

A Review of the Welsh Government

February 2021



Comisiynydd
Plant Cymru
Children's
Commissioner
for Wales

Who are we?

Sally Holland is the Children's Commissioner for Wales. It is her job to make sure that the Welsh Government and others protect children's rights in all of their work. You can read more about the Commissioner's work [here](#).

The Commissioner has the legal power to look at the things the Government says it will do, to make sure that the decisions they make give children access to all of their rights.

What did she do?

In 2020, the Commissioner decided to look at what the Government had done to protect and support two groups of children; those who are educated at home, and those who go to an independent school (sometimes called a private school).

She had been worried that children in these places were not getting access to all their rights, including education to help them be the best they can be, being kept safe, receiving health care and other support if they need it, and getting all the information they need to make choices about their own lives. Here are two examples of why she was worried:

- In 2011, a boy who was educated at home died because he didn't get the care and support he needed and he hadn't seen other adults for many years so people didn't know how unwell he was. A report in 2016 said that the law should change to better protect and support children educated at home.
- In 2019, there was concern about an independent school in north Wales where other adults were worried that a head teacher's behaviour wasn't acceptable around children.

This is the first time that the Children's Commissioner for Wales has used this legal power to look at what the Government has done. She and her team have written a long report which sets out all the documents they looked at and what she has found. This is a summary of that long report.



What did she find out?

The Government has done lots of work to look at how they can support children who are educated at home or in an independent school. But the work that they have done is mainly in the background and they have not changed any laws or guidance documents that would support people to do things differently.

Home education

The Government has asked people who work with children and also members of the public at least three times in the last 5 years what they think should be in place to help children who have their education at home. They have received lots of comments and views.

However, despite having asked for all of these views, the Government has not made changes to any of the laws or rules.

The Commissioner is worried that nothing has changed for a long time. After looking at lots of documents, she could see times when things weren't done quickly enough or at all, and has said in her report that this is not good enough for children.

The Commissioner and her team could not see from the documents how children's rights were thought about when making these decisions.

Independent Schools

From the documents the Commissioner's team looked at, lots of people have told the Government over many years that teachers and other staff in independent schools should have to register with an organisation called the Education Workforce Council. This is an organisation that makes sure all teachers have all of the qualifications and work experience that they need to be able to teach children, and that makes sure their behaviour is acceptable for them to work with children. When you 'register' with them you tell them where you are working and who you are working with. Teachers and other staff in independent schools don't have to register so there is nobody outside the school checking that they are the right people to be working in those schools.

Part of the Government's job is to monitor how independent schools in Wales are run, so it is up to them to make any changes that are needed to keep children safe there and make sure they get all of their rights.



The Commissioner has found that the Government has still not worked out how to make some of the changes needed to protect children's rights in independent schools, which has meant that no changes have been made in all of this time.

What will happen next?

The Commissioner has decided after looking at all of the documents, that the Government has not done enough to make the changes that are needed to protect and uphold children's rights if they are educated at home or in an independent school.

This is not good enough when the Government has to think about children's rights in all of their work. Article 4 of the United Nations Convention on the Rights of the Child tells the Government that they must do whatever they need to do to make sure that children's rights are part of their laws but the Commissioner does not think they have done this.

The Commissioner has made recommendations to the Government, which are the steps she thinks they need to take next because not enough has changed so far. The Government have until 7th April 2021 to write back to her to tell her what they will do next.

The recommendations ask the Government to:

- Tell the Commissioner how they will make sure the laws are changed to make sure children have access to their rights. If they don't yet know what they need to do to change these laws, they need to find out quickly so they can then make changes as soon as possible;
- Look at what happens when a child is hurt or dies, to make sure that everyone that needs to know about it is told so they can do things differently in the future;
- Decide how to monitor independent schools so that everyone there is kept safe; they need to make changes quickly if the current system doesn't keep children safe;
- Set up a new team to work on these pieces of work, and make sure that they have enough people working there, to make sure all children can access their rights through their education;
- Make changes quickly if they ask for people's views on what they should do. There is no point in asking questions if they don't make any changes after doing this;



- Think about children's rights in all of their work and write down how they have done this, so the Commissioner and others can see what they've thought about and what they did next. This will allow the Commissioner and others to ask more questions to the Government if they've missed some important things in what they've thought about; and
- Think about changing the Commissioner's legal powers. Although the Commissioner was able to look at lots of documents to write this report, it was not easy to get copies of some things because the Government wasn't able to share them with her. The Commissioner's legal powers need to give her the right to look at everything she needs to when making sure the Government is doing enough to protect children's rights.

The Government has to respond to the Commissioner's recommendations within 3 months of them receiving the report. When the Government writes back to the Commissioner, their answers will be made available for everyone to see.

It is important that the Government listens to what this report says and tells the Commissioner and other people what they will do to keep children safe and help them to have access to all of their rights.

Note: Most children who are educated at home or in independent schools are safe and get their rights. If you are worried about your rights and would like to speak to someone about it, you can get in touch with the Commissioner's Investigation and Advice team. There are people working in the team from 9am-5pm every week day (Monday to Friday). Here's how you can contact the team:

Telephone: 01792 765600 or by Freephone: 0808 801 1000

Email: advice@childcomwales.org.uk

If it is the evening or the weekend and you'd like to speak to someone straightaway, you can contact NSPCC on 0808 800 5000 or if you're under 18 call ChildLine on **0800 1111**

