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Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/LN/2345/25

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Committee SeneddLJC@senedd.wales

16 February 2026

Dear Mike,

Thank you for your letter of 3 February, requesting clarity on a number of points within the supplementary Legislative Consent Memorandum (Memorandum No 4) for the Children's Wellbeing and Schools Bill.

I have provided a response to each of the questions raised below. For ease of reference I have included the question set out in your letter.

- 1. Please can you confirm whether the amendment referred to in paragraph 24 of Memorandum No. 4 has now been tabled and if it will be included in the further supplementary consent memorandum now expected?*

The amendment to apply the Senedd approval procedure to the regulations referred to in paragraph 24 was [tabled](#) on Thursday 5 February 2026, ahead of Third Reading on Monday 9 February. Two amendments within this tabled list apply to Wales and therefore both will be included within a further supplementary LCM (Memorandum No. 5).

- 2. Memorandum No. 4 refers to a regulation-making power contained in amendments to clause 32, relating to the estimate of time which a child receives education from parents or other providers. It is not clear from Memorandum No. 4 whether this is a new regulation-making power or which Senedd scrutiny procedure will be applied to such regulations.*

The regulation-making power referenced in the amendment is not a new power. The regulations referred to are those to be made under proposed section 436C(4) of the Education Act 1996 (as inserted by Clause 32). Amendment 164 was agreed at Report Stage and provides that regulations made by the Welsh Ministers under the listed provisions of the Education Act 1996, including 436C(4), (as inserted by Clauses 32 and 33) are subject to the Senedd approval procedure.

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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.

3. *Please can you confirm the scrutiny procedure which will apply to the making of regulations under clause 32 of the Bill should amendments to that clause be agreed at House of Lords Report Stage?*

The scrutiny procedure for the regulations under Clause 32 is subject to the Senedd approval procedure. Delegated power for the regulations was tabled under Amendment 164. This amendment requires all regulations for the CNIS provisions under Clauses 32 and 33 to be affirmative always rather than affirmative in the first instance and negative thereafter.

4. *Amendment 244 provides the Welsh Ministers with a regulation-making power to make consequential provision (a new clause proposed after clause 64). We note that this amendment addresses recommendation 4 of our first report. However, Memorandum No. 4 is silent on the Senedd scrutiny procedure to be applied to such regulations. It appears to the Committee that the Senedd annulment procedure will be applied, unless the regulations amend primary legislation, in which case the Senedd approval procedure will be applied. Please can you confirm the scrutiny procedure which will apply to the making of regulations under the new clause to be inserted after clause 64 by amendment 244, should it be agreed at House of Lords Report Stage?*

Amendment 244 was agreed during the House of Lords third sitting at Report Stage on the Children's Wellbeing and Schools Bill, on 28 January. I can confirm that the Senedd annulment procedure will be applied, unless the regulations amend primary legislation, in which case the Senedd approval procedure will be applied.

5. *Please could you confirm which amendments in Memorandum No. 4 have been considered in the House of Lords and the outcome of that consideration*

All amendments in Memorandum No. 4 were considered during the House of Lords Report Stage on Wednesday 28 January.

All amendments were passed apart from Amendment 120. This amendment proposed to expand the criteria under Clause 31 for LAs to provide consent for certain children to be removed from school to include children subject to a child protection plan within the last 5 years. The amendment did not pass because it was superseded by non-government Amendment 121A, tabled by Baroness Barran, the Conservative Shadow Education Minister in the Lords.

Amendment 121A proposes to expand the scope of the consent mechanism from 5 years to children who have ever been subject to section 47 or section 31 enquiries or an order, and all those considered a 'child in need' under section 17 of the Children Act 1989.

The agreement of the non-government amendment triggers SO. 29 and is subject to legislative consent. However, the amendment as drafted is only applicable to Wales in part. This is because section 17 of the Children Act 1989 does not apply to Wales. The equivalent provision is contained within the Social Services and Well-being (Wales) Act 2014.

As an agreed non-Government amendment, this provision will be covered by SO29. I am mindful that the position on the amendment is not finalised and at the very minimum will require imminent drafting changes.

My officials are engaging closely with the Department for Education in relation to the non-government amendment and relaying the Welsh Government's position and potential

implications for Wales. I will incorporate the final position on this provision in the forthcoming sLCM and have encouraged UK Government to bring forward any amendments as soon as possible so as to ensure the Senedd can consider in advance of the legislative consent debate. This will ensure the Senedd is able to consider a more finalised version of the Bill and potentially avoid the need to lay multiple LCM on the same amendment.

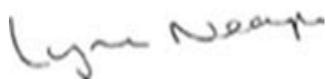
6. *In relation to any amendments to the Bill that are to be the subject of a fifth memorandum, please can you ensure that any such memorandum includes information stating whether such amendments will have been considered by the time of the consent motion debate on 3 March 2026 and if not, please can you explain what this means in terms of the consent being sought from the Senedd for them?*

As set out under my response to Question 1, two amendments that apply to Wales were tabled on Thursday 5 February and agreed at Third Reading on Monday 9 February. These relate to the addition of 'young carers' in the information to be included on children not in school registers, and the procedure for regulations referred to under Amendment 125. There may also be a further amendment in relation to the social care provisions. All amendments will be included in a further sLCM, along with the non-government amendment referenced above.

Considering the above proposed amendments, and to ensure a further sLCM can be laid and considered ahead of the motion debate, I have moved the date of the debate to 17 March. This will enable the Senedd to consider a more finalised version of the Bill.

I would like to thank you and the Committee for your work on the Bill to date.

Yours sincerely



**Lynne Neagle AS/MS**  
Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

Copied to: Buffy Williams, Chair, Children, Young People and Education Committee