

Subject: Schools Forum – Consideration of Confidential Reports

1. Introduction

1.1 There are two basic requirements in order to seek the protection of confidentiality. Firstly the information must be of limited public availability. So if the information is already widely and publicly available it is unlikely to benefit from the protection of rules relating to confidentiality. Secondly, the information must be of a nature for which the protection of the confidentiality laws may be appropriate, for example personal data, commercially sensitive data, etc.

2. Confidentiality in the Context of Schools Forum Work

2.1 Wiltshire Council will endeavour to conduct as much Schools Forum business in public session as possible and will endeavour to ensure that Reports are clear and informative. The process proposed within this report seeks to formalise existing arrangements.

2.2A report will only be considered in a confidential session when it contains confidential or exempt information. That will only apply if the report contains:

- a) Information furnished to the Council by a Government Department on terms which forbid the disclosure of the information to the public.
- b) Information the disclosure of which to the public is prohibited by or under any law or by the order of a court
- c) Information relating to any individual.
- d) Information which is likely to reveal the identity of an individual.
- e) Information relating to the financial or business affairs of any particular person (including the authority).
- f) Information relating to any consultations or negotiations, or contemplated consultations and negotiations, in connection with labour relations matters.
- g) Information in respect of which a claim to legal professional privilege could be maintained.
- h) Information which reveals that the authority proposes to serve certain Notices or make certain Orders or Directions.
- i) Information relating to action taken or to be taken in connection with the prevention investigation or prosecution of crime.

2.3 Where it is felt to be necessary for a report in Confidential Session, the report will identify the category of information justifying this and Officers will, if required by the Chair of Schools Forum in consultation with the Corporate Director for delegated decisions, justify and/or explain the

reason in public.

- 2.4 Where it is necessary to put a report in Confidential Session, Officers will, where practicable, provide the confidential information as a confidential annex to a report that is otherwise non-confidential.
- 2.5 After the Schools Forum has determined matters in a confidential report, Officers will give further consideration to publicity of the decision and any further appropriate release of information following consultation with the Communications Team.
- 2.6 Any query about the continuing extent of confidentiality should be addressed to the Lead Officer for the report in question.
- 2.7 Additional questions relating to access to confidential information would be referred to colleagues in the Legal team.

3. Process

- 3.1 The intention to conduct Forum business in Confidential Session will be indicated by the inclusion of the following text within the agenda:

‘Exclusion of Public;

To consider passing a resolution, in accordance with the Wiltshire Council Schools Forum Terms of Reference, that the public be excluded during the remainder of the meeting, on the basis that if they were present during the business to be transacted, there would be a likelihood of disclosure to them of exempt information of the following descriptions’

- 3.2 The descriptions referred to above relates to the categories of confidential information listed in paragraph 2.2.
- 3.3 Public would relate to anyone other than members of the Schools Forum plus the Democratic Services Officer, relevant officers and Cabinet members with exceptions determined by the Chair, in consultation with the Corporate Director.

Proposal

That the process for conducting School Forum business in Confidential Session as detailed at paragraph 3 of this report be adopted and incorporated into the School Forum’s Terms of Reference.

Yamina Rhouati
Democratic Governance Manager

Background Papers: None