

## **CONFIDENTIALITY**

*(within the document any reference to governing body will incorporate temporary governing body )*

**As well as acting as a corporate organisation, Governing Bodies must act with integrity, objectivity and honesty, and in the best interests of the school. They must be open about, and prepared to explain, their decisions and actions.**

**The following are some guidelines regarding the principle of confidentiality of governing body meetings. Governing bodies should consider adoption of these principles by all governors.**

- Governing body meetings are not open to the public by right.
- Most of what is said at a meeting is not recorded in the minutes and governors need to be careful about passing it on. It is wrong to disclose information or comments that could embarrass or harm those to whom they relate. Governors should also not disclose what particular people said or how they voted at a meeting as this could restrict a person's readiness to speak freely and, as such, work against the future effectiveness of the governing body.
- The governing body can decide whether anyone who is not a governor, other than the Headteacher or clerk, may attend a meeting and these (often called observers) may be asked to leave if confidential items are discussed and **MUST** leave when certain matters are discussed e.g. disciplinary matters. Associate members may be excluded from any part of a meeting when the item of business concerns an individual pupil or member of staff. If a deputy head is in attendance and is not a governor these rules would apply.
- It is appropriate for items likely to be deemed as confidential to be placed at the end of the agenda to allow for observers and associate members to leave, however if an item occurs during the meeting that could be deemed as confidential observers and associate members should be asked to retire from the meeting for the duration of the item and the item recorded separately.
- By law it is necessary for signed copies of the minutes and agendas of all meetings of governing bodies to be made available in school for inspection this includes being accessible to staff, parents and pupils. Because of this it is necessary for minutes of confidential items, determined as such by the governing body, to be recorded separately. These minutes should be filed separately and should not be part of the record available for inspection in school.
- The governing body also determines the circulation of confidential minutes for full governing body meetings and committee meetings, taking into account the Data Protection Act and the Freedom of Information Act. [A concern is that if confidential papers are sent to all governors, then there are a lot of confidential papers in circulation.] The following is recommended:
  - the Headteacher and Chair receive the confidential minutes after the meeting and the clerk reads them out to all governors at the next meeting. Any governor who was not present at the previous meeting will leave the room for this item; or
  - Copies of confidential minutes will be distributed at the meeting for approval and returned to the clerk immediately who will arrange to have them destroyed. The Clerk will retain a copy in a secure file not open to public inspection.

Only governors who were present during the confidential session and have received the minutes can vote on their acceptance.

It is strongly recommended that the minutes of confidential items be printed on coloured paper for ease of identification.

- Increasingly as their powers have been extended many governing bodies find themselves dealing with more and more confidential issues and there should be an agreed protocol for dealing with such matters. These would include (see also above relating to associate members):
  - staff appointments and resignations
  - staff pay and conditions of service (eg the annual review of staff salaries in accordance with the school's pay policy)
  - staff discipline, capability and grievances
  - pupil discipline
  - pupils with social or special educational needs
  - some financial procedures (eg tenders/contracts)
  - parental and other complaints
- With regard to confidentiality generally, governors may find the following notes helpful:
  - (A) The governing body decides if an item of discussion is confidential.
  - (B) Any item included on the reserved part of the agenda should not be discussed outside the meeting. This is particularly important when dealing with staffing appointments and other formal personnel procedures where the whole of the proceedings are confidential.
  - (C) Normally only the governors and the Clerk should be present when confidential matters are discussed. Observers should withdraw unless governors decide otherwise.
  - (D) The Headteacher's Report, other than items deemed reserved, is not a confidential document, headteachers should be mindful of this when preparing reports.
  - (E) The agenda and minutes of meetings are not confidential unless the minutes are recorded as reserved or confidential. Copies of minutes (not reserved) should be made available in school as soon as possible.
  - (F) The governing body as a whole is responsible for decisions. A governor, may, however, have his/her dissent formally recorded in the minutes.
  - (G) Governors are not delegates for their nominating bodies e.g. parents or staff. The nominating bodies have no automatic right to receive a report from individual governors. Most governing bodies, however, seek to maintain good relationships with such bodies and agreement should be reached as to what information can be reported.
  - (H) Any statement to the press regarding any aspects of work of a governing body should be issued on the governors' behalf by the Chair. The Chair may wish to seek advice from the Clerk who will have access to the Council's Media Relations Team.
  - (I) The Press and the public are not excluded by law from attending governing body meetings. They may attend by invitation. This course of action is not recommended by the LA.
  - (J) Individuals named in confidential minutes normally have a right to see the information, governing bodies should be mindful to ensure any information relating to other individuals is not included.

**A confidential matter is not to be discussed by any governor outside the meeting, including with fellow governors.**

**Individual governors will be asked to account for any breaches in confidentiality. Repeated breaches in confidentiality could lead, in appropriate cases, to consideration of the suspension of the 'offending' governor/s.**

**Agreed by the governing body of Knowsley Central School**

**On 5 October 2017**

**Date for review – May 2018 (recommendation is that these should be reviewed annually along with the code of conduct).**