

AGENDA ITEM:	5g
TO:	Management Committee
PREPARED BY:	Linda Sichi (Deputy CEO)
SUBJECT:	Review of Openness & Confidentiality Policy
DATE OF MEETING:	09 April 2024
APPROVED BY:	Paul Martin (CEO)

OPENNESS & CONFIDENTIALITY POLICY

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Registered under the Co-operative and Community Benefit Societies Act 2014.



1. POLICY AIM

1.1 The aim of this Policy is to ensure that, in terms of good practice; Milnbank Housing Association (MHA) conducts its affairs openly and makes information publicly available unless there are justifiable reasons for withholding it. The Policy also sets out the standards of confidentiality that all MHA Management Committee Members (MC) and employees must meet when dealing with personal or sensitive information.

1.2 Policy Statement - The Association is open about and accountable for what it does. It understands and takes account of the needs and priorities of tenants, other service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

2. RELEVANT LEGISLATIVE & STATUTORY OBLIGATIONS

2.1 MHA will comply with all relevant statutory and regulatory obligations that apply to making information available. These obligations include data protection, GDPR, Equality, Human Rights, Housing, and the SPSO.

2.2 MHA meets the requirements of the SHR Regulatory Standards of Governance and Financial Management, Standard 2, "The Association is open about and accountable for what it does. It understands and takes account of the needs and priorities of tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities".

3. OPERATIONAL

3.1 MHA strives to make information available to tenants, owners and other customers about MHA's services, its performance, and future plans. This may take the form of issuing regular newsletters, holding public meetings, displaying on MHA website and other social media platforms, displaying literature in the office reception etc.

3.2 MHA will respond positively to requests for information, unless there are justifiable reasons why it is not possible to do so (E.g. due to confidentiality of individuals would be compromised, or information requested is commercially sensitive).

3.3 This Policy should be read in conjunction with other MHA policies (e.g. Handling Complaints, Communication, Whistleblowing, Unacceptable Actions and GDPR) as they aim to assist MHA encouraging openness and promoting confidence in those who have contact with the Association.

4. MAINTAINING CONFIDENTIALITY

4.1 Alongside our commitment to openness, MHA will protect individuals' rights to confidentiality, and we will have clear arrangements for dealing with any business matters that need to remain confidential.

4.1a) Residents of MHA - MHA operate the GDPR which means that residents' personal data is processed and retained in accordance with the Fair Processing Notice. Staff will receive the necessary training in operating data, always ensuring confidentiality and security. Full details of this are highlighted in the GDPR Policy.

4.2) Management Committee Members – As the governing body, the MC recognises it is accountable to MHAs tenants, and has a wider public accountability to the taxpayer as a recipient of public funds, and actively manages its accountabilities.

4.2a The MC members are bound by MHA's Code of Conduct. All business conducted at committee meetings is regarded by the MC as strictly confidential, unless agreed otherwise, and will not be discussed with members of the public at any time. Where a confidential minute of a meeting is recorded or a confidential report issued to MC members, this literature will be retained in MHAs official record file with access being limited to the CEO's.

4.2b Where any MC member has a conflict of interest in any aspect of the business to be discussed, this is declared at the start of the meeting with the Member physically leaving the room during the discussion. All declarations of interest are recorded in the appropriate register.

4.3) MHA Employees - All employees are bound by the confidentiality clause within the Associations Code of Conduct and the Conditions of Service. When discussing MHA business, residents have the right to speak to the relevant member of staff in private with the discussion being confidential.

4.3a Access to data of a personnel nature (e.g. staff personnel files) is restricted to authorised HR staff and processed in accordance with the terms of the GDPR.

All MC and staff must comply with this policy. Breaches of confidentiality are a serious matter and may be considered as gross misconduct and could result in dismissal of employees or removal of Committee members.

4.4) The Scottish Housing Regulator (SHR) - The SHR, the regulatory body for housing associations, has inquiry powers to make routine requests for information from social landlords (e.g. Annual Returns on performance, financial information etc.). MHA is open, co-operative, and engages effectively with all its regulators and funders, notifying them of anything that may affect its ability to fulfill its obligations. It informs the SHR about any significant events such as a major issue, event or change as set out and required in notifiable events guidance.

5. POLICY MONITORING & REVIEW

The Openness & Confidentiality Policy is under the auspices of the Management Committee. The policy will be reviewed every 3 years or as otherwise determined by legislation and/or regulation changes.