

16 April 2025

Dear ,

**ATISN 24601 Children missing education database**

Thank you for your response to our request for clarification in relation to ATISN 24601. I received your response on 9 April 2025.

As clarified in your letter, you asked for:

1. The data and/or statistics behind the following statement in the Regulatory Impact Assessment (RIA) for the Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025: "children who are not seen on a regular basis by professionals with safeguarding duties are more likely to be at risk."

Our response:

These are policy views, supported by the home-education reports (referenced within the RIA at paragraphs 21 and 48) undertaken by the Children's Commissioner for Wales and the National Independent Safeguarding Board (NISB), and the Welsh government's statutory guidance for local authorities – [Help prevent children and young people from missing education](#). The findings of the NISB report support the policy views set out in the RIA for these regulations, including the statement you have referenced. The report is available on the following link: [2017-11-14-Home-Education-Report-Final-13.10.17.pdf](#)

The Children's Commissioner for Wales' (CCfW) report on Home Education includes formal recommendations for the Welsh government and again assesses the risk to children. The CCfW report requests that measures to ensure children's safety through routine contacts with universal services such as health should be undertaken. The report is available on the following link: [ReviewofWG\\_FINAL\\_ENG.pdf](#)

2. The data and/or statistics to clarify the context of "risk" in the statement outlined in point 1.

Our response:

The Welsh government does not hold the data or statistics you have requested. You have referred to a policy statement that is consistent with information in the Welsh government's existing statutory guidance in relation to children missing education (link included in response to point 1).

3. In relation to the following statement in the RIA (under paragraph 44): "Option 2 does not meet the full ask of stakeholders meaning that further legislative measures may be required at a later stage."

- (a) What the stakeholders are referring to and why they are asking for it, and  
(b) who the stakeholders are?

Our response:

Information for both parts of this point are included in paragraph 21 of the RIA. This section confirms what the stakeholders are referring to, why they are asking for it and who those stakeholders are. Paragraph 21 states:

*"There are a number of disbenefits associated with Option 1. Primarily it does not seek to address any of the concerns raised by local authorities and other stakeholders with safeguarding duties. Local authorities and organisations with responsibility for children and young people, including the Children's Commissioner for Wales and the National Independent Safeguarding Board (NISB), have consistently argued that the current legislative framework is not robust enough to enable local authorities to identify children living within their areas, and be able to effectively undertake their statutory duties."*

- (c) How have Welsh government determined that option 2 (as referred to in the quote from paragraph 44 of the RIA) does not meet the full ask of stakeholders when there are a variety of stakeholders that are affected by the CME database legislation?

Our response:

As per the response to 3(a) and 3(b), the definition of stakeholders in this context and what they have asked for is included in paragraph 21 of the RIA. As paragraph 21 relates to the disbenefits of Option 1 and paragraph 44 (referenced in your question) relates to the disbenefits of Option 2, the distinction and definition of stakeholders and what they had requested, was not repeated.

- (d) How does the Welsh government determine that one cohort of stakeholders takes precedent over another affected stakeholder? Is there a section of legislation or guidance that Welsh government use to determine this that you can share?

Our response:

The Welsh government does not hold the information requested. Whilst all responses to consultations are considered, there may be different factors in each consultation that explain how responses have been considered and categorised. The published summary of responses document provides an outline as to how the responses to the CME database consultation have been

considered, and explains why. The summary of responses document is available on the following link:

[https://www.gov.wales/sites/default/files/consultations/2024-09/children-missing-education-database-summary-of-responses\\_1.pdf](https://www.gov.wales/sites/default/files/consultations/2024-09/children-missing-education-database-summary-of-responses_1.pdf)

4. In relation to the following statement in the RIA: "Strengthened legislation to address safeguarding and welfare concerns about children not known to local authorities has been recommended by the Children's Commissioner for Wales and the National Independent Safeguarding Board."

- (a) A copy of the recommendations made by the Children's Commissioner for Wales and the National Independent Safeguarding Board and (b) the statistics and data they used to make their recommendations.

Our response:

The recommendations made by the Children's Commissioner for Wales and the National Independent Safeguarding Board are included within their published reports. Links to those reports are available within the response to point 1 of this request. In relation to the statistics and data used within the external reports referenced, this information is not held by the Welsh government as these reports are written by separate organisations / bodies. You may find the source of the report information within the reports, or you can request this directly from the report authors.

As clarified in the letter sent to you on 3 April, your initial request included several additional policy queries which were not within scope of the Freedom of Information Act 2000. These policy queries are addressed in Annex A, attached.

The request you sent me contains personal information about you - for example, your name and address. The Welsh Government will be the data processor for this information and, in accordance with the General Data Protection Regulation, it will be processed in order to fulfil our public task and meet our legal obligations under the Act to provide you with a response. We will only use this personal information to deal with your request and any matters which arise as a result of it. We will keep your personal information and all other information relating to your request for three years from the date on which your request is finally closed. Your personal information will then be disposed of securely.

Under data protection legislation, you have the right:

- to be informed of the personal data we hold about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further information about the information which the Welsh Government holds and its use, or if you wish to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ  
Email: DataProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Website: [www.ico.org.uk](http://www.ico.org.uk)

Any information released under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 will be listed in the Welsh Government's Disclosure Log (at <https://gov.wales/about/open-government/freedom-of-information/responses/?lang=en>).

Yours sincerely

## Annex A

Dear A Smith

The additional policy queries you raised under your request for information under ATISN 24601 are addressed below.

As clarified, these points were included at points 5 - 8 of your request under ATISN 24601 but related to general policy rather than requests for information under the Freedom of Information Act 2000. Your correspondence requested clarification on some of the information set out in the Regulatory Impact Assessment for the Children Missing Education (CME) Database.

In relation to sections 2.1 and 1.27 of the statutory CME guidance, section 2.1 provides local authorities with examples of vulnerable groups who could potentially go missing from education. I would like to clarify that the circumstances outlined in this section of the guidance are not mutually exclusive to being home-educated. Additionally, section 1.27 includes some of the reasons why children go missing from education and includes direct references to home-educated children. As clarified in the Regulatory Impact Assessment (RIA), electively home educated (EHE) children are a subset of CME and section 1.27 of the guidance emphasises that. Because of the link with CME, there are references to EHE throughout the RIA. Many of these references are included to clearly set out the difference between EHE and CME and to avoid conflation between children who are known to be receiving a suitable education at home (EHE children) and those who are not (potentially CME).

The RIA is a document that assesses the impact or potential impact of a legislative proposal on different aspects and stakeholders. The RIA for the CME database includes references to 'database' and 'data' because these words are in the title of the proposal and because the proposed legislation has a data sharing element. The Data Protection Impact Assessment (DPIA) is a separate process and document and considers the impact of a planned process that involves sharing of personal data. The two are not interchangeable and are separate assessments. The DPIA is now available on the following link: [children-missing-education-database-data-protection-impact-assessment-dpia](#).

In relation to publicising the database pilot, a written statement announcing the decision to pilot the arrangements was issued following the consultation outcome. This can be accessed here: [Written Statement: Consultation outcome - the Children Act 2004 Children Missing Education Database \(Wales\) Regulations \(11 September 2024\) | GOV.WALES](#)

This includes information about the CME database, the pilot and the participating local authorities. Individual local authorities may also choose to publicise the pilot locally.

Yours sincerely,

Equity in Education Division