



Llywodraeth Cymru
Welsh Government

13 May 2026

Dear ,

ATISN 26993 – outputs of Miller research additional engagement phase

Information requested

Thank you for your request, which I received on 27 April. You asked for access to all outputs from the additional engagement phase carried out by Miller Research, including the final report and any appendices, recommendations or supporting information.

In my letter acknowledging receipt of your request (issued 29 April) I set out my understanding that this request relates to parent, carer and advocacy group engagement carried out by Miller Research, completed in March 2026, in relation to the policy development of trans guidance for schools in Wales. This understanding is based on discussion during meetings and previous correspondence between the Children and Young People's Rights in Education team (CYPRiE team) and Merched Cymru over 2025-2026

Our response

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 information requested is therefore being withheld. 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

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
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CF99 1SN

Gohebiaeth.Lynne.Neagle@llyw.cymru
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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 A

Application of exemptions

The Freedom of Information Act 2000 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:

The withheld information comprises the final report and associated outputs produced by Miller Research as part of the Welsh Government's pre-consultation engagement with parents and carers on supporting trans and non-binary learners in education.

Engagement of section 35(1)(a) – Formulation and development of government policy

Section 35(1)(a) of the Freedom of Information Act 2000 exempts information relating to the formulation or development of government policy.

The Welsh Government commissioned Miller Research to undertake a **pre-consultation engagement exercise** to inform the **ongoing development** of potential future guidance on supporting all learners including trans and non-binary learners in education. This research forms part of a wider evidence base and is being considered alongside other research, engagement activity, legal advice and policy analysis.

At the time of your request, policy development in this area is **still ongoing**. The findings from this research have not yet been finalised into policy proposals, nor has the Welsh Government reached settled conclusions on the content or scope of any future guidance.

Disclosure of this material at this stage would be likely to undermine the **safe space** required for officials and Ministers to develop ideas, debate live issues, and reach decisions away from external interference and distraction. Preserving a safe space during the immediate post-election period and at the outset of an incoming administration is needed to enable incoming Ministers to receive briefing from officials, consider evidence, explore policy options, and develop proposals in a sensitive and balanced way on a complex and contested policy area.

Public Interest Test

In order to satisfy the public interest test in relation to the exemption(s), 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. Section 35 is a **qualified exemption**, and we have therefore considered whether the public interest in disclosing the information outweighs the public interest in maintaining the exemption.

Public interest arguments in favour of disclosure

- There is a public interest in transparency around how the Welsh Government gathers evidence and engages stakeholders.
- Disclosure could support public understanding of the range of views expressed during engagement activity.
- There is public and stakeholder interest in policy development relating to education and equality.

Public interest arguments in favour of withholding

- This policy issue is a live issue about which the government has not made a decision around how they wish to progress the policy.
- 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 strong and differing views.
- Disclosure at this stage could risk misinterpretation of preliminary findings that are qualitative, contextual, and not intended to represent final or settled policy positions.
- There is also a strong public interest in allowing Ministers, including any 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.
- The research was explicitly commissioned to inform internal policy development, not to substitute for, or pre-empt, any future public consultation.
- Premature release could inhibit full and frank consideration of evidence and undermine the quality of future decision-making.

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. Releasing the information before policy development has progressed sufficiently would not serve the wider public interest in good policy-making or effective government.