

## **SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 4)**

### **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. Subsequent memoranda to include amendments made in relation to child employment measures, and in relation to provisions not included within the first LCM, were laid on 28 May and 12 June, respectively.
3. 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.
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.
  - 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.
  - Give employers and children more flexibility, ensure children have more opportunities to take up suitable employment, retain existing safeguards to 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'

- 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
- support children in care, leaving care or in kinship care and carers
- legislate for accommodation of looked after children
- empower Ofsted, to tackle breaches of the Care Standards Act 2000, including against unregistered children's homes
- 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'
- implement a cap on the profits of non-local authority providers of children's social care in future, impose monetary penalties and the procedure for imposing such penalties, regulate for the use of agency workers for children's social work
- extend existing criminal offences against ill-treatment or wilful neglect against children aged 16 and 17 in certain care and detention settings
- the employment of children
- ensure free breakfast clubs are available to all children and legislate in relation to food and drink to be provided at Academies
- limits on the number of branded uniform items in schools
- introduce a local authority consent mechanism for withdrawal of certain children from school
- introduce a duty on local authorities to have and maintain Children Not in School registers and improve the efficiency of the school attendance order process
- strengthen and improve legislation in respect of independent educational institutions
- make technical changes to Ofsted reporting and give Ofsted powers to share information
- strengthen the system for regulating the teaching profession and require teachers to have, or be working towards achieving Qualified Teacher Status ("QTS")
- place duties on Academy schools to follow the National Curriculum, provision for improving behaviour and teachers' pay and conditions
- introduce new powers in relation to school places and admissions,
- provision in respect of establishment of new schools
- provides power to make consequential provision
- commencement powers

8. 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
- Social Services and Well-being (Wales) Act 2014
- Criminal Justice and Courts Act 2015

### **Engagement with UK Government**

9. Welsh Government officials have held regular meetings and engagement with UK Government officials across the relevant departments. Discussions on the content of the Bill began in September 2024 and expanded to consider extending certain provisions to cover Wales towards the end of 2024. 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.
10. UK Government and Welsh Government officials have continued regular contact throughout 2025 to discuss the provisions. I have also been in communication with the Secretary of State for Education.

### **Update on position since the publication of the first Legislative Consent Memorandum (LCM)**

11. 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.
12. 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.

### **Provisions tabled by the UK Government to the Bill for consideration at Report Stage for which consent is required**

13. The UK Government tabled the following amendments on 7 January 2026, for consideration at House of Lords Report Stage. The majority of the amendments make provision within the Clauses relating to the children not in school elements of the Bill, with additional amendments tabled in relation to child employment and health and social services.

14. The UK Government agrees that Senedd Consent is required for the following Report Stage amendments:

*After Clause 12 - Health*

- (i) Amendment 65 enables the email of notifications by the Chief Inspector of Education, Children's Services and Skills (CIECCS) in England and Healthcare Inspectorate Wales (HIW) in Wales, acting on behalf of the Welsh Ministers.

*Clause 20 - Social Services*

- (ii) Amendments 72-74 relate to Clause 20. Amendments would provide for the meaning of "regulated care" (for the purposes of the care provider offence in section 21 of the Criminal Justice and Courts Act 2015, as amended by clause 20) to include care or support provided at a regulated establishment for any child rather than only a child aged 16 or 17

*Clause 26 – Child employment*

- (iii) Amendments to Clause 26 (amendments 80-86) are drafting amendments to update references to the parliamentary procedure for Welsh statutory instruments containing regulations under new section 18 of the Children and Young Persons Act 1933 in consequence of changes made by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.

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

- (iv) Amendment 120 expands the criteria under Clause 31 for LAs to provide consent for certain children to be removed from school. In addition to children who are currently subject to Section 47 enquiries or a child protection order, the LA consent provision will include children who have been subject to a child protection plan within the last 5 years.
- (v) Under Clause 31 there is a new duty and requirement for a pilot scheme to be established across a number of local authorities in Wales (no more than 30%), which will require parents who wish to withdraw their children from school, to attend a mandatory meeting with the LA before the child can be deregistered from school (amendment 125). Amendments provide for regulations to make pilot schemes Regulations may also extend the provisions to all local authorities, following the end of the pilot scheme and a consultation. As currently drafted, the Bill does not confirm a procedure for the Regulations for Wales. A further amendment has

been requested for these to be made via the Senedd approval procedure. .

*Clause 32 – Registration of children not in school*

- (vi) Amendment 128 clarifies the intention that section 436B(5)(b)(ii) of the Education Act 1996, as inserted by Clause 32, refers to a comparator child in full-time education.
- (vii) Amendment 131 places a new duty on local authorities under Clause 32 to consider where the child lives and their education setting within 15 days of the child being registered on the 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 under section 436H. Amendment 134 ensures that the register will include any additional address at which the child lives.
- (viii) Amendment 133 relates to Clause 32 and requires each parent who registers their child for the children not in school register to provide a previous address if they have lived at their current address for less than 12 months. This is to enable local authorities to more easily identify transient children.
- (ix) Amendment 164 under Clause 32 requires all regulations made by the Welsh Ministers concerning eligibility for registration for children not in school be subject to the Senedd approval procedure. The amendment ensures the procedure for all regulations relating to the children not in school registers are affirmative, rather than affirmative in the first instance and negative thereafter.
- (x) 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. These amendments aim to ensure that the provision reflects that home education cannot be as easily measured as school. Amendment 147 is a consequential amendment to 136 to ensure that regulations can also make provision about how time estimates for delivery of education are to be calculated (Clause 32).
- (xi) Amendments 138 and 148 provide for the 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 (Clause 32).
- (xii) Amendments 142 and 143 relate to Clause 32 and 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 persons other than their parents – both with or without parental supervision.

- (xiii) Amendment 144 is a new technical amendment tabled by UKG for Clause 32 to bring the register requirements in line with original policy intent. The amendment provides for local authorities to include information on the children not in school 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 just further education settings. The amendment brings the provision in line with the original policy intent to be able to prescribe for LAs to include on their registers, information about previous schools a child has attended (146).
- (xiv) Amendment 145 would enable 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 children not in school.
- (xv) Amendment 150 under Clause 32 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.
- (xvi) 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.
- (xvii) Amendment 153 sets out the timeline within which parents must comply with any request for information by the local authority as provided for by 150, requiring parents to comply within 15 days of the request.
- (xviii) Amendment 151 ensures that parents do not have to notify the local authority once their child ceases to be of compulsory school age (Clause 32).
- (xix) 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 (Clause 32). A consequential amendment is at 154.

- (xx) 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, and 157 is an amendment to provide a point of clarity that the duty of the education provider to provide certain information to a local authority under section 436E of the Education Act 1996 (as inserted by clause 32) applies in relation to children living in England and Wales.
- (xxi) Amendment 158 is a new element to the local authority support duty under Clause 32. It requires local authorities in England and Wales to provide information relating to GCSEs for home-educated children should a parent request it.
- (xxii) There is a drafting amendment (163) to remove an unnecessary subsection - subsection(4), Clause 32 of the Bill - which substitutes references to the "National Assembly for Wales" in section 569 of the Education Act 1996 for references to "Senedd Cymru".
- (xxiii) Amendment 164 provides for regulations made by the Welsh Ministers concerning eligibility for registration for children not in school to be subject to the Senedd approval procedure

#### *Clause 33 – School attendance orders*

- (xxiv) Amendment 165 is a corresponding amendment to 120 and provides for accompanying changes to the School Attendance Order process (Clause 33). The amendment allows a local authority to serve a preliminary notice for a school attendance order where the local authority has taken action under section 47(8) of the Children Act 1989 during the period of 5 years prior to the date on which the notice is to be served. Amendments 168, 169 and 171 are consequential amendments within Clause 33.
- (xxv) Amendment 166 is consequential to 151 (under Clause 32) and clarifies that a preliminary notice for a school attendance order cannot be served where a parent has failed to tell the local authority that their child is no longer eligible for registration (because they cease to be of statutory school age) (Clause 33).
- (xxvi) 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 a school attendance order (under section 436H, as inserted by Clause 33) should be served on the parent.
- (xxvii) Amendment 170 is consequential to 128 (under Clause 32) and ensures that the school attendance order criteria aligns with registration requirements by removing unnecessary wording in the Clause ("all of") This is necessary because not all education

settings will be captured on the register so local authorities should not be obliged to consider all settings when making a decision to serve a school attendance order.

*Clause 34 - Children not in school: processing of information*

- (xxviii) Amendment 174 is a new amendment to remove provision no longer needed because of the protection provided by the new general data protection override in section 183A of the Data Protection Act 2018, inserted by section 106(2) of the Data (Use and Access) Act 2025 and which came into force on 20 August 2025. A consequential to this amendment is at 173.

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

- (xxix) Amendment 175 is a new amendment to the Clause determining guidance made on children not in school and school attendance orders. The amendment 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*

- (xxx) Amendment 244 is the previously requested amendment by the Welsh Government to include a new Clause in the Bill (after Clause 64) providing Welsh Ministers with power to make consequential provision to the clauses that apply to Wales.

*Clause 67 – Commencement*

- (xxxi) Amendments 249 and 253 amend the drafting of the commencement clause (Clause 67) to change references to a “statutory instrument” containing regulations made by the Welsh Ministers to a “Welsh statutory instrument” in consequence of changes made by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.

**Further information on the Health and Social Care amendments**

*Clause 12*

15. Amendment 65 amends Clause 12 to include email as a method of serving notices by the Chief Inspector of Education, Children’s Services and Skills (CIECCS) in England and Healthcare Inspectorate Wales (HIW) in Wales, acting on behalf of Welsh Ministers.
16. Clause 12 provides new powers to the CIECCS as the registration authority for parent undertakings in England. The CIECCS existing



powers in this area derive from the Care Standards Act 2000. HIW, acting on behalf of Welsh Ministers, is the registration authority for independent hospitals and clinics in Wales. Section 37 of the 2000 Act provides CIECCS (in England) and Healthcare Inspectorate Wales (HIW) with powers and duties relating to the service of documents on establishments and agencies.

17. The proposed amendment after Clause 12 amends section 37 of the 2000 Act. As Section 37 applies to both CIECCS and HIW, the amendment would operate to allow HIW to serve documents via email. The amendment also clarifies what a valid email address is for the purpose of service by email and inserts a definition of working day into the provision.

### **Further information on the Education (children not in school and child employment) Report Stage amendments**

18. 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.
19. 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 and further amendments removing unnecessary wording from Clause 32.

### ***Clause 31***

20. The amendments to Clause 31 (Local authority consent for withdrawal of certain children from school) 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.
21. The amendment to the criteria on children requiring local authority consent before they can be removed from school, is expanded to include children who have been subject to child protection enquiries within the previous five-year period. The current version of the Bill provides that

consent is required for children who are subject to active section 47 enquiries or an order under the Children Act 1989 and for children attending special schools. The amendment would bring more children in scope of the consent duty and aims to ensure that more vulnerable children are subject to these additional protections.

22. Under Clause 31, new sections 434B (1)-(7) of the Education Act 1996, as inserted by Amendment 125, require the Secretary of State or Welsh Ministers to set out in Regulations a pilot scheme providing that a parent must attend a meeting with the local authority if the parent intends to withdraw their child from school. The amendment sets out the information the Regulations must include. New section 434B(8) includes a power to make Regulations to amend new section 434A or the pilot scheme for the purpose of ensuring that the pilot scheme can operate for children in 434A.
23. The purpose of the pilot is to test a new mechanism that will provide an opportunity for the local authority and the parent to discuss any matters before a child is withdrawn from school. This will enable parents to make fully informed decisions before choosing to home educate and enable the local authority to identify any additional support the child or family may require. A delegated power to make the Regulations is necessary to set up a pilot scheme providing for mandatory meetings. The design and implementation of the pilot, including which local authorities should be within the pilot, involves a range of detailed, technical, and operational considerations would not be appropriate for primary legislation, therefore necessitating that the pilot is provided for in Regulations.
24. The same amendment also provides for a new power to make regulations to end the pilot scheme and a power to make regulations to extend mandatory meetings to all local authorities. This is by way of new section 434B(9)(a),(b), (d) of the Education Act 1996. I have requested a further amendment to the Bill to ensure that Regulations that are made for Wales are subject to the affirmative procedure to enable greater scrutiny of the provisions.

### *Clause 32*

25. Section 436C(1)(e) requires children not in registers to contain certain information about individuals and organisations (other than a parent) which provide education to a registered child. The amendments (138 and 148) to require detailed information about education providers other than a parent will only apply if a provider is providing education that exceeds an amount of time specified in regulations. The power is necessary to ensure that the information that a parent is required to provide for the register is limited to education from a provider which exceeds a certain amount of time. This is intended to reduce the administrative burden in situations where a child receives education for short periods of time from several different providers and allows a proportionate threshold to be set. Regulations would be made under the Senedd approval procedure.

26. Other amendments under this Clause relate to how the child's education should be recorded on the registers and clarify or set clear parameters for the registration eligibility criteria. These amendments would require parents to provide an 'estimate of time' the child spends receiving education from all parents, persons other than a parent, and providers, rather than specific amounts of time. The purpose of the amendments is to address concerns that the flexibility of home education doesn't correspond with the current requirement to provide information on the amount of time.
27. There are additional amendments that extend the time requirement on parents to report changes to a child's education, and place the requirement to request the information on the local authority. (The amendments (150, 149 and 128) seek to remove requirements on parents that are either considered too onerous or unnecessary for the purpose of the register. Amendment 152 is a consequential amendment to amendment 150 that requires the local authority to request information from parents rather than this being a proactive duty on the parent. The amendment sets the parameters for the request by requiring the local authority to request information about changes to education at least once a year, but not more frequently than once every 3 months. This is to avoid the possibility that a local authority does not request any information.
28. Further to the above, amendment 128 relates to the parameters of the eligibility criteria for children who are to be registered on the CNIS register. Under section 436B(5)(c) the wording has been amended to clarify the third condition within the registration eligibility criteria. Instead of stating that a child should be included if they are not in attendance when they are normally expected to attend school, the wording states that a comparator child would be one who attends school 'full-time'. The amendment aims to provide additional clarity around the requirement.
29. Amendment 158 expands the current local authority duty under Clause 32 to provide support to home educating families. The amendment would provide that a local authority has a duty to provide information about access to GCSE exams if that information is requested by the parent of a child registered under section 436B (as inserted by Clause 32).

### *Clause 33*

30. Various drafting and consequential amendments to ensure requirements in the SAO process align with the registration requirements have been tabled for Clause 33. Additionally, 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 (under section 436H, as inserted by Clause 33) should be served on the parent.

#### *After Clause 34*

31. 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).

#### *Clause 35*

32. Amendment 175 provides for slight amendments to 550ZC(7) of the Education Act 1996) (Guidance on registration, consent and mandatory meetings). The amendment allows the Secretary of State and Welsh Ministers to issue guidance under new sections 434A and 434B in relation to parents of certain children needing local authority consent before the child can be withdrawn from school and the mandatory meetings pilot scheme. Furthermore, they will be able to issue guidance under regulations made under any of the aforementioned sections. This power is necessary to support local authorities in the implementation and maintenance of the consent mechanism and mandatory meeting pilot scheme. Statutory guidance will assist local authorities to have consistent approaches in their new duties.

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

33. The Secretary of State for Education wrote to the Cabinet Secretary for Education on 10 March 2025, noting that the government amendments to the clauses relating to children not in school (Clauses 31-36 and Schedule 2 as currently drafted) are within the legislative competence of the Senedd and that she considered a Legislative Consent Motion was required. The majority of the new amendments tabled at Report stage relate to these clauses.
34. 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 consent is required.
35. In relation to amending Clause 12, the UK Minister has explained that the purpose of the amendment is to enable notices under Part 2 of the Care Standards Act 2000 to be served on parent undertakings and others by email.
36. As noted above, Clause 12 amends section 37 of the Care Standards Act 2000 which relates to the service of documents by establishments and agencies. The definition of 'establishment' in Section 4 of the 2000 Act includes independent hospital and clinics in Wales.

37. Regulation of health services (including independent hospitals and clinics) is not reserved under Schedule 7A to the Government of Wales Act 2006 and is therefore a devolved matter.
38. The amendments at subsections (5)(a)(ii)-(iii), (5)(b) and 5(c) of Clause 12 change the method and timing of deemed service of notices or other documents under Part 2. These provisions fall within the Senedd's legislative competence and modify the Welsh Ministers' functions. They make provision in relation to Wales on devolved matters which triggers the need for consent.
39. The UK Government's view is that these changes are technical in nature and intend to modernise service arrangements.
40. For completeness, the amendment at (5)(a)(i) which omits certain words in section 37(1), does not result in a substantive change for Wales and does not engage devolved matters.

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

41. 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.
42. 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.
43. 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.
44. The consequential and commencement powers provided at Clauses 64 and 67 in the Bill enable Welsh Ministers to progress the provisions for Wales.

### **Financial implications**

45. 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**

46. 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**  
*16 January 2026*

**Jeremy Miles MS**  
**Cabinet Secretary for Health and Social Care**  
*16 January 2026*