

16 December 2024

Dear

## **ATISN 22119 Higher Education finances workshop**

### **Information requested**

Thank you for your request which I received on 21 November 2024. You asked for a briefing document and explanatory notes/emails shared by representatives of Medr with Welsh Government representatives on institutional finances and plans in respect of addressing potential financial challenges in universities in preparation for/during a workshop on Higher Education finances in September this year.

### **Our response**

I have decided that the information requested is exempt from disclosure under **Section 36(2)(c)** of the **Freedom of Information Act** and is therefore withheld. The reasons for applying this exemption are set out in full at Annex A 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](mailto: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 (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.

The Welsh Government believes that the following information should be exempt from disclosure under s36 of the FOIA:

- Meeting papers and emails containing follow-up actions from a workshop between Welsh Government officials and Medr on 24 September 2024.

This Annex sets out the reasons for the engagement of **section 36(2)(c)** of the **FOIA** and our subsequent consideration of the Public Interest Test.

The 'qualified person' has agreed that the limbs of the section 36 exemption are engaged for the reasons below.

#### **Engagement of Section 36(2)(c) of the FOIA – would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.**

- The policy workshop was a confidential session between Medr and the Welsh Government and was informed by sensitive information provided on a confidential basis by the higher education institutions to Medr. The workshop provided a 'safe space' in which discussions could take place and where ideas and plans could be developed.
- Release of this information would be likely to impede future exchanges of information and views due to fears or concerns that the information shared would reach the public domain. If information were not shared with the regulator, this would hinder the ability for the regulator and Welsh Government to have open discussions about issues in the sector, which would prejudice the effective conduct of public affairs.

We believe these arguments are relevant to the 'would be likely' limb of the exemptions.

Although the qualified person has agreed the exemption is engaged, section 36 is subject to the public interest test. That means that, in order to withhold information under it, it has to be shown that the public interest in withholding outweighs that in releasing. Our consideration of the public interest test is set out below:

#### **Public interest arguments in favour of disclosure**

Welsh Government acknowledges the general public interest in openness and transparency that release would engender. We recognise that there are growing concerns surrounding the financial viability of the higher education sector across much of the UK and acknowledge the media and public interest in this. The financial viability of individual institutions is of great importance to staff, current and prospective students, investors and commercial partners, and those who service the sector. Disclosure could provide reassurance for some that their institution is 'safe' and that the sector is actively working with regulators and the Welsh Government to ensure the sector is on a firm financial footing now and in the future.

## **Public interest arguments in favour of withholding**

### **Section 36(2)(c)– would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs**

Good government and thus the effective conduct of public affairs, relies on government being fully informed on issues arising, or likely to arise, and the ability to discuss and explore with relevant partners possible scenarios and potential solutions.

Information is shared between the sector and the regulator on a confidential basis. The release of this information would likely lead to a lack of trust between the sector and the regulator, which would likely lead to a breakdown in these relationships. This would likely lead to the regulator facing difficulties when raising and addressing concerns with individual institutions.

For the Welsh Government to be able to work effectively with the higher education sector to ensure the secure long-term future of the sector, it is essential that there is a good working relationship with both the institutions and the regulator. Any breakdown in that relationship would be likely to prejudice the effective working partnerships leading to either poorer and less effective decisions or decisions being made too late to be fully effective.

### **Balance of public interest test**

The Welsh Government acknowledges the public interest in viewing information about the financial situation of the higher education sector in Wales and the contingency plans considered, by the Welsh Government and the regulator. However, the Welsh Government believes that the public interest arguments in favour of withholding the information are sufficient to outweigh the public interest arguments in favour of release.

We believe that the wider public interest weighs in favour of maintaining the exemptions as we believe that for the Welsh Government to ensure that the higher education sector remains a viable and important part of Welsh life that it is imperative that the sector and the regulator feel secure in sharing detailed information with the Welsh Government. We believe that it is also in the wider public interest that discussions with the sector and regulator are free and unrestricted to ensure all matters are fully considered and that ensures effective working of public affairs.