
Ymateb i Ymgynghoriad / Consultation Response

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Dyddiad / Date:	25.04.24
Pwnc / Subject:	Children missing education database

Background information about Estyn

Estyn is the Office of His Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000¹ and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by those receiving education and training in Wales;
- Quality of leadership and management of those education and training providers, including whether the financial resources made available to those providing education and training are managed efficiently and used in a way which provides value for money;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary, secondary, special and all age schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and initial teacher training.

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;

¹ This act to be replaced by the Tertiary Education and Research (Wales) Act 2022 when the quality provisions are commenced.

- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

Response

Introduction

Overall, Estyn considers that creating a requirement on each local authority 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 is a positive development. Currently, it is difficult for local authorities to identify all children and young people for which they have a duty to ensure that they are receiving a suitable level of education. They may not be aware of pupils that are not registered in maintained schools and settings or other local authority education provision or those pupils whose parents have not informed the local authority that they are electively home educated. This currently presents a substantial risk that pupils who reside within the authority but whose parents or carers have not made contact with an education establishment could go under the radar. In such circumstances, there is a significant risk that the authority will not be able to ensure that:

- they carry out their statutory role to safeguard all children and promote their well-being
- they are meeting their duty under section 436A of the Education Act 1996 to ensure that children in their area are in receipt of a suitable and efficient education.

The creation of the database with information being shared by the local health board on an annual basis will reduce the risk of such children not being identified.

We support the proposal and feel that the benefits offered by creating databases at local authority level will far outweigh the workload implications placed on Local Health Boards to share the data with local authorities and in local authorities maintaining such a database and processing the data provided. The financial cost of processing this data and maintaining the database is likely to be offset by the benefits provided in the early identification of potentially vulnerable children and young people and ensuring that their needs are met.

The main workload created by this proposal will be the time required for health board staff to prepare the data and the need for local authority staff to match this data with the information that they hold on pupils who are known to be receiving a suitable level of education (through attending a maintained or independent school, other local authority provision, or being electively home educated). Estyn supports the idea that the local health board data will only include the child's name, address, gender and date of birth as this is unlikely to lead to problems around privacy but provides sufficient information to match pupils.

Estyn also supports the proposal that data would only be shared once per calendar year. We believe that matching the date of data transfer from local health boards to local authorities with the annual PLASC data census date would lead to more accurate data and fewer problems with identifying those children and young people that cannot be matched and are therefore potentially missing education.

The draft bill could possibly be strengthened by outlining the protocol for local authorities to follow when they cannot match the data provided from LHBs with their own data.

The Welsh Government may also want to consider whether there are any benefits to creating a national database of children missing education to help identify and support children who perhaps move between areas and are missing 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 or children missing education?

Yes	✓	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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If you have responded no, please explain why you believe the regulations will not help local authorities to undertake this duty.

Question 2 – Does this proposal allow for local authorities to meet their section 175 duty under the Education Act 2002, which is to undertake their education functions with a view to safeguarding and promoting the welfare of children?

Yes	✓	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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If you have responded no, please explain why you believe the regulations will not help local authorities to undertake this duty.

This response will help to reduce the risk of children and young people missing education from not being identified. Identifying children and young people is the first step towards being able to safeguard and promote the welfare of these children and young people.

Question 3 – Under the regulations, local health boards will disclose the information 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.

- i) 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?

Yes	✓	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Please provide additional information to support your answer.

Estyn believes 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. It is likely to be sufficient for local authorities to be able to match most pupils identified by the health boards easily. The draft bill could possibly be strengthened by outlining the protocol for local authorities to follow when they cannot match the data provided from LHBs with their own data.

ii) 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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If you do not believe the information requested is sufficient, please outline what information should be included in the Schedule.

We agree that the information requested is sufficient to decrease the risk of children going missing from 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
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If you have answered yes, please state what those systems and processes are.

Estyn do not believe that there are better alternative systems. These new arrangements will strengthen these processes and will substantially reduce the risk that children missing education are not identified.

The proposals could be further strengthened by requiring the resulting children missing education database to be shared nationally so that all local authorities can consult. This may help identify and safeguard children who may move between different local authority areas.

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.

i) Parents and carers

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ii) Children and young people

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iii) Local health boards and general medical contractors

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iv) Local authorities

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v) Other

Estyn believes that the advantage of this system is in reducing the risk of children or young persons missing education not being identified. By ensuring that these children and young persons are identified, the local authority is then able to safeguard them and ensure that they are receiving a suitable level of education. This is likely to have long-term benefits for these individuals.

The main disadvantage of the proposal is the administrative workload for the health board in sharing this data, and for the local authority in matching this data against its own data to identify individuals who are missing from their records, and then maintain the database.

Estyn believes that the advantages far outweigh the disadvantages.

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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If not, how often do you think this information should be provided to local authorities and when would the most appropriate time be?

Estyn believes that sharing the information annually is reasonable, and that it would be advantageous that the sharing of this information coincides with the annual PLASC collection date as this is likely to help with accuracy and workload.

It may be wise to wait before confirming this part of the regulations until the pilot has ended and the exact workload, costs and benefits have been evaluated. Should it be the case that this task is not burdensome for LAs and LHBs and that it results in a significant number of children who are missing education being identified, it may be worth considering the case for sharing information on a more regular basis.

Although a low risk, there may be a need for LHBs to share information about the deaths of any children or young persons with the LA in the immediate period following the initial sharing of information. If a child (who was not known by the LA) died between the time of the LHB sharing the data and the time the LA team approaches the family (after the database of children missing education had been updated), then such an approach could be insensitive.

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

i) local health boards

More administrative burden.

ii) local authorities

This would probably further reduce the risk of not identifying children or young persons who are missing education, but it would create greater burden with regards to matching this data.

It may be wise to wait before confirming this part of the regulations until the pilot has ended and the exact workload, costs and benefits have been evaluated. Should it be the case that this task is not burdensome for LAs and LHBs and that it results in a significant number of children who are missing education being identified, it may be worth considering the case for sharing information on a more regular basis.

Although a low risk, there may be a need for LHBs to share information about the deaths of any children or young persons with the LA in the immediate period following the initial sharing of information. If a child (who was not known by the LA) died between the time of the LHB sharing the data and the time the LA team approaches the family (after the database of children missing education had been updated), then such an approach could be insensitive.

iii) other

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Question 8 – Who within the local authority would need access to the database in order to carry out their functions?

- Child protection service workers
- Education officers
- Social services
- EHE support team
- Senior officers

It may be helpful to ensure the final database is able to be accessed by other local authorities across Wales.

Local health boards (9 to 12)

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

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Question 11 – Do you have any previous experience of this type of data disclosure and processing?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Question 12 – Are there additional resource and technical implications of processing and disclosing the required data to local authorities?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

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General medical services contractors (13 to 14)

Question 13 – Are there any privacy risks or associated compliance and corporate risks?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Question 19 – Are there additional resource and technical implications of processing the data received from local health boards?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

The new draft regulations are intended to protect all pupils and therefore will not have a negative impact on any pupils, including those that have protected characteristics.
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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?

Supporting comments

The draft regulations are unlikely to affect the Welsh language. Estyn do not believe that there are any opportunities to promote any positive effects on the Welsh language within these draft regulations.

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?

Supporting comments

Estyn does not believe that the draft regulations could be changed to have positive effects on using the Welsh language.

Question 23 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: