

CYPE(6)-21-23 – Papur i'w nodi 3

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Legislation, Justice and Constitution Committee

Jayne Bryant AS
Cadeirydd, Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Annwyl Jayne,

Canllawiau Llywodraeth Cymru ar Addysg Ddewisol yn y Cartref

Fel y gwyddoch, cafodd ein Pwyllgor sawl eitem o ohebiaeth mewn perthynas â'r Canllawiau a gyhoeddwyd gan Lywodraeth Cymru ar Addysg Ddewisol yn y Cartref.

Ceir yn yr atodiad i'r llythyr hwn enghraifft o'r ymateb yr ydym wedi ei anfon at y rhai a ysgrifennodd atom, ar ôl inni drafod y mater hwn yn ein cyfarfod ar 12 Mehefin.

Yn gywir,

Huw Irranca-Davies

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Cadeirydd

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4 Gorffennaf 2023



Thank you for your e-mail of xx May/June regarding the publication of the Welsh Government's Elective Home Education statutory guidance on 12 May 2023. We considered e-mail correspondence on this matter at our meeting of 12 June 2023.

As you may be aware, one of the functions of the Legislation, Justice and Constitution Committee is to report on subordinate legislation laid before the Senedd by the Welsh Government. In so doing, the Committee's scrutiny is guided by the requirements set out in the Senedd's Standing Orders (specifically Standing Orders 21.2, 21.3 and 21.7).

In accordance with the Standing Orders, we are able to consider any subordinate legislation related to home schooling that is laid before the Senedd. We may also consider any legislative matter of a general nature within or relating to the competence of the Senedd of the Welsh Ministers.

The guidance in question does not constitute subordinate legislation. In addition, I would add that there is no requirement for the guidance to be laid before the Senedd; the only requirement in the *Education Act 1996* is that guidance is published by the Welsh Ministers in such manner as they think fit. They have chosen to do this by publishing the guidance online.

Any decision regarding the lawfulness of the guidance is a matter for the courts.

I understand that the Children, Young People and Education Committee will be writing to the Minister for Education and Welsh Language about the guidance and I have therefore drawn this correspondence to the attention of Jayne Bryant MS, the Chair of that Committee.