

7 September 2026

Dear

ATISN 27323 – Tribunal reform

Thank you for your request which I received on 10 August. You asked:

What assessments or projections has the Welsh Government, either present or previous, made of the costs associated with reforming tribunals in line with “A New Tribunal System for Wales: White Paper” published in 2023?

Has the Welsh Government made any costings or estimates for the impact of the changes that will be brought forward in the Welsh Tribunals Bill, announced by Rhun ap Iorweth in his oral statement on legislation dated 15 July 2026? If the Welsh Government has made any costings, estimates or projections, please provide them.

Our response

We have treated your request as being in two parts. The first part is your request for information on the costs associated with reforming tribunals in line with the “A New Tribunal System for Wales: White Paper”, published in 2023. The second part is your request for information on any costings or estimates for the impact of the changes that will be brought forward in the Welsh Tribunals Bill.

The first part of your request

I have considered your request and have decided that the information you have asked for is exempt from disclosure under **section 21 of the Freedom of Information Act 2000**, which relates to information available to an applicant by other means.

Information on the costs associated with reforming tribunals in line with the “A New Tribunal System for Wales: White Paper”, published in June 2023, is available in the draft Regulatory Impact Assessment published alongside the White Paper. The draft Regulatory Impact Assessment is available at: <https://www.gov.wales/a-new-tribunal-system-for-wales-draft-regulatory-impact-assessment-html>

The second part of your request

I have considered your request and have decided that the information you have asked for is exempt from disclosure under **section 35(1)(a) of the Freedom of Information Act 2000**, which relates to the formulation and development of government policy.

The reasons for applying this exemption, including our consideration of the public interest test, 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 e-mail: 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

Website: www.ico.org.uk

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

Engagement of Section 35(1)(a) – Formulation or development of government policy of the Freedom of Information Act

For this exemption in the Freedom of Information Act 2000 (“the Act”) to be engaged, the information requested needs to relate to the formulation or development of government policy. Whilst the Welsh Government has announced its intention to introduce a Welsh Tribunals Bill, the detailed policy proposals, associated impact assessments and costings underpinning the Bill provisions are still being formulated and developed.

The 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 withhold the following information:

“.....costings or estimates for the impact of the changes that will be brought forward in the Welsh Tribunals Bill, announced by Rhun ap Iorweth in his oral statement on legislation dated 15 July 2026”.

Engagement of section 35(1)(a) of the Act

Section 35(1)(a) of the Act exempts from disclosure information relating to the formulation or development of government policy. Section 35 is a qualified exemption, subject to a public interest test.

Public interest test

To satisfy the public interest test in relation to the exemption under section 35(1)(a) of the Act, it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to outweigh the public interest arguments in favour of release. We have therefore considered whether the public interest in disclosing the information outweighs the public interest in maintaining the exemption. We have set out our reasoning and conclusions below.

Public interest arguments in favour of disclosing the information

- We recognise that there is a public interest in openness and transparency in government decision-making, particularly in relation to proposed legislation and the costs arising from its impact.
- We also recognise there is a legitimate public interest in understanding the development of proposals relating to the administration of justice in Wales and the potential impacts and costs associated with those proposals.
- Disclosure would, therefore, contribute to public understanding of an important area of policy and could help inform debate about future tribunal

reform and understanding of the range of views expressed during engagement activity.

Public interest arguments in favour of withholding the information

- There is a strong public interest in ensuring that Ministers and officials have a safe space to consider evidence and develop policy effectively, particularly where issues are complex, sensitive, and subject to differing views.
- There is also a strong public interest in allowing incoming Ministers the opportunity to be briefed fully on the evidence and to consider it as part of an orderly and informed policy-making process, before material relating to live policy development is placed into the public domain.
- Premature release could inhibit full and frank consideration of evidence and undermine the quality of future decision-making.
- The early stages of policy formulation are heavily reliant on 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.
- The initial indicative modelling has not yet been finalised. Disclosure at this stage of partial information could risk misinterpretation. We consider that the release of incomplete preliminary modelling could lead individuals or groups to interpret policy outcomes as heading in one direction or another, and that may not reflect what the final settled policy outcome may look like, potentially affecting public confidence and stakeholder engagement.
- Information on the costs and impacts of the Bill is intended to be published as part of the Regulatory Impact Assessment accompanying the Explanatory Memorandum when the Bill is introduced, subject to the usual publication arrangements. The legislative process itself will provide opportunities for scrutiny of the Welsh Government's proposals, including public and Senedd consideration of the Bill and its supporting documentation before the final content of the legislation is settled. There is therefore a public interest in allowing the policy development process and associated analysis to be completed before the information is placed in the public domain.

Balance of the public interest

While we recognise the value of openness and transparency, we consider that, on balance, the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. The requested information forms part of ongoing policy development and associated impact assessment work. Releasing incomplete and evolving material before that work has concluded would be likely to undermine effective policy development and risk misleading public understanding of the final proposals.