

28 September 2026

Dear

### **ATISN 27435 – Gender Reaffirming Surgery**

Thank you for your request to Welsh Government for information under the Freedom of Information Act (2000) received on 28<sup>th</sup> August 2026, relating to gender reaffirming surgery.

You requested the following information:

*Please provide the following documents held by Welsh Government relating to oversight of the NHS Wales Joint Commissioning Committee (NWJCC) decision to pause gender-affirming surgery referrals:*

- 1. The Equality Impact Assessment (EIA) held or reviewed by Welsh Government regarding the pause.*
- 2. Any ministerial briefing papers on the pause decision.*
- 3. Any assurance reports provided to Welsh Government by NWJCC about the pause.*
- 4. Any legal advice Welsh Government sought or received regarding the lawfulness of the pause.*
- 5. Any risk assessments reviewed by Welsh Government relating to patient safety, mental-health impact, or harm arising from pausing surgery referrals.*
- 6. Any correspondence between Welsh Government and NWJCC about authorising, supporting, or responding to the pause.*
- 7. Any documents showing Welsh Government's oversight role, including scrutiny, challenge, or approval of NWJCC's decision.*

### **Our Response**

1. The NWJCC published the Chief Commissioner's Report Equality and Welsh Language Impact Assessment and the Quality Impact Assessment around the escalation and decision to pause and review ahead of a committee meeting on 22nd September. Please see the link below.

[September 2026 - NHS Wales Joint Commissioning Committee](#)

2. The Welsh Government did not have a role in the pause decision. Information relating to the decision has been published by the NHS Wales Joint Commissioning Committee. Information relating to the pause decision have been made publicly available by the JCC. The Welsh Government does hold information that falls within the scope of your request. However, this information is being withheld under the following provisions of the FOI Act: Section 35(1)(a) (Formulation of Government Policy)

An explanation of the use of these exemptions is provided at Annex 1 attached.

- 3 All reports relating to the pause of the Welsh Gender service are publicly available on the NHS Wales Joint Commissioning Committee webpages.

In addition to the link provided in response to question 1 above, [here](#) is also a link to the papers which went to NWJCC Quality, Safety and Outcomes Committee (QSOC) on 24 August (the initial escalation meeting).

Further documents and reports can be found on the Cardiff and Vale University Health board webpages [here](#).

4 The escalation of the Wales Gender Services and pause in gender affirming surgery were clinical decisions made by the NHS Wales Joint Commissioning Committee. The Welsh Government does not have a role in this process.

5. Please refer to the link provided in response to question 1.

6. The Welsh Government does not have a role in the NHS Joint Commissioning Committee's escalation process. The Welsh Government does hold information that falls within the scope of your request. However, this information is being withheld under the following provisions of the FOI Act: Section 35(1)(a) (Formulation of Government Policy)

An explanation of the use of these exemptions is provided at Annex 1 attached.

7. Welsh Government Officials hold quarterly Integrated Quality, Performance and Delivery meetings with the NWJCC. The terms of reference for these meetings are attached.

### **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](mailto: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,

## Engagement of Exemptions

When considering the release of information captured by a request we are required to consider the potential effects of disclosure of the information to the wider world. This is because information released in response to a FoI request is released to the world, not just to the person submitting the request. As such we need to take into account how any other individual may use, or misuse, the information if it is placed into the wider public domain. So whilst the request may have a legitimate, and benign, interest in accessing the requested information, we could conclude that the risk that the information could be misused by others is more compelling and thus the information should be withheld.

### S35(1)(a) formulation of government policy

Section 35(1)(a) covers any information relating to the formulation or development of government policy. The information requested is information generated to inform the formulation of policies with regards to gender identity services in Wales.

As this is a 'live' issue, we are of the view that the s35(1)(a) exemption is engaged by the information captured by this request

The use of section 35(1)(a) is subject to a public interest test.

Public interest arguments in favour of release:

We understand that formulation of development of government policy with regards to gender identity services in Wales is of interest to the general public. It is important that public service activities carried out are appropriately transparent to provide assurance to citizens.

Public interest arguments in favour of withholding:

We take the view that the section 35(1)(a) is intended to ensure that the possibility of public exposure does not deter from full, candid and proper deliberation of policy formulation and development, including the exploration of all options.

The withheld information relates to Welsh Government policy views on the gender identity services in Wales. As part of the formulation of this, we are heavily reliant on Government officials being able to provide advice and exchange views in an open way, exploring various options as part of the normal working process. Officials need to be able to think through and discuss all the implications of different options, be able to undertake rigorous and candid assessments in the knowledge that if different outcomes or conclusions are finally agreed, these assessments will not have more far reaching implications than appropriate. This should include the ability to receive information on a confidential basis or the candour of the engagement will certainly be weakened. Releasing the information that Welsh Government holds at this time may lead to significantly less considered and a less effective policy in this important area.

In addition, the disclosure of the information requested would have a prejudicial effect on engagement between Ministers and their officials, and between the Welsh Government and the commissioning body as it would remove the secure environment which allows Ministers and officials to gather information and discuss. Removing the secure environment in which officials are able to express views openly could result in advice being less robust as it would

be likely to result in a reduction in the candour of those involved in the process if they believed discussions and other information would be made public.

## Conclusion

We believe that it is within the wider public interest to withhold the information related to this request in order to provide the government with a safe space to consider live policy issues away from external intrusion. The Welsh Government endeavour to ensure they are as transparent as possible, in particular through the media, publication of documents, Ministerial Written Statements and public statements in the Senedd. We take the view that, on balance, this public interest has been satisfied and the information requested has been withheld under section 35(1)(a) of the Act for the reasons set out above.