

1 April 2025

Dear

ATISN 24502 – Cabinet Paper

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 06 March 2025 relating to a cabinet paper. You requested the following:

- *A copy of the Cabinet Paper, **Social Care – Approaches to Sustainability Planning**, presented to Cabinet on 20 January, with any attached documents:*

Response

I can confirm that Welsh Government holds information of this description. However, I have concluded that the information requested is exempt from disclosure under the following sections of the Freedom of Information Act 2000 (“the Act”):

- section 35 1(a) Information held by a government department or by the Welsh Government is exempt information if it relates to— (a) the formulation or development of government policy

An explanation of our application of this exemption and the public interest is set out at 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 1

Engagement of Exemptions

When considering the release of information captured by a request we are required to consider the potential effects of disclosure of the information to the wider World. This is because information released in response to a FoI request is released to the World, not just to the person submitting the request. As such we need to take into account how any other individual may use, or misuse, the information if it is placed into the wider public domain. So whilst the request may have a legitimate, and benign, interest in accessing the requested information, we could conclude that the risk that the information could be misused by others is more compelling and thus the information should be withheld.

This Annex sets out the information you have requested and the corresponding reasons for the engagement of section 35, Information held by a government department or by the Welsh Assembly Government is exempt information if it relates to— (a) the formulation or development of government policy and where required, our subsequent consideration of the Public Interest Test.

Section 35(1)(a) –

Section 35(1)(a) covers any information relating to the formulation or development of government policy. This exemption is only engaged by information being used in the formulation of government policy.

The information being withheld relates to a paper which was presented to Cabinet earlier this year, which sets out the current pressures and future challenges facing social care in Wales and seeks agreement on suggested actions for internal government activity to support recommendations on future policy developments in relation to social care sustainability.

As with most development of the policies, this is very much a “live” issue, we are of the view that the s35(1)(a) exemption is engaged by the information captured by this request

Public interest arguments in favour of release

There is a very strong public interest in the public understanding of the ongoing development of our policies to manage the increasing pressures that is put onto our social care system in Wales and challenges that this brings. We also recognise the general public interest in making this information available for the sake of greater transparency and openness.

Public interest arguments in favour of withholding

We take the view that the section 35(1)(a) is intended to ensure that the possibility of public exposure does not deter from full, candid and proper deliberation of policy formulation and development, including the exploration of all options.

The Welsh Government needs to be able to discuss and formulate new proposals with regards to considering future policies and plans as a result. As part of the regulatory procedure, we are heavily reliant on Government officials being able to provide advice and exchange views in an open and frank way, exploring various options as part of the normal working process. This provides the Welsh Government with the space and freedom to hold such discussions and provide advice in the knowledge that if different outcomes or conclusions are finally agreed, these assessments will not have more far reaching implications than appropriate.

the disclosure of the information requested would have a prejudicial effect on engagement between Ministers and officials as it would remove the secure environment which allows Ministers to gather information from a variety of sources. Removing the secure environment in which officials are able to express views openly could result in advice being less robust as it would be likely to result in a reduction in the frankness and candour of those involved in the process if they believed discussions and other information would be made public.

Conclusion

In conclusion, I believe that it is within the wider public interest to withhold the information related to this request in order to provide the government with a safe space to be able to undertake discussions, make recommendations and formulate new proposals in relation to social care in Wales. The Welsh Government has endeavoured to ensure they are as transparent as possible, in particular through the media, publication of documents, Ministerial Written Statements and public statements in the Senedd along with ministerial press conferences and interviews. In so doing, we believe this public interest has been satisfied. Accordingly, the information requested has been withheld under section 35(1)(a) of the Act for the reasons set out above.