

**Confidentiality Policy and Procedure
In respect of Corporation Business.**



Further Education Corporation

Current Status:	Operational	This Review:	June 2009
Responsibility for Review:	Arthur Hicks Clerk to the Corporation	Next Review:	June 2012
Internal Approval:	Search & Governance Committee	Originated:	June 2006

1. Introduction:

1.1 Aim:

The purpose of this policy is to clarify the mechanism by which an item for discussion at any Corporation meeting can be determined as 'Confidential' in accordance with Sections 14 to 17 inclusive of the Instruments of Government and in recognition of the principle of openness laid down by the Nolan Committee regarding holders of public office.

1.2 Information covered by this policy:

This policy will apply to all matters of Corporation business.

1.3 Period of Confidentiality:

In the spirit of 'openness' both members of Corporation and stakeholders need to be satisfied that items classified as 'Confidential' are reviewed systematically and, where appropriate, are declassified to enable public scrutiny. This document sets out the procedure to be followed.

2. Principles and Legislation:

2.1 It is the policy of the Corporation that all business should be carried out in accordance with the seven principles of public life. These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Members will at all times also comply with the Corporation Code of Conduct and particularly with respect to confidentiality.

2.2 It is recognised that Corporation must comply with the requirements of the Instruments of Government with respect to issues of confidentiality and specifically those set down in sections 14 (Proceedings of meetings), 15 (Minutes), 16 (Public Access to Meetings) and 17 (Publication of Minutes and Papers).

3. Agreeing Confidentiality:

- 3.1 In determining whether an item for discussion at a Corporation meeting can and/or should be dealt with as an item of confidential business, the author of the paper will raise the matter in the first instance with the Clerk to the Corporation who, in turn, will confirm any decision via the Chair of the meeting.
- 3.2 The following can be considered as reasons for determining 'Confidentiality':
- Commercially sensitive material.
 - Matters relating to the salaries and /or conditions of employment of identifiable individual members of staff or prospective employees.
 - Any matter which is the subject of negotiation between the Corporation and its employees prior to any agreement being reached.
 - Matters relating to named students of the College or candidates for admission.
 - Matters required to remain confidential under the Data Protection Act.
 - Any matter which the Corporation is satisfied should remain confidential.
 - Those matters prescribed within the Instruments and Articles of Government.
- 3.3 Any member of Corporation likely to be asked to leave a Corporation meeting as the result of an item of business being classified as 'Confidential', either in accordance with the Instruments and Articles of Government or for other reasons (see 3.2 above), will be briefed by the Clerk to the Corporation in advance of the meeting.
- 3.4 In the event that it is unclear whether an item should be dealt with confidentially it will be for members to determine by vote, and simple majority. In the event of a tied vote the Chair will have the casting vote. However in accordance with the Nolan Principles, and unless the situation is covered in 3.2 above the policy of the Corporation will be to err on the side of 'openness and transparency'.

4. Confidential Items – Minutes:

- 4.1 The minutes of confidential items will be recorded in the confidential minute book retained by the Clerk to the Corporation.
- 4.2 The chair of the relevant committee will agree the content of confidential minutes placed in the Confidential Minute book.
- 4.3 Any member of Corporation not specifically excluded from discussion on an item deemed to be confidential shall have access to the relevant minute.
- 4.4 In order to fulfil their responsibilities and where required Corporation agrees that internal auditors and College inspectors will have access to the confidential minute book.
- 4.5 The members of the committee at which a confidential item has been discussed will determine the period for which the minute for that item will remain confidential. Where a committee deems it to be appropriate this period may be 'permanent'.

4.6 On an annual basis the Chair and Vice-Chair(s) of Corporation will review the confidential minute book with the Clerk and determine whether any of the entries made over the previous twelve months should be made available for public scrutiny.

5) Public access to minutes removed from the confidential minute book.

5.1 Minutes believed no longer to be confidential will be released for public scrutiny by inclusion in the papers for consideration by the board at the next relevant Corporation meeting. At this stage they will still be treated as 'confidential'. The final decision as to whether minutes are to be made public rests with members'.

5.2 Any member of Corporation who believes that a confidential minute should not be made public should discuss the matter in the first instance with the Chair of Corporation or in his absence, the Vice-Chair.