

## CYPE(5)-23-19 - Papur i'w nodi 4

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Plant Cymru

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National Assembly for Wales

Children's  
Commissioner  
for Wales

Via email:  
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05 July 2019

Dear Lynne

### **Re: Elective Home Education – request for update**

Thank you for your letter dated 19 June 2019 in relation to elective home education.

You will know that my tests for this policy, accepted in full by Government, remain unchanged:

1. Firstly, that all children in Wales can be accounted for and that none slip under the radar of universal services, and society in general;
2. Secondly, that every child receives a suitable education and their other human rights including health, care and safety; and
3. This cannot be achieved without the third aim, that every child should have the opportunity to be seen and their views, including their views about their education, and experiences listened to.

Throughout this process I have been assured by officials that revised guidance, with statutory force, will be a quicker way to ensure that changes are made to better protect and uphold the rights of children educated at home than developing primary legislation. Despite this assurance, the process has been time-consuming.

It is the details of this guidance that will be the ultimate success or failure of this policy and throughout the process of development I have maintained a continuous scrutiny of policy content and detail, assessing each aspect of the draft statutory guidance against the three tests I have set out and challenging any element that falls short. I have also had constructive meetings with government officials and lawyers and sought my own legal advice as to the capability of secondary legislation to enable the change that is needed.

Significant steps have been taken in relation to two of my three tests and while I recognise that the development of practicable guidance to fulfil these policy aims is complex, I am frustrated that over eighteen months on from the Minister's statement in January 2018 this policy has not yet been brought forward for public consultation.



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As I have communicated to Government, I am retaining the option to use my legal powers of review should I have concerns that Government are not exercising their functions to ensure appropriate policy aims will be met. My current focus, however, is to press on Government to hold true to its current timetable for the implementation of the guidance, including any technical solutions necessary to deliver this policy.

I would like to thank the Committee again for your ongoing scrutiny of this issue. In my engagement with Government I remain determined to take the best course of action to ensure children educated at home receive their human rights.

I expect to be in a position to have a more detailed conversation with the Committee about the government proposals in my annual scrutiny session in the autumn, by which time I expect to have responded to a public consultation on the matter.

Yours sincerely



**Sally Holland**

**Children's Commissioner for Wales**

