



Llywodraeth Cymru
Welsh Government

PUBLICATION, DOCUMENT

Children missing education database

We want your views on the children missing education database proposal and regulations for local authorities and local health boards.

First published: 31 January 2024

Last updated: 31 January 2024

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/children-missing-education-database-html> for the latest version.

Get [information on copyright](#).

Contents

Introduction

Why are we proposing these regulations?

What is the current position?

What do the regulations require?

How will the database operate?

Consultation questions

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/children-missing-education-database-html> for the latest version.

Get [information on copyright](#).

Introduction

The Welsh Government is committed to ensuring all children in Wales receive a suitable education. Children and young people not receiving a suitable education may not fulfil their potential and are less likely to be in an environment which enables local agencies to safeguard and promote their well-being.

The Welsh Government previously **consulted** on draft regulations that would require each local authority (LA) to set up a database of all compulsory school age children in their area, for the purposes of establishing whether children were in receipt of a suitable education. The regulations placed a requirement on local health boards (LHBs) to share information about children, with the relevant local authority, for the purposes of establishing the databases. Separate regulations, the Education (Information about Children in Independent Schools) Wales regulations, were included within the consultation. These regulations require independent schools to share information about children on-roll with that school, with the LA where the child was usually resident. A summary of the consultation responses is available: **[local authority education databases](#)**

The Welsh Government is consulting on revised database regulations that place a requirement on each LA to establish a database of only those children in their area who may be missing education and/or may not be in receipt of a suitable education, that is, they are not receiving education at school, otherwise than at school (EOTAS provision), or they are electively home educated (EHE) and not known to be in receipt of a suitable education.

The regulations will place requirements on LHBs and general medical contractors (as data controllers), to share information about children usually resident in the LHB area, with the relevant LA on an annual basis.

These regulations will be amended in order that they can be piloted across a small number of LAs and LHBs in the first instance, for one year. The pilot will

be evaluated before any arrangements are implemented more widely.

Why are we proposing these regulations?

The database will provide a mechanism for LAs to identify children they do not know about, and who are potentially missing education. Section 175 of the Education Act 2002 places a requirement on local authorities to undertake their education functions with a view to safeguarding and promoting the welfare of children. However, they are only able to do this if they know about children in their areas. The purpose of the regulations is to support LAs to undertake the section 175 duty by (a), placing a requirement on LHBs to share information with LAs to help them identify children not known to them, and (b) requiring LAs to use the information to establish a database of children who may be missing education (CME).

The relationship between missing education and safeguarding/welfare concerns is well established. Welsh Government statutory guidance, '**Help Prevent Children and Young People from Missing Education**' states that if a child or young person is receiving an education, not only do they have the opportunity to fulfil their potential, they are also in an environment which enables local agencies to safeguard and promote their well-being. If a child or young person goes missing from education, they could be at risk of significant harm. Therefore, the sharing of information between public bodies with the aim of identifying children potentially missing education, including those who are EHE children who are not in receipt of a suitable education, is with a view to safeguarding and promoting the welfare of children.

Section 7 of the Education Act 1996 states that “the parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to a) his age, ability and aptitude and b) any special educational needs he may have either by regular attendance at school or otherwise”. There is a

separate duty on LAs under section 436A of the Education Act 1996 to ensure that children in their area are in receipt of a suitable and efficient education. However, for various reasons some children either disengage from education or go missing from the system. The Welsh Government has in place **statutory guidance** for LAs which states that:

“ each local authority and school has a responsibility to attempt to trace all children and young people who cease to attend education. This is vital as there is always a possibility that the child or young person may be missing because they are at risk of significant harm ”

What is the current position?

At the moment LAs have their own processes for identifying children who may be CME, but there is no reliable or consistent method for identifying all compulsory school aged children who have never been to school, and/or are missing education. LAs only hold information on children who are attending mainstream school, other LA arranged provision (EOTAS), or if they have been notified by a parent or guardian that a child is being electively home educated (EHE). Existing methods in place for LAs to become aware of children not currently known to them and/or missing education are not always reliable, for example, the live birth register does not assist when children have changed address or moved away or into a LA. Equally, school deregistration information only captures those children who have attended mainstream school previously. If the LA does not know about a child it is responsible for, it is unable to undertake its duties in relation to safeguarding and welfare, and cannot be certain that the child is not at risk of harm.

Section 29 of the Children Act 2004 provides a power to require a LA to operate a database for the purpose of arrangements under section 25 or 28 of the

Children Act 2004 or section 175 of the Education Act 2002. The introduction of regulations that would require LAs to establish a 'children missing education' or 'CME' database from data provided by local health boards (LHBs), will assist LAs to comply with their duties under section 175 of the Education Act 2002.

The rationale for the database aligns with the [statutory guidance](#) to help prevent children and young people from missing education. Once LAs have established their CME database, the guidance outlines the steps that should be taken to locate the child and ensure that the correct processes are followed.

What do the regulations require?

The Children Act 2004 (Children Missing Education Database) (Wales) Regulations 2025 ("the database Regulations") place two requirements on LAs and LHBs and general medical services contractors (references in this document to LHBs include references to LHBs acting as the data processor for the general medical services contractor). The general medical services contractor (for example, a GP surgery) will be the data controller of some of the data to be shared, the data will also be held centrally by the LHB. In practice, we would anticipate that this information would be shared between the LHB (as both the data controller for some of the information and the data processor for the GP lists) and the LA.

They require:

- LAs to establish individual databases of CME children, that is, those children in their areas who are (or potentially are) missing education, and
- LHBs to provide data to the relevant local authority relating to children who are usually resident in the LHB and the LA area

There are no proposed changes to the Education (Information about Children in

Independent Schools) (Wales) Regulations save that the Schedule to those Regulations (for example, the information that an independent school is required to share) will mirror the Schedule to the database Regulations. Independent schools will be required to provide information relating to children attending those schools, to the LA where the child is usually resident, for the purposes of removing these names from the LA data set.

How will the database operate?

The majority of information about children that LAs have access to is school data. The **Pupil Level Annual School Census**, is a pupil and school level data set provided by all maintained sector primary, middle, secondary, nursery and special schools in Wales, submitted on an annual basis. LAs will use this data set to remove children on roll at a school. LAs also have information on children in EOTAS provision (which includes pupil referral units (PRUs)), and separate information on electively home-educated (EHE) children - provided that the parent or guardian has informed the LA that they are home-educating.

Under the database Regulations, LAs will receive information from their LHB about children who are resident in that LA. This information may be held centrally by the LHB or obtained from general practitioners. The LHB data will only include the child's name, address, gender and date of birth. Independent schools will share the same basic information with the LA about children on-roll at their school. This is the minimum information that is required to ensure the LA can cross-reference the data with its education data, and identify a child not known to them and who, therefore, may be potentially missing education.

The data already held by LAs coupled with that submitted to LAs via both sets of regulations will result in a reasonably complete list of all compulsory school age children, regardless of where they are educated.

Most children will be attending school or EOTAS provision or EHE and known to be in receipt of a suitable education. Only the names of children who are not known to the LA, or known to the LA but they have been unable to determine whether the education being provided is suitable, will be included on the database.

This will not be a central all-Wales database and it will not be live. Each LA will maintain its own database and ensure that information relating to children moving between local authority areas, is shared with the relevant LA. It is intended the data disclosure will take place once a year and will provide as accurate as possible data at a particular point in time.

Once the LA has a complete list of children who are potentially CME, these names will be included within their database. The LA will take necessary action to identify those children and determine whether they are missing education, in line with the statutory guidance to help prevent children and young people from missing education.

Names will be removed from the database once the LA has located the child and determined that they are in receipt of a suitable education.

Consultation questions

Question 1: Currently local authorities do not know about all children in their area but are still responsible for them. Do you think the requirements in the regulations will help local authorities to identify children not currently known to them and/or children missing education?

Question 2: Does this proposal assist local authorities with their arrangements made under section 175 of the Education Act 2002, which is to undertake their education functions with a view to safeguarding and promoting the welfare of

children?

Question 3: Under the regulations, local health boards will disclose the information as required in the Schedule (name, address, gender and date of birth of child) to the local authority so that they can develop a children missing education database.

- Do you agree that the information requested in the Schedule is reasonable and proportionate to enable the local authority to identify children not currently known to them and who may be missing education?
- Do you agree that the information requested in the Schedule is sufficient to enable the local authority to identify children not currently known to them and who may be missing education?

Question 4: Are there alternative systems and processes that would enable the local authority to identify a child they have no prior knowledge of?

Question 5: What, if any, advantages and disadvantages do you think there would be in the disclosing of the required data to populate the database?
Complete the section relevant to you.

1. Parents and carers
2. Children and young people
3. Local health boards and general medical contractors
4. Local authorities
5. Other

Question 6: The draft regulations propose that local health boards disclose information to local authorities annually. Do you agree with an annual return?

Question 7: What would be the implications of a more frequent data return in terms of technical, administrative and resource implications on:

1. local health boards

2. local authorities
3. other

Question 8: Who within the local authority would need access to the children missing education database in order to carry out their functions?

Local health boards (9 to 12)

Question 9: Can you identify any key privacy risks and the associated compliance and corporate risks?

Question 10: Do existing protocols concerning data of children who have died ensure that any processing of that data does not lead to any inappropriate communications with families?

Question 11: Do you have any previous experience of this type of data disclosure/processing?

Question 12: Are there additional resource and technical implications of processing and disclosing the required data to local authorities?

General medical services contractors (13 to 14)

Question 13: Can you identify any key privacy risks and the associated compliance and corporate risks?

Question 14: Do existing protocols concerning data of children who have died ensure that any processing of that data does not lead to any inappropriate communications with families?

Local authorities (15 to 19)

Question 15: Do you (the local authority) believe that your existing children missing education systems and processes enable you to be confident you are aware of all children of compulsory school age within the local authority area?

Question 16: Do existing protocols concerning data of children who have died ensure that any processing of that data does not lead to any inappropriate communications with families?

Question 17: Can you identify any key privacy risks and the associated compliance and corporate risks?

Question 18: Do you have any previous experience of this type of processing?

Question 19: Are there additional resource and technical implications of processing the data received from local health boards?

Question 20: Do you think anything in the draft regulations could have a disproportionate impact on those with protected characteristics?

Question 21: What, in your opinion, would be the likely effects of the draft regulations on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 22: In your opinion, could the draft regulations be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language

- and on not treating the Welsh language less favourably than English or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

This document may not be fully accessible.

For more information refer to our [accessibility statement](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/children-missing-education-database-html> for the latest version.

Get [information on copyright](#).