

Dear _____,

ATISN 18610 Education Tribunal

Information requested

Thank you for your request which we received on 16 June 2023. You asked for:
Information on how many Education Tribunal for Wales Appeals or Claims have been upheld against Neath College.

Our response

The Welsh Tribunals Unit, which forms part of the Welsh Government, provides administrative support to the Education Tribunal for Wales. The information requested is held by the Welsh Government in that capacity.

However, we consider this information is exempt from disclosure by virtue of the operation of Section 32(c)(ii) of the Freedom of Information Act – that is, it is information held only by virtue of being contained in a document created by a member of the administrative staff of a court, for the purposes of proceedings in a particular cause or matter.

The reasons for applying this exemption are set out in full in the Annex to this letter.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,

Annex

Application of exemptions/exceptions

The Freedom of information Act/Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

The Welsh Government has decided to withhold the following information:
Information relating to how many Education Tribunal Appeals or Claims which have been upheld against Neath College.

This Annex sets out the reasons for the engagement of section 32(c)(ii) of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.
Engagement of section 32 (Information Contained in Court Records) of the Freedom of Information Act

The Welsh Government believes that information relating to cases of the Education Tribunal for Wales should be exempt from disclosure.

Section 32(c)(ii) of the Freedom of Information Act states that - Information held by a public authority is exempt information if it is held only by virtue of being contained in any document created by a member of the administrative staff of a court, for the purposes of proceedings in a particular cause or matter.

The purpose of section 32 is to allow the courts to maintain judicial control over access to information about court proceedings. This includes giving courts control to decide what information can be disclosed without prejudicing those proceedings.

The information requested relates to the outcome of the Education Tribunal for Wales's proceedings. The information is derived and would not exist but for those proceedings. Section 32(1)(c)(ii) therefore applies to this information, and as such, the information cannot be disclosed