

11 March 2025

Dear

ATISN 24380

Thank you for your request which I received on 12 February 2025. You asked for the following information:

- A timeline of meetings that the Counsel General has had with the Law Council for Wales.
- Minutes of any official meetings between the Counsel General and the Law Council for Wales.
- Discussion between the Counsel General and the UK Government around the devolution of youth justice and probation.

Our response

1. A timeline of meetings that the Counsel General has had with the Law Council for Wales.

The Counsel General has a standing invitation to Executive Committee meetings of the Law Council of Wales, where she provides updates on Welsh Government work that may be of relevance to the remit of the Law Council. Since the Counsel General was appointed in September 2024, only one Executive Committee Meeting has taken place on 7 October 2024, which the Counsel General was unable to attend.

2. Minutes of any official meetings between the Counsel General and the Law Council for Wales.

The Counsel General has not attended any meetings with the Law Council for Wales during her time in the role, therefore we do not hold any minutes for meetings between them.

3. Discussion between the Counsel General and the UK Government around the devolution of youth justice and probation.

On 28 February, you clarified that you were seeking information on “*discussions in terms of what talks have taken place between the **current** Counsel General and the UK Government, or more specifically the Ministry of Justice*”. The list below sets out meetings between the Counsel General and the Ministry of Justice where the devolution of youth justice and probation was a topic of discussion:

- 16 January 2025 Lord Ponsonby of Shulbrede, Parliamentary Under-Secretary of State in the Ministry of Justice
- 30 January 2025 Sir Nic Dakin MP, Parliamentary Under-Secretary of State in the Ministry of Justice

The Freedom of Information Act (FOIA) provides 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.

We have decided to withhold some information and have set out below the relevant exemptions under the FOIA we believe are applicable and why we believe the information should not be disclosed. This includes our consideration of the public interest test.

As the topic of the devolution of youth justice and probation is the subject of ongoing discussion between the Welsh Government and the UK Government, we have determined that any further information related to the content of these meetings is subject to exemptions under *Section 28 (Relations within the United Kingdom)* of the FOIA. In the interest of preserving both parties' ability to be frank and open during such conversations, we will not be releasing the detail of what was discussed during those conversations.

Public interest arguments in favour of release

The Welsh Government recognises the inherent public interest in openness and transparency that release of this information would engender. Further, there is interest in the public understanding what progress is being made in the discussions between the Welsh Government and the UK Government relating to the devolution of youth justice and probation.

Public interest arguments in favour of withholding

The proposed devolution of youth justice and probation remains under discussion, and progress towards an agreed position relies on the safe space for free and frank exchange of views amongst those involved in discussions. Should this information be released, there would be a negative effect on further such exchange of views that would not be in the public interest. Moreover, the release of information at this stage would damage the relationship with UK Government, who would have a reasonable expectation that information on the content of these discussions would remain private. This would then damage progress in discussions.

We consider it important for Ministers and officials from all administrations to be able to have a safe space to undertake discussions and believe their candour in doing so would likely be affected if it was considered that the content of such discussion might be made public.

In conclusion we believe it is within the wider public interest to withhold some information related to this request in order to provide both governments with a safe space for discussion. To that end, the information has been withheld under s28.

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 e-mail: 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

Telephone: 0303 123 1113

Website: www.ico.org.uk

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

Yours sincerely