

Draft Regulations laid before Senedd Cymru under section 66(3) of the Children Act 2004, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2025 No. (W.)

EDUCATION, WALES

**The Children Act 2004 (Children
Missing Education Database)
(Pilot) (Wales) Regulations 2025**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 29 of the Children Act 2004 and apply to the establishment and operation of a children missing education (“CME”) database in Wales. The Regulations come into force on 8 April 2025.

A pilot local authority (as defined in regulation 2(1) and Schedule 1) will be required to establish and operate a CME database (regulation 3) that will contain the information set out in Schedule 2 to the Regulations in respect of children of compulsory school age who are ordinarily resident in the pilot local authority’s area.

A Local Health Board and general medical services contractor in Wales will be required to disclose to a pilot local authority certain information specified in the Schedule that is held by them (regulation 4). A pilot local authority must take reasonable steps to ensure that the information in the database is accurate (regulation 5).

Regulations 6 to 11 detail the occasions when a child’s name must be removed from a CME database.

Regulation 12 details who may have access to the database and for which education functions it may be used.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these

Regulations. A copy can be obtained from Equity in Education, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

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2025 No. (W.)

EDUCATION, WALES

**The Children Act 2004 (Children
Missing Education Database)
(Pilot) (Wales) Regulations 2025**

Made

Coming into force

8 April 2025

The Welsh Ministers in exercise of the powers conferred by sections 29(1)(a) and (5) of the Children Act 2004⁽¹⁾, and with the consent of the Secretary of State⁽²⁾, make the following Regulations.

A draft of these Regulations has been laid before and approved by a resolution of Senedd Cymru in accordance with section 66(3) of the Children 2004 and paragraph 34 of Schedule 11 to the Government of Wales Act 2006⁽³⁾.

Title, commencement, expiry and application

1.—(1) The title of these Regulations is the Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025.

(2) These Regulations come into force on 8 April 2025 and cease to have effect on 8 April 2026.

(3) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

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- (1) 2004 c. 31. The functions of the National Assembly for Wales under these sections were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
(2) See section 29(12) of the 2004 Act.
(3) 2006 c. 32.

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996⁽¹⁾;

“the 2018 Act” (“*Deddf 2018*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018⁽²⁾;

“additional learning needs” (“*anghenion dysgu ychwanegol*”) has the same meaning as in section 2 of the 2018 Act;

“additional learning provision” (“*darpariaeth ddysgu ychwanegol*”) has the same meaning as in section 3 of the 2018 Act;

“child” (“*plentyn*”) means a person of compulsory school age;

“compulsory school age” (“*oedran ysgol gorfodol*”) has the same meaning as section 8 of the 1996 Act⁽³⁾;

“CME” (“*PCA*”) means children missing education;

“the CME database” (“*y gronfa ddata PCA*”) means the database established and operated, or to be established and operated, by a pilot local authority under regulation 3;

“CME record” (“*cofnod PCA*”), in relation to a child, means the information relating to that child contained in the CME database;

“local authority in England” (“*awdurdod lleol yn Lloegr*”) means—

- (a) a county council in England;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London borough council; and
- (e) the Common Council of the City of London (in their capacity as a local authority);

“local authority in Wales” (“*awdurdod lleol yng Nghymru*”) means the council of a county or county borough in Wales;

“parent” (“*rhiant*”) means any person with parental responsibility for the child (within the meaning of section 3 of the Children Act 1989⁽⁴⁾) or who has care of the child at any time;

“pilot local authority” (“*awdurdod lleol peilot*”) means a local authority in Wales listed in Schedule 1;

(1) 1996 c. 56.

(2) 2018 anaw 2.

(3) Section 8 was amended by section 52 of the Education Act 1997 (c. 44).

(4) 1989 c. 41.

“registered pupil” (“*disgybl cofrestredig*”) means a child registered as a pupil at a school in a register kept under section 434 of the 1996 Act;

“school” (“*ysgol*”) has the same meaning as in section 4 of the 1996 Act⁽¹⁾;

“suitable education” (“*addysg addas*”) has the same meaning as in section 436A(3) of the 1996 Act.

(2) In these Regulations, any reference to a person employed includes a person employed whether under a contract of service or a contract for services, and a person seconded to the pilot local authority in question.

Establishment of CME database

3.—(1) A pilot local authority must establish and operate a CME database.

(2) Where the conditions in paragraph (3) are met in relation to a particular child, the CME database must include the information set out in Schedule 2 that is available to the pilot local authority in relation to that child.

(3) The conditions are that—

- (a) the child is ordinarily resident in the pilot local authority’s area,
- (b) the child is not a registered pupil, and
- (c) it appears to the pilot local authority that the child is not, or may not be, receiving a suitable education.

Local Health Board and GMS contractor duty to disclose

4.—(1) Paragraph (2) applies where a Local Health Board, in the exercise of its functions under Part 4 of the 2006 Act, or a GMS contractor, holds any of the information specified in paragraphs 1 to 3 of Schedule 2 in relation to a child who is usually resident in a pilot local authority’s area.

(2) A Local Health Board and a GMS contractor must secure that the information it holds, which is specified in paragraphs 1 to 3 of Schedule 2 in relation to a child, is disclosed to the child’s relevant pilot local authority by 30 April 2025.

(3) The child’s “relevant pilot local authority” is the pilot local authority in whose area the child is usually resident.

(1) Section 4 has been amended by section 51 of the Education Act 1997 (c. 44), Part 3 of Schedule 22 to the Education Act 2002 (c. 32), section 95 of the Childcare Act 2006 (c. 21), paragraph 9 of Schedule 13 to the Education Act 2011 (c. 21) and S.I. 2019/1027.

(4) In this regulation—

“the 2006 Act” (“*Deddf 2006*”) means the National Health Service (Wales) Act 2006(1);

“GMS contract” (“*contract GMC*”) means a general medical services contract under section 42 of the 2006 Act (general medical services contracts: introductory);

“GMS contractor” (“*contractwr GMC*”) means a party to a GMS contract, other than the Local Health Board;

“usually resident” (“*preswyllo fel arfer*”) has the same meaning as in regulation 2(2) and (3) of the Local Health Boards (Directed Functions) (Wales) Regulations 2009(2).

Procedure for ensuring the accuracy of information in the CME database

5. Where it appears to a pilot local authority that a CME record for which it is responsible is, or may be, inaccurate or incomplete, the pilot local authority must take reasonable steps to correct the inaccuracy or to complete the record.

Removal of a CME record: child is ordinarily resident elsewhere

6. Where a pilot local authority becomes aware that a child whose name is included in the CME database has, or is likely to become, ordinarily resident in the area of another local authority in Wales or a local authority in England (“the receiving local authority”) it must—

- (a) inform the receiving local authority of the child’s CME record within 28 days of the date that it became aware, and
- (b) remove that child’s CME record from the CME database as soon as reasonably practicable after the child has left its area.

Removal of a CME record: child has left area

7. Where a pilot local authority becomes aware that a child whose name is included in the CME database has left its area and it does not know where the child has become ordinarily resident, the pilot local authority must remove that child’s CME record from the CME database as soon as is reasonably practicable.

(1) 2006 c. 42.

(2) S.I. 2009/1511 (W. 147).

Removal of a CME record: child becomes registered pupil

8. Where a pilot local authority becomes aware that a child whose name is included in the CME database has become a registered pupil, the pilot local authority must remove that child's CME record from the CME database as soon as is reasonably practicable.

Removal of a CME record: child is receiving suitable education

9. Where a pilot local authority is satisfied that a child whose name is included in the CME database is receiving a suitable education, the pilot local authority must remove that child's CME record from the CME database as soon as is reasonably practicable.

Removal of a CME record: child has died

10. Where a pilot local authority becomes aware that a child whose name is included in the CME database has died, the pilot local authority must remove that child's CME record from the CME database as soon as is reasonably practicable.

Removal of a CME record: child ceases to be of compulsory school age

11. Where a pilot local authority becomes aware that a child whose name is included in the CME database ceases to be of compulsory school age, the pilot local authority must remove that child's CME record from the CME database as soon as is reasonably practicable.

Access to the CME database

12.—(1) Only a person employed by, or acting on behalf of, a pilot local authority in relation to the exercise of the functions specified in paragraph (2) may have access to the CME database for the purpose of adding or reading information.

(2) The functions referred to in paragraph (1) are functions under—

- (a) Part 6 (school admissions, attendance and charges) of the 1996 Act,
- (b) section 175 of the Education Act 2002⁽¹⁾ (duties of local authorities and governing bodies in relation to welfare of children), or
- (c) Part 2 (additional learning needs) of the 2018 Act.

(1) 2002 c. 32, to which there are amendments not relevant to these Regulations.

Name
Cabinet Secretary for Education, one of the Welsh
Ministers
Date

SCHEDULE 1 Regulation 2

Pilot Local Authorities

Cardiff County Council

Carmarthenshire County Council

Gwynedd County Council

Isle of Anglesey County Council

Monmouthshire County Council

Powys County Council

Rhondda, Cynon, Taff County Borough Council

SCHEDULE 2 Regulations 3
and 4

**Information to be included in the CME
database**

- 1.** The child's name (including any former name).
- 2.** The child's address (or last known address) including postcode.
- 3.** The child's date of birth.
- 4.** The name, address and postcode, telephone number and email address of all parents of the child.
- 5.** The name and address of the person providing all or part of the education.
- 6.** Any additional learning needs that the child may have and any additional learning provision that is called for.