

**Constitutional and Legislative Affairs Committee Report  
CLA(4)-21-13**

**CLA301 - The Education (Penalty Notices) (Wales) Regulations 2013**

These Regulations set out the arrangements for using education-related fixed penalty notices for regular non-attendance at school.

**Procedure: Negative**

**1. Technical Scrutiny**

No points are identified for reporting under SO 21.2 in respect of this instrument

**2. Merits Scrutiny**

Under Standing Order 21.3 the Assembly is invited to pay special attention to the instrument as follows:-

The Children and Young People Committee have recently undertaken an inquiry reviewing the effectiveness of the Welsh Government's policy and guidance to promote positive behaviour and attendance within education provision for pupils of compulsory school age. The Committee's report, which was published recently, makes reference and recommendations in relation to education-related fixed penalty notices. A link to the Committee report is included.

<http://www.senedd.assemblywales.org/documents/s19651/Report%20-%20August%202013.pdf>

(S.O. 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 Assembly.)

**3. Government Response**

Thank you for your draft SI report in connection with the Education (Penalty Notices) (Wales) Regulations 2013.

The Chair of the Children and Young People Committee has written to me with a copy of the Committee's Report of the Inquiry into Attendance and Behaviour. I will be responding to the Chair of the Committee and I will be happy to include you in my response.

**4. Committee Consideration**

The Committee considered the regulations and the Government's response to the draft report at its meeting on 23 September 2013 and raised concerns in line with the merits point above.

The Committee noted that the 40 day period within which the Assembly would need to debate any motion tabled to annul the regulations would begin on 23 September 2013.