



**POLICY ON OPENNESS AND ACCOUNTABILITY**

**Reviewed/Approved: November 2015**

**Next Review: November 2018**

## 1.0 Policy Purpose

- 1.1 This Policy describes how the Association will make information available about our organisation, governance and services, to promote accountability to customers and other stakeholders. The Policy also explains when we may treat information on these matters as confidential.
- 1.2 The Association has a separate **Policy on Data Protection and Confidentiality of Personal Information**. This covers:

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- The processing of personal information;
  - Access to personal information and files;
  - Requests for personal information by third parties;
  - Maintaining the security of personal information;
  - The standards of confidentiality our customers and employees can expect from us.
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## 2. Legal and Regulatory Requirements

- 2.1 The Association's main legal obligations are set out in:
- **The Housing (Scotland) Act 2001** Obliges us to give tenants information about our policies and procedures
  - **The Scottish Public Services Ombudsman Act 2002** Obliges us to publicise and make available investigation reports by the Ombudsman
  - **The Housing (Scotland) Act 2010** Sets the legal framework for housing regulation, including the Scottish Social Housing Charter.
- 2.2 The Freedom of Information (Scotland) Act 2002 does not currently apply to the Association. Instead, we must comply with the **Scottish Social Housing Charter** and the Scottish Housing Regulator's **regulatory standards and guidance**. These oblige us to:

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- Be open and accountable for what we do, taking account of the needs and priorities of our customers and stakeholders;
  - Give customers and stakeholders information that meets their needs about the Association, our services, our performance and future plans;
  - Publish information about our activities, agreeing where possible to requests for information about the work of the Management Committee and the Association;
  - Meet the information needs of regulators and funders, for example the reporting of any "Notifiable Events" to the Scottish Housing Regulator.
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## 3. Policy statement on Openness and Accountability

- 3.1 The Association aims to be fully accountable to our customers and the communities we serve, as well as to people seeking to use our services, funders and regulators. We will evidence our commitment to openness by:

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- Complying with the statutory and regulatory requirements already described;
  - Making customers aware of what information they can access and how to obtain it;
  - Making information freely available about the Association, how we are governed, our services and performance, and the major decisions we make;
  - Promoting resident consultation, participation and feedback;
  - Being clear about when information must remain confidential and the reasons why;
  - Checking periodically with customers that the information we provide meets their needs.
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## 4. Making Information Available

### Publication Scheme

- 4.1 The **Publication Scheme** at **Appendix 1** shows the information that the Association will routinely publish or make available on request. We will make the listed information available on our website and/or or by hard copy (letters, leaflets etc.). If we normally publish any information online only, we will also make the information available at our office or by sending a hard copy.

### Information requests made by the Association's customers

- 4.2 The Association welcomes requests in writing or by email, for information that we do not routinely publish. We will respond positively to customers' requests for information, unless there are justifiable reasons for refusing. For example, if a request relates to:

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- Personal information about individuals who have not given their consent to publication or disclosure;
  - Information that is commercially sensitive, such as current commercial negotiations, contracts or transactions;
  - Matters that are, or may become, the subject of legal actions;
  - Information provided to the Association in confidence by funders, partners or contractors;
  - Matters judged, on their merits, to be confidential.
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- 4.3 We reserve the right not to meet a request if it would significantly divert resources from our services to customers or the efficient management of the Association.

- 4.4 The Association's Director will have authority to:

- Approve or refuse requests that may meet the criteria for being confidential and/or commercially sensitive;
- Seek legal advice on how to deal with complex information requests.

- 4.5 The Association will give reasons if the Director decides not to meet an information request and notify the person making the request of their right to seek a review of the decision. This decision can be appealed by writing to the Chairperson of the Management Committee.

## **Timescales for Response and Charges**

- 4.6 The Association will aim to meet information requests from customers within a period of 20 working days. We may provide information in one or more of the following ways:
- Publication on our website
  - Inspection at the Association's office
  - Providing information in hard copy.
- 4.7 There will be no charge to view information at the Association's office, nor will we normally charge for making information available in hard copy. If a request is substantial, we may re-charge photocopying costs (at 10 pence per A4 sheet) and the actual costs of postage. We will confirm any costs before providing the information.

## **Vexatious Requests**

- 4.8 The Association reserves the right not to meet requests that we decide are vexatious, for example if repeated requests have already been refused or if we reasonably consider that a request may be intended to disrupt the Association's work. We will give reasons for our decision and signpost the applicant to our complaints procedure, if they wish to use this. We will not decide that a request for information is vexatious simply because it causes irritation or nuisance, or to avoid dealing with it.

## **Media Enquiries**

- 4.9 The Director will normally respond to requests for information or comment from the media. Other staff members should only speak to the media if they have prior authorisation from the Director. Similarly, committee members must not speak to the media without prior authorisation from the Chair.

## **5. Safeguarding Confidentiality**

- 5.1 In carrying out their role, the Association's committee and staff members and volunteers must:
- Never pass on confidential information about the Association's business, to people who have no need or right to know it;
  - Seek advice, if in any doubt about whether information is confidential.
- 5.2 Committee reports on confidential matters will not be available to the public and will be the subject of a separate minute. Internal distribution of confidential reports and minutes will be restricted to committee members and appropriate managers and staff.
- 5.3 Confidential reports and minutes will always be made available to the Association's regulators and auditors.

## **6. Compliance with the Policy**

- 6.1 To achieve the objectives of this Policy, the Management Committee and staff members should adopt an open approach to making non-confidential information available about the Association. Equally, breaches of confidentiality are a serious matter and will be dealt with

under the Association's disciplinary procedures (staff) and Code of Conduct (committee members).

6.2 Where a committee, staff member or volunteer has a serious concern about wrongdoing or misconduct within the organisation, they will be able to raise their concerns under the Whistleblowing Policy, without being considered to have breached confidentiality requirements.

6.3 While this Policy deals specifically with the Association, its overall principles and requirements will also apply to the Association's subsidiary SFARS Ltd.

## **7. Equal opportunities**

7.1 The Association is committed to ensuring equal opportunities and fair treatment for all people in our work. Where information in a particular format or language is needed, the Association will make all reasonable efforts to provide this.

## **8. Policy Review**

8.1 This Policy will be reviewed in three years' time, or earlier if required.

The Publication Scheme sets out the range of information the Association will publish or make available on request, either on our website or by sending a hard copy. The intended users of the Publication Scheme are the Association's tenants and other customers. We welcome feedback about the information listed and any changes that should be made.

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### **Class 1: Information about the Association**

- How to contact the Association, during office hours and at other times
- Names of Management Committee members and staff
- The Association's Rules
- Information about how to become a member and to seek election to the Management Committee, or otherwise participate in the management of the Association
- Full copies of our governance policies (available on request)

### **Class 2: Information about the Association's Services**

- Tenants and owners handbooks
- Customer newsletter
- Information about how to access our services
- Information about our policies and arrangements for service delivery (available on request) and any changes in our service standards
- Information about annual rent review proposals
- Information about annual reviews of factoring and service charges
- Our complaints procedure, and how to refer a complaint to the Scottish Public Services Ombudsman
- Customer Privacy Notice
- How tenants and residents can become involved in or be consulted about our services and activities in the community
- Tenants' right to repair and right to compensation for improvements under the Housing (Scotland) Act 2001

### **Class 3: Information about how the Association is Performing**

- Annual Report
  - Annual Scottish Social Housing Charter report
  - Copies of Care Inspectorate reports for our registered Housing Support Services
  - Results of satisfaction surveys and other feedback received from customers
  - Reports for any inquiries or inspections about our services published by the Scottish Housing Regulator, the Scottish Public Services Ombudsman
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**Class 4: Information about how the Association makes decisions and what we have decided**

- Minutes of Management Committee meetings (excluding any confidential items)
- Committee reports (available on request and excluding any reports that deal with confidential or commercially sensitive information)
- Customer involvement strategy
- Customer consultations

**Class 5: Information about what the Association Spends**

- Annual Report
  - Audited Accounts (including senior officer remuneration)
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