



**Families First
in Education Wales**

Website: familiesfirst.wales

Email:

Date: 13 June 2024

To: ElectiveHomeEducation@gov.wales

Cc: Correspondence.Lynne.Neagle@gov.wales

Dear Equity in Education Team,

Thank you for your letter of 30 April in response to ours of 8 April.

It is correct that the Welsh Government can target consultations about any matter at whichever groups it thinks are appropriate. However, in so doing it should not mislead members of the public. This is even more important when those who have been misled are those who will be significantly affected by the proposals under consideration.

It seems to us that when the targeted nature of the “child friendly version of the consultation documentation” was announced in “the Children’s Right’s Impact Assessment” [sic], the description of the targetting was very misleading, given the narrative of your most recent reply. The final two paragraphs of s5, “Communicating with Children and Young People” read (emphasis added):

“We will be consulting on the revised proposal, and this will again be open to **all** children and young people.

Given the complex nature of this work, we intend to undertake a targeted consultation with children and young people on these proposals as this is likely to be more effective in gauging and collating views. **A child friendly version of the consultation documentation will be prepared to support this engagement.**”

Since December 2018 the Welsh Government has consistently linked the introduction of registers/databases of home educated children with other measures concerning them. On 18 December of that year, the then Cabinet Secretary for Education, Kirsty Williams, responded to a [written question](#) from Simon Thomas, Plaid Cymru (Carmarthen West and South Pembrokeshire) about the steps being taken “to protect home-educated children.” Amongst other things, the Minister stated:

“I have accepted, in principle, the recommendation by the Children’s Commissioner for Wales for **a statutory register for home-educated children** and will be working with the Commissioner to take this forward.

To help support local authorities identify home-educated children in their area, I will be challenging current ways of working to ensure we maximise opportunities for further strengthening collaborative approaches to protect the rights of these children to receive an education and to be safe.”

Whilst the description of the promised registers has been adjusted over the years - a process which is well documented - the objective clearly remains the same as that demanded by Sally Holland, the previous Children’s Commissioner, and adopted as policy by a previous administration.

All children who are on a school roll but have stopped attending are already ‘known’ to the relevant authorities, and therefore will *not* be flagged up by comparing data from LHBs with school rolls. Though truly CME, these young people will potentially *not* be placed on the proposed database. This exercise will only identify children who are ‘not on a school roll,’ the majority of whom will be electively home educated and receiving an education which is suitable to their age, aptitude and abilities (including any ALN they may have) - and thus not CME. There may be a very small number of children who are not registered at a school and who are genuinely CME, but this will be a very inefficient way of locating them.

What is clear, no matter how the 'purpose' of the databases is described, is that the overall exercise will be used to populate LA lists of EHE children, for which there is no legislative authority for LAs to collect or retain data on these children and their families, without their explicit consent.

Home educating families know this very well and are frustrated that, despite a commitment that the child friendly documentation would support "engagement" with "all children and young people" in Wales, it appears the Welsh Government only directed the documentation towards home educating children as an afterthought.

Further, it seems that the catalyst for circulating the documents to ourselves and to home educating groups, was when questions about them were received by your department. The late scheduling and advertising of consultation sessions for home educated young people, along with a complete failure to consult with home educating families about the best way to engage with their children, also strengthen the perception that there was no original intention of offering the children's and young people's documentation to home educated children. The brevity of your Department's email to us on 23 March only strengthens the misleading nature of the wording in the Children's Rights Impact Assessment. It was clearly not open to all children in Wales.

In your email of 23 March you stated, "we have shared this with our networks who we have asked to support reaching children and young people." In the light of that statement, and as a Freedom of Information Request, please provide a full list of all organisations in "your networks" whom you asked to support you with "reaching children and young people," the dates on which you approached each of them, and the number of responses received via each partner organisation.

In case you are not prepared to process a FOI Request expressed as part of this letter, one of our team will submit an identical one later today via the What Do they Know website.

We look forward to hearing from you.

Yours sincerely,

Families First in Education Wales