

Internal review on the decision regarding the minutes of the Human Resources and Performance Development committee meeting on 22/02/21

Following a request for the minutes of the HR & PD committee to be made available, it was decided that they could not be released until they had been approved and signed off at the next meeting of that committee. This is in line with our current procedures regarding the release of minutes as public documents.

The procedures are based on the official guidance and legislation regarding the publication of information by schools which is as follows:

- *The law for maintained schools states that governor minutes must be given to any “interested person”. As state schools are publicly-funded this will apply to any member of the public, not just parents.*

“The governing body must, as soon as reasonably practicable, make available for inspection by any interested person, a copy of—

(a) the agenda for every meeting;

*(b) **the signed minutes of every such meeting**; and*

(c) any report or other paper considered at any such meeting.”

Roles, Procedures and Allowances (England) Regulations 2013

- The law for maintained schools quoted below shows that both committee minutes and committee papers are public documents.

“The committee must, as soon as reasonably practicable, make available for inspection by any interested person a copy of—

(a) the agenda for every committee meeting;

*(b) **the signed minutes of every such meeting**; and*

(c) any report or other paper considered at any such meeting.”

Roles, Procedures and Allowances (England) Regulations 2013

- *There is no legal requirement for schools to publish governing body minutes on their website, but many do as this is the easiest way to make them available. All schools will have a file or book of minutes.*
- *All school minutes must be given out “as soon as is reasonably practicable”. Maintained schools should supply signed copies of minutes once they have been approved by the governing body or committee, but academies can supply both signed copies approved by the governing body/committee and draft copies approved by whoever chaired the relevant meeting.*

- *In practice this will mean minutes will become available to the public within a few weeks to a few months of the date of the meeting, depending on how often the board or committee meets.*

With regard to the Freedom of Information Act, it states:

- *everybody has a right to access official information. Disclosure of information should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by the Act;*
- *an applicant (requester) does not need to give you a reason for wanting the information. On the contrary, you must justify refusing them information;*
- *you must treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data (see When can we refuse a request? for details on these). The information someone can get under the Act should not be affected by who they are. You should treat all requesters equally, whether they are journalists, local residents, public authority employees, or foreign researchers; and*
- *because you should treat all requesters equally, you should only disclose information under the Act if you would disclose it to anyone else who asked. In other words, you should consider any information you release under the Act as if it were being released to the world at large.*

Draft minutes are held by the governing body. However, the minutes of governing body meetings can only be made available after they have been signed and dated as correct and an accurate record of the meeting. In my opinion, the draft minutes are, therefore, exempt under Section 22 of the Freedom of Information Act 2000, (FOIA), and it is reasonable for the governing body to withhold draft minutes until after the date of the meeting when they are signed off as a true record of the meeting. Applying Section 2(2) of the FOIA the public interest in maintaining the exemption outweighs the public interest in favour of disclosure because it could be damaging to the process of ensuring that the minutes are correct and could result in a false impression of the content of the meeting due to an error or omission. To be more specific;

- Ensuring what is placed in the public domain by way of minutes represents what was deliberated on and that members of the public get an accurate view of what is happening in Aylsham Learning Federation
- Placing in the public domain minutes of meetings which may turn out to be inaccurate may potentially cause significant, if not irreparable, damage to the federation, integrity and esteem with which members of the public hold Aylsham Learning Federation. This may in turn damage public trust and confidence and may put various partnership working into jeopardy. None of this would be in the interests of students or their learning
- The public interest in abiding a little time in order to have an accurate record in the near future far outweighs any interest to immediately have a record which may not necessarily be accurate

It is my understanding that minutes of the March Full Governing Body meeting have also now been requested in advance of being signed. If this is to continue it would be against public interest to release draft minutes to one person when the normal procedure is to release signed minutes. I confirm that the minutes requested of the HR & PD committee will be available immediately after the next meeting on June 8th.

Based on this legislation and guidance the procedures of Aylsham Learning Federation Governing Body are correct and reasonable. Minutes of FGB and committee meetings are released as public documents as soon as they have been approved as accurate records and

signed as such at the next meeting of the board/committee. Any request for the agenda, minutes or papers relevant to the meeting are available on request from the school.

Aylsham Learning Federation will publish the minutes and has an intention to do so as soon as they are confirmed in the next meeting of this committee of governors. The term “*publication*”, in the context of section 22 of the (FOIA) and in accordance with the Information Commissioner’s guidance, has a broad meaning. It is not necessarily restricted or confined to print publication or to website publication. It simply means making available or accessible to members of the public. Aylsham Learning Federation will do this after the confirmation of the minutes.

Mike Downes

Vice-Chair of Governors

21.04.21