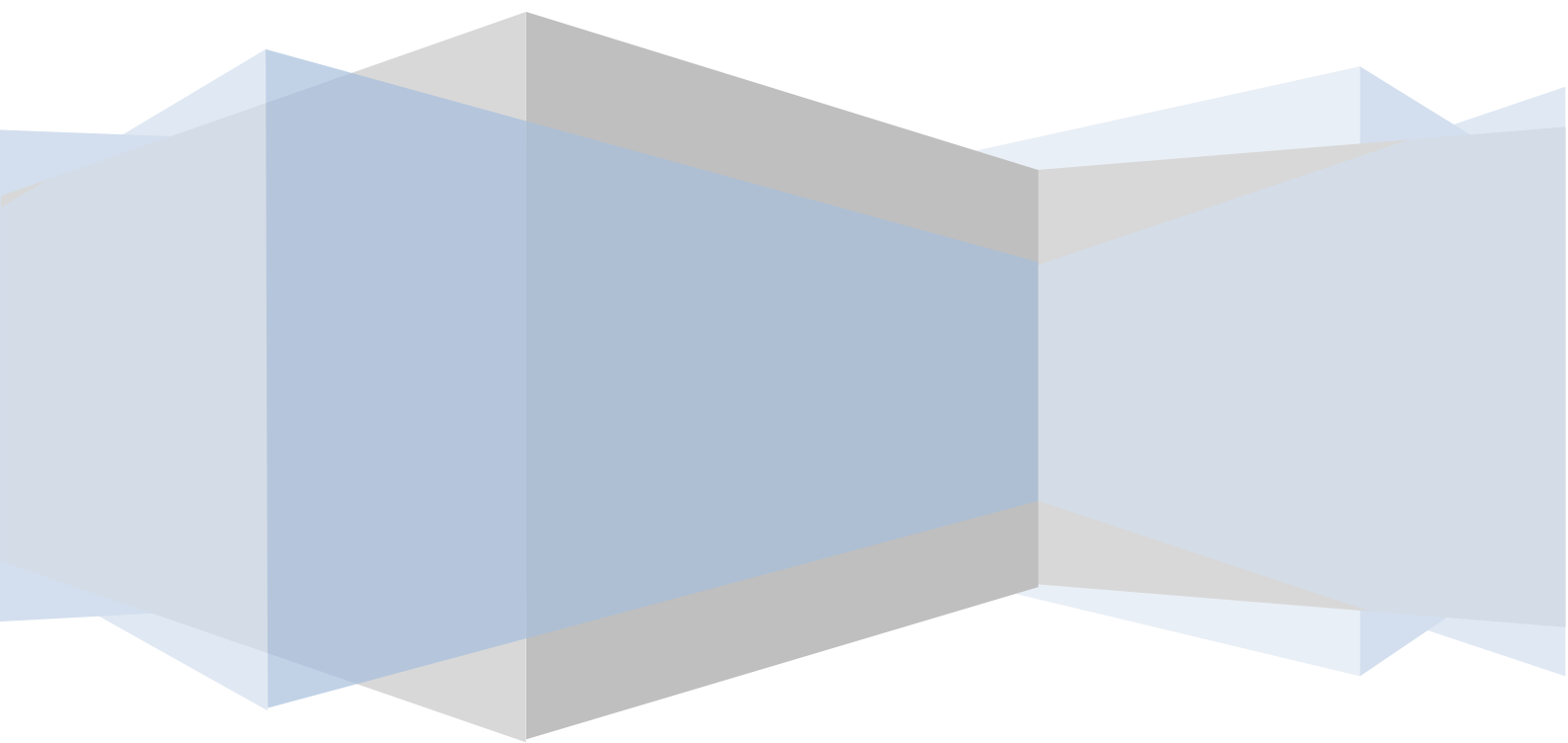




OPENNESS AND ACCOUNTABILITY POLICY

March 2021



All Policies are available on tape, in braille and in translation into most languages. Please ask a member of staff if you would like this policy in a different format.

Date of Policy Review: March 2021
 Date of Committee Approval: 16 March 2021
 Date of Next Review: March 2024

<p>SCOTTISH HOUSING REGULATOR STANDARDS</p>	<p>STANDARD 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users</p> <p>STANDARD 2: 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.</p> <p>STANDARD 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisations purpose</p> <p>STANDARD 5: The RSL conducts its affairs with honesty and integrity</p> <p>STANDARD 6: The governing body and senior officers have the skills and knowledge they need to be effective.</p>
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1. INTRODUCTION

- 1.1 Cathcart & District Housing Association (CDHA) is committed to the highest standards of openness, probity and accountability.
- 1.2 Regulatory Standard 5 states that an RSL must “*conduct its affairs with honesty and integrity*”. To ensure this, the Association has clear policy and procedures in place which make sure the organisation acts with transparency, honesty and propriety and avoids any public perception of improper conduct.
- 1.3 CDHA recognises that as a publicly funded body it should be open in its dealings and accountable for its actions. At the same time, CDHA must acknowledge its duty to keep personal or sensitive information confidential.
- 1.4 This Policy therefore, sets out CDHA’s commitment to openness, whilst balancing the competing requirement of confidentiality.
- 1.5 The Association’s Privacy Policy should be read in conjunction with this Policy.

2. POLICY STATEMENT

“CDHA believes that information about the Association and its work should be widely and freely available. Requested information will be made available unless it is considered commercially sensitive, personally confidential or where disclosure is restricted by legislation”.

3. POLICY PRINCIPLES

- 3.1 As a matter of general policy, information about CDHA and its work should be widely and freely available. CDHA will publish material about the organisation, its services and its performance, and communicate it through a variety of mediums.
- 3.2 CDHA has adopted the Model Publication Scheme 2018 which has been produced and approved by the Scottish Information Commissioner. The scheme sets out our commitment to make certain classes of information routinely available, such as policies and procedures, minutes of meetings, annual reports and financial information.
- 3.3 CDHA will make additional information available upon request, unless there are good reasons of confidentiality or practicality, or where its disclosure is restricted by legislation.
- 3.4 The commitment to openness does not detract from the need to keep certain types of information confidential, particularly where it is required by law. The 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.

4. **POLICY AIMS**

4.1 The aims of this Policy and associated procedures are to describe:

- How CDHA will meet its commitments to openness, accountability and confidentiality;
- How it will make information available and provide access to information;
- How it will deal with information which must remain confidential.

5. **LEGAL AND REGULATORY FRAMEWORKS**

5.1 **Legislation**

In formulating and implementing this Policy, statutory requirements have been incorporated, where required. The legislation particularly relevant to this Policy includes:

The UK General Data Protection Regulation (“UK GDPR”) and Data Protection Act 2018: provides rights to individuals in relation to personal data held about them; and regulates the use of personal data.

The Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019: entitles members of the public to receive information that they request from a public authority or RSL’s, subject to certain exemptions such as the need for the protection of personal data, commercial sensitivity or national security.

Housing (Scotland) Act 2001: provides a statutory right to all tenants with Scottish Secure Tenancies to receive information about their landlord’s policies and procedures. 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 misadministration by a wide range of listed authorities, including Registered Social Landlords.

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

Environmental Information (Scotland) Regulations 2004: The Environmental Information Regulations provide a right of access to environmental information held by Scottish Public Authorities, including RSL's.

The Privacy and Electronic Communications Regulations 2003 ("the PECRs" (as may be amended by the proposed Regulation on Privacy and Electronic Communications): This legislation sits alongside the Data Protection Act and the UK GDPR. PECR gives people specific privacy rights in relation to electronic communications. PECR rules apply and uses the UK GDPR standard of consent.

5.2 Regulatory Requirements

In formulating and implementing this Policy, the Scottish Housing Regulator (SHR) requirements have been incorporated, where required. The regulation relevant to this Policy includes:

Regulatory Standard 2: *"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."*

In addition, the Scottish Social Housing Charter sets out the overall outcomes social landlords should aim to achieve in performing their housing activities.

Scottish Social Housing Charter Outcome 2: *"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."*

6. **ACHIEVING THE POLICY OBJECTIVES**

6.1 This section outlines the steps the Association will take to ensure compliance with this policy and outline information that will be made publicly available.

6.2 **Annual Report and Accounts**

6.2.1 CDHA will comply with the law and make available on an annual basis an Annual Report and its Annual Accounts through publication on the website.

6.2.2 The Annual Report will contain standard information required by company law and more detailed information on any changes to CDHA's structure and governance, its activities and its performance carried out in the previous financial year. The Annual Report and Accounts will be available on CDHA's website, will be circulated widely, and will be made freely available upon request to any interested party.

6.2.3 The Annual Accounts will take the form required by the law, and will be available at the Annual General Meeting, on the website and upon request to any interested party. The information made available will include the annual external auditor's statement. Additionally, a summary of the accounts will be included in the Annual Report, with a note to direct interested parties as to where they can obtain a full copy.

6.2.4 CDHA will also publish and make widely available an annually updated business plan.

6.3 Providing Information to Tenants

6.3.1 CDHA tenants have a statutory right under the Scottish Secure Tenancy to receive information about their tenancy and about their landlord's policies and procedures.

6.3.2 The information which we provide to each tenant (although not exhaustive) includes:

- Complaints policy and procedures
- Tenancy agreement
- Information about right to repair
- The right to compensation for improvements
- Rent Setting and other charges
- Priorities and procedures for allocating houses, including transfers and exchanges
- Repairs and Maintenance
- Service Standards
- Equality and Diversity Policy
- Benchmarking and performance information
- Details about our other policies such as Allocations Policy and Tenant Participation Policy

6.3.3 This information will be made available at the point a tenancy is granted, using the medium of a Tenants' Handbook. This will be periodically revised and updated. In between comprehensive revisions, tenants will be informed of significant changes as they happen. This information will also be available on our website and future consultations will take place using the tenant portal, email and our Facebook page.

6.3.4 CDHA acknowledges and shall fully comply with the SHR requirement for all social landlords to report their performance in achieving or progressing towards the Scottish Social Housing Charter outcomes and standards to their tenants and other service users. As required we shall consult tenants and service users on the content and format of this report.

6.3.5 We will similarly ensure information that SHR produces about CDHA's performance is freely provided to all tenants and services users, and accessible to any other stakeholder.

6.4 Consultation with Tenants

6.4.1 Section 54 of the Housing (Scotland) Act 2001 contains significant legislative requirements on a duty to consult. CDHA will follow SEDD Circular 7/2002 and in particular Part 5 which details how and when consultation with tenants should take place.

6.5 Structure and Governance

6.5.1 CDHA will make the following information publicly available about its structure and governance:

- How the Management Committee is elected
- How decisions are made about housing and related services, and about the management of the Association.

6.5.2 We will also make other governance related policies and other relevant documents freely available. This will include in particular our:

- Rules
- Standing Orders (including Terms of Reference)
- Membership Policy
- Staff Structure
- Financial Regulations
- Conflict of Interests
- Minutes of meetings (where these are not confidential)

6.6 Customer Surveys

6.6.1 CDHA will carry out periodic surveys of its tenants and service users to determine the level of satisfaction with CDHA services and performance. These results will be published in full and in a summary format along with CDHA's response to them, in order to demonstrate CDHA's commitment to act on the results of the information received.

6.7 Housing Investment Plans

6.7.1 CDHA will make available its plans to upgrade or improve the housing stock.

6.8 Scottish Housing Regulators Assessment of CDHA's Performance

6.8.1 This is published on <https://www.housingregulator.gov.scot/>. CDHA will advise or assist any person who may wish to obtain or access this information.

7. PUBLISHING INFORMATION

7.1 The Association will publish and distribute information about our activities and performance. This will be made available through a range of channels including:

- CDHA's website, which will be maintained in order to ensure that it provides an accessible, accurate and up-to-date information resource
- CDHA's Guide to Information
- Facebook page or other social media
- Tenants Handbook
- Tenant Portal
- Regular Newsletters distributed to tenants, shareholders and other interested parties.
- In printed form; upon request from CDHA's offices.

- 72 CDHA will regularly ask stakeholders how they would like information provided and will be innovative in championing alternatives to the core systems noted above.
- 73 CDHA 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.
- 74 In order to overcome barriers caused by sensory impairments, language difficulties, literacy issues and other particular needs, CDHA will make information available on request in a variety of information formats and in translation. Policy documents will contain in the English version the following sentence: *“All Policies are available on tape, in braille and in translation into most languages. Please ask a member of staff if you would like this policy in a different format.”*

8. ACCESS TO MEETINGS

- 8.1 Meetings of the Management Committee and Sub Committees are generally closed to the public, but may be open to observers provided that nothing of a confidential nature is being discussed. Observers will not have the right to speak or to vote on any motion.
- 8.2 CDHA, in accordance with its constitution, will hold an Annual General Meeting (AGM) to which all members of the Association will be invited. We will present the Annual Accounts and the report of the Auditor to our shareholders.

9. REQUESTS FOR INFORMATION

- 9.1 In addition to the information made publicly available, CDHA will comply with requests for information wherever practicable and appropriate, subject to considerations of confidentiality, cost and practicality.
- 9.2 The Association is bound by the provisions of the Freedom of Information (Scotland) Act 2002 (FOISA) which came into effect on 11 November 2019. FOISA enables anyone to request any recorded information held by, or on behalf of, Cathcart & District Housing Association.
- 9.3 The Association has adopted the Model Publication Scheme 2018 which has been produced and approved by the Scottish Information Commissioner. The scheme sets out our commitment to make certain classes of information routinely available.
- 9.4 CDHA have published our Guide to Information on our website which is updated regularly. The purpose of the Guide to Information is to:
- allow the public to see what information is available (and what is not available) for Cathcart & District Housing Association in relation to each class in the Model Publication Scheme 2018
 - state what charges may be applied

- explain how to find the information easily
- provide contact details for enquiries and to get help with access to the information
- explain how to request information that has not been published.

10. PROCEDURES FOR RESPONDING TO INFORMATION REQUESTS

- 10.1 The Association aims to acknowledge requests for information within five working days of receipt.
- 10.2 Cathcart & District Housing Association aims to respond to all requests promptly and in any event within 20 working days following receipt of a valid request.
- 10.3 The requester will be informed if it is not possible to comply with this timescale and will be given an indication of when the response is likely to be provided.
- 10.4 The request must state the name and address of the person applying for the information and the required information. Requests for information must be made in writing, which includes emails.
- 10.5 Information will be provided if it is held, unless one or more of the exemptions listed in the legislation applies. Information which is exempt does not have to be provided.
- 10.6 Where a request is refused, a refusal notice must be issued setting out the section of FOISA being relied upon and in most instances explaining the reasons for the refusal.
- 10.7 Where we believe the request to be vexatious, we will issue a refusal notice unless we have already done so in response to an earlier vexatious or repeated request from the same individual, and it would be unreasonable to issue another one.
- 10.8 Cathcart & District Housing Association can refuse requests if they are repeated within a reasonable timescale from the previous request, whether or not they are also vexatious.
- 10.9 For further information, please refer to our Freedom of Information Policy.

11. CHARGING FOR INFORMATION

- 11.1 We may charge for providing information to you, but we will charge you no more than it costs us to do so. We will always tell you what the cost is before providing the information to you.
- 11.2 There is no charge to view information on our website or at our premises.
- 11.3 Charges are calculated based on the actual cost to CDHA for providing the information.
- Photocopying is charged at 15p per A4 sheet for black and white copying, 25p per A4 sheet for colour copying
 - Photocopying is charged at 25p per A3 sheet for black and white

copying, 40p per A3 sheet for colour copying

- Postage is charged at actual rate for Royal Mail First Class
- Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour

- 11.4 There will be no charge for information requests which cost us £100 or less to process. Where information costs between £100 and £600 to provide you may be asked to pay 10% of the cost.
- 11.5 In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge.
- 11.6 There is no charge* for requesting your own personal data under the UK General Data Protection Regulation (GDPR) Subject Access Request. We must provide a copy of the information free of charge. *However, we can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.
- 11.7 For further information, please refer to our Information Charging Guide.

12. CONFIDENTIAL INFORMATION

- 13.1 CDHA, while fully committed to the principles of openness and accountability, also recognises the need, and in some cases the statutory duty, to maintain confidentiality in respect of certain information and activities.
- 13.2 In general terms, the following information will be regarded as confidential:
- Personal information held about individuals (Management Committee members, tenants and other customers), 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, remuneration, or any grievance and disciplinary action;
 - Matters relating to the business of CDHA and its subsidiary that are defined as commercially sensitive. CDHA will apply the following definition of commercially sensitive information "*information that has an intrinsic commercial value where the value depends upon its confidentiality being maintained, or where although 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.*"
 - Matters related to legal disputes or actions concerning the Association;
 - Matters relating to the business of CDHA's and its subsidiaries' funders, partners and contractors and other third parties with which CDHA has or may have a business or commercial relationship, and which have been provided to CDHA in confidence;
 - Items deemed on their individual merits to be confidential

13. SAFEGUARDING CONFIDENTIAL INFORMATION

- 131 In the interests of clarity, all papers prepared for consideration by the Management Committee and its Sub Committees, which meet the criteria referred to above, will be marked as CONFIDENTIAL.
- 132 As an additional safeguard, no names, addresses or other details, which would allow individuals concerned to be identified would be given in these papers. Management Committee discussions on these items will be recorded in a confidential minute, which will not form part of the publicly available record of the meeting.
- 133 The Association will ensure those committee members and officers, consultants, contractors and others who, by virtue of their relationship with the Association, have access to confidential information, will process this information lawfully and in accordance with the provisions of UK GDPR. UK GDPR defines personal data as “all data relating to a living individual who can be identified either from that data or from other information in the possession of the data controller”.
- 134 Committee members and officers must ensure that disclosure of such information either directly or indirectly, is necessary, lawful and restricted to only those who have a right to the information.
- 135 Where Management Committee members receive an enquiry from a tenant or other customer, they should advise the person to contact the appropriate member of staff rather than dealing 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.
- 136 The day to day work of the Association necessitates the processing of data and data sharing. It is necessary therefore that the Association has clear procedures in place e.g. data sharing agreements and procedures for dealing with access requests and data correction.

14. EXCEPTIONS

- 14.1 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 data protection legislation and CDHA's Privacy Policy (see below).
 - Where an employee has appealed to the Association and a personal representation is being made to the relevant Committee as a stage in the disciplinary procedure.
 - Where the Association has a legal obligation to provide information to a third party, for example under a court order.
 - Where information is requested by the police or other third party, covered by local protocols on sharing information.
 - Where information is requested for the purposes of providing a

reference.

- 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 Management Committee 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 CDHA's Whistleblowing policy).

15. DATA PROTECTION

15.1 It is a legal requirement that Cathcart & District Housing Association process data correctly. Cathcart & District Housing Association must collect, handle and store personal information in accordance with the relevant legislation. The relevant legislation in relation to the processing of data is:

(a) the UK General Data Protection Regulation ("the UK GDPR");

(b) the Privacy and Electronic Communications Regulations 2003 ("the PECRs" (as may be amended by the proposed Regulation on Privacy and Electronic Communications); and

(c) The Data Protection Act 2018 (DPA 2018)

15.2 CDHA has a separate Privacy Policy which sets out how the organisation will meet the requirements of the legislation and observe best practice in data protection.

16. BREACHES OF CONFIDENTIALITY

16.1 Any breach of confidentiality, whether deliberate or inadvertent, will be dealt with seriously by CDHA. The circumstances surrounding the breach will be taken into account and may result:

- In the case of staff, investigation and possible disciplinary action in accordance with the disciplinary procedures
- In the case of Management Committee Members, investigation and possible action under the Association's Code of Conduct for Committee Members

17. TRAINING

17.1 The Association is committed to training and developing staff and committee members to their full potential in order to deliver a high quality of service in all areas of its business.

17.2 The Management Committee and staff induction programmes include an overview of this policy, including responsibilities for the promotion and delivery of openness and confidentiality as relevant to their job descriptions. Committee and staff members will receive updates on these issues and specific training as required.

18. EQUALITIES AND DIVERSITY

18.1 This policy will be implemented in line with our Equality and Diversity Policy and is subject to an Equality Impact Assessment to assess the likely or actual effects of the policy to our customers in respect of their disability, age, gender, race, religion/belief, sexual orientation or gender identity to ensure equal and fair access for all.

19. MONITORING AND REPORTING

19.1 The Association will use appeals, complaints, comments or suggestions from users of this policy to monitor its effectiveness. These will also be used to prompt a review of the policy where necessary.

20. REVIEW

20.1 This Policy will be approved by the Management Committee. It will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

21. DISTRIBUTION

21.1 This policy will be made available to every employee and committee member and will be made freely available to any tenant or interested party.

22. RELATED POLICIES

- Standing Orders
- Privacy Policy
- Freedom of Information Policy
- Environmental Information Regulations Policy
- Subject Access Requests Policy
- Information Charging Guide
- Complaints Policy
- Notifiable Events Policy
- Financial Regulations Policy
- Whistleblowing Policy
- Codes of Conduct
- Terms and Conditions of Employment