



BRIEFING 6: Enhancing Safeguards for Children Electively Home Educated in Wales

The Ask: Stronger safeguards for children that are Electively Home Educated (EHE) must be implemented effectively in Wales, including the register of children not in school now legislated for in the Children's Wellbeing and Schools Act 2026, to ensure better public oversight and protection.

The number of children electively home educated in Wales has grown substantially since COVID-19 and continues to rise. These children deserve the same assurance of safety and visibility as children in school. ADSS Cymru recognises the genuine progress made through statutory guidance (May 2023) and values the commitment of officials who have worked on this complex issue over many years.

The new Senedd term offers a fresh opportunity for the incoming Welsh Government and for Members from across all parties to take this forward together. The Children's Wellbeing and Schools Act 2026, which received Royal Assent on 29 April 2026, is a UK Act of Parliament extending to England and Wales and introduces mandatory registration of children not in school. ADSS Cymru is now seeking a constructive, cross-party conversation about how these new safeguards are implemented effectively in the Welsh context.

The Data Picture

In 2024-25, 7,176 children were known to be electively home educated in Wales, a rate of 15.3 per 1,000 pupils, up from 1.6 per 1,000 in 2009-10. Numbers doubled between 2018-19 and 2022-23 and have continued to rise in every year since, with COVID-19 a significant driver as some families who home educated during school closures did not return their children to school. Crucially, these figures cover only children known to local authorities. In 2017, no local authority in Wales was confident that official figures represented all EHE children in its area. Children home educated from birth and never enrolled in school may be entirely unknown to any public service.

Two patterns in the data warrant particular attention. The rate of 16-year-olds being home educated has increased to 27 times the 2009-10 figure, suggesting significant withdrawal at the point of statutory qualifications. Children with additional learning needs are also disproportionately represented: the rate of EHE children with any ALN provision is 47.8 per 1,000 pupils, compared to 5.8 per 1,000 overall. These are among the most vulnerable children in Wales, whose complex needs may go unmet when outside the school system and beyond regular professional contact.

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Historical Context

The policy debate around EHE safeguards in Wales was given urgent impetus by the death of Dylan Seabridge, aged eight, in Pembrokeshire in December 2011. Dylan had not been seen by any professional since early childhood. His parents had chosen not to send him to school and refused education welfare officers access to the home and to Dylan, as the law permitted. A Child Practice Review found he had become invisible.

This prompted the National Independent Safeguarding Board to commission the CASCADE evidence review, published in October 2017, which examined 11 child practice and serious case reviews where home education was a feature. It found home education is not in itself a risk factor but that where children are maltreated it can make identification significantly harder. It made four recommendations: a significantly enhanced support service for home educated children with clear local authority duties and per-pupil funding; a statutory register with regular holistic assessments in the child's home, with both registration and assessment as legal requirements on parents; an improved safeguarding response where concerns are identified, with named individuals in each local authority; and a duty on Estyn to inspect the adequacy of local authority EHE provision. The report was explicit that a voluntary scheme alone would have been unlikely to have protected Dylan Seabridge.

The concern is not confined to Wales. More recently in England, the death of Sara Sharif in 2023 — a ten-year-old who was withdrawn from school to be home educated, having been known to child protection services earlier in her life — again exposed the risks when a child is removed from regular contact with professionals. The independent review into her death was published in November 2025 and the children-not-in-school measures in the 2026 Act have been taken forward, in part, in her memory.

The Children's Commissioner for Wales

The Children's Commissioner for Wales supports families' right to home educate but has consistently argued that current systems do not fully protect children's rights. The Commissioner has articulated three tests Welsh Government policy must meet: all children are known and not invisible to services; every child receives a suitable education and their wider rights are upheld; and every child is seen and heard. In a 2021 review, the Commissioner found previous proposals would not fully meet these tests and that the existing framework was insufficient. The Commissioner has supported primary legislation in principle and, while welcoming the 2023 statutory guidance, has called for formal evaluation of its impact.

Where Things Stand

The previous Welsh Government published statutory guidance on EHE in May 2023, an improvement on what preceded it: upgraded from non-statutory, more prescriptive in its expectations of local authorities and clearer on information sharing and seeing children. ADSS Cymru understands the COVID-19 context in which the earlier decision not to legislate was taken. However, the guidance did not introduce a mandatory register, did not give local authorities the legal right to see a child or enter a home, and preserved parents' right to decline meetings indefinitely. There were always limits to what guidance, as opposed to primary legislation, could achieve: the core challenge identified by CASCADE — that some children are, in effect, invisible — cannot be resolved through guidance alone.

This picture has now changed. The Children's Wellbeing and Schools Act 2026 began as an England-only Bill; Wales was brought into specific provisions through amendments from March 2025 onwards, each requiring the Senedd's consent. The Welsh Government did not take a blanket approach, requesting only those provisions that align with Wales's own policy aims — some to close existing gaps

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in legislation, others to address long-standing policy issues. The provisions extending to Wales cover children not in school, child employment, the ill-treatment and wilful neglect of children under 18, children in temporary accommodation and Healthcare Inspectorate Wales notifications. For elective home education, they build on the Education Act 1996, which applies across both England and Wales. The approach drew on an evidence base substantially developed in Wales, following the Seabridge case.

For children not in school, the new measures include a duty on local authorities to establish and maintain a register; a duty on parents and carers to provide information for it; a duty on certain out-of-school settings to share information where they meet the criteria; a more efficient School Attendance Order process; and a requirement for local authority consent before a child subject to child protection enquiries (under section 47 of the Children Act 1989) or a child protection plan can be withdrawn from school to be home educated. Local authorities will also be able to request to meet the family and to see and speak with the child — the central gap that guidance alone could not close.

Not every provision translates cleanly into the Welsh context — Section 17, for example, has no direct equivalent in Welsh law, which uses Care and Support Plans under the Social Services and Well-being (Wales) Act 2014. Most of the detail will follow in secondary legislation and guidance, subject to public consultation before the measures take effect. Implementation will run to its own timetable in Wales. However, ADSS Cymru stands ready to contribute.

Areas for Early Dialogue

ADSS Cymru would welcome early dialogue with the incoming Welsh Government and with Members from all parties and the relevant Senedd committee, to explore shared goals and to ensure the new safeguards are implemented in Wales in a way that is effective, workable and properly resourced. Cross-party support will be central to getting this right.

A register is only part of the answer. Keeping children visible and safe depends on a genuinely multi-agency approach, in which all partners, in health, in local government, in police and criminal justice, share responsibility wherever families come into contact with public services. ADSS Cymru's members have long made the case that these touch-points must count and that implementation of the new duties should be designed to draw partners in rather than resting on local authorities alone.

The great majority of home educating families do so for positive reasons and provide excellent education. The case for a register and stronger safeguards is not a case against home education. It is a case for ensuring every child in Wales is known and safe — and the new Senedd term is an opportunity for Members across the Senedd, working with the incoming Welsh Government, to make that assurance real.

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Key Sources

CASCADE Report: An Evidence-Based Review of the Risks to Children and Young People who are Educated at Home, NISB, October 2017

CYSUR Child Practice Review: Dylan Seabridge, 2016

Surrey Safeguarding Children Partnership, Child Safeguarding Practice Review: Sara Sharif, November 2025

ADSS Cymru Letter to Minister for Education, August 2020 | ADSS Cymru Consultation Response: Home Education Statutory Guidance, October 2019

ADEW, AWHoCS and ADSS Cymru Joint Statement on Elective Home Education, 2021

Children's Commissioner for Wales, Review of Welsh Government Functions in Relation to EHE, February 2021

Children's Commissioner for Wales EHE Policy Position (accessed May 2026)

Welsh Government, Elective Home Education Guidance (statutory), May 2023

Welsh Government, Pupils Educated Other Than at School: September 2024 to August 2025, August 2025

Children's Wellbeing and Schools Act 2026 (England and Wales)

Social Services and Well-being (Wales) Act 2014

Education Act 1996

ADSS Cymru is the Association of Directors of Social Services in Wales, the professional leadership body for directors and senior managers of social services in all 22 Welsh local authorities.

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