

CYPE(6)-03-21 - Paper to note 2

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Children, Young People and Education Committee

Jeremy Miles MS
Minister for Education and Welsh Language

Dyddiad | Date 24 September 2021

Pwnc | Subject: Skills and Post 16 Education Bill LCM

Dear Jeremy,

We considered this LCM at our Committee meeting on 23 September. As you will recall, we indicated that we would be writing to seek clarity on a number of issues. We are also writing to the Secretary of State for Education (a copy of which is attached.)

As the Committee must report on this LCM by 21 October we would appreciate a response as soon as possible, and no later than Friday 1 October, to enable us to consider it at our meeting on 7 October.

Clauses 1 (Local Skills improvement plans) and 4 (interpretation)

The LCM states that the Welsh Government does not recommend that legislative consent should be given for these two clauses.

Can you outline what amendments the Welsh Government would want made to each of these provisions to enable you to recommend consent? Can you also outline the discussions you have had with the UK Government in relation to getting the amendments that you are seeking, and any response you have had?

Clause 14 (Support for lifelong learning)

The LCM states that the modifications that clause 14 will make to section 22 of the Teaching and Higher Education Act 1998 will "carry forward into provisions that are exercisable by the Secretary of State (concurrently with the Welsh Ministers) in relation to Wales and therefore are amendments with

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regard to devolved matters in Wales.” It also states that the “UK Government intends in future to make regulations implementing the Lifelong Loan Entitlement and will rely on the Secretary of State’s amended functions under section 22 of the 1998 Act for this purpose.” The LCM does not indicate where this information about the UK Government’s intentions has come from. Can you clarify where this information has come from?

There is nothing in the Bill to indicate that the modifications to section 22 of the 1998 Act will only apply when they are exercised by the Secretary of State. The LCM does not clarify the position, or detail why modifications made under this clause do not relate specifically to functions of Welsh Ministers. Can you provide this clarity? If the Welsh Ministers’ powers are changed by the modifications to section 22, can you confirm how they are changed and whether the Welsh Ministers have any intention to use these modified powers and, if so, for what purpose? Could you also confirm that if the changes are agreed that you will have the same powers as the Secretary of State in relation to student finance? This information will enable us to determine whether to recommend in our report to the Senedd that consent should be given to clause 14.

Additional clauses

Clause 18 (List of relevant providers)

Clause 18 of the Bill enables the Secretary of State to make regulations which provide for the Secretary of State to keep a list of “relevant providers” in respect of “relevant education or training” who meet certain conditions, to be specified in the regulations. There is nothing on the face of the Bill to state that a Welsh provider cannot be a “relevant provider”. Clause 18(3) then sets out what is meant by “relevant education or training”, again there is nothing on the face of the Bill that says that such education or training has to be provided in England only. There is also nothing in clause 18 which limits its application to England only. Can you detail why you do not consider that this clause requires the consent of the Senedd?

Clause 25 (Institutions within the further education sector: procedure for designation)

This clause amends the Further and Higher Education Act 1992. It changes the mechanism by which the Secretary of State can designate educational institutions in England as falling within the statutory FE sector. Clause 25(2) makes provision to clarify the appropriate authority to make designation orders in relation to educational institutions in Wales. The Explanatory Notes to the Bill state that this clause applies to Wales; and that the corresponding provision would be within the legislative competence of the Senedd. In light of this, can you outline why the Welsh Government does not consider that consent of the Senedd is required for this clause?

Delay in laying the LCM

Standing Order 29.2(i) requires an LCM to be laid normally no later than two weeks after the introduction of the Bill. In this instance, there was over a seven week delay between being the Bill being introduced, and the LCM being laid by. Can you outline why there was such a delay?

I look forward to receiving your response.

Yours sincerely,



Jayne Bryant MS
Chair

Enc: Letter to Secretary of State for Education

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

