

DGAT guide to writing confidential minutes

The DGAT Articles of Association, Articles 124 and 125 state:

The Directors shall ensure that a copy of:

- (a) The agenda for every meeting of the Directors
- (b) The draft minutes of every such meeting, if they have been approved the person acting as chairman of that meeting
- (c) The signed minutes of every such meeting
- (d) Any report, document or other paper considered at any such meeting,

are, as soon as is reasonably practicable, made available at every Academy to persons wishing to inspect them.

There may be excluded from any item required to be made available in pursuance of Article 124, any material relating to:

- (a) A named teacher or other person employed, or proposed to be employed, at any Academy;
- (b) A named pupil, at, or candidate for admission to, any Academy
- (c) Any matter, by reason of its nature, the Directors are satisfied should remain confidential

DGAT recommend the same level of security for minutes of the meetings of local governing boards.

Minutes are confidential if:

- Names of staff or children are included
- Staff pay or conditions were discussed
- A person could be easily identified from the minutes
- The subject is deemed confidential by the local governing board due to its sensitivity or nature

It is good practice to refer to confidential items in the main minutes so that people are aware that there is further information on this discussion point. Confidential minutes should still include the details of who was present at the meeting and any declarations of interest made by the governors in respect of the agenda. The agenda item for the confidential items recorded should match the meeting agenda e.g. if the confidential item is discussed as agenda item 4, then the agenda meeting minutes should indicate that a confidential item was discussed, and the confidential minutes marked as 'agenda item 4'.

Confidential minutes will be deemed confidential indefinitely unless there is a timescale agreed by the board whereby the information will no longer be considered confidential.

For electronic copies of minutes, it is important to make it obvious which minutes are confidential – you can use a watermark, state “confidential” in the file name, or colour the header.

Paper copies of confidential minutes must be approved and signed by the chair, but these must be stored securely in a separate folder to the non-confidential minutes, to avoid them being shared or accessed inappropriately.

Confidential minutes must only be shared with those present for the confidential item/discussion and any on-line file access must be restricted to those present.

Ofsted and other agencies e.g. the regional school commissioner are permitted to request to view confidential minutes, but they cannot be copied or taken off the school premises.

Tips:

- You may find it beneficial to have a section towards the end of each agenda where the board determines which items from the meeting should be recorded as confidential minutes.
- Consider printing confidential minutes on different coloured paper to standard minutes and including the ‘confidential’ watermark.