
The Welsh Government's Legislative Consent Memoranda on the Children's Wellbeing and Schools Bill

Welsh Government response to the Legislation, Justice and Constitution Committee's report

October 2025

The Children's Wellbeing and Schools Bill ("the Bill") was introduced in the House of Commons on 17 December 2024. In March 2025, amendments to the Bill were laid to include Wales in certain provisions. As these require the legislative consent of the Senedd the Welsh Government laid a Legislative Consent Memorandum (LCM) before the Senedd on 24 March 2025. This was followed by two supplementary LCMs, laid on 28 May and 12 June 2025.

In September 2025, the Committee submitted its report on the Welsh Government's memoranda for the Bill, which included five recommendations and a conclusion. This is the Welsh Government's response to the recommendations

Responses to recommendations

Recommendation 1

The committee recommends that:

Before stating that the capability and capacity of the Senedd has prevented the Welsh Government from introducing its own Bills to the Senedd and therefore resulted in the Welsh Government requesting and/or accepting the offer of provisions being included in Bills being introduced to the UK Parliament, the Welsh Government should first engage with the Business Committee and discuss the procedural opportunities available to the Welsh Government that would enable it to bring forward its own legislation.

Response: Accept in principle

The Welsh Government does not take the unilateral approach that the Senedd does not have the capacity or capability to introduce its own Bills, or that this is the basis for seeking these provisions via a UK Government Bill. As clarified by the Cabinet Secretary at LJCC session on 12 May, the decision to accept certain provisions in the Children's Wellbeing and Schools Bill was made as the Bill offers

the opportunity to make provisions in the best interests of children in Wales, without negatively impacting the delivery of the Welsh Government's agreed legislative programme.

Primary legislation in this area was considered by the previous government but was discounted at the time in favour of secondary legislation. The 'children not in school' Clauses that we propose to accept, comprise just one element of a much wider, two-part UK Government Bill. Although a significant amount of work has been undertaken in relation to the policy in Wales, there would still be a need to develop this work further to underpin our own Bill and determine what remaining elements relating to children's safeguarding, wellbeing or education, would comprise a Senedd Bill. This would result in a significant delay to the legislation being introduced in Wales whilst a Bill is developed, compared with full implementation of the Children's Wellbeing and Schools Bill in England.

As with any legislative decisions the Welsh Government's priority is to maximise the outcomes for the people of Wales in line with our priorities. That includes working within the constraints of how much capacity we have to introduce our own legislation and what opportunities are available in the UK Government's legislative programme. Given that the Welsh Government and the UK Government are clearly aligned on these proposals, which are ultimately about safeguarding children, a joint, cohesive approach via this UK Government Bill is the preferred way forward.

The Welsh Government remains willing to engage with the Business Committee on how legislation is made in Wales, and any associated impacts on the legislative consent process.

Financial implications – none associated with this recommendation.

Recommendation 2

The committee recommends that:

The Cabinet Secretary should explain why clause 11 is subject to commencement by the Secretary of State rather than the Welsh Ministers, including why no requirement for consent is included should that be relevant.

Response: Accept

The Secretary of State retained commencement powers for the clause when the amendment was made. Clause 11 relates to Section 25 of the Children Act 1989

and is about regulating use of secure accommodation in England even though part of what it does is to permit access to children from Wales. Section 119 of the Social Services and Well-being (Wales) Act 2014 deals with use of secure accommodation in Wales; however there is no parallel amendment to section 119. If there was a parallel amendment to section 119 of the Social Services and Well-being (Wales) Act 2014 it would have been appropriate for Welsh Ministers to have commencement powers, but in its absence, it would be unexpected to give Welsh Ministers control over commencement of the provision.

Financial implications - No additional financial implications as there is no new duty on Welsh local authorities.

Recommendation 3

The committee recommends that:

The Cabinet Secretary should clarify to which international obligations she is referring in paragraph 26 of Memorandum No. 2.

Response: Accept

The UK is a signatory to international treaties regarding child employment through its ratification of the United Nations Convention on the Rights of the Child (UNCRC) and the International Labour Organization Convention 138 on Minimum Age for Admission to Employment. *The Rights of Children and Young Persons (Wales) Measure 2011* has also incorporated certain parts of the UNCRC (including provisions relevant to child employment) into Welsh law. Both treaties mandate that children must be protected from economic exploitation and work that is harmful to their health, development, and education, and the UK implements this through domestic laws and regulations on child working hours, suitable employment, and age restrictions for different types of work.

Financial implications – none associated with this recommendation.

Recommendation 4

The committee recommends that:

The Cabinet Secretary should provide an update on the discussions with UK Government about clause 63 of the Bill (as brought from the Commons) and

confirm that, in line with the Welsh Government's principles on UK legislation in devolved areas, she is seeking conferral of powers on the Welsh Ministers alone and not concurrent powers to be exercised with UK Ministers.

Response: Accept

Following further engagement with UKG, I have requested an amendment to the Bill to ensure that Clause 63 provides for the Welsh Ministers, rather than the Secretary of State to make consequential provision including amendments to primary legislation, including to Acts of the Senedd. The Bill as drafted does not include this power and this issue has been raised with UKG.

Financial implications – none associated with this recommendation.

Recommendation 5

The committee recommends that:

The Cabinet Secretary should confirm the scrutiny procedure to be applied to the making of regulations under clause 66 of the Bill (as brought from the Commons).

Response: Accept

I can confirm that as the clause relates to commencement powers, no scrutiny procedure is applied.

Financial implications – none associated with this recommendation.
