

# Agenda – Children, Young People and Education Committee

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Meeting Venue:	For further information contact:
Hybrid – Committee room 4 Tŷ Hywel and video conference via Zoom	Naomi Stocks Committee Clerk
Meeting date: 25 June 2025	0300 200 6565
Meeting time: 09.30	<a href="mailto:SeneddChildren@senedd.wales">SeneddChildren@senedd.wales</a>

## Hybrid

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### Private pre-meeting

09.15 – 09.30

### public meeting

09.30 – 11.40

### 1 Introductions, apologies, substitutions and declarations of interest

09.30

### 2 Issues facing the Higher Education Sector – evidence session

09.30 – 10.30 (Pages 1 – 33)

Lynne Hackett, Lead Officer for Higher Education, UNISON Cymru

Dan Beard, Lay Chair, Higher Education Forum, UNISON Cymru

Gareth Lloyd, Wales Official, University and College Union

Jamie Insole, Policy Officer, University and College Union

Attached Documents:

Research brief

Paper 1 – UNISON

Paper 2 – University and College Union

Private paper – Supplementary confidential information



## **Break**

10.30 – 10.40

## **3 Issues facing the Higher Education Sector – evidence session**

10.40 – 11.40

Deio Owen, President, NUS Cymru

## **4 Papers to note**

11.40

### **4.1 Legislative Consent: Children’s Wellbeing and Schools Bill**

(Pages 34 – 44)

Attached Documents:

Information from Home Ed Cymru

### **4.2 Welsh Government Draft Budget 2025–26**

(Pages 45 – 48)

Attached Documents:

Letter to the Cabinet Secretary for Finance and Welsh Language from the Chair of the Finance Committee

### **4.3 Information from Stakeholders**

(Pages 49 – 55)

Attached Documents:

Briefing note from the Bevan Foundation

#### **4.4 Issues facing the Higher Education Sector**

(Pages 56 – 57)

Attached Documents:

Letter to the Chair of the Children, Young People and Education Committee  
from Chair of Council, Cardiff University

#### **4.5 Information from Stakeholders**

(Pages 58 – 64)

Attached Documents:

Briefing note from the Children’s Legal Centre and the Children’s Rights  
Alliance for England

### **5 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of this meeting**

11.40

### **6 Issues facing the Higher Education Sector – consideration of the evidence**

11.40 – 12.10

(Pages 65 – 67)

Attached Documents:

Legal Services – Derogations

### **7 Implementation of education reforms – scope and approach for the final check-in**

12.10 – 12.20

(Pages 68 – 86)

Attached Documents:

Scoping paper

Research paper

## **8 Supplementary Legislative Consent: Children's Wellbeing and Schools Bill**

12.20 – 12.30

(Pages 87 – 96)

Attached Documents:

Legal Advice Note

Letter from the Cabinet Secretary for Education

Letter from the Children's Commissioner for Wales

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# Issues facing the Higher Education sector

UNISON paper for Senedd Children, Young People & Education Committee  
June 2025

## Summary

Welsh universities are in crisis. Hundreds of job losses are expected with a catastrophic effect on staff, institutions, students, communities and the Welsh economy.

It's dishonest for universities to talk about enhancing the student experience when this is significantly undermined by the scale of job cuts.

There's an urgent need for Welsh government to decide what it wants the HE sector to deliver and for this to be properly funded. It must produce a detailed industrial strategy which outlines the skills and number of graduates Wales requires for the future across a range of jobs and ensure universities have the capacity to train these young people.

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## A crisis unfolding

Welsh Higher Education Institutions (HEIs) are in an absolutely dire financial situation. With a very tough funding settlement and facing shortfalls of millions of pounds, they have responded by proposing hundreds of redundancies. The scale of the crisis and likely eventual job losses will be devastating for Wales.

Student numbers in Higher Education have dropped dramatically over the last 14 years. Today, we have the lowest number of Welsh student applicants in years and are particularly exposed to the significant decline in international students wishing to study in the UK. This has been described as a perfect storm for Welsh HEIs.

All eight universities are cutting jobs. They have almost finished redundancies amongst the business and professional support staff and now they are reviewing academic staff numbers. UNISON members note redundancies have not really impacted on HEIs highly paid senior management.

This short paper details the urgency of the situation and the need for Welsh government intervention and reinforces the positive impact universities have on their local communities and the wider Welsh economy.

### **UNISON Cymru call for action**

Welsh government provided £18.5m of support to Welsh HEIs in February this year, but in a context where Cardiff University alone has a £30m shortfall, clearly this sum is nowhere near enough.

Additional funding is essential. However, more importantly this should be directed by a clear idea of what Welsh government wants from its HEIs and informed by a detailed industrial strategy planning the skills and jobs Wales needs for the future. Once that has been determined, universities should be funded appropriately.

Simplifying here to provide an easy example, a strategy might include:

By year X Wales needs Y amount of Z workers (for example, social workers, teachers, nurses and doctors, police, etc.) who need to be trained at our HEIs.

Without a strategy and funding, Welsh universities will continue to contract, shedding staff and closing unprofitable courses. The number of professionals available to enter each sector in Wales will reduce.

Without Welsh government intervention, there will be a year-on-year reduction in staff, damaging the reputation of our HE sector. Universities may not be in the public sector (they are classed as charitable organisations), but they are doing a public service.

We also urge Welsh government to urgently work with the UK government to review the visa situation for foreign students. Though this is a more short-term measure and a more sustainable funding model is required.

Frustratingly, Welsh government seems to be waiting to see how the UK government responds before it reacts. The gravity of the situation means we can't afford to wait. If no action is taken, the sector will continue to contract. HEIs and their staff are desperate to learn when Welsh government will intervene.

Job cuts now mean talented people are leaving the sector in large numbers. Welsh HEIs face a brain drain and there is a risk if universities further contract that young people here either decide university is no longer an attractive option, or that they leave to study at an English university that still offers the course they are interested in.

### **Governance and unions as social partners**

The HE sector is not covered by the social partnership duty and it cannot be right for staff members to first learn of serious problems with their employer from the evening news.

When trade unions are trusted and valued as true partners, consulted at the outset and throughout, more creative and fairer responses could surely have been found to the challenges faced, than blanket mass redundancies.

There is an obvious argument in favour of more employee/trade union voices representation on the senior management boards.

### **Marketisation has failed and the outlook is bleak**

Marketisation has failed on all counts. It has encouraged universities to operate as a business, focused on profit and away from providing education and learning that is open to all and free.

Marketisation means universities are more likely to attract the children of higher earners than working-class people.

The introduction of tuition fees provided substantial new funding allowing universities to expand, but it was a flat fee. As the tuition fee lost value with inflation, universities sought new revenue with aggressive marketing to wealthy international students. This income disguised the fact there wasn't enough money to cover costs from home students.

Job cuts have meant for example that staff numbers at the University of South Wales have contracted by 5% over the last year. Other universities are not as far along the process, though the closure of Trinity Saint David's Lampeter campus has been covered in the media.

There is a real danger a university in Wales could collapse next year. Some are really struggling and are high on Medr's risk rating.

### **Disconnect with Further Education**

F.E. numbers are buoyant and more people than ever are studying, but they are choosing not to continue in HE and they are going down the vocational route. Wales has a lower proportion of 18-year-olds attending university than any other home country. This might be because of the levels of deprivation in Wales and young people judging a degree is not worth being saddled with huge debts.

### **Affected workforce – who are the business and professional support staff?**

Over the last few years, Welsh HEIs have targeted business and professional support staff in their drive to save money with mass voluntary redundancy programmes.

These staff are dedicated professionals and are critical to keeping Welsh universities running; they support the lecturers, maintain the buildings and look after the students. Their contribution to the whole student experience, including their academic attainment, is crucial. Job cuts inevitably damage this and it's nonsensical for universities to claim otherwise.

As the main trade union representing Higher Education business and professional support staff, UNISON Cymru represents thousands of members in administration (both support and managerial); domestic and housekeeping; maintenance; security; estates; academic; catering and coffee shops; sport; students' unions and nurseries.

They, as much as the teaching staff, make Welsh universities a success. Sadly though, Welsh HEIs have operated a two-tier approach to their employees and business and professional support staff suffer discrimination. This is explored in more detail on page 6.

### **Wider value of Welsh Higher Education Institutions**

Universities help drive Welsh economic success and are a key lever in helping deliver a fairer society by tackling the low skills base in this country and unlocking people's potential.

In many of Wales' smaller towns, the local HEI dominates employment opportunities and importantly, provides much better paid jobs than would otherwise be available in the area. In this way HEIs act as example employers. We are thinking here of Aberystwyth, Bangor and USW in the Valleys, these are good jobs, close to home.

Mass redundancies significantly deprive local high streets of income as spending power is greatly reduced. Taking people out of employment will mean the local authorities will receive less council tax and likely have to spend more on outreach services.

Higher education is vitally important providing the skilled staff for our other sectors including our health service and local councils. We want the strongest and most highly-rated universities here in Wales. Universities must be properly funded and staffed if they are to thrive.

The sector contributes many millions of pounds to the Welsh economy and each HEI is a major local economic hub. The Welsh economy is small and not particularly diverse and a further contraction of universities would have a significant negative financial impact.

### **Business and professional support staff are always on the receiving end**

Being a support staff worker in a Welsh university over the last ten years has been increasingly challenging. This group of workers have been the most vulnerable to mass job cuts as the financial model universities are based on has changed, along with other pressures.

Their pensions have been regularly threatened and benefits reduced in some HEIs. We have been active in supporting our members in confronting threats to privatise university services they might work in or use, such as creches and cleaning services.

There is a predominance of low pay and a growth in the use of zero hours and casual contracts along with a reliance on agency staff.

Now they are again threatened with redundancy and it is easy to understand why they feel unappreciated and unvalued.

Morale at Welsh universities has been badly undermined by a series of below-inflation pay awards.

This year's very poor pay offer of 1.4% continues that trend and there is no additional provision for the lowest paid staff. A 1.4% increase of course, is very different for a business and professional support employee earning £20,000 than a senior university executive earning £100,000 or more.

Employees are further negatively impacted by the practice of leaving support staff vacancies unfilled and general understaffing of departments. Asking workers to do much more with less, over a sustained period of years, is a common theme across Wales.

To counter this, Welsh universities need to urgently consider how they can be more attractive, rewarding and compassionate places to work.



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**Ms Buffy Williams MS**

**Chair of the Children, Young People & Education Committee**

**Date: 13/06/25**

**Email Only**

### **HE in Wales – Narrative Evidence**

#### **Sector Strain – no End in Sight**

In lieu of a foreword, we believe that the committee should take stock of the industrial environment as it stands.

During and following the Pandemic, positive Barnett consequentials generated additional funding. Emphasizing the need for 'an equality-led recovery', the Welsh Government made funding available for school and college improvement through various 'reform and recovery' budget streams.

More recently, UK fiscal constraints have dampened the mood of decision makers, disrupting the coherence of Welsh Government's response to challenges emerging from the hysteresis of the pandemic and historical underfunding. Where previously we saw a system-wide vision, this has since been replaced by budgetary triage as government attempts to engage the isolated aspects of a much deeper structural problem.

UCU Cymru notes that Higher Education has suffered systematic failure and neglect which, combined with the recent hike in operating costs, risks bringing many Welsh institutions to their knees. With at least one Welsh institution having experienced severe liquidity issues, the recent increase in employers NI contributions can only exacerbate operating pressures.

Nor can we ignore the role of corporate governance and its place in promoting short term and opportunistic planning. Whether through disadvantageous banking covenants or PFI, a number of institutions are experiencing the cumulative effects of past financial mistakes.

Against this background, UCU Cymru notes a variety of harmful effects which can only exacerbate inequalities by effectively excluding Welsh learners. As [reported](#) in February, Cardiff University is seeking to [raise](#) course entry tariffs and thereby 'lever' against a more 'reliable' and 'lucrative' student cohort. They hope that this, in turn, will enable the university to climb in the Russell Group League table, enabling the institution to capture a greater portion of the inherently risky international market (hence the decision to maintain high reserves as a 'cash cushion').

In summation, we would invite the committee to consider two overarching issues:

- Nowhere else in the Welsh public or not-for-profit sector, do we find a combination of job losses through voluntary severance, pay freezes and the very real risk of compulsory redundancy.
- In contrast to other bodies, universities are prevented from making a public case for more money on the basis that students will not apply to an institution if they think it is at risk.

### **Participation and Recruitment – More, Not Less**

Some policy makers have suggested that a fall in overall learner demand necessitates a reduction in the Welsh sector's capacity.

Around 30% of Welsh young people attend a university anywhere in the UK. This compares to 40% in Northern Ireland and just under 50% in Greater London. A [report](#) by Universities UK (UUK) found that Wales will need an additional 402,825 graduates by 2035 to fill jobs. Given that the Welsh economy currently comprises a 51% graduate workforce, it is clear we are confronting a skills deficit which threatens to exacerbate regional inequalities and arrest the development of the Welsh 'missing middle' – socially rooted medium-sized SME's.

Viewed from this perspective, it becomes clear that the real emergency centres on failing aspiration as opposed to low demand.

UCU Cymru is working closely with Welsh Government and Medr to design a suite of practical measures designed to boost Welsh learner participation. Departing from the assumption that pupils will aspire to something that they frequently experience, many of our ideas involve developing meaningful relationships between universities, colleges and schools whilst ensuring that HE has a visible profile in all Welsh primary and secondary settings.

### **International Recruitment – a Question of Consent**

UCU Cymru welcomes the massive cultural and intellectual contribution made by international students. Not only do they bring new wisdom to our campuses but also enrich Welsh communities.

Members of the Welsh Affairs Committee will be familiar with the fact that international recruitment not only subsidises research but also teaching in some institutions.

What has gone largely unnoticed is the degree to which localised low participation often coincides with resistance to migration and support for populist alternatives. The Brexit referendum demonstrated the extent to which consent can collapse when voters lived experiences contradict 'official arguments' which point to widely distributed benefits

For this reason, boosting participation amongst home students becomes a fundamental guarantor of consent both for post-16 education and international study. The contention that every Welsh child has the right to be enabled to study at a Welsh University or undertake a Welsh apprenticeship locates international applicants in a wider system that can benefit young people in every part of Wales, as well as the wider world.

### **Funding as 'the' Essential Lever**

Whilst not immediately obvious, institutions will ultimately follow funding. To that extent, along with Medr, UK and Welsh Government exert real influence over institutional behaviours.

For instance, following the collapse of international recruitment, many universities sought to expand home places to make up revenue on scale. However, that expansion took place ostensibly in 'low-cost courses' giving rise to a temporary bubble. It is against this background that some HEI's now seek to 'de lever' the 'home market' and once again enter an inherently riskier home terrain.

Accepting that fees are politically capped, the cost of more expensive courses such as STEM need to cover. The alternative is to careen towards an acceleration in boom, bust merger and decline.

### **Funding the Sector**

Supported by work undertaken by London Economics, [Hepi's](#) 2024 survey revealed that the most popular alternative model amongst students was a graduate levy – where higher education would be funded by an employer levy of 3 per cent on earnings over £25,000 for the graduates they hire.

Whereas this constitutes UCU Cymru official policy, the decision to raise Employer NI has complicated our advocacy.

During a 30 year expansion in university access, UK business's contribution to workforce investment has [declined](#) by over 50% (27% between 2011 and 2023 alone!).

UCU Cymru notes that the price of a degree is currently carried by learners, the exchequer and, whether experienced through pay deferment, recruitment freezes, job losses and increased workload, academics themselves.

Given the massive benefits which have accrued to larger businesses following the expansion of access, we see a coherent moral and economic argument for asking for a return. Moreover, we have sketched a plan whereby business which engage in socially desirable behaviours would receive a full or partial rebate. Accepting that this would constructively amount to central funding in some cases, it would lever government's ability to extract a broad range of reciprocal advantages as well as disarming the argument that 'those who do not go to university should not be made to pay for those who do'.

### **Social Partnership and Democratic Governance**

The 'Welsh Way' of social partnership is now firmly embedded both in the priorities of government and Medr's Strategic plan.

UCU Cymru's joint social partnership projects for instance in Coleg Cambria demonstrate the success of partnership. Solution focused relationships not only mitigate against the risk of strife but also provide the conditions for innovation.

However, whereas the threat of compulsory redundancies undermines good relations, actual compulsory redundancies will irretrievably damage relationships and inevitably result in prolonged industrial action as well as reputational harm.

In our UCU Cymru Senedd Manifesto, we are asking all parties to commit to pursuing and developing the social partnership agenda in the tertiary sector, with every college and university enjoying an opportunity to enter into genuine partnership in the 7th Senedd.

Similarly, the funding crisis in Welsh higher education has shone a light on both the best and the worst of HE governance. Whilst some institutions have opened their books and worked with trade unions as creative partners, others have fallen back on managerial diktat in pursuit of untested plans.

The past decades reveal a pattern of boom and bust in Welsh HE. Moreover, when institutions have miscalculated, all too often it is learners and staff who have been left to carry the cost. UCU Cymru believes that this cycle can only be broken through the democratization of university governance.

In addition to promoting medium-to-long term planning, democratic governance can tap expertise from below and act to stabilize the sector.

In our UCU Cymru Senedd Manifesto, we are asking all parties to commit to a Senedd Commission with the remit to explore the current state of university governance. Examining UK and International comparators, the Commission will report both to the Cabinet secretary and Medr during the first two years of the new Senedd.

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# Agenda Item 4.1

Dear members of the CYPEC,

You may recall how, on hearing that that amendments had been laid in the House of Commons enabling key clauses of the Children's Wellbeing and Schools Bill (CWS) Bill to be applied to Wales, we contacted you in March of this year with some initial concerns.

We now request that the following information be included in your discussions and deliberations regarding this Bill, including in your meeting on the 3<sup>rd</sup> of July 2025.

## **PROCESS:**

Since that time, more has emerged on the **process** of what the Counsel General and members of the Legislation, Justice and Constitution Committee have called the last minute "*piggy-backing*" of Wales onto what had been laid before Parliament in Westminster as an "*England-only*" Bill.

Analysis of the recent Evidence Session of the Legislation, Justice and Constitution Committee (LJCC) at the Senedd of 12<sup>th</sup> March 2025 highlights a number of key concerns for us in Wales on the lack of input by the Welsh Government, let alone the people of Wales, into the content of the Bill, with only a very select few in Welsh Government being "**told**", at very late stages, of the content of the Bill, and those few then not informing Senedd Members until the very day that the amendments to apply a wide range of key and controversial clauses of the Bill were laid at Westminster.

We request that you consider this analysis of what was and was not said in that LJCC meeting:

<https://homeeducationaction.substack.com/p/welsh-governments-decision-to-piggy>

As also referenced here:

[https://familiesfirst.wales/legislation-justice-and-constitution-committee-seek-clarity-about-westminster-bill/?fbclid=IwY2xjawK2XcVleHRuA2FlbQlxMQBicmlkETBDMWZsSHlaTkkyYldMSm5QA R76eFlMaJN90V0qHWDYYgodyju\\_XVS5dGHXBF4i4Q-PLeneGixlgUo5Sfo1Yw\\_aem\\_Jk5aT9hI4hag-pm63Jg0nw](https://familiesfirst.wales/legislation-justice-and-constitution-committee-seek-clarity-about-westminster-bill/?fbclid=IwY2xjawK2XcVleHRuA2FlbQlxMQBicmlkETBDMWZsSHlaTkkyYldMSm5QA R76eFlMaJN90V0qHWDYYgodyju_XVS5dGHXBF4i4Q-PLeneGixlgUo5Sfo1Yw_aem_Jk5aT9hI4hag-pm63Jg0nw)

However, not only has there been **no opportunity for proper scrutiny of the content of the Bill by the Senedd**, let alone by the people of Wales, there are **considerable questions over the lack of scrutiny of the Bill while still at Westminster, even when it was an "*England-only*" bill.**

For example –

- the Bill was published in the House of Commons on the last day before the Christmas recess (17th December) and then debated on the first day of opportunity on return to session in January. MPs were on holiday in between, so there was no proper opportunity for scrutiny or for people to engage with their MPs to explore and present concerns.

- At the Call for Evidence stage, no-one in objection to the Bill was called to give evidence, and in particular no-one with experience of elective home education or alternative approaches to education. This is despite the profound implications of this bill for home education, including a quantum leap of shift in balance of power between families and the state. Hundreds of written submissions citing concerns and criticisms of the Bill were not published, meaning that these are not accessible to other MPs or peers in the House of Lords, whilst, as far as we can tell, any submissions in support of the Bill were published.

- At the Committee stage in the House of Commons, only minutes were allocated to the many clauses that relate to elective home education, and any attempt to raise concerns were swiftly dismissed and brushed aside without being explored or addressed.

And that's all before the intention for Wales to be "*piggy-backed*" onto the Bill was announced, even though appropriating these measures to Wales had been planned months before, as demonstrated in the chronology and account given by the Welsh Cabinet Secretary for Education, Lynne Neagle to the LJCC.

As you may be aware, many peers asked to speak in the 2nd reading of the Bill in the House of Lords. We have been told that the House of Lords broke its own rules in not allowing a second day for debate in that reading, given the numbers of people needing to speak, with the time each was allowed being dramatically reduced to only 5 minutes, despite the profound implications of an extremely wide-ranging Bill.

#### **CONTENT:**

Not only the **process** of the "*piggybacking*" of Wales into this bill is problematic. **The content** is even more profoundly concerning.

The danger is that anything that waves the terms "*safeguarding*" and "*wellbeing*" around is considered to be required, is considered to unquestionably be effective at delivering safeguarding rather than causing harm, and considered beyond criticism.

The danger is that people can be afraid to speak out against an unhealthy and counterproductive Bill just because it is termed a safeguarding measure, for fear of being accused or seen as not caring about the wellbeing of children.

The opposite is the case.

We ask that members of the CYPEC have the courage and determination to stand for full and thorough critical evaluation. The path to enhancing the lives of children is to fully critique and objectively evaluate any such Bill, to not accept any proposed measures without good cause to believe they are essential, effective, without harm to children and not counterproductive. The path towards that end is to hear and fully grasp the understanding of those with lived experience.

This Bill will do more harm than good in relation to safeguarding and wellbeing. It brings nothing new that would protect the most vulnerable, despite the government's attempts to politicise the death of poor Sara Sharif to justify the measures. This Bill brings nothing that would have benefitted that child, she was well known to many services, on a school roll for years, and multiple services failed on multiple occasions to use existing powers and fulfil existing duties to protect her.

The Bill does, however, damage the wellbeing, education and rights of many children. We would be very grateful for the opportunity to share with you just how this is the case. Attached is a simple overview of main concerns regarding the CNIS clauses of the Bill. We ask that each member of CYPEC would fully evaluate and consider each of these points and concerns.

### **LIKELY UNLAWFULNESS:**

Furthermore, since we contacted CYPEC in March 2025, no less than 4 independent KC legal opinions have been obtained that demonstrate a wide range of concerns on the likely unlawful nature of the Bill alongside the damaging impact it would have on a wide range of children and young people.

We ask that CYPEC considers each of these legal opinions, namely:

(1) HE UK have obtained this legal opinion on the CWS Bill from Steve Broach KC. Sadly, as in previous years, home educators have had to spend money crowdfunding yet another senior legal opinion to demonstrate the unlawfulness of various attempts by governments including the Welsh government to increase control over home educating families. That is money that such families would far prefer to have used to directly invest in their children's education, rather than be required to yet again defend their children's right to it. It is thus even more appropriate for members of the Senedd to give due attention to each point raised in this opinion.

[https://drive.google.com/file/d/12n3zogqiVJZ6aRaJR2Fjh4m41yOE2uqq/view?fbclid=IwY2xjawKmSPJleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR7vXM3mXJFr4M4gdBoKIYW4\\_X-u60DyNeTRaILa6\\_mplBxHLLJz4MxfwOS4zg\\_aem\\_Mowls0ys7BHw\\_51jBYmn3w](https://drive.google.com/file/d/12n3zogqiVJZ6aRaJR2Fjh4m41yOE2uqq/view?fbclid=IwY2xjawKmSPJleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR7vXM3mXJFr4M4gdBoKIYW4_X-u60DyNeTRaILa6_mplBxHLLJz4MxfwOS4zg_aem_Mowls0ys7BHw_51jBYmn3w)

(2) Education Otherwise have obtained this opinion by David Wolfe KC. This was submitted to the Bills Committee at Westminster but not discussed at Committee stage, and with no evidence of evaluation of it by Committee or MPs at Westminster.

[https://bills.parliament.uk/publications/58251/documents/5806?fbclid=IwY2xjawK2VbVleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5UsifyvmvfmPMzOkWYvt0wOVMtxrkctF1pphg5TYAiX1HYoR3jtC6OrlZDIQ\\_aem\\_JiEpYzopWkLaErXZmGk8rg](https://bills.parliament.uk/publications/58251/documents/5806?fbclid=IwY2xjawK2VbVleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5UsifyvmvfmPMzOkWYvt0wOVMtxrkctF1pphg5TYAiX1HYoR3jtC6OrlZDIQ_aem_JiEpYzopWkLaErXZmGk8rg)

(3) Christian Institute, who successfully brought the case to the Supreme Court against the so-called “Named Person Scheme” in Scotland, have published this opinion by Aiden O’Neill KC:

[https://www.christian.org.uk/wp-content/uploads/Aidan-ONeill-KC-legal-opinion-re-Childrens-Wellbeing-and-Schools-Bill.pdf?fbclid=IwY2xjawKmSBdleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR4N7N6n\\_OPhiUiZvqDPBfd2ZDnk1Or\\_gG6wuV9cQY0i8puXTVDV--KQxDGLw\\_aem\\_aXikCYjdlMuV-3QwLfympw](https://www.christian.org.uk/wp-content/uploads/Aidan-ONeill-KC-legal-opinion-re-Childrens-Wellbeing-and-Schools-Bill.pdf?fbclid=IwY2xjawKmSBdleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR4N7N6n_OPhiUiZvqDPBfd2ZDnk1Or_gG6wuV9cQY0i8puXTVDV--KQxDGLw_aem_aXikCYjdlMuV-3QwLfympw)

(4) The British Rabbinical Union have obtained this opinion – it is crucial to note that the CWS Bill impacts the rights and roles of all families, not just home educated children.

[https://britishrabbinicalunion.substack.com/p/hand-delivered-constitutional-appeal?utm\\_source=post-email-title&publication\\_id=2247224&post\\_id=163458379&utm\\_campaign=email-post-title&isFreemail=true&r=24vy5a&triedRedirect=true&utm\\_medium=email&fbclid=IwY2xjawKmSC9leHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR7alQdXsPnBgtArzSNTCHsFNkkelbMDt2YtswzYFeISBijWmaP1dV9yThJAuw\\_aem\\_R5ZrvYrypaIVd2BNiqWa9A](https://britishrabbinicalunion.substack.com/p/hand-delivered-constitutional-appeal?utm_source=post-email-title&publication_id=2247224&post_id=163458379&utm_campaign=email-post-title&isFreemail=true&r=24vy5a&triedRedirect=true&utm_medium=email&fbclid=IwY2xjawKmSC9leHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR7alQdXsPnBgtArzSNTCHsFNkkelbMDt2YtswzYFeISBijWmaP1dV9yThJAuw_aem_R5ZrvYrypaIVd2BNiqWa9A)

We also ask that the following open letters are given full consideration by each member of the CYPEC:

(1) [https://openletter.earth/to-ask-the-secretary-of-state-for-education-england-and-the-secretary-of-state-for-education-wales-to-withdraw-clauses-from-the-childrens-wellbeing-and-schools-bill-that-do-not-reflect-a-free-and-democratic-society-79aca376?limit=0&fbclid=IwY2xjawK2VztleHRuA2FlbQIxMQBicmlkETBDMWZsSHlaTkkyYldMSm5QAR7sXZubzlgv-SAm1ldwAFNZMixSm09DjsbIXQ8c40royi810GwXXVbNoxw6jQ\\_aem\\_suO6XbjjQ\\_Qe5S3f6QXMe6g](https://openletter.earth/to-ask-the-secretary-of-state-for-education-england-and-the-secretary-of-state-for-education-wales-to-withdraw-clauses-from-the-childrens-wellbeing-and-schools-bill-that-do-not-reflect-a-free-and-democratic-society-79aca376?limit=0&fbclid=IwY2xjawK2VztleHRuA2FlbQIxMQBicmlkETBDMWZsSHlaTkkyYldMSm5QAR7sXZubzlgv-SAm1ldwAFNZMixSm09DjsbIXQ8c40royi810GwXXVbNoxw6jQ_aem_suO6XbjjQ_Qe5S3f6QXMe6g)

(2) [https://rightsforchildren.uk/dangerousbills/?fbclid=IwY2xjawK2VtpleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5MaxLnz1iGI0nOeAMf2CihzQ4jEXnthc98LDiZ6J1XZz4uEmhzXpWcDt9PZw\\_aem\\_4hbh7tfKUHd2J0\\_ZnTznhA](https://rightsforchildren.uk/dangerousbills/?fbclid=IwY2xjawK2VtpleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5MaxLnz1iGI0nOeAMf2CihzQ4jEXnthc98LDiZ6J1XZz4uEmhzXpWcDt9PZw_aem_4hbh7tfKUHd2J0_ZnTznhA)

We also request full consideration of the work and issues raised by Defend Digital Me, a body addressing issues relating to the use of children’s data in education, as found here: <https://defenddigitalme.org/policy/policy/>

May we also invite you to the peaceful protest event on 29<sup>th</sup> June. This is not organised by Home Ed Cymru, although we are fully supportive of those who are. The protest march culminates on the steps of the Senedd providing a helpful opportunity to hear the various excellent speakers there and to glean first hand from those with lived experience of their concerns regarding the content of this Bill. We are sure that this opportunity for dialogue and conversation would be mutually beneficial.

[https://www.facebook.com/events/706742758390497?acontext=%7B%22event\\_action\\_history%22%3A%5B%5D](https://www.facebook.com/events/706742758390497?acontext=%7B%22event_action_history%22%3A%5B%5D)

Please contact us if you would like more information about that protest, including if you wish to contact the organisers.

It would be very helpful to also consider the comments and questions of one of the speakers, Michael Charles, a specialist solicitor in educational law and CEO of Sinclair Law.

*“Why is Wales consulting after the law is passed?*

*The Welsh Government says it will consult on how the Children not in school powers in the Bill are implemented - but only after the legislation is enacted.*

*But by then, the damage is done.*

*Primary legislation gives the state the power to intervene. Consulting after that point only asks, ‘How shall we use the powers we’ve already taken?’*

*This isn’t meaningful consultation. It’s backwards democracy - and families across Wales (and England) deserve better. If you don’t consult the public on whether such sweeping powers should exist in the first place, you are not listening. You are steamrolling. The time to speak out is before these powers are passed.”*

[https://www.facebook.com/permalink.php?story\\_fbid=pfbid036uqgbUg2kwe4FtXVfmLeiNjXn7Si9sJ2AqJ8EYsFmVDR6LNSjQ8jiGhCFtCDtaqFl&id=1212271077](https://www.facebook.com/permalink.php?story_fbid=pfbid036uqgbUg2kwe4FtXVfmLeiNjXn7Si9sJ2AqJ8EYsFmVDR6LNSjQ8jiGhCFtCDtaqFl&id=1212271077)

We need the members of CYPEC to speak up for home educated children, to speak up against stigmatisation and bias, against false connotations and against damaging legislation.

Kind regards,

Home Ed Cymru.

In case of help – another summary of implications of the Bill – I’ve just put together to help us in Wales appreciate the implications given the announcement that it’s to help us, but others may find it useful.

Please do add in comments any additions/corrections required.

This is my own understanding and views, and is based on the Bill as presently drafted. This summary is a work in progress, so liable to change.

The Bill itself can be found at:

<https://publications.parliament.uk/pa/bills/cbill/59-01/0177/240177.pdf>

CNIS is from clause 30 onwards as presently drafted.

Problems with the Bill.

**1. Significant power shift in:**

- a. Who is responsible for the suitability of education, including who is the determiner of what is suitable –attempting to shift this in effect from parent towards the direction of the LA – but without making them liable for failing to provide suitable education themselves.
- b. Who is responsible for and capable of knowing what is in the “best interests” of a child – making council staff not parents the determiners in various situations.
- c. Role of LA from being a reactive one (acting if it appears a child is missing education) to a more proactive role involving oversight and attempts at monitoring.

**2. Consent to deregister a child from school under certain circumstances:**

- a. From a mainstream school if under Child Protection Plan - or even just being investigated under section 47 of the Children's Act.
- b. Why is that an issue?
  - i. Because over 80% of investigations under s47 find no cause for concern/have the cases closed, yet those children would be deprived of access to suitable education by deregistration in the meantime.
  - ii. S47 investigations can be for a whole range of reasons, not just risk from parents/family home – ironically but devastatingly for the children who would be so affected by this legislation, reasons for such investigations can include issues with the school environment/provision.
  - iii. The concept of council staff being deemed the ones to decide what is in the best interest of the child/whether a child should be home educated or not

1. overrides the parents' and children's views and experience of what is in the child's best interests.
  2. Given the institutionalised bias that is so often experienced and openly expressed by council staff and politicians of a perception that school is the best place for children, then they are not in the position to make an impartial judgement.
    - a. There's even the at least appearance of institutionalised bias in the title of this Bill – the Children's Wellbeing and Schools Bill, not the Children's Wellbeing and Education Bill, even though a very significant section of it relates to children not in school including home educated children.
  3. As the LA that would be responsible for making such a decision is also the one responsible for the provision of the alternative they would cite to home education – i.e. state school education, then they are also not sufficiently objective to make the estimation of what is a child's best interests, as to do so would mean admitting that their provision was second best on each occasion.
    - iv. A potential repercussion of this could be the potential development of schools and LAs delaying enactment of deregistration until such checks have been made, in effect turning deregistration into a process rather than an instruction with immediate effect as at present.
  - c. Children with EHCP (and so presumably those with an IDP in Wales) attending county maintained Sen or LA funded independent schools would require LA permission to HE .
    - i. At present, permission is needed to deregister children from "special schools", but permission is based purely on the suitability of educational provision. This Bill would shift that to be what is considered to be "in the best interests of the child", so permission could be refused even with excellent provision of home education.
    - ii. There is a profound shift in the removal of the present caveat that permission should not be reasonably refused, with, instead, power is given to council staff to block deregistration purely their subjective opinion is that it is not in a child's best interests, overriding the opinion and experience of parents and children.
3. **Introduction of a compulsory register**. What is the issue with this? – only space for the very briefest of mention of the issues with this here.
- a. A child not being on a council list is not "missing" or invisible, they are just not on a council list.
  - b. The presumption behind the perceived need for a register is that parents and families cannot be trusted.

- c. Crucially, this register is not just a list of names of children for make informal enquiries in the way that happens at present. These are extensive databases with large volumes of personal information about each child.
- d. Hefty fines and even risk of imprisonment for parents for non-compliance with provision of information.
- e. Repercussions for parents not just for not telling the LA that a child is home educated but for failing to provide updated information about the child's educational provision within 15 days of any change.

**4. Provision of extensive Information about each child:**

- a. As presently drafted, the parents would have a legal duty to provide not only the hours the child spends in education (how does one possibly quantify that, it demonstrates a lack of understanding of how home education works) but also contact details and information about the provision of education by anyone other than the parents. Some assume this will only apply to those who are paid to provide education for over an as yet undefined number of hours, but this is not written into the Bil, it simply says "person other than the parent".
- b. No other group in the population has to deliver the amount of information this register is calling for. This is burdensome and invasive and will primarily impact law-abiding parents - not the "children missing education" they're wanting to find.
- c. Given the strength of home ed is its flexibility, its ability to immediately and instantly adapt to a child's needs/requirements/interests, to be truly child-led, then this requirement is not just unworkable but would serve to inhibit the provision of an education that is truly suited to each child's age, aptitude and abilities including any SEND needs by encouraging inflexibility.
- d. The types and depth of information that would seem to be required would appear to make child-led learning approaches particularly difficult, especially for those families who live in areas with LAs who are more difficult and hostile where it comes to EHE.
- e. The information requested includes details of anyone providing education to the child. Quite what that means remains to be established – eg does it apply to paid/unpaid, to if parents are participating/present/not attending a session, to only a certain number of hour of a given provision, to what looks like what the government perceive as education (eg school-like academics) or to what is truly educational for a given child – all is very unclear at present. It may be that these are clarified only at a later stage when guidance is rewritten, but passing legislation with such unclear measures that are wide open to interpretation is hardly safe or appropriate practice.
- f. This is part of a shift from the role of LAs from present reactive duty to proactive oversight and monitoring.

## **5. Education Providers:**

- a. When parents contract with an education provider privately, the legal position regarding data protection has always been that your data will be stored securely and kept confidential. After all, you're paying for the service. But now the government wants those providers to breach current data protection laws and have them share YOUR data with them, without your consent.
- b. This proposal breaches art 8 of the Human Rights Act 1998 - the right to privacy, which also protects the privacy of your correspondence.
- c. Monetary Penalties can be imposed on education providers for non-compliance. This threat of extensive fines and increased workload, bureaucracy and stress for those who provide educational service is likely to provide a deterrent to offering such beneficial services, which is hardly in the interests of promoting the wellbeing and education of children.
- d. Will these providers be expected to provide more than just contact details in time – will this lead to them being asked to give evaluations, outcome measures, opinions, insights into non-academic aspects relating to the child? What is the purpose of having all these contact details? All unclear and not established.

## **6. Support:**

- a. The support section offers nothing except the sharing of advice and information "as the local authority sees fit". So the only thing to offer home educators is “advice and information” to those who home educate from those who have never home educated about how to home educate- and even that is only “as they see fit”.
- b. No improved access to diagnostic services for SEND
- c. No improvement in access to exam centres for home educators to be able to sit, at affordable rates, the kinds of exams that the government sees as outcome measures of education.
- d. There are absolutely no incentives for home educators to want to engage or comply, only increased demands and threats of fines or imprisonment. That’s not exactly “support”.
- e. Threatening any parent with a custodial sentence is a dreadfully damaging concept that shatters a child’s family life, with even more profound implications when this child’s education is based within that family and provided by that parent that would be removed. As presently drafted, imprisonment is threatened for simply not keeping up with unprecedented levels of bureaucracy and notifications.

## **7. No Protection against heavy-handed LA's:**

- a. The bill presumes that council staff will always, without exception, make the correct decisions, behave fairly without discrimination and bias, and never make any mistakes. This is far from the experience of many home educators in the UK.

- b. There is no independent complaints process for when they inevitably will, for when they overstep their legal remits, let alone for when there are simply differences in opinion on what is suitable for a given child.
- c. Bear in mind the wide variation in how council employees take action against parents including issuing School Attendance Orders - [https://educationalfreedom.org.uk/forced-compliance-in-some-las/?fbclid=IwY2xjawGgag5leHRuA2FlbQlxMQABHWtsWX50H3BjrOm193Nn6kepOITBAfo\\_jjCqizu1Dzle2F\\_lwysWmAp\\_Xg\\_aem\\_3CfvMkjLwUqxbc4R0qCYOQ](https://educationalfreedom.org.uk/forced-compliance-in-some-las/?fbclid=IwY2xjawGgag5leHRuA2FlbQlxMQABHWtsWX50H3BjrOm193Nn6kepOITBAfo_jjCqizu1Dzle2F_lwysWmAp_Xg_aem_3CfvMkjLwUqxbc4R0qCYOQ)
- d. No independent complaints process, no arbitration, no tribunal service - the only way parents can defend their cause is to allow themselves to be taken to court for noncompliance of a SAO and plead their case there – with profoundly damaging impacts on families in having to do so. Magistrates do not necessarily have significant training in educational law, nor understanding or experience of the range of alternative educational pedagogy that home educators can often utilise, yet for those who can persevere to this stage, many SAOs are overturned.
- e. Good law will always have protection built in for all parties. This law offers no protection to home educating families.
- f. The concept of being able to apply to the Secretary of State is of no help, as historically the Secretary of State has hardly ever revoked a school attendance order. Given the role of the Secretary of State in promoting the state education system, then this again is not exactly an independent role or person.

#### **8. School Attendance Orders and Criminal Convictions:**

- a. The only incentive for families to comply (aka give them all the information they ask for) is to avoid a school attendance order, including to avoid the risk of a custodial sentence.
- b. This results in the pressure to provide an education that pleases a council employee rather than what may be most suitable for the child, pressure which is detrimental to children and families.
- c. Manipulative pressure on families. The government know that they cannot insist on entry into any homes of loving law-abiding families and/or interview children and families without reason to believe the children are at risk – at present even the police and social services can only do so in specific individual circumstances that require a court order or where that can be justified in a court of law because of imminent danger. So in an attempt to get around this, the Bill brings in coercive manipulative and threatening statements that while they cannot insist, then if parents do not allow LAs into the family home if they state they wish to, then the council are even more likely to proceed to a SAO with all the implications/stresses/demands that that entails. At present, this coercion would apply if the council had started legal proceedings towards a SAO – but bear in mind how readily some local authorities do so already, as indicated in the study cited above. This clause as worded empowers coercive control and intimidation of families.

- d. School attendance orders used to be about suitable education, but now they are also about the parent providing information. This is hardly reflective of a free and democratic society.
9. The whole package of issues and concerns regarding the **introduction of unique identifier numbers for all children.**
- a. that is a whole additional topic.
  - b. But if have unique identifier numbers, then just why is a separate register of home educated children needed, if the only reason were to identify children to rule out the possibility of them missing education.
10. The legislation is **poorly written without addressing how these proposals would be implemented and applied.** That has been left to secondary legislation and rewriting of guidance. One cannot back legislation when how it would be enacted and implemented and when the consequences of it for families has not been addressed within the Bill itself, let alone adequately scrutinised by parliamentary process.
11. The whole package of issues and concerns regarding **the very late statement of the intention of this Bill applying to Wales as well as England,** made on the last day that amendments could be proposed – of the well past not only the 1<sup>st</sup> and 2<sup>nd</sup> readings but also the Committee and evidence gathering stage, depriving the people of Wales and their elected representatives the opportunity of raising concerns and providing evidence. Beyond this, there has been no scrutiny of the significant impact of the combination of the measures in this Bill with other legislation that has been enacted the same week in Wales only, as summarised in this briefing note. <https://defenddigitalme.org/wp-content/uploads/2025/03/Wales-childrens-data-extraction-Supplemental-Briefing-CWBSBill-15032025.pdf>

# Agenda Item 4.2

## Y Pwyllgor Cyllid

### Finance Committee

Mark Drakeford MS,  
Cabinet Secretary for Finance and Welsh Language

## Senedd Cymru

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16 June 2025

Dear Mark,

### Consultation with Senedd Committees on documentation supporting Draft Budget scrutiny

As you are aware, the Committee concluded in our [report](#) on the scrutiny of the Welsh Government Draft Budget 2025-26 that it would consult Senedd committees involved in budget scrutiny ahead of the Welsh Spending Review and the 2026-27 budget round to explore ways to maximise budgetary scrutiny in the Senedd.

This year, we wrote to all Senedd Committees on [1 April 2025](#) and received responses from the following Committees:

- [Economy, Trade, and Rural Affairs Committee \(ETRA\)](#)
- [Local Government and Housing Committee \(LGH\)](#)
- [Culture, Communications, Welsh Language, Sport and International Relations Committee \(CCWLSIR\)](#)
- [Children and Young People and Education Committee \(CYPE\)](#)
- [Health and Social Care Committee \(HSC\)](#)

These responses build on themes identified during similar consultation exercises held in 2023 and 2024 and are summarised under the following headings:

## Timing

ETRA, CCWLSIR and LGH all expressed disappointment that the timing of the Draft Budget 2025-26 fell over the Christmas period and asked for this to be avoided in future budget rounds. LGH stated that:

*"Over the past three years, the draft budget scrutiny process has felt rushed, with our report being laid the day before the Plenary debate. This raises questions in relation to the extent in which Senedd Members, the Welsh Government and stakeholders can meaningfully consider committee reports before the debate."*

CCWLSIR added that the Welsh Government should be taking steps to ensure the earliest possible publication of its draft budget and supporting documentation to facilitate meaningful scrutiny.

This reflects our concerns about the time available to scrutinise the 2025-26 Draft Budget, encapsulated in our [recommendation](#) that the Cabinet Secretary works with the Committee to identify ways in which scrutiny opportunities can be enhanced, as well as continuing the approach of holding pre-budget evidence sessions early in the autumn term in years when the publication of the Draft Budget is delayed.

We welcome your [response](#) which stated that you are keen to ensure that we make the best use of the time available for the 2026-27 budget round, and we hope you can take the additional views expressed above into account when considering the forthcoming timetable.

## Quality and usefulness of evidence

The quality of evidence produced by the Welsh Government in support of the Draft Budget has been a common concern amongst Senedd Committees to date.

ETRA was "broadly content" with the evidence received from the Welsh Government in relation to the Draft Budget 2025-26, particularly the breakdown of actions by BEL activity tables. CYPE also stated that they had "no concerns with the timeliness, quality or usefulness of the 2025-26 Draft Budget documentation".

However, committees did focus on ways in which transparency in the information provided by the Welsh Government could be enhanced.

ETRA stated that they would like to see further information provided on the engagement undertaken by the Welsh Government with stakeholders and the public prior to the Draft Budget's publication to allow the Committee to better understand the basis for the budgetary decisions taken.

LGH also stated that there is room for more clarity and transparency in the documentation provided, stating that:

*"We would like to see more detail under each BEL, for example the homelessness prevention BEL needs to account for the Housing Support Grant separately, alongside the other element of the BEL.*

LGH added that it would also be helpful if the Welsh Government could set out in written evidence how the provisional local government settlement considers the requirement for the sector to comply with certain statutory duties and/or Programme for Government priorities, such as the Welsh language; inequalities and the nature and climate emergency.

In its response, CCWLSIR identified several policy areas where the evidence provided was limited and was not sufficient to inform effective scrutiny. This included its work in scrutinising budgets relating to the Welsh Language, international relations and the financial performance of Cadw.

CYPE called for the Welsh Government to provide multi-year projections of both its revenue and capital budgets following the spending review in June 2025. Alongside this, they stated that the Welsh Government should clearly set out its funding priorities and the mechanisms by which it will use the funding at its disposal to achieve its policy objectives.

HSC also raised specific points relating to the information it would like to see published alongside the Draft Budget, and reiterated recommendations made in its report on the Draft Budget 2025-26 calling on the Welsh Government to:

- publish the Cabinet Secretary for Health and Social Service's Health Board Allocation letter along with the NHS Planning Framework, which guide health boards' Integrated Medium-Term Plans, either ahead of, or alongside, publication of the other Welsh Government draft budget documentation;
- provide an annual update about the work of the Value and Sustainability Board, the efficiencies that have been implemented, and the opportunities it has identified to support financial improvement; and
- provide a comprehensive breakdown of preventative spending across all NHS bodies in Wales, along with detailed evidence of how the budget allocated to prevention initiatives is being used.

We believe these suggestions are reasonable and believe that addressing the concerns above for 2026-27 will lead to increased transparency, more effective scrutiny and better outcomes.

I welcome your ongoing engagement on these issues and look forward to hearing more about the Welsh Government's approach to the 2026-27 budget during your statement on Plenary on 1 July. I also hope to explore these issues further as part of the Committee's annual budget priorities debate in Plenary prior to the summer recess, where I will provide a summary of the views expressed in our summer engagement events and citizen focus groups.

A copy of this letter has been sent to the Chairs of the Economy, Trade, and Rural Affairs Committee; the Local Government and Housing Committee; the Culture, Communications, Welsh Language, Sport and International Relations Committee; the Children and Young People and Education Committee; and the Health and Social Care Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peredur Owen Griffiths'. The signature is fluid and cursive, with a prominent initial 'P' and a long horizontal stroke at the end.

Peredur Owen Griffiths MS  
Chair, Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.



## The no recourse to public funds restriction and child poverty in Wales

This briefing explains the impact of the no recourse to public funds (NRPF) restriction on children's poverty in Wales. NRPF is a direct driver of poverty amongst children and significantly undermines attempts to tackle child poverty in Wales.

### What is 'no recourse to public funds'?

NRPF is a visa condition that restricts access to benefits classed as "public funds". It stops many migrants in the UK from accessing essential welfare benefits and can be attached to a person's visa or automatically applied when someone is 'subject to immigration control'. While most people who have NRPF support themselves through work or savings, or are supported by a spouse or family member, excluding people from the welfare system leaves them without the essential safety net that most people in the UK can rely on in times of difficulty. It also blocks access to key in-work benefits and supplementary support schemes that are vital to prevent families from slipping into poverty and destitution.

Like anyone, people with NRPF are at risk of job loss, low wages, emergency costs, and mental and physical illnesses which stop them from working. The cost-of-living crisis affects everyone, but people with NRPF and their families do not have access to what is generally considered to be a universal safety net.

While people can apply to have an NRPF restriction lifted in certain circumstances, doing so can have impacts on future visa applications. Legal advice is advised first, and this is in extremely short supply in Wales<sup>1</sup>.

### Who has no recourse to public funds?

Identifying who does and who does not have an NRPF restriction is very complicated. Without a good understanding of immigration law, it is difficult to work out exactly who has no recourse to public funds and who does not. This leads to mistakes being made and to parents and children being denied benefits and services that they have a right to. While NRPF is applied to people with immigration visas, it has a wider impact, restricting their children's access to benefits and support, and negatively affecting a family's income.

No Recourse to Public Funds is applied to those who:

- have leave to enter or remain in the UK that has an NRPF condition attached
- have leave to enter or remain in the UK that is subject to a maintenance undertaking
- have leave to enter or remain in the UK due to a pending immigration appeal
- are required to have leave to remain in the UK, but do not have it<sup>2</sup>.

The restriction is applied to people on settlement routes, such as the Hong Kong British National (Overseas) route, and those applying on the grounds of Private Life. It applies automatically to asylum seekers who are appeal rights exhausted after an unsuccessful asylum claim and those who are undocumented. People on asylum support are also unable to access mainstream benefits. European Economic Area (EEA) Citizens who have

not yet applied for EU Settlement Scheme (EUSS) status are barred from accessing public funds, while those with pre-settled status may be able to access public funds but need to demonstrate a qualifying right to reside.

The NRPf condition **does not apply** to people who have indefinite leave to remain or settled status in the UK, unless they are granted leave to remain as an adult dependant relative. It **does not apply** to certain groups of migrants, such as those with refugee status, Unaccompanied Asylum-Seeking Children (UASC), those who have been granted leave to remain on the basis that they are a victim of trafficking, and people who have been granted the Migrant Victims of Domestic Abuse Concession (formerly the Destitution Domestic Violence Concession)<sup>3</sup>.

The number of people with NRPf has risen sharply since 2020. It is estimated that at the end of 2022, around 2.6 million people in the UK held visas with an NRPf condition<sup>4</sup>. This figure does not include people who are subject to NRPf by default, such as those with irregular immigration status.

### What are public funds?

The NRPf condition restricts access to most mainstream benefits, such as Universal Credit, disability allowance, child benefit and housing benefit<sup>5</sup>. This includes benefits designed to top up low incomes for people in work.

People subject to immigration control are not eligible for an allocation of housing accommodation by a local housing authority<sup>6</sup>. The restriction also stops people from accessing crucial payments designed to provide temporary and cost-of-living relief, such as the Warm Home Discount, Winter Fuel Payment, and Cold Weather Payments.

Identifying what is and what is not a “public fund” often leads to confusion and denial of entitlements. As an illustration of its complexity: the Home Office has produced a booklet for its staff that outlines entitlements and restrictions to public funds and who they apply to<sup>7</sup>. This document runs to 60 pages.

### What benefits can families in Wales with NRPf access?

There are some benefits which an eligible person with NRPf can access. If a benefit is not listed in Section 115 of the Immigration and Asylum Act 1999 or paragraph 6 of the Immigration Rules, then it is not a public fund for immigration purposes. These include benefits which are based on National Insurance contributions. Other examples include:

- Statutory Maternity Pay and Maternity Allowance
- State Pension
- Bereavement Benefit
- Single Person Council Tax Discount
- Child Maintenance Allowance
- Guardian’s Allowance

There are some devolved grants or allowances and services in Wales which complement the UK Social Security System<sup>8</sup>. Some assistance schemes devolved to Wales are not public funds for immigration purposes and can provide supplementary support. These include the emergency element of the Discretionary Assistance Fund (a small payment

that can be accessed no more than three times in any twelve-month period), childcare for three- and four-year-olds, and the Disabled Facilities Grant. People with NRPF may be eligible for the Education Maintenance Allowance.

## NRPF affects whole families

The complex rules around NRPF and the design of the welfare system mean that an individual's status can impact the entire household, even where others are entitled to benefits. For example, where someone is claiming a benefit such as Universal Credit which contains an amount for a partner or other dependant, they will not be entitled to receive this amount if it relates to a member of the household who has an NRPF restriction. The effects of the NRPF condition can therefore extend to people within the same household who are settled in the UK, or who are British citizens.

**Children, regardless of their immigration status, are excluded from Child Benefit and free school meal entitlement in Wales if they live with a sole parent who has NRPF.**

## NRPF perpetuates children's poverty and inequality

### Lasting effects

Growing up in poverty can have lasting impacts on a child's development, education, and their opportunities in life<sup>9</sup>. The effects of an NRPF restriction are broad and devastating. They include immediate impacts such as deep poverty, lack of heating and cooking facilities, reliance on food banks, destitution, and homelessness. Then there are secondary impacts. Insecure accommodation can leave women in particular open to sexual exploitation and abuse. Poverty, insecurity, and crisis lead to mental and physical ill-health and trauma. Poverty and substandard living conditions increase the risk of premature birth and infant death and can lead to developmental delay and behavioural difficulties in children<sup>10,11,12</sup>.

NRPF affects children for many years. Many visa routes to settlement are currently five years, which means that children can be plunged into poverty by NRPF for a considerable part of their childhood. In the Immigration White Paper published in May 2025, the UK government proposes to increase the standard qualifying period for settlement to ten years, doubling the length of time that children will be forced to live in poverty.

### Racial inequality

The NRPF restriction disproportionately affects children from black and minoritised ethnic backgrounds<sup>13</sup>. It perpetuates inequality and has lasting effects on the children of migrants that severely affect their futures. NRPF is a driver of poverty in children, and exacerbates racial inequity and societal divisions.

### Exclusion from free school meals

In Wales, children affected by NRPF are not entitled to free school meals, regardless of how little income their family may have (with the exception of families on asylum support). Instead, children of parents with NRPF must rely on local authorities choosing to exercise their discretion – discretion which is too often not applied. The Welsh Government Cabinet Secretary for Education claims that primary legislation would need to be amended to allow for eligibility, but little clarity and no evidence has been forthcoming from Welsh Government on what this legislative barrier actually is or

whether it really exists. Without access to free school meals, children with migrant parents are also excluded from the Schools Essential Grant and do not benefit from the Pupil Premium which is allocated to schools to support disadvantaged pupils.

### Unlawful and discriminatory

The NRPF policy has now been found to be unlawful five times<sup>14</sup>. In 2014 and 2018, challenges relating to the Public Sector Equality Duty were firstly upheld and then settled by the Home Office out of court. In May 2020, the policy was found by the Divisional Court to be in breach of Article 3 of the European Convention on Human Rights (Prohibition of Torture) and the common law of humanity, as it required people to become destitute before they could apply to have an NRPF condition lifted. In 2021, the policy was found to breach the duty to safeguard and promote the welfare of children.

The UK Government's response to these legal challenges has been to make minor changes to the policy which do not substantially change its nature or effects. Repeated challenges show that changes have not led to a policy that abides by UK and international law. In June 2022, the High Court found that the policy still fails to safeguard and promote the welfare of children.

### NRPF compounds other financial impacts on families

Migrants with families already face excessively high costs to remain in the UK. For example, renewing a spouse visa for one adult on a route to settlement costs £2,356 including the Immigration Health Surcharge. This is payable every 30 months. Added to this, immigration legal services in Wales are in extremely short supply, leaving people often faced with very high costs for legal advice, with many falling into exploitation. Migrant families are not only restricted from accessing vital services and funds that alleviate poverty, they are burdened with much higher costs. In recent research, people with children commonly spoke to us of borrowing money for immigration advice and/or fees, losing a job or employment sponsorship as a result of being unable to make an application in time, losing a home, and struggling to pay for rent or food<sup>15</sup>.

### People with NRPF may have been living in Wales for many years

The NRPF condition is imposed as a matter of routine on people who are visiting, studying and working in the UK and so have been given leave to remain for a temporary period. It is also applied when people are on certain routes to settlement, such as a family route (for example, as the partner or spouse of a British citizen or someone with settled status, or as the parent of a British child or a child who has lived in the UK for seven years). People on these routes to settlement can be subject to an NRPF condition for as much as ten, even twenty, years. In the ongoing Windrush scandal, people who have been in the UK for their whole lives, in some cases 40, 50, or 60 years, can find themselves unable to prove their right to remain in the UK<sup>16</sup>.

**NRPF affects children who have migrated to the UK, children who were born in the UK, and children with British citizenship.**

### Costs to local authorities

Because of their statutory duty under the Social Services and Well-Being (Wales) Act 2014, local authorities often pick up the costs of interim or destitution accommodation and

support. In a recent study, COMPAS at the University of Oxford estimated the annual cost to Welsh local authorities of NRPF in 2021/22 to be approximately £10 million. This does not include additional financial burdens that the policy places on the charitable sector or health services, or the social costs of creating poverty and destitution<sup>17</sup>.

## What can be done in Wales?

The NRPF restriction is a visa condition applied under UK immigration law. Powers to make and change such law are reserved to the UK Government. **MPs in Wales should advocate for children in Wales by challenging the NRPF restriction and its impact on children at Westminster.** Attempts to tackle child poverty are doomed to fail if they do not consider and address the needs of all children.

Whilst Welsh Government cannot legislate on immigration and asylum matters, there is scope within devolved powers to mitigate harm to communities, families, and individuals in Wales. **Welsh Government Ministers and Members of the Senedd should seek to protect the rights of all children in Wales and to tackle child poverty wherever it arises.** This requires accurate and up-to-date information, engagement with third sector agencies and statutory services, and the willingness to take bold and decisive action.

One of the key principles of Wales as a Nation of Sanctuary is to recognise people as “people first and foremost”<sup>18</sup>, rather than identifying people by their immigration status. NRPF severely undermines the ability to do this.

There is a legal duty under the Future Generations Act to work towards a more equal and healthier Wales. Research demonstrates that NRPF frustrates this aim.

### Key steps that can be taken in Wales include:

- changing policy to provide equal entitlement to free school meals for all children, regardless of their immigration status
- maintaining and increasing benefits and entitlements that are available to people with no recourse to public funds (e.g. Welsh Government grants and allowances, council tax exemptions, local authority support to children and families)
- funding and strategically developing free-to-access immigration legal services in Wales so that people can exercise their right to have an NRPF restriction lifted where there is a risk of destitution or concerns about a child’s welfare
- maximising take-up of accessible benefits, assistance schemes, and services

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## References

- <sup>1</sup> Kanneh, I and Matthey, E, *Free-at-source immigration legal services in Wales – a snapshot* (Bevan Foundation, 2024) <https://www.bevanfoundation.org/resources/briefing-immigration-legal-services-wales/>
- <sup>2</sup> Immigration and Asylum Act 1999, Section 115(9) <https://www.legislation.gov.uk/ukpga/1999/33/section/115> (accessed February 2024)
- <sup>3</sup> NRPF Network, *Who has no recourse to public funds (NRPF)?* <https://nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/immigration-status-and-entitlements/who-has-no-recourse-to-public-funds#guide-content> (accessed February 2024)
- <sup>4</sup> The Migration Observatory, *Deprivation and the No Recourse to Public Funds (NRPF) Condition* <https://migrationobservatory.ox.ac.uk/resources/briefings/deprivation-and-the-no-recourse-to-public-funds-nrpf-condition/> (accessed February 2024)
- <sup>5</sup> Immigration and Asylum Act 1999, Section 115 <https://www.legislation.gov.uk/ukpga/1999/33/section/115> (accessed February 2024)
- <sup>6</sup> Welsh Government, *Guidance for Local Authorities on the Allocation of Accommodation and Homelessness*, March 2016 <https://www.gov.wales/sites/default/files/publications/2019-03/allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf> (accessed February 2024)
- <sup>7</sup> Home Office, *Public Funds: migrant access to public funds, including social housing and homelessness assistance, and social care*, Version 21.0 (Home Office, 2025) <https://assets.publishing.service.gov.uk/media/67e29cb074e40de685195b28/Public+funds.pdf> (accessed June 2025)
- <sup>8</sup> Bevan Foundation, *The Case for a Welsh Benefit System*, 2020 <https://www.bevanfoundation.org/wp-content/uploads/2020/02/Case-for-Welsh-Bens-Report-2.pdf> (accessed February 2024)
- <sup>9</sup> *Opening doors: access to early childhood services for families impacted by poverty in the UK. Research and recommendations for Government* (NSPCC, 2024) <https://learning.nspcc.org.uk/research-resources/2024/opening-doors-access-to-early-childhood-services-for-families-impacted-by-poverty-in-the-uk> (accessed June 2025)
- <sup>10</sup> Royal College of Paediatrics and Child Health (2020). *State of Child Health 2020: Wales* (accessed February 2023) <https://stateofchildhealth.rcpch.ac.uk/wp-content/uploads/sites/2/2020/03/SOCH-WALES-02.03.20.pdf>
- <sup>11</sup> Larson, Charles P (2007). *Poverty During Pregnancy: Its effects of child health outcomes. National Library of Medicine* (accessed February 2023) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2528810/>
- <sup>12</sup> Public Health Scotland: *Child Poverty Overview* (2021). (Accessed February 2023) <https://www.healthscotland.scot/population-groups/children/child-poverty/child-poverty-overview/impact-of-child-poverty>
- <sup>13</sup> Woolley, Agnes (2019). *Access Denied: The cost of the 'no recourse to public funds' policy* <https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d0bb6100099f70001faad9c/1561048725178/Access+Denied+-+the+cost+of+the+No+Recourse+to+Public+Funds+policy.+The+Unity+Project.+June+2019.pdf>
- <sup>14</sup> Deighton Pierce Glynn (2022). *Home Office's NRPF Policy Found Unlawful for the Third Time in as Many Years* (accessed February 2023) <https://dpglaw.co.uk/home-offices-nrpf-policy-found-unlawful-for-the-third-time-in-as-many-years/>
- <sup>15</sup> Kanneh, I and Matthey, M, *Experiences of Justice: seeking legal help for immigration and asylum in Wales* (Bevan Foundation, 2025) <https://www.bevanfoundation.org/resources/experiences-of-justice-seeking-legal-help-for-immigration-and-asylum-in-wales/>
- <sup>16</sup> Independent, *Windrush*, <https://www.independent.co.uk/topic/windrush?CMP=ILC-refresh>, accessed August 2022
- <sup>17</sup> Centre for Analysis of Social Exclusion, London School of Economics (2022). *Social Cost Benefit Analysis of the No Recourse to Public Funds (NRPF) Policy in London* (accessed February 2023) <https://www.lse.ac.uk/geography-and-environment/research/lse-london/documents/Reports/GLA-report-on-NRPF-FINAL-to-send-March-7.pdf>
- <sup>18</sup> Welsh Government, *Nation of Sanctuary – Refugee and Asylum Seeker Plan*, (2019) [https://www.gov.wales/sites/default/files/publications/2019-03/nation-of-sanctuary-refugee-and-asylum-seeker-plan\\_0.pdf](https://www.gov.wales/sites/default/files/publications/2019-03/nation-of-sanctuary-refugee-and-asylum-seeker-plan_0.pdf) (accessed February 2024)



# Agenda Item 4.4



## Chair of Council Cadeirydd y Cyngor

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16<sup>th</sup> June 2025

Dear Buffy Williams MS,

I am writing to thank you for the opportunity, along with our Vice Chancellor, Prof. Wendy Larnar, to address the committee last week, and to directly respond to your questions about Cardiff University. Public accountability of this kind is important, and I'd like to thank the committee for the thoughtful and considered conduct of the meeting.

The committee may be aware of a newspaper article, quoting an anonymous source, that claims I 'lied' in my evidence to the committee. Cardiff University doesn't usually respond to stories based on anonymous sources, but lying to and misleading a Senedd committee is a serious allegation; to my personal integrity, the university's reputation and the standards we all aspire to for the conduct of public affairs and therefore need to be addressed.

In these published comments, it was claimed that I told the CYPE Committee that "everyone bought into the vision [of 'Academic Futures'], but nobody likes cuts to their bit [of the university], it is natural."

A review of the remarks in question would show that I was explicitly giving my view on the preceding strategy development exercise, Y Sgwrs Fawr – The Big Conversation. I was also explicitly clear at the end of my remarks that I was offering no view on Academic Futures other than it was necessary. This is clear from the draft transcript:

**Patrick Younge:** Council's role in this is quite specific because council's job is to—. We are the internal regulator, we're not the management, we're not involved in the day to day. **We ask ourselves some basic questions. Does what's proposed align with the strategy? We spent a whole year doing the 'big conversation'—a massive participatory exercise across the university. One of the outcomes of that exercise, which I think everybody bought into, was that Cardiff University needs to be a slightly smaller, more focused university with better experiences for staff and students. And I think everybody buys the vision, but nobody wants their bit to be the bit that gets smaller, and that's natural and that's human.** Has the process been rigorous? What is the evidence that the process will deliver? Are we going to be compromising quality? How do we ensure that, having done this, we can secure continuous



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improvement? How would we build the culture, and will it let the university fly? Will it let the university really achieve what it can? Those are the questions we asked ourselves at council, and having been shared the—. **We weren't asked to approve Our Academic Future before it went out to the university. That's management's job, but we had an informational session with them, as did the unions, as did others, and we will now look at what's come back from that, and then we will take a decision. So, I won't give you a view on anything that's in Our Academic Future, apart the fact that it is necessary, because council doesn't meet until next week.** (Para 110, our emphasis)

In our oral and written evidence, we explained that our strategy is based on the outcomes of our Y Sgwrs Fawr – The Big Conversation, a year-long participatory exercise across the university and beyond. I would be happy to provide further information on Y Sgwrs Fawr – The Big Conversation if that would be helpful for the committee.

I would also note that, in response to a question from Cefin Campbell MS, the Vice-Chancellor informed the committee of the Senate debate, the outcome of the Senate vote and that Council would be informed of the advice provided by Senate.

I am sorry that I feel the need to write to the committee in these terms, but misleading a Senedd committee is a serious allegation, and I wanted to take the opportunity to rebut the allegation directly and promptly.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Younge', with a stylized flourish at the end.

Patrick Younge,  
Chair of Council,  
Cardiff University

# Agenda Item 4.5



Canolfan  
Gyfreithiol  
y Plant  
Cymru

Children's  
Legal  
Centre  
Wales



Children's Rights  
Alliance for England

Part of Just for Kids Law

## Briefing: Urgent concerns over potential authorisation of Taser 10 & the negative impact on children's rights

Dr Rhian Croke ([Children's Legal Centre Wales](#)) and  
Louise King ([Children's Rights Alliance for England \(CRAE\)](#), part of Just for Kids Law).

June 2025

### Introduction

In this briefing we alert you to our concerns in relation to the UK Government's potential authorisation of the use of Taser 10 by police forces in England and Wales, which will also be used on children.

The UN Committee on the Rights of the Child has explicitly called for the prohibition of harmful devices, including Tasers, against children. In its [2023 Concluding Observations](#), the Committee recommended that the UK State party and devolved administrations:

*“Take legislative measures to explicitly prohibit, without exception, the use of: (i) harmful devices including spit hoods, **tasers**, plastic bullets, attenuating energy projectiles and other electrical discharge weapons against children (parag 30 a).”*

This recommendation underscores the urgent need for a comprehensive Children's Rights Impact Assessment (CRIA) before any decision is made regarding the authorisation of Taser 10 use by police forces in England and Wales. Organisations such as [Children's Rights Alliance England](#), the [UN Committee on the Rights of the Child](#), and other [human rights bodies](#), have raised significant concerns regarding the negative impact of Taser use on children.

We lay out some of these concerns in this briefing and highlight throughout, rights breaches under the [UN Convention on the Rights of the Child \(UNCRC\)](#), that underpins all legislation and policy in Wales. Like previous concerns expressed in relation to strip search of children (see [briefing here](#)), Taser use against children is a further example of how, UK Government policy is contrary to Welsh Government's commitment to the UNCRC and Welsh specific legislation that gives due regard to children's rights.

## What are Tasers?

The [College of Policing](#) describes the use of a Conducted Energy Device (CED or Taser) as a “less lethal weapon system” designed to temporarily incapacitate a subject through use of an electrical current which temporarily interferes with the body’s neuromuscular system and produces a sensation of intense pain. [Amnesty International](#) has argued that they should not be described as ‘less-lethal’ because they can still “cause serious injury or even death”.

## Existing Data Patterns in Taser Use Against Children

UK Home Office statistics include information on the number of times Conducted Energy Devices (CEDs), referred to as Tasers, are used. According to UK Home Office, use of force statistics, police deployed Tasers on children 2,091 times in 2020-2021, including six instances involving children under the age of 11 years. In 122 of these cases, the Taser was discharged (See Appendix 1 Types of Taser Use).

Between 2022 and 2023, there were over 3,000 instances of Taser use involving 11- to 17-year-olds across England and Wales, with 88 discharges. Additionally, Tasers were drawn on six children under 11 years during the same period.

In year ending March 2024, there was a slight decrease of Taser use on all children from the previous year with 2,900 uses. 2,895 of these uses were on 11-17 year olds and 5 were on children under 11 years. There were 66 discharges – all on 11-17 year olds.

If we look to the data of total Taser use on children across the 4 Welsh police forces in the year ending 2024.

- Gwent Police Force: Total Taser Use 35 instances, on 11–17-year-olds, 33 non-discharge and 2 were discharge.
- Dyfed Powys Police Force: Total Taser Use 9 instances on 11–17-year-olds, all non-discharge.
- North Wales Police Force: Total Taser Use 12 instances on 11–17-year-olds, 11 non-discharge and 1 discharge.
- South Wales Police Force: Total Taser Use 56 on 11 – 17-year-olds, all non-discharge.

## Disproportionate and Discriminatory Use

Evidence indicates that disproportionality in Taser use is stark. In London, for example, over 70% of Taser deployments against children involve those from Black or other racialised groups, indicating patterns of institutional and structural racism. In a review conducted by the [Independent Office of Police Conduct](#), over a quarter of children subject to a Taser discharge, were Black. Furthermore, over a quarter of the children,

were experiencing a mental health episode. In the year ending March 2024, [UK Home Office Statistics](#) report that of all Taser uses on boys, 26% were on Black boys and of all Taser uses on girls, 14% were on Black girls. Of all Taser uses on children 23% were on Black boys. Racial disproportionality in use of Taser was also raised as an issue of concern by the [UN Committee on the Elimination of Racial Discrimination](#) following its examination of the UK in 2024.

The data does not report on disability as a protected characteristic. However, [research](#) has also indicated that children with special educational (SEN)/additional learning needs (ALN) are more likely to be subjected to use of force, including Tasers. Researchers also note that disproportionality in Taser use, is exacerbated by socioeconomic factors and higher levels of police surveillance in deprived communities, with *'affected communities experiencing Taser as a dehumanising and potentially lethal weapon'*.

The disproportionate use of Tasers against children from Black, ethnic minority, and socio-economically disadvantaged communities, children with mental health concerns or ALN amounts to discriminatory practice, violating Article 2 of the UNCRC.

There should be detailed, up-to-date statistics published for the Welsh Police Forces annually, on Taser use, cross referenced by ethnicity, age, disability, (including ALN/SEN) socio-economic status, and whether a child has mental health concerns to monitor disproportionality and facilitate accountability to marginalised groups of children. The lack of disaggregated data made available in this context highlights the need for more Wales specific reporting to better understand and address the use of force on children across the Welsh police forces.

## **Medical and Psychological Impact of Tasers on Children**

### ***Physical Health Risks***

Children are at elevated medical risk from Taser deployment. According to the [Scientific Advisory Committee on the Medical Implications of Less-Lethal Weapons \(SACMILL\)](#), Tasers can cause neuromuscular incapacitation, sudden collapse, and injuries from secondary trauma. Tasers can lead to [cardiac arrhythmias/cardiac](#) infections from barb penetration, and burns, especially when flammable materials are present. The [Omega Research Foundation](#) has communicated that *'repeated and extended shocking of persons has led to deaths and been heavily criticised by human rights and medical organisations'*.

Furthermore, unlike earlier Taser models, [Taser 10](#) barbs must embed in the skin. Children's thinner skin and reduced body wall-to-organ distance significantly heighten the risk of deep tissue or organ injury. Barbs from Taser 10 are heavier, travel at higher velocity, and have increased kinetic energy, thereby increasing the likelihood of severe internal harm, including to the eyes, brain, lungs, and liver. Given that children frequently wear lighter clothing, this danger is compounded.

## ***Psychological and Developmental Harm***

The psychological impact of Tasers is equally profound. Adolescents' brains are still developing, particularly in regions that regulate risk and emotional response. The medical risks associated with Tasers, particularly on still-developing bodies, are incompatible with the obligation to safeguard children's survival and development and right to the highest attainable standard of health, breaching Articles 6 and 24 of the UNCRC. Additionally, psychological impacts — such as anxiety, PTSD, and increased fear of authority — can also affect a child's mental health.

Taser use—or even the threat of it—has been found to cause significant distress, fear, and trauma in children, particularly those with mental health conditions or special educational needs. Some children report experiencing symptoms of PTSD following such encounters. In research undertaken by CRAE with children, one child said:

*“I just saw the little dot there and... I just went all warm, scared. I thought I'm going to get hurt now, I'm going to get a shock in a minute. They just stunned him [his friend] and he was flopped on the floor.”*

Even when a Taser is not discharged, the act of a police officer drawing the weapon can be deeply distressing for children. This is especially true for those who are among the most vulnerable in our society — including children with histories of abuse or exposure to violence, those who have been criminally exploited, and those with ALN/SEN or significant mental health challenges. Taser use, which includes threatening a child with a Taser, can constitute a form of state-inflicted violence, especially in cases where the child poses no serious threat. This is particularly concerning when used on children already traumatised by abuse, exploitation, or neglect. Taser use may retraumatise children, thus amounting to a violation of their right to protection from both physical and psychological violence (Article 19 UNCRC). This is also contrary to, policies and guidance in Wales, including the Youth Justice Blueprint that supports a rights based and trauma informed approach.

As reported by the UN Committee on the Rights of the Child, the use of Tasers on children may also be considered cruel or degrading treatment (Article 37a of the UNCRC), particularly when used as a method of control rather than a last resort in a life-threatening situation.

## **Children's Rights Context in Wales**

Despite these known harms and concerns, no published CRIA has accompanied Taser 10's authorisation process and it is our understanding from the answer to a UK Parliamentary Question that there are no plans to do so. This is a clear violation of the UK Government's obligations under Article 3 of the UNCRC which requires that the best interests of the child be a primary consideration in all decisions affecting them.

Furthermore, although Policing in Wales is not devolved, given the authorisation of Taser 10 will impact children in Wales, we would expect this decision to be subject to Wales specific legislation that requires that all decisions (including development of policy, legislation, budgets) are given due regard to the UNCRC, under the Rights of Children and Young Persons (Wales) Measure 2011. With the added requirement under the Welsh Government's Children's Scheme to conduct a CRIA to evidence how due regard has been given.

The UN Committee on the Rights of the Child has repeatedly raised concerns about the use of Tasers on children, most recently as cited above in their 2023 Concluding Observations, but also in 2016 review of the UK. The Committee has called for a ban on the use of Tasers and other electrical discharge weapons on children, citing both physical and psychological risks, as indeed has the UN Committee Against Torture.

## **Conclusion**

Despite all these concerns there is no legal presumption against Taser use on children in the UK. The continued use of Tasers and the deployment of Taser 10 on children by police forces in England and Wales if authorised, will represent a serious breach of international human rights standards and Welsh children's rights legislation. The UK Government's failure to conduct a CRIA prior to authorisation is a grave oversight that disregards its obligations under the UNCRC.

Mounting evidence of the disproportionate use of Tasers on children—particularly those who are Black, socio-economically disadvantaged, have mental health concerns, ALN/SEN—exposes deep-rooted systemic discrimination and raises profound concerns about the physical, psychological, and developmental harm caused by such weapons. The use of Tasers on vulnerable children is not only traumatising but may also constitute state-inflicted violence and degrading treatment.

Immediate action is needed to halt the authorisation of Taser 10 and ensure all future decisions concerning the use of police enforcement technologies are grounded in children's rights, trauma-informed and evidence-based practice.

It is crucial that the introduction of new policing weapons, devices, equipment or technology are always subject to a robust CRIA process to assess and mitigate any potential risks to children and the enjoyment of their rights.

## Recommendations

Welsh duty bearers should take the lead and call for:

- 1. Immediate Moratorium on Taser 10**  
Suspend the authorisation of Taser 10 and ensure an independent Child Rights Impact Assessment is conducted and published.
- 2. Legal Prohibition on Taser Use Against Children**  
Introduce a legal prohibition on Taser use on children under 18 years, or at a minimum establish a strong legal presumption against such use.
- 3. Mandatory Child Rights Impact Assessments**  
Ensure CRIAs are required and embedded in all future policy and procurement decisions involving new police weapons, devices, equipment or technology.
- 4. Enhanced Police Training**  
Update police training to explicitly cover the physiological and psychological risks Tasers pose to children, with a focus on trauma-informed de-escalation practices.
- 5. Independent Oversight and Accountability**  
Expand the mandate of Wales based independent oversight bodies to investigate all Taser use involving children and report findings publicly, including disproportionate Taser use on particular groups of children. Independent oversight mechanisms, which include children's rights organisations and children and young people, should also be developed.
- 6. Improved Data Transparency**  
Welsh Police Liaison Unit to urgently collate and publish disaggregated Taser usage across the 4 Welsh Police Forces, data by age, ethnicity, disability (including ALN/SEN), socio-economic status, mental health concerns, the reason for Taser use, if the child was found with a weapon, what type of weapon, was the child injured by the Taser being fired, what was the outcome etc – to facilitate accountability and monitor disproportionality. Deep dives should also be regularly conducted into use of Taser on children to ensure the full circumstances leading up to Taser use can be understood and scrutinised.

## **Appendix 1: Types of Taser Use.**

The way a Taser is used by police officers is categorised into a range of escalating actions from drawing the device, through to it being discharged (i.e. fired, drive stunned or angled drive-stunned). Any one of these actions is categorised as a use.

**Drawn:** Drawing of Taser in circumstances where any person could reasonably perceive the action as a use of force.

**Aimed:** Deliberate aiming of the Taser at a targeted subject.

**Red dot:** The weapon is not fired. Instead, the Taser is deliberately aimed and then partially activated so that a laser red dot is placed onto the subject.

**Arcing:** Sparking of the Taser as a visible deterrent without aiming it or firing it.

**Fired:** The Taser is discharged with a live cartridge installed. When the trigger is pulled, the probes are fired towards the subject with the intention of completing an electrical circuit and delivering an incapacitating effect.

**Angled Drive Stun:** The officer discharges the weapon with a live cartridge installed. One or both probes may attach to the subject. The officer then holds the Taser against the subject's body in a different area to the probe(s), in order to complete the electrical circuit and deliver an incapacitating effect.

**Drive stun:** As a last resort, the Taser is held against the subject's body without a live cartridge installed, and the trigger is pulled with no probes being fired. Contact with the subject completes the electrical circuit which causes pain but does not deliver an incapacitating effect.

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# Agenda Item 7

By virtue of paragraph(s) vi of Standing Order 17.42

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Lynne Neagle AS/MS  
Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref LN/PO/282/2025

Children, Young People and Education Committee

[SeneddChildren@senedd.wales](mailto:SeneddChildren@senedd.wales)

12 June 2025

Dear Buffy,

Thank you for your letter of 7 May on behalf of the Children, Young People and Education Committee, in relation to the Children's Wellbeing and Schools Bill.

Having considered the points you have raised, I believe that the Legislative Consent Memorandum (LCM) that was laid on 24 March omitted to include some of the provisions in relation to children not in school measures which require the legislative consent of the Senedd. As I explained to the Legislation, Justice and Constitution Committee when I gave evidence on 12 May, this was an oversight. I apologise that these provisions were missed. The clauses referenced in your letter are Clause 35 and Schedule 2, Clause 63 and Clause 66.

To rectify this, today I have laid a supplementary LCM under Standing Order 29 which covers these provisions.

The specific queries raised in your letter of 7 May are addressed below:

1. As set out in the [UK Government's Explanatory Note](#), Clause 35 and Schedule 2 of the current published Bill, do require Senedd consent. These provisions relate to consequential amendments.
2. Clause 63 of the Bill (as currently published), provides the Secretary of State with the power to make consequential provisions, including a Henry VIII power to amend, repeal, revoke primary legislation, including an Act or Measure of the Senedd. As you have queried, the LCM that was submitted on 24 March did not reference that this provision requires Senedd consent. There are no equivalent powers for the Welsh Ministers and this issue has been raised with the UK Government. I will provide further information to the Committee on this power following engagement with the UK Government.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

3. Current Clause 66 within the Bill provides Welsh Ministers with the power to make regulations to commence clauses 30-35 and Schedule 2. These clauses relate to the children not in school provisions, and the regulations that will be required in order to commence them. Clause 66 does require Senedd consent.

Once again, I apologise for the oversight in relation to these provisions. I hope that this information allows the Committee to continue its consideration of the LCM.

I have copied this letter to the Clerk of the Legislation, Justice and Constitution Committee for information.

Yours sincerely,



**Lynne Neagle AS/MS**  
Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

Dear Chair

Thank you for your letter inviting my views in relation to the Children's Wellbeing and Schools Bill LCM, which is currently remitted to your Committee for review alongside the Legislation, Justice and Constitution Committee.

SeneddChildren@s  
enedd.wales

I note in particular the Committee's interest in Clause 11 (clause 10 as introduced) and the application of this to Welsh Local Authorities.

**Via email only**

The Committee will have had the opportunity to review my previous submission in relation to the wider subject matter of the LCM dated 1 May 2025, but the focus of that related to the safeguarding provisions and not specifically to Clause 11, so I am grateful for the opportunity to explore this in more detail.

Dyddiad/Date:  
16.6.25

Whilst we had had some discussions with Welsh Government Ministers and officials prior to the introduction of the Bill by the UK Government, those discussions had focused on the safeguarding and Education other than at School provisions. We had not had any discussions about the potential for a provision such as Clause 10 to be introduced.

I have since taken the opportunity to discuss this with officials, and with the Minister for Children and Social Care.

I recognise the pragmatic approach taken by Welsh Government to joining in on provisions in this Bill to give them application here in Wales too, where the legislative timetable for the Senedd would not enable such legislation to be passed here.

In particular, in relation to Clause 11, this comes from a policy direction that has not been led by the Welsh Government, so I can understand from that perspective why they haven't brought forward their own legislation in this space to date. I can further understand the decision to ensure that all safe options for children's care remain open to Welsh local authorities, against a backdrop of ongoing pressures on the availability of suitable accommodation to meet all children's needs.

However, I do have a concern that there is limited detail available as to how the new type of provision envisaged will operate. It is not clear to me who will provide and deliver the care in what appears to be a new type of secure-equivalent accommodation, nor what the operating models will be, specifically what the therapeutic care model will be and whether these provisions will be profit making entities.

On the latter point, Wales has taken great strides forward to eliminate profit making from children's care services, in direct response to the concerns of Welsh children and young people who felt commoditised by such arrangements. On the face of the limited information currently available, I am not clear whether these new placements will include a profit element but would be concerned if that were to be the case given the strong steps taken in Wales to prevent this.

I note that the placement of any children in any new types of accommodation would require Ministerial approval should this be a profit making entity, but would prefer to see assurances that this new accommodation will not extract a profit. Otherwise it is not clear to me that this would align with the policy and legislative aims of the Welsh Government and I would query the willingness to be included in this provision without further assurances on this topic.

I share the concerns of my counterpart in England, and other children's charity organisations such as Article 39 about the lack of detail around these new accommodations.

Pressure on secure care provision/places is not a new or emerging issue. There has been something of a crisis in this area which has been known about for many years. Indeed, my office, my counterparts in England, and Ministers and officials in Welsh Government have received correspondence from senior members of the Judiciary highlighting specific cases where the courts hands have effectively been tied, requiring use of the High Court's 'inherent jurisdiction' powers to order placements in bespoke (but unregistered/unregulated) accommodation in lieu of any other suitable placements being available. This is something that the UK and Welsh Governments have been 'on notice' to address for many years now.

It is disappointing that work is not further progressed in this space to address this known pressure in the system, affecting some of our most vulnerable children and young people. I note that the Welsh Government has taken some steps to introduce new regional provision to support children with complex needs; this came as a result of work from my office proposing 'safe accommodation' options back in 2018, but work continues to establish sufficient provision in each region. This has not been a swift process, and alongside this the numbers and needs of children in our care have continued to rise. It is not clear that work to date has been sufficient to address these placement challenges.

There are some questions that I would pose in relation to this proposed new type of accommodation:

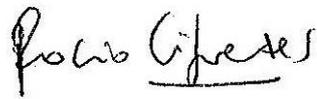
- We do not yet have the details around this proposal; do we know when draft regulations will be brought forward, and what these will contain?
- Will there be separate regulations for Wales, and will any regulations be subject to a full Children's Rights Impact Assessment? (the Children's Rights Advisory Group "CRAG", of which my office is a member, would be delighted to consider a request on this particular topic I am sure).
- Have any children or young people been consulted in relation to these proposals? Either in England, or in Wales? If not, what plans are in place to consult with Welsh children on this Clause?
- Will the new 'relevant accommodation' be subject to the same legislative arrangements as the current secure accommodation regime, in terms of checks and balances such as time limited placements and ongoing need for court approval for continued placements?
- What are the core elements of this type of accommodation that differentiate it from a) a secure accommodation setting and b) a regular children's home? What is it specifically about this provision will make this 'capable' or in other words 'suitable' to accommodate children deprived of their liberty?
- How will family contact and local connections be maintained for Welsh children being placed in this new accommodation? What safeguards will there be in the system to ensure these relationships can be maintained?
- How have Care Inspectorate Wales been involved to date in developing these proposals? As this provision would be in England, they would not have a direct role in regulating or inspecting these settings, but their input should be sought to ensure that the standards of care they would expect for children from Wales are being met.

In summary, at present there is not enough detail available to give a firm support to these proposals. I would have expected the discussions between Governments to be more advanced in terms of the specifics and details at this

stage, as it is necessary to know what the implications of the primary legislation will be even before the secondary legislation comes forward to consultation.

I would be happy to assist the Committee further with its inquiry in this regard if this would be beneficial. Either myself or my Head of Policy and Public Affairs, Rachel Thomas, would be happy to have further correspondence or discussions as required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rocio Cifuentes', with a horizontal line underlining the name.

Rocio Cifuentes MBE  
Comisiynydd Plant Cymru  
Children's Commissioner for Wales