



The Rt Hon Baroness Jacqui Smith

Minister for Skills

Department for Education Sanctuary Buildings 20 Great Smith Street London SW1P 3BT

tel: 0370 000 2288 www.education.gov.uk/contactus/dfe

The Baroness Barran MBE
House of Lords
London
SW1A 0PW

Monday 13th October 2025

Dear Diana,

During the Committee debate of the whole House on 2 September, I promised to write to you concerning the provisions of the Bill relating to the information that local authorities will be able to record on their Children Not in School (CNIS) registers.

The list of information provided in Section 436C(2)(a)-(l) sets out the types of data that might be prescribed for local authorities to include on registers, where they already have the information or are reasonably able to obtain it. Importantly, if the Secretary of State is to prescribe any of this information (or information under 436C(2)(m), this will have to be approved through regulations subject to the affirmative procedure, ensuring full parliamentary scrutiny. We will also be consulting publicly on the implementation of the Bill measures and engaging closely with home educators and other stakeholders as part of this process to ensure transparency and accountability.

Section 436C(2)(m) provides a vital power to the Secretary of State to prescribe additional information for local authorities to include in their registers relating to a child's characteristics, circumstances, needs or interactions with a local authority or educational institutions, where such information is considered necessary for the purposes of promoting or safeguarding the education or welfare of children. This provision is deliberately designed to be responsive and help future-proof the CNIS registers. During the Committee debates, both Noble Lords and stakeholders have suggested other useful additions for inclusion on the registers – such as whether a child is a young carer, holds a performance licence, or the reasons for a child's looked after status. These examples provide a clear demonstration of the evolving nature of the information that may be relevant to understanding and supporting this cohort of children effectively.

The flexibility afforded by Section 436C(2)(m) is essential. Attempting to include an exhaustive list of all possible information that may need to be included on registers in the Bill would risk rendering data requirements within the CNIS registers rigid and unable to adapt to emerging needs or insights. As our understanding of these children deepens, new categories of information may become relevant to promoting or safeguarding the education or welfare of these children. This power ensures that the system can evolve in line with evidence and experience, rather than being constrained by the limitations of original drafting.

Moreover, this power will ensure that any additional information of this nature is collected and recorded by local authorities in a consistent way. This consistency is crucial for not only building a national picture of these children and ensuring national policy and support is targeted appropriately, but will also give local authorities a deeper understanding of the child's needs and circumstances, enabling them to tailor their engagement and support accordingly for those children in their areas.

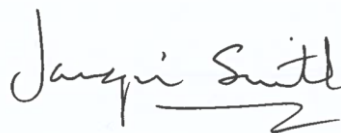
This power is tightly drafted and constrained so additional information can only be prescribed where necessary for promoting or safeguarding the education or welfare of children.

This power differs from Section 436C(3), which enables local authorities to record any other information they consider appropriate. This will ensure that, where there are other details about the child's situation that are important to record from a local perspective but not necessarily essential for other local authorities to record or important to collect nationally, that this can be done. This could be, for instance, a concern received by a local authority that does not meet a Child Protection Plan threshold, but which would still be useful for the local authority to make note of in case more concerns are raised. It may also include information that is personal to the child, such as correspondence from a third party about the child, or information about the content of the child's education or abilities.

In conclusion, the Bill contains one power which will allow the government to mandate for consistency across the country concerning the national elements of the register, and another power that will allow individual local authorities to add information to their register that they consider appropriate. These powers have been carefully designed to balance flexibility, accountability and responsiveness and will ensure the registers can evolve to meet future needs whilst maintaining robust safeguards through parliamentary scrutiny and stakeholder engagement. We understand the need to be cautious and measured with data powers and that's why the regulations relating to what information the Secretary of State may prescribe will be subject to consultation when the bill is implemented and will be subject to the affirmative procedure.

Thank you again for taking the time to engage on this matter. I hope this clarification is helpful and I will place a copy of this letter in the House libraries.

Yours sincerely,

A handwritten signature in dark ink, reading 'Jacqui Smith' with a stylized flourish at the end.

The Rt Hon Baroness Jacqui Smith
Minister for Skills