

2 February 2023

Dear

ATISN 17023 – Grant to support HR services following Monmouthshire (Communities) Order 2021

Thank you for your request which was received on 6 January 2023. You asked for:

1. The total value of grant funding Welsh Government award One Voice Wales to provide HR services to support Community and Town Councils in Monmouthshire following the signing of the Monmouthshire (Communities) Order 2021 by the Minister.
2. What was the term of reference for awarding the funding.
3. What was the total expenditure of the award.
4. What was the expenditure relating to the communities of Raglan, Gwehelog Fawr and Llanarth Community Councils.
5. Copy of any official documents for example, drafts, emails or notes.
6. What was the outcome from the funding and guidance and support provided by the external HR consultants to C&TCs.

Qs 1 & 2: Grant award – Terms of reference and value

One Voice Wales did not receive any grant funding to support community and town councils in Monmouthshire following the signing of the Monmouthshire (Communities) Order 2021 by the Minister. However, they did receive grant funding to develop provision to support community and town councils in managing employment matters arising from boundary changes.

For context, One Voice Wales received a grant in 2021-22 to administer training and development support for community and town councils (see *Document 1*). A variation to this grant was issued on 4 March 2022 (see *Document 2*) to enable them to develop said provision on employment matters. The variation had a maximum value of £15,000. The specific terms of reference for the variation are below:

“...funding may be used to support the transitional process affecting certain community councils who are currently implementing changes to their community areas and develop materials to support community and town councils to manage employment matters arising from boundary changes – whether these happen through reviews or voluntary grouping of councils.

These materials may include, but are not limited to, process maps, template letters and handling guidance for a range of scenarios. The outputs of this process would be considered training and support materials to be retained by One Voice Wales to use with member councils in future.”

This provision was to develop training and support materials for any of One Voice Wales’s member councils affected by boundary changes. However, it was

understood that these materials would be developed in the context of the boundary changes currently underway.

As the costs were ultimately incurred in the 2022-23 financial year, a second variation letter (see *Document 4*) was issued to the training and development grant for 2022-23. This variation letter reduced the potential allocation for this work from 'up to £15,000' to a figure of 'up to £10,000'. This was in light of a revised estimate of the expected cost.

In both letters, the variation did not increase the overall funding given to One Voice Wales by the Welsh Government but enabled them to re-purpose part of their existing training and development grant allocation. You will see this demonstrated by Documents 1 and 2. I have not included the 2022-23 original training and development grant as this provides no further context.

Q3: Grant award – expenditure

The total expenditure of the award was £4,800.

Q4: Information regarding specific communities

The Welsh Government does not hold any information on expenditure relating to the communities of Raglan, Gwehelog Fawr and Llanarth Community Councils, as a result of the development of the training and support materials.

Q5: Relevant official documents

This has been interpreted as any official documents, e.g. drafts, emails or notes in relation to your previous questions.

A copy of the relevant parts of the following documents, are enclosed:

Document 1 – Original training and development grant award letter to One Voice Wales (22 March 2021) (see Questions 1 & 2 above)

Document 2 – Grant variation letter (4 March 2022 – text shaded grey reflect the variation) (see Questions 1 & 2 above)

Document 3 – Emails between One Voice Wales and Welsh Government confirming receipt and acceptance of the variation (March 2022) (related to Questions 1 & 2 above)

Document 4 - Second grant variation letter (29 November 2022 – text shaded grey reflects the variation) (see Questions 1 & 2 above)

I have decided that some of the information is exempt from disclosure under section 40 of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at **Annex 1** to this letter.

Q6: Outcome

As noted previously, the purpose of the funding was to develop support materials for usage by One Voice Wales with any of its member councils affected by boundary changes, not specifically to provide HR support to the affected councils in Monmouthshire.

Therefore, we did not require – nor do we hold – any information on the outcome of the usage of these materials by One Voice Wales.

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

Application of exemptions/exceptions

Freedom of Information Act 2000: Section 40(2)

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, some of the information held 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:

There is a legitimate interest in the release of the information requested to address the questions on the grant award, its value, expenditure and terms of reference. However, releasing the identification of officials of Welsh Government and employees of One Voice Wales does not provide further understanding to the questions and information sought. Therefore, I do not believe that there is a legitimate interest in the publication of such personal data.

I have therefore decided to withhold the following information:

- The name of the officials contained within the Grant Offer letter and Variation to the Award letters – Section 40(2) of the Freedom of Information Act – exemption for third party data
- The name of One Voice Wales employees contained within the Grant Offer letter – Section 40(2) of the Freedom of Information Act – exemption for third party data
- The name and email address of the official sending and receiving the emails - Section 40(2) of the Freedom of Information Act – exemption for third party data
- The name and email addresses of One Voice Wales employees receiving and sending the emails – Section 40(2) of the Freedom of Information Act – exemption for third party data