

## CYPE(6)-17-22 - Paper to note 5

**Jeremy Miles AS/MS**  
**Gweinidog y Gymraeg ac Addysg**  
**Minister for Education and Welsh Language**



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/JMEWL/2166/22

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19 July 2022

Dear Llywydd

The Schools Bill (“the Bill”) was introduced in the UK Parliament (House of Lords) on 11 May 2022.

The Bill includes a range of measures on issues such as school funding, regulating independent educational institutions, teacher misconduct, school attendance, implementing a register and support for children not in school and the structure and regulation of academy trusts.

My officials have been in regular contact with Department for Education (DfE) officials since last September to discuss our respective plans for elective home education (EHE), possible cross-jurisdictional issues and the various shared challenges in this policy space. My officials explored the potential for co-operation on school attendance orders (SAOs) and the sharing of EHE data between local authorities in England and Wales.

We did not agree to inclusion of provision in relation to Wales on any aspects of the Bill, so its effect on introduction was stated to be only in relation to England. For that reason, the UK Government were of the view that no Legislative Consent Motion (LCM) was required in respect of the Bill as laid.

However, on 30 May, an amendment “amendment 96” was tabled by Baroness Barran for consideration during House of Lords Committee Stage, which commenced on 8 June and concluded on 27 June. The amendment is to section 494 of the Education Act 1996 and will serve to extend the inter-authority recoupment provisions for excluded pupils set out in section 494 of the Education Act 1996, to encompass academies. The amendment was agreed on 20 June and has been incorporated within the Bill as amended at Lords Committee Stage in Schedule 3, paragraph 1. The amendment makes provision falling within the legislative competence of the Senedd.

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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.

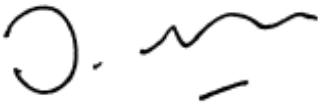
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I therefore laid a Legislative Consent Memorandum on the Bill on 7 July 2022. I apologise that it was laid outside of the normal two-week Standing Order 29 deadline. This is in part due to a failure of the UK Government to notify Welsh Government that the amendment had been tabled.

We are continuing our consideration of the devolution implications of the Bill as it progresses, to ensure there is nothing further that triggers the LCM process. Once the legislative competence analysis in relation to the remainder of the Bill is completed, I will write again should I intend to lay a further Legislative Consent Memorandum.

I am copying this letter to the Counsel General and Minister for the Constitution, Mick Antoniw MS, the Minister for Rural Affairs and North Wales, and Trefnydd, Lesley Griffiths MS, the Chair of the Legislation, Justice and Constitution Committee, Huw Irranca-Davies MS and the Chair of the Children and Young People Committee, Jayne Bryant MS.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a wavy line and a short horizontal stroke.

**Jeremy Miles AS/MS**

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Minister for Education and Welsh Language