

Agenda – Equality and Social Justice Committee

Meeting Venue:

Committee Room 5 (Ty Hywel)

Meeting date: 3 February 2025

Meeting time: 13.30

For further information contact:

Rhys Morgan

Committee Clerk

0300 200 6565

SeneddEquality@senedd.wales

Private pre-meeting

(13:15–13:30)

Public meeting

(13:30 – 13:35)

1 Introductions, apologies, substitutions and declarations of interest

2 Papers to note

(13:35)

2.1 Correspondence from Medr to the Chair regarding the Disability Employment Gap

(Pages 1 – 6)

2.2 Correspondence from the Chief Executive Clerk of Senedd Cymru to the Chair regarding the public health approach to halting the epidemic in gender-based violence

(Pages 7 – 10)

2.3 Correspondence from the Wales Women’s Budget Group and the Women’s Equality Network to the Chair regarding the Welsh Government Draft Budget 2025–26

(Pages 11 – 14)



- 2.4 Correspondence from the Cabinet Secretary for Education and Minister for Further and Higher Education to the Chair regarding the Disability Employment Gap and the education system**
(Pages 15 – 33)
- 2.5 Correspondence from the Parliamentary Under-Secretary of State for Justice to the Chair regarding the Turnaround Programme**
(Page 34)
- 3 Motion under Standing Order 17.42 (vi) and (vii) to resolve to exclude the public from the remainder of this meeting and for item one at its meeting on 10 February 2025**
(13:35)
- Private meeting**
(13:35–15:00)
- 4 Disability employment gap: consideration of draft report**
(13:35 – 14:35) (Pages 35 – 40)
- 5 Legislative Consent Memorandum on Employment Rights Bill: consideration of Legislative Consent Memorandum**
(14:35 – 15:00) (Pages 41 – 62)

23 January 2025

Jenny Rathbone MS
Chair of the Equality and Social Justice Committee
SeneddEquality@Senedd.Wales

Dear Ms Rathbone MS

Inquiry on Disability and Employment

Many thanks for your letter regarding the Equality and Social Justice Committee inquiry into disability and employment. You have specifically requested information on increasing participation of underrepresented groups including disabled people within Apprenticeships.

Medr (the Commission for Tertiary Education and Research) is an arm's-length body of the Welsh Government, established by the Tertiary Education and Research (Wales) Act 2022 to fund and regulate the tertiary education sector in Wales. This includes:

- further education
- higher education including research and innovation
- adult community learning and work-based education
- apprenticeships
- local authority maintained school sixth-forms

Our vision is to work in close collaboration with our partners to enable a tertiary education and research system that is centred around the needs of learners, society and the economy with excellence, equality and engagement at its heart.

Medr is due to publish its Strategic Plan early in 2025, following approval from the Welsh Government. The Strategic Plan has been developed in consultation with our partners across Wales. The Strategic Plan sets out our response to the Welsh Government's [statement of strategic priorities for tertiary education and research and innovation](#). It also takes account of the legislative requirements placed on us in the [Tertiary Education and Research \(Wales\) Act 2022](#). It outlines our strategic aims and commitments and describes the way in which we want to work to achieve them, integrated with the five ways of working set out in the Well-being of Future Generations Act.

Rydym yn croesawu 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 correspondence in Welsh. Any correspondence in Welsh will be answered in Welsh, and corresponding in Welsh will not lead to a delay in responding.

2 Cwr y Ddinas
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Tyndall Street
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Medr is responsible for the operational policy and delivery of apprenticeships across Wales. Medr is committed to working towards creating a tertiary education system where learners receive the highest-quality provision, with clearer and more flexible pathways. One of our key priorities is to ensure apprentices gain the skills, knowledge and qualifications they need to progress within their chosen career, whilst responding to the changing economy skills needs.

Medr is committed to ensuring our all age apprenticeship programme is inclusive to all, including disabled people, Black, Asian, and Minority Ethnic people, women and those with low skills across all sectors in Wales.

One of Medr's key priorities is to support creating a positive future for the tertiary education sector and for Wales, and will do so through continuous improvement, including more equitable opportunities. We will continue to seek opportunities to improve the uptake of apprenticeships from people with protected characteristics, including disabled people. Medr monitors data to understand how delivery is performing and will consider whether interventions would be helpful.

As you are aware, the Welsh Government has a target to create 100,000 all-age apprenticeships. Progress towards this target began being measured from May 2021. By April 2024, there had been 59,565 apprenticeship starts under the target measure. The breakdown of the target measure figure by disability/learning difficulty status:

- 11% with a disability and/or learning difficulty
- 89% without a disability and/or learning difficulty

Please find below information on the support that is currently available to disabled apprentices:

- Supported Shared Apprenticeships
Supported Apprenticeships provide additional support to disabled apprentices with intensive and wide-ranging employment and learning needs to access and complete an apprenticeship. Support provided may be through job coaching or other specialist resource.
- Employer Incentive Scheme
The apprenticeship programme provides dedicated funding to employers to recruit disabled people. The Incentive Scheme (EIS) provides financial support of £2,000 to employers to help provide opportunities for disabled apprentices.
- Apprenticeship Additional Learning Support
Dedicated support is available for apprentices with additional learning needs, which includes, ALN key workers, communicators, ancillary and counselling.

A key theme of Medr's strategic plan is to understand and try to address the barriers to participation across tertiary education, not just apprenticeships. To support this, we are commissioning research to collate good practice across Wales, the UK and the world on improving diversity within apprenticeships. The outcome of this will inform the future Apprenticeship Programme, which is due to commence in 2027, and will help strengthen the existing programme, including whether alternative interventions would be helpful.

I hope you find this information useful.

Yours Sincerely

Heather Davidson
Head of Apprenticeships

Simon Pirotte
Chief Executive
Medr
Commission for Tertiary Education and Research

22 October 2024

Dear Simon,

Inquiry on Disability and Employment

The Equality and Social Justice Committee is undertaking an inquiry into disability and employment in Wales. More information about the inquiry and its Terms of Reference can be found on the [Committee's webpages](#).

The Committee has identified a gap in its evidence and would appreciate if you could respond in writing to areas raised during evidence received so far which are highlighted below and consider the inquiry [Terms of Reference](#) in your response.

In its evidence the [Equality and Human Rights Commission](#) raised concerns about the reduction in Welsh Government's targets for apprenticeships and that no targets has been set "for increasing the participation of underrepresented groups including disabled people in apprenticeships". They recommend that the Welsh Government and Medr address the "under-representation of disabled people participating in and completing apprenticeships."

We have heard about the significant barriers faced by disabled people within education including a lack of information, opportunity, flexibility and support. With regard to your recently published Draft Strategic Plan, we noted that none of your five strategic aims directly mention learners with disabilities or those with additional learning needs. The Committee would appreciate further detail on how Medr intend to address the needs of disabled learners and those with additional learning needs.

Your submission should be sent by **Monday 13 November 2024** to SeneddEquality@Senedd.Wales. Guidance on submitting evidence to the Senedd is included in the Annex.

If you would like to discuss this further with a member of the Clerking Team, you can email
SeneddEquality@Senedd.Wales

Yours sincerely,

A handwritten signature in black ink that reads "Jenny Rathbone". The signature is written in a cursive style with a large, prominent initial 'J'.

Jenny Rathbone MS

Chair of the Equality and Social Justice Committee

Senedd Cymru

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

Annex

Information about preparing a written submission to the Senedd.

Guidance

Submissions should be no longer than five sides of A4, with numbered paragraphs, and should focus on the terms of reference. Please include a brief description of the role of your organisation, as this will be published as evidence.

Please see further detail in the [guidance for those providing evidence for committees](#).

Bilingual Policy

The Committee welcomes contributions in both or either of our official languages, English and Welsh. Information not submitted bilingually will not be translated and will be published in the language of submission only. We expect organisations to implement their own standards and schemes and to comply with their statutory obligations.

How we use your information

We will usually publish correspondence or written evidence on our website.

28 January 2025

Jenny Rathbone MS
Chair of the Equality and Social Justice Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

Dear Jenny

We must all play our part: a public health approach to halting the epidemic in gender-based violence

Thank you for your letter of 20 December 2024. I am pleased to provide an update.

In my previous letter I set out that the Member Learning and Engagement team (MLE) would make appropriate arrangements for training to be offered, taking account of the three areas you had particularly highlighted:

- increased awareness and understanding of what constitutes GBV;
- improved bystander intervention skills which equip individuals with the skills to identify signs of potential GBV situations and intervene safely and effectively; and
- cultural competence: understanding the complexities of addressing GBV within diverse cultural contexts.

As a first step, MLE worked closely with Kindling Interventions, who gave evidence to the Committee, to develop a training course to meet the above brief, particularly the second bullet point above. Their course outline set out their objectives as follows:

The training will be rooted on our existing evidence-based Bystander at Work programme but will be developed and tailored specifically to focus on noticing and intervening in sexism, gender stereotyping, gendered microaggressions, sexual harassment and other forms of gender-based violence against women and girls.

Due to the participants being at senior leadership level, the training will also be further developed specifically to focus on leadership, privilege and power.

MLE have extensive experience of working with party groups to provide training for Members and recognise that there is a distinct preference for training within those groups on topics of particular sensitivity, such as this. Timetabling training for Members also proves to be a challenge and so party group buy-in is sought to ensure optimum Member attendance to the training on offer.



Senedd Cymru

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Having approached all Party Groups, two Party Groups took up the opportunity to take up this training in the autumn term of 2024. The third Party Group were unfortunately unable to afford the time/capacity to dedicate to this topic. The next step will be to approach the independent Members to offer this training to them. In total, 22 Members from two groups took up the training offer, representing 37% of all Members.

This training has focussed on understanding these issues within a work context. The MLE team are also currently exploring with training providers a specific awareness session on Gender Based Violence (GBV) to encompass that which constitutes GBV and understanding cultural competence. This would be delivered as a cross party session with an invitation for Members and their support staff to attend. Your Committee has recognised, in seeking a commitment from Members through Recommendation 12, that whilst the Commission makes training available it is for Members to avail themselves of the opportunities. We would therefore like to offer this session in collaboration with your committee so that its members can attend, and encourage other Members to do likewise.

To complement the above sessions, the MLE team have, in the past year, provided other training to Members and Member Support staff on related topics, which supplement and support the topic in question – that of Dignity and Respect in the Workplace, Sexual Harassment as well as offering courses on Safeguarding Vulnerable Adults.

With regards to Commission staff, the Organisational Development, Learning and Inclusion team have organised training from Welsh Women's Aid and The Survivor's Trust to be delivered to Commission staff (including to Designated Safeguarding Officers, Dignity and Respect Contact Officers, TUS, Committee Staff, HR Managers and the Education Team) which includes information and statistics on Gender Based Violence. The Commission Staff also have training running at the end of the month from Cardiff Based BAWSO which will cover Gender Based Violence in the Cultural and Harmful Practices Safeguarding course.

Yours sincerely,



Manon Antoniazzi

Prif Weithredwr a Chlerc y Senedd / Chief Executive and Clerk of the Senedd

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.



Manon Antoniazzi
Chief Executive and Clerk
Senedd Cymru

Dear Manon,

20 December 2024

We must all play our part: a public health approach to halting the epidemic in gender-based violence

On publication of our [report](#), we wrote to you to highlight recommendation 12 which called for Members of the Senedd to commit to undertaking training on preventing Gender-based violence (GBV). We were grateful to you for your response which we noted on 26 February 2024.¹

In our original correspondence we acknowledged that Members, as office holders rather than employees, cannot be compelled to undertake training. Nevertheless, we expressed our hope that the Senedd Commission would help to facilitate implementation. We also specified a timescale – “by the end of 2024” – hopeful that this would ensure timely implementation and serve as a prompt for us to follow-up. With the end of the year nearly upon us, we would welcome an update from you on how the Senedd Commission has facilitated the outcomes envisaged in our recommendation.

As part of the update, we would be grateful if you could include details of the following:

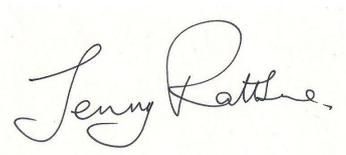
- the current status of the implementation of Recommendation 12;
- the measures and actions taken by the Senedd Commission to facilitate implementation;
- any challenges or opportunities encountered; and
- the expected timeline for any remaining steps.

We would welcome a response within the usual timescales and ideally by 31 January 2025.

¹ Equality and Social Justice Committee, [Monday 26 February 2024, paper to note 2.1](#)

With thanks for your continued support on this vital matter.

Yours sincerely,

A handwritten signature in black ink on a light yellow background. The signature reads "Jenny Rathbone" in a cursive script.

Jenny Rathbone MS

Chair of the Equality and Social Justice Committee

Welsh Parliament

Briefing: Welsh Government Draft Budget 2025-26

January 2025

Introduction

The Wales Women's Budget Group (WWBG) and the Women's Equality Network (WEN) Wales have jointly analysed the Welsh Government Draft Budget 2025-26 from a gender equality perspective. This briefing highlights some key points and recommendations. WWBG and WEN have given oral and written evidence to the Finance Committee on the Draft Budget 2025-26. Our full consultation response can be found [here](#) and a recording of the evidence session is available on [Senedd.tv](#).

1. Childcare and early years

- 1.1. The lack of affordable and accessible childcare remains a critical barrier to gender equality in Wales. High childcare costs and significant accessibility issues with government funded provision are compounding the financial pressures faced by families in Wales, leading some parents - particularly mothers - to reduce their working hours or leave the workforce altogether to make up for this shortfall in provision. With over a quarter (25.7%) of women in Wales economically inactive due to caring responsibilities, the lack of adequate childcare provision continues to entrench the unequal economic position of women. These pressures are felt most acutely by low-income families and single mothers, who are being pushed further into debt and poverty in order to care for their children. This has significant implications for tackling children's poverty in Wales, seeing as the root causes and consequences of women's and children's poverty are inextricably linked.¹
- 1.2. Despite significant investment in childcare at a UK level (and corresponding consequential funding being made available to the Welsh Government), funding for the Welsh Government's Childcare Offer was repeatedly cut during the 2023-24 in-year spending changes and the 2024-2025 Budget. These cuts were justified on the basis of lower-than expected uptake forecasts of the Welsh Childcare Offer. However, it is well-evidenced that the need for affordable and accessible childcare remains critical in Wales. With mothers being pushed into unemployment and their families into poverty, lower-than-expected demand does not stem from a reduction in need. It rather suggests that the design and operation of the childcare offer is not meeting the needs of many families in Wales. .
- 1.3. The 2025-26 Draft Budget includes a £20 million increase in funding for the Childcare Offer, intended to increase the hourly rate paid to providers from £5 to £6. While we welcome this increase to help support the sustainability of the sector and the female-dominated childcare workforce, it amounts to little more than a sticking plaster in the context of previous cuts.. Indeed, the BEL "Support for Children and Play" which covers the Childcare Offer was £101m in 2023-24, £82m in 2024-25 and is £102m in this Draft Budget. There appears to be no budget commitment towards addressing any of the major challenges identified in the Equality and Social Justice Committee's recent inquiry into childcare, including the disjointed nature of the system, the complexity of the application process and the lack of childcare for low-income families. It is also unclear whether the uprating of payments to providers is sufficient to support providers who face closure due to increases in employer NICs.
- 1.4. While the Welsh Government remains committed to rolling out Phase 3 of the Flying Start programme, and has asked local authorities to prepare plans for the final phase, there does

¹ Women's Budget Group (2005), Women's and children's poverty: making the links, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/112550/women's-children's-poverty-010305-en.pdf;jsessionid=7CF916436D8B79C80A6B8D9D25D182CD?sequence=1>

not appear to be a funding commitment to support this.² Instead, the Children and Communities Grant, which funds Flying Start, received a real terms cut of 2.3% in this year's Draft Budget.

Potential questions

1. The Welsh Government has looked at the reasons for low uptake of its Childcare Offer as part of its evaluation of year 6 and 7 of the Offer. While we understand that this information will not be published until the end of the financial year, how have early findings of this work influenced the budget allocations?
2. What funding has the Welsh Government allocated towards addressing the structural challenges with the Welsh childcare system identified in the ESJ Committee's recent inquiry? How will this budget help pave the way to ensure families in Wales are able to navigate and access this provision?
3. How confident is the Welsh Government that the increase in the rate for the Childcare Offer is enough to avoid further settings closing in light of NIC increases and other pressures? How will this investment help ensure more families can access this essential provision, given that uptake levels are only around 55%?
4. How confident is the Welsh Government that this budget provides enough funding for local authorities to progress at pace the roll-out of Flying Start Phase 3?

2. Cost of living support

- 2.1. Due to persistent gender inequality, women in Wales – particularly single mothers, disabled women, ethnic minority and racialised women – continue to feel the brunt of high costs of living. Support measures, such as the Discretionary Assistance Fund (DAF) provides a vital lifeline to those on low incomes. Its increase by over £1 million is therefore welcome.
- 2.2. It is, however, difficult to assess the impact of this allocation on women in Wales, as uptake analysis currently only considers recipients' age. We would therefore welcome a gendered breakdown of the DAF analysis to better understand how many women access this fund.
- 2.3. Regardless of the level of funding, the fact that such payments are made at household level is a concern as it risks undermining women's access to an independent income and increases their vulnerability to financial abuse and financial dependency on an abuser. We would suggest that the Welsh Government could do more to improve the process of these payments as well as ensuring the level of funding is appropriate.
- 2.4. While hardship payments are essential, they are short-term measures that do little to address the underlying causes of the crisis, and help households cope in the longer term. It is important that they go hand in hand with the longer-term work on the structural causes of poverty and inequality.

Potential questions

1. What gender and equalities evidence has the Welsh Government considered in its impact assessment on budget allocations for cost of living support measures such as the DAF?
2. Are there plans to collate and publish data on the number of claimants who are women?
3. What long-term action is the Welsh Government undertaking to tackle gender inequality here in Wales?

² Neath Port Talbot County Borough Council recently published plans according to which Phase 3 will not be completed until 2030.

<https://democracy.npt.gov.uk/documents/s103442/ESW%20Scrutiny%20Report%20-%20Expansion%20of%20Flying%20Start%20Childcare%20Phase%203.pdf>

3. Third sector, VAWDASV and equality and human rights funding

- 3.1. The Violence against Women, Domestic Abuse and Sexual Violence budget has seen an additional £1.3m revenue and £0.9m capital funding in 2025-26. The draft budget allocated an additional £2m revenue and £2.9m capital funding to support the Third Sector. The Equality, Inclusion and Human Rights budget has been increased by £0.7m through the 2025-26 Draft Budget.
- 3.2. While these increases are welcome, pressures on the third sector and the Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) specialist support services are at an all-time high and likely to increase with rises to employer national insurance contributions (NICs).
- 3.3. Employer NICs increases represent the third successive hit to charities in Wales, following from the loss of EU funding and the cost of living pressures. These have accelerated a worrying loss of expertise in the Welsh third sector, as exemplified by Chwarae Teg's closure last year.
- 3.4. Women dominate the third sector and specialist workforce and charities often provide public services when provision is cut at local government level. Women also comprise the majority of service users and support receivers, particularly for VAWDASV services.

Potential questions

1. **Is the Welsh Government confident that the funding levels are sufficient to halt the rapid loss of capacity in the Welsh third sector and protect the sustainability of support services?**
2. **How is this budget supporting third sector and VAWDASV organisations to mitigate the impacts of increasing employer NICs?**

4. Gender Budgeting and Strategic Integrated Impact Assessments (SIIAs)

- 4.1. The deprioritisation of equalities issues within the 2024-25 Budget highlighted the urgent need for gender budgeting in Wales. Embedding an intersectional gendered lens in the budget process will ensure that spending decisions are subject to robust equality impact assessment, helping to avoid unequal gendered impacts. As the main source of information on the impact of Welsh Government funding decisions, improving the Strategic Integrated Impact Assessments (SIIA), is key to promoting transparency and accountability in the Welsh budgetary process.
- 4.2. *Gender budgeting*: Some positive steps have been made, including the development of an online gender budgeting resource for government officials and policymakers and the ongoing work to incorporate gender budgeting questions within the Welsh Government's departmental Equality and Human Rights Impact Assessment. However, we are still awaiting the publication of the evaluation of the Welsh Government's remaining two gender budgeting pilots – Young Person's Guarantee and E-Move – which were scheduled to end in 2022-23. The learning from these pilots is essential to progress the wider roll-out of gender budgeting within the Welsh Government.
- 4.3. *Strategic Integrated Impact Assessments (SIIAs)*: We welcome the continued work by the Budget Improvement and Impact Advisory Group (BIAG) to review the Strategic Integrated Impact Assessment (SIIAs). Both WWBG and WEN have been involved in the latest SIIA review and were pleased to see some improvements to this year's SIIA as a result. For example, its format was more coherent, the rationale behind key spending decisions was clearer, there was greater intersectional focus and evidence linked using in-text hyperlinks.

4.4. However, some issues with SIAs remain. There was little to no discussion of any negative impacts of spending decisions or measures to mitigate these. While transparency of decision-making improved, it remains difficult to cross-reference spending decisions with actual budget lines, because the MEG tables do not provide enough detail and BEL headings do not always correspond to the terms used in the budget narrative. This makes it difficult to contextualise spending decisions and understand how spending has developed historically. More detailed information on the impact of specific spending decisions in each MEG is only published as part of the Ministerial evidence to Senedd scrutiny committees. This is generally after the timeframe during which civil society stakeholders can provide evidence to the Finance Committee.

Potential questions

1. What work is the Welsh Government undertaking to progress the roll-out of gender budgeting and when can we expect the evaluation of the pilots to be published?
2. How does the Welsh Government plan to use the findings of these pilots to inform the wider roll out of gender budgeting?
3. What work is the Welsh Government undertaking to improve the transparency of budgetary decisions and their equalities impact, and to ensure civil society stakeholders can fully scrutinise these?

For more information please contact:

Hannah Griffiths

Wales Women's Budget Group
Coordinator and Policy Assistant
Hannah@wenwales.org.uk

Dr Jessica Laimann

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Policy and Public Affairs Manager
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Lynne Neagle AS/MS
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

Vikki Howells AS/MS
Y Gweinidog Addysg Bellach ac Uwch
Minister for Further and Higher Education

Jenny Rathbone MS
Committee Chair - Equality and Social Justice Committee
Welsh Parliament
SeneddEquality@senedd.wales

23 January 2025

Dear Jenny,

The Disability Employment Gap and the education system

Thank you for your letter concerning the enquiry into the disability employment gap in Wales. We have considered your queries and provided detailed responses below.

In addition to the detailed responses, we would like to emphasise our collective commitment to ensuring that all learners, including disabled learners, are supported as they progress through our education system into employment or self-employment opportunities.

By ensuring that inclusion and equity are fully embedded into our education system, we aim to improve outcomes for all learners. Systemic reforms to the education system are under way in Wales, including the introduction of the Curriculum for Wales and implementation of an Additional Learning Needs (ALN) system.

The [Curriculum for Wales](#) sees every learner as an individual with different strengths and areas for development and gives teachers more flexibility to teach in a way that best meets the individual needs of each child. Alongside the Curriculum for Wales, the ALN system helps ensure that where children and young people need additional learning provision to meet their ALN, they have that provision planned and protected in a statutory plan called an individual development plan (IDP).

The ALN system is replacing the Special Educational Needs (SEN) system and is underpinned by the ALN and Education Tribunal (Wales) Act and ALN Code for Wales. Further information on how education is changing in Wales and the ALN system can be found on the [Welsh Government website](#).

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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.

As young people progress through our education system, we have put in place the support required to enable them to progress into employment, including advice and guidance and specific employability and skills programmes.

[Stronger, Fairer, Greener - our Plan for Employability and Skills](#), published in March 2022 sets out how we are addressing economic inequality, including ensuring nobody is left behind. It sets out the steps we are taking to support people in Wales to navigate and respond to work-related challenges they may face. This includes support for their physical and mental health as well as opportunities for training, upskilling, seeking alternative career pathways or starting their own business.

We have also put in place a range of resources to help employers understand the social model of disability, support them with the recruitment and retention of disabled workers and learn about making reasonable workplace adjustments. This work is led by our team of Disabled People's Employment Champions (DPEC), all of whom have lived experience of being disabled or caring for disabled people. Further resources are also provided through [Business Wales](#) and their Disabled People's Employment Advisers.

You will be aware of the Disability Rights Taskforce, which has worked with disabled people with expertise, Disabled People's Organisations, and Welsh Government policy leads. Its purpose was to bring members together to address the challenges and barriers, which were identified in the Locked-Out Report <https://www.gov.wales/locked-out-liberating-disabled-peoples-lives-and-rights-wales-beyond-covid-19> and which impact many disabled people. The taskforce provided strategic oversight of ten working groups including Employment and Income, Children and Young People and Travel.

The Taskforce has worked with more than 350 external stakeholders and 200 policy leads and has been supported by the Welsh Government's Disability Disparity Evidence Unit and the Disabled Peoples Employment Champions. The recommendations of the taskforce are informing a cross-Government action plan, which will be consulted upon in the Spring. Building on this, we have provided a detailed response against each of the questions posed in your letter below:

- 1. The need to ensure equitable access to work placement opportunities and the need to work with employers to achieve this*

Every effort is made to ensure that young people have equitable access to work placement opportunities.

Through Careers Wales, we provide advice, guidance and support for young people, including those with a disability, to secure work opportunities - [Employment Support | Careers Wales](#).

In addition to supporting young people, our Disabled People's Employment Champions, employed by the Welsh Government, provide practical support to employers across Wales on employing disabled people. Disabled People's Employment Champions offer a free service for public and private sector employers across Wales.

The Champions, supported by Business Wales Disabled People's Employment Advisors, can provide advice and help on issues such as:

- Inclusive recruitment
- Financial support
- Practical advice on staff retention and reasonable adjustments in the workplace
- Ensuring Human Resources policies and workplaces are inclusive

- Promoting the Social Model of Disability
- Supporting employers to progress to Disability Confident leader status

Through Business Wales, we have also put in place support for employers to remove barriers to employment opportunities, more details of which are provided in the answers to your more detailed questions below.

2. Your assessment of how the Careers Wales work experience scheme for learners in year 10 and 11 is able to support disabled learners? What data you can share with us regarding the proportion of those learners who are disabled?

A school's curriculum offer in Years 10 and 11 must provide all learners, including disabled learners, with a broad and balanced learning and experiences. It should be designed with the 4 components of the [14 to 16 learner entitlement](#) in mind. Particularly, reflecting on learning and progress and post-16 planning; and wider learning and experiences across the curriculum. This should encompass all the learning and experiences that a learner encounters within their 14 to 16 journey.

This provides an opportunity for schools to provide more tailored and specific [careers and work-related experiences \(CWRE\)](#) within Years 10 and 11 to meet their learners needs. Effective CWRE comprises of age and developmentally appropriate careers education, supported by a wide range of relevant work-related learning experiences and environments. To help ensure learners are engaged in CWRE, schools and settings should have regard to a range of factors including additional learning needs.

Through the Renew and Reform project, which aimed to address the impact of Covid-19 on education and training, the Welsh Government asked Careers Wales (CW) to deliver a Tailored Work Experience (TWE) project, to help reengage year 10 and 11 learners with their GCSE studies so they could transition successfully onto the next stage of their education or training journey. From 2022 to 2024, Careers Wales received an additional £517,000 to work with 2 schools from each of the 22 local authorities in Wales to offer 500 TWE placements. By the end of March 2024 over 600 young people had taken part in a TWE placement.

For 2024/25, Welsh Government secured a further £250,000 for the TWE project, enabling the project to continue on a smaller scale. Careers Wales were asked to offer a further 250 placements for learners, across 5 clusters of Local Authorities. Careers Wales can identify 55 learners from their records who have been placed on a TWE placement and had a disability.

Careers Wales has a team of ALN advisers who work predominantly in special schools and resource bases. Careers Wales work with young people to help them understand their options, make good decisions about their future and support them to implement their plans.

Data

The Public Sector Equality Duty Report 2022/23 shows that Careers Wales supported 2,096 disabled young people in statutory education and 880 young people in 16-17 post statutory education (the 2023/24 report is due to be published this spring).

During 2023/24 Careers Wales provided 4,686 one-to-one interactions to young people who have a statement / statement equivalent or an individual development plan. As part of their ALN support Careers Wales also attended 3,612 transitional reviews with schools, providers, parents and young people to ensure a smooth transition.

The My Future section on the Careers Wales website supports young learners up to Level One with easy-to-read careers information. During 2023/24 this page was accessed by 6,600 users, also nine new videos were added to showcase different jobs including an animator, office worker and fitness instructor.

Careers Wales also publish annual reports, detailing progress towards their key performance indicators – the latest annual report can be found via the following link: [Our annual report | Careers Wales](#).

In addition, Careers Wales produce case studies that illustrate and highlight the impact of their work, including those with a disability. We have provided one such case study below:

Case study – Tailored Work Experience

Placement: Garage

X was referred to TWE as he was showing signs of disengagement at school. X wears a cochlear implant for his left ear and finds it hard to throw himself into school due to his hearing loss.

Since starting his placement X has increased his days and now attends twice a week. The garage is hugely supportive of X. X helps out over the holidays and receives high praise from the employer for his work ethic. X's low attendance at school has increased to 94% since attending TWE. The school reports 108 positives and 49 negative records and said that X attending TWE twice a week is a great outcome for him, he has grown in confidence when communicating with staff and his peers since starting TWE and is happier at school week.

X finds his placement really interesting and appreciates the trust the staff at the garage have in him to allow him to work on complicated jobs with them. He said he's learning to problem solve. X said it feels great to be good at something and feels happier and more confident since being on placement. The garage are immensely proud to have him at the garage and would love to offer him an opportunity when he finishes school.

3. *More broadly, your assessment of how the "Careers and work related experiences" (CWRE) part of the Curriculum for Wales and associated statutory guidance is supporting disabled learners.*

Effective Careers and work-related experiences (CWRE) is comprised of age- and developmentally appropriate careers education embedded across the areas of learning and experience (Areas).

The guidance states that to help ensure that learners are engaged in CWRE, schools or settings should have regard to a range of factors such as learners' age, knowledge and additional learning needs. It also states that in order for practitioners to maximise the benefits of work-related experiences, it is useful to ensure that experiences are accessible to all learners and take into account their specific needs and interests.

The guidance builds on this and sets out that when considering work-related experiences, it is important for practitioners to challenge their own perspectives as well as those of learners, parents and carers, on issues such as workplace stereotypes. Labour market information enables learners to understand trends in pay, roles and location.

Schools and settings should incorporate developmentally appropriate, impartial and current labour market information, at a local, regional and national level, to ensure CWRE provision is well designed to meet the needs of all learners.

Careers Wales CWRE support is available to all young people, (including those who have a disability) in mainstream and special schools. Careers Wales work in partnership with all mainstream secondary and special schools to agree and then organise bespoke events such as visits to employer premises or visits by employers to schools to provide a talk to learners.

Careers Wales also hold a series of regional 'What Next' career fairs for learners with ALN. The aim of these events is to highlight the employers and providers that can offer progression routes for these learners. Contributors at the events bring interactive and engaging activities that enable learners to 'have a go' at a range of careers related tasks to illustrate opportunities that might be open to them when they leave school. Feedback from learners, teachers and employers is always very positive. The Careers Wales Big Ideas Wales role model workshops are also offered to ALN learners.

Careers Wales have a number of resources available to support schools deliver CWRE, including:

- The CWRE toolkit, a resource to support all teachers, senior leadership teams and those supporting young people, to realise and embed CWRE in their schools and settings. The resource is made up of a toolkit and a toolbox which provides information and resources to support the development, implementation, and evaluation of careers education provision.
- The Careers Wales Quality Award which aims to support all schools and settings with learners aged 3 to 16, with the development of purposeful and relevant CWRE across the curriculum. The award is currently being piloted ready for 2026.

4. *The extent to which schools and other education settings are working with employers and third party organisations to provide high-quality enrichment experiences for learners, in line with Welsh Government's statutory guidance. What data can you share with us?*

Schools

The Curriculum for Wales, and particularly the opportunity to take a more individualised approach to learning and tailor their offer, is supporting our school leaders to increase equity and inclusivity for all our learners, including those with disabilities.

The Curriculum for Wales statutory guidance is a clear statement of what is important in delivering a broad and balanced education for all learners. It challenges schools to choose the specific experiences, knowledge, and skills that best support their learners, raising expectations. High quality learning experiences should promote learners' independence, offering challenge and the opportunity to experience success along their learning journey. These experiences should respect and value the uniqueness of every learner.

Careers Wales bring together schools and businesses, with the aim of informing, inspiring and motivating young people about their career opportunities. Careers Wales have the following offer:

- The Valued Partner Initiative which recognises sustainable relationships between employers and schools. CW provide additional support to help maintain and strengthen relationships and have widened the Valued Partner Initiative to include teacher employer encounters, to support teachers gain a better understanding of the current world of work.
- Up to 6 employer-led activities in each secondary school, PRU and special school. They are bespoke and based on Career Check data, LMI and the needs of the school. Activities include single employer events (presentations, site visits, mock interviews etc), multiple employer events (speed networking and carousel days), and specific curriculum enrichment input.
- The development of nine employer-led, sector-based challenges to embed CWRE. Careers Wales have developed the curriculum-related challenges in partnership with: Vishay (Compound Semi-Conductors) and Bryn Celynnog Comprehensive, Toyota (Advanced Manufacturing) and Ysgol Treffynnog and Starling Bank (Fintech) with Llangatwg Comprehensive. These challenges are currently being piloted before being made available to other schools in 2025. Further challenges are planned with, Digital Health and Care Wales, Celtic Group, Drop Bear Brewery and RWE Renewables.
- What Next? regional careers fairs for ALN learners.
- Access to an extensive library of employer videos.
- Supporting schools to develop alumni networks.
- Tailored Work Experience (TWE) programme.
- Big Ideas Wales, which includes a national enterprise challenge in primary schools and at least 1,000 entrepreneur role model workshops in secondary schools per annum. The activity is led by a diverse network of over 400 entrepreneurs, known as Role Models, to share business experiences and personal journey of entrepreneurship and bring areas of the curriculum to life. The network includes disabled entrepreneurs such as [Mark Williams](#) of Limb Art in North Wales to inspire learners and share their lived experiences.
- The Alumni project.

In October 2024, Careers Wales launched Bluestone on their CareersCraft resource. Learners can now explore the wide range of careers in tourism and hospitality. From lifeguards to chefs, spa assistants and photographers, learners can now explore the roles and consider the skills needed for them and consider how these skills may be transferable to, or from, other careers.

Careers Wales also support employers to engage with schools. This includes:

- Bespoke advice and guidance on working in education and how to design their input, with access to training if required.
- A dedicated section on our website packed full of information for employers.
- Annual Valued Partner awards to recognise and promote employer contributions.

Data

All available published data has been provided in our response. To summarise this component, in providing support to schools, Careers Wales have delivered over 1,500 group sessions to over 26,000 learners and over 1,100 employer events. In addition, Big Ideas Wales includes a national enterprise challenge in primary schools and at least 1,000 entrepreneur role model workshops in secondary schools each year.

Further Education (FE)

Embedded within the Employment & Enterprise Bureaus in each college across Wales, an Enterprise Champion has been funded in all FE colleges to raise awareness of entrepreneurship as a career option, provide opportunities to learn and practice entrepreneurship skills and explore self-employment as a career option and supporting those students who want to become self-employment or starting a business to do so. Responsibility for the Bureaus has been transferred to Medr as of August 2024. The Enterprise Champions work across the student cohort ensuring that disabled students can access support and guidance by targeting courses where there is a higher number of disabled students, responding to where a tutor has requested specific support for a/group of students as well as promoting achievements of disabled students.

Employment and enterprise bureaus

The key objectives of the bureaus are to offer a recruitment service to local employers and increase the employment opportunities available to learners within colleges.

The [funding](#) supports the costs of an entrepreneurship champion who:

- works with learners (and leavers) from the institution to champion entrepreneurship and support staff to embed entrepreneurship in the curriculum, and
- provides bespoke support to learners and leavers to develop their entrepreneurship ideas and business knowledge, and improve pathways and support them into self-employment and business start-up.
- Employment and Enterprise Bureaus help employers to connect with students and develop their future workforce.
- The Employment and Enterprise Bureaus provide a package of opportunities for students, full and part-time, to build essential employability and enterprise skills. The Bureaus are part of the Welsh Government's Young Person's Guarantee – a commitment to provide everyone under the age of 25 and living in Wales with support to gain a place in education or training and help to get into work or become self-employed.
- The Bureaus, operating in Further Education College in Wales, are inviting employers to engage with them to meet students and discuss employment opportunities they may have within their organisations.
- Each Bureau offers tailored support to students within their college but is open to nurturing ongoing opportunities with employers in their region.

Higher Education (HE)

Universities continue to provide targeted employability support to students from under-represented groups, which includes disabled students. As set out in the circular '[Targeted Employability Support for Students: Delivery Plans and Allocations](#)', £2m was made available for academic year 2023/24. This builds on the activity delivered in academic year 2022/23 against Circular W22/21HE.

Whilst universities have flexibility to build their provision and offer to best meet the needs of their students, it is expected that support includes:

- Mentoring,
- blended delivery of a range of employability activities, including entrepreneurship support,
- signposting / supported access to each university's core employability,
- careers guidance, enterprise and well-being provision,
- provision of funding for costs associated with development of employability and / or work experience to ensure finances are not a barrier to benefiting from the support,
- work experience, of varying lengths and formats.

The Welsh Government provides additional grant funding to support all HE institutions in Wales to promote entrepreneurship, connect with entrepreneurs, and provide support for student and graduate entrepreneurship. They support graduate transition into entrepreneurship and business startup, each publishing their impact report annually.

5. How is the Welsh Government ensuring that disabled learners have the flexibility and support they need to access further education? What your expectations are of how FE, HE and their careers departments support disabled learners onwards into internships and apprenticeships? And how are you engaging with the Cabinet Secretary for Economy, Energy and Planning in this regard.

All colleges and universities have equalities plans in place and work collaboratively to achieve commitments including promoting equity of access and equality of opportunity. Medr reviews their Strategic Equality Plans, which set out how they will meet duties under the Equality Act, including the protected characteristic of disability.

Colleges are working collaboratively across Wales to meet their equality commitments. They attend ColegauCymru's FE Equality and Diversity Strategic Group. This network considers matters of equality, diversity and inclusion, and reports to the Principals' Forum on actions to make progress.

Universities work collaboratively to achieve equality commitments, including widening participation, and identifying equality gaps in attainment. They have supporting networks and Equalities Leads in place to support and monitor progress.

Further Education

In August 2024, Additional Support Guidance was issued to further education providers to assist with working flexibly and securing support to make provision accessible to learners. It also assists with the costs of making reasonable adjustments, for learners with protected characteristics under the Equality Act 2010.

College activity is delivered in line with the Social Model of Disability, which includes:

- Bespoke Careers Fairs and events for students with additional learning needs or quiet hours for those attending main events.
- Offering intensive coaching to students with disabilities.
- Tailored resources and sessions as appropriate, and information sessions on disability rights and adjustments in the workplace.
- Employers who advertise through colleges are committed to adhering to the Fair Working Policy in Wales.

- Working with employers to support and facilitate inclusive recruitment.
- Working specifically with Disabled Confident Employers to create placements for students with disabilities ensuring reasonable adjustments are taken into account.

Specific examples of activity include:

- Grŵp Llandrillo Menai supported 31 individuals with a disability into apprenticeships with a disability uplift intended to support employers to remove barriers for learners in line with the social model of disability.
- Coleg y Cymoedd invited Disability Confident organisations to exhibit and offer specialised information and advice at their annual careers fair, including organisations such as Drive, Maximus and PHS 'Project Search' which is a tailored supported internship for 18-24 year olds with ALN and/or Autism.
- The College Merthyr Tydfil supports an Internship Programme with Independent Living Skills (ILS) learners, where they have the opportunity to undertake internships with Prince Charles Hospital.
- The College Merthyr Tydfil is also working closely with Maximus to support progression into employment for learners with an ALN. Maximus supports learners by attending Careers and ALN events where they offer tailored assistance and resources to help find work.

Higher Education

Universities are focused on embedding employability into the curriculum so that it is accessible to all. Careers departments work with disabled students so that they have appropriate information and advice to build successful outcomes in line with their career plans when they graduate, including employment, internships, self-employment and/or further study.

Universities also work with employers and other stakeholders to deliver targeted interventions to their disabled students to meet their career and employability needs.

The [Targeted Employability Support for Students](#) funding from Medr enables universities to provide tailored support, for those from under-represented groups, including disabled students, to enhance their employability and help them to obtain and sustain graduate level activity when they leave higher education. This includes the [Employability e-Hub](#) - a resource for students who wish to work in Wales. It is committed to helping students along their individual path to success, and provides valuable opportunities including:

- work experience,
- career coaching,
- skills development,
- direct engagement with employers.

The [Reaching Wider](#) Programme is a collaboration of FE, HE and other educational partners delivering widening access activity to encourage school and college learners to consider the futures and their education aspirations as well as academic skills building and mentoring.

It is funded by [Medr](#) and includes all FE and HE institutions in Wales. They also work with local authorities, employers, schools and third sector organisations to improve the education outcomes of learners. It is a regionally focused and long-term programme to widen access to HE and higher-level skills. It aims to increase HE participation from under-represented groups, including disabled students, by raising educational aspirations and skills and creating innovative study opportunities and learning pathways to higher education.

Medr

Medr's [Strategic Equality Plan](#) and equality objectives take account of the Equality Act 2010 and the Public Sector Equality Duty (PSED). It contributes to meeting the Welsh Government's ambitions for an integrated and equitable tertiary education, tackling inequalities and promoting equality of opportunity.

Their [Strategic Plan](#) is intended to be set direction and give a sense of priority - it will be supported by an Operational Plan, developed by Medr, which will provide more detail to monitor progress and ensure delivery of individual work streams.

Apprenticeships

Since September 2024 Careers Wales has offered a career's guidance interview to all key stage 4 young people before they leave statutory education. This ensures young people are provided with impartial information and are made aware of all their future pathway options, including, FE, apprenticeships and Jobs Growth Wales+ to make an informed decision regarding their next steps. For those in special schools and resource bases Careers Wales will negotiate the best time to start working with a young person. For some this will be year 9 as they may need a lot of time working with an adviser whilst for others it may be later in their education.

Careers advice and support is tailored to an individual's need but could include:

- Support to develop their career management skills such as decision making and planning,
- Guidance to help a young person identify what type of work they would like to do and how they could get there,
- Practical support to ensure that they have a good transition from school,
- Signposting/referring to other agencies that provide additional support services,
- Advocating on behalf of an individual,
- Negotiating with providers on behalf of an individual,
- Outlining options for parents.

For all Key Stage 4 young people who have identified that they plan on leaving school and are looking to enter the labour market, Careers Wales offers ongoing follow up support which may include support with interview skills/applications.

From April to November 2024 Careers Wales provided 41,000 guidance interviews to over 30,000 learners, including 34,460 guidance interviews to 25,244 Key Stage 4 learners, 52% of year 11 learners, and 2,621 interviews to 1,945 ALN learners.

We are working to increase diversity in apprenticeships and promote social mobility as an investment in economic success and lasting growth. For example, the Inclusive Apprenticeships Disability Action Plan has supported the growth of disabled apprenticeship. In 2022/23, 11.6% of all apprenticeship learning programmes were started by learners who identified as having a disability and/or learning difficulty, compared with 5.8% in the academic year 2016-17.

The Employer Incentive Scheme also encourages employers to recruit disabled people by providing a financial incentive and in-work support for this cohort to enable them to successfully complete their apprenticeship programme.

The Supported Shared Apprenticeships provides additional support to disabled apprentices with intensive and wide-ranging employment and learning needs. Support provided may be through job coaching or other specialist resource.

We have also recently agreed to modify the Specification of Apprenticeship Standards for Wales (SASW). Part of these modifications include opening up the essential skills entry requirements for levels 2 and 3 for those people with learning difficulties and disabilities. This will provide a more inclusive offer and widen participation by enabling more disabled people to access the apprenticeship programme.

Regarding engagement, Ministers and Cabinet Secretaries are working towards delivery of the Programme for Government commitments and First Minister's priorities that fall across all portfolios. We meet regularly with Ministerial colleagues, to keep them apprised of areas of cross cutting mutual responsibility. The Minister for Further and Higher Education works closely with the Minister for Culture, Skills and Social Partnership on areas of mutual interest. There is also a Ministerial expectation that officials, from across Welsh Government, work closely together to identify and address gaps in provision and identify future opportunities.

6. What are the implications, if any, of relatively new Additional Learning Needs legislation and guidance on careers advice and support for disabled young people?

The new Additional Learning Needs legislation and guidance has created one unified system from 0-25 with an Individual Development Plan (IDP) that follows a child and young person through all stages of their education. From September 2025 all disabled young person with ALN will now have an IDP. Careers Wales have reviewed and re-aligned their approach to careers advice and support in light of the new legislation.

Careers Wales have set out and shared with schools and families a clear offer alongside the ALNET Act Implementation. All young people are entitled to access careers information, advice and guidance from Careers Wales, delivered via face to face, telephone, video or digital means. Careers Wales also has a team of ALN advisers who work predominantly in special schools and resource bases. All careers advisers work with young people to help them understand their options, make good decisions about their future and know how to implement their plans. This work may begin earlier than year 11 where appropriate.

For young people identified as having ALN, Careers Wales offer to attend Individual Development Plan (IDP) reviews and have identified those who are leaving to enter the labour market as a priority group. In those reviews Careers Wales may contribute to the transition element of the IDP, advocate on behalf of a young person and make parents aware of opportunities. This year, as young people with IDPs are now in college, Careers Wales have also offered to attend college IDP reviews for young people who are leaving college to enter the labour market.

During the 2023/24 academic year, Careers Wales carried out 1,445 interviews with ALN Learners across all year groups and settings (43 in KS3, 117 in KS4, 249 in post-16, 131 in FE). The move towards the full roll-out of ALNET is increasing the number of interviews undertaken as the emphasis for Career Wales' work changes from Learning and Skills Plans (LSPs) and funding applications, to increased direct work with young people. Careers Wales also attended 218 ALN reviews, as well as undertaking almost 5,000 advocacy and liaison interactions on behalf of young people.

7. *Any other information you want to draw to our attention as to how the Welsh Government is supporting learners in their transition from school-age to the world of work for disabled people?*

Review of Vocational Qualifications

Taking forward the recommendations of both the [Review of Vocational Qualifications](#) and the [Report on Transitions into Employment](#) is a key priority for Welsh Government. Both reports outline where improvements could be made to ensure a smoother transition for all learners from school into employment, including disabled people.

Since the summer 2024, we have established small internal and external working groups (Welsh Government, Qualifications Wales and Medr thus far – with a view to expanding the membership as required) to look in depth at the recommendations and consider how best to engage the sector. The working groups will be instrumental in overseeing the delivery of the recommendations outlined in both reports.

It is important to note that there are many co-dependencies associated with delivery of the recommendations. The strategic relationship between Welsh Government, Qualifications Wales and Medr is of significant importance in terms of achieving delivery.

The 14-16 Learning Guidance, published in September 2024, sets out our policy for learning and teaching in years 10 and 11, alongside the legal requirements for schools and will form part of the Curriculum for Wales framework guidance. The guidance aims to support schools to design their 14 to 16 curriculum offer, which they will need to have in place by September 2025.

The importance of years 10 and 11 in a learners' education journey is well known, particularly how their choices and achievements can influence their future pathways. The guidance therefore introduces the 14 to 16 Learner Entitlement ('the Learner Entitlement'): the learning that all learners in year 10 and 11 will benefit from under the Curriculum for Wales. In addition to a broad offer of qualifications, the entitlement also looks to ensure all learners are supported to understand their strengths and interests, and to plan their next steps once they leave compulsory education at 16, helping them with this significant transition.

Through the guidance we set out our clear national expectations to help provide equity and consistency in the curriculum experienced by learners across Wales, with all schools valuing the same things that contribute to a learner's progression and successful onward transition.

Being part of the Curriculum for Wales framework, the 14-16 guidance places the learner at the centre with a clear focus on all learners being supported to make progress and supported to consider the full range of options available to them post-16.

Disabled People's Employment Champions

One of the strategic objectives of the Disabled People's Employment Champions is to work with policy leads across Welsh Government to contribute lived experience and knowledge to influence the development of wider Welsh Government policy which impacts on disabled people's employment. The champions are delivering this by supporting the work of the Young Person's Guarantee Board and the development of the new Welsh Government Employability Programme. They have also established an effective working relationship with Careers Wales and in 2025 will explore opportunities to work more closely with Medr.

Inspiring Skills Excellence in Wales

Our [Inspiring Skills Excellence in Wales](#) project, funded by the Welsh Government, delivers a programme of activities linked to Skills Competitions that raise awareness of vocational education and training and career pathways.

The project works with partners to promote and facilitate engagement and collaborative approaches between schools, learners and employers to build confidence and knowledge of the world of work, and support learners to make informed choices about their careers and their futures.

In particular, it offers opportunities for learners, apprentices and trainees with disabilities and Additional Learning Needs (ALN) to challenge and benchmark their skills by taking part in Inclusive Skills / Foundation Skills competitions, locally and nationally across a range of sectors.

In Wales, the Skills Competition Wales delivers 9 Inclusive Skills / Foundation Skills competitions, from Catering and Media to Woodwork and Independent Life Skills. In January 2024, over 200 learners participated in these competitions from across Wales.

8. How are you engaging with the Cabinet Secretary for Economy, Energy and Planning to ensure that young people have as wide a range as possible of options post-16? For example, we have heard concerns of a “cliff-edge” faced by disabled people in accessing certain age-restricted placements and schemes e.g. Jobs Growth Wales? What consideration has been given to widening access to disabled people of all ages?

As highlighted in response to question 5, the Minister for Further and Higher Education works closely with the Minister for Culture, Skills and Social Partnership on areas of mutual interest and there is also a Ministerial expectation that officials, from across Welsh Government, work closely together to identify and address gaps in provision and identify future opportunities. This is hopefully illustrated in the cross-cutting nature of the work being undertaken as detailed in the responses to the specific questions raised.

Jobs Growth Wales+

Jobs Growth Wales+ (JGW+) was originally procured in 2021 with the tender documentation specifying an age range of 16-18. As a result of the impacts of the Pandemic, this age range was extended to allow young people aged 19 to also enter the programme. However, it is not possible to alter the age range any further as this would fundamentally change the offer and could therefore be open to legal challenge from potential suppliers.

Any future programme that is operational from 2027 will consider examples of best practice and will benefit from lessons learnt during the operational delivery of existing employability support, this will include support for specific cohorts such as the required support for disabled people.

As part of the programme we do publish data on the number and composition of participants on JGW+ including those with a disability – this information can be accessed via the following link - [Jobs Growth Wales+ statistics: April 2023 to March 2024 \[HTML\] | GOV.WALES](#)

Vocational Qualifications review

We published our response to the Vocational Qualifications Review (VQR) at the end of April 2024 and are working with colleges to ensure that our approach responds to the needs of learners and our changing economy.

We are progressing discussions about how best to align delivery of these recommendations with related strategic commitments, including our economic mission, related skills development requirements and increasing participation.

Our priority is for all learners to have a positive learning experience, ensuring they can progress confidently to their next steps in education and/or employment.

We will continue to work with Careers Wales to determine how we can best ensure young people, at key transition points, have access to impartial careers information, advice and guidance; ensuring they are aware of all the option routes, including learners with disabilities and learning difficulties.

In addition, Qualifications Wales have been working to pilot the development of route maps for vocational areas. Once the findings of the pilot have been considered, it is hoped that these route maps will be further developed and included on a suitable digital platform so that they are accessible and engaging for learners and stakeholders alike.

Business Wales

Big Ideas Wales has a Participation Fund to support clients that require additional help to access the business support. This has assisted with costs to remove barriers for clients including translation, transportation, carers and practical support to attend and participate in events or 1:1 meetings.

As part of the commitment to the Programme for Government to close the gap between disabled people and the rest of the working population, Business Wales works closely with the Welsh Government's Disabled People Employment Champions to provide support to ensure that the service develops and considers the needs of those who are disabled. The Business Advisers work closely with the Disabled People's Employment Champions and Disabled People's Employment Advisers within the Business Wales service.

To support disabled entrepreneurs, Business Wales and Disability Wales has produced a good practice guide. The guide provides information and practical advice for business support organisations and advisors on how best to engage with and support disabled people who are starting, sustaining or growing their business in Wales

<https://businesswales.gov.wales/good-practice-guide-supporting-disabled-entrepreneurs-wales>

Business Wales start-up support is available to assist individuals to overcome any barriers to participation in self-employment; and works with businesses to improve employment practices through specialist HR and equalities advice and supports employment opportunities for disabled people.

Specialist support to improve practices is available from Disabled Peoples Employment Advisers who work across Wales and provide tailored support according to client need on a one-to-one basis or at staff meetings. This is part of a wider advisory service for employment, skills and fair work, including stimulating job creation and improving employment policies and practices in inclusive recruitment and retention, encouraging business to review the equalities pledge and wider schemes such as Disability Confident.

We also provide funding to Social Firms Wales to provide bespoke specialist business support to social enterprises. Social Firms Wales supports social enterprises who support and/or employ people with disabilities and have a self-employment and supported self-employment service which includes additional support for people living with neuro-diverse conditions. The support package aligns with the Programme for Government commitment to tackle challenges faced by people across Wales and how to improve their lives.

Business Wales promotes self-employment and employment opportunities for disabled people through events, newsletters and social media channels, as well as Business Wales advisory support.

This includes a range of information and guidance on the Business Wales website on supporting disabled people within the workforce [Disabled People's Employment | Business Wales Skills Gateway \(gov.wales\)](#). [The Disabled People's Employment Champions have recently commenced a project to review and update all web-based content and refreshed content will be published throughout 2025.](#)

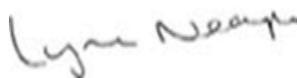
Business Wales has developed an online module developed to help employers increase their knowledge and understanding of the social model of disability [Course: Understanding the Social Model of Disability \(gov.wales\)](#) Work is underway to make this training available to public sector employers

Conclusion

We hope that we have provided a comprehensive response to the queries outlined in your letter and set out the work being undertaken by Welsh Government to support all learners, particularly those with a disability.

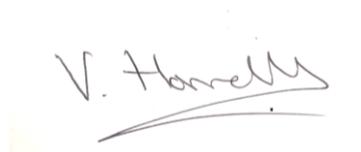
In turn, we are copying this letter to the Chairs of the Children, Young People and Education Committee; and the Economy, Trade and Rural Affairs Committee.

Yours sincerely



Lynne Neagle AS/MS

Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Vikki Howells AS/MS

Y Gweinidog Addysg Bellach ac Uwch
Minister for Further and Higher Education

Vikki Howells MS
Minister for Further and Higher Education

Lynne Neagle
Cabinet Secretary for Education

Dear Vikki and Lynne,

12 December 2024

The Disability Employment Gap and the education system

The Equality and Social Justice Committee is preparing a report on our inquiry into the disability employment gap. An important theme has been the role of schools and FE colleges as well as employers in shaping the aspirations and expectations of disabled students in relation to transitioning from education to the world of work and future job prospects.

We received evidence that emphasised the need to ensure equitable access to work placement opportunities and the need to work with employers to achieve this.¹ We were also troubled to hear that disabled students can often miss out on placement opportunities or are pigeon-holed into a narrow range of sectors that are able to accommodate any necessary adjustments.²

In terms of expectations, Gerraint Jones-Griffiths, who is an Engage to Change Ambassador for Learning Disability Wales, told us that when he has asked disabled young people 'What would you like to do when you're older?' the response has been "every time, they always say, 'I don't know. We've never been asked,' and that's even now."³

¹ Equality and Social Justice Committee, Record of Proceedings, 14 October, paragraphs 134 – 139, 212 - 213

² Equality and Social Justice Committee, Record of Proceedings, 7 October, paragraphs 58 -60, Written evidence, DE15 - Down's Syndrome Association; [DE08 - Ethnic Minorities and Youth Support Team Wales \(EYST Wales\)](#)

³ Equality and Social Justice Committee, Record of Proceedings, 14 October, paragraph 242

In terms of access to work placements, Arthur Beechy, Chief Executive Officer of Agoriad Cyf a charity which offers supported employment opportunities in north Wales told us:

"I always remember a horror story, whereby the children in a school, which will remain nameless, all had placements to go out, bar a young disabled girl, because it was too much trouble to get her one, and she's the only one left in school of her year, and everybody else is out. There's something wrong there."⁴

We note that some of these issues may be scrutinised during the forthcoming Children, Young People and Education Committee inquiry into Routes into post-16 education and training. Furthermore we recognise the anecdotal nature of these contributions, however, we would be interested to hear your views on these matters relating to your portfolio:

1. Please set out your response to these concerns regarding expectations and access to placements in general in addition to the specific questions detailed below.
2. Your assessment of how the Careers Wales work experience scheme for learners in year 10 and 11 is able to support disabled learners? What data you can share with us regarding the proportion of those learners who are disabled? ?
3. More broadly, your assessment of how the "Careers and work related experiences" (CWRE) part of the Curriculum for Wales and associated statutory guidance is supporting disabled learners.
4. The extent to which schools and other education settings are working with employers and third party organisations to provide high-quality enrichment experiences for learners, in line with Welsh Government's statutory guidance. What data can you share with us?
5. How is the Welsh Government ensuring that disabled learners have the flexibility and support they need to access further education? What your expectations are of how FE, HE and their careers departments support disabled learners onwards into internships and apprenticeships? And how are you engaging with the Cabinet Secretary for Economy, Energy and Planning in this regard.
6. What are the implications, if any, of relatively new Additional Learning Needs legislation and guidance on careers advice and support for disabled young people?
7. Any other information you want to draw to our attention as to how the Welsh Government is supporting learners in their transition from school-age to the world of work for disabled people?

⁴ Equality and Social Justice Committee, Record of Proceedings, 21 October, paragraph 329



8. How are you engaging with the Cabinet Secretary for Economy, Energy and Planning to ensure that young people have as wide a range as possible of options post-16? For example, we have heard concerns of a “cliff-edge” faced by disabled people in accessing certain age-restricted placements and schemes e.g. Jobs Growth Wales? What consideration has been given to widening access to disabled people of all ages?

As the Committee is in the process of preparing its draft report, I would be grateful for a response at your earliest convenience and ideally no later than 10 January 2025.

I am copying this letter to the Chairs of the Children, Young People and Education Committee; and the Economy, Trade and Rural Affairs Committee.

Yours sincerely,



Jenny Rathbone

Chair of the Equality and Social Justice Committee

Senedd Cymru/Welsh Parliament

Agenda Item 2.5

Ministry
of Justice

Sir Nic Dakin MP
Parliamentary Under-Secretary
of State for Justice

Jenny Rathbone MS, Chair

Equality and Social Justice Committee Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

MoJ ref: SUB121052

28 January 2024

Dear Jenny,

TURNAROUND PROGRAMME IN 2025/26

I am writing to update you on the Turnaround Programme in 2025/26, including funding and changes to administration of the programme, following on from our communication on the provision for speech, language and communication needs in the youth justice system.

I am pleased to tell you the Ministry of Justice is able to continue providing a substantial proportion of the Turnaround programme funding to deliver the programme for one more year across England and Wales, funding YOTs to support children on the cusp of the justice system. This will include provision for children with speech, language and communication needs.

We are making some changes to the delivery of the programme. We will be giving YOTs more freedom to choose how they spend part of the funding on early intervention. We will also be reducing the administrative burden on YOTs, taking into account feedback we have received from YOTs.

I believe this is a proportionate step to enable YOTs to decide on the best use of early intervention funding for their areas, and that this approach reflects the strong performance across the programme to date.

Next steps

My officials are writing to YOTs detailing their grant funding amount and targets.

I am continuing ongoing discussions with Jane Hutt MS, to ensure collective efforts to steer vulnerable children away from offending are in place.



SIR NIC DAKIN MP

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LEGISLATIVE CONSENT MEMORANDUM

THE EMPLOYMENT RIGHTS BILL

1. This legislative consent memorandum 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 Cymru¹ if a UK Parliamentary Bill makes provision in relation to Wales that has regards to devolved matters.
2. The Employment Rights Bill (“the Bill”) was introduced in the House of Commons on 10 October 2024. The Bill can be found at: <https://bills.parliament.uk/bills/3737/publications>
3. This legislative consent memorandum has been laid outside of the normal two-week deadline due to the scale and complexity of the legislation.

Policy Objectives

4. The UK Government’s policy objectives are set out in a [published overview of the Bill](#). In summary, these are stated to:
 - a. Address one-sided flexibility, ensuring that jobs provide a baseline of security for workers.
 - b. Support family-friendly rights by improving flexibility and security.
 - c. Prioritise fairness, equality and wellbeing of workers.
 - d. Ensure workers get fair pay for a fair day’s work.
 - e. Modernise trade union legislation, giving trade unions greater freedom to organise, represent and negotiate on behalf of their workers.
 - f. Improve enforcement of employment rights.

Summary of the Bill

5. The Bill is sponsored by the Department for Business and Trade.
6. The Bill is designed to deliver the key legislative reforms set out in the UK Government’s [‘Plan to Make Work Pay’](#).
7. The key provisions of the Bill cover updating and enhancing existing employment rights and making provision for new rights; making provision regarding pay and conditions in particular sectors; and making reforms in

¹ Please note in accordance with Welsh Government policy we refer to the legislature in Wales as “Senedd Cymru” on first use and “the Senedd” thereafter unless the context stipulates otherwise.

relation to trade union matters and industrial action. It further creates new mechanisms for the enforcement of employment law.

8. The Bill contains 119 clauses and 7 Schedules, and makes provision in the following key areas:
 - a. Part 1 deals with employment rights, including reforming employment rights in relation to guaranteed hours; flexible working; statutory sick pay; tips and gratuities; entitlements to leave; protection from harassment; and dismissal.
 - b. Part 2 deals with other matters relating to employment, including the procedure for handling redundancies; public sector outsourcing; and the duties of employers relating to equality.
 - c. Part 3 deals with pay and conditions in particular sectors, including pay and conditions of school support staff in England and the establishment of the Adult Social Care Negotiating Body (the remit of which will be confined to England).
 - d. Part 4 deals with trade unions and industrial action, including a right to a statement of trade union rights; a right of trade unions to access workplaces; amendments to the conditions for trade union recognition; trade union finances; facilities provided to trade union representatives and members; blacklists; industrial action and ballots; the provision of information to employers; picketing and protection for taking industrial action; the repeal of provision about strikes and minimum service levels; and the functions of the Certification officer (who is appointed by the Secretary of State under the Trade Union and Labour Relations (Consolidation) Act 1992).
 - e. Part 5 deals with the enforcement of labour market legislation; conferring on the Secretary of State the function of enforcing labour market legislation, with enforcement officers appointed for this purpose.
 - f. Part 6 makes general provision in relation to the power to make consequential amendments; power to make transitional or saving provision; regulations; financial provision; extent; commencement; and short title.
9. The Welsh Government supports the Bill and the broader 'Plan to Make Work Pay'. Prior to the Bill's introduction and subsequently, constructive and regular engagement between the Welsh Government and the UK Government at Ministerial and official levels has taken place.
10. The Bill has the potential to impact on workers in devolved public services. However, the Bill primarily makes provision regarding reserved matters. The focus of the Bill is on employment rights, and reforms to

trade union matters and industrial action. This falls within the reserved matter of Employment and Industrial Rights. In addition, clauses 28 to 44 apply only in relation to England.

11. As detailed below, certain provisions of the Bill make provision in relation to Wales with regard to devolved matters. As such, the Senedd's consent is required in connection with those provisions.

Provisions in the Bill for which consent is required

12. I consider the Senedd's consent is required in relation to the clauses identified below in so far as they make provision with regard to devolved matters.

Clause 25:

Clause 25 amends the Procurement Act 2023 in relation to the protection of transferring workers in outsourcing contracts. The purpose of this clause is to create a power for a Minister of the Crown to make regulations and to impose a duty to publish a statutory code of practice. These powers are intended to be used to set out measures to avoid the emergence of a workforce consisting of ex-public sector employees and private sector employees, with each group on different terms and conditions, commonly known as a "two-tier workforce". The Bill excludes from the ambit of the new section, devolved Welsh authorities (save where they are engaging in reserved procurement arrangements and any "devolved Welsh procurement arrangement"). Related provisions of the Procurement Act 2023 were subject to a Legislative Consent Memorandum.

Clause 26:

Clause 26 inserts a new section 78A into the Equality Act 2010 which enables the making of regulations requiring certain employers and public bodies to prepare and publish an "equality action plan" dealing with matters of gender equality. Most devolved Welsh public bodies are excluded, but the Senedd Commission (under its previous name of the National Assembly for Wales Commission) is within scope of the Bill.

Clause 49

Clause 49 repeals section 116B of the Trade Union and Labour Relations (Consolidation) Act 1992, as inserted by section 15 of the Trade Union Act 2016, which allowed a relevant public sector employer to make deductions from its workers' wages for trade union subscriptions in certain circumstances. The Trade Union (Wales) Act 2017 had disapplied these provisions of the Trade Union Act 2016 as regards devolved Welsh authorities.

Clause 52

Clause 52 repeals sections 172A and 172B of the Trade Union and Labour Relations (Consolidation) Act 1992, which were inserted into the 1992 Act by the Trade Union 2016 Act. These sections enabled a Minister of the Crown to make regulations requiring some sector employers to publish information relating to time off for trade union duties and activities. The Trade Union (Wales) Act 2017 had disapplied these provisions of the Trade Union Act 2016 as regards devolved Welsh authorities.

Clause 54

Clause 54 amends section 226 of the Trade Union and Labour Relations (Consolidation) Act 1992, which was amended by sections 2 and 3 of the Trade Union Act 2016. The effect of the clause is to negate the effect of section 3 of the Trade Union Act 2016, meaning that only a simple majority of those voting for a ballot conducted by a trade union for industrial action is required for the ballot to be successful, with no requirements for any level of turnout. The Trade Union (Wales) Act 2017 had disapplied these provisions of the Trade Union Act 2016 as regards devolved Welsh authorities.

Clause 61

Clause 61 repeals the Strikes (Minimum Service Levels) Act 2023, undoing the changes made by that Act to the Trade Union and Labour Relations (Consolidation) Act 1992. An LCM was needed in relation to the making of the Strikes (Minimum Service Levels) Act 2023. This LCM set out the devolved Welsh public sectors which the Act had the potential to impact.

Clause 71

Clause 71 repeals section 1 of the Trade Union (Wales) Act 2017. The 2017 Act disapplied certain Trade Union Act 2016 amendments to the Trade Union and Labour Relations (Consolidation) Act 1992 in relation to “devolved Welsh authorities”. These provisions of the Trade Union Act 2016 are repealed through clauses 49, 52 and 54 of the Employment Rights Bill (see above), and therefore section 1 of the Trade Union (Wales) Act 2017 will become redundant and no longer have legal effect.

UK Government view on the need for consent

13. The UK Government has advised the Welsh Government that the Senedd’s consent is required for clause 25. The UK Government view is that the Senedd’s consent is not required for the other provisions set out above.

Reasons for making these provisions for Wales in the Employment Rights Bill

14. The Welsh Government supports the Employment Rights Bill. The provisions in the Employment Rights Bill are consistent with the Welsh Government's focus on promoting and encouraging fair work. The Employment Rights Bill provides a valuable and necessary opportunity to strengthen employment rights across Great Britain, including for workers in devolved public services in Wales.

Financial implications

15. There are negligible financial implications in relation to the provisions in the Bill for which consent is required. This is because:
 - a. Clause 25: This clause exempts procurements carried out by devolved Welsh authorities from these duties, except when the procurement relates to reserved matters. Such procurement is uncommon, and no significant costs are anticipated.
 - b. Clause 26: The Senedd Commission is the only devolved Welsh public body in scope of this clause. The UK Government's economic analysis assesses the annual direct impact on employers to be small (£0 - £10m in total for all employers across the UK).
 - c. Clauses 49, 52, 54 and 71: There is no practical legal change in respect of Wales due to these clauses, and therefore no financial implications.
 - d. Clause 61: Since the introduction of the Strikes (Minimum Service Levels) Act 2023, no employer in the UK has used minimum service levels or issued work notices. The UK Government's impact assessment of the repeal of the Act does not anticipate public sector financial costs, except for possible costs relating to Border Force industrial action. Border Force is not a responsibility of the Welsh Ministers.

Conclusion

16. In my view it is appropriate to deal with these provisions in this UK Bill. The legislation is consistent with the Welsh Government's focus on fair work and provides an opportunity to strengthen employment rights for workers in Wales. Therefore, I recommend that the Senedd supports the proposals and gives its consent.

Jack Sargeant MS
Minister for Culture, Skills and Social Partnership
5 December 2024

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (No 2)

EMPLOYMENT RIGHTS 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 Cymru¹ if a UK Parliamentary Bill makes provision in relation to Wales which has regard to devolved matters.
2. The Employment Rights Bill (“the Bill”) was introduced in the UK Parliament, the House of Commons, on 10 October 2024. I laid an LCM on 5 December 2024.
3. **Amendments**
 - The UK Government tabled 110 amendments on 26 November for consideration at Commons Committee Stage which commenced on 26 November and is scheduled to run until 21 January. The majority of the 110 amendments make provision which do not have regard to devolved matters. However, UK Government amendments 59 to 64 have regard to devolved matters because they fall within the legislative competence of the Senedd, as detailed at paragraph 19 below.
4. The Bill as introduced can be found at:
<https://publications.parliament.uk/pa/bills/cbill/59-01/0011/240011.pdf>

Policy Objectives

5. The UK Government’s policy objectives are set out in a [published overview of the Bill](#). In summary, these are stated to:
 - Address one-sided flexibility, ensuring that jobs provide a baseline of security for workers.
 - Support family-friendly rights by improving flexibility and security.
 - Prioritise fairness, equality and wellbeing of workers.
 - Ensure workers get fair pay for a fair day’s work.
 - Modernise trade union legislation, giving trade unions greater freedom to organise, represent and negotiate on behalf of their workers.

¹ Please note in accordance with Welsh Government policy we refer to the legislature in Wales as “Senedd Cymru” on first use and “the Senedd” thereafter unless the context stipulates otherwise.

- Improve enforcement of employment rights.

Summary of the Bill

6. The Bill is sponsored by the Department for Business and Trade.
7. The Bill is designed to deliver the key legislative reforms set out in the UK Government's ['Plan to Make Work Pay'](#).
8. The key provisions of the Bill cover updating and enhancing existing employment rights and making provision for new rights; making provision regarding pay and conditions in particular sectors; and making reforms in relation to trade union matters and industrial action. It further creates new mechanisms for the enforcement of employment law.
9. The Bill, as introduced, contained 119 clauses and 7 Schedules. The Bill makes provision in the following key areas:
 - Part 1 deals with employment rights, including reforming employment rights in relation to guaranteed hours, flexible working, statutory sick pay, tips and gratuities, entitlements to leave, protection from harassment, and dismissal.
 - Part 2 deals with other matters relating to employment, including the procedure for handling redundancies, public sector outsourcing, and the duties of employers relating to equality.
 - Part 3 deals with pay and conditions in particular sectors, including pay and conditions of school support staff in England and the establishment of the Adult Social Care Negotiating Body.
 - Part 4 deals with trade unions and industrial action, including a right to a statement of trade union rights, a right of trade unions to access workplaces, amendments to the conditions for trade union recognition, trade union finances, and facilities provided to trade union representatives and members, blacklists, industrial action, and ballots, the provision of information to employers, picketing and protection for taking industrial action, the repeal of provision about strikes and minimum service levels, and the functions of the Certification officer (who is appointed by the Secretary of State under the Trade Union and Labour Relations (Consolidation) Act 1992).
 - Part 5 deals with the enforcement of labour market legislation, conferring on the Secretary of State the function of enforcing labour market legislation, with enforcement officers appointed for this purpose.
 - Part 6 makes general provision in relation to the power to make consequential amendments, power to make transitional or saving

provision, regulations, financial provision, extent, commencement, and short title.

10. The Welsh Government supports the Bill and the broader 'Plan to Make Work Pay'. Prior to the Bill's introduction and subsequently, constructive and regular engagement between the Welsh Government and the UK Government at Ministerial and official levels has taken place.
11. The Bill has the potential to impact on workers in devolved public services. However, the Bill primarily makes provision regarding reserved matters. The focus of the Bill is on employment rights, and reforms to trade union matters and industrial action. This falls within the reserved matter of Employment and Industrial Relations. In addition, clauses 28 to 44 apply only in relation to England.
12. As detailed below, certain provisions of the Bill make provision in relation to Wales with regard to devolved matters. As such, the Senedd's consent is required in connection with those provisions.

Update on position since the publication of the first Legislative Consent Memorandum

13. I wrote to the Parliamentary Under-Secretary of State for Employment Rights, Competition and Markets, Justin Madders MP, on 29 October.
14. In my letter, I welcomed the inclusion of clause 25 of the Employment Rights Bill, which protects the terms and conditions of workers being transferred when contracts are outsourced and other workers employed on such contracts.
15. I noted that a similar code, commonly known as the "Two-tier Code" has been in place in Wales as guidance since 2014. I also highlighted that the Social Partnership and Public Procurement (Wales) Act 2023 places a duty on Welsh Ministers to prepare and publish a code of practice about employment and pensions matters related to outsourcing services contracts.
16. I indicated a potential inconsistency given that the duty in the Social Partnership and Public Procurement (Wales) Act applies only to those bodies listed in Schedule 1 of that Act and does not cover several bodies defined as devolved Welsh authorities in the Procurement Act 2023. Clause 25 of the Employment Rights Bill, as originally drafted, would also exclude those devolved Welsh authorities not listed in Schedule 1.
17. To ensure a consistent approach and avoid the creation of a potentially anomalous position, I requested the UK Government consider an amendment to clause 25 of the Employment Rights Bill to give Welsh Ministers powers equivalent to those of the Secretary of State to make provision in regulations, and publish a code of practice, to apply to those

organisations defined as devolved Welsh authorities in the Procurement Act 2023 but not listed in Schedule 1 to the SPPP Act.

18. I received a reply from the Parliamentary Under-Secretary of State on 29 November. He noted the points raised and confirmed the UK Government would seek to amend the Bill as requested during the Commons Committee stage. The resulting amendments to clause 25 (Government amendments 59 to 64) is currently being considered by Committee.

Provisions tabled by the UK Government to the Bill for consideration at Commons Committee Stage for which consent is required

19. I consider the Senedd's consent is required in relation to the clauses identified below in so far as they make provision with regard to devolved matters.

Clause 25:

UK Government amendments 59 to 64 replace clause 25 with re-worked provisions on the same subject-matter (protection of workers from detrimental treatment as a result of outsourcing).

These amendments would restructure the new provisions to be inserted into the Procurement Act 2023 so that the powers previously vested only in the Secretary of State would now also be conferred on the Scottish Ministers and Welsh Ministers in respect of devolved Scottish and Welsh authorities respectively. The amendment also clarifies that the duty to publish a code of practice does not depend on the making of the regulations.

The practical effect in relation to Wales is to give powers to Welsh Ministers to make provisions in regulations to ensure that workers transferred to a contractor and workers who already work for that contractor are treated equally and publish a code of practice on related matters. These new provisions will apply to those organisations defined as devolved Welsh authorities in the Procurement Act 2023 but not listed in Schedule 1 to the SPPP Act.

20. Consent is required for these provisions because they contain provision for a purpose within the legislative competence of the Senedd and therefore have regard to devolved matters. They also confer executive powers on the Welsh Ministers which invariably affect devolved matters.
21. The first Legislative Consent Memorandum was laid in relation to clause 25 in addition to other provisions. UK Government amendments 59 to 64 replace this clause as originally drafted with a new version which confers executive powers on the Welsh Ministers (the previous version of the clause did not).

UK Government view on the need for consent

22. As I set out in the first Legislative Consent Memorandum, the UK Government accepted that the Senedd's consent is required for clause 25. The UK Government has not stated its view on the need for consent in relation to the amendments described above.

Reasons for making these provisions for Wales in the Employment Rights Bill

23. The Welsh Government supports the Employment Rights Bill. These amendments to the Bill have been made on my request. These amendments facilitate a consistent approach to the protection of workers from detrimental treatment as a result of outsourcing. This includes consistency in public bodies within scope in relation to relevant provisions in the Employment Rights Bill, the Social Partnership and Public Procurement (Wales) Act 2023 and the Procurement Act 2023.

Financial implications

23. The Workforce Code (commonly known as the Two-tier Workforce Code) has been in place as guidance in Wales for ten years. However, we have not undertaken an analysis of the extent to which it has been applied. There could be some higher employment costs, but as a Code has already been in place in Wales as guidance, it is difficult to estimate additional costs that may arise through future safeguarding against an erosion of terms and conditions when services are outsourced.
24. Some Welsh bodies, including the universities, were not included in the remit of the 2014 Code and so it could be argued that protecting workers in outsourced contracts represents new costs for those bodies. However, it is not known whether these bodies are intending to outsource any of their services in the future, so the financial implications of protecting workers cannot be calculated with any degree of accuracy.

Conclusion

25. In my view it is appropriate to deal with these provisions in this UK Bill. The legislation is consistent with the Welsh Government's focus on fair work. The amendments to the Bill have been made at my request to facilitate greater consistency in this area of legislation. Therefore, I recommend that the Senedd supports the proposals and gives its consent.

Jack Sargeant MS
Minister for Culture, Skills and Social Partnership
19 December 2024

By virtue of paragraph(s) vii of Standing Order 17.42

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