

30 August 2024

Dear

ATISN 20839 – Flying Start

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 09 August 2024. You had requested the following:

- 1. The action plans submitted by Local Authorities to Welsh Government for the Flying Start Expansion of funded childcare for 2023/24.*
- 2. The action plans submitted by Local Authorities to Welsh Government for the Flying Start Expansion of funded childcare for 2024/25.*
- 3. Information about the approval status of action plans for the Flying Start Expansion of funded childcare submitted by local authorities for 2024/25.*
- 4. Information about whether any amendments or changes were made to 2024/25 action plans after they were first submitted by local authorities for the Flying Start Expansion of funded childcare*

Our Response

I can confirm that Welsh Government holds information of this description. However, I have concluded that the information requested is exempt from disclosure under the following sections of the Freedom of Information Act 2000 (“the Act”):

- section 35 1(a) Information held by a government department or by the Welsh Government is exempt information if it relates to— (a) the formulation or development of government policy.

An explanation of our application of this exemption and the public interest tests (where relevant) is set out at the Annex 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

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 consider how any other individual may use, or misuse, the information if it is placed into the wider public domain. So, whilst the requestor 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.

This Annex sets out the information you have requested and the corresponding reasons for the engagement of section 35, Information held by a government department or by the Welsh Government is exempt information if it relates to— (a) the formulation or development of government policy and section 41 (legal professional privilege) of the Freedom of Information Act 2000 (“the Act”) and where required, our subsequent consideration of the Public Interest Test.

Section 35(1)(a)

Section 35(1)(a) covers any information relating to the formulation or development of government policy. This exemption is only engaged by information being used in the formulation of government policy. The information requested is information generated to inform the formulation of policies with regards to “*The action plans submitted by Local Authorities to Welsh Government for the Flying Start Expansion of funded childcare for 2023/24 and 2024/25*”.

Welsh Government officials are using the learning from this current phase to plan and develop the third Phase of the expansion of Flying Start; the policy is being formulated and a Ministerial decision is yet to be made. Therefore s35(1)(a) exemption is engaged by the information captured by this request.

Public interest arguments in favour of release

There is a strong public interest in the public understanding the ongoing development of our policies in relation to the expansion of Flying Start childcare and the information underpinning this policy. We also recognise the public interest in making this information available for the sake of greater transparency and openness.

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 Flying Start expansion policy. The Welsh Government needs to be able to discuss recommendations and formulate new proposals as well as considering future policies and plans as a result. This is a fast-paced environment, and these plans are constantly changing throughout the delivery period.

The disclosure of the information requested would have a prejudicial effect on engagement between Ministers, officials, and local authorities as it would remove the secure environment which allows Welsh Government to gather information from local authorities. Removing the secure environment in which officials and partners can express views openly could result in advice being less robust. It would be likely to result in a reduction in the frankness and candour of those involved in the process if they believed discussions and other information would be made public. This could have a detrimental effect on the plans submitted for Phase 3 of the expansion and, in turn, the Welsh Government's monitoring of the delivery of those plans.

In conclusion, it is within the wider public interest to withhold the information related to this request to provide the government with a safe space to consider and form policy and plans to manage Flying Start and this information. The Welsh Government has endeavoured to ensure they are as transparent as possible, through the media, publication of documents, Ministerial Written Statements, and public statements in the Senedd along with ministerial press conferences and interviews. In so doing, we believe this public interest has been satisfied. Accordingly, the information requested has been withheld under section 35(1)(a) of the Act for the reasons set out above.