**The Draft Children Act 2004 Database (Wales) Regulations 2020 and the Draft Education (Information about Children in Independent Schools) (Wales) Regulations 2020 Consultation**

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| **Consultation response form** | Your name:  Organisation (if applicable):  e-mail/telephone number:  Your address: |

Responses should be returned by **22 April 2020** to:

Learner Support Team

Support for Learners

Education and Public Services Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [WELLBEINGshare@gov.wales](mailto:WELLBEINGshare@gov.wales)

**Question 1** – The draft regulations require local health boards and independent schools to disclose to local authorities (LAs) the information listed in Schedule 1 to the regulations. This will assist the LA in identifying children of compulsory school age in their locality currently not known to them.

i) Do you think that the information requested is reasonable and proportionate? What are the reasons for your answer?

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ii) If you do not think that the information requested is reasonable and proportionate, what would you propose is the best way(s) for LAs to meet their duty to identify children of compulsory school age to ensure they are receiving a suitable education?

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**Question 2** – Currently there is a situation where LAs are responsible for children in their area that they do not know about. Under section 436A of the Education Act 1996 LAs must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but i) are not registered pupils at school, and ii) are not receiving a suitable education otherwise than at school. Do you think the database will help LAs, as far as it is possible to do so, to identify children not currently known to them and/or children missing education in their area? What is the reason for your answer?

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**Question 3** – Without a database, what reliable and consistent alternative method would enable the LA to identify a child they have no prior knowledge of?

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**Question 4** – The draft Children Act 2004 Education Database (Wales) Regulations 2020 propose local health boards disclose the information in Schedule 1 to LAs annually. Do you agree with an annual return? If not, how often do you think this information should be provided to LAs and when would the most appropriate time be?

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**Question 5** – The Draft Education (Information about Children in Independent Schools) (Wales) Regulations 2020 propose independent schools disclose the information in Schedule 1 to LAs annually. Do you agree with an annual return? If not how often do you think this information should be provided to LAs and when would the most appropriate time be?

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**Question 6** – What would be the implications of a more frequent data return in terms of technical, administrative and resource implications on:

1. local health boards

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1. independent schools

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1. LAs

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1. other.

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**Question 7** – Who, within the LA, would need access to the database in order to carry out their functions?

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**Question 8** – Do you think anything in the draft regulations could have a disproportionate impact on those with protected characteristics, and if so, what?

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**Question 9** – Does this proposal allow for the LA to meet their section 436A duty to make arrangements to identify children in their area who are of compulsory school age and not receiving a suitable education?

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**Question 10** – In order to identify the effectiveness of the database the Welsh Government will request from LAs an annual return on the number of children identified using the database not currently known to LAs. When would be the most appropriate and reasonable time to request this?

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**Question 11** – Do you think a voluntary database of all statutory school-age children ordinarily resident within an LA area would assist LAs to meet their section 436A duty?

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**Question 12** – What, if any, advantages and disadvantages do you think there would be in the disclosing of the required data to populate the database? Complete section relevant to you.

1. Parents/carers

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1. Children and young people

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1. Local health boards

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1. Independent schools

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1. LAs

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1. Other

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**Local health boards**

**Question 13** – 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?

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**Question 14** – Can you identify any key privacy risks and the associated compliance and corporate risks?

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**Question 15** – Do you have any previous experience of this type of data disclosure/processing?

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**Question 16** – What are the resource and technical implications of processing and disclosing the required data to LAs?

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**Independent schools**

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

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

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**Question 19** – What are the resource and technical implications of processing and disclosing the required data to LAs?

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**LAs**

**Question 20** – Is there anything missing from the Schedule of Information to be included in the database?

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**Question 21** – 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?

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**Question 22** – Can you identify any key privacy risks and the associated compliance and corporate risks?

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**Question 23** – Do you have any previous experience of this type of processing?

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**Question 24** – We would like to know your views on the effects these draft regulations would have on the Welsh language, specifically on:

1. opportunities for people to use Welsh
2. treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

**Supporting comments**

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**Question 25** – Please also explain how you believe the proposed regulations could be formulated or changed so as to have:

1. positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
2. no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

**Supporting comments**

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**Question 26** – 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.

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| 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: |  |