

7 September 2016

Dear ,

**ATISN 10656 Postgraduate Loans**

Thank you for your request which I received on 11 August 2016 about postgraduate loans for Welsh students.

A postgraduate loan scheme could not be implemented for students ordinarily resident in Wales in the 2016/17 academic year. On 3 March 2016 the Welsh Government published a consultation (WG27990) which outlined a proposed loan scheme to be implemented for academic year 2017/18 to support Welsh postgraduate students. I expect the Student Loans Company to be in a position to open the scheme in 2017.

Turning to your request, I have decided that the information is exempt from disclosure under section 35 of the Freedom of Information Act 2000 and it is therefore withheld. The reasons for applying these exemptions are set out in full at Annex 1 to this letter.

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: [FreedomOfInformationOfficer@wales.gsi.gov.uk](mailto:FreedomOfInformationOfficer@wales.gsi.gov.uk)

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**

### **Reasons for exempting information for release**

I have decided to withhold information which relates to your enquiry:

copies of all correspondence and documentation relating to the proposed postgraduate loan of up to £10,000, specifically in relation to Welsh students.

The information held relates to the development of policy for the provision of financial support to students ordinarily resident in Wales studying for a postgraduate Masters qualification.

Section 35 of the Freedom of Information Act 2000 states (*inter alia*):

35 Formulation of government policy, etc

(1) Information held by a government department or by the Welsh Assembly Government is exempt information if it relates to—

(a) the formulation or development of government policy.

I believe that an exemption under section 35 is engaged. This Annex sets out the reasons for that engagement and my consideration of the Public Interest Test.

The Welsh Government is developing its postgraduate support policy. A public consultation was undertaken early in 2016 (WG27990<sup>1</sup>). The Welsh Government is now engaged in detailed policy development ahead of the policy being finalised and published, with implementation planned for the 2017/18 academic year.

I recognise that there is no clear line which can be drawn to separate the formulation and development of a policy from the work relating to the implementation of that policy. I believe it is right to follow the view expressed by the Information Commissioner that an announcement of a fully worked up policy would indicate, in most cases, the change from the policy formulation to the policy implementation stage. In this case, no announcement of a fully worked up policy has been made, policy is still being formulated, and section 35 is engaged.

### **Public interest test**

#### *Public interest arguments in favour of disclosure*

There is a general public interest in the release of information relating to policy development in that it may assist in promoting openness and transparency.

There is also a specific public interest in information relating to the ongoing

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<sup>1</sup> <http://gov.wales/consultations/education/support-for-postgraduate-study-and-part-time-engineering/?status=closed&lang=en>

development of the postgraduate support policy being released before the policy is finalised, as it may enable those affected by the policy (chiefly prospective students and providers of higher education) to ascertain some details of the possible policy and thereby gauge how it may affect them.

### *Public interest arguments in favour of withholding*

The Welsh Government is in the process of developing detailed options and associated advice to inform its policy of support for postgraduate study. We are considering responses received to the consultation, collating further data and evidence and analysing it, and developing specialist advice. There are a range of matters which are not yet settled and, in particular, there are two important aspects of the policy which the Welsh Government is developing. The development of this policy is a process of discussion, development and review. At this stage, our evidence is incomplete and, on some important aspects, conflicting.

It is in the public interest that the Welsh Government should be able to develop this policy further without undue influence:

- releasing the information prematurely carries a risk of political pressure and influence being brought to bear by those with a manifest interest where they disagree with aspects of the policy; and
- releasing information that is incomplete and contradictory into the public domain would cause confusion in the mind of the public and lead to challenges against aspects of the policy that are not yet fully developed or settled.

This will lead to a chaotic and compromised policy development process, in which the Welsh Government will be unable to fully explore and develop options associated with the policy and, in particular, the two important aspects under active consideration.

### *Balance of public interest test*

The principal benefit from release would be to enable those affected by this policy to ascertain some details of the possible policy and gauge how it may affect them. The Welsh Government acknowledges that releasing some information and engaging with stakeholders can assist in the development of policy and enable those affected to ascertain detail. In the case of this policy, a three-month public consultation was undertaken early in 2016. The consultation document established that the postgraduate support policy is likely to be very similar to that operated by the UK Government for students ordinarily resident in England, and that implementation is planned for the 2017/18 academic year. This is a substantial amount of information about the proposed policy and releasing the information requested would not especially improve this position. The public benefit from release is small.

Set against this is the substantial harm to the formulation and development of the policy that release would bring. I believe that disclosure would result in an incomplete and contradictory picture being presented, which will lead to misrepresentation of the policy, accusations that relevant options have not been fully explored or have been incorrectly appraised, and that the policy may not be adequate. The Welsh Government will be unable to finalise this policy free of undue influence.

On balance, I believe the public interest is best served, in this instance, by withholding the requested information from release.

Once the policy has been finalised, it is anticipated that regulations to enable postgraduate support for 2017/18 will be laid before the National Assembly for Wales.