clause 67 – technical amendments to commencement provisions to reflect changes to terms used in Senedd scrutiny of secondary legislation.²¹

18. Information about the relevant amendments in each case is included in paragraphs 14 to 32 of Memorandum No. 4. In particular, it states that:

“The amendments to the children not in school provisions result in new delegated powers under the children not in school provisions. Additionally, amendments that seek to remove unnecessary wording or requirements from the drafted provisions under Clause 32 and Clause 33 have been tabled. Other tabled amendments clarify the scope of the Registration requirements, amend aspects that may not have resulted in the desired aim, and expand on certain provisions.

There are amendments to address drafting issues and/or provide legal clarity. These include removing the duty on a parent of a child on the CNIS register to inform the LA when the child is no longer of compulsory school age, a consequential amendment relating to preliminary school attendance orders

²¹ Memorandum No. 4, paragraph 14

and further amendments removing unnecessary wording from Clause 32.”²²

19. As regards the new clause after clause 64, Memorandum No. 4 states:

“Amendment 244 introduces a new Clause to the Bill providing for Welsh Ministers to make consequential provision, by way of regulations, to provisions under the relevant Clauses that apply to Wales. These are Clause 11 (use of accommodation for deprivation of liberty), Clause 20 (ill-treatment or wilful neglect: children aged 16 and 17); Clauses 31 to 36 (children not in school), and Clause 12(5) (service of documents under Part 2 of the Care Standards Act 2000).”²³

The Welsh Government's position

20. In Memorandum No. 4, the Cabinet Secretaries state:

“Taking these provisions in this UK Bill ensures consistency in approach to supporting and safeguarding children not in school. Whilst provision could be brought forward in a Senedd Bill, doing so would impact upon delivery of other legislative priorities and could not be delivered within the same timescales as through the UK Bill.

The children not in school provisions ensure parity in the law across England and Wales in this area whilst providing Wales with powers to commence provisions. Being a part of this Bill ensures that children in Wales who are not in school are subject to the same protections as children living in England.

Clause 12 ensures a consistent and modernised approach to the delivering of notifications for CIECCS and HIW (acting on behalf on Welsh Ministers). Given the minor and technical nature of this amendment, it is more efficient to include it in the UK Bill to align timescales.

²² Memorandum No. 4, paragraphs 18 and 19

²³ Memorandum No. 4, paragraph 31

The consequential and commencement powers provided at Clauses 64 and 67 in the Bill enable Welsh Ministers to progress the provisions for Wales.”²⁴

21. The Cabinet Secretaries conclude:

“In my view it is appropriate to deal with these provisions in this UK Bill as these will enhance existing and proposed Welsh Government policy in relation to children not in school. Therefore, I recommend that the Senedd supports the proposals and gives its consent.”²⁵

The UK Government's position

22. The Cabinet Secretaries state that the UK Government agrees that the Senedd's consent is required for the amendments referred to in Memorandum No. 4.²⁶

2. Committee consideration

23. We considered Memorandum No. 4 on 26 January 2026²⁷ and were due to consider our report on 2 February 2026²⁸ in readiness for a plenary debate on the relevant legislative consent motion the following day. However, we were notified just prior to the meeting that an extension was likely to the reporting deadline, with a plenary debate to be rescheduled accordingly.

24. As a result of the changes to the reporting deadline, we wrote instead to the Cabinet Secretary on 3 February 2026²⁹ seeking clarification on a number of issues related to Memorandum No. 4. The Cabinet Secretary responded on 16 February 2026³⁰ and this letter is reproduced at Annex 1 of this report. It notes that a further, fifth legislative consent memorandum will be laid.

25. We consider that laying our report on Memorandum No. 4 now is the best approach available to us, rather than to await the laying of the fifth memorandum and attempting (in the limited time available) to consider both

²⁴ Memorandum No. 4, paragraphs 41 to 44

²⁵ Memorandum No. 4, paragraph 46

²⁶ Memorandum No 4, paragraph 14. Paragraphs 33 to 40 of Memorandum No. 4 provide more information about the UK Government's position on consent.

²⁷ [Legislation, Justice and Constitution Committee](#), 26 January 2026

²⁸ [Legislation, Justice and Constitution Committee](#), 2 February 2026

²⁹ [Letter to the Cabinet Secretary for Education](#), 3 February 2026

³⁰ [Letter from the Cabinet Secretary for Education](#), 16 February 2026

supplementary memoranda in a single report before the 17 March, the date currently proposed for the legislative consent motion debate. .

26. Also, we noted correspondence we have received from stakeholders about Memorandum No. 4 at our meetings on 2 February 2026 and 9 March 2026.³¹

Our view

27. We note the Welsh Government's assessment of the provisions within the Bill that require the consent of the Senedd, as set out in Memorandum No. 4.

28. We also note the position of the UK Government as regards consent.

Conclusion 1. We agree with the Welsh Government's assessment that the amendments to the clauses in the Bill (as amended at House of Lords Committee stage), as set out in Memorandum No. 4, require the consent of the Senedd in accordance with Standing Order 29.

29. In response to question 5 of our letter of 3 February 2026, the Cabinet Secretary told us that a non-government amendment was agreed in the House of Lords that did not apply fully to Wales but impacted on a UK Government amendment that the Welsh Government supported.³² The Cabinet Secretary explained that:

"My officials are engaging closely with the Department for Education in relation to the nongovernment amendment and relaying the Welsh Government's position and potential implications for Wales. I will incorporate the final position on this provision in the forthcoming sLCM and have encouraged UK Government to bring forward any amendments as soon as possible so as to ensure the Senedd can consider in advance of the legislative consent debate. This will ensure the Senedd is able to consider a more finalised version of the Bill and potentially avoid the need to lay multiple LCM on the same amendment."

30. These comments from the Cabinet Secretary highlight that the Welsh Government's use of a Bill progressing through the UK Parliament can cause the

³¹ [Correspondence from Home Ed Cymru](#), 25 January 2026, [Correspondence from Education Otherwise](#), 25 January 2026 and a [preliminary report by Wellbeing in Education Wales](#), February 2026

³² Amendment 120 related to clause 31 of the Bill as amended in Committee – see paragraph 14(iv) of Memorandum No. 4

Welsh Government difficulties in handling that would not arise if it was introducing its own Bill to the Senedd. This predicament for the Welsh Government sits alongside the disadvantages placed on Senedd Members, stakeholders and citizens in Wales caused by such a legislative approach. Furthermore, using a UK Government Bill to make provision regarding devolved matters which is scrutinised by the UK Parliament (and with the Welsh Government not having control of any amendments) could pose risks to the quality of law that will apply in Wales.

31. Our views remain as set out in our first report at paragraphs 55 to 60.

Lynne Neagle AS/MS
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/LN/2345/25

Mike Hedges AS/MS
Chair, Legislation, Justice and Constitution Committee
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16 February 2026

Dear Mike,

Thank you for your letter of 3 February, requesting clarity on a number of points within the supplementary Legislative Consent Memorandum (Memorandum No 4) for the Children's Wellbeing and Schools Bill.

I have provided a response to each of the questions raised below. For ease of reference I have included the question set out in your letter.

- 1. Please can you confirm whether the amendment referred to in paragraph 24 of Memorandum No. 4 has now been tabled and if it will be included in the further supplementary consent memorandum now expected?*

The amendment to apply the Senedd approval procedure to the regulations referred to in paragraph 24 was [tabled](#) on Thursday 5 February 2026, ahead of Third Reading on Monday 9 February. Two amendments within this tabled list apply to Wales and therefore both will be included within a further supplementary LCM (Memorandum No. 5).

- 2. Memorandum No. 4 refers to a regulation-making power contained in amendments to clause 32, relating to the estimate of time which a child receives education from parents or other providers. It is not clear from Memorandum No. 4 whether this is a new regulation-making power or which Senedd scrutiny procedure will be applied to such regulations.*

The regulation-making power referenced in the amendment is not a new power. The regulations referred to are those to be made under proposed section 436C(4) of the Education Act 1996 (as inserted by Clause 32). Amendment 164 was agreed at Report Stage and provides that regulations made by the Welsh Ministers under the listed provisions of the Education Act 1996, including 436C(4), (as inserted by Clauses 32 and 33) are subject to the Senedd approval procedure.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

3. *Please can you confirm the scrutiny procedure which will apply to the making of regulations under clause 32 of the Bill should amendments to that clause be agreed at House of Lords Report Stage?*

The scrutiny procedure for the regulations under Clause 32 is subject to the Senedd approval procedure. Delegated power for the regulations was tabled under Amendment 164. This amendment requires all regulations for the CNIS provisions under Clauses 32 and 33 to be affirmative always rather than affirmative in the first instance and negative thereafter.

4. *Amendment 244 provides the Welsh Ministers with a regulation-making power to make consequential provision (a new clause proposed after clause 64). We note that this amendment addresses recommendation 4 of our first report. However, Memorandum No. 4 is silent on the Senedd scrutiny procedure to be applied to such regulations. It appears to the Committee that the Senedd annulment procedure will be applied, unless the regulations amend primary legislation, in which case the Senedd approval procedure will be applied. Please can you confirm the scrutiny procedure which will apply to the making of regulations under the new clause to be inserted after clause 64 by amendment 244, should it be agreed at House of Lords Report Stage?*

Amendment 244 was agreed during the House of Lords third sitting at Report Stage on the Children's Wellbeing and Schools Bill, on 28 January. I can confirm that the Senedd annulment procedure will be applied, unless the regulations amend primary legislation, in which case the Senedd approval procedure will be applied.

5. *Please could you confirm which amendments in Memorandum No. 4 have been considered in the House of Lords and the outcome of that consideration*

All amendments in Memorandum No. 4 were considered during the House of Lords Report Stage on Wednesday 28 January.

All amendments were passed apart from Amendment 120. This amendment proposed to expand the criteria under Clause 31 for LAs to provide consent for certain children to be removed from school to include children subject to a child protection plan within the last 5 years. The amendment did not pass because it was superseded by non-government Amendment 121A, tabled by Baroness Barran, the Conservative Shadow Education Minister in the Lords.

Amendment 121A proposes to expand the scope of the consent mechanism from 5 years to children who have ever been subject to section 47 or section 31 enquiries or an order, and all those considered a 'child in need' under section 17 of the Children Act 1989.

The agreement of the non-government amendment triggers SO. 29 and is subject to legislative consent. However, the amendment as drafted is only applicable to Wales in part. This is because section 17 of the Children Act 1989 does not apply to Wales. The equivalent provision is contained within the Social Services and Well-being (Wales) Act 2014.

As an agreed non-Government amendment, this provision will be covered by SO29. I am mindful that the position on the amendment is not finalised and at the very minimum will require imminent drafting changes.

My officials are engaging closely with the Department for Education in relation to the non-government amendment and relaying the Welsh Government's position and potential

implications for Wales. I will incorporate the final position on this provision in the forthcoming sLCM and have encouraged UK Government to bring forward any amendments as soon as possible so as to ensure the Senedd can consider in advance of the legislative consent debate. This will ensure the Senedd is able to consider a more finalised version of the Bill and potentially avoid the need to lay multiple LCM on the same amendment.

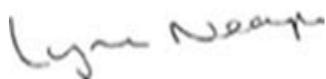
6. *In relation to any amendments to the Bill that are to be the subject of a fifth memorandum, please can you ensure that any such memorandum includes information stating whether such amendments will have been considered by the time of the consent motion debate on 3 March 2026 and if not, please can you explain what this means in terms of the consent being sought from the Senedd for them?*

As set out under my response to Question 1, two amendments that apply to Wales were tabled on Thursday 5 February and agreed at Third Reading on Monday 9 February. These relate to the addition of 'young carers' in the information to be included on children not in school registers, and the procedure for regulations referred to under Amendment 125. There may also be a further amendment in relation to the social care provisions. All amendments will be included in a further sLCM, along with the non-government amendment referenced above.

Considering the above proposed amendments, and to ensure a further sLCM can be laid and considered ahead of the motion debate, I have moved the date of the debate to 17 March. This will enable the Senedd to consider a more finalised version of the Bill.

I would like to thank you and the Committee for your work on the Bill to date.

Yours sincerely



Lynne Neagle AS/MS

Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

Copied to: Buffy Williams, Chair, Children, Young People and Education Committee