

To: Business Committee

From: Jane Hutt AM
Minister for Finance and Leader of the House

Date: 26 October 2011

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (LCM) FOR THE EDUCATION BILL

Issue

1. To consider the supplementary Legislative Consent Memorandum for amendments tabled to the Education Bill, in accordance with Standing Order 29.4 A copy of the Memorandum tabled on 13th October is attached at Annex A.

Background

2. The UK Government tabled an amendment to the Education Bill on 11 October 2011, which, subject to the will of Parliament, makes provision to impose sanctions on qualification awarding organisations. The Minister for Education and Skills has agreed that equivalent provisions be applied to Wales.
3. This amendment will ensure that there is compatible provision in Wales to be able to withdraw recognition from recognised body (awarding body); give clear direction where there is a failure to comply with a condition and the ability to impose a monetary penalty in circumstances where a recognised body has failed to comply with a condition. As Awarding bodies offer qualifications across Wales, England and Northern Ireland and more than half of the Welsh Joint Education Committee (WJEC) certificated award for GCSE and A levels are candidates in England it will ensure that the same powers of enforcement are applied to all candidates. The amendment also makes provision for recognised bodies to appeal against a decision to impose a monetary penalty and will not alter the Welsh Government's policy.
4. The Memorandum at Annex A provides the detail and reasoning as to why the Welsh Government considers it appropriate for provision to be made in this Parliamentary Bill when the Assembly has legislative competence for this matter.
5. The Bill completed report stage and is currently waiting its third reading in the House of Lords 4 November 2011.

Advice

6. Under Standing Order 29.4 the Business Committee may refer any legislative consent memorandum to a committee or committees for consideration. However, as the Bill is at a very late stage in its Parliamentary consideration, the Welsh Government would consider it appropriate on this occasion to pass this LCM for debate in plenary.

Recommendation

7. The Business Committee is asked to consider the LCM and agree that, due to the Bill's advanced progress through its Parliamentary stages and the limited time available for scrutiny, this LCM be passed for debate in plenary without Committee scrutiny.