

CYPE(6)-21-23 – Paper to note 3

**Y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad**

**—
Legislation, Justice and
Constitution Committee**

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Jayne Bryant MS
Chair, Children, Young People and Education Committee

4 July 2023

Dear Jayne,

The Welsh Government's Elective Home Education Guidance

As you will be aware, our Committee received a number of items of correspondence in relation to the publication of the Welsh Government's Elective Home Education Guidance.

Please find attached in the annex to this letter an example of the response we have sent to those who wrote to us, following our consideration of this issue at our meeting on 12 June.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies
Chair

ANNEX

Thank you for your e-mail of xx May/June regarding the publication of the Welsh Government's Elective Home Education statutory guidance on 12 May 2023. We considered e-mail correspondence on this matter at our meeting of 12 June 2023.

As you may be aware, one of the functions of the Legislation, Justice and Constitution Committee is to report on subordinate legislation laid before the Senedd by the Welsh Government. In so doing, the Committee's scrutiny is guided by the requirements set out in the Senedd's Standing Orders (specifically Standing Orders 21.2, 21.3 and 21.7).

In accordance with the Standing Orders, we are able to consider any subordinate legislation related to home schooling that is laid before the Senedd. We may also consider any legislative matter of a general nature within or relating to the competence of the Senedd of the Welsh Ministers.

The guidance in question does not constitute subordinate legislation. In addition, I would add that there is no requirement for the guidance to be laid before the Senedd; the only requirement in the *Education Act 1996* is that guidance is published by the Welsh Ministers in such manner as they think fit. They have chosen to do this by publishing the guidance online.

Any decision regarding the lawfulness of the guidance is a matter for the courts.

I understand that the Children, Young People and Education Committee will be writing to the Minister for Education and Welsh Language about the guidance and I have therefore drawn this correspondence to the attention of Jayne Bryant MS, the Chair of that Committee.