



Openness, Accountability and Confidentiality Policy

Presented to Board for Approval: August 2023
Next Review: August 2026

1.0 INTRODUCTION

1.1 This policy set out how Homes for Life Housing Partnership (HfL) will meet its commitments in relation to openness and confidentiality. The policy applies to Board Members, and to all employees of HfL.

2.0 PRINCIPLES

2.1 HfL is committed to act in an open and accountable way in relations to its tenants and other stakeholders e.g. residents, other customers and its partners. Openness and accountability are essential for the following purposes:

- Providing opportunities for tenants and other stakeholders to be involved in or influence decision-making;
- Demonstrating that we are acting in accordance with commitments made to tenants and other service users;
- Upholding the principles and practice of equal opportunities and continuous improvement; and
- Build trust with our tenants and other stakeholders where we are open and transparent in relation to our work and activities.

2.2 As a matter of general policy, information about HfL and its work should be widely and freely available. We will publish material about the organisation, its services and its performance, and communicate it through a variety of mediums.

2.3 HfL will make additional information available upon request, unless there are good reasons of confidentiality or practicality, or where its disclosure is restricted by legislation. The commitment to openness does not detract from the need to keep certain types of information confidential, particularly where this is required by law.

2.4 This policy is designed to strike a balance between a commitment to openness and the need for confidentiality in some circumstances. In general terms, all organisational information, which is not sensitive should be openly available; all personal information that is not a matter of public record should be kept confidential.

2.5 Board Members and employees of HfL, under their Codes of Conduct, accept an obligation to account for their actions in an open manner, as well as maintaining individual's confidentiality and corporate responsibility.

2.6 HfL is accountable to a wide range of stakeholders through its work including tenants, residents, local organisations and groups, other RSLs, East Lothian Council, the Scottish Government, lenders, regulators and other partners.

2.7 HfL will ensure that our tenants and other service users are kept informed about our activities and have an opportunity to comment on and where appropriate have an involvement in, HfL's planning and decision making.

2.8 HfL will take into account the views of tenants and other service users where there is to be any change in key service policies and activities which significantly affect them.

3.0 AIMS AND OBJECTIVES

3.1 This aims of this policy set out:

- How we will meet our commitments to openness and accountability;
- How we will make information available and provide access to information; and
- How we will deal with information, which must remain confidential.

3.2 HfL has a policy on data protection, which describes the arrangements on access to personal information and compliance with the law on data protection and GDPR.

4.0 LEGAL AND REGULATORY FRAMEWORK

4.1 In formulating and implementing this policy the following relevant legislation and good practice has been taken into account:

Housing (Scotland) Act 2001: provides a statutory right to all tenants with Scottish Secure Tenancies to receive information about changes to their landlord's policies and procedures where they are likely to significantly affect the tenants. The Act also obliges landlords to consult and provide tenants with information in developing their tenant participation strategy.

Housing (Scotland) Act 2010: provides the legal framework for the modern social housing regulatory regime, and includes provisions compelling social landlords to act in accordance with the Equality Act (2010).

Scottish Public Services Ombudsman Act 2002: describes the statutory arrangements for conducting independent investigations of complaints relating to maladministration by a wide range of listed authorities, including registered social landlords (RSLs).

Freedom of Information (Scotland) Act 2002: this Act required that all housing associations/co-operatives in Scotland must produce and maintain a publication scheme. This details all of the key information that will be published and how it can be accessed.

Scottish Information Commissioners (SIC) Model Publication Scheme HfL has adopted SICs Model Publication Scheme (MPS) and Guide. The Guide to Information is attached at Appendix 1. It is placed on the website with links to where you can find it online.

Human Rights Act 1998: gives individuals a right to respect for their privacy.

General Data Protection Regulations: GDPR controls how personal data is used by organisations. It sets out the principles on the use or storage of data relating to living people and gives rights to those people whose data has been collected.

Scottish Housing Regulator (SHR): Regulatory Framework Document SHR Standards of Governance and Financial Management and associated guidance.

4.2 In particular Standard 2 required that: “The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.”

4.3 In addition, the Scottish Social Housing Charter sets out the overall outcomes that social landlords should aim to achieve in performing their housing activities. Outcome 2 (Communication) states:

“Social landlords manage their businesses so that tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.”

5.0 PUBLICATION OF INFORMATION

5.1 Statement of Intent, Annual Report and Financial Statements

HfL will issue an Annual Report to all tenants. The Annual Report will contain standard information on progress over the last financial year, performance achieved against key performance indicators and financial statistics.

The Financial Statements will take the form required by the law, and an extract (Statement of Comprehensive Income (SOCl), Statement of Financial Position (SOFP) and Cashflow Statement) will be issued to all members ahead of the Annual General Meeting and upon request to any other interested party.

Members will be able to request the full Financial Statements document which includes the external auditor’s statement on the effectiveness of HfL’s

5.2 Information to tenants

HfL’s tenants have a statutory right under the Scottish Secure Tenancy Agreement to receive information about their tenancy and about their landlord’s policies and procedures, where changes may significantly affect them.

The information, which HfL will provide to each tenant, will include:

- Complaints Policy and procedures
- Tenancy Agreement
- The Right to Repair
- The Right to Compensation for Improvements

- Rents and other charges
- Allocations Policy
- Priorities and procedures for allocating houses, including transfers and exchanges
- Repairs and Maintenance services
- Service Standards
- Tenant Participation Policy, consultation arrangements, and details of tenants' groups
- Equality and Diversity Policy
- Tenant moving-in packs at the start of the tenancy, which will include information and advice to residents. These will be periodically revised and updated and tenants be informed of significant changes.
- HfL has and will continue to fully comply with the Scottish Housing Regulator's requirement for all RSLs to report their performance in achieving or progressing towards the Scottish Social Housing Charter outcomes and standards to their tenants and other service users. The content and format of our Charter report will take into account the view of our tenants.
- HfL will make all key policies available on the website.

5.3 HfL will make general information available through a range of channels appropriate to the information in question, including:

- Regular newsletters and Bulletins
- In document form, upon request
- In leaflet form
- On our website

HfL's web site will be maintained in order to ensure that it provides accessible, accurate and up-to-date information covering the range of HfL's activities.

5.4 **Equal Opportunity & Diversity Considerations**

HfL will ensure that, wherever possible and practicable, information available to the public will be written in Plain English. Every effort will be made to avoid unexplained acronyms, jargon and technical language where Plain English alternatives exist.

In order to overcome barriers caused by sensory impairments, language difficulties, literacy issues and other particular needs, HfL will make information available on request in a variety of information formats and in translation.

This document can be made available in different formats, on request, such as Braille, large print or recorded. It can also be made available in other languages as appropriate'.

HfL will always endeavour to access a translation/translator service on request and to facilitate this will subscribe to suitably qualified specialist agencies

6.0 OTHER INFORMATION

6.1 In the specific categories below HfL will:

Information on HfL's structures, governance and decision-making processes

- Make available information on its structure and governance, and how the Board is elected and decisions are made.
- Report to members at its AGM on any investigation reports from the Scottish Public Services Ombudsman. Unless otherwise directed by the Ombudsman, HfL will make available and publish a summary in its newsletter.
- Make governance related policies and other relevant documents freely available. This will include our:
 - Rules
 - Standing Orders
 - Membership Policy
 - Financial Regulations
 - Declaration of Interests Policy
 - Entitlements, Payments and Benefits Policy
- Publish performance information within its Annual Report and Newsletters and make a summary of its Business Plan available on request.

6.2 **Satisfaction Surveys**

- Procure the services of an independent consultant to carry out surveys of its tenants and other service users to determine their level of satisfaction with HfL's services and performance.
- The results of the independent surveys and other surveys we carry out to assess satisfaction in the delivery of our services will be published in our newsletter or Annual Report.
- In our publication we give our response and the action we intend to take to improve our services and performance to meet the needs and aspirations of our tenants and other service users. This approach will contribute to our objective to continuously improve and excel across all areas of our business.

6.3 **Scottish Housing Regulator's Regulatory Assessment of Performance**

- Publish the engagement plans from the Scottish Housing Regulator on the website and update tenants through the newsletter. The engagement plan which is an assessment of risk RSLs place to their objective, which is to 'safeguard the interests of tenants' and takes account of our performance, financial position and other activities.
- Report on any significant failure reports as outlined in the Regulatory Framework.
- Publish our annual assurance statement on compliance with the Regulatory Standards

6.4 **Investment Plans**

- Will provide tenants with information on its plans to:
 - improve the housing stock

- provide new housing; and
- regenerate the community

6.5 **Minutes of Board Meetings**

- Publish the engagement plans from the Scottish Housing Regulator on the website and update tenants through the newsletter. The engagement plan which is an assessment of risk RSLs place to their objective, which is to ‘safeguard the interests of tenants’ and takes account of our performance, financial position and other activities.

7.0 **REQUESTS FOR INFORMATION**

7.1 In addition to the information made publicly available, HfL will comply with requests for information wherever practicable and appropriate, subject to considerations of confidentiality, cost and practicality under our Freedom of Information Policy and Environmental Information Regulations. Please refer to these policies for specific processes.

7.2 **Requests for Information from the Media**

HfL will respond openly to requests for information from the media. However, in order to manage the release of information and to ensure that the release is consistent all communication with the Media will be through HfL’s Senior Officer and Board Chair.

Staff contacted directly by the media should establish the information requests and forward to the Senior Officer.

8.0 **CONFIDENTIALITY**

8.1 **Information regarded as confidential**

HfL, while fully committed to the principles of openness and accountability, also recognise the need, and in some cases legislative requirements to maintain confidentiality in respect of certain information and activities. The definition of commercial sensitive HfL uses is:

“... information that has an intrinsic commercial value where the value depends upon its confidentiality being maintained, or in situations where it may not have an intrinsic commercial value, its disclosure might unreasonably disadvantage the organisation, or person to whom it relates, in the conduct of their lawful business, commercial, financial or professional affairs.”

8.2 In general terms, the following information will be regarded as confidential:

- Personal information held about individuals (Board members, tenants and other service users), subject to the right of the individuals concerned to have access to the information held on them.
- Personal information held about members of staff relating to their employment, such as selection, attendance management issues or any grievance and disciplinary action.

- Matters relating to the business of HfL that is defined as commercially sensitive.
- Matters related to legal disputes or actions concerning HfL;
- Matters relating to the business of HfL and its funders, partners and contractors and other third parties with which we have or may have a business or commercial relationship, which has been provided to HfL in confidence.
- Items deemed on their individual merits to be confidential.

8.3 **Safeguarding Confidential Information**

The Business Manager will consider the appeal taking cognisance of any special circumstances put forward by the tenant and inform the tenant of his / her decision in writing.

All papers prepared for consideration by the Board will omit names, addresses or other details, which would allow individuals concerned to be identified.

The tenant or service user will be referenced only from their tenant reference number as outlined on HfL's housing software system, SDM Housing.

HfL will also observe equality opportunities and not disclose any information that will provide details of their age, gender, marital status, ethnic origin or other personal circumstances, which may result in any potential prejudice in the Board's assessment or decision in relation to the report.

Confidential reports will be circulated to Board Members under separate cover, and will be made available to staff on a need to know basis only.

Staff members and others not entitled to be party to the consideration of the matter will leave the meeting during discussion of the agenda item.

As laid out in the Codes of Conduct neither staff nor Board Members should pass on confidential information to people who have no need or right to know it.

Where Board members receive an enquiry from a tenant or other customer, they should advise the person to contact the appropriate member of staff and never attempt to deal with the enquiry themselves.

Confidential information must not be used for personal gain or benefit nor passed to others who might use it in such a way.

8.4 Confidentiality has to allow for the exceptional circumstances where the law requires disclosure, or to safeguard individuals. The following exceptions will apply in relation to the disclosure of personal information:

- Where personal information is requested by the individual concerned, in circumstances covered by GDPR legislation and the data protection policy.
- Where HfL has a legal obligation to provide information to a third party, for example under a court order.

- Where information is requested by Police Scotland or other third party covered by local protocols on sharing information.
- Where information is requested for the purposes of providing a reference e.g. staff members application for employment to another organisation or other service contracts.
- Where the individual concerned is deemed to be at risk or in need of care or support, and where the disclosure of information to relatives or other professionals is necessary to protect the individual.
- Where a Board Member or employee has a serious concern about the wrongdoing or improper conduct within the organisation, and cannot raise it without breaching the guidelines (See HfL's Whistleblowing policy)

9.0 BREACHES OF CONFIDENTIALITY

Breaches of this policy, whether inadvertent or deliberate, may result;

- In the case of staff, in disciplinary action, in accordance with disciplinary procedures;
- In the case of Board Members, in investigation and possible action under HfL's Code of Conduct for Board Members.

10.0 REVIEW

This policy will be reviewed at every 3 years or where there has been new legislation, or a change in regulatory requirements or policy guidance.