

## **SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 3)**

### **CHILDREN'S WELLBEING AND SCHOOLS BILL**

1. This Legislative Consent Memorandum ("LCM") is laid under Standing Order ("SO") 29.2. SO29 prescribes that a Legislative Consent Memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales which has regard to devolved matters.
2. The Children's Wellbeing and Schools Bill ("the Bill") was introduced in the UK Parliament, in the House of Commons, on 17 December 2024. I laid a LCM under SO 29.2 on 24 March 2025 in relation to amendments tabled in the House of Commons on 11 March, and a subsequent memorandum to include amendments made in relation to child employment measures, on 28 May.
3. This LCM No 3 covers additional provisions relating to children not in school which, following further consideration, require the Senedd's consent. It also covers the general consequential power which requires Senedd consent.
4. The Bill as amended at Lords Committee Stage can be found at [Children's Wellbeing and Schools Bill](#).

### **Policy Objectives**

5. The UK Government's stated policy objectives are:

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 strengthen social care regulation to improve quality of care to ensure it meets children's needs, keeping children rooted in their families and local communities where possible. In relation to child employment, the Bill seeks to give employers and children more flexibility and ensure children have more opportunities to take up suitable employment, whilst retaining existing safeguards which ensure employment doesn't adversely affect children's health, development and education.

### **Summary of the Bill**

6. The Bill is sponsored by the Department for Education.
7. The Bill makes provision to:
  - mandate local authorities to offer 'Family Group Decision Making'; (Clause 1 as introduced)

- ensure child protection and safeguarding by strengthening the role of education in safeguarding, improving information sharing across multi-agency services, and enabling a single unique identifier ('consistent identifier') to support children and families (Clauses 2-4 as introduced)
- support children in care, leaving care or in kinship care and carers requiring local authorities to publish a kinship local offer, extend the virtual school head role to children in kinship care as well as those with a social worker, strengthen support for eligible care leavers through 'Staying Close'; and requiring local authorities to publish information to ensure care leavers have a planned and supportive transition to adulthood. (Clauses 5-8 as introduced, now Clauses 5-9; with an additional Clause to include care leavers not to be regarded as becoming homeless intentionally)
- legislate for accommodation of looked after children; introducing regional co-operation arrangements to harness local authority buying power, and providing a statutory framework to authorise a deprivation of liberty for children who need it to keep them safe, in accommodation other than a Secure Children's Home, designed with the primary purpose of care and treatment (Clauses 9-10 as introduced, now Clauses 10-11)
- empower the regulator, Ofsted, to tackle breaches of the Care Standards Act 2000, including against unregistered children's homes (Clauses 11-12 as introduced, now Clauses 12-13)
- establish a 'Financial Oversight Regime' to increase financial and corporate transparency of difficult-to-replace care providers and their corporate owners, as well as a 'Provider Oversight Regime'; (Clause 13 as introduced, now Clause 14)
- enable the Secretary of State for Education to implement a cap on the profits of non-local authority providers of children's social care in future, and to impose monetary penalties and the procedure for imposing such penalties (Clauses 14-17 as introduced, now Clauses 15-18)
- regulate for the use of agency workers for children's social work (Clause 18 as introduced, now Clause 19)
- extend existing criminal offences against ill-treatment or wilful neglect so that it applies to children aged 16 and 17 in certain care and detention settings (Clause 19 as introduced, now Clause 20)
- legislate in relation to the employment of children, by introducing new arrangements on the employment of children in England, Wales and Scotland (Clause 20 as introduced, now Clause 26)
- legislate to ensure free breakfast clubs are available to all children; (Clause 21 as introduced, now Clause 27)
- legislate in relation to food and drink to be provided at Academies (Clause 22 as introduced, now Clause 28)
- limit the number of branded uniform items that schools can require (Clause 23, now Clause 29)
- introduce a local authority consent mechanism for withdrawal of certain children from school (Clause 24 as introduced, now Clause 30)
- introduce a duty on local authorities to have and maintain Children Not in School registers and provide support to home-educating parents and

provide for guidance to support this. (Clause 25 and 28 as introduced, now Clauses 31 and 34)

- improve the efficiency of the school attendance order process (Clause 26 as introduced, now Clause 32)
  - powers to make consequential amendments (Clause 29 and Schedule 1 as introduced, now Clause 35 and Schedule 2)
  - strengthen and improve legislation in respect of independent educational institutions including registration and standards (Clause 30-37 as introduced, now Clauses 36-43)
  - make technical changes related to when Ofsted needs to report on the quality of certain other inspectorates and to give Ofsted powers to share information with them (Clause 38 as introduced, now Clause 44)
  - strengthen the system for regulating the teaching profession (Clause 39 as introduced, now Clause 40)
  - require teachers to have, or be working towards achieving Qualified Teacher Status (“QTS”) (Clause 40 as introduced, now Clause 46)
  - place duties on Academy schools to follow the National Curriculum, provision for improving behaviour and teachers’ pay and conditions (Clauses 41- 46 as introduced, now Clauses 47-52)
  - introduce new powers in relation to school places and admissions, (Clauses 47-50 as introduced, now Clauses 53-56)
  - makes provisions in respect of establishment of new schools (Clauses 51 -55 as introduced, now Clauses 57-62)
  - provides power to make consequential provision (Clause 56 as introduced, now Clause 63)
  - commencement powers (Clause 59 as introduced, now Clause 66)
8. Welsh Government officials have held regular meetings and engagement with UK Government officials. Discussions on the content of the Bill began in September 2024, and over the autumn these expanded to consider extending certain provisions to cover Wales. UK Government officials and Welsh Government officials have continued to be in regular contact since then to discuss provisions. I have also been in communication with the Secretary of State for Education.
9. The Bill interacts with:
- The Children and Young Persons Act 1933
  - The Education Act 1996
  - Children Act 1989
  - Children Act 2004
  - Care Standards Act 2000
  - Education and Skills Act 2008
  - The Education Act 2002
  - The Academies Act 2010
  - School Standards and Framework Act 1998
  - Data Protection Act 2008

## **Provisions tabled by the UKG for which consent is required**

### **10. Part 2:**

- Clause 35 and Schedule 2 (introduced as Clause 29 and Schedule 1), Children not in school: consequential amendments
  - Clause 63 (Clause 56 as introduced): power to make consequential provision
  - Clause 66 (Clause 59 as introduced): commencement powers
11. Clauses 35 and Schedule 2 (Clause 29 and Schedule 1 as introduced) relate to powers to make consequential amendments in respect of Clause 32, School Attendance Orders, and require Senedd consent.
12. Consent is required for these provision(s) because they contain provision for a purpose within the legislative competence of the Senedd in so far as they relate to education in Wales.
13. Clause 63 (Clause 56 as introduced) provides for the Secretary of State to make consequential provision including amendments to primary legislation, including to Acts of the Senedd. There are currently no equivalent powers for the Welsh Ministers and this issue has been raised with UKG.
14. Clause 66 (Clause 59 as introduced) relates to commencement powers and states when the provisions in the Bill would come into force in Wales. This is a general power within the Bill and is within the legislative competence of the Senedd. It provides Welsh Ministers with the power to make regulations to commence clauses 30-35 and Schedule 2 (the children not in school provisions, and the regulations that will be required to bring them into effect).
15. These clauses were omitted from Legislative Consent Memorandum No 1 in error.

## **UK Government view on the need for consent**

16. The Secretary of State for Education wrote to the Cabinet Secretary for Education on Monday 10 March 2025, noting that the government amendments to the clauses relating to children not in school (Clauses 24-29 and Schedule 1 as introduced) are within the legislative competence of the Senedd and that she considered a Legislative Consent Motion was required.
17. Additionally, the UK Government's explanatory notes for the Bill confirm that the children not in school provisions are within the legislative competence of the Senedd and that a Legislative Consent Motion is required.

18. The Welsh Government has raised the issue of consequential powers with the UK Government, to seek relevant powers for Welsh Ministers.

### **Reasons for making these provisions for Wales in the Children's Wellbeing and Schools Bill**

19. Taking provision in this UK Bill enables delivery of a positive provision for Wales. 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. Being a part of this Bill ensures that the children of Wales are subject to the same protections as the children of England in relation to children not in school.
20. The children not in school provisions ensure parity in the law across England and Wales in this area and provide Wales with powers to commence provisions. The Welsh Government is pursuing powers for Welsh Ministers in relation to consequential powers.

### **Financial implications**

21. There are no financial implications for Wales in relation to these clauses, either for the Welsh Government or for Local Authorities other than in respect of administration costs.

### **Conclusion**

22. 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.

**Lynne Neagle MS**  
**Cabinet Secretary for Education**  
**12 June 2025**