

Dear Buffy and members of CYPEC,

There is sadly an urgent need to meet with yourself and other members of the CYPEC in anticipation of your next meeting on 2nd April 2025.

It was helpful to meet with you a few weeks ago, I hope mutually so, to discuss some of the challenges home educators in Wales face. However, given the extent of these difficulties under existing guidance and demands of local councils, we didn't get the opportunity to address much in terms of the issues that would be faced by enactment of the Welsh government's "database proposals" - proposals for non-consensual sharing from previously confidential healthcare sources of all children of CSA and the commencement of extensive databases of children.

However just a week or so after we met, not only was secondary legislation enacted for those proposals without scrutiny of the implications by the Senedd, but, unknown to home educators (and it would appear to our representative Senedd members alike) the Welsh Government also decided that the "Children's Wellbeing and Support Bill" at Westminster would now apply to Wales too.

There are profound issues with this. That announcement was made on the last day that amendments were possible, only days before it passed from the House of Commons to the House of Lords, after the Committee and call for evidence stage.

Significant concerns have been raised about the lack of scrutiny on how this Bill will affect children when it was only meant to apply to England. At the Committee stage at the House of Commons, only minutes given to conversation on the aspects that particularly affect home educated children with concerns dismissed and overridden even within that short window. At the Evidence stage in the House of Commons prior to this, no home educators or related experts were allowed to give oral evidence; only those who agreed with the Bill and did not question key aspects of it were allowed to give oral evidence. Hundreds of submissions of evidence regarding the damaging aspects of the Bill were not published with the submissions of evidence, whereas it would appear that any submissions that agreed with the Bill were. Attempts are presently in progress to collate the unpublished submissions of evidence so that these can be appreciated by all who may be considering the impact of this Bill.

However, not just are there question about the lack of scrutiny on how this Bill would impact children in England, there has been absolutely no scrutiny or opportunity for the impact of the combined effect of this Bill in addition to key pieces of Wales-specific legislation that have been enacted within days of the announcement that the CWS would now apply to Wales too.

Please see this briefing note and press release about the interactive effect of these:

https://defenddigitalme.org/2025/03/17/concern-over-westminster-wales-deal-in-pupil-data-pilot-and-late-bill-changes/?fbclid=IwY2xjawJPgn5leHRuA2FlbQIxMAABHfMedn0GNOEBF-FZRwgXuuAm2g_laGTu6PbuyH5uhRikhbl3-AJIAVxZA_aem_sZZvwyaxEzxGseJiDxatPw

https://defenddigitalme.org/wp-content/uploads/2025/03/Wales-childrens-data-extraction-Supplemental-Briefing-CWBSBill-15032025.pdf?fbclid=IwY2xjawJPgphleHRuA2FlbQIxMAABHWsfqkqbK0ZQOodioRAU2X4-2JYy2vIAAO171IOsCvldiyi2anbG9m-Cgtg_aem_1VvQl3P_QWEqPAISnfrlw

The database proposals in Wales were brought in because the Senedd were told of the damaging impact of deterring people from accessing universal services that placing a duty for parents to register their children a home educated with the council would be anticipated to cause.

https://record.assembly.wales/Plenary/4901?fbclid=IwY2xjawJPcxRleHRuA2FlbQIxMQABHecVS7yUlg2FZnFxB_rnCWq6_oO530xpeTqMKFHAK4ls2iqscQ45OhHMGA_aem_AnneVf9KW8dpRgHg8GAH2Q#A10000068 – see point 395 regarding registers.

However, despite this acknowledgement on the floor of the Senedd, the Welsh Government have

(1) **proceeded with the database proposals despite considerable warnings of the damaging effects including of such a deterrent effect in accessing universal services as given by professional bodies** such as the GMC, BMA and others, by key stakeholders such as families and as informed by research.

(2) Decided, without consultation or forewarning to **include legislation for the very measure that warned against in the Senedd**, namely to construct a duty on parents regarding a register of home educated children. Moreover, in the CWs Bill, the duty on parents is not just to inform the council their children are home educated, even though that alone was recognised by the Senedd to be likely to be counterproductive, but places additional duties of extensive information providing of an unprecedented and unworkable nature in a manner that would impair the educational provision of children in a variety of ways, with threats of extensive fines or even imprisonment for parents. These are measures that

require considerable scrutiny and informed evaluation within Wales before considering imposing on Welsh families. They are also measures that would make the proposed databases unnecessary and any risk-benefit evaluation would now be considerably different to before this Bill was deemed to apply to Wales, with significant risks and financial implications without the perceived potential benefits. Indeed, it would appear that Welsh Government were aware of this well before any announcement on the inclusion of Wales into the CWS in England, given the flawed nature of the ADR report they had commissioned and as indicated in response to written questions. <https://familiesfirst.wales/how-the-welsh-government-uses-anonymised-data-to-shape-policy-and-service-delivery/>

Furthermore, many aspects of the clauses that Welsh government have requested apply to Wales are **likely unlawful** whatever UK nation they apply to. Two KC opinions have already been obtained on key features, and a third on additional aspects is presently awaited. It would be far more prudent and a far better use of limited finances to await the outcomes of likely legal challenges before considering any of the measures that this Bill proposes rather than forcing families into requiring repeated legal redress.

This legislation must not be brought into power in Wales without full opportunity for scrutiny, including opportunities for experts and key stakeholders to be consulted and to submit evidence and information.

Please as members of CYPEC, would you do all that you can to ensure this.

Dr Ruth McKee,

as part of Home Ed Cymru.