

POLICY ON OPENNESS AND CONFIDENTIALITY

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POLICY ON OPENNESS AND CONFIDENTIALITY

1. INTRODUCTION

- 1.1 Thenew Housing Association recognises that as a partially publicly funded body we should be open in our dealings and accountable for our actions. At the same time we recognise our duty to stakeholders to keep personal or sensitive information confidential.
- 1.2 We are open about what we do and publish information about our activities. We provide information that people ask for, unless there are justifiable reasons for withholding it. In line with guidance on good practice from a range of sources (Scottish Federation of Housing Associations Raising Standards in Housing, Communities Scotland Performance Standards, Nolan Committee report), Thenew will always make public our annual reports, any of our policies, and other key documents, and provides a range of information to tenants and other stakeholders in the interests of accountability and to encourage involvement in decision making. This policy formalises the association's commitment to openness whilst balancing the competing requirement of confidentiality and was approved by the Management Committee on December 5th 2006.

2. OPENNESS

- 2.1 Thenew will operate in an open and accountable manner to all our major stakeholders. These may be defined as those people or organisations who have a direct interest in Thenew's operation and performance. The list includes members, committee members, tenants, sharing owners, owner-occupiers, local communities, clients, Communities Scotland, local authorities, other partner organisations, commercial contacts and staff.
- 2.2 The provision of information in an appropriate form is essential for achieving openness.

Thenew will: -

- Provide information leaflets covering a range of housing management and maintenance services provided e.g. on allocations and transfers, repairs services and responsibilities, factoring, and complaints procedures.
- Provide any reasonable information on request about the association and our activities, and reserve the right to charge photocopying costs if large in volume.
- Include information in the annual report to members on the organisation's structure, activities, performance and annual accounts.
- Circulate the annual report widely and make it available on request.
- Produce regular newsletters for tenants and members and call area or public meetings as appropriate.
- Make accessible on request reports and minutes of the Management Committee, Sub-Committees, Area, or Steering Group Committees or General Meetings except where papers deal with confidential issues. It shall rest with the chairperson, Chief Executive, departmental or area manager as appropriate to

determine whether a matter is confidential. Commercial confidentiality in respect of consultants, contractors and matters relating to personal information will always be treated as confidential

- Consider requests for attendance at non-confidential parts of Management Committee, Sub-Committee or Area Committee meetings by observers subject to reasonable constraints of numbers and an understanding that there is no right to speak.
- Use the Annual General Meeting as a means of general communication with members and other stakeholders.
- Annually, ask all Management Committee Members and staff to complete a declaration of interest form, which will be held on record.
- Maintain a web site, (www.thenewhousing.co.uk), that gives out information, not limited to but certainly including: -
 - Our annual report
 - Tenant newsletters
 - Up-to-date news
 - Advice on applying for a property and housing benefit
 - Minutes of Management Committee meetings
 - The current Management Committee
 - Making a complaint
 - Key policies of the association, (membership, allocations, this policy on openness and confidentiality etc)

2.3 Thenew will maintain a variety of registers as required by good practice. Anyone wishing to inspect these may do so, preferably by appointment for a limited period of time, and on request if we can accommodate that. Registers that Thenew maintain, including whether or not they are available for public inspection are: -

Register name	Available for public inspection	Manual or electronic register maintained, (or both)
Disposals of Land or Property	Yes	Both
Execution of Deeds and Contracts	No	Both
Payments and Benefits to Staff	No	Both
Payments and Benefits to Committee Members	Yes	Both
Declaration of Interests – Staff	No	Both
Declaration of Interests – Committee Members	Yes	Both
Titles Register	Yes	Both
Gifts and Hospitality	Yes	Both
Membership	Yes	Both
Fraud	No	Manual
Tenders	No	Manual
Tenant Organisations	Yes	Both
Contractors	No	Both
Complaints	No	Both
Abandonment Register	Yes	Both

2.4 The requirements of the Data Protection Act 1998, the Human Rights Act 1998 and the Freedom of Information Act 2000 will be upheld and procedures for dealing with any requirements will be maintained. (Anyone that wishes to obtain information about themselves will use the Data Protection Act 1998, and should make a 'subject

access request'. If the information that anyone may seek is not about an individual, but relates to a public authority then the Freedom of Information Act 2000 will apply, as it allows a general right of access to 'recorded' information held by public authorities).

3. CONFIDENTIALITY

- 3.1 Confidentiality is a matter of good professional and personal conduct and reflects the principle of respect for others with whom we work.
- 3.2 During the course of Thenew's work, staff and committee members will have access to facts and opinions about committee members, members of staff, tenants and other stakeholders. These will not be divulged, intentionally or unintentionally, to anyone who does not both need and have a right to know them.
- 3.3 Staff and committee members have a responsibility to ensure that any conversation about confidential matters takes place without being overheard, and that confidential documents are kept secure from unauthorised access.

Confidentiality and Service Users

- 3.4 The term "service user" refers to anyone who receives, or applies to receive, services from the association. All service users have a right to expect their dealings with the association to be confidential. Their right to privacy will be respected.
- 3.5 However, staff have a responsibility to inform other staff of any significant risks they are aware of that may be posed through contact with a service user, (e.g. because of an infectious illness or challenging behaviour). Wherever possible the service user's permission should be sought before passing on such information.
- 3.6 Where service users are receiving housing support or care services, the association has a duty of care that may require information to be passed on to other staff or to a third party concerned with the care or support of the service user. In such cases information about service users will be restricted to those who need to know it.
- 3.7 Where appropriate, the service user's permission will be requested to disclose information, but in some circumstances their wishes may not be binding. As a matter of course, staff may discuss clients with managers, or colleagues where working as part of a team.

Confidentiality and Staff

- 3.8 Working relationships are based on trust and mutual respect. Staff members will not talk about one another in ways that might damage this.
- 3.9 Supervision sessions will remain confidential, but misconduct will be reported to senior staff.
- 3.10 Personnel files for staff containing personal and salary details etc will be held in a locked cabinet. A staff member may consult his or her own file by contacting a nominated Administration Officer who holds the key. Access to the locked cabinet will be restricted to the Chief Executive and Departmental Managers. No other staff or committee member will have access to such details without the express

permission of the staff member concerned, or in cases of emergency, only with the agreement of a member of the management team.

- 3.11 In exceptional circumstances, e.g. relating to disciplinary or grievance issues, separate personal files will be created and held by the Chief Executive in a locked cabinet.
- 3.12 Formal processes including staff recruitment, appraisal, grievance and disciplinary action will be treated as confidential, and will not be discussed with anyone within or outwith the association other than appropriate staff.

Confidentiality and Tenants

- 3.13 The association maintains comprehensive records in respect of our tenants, which are held on both paper and computerised files. The association's staff are authorised to access only those files necessary to facilitate the delivery of an efficient and effective service within their area of operation.
- 3.14 Information relating to individuals will only be discussed with that individual and no information will be released to third parties unless it is allowable under current data protection legislation or has been authorised by the individual concerned.
- 3.15 Where the association's staff report individual tenant details to either the Management Committee or any of the association's Sub-Committee's all address references will be removed. Under no circumstances will specific details relating to identified tenants be discussed unless the individual themselves wishes it to be the case.
- 3.16 Staff and committee should not discuss or otherwise reveal any information relating to individual tenants with third parties at any time. In the case of Committee Members receiving enquiries from tenants, the individual should be advised to contact a staff member rather than dealing with the enquiry themselves, as per Thenew's procedures for committee member enquiries or complaints.

Confidentiality and the media

- 3.17 Staff and committee members will not speak to the media (press, radio, TV) about the association, its interests, staff or clients without prior authorisation from the Chief Executive, Departmental Manager or Chairperson.

Confidentiality and references

- 3.18 From time to time the association is approached to provide references for former employees, contractors, suppliers or consultants. Any member of staff is allowed to provide informal and character references for former employees, so long as the request is clear that this type of reference is required. The Chief Executive, any Departmental or Line Manager or an Office Bearer of the Association can only provide all other formal requests for references.

Sanctions

- 3.19 All staff and committee members will maintain confidentiality as outlined above. Failure to do so, by action or omission, may amongst other things damage client's interests, staff morale, professional relationships and Thenew's reputation. Breach of confidentiality may result in disciplinary action for staff and removal from the Committee for a committee member.

4. POLICY REVIEW

This policy will be reviewed at least every three years or sooner if required by changes in law or good practice.