

Email correspondence from Home Ed Cymru to CYPE Committee

EMAIL DATED 21 JANUARY 2026

Dear Buffy,

I write to you again in your capacity as chair of CYPEC.

You may recall that we met previously to discuss some of the challenges we face as home educators in Wales. I recall you were shocked to learn, amongst other things, of the difficulties home educators so often face when local authorities overstep their present lawful remits and powers but were glad to have this brought to your attention.

We need your help again.

On 28th January, only a week away, CYPEC are due to discuss a supplementary LCM for extremely concerning and controversial **further amendments** to the CWS Bill to apply to Wales- please note especially the concerns with these amendments, given subsequently in this email.

On 3rd February, only 12 days away, Plenary are asked to vote on an LCM to approve that key sections of Westminster's Children's Wellbeing and Schools (CWS) Bill including these apply to Wales, to give Westminster the capacity to legislate on behalf of the Senedd "*on an issue that falls within the competence of the Senedd*".

Not just any issue. On highly questionable, controversial and complex legislation. With only 15 minutes of Plenary time has been allowed for such a profound step.

CONTENT OF THE BILL

The Bill is highly questionable in terms of ***content***

We cannot assume that just because Westminster says this bill is about safeguarding that it actually will safeguard children.

There is growing evidence and opinion that it will do the opposite.

Whether or not one agrees with the **principles** within the Bill is not the issue here.

There will be differing views on these – views that of course require time, discussion and communication to enable all sides to be appreciated. Indeed, for that reason alone, such a Bill cannot be simply waved through the Senedd without question.

But the reasons this Bill cannot be simply waved through the Senedd, alongside the extremely concerning issues behind the process of that, are the depth, extend and complexity of the content, because of the outworking, consequences, interactions and impacts of the particular content, not simply the principles.

These all need careful, considered, nonbiased evaluation and exploration, including hearing the voices of those impacted or experienced.

Some insight into the concerns on the **content** with this Bill can be found in the following links.

Please do read the content of the links – and yes, it takes time to even begin to appreciate these concerns and to even start to read such summary sources let alone dig deeper into hearing all perspectives.

But that is exactly why Wales needs to make its own legislation to allow measured evaluation, discussion, debate, to allow the listening process that results in good legislation that serves the people and children of Wales well, rather than agenda and party politics driven legislation without our input.

There are numerous reports and open letters merely touch on the tip of the iceberg of the problems and profound concerns about this Bill.

For example,

- **BASW – British Association of Social Workers** have cited significant concerns and criticisms, condemning key aspects of the Bill- something we trust you will greatly appreciate with your background as a Child Protection Social Worker.

<https://basw.co.uk/childrens-wellbeing-and-schools-bill-updates>

- Note the range of experts including those on child protection and social work who signed this Open Letter warning of concerns, including the **Victoria Climbié Association** and Rights for Children.

<https://rightsforchildren.uk/open-letter-on-schools-bill/>

- and their briefing note:

<https://rightsforchildren.uk/cws-briefing-september/> (clauses for unique identifier numbers haven't yet been requested to apply to Wales but other crucial clauses have).

- Defend Digital Me has some very helpful information on how the **impact assessments at Westminster are not fit for purpose**

<https://defenddigitalme.org/2025/02/07/impact-assessment-and-scrutiny-not-fit-for-purpose-the-childrens-wellbeing-and-schools-bill-so-far/>

- As well as useful information on the concept of **whether such processes of registration would be protective or not.**

https://defenddigitalme.org/wp-content/uploads/2026/01/Defend-Digital-Me-Briefing_Childrens-Wellbeing-and-Schools-Bill-01012026.pdf

- On the point of such a principle behind the Bill, it is wise to note that Kirsty Williams in her role as Welsh Education Secretary, told the Senedd

that the Welsh Government were **rejecting the principle of mandatory registration because of concerns that this would have a negative and damaging impact on children's safety and wellbeing.**

See point 395 here for example:

https://record.assembly.wales/Plenary/4901?fbclid=IwY2xjawPc9xtleHRuA2FlbQlxMABicmlkETBXUE9QbVN6b1UWGd0RHpVc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHk-mSp5L4p_ai5YCIKMhtG7NH0GG4vuXRk2k2KEGyQF-4ijYuo3wSL9h9BU_aem_PG8_Lg7EgDza1jjRgdj9fQ#A10000068

- Thus, at least one of the key proposals within this bill would represent a significant U turn in approach, policy and understanding something that again would warrant considerable evaluation and communication.
- It's also wise to note that even the other options that were planned had to be paused and deferred because even in a simple public consultation, a “*significant number of the many responses also raised complex technical, policy and legal matters which require careful consideration*”. An indicator of just how complex the issues are – measures involving these issues cannot therefore simply be waved in in an ostrich like way. https://www.gov.wales/written-statement-children-act-2004-education-database-wales-regulations-2020-and-education?fbclid=IwY2xjawPc9j1leHRuA2FlbQlxMABicmlkETBXUE9QbVN6b1UWGd0RHpVc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHrEKDuDWuKE1AMlr0Kmd8S_cCRBmekqL_CMcljkFWrk_uR41VksPmTpRfPUq_aem_qost6YN8Y8lz72T1pA-mQw
- So, at the very least any change to this policy and understanding needs evaluation of any evidence to justify such a differing approach.

It would seem unthinkable to wave through such a Bill to apply to Wales with so many experts raising cautions about the safeguarding risks.

We really need to evaluate policies and practices for ourselves to be sure are making wise and safe decisions and legislation.

Those are just a very small introduction to only some of the issues in the Bill as initially presented to the House of Commons.

However, since it was requested for key clauses of the Bill to apply to Wales too, a **CONSIDERABLE NUMBER OF GOVERNMENT AMENDMENTS have been laid at Westminster** take the Bill into even more dangerous territory.

A legislative consent memorandum has been laid on the 16th of this month for these to apply to Wales too, and you are due to discuss these on 28th January, although only 15

minutes is allocated to such profound issues.

Again, the dangers within these amendments are profound and have not been properly thought through at Westminster.

For just some examples:

- Amendment 121A would **enshrine discrimination against disabled children**, by placing consent for educational placement in the hands of local authorities, on no basis other than their disability. It would also have this effect for any child who has been investigated by children's social care in the past, regardless of whether any risk was revealed or whether the referral was found to be malicious. This is against presumption of innocence and will curtail parental responsibility for hundreds of thousands of children who are not actually at risk.
- Amendment 131A would similarly subject disabled children and children with **any** history of investigation by social care to infringements on their right to a private life. This represents an astonishing departure from democratic norms, where people have an expectation of privacy when there is no reasonable suspicion of wrongdoing.
- Amendment 121B would **give leverage to estranged and abusive partners over decisions about the child's education, even if they have no day-to-day contact or responsibilities in relation to the child.**

Keeping children in school when it is not suitable for them is dangerous. Around **12-18% of child suicides are linked to school attendance**. When parents realise that the education or mental health needs of their child are not being met it is vital that they be able to act immediately. Any investigation should come alongside or afterwards, and be based on reasonable concerns, not blanket prejudice.

The other factor to bear in mind is that this Bill provides **absolutely no accountability for education departments of councils for how they use these markedly enhanced powers, nor is there any appreciation of the need for this**. No independent complaints or appeals system, no tribunal system, no arbitration system. when this was briefly raised at one committee stage in the Lords, this was dismissed with the overriding assumption that mistakes would not be made.

We spoke when we met of how there are so many experiences of home educators in Wales where council staff who contact home educators overstepping or misusing existing lawful remits and powers and in the absence of any safeguarding issues or other concerns. We would be happy to explore this again with you if required. Overstepping and misuse of existing powers can also be demonstrated by comparison

of written or enacted policy to actual remits as given in existing legislation, with most recently drafted local policies on EHE in Wales not reflecting actual remits and openly overstepping these.

Furthermore, we know that mistakes are so often made by a range of agencies. We know that virtually every serious case review where home education is mentioned in relation that the child has been known to multiple agencies, where the issue has been serious failings and lack of use of existing legal powers and services, with overwork and heavy caseloads often being strong factors in children not being sufficiently protected.

I'm sure we must all appreciate what a skilled job child protection social work is, what depth of experience and insight is needed to meet with, provide support to and make fundamental and potentially life changing decisions about children's lives and wellbeing. What is needed is to invest in more staff of this high calibre, to provide them with the support and resources they need to tackle such a demanding and important role, and to manage their caseloads appropriately so that any concerns raised are swiftly acted upon, so that there is sufficient time and energy to give where required. Mass screening and surveillance of normal healthy loving families is not an appropriate use of time, money, energy or resources. Nor is it an efficient or effective way to help children in need. We don't make it easier to find a needle in a haystack by making this haystack bigger.

Furthermore, home visits where one is trying to rule out the potential of abuse and neglect is a highly skilled and legally complex situation. Council staff who are employed to engage with home educators are simply not equipped or experienced to deal with such matters but rather seem to be used as a tick box exercise to try to reassure ourselves that we've "done something".

Whether one agrees with the principles of the Bill or not, it is how the proposed **application** of these has not been properly thought through, how the voices of so many – from children to professionals – have not been listened to, how so many harmful intentional and unintentional consequences have been ignored.

But the fact we cannot even adequately begin here to explore even a few of the problems within the content of the Bill is the whole point. There are SO many potential problems, unintentional consequences with this Bill that it **cannot just be waved through the Senedd as if the Senedd does not have any powers and as if the Senedd is purely in existence to rubber stamp what Westminster does.**

We in Wales have to ensure that we give due diligence to the development of any legislation, let alone legislation that affects the wellbeing of children, let alone such complex and questionable legislation

UNLAWFULNESS

Not only are there concerns about the lack of scrutiny and poor due process of this Bill, as well as the safety of the content, but there are **profound concerns about the *lawfulness* of it too.**

For example, here are links for **four Kings Counsel opinions on the unlawfulness** of a whole range of aspects within the content.

(i) Opinion by Steve Broach KC – obtained by HE UK, crowd-funded. https://drive.google.com/file/d/12n3zogqiVJZ6aRaJR2Fjh4m41yOE2uqq/view?fbclid=IwY2xjawMkHJRleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5rfDrVHZZMXGNctLUywlWkt-M9cgpsKCDpUD5NTi5MpjawC3_836D4ZYwcKg_aem_p5qK-L0smu1OrVV01QVEtQ

(ii) Opinion by David Wolfe KC – obtained by Education Otherwise https://bills.parliament.uk/publications/58251/documents/5806?fbclid=IwY2xjawMkHLRleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5XNYxTafADH3K1LakYj3M6QuPdixFvovUIQ84EILVN8n4xiCFdvsNUA5RcQ_aem_ru0_D0m49DzG_KSc23QpYg

(iii) Opinion by Aiden O’Neill KC – obtained by Christian Institute https://www.christian.org.uk/wp-content/uploads/Aidan-ONeill-KC-legal-opinion-re-Childrens-Wellbeing-and-Schools-Bill.pdf?fbclid=IwY2xjawMkHXNleHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5-_l9Xzuq0D-ypisUsVNeo6rd_I0VENb8KtxbWzaxghWGEmpg7u7aB4QFDtg_aem_OvNOGONxiA2Cne-DNAkUKQ

(iv) Opinion obtained by the British Rabbinical Union https://britishrabbinicalunion.substack.com/p/hand-delivered-constitutional-appeal?utm_source=post-email-title&publication_id=2247224&post_id=163458379&utm_campaign=email-post-title&isFreemail=true&r=24vy5a&triedRedirect=true&utm_medium=email&fbclid=IwY2xjawMkHV5leHRuA2FlbQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR6BeXW7gZpJifj00D1NS4aeI0n84EEvG5dxBAcKcliGKZ-wYGfymIB8L0dmFg_aem_rr3t49x_Y0CAQRBHhroZlg

There will be **legal challenges to this Bill if it is implemented**, plans are already being put in place for this. It would surely bring the Senedd into disrepute as and when such legal challenges occur if it has just waived this LCM through knowing of the question marks hanging over this legislation.

Surely the whole point of the Senedd, of devolution is that we give the people of Wales a

voice, a say, that we listen to the needs and experiences of people in Wales and develop legislation that meets our needs?

With the **election looming** very soon, surely it would be catastrophic for Labour to be seen to be just waving through legislation from England without questioning or scrutiny? The optics of this would be dreadful, to just vote this controversial and highly questionable Westminster Bill through to apply to Wales would be propaganda gold to those seeking to discredit Labour in Wales.

Surely what is needed to counter such negative rhetoric is for the Labour Party to be seen to clearly make a stand, to be seen to choose to pause and ensure that legislation is safe, lawful, and tailored to the needs of the children of Wales.

PROCESS.

However, not only is the content of the Bill highly questionable, so is the ***process*** of its introduction - not only at Westminster but particularly in relation to the lack of involvement of Wales and the Senedd.

From the Welsh perspective:

- The Attorney General and the LJCC have raised concerns of Wales being “piggybacked” (to quote the Attorney General) onto what was put through the house of Commons as an England only bill. They have also raised significant concerns on how this occurred only at the very last minute as the Bill was leaving the Commons, without other member of the Labour party, committees or Senedd as a whole being made aware or involved, not until the very morning this became public when the relevant amendments were placed. Furthermore, they have raised concerns on how
 - not only were the **Welsh government not involved at all in the development of the actual policies** and approaches in the Bill,
 - but that **the Education Minister did not even know the content of the Bill until that was made public despite agreeing that it would apply to Wales.**
- because of this, Welsh citizens who tried to contact their MPs during the Commons stage to ask them to scrutinise or make representations for them were told it did not apply to the people of Wales. Welsh citizens were deprived of their rights at this key stage of what is meant to be a democratic process.

This article analyses the LJCC's meeting with the Welsh Education Minister regarding these concerns.

Please do ensure you have read this before considering voting to approve this LCM.

<https://homeeducationaction.substack.com/p/welsh-governments-decision-to-piggy?triedRedirect=true>

The Labour led LJCC concluded essentially that we in Wales could and should have produced our own tailor-made legislation and approach.

<https://laiddocuments.senedd.wales/cr-ld17421-en.pdf> (for just one example, point 59).

Westminster has not done an appropriate job of evaluating at all. Whilst giving the appearance of usual process, the Bill has been rushed through with unseemly haste and lack of adequate scrutiny especially for such complex legislation.

The Bill was introduced at Westminster to be timed to coincide with negative emotive media rhetoric associated with the case of poor Sara Shariff, rhetoric that contained misleading information, resulting in weaponisation of the heartbreaking case of that poor child. Doing so even though the Bill would not have protected that poor child, with the failings in that case being serial errors in the use of existing powers by multiple agencies.

IN CONCLUSION,

We appeal to CYPEC to call for this LCM to not be passed to allow appropriate evaluation of all the dangers involved and of the questions that have been raised by so many people, including evaluation of the impact of these further amendments, especially on their impact on the people of Wales.

We have to do what the LJCC suggest, what common sense dictates, of demonstrating that the Senedd has the capacity to ensure it makes its own legislation that is tailored to the needs and wishes of the people of Wales, not imposed on them from elsewhere or above.

We in Wales have our own approach to education and to the wellbeing of children.

We have our own curriculum for Wales, the Future Generations act for Wales, a different ALN system, a different care system, our own approach to physical punishment of children. We need our own approach for Wellbeing for Wales.

It would be very destructive if Labour in Wales were perceived to be a party that would

just roll over and say that can't be bothered as a Senedd to make our own approach to the Wellbeing and Education of children in Wales, to let Westminster just do what they want instead?

Please vote on the 3rd of February against the LCM to apply the CWS Bill in Wales.

Please recommend to others that the LCM is not passed because further evaluation and scrutiny is needed including consideration of a safer, lawful, informed Wales-specific approach, including in the light of these further amendments.

I would be delighted to meet again to discuss this.

Warmest regards,

EMAIL DATED 22 JANUARY 2026

Dear Buffy and members of CYPEC

Re: Presentation of research report on LA conduct to CYPEC 28th in readiness for meeting of January 2026.

Relating to supplementary LCM considering whether or not to recommend application to Wales of a range of amendments from Westminster to their Children's Wellbeing and Schools Bill.

Please can this information be read and included in papers of interest for that meeting. Please do not consider making any recommendations until this information has been appreciated and discussed, alongside additional information submitted elsewhere.

Published today is a research report demonstrating objective evidence of how Local Authorities can disproportionately and sometimes abusively use their existing powers in relation to home educating families, using the threat or commencement of legal action as control mechanisms rather than true safeguards.

<https://educationalfreedom.org.uk/home-education-data-and-our-findings-las-still-abusing-their-powers/>

Wales specific figures are found at:

<https://educationalfreedom.org.uk/wp-content/uploads/2026/01/EHE-stats-2025-Wales.pdf>

with the key figures for the LAs of concern in Wales demonstrated in this table below.

It must be appreciated that this data does **not demonstrate if these legal actions were justified or not.**

These are simply figures for actions council staff have taken, not whether the actions were correct.

Remember that the CWS Bill proposes to dramatically increase both powers and remits of council staff with absolutely no plans or consideration for any form of accountability, appeals processes, independent complaints mechanisms, tribunal system or advocacy services to support families if they disagree with decisions of council staff, if they are taken to court for disagreeing with actions such as SAOs or for dealing with the aftermath and consequences of council staff mistakes or misjudgements.

Surely the Senedd cannot believe this is acceptable.

| LAs of concern in Wales in overuse of legal action against EHE families: Rates for 2025 | | | |
|--|------------------------|--|---|
| Welsh Local Authority | Number of EHE children | % <u>where</u> LAs commenced legal action under s.437(1) | % <u>where</u> LA issued School Attendance Orders |
| Blaenau Gwent | 215 | 22.3 | 9.3 |
| Rhondda Cynon Taff | 555 | 21.1 | 9.0 |
| Merthyr Tydfil | 89 | 15.7 | 4.5 |
| Cardiff | 604 | 9.1 | Data not disclosed |
| Pembrokeshire | 387 | 7.5 | 3.1 |
| Newport | 475 | 4.2 | 1.7 |
| | | | |
| Bridgend | No response to Fols | | |
| Wrexham | No response to Fols | | |
| | | | |
| Welsh Average 2025 | 6466 | 4.6 | 1.5 |
| UK average | | 2.4 | 0.9 |
| | | | |

Full table of data for all Welsh LAs for comparison is available at the above link.

Please note the table below, and from the research article that:

1. There are **two Welsh LAs in the “top ten” of the worst LAs in the UK**. This is despite the small size of Wales in terms of population compared to the rest of the UK. It is quite remarkable considering we only have 22 LAs in Wales and there are some 500 in the UK.
2. Two more of the 22 LAs in Wales refused to provide data in response to Fols which is always a cause for concern regarding lack of transparency
3. Other Welsh LAs commence legal proceedings against families at a much higher rate than the UK average

4. Note the Welsh average is higher than the UK, despite a number of LAs in Wales quite naturally finding having engaged with families in their area that there has been no need to commence legal proceedings against them.
5. Note that the data for how **many of these SAOs are actually upheld** if the parents do not agree and are challenged through the courts is **not available** in this study.
So, we do not know how many of these SAOs were found by the courts to have merit – if the parents have the stamina to go through such a process of course. This is because many LAs remarkably do not hold such data.
That is a key point in itself. How can council staff possibly reflect on, audit and monitor their own practice if such data is not readily and transparently available for all LAs?

The report also suggests that many LAs create CME by reclassifying lawfully home educated children when parents refuse unlawful demands- further evaluation of this in the research article.

And this is under existing powers, let alone the unprecedented and dramatic increase in powers that the Bill would provide to council staff.

This information has to be appreciated in context of all the other concerns that are being raised about the CWS Bill since the CYPEC last met to discuss this CWS Bill - not only by families who home educate, not only by parents of children with ALN/SENDs, but by social workers including the **British Association of Social Workers**, educational professionals and legal experts including King's Counsels. Those concerns were based on the Bill in its original form, and the amendments recently announced and under consideration at CYPEC on 28th January go considerably further than the measures previously included and proposed.

Please do ensure that all the information on these has been read, processed and discussed and that it is recommended that these dreadful amendments are not applied to Wales.

Please would members of the CYPEC respect the **Sewel Convention**. The CWS Bill covers devolved powers. Here in Wales, we have our own Curriculum for Wales, a different ALN system to the UK, our own health and social care system – all of these involve legislation which is different in Wales to England but with the CWS Bill relating to English legislation and practice as it was designed as an England-only Bill. If changes in legislation are needed, then we need legislation to work for the people of Wales and the different systems we have here to the rest of the UK.

But we cannot consider changing legislation and increasing the powers given to public servants when there are such issues with how they use or misuse existing powers.

Many thanks for your time and due diligence on this vital issue.