

SL(6)602 – The Education (Information about Children in Independent Schools) (Pilot) (Wales) Regulations 2025

Background and Purpose

These Regulations place a statutory duty on proprietors of independent schools in Wales to share information about children on roll with them, with the local authority where the child is ordinarily resident.

According to the Explanatory Memorandum, the information is required by the local authority so that they can be assured that the child is not missing education (CME) and be assured that they do not need to undertake enquiries in relation to that child.

These Regulations are being made for pilot purposes only and cease to be in effect six weeks after they come into force.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

In Schedule 1 to these Regulations, the names of a few of the pilot local authorities are slightly different when compared with Schedule 1 to the Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025 –

- a) in these Regulations, it refers to “Gwynedd Council” but in the other Regulations it refers to “Gwynedd **County** Council”. In the Welsh text, this also means that the name of this Council is not listed according to alphabetical order in Schedule 1 to these Regulations as it is listed as “Cyngor Gwynedd” rather than “Cyngor **Sir** Gwynedd”;



- b) in the English version of these Regulations, it refers to the “Rhondda Cynon Taff County Borough Council” but in the other Regulations it refers to the “Rhondda, Cynon, Taff County Borough Council”. In addition, “Taff” is spelt as “Taf” on the council website.

Please could clarification be provided as to the names of the above pilot local authorities.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

2. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

There is a sunset provision included in the Regulations. Regulation 1(2) provides that the regulations will come into force on 8 April 2025 and cease to have effect on 20 May 2025.

3. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The proprietor of an independent school in Wales is required to disclose to a relevant local authority, by 20 May 2025, specified information it holds in relation to a child who is a registered pupil at that school. Seven local authorities will be involved in the pilot. These are Cardiff County Council, Carmarthenshire County Council, Gwynedd County Council, Isle of Anglesey County Council, Monmouthshire County Council, Powys County Council and Rhondda Cynon Taff County Borough Council.

Welsh Government response

A Welsh Government response is required for point one only.

Legal Advisers

Legislation, Justice and Constitution Committee

26 March 2025

