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# Legal Powers for Children's Database Wales

THIS WAS 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/> THIS PAGE WAS ARCHIVED AT THE END OF MARCH 2026

**To make it compulsory** for health boards and family doctors to share children's information the Welsh government plans to bring into force **the database provisions set out in [section 29](#) of the Children Act 2004**. The attraction for the government is that technically this could be achieved through **secondary or subordinate legislation** which is quicker and easier than trying to pass a new law. (My **introductory page** about the database proposals is here <https://edyourself.org/wales-cme-database-consultation/> This consultation CLOSED on 25.4.24.

**Section 29 of the Children Act 2004** is the equivalent for Wales of section 12 of the Act for England. **Section 12** was the legislation underpinning **ContactPoint** for England which was [scrapped in 2010](#). The **WHOLE** of section 12 is on the books for England but at present **NONE** of the corresponding section 29 is on the books for Wales, its status remains **"Prospective"** and it needs to be **"commenced"** – or brought into force by a government Order – which is explained here <https://www.legislation.gov.uk/developer/glossary>.

**Section 29** contains more powers than are needed for the proposed Children Missing Education database but at present **we do not know how much of s29** the government will **want or choose** to bring into force. For example, as explained [here](#), the draft CME database regulations says that **only the child's name, date of birth, address and gender** will be passed on by health boards and family GPs.

However, **the database itself will contain EXTRA information**: "the name, address and postcode, telephone number and email address of all **parents of the child**; the name and address of the **person providing all or part of the education**" plus "any **additional learning needs** that the child may have and any **additional learning provision** that is called for." It is not made clear how this further information will be obtained.

As can be seen below, **section 29(4)** also provides for **YET MORE information to be obtained and kept on the child's record than is currently being proposed**, such as details of any education being received and contact details for the family doctor, plus any **"concerns"** about the child. **29(4)** also allows the government to add contact details of people providing support the family, and there is **a provision for adding more data fields**.

**Section 29(1)** allows the government in Wales to make regulations requiring local authorities to establish and operate databases. A children's database can be made under section 25 or 28 of the Children Act 2004 or under [section 175 of the Education Act 2002](#). Section 175 EA2002 is mentioned in the CME consultation document. **Section 29(3)** imposes restrictions on the contents of the database which must not go beyond the provisions set out in **29(4)** – with the caveat about **29(4)(h)** any other information.

**Section 29(4)** lists the information which can potentially be included in a children's database: name; address; gender; date of birth [source = **s29 (4)(a)**]; identity number [s **29 (4)(b)**]; person(s) with parental responsibility [**s29 (4)(c)**]; details of any education being received including the name and contact details of any educational institution attended [**29 (4)(d)**]; family doctor [**s29 (4)(e)**]; other persons providing support if specified by the government [**s29 (4)(f)**]; any concerns [**s29 (4)(g)**]; any other information *"not including medical records or other personal records"* [**s29 (4)(h)**]

**Section 29(5) and (6)** gives the Welsh government “regulation-making powers” setting out **who is required** to provide information [source = **s29 (6)(b)**] and **who is permitted** to provide information [**s29 (6)(c)**] as well as **permitting or requiring** which information is to be supplied [**s29 (6)(d)**] plus who has **access** to the database [**s29 (6) (e)-(f)**] how long the information **must be held or is allowed to be held** [**s29 (6)(g)**] and measures for **ensuring accuracy** of information held [**s29 (6)(g)**]

**Section 29(7)** lists the people who are **required** to provide information for the database. **S29(7)(a)** covers everyone listed in section 28 (1), which includes **Local Health Boards** (and NHS Trusts in Wales) but **not family doctors**. Proprietors of **independent schools** are specified at **s29(7)(e)**. If there is anyone not already specified up to **s29(7)(e)** then **s29(7)(f)** helpfully provides the power to add “*a person or body of such other description as the Assembly may by regulations specify*”; I think this is where family doctors might be added because the draft regulations for the database refer to “A Local Health Board and **GMS contractor**” and this link <https://www.bma.org.uk/pay-and-contracts/contracts/gp-contract/welsh-unified-gms-contract-202324> refers to service contracts for **GPs**.

**Section 29(8)** lists the people who are **permitted but not required** to provide information, mirroring **29(6)(c)** above. It includes childminders, voluntary organisations, the Inland Revenue, social housing providers, and at **s29(8)(e)** the power to add “*a person or body of such other description as the Assembly may by regulations specify.*”

**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*”

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/>