

PUBLIC INTEREST TEST – CHECKLIST

Schedule 12A Local Government Act 1972

Name of Report: Approval for an Exception to Contractual Standing Orders for the award of 17 individual packages of short break care and to approve the use of the Manchester Flexible Purchasing Scheme for the commissioning of short break care for children with special educational need and disability (SEND).

Committee: Procurement Board

Date: 10th August 2022

Category of exemption applied (from list below): **1, 2 and 3**

1	Information relating to any individual
2	Information which is likely to reveal the identity of any individual
3	Information relating to the financial or business affairs of any particular person (including the Authority holding that information)
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council, or a Government minister, and any employees of, or office holders under, the Council.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Information which reveals that the Council proposes: a) give under any enactment a notice under or by virtue of which requirements are imposed on a person (including an organisation) or b) to make an order or direction under any enactment
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
Standards Committee Only	
7a	Information which is subject to any obligation of confidentiality
7b	Information which relates in any way to matters concerning national security
7c	The deliberations of a standards committee or of sub-committee of a standards committee established under the Provisions of part III of the Local government Act 2000 in reaching any finding on any matter referred under the provisions of section 64(2) of 71(2) of the Local Government Act 2000

Public Interest Test Questionnaire

This is not a definitive list. However, it does provide a series of questions that you should ask yourself when recommending confidentiality.

FACTORS WHICH SUPPORT DISCLOSING INFORMATION	
Will disclosure help people to understand and participate in public debate about current issues?	No
Will disclosure help people to understand why the Council has taken certain decisions?	?
Will disclosure give the public information about the personal probity (or otherwise) of elected members or council staff?	No
Will disclosure encourage greater competition and better value for money for council taxpayers?	No
Will disclosure allow individuals and companies to understand decisions made by the Council that have affected their lives?	No
Is the information about factors that affect public health and public safety? (NB you should be careful if considering the release of information which might adversely affect public health and safety)	No
Will disclosure reveal incompetent, illegal or unethical decision-making or examples of malpractice?	No
Will disclosure reveal that such maladministration has not in fact occurred?	n/a

FACTORS WHICH SUPPORT WITHHOLDING INFORMATION	
Will disclosure damage the Council's interests without giving the public any useful information?	Yes
Will disclosure damage another organisation or person's interests, without giving the public any useful information?	Yes
Will disclosure give an unfair, prejudicial or inaccurate view of a situation?	Yes
Will disclosure prevent the effective delivery of services without giving the public useful information?	Possibly
Will disclosure put the health and safety of any group or individuals at risk?	No
Is there a clear and coherent reason why the community in general would benefit more from information being withheld?	Yes

Justification of decision
(Please provide details of reasoning)

There are small numbers of children being supported (17) and disclosure could be potentially identified.

Other documents attached? No

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Date: 27 June 2022