

21 July 2026

Dear

ATISN 27165 – In-Work Support Services

Thank you for your request to Welsh Government for information under the Freedom of Information Act (2000) received on 01 July 2026, relating to the In-Work Support services delivered by Case UK.

You requested the following information:

- 1. The full contract between Welsh Government and Case UK for delivery of the In Work Support Service.*
- 2. Any service specifications, delivery guidance, or policy documents issued to Case UK relating to eligibility criteria for the service.*
- 3. Any instructions, guidance, or contractual clauses relating to limits on the number of times an individual may access the service, including any reference to a "one-time only" access rule.*
- 4. Any correspondence, internal documents, or communications between Welsh Government and Case UK that refer to access restrictions or repeat access to the service.*
- 5. Any changes to eligibility rules or access criteria for the In Work Support Service since the programme began.*

Our Response

1. The contract between Welsh Government and Case UK is considered commercially sensitive and is being withheld under Section 43 Commercial Interests. For further information, please see Annex 1 on this letter.
2. A copy of the In-Work Support Service Specification is shown at Doc 1. A copy of In-Work Support Service Guidance for delivery providers is shown at Doc 2, together with C2 (Client Registration Form) referencing the eligibility checklist at Doc 2a.
3. The Specification at Doc 1 states that 'Interventions are supposed to be short and focussed, usually consisting of a maximum of 6 sessions'. 'People with more serious long-term conditions or chronic conditions would be expected to be referred back to their GP.'
4. An e-mail exchange with Case UK in July 2023 about accessing the service is shown at Doc 3. We have concluded that some personal information is exempt from disclosure under Section 40(2) of the Freedom of Information Act. An explanation of our application of this exemption is set out at Annex 2 to this letter.
5. The eligibility rules and access criteria have not been changed during the delivery of the contract.

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

Section 43(2) – Commercial Interests

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

Officials have carefully considered all of the information captured by this request and consider that the information in question should be exempt under Section 43(2) of the Freedom of Information Act.

Section 43(2) is a public interest exemption. This means that in order to withhold information under its provisions, it has to be shown that the public interest in withholding the information outweighs that in releasing it. The information you have requested includes commercially sensitive information between Welsh Government and Case UK.

Public interest arguments in favour of release

Release of this information would give a complete picture of information held. We recognise that there is a general public interest in the disclosure of information, as greater transparency makes Welsh Government and decision making more open and accountable. Against this there is a public interest in ensuring that the commercial interests of external companies are not damaged or undermined by disclosure of information which is not common knowledge and which could adversely impact on future business.

Public interest arguments in favour of withholding

The information being withheld contains market sensitive information, which could have a detrimental effect on the commercial interests of the contractor partnership, its commercial standing with suppliers and its ongoing ability to fulfil contractual obligations to provide health services.

Releasing the information may give an individual / organisation with an interest in bidding to deliver the In-Work Support Service in any future procurement exercise a competitive advantage.

It is important that companies are able to share commercially sensitive information with Welsh Government in the confidence that that information will not then enter the public domain and damage their wider commercial interests and opportunities. Disclosure of the requested information in this case would be likely to damage the commercial interests of Case UK.

There is significant public interest in Welsh Government's Health department, receiving commercially sensitive information from companies which allows Welsh Government to fulfil its functions more effectively. Disclosure of such commercially sensitive information would limit the amount of information of this nature that we receive in future, limiting the effectiveness of Welsh Government activity, which is not in the public interest.

Conclusion

The commercial sensitivities mean that on this occasion we consider that the public interest would not be served by its release. Whilst recognising that there are public interest arguments for disclosure of the requested information, I consider that the public interest in withholding the information outweighs that in releasing it in this instance.

Whilst recognising that a public interest argument for disclosure on grounds of completeness could be made, we consider that the public interest argument of prevention of detriment on commercial interests in withholding the information, outweighs that in releasing it in this instance.

Annex 2

Section 40(2) – Personal Information of the Freedom of Information Act

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 1998 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information requested contains third party personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

“Processed lawfully, fairly and in a transparent manner in relation to the data subject”

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

“Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test: -

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information.
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question.
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate interests

Your request relates to information about the Child Death Review Programme.

We have concluded that, in this instance, there is little to be gained from releasing the names of individuals and other personal data which are included within the attached documentation. We believe we have provided sufficient information to satisfy the legitimate

interest, and we do not believe disclosure of the identities of those consultants would allow any greater understanding

2. Is disclosure necessary?

Following the above analysis, we do not believe that disclosure of the personal data is necessary.

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

As we do not believe disclosure of this personal data is necessary, there is no requirement on us to undertake a test to balance the legitimate interests against the right of individuals, as the fundamental rights and freedoms provided by the DPA are not being challenged.