

31 December 2025

Dear

ATISN 26440

Information requested

Thank you for your request which I received on 03 December 2025. You asked for:

1. A log of information provided by the Office of the Independent Adjudicator in relation to higher education providers of the operation of the student complaints scheme;
2. Any agreements, or memorandum of understanding, whether formal or informal between the Welsh Government and the Office of the Independent Adjudicator;
3. Any internal procedures or processes in handling information received from the Office of the Independent Adjudicator; and
4. Aggregated summaries or briefings to Ministers or Senior Officials which summarise information provided by the Office of the Independent Adjudicator.

Our response

A copy of the information I have decided to release is enclosed.

1. In relation to your application for a log of information received from the Office of the Independent Adjudicator in relation to higher education institutions or the operation of the complaints scheme, I attach the log of all correspondence received that fall within these categories at Annex 2.
2. In relation to your application for copies of any formal agreements of a memorandum of understanding, I can confirm that no such agreement is in place. The Welsh Government recognises the Office of the Independent Adjudicator as one of its' stakeholders which it can engage with when necessary, however the only formal or informal agreement in place to note is the designation of the Office of the Independent Adjudicator as the delivery body for an independent complaints scheme, designated within the Higher Education Act 2004.
3. In relation to your request for a copy of any internal processes in handling information received from the Office of the Independent Adjudicator, I can confirm that no such processes exist. As the Office is fully independent of Welsh Ministers, no such reporting exists.
4. In relation to your application for aggregated summaries of briefings from the Office of the Independent Adjudicator to Welsh Ministers of senior officials, I attach relevant briefing at Annex 3.

I have decided that some of the information is exempt from disclosure under section 35(1)(a) of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption are set out in full at Annex 1 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

Application of exemption

The Freedom of information Act/Environmental Information Regulations provide 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:

Policy briefing to the Cabinet Secretary for Education on future arrangements in relation to the OIA scheme.

This Annex sets out the reasons for the engagement of section(s) 35 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test. Engagement of section 35(1)(a) (Formulation of Government policy) of the Freedom of Information Act.

The Welsh Government believes that briefing in relation to future policy development should be exempt from disclosure. In considering whether to release information relating to the formulation or development of government policy, I have carefully weighed the public interest arguments for and against disclosure.

There is a clear public interest in promoting transparency and accountability, as making such information available can help the public understand how policy decisions are made and encourage informed debate. Openness in government processes can also foster greater trust and confidence in decision-making.

However, it is equally important to recognise the need for a safe space in which Ministers and officials can discuss policy options freely and frankly. Releasing information at this stage could undermine the effectiveness of the policy-making process, as it might inhibit the candour of advice and the willingness to explore all possible options. There is also a risk that premature disclosure could mislead or cause unnecessary concern if ideas or proposals are made public before they are fully developed or agreed.

On balance, while I acknowledge the strong arguments in favour of openness, I consider that in this instance the public interest is best served by maintaining the exemption. Protecting the integrity of the policy development process outweighs the benefits of disclosure at this time. For these reasons, the information has been withheld under Section 35(1)(a) of the Freedom of Information Act 2000.