

Chair of the Children, Young People and Education Committee

Senedd Cymru

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1st May 2025

Dear Chair of the Children, Young People and Education Committee,

I am writing in support of the Legislative Consent Motion regarding the Children's Wellbeing and Schools Bill, and the proposed new duties to enhance existing UK legislation concerning child protection, children not in school, and children's social care.

The Bill will mark a significant move toward strengthening the safeguarding of all children in Wales. I commend the Welsh Government for taking this opportunity to enhance child protection measures, and I wish to offer my support to any initiatives that contribute to this objective.

That said, there have been numerous opportunities missed to legislate in Wales in relation to children not in school, despite calls from many, including ourselves, to address gaps in the provisions to ensure that these children have all of their rights fulfilled.

As a result of a statutory review conducted by my office of the Welsh Government policy on home education, my office published three tests in relation to children's rights in [this position paper](#). These are as follows:

- First, that all children in Wales can be accounted for and that none are invisible.
- Second, that every child receives a suitable education and their other human rights, including health, care and safety.
- And third, that every child is seen and their views and experiences are listened to. This is essential for the first two tests to be met.



**Comisiynydd
Plant Cymru**
Children's
Commissioner
for Wales

The first two tests would be achieved through the proposed new duties resulting from the Children's Wellbeing and Schools Bill, and the third test would be partially met by proposals within this Bill to require a child's home environment to be assessed when there is a request for their removal from school. I therefore welcome the pragmatic approach being taken to including Wales in this draft legislation, particularly given the length of time over which this issue has been debated without resolution so far in Wales.

Surprisingly, the Welsh Government's legislative consent memorandum does not reference children's rights and no Children's Rights Impact Assessment (CRIA) has been published with the proposals. In line with the Welsh Government's statutory duties, I would strongly urge the publication of a CRIA which sets out why these particular proposals have been selected to apply to Wales (and not other provisions of the Bill) and what actions the Welsh Government are taking on any areas where they have chosen not to legislate.

A CRIA would help ensure that the WG fulfils its own duties under the Measure to consider children's rights, provide valuable transparency for key stakeholders, and assist in identifying and mitigating any unintended consequences.

I look forward to seeing the Bill develop and I would be pleased to support the committee in promoting a rights-based approach through its scrutiny of the Bill.

Yours sincerely,

Rocio Cifuentes MBE
Children's Commissioner for Wales

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.