

6th October 2025

Dear

Complaint in respect of ATISN 25044 and 25065

We wrote to you on 12th September 2025 to acknowledge your request for an internal review of our response to your requests ATISN 25044 and 25065. I have now undertaken the review, and this letter sets out my findings.

The text of your requests are set out below:

ATISN 25044

As the Welsh Government holds devolved powers in multiple areas where equality law, safeguarding, and immigration/resource allocation intersect, there is a heightened legal duty to ensure that policy, guidance, and practice comply fully with the Equality Act 2010 and relevant UK-wide legal obligations. This includes implementing the UK Supreme Court's binding ruling in For Women Scotland Ltd v The Scottish Ministers [2024] UKSC 59, which confirmed that "sex" in the Equality Act 2010 refers to biological sex.

Accordingly, I request the following information covering the period 15 December 2023 to the present:

1. Equality Act 2010 Compliance and the Definition of "Sex"

- a. Internal legal advice, policy papers, or ministerial briefings on the implementation of the For Women Scotland ruling within devolved areas, including health, education, housing, justice, and equalities policy.*
- b. Equality Impact Assessments (EQIAs), reviews, or updates to public-facing equality policies and guidance that reflect the legal definition of sex as biological sex.*
- c. Where no such updates have been made, the legal and policy rationale for this omission.*

2. Safeguarding and Compelled Belief

- a. Any safeguarding guidance, reviews, or training issued by the Welsh Government to public bodies under its remit addressing the interaction between gender identity policies and safeguarding norms in schools, healthcare, prisons, and other settings.*
- b. Any documentation on preventing the compulsion of staff, contractors, or service users to affirm contested beliefs on gender identity as a condition of employment or service provision.*

3. Stonewall or Third-Party Influence

- a. Any payments, contracts, or membership agreements with Stonewall UK, Stonewall Cymru, Global Butterflies, Mermaids, LGBT Foundation, or similar organisations.*
- b. Copies of any diversity, inclusion, or equality training, audits, or consultancy services commissioned from, or referencing, such organisations.*

4. Oversight, Audit, and Nolan Principles

- a. Any internal or external audits, ministerial submissions, or risk assessments on compliance with the Equality Act 2010 in devolved service delivery.*

- b. Any discussions, reports, or briefings on protecting political impartiality and compliance with the Nolan Principles in decision-making.*

5. Public Spending and Resource Use

- a. Records of any internal or external reviews into the lawful use of devolved public funds, particularly where policies may have been influenced by external lobbying groups.
- b. Any identified cases of unlawful or politically motivated service provision, and any actions taken in response.

6. Immigration Eligibility and Resource Allocation Compliance
 - a. Internal guidance, audits, or risk assessments on verifying eligibility for publicly funded services in accordance with UK immigration law, including the “No Recourse to Public Funds” (NRPF) policy.
 - b. Records of identified misuse or unverified allocation of devolved funds to individuals ineligible under UK immigration legislation, and remedial action taken.
 - c. The legal and policy rationale for any decision to omit immigration/resource eligibility considerations from equality and service provision policy reviews following the For Women Scotland ruling.

Format and Exemptions

Please provide responses in digital format (Word, PDF, or email). If any information is withheld under exemptions, specify the exemption relied upon and explain how the public interest test has been applied.

ATISN 25065

Under the Freedom of Information Act 2000, I am requesting the following information from Care Inspectorate Wales (CIW). This request is made in light of the UK Supreme Court judgment of 16 April 2025 (*For Women Scotland v. Scottish Ministers*), which confirmed — and has since been reaffirmed as binding — that the protected characteristic of “sex” under the Equality Act 2010 refers to biological sex. As a statutory inspectorate and public authority, CIW is bound to uphold and enforce the Equality Act 2010, including the Public Sector Equality Duty (PSED), within its remit.

Please provide:

1. Equality Act 2010 Compliance

- Copies of any updated inspection frameworks, regulatory guidance, training materials, or internal policies produced or revised since April 2025 in response to the Supreme Court ruling.
- Details of CIW’s own internal compliance with the Equality Act 2010 (staff training, equality impact assessments, organisational policies).
- How CIW inspects and reports on the compliance of social care and childcare providers with the PSED and other duties under the Equality Act 2010.
- Any legal advice or position statements held by CIW confirming the binding effect of the ruling.

2. Safeguarding and Sex-Based Rights

- Guidance, training materials, or inspection criteria covering safeguarding, single-sex provision, and protection of service users in line with the Equality Act 2010.
- Extracts or examples from inspection reports since 2022 where safeguarding or equality concerns were raised in relation to sex-based provision.
- Records of any risk assessments or thematic reviews where safeguarding intersected with equality duties.

3. Compelled Belief and Ideological Neutrality

- Copies of inspection frameworks, training materials, correspondence, or policy discussions concerning compelled belief, ideological neutrality, or freedom of belief within inspected settings.

- *This includes policies or findings relating to gender identity issues, compelled speech, or the suppression of lawful beliefs.*

4. Immigration, Residency, and Resource Safeguarding

- *Where relevant to CIW's remit, copies of inspection frameworks, guidance, or correspondence addressing checks on residency/immigration eligibility in the provision of childcare or social care services.*
- *Any monitoring or findings on the safeguarding of public resources linked to eligibility or entitlement criteria.*

5. Public Spending, Governance, and Efficiency

- *Inspection reports, thematic reviews, or frameworks since 2022 addressing the intersection of equality, safeguarding, and the efficient use of public funds.*
- *Guidance to inspectors on identifying misuse of resources, poor governance, or systemic failures linked to equality and safeguarding compliance.*

6. Accountability and Remedy

- *Details of the officials, committees, or directorates within CIW responsible for ensuring compliance with the Equality Act 2010 and safeguarding law.*
- *Any records of non-compliance or failings identified within CIW itself or in the providers it inspects, and the steps taken in response.*
- *Confirmation of CIW's accountability mechanisms to Welsh Government and to Parliament in relation to these matters.*
- *Where failings have been identified, please provide CIW's plans, timelines, and commitments for remedy.*

Under section 5 of The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, a public authority is able to aggregate one or more requests where the requests are considered to:

- be made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- **relate, to any extent, to the same or similar information;** and
- be received by the public authority within any period of 60 consecutive working days.

As your requests meet these criteria, they were amalgamated, considered as one and a single response was issued. To that end, providing the information requested under that request was judged to exceed the appropriate limit and was refused under section 12 of the Freedom of Information Act (FOIA).

Guidance from the Information Commissioner states:

The Commissioner considers that requests are likely to relate to the same or similar information where, for example, the applicant has expressly linked the requests. An overarching theme or common thread running between the requests may alert you to the possibility of aggregation. However, an overarching theme may not be sufficient on its own. You need to be careful not to take a superficial approach when looking for similarities between requests.

Consequently, we believe that taking the full context of your requests into account, the 'to any extent...similar information' provision ([under section 5 (2) (a) of The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004] - and highlighted above for ease of reference - has been satisfied. The reason for that is you have requested the same or similar information arising from the UK Supreme Court's binding ruling in *For Women Scotland Ltd v The Scottish Ministers*. I therefore believe the

similarities in the requests are significant and that the aggregation of your requests under The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 was correct and lawful. To that end, I do not uphold your complaint that the aggregation was inappropriate.

In your 'grounds for review', you state:

Section 42 (legal professional privilege) — missing public-interest test and schedule You relied on s.42 FOIA but did not provide a public-interest test or a document schedule. A lawful refusal must explain the factors considered and allow meaningful challenge without revealing privileged content.

Our original response stated:

In relation to legal advice, an exemption will apply to this information as it is privileged information between lawyer/client (Section 42 FOIA).

However, following my review, I can see there was scope for confusion here. The citing of s42 FOIA was meant as a general comment, not a formal application of the exemption itself. The entire request was being refused under s12 FOIA and so no further exemptions were required. I apologise that this was not made clearer.

Your next ground for review is:

Section 12 (cost limit) & Section 16 (duty to advise and assist) — over-aggregation and no scoping help You asserted a wide-ranging s.12 estimate (e.g., “95 teams”, “7,601 inspection reports”) without offering practicable narrowing, contrary to s.16 FOIA and the s.45 Code of Practice.

When applying s12 FOIA, we are guided by the Code of Practice issued under s45 of the FOIA. Para 6.9 of the Code states:

6.9 Where a request is refused under section 12, public authorities should consider what advice and assistance can be provided to help the applicant reframe or refocus their request with a view to bringing it within the cost limit. This may include suggesting that the subject or timespan of the request is narrowed. Any refined request should be treated as a new request for the purposes of the Act.

You will note para 6.9 is worded in the past tense – “Where a request is refused” rather than (e.g.) ‘prior to a request being refused’. I am aware of Welsh Government’s legal obligation to provide advice and assistance under s16 of the FOIA; however, I note the response to ATISN 24357 fulfilled this obligation by providing multiple links to other sources of relevant information and, having explained the wide ranging nature of your requests and the multiple locations across Welsh Government where the information may be found, that you “focus on specific initiatives”

In providing an estimate of the costs involved, ICO guidance states:

You do not need to make a precise calculation of the costs of complying with a request. Only an estimate is required.

I believe the estimate provided was cogent, reasonable and illustrates why fulfilling the amalgamated request would exceed the appropriate limit. The guidance also states:

It's also worth noting that you don't have to search up to the appropriate limit simply because the applicant has asked you to. As set out in our guidance Recognising a request made under the Freedom of Information Act (section 8), a request framed by the cost limit is not a valid request.

In conclusion, your requests ATISN 25044 and 25065 were amalgamated under The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 and refused under s12 FOIA as exceeding the appropriate limit. I uphold this decision; however, I apologise that this was not made fully clear in the response. All the other text and responses were provided by way of providing you with useful information.

I am aware that, on September 19, you submitted a second complaint in relation to these requests. As explained above, although you originally made two separate requests, these were aggregated under The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, and a single response covering both requests was issued. Your original complaint was handled as a request for review of our handling of these requests, including the aggregation. Nevertheless, I will address the substantive points of your second request below.

7. Requested Actions

1. Issue a revised response correcting misapplied s.17 notices and providing a document schedule for all withheld/part-withheld items.

As confirmed in my internal review above, ATISN 25044 and 25065 were aggregated under the Fees Regulations and were refused in their entirety under s12 of the FOIA

2. Release severed, non-privileged content or apply specific exemptions with public-interest tests.

No information was withheld under a public interest tested exemption.

3. Provide an adequacy-of-search statement for each limb.

We have provided an estimate as to why we believe dealing with the requests will exceed the appropriate limit. We are not obliged to break this down for each limb.

4. Disclose or justify withholding governance packs for NRPF Connect, safeguarding reviews, and EDI contracts/deliverables.

No information was withheld under a public interest tested exemption.

5. Confirm the SRO and timetable for full compliance.

There is no timetable for compliance until you provide a more focussed request that can be dealt with under the appropriate limit.

6. Propose concrete narrowing options if any residual cost concerns remain.

You could focus on specific initiatives, or information held by specific parts of Welsh Government. It would also be helpful to limit the request to specific types of document (e.g. types of report rather than all reports) that are of most interest to you.

I have considered your complaint in accordance with the procedure outlined in the Welsh Government's Practical Guide for Making Requests for Information which is available by post on request or via the internet at: [Welsh Government's Practical Guide for Making Requests for Information](#).

If you remain dissatisfied with this response you 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.

Yours sincerely