

Version	Title	Author	Changes (Summary of changes made)	Authorised	Review Date
4	Conduct of Board & Access to Board Meetings in Public	SD/AC	Reviewed and updated	Board Mtg 1.3.17	28.2.20

## **CONDUCT OF BOARD BUSINESS AND ACCESS TO BOARD MEETINGS IN PUBLIC**

This policy sets out how the Healthwatch West Sussex Board will meet its legal obligations for conducting its decision making meetings in public and allowing proper access to its policies, procedures, agendas and minutes.

The protocol adopted by the board is based on that used by the West Sussex Health and Wellbeing Board.

The Board will meet quarterly in public but may, from time to time, wish to meet informally between formal public meetings or immediately before or after formal meetings. This may be agreed depending on the nature of the business to be discussed and decisions made at the formal meetings.

The public in attendance at formal board meetings will be given the opportunity to ask questions and seek clarification of board policies at meetings as a standing Agenda item.

### **Rights to attend Meetings**

Members of the public may attend all formal meetings of the Healthwatch West Sussex Board.

### **Notices of Meetings**

Healthwatch West Sussex will give at least five working days notice of any public meeting by posting details of the meeting on the Healthwatch West Sussex website.

### **Access to Agenda and Reports before a Public Meeting**

Healthwatch West Sussex will publish copies of the agenda, reports and background papers open to the public available for inspection on the Healthwatch West Sussex website at least five working days before the meeting. If an item is added to the agenda later, the revised agenda will be available on its website from the time the item was added to the agenda.

## **Access to Agendas and Reports at a Public Meeting**

From Nov 2014 the Board took the decision that it will no longer provide paper copies of papers for meetings. The Healthwatch West Sussex Chief Officer will ensure that electronic copies of all papers are published. These will be displayed electronically during the meeting and are available for viewing on personal devices via the Wi-Fi available in the public meeting rooms.

## **Admission to Meetings**

While a meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as it practicable, to be afforded reasonable facilities for taking their report.

## **Access to Agenda, Reports, and Minutes after the Meeting**

The Chief Officer will publish on the Healthwatch West Sussex website copies of the following for four years after a meeting:

- (a) minutes and records of decisions taken at public meetings, which include a minute of the debate and summary of any additional amendments or proposals which were considered at the meeting, but which exclude any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **Background Papers**

The Chief Officer will ensure that the report author sets out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his or her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those, which disclose exempt or confidential information.

## **Public Inspection of Background Papers**

Healthwatch West Sussex makes copies or links to those documents available on the Healthwatch West Sussex's website for four years after the date of the meeting, or date of which the decision to which the background papers relate.

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## Exclusion of Access by the Public to Meetings

### Confidential Information - Requirement to Exclude the Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information or sensitive commercial business would be disclosed and a resolution has been made by the Board excluding the public during the transaction of business.

### Exempt Information - Discretion to Exclude the Public

(a) The public may be excluded from meetings whenever it is determined by the Board that the nature of the business to be transacted or the nature of the proceedings are such that exempt information would be disclosed.

(b) Where the meeting will determine any matter to which Article 6 of Schedule 1 to the Human Rights Act 1998 applies (the determination of a person's civil rights or obligations) there will be a presumption that the meeting will be held in public unless one of the exceptions provided for in Article 6 applies.

### Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to any conditions)

Category	Condition
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:</p> <p>(a) the Companies Act 1985[3];</p> <p>(b) the Friendly Societies Act 1974[4];</p> <p>(c) the Friendly Societies Act 1992[5];</p> <p>(d) the Industrial and Provident</p>

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	<p>Societies Acts 1965 to 1978[6];</p> <p>(e) the Building Societies Act 1986[7]; or</p> <p>(f) the Charities Act 1993[8]</p> <p>“Financial or business affairs” includes contemplated, as well as past or current activities.</p> <p>“Registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Board and employees of, or office holders under, the Board</p>	<p>“Employee” means a person employed under a contract of service.</p> <p>“Labour relations matter” means:</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute within the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above;</p> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the Board as they apply in relation to employees of the authority.</p> <p>“Office-holder”, in relation to the Board, means the holder of any paid office appointment to which is or</p>

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	may be made or confirmed by the Board.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	
6. Items to be discussed are of a commercially sensitive nature	

### **Exclusion of Access by the Public to Reports**

If the Chief Officer thinks fit, Healthwatch West Sussex may exclude access by the public to reports which in their opinion relate to items during which, in accordance with this protocol the meeting is likely not to be open to the public. Such reports will be marked “not for publication” together with the category of information likely to be disclosed.

Contact details for the Board Chief Officer can be found on the Healthwatch West Sussex website.