



CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Councillor Fiona Gordon
Convenor of Schools Performance Scrutiny
Panel

Please ask for:
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Date / Dyddiad:

26th November 2014

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e.g. Braille, audio tape or a different language, please contact me**

Dear Councillor Gordon

Schools Performance Scrutiny Panel 21 August 2014

I am writing in response to your letter dated 9th September 2014 regarding Schools Performance Scrutiny Panel of 21st August 2014. Within the letter three recommendations were put forward – copied below:

1. Social Services keep a record on their system of children who are home educated.
2. Data matching with other databases including health can be used as a tool to ensure we are aware of each and every child currently living within the City and County.
3. UNCRC Rights of the Child information is included in guidance to home educators.

I have outlined below the response in relation to each of the above three recommendations.

1. Social Services keep a record on their system of children who are home educated:

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CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

- 2 -

Where a child is known to Child and Family Services and the case is open/live, a copy of the letter to parents acknowledging that their child is being home educated is forwarded to the Social Worker for the information to be recorded on the child's file/database. The letter to parents includes details of the persons who have also received a copy of the letter in order that the system is open and transparent and they are thus aware that the information has been shared with the Social Worker.

Where a child is not known to Social Services information regarding the child being home educated is not copied to the Service. The database for the Service retains information pertinent to children and families but it would not comply with current legislation to hold information where there are no current or anticipated safeguarding concerns. Holding such information would contravene the Data Protection Act 1998 which stipulates that the Data Controller (in these circumstances the City and County of Swansea Social Services Department) must lawfully hold the information for legitimate purposes. Holding such information would also require Social Services to be responsible for updating the information which is undertaken by the Education Department. The proposal that Social Services would hold this information would create difficulties in satisfying Data Protection legislation regarding the appropriate handling of sensitive personal data.

Where a child is known to Social Services but the file is no longer open (because there are no longer child protection concerns) the information is not shared with Social Services about the child being home educated. This is also on the basis that it would contravene the Data Protection Act 1998 as outlined above. It is considered inappropriate for Social Services to hold the personal sensitive data in relation to the child.

The issue of a compulsory register was considered by the Welsh Government in their consultation in 2014 'Registering and monitoring home-based education'. The consultation responses are recorded as being a 'clear strength of feeling that the proposals amount to 'state interference' into family life and 'invasion' of privacy and a 'violation' of Human Rights.

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CITY AND COUNTY OF SWANSEA
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- 3 -

In order to hold such information, permission would need to be sought from individual parents and this would prove to be problematic to obtain in light of the responses to the consultation.

Parents are extremely unlikely to give permission for the information to be recorded on a Social Services database. Even if some parents indicated agreement to this proposal, others are likely to refuse and therefore any data would not provide a complete and accurate reflection. This in turn could mislead Social Work staff who could come to rely on the data indicating home education where in fact the data would not be recorded due to parental refusal to share the information.

2. Data matching with other databases including health can be used as a tool to ensure we are aware of each and every child currently living within the City and County.

The Education receives birth data from registrars and has received this information on a weekly basis since June 2006. Meetings have taken place with ABM representatives to consider the possibility of the Education Department being provided in the future with birth data. This may soon be a possibility.

Due to family house moves, this information is not always accurate. Monitoring checks in the past have indicated that a high number of parents move house in between the birth of a child and the age the child starts school. Therefore, whilst linking in this way will be beneficial it will not completely ensure that the Education Department and in particular schools, are always aware of every child living within the City and County of Swansea.

3. UNCRC Rights of the Child information is included in guidance to home educators.

Reference to the United Nations Convention on the Rights of the Child has been included in the updated version of the City and County of Swansea guidance leaflet that is issued to parents when the Education Department writes to acknowledge receipt of notification that a child is being home educated. Attached please find a copy – the reference is on page 2 of the attached document.

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- 4 -

A Working Group is being set up to consider what information can be shared with colleagues in Social Services and Education in the hope that a protocol can be drawn up and disseminated to colleagues within the two Departments.

I trust this information will help to clarify this rather complicated issue but if you require further information please do not hesitate to get back to me.

Yours sincerely



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DEPUTY LEADER & CABINET MEMBER FOR
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