

THE MORAY HOUSING PARTNERSHIP

Openness and Confidentiality Policy

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1. Policy Aims

The Moray Housing Partnership (the “Partnership”) aims to conduct its business in an open and accountable manner whilst, at the same time, ensuring that personal and commercial confidentiality is maintained where appropriate.

The Partnership believes that its members and any other interested parties (for example applicants for housing, or others who receive a service from the Partnership) should have access to information on how it conducts its business. This means that unless information requested is considered commercially sensitive or personally confidential it will be made available on request.

The Data Protection Policy, which specifically deals with personal information, compliments this document. It is available on request from the Partnership’s offices.

2. Objectives

The Policy links with the following objectives, which can be found in the Partnership’s Internal Management Plan:

“To promote social inclusion and equality of opportunity for our members and their communities”.

“To manage and develop the business in an innovative way providing high standards and maintaining financial viability”.

3. Organisational Information Available

Information that the Partnership will routinely make available is detailed below at sections 3.1 to 3.8.

3.1 General Information

The Partnership will issue quarterly newsletters to all tenants which will include general information on aspects of the Partnership’s business, feedback on any consultations that have taken place, for example on Policy review and key performance figures. The newsletters will also be available from our offices.

The Partnership will produce an Annual Report (normally within six months of the financial year end) which will be issued to all tenant members and other organisations. It will also be available on request from our offices. The Annual Report will include key performance figures and a summary report of the Income and Expenditure Account and Balance Sheet.

3.2 Performance against Operational Targets

This will be reported in the Annual Report, quarterly tenant newsletters and at AGMs. The performance figures which will be made available in this way include:

- Reactive repairs response times
- Major works programmes
- Current tenant rent arrears levels
- Former tenant rent arrears levels
- Void loss levels (rent lost on vacant properties)
- Average time taken to re-let a property
- Formal complaints response times

3.3 Policies

Paper copies of all approved key service delivery policies are available from our offices on request.

Invitations to contribute to policy reviews are made in the tenant newsletters. Reports on the outcome of policy consultations are also available in the newsletter.

3.4 Committee of Management Information

Agendas and approved minutes (excluding any confidential sections) of the Partnership Committee of Management meetings will be distributed in accordance with Standing Orders and will be available on request.

3.5 Scottish Housing Regulator Inspection Reports

Inspection Report summaries will be circulated to all tenants via the tenants newsletter. The full report will be made available, on request.

3.6 Annual External Audit

The full set of audited accounts is available on request from our offices. A summary of the audited accounts is sent to all tenants. The External Auditor will present audited accounts at the AGM and will respond to any questions raised. Questions can also be referred to the Finance Manager.

3.7 Internal Management Plan

The Partnership's strategic objectives are included in our Business Plan, a copy of which is available on request.

3.8 Scottish Public Services Ombudsman

The Ombudsman hears appeals from service users where they have made a formal complaint to the Partnership and are dissatisfied with the response received.

If the Ombudsman issues a report about the Partnership's activities, the Partnership must make arrangements, for a period of not less than 3 weeks, for any person to inspect the report and/or obtain a copy of the report, or any part of it. The Ombudsman, however, may direct that the report should not be made available having taken account of the public interest and those of the complainant and other persons.

The Partnership's formal Complaints Policy gives further details about the Ombudsman. A summary of the Complaints Policy is included in the Tenants Handbook and the full Policy is available on request from our offices. A summary leaflet is also available at our offices.

3.9 Additional Requests

Any requests outwith this range will be considered and information provided within a reasonable timescale (normally within 10 working days) unless confidentiality issues prevent this. Requests should be made to the Chief Executive. The Partnership will provide an explanation where a request for information is refused.

3.10 Appeals

Where someone feels they have been unreasonably refused access to organisational information they can appeal by writing to the Chair of the Committee within 28 days of the date of receipt of the refusal. The appeal will be acknowledged within 5 working days. The Committee will consider the appeal at the next scheduled Committee meeting. The Chair of the Committee will advise of the outcome within 3 working days of considering the appeal.

3.11 Costs

Most requests will be dealt with free of charge. However, the Partnership does reserve the right to charge a reasonable fee where the cost of finding and providing information exceeds £100. Details of any costs and the reasons for them will be explained and will be payable prior to information being provided. Appeals against the level of any costs can be made following the same process as in 3.10 above.

4. Personal Information

The Partnership's Data Protection Policy is available on request from our office. The Policy details the Partnership's commitment to following the principles of the Data Protection Act 1998 in dealing with all personal information that we hold.

4.1 Access to Personal Information

Under the Data Protection Act 1998, tenants, former tenants, applicants, employees and anyone else the Partnership holds personal information about have the right of access to such information unless exemptions under the Data Protection Act 1998 apply. The Partnership will respond as promptly as possible to such requests and certainly within the 40 days laid down in the legislation. Requests for access to personal information should be made to the Chief Executive.

There is a further right to have inaccurate information corrected. The Partnership will respond as promptly as possible to such requests and certainly within the 21 days laid down in the legislation.

The Tenant Handbook includes a section on “Access to Information” which outlines how a tenant can access the personal information the Partnership holds about them.

On an annual basis all tenants are also issued with a copy of the core personal information which the Partnership holds about them and are asked to respond if there are any changes, omissions or inaccuracies. This is accompanied by the leaflet, “Your Information and the Partnership” which further explains the type of personal information we hold, what it is used for, how tenants can access it and the right to have inaccurate information corrected. This leaflet is also available on our website.

4.2 Costs

The Partnership will not normally charge for requests for access to personal information. However, it does reserve the right to make a charge of £10 to cover administration costs where the cost of accessing and providing the personal information is more than £100.

Please note that applicants for housing have the right to check information they have provided in connection with their housing application free of charge.

5. Openness In Decision Making And Opportunities To Influence Decisions

The Partnership actively encourages tenants to participate in decision making processes in a wide range of ways. These include:

Committee; Sub-Committees; Area Tenant Boards (ATBs); Tenant Volunteers; Tenant Contacts; Tenant Panel and Focus Groups.

The Partnership’s Tenant Participation & Improvement Strategy gives full details of the role and operation of each of the above. This Strategy was issued to all registered interested tenants following the latest review and is also available from the Partnership’s Website www.morayhousingpartnership.org.uk and on request from our offices. A summary leaflet is also available at our offices.

6. Confidentiality

It is not possible to produce a definitive list of all items considered confidential. The following, however, are considered confidential and will at no time be divulged inappropriately:

- Commercially sensitive information, for example, details which may jeopardise a development or business opportunity while negotiations are ongoing; and
- Personal details about tenants and other service users. This means that the names, addresses, details about family composition or economic status (or any other means of identification) of individuals will not be given in Committee reports or minutes or in any way divulged to anyone other than staff members, or other professionals on a “need to know “ basis. Any disclosures will be made in line with the Data Protection Act 1998.
- All data records (both paper and computer) will be kept confidential to the appropriate staff members. Committee members will not have access to an individual’s personal records.
- Personal confidentiality of staff members will be respected. This means that we will not divulge any personal information about staff members to tenants and other service users that is not directly relevant to their professional relationship.

Exceptions to the above are:

- Where a tenant or other service user chooses to make a personal representation to a Committee, for example as part of an appeals procedure.
- Where the Partnership has a legal obligation to provide information to a third party.

7. Breaches of Confidentiality

Any breach of confidentiality, whether deliberate or inadvertently, by staff or Committee members will be dealt with seriously by the Partnership. The circumstances surrounding the breach will be taken into account. Breaches may result in disciplinary action being taken against a member of staff or a Committee member being required to leave the Committee, subject to the Partnership rules.

8. Training

The Partnership, through its Internal Management Plan, 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 to tenant members and the public.

The employee induction programme includes an overview of this Policy, including responsibilities for the promotion and delivery of openness and confidentiality as relevant to their job descriptions. Committee members and staff will receive updates on these issues and specific training on any specialised areas as required. Training needs are identified on an ongoing basis by various means including through regular staff supervision.

9. Equal Opportunities

The Partnership will ensure that in implementing its Openness and Confidentiality Policy it will not unfairly discriminate against any individual, household or group on the grounds of sex or marital status, race, disability, age, sexual orientation, language or social origin, other personal attributes, including beliefs or opinions such as religious or philosophical beliefs or political opinions.

10. Monitoring and Reporting

The Partnership 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.

A summary of appeals received, including the outcome will be reported to the Committee on a quarterly basis as required.

11. Review

This Policy will be approved by the Committee and is reviewed in consultation with staff members and registered interested tenant members. 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.

12. Legal Framework

- Data Protection Act 1998
- Freedom of Information (Scotland) Act 2002 (the Partnership is not currently bound by this legislation but this Policy takes account of the spirit of the legislation).

13. References

- Communities Scotland Performance Standard: GS3.5 Openness and confidentiality
- SFHA Raising Standards in Housing: Access to Information (2002)
- BSI: Data Protection Guide.

14. Related Policies/Documents

- Data Protection Policy
- Committee Membership Policy
- Tenant Participation & Involvement Strategy