

Email correspondence from Home Ed Cymru to the Legislation, Justice and Constitution Committee

Email dated 25 January 2026

Dear Members of the LJCC,

We write to you in your capacity as members of the LJCC ahead of your meeting on 26th January where a supplementary LCM on the amendments to the Children's Wellbeing and Schools Bill will be discussed.

The LJCC have previously criticised the process of "*piggybacking*" (to quote the Attorney General and LJCC discussions) onto what was designed as an England-only Bill, and pointed out that Wales has the legislative capacity to do its own thing instead on this devolved issue.

The LJCC have previously elicited that Wales did not have an input into the development of the Bill and that the Welsh Education Secretary had asked for these key clauses such as the CNIS section to apply to Wales without even knowing the actual content^[1].

These last-minute amendments have come from Westminster not from Wales, making the Bill even more complex and controversial.

Some of the amendments give a degree of acknowledgement of how **unworkable and unreasonable even the DfE at Westminster realise aspects of the Bill to be.**

Others take the Bill into **even more controversial and questionable areas, without accountability for when such unprecedented powers misused.**

These amendments take the Bill into even more complex and controversial territory, make it **even more incongruous with our existing and distinct approaches in Wales to education and the wellbeing of children.** In Wales, we have our own approaches to and legislation on social care and ALNs in Wales, our own approaches to education, our own approaches to wellbeing including physical chastisement of children compared to England.

Just because Westminster had said this bill will safeguard children, we can't assume that, with a myriad of professionals, experts and those with lived experience all raising many wide-ranging concerns on how this Bill will risk harm to children rather than protect them.

Since the concept of Wales being "*piggybacked*" onto this Bill was first brought to the attention of the LJCC, there have been further developments, including more information is available that question the lawfulness and the safety of this Bill.

There are far too many to even begin to explore there.

For example,

- 4 King's Counsel opinions citing likely unlawfulness in a range of areas of the CWS Bill ^[2], with crowd-funded legal action likely against any nation seeking to implement these.
- The comments of the British Association of Social Workers^[3] openly criticising key areas of the Bill for damaging the safety of children rather than protecting,
- Or this Open letter signed by many experts in child protection, education and social work (including the Victoria Climbié Association)^[4], amongst other sources analysing the many concerns.
- Concerns about the process of the application of the Bill to Wales,^[5]
- Additional concerns about the inadequacy of true scrutiny at Westminster, including criticisms that Westminster's risk assessments released since we last discussed the CWS Bill are not fit for purpose^[6].
- Information on how some Welsh LAs already would appear to misuse existing powers ^[7].
- How children with Additional Learning needs would be particularly negatively impacted by the measures in these key clauses of the Bill^[8].
- That these clauses of the Bill are poorly drafted, being both highly complex yet ambiguous, with so many unfilled gaps and raising unanswered questions and issues ^[9]
- That the principal policy of the CNIS clauses of the Bill of mandatory registration for home educators is in direct contradiction to Welsh government previously stating in the Senedd that mandatory registration would be harmful to the wellbeing of children, a view echoed by analysis of data control issues elsewhere^[10]. Indeed, the CWS Bill goes way beyond just registration but mandates extensive databases and tracking which would only heighten the causes for concerns given by Welsh Government at that time.
- Far too many areas of concern and criticism of this Bill have been raised since last discussed at committee to be able to begin to consider here.

The overwhelming effect of these amendments is to extend powers and remits way beyond those already given here.

Without any powers of mechanisms for accountability

- No independent complaints, appeals, arbitration, mediation or tribunal mechanisms or services. No support for parents who have to defend themselves in court if they believe the council have wrongly issued a SAO.
- No support for parents living with the consequences of wrong decisions or overstepping by council staff.
- When there is objective evidence as well as many personal accounts of how LAs in Wales misuse existing powers ^[11]

· Yet this is a Bill that threatens extensive fines and even imprisonment of parents for trying to do the right thing for their children if council staff have differing approaches or ideas.

Note the assumption, repeated in these amendments, that existing resources would be used, **no additional financial resources to be provided**, let alone no evaluation of the costs to families if and when powers are used wrongly.

Just some of the concerns relating to these amendments include:

- The amendments, as the Bill itself, sadly reflect institutionalised bias that the state provision is superior to and more trustworthy than that of parents, as well as steps towards corporate parenting without just cause.
- 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.
- 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.
- Increasing the extensive circumstances for automatic state obstruction of parents choosing how to educate their children by deregistering them from school is dangerous. **Keeping children in school when it is not suitable for them is dangerous. Around 12-18% of child suicides are linked to school related issues.**
- **Incompatibility with legislation that parents are responsible for their children. 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.** Indeed, parents would be failing in their lawful duty to ensure their children receive a suitable education, as well as their duty to safeguard their child and protect their wellbeing if they do NOT act to remove their child from such circumstances. If investigations are required, they should come alongside any such parental steps to safeguard their child whilst the parent has parental responsibility, and be based on reasonable concerns, not blanket

prejudice. Strong powers already exist to act in the most serious and urgent of situations of concerns about a child's welfare.

- **Prevention of deregistration** strays into very difficult and contentious challenges legally, as would any attempt at **coercion of family choices** by insisting on **mandatory meetings before deregistration**, including during any pilot phase.

There are so many indications, including in the added complexities of the last-minute amendments, why we **cannot persist with attempting to push the square peg of what was designed as an England-only bill into the round hole of what would be workable and suitable for the children of Wales.**

The children of Wales deserve better, and we at the Senedd have the power to deliver that.

The recommendation of the LJCC should be that we have now evaluated the need for a Wellbeing for Wales Wales-specific approach to these issues instead of seeking to work with clauses and amendments of what was designed of an England only Bill.

When it comes to these clauses of the CWS Bill, amended or otherwise, we in Wales can and should have our own approach to the wellbeing of children - and do it better.

We look to the LJCC to help ensure that.

Kind regards,

Home Ed Cymru

A National Platform for Welsh Home Educators and Families.

^[1] <https://laiddocuments.senedd.wales/cr-ld17421-en.pdf>

^[2] Four KC opinions citing areas of the CWS Bill considered unlawful:

https://drive.google.com/file/d/12n3zogqiVJZ6aRaJR2Fjh4m41yOE2uqq/view?fbclid=IwY2xjawMkHJRleHRuA2FibQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5fDrVHZZMXGNctLUywlWkt-M9cgpsKCDpUD5NTi5MpjawC3_836D4ZYwckg_aem_p5qK-L0smu1OrVV01QVEtQ

https://bills.parliament.uk/publications/58251/documents/5806?fbclid=IwY2xjawMkHLRleHRuA2FibQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5XNYxTafADH3K1LakYj3M6QuPdiXFvovUIQ84EILVN8n4xiCFdvfsNUA5RcQ_aem_ru0_D0m49DzG_KSc23QpYg

<https://www.christian.org.uk/wp-content/uploads/Aidan-ONeill-KC-legal-opinion-re-Childrens-Wellbeing-and-Schools-Bill.pdf?fbclid=IwY2xjawMkHXNleHRuA2FibQIxMABicmlkETBDMWZsSHlaTkkyYld>

[MSm5QAR5- I9Xzuq0D-ypisUsVNeo6rd IOVENb8KtxbWzaxghWGEmp7u7aB4QFDtg_aem_OvNOGONxiA2Cne-DNAkUKQ](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=IwY2xjawMkHV5leHRuA2FlbQIxmABicmlkETBDMWZsSHIaTkkyYldMSm5QAR6BeXW7gZpJifj00D1NS4ael0n84EEvG5dxBAcKClIGKZ-wYGfymIB8L0dmFg_aem_rr3t49x_Y0CAQRBHhroZlq)

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=IwY2xjawMkHV5leHRuA2FlbQIxmABicmlkETBDMWZsSHIaTkkyYldMSm5QAR6BeXW7gZpJifj00D1NS4ael0n84EEvG5dxBAcKClIGKZ-wYGfymIB8L0dmFg_aem_rr3t49x_Y0CAQRBHhroZlq

^[3] Statement by **BASW – British Association of Social Workers** citing significant concerns and criticisms,-

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

^[4] <https://rightsforchildren.uk/open-letter-on-schools-bill/>

(The UIN aspects of the Bill have not been requested to apply to Wales, but the CNIS sections have).

^[5] On the “piggybacking” onto an England only Bill

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

^[6] How the English 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/>

^[7] <https://educationalfreedom.org.uk/home-education-data-and-our-findings-las-still-abusing-their-powers/>

^[8] https://learnwithoutlimitscic.blogspot.com/2026/01/when-everyone-is-acting-rationally-and.html?fbclid=IwY2xjawPi3XZleHRuA2FlbQIxmABicmlkETE2Znlod3FXc0ZhaVFzbIY4c3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHkPnTLBFHQYbJ-11UCQRVv4LeBy6bhiRAIwxFZ9BiPNovvFcYbq4nWcT5X3a_aem_wyOx8vtrU1ELpYEu4WVwew&m=1

https://learnwithoutlimitscic.blogspot.com/2026/01/when-everyone-is-acting-rationally-and.html?fbclid=IwY2xjawPi3XZleHRuA2FlbQIxmABicmlkETE2Znlod3FXc0ZhaVFzbIY4c3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHkPnTLBFHQYbJ-11UCQRVv4LeBy6bhiRAIwxFZ9BiPNovvFcYbq4nWcT5X3a_aem_wyOx8vtrU1ELpYEu4WVwew&m=1

^[9] Briefing note on the dangers to children’s safety and wellbeing in this bill:

<https://rightsforchildren.uk/cws-briefing-september/>

^[10] How the process of registration as proposed is not protective

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

^[11] <https://educationalfreedom.org.uk/home-education-data-and-our-findings-las-still-abusing-their-powers/>