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Data Sharing Children's Database Wales

THIS PAGE WAS ORIGINALLY WRITTEN IN 2024 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

This page is a follow up to my page about how the new database proposals for Wales are **an attempt to get round the privacy and over-reach objections** to the earlier plans, <https://edyourself.org/2024-wales-database-compared-with-2020/>. Further down this page [the 2024 draft Regulations](#) appear in black while [the 2020 draft Regulations](#) are in red because having them on a single page to compare is easier than having to juggle multiple pdfs.

At the end of January 2024 the Welsh government set out plans for each local authority in Wales to “*establish and operate a CME database.*” The 2024 Children Missing Education Database revives and reworks an earlier plan from 2020 for a Children Education Database. **My introductory page on the database proposals is here** <https://edyourself.org/wales-cme-database-consultation/> and there are further links at the end of the page. This consultation CLOSED on 25.4.24.

The 2024 database will require Local Health Boards to pass on less information than in 2020 but **family doctors [GMC contractors] will also be required to share information directly with the LA.** This is **new** and was not the case in 2020.

The local authority will get lists of all the school age children in the area from health boards and from family doctors but **most of the data shared will not be used for the database.** This is **new** and contrasts with 2020 where all the information disclosed was “for inclusion on the database” and raises the question of **what will happen to the lists.**

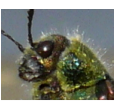
The consultation doesn't say whether the local authority can **use the list for other purposes** such as finding out the GP practice where a child is registered or seeing which children appear not to be registered with a GP. Currently there appears nothing to prevent this happening. All the detail about security and access relates to the database and **not to the original lists from health.**

The proposals as currently drafted will have **a significant impact on home educated children already known** to the local authority, read more here <https://edyourself.org/wales-database-impact-children-already-known/> and here <https://edyourself.org/limit-of-cme-law-wales/>

Required and Permitted Disclosure

There also appears **nothing to stop LAs going back to GPs asking for extra information.** As explained [here](#), the law behind all of this, section 29 of the Children Act 2004, makes a distinction between information which is **required** to be disclosed and information which is **permitted** ie allowed to be disclosed.

At present the Welsh government is only talking about information which is **required** to be disclosed and is clearly trying to make it sound very minimal, but once section 29 comes into force, LAs will legitimately be able to chase up queries with “local authority partners” for parents' email and telephone numbers on the grounds that **data sharing is now permitted.** Section 29(11) gives the government power to make regulations allowing information to be shared “*notwithstanding any rule of common law which prohibits or restricts the disclosure of information*”



have been added in 2024 that did not appear in 2020. For example, **more contact details are required for the child's parents** – “address and postcode, telephone number and email address” as opposed to “**name and contact details**“. The following **new item has also been added** – “The name and address of **the person providing all or part of the education**“. It is **not clear** whether just one person's name and address is required or whether it means the names and addresses of other people such as **family members or tutors** involved in the child's education.

The other **new information** required for the database is “any **additional learning needs** that the child may have and **any additional learning provision** that is called for.” Again this is **not clear**. Does it mean the LA only needs to record ALN on the database if an ALN assessment has already been carried out or **will LAs be asking partners such as LHBs and GPs for information about learning difficulties and disabilities?** The Integrated Impact Assessment suggests that the CME database will result in LAs spending more money on ALN assessments and Additional Learning Provision.

Finally, the 2024 database is made under Welsh law but **will affect children on the database who move to England** because the original local authority in Wales must inform the new LA in England “of the child's CME record”. This is **new** and was not the case in 2020. **Read more about the 2019-20 guidance and database activity here** <https://edyourself.org/new-home-education-guidance-wales-may-2023/#background> The 2020 government database consultation response can be read [here](#)

Database Title Page

2024 Title, commencement and application

1. (1) The title of these Regulations is the Children Act 2004 (Children Missing Education Database) (Wales) Regulations 202X.
- (2) These Regulations come into force on XX.
- (3) These Regulations apply in relation to Wales.

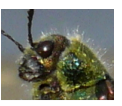
2020 Title, commencement and application

1. (1) The title of these Regulations is the Children Act 2004 Education Database (Wales) Regulations (Wales) Regulations 2020.
- (2) These Regulations come into force on XX.
- (3) These Regulations apply in relation to the establishment and operation of a database under section 29 of the Children Act 2004.

Database Definitions

2024 Interpretation

- 2.—(1) In these Regulations—
 - “the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996;
 - “the 2018 Act” (“*Deddf 2018*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018;
 - “additional learning needs” (“*anghenion dysgu ychwanegol*”) has the same meaning as in section 2 of the 2018 Act;
 - “additional learning provision” (“*darpariaeth ddysgu ychwanegol*”) has the same meaning as in section 3 of the 2018 Act;



1996 Act;

“*CME*” (“*PCA*”) means children missing education

“*the CME database*” (“*y gronfa ddata PCA*”)

means the database established and operated, or to

be established and operated by a local authority

under section 29 of the Children Act 2004;

“*CME record*” (“*cofnod PCA*”) in relation to a

child means the information relating to that child

contained in the CME database;

“*GMS contract*” (“*contract GMC*”) means a

general medical services contract under section 42

of the National Health Service (Wales) Act

2006 (general medical services contracts:

introductory);

“*GMS contractor*” (“*contractwr GMC*”) means a

party to a GMS contract, other than the Local

Health Board;

“*local authority*” (“*awdurdod lleol*”) means the

council of a county or county borough in Wales,

except where specific reference is made to a local

authority in England;

“*parent*” (“*rhiant*”) means any person with

parental responsibility for the child (within the

meaning of section 3 of the Children Act 1989)

or who has care of the child at any time;

“*registered pupil*” (“*disgybl cofrestredig*”) means a

child registered as a pupil at a school in a register

kept under section 434 of the 1996 Act;

“*school*” (“*ysgol*”) has the same meaning as in

section 4 of the 1996 Act;

“*suitable education*” (“*addysg addas*”) has the

same meaning as in section 436A(3) of the 1996

Act;

“*usually resident*” (“*preswyllo fel arfer*”) has the

same meaning as in regulation 2(2) and (3) of the

Local Health Boards (Directed Functions) (Wales)

Regulations 2009.

(2) In these Regulations any reference to a person

employed includes a person employed whether under a

contract of service or a contract for services, and a

person seconded to the local authority in question.

2020 Interpretation

2.—(1) In these Regulations—

“*the Act*” means the Children Act 2004;

~~“archived information” is to be construed in~~

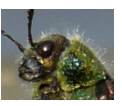
~~accordance with regulation X;~~

“*education record*” in relation to a child (including

a child who is not ordinarily resident in the local

authority’s area or who has died) means the

information contained in the database relating to



operated, or to be established and operated by a local authority under section 29 of the Act;

“*local authority*” means a local authority in Wales;

“*local health board*” means a local health board established under the National Health Service (Wales) Act 2006;

“*parental responsibility*” has the same meaning as in section 3 of the Children Act 1989.

(2) In these Regulations any reference to an education record for which a local authority is responsible means an education record for which by virtue of regulation 3 the authority is responsible, and references to a local authority being responsible for education records are to be construed accordingly.

(3) In these Regulations any reference to a person employed includes a person employed whether under a contract of service or a contract for services, a person seconded to the local authority in question and references to an employee are to be construed accordingly.

(4) In these Regulations a person—

(a) is not to be treated as having care of another person;

(b) by reason only of the fact that (a) acts as a child minder to (b) or provide day care to (b) for part of the day only.

Database Conditions

2024 Establishment of CME database

3.—(1) A local authority must establish and operate a CME database.

(2) Where the conditions in paragraph (3) are met in relation to a particular child the CME database must include the information set out in the Schedule that is available to the local authority in relation to that child.

(3) The conditions are that—

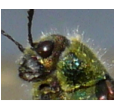
(a) the child is ordinarily resident in the local authority’s area,

(b) the child is not a registered pupil, and

(c) it appears to the local authority that the child is not, or may not be, receiving a suitable education.

2020 Establishment of database

3.—(1) Each local authority must establish a database containing such information of the descriptions specified in the Schedule relating to each child who is ordinarily resident in that local authority’s area.



authority area or who has died.

Duty to Disclose Information

2024 Local Health Board and GMS contractor duty to disclose

4. A Local Health Board and GMS contractor must disclose to a local authority, within a period of 28 days beginning with 1 February each year, the information specified in paragraphs 1 to 4 of the Schedule that is held by it and relating to a child who is usually resident in that local authority's area.

2020 Disclosure of information for inclusion in a database

5.—(1) A local health board must disclose to each local authority for inclusion in the database at such times as the Welsh Ministers may specify such of the information specified in the Schedule relating to a child who is ordinarily resident in that local authority's area as is available to the local health board or independent school (as the case may be).

~~(2) When any information disclosed for inclusion in the database pursuant to paragraph 1 is superseded by new information, the local health board or independent school must disclose that new information for inclusion in the database.~~

Ensuring Accuracy

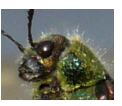
2024 Procedure for ensuring the accuracy of information in the CME database

5. Where it appears to a local authority that a CME record for which it is responsible is, or may be inaccurate or incomplete, the local authority must take reasonable steps to correct the inaccuracy or to complete the record.

2020 Procedure for ensuring the accuracy of information in the database

~~6.—(1) A local health board which discloses information for inclusion in the database must take reasonable steps to ensure the information is accurate.~~

~~(2) Where it appears to a local authority that an education record for which it is responsible is or may be inaccurate or incomplete, the authority must take reasonable steps to correct the inaccuracy or to complete the record.~~



2024 Procedure for removal of a CME record

6. Where a local authority becomes aware that a child whose name is included in the CME database has, or is likely to become ordinarily resident in the area of another local authority or a local authority in England (“the receiving local authority”) it must—

(a) inform the receiving local authority of the child’s CME record within 28 days of the date that it became aware, and

(b) remove that child’s CME record from the CME database as soon as reasonably practicable after the child has left its area.

2024 7. Where a local authority becomes aware that a child whose name is included in the CME database has left its area and it does not know where the child has become ordinarily resident, the local authority must remove that child’s CME record from the CME database as soon as is reasonably practicable.

2020 Participation by local authorities

4.—(1) A local authority must participate in the operation of a database in accordance with these Regulations.

(2) If a local authority becomes aware that a child has, or is likely to become ordinarily resident in another local authority (“the receiving local authority”) it must transfer that child’s education record to the receiving local authority within 28 days of the date that it became aware of those circumstances.

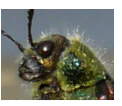
(3) A local authority is responsible for any education record, responsibility for which is accepted by the authority with the agreement of the local authority which previously had responsibility for that education record.

Deleting Database Entries

2024 8. Where a local authority becomes aware that a child whose name is included in the CME database has become a registered pupil, the local authority must remove that child’s CME record from the CME database as soon as is reasonably practicable.

2024 9. Where a local authority is satisfied that a child whose name is included in the CME database is receiving a suitable education, the local authority must remove that child’s CME record from the CME database as soon as is reasonably practicable.

2024 10. Where a local authority becomes aware that a child whose name is included in the CME database has died, the local authority must remove that child’s CME



2024 **11.** Where a local authority becomes aware that a child whose name is included in the CME database ceases to be of compulsory school age, the local authority must remove that child's CME record from the CME database as soon as is reasonably practicable.

2020 **Retention of information**

~~7. Information disclosed for information inclusion in the database under these Regulations may be retained for 6 years from the date on which it becomes archived information.~~

Archived information

8.(1) Subject to paragraph X and so far as it is not already archived information, information in an education record becomes archived information on the earliest of the dates specified in paragraph 2.

(2) The dates are—

(a) the date on which the child attained the age of 16;

(b) a person who ceases to be ordinarily resident in the local authority's area, the date on which the local authority responsible for the child becomes aware that the child is no longer ordinarily resident in its area and it is unlikely the child will resume ordinarily resident in its area within 3 years from that date; and

(c) for a person who has died, the first anniversary of that child's death.

Database Access

2024 **Access to the CME database**

12.—(1) Only a person employed in relation to the exercise by, or on behalf of a local authority of the functions specified in paragraph (2) may have access to the CME database for the purpose of adding or reading information.

(2) The functions referred to in paragraph (1) are functions under—

(a) Part 6 (school admissions, attendance and charges) of the 1996 Act,

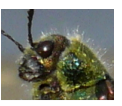
(b) section 175 of the Education Act 2002(1)

(duties of local authorities and governing bodies in relation to welfare of children), or

(c) Part 2 (additional learning needs) of the 2018 Act.

2020 **Access to the database**

9.—(1) Only a person employed in relation to the exercise by, or on behalf of a local authority of the functions specified in paragraph 2 may have access to



(2) The functions referred to in paragraph 1 are—

(a) functions under—

(i) Part 6 (school admissions attendance and charges) of the Education Act 1996.

(ii) Section 175 of the Education Act 2002 (duties of local authorities and governing bodies in relation to welfare of children).

(iii) Part 3 (additional learning needs) of the Additional Learning Need and Education Tribunal (Wales) Act 2018, and

Schedule of Information

2024 SCHEDULE Regulations 3 and 4

Information to be included in the CME database

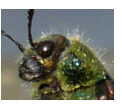
1. The child's name (including any former name).
2. The child's address (or last known address) including postcode.
3. The child's date of birth.
4. The child's gender or if the child's gender has not been specified a statement to that effect.
5. The name, address and postcode, telephone number and email address of all parents of the child.
6. The name and address of the person providing all or part of the education.
7. Any additional learning needs that the child may have and any additional learning provision that is called for.

2020 SCHEDULE

Ref

Information to be included in the database

1. The child's name (including any former name).
2. As respect the child's address or whereabouts—
 - (a) the child's current address;
 - (b) if at any time there is no known current address for the child, the child's last known address;
 - ~~(c) a statement that there is no known address for the child, or~~
 - ~~(d) where the child has ceased to be ordinarily resident in the local authority a statement that the local authority—~~
 - ~~(i) has information that the person intends to return to the local authority area within 3 years from the date on which the authority considers that the person ceased to ordinarily resident;~~
 - ~~(ii) has information that the person does not~~



~~on which the local authority considers that the person ceased to be ordinarily resident; or~~

~~(iii) does not have any information as to whether the person does or does not intend to return to the local authority area:~~

~~3. The child's gender or if the person's gender has not been specified a statement about the effect.~~

~~4. The child's date of birth.~~

~~5. Such number as is used to identify the child in the database:~~

~~6. The name and contact details of any person with parental responsibility for the child or who has care of the child at any time.~~

~~7. Where the child is attending an educational institution the name and contact details of the institution, the date on which the child started attending the institution and (where applicable) the date of which the child ceased attending:~~

~~8. Where the child is receiving education otherwise than at an educational institution, the name and contact details of a person or body providing such education; the date in which such education started and (where applicable) the date on which attended:~~

~~9. Where the child has died the date of the child's death:~~