

Home Education in Wales: Law, Regulation and the 2026 Register

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Semantic Summary

Wales is in the middle of the biggest change to home-education law since the 1996 Education Act. Home education is currently legal, deregulated and lightly overseen: parents have a duty under section 7 of the Education Act 1996 to secure a suitable full-time education, there is no legal requirement to follow the Curriculum for Wales or to register with a local authority, and LAs can only *request* to see a home-educated child.[28] That is about to change. Through the UK's Children's Wellbeing and Schools Act 2026 — which Wales opted into via a Legislative Consent Motion passed by the Senedd on 17 March 2026 (37 votes to 13) — a mandatory **Children Not in School register** will come to Wales, along with a requirement for local authority consent before children subject to child-protection enquiries can be deregistered.[24][25] The measures are not yet in force: they need Welsh secondary legislation, statutory guidance and public consultation, and the timing will be decided by the next Welsh Government.[24]

The scale explains the shift: 7,176 children were known to be electively home educated in Wales in 2024-25 — 15.3 per 1,000 pupils, up from 1.6 per 1,000 in 2009-10, and roughly triple the 2,517 known in 2018-19.[26][27] The Welsh Government's own framing is blunt: "The real number of home-educated children is not known and there is no oversight of the education these children are receiving and who is providing it." [24]

Basic Information

- **Type:** Devolved education policy / law (Wales)
 - **Legal basis:** Section 7, Education Act 1996 (parent duty); Section 436A (LA duty to identify children not in suitable education); Education (Pupil Registration) (Wales) Regulations 2010
 - **Key change:** Children's Wellbeing and Schools Act 2026 — Children Not in School register (Wales opted in via LCM, 17 March 2026)
 - **Status:** Register measures passed into primary law but **not yet in force**; secondary legislation, statutory guidance and consultation still to come
 - **Scale:** 7,176 known EHE children (2024-25); 15.3 per 1,000 pupils; real number unknown
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The current legal framework (before the register)

The parental duty

In Wales, education is compulsory but school attendance is not.[28] Section 7 of the Education Act 1996 places the duty on parents to secure an "efficient full-time education suitable to his age, ability and aptitude" — and, in the Welsh wording, to any **additional learning needs** (ALN) the child may have — either by regular attendance at school or otherwise.[28] Parents need no qualifications to home educate, can teach the child themselves or use tutors and groups, and are **not required to follow the Curriculum for Wales or meet any hours criteria**. [28] The guidance is explicit that LAs must not judge the suitability of home education against the Curriculum for Wales.[28] Home-educating a group of five or more children of compulsory school age at a single location can tip an arrangement into the definition of an independent school, which must be registered with the Welsh Government (Education Act 2002 s159) — but individual parents educating their own children are not treated as running a school.[28]

Deregistration mechanics

To withdraw a child from a maintained school in Wales, parents give written notification to the school; the school removes the child's name from the admissions register under Regulation 8(1)(d) of the Education (Pupil Registration) (Wales) Regulations 2010 and must notify the local authority within ten school days (Regulation 12(3)).[28] No local authority permission is required — **unless the child attends a special school**, where LA consent is already required under the 2010 Regulations.[24] These regulations are different from the ones in England.[24]

Local authority powers (currently weak)

Section 436A of the Education Act 1996 places a duty on LAs to identify children in their area who are not on a school roll and not receiving suitable education otherwise than at school.[28] But in practice, if a child has never been to school or the parent does not notify voluntarily, **the LA may not know the child exists**. [24] LAs can request to meet the family and see and speak with the child, but currently **cannot mandate a meeting** — and the Welsh Government notes that some home-education support groups in Wales actively advise families not to meet with their LA, which has become more of a problem in recent years.[24] Where education is deemed unsuitable, LAs can begin the section 437(1) notice and school attendance order process.[24]

The guidance

The current statutory guidance — "Elective home education: guidance for local authorities" — is on GOV.WALES (HTML edition first published 11 March 2025, following the Welsh Government's 2023 reissue).[28] It is informed by the UN Convention on the Rights of the Child and Article 2 of Protocol 1 of the ECHR (parental convictions respected, but parents are "not the sole arbiters" of what constitutes a suitable education).[28]

Scale in Wales

- **7,176 children** were known to be electively home educated in Wales in 2024-25 — the highest number on record, up from 2,517 in 2018-19 and 1,399 in 2014-15.[24][26][27]
- The rate is **15.3 per 1,000 pupils**, up from 1.6 per 1,000 in 2009-10 and increasing every year since; rates have risen in **all** local authorities.[26]
- **Ceredigion** has the highest rate — 32.6 per 1,000 in 2024-25 (33.8 female, 31.4 male) — and has consistently since 2009-10.[26][27]
- **Blaenau Gwent** had the highest proportional growth: over 32 times its 2009-10 rate.[26]
- The most common age is **15** — 49.6 per 1,000 female and 37.8 per 1,000 male 15-year-olds were home educated in 2024-25; the 16-year-old rate is 27 times its 2009-10 level.[26]
- Caveats: parents notify LAs voluntarily unless they have withdrawn a child from school, so **the true figure is higher** than 7,176.[26] Even so, home-educated children remain under 2% of all children in Wales.[27]
- Context: EOTAS (LA-arranged education otherwise than at school, a separate category) also grew to 3,014 pupils in 2024-25, with 45% of those mainly educated outside school eligible for free school meals versus 18.4% of pupils in school — a reminder that the out-of-school population skews disadvantaged, though EOTAS and EHE are legally distinct.[26]

The Children's Wellbeing and Schools Act 2026 and Wales

How Wales got here

The Welsh Government's own elective home education policy package has been underway **since 2018**, with multiple consultations on registration and monitoring.[24] Rather than wait for separate Welsh primary legislation, the Welsh Government chose to opt the relevant provisions of the UK's Children's Wellbeing and Schools Bill into Wales through the legislative consent process: the first Legislative Consent Memorandum was laid on 24 March 2025, and the Senedd debated and passed the motion on **17 March 2026, by 37 votes to 13**.[24] The Bill received Royal Assent in April 2026 as the Children's Wellbeing and Schools Act 2026.[24][25]

Wales did not take the Act wholesale — the Welsh Government requested only the parts aligned with its own policy aims: **children not in school**, **child employment**, and certain **social services** measures.[24]

What the register will require

Once in force (not yet), the children-not-in-school measures will:

- Require parents to tell their LA if their child is of compulsory school age and **not on roll at a school in Wales** — currently there is no such duty.[24]
- Establish a local authority **Children Not in School register** covering home-educated children, children in LA EOTAS provision, and children under agreed **flexi-schooling** arrangements; parents of home-educated children must provide information about the education and what it includes.[24][25]
- Require **LA consent before a child can be removed from a school roll** where the child is on the child protection register or subject to **section 47 child protection enquiries** (Children Act 1989).[24][25] Consent for special-school deregistration already exists in Wales.[24]
- Allow LAs to continue to request to see the child in the learning environment; a **parent's refusal to meet may trigger the school attendance order process**.[24]
- Leave intact: the section 7 parental right, the freedom not to follow the Curriculum for Wales, and the absence of new inspection powers — the Act does not license home education or grant LAs rights of entry.[24][25]

What is still undecided

The Wales-specific measures are **not yet in force**. The operational detail — what information parents must provide, how the register operates — will be set in **secondary legislation and**

statutory guidance, subject to public consultation, and the Welsh Government has stated that decisions on when and how to implement will be taken by the **next Welsh Government**.^{[24][25]} The existing deregistration process (2010 Regulations + 2023/2025 guidance) continues to govern families until then.^[25]

Why the change: the safeguarding drivers

- Two **child practice reviews** in Wales into the deaths of home-educated children — including CYSUR's review (CYSUR 1/2024) into the death of a **seven-year-old home-educated child** in 2024, where the parent had refused to meet the LA home-education team and submitted written evidence instead — prompted the Children's Commissioner for Wales and the Safeguarding Board CYSUR to call for primary legislation.^[24]
- The Welsh Government's position: "For most children, home-education is not a safeguarding issue," but there have been instances in England and Wales where home education was "a factor in a child's death," and the current system "makes it easy for vulnerable children to slip under the radar."^[24]
- A pilot register — the Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025 — ran across seven Welsh LAs as a passive information-sharing database for children missing from education; the CNIS register is a deliberate shift from that passive pilot to active accounting for all children not in maintained schooling.^[25]

Politics and reaction

- The **Children's Commissioner for Wales (Rocio Cifuentes)** has said families sometimes see home education as the "only option" when children struggle at school, and has pressed the Welsh Government to ensure "all children in Wales can be accounted for and that none are invisible."^[27]
- The Welsh Government's public line mirrors Westminster's: "Whilst the majority of children are best served by attending school, we recognise the right to home educate."^[27]
- The Senedd vote split 37-13, with the LCM process letting the Senedd scrutinise the Bill as it changed through Parliament; all LCM history is on the Senedd's business pages.^[24]
- Online home-education communities in Wales reacted strongly to the LCM, and the Welsh Government itself notes some groups actively advise parents not to meet LAs — a dynamic the new law is partly designed to change.^{[24][25]}

How Wales compares with England

- **Same parent law:** section 7 of the Education Act 1996 applies in both England and Wales, and the new Act updates that shared framework.^[24]
- **Different mechanics:** Wales has its own pupil-registration regulations (2010) — notably, LA consent to deregister from a **special school** is already required in Wales, and schools

have ten school days to notify the LA.[24]

- **Different curriculum context:** Wales has the Curriculum for Wales; home-educated children in both nations are free not to follow the national curriculum.[24][28]
 - **Same destination:** England and Wales will both operate children-not-in-school registers under the same 2026 Act, but England's implementation (via DfE) and Wales's (via Welsh secondary legislation) are separate processes, and Wales retains the power to shape its own detail through guidance and regulations.[24][25]
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Bottom line

Home education in Wales is currently legal, free of curriculum requirements and — for families that never enrol a child — effectively invisible to the state. The 2026 Act changes the accountability layer, not the parental right: a compulsory register, information duties, and safeguarding consent before deregistration, with the operational detail still to be consulted on by the next Welsh Government. The tension running through the whole debate is the same one as in England: the state cannot assess the suitability of an education it cannot see, and the families who most need support (or oversight) are often the ones least likely to engage voluntarily.[24][28]

Tags

- wales
 - home-education
 - elective-home-education
 - senedd
 - children-not-in-school
 - education-policy
 - safeguarding
 - curriculum-for-wales
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Sources

[24] <https://www.gov.wales/childrens-wellbeing-and-schools-act-2026-and-elective-home-education-html> — Welsh Government: CWS Act 2026 and elective home education [25] <https://homeschoolstartguide.com/blog/children-not-in-school-register-wales> — Homeschool Start Guide: CNIS Register Wales (2026 law explainer) [26] <https://www.gov.wales/pupils-educated-other-school-september-2024-august-2025-html> — Welsh Government: Pupils educated other than at school 2024-25 (SFR 76/2025) [27] <https://www.bbc.co.uk/news/articles/cwyrjxz3pn1o> — BBC Wales: Home schooling almost triples since Covid [28] <https://www.gov.wales/elective-home-education-guidance-html> — Welsh Government: Elective home education guidance (statutory)

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