



**Gardeen Housing Association Ltd**  
**Building a Better Future**

## **GARDEEN HOUSING ASSOCIATION**

# **Openness & Accountability Policy**

**Scottish Charity: SC 037681**

Management Committee Review:	<b>March 2017</b>
Management Committee Approval:	<b>2<sup>nd</sup> March 2017</b>
Policy Implemented From:	<b>March 2017</b>
Next Review:	<b>March 2020</b>

## 1. BACKGROUND

The purpose of this policy is to outline the Association's obligation to provide information to tenants, residents, funders and lenders amongst others while ensuring that sensitive issues are maintained in confidence by the Association.

This policy must therefore outline the Association's methodology of providing the balance between providing access to information while maintaining information in accordance with the Data Protection Act 1998 and protecting confidentiality. This policy will apply to all Gardeen Housing Association Committee Members and staff members.

The aim of this policy is to describe:

- How Gardeen will meet its commitment to openness and accountability
- How it will make information available and provide access to information
- How it will deal with information, which must remain confidential.

## REGULATORY STANDARDS OF GOVERNANCE AND FINANCIAL MANAGEMENT

2.	Gardeen is open 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
6.	Gardeen Housing Association conducts its affairs with honesty and integrity

### Scottish Social Housing Charter

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.**
3. **Legal and Regulatory Framework**

The legislation relevant to this Policy includes:

- Data Protection Act 1998  
Provides rights to individuals in relation to personal data held about them
- Freedom of Information Act (Scotland) Act 2002  
Entitles members of the public to receive information that they request
- Housing (Scotland) Act 2001  
Provides a right to tenants to receive information about services
- The Scottish Secure Tenants (Right to Repair) Regulations 2002
- Scottish Public Services Ombudsman Act 2002
- Human Rights Act 1998
- Housing Scotland Act 2010

## **2. Openness**

Openness is an open/inclusive method for the Association to adopt whereby members of the Association will have the opportunity to influence the decision making process.

As part of the Housing (Scotland) Act 2001, the Association is required to consult tenants directly on issues which affect them e.g. Rent Policy.

The Association has adopted a Tenant Participation Policy and involves tenants through newsletters, annual general meetings and the Association's web site. In addition the Association has developed a Facebook page. A consultation register has also been established to allow Gardeen Housing Association tenants to be involved in policy changes.

The Association also undertakes regular customer satisfaction surveys to assess the opinions of tenants in relation to the services that Gardeen Housing Association provides.

A Tenants Handbook is also produced to provide information to tenants. The Association uses social media to update tenants, applicants and owners through Facebook, website and Twitter.

Gardeen Housing Association provides the following information:

- Annual reports and accounts
- Performance Reports
- Model Complaints Policy
- Tenancy Agreement
- Information about Right to Repair, right to Compensation for Improvements
- Repairs Service
- Allocations

## **3. Methodology**

Gardeen Housing Association (GHA) shall ensure that tenants are involved in the operation of the organisation.

This shall be carried out by ensuring that:

- All information provided to tenants will be in plain English and will avoid jargon.
- Information will also be provided in a range of formats including tape, Braille, large print or translated into another language. This will be provided on request.
- Information will also be available on the Association's website.

The information provided will be to:

- inform residents of the Association's performance in relation to key performance indicators; performance audit report and annual performance.
- to keep residents up to date with key developments.
- to advise residents of changes in policy development.
- to inform residents of community development initiatives.
- to inform residents of the outcome of tenant satisfaction surveys.
- to inform residents of the performance of Gardeen Housing Association with our neighbouring associations through benchmarking reports.
- Inform resident of the outcome of the ARC that is provided to the Scottish Housing Regulator.
- To produce an annual performance report on how the Association has performed as measured against the outcomes of the Social Housing Charter.
- How the Management Committee is elected.
- How decisions are made by the Committee.

### **INFORMATION HELD BY GARDEEN HOUSING ASSOCIATION**

Information which is held by the Association which is confidential includes:

STAFF

Address

Household Details

Age

Gender

Disability

Salary

Personnel Record

Appraisal Record

Pension Scheme Membership

Trade Union Membership

### **Sensitive Personal Data**

Sensitive personal data will include the following:

Racial or ethnic origin

Religious belief

Mental or physical health

Sexual orientation

Criminal record

This information is often requested as a result of the recruitment exercise where information is gathered for monitoring purposes.

## **4. Confidentiality**

Confidentiality is ensuring that the disclosure of information does not affect a resident's rights.

Gardeen Housing Association holds information on names, ages, addresses of households and will also have access to financial income information.

This information is vital to ensure that the Association can meet its business needs by collecting income, allocating houses, providing repairs service, developing houses.

The information will not normally be disclosed to a third party unless special circumstances arise e.g. it is a requirement of the Fraud Act to advise housing benefit of any changes which could lead to the fraudulent claim of housing benefit.

Information would also be passed to the emergency services in the result of an emergency situation or during a criminal investigation.

Gardeen Housing Association will also produce information for general statistical use which will not identify the personal details of the tenants.

Gardeen Association must also abide by the Data Protection Act 1998 which covers the holding of key information

## **5. Compliance**

Compliance with the Data Protection Act 1998 requires the following:

- Information shall be processed fairly and lawfully.
- It shall be kept up to date.
- It shall not be kept longer than necessary.

Residents can:

- access their personal information by prior arrangement
- amend inaccurate information
- receive compensation where information is inaccurate
- request a Data Protection Commissioner to assess whether confidential information is being processed lawfully

## **6. Data Protection Issues and Examples**

The Association will deal with examples of Data Protection in relation to:

### **Disclosure of information in compliance with the Crime and Disorder Act 1988.**

Staff involved in providing this information will work in accordance with the protocol arrangement which has been developed by Glasgow City Council and the Social Work Department.

### **Evictions for Anti-Social Behaviour**

Information will be required from other agencies such as Social Work Department. All agencies involved in the provision of this information will be required to abide by the Data Protection Act 1998.

### **Rent Records**

Rent records will be kept up to date and accurate.

Reports to Management Committee will be by case number and tenants identity will be kept confidential.

## **7. Freedom of Information Act 2000**

The Act enables people to gain access to information held by Gardeen Housing Association in two ways:

### **> Publication Scheme:**

Gardeen must make information available to residents. This is a commitment of the Association and a range of publications are made available to residents and applicants.

### **> General Right of Access:**

Any person has the right to make a request for information held by Gardeen. Gardeen must provide this information within 20 days.

As a result, Gardeen must be able to respond to the requests for information while maintaining the confidentiality of other residents e.g. in relation to information contained within house files.

If tenants/residents/applicants are dissatisfied at the service they have received, then they have the right to complain to the Information Commissioner who is the independent regulator of the Act.

## **8. Requests for Information**

Residents who request information will be provided with the information in compliance with the Data Protection Act 1998 and the Freedom of Information Act 2000.

## **9. Breaches of Confidentiality**

All Staff and Committee will abide by the terms of this policy. Committee Members will be asked to leave the Committee if they breach the Code of Confidentiality in accordance with the Rules of the Association. All members of staff and committee sign a code of conduct document and must abide by the terms of confidentiality.

Staff members will face a disciplinary investigation if there are breaches of confidentiality.

## **10. Equal Opportunities**

Gardeen Housing Association is committed to ensuring equal opportunities and fair treatment for all people in its work. In implementing its policy on Openness and Confidentiality, Gardeen Housing Association will ensure that it achieves fairness towards all staff, governing body members, tenants and applicants, irrespective of factors such as gender or marital status, race, colour, disability, age, sexual orientation, language or social origin or other personal attributes.

## **11. Review Process**

This policy will be reviewed every three years unless there is a change in legislation or good practice.