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Children's Database Wales: Law But Not Law

NOTE, MAY 2025 – THIS PAGE WAS WRITTEN BEFORE THE RELEVANT LAW WAS COMMENCED AND THE SMALL SCALE PILOT BEGAN IN APRIL 2025. SEE <https://edyourself.org/pilot-areas-wales-cme-database/> SEE ALSO WELLBEING BILL NOW APPLYING TO WALES <https://edyourself.org/wellbeing-bill-applying-to-wales/> AS OF MARCH 2025

The Children Act 2004 section 29 contains provisions making it compulsory for local authorities to set up databases of all children in their area containing information about the child's parents, the child's education, and the child's doctor, plus "*information as to the existence of any cause for concern*". The database may also contain details of additional people providing services to the child as well as other information about the child.

There are further provisions in the 2004 Act making it compulsory for people in certain professions to disclose personal data about a child if such information is required for the database "*notwithstanding any rule of common law which prohibits or restricts the disclosure of information.*" I have written about **section 29 and the legal powers for the database** here <https://edyourself.org/legal-powers-for-childrens-database-wales/>

At present the database provisions of the Children Act are "law but not law" since they have never been brought into force in Wales. **There is a proposal currently on the table in Wales** to begin with a pilot in a few areas, for **health services to be the only group** mandated to disclose data, and for **relatively few children** to be on the actual database. Read more [here](#).

There is a public consultation which is open for feedback until April 25th 2024, see <https://www.gov.wales/children-missing-education-database>

If the current consultation on a limited small-scale database does not attract too much opposition, since after all not many families will be affected at this stage, the next step would be for Senedd to make a Commencement Order bringing the database provisions into law.

Section 29

Section 29 is headed **Information databases Wales** and says "*for the purpose of arrangements under **section 25 or 28 above or under section 175 of the Education Act 2002***" local authorities can be required to establish and operate databases, and/or that the government itself can establish and operate a database. In other words, **there could be a national database as well as local databases**. Read more [here](#)

<https://www.legislation.gov.uk/ukpga/2004/31/section/29> **The current proposal is just for local databases.**

Section 175

The CME regulations do not specify whether the current database is to be made under **section 25** [Co-operation to improve well-being] or **section 28** [Arrangements to safeguard and promote welfare] of the Children Act or **section 175 of the Education Act 2002** [Duties in relation to welfare of children] but **section 175 EA2002 is mentioned in the CME consultation document** and the draft regulations specify **only school-age children**, so it is assumed that **only s175 is intended at this point**.

Section 175 says “A local authority] shall make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children.” **Read more here**

<https://www.legislation.gov.uk/ukpga/2002/32/section/175> The specific education function is children missing education under section 436A.

Limit of CME Law Wales

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Section 25

A database made under s175 only relates to “*education functions*” and is obviously much more limited than a database made under **section 25** A national database made under s25 would be massive, more on the lines of **ContactPoint** “with a view to improving the well-being of children” locally and nationally. The Welsh government clearly hopes that **less ambitious local education databases made under s175** will be more palatable.

However, it does not matter whether the current government in Wales has any intention of expanding the database after this small-scale introduction. **Once section 29 is brought into force it will enable any future government to expand the database in the direction of section 25 as much as it wants**, since it will have the power in law to issue further regulations and guidance.

Related Database Pages

- [Pilot Areas 2025](#)
- [Guide to Wales CME Database](#)
- [Wales CME Database Consultation](#)
- [Details Children’s Database Wales](#)
- [Legal Powers for Children’s Database Wales](#)
- [2024 Wales Database Comparison With 2020](#)
- [Data Sharing Children’s Database Wales](#)
- [Wales Database Impact Children Already Known](#)
- [GP Data Half Million Children Wales](#)
- [Why Include GPs in Database Wales](#)
- [Limit of CME Law Wales](#)