

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 5)

CHILDREN'S WELLBEING AND SCHOOLS BILL

1. This Supplementary Legislative Consent Memorandum (“sLCM”) is laid under Standing Order 29.2(iii). Standing Order 29 requires a Legislative Consent Memorandum to be laid, and a Legislative Consent Motion to be tabled, where 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 on 17 December 2024. Legislative Consent Memoranda in respect of earlier amendments to the Bill were laid on 24 March 2025, 28 May 2025, 12 June 2025 and 16 January 2026.
3. This LCM No 5 includes additional amendments relating to the children not in school clauses, that have either been agreed at House of Lords Report Stage or tabled following Report Stage. The amendments make provision in relation to Wales.
4. Clause numbers have changed following amendments agreed at House of Lords Report Stage. The children not in school provisions can be found at Clauses 39-44 and Schedule 2 of the Bill.
5. The Bill as amended at Lords Report Stage can be found at: [Children's Wellbeing and Schools Bill](#)

Policy Objectives

6. 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

7. A summary of the Bill was provided in the original LCM and remains accurate.

Requirement for a further LCM

8. The previous LCM (“LCM no. 4”) was laid on 16 January 2026, before the Bill had completed Report Stage. A fifth LCM is required (“LCM no.5”) to include additional amendments that have been tabled or agreed which have regard to devolved matters. In addition to amendments, the UKG has tabled a motion ahead of Round 1 of ping pong in the House of Commons.
9. LCM no. 5 includes:
 - A non-government amendment agreed at Report Stage on 28 January in relation to consent for deregistration from school;
 - A motion tabled by UK government on 3 March in response to the non-government amendment;
 - Two amendments in relation to the children not in school provisions agreed at Third Reading on 9 February; and
 - Two consequential drafting amendments that were included within LCM no.4 that were subsequently withdrawn at Report Stage

Engagement with UK Government

10. 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.
11. UK government and Welsh Government officials have continued regular contact throughout 2025 and early this year, 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)

12. 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 Clauses 15 and 24 (as currently published), and the children not in school provisions at Clauses 39-44 and Schedule 2 (as currently published). The second LCM in May 2025 sought consent to apply the child employment provisions (now Clause 30) 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. Further amendments were tabled by the UK Government on 7 January 2026, necessitating a fourth LCM which was laid on 16 January 2026.
13. The Bill entered House of Lords Report Stage on 14 January 2026. During Report Stage, a non-government amendment (tabled as

amendment 121A, now Lords amendment 44) was agreed. On 3 March the UKG tabled a motion calling for the House of Commons to disagree with amendment 44. This motion was agreed on 9 March. The effect of this is to remove amendment 44 from the Bill. Furthermore, two amendments (amendments 168 and 171), details of which were included in LCM no.4, were withdrawn. The Senedd's consent is not being sought for these amendments. They are included for information only.

14. The Bill had its Third Reading on 9 February and two further government amendments (amendments 2 and 3) in relation to the children not in school provisions were tabled and agreed.

Amendments Requiring Senedd Consent

Clause 39 – Consent for children to be withdrawn from school

- (i) A government amendment (Amendment 2) agreed at Third Reading to provide for regulations made by the Welsh Ministers under new section 434B of the Education Act 1996 (inserted by clause 39) to be subject to the Senedd approval procedure.
- (ii) Amendment 44 agreed at Report Stage to extend the local authority consent requirement to include all children who:
 - a. have ever been subject to proceeding under section 31 of the Children Act 1989 (care and supervision),
 - b. are considered to be a 'child in need' under section 17 of the Children Act 1989 (provision of services for children in need, their families, and others),
 - c. have ever been subject to enquiries or action under section 47 of the Children Act 1989.

15. The Senedd's consent is not being sought for Amendment 44 as UK Government tabled a motion to remove it from the Bill. The motion passed on 9 March. Therefore, the Senedd's consent is being sought for clause 39 as it appeared prior to Amendment 44.

Clause 40 – Registration of children not in school

- (iii) A government amendment (Amendment 3) agreed at Third Reading to require information on 'Young Carers' to be included in the list of information local authorities will be required to record on the children not in school registers. As previously drafted (as Amendment 146 at House of Lords Report stage) the provision did not extend to Wales and this was corrected at Third Reading.

Clause 41 – School attendance orders

- (iv) Two consequential drafting amendments included within LCM no.4 that were withdrawn at Report Stage. These were amendments referenced

as amendments 168 and 171 in LCM no.4 and were withdrawn as they were considered unnecessary following all drafting changes.

UK Government view on the need for consent

16. Education and child safeguarding are devolved matters. All amendments fall within the legislative competence of Senedd Cymru and trigger the requirement for legislative consent under Standing Order 29.
17. As it stands Lords Amendment 44, which was agreed by the Lords at Report Stage does not fully extend to Wales as part (d) of the amendment includes 'children in need' under Section 17 of the Children Act 1989. Following the implementation of the Social Services and Well-being (Wales) Act 2014, S.17 no longer applies in Wales. Part (d) of the amendment would therefore only apply to the exercise of that power before the coming into force of the Social Services and Well-being (Wales) Act.
18. The UKG tabled a motion on 3 March for the Commons to disagree with Amendment 44 and is aware that it does not fully extend to Wales as previously drafted.
19. I am in agreement with the UKG's motion in relation to the non-government amendment. The motion was agreed in the House of Commons on 9 March. As a result, Lords Amendment 44 is currently not in the Bill, and I am not seeking Senedd consent for this provision.

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

20. 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.
21. 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.

Financial implications

22. 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

23. 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
10 March 2026