

HANDLING CONFIDENTIAL ITEMS

Agendas are usually in two parts, with the confidential items in the second part. Any other decisions about what should be deemed confidential should be taken at the beginning of the meeting and not during the discussion.

When the confidential part of the agenda is reached all non-governors should withdraw from the meeting, unless they have a particular contribution to make; for example a Deputy Headteacher with responsibility for pastoral matters might stay for an item on exclusions. A Headteacher or anyone who is the subject of a confidential item must withdraw for that item.

There is sometimes confusion about what should be included as a confidential item. The [School Governance \(Procedures\) \(England\) Regulations](#) describe this as 'information relating to a named person or any other matter that the governing body (or committee) considers confidential'. **It is particularly important that if the matter is likely to be the subject of a hearing or an appeal, no details should be revealed which might prejudice a later hearing.** The confidential part of the minutes should not be made publicly available outside the governing body.

However, governing bodies should note that under the [Freedom of Information Act 2000, from January 2005](#), they are obliged to make this information available upon request under the Act, unless any of the specific exemptions in the Act apply. The governing body will therefore only be able to withhold information that constitutes personal data or confidential information, in each case, within the meaning of the Act

Regular items on Part Two are likely to be:

1. Exclusions
(A regular report should be given to the governing body on the number of exclusions, reasons for exclusions, gender, ethnic background, and results of any appeals. Individual pupils should not be identified)
2. Contracts
(Matters that relate to particular financial transactions; for example taking out a contract for cleaning or maintenance, should be confidential where this is necessary to avoid damaging the school's interests)
3. Staffing
(The governing body should be kept up to date with staff resignations and appointments. Any cases referring to individual teachers should not be raised before the whole governing body)