# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

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| **TITLE** | **Consultation outcome - the Children Act 2004 Children Missing Education Database (Wales) Regulations** |
| **DATE** | **11 September 2024** |
| **BY** | **Lynne Neagle, Cabinet Secretary for Education** |

In January 2024 my predecessor made a statement announcing the publication of the Consultation on the ‘Children Act 2004 Children Missing Education Database (Wales) Regulations’. Today I am providing an update to Members on the outcome of that consultation, and on the proposed next steps.

Every child has a fundamental right to an education, regardless of where or how that is delivered. Children not receiving an education are unable to meet their potential, and are at increased risk of a range of negative outcomes that could have long-term damaging consequences for their life chances. Local authorities have a statutory duty to make arrangements to identify children living in their areas who are not pupils at school and not in receipt of a suitable education, and additional duties to safeguard and promote the welfare of all children. However, as there is no requirement on parents to inform their local authority if their child is not registered at a school within the area, local authorities may not be able to meet their duties in relation to all children they have responsibility for.

The consultation provided stakeholders and members of the public with an opportunity to have their say on the ‘Children Act 2004 Children Missing Education Database (Wales) Regulations’. The regulations place a requirement on local authorities to establish databases of children who may be missing education, and on local health boards to share basic, non-clinical information with local authorities to help them identify children. These new powers will enable local authorities to compile a reasonably complete database of children who are either not on any education register, or not known to be in receipt of a suitable education, to assist them in identifying children who may be missing education. Only information relating to children who have been identified by the local authority as potentially missing education, will be held on the database.

I am mindful that discussions about these policy proposals have been ongoing for some time and have been subject to extensive consultation and development. This is a second consultation in relation to local authority education databases. The first, held in 2020, resulted in significant revisions to the initial proposals to address concerns raised by some stakeholders, and home educating parents and carers in relation to proportionality and scope.

I would like to be clear that these proposals are not about elective home education; the regulations are aligned with the ‘children missing education’ statutory guidance and aim to provide a mechanism for local authorities to identify children who are missing education. I fully acknowledge the decision of some parents to home educate if it is in the best interests of the child, but balanced against this is the need to ensure local authorities have the necessary information to be able to undertake their duties. These duties apply to all children, regardless of how or where they are educated. As set out within the statutory guidance, children missing education are children who are not in receipt of a suitable education at school or otherwise. This may include children who are not known to the local authority.

It has taken time to consider all responses received from this consultation in full, and to determine what, if any, revisions should be made to the children missing education policy proposals. In total, 359 responses were received via both the online consultation and the separate consultation engagement exercises. I was pleased to see that responses were received from a wide range of organisations, sectors and individuals, including from children and young people. This ensured that different viewpoints were considered, across a range of different aspects.

The consultation responses indicated that opinions on these proposals remain divided, with the majority of individuals and home educators who responded strongly opposed to the introduction of any legislation. However, the majority of local authorities and those organisations with responsibility for children and children’s rights were of the opinion that regulations are necessary to identify children who may be missing education. An independent analysis was undertaken by OB3 and this draws out some of the key messages from different stakeholders.

After careful consideration of all responses, I have agreed to progress plans to implement the Children Act 2004 Children Missing Education Database (Wales) Regulations, and the Education (Information about Children in Independent Schools) (Wales) Regulations.

To determine the effectiveness of the regulations in identifying children who may be missing education, and to identify any practical difficulties that may need to be addressed, I have agreed that the database arrangements will be piloted across a small number of local authorities for the first year. The pilot will undergo a full evaluation, with any required changes made ahead of the proposed wider roll-out across Wales.

A high level analysis of the consultation responses is available on the Welsh Government website*:* [Children missing education database | GOV.WALES](https://www.gov.wales/children-missing-education-database)

This statement is being issued during recess in order to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.