

Cyflwynwyd yr ymateb hwn i'r ymgynghoriad mewn ymateb i destun ymgynghori sydd wedi'i ddiwygio ers hynny. Gweler tudalennau'r ymchwiliad a'r ymgynghoriad i gael rhagor o wybodaeth. | This consultation response was submitted in response to consultation text that has since been amended. See the inquiry and consultation web pages for this inquiry for more information.

CYPM4 Education Otherwise

Senedd Cymru | Welsh Parliament

[Y Pwyllgor Plant, Pobl Ifanc ac Addysg](#) | [Children, Young People and Education Committee](#)

[Plant a phobl ifanc sydd ar yr ymylon](#) | [Children and Young People on the margins](#)

Ymateb gan Education Otherwise | Evidence from Education Otherwise

Please set out any views on missing children below.

You may wish to consider:

- Nature and scale of the issue and regional variations.
- At risk groups: including the impact of care experience and out of area placements.
- Practice: issues such as information sharing and data collection.
- Policy: the effectiveness of devolved policy and practice responses, including Welsh Government oversight. Whether there is effective read across to relevant Welsh Government strategies.
- Devolved and UK powers: how joined up is the interface between devolved and non-devolved policy such as criminal and youth justice.

It is extremely worrying that the consultation lists 'children not in mainstream education' as an 'at risk group'. Of course, children who are absent from a school at which they are registered may be at risk and children who are missing children are at possible risk, but by using the term 'children not in mainstream education' the consultation is making a public statement that Welsh Government considers home educated children to be children 'at risk of harm'.

Welsh Government is fully aware that there is no evidence to suggest this to be the case and, furthermore, home education is of equal legal status to school education.

It is extremely concerning that this sort of 'catch all' is used, as it stigmatises parents' legal choice, causes harm to relationships between home educating families and public bodies and is confrontational and provocative.

It is apparent that this consultation seeks to pave the way for Welsh Government's proposed introduction of mandatory reporting of children by medical professionals, a consultation on which

ends a month after this one thereby prejudicing the databases consultation in advance of its completion.

Please set out any views on children and young people who are victims of criminal exploitation below.

You may wish to consider:

- Nature and scale across Wales and regional variations (e.g. traditional, drug related, sexual, financial).
- At risk groups: including care experience, children experiencing trauma in the home and children not enrolled in mainstream education.
- Policy: The effectiveness of devolved policy including Welsh Government oversight. Whether there effective read across to relevant WG strategies such as Child Sexual Exploitation.
- Practice: Approaches to prevention, community resilience, early intervention, support provided and exit strategies for victims. Practice issues such as information sharing and data collection.
- Devolved and UK powers: How joined up is the interface between devolved and non-devolved policy such as criminal and youth justice? Are there any points of tension between criminal law and safeguarding?

Again, 'children not in mainstream education' sweeps up home educated children wrongly classifying them as at risk of criminal exploitation. Welsh Government is aware that research finds home educated young people considerably less likely than their schooled counterparts to commit an offence leading to a disposal and consequently, less likely to be on the margins of or involved with criminal enterprise. These are not at risk children and any findings must reflect that.

Children in care are vulnerable to exploitation 'On average, 1 in 10 care-experienced young people will go missing, in comparison to 1 in 200 of their peers' (NYAS 2023). The care system is not fit for purpose in this respect. Children should not be forced to live 'out of area' unless it is essential to safeguard them by moving them out of area. Children's voices must be heard before such decisions are made, not just listened to, but actually heard. Children subject to exploitation are children and should not be criminalised. Furthermore, children go missing for a reason and that reason is often because of their circumstances, those children should have an independent return interview which is not conducted by the local authority. Every child must also be allowed to have an advocate of their choice available to them.

The starting point in every case must be to respect the child as an individual and to not make block policy decisions about children's lives. In our experience, all too often, children in care are prevented from accessing advocates of their choice without legal grounds to restrict that access. Children are

subjected to unacceptable and too numerous changes in their lives such as uprooting them from their education in addition to their homes. This doubly traumatises children and leaves them increasingly vulnerable. Welsh government must start from the basis of making the minimal number of life changes for the child which are essential to safeguard them.

Information sharing must be restricted to essential sharing for children who are at significant risk of harm. Again, Welsh Government has sought to bring in regulations which would result in all home educated children's data being routinely shared. That is a gross infringement of the privacy of those children.

Agencies need a clear and unequivocal message that home educated children are not children at risk and no group which is not at risk should be implied to be so. Only by restricting policies to those cases which need them can we seek to protect children genuinely at risk.

Please set out any views on other groups of children on the margins.

You may wish to identify other groups of children "on the margins". These would be groups of children in circumstances that require a specific response from children's services or other statutory providers and for which there are concerns about the current policy or practice.

Welsh Government must clearly define what it means by 'on the margins' in a way which does not scoop up children who have no place in such a description. Public bodies gain legitimacy from the support of the public and, by including groups which are not at risk, such as home educated children, well meaning policies lose legitimacy because they lose public support.

Welsh Government would do well to examine how the interface with the family court system operates for children in cases where domestic abuse is a factor. Currently, children who are subject to domestic abuse or witness a parent being subjected to such abuse are not safeguarded by the family court or criminal justice system. These are children at significant risk of harm and yet, the protective parent is very often unable to obtain support from the police who dismiss any form of abuse which leaves no sign of injury, out of hand. Or, most usually, appear not to know how to address it and therefore take no further action.

Protective parents are often terrified to raise abuse of their child with the family court as the perpetuation of such referrals as indicative of 'parental alienation' and lack of court understanding of how an abuse victim can struggle to give evidence well, can and often does lead to court ordering contact and even transfer of residence to the abusive parent.

These children are being let down by our criminal justice system whilst the family court is used as a means of perpetuating their abuse. The risk this creates for children is significant. These children are marginalised by a system which is not listening to victims.

If you have anything else you wish to share with us, please do so below.