



Education Otherwise Association

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25th January 2026

To the Legislation, Justice and Constitution Committee,

Dear Sirs,

Ref: Children's Wellbeing and Schools Bill

Supplementary LCM CWS Bill on agenda for LJCC 26/01/26

I write on behalf of our members and service users living and home educating their children in Wales in respect of the above Bill. The Bill is due for consideration at a supplementary LJCC on 26th January. We ask that legislative consent be withheld whilst the serious flaws on these amendments are fully considered.

The below extracts are from Ms Neagle's communication to the committee of 16th January 2026.

Clause 31 - Local authority consent for withdrawal of certain children from school (iv) Amendment 120 expands the criteria under Clause 31 for LAs to provide consent for certain children to be removed from school. In addition to children who are currently subject to Section 47 enquiries or a child protection order, the LA consent provision will include children who have been subject to a child protection plan within the last 5 years.

The original inclusion of consent being required for children undergoing Children Act s47 assessment is excessive as 78% of children* for whom the investigation does not end in a child protection plan, which parents would have their family rights to choose the education for their child removed without good cause.

The Minister has filed these amendments after debate stage in the Lords and at the last hour, which would extend this requirement for consent to any child who has been subject to any 'action' under the Children Act s47 (Child Protection Plan) within the prior five years. This amendment is ill considered as it would bring numerous families into an already too wide net which is neither necessary nor proportionate. These would include, by way of example, any family of a child adopted within the previous five years and families who have fled domestic abuse and had a temporary period of upheaval which



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required a short term CPP in order to garner emergency support for the family and families of mothers. Thees 'unintended consequences' need to be fully considered.

*(Gov.UK 2024 'Explore Education Statistics, Reporting year 2024 Children in need' [Online] Available from: <https://explore-education-statistics.service.gov.uk/find-statistics/children-in-need>)

(v) Under Clause 31 there is a new duty and requirement for a pilot scheme to be established across a number of local authorities in Wales (no more than 30%), which will require parents who wish to withdraw their children from school, to attend a mandatory meeting with the LA before the child can be deregistered from school (amendment 125). Amendments provide for regulations to make pilot schemes Regulations may also extend the provisions to all local authorities, following the end of the pilot scheme and a consultation. As currently drafted, the Bill does not confirm a procedure for the Regulations for Wales. A further amendment has been requested for these to be made via the Senedd approval procedure.

A scheme is not a 'pilot' scheme when it covers such a high number of local authority areas. Furthermore, local authority staff are already stretched to deal with their current duties and the resourcing implications of such a mandatory meeting (with the child remaining on roll until it is held) will cause unwarranted delay to removal. This refusal to remove from the school roll until a meeting is held introduces a restriction on parents exercising their legal responsibility which is disproportionate. Resource implications need to be fully considered.

(viii) Amendment 131 places a new duty on local authorities under Clause 32 to consider where the child lives and their education setting within 15 days of the child being registered on the CNIS register. The local authority can request a home visit at the point of CNIS registration. If a home visit is declined the local authority must consider the refusal as a relevant factor in serving a preliminary notice for a school attendance order under section 436H. Amendment 134 ensures that the register will include any additional address at which the child lives.

The stated purpose of this amendment is to visit the child in the child's home in order to assess the home environment. No other nation provides for a home educated child to be



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seen in the home. Furthermore, this would specifically cause alarm and distress to many children with SEN and to those from ethnic backgrounds in which the home is culturally not visited by strangers.

Education officers are also not qualified to assess a child's home other than in layman's terms for general size and surface condition. The former will have Equality Act implications for traditional GRT families, boat people and those living in small, local authority housing.

This is in effect, a mandatory requirement for a meeting with all home educated children as refusal leads to a formal notice to satisfy. This issue has already been tested in Wales in respect of guidance, by Judicial review, which Judicial review was withdrawn on the basis of Welsh Government making clear in its guidance that each case must be considered individually. Furthermore, four separate organisations have obtained advice from Counsel that introducing such a clause would be good cause for judicial review being brought. Further consideration needs to be given to the implications of this amendment before it is accepted in Wales.

Ms Neagle writes '**There are no financial implications for Wales in relation to these clauses, either for the Welsh Government or for Local Authorities other than in respect of administration costs.**' It is simply not credible that the introduction of mandatory meetings prior to removal from the school roll or the introduction of , in effect, mandatory home meetings with the child, will not have significant cost implications. Nationally, local authority staff already report being stretched to their limits and at a loss to understand how they can conceivably undertake these extra duties without additional, high level resourcing, which resourcing is a further burden on the tax payer. A full and robust assessment of cost implications needs to be carried out.

We ask that the committee withhold acceptance until the above matters have been fully considered.

Yours faithfully

Wendy Charles-Warner. For Education Otherwise