

19 March 2025

Dear

ATISN 24409 Request on Universities

Information requested

Thank you for your request which I received on 19 February 2025. You have asked for:

1. Any correspondence with Jeremy Miles as Education Minister, and Universities Wales, which discusses the need for Competition and Market Authority (CMA) cover for universities to allow them to discuss collaboration on course provision, particularly in South Wales.
2. Minutes of all meetings between Universities Wales and Education Minister Jeremy Miles, and any background briefings provided to him on the subject of CMA cover, or to subsequent Education or Higher Education Ministers.
3. All briefings provided to the education and Higher Education Ministers, the First Minister or the Business Minister on the subject of Cardiff University's recent cuts announcements.

Our response

Following a search of our paper and electronic records, I have established that the information you require in parts 1 and 2 of your request, as outlined above, is not held by the Welsh Government.

For part 3, I have decided that some of the information is exempt from disclosure **under section 41 Information provided in confidence, and section 43 Commercial interests**, of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex A to this letter.

For part 3 of the request please note that we have also redacted some information from the briefing that falls outside of the request and does not relate to Cardiff University recent cuts announcements.

A copy of the information I have decided to release is enclosed in redacted form.

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 A

Application of exemptions/exceptions

The Freedom of information Act 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

I have decided to release the following information, in redacted form:

- All briefings provided to the education and Higher Education Ministers, the First Minister or the Business Minister on the subject of Cardiff University's recent cuts announcements.

This Annex sets out the reasons for the engagement of **section 41(1)(b) information provided in confidence, and section 43(2) commercial interests** of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Engagement of **section 41(1)(b) Information is exempt information if the disclosure of the information to the public by the public authority holding it would constitute a breach of confidence actionable by that or any other person.**

The information you requested is contained within briefing documents officials provided to the Minister about the proposals by Cardiff University in relation to its academic future.

Information was shared in confidence by Medr and Higher Education Institutions to the Ministers in order to support them during conversations and questions. This information was not shared publicly. Higher Education Institutions provide this information, often of a sensitive nature, to Medr and the Welsh Government to assist with briefing Welsh Ministers. Release of this information would constitute a breach of confidence between Medr and the higher education sector institutions. This would, in turn, be likely to lead to a lack of trust across the sector and ultimately lead to a breakdown of relationships between the sector and Welsh Government and/or Medr.

Engagement of **section 43(2) Information is exempt information if its disclosure under the Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).**

The briefings contain information about the wider financial situation in the higher education sector. Release of the redacted information would allow public access to sensitive information about higher education institutions, including detailed financial information.

Release of this information would prejudice the commercial interests of the

institutions by inhibiting potential future financial negotiations and leading to a lack of trust of the security of the institution, by potential students. If student numbers were to decline, this would further escalate any existing financial issues.

Public Interest Test

Public interest arguments in favour of disclosure

The Welsh Government acknowledges the general public interest in openness and transparency that release of the information would engender. It is widely known that the higher education sector in Wales, and in the rest of the UK, is experiencing financial challenges and there is a high level of concern, particularly among staff and students. The Welsh Government recognises that there is interest to the public on the financial situations on the higher education institutions and that there are concerns that the Welsh Government is not acting to address these.

Public interest arguments in favour of withholding

Section 41(1)(b) Information is exempt information if the disclosure of the information to the public by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

The withheld information contains reference to the financial position and ongoing consultations by Higher Education Institutions

Release of this information would lead to a lack of trust within the sector towards both Medr and the Welsh Government and would lead to a breakdown of relationships, essential for effective collaboration to enable issues to be discussed and potential resolutions considered. The higher education institutions could act on this breach of confidence either on a legal basis or by withholding information in the future which would result in the Welsh Government being unable to have oversight of the situation within the sector. This would inhibit free and frank discussion between Medr, the Welsh Government and institutions which could adversely affect the higher education sector in that the loss of frankness would be detrimental to the quality of advice and lead to poorer decision making.

Section 43(2) Information is exempt information if its disclosure under the Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Release of information about the financial situation of Higher Education Institutions, and any contingency planning may impact future opportunities for financial negotiations by the institutions and would prejudice the commercial interests of the institutions. Release of the information could cause harm to the institutions by impacting their reputation and how they are viewed by prospective students. Participation is already a concern in the higher education sector and any reduction in student numbers would only aggravate an already tenuous financial situation.

Balance of public interest test

The public interest arguments in favour of withholding the information outweigh the public interest arguments in favour of release. The argument in favour of disclosure is based on openness and transparency but this is outweighed by the risk of misinformation being disclosed in the sector. While the Welsh Government recognises the current interest of the financial situation in the higher education sector, it is vital that information continues to be shared between the higher education institutions, Medr, and Welsh Government to allow effective communications and enable appropriate decision making. Release of this information would mean a breach of the confidence the sector has with Medr and the Welsh Government. The Welsh Government has therefore decided to withhold the information in relation to the request