



Southern Health
and Social Care Trust

Trust Board Agenda & Minutes

Guidance & Release

Directorate of Performance & Reform
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1. Background

The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities. Section 19 of the FOIA requires every public authority to adopt and maintain a publication scheme and to publish information in accordance with the scheme.

The Corporate Records Department (Performance & Reform) is responsible for ensuring the Trust is compliant with requirements of the Freedom of Information legislation. It is the responsibility of each Directorate to identify a key contact to ensure that the information they hold and which has been identified through the Information Commissioner's Office definition document is put on to the Publication Scheme for public access.

The Senior Management Team approved the adoption of the Information Commissioner's Model Publication Scheme on 12 November 2008.

2. Purpose

This guidance describes how Agendas and Minutes and supporting papers of Trust Board meetings are to be managed in order to comply with the Freedom of Information Act 2000. It also serves to inform the Board of how the FOI Act will affect the Board meetings and how consequent decisions are recorded.

Implementing this guidance will contribute to ensuring that the Trust is seen as an open and accountable authority which records Board decision-making appropriately, while upholding the principles of confidentiality.

3. Scope: What should be published: Board minutes and agendas

This guidance refers specifically to Board Meeting:

- agenda;
- minutes; and
- supporting papers.

For certain types of meeting, the Trust may wish to routinely produce public minutes or summaries of the minutes suitable for publication. These would generally contain enough information to be useful to the public without disclosing anything which should not be made public. However they may not always contain everything which would be released in response to a freedom of information request.

The Trust should:

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- publish the unedited agenda and minutes where possible;
- publish as much as possible, even if it is not possible to publish the unedited documents; and
- make it clear that certain documents are edited versions.

When a meeting or part of a meeting is dealing with sensitive or potentially confidential issues, it is good practice to state this at the meeting. This will ensure that all attendees have the same understanding about whether the meeting or certain parts of it are private. Note takers should mark the sections which are confidential so that these can be removed from any published minutes. (Please note that this does not guarantee confidentiality in all circumstances; the Trust should make it clear that information may be requested under the FOIA even if it is not on the publication scheme).

4. Impact on the Format of Board Minutes

The structure of the Board meeting will remain unchanged. It will be a public meeting that openly demonstrates how decisions within the Trust are made and recorded. There may be issues which the Board requires to discuss in private and in this case a 'confidential' meeting may be convened with a separate agenda which is not made public.

5. Compilation of Board Meeting Agendas

5.1 The Agenda

When the Agenda is written, it will reflect the two parts of the meeting:

- | | |
|---------------|---|
| Open | Those items which will be discussed with the public present, and, |
| Closed | Those items which are for discussion with only the Board present. These include subjects that, at the time are entirely or in large parts): <ul style="list-style-type: none">• demonstrably protected in terms of the Data Protection Act (i.e. staff or service user personal information); or• commercially sensitive; or• constituted information intended for publication at a later date. |

5.2 Compilation of Board Meeting Minutes

Issues discussed in both sessions will be recorded. The minutes of the open meeting will be approved for release to publication scheme and may for example be published within one month of the minutes being confirmed. 'Closed' business might be released within a year unless there are specific reasons for it to remain confidential for a longer period.

5.3 Publication of Board Meeting Agenda and Minutes

Before Minutes are placed on the publication scheme they must be scrutinised by the Board Secretary to ensure appropriate records are published and the minutes must also be approved by the Board.

6. Requests for Agendas and Minutes

The Trust may receive a request for agendas and minutes which are not included in the Publication Scheme definition document to routinely publish, or for full versions of documents which are usually published in an edited or summarised form. The Trust is obliged to consider these requests in the normal way. Even if the Trust has already considered the information and has decided that it cannot be released, it should be considered again when a request is received. In many cases, information which would have been exempt at the time it was created will become less sensitive over time. New circumstances may also have arisen which may affect the public interest in disclosure.

The exemptions which are most likely to be relevant are section 36 (conduct of public affairs) section 40 (personal information), section 41 (information obtained in confidence), and section 43 (commercial interest).

Even if large parts of a document are exempt, this does not mean the whole document should automatically be withheld. The Trust should release any information which does not fall within an exempt category or does not meet any relevant public interest test.

- In nearly all cases, it will be possible to give the dates and times of meetings and the names of the organisation represented.
- In most cases, it will be possible to give broad headings of what was discussed.
- In many cases, it will be fair to give the names of individuals who attended the meeting in a professional capacity.

7. Identification of individuals in Minutes and Reports

Members and officers of all committees whose minutes and reports are placed on the publication scheme should be informed that this is being done specifically; they should be advised that this implies transfer of personal data about them outside the European Economic Area. (If they have concerns that this could cause them harm, they have the right to request their names (or other identifiers) be excluded from the minutes or reports).

It follows that minutes should only be made public after they have been ratified by the next meeting of the relevant committee. This allows individuals

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to exercise their right to require their names, or job titles if that would identify them to be excluded from published minutes should they so wish.

8. References

SHSC Trust Publication Scheme Sub Group Terms of Reference, 27 October 2008

Information Commissioner's Office Model publication scheme: using the definition documents. Version 1 6 October 2008

Information Commissioner's Office Model publication scheme. Version 1.0. April 2008

Information Commissioner's Office. Freedom of Information Act;

Environmental Information regulations. Practical guidance. What should be published: minutes and agendas. Version 1 31 July 2008