

## CYPE(5)-23-20 - Paper to note 1

Comisiynydd  
Plant Cymru  
Children's  
Commissioner  
for Wales

To: Chair of CYPE  
Committee and  
members of Committee

Via email only

21 September 2020

Dear colleague,

I am writing to give you advanced notice of my decision to use my statutory powers to review the Welsh Government's actions in relation to two education policy matters: elective home education and the regulation of independent schools.

In doing so I will be using the statutory powers of the Children's Commissioner to review the exercise of functions of Welsh Ministers, pursuant to Section 72B of the Care Standards Act 2000.

We have decided to conduct a Review following written confirmation from the Minister for Education that the Government has made the decision not to progress the issuing of statutory guidance and regulations relating to these two areas during this Senedd term.

Whilst I understand and appreciate that the pandemic has had a significant impact on the workings of Government across every department and function, I have a duty to safeguard the rights and welfare of children and young people. Elements of this review will focus on decisions and actions pre-pandemic.

I do not expect, nor do I wish, this review to impede any ongoing policy work in relevant departments within Government.

You will know that I have taken considerable steps over many years to work with the Government to progress these issues but some of our fundamental concerns remain. The aim is to draw up recommendations on next steps that should be taken by this or a future Welsh Government to safeguard the rights of children educated at home or in independent schools.

In reviewing, we will focus on functions related to safeguarding and education although wider issues related to governance, decision making, children's wellbeing, and children's rights may also arise.

I have made it clear to the First Minister that in conducting this review there is no intention to attribute personal blame or judgement on the decisions or actions of any official or Minister. Instead, the review will look at the effectiveness of Welsh Government's delivery of its functions in relation to the



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Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau  
We welcome correspondence in the medium of Welsh and English as well as alternative formats

two areas of decision-making outlined. In doing so, it is likely to provide some commentary on the delivery of the Welsh Government's legal obligations in relation to children's human rights.

I will endeavour to keep you abreast of developments. In the meantime, a dedicated page will go live tomorrow on our website, which will include the most up-to-date information about the review. It will include information for young people who are being home educated or are in an independent school in Wales.

We will also be in contact if we require a contribution to this statutory review from you.

Meanwhile, if you have any queries about this work, please do not hesitate to contact my Head of Policy, Rachel Thomas, who is project managing this work on my behalf. Her contact details are as follows:

[rachel.thomas@childcomwales.org.uk](mailto:rachel.thomas@childcomwales.org.uk) / 01792 765600

With thanks,



Sally

Sally Holland  
Comisiynydd Plant Cymru  
Children's Commissioner for Wales

