

Highlight briefing from Defend Digital Me for the Children's Wellbeing and Schools Bill Lords Committee Stage narrowly on Clauses 4 and 31

1. Clause 4: Personal Identifiers and National ID Framework

The open-ended sub-section of Clause 31 which section 436B(3) Content and maintenance of registers (page 56, lines 32-33) gives the Local Authority open-ended powers to keep in the register, “**any other information the local authority considers appropriate.**” This is likely to be understood by Local Authorities to include the new identifier.

In fact, at Committee Stage in the Commons (Jan 23, 2025), the Schools Minister Catherine McKinnell suggested ID scope creep was not only inevitable, but desirable:

“We have purposely prioritised linking use of the consistent identifier with safeguarding and welfare functions, and will be testing the benefits and implementation of that through our pilot. If additional benefits are realised, **we can obviously explore the provisions further.**”¹ (our emphasis)

There is overlap with how the single unique identifier may then be used in the Clause 31 registration requirements, even though again, this is nowhere specified nor been debated so far in the passage of the Bill. Its reuse thanks to the unlimited data powers Clause 31 section 436C *Content and maintenance of registers* (subsection (3)).

But there has been no scrutiny of this because it has remained unconfirmed what the ID is to be. Since Wales was only added last minute to the Bill at all, it has had no scrutiny there either.

In Wales, the Legislation, Justice and Constitution Committee in the Senedd has complained in writing over the shortage of time for proper consideration of the issues given that:

“the provision being made for Wales in the Bill covers significant policy matters but, with proceedings in the House of Commons complete, minimal time is being left for Senedd Committees to scrutinise the Welsh Government's actions and the provisions for Wales being added to the Bill.”

For original letter from The Rt. Hon Elin Jones MS Y Llywydd and Chair of the Business Committee see pages 26-27 of 80

<https://business.senedd.wales/documents/g15189/Public%20reports%20pack%20Wednesday%2002-Apr-2025%2009.30%20Children%20Young%20People%20and%20Education%20Committee.pdf?T=10>

¹ Commons debate: Committee Stage, January 23rd, 2025, Children's Wellbeing and Schools Bill (Fourth sitting)
[https://hansard.parliament.uk/commons/2025-01-23/debates/5e4d51a3-8e97-4ab1-99e3-904a4cbd90ed/ChildrenSWellbeingAndSchoolsBill\(FourthSitting\)#contribution-64A54452-5405-4B94-A032-27F45E551A46](https://hansard.parliament.uk/commons/2025-01-23/debates/5e4d51a3-8e97-4ab1-99e3-904a4cbd90ed/ChildrenSWellbeingAndSchoolsBill(FourthSitting)#contribution-64A54452-5405-4B94-A032-27F45E551A46)

2. Is the Unique ID number to be the NHS number, or not?

Is the government already running a pilot of this Bill? Is Wales the pilot?

In the Commons Committee Stage, January 23rd, 2025, Children's Wellbeing and Schools Bill (Fourth sitting) Damien Hinds and Neil O'Brien MP asked questions about the ID and its pilot:

"I note that the Government plan to trial the use of the NHS number as the single identifier, [...] Can the Minister give the Committee a bit more information on those pilots? What is the timing? How many will there be? Which places will be chosen? How will we choose places?"²

There is lack of clarity if the pilot had already begun in January when Minister Catherine McKinnell described it in the Commons Committee Stage in both present and future tenses³ and did not answer MPs questions on its location(s):

"As I mentioned, ***the Department will pilot*** the implementation of the consistent identifier and introduce it nationally at a later point. We will test its ability to facilitate the linking of data across datasets."

"On timelines, I appreciate the urgency with which Members wish to see the consistent identifier come into play. **Obviously, it is not yet legislated for**—we very much hope it will be. But ***we are piloting the use of the NHS number***, which is assigned to all UK-born children at birth or, for children born outside the UK, when contacting the NHS, so we deem it to be universal. The exact services, systems and data shares that store and move the number will have to be developed during the piloting."

It must be confirmed before the Bill powers pass, if it is or is not to be the NHS number to give adequate scrutiny. A **2016 report⁴ commissioned by the Department for Education, *A Consistent Identifier in Education and Children's Services***, found a wide range of literature that points to the harms from loss of public trust in reuse of data from health records and its intangible as well as financial costs (unassessed in the Bill impact assessment because it remains undefined and without scrutiny):

"Those consulted pointed out that **adopting a consistent identifier for children would require a considerable investment of time and money. It would be a**

² See on page in print in context pp151-152 (p86 of 232)
https://defenddigitalme.org/wp-content/uploads/2025/02/PBC151_ChildrensWellbeing_1st-10th_Compilation_04_02_2025-DDMed.pdf

³ See on page in print in context pp151-152 (p86 of 232)
https://defenddigitalme.org/wp-content/uploads/2025/02/PBC151_ChildrensWellbeing_1st-10th_Compilation_04_02_2025-DDMed.pdf

⁴ Valle, I.L., Graham, B. and Payne, L. (2016) *A consistent identifier in education and children's services*. The Department for Education research report. GOV UK. [accessed January 7, 2025]
https://assets.publishing.service.gov.uk/media/5a8157e5ed915d74e6231bd2/Consistent_identifier_report_July_2016.pdf

long-term project requiring extensive planning, robust piloting and incremental scale up.”

For purposes related if not directly connected to the intended aims of Clause 31
“Registration” a pilot began in Wales, in April extracting ID data from NHS records already.⁵

Wales is already running a pilot copying ID data from NHS patient records, to share in 7 Welsh education local authorities. No one has informed the children and families whose records it is, that every child’s ID data for the matching exercise was copied over from NHS Shared Services Partnership in April. No one asked families or GPs for permission to extract the children’s ID data from their NHS records. They were bypassed by accessing the data from an NHS shared services partnership. There’s no clarity on whether the national project ‘pilot’ mentioned by the Minister in Committee Stage in the Commons of this Bill, is or is not linked by design or accident to the Wales pilot.

The Senedd was given only 15 minutes to discuss and pass the pilot regulations on April 1st 2025, the substantive question about public health risks from reuse went unanswered.

No risk assessment has been done for children who are at a safeguarding risk but not in school and whose families may therefore decide to no longer present to healthcare services, if they understand health data may would flag them to LAs. Although the Children’s Rights Impact Assessment (2024)⁶ in Wales noted this risk created by their CNIS proposals, they made no assessment of the level of this harm or mitigations.

“One identified potential negative effect of the proposals is the potential for families to fail to register with a GP if they felt strongly that they didn’t want their details shared with local authorities.”

If it is confirmed that this **is to be the NHS number in this Bill, like in Wales in their pilot, has the Minister considered the concerns that remain unaddressed in the 2024 Wales consultation** a year ago, ignored in the Wales pilot that has gone ahead regardless, and is running right now, from organisations such as the BMA, the GMC, and many others?

What would be different about the use of Clause 4 and inclusion in the data registers created as a result of Clause 31 duties in this Bill from the risks created by the reuse of NHS number to extract ID data in Wales to pass to Local Authorities for data matching and ID people?

⁵ Concern over Westminster-Wales deal in pupil data pilot and late Bill changes (Defend Digital Me, March 2025)
<https://defenddigitalme.org/2025/03/17/concern-over-westminster-wales-deal-in-pupil-data-pilot-and-late-bill-changes/>

⁶ Wales CME database consultation Impact Assessment February 2024 (section 3)
<https://web.archive.org/web/20240225120655/https://www.gov.wales/childrens-rights-impact-assessment-draft-children-act-2004-children-missing-education-database>

Case study Wales⁷

The Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025 came into force on 8 April 2025 and cease to have effect on 8 April 2026. Who determined that this legislation would be written and used? The Welsh government.

It requires a Local Health Board, or a GMS contractor, that holds any of the information specified in relation to any child who is “usually resident” in a pilot local authority’s area to disclose it to the child’s relevant pilot Local Authority **by 30 April 2025.**

1. The child’s name (including any former name).
2. The child’s address (or last known address) including postcode.
3. The child’s date of birth.

These data from the Local Health Board, or a GMS contractor will be added together with these further information in the Children Missing education (CME) database that Local Authorities creates from linkage with:

4. Name, address, postcode, telephone number and email address **of all parents of the child.**
5. The name and address of the person providing all or part of the education.
6. Any **additional learning needs** that the child may have and any additional learning provision that is called for. [Our emphasis N.B. special category health data e.g. disabilities, hearing and sight impairments, mental or physical needs related to other conditions.]

Particularly alarming is the use of children in Welsh private schools singled out as test subjects in the data extraction “pilot” in 7 authorities (Cardiff County Council, Carmarthenshire County Council, Gwynedd Council, The Isle of Anglesey County Council, Monmouthshire County Council, Powys County Council, and Rhondda Cynon Taff County Borough Council). Simultaneous changes last week to the *Children Act 2004 (via Commencement Order 2025 No.10 that came into effect 3 days after being made)* and the *Education (Information about Children in Independent Schools) (Pilot) (Wales) Regulations 2025* appear to be designed to enable those children in Wales to be guinea pigs for a trial of the national powers, with a window for the pilot set in the legislation to run from 8 April 2025 to **20 May 2025. (Today)**

The data from children’s health records have not in fact been extracted from any identifiable, “Local Health Board, or a GMS contractor” as described in the legislation, but instead from the NHS Shared Services Partnership. **Defend Digital Me understands that GPs have not been informed of this mass data extraction from their patients. No one has told the patients. The Welsh government has not informed families of children in private independent schools despite data protection obligations to do so. This to perform matching exercise to potentially find children in Elective Home Education about whom the Local Authority is not already aware. If in neither NHS GP records nor**

⁷ Valle, I.L., Graham, B. and Payne, L. (2016) *A consistent identifier in education and children’s services*. The Department for Education research report. GOV UK. https://assets.publishing.service.gov.uk/media/5a8157e5ed915d74e6231bd2/Consistent_identifier_report_July_2016.pdf [accessed January 7, 2025]

education records (including fee paying independent schools) they will not be identified.

3. The BMA raised a wide range of concerns in the Wales 2024 consultation on Children Missing Education databases that will extract ID from health records and worth reading in full⁸.

<https://www.bma.org.uk/media/mvidspkc/bmacw-children-missing-education-database-consultation-final-240424.pdf> Despite evidenced concerns, the pilot began in 7 Welsh authorities.⁹

Recognised harms as a result of the data powers to extract ID from health records and re-use it in the matching exercise in Wales remain unmitigated – the reuse of any data from medical records outside of direct healthcare carries with it the same risks through the Clause 31 registers that will likely include the Clause 4 single unique ID unless LAs explicitly prevented from doing so.

Harm from the policy is foreseeable, recognised and yet not mitigated: Any families of children who are truly “off the radar” are not likely to want to be on any new register and therefore likely to seek to avoid any system that means recording. **This harm is further explicitly described¹⁰ in the Wales Child Rights Impact assessment, and the BMA cites this concern in its 2024 consultation response** about the new Wales pilot (in effect similar powers of combining Clause 4 and Clause 31) to identify Children Missing Education, using the NHS number as a unique ID to match children known to be in state education, independent schools (enabled in law through new pilot regulations), and not on the Local Authority registers of children in elective home education, EOTAS or CME categories.

The current Welsh minister in debate on April 1st dismissed these risks to all intents and purposes, while acknowledging their risk but without any mitigation.

This known effect was foreseen by the Welsh Government, yet they have gone ahead anyway. **In 2018, the then Education Minister Kirsty Williams in Wales**, on introducing these proposals, said of putting a mandate onto parents instead of local authorities:

“I suspect this element of compulsion could have the unintended consequence—the very real unintended consequence—of driving those parents further away from engagement with statutory services”.¹¹

⁸ **BMA response to the Welsh Government 2024 consultation** on plans for Wales Children Missing Education pilot <https://www.bma.org.uk/media/mvidspkc/bmacw-children-missing-education-database-consultation-final-240424.pdf>

⁹ **Concern over Westminster-Wales deal in pupil data pilot and late Bill changes (Defend Digital Me, March 2025)** <https://defenddigitalme.org/2025/03/17/concern-over-westminster-wales-deal-in-pupil-data-pilot-and-late-bill-changes/>

¹⁰ Wales CME database consultation Children’s Rights Impact Assessment February 2024

<https://web.archive.org/web/20240225120655/https://www.gov.wales/childrens-rights-impact-assessment-draft-children-act-2004-children-missing-education-database>

¹¹ Plenary 30/01/2018 Welsh Parliament (para 395)

https://record.assembly.wales/Plenary/4901?fbclid=IwAR0_Kzg5y2WBABvbolhMdBwwvRJFWpXSy-5AwgGVP03Kkhh8xp8MXJnZvhQU_aem_AYj-K0yJSpWhCsTl_-5mW7lyRC-pqXELRBH1mexyOtMJ693Ctn6Cf86mvL6u5XYxhsKhVf2HyvU0tLOxNJj69se#A10000068 “this is not the answer to all our children’s safeguarding issues, because whether you have a compulsory register that puts the legal emphasis on the parents or whether you take this approach, which puts the emphasis on local authorities, this only applies to children of a compulsory school age, and that is five to 16. So, it would be remiss of us to think that any approach around bigger regulation of elective home education solves that problem of a small minority of families who decide, for whatever reasons, to keep their children away from universal services.”

The Wales Impact Assessment suggested, apparently without any ethical consideration, that a **live** pilot will be used to assess the level of harm this causes. But identifying those who do not present is near impossible in such a tiny population, with no practical way to count that. Such harm must be assessed **before** a rollout is ‘piloted’ in the real-world. Why hasn’t the Welsh Government listened to the **General Medical Council**?¹² **The GMC objected strongly in 2020**¹³ to Welsh proposals, stating that non-clinical data in health records should be treated with the same confidentiality as clinical records. They also predicted harm to families and to public health.

“Requiring doctors to share information about children and young people and their parents could cause some to disengage with health services, affecting not only their health but also potentially the health of their local communities.”

If the State forces personal data collection on people who do not want it, people will find workarounds to not comply, including withdrawal from public services. If the Department for Education pursues the obligations in Clause 31, using the NHS number in Clause 4, it will do harm. There is no evidence in the Bill that makes the case for the reverse.

In Wales, the DPIA openly admits a lack of fair processing by design, “The Welsh Government ... is seeking to mandate a processing regime that may give rise to risks around invisible processing”.¹⁴

4. Clause 31: Information-Sharing Duties and Databases

4.1 Lack of clear justifications for the data powers

These new powers duplicate existing responsibilities under **Education Act 1996** and **CME Regulations s436** and **every Local Authority already has databases**. This expands the powers and data in them to be unlimited, with **disproportionate obligations** without any impact assessment of those that already exist and why these are insufficient.

When a child leaves state education: The School Attendance (Pupil Registration) (England) Regulations 2024¹⁵ came into force from 19th August 2024, replacing the previous **Education (Pupil Registration) (England) Regulations 2006**¹⁶ with much the same power and govern the grounds for deleting a pupil of compulsory school age. Headteacher’s must ensure that one of the 15 grounds prescribed in regulation 9 is met and recorded before removing a pupil from a school roll. Local Authorities and DfE receive that.

In addition, the **DfE already maintains a “Lost Pupils Database” and receives the name of every child who leaves school without a designated onward school setting**¹⁷ – what does it do with that data? Why does it need even more data on named, individual children?

¹² HE Byte (April 2024) <https://he-byte.uk/wales/why-hasnt-the-welsh-government-listened-to-the-general-medical-council/>

¹³ GMC 2020 consultation response: The Draft Children Act 2004 Database (Wales) Regulations 2020 and the Draft Education (Information about Children in Independent Schools) Wales) Regulations 2020 Consultation <https://www.gmc-uk.org/-/media/documents/gmc-response-to-welsh-government-consultation---local-health-board-disclosures-to-local-aut-84392705.pdf>

¹⁴ Wales CME DPIA <https://www.gov.wales/children-missing-education-database-data-protection-impact-assessment-dpia>

¹⁵ School Attendance (Pupil Registration) (England) Regulations <https://www.legislation.gov.uk/uksi/2024/208/signature/made>

¹⁶ Education (Pupil Registration) (England) Regulation <https://www.legislation.gov.uk/uksi/2006/1751/regulation/8/made>

¹⁷ DfE’s Lost Pupil Database https://www.whatdotheyknow.com/request/pupil_data_the_lost_pupil_databa

Home Education: This is a relatively new data collection, which **first started in autumn 2022 and became mandatory in autumn 2024**. The DfE already collects this at statistical level, why does it need more powers at child level? As at census date in autumn 2024, local authorities reported 111,700 children in elective home education (EHE). The proportion of local authorities providing data reached 100% for the first time in summer 2024.¹⁸ The DfE does not need any more powers than they're already got.

4.2 Evidence does not support the rationale for intervention and the evidence of discriminatory impact has been omitted from the Bill page

The Regulatory Policy Committee (RPC) published its Opinion on February 3rd saying, *"As originally submitted, the IAs [impact assessments] in respect of the Bill were not fit for purpose."* The leading reason was, *"Lack of evidence to support the problems under consideration in the rationale for intervention."*

The RPC even still found after a request to the Department for revision (page 6), ***"A number of IAs could also improve their application of the critical success factors, as these are either provided only in the shortlist, not fully explained or do not align with the specific key critical success factors as set out in the Green Book."***

The Regulatory Policy Committee (RPC) Opinion published on February 3rd **Impact Assessment is missing any monetary analysis for Local Authority costs and sector-wide impacts of increased data management (Clause 31).**

There are costs to businesses and competition identified for market providers. Furthermore, it is unclear from the oblique reference on page 16 if the Committee writing the RPC saw the IA on Equality at all, as the RPC mention **it could benefit from considering further that it "might" impact "Gypsy, Roma, Traveller communities" disproportionately.**

The Bill Equality Impact Assessment published on the DfE website also found the measures will have a racial / ethnicity discriminatory effect, but this EI Assessment has not been included in the Final Stage Summary nor is it published on the Bill page.

"we recognise that the CNIS proposals may have a disproportionate impact on those of Jewish ethnicity and the Gypsy, Roma, Traveller (GRT) community." (Paras 145, 151, 154 and 184, 186, 187).

Much of the Bill was even debated ahead of the publication of its own impact assessment. The Final Stage Impact Assessment was only published on January 30th on the Bill page, and the others have not been published on the Bill page at all. In fact, debate ran so fast that when Munira Wilson MP tried and failed to get the Equality Impact Assessment discussed on January 30th after the Minister mentioned it and moved quickly on, the Lib Dem did not get the chance again (p309).

¹⁸ Elective Home education 2024 (DfE statistics) <https://explore-education-statistics.service.gov.uk/find-statistics/elective-home-education>

4.3 Affirmative procedures always required says Delegated Powers and Regulatory Reform Committee, not only for the first-time

The Delegated Powers and Regulatory Reform Committee Bill Report¹⁹ published on April 30, 2025, noted that the powers in Clause 31 suggest an affirmative procedure is necessary not only for the first time of approval, but due to the scope and nature of the powers, each time they are changed:

*“The principles which we apply in considering powers subject to the first-time affirmative procedure are set out in paragraph 3 of the Home Education Bill Report. Since the scope of the power remains the same for all exercises of the power, we expect a convincing justification to be given for requiring the affirmative procedure only on the first exercise of the power, with the negative procedure applying on subsequent exercises. In considering first-time affirmative powers, **we consider that any assessment must be based on the scope of the power and not on what the Government say their current intentions are as to its exercise.** This is because governments change and therefore so may government policy with respect to its exercise.” (paragraph 18, p.4)*

Similarly, in subsection (6) of section 436B in Clause 31. “Since there is nothing to prevent significant changes being made on subsequent exercises of the power, we took the view it **should be subject to the affirmative procedure on all exercises of the power.**

And the Committee recommends it must be an affirmative power, despite the government justifications, and states categorically, **“We are not convinced by these reasons, since they focus on how the Government say they intend to exercise the powers and not on their actual scope. In the circumstances, we remain of the view that the powers should be subject to the affirmative resolution procedure in respect of all exercises of the power.”** Section 436E(9)—Power to determine the amount of a monetary penalty and Paragraph 5 of Schedule 31A Similarly the Committee recommends these must be an affirmative power, despite the government justifications, and states categorically, that the financial penalty must be on the face of the Bill.

5. Lack of effective national or local data protection safeguards

This Bill’s Human Rights Memorandum finds that, *“The Department notes in particular that, where personal data is concerned, the requirement to comply with relevant **data protection law will act as a significant safeguard.**”* (p.59 (para201))²⁰ **In Defend Digital Me’s view this is patently untrue.** At local level we have supported a number of home educating families where Local Authorities appear to have a poor grasp of data protection law and ignore objections and even intervention **from the ICO in a notable case.**²¹

¹⁹ **The Delegated Powers and Regulatory Reform Committee Bill Report** 21st Report of Session 2024–25 <https://publications.parliament.uk/pa/ld5901/ldselect/lddelreg/112/112.pdf>

²⁰ https://publications.parliament.uk/pa/bills/cbill/59-01/0151/echr_memo.pdf

²¹ The Critic Magazine (2025) Labour’s assault on home education <https://thecritic.co.uk/labours-assault-on-home-education/>

At national level, the 2020 ICO Audit²² of the Department for Education itself, found failure to meet basic principles of data protection law. The ICO made over 139 recommendations and the DfE has repeatedly refused to publish the audit in full and a promised update on actions in written answer to Lord Storey in November, is overdue.²³

At national level, children's personal and identifying school records are handed out to companies to turn into products and knowledge they sell. Will the same happen to HomeEd children's data if the Secretary of State powers to copy and transfer unlimited data from Local Authorities to national level, remain unlimited as drafted?

The DfE hands over pupil data from national records to the Home Office for immigration enforcement purposes, to the DWP for the purposes of matching and finding people in welfare fraud investigations, to the police and to other government departments.²⁴

According to the DfE update published on September 14, 2023, from July 2015, until June 2023, the Home Office has asked the DfE to match the personal details of 7,109 people and the DfE did so for 1,792.

In 2023 the DfE began to routinely approve Department of Work and Pensions requests to use the NPD as a national ID validation check for their purposes of investigating benefit fraud without parliamentary or public discussion. The DWP ask the DfE to find and match people with DWP data using children's pupil records²⁵ and may subsequently impose penalties or refer for prosecution in respect of suspected benefit fraud. The details about this were not public until exposed through Freedom of Information requests reported by Schools Week in May 2024.²⁶

In 2019, Merseyside police got given all 2,136 pupils' records who attended just one school in a four year period, out of the National Pupil Database. Why is unknown.

It appears that the government can add serious unitive uses of state education records without telling anyone at will, and despite the Home Office School Census outcry in 2016-18 repeated the same method around DWP and never debated the use by police or others, without any independent oversight.

On security: Is the infrastructure fit for purpose? Details of vulnerable children in Cardiff have been compromised recently due to a data breach reported in March 2025.

The BBC reported the personal details of vulnerable children in Cardiff had been compromised, evidenced in council documents. **The cybersecurity failure poses "a**

²² The ICO audit of the DfE (2020)

<https://defenddigitalme.org/wp-content/uploads/2021/10/departement-for-education-audit-executive-summary-marked-up-by-DDM-Jan-2021.pdf>

²³ UIN HL2566, tabled on 14 November 2024

<https://questions-statements.parliament.uk/written-questions/detail/2024-11-14/HL2566/>

²⁴ Defend Digital Me timeline of DfE and data including actions after the audit

<https://defenddigitalme.org/national-pupil-data-the-ico-audit-and-our-work-for-change-a-timeline/>

²⁵ FOI via WDTK https://www.whatdotheyknow.com/request/pupil_data_dwp_pupil_matching_re

²⁶ <https://schoolsweek.co.uk/revealed-secret-deal-to-let-benefit-fraud-squad-snoop-on-pupil-data/>

potential safeguarding risk to children" and relates to young people looked after by Cardiff council, according to the Local Democracy Reporting Service.

"The failure affected Data Cymru, which is a Welsh local government company with a board of directors elected by the Welsh Local Government Association (WLGA) that supports councils and their partners to collect data".

<https://www.bbc.co.uk/news/articles/cp8l6xx6r84o>

6. Schools Bill (2022) Committee Stage comments (one²⁷ and two²⁸)

Baroness Chapman

"I think that this is really sloppy, particularly when you are talking about something that could lead to imprisonment. I have done a lot of justice Bills, and I do not think I have ever seen anything quite like this where, in new Section 436C(1)(d), parents are asked to provide "any other information that may be prescribed", then, in new subsection (2), the local authority register "may also contain any other information the local authority consider appropriate." That is limitless at that point.

"...I do not want to drag this out further but it is important that we interpret this as something that is being made into an offence. I can see why people are concerned."

It is no good the Minister standing there and saying. "This will hardly ever be used; it will be an exceptional circumstance", because we are here to consider those circumstances. If that circumstance should be a very rare thing, we need to know the circumstances that would lead to it, rare or not. Being asked to agree to including in the Bill "any other information that may be prescribed" is very troubling to us. So we support the idea of a register and want very much to support the Government in what they are trying to do but we cannot just let this matter go, given the slack way in which the legislation is currently drafted."

The Lord Bishop of St.Albans

...this is a highly undefined power that could be used to target individuals with protected characteristics, and it makes the state ever more intrusive."

Baroness Jenny Jones

"Part of the fallacy on this children not in school register is the idea that local authorities do not already have the information about children who are not in school, but that is not true."

Baroness Brinton

²⁷ Schools Bill, Committee Stage Volume 823: Wednesday 22 June 2022

<https://hansard.parliament.uk/lords/2022-06-22/debates/69622FA6-4853-4188-9D4A-D49BDF9BE8DC/Debate>

²⁸ Part two Day 4 of Committee Stage

<https://hansard.parliament.uk/lords/2022-06-20/debates/76534AA3-AEB0-498B-9BAC-9B25CE0EB3B3/Debate>

“We keep saying, on different parts of the Bill, that it is not ready to be enacted, is not going to work and is not fit for purpose. It seems completely inappropriate for the House to approve this part of the Bill without any notion of what personal information may be included or what will be published, or who will have access to that information. These are Henry VIII powers gone mad.”

“it will be held for long after children have left the school system. If data is held, it should be deleted once the child reaches 18, unless that is because the Government want to track their future lives. If that is the case, Parliament needs to know.”

Lord Knight of Weymouth

...“having some means of appeal is really important. That might be through the ombudsman that the noble Lord, Lord Wei, is proposing in Amendment 171X or by some other means.”

“this move to criminalise parents through the use of the single justice procedure—given the specific way in which that works—is causing some significant concern”.

“when I read new Section 436C(1)(d)—“any other information” as required—the alarm bells then ring about taking on excessive powers, and I understand why parents worry.”

“I had a very interesting conversation with Professor Eileen Munro of the London School of Economics, who is opposed to any of these measures. She made a really important point that, if we had properly funded child social care workers who could go around and do the human business of working with the children in their area, things would be a lot easier, and it would take a lot of the heat out of this debate. At the moment, the worry is that this is all going to be done by algorithms, registration and data collection—an inhuman approach.”

“I hope that, as part of [the Minister’s] reflections on how regulation is being used generally in the Bill, she can include whether regulation is being used too liberally and whether the Secretary of State is taking on too many powers, which in the end they would pass on to local authorities, some of whom—a minority—might use them in a draconian fashion.”