

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JMEWL/4120/21

Rt Hon Nadhim Zahawi MP
Secretary of State for Education
Sanctuary Buildings Great Smith Street
Westminster
London SW1P 3B

13 December 2021

Dear Nadhim

Thank you for your letter of 2 December in connection with the UK Government's amendments tabled to the Skills and Post-16 Education Bill at House of Commons Committee stage and your updated devolution analysis of the Bill.

Local Skills Improvement Plans

The UK Government's amendments tabled on 23 November and subsequently agreed at Commons Committee stage on 2 December remove Welsh further and higher education institutions from the scope of the local skills improvement plans duties under clause 1 of the Bill. I am pleased to confirm that the amendments address my concerns about the imposition of statutory duties on Welsh institutions.

I welcome the constructive engagement that has taken place between our officials and your recognition of the devolved matters affected by the local skills improvement plans proposals. In light of the amendments made to the Bill I consider that **clauses 1 and 4** no longer require the consent of the Senedd.

Devolution analysis of the Bill

Thank you for providing your updated devolution analysis of the Bill.

I consider **clause 15** (clause 14 in the Bill as introduced) engages section 107(6) of the Government of Wales Act 2006. The Legislative Consent Memorandum which I laid before the Senedd in July indicates that I am content to recommend that the Senedd gives its consent in respect of this clause.

I agree with your conclusions regarding **clauses 27, 28 and 35** concerning insolvency and designation arrangements. It is my view that these clauses do not require the legislative consent of the Senedd.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Jeremy.Miles@llyw.cymru
Correspondence.Jeremy.Miles@gov.wales

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.

Clause 17 concerning Universal Credit conditionality does not, in my view, require the legislative consent of the Senedd.

Finally, in respect of **clauses 18 and 25** my view is that these clauses would require the consent of the Senedd if they remained in the Bill. It is important that any legislation affecting further and higher education in Wales takes into consideration the specific Welsh context. It appears that these clauses have not taken either the devolution settlement or the Welsh context into account. I am therefore pleased to note that the UK Government has tabled amendments which seek to remove them from the Bill.

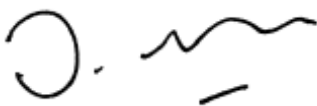
I have laid a further supplementary [Legislative Consent Memorandum \(Memorandum No. 3\)](#) in respect of amendments to the Bill.

Prohibition of essay mills

I would also like to note the amendments accepted at House of Lords Report stage on essay mills. I consider a UK-wide approach is needed to tackle this issue. I am encouraged to note Baroness Barran, in her letter to peers on 6 October, stated that the UK Government does want to continue discussions on a UK-wide approach to this issue with the devolved governments. I discussed this matter with your colleague Michelle Donelan MP, Minister of State for Higher and Further Education, on 8 December and I am pleased that she is supportive of joint working. I am grateful for the continued engagement of your officials with my officials during the passage of the Bill. This is something I support and encourage. I hope that discussions at official level to consider how a UK-wide approach to tackling essay mills might be achieved can commence as soon as possible.

I am copying this letter to the Secretary of State for Wales, to my colleague Vaughan Gething MS, Minister for Economy and to Jayne Bryant MS, Chair of the Children, Young People, and Education Committee, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee and Paul Davies MS, Chair of the Economy, Trade, and Rural Affairs Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. Miles', with a wavy line underneath.

Jeremy Miles AS/MS
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