

Constitutional Affairs Committee

Report: CA(3)-08-11 : 24 March 2011

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Time: 9.30 am

Venue: Committee Room 1, Senedd

Assembly Members in attendance

Janet Ryder, North Wales (Chair)
Alun Davies, Mid and West Wales
William Graham, South Wales East
Rhodri Morgan, Cardiff West
Kirsty Williams, Brecon and Radnorshire

Apologies.

There were no apologies.

The Committee reports to the Assembly as follows:

Instruments and Draft Instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2 or 15.3

Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

CA566 - The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2011

Procedure: Negative.

Date made: 8 March 2011.

Date laid: 9 March 2011.

Coming into force date: 11 April 2011

CA567 - The Child Poverty Strategy (Wales) Regulations 2011

Procedure: Negative.

Date made: 7 March 2011.

Date laid: 9 March 2011.

Coming into force date: 6 April 2011

CA568 - The Student Fees (Qualifying Courses and Persons) (Wales) Regulations 2011

Procedure: Negative.

Date made: 8 March 2011.

Date laid: 9 March 2011.

Coming into force date: 31 March 2011

CA571 - The Fruit Juices and Fruit Nectars (Wales) (Amendment) Regulations 2011

Procedure: Negative.

Date made: 8 March 2011.

Date laid: 10 March 2011.

Coming into force date: 31 March 2011

CA572 - The Visits to Former Looked After Children in Detention (Wales) Regulations 2011

Procedure: Negative.

Date made: 8 March 2011.

Date laid: 10 March 2011.

Coming into force date: 1 April 2011

CA573 - The Education (Remission of Charges Relating to Residential Trips) (Wales) (Amendment) Regulations 2011

Procedure: Negative.

Date made: 9 March 2011.

Date laid: 10 March 2011.

Coming into force date: 6 April 2011

CA575 - The National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2011

Procedure: Negative.

Date made: 9 March 2011.

Date laid: 10 March 2011.

Coming into force date: 11 April 2011

CA576 - The Independent Health Care (Wales) Regulations 2011

Procedure: Negative.

Date made: 10 March 2011.

Date laid: 14 March 2011.

Coming into force date: 5 April 2011

CA577 - The Assembly Learning Grants (European Institutions) (Wales) Regulations 2011

Procedure: Negative.

Date made: 11 March 2011.

Date laid: 14 March 2011.

Coming into force date: 5 April 2011

Instruments in respect of which the Assembly is invited to pay special attention under Standing Orders 15.2 and/or 15.3

Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

CA574 – The Education (Free School Lunches) (Prescribed Tax Credits) (Wales) (Amendment) Order 2011

Procedure: Negative.

Date made: 9 March 2011.

Date laid: 10 March 2011.

Coming into force date: 6 April 2011

The Committee agreed the Report under S.O.15.3 on this statutory instrument, which is attached as Annex 1.

Other Business

Committee Correspondence

The Committee noted the response of the Minister for Health and Social Services' response to the Chair's letter regarding CA531 - The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011.

Janet Ryder AM

Chair, Constitutional Affairs Committee

24 March 2011

Annex 1

Constitutional Affairs Committee

(CA(3)-08-11)

CA574

Constitutional Affairs Committee Report

Title: The Education (Free School Lunches) (Prescribed Tax Credits)(Wales)(Amendment) Order 2011

Procedure: Negative

This Order amends the Education (Free School Lunches) (Prescribed Tax Credits) (Wales) Order 2003.

It prescribes, for the purpose of section 512ZB(4)(aa)(ii) of the Education Act 1996, that where C's parent

- is entitled to Child Tax Credit but not to Working Tax Credit and
- is receiving Child Tax Credit based on an annual income not exceeding £16,190,

C is entitled to free school lunches.

Technical Scrutiny

No points are identified for reporting under Standing Order 15.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 15.3 in respect of this instrument.

Under Standing Order 15.3(ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.

In the Regulatory Impact Assessment contained in the Explanatory Memorandum which accompanies this Order, the Welsh Government state that:-

“This Order imposes no additional costs or additional duties on schools or Local Authorities, and no formal RIA has been undertaken”.

However, as the Order retains the current Child Tax Credit threshold of £16,190 instead of applying the reduced and revised Child Tax Credit threshold of £15,860 which will apply in England from the 6 April

2011, a greater number of people are likely to be entitled to free school lunches in Wales than if the Order had not been made. This inevitably must have cost implications that should have been set out in the Explanatory Memorandum.

Janet Ryder AM

Chair, Constitutional Affairs Committee

24 March 2011

The Government has responded as follows:

The Education (Free School Lunches) (Prescribed Tax Credits) (Wales) (Amendment) Order 2011

This is the first year since 2002 that the Child Tax Credit annual income threshold has not been increased. If no amendment was made to the free school meal eligibility criteria, some families would have lost their entitlement to free school meals. We are therefore breaking the link with HMRC's Child Tax Credit threshold, and replacing it with an annual income threshold of £16,190, in order to ensure that those who are currently eligible for free school meals remain eligible and thus minimise the practical impact on families and schools.

It is estimated that about 65 children who are currently in receipt of free school meals would no longer have been eligible if the free school meal criteria continued to be linked with the Child Tax Credit annual income threshold from 6 April. Breaking the link therefore means that the financial implications for local authorities remain the same.

The Department for Education have also made an amendment to their Order and therefore the eligibility criteria for free school meals in England and Wales will be the same.