



**CORPORATE  
POLICY  
HANDBOOK**

**APPROVED 20 JUNE 2023**

## EQUALITY AND DIVERSITY

We aim to encourage an environment of equality amongst our customers, employees, Board members and other individuals. Our policy on equality and diversity sets out the principles that Thenu will apply to all its work in governance, employment and service provision. We will ensure that all our processes comply with our policy and that those suppliers of goods, services and works have Equal Opportunity policies.

Our information will be clear, simple and consistent, and personal information gathered for the purposes of monitoring equal opportunities will be handled in accordance with the principles set out within the Data Protection Policy. Individual monitoring forms will be used for statistical purposes only and destroyed on completion of analysing.

We will seek to ensure that there are no barriers as a result of gender or marital status, race, colour, disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinions.

## REVIEW

The policies within this handbook will be reviewed at least every three years or earlier if there is a change in legislation or good practice i.e. the business continuity plan.

## AMENDMENT REGISTER

Where any amendment or revision is made to the policies contained in this handbook, the appropriate section should be updated and the date amended accordingly. The former policy handbook should be kept in a separate file for reference purposes and to demonstrate an auditable trail of policy development.

Amendments of a more 'cosmetic' nature (e.g. changing Communities Scotland to The Scottish Housing Regulator) do not require Board approval, however will be entered into the amendment register (below).

All relevant personnel should be made aware of the amendments/revisions made.

Section/s	Amendment	Date approved by	Next Review Date
<b>All</b>	<b>Full handbook review</b>	<b>07 June 2011</b>	<b>June 2014</b>
Whistleblowing	Policy included in this handbook	22 May 2012	June 2014
Openness & Confidentiality	Addition of a Bribery Register to table	22 May 2012	June 2014
Procurement	Added to Handbook following approval from PSSC 25.11.14	Policy must be used prior to MC approval	June 2014
<b>All</b>	<b>Full handbook review</b>	<b>27 October 2015</b>	<b>October 2018</b>
Marketing & PR	Added to Handbook following approval from BofM 16.02.2016	16 February 2016	October 2018
Sale of Heritable Assets	Added to Handbook following approval from BofM 16.08.2016	16 August 2016	October 2018
<b>All</b>	<b>Full handbook review</b>	<b>21 March 2017</b>	<b>March 2020</b>
Data Protection	Updated for GDPR	18 April 2018	March 2020
FOI & EIR & DP	FOI & EIR policies added & DP amendment	29 October 2019	March 2020
<b>All</b>	<b>Full handbook review</b>	<b>23 June 2020</b>	<b>June 2023</b>
Data Protection	DP policy review with addition of new Social Media Use and Information Security/Personal Breach Management Policies	27 September 2022	June 2023
Equality and Diversity	E&D policy review	11 October 2022	June 2023
Disposals of Land or property	Addition of authorised signatories	18 April 2023	June 2023
<b>ALL</b>	<b>Full handbook review</b>	<b>20 June 2023</b>	<b>June 2026</b>

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## 1. EXECUTIVE SUMMARY

Thenue delivers our housing services from a number of bases, comprising of a central office and two local service centres. To operate effectively we rely on the infrastructure of its buildings, equipment, communications, information both paper and technology based, and staff. Loss of availability of all, or some, of this infrastructure may result in the inability to perform and deliver critical services. The objective of Business Continuity Planning (BCP) is to continue to facilitate continuity of service provision by the association following an unforeseen event, which could interrupt normal operating procedures. Annually, or more often is required, we produce a 'business continuity planning and emergency guideline procedure', which is used in essence to ensure services are delivered at all time to our tenants. This document should be referred to for emergency protocol, details and contacts and may be updated more frequently if necessary.

## 2. AIMS AND OBJECTIVES

The objective of Business Continuity Planning is to permit an effective and timely recovery from emergencies caused by a possible threat. Planning aims to:

- Establish the procedures and resources needed to reduce the impact and the consequences of any disaster;
- Minimise vulnerability to disaster, and protect the association and its services to tenants and residents in the event of a significant unscheduled interruption to operations and services;
- Enable staff to make the right decision at the time of a crisis;
- Minimise the inconvenience and potential disruption to tenants, residents and business partners;
- Minimise direct or indirect, financial exposure; and
- Produce a plan of sufficiently high standard.

## 3. INTRODUCTION

Disasters are uncommon but, if an unexpected event does occur, the prior development of a plan means that the appropriate response will already be known, we can be prepared and the problem should not turn into a crisis. Planning for a disaster is, for some, not only threatening but also unrealistic, as disasters rarely occur, but there is evidence that organisations which have considered and planned for a disaster manage more mundane problems more effectively.

#### 4. BUSINESS IMPACT ANALYSIS

Disasters fall into two categories: either a disaster that affects the running of the business or a disaster that affects residents' homes. Our 'Business Continuity Planning and Emergency Guidelines Procedures' helps us to deal with these events.

We have identified the following as having an impact on the running of the association, over the variety of our locations:

- a. IT systems failure
- b. Telecommunication failure
- c. Failure to access buildings:
  - Fire
  - Flood
  - Extensive vandalism
  - Theft
  - Storm damage
  - Some unconnected local or national incident (hostage, terrorism, pandemic)
- d. Utilities failure (e.g. gas leak)
- e. Remote site systems access failure
- f. Loss of key staff (lottery win, death in service)
- g. Failure or loss of contractor

The matrix that follows describes the method of assessing business risks that the procedures are designed to cover, whether the risk has a high, medium or low impact and the likelihood of that event happening.

Likelihood (L)	Impact (I)
<b>1 = very unlikely</b>	<b>1 = minor</b>
<b>2 = possible</b>	<b>2 = moderate</b>
<b>3 = likely</b>	<b>3 = major</b>
<b>4 = almost certain</b>	<b>4 = catastrophic</b>

#### 5. COMMUNICATION

Throughout the process the Association needs to ensure there is the necessary communication with a wide range of contacts including:

- a. Staff
- b. Board Members
- c. Customers
- d. Partners (e.g. reactive repairs contractors, gas safety contractors).
- e. Insurers
- f. Lenders
- g. Contractors
- h. Suppliers
- i. Computer systems providers

A full list of all contact details is detailed in the association's 'Business Continuity Planning and Emergency Guidelines'. All Managers are expected to have access to this document.

## **6. TESTING BUSINESS CONTINUITY PLANNING AND EMERGENCY GUIDELINES**

Testing ensures that the recovery procedures are viable. Fully testing of the actual recovery processes of some plans are impractical e.g. evacuating our registered office for a test is unrealistic, but a service centre may be more feasible. Therefore a 'walk-through' approach to the recovery procedures should, however, at least be taken in this example.

The following tests have been carried out.

- June 2008: full test at the Cranhill service centre.
- November 2009: full test at the Castlemilk service centre.
- August 2014: full test at London Road office.
- June 2015: simulated test at London Road office.
- July 2017– cyber security test.
- February 2020 – coronavirus remote working test.
- July 2022 – full server recovery test.

The objective of the testing stage is to:

- Ensure the recovery plan will work when required;
- Identify and address weaknesses in the plan; and
- Ensure all staff affected are familiar with the plan.

## **7. REVIEWING BUSINESS CONTINUITY PLANNING AND EMERGENCY GUIDELINE PROCEDURES**

Whilst it is sufficient to review policy on a 3 yearly cycle (unless legislative or good practice requires it sooner) review is a continuous process and will identify any environmental, organisational, or operational changes that may affect the procedures and any requirement to amend the procedures.

The objective of reviewing is to ensure the procedures are kept up-to-date following:

- Changes in the use of location.
- Changes to the business organisation or processes.
- Changes to services provided.

We will ensure that:

- Recovery procedures are reviewed at least annually.
- Testing is performed at defined intervals and results and any issues are fully documented and appropriate remedial actions progressed.
- Responsibilities for, and the procedures of, the plan are clearly understood.
- All staff are kept up-to-date with the procedures and arrangements in the event of a disaster.
- Any mitigating actions and risk reduction techniques are regularly circulated

to management and staff and are being implemented.

- Procedures exist to ensure changes in the business are incorporated in the plan.
- Any special training needs required by the plan are identified and progressed.
- Issues and incomplete actions are progressed to a conclusion.

## **8. CHANGING BUSINESS CONTINUITY PLANNING AND EMERGENCY GUIDELINE PROCEDURES**

Any changes resulting from business developments need to be reflected in the procedures. This may arise as a result of:

- Reviews of the plan.
- Changes in procedures and systems.
- Changes in staffing.
- Changes in regulation or legal requirements.
- Changes in location and equipment.



## 1. INTRODUCTION

- 1.1** Since Thenue first acquired stock in 1995, it has sold over 200 properties to tenants under the Governments “Right to Buy” scheme. From time to time however we receive enquiries from individuals who find themselves in financial or other difficulties and would consider selling the property back to the association. Generally these are owners who have either purchased their property under the RTB scheme or have been a sharing owner within a project built by the association and have previously tranced up to full ownership.
- 1.2** This policy recognises that there may be circumstances when we may decide to buy back a property previously sold under the right to buy or shared ownership. Normally we would consider such purchases either under Glasgow City Councils “Buy Back Scheme” which can provide 100% grant to the Association to acquire privately owned properties or under the Scottish Government’s “Mortgage to Rent” scheme (MTR) which offers owners who are in difficulty, the opportunity to remain in their homes by selling the property to the association with the association funding the purchase through a combination of grant payable under the scheme and private finance or own resources. In cases however where an owner does not qualify for assistance under the MTR scheme or where grant funding under the Council’s “Buy Back Scheme” is unavailable, but still wishes to sell the property and either move on or remain in the property, then it is the intention of this policy to establish a set of criteria to be used to determine the buy back of properties in these situations.
- 1.3** Thenue is under no obligation to buy back any property.

## 2. CRITERIA

- 2.1** The undernoted criteria will be used by Thenue to assess individual buy back requests from owners.
- An unsuccessful MTR application has previously been made or has not been appropriate (e.g. the owner does not intend remaining in the property).
  - The property had previously been acquired by the owner from the association either under the right to buy or by “tranching” up to full ownership in the case of a shared ownership property.
  - The property is within a block or a development factored by the association, where applicable.
  - The purchase is a viable proposition for the association (see section 3 below).
  - In exceptional cases, the association may consider buying a property back where it can demonstrate a strategic benefit from doing so, for example:

- to remove a barrier to an investment programme;
  - to address a gap in a particular housing need.
- Thenue should be confident that it could sell on the property at a later date if required without incurring a loss.
  - Thenue is able to either raise private finance at competitive terms or utilise free reserves for the acquisition.

### **3. ASSESSMENT AND DECISION MAKING**

**3.1** An initial assessment will be undertaken by the Directors of Community Housing Services and Finance, IT & Resources to assess the application against the criteria and a business case either supporting the buy back or otherwise, will be presented to the Board of Management for their consideration and if appropriate, subsequent approval.

**3.2** Thenue will determine the purchase price by reference to one of two

bases: Basis 1: Market/Mid market Rent

The maximum price payable by the association will be no greater than a District Valuers valuation for the property. The rent charged by the association under this basis will typically be set at a market level to cover all costs of management, maintenance and loan repayments.

Basis 2: Rent Policy rent

Under this basis, the association will aim to arrive at a purchase price using the current rent policy rent with the objective of ensuring that the price determined using this method ensures all costs of management, maintenance and loan repayments can be funded from rent.

**3.3** Thenue will aim to advise the owner of the likelihood of purchasing the property within a period of 56 days from the initial enquiry and will aim to conclude the transaction within 13 weeks.

**3.4** Thenue may limit the number of buy backs it is willing to finance at any point.

## 1. INTRODUCTION

Thenue Housing Association Ltd (referred to herein as 'Thenue') is a Data Controller registered with the Information Commissioner's Office (Registration No: Z5976217).

Thenue is committed to ensuring the lawful, fair and transparent management of personal data. This policy sets out how we will do this.

All Board Members and employees, (temporary and permanent) (referred to herein as 'Thenue personnel') have a responsibility to ensure compliance with this policy which set out Thenue's commitment to process personal data in accordance with the relevant legislation including:

- UK General Data Protection Regulation.
- UK Data Protection Act 2018 (DPA 2018).
- Privacy and Electronic Communications Regulations 2003 (PECR).

## 2. SCOPE

This Policy applies to all personal data held by Thenue that relates to living identifiable individuals regardless of the category of data or the format of the data. Personal data is any data which could be used to identify a living individual including, for example, name, address, email, postcode, CCTV image and photograph and video recordings. Special Category personal data is any information relating to racial or ethnic origin, political opinions, religious beliefs, health (mental and physical), sexual orientation, Trades Union membership and criminal convictions.

This policy applies to personal data held or accessed on Thenue premises and systems or accessed remotely via home or mobile working. Personal data stored on personal and removable devices is also covered by this policy.

## 3. RESPONSIBILITIES FOR COMPLIANCE

The Board is ultimately responsible for ensuring that Thenue meets its legal obligations.

Failure to comply with data protection legislation could lead to financial penalties, regulatory action, as well as reputational damage.

All Thenue personnel, accessing or otherwise processing personal data controlled by Thenue have a responsibility for ensuring personal data is collected, stored and handled appropriately and must ensure that it is handled and processed in compliance with data protection law, this policy and the data protection principles.

The Data Protection Lead (People & Culture Manager) with advice and assistance from the Data Protection Officer (DPO), RGDP LLP, is responsible for:

- monitoring compliance with this policy and data protection legislation.
- managing personal data breaches and data subject rights requests.
- recording and maintaining appropriate records of processing activities and the documented evidence required for compliance.

#### 4. COMPLIANCE

Thenue will comply with its legal obligations and the **data protection principles** by ensuring that personal data is:

- **processed lawfully, fairly and in a transparent manner in relation to individuals.** Individuals will be advised on the reasons for processing via a Privacy Notice. Where data subjects' consent is required to process personal data, consent will be requested in a manner that is clearly distinguishable from other matters, in an intelligible and easily accessible form, using clear and plain language. Data Subjects will be advised of their right to withdraw consent and the process for Data Subjects to withdraw consent will be simple.
- **collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.** Personal data will only be used for the original purpose it was collected for and these purposes will be made clear to the data subject. If Thenue wishes to use personal data for a different purpose, for example for research, the data subject will be notified prior to processing.
- **adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.** Thenue will only collect the minimum personal data required for the purpose. Any personal data deemed to be excessive or no longer required for the purposes it was collected for will be securely deleted in accordance with Thenue's Retention Policy. Any personal information that is optional for individuals to provide will be clearly marked as optional on any forms.
- **accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that inaccurate personal data, having regard to the purposes for which they are processed, are erased or rectified without delay.** Thenue will take reasonable steps to keep personal data up to date, where relevant, to ensure accuracy. Any personal data found to be inaccurate will be updated promptly. Any inaccurate personal data that has been shared with third parties will also be updated.
- **kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.** Thenue will hold data for the minimum time necessary to fulfil its purpose. Timescales for retention of personal data will be stated in a Retention Schedule. Data will be disposed of in a responsible manner ensuring confidentiality and security.
- **processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.** Thenue will implement appropriate security measures to protect personal data. Personal data will only be accessible to those authorised to access personal data on a 'need to know' basis. Thenue personnel will keep data secure by taking sensible precautions and following the relevant Thenue policies and procedures relating to data protection.

In addition, Thenue will comply with the 'Accountability Principle' that states that organisations are to be responsible for, and be able to demonstrate, compliance with the above principles.

#### 5. DATA SHARING

In certain circumstances Thenue may share personal data with third parties. This may be part of a regular exchange of data, one-off disclosures or in unexpected or emergency situations. In all cases, appropriate security measures will be used when sharing any personal data.

Where data is shared regularly, a contract or data sharing agreement will be put in place to establish what data will be shared and the agreed purpose.

Prior to sharing personal data, Thenue will consider any legal implications of doing so.

Data Subjects will be advised of data sharing via the relevant Privacy Notice.

## 6. DATA PROCESSORS

Where Thenue engages Data Processors to process personal data on its behalf, it will ensure that:

- Data processors have appropriate organisational and technical security measures in place.
- No sub-processors are used without prior written consent from Thenue.
- An appropriate contract or agreement is in place detailing the obligations and requirements placed upon the data processor.

## 7. SECURITY INCIDENT & BREACH MANAGEMENT

Occasionally Thenue may experience a data security incident or personal data breach; this could be if personal data is:

- Lost: for example, misplacing documents or equipment that contain personal data through human error; via fire, flood or other damage to premises where data is stored.
- Stolen: theft or as a result of a targeted attack on the IT network (cyber-attack).
- Accidentally disclosed to an unauthorised individual: for example, email or letter sent to the wrong address.
- Inappropriately accessed or used.

All security incidents or personal data breaches will be reported to and managed by the Data Protection Lead (People & Culture Manager) who will be advised and assisted by the DPO (RGDP LLP).

The Information Commissioner's Office and the individuals affected will be notified promptly, if required.

All security incidents and personal data breaches will be managed in accordance with Thenue's Information Security Incident and Personal Breach Management Procedure.

To assist with the prevention of personal data breaches, all Thenue personnel must adhere to Thenue's Information Security and Personal Data Breach Management Procedure.

## 8. INDIVIDUAL RIGHTS

Thenue will uphold the rights of data subjects to access and retain control over their personal data in accordance with its Data Subject Rights Procedures. Thenue will comply with individuals':

- **Right to be Informed** – by ensuring individuals are informed of the reasons for processing their data in a clear, transparent and easily accessible form and informing them of all their rights.
- **Right to Access** – by ensuring that individuals are aware of their right to obtain confirmation that their data is being processed; access to copies of their personal data and other information such as a privacy notice and how to execute this right.
- **Right to Rectification** – by correcting personal data that is found to be inaccurate. Thenue will advise data subjects on how to inform us that their data is inaccurate. Inaccuracies will be rectified without undue delay.

- **Right to Erasure** (sometimes referred to as ‘the right to be forgotten’) – Thenue will advise data subjects of their right to request the deletion or removal of personal data where processing is no longer required or justified.
- **Rights to Restrict Processing** – Thenue will restrict processing when a valid request is received by a data subject and inform individuals of how to exercise this right.
- **Right to Data Portability** – by allowing, where possible, data to be transferred to similar organisation in a machine-readable format.
- **Right to Object** – by stopping processing personal data, unless legitimate grounds can be demonstrated for the processing which override the interest, rights and freedoms of an individual, or the processing is for the establishment, exercise or defence of legal claims.

## 9. DATA PROTECTION BY DESIGN

Thenue has an obligation to implement technical and organisational measures to demonstrate that data protection has been considered and integrated into its processing activities.

When introducing any new type of processing, particularly using new technologies, it will take account of whether the processing is likely to result in a high risk to the rights and freedoms of individuals and consider the need for a Data Protection Impact Assessment (DPIA).

All new policies including the processing of personal data will be reviewed by the Data Protection Lead (People & Culture Manager) to ensure compliance with the law and establish if a DPIA is required. Advice and assistance will be provided by the DPO (RGDP LLP) and if it is confirmed that a DPIA is required, it will be carried out in accordance with Thenue’s DPIA Procedure.

## 10. TRAINING

All Thenue personnel will be made aware of good practice in data protection and where to find guidance and support for data protection issues. Adequate and role specific data protection training will be provided during induction and annually thereafter to everyone who has access to personal data to ensure they understand their responsibilities.

## 11. BREACH OF POLICY

Any breaches of this policy may be dealt with in accordance with Thenue’s disciplinary procedures.

## 12. MONITORING AND REPORTING

Regular monitoring and audits will be undertaken by the Data Protection Lead (People & Culture Manager) and/or DPO (RGDP LLP) to check compliance with the law, this policy and associated procedures. Any concerns will be raised with the Executive Team/Board of Management.

## 1. INTRODUCTION

In today's world, information is constantly at risk of being involved in a security incident. Cyberattacks, ransomware, phishing, malware, system and process failure, staff mistakes, lost or stolen devices are examples of how data can be lost or compromised.

Thenue is required to record all incidents that could result in a breach of the data protection regulations. The Data Protection Lead (People & Culture Manager) will maintain a register of incidents and whether these have resulted in personal data breaches for Thenue.

A security incident, resulting in a breach could damage Thenue's reputation and our relationship with our stakeholders or expose the organisation, our personnel or customers to the risk of fraud or identity theft. In addition, considerable distress could be caused to the individuals concerned, as a result of which, Thenue could face legal action.

Some breaches must be reported to the Information Commissioners Office within 72 hours of Thenue being made aware. There are also requirements to notify the individuals whose personal data has been involved in the breach, under certain circumstances.

The Information Commissioners Office have the right to impose enforcement notices on Thenue or monetary fines (up to 4% of turnover) for breaches, including the failure to notify a breach.

### **What is a security incident?**

An information security incident is a suspected, attempted, successful, or imminent threat of unauthorised access, use, disclosure, modification, or destruction of information; interference with information technology operations; or significant violation of our acceptable use policy or information security policy.

Examples of information security incidents

- Computer system intrusion
- Unauthorised access to premises where information is stored
- Unauthorised or inappropriate disclosure of organisation information
- Suspected or actual breaches, compromises, or other unauthorised access to Thenue's systems, data, applications, or accounts
- Unauthorised changes to computers or software
- Loss or theft of computer equipment or other data storage devices and media (e.g., laptop, USB drive, personally owned device used for work) used to store or access Thenue's information.
- An attack that prevents or impairs the authorised use of networks, systems, or applications
- Interference with the intended use or inappropriate or improper usage of information technology resources.

A Security Incident involving personal data is considered a Personal Data Breach. If a security incident does not involve personal data, it will still be logged and investigated under this procedure.

### **What is a Personal Data Breach?**

A personal data breach is a security incident (as outlined above) leading to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. It is important to understand that a personal data breach is more than just losing personal data.

Essentially while all personal data breaches are security incidents, not all security incidents are necessarily personal data breaches.

## 2. ROLES AND RESPONSIBILITIES

### All Thenue Personnel

- Reporting any security incidents to the Data Protection Lead (People & Culture Manager)
- Assisting with any investigation
- Implementing any actions to contain and recover information

### Data Protection Lead (People & Culture Manager) / Data Protection Officer (DPO)

- Recording all security incidents
- Deciding if incident has resulted in a personal data breach
- Manage investigations and actions to contain and recover information
- Notify the relevant staff, ICO, data subjects
- Identify lessons learned and implement actions to reduce future re-occurrence

### Board of Management

- Ensure appropriate resources are allocated to assist in breach investigations, containment, and recovery
- Review Breach Register and reports

### Reporting a Security Incident

It is the responsibility of all personnel to report any suspected or actual Security Incident as soon as possible to the Data Protection Lead (People & Culture Manager) at the latest the next working day. It is vital that the Data Protection Lead (People & Culture Manager) is notified of the incident promptly in order to ensure Thenue takes all immediate actions available to reduce the impact of the incident, identify if personal data is involved and if notification is required to the Information Commissioners Office (ICO) or any relevant data subjects.

You should report any incident by telephoning the Data Protection Lead (People & Culture Manager) and follow up with an email if you are unable to make direct contact via the phone.

Where an incident involves electronic data or IT systems the Data Protection Lead (People & Culture Manager) will notify the ICT Manager or, in their absence the IT Support Provider as soon as possible.

If an incident is identified out of office hours (over weekends/office closures) this should be reported to Data Protection Lead/DPO and ICT Manager/IT Support Provider (if electronic data or IT systems are involved).

Thenue may also be required to report any security incidents to our regulatory authority – The Scottish Housing Regulator.

### Containment & Recovery

An Incident requires investigation promptly to contain the situation and a recovery plan including, where necessary, damage limitation. This will often involve input from across the organisation.

The following will be established:

- Who is required to investigate the breach with the DPO and what resources will be required.
- Who needs to be made aware of the breach and inform them of what they are expected to do to assist in the containment exercise. (This could be isolating or closing a compromised section of the network, finding a lost piece of equipment, or simply changing the access codes at the front door.)



- Whether there is anything we can do to recover any losses and limit the damage the breach could cause. (As well as the physical recovery of equipment, this could involve the use of back up tapes to restore lost or damaged data or ensuring that personnel recognise when someone tries to use stolen data to access accounts.)
- If criminal activity is suspected the Police will be informed.

### **Assessing the Risks**

Some data security incidents will not lead to risks beyond possible inconvenience to those who need the data to do their job. For example, where a laptop is irreparably damaged, but its files were backed up and can be recovered, albeit at some cost to the business.

While these types of incidents can still have significant consequences, the risks are very different from those posed by, for example, the theft of a customer database, the data on which may be used to commit identity fraud.

Before deciding on what steps are necessary further to immediate containment, assess the risks which may be associated with the incident. Perhaps most important is an assessment of potential adverse consequences for individuals, how serious or substantial these are and how likely they are to happen.

The following will be used to make an assessment:

- What type of data is involved? If it includes personal data, it will be considered a Personal Data Breach
- How sensitive is it? Remember that some data is sensitive because of its very personal nature (e.g. health records) while other data types are sensitive because of what might happen if it is misused (bank account details)
- If data has been lost or stolen, are there any protections in place such as encryption?
- What has happened to the data? If data has been stolen, could it be used for purposes which are harmful to the individuals to whom the data relates or the organisation; if it has been damaged, this poses a different type and level of risk
- Regardless of what has happened to the data, what could the data tell a third party about an individual or the organisation? Sensitive data could mean very little to an opportunistic laptop thief while the loss of apparently trivial snippets of information could help a determined fraudster build up a detailed picture of other people
- How many individuals personal data are affected by the breach? It is not necessarily the case that the bigger risks will accrue from the loss of large amounts of data but is certainly an important determining factor in the overall risk assessment
- Who are the individuals whose data has been breached? Whether they are staff or tenants, for example, will to some extent determine the level of risk posed by the breach and, therefore, your actions in attempting to mitigate those risks
- What harm can come to individuals or the organisation? Are there risks to physical safety or reputation, of financial loss or a combination of these?
- Are there wider consequences to consider such as a risk to public health or loss of public confidence in an important service we provide?
- If individuals' bank details have been lost, consider contacting the banks themselves for advice on anything they can do to help you prevent fraudulent use

### 3. NOTIFICATION

#### Notification to ICO

Thenue to notify the ICO of a personal data breach (via Data Protection Lead (People & Culture Manager and the DPO) where it is likely to result in a risk to the rights and freedoms of individuals. If unaddressed, such a breach is likely to have a significant detrimental effect on individuals – for example, result in discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage.

Incidents must be assessed on a case-by-case basis. For example, we will need to notify the ICO about a loss of customer details where the breach leaves individuals open to identity theft. On the other hand, the loss or inappropriate alteration of a staff telephone list, for example, would not normally meet this threshold.

[Appendix A provides examples of what breaches require notification and to whom.](#)

The decision to notify the ICO will be made by Data Protection Lead (People & Culture Manager), with advice from the DPO. A written record of this decision will be recorded in the Breach Register.

#### Information to be provided to the ICO

The nature of the personal data breach including, where possible: the categories and approximate number of individuals concerned; and the categories and approximate number of personal data records concerned.

The name and contact details of the DPO or other contact point where more information can be obtained.

A description of the likely consequences of the personal data breach.

A description of the measures taken, or proposed to be taken, to deal with the personal data breach and, where appropriate, of the measures taken to mitigate any possible adverse effects.

#### How to notify the ICO

A notifiable breach has to be reported to the ICO within 72 hours of us becoming 'aware' of it. When we become 'aware' of the breach is the point when we know or suspect there has been a personal data breach. We may not discover that a security incident is a personal data breach initially, but as soon as we do know or suspect that personal data is involved then we are 'aware'.

Some examples to help determine when we become aware:

- In the case of a loss of a CD with unencrypted data it is often not possible to ascertain whether unauthorised persons gained access. Nevertheless, such a case must be notified as there is a reasonable degree of certainty that a breach has occurred; we would become 'aware' when we realised the CD had been lost.
- A third party informs us that they have accidentally received the personal data of one of its customers and provides evidence of the unauthorised disclosure. As we have been presented with clear evidence of a breach then there can be no doubt that we have become 'aware'.
- We detect that there has been a possible intrusion into our network. We check our systems to establish whether personal data held on that system has been compromised and confirms this is the case. Once again, we now have clear evidence of a breach there can be no doubt that we have become 'aware'.

It is recognised that it will often be impossible to investigate a breach fully within the 72 hour time-period and legislation allows for us to provide information to the ICO in phases.

## **Delayed Notifications**

If it is not possible to notify the ICO within 72 hours, when notification is completed it must include the reasons for the delay. We should always aim to notify the ICO as soon as possible even if we do not have much detail at that point.

## **Notification to Data Subjects**

**If the breach is sufficiently serious to warrant notification to the public, we must do so without undue delay.**

Where a breach is likely to result in a high risk to the rights and freedoms of individuals, we must notify those concerned directly and without undue delay, unless this would involve disproportionate effort.

If it is not possible to contact the data subjects directly or there is a large volume of data subjects involved, then we should make a public communication or similar measure whereby the data subjects are informed in an equally effective manner. Dedicated messages must be used when communicating a breach to data subjects and they should not be sent with other information, such as regular updates or newsletters. This helps to make the communication of the breach clear and transparent.

Examples of transparent communication methods include direct messaging (e.g. email, SMS), prominent website banners, social media posts or notification, postal communications and prominent advertisements in printed media.

Communicating a breach to data subjects allows us to provide information on the risks presented as a result of the breach and the steps the data subjects can take to protect themselves from its potential consequences.

## **Information to be provided to Data Subjects**

We must provide the following information:

- a description of the nature of the breach;
- the name and contact details of the Data Protection Officer or other contact point;
- a description of the likely consequences of the breach; and
- a description of the measures taken or proposed to be taken by us to address the breach, including, where appropriate, measures to mitigate its possible adverse effects;
- if the data subject wishes to raise a complaint about the breach, this should be escalated to the Data Protection Officer.

## **4. EVALUATION**

It is important not only to investigate the causes of the breach but also to evaluate the effectiveness of our response to it once completed.

If it was identified that the breach was caused, even in part, by systemic and ongoing problems, then simply containing the breach and continuing 'business as usual' is not acceptable. Also, if the management of the breach was hampered by inadequate policies or a lack of a clear allocation of responsibility then it is important to review and update these policies and lines of responsibility in the light of experience.

We may find that existing procedures could lead to another breach and you will need to identify where improvements can be made.

The Data Protection Lead (People & Culture Manager)/ DPO will work with the relevant staff involved in the breach to review process and procedures, to ensure that effective measures have been taken to prevent a recurrence of the breach and to monitor ongoing compliance.

The Data Protection Lead (People & Culture Manager)/DPO will publicise any identified learning outcomes to all parties who may benefit from the updated guidance or information.

## **5. RECORDS MANAGEMENT**

A Security Incident and Breach Register will be maintained by the Data Protection Lead and this will be reported to the Board on a regular basis.

A case file will be made for each investigation to ensure a full record of the investigation, any correspondence, and decisions on notifications, are maintained accurately and retained as per the Thenue Records Retention Schedule.

## **6. MONITORING AND REPORTING**

Regular monitoring and audits will be undertaken by the Data Protection Lead and/or DPO to check compliance with the law, this policy and associated procedures. Any concerns will be raised with the Executive Team/Board of Management.

Appendix A – Notification Guidance  
 (Taken from Article 29 Working Group adopted guidance)

**Examples of personal data breaches and who to notify.**

The following non-exhaustive examples will assist in determining whether we need to notify in different personal data breach scenarios. These examples may also help to distinguish between risk and high risk to the rights and freedoms of individuals.

Example	Notify the ICO	Notify the Data Subject(s)	Notes
A controller stored a backup of an archive of personal data encrypted on a CD. The CD is stolen during a break-in	No	No	As long as the data are encrypted with a state of the art algorithm, backups of the data exist, and the unique key is not compromised, this may not be a reportable breach. However, if it is later compromised, notification is required
Personal data of individuals are infiltrated from a secure website managed by the controller during a cyber-attack.	Yes, report to ICO if there are potential consequences to individuals	Yes, depending on the nature of the personal data affected and if the severity of the potential consequences to individuals is high	If the risk is not high, we recommend the controller to notify the data subject, depending on the circumstances of the case. For example, notification may not be required if there is a confidentiality breach for a newsletter related to a TV show, but notification may be required if this newsletter can lead to political point of view of the data subject being disclosed
A brief power outage lasting several minutes at a controller’s call centre meaning customers are unable to call the controller and access their records.	No	No	This is not a notifiable personal data breach, but still a recordable incident. Appropriate records should be maintained by the controller
A controller suffers a ransomware attack which results in all data being encrypted. No back-ups are available and the data cannot be restored. On investigation, it becomes clear that the ransomware’s only functionality was to encrypt the data, and that there was no other malware present in the system	Yes, report to the ICO, if there are potential consequences to individuals as this is a loss of availability	Yes, depending on the nature of the personal data affected and the possible effect of the lack of availability of the data, as well as other likely consequences	If there was a backup available and data could be restored in good time, this would not need to be reported to the ICO or to individuals as there would have been no permanent loss of availability or confidentiality. However, the ICO may consider an investigation to assess compliance with the broader security requirements
An individual phones a bank’s call centre to report a data breach. The individual has received a monthly statement for someone else. The controller undertakes a short	Yes	Only the individuals affected are notified if there is high risk and it is clear that others	If, after further investigation, it is identified that more individuals are affected, an update to the supervisory authority must be made and the controller takes the additional step of notifying other individuals if there is high risk to them

investigation (i.e. completed within 24 hours) and establishes with a reasonable confidence that a personal data breach has occurred and if it is a systemic flaw so that other individuals are or might be affected		were not affected	
Personal data of 5000 students are mistakenly sent to the wrong mailing list with 1000+ recipients	Yes	Yes, depending on the type of personal data involved and the severity of possible consequences	
A direct marketing e-mail is sent to recipients in "to:" or "cc:" field, thereby enabling each recipient to see the email address of other recipients	Yes, notifying the ICO may be obligatory if a large number of individuals are affected, if sensitive data are revealed	Yes, depending on the type of personal data involved and the severity of possible consequences	Notification may not be necessary if no sensitive data is revealed and if only a minor number of email addresses are revealed.

## 1. INTRODUCTION

Effective use of social media can bring significant and measurable benefits to Thenue and its customers. These include opportunities to promote success stories, develop reach within the community and housing sector, improve customer engagement and attract high quality staff and applicants.

Social media channels can spread Thenue's messages quickly and to a range of audiences at little or no cost and unlike other traditional media channels, they can provide instant feedback from customers.

Along with these benefits come the risks inherent in managing something that is dynamic and unlimited in scale. These include the risk of reputational damage arising from misuse by staff or third parties, threats to the security of sensitive or confidential information, exposure to malware and a negative impact on productivity.

## 2. PURPOSE

The Social Media Policy aims to mitigate the risks associated with employees' use of social media. It provides all Thenue employees with a clear articulation of the expectations around the use of social media.

## 3. SCOPE

This policy has been produced for all Thenue Group employees.

## 4. EQUALITY ANALYSIS

There is potential for social media channels to be used for bullying and harassment of individuals. It is therefore important that the policy is considered alongside staff conduct guidelines. Employee development will include reference to this policy in induction and training.

## 5. DEFINITIONS

According to the Chartered Institute of Public Relations (CIPR), social media are: "Internet and mobile-based channels and tools that allow users to interact with each other and share opinions and content. It involves the building of communities or networks and encouraging participation and engagement."

This is the recognised definition for the purpose of this document.

This policy refers to two different types of social media account:

- Professional Thenue Housing Account – used by representatives of Thenue to communicate messages from a departmental or corporate perspective; managed by the People & Culture Team
- Private Personal Account – used by an individual primarily for non-work activity

Social networks covered by this policy include, but are not limited to, Facebook, Twitter, LinkedIn, YouTube, Instagram, Pinterest, Google+ and Tumblr.

## 6. LEGISLATIVE CONTEXT

- UK GDPR and Data Protection Act 2018 and accompanying guidance in the Information Commissioner's Employment Practices Data Protection Code.
- Human Rights Act 1998.
- Regulation of Investigatory Powers Act 2000.
- Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699).
- Copyright, Designs and Patents Act 1988

## 7. HEALTH & SAFETY IMPLICATIONS

There is potential for social media channels to be used to cause emotional harm or mental distress to others. By producing this policy Thenue hopes to minimise any distress to its staff caused by the misuse of social media.

## 8. POLICY AND PRINCIPLES

Thenue employees using social media in a professional capacity, should make sure that their communications do not do any of the following:

- Bring Thenue into disrepute. For example, by making defamatory comments about individuals, other organisations or groups, or Thenue; or posting images that are inappropriate, links to inappropriate content or using inappropriate language.
- Breach confidentiality. For example, revealing confidential information owned by Thenue relating to its activities, finances, people, or business plans, or the personal data of any individual who has not given informed consent (in writing) for their data to be published.
- Breach copyright. For example, using someone else's image or written content without their permission; failing to give acknowledgement where permission to reproduce something has been obtained.
- Do anything that may be considered discriminatory against, or bullying and harassment of, any individual. For example, making offensive or derogatory comments relating to sex, gender, race, disability, sexual orientation, religion, belief or age; using social media to bully another individual; or posting images that are discriminatory or offensive or linking to such content.
- Breach the terms of service of the social network. Each social network has different terms of use and community guidelines, which must be followed.

Employees using social media in a professional capacity should use the same safeguards that they would with any other form of communication about Thenue in the public sphere. These safeguards may include (but are not limited to):

- ensuring that the communication has a purpose and benefit to Thenue
- obtaining a manager's permission before starting a public social media campaign
- checking the appropriateness of the content before it is published with their line manager or the People & Culture Manager in their absence

Effective use of social media can enhance the reputation of Thenue and inform its customer base of forthcoming events and relevant information. Examples of good practise in the use of social media include but are not limited to:

- Liking or forwarding a partner organisation post which may be deemed relevant to our customer base
- Providing information on events within Thenue's areas of operation



- Providing information on adverse weather, outages, road closures etc within Thenue's areas of operation
- Updating customer base on office closures for public holidays, training etc
- Raising awareness of services being offered by Thenue and projects Thenue is undertaking

If you are in any doubt as to whether any form of content is relevant for Thenue's corporate social media please consult with your manager.

A People & Culture based social media champion will be responsible for:

- ensuring that the account meets brand guidelines
- making sure that the login details are shared only with those who have a real need to use the account
- revoking access to the account where necessary, such as if an employee leaves the organisation
- ensuring that all content produced for the account is in line with this policy
- ensuring that the account is used regularly
- reporting any incidents where the administrator feels that an employee has misused the social media account

Employees managing a Thenue account are expected to remove any comments that fit into the categories outlined under professional use of social media. Additionally, users should also remove comments that are:

- spam, or trying to sell things
- fraudulent, deceptive or misleading
- in violation of any law or regulation

Employees are encouraged to think carefully before removing users' comments, to ensure that users with good intentions do not feel that we are placing an unjustified restriction on their freedom of speech.

Social media users are encouraged to regularly check their accounts for messages and respond to any enquiries that they receive in a timely fashion within normal business hours.

Social media users who receive enquiries/approaches from media sources (newspapers, radio, TV) relating to their work at Thenue should notify the PR consultant or Chief Executive for guidance about how to respond (as they would if they received approaches from the media via any other channel).

## **9. PERSONAL USE OF SOCIAL MEDIA**

Thenue recognises that many employees will make use of social media in a personal capacity. Thenue employees using social media in a personal capacity should make sure that their communications do not do any of the following:

- Bring Thenue into disrepute
- Breach confidentiality
- Breach copyright
- Breach the terms of service of the social network
- Do anything that may be considered discriminatory against, or bullying and/or harassment of, any individual

Misuse as outlined above may be regarded as a disciplinary offence.

Employees who openly disclose that they work for Thenue should include on their profile a statement or disclaimer explaining that the views expressed are theirs alone and that they do not necessarily reflect the views of Thenue Housing. However, if the content of a post is inappropriate, a disclaimer would not prevent disciplinary action.

To avoid confusion, Thenue prohibits the use of its logo(s) on social media when used for non-business reasons.

Employees are encouraged to familiarise themselves with privacy settings for each social media platform and choose a privacy level that they consider to be appropriate.

Employees are permitted to make reasonable and appropriate use of personal social media from Thenue's computers or mobile devices, provided that this usage is limited to official breaks.

## **10. PROCEDURES**

Where it is found that an employee has misused social media, it may be regarded as a disciplinary offence in accordance with organisational disciplinary procedures. Although not exhaustive there are examples of misuse outlined earlier in this document.

Thenue reserves the right to monitor employees' internet usage in line with the IT policies. In line with this, it may instigate an investigation into an employee's internet usage where there are suspicions that the employee has been using social media excessively for personal use when they should be working, or in a way that is in breach of the rules set out in these policies. Authorisation to instigate an investigation into an employee's internet use can only be done by the Chief Executive, following consideration of a valid case for this from the individual's line manager.

Thenue monitors mentions of its brand name and associated terms in order to identify any risks to reputation and to gather customer feedback. Only content that is available in the public domain is subject to monitoring. Data monitored is processed anonymously for analysis purposes and is not held by Thenue. Thenue employees are advised to read the privacy guidance provided in this document.

### 1. INTRODUCTION

- 1.1** Thenue is recognised as a Scottish Charity and as such all disposals must be in compliance with Charity Law. Part 9, Section 107 of the Housing (Scotland) Act 2010 requires registered social landlords (RSL's) to notify the Scottish Housing Regulator (SHR) of notifiable events, including disposals of land or property assets.
- 1.2** Disposals can take the form of sales or excambion of land or property (tenanted or untenanted); leases; heritable securities; rights of way; and any other legal charges or interests in land or property assets which could have significant implications for tenants or other service users.
- 1.3** Notifications of disposals should be provided to SHR with documents as outlined in the SHR Statutory Guidance: Notifiable Events, February 2019.
- 1.4** RSLs also require to notify SHR of the following:
- Constitutional and organisational changes under Part 8 of the 2010 Act
  - Steps towards insolvency
- 1.5** There are special procedures for disposals and restructuring resulting in a change of landlord under Part 10 of the 2010 Act.

### 2. POLICY OBJECTIVES

The aim of this policy is to ensure that all disposals of land or property are in accordance with Section 107 of the Housing (Scotland) Act 2010, as amended by the Housing (Amendment) Act 2018, and relevant SHR Regulatory Guidance.

### 3. SCOTTISH SOCIAL HOUSING CHARTER AND EQUALITY

Thenue performs all aspects of our housing service so that every customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to all our housing services.

### 4. APPROVAL OF DISPOSALS

- 4.1** The Board of Management require to scrutinise and approve all disposals of land or property assets.
- 4.2** Disposals of land or property:
- a) **Disposal by way of sale or excambion of untenanted social and non-social housing dwellings, land, or other assets over £120,000**

Such disposals will require detailed written reports to be presented to the Board explaining the rationale for each disposal. These reports will consider the following:

- the benefits and risks attached to each disposal including how risks will be managed;
- provide confirmation of how the proposed disposal fits with the Regulatory Standards of Governance and Financial Management;
- confirms that the proposed disposal fits with the Local Housing Strategy(LHS) and Strategic Housing Investment Plan(SHIP) or explain why this is not appropriate;
- understand and fulfil their obligations as charitable trustees;
- confirm, where the disposal is of Scottish Government grant funded land, discussion have been initiated or concluded as appropriate with the Scottish Government or relevant local authority about any repayment or amendments to the grant;
- obtain details of any relevant specialist advice received in relation to the proposed disposals, for example, advice on complex financial or legal issues;
- where the disposal is to be made at below market value, confirm justification for this.

**b) Disposal by way of sale of tenanted social housing**

Such disposals, in addition to the reports to be provided at a), will require to demonstrate that;

- the level of service provided to tenants and other service users will be maintained at current levels or bettered in the long term
- there has been a consultation process and ballot of all tenants as required under Parts 8 and 9 of the Housing (Scotland) Act 2010 and in accordance with Statutory Guidance published in February 2019 by SHR

**c) Disposal by way of lease to another organisation, whether profit making or otherwise**

1. disposal by way of a lease of social housing dwelling(s) to support new funding arrangements
2. disposal by way of a lease of roof space of residential tenanted properties for renewable energy source (e.g. solar panels) or telecommunication (e.g. aerials). Where properties are tenanted, the provisions of Section 110 (Tenant Consultation) of the 2010 Act apply
3. disposal by way of a lease of residential property to an RSL, group subsidiary or any other body for Market or Mid-Market Rent or other non-social housing purposes

Such disposals will require detailed written reports to be presented to the Board explaining the rationale for each disposal. These reports will consider the following:

- the benefits and risks attached to each disposal including how risks will be

- managed;
- provide confirmation of how the proposed disposal fits with the Regulatory Standards of Governance and Financial Management;
- understand and fulfil their obligations as charitable trustees;
- obtain details of any relevant specialist advice received in relation to the proposed disposals, for example, advice on complex financial or legal issues;
- where the disposal is to be made at below market value, confirm justification for this.

d) **Disposal by way of granting security over social or non-social housing, land or other assets**

Such disposals involving private finance secured by standard security or floating charge will require detailed written reports to be presented to the Board explaining the rationale for each disposal.

These reports will consider the following:

- 4.2** The notification of disposal should be made to the Regulator through the Landlord Portal. The application must be supported by the written reports submitted to the Board giving the rationale for the proposed disposal and the Board authority to make such a disposal as recorded in a minute.

**5. AUTHORISED SIGNATORIES – SCHEME OF DELEGATION**

- 5.1** Any of the following by virtue of their position within the organisation are authorised signatories for any disposal of land or property following approval by the Board of Management:

<b>Title</b>
Chief Executive/Secretary
Chairperson (Board of Management)

**6. REGISTER OF DISPOSALS**

- 6.1** The Association will maintain a Register of Disposals recording all disposals of land or property assets.
- 6.2** The Register will be kept at our registered office and will be accessible for inspection.

## 1. INTRODUCTION

The Environmental Information (Scotland) Regulations 2004 (EIR) empowers individuals with the rights to obtain environmental information from public bodies in Scotland. Where Thevenue Housing Association (The Association) holds environmental information we must respond to requests made from members of the public for that information.

This Policy sets out the responsibilities of the Association in relation to meeting our legal obligations in relation to the provision of environmental information. It also outlines the principles which guide the Association in providing the environmental information which we hold.

## 2. SCOPE

This Policy applies to all the Association's Governing body members, employees and volunteers.

EIR applies to all information held by the Association which meets the definition of 'environmental information'.

## 3. DEFINITION OF ENVIRONMENTAL INFORMATION

A broad definition is applied in the regulations as to what may be considered environmental information. This includes any information in written, visual, electronic or any other material form on:

- **The state of the elements of the environment** - such as air, water, soil, land.
- **Substances** - Energy, noise, radiation or waste, emissions, discharges and other releases into the environment affecting or likely to affect the state of any of the elements of the environment outlined above.
- **Measures** – Including administrative measures such as policies, legislation, plans, programmes, environmental agreements, and any activities affecting or likely to affect the state of any of the elements outlined above.
- **Reports** – Cost-benefit and other economic analyses used in these policies, plans, programmes, agreements and other activities.
- **The state of human health and safety** - contamination of the food chain and cultural sites and built structures.

### 1. KEY PRINCIPLES

The Association will apply the following principles in providing environmental information. We will:

- Wherever possible proactively publish the environmental information that we hold.
- Make environmental information available to any member of the public who requests it.

- Refuse requests for environmental information only if a valid exception applies (see Environmental Information Procedure for full list of exceptions).
- Offer advice and assistance to anyone who has made or wishes to make a request for environmental information.
- Inform applicants when any charge will be made for providing environmental information.
- Respond promptly to requests we receive and within statutory timescales.

## **2. RESPONSIBILITIES**

- The Chief Executive has overall responsibility for ensuring that the Association complies with the EIR legislation.
- The People and Culture Team has operational responsibility for ensuring that individual requests are handled in line with statutory requirements.
- The Executive and Operational managers are responsible for ensuring that staff adhere to this Policy and the EIR Procedure.
- All employees of the Association are responsible for maintaining accurate records in relation to all work which may fall under the definition of environmental information.

## **3. DATA PROTECTION**

Thenue Housing Association will treat tenants' personal data in line with its obligations under the current General Data Protection Regulation and its own Privacy Statement. Information regarding how tenants' data will be used and the basis for processing data is provided in the Association's Privacy Notice.

## **4. EQUAL OPPORTUNITIES**

The Association will seek to ensure that in implementing this policy that no group, organisation or individual will receive less favourable treatment or be discriminated against regardless of their race, colour, ethnic or national origin, language, belief, age, sex, sexual orientation, gender realignment, disability, marital status, pregnancy or maternity. We will positively endeavour to achieve fair outcomes for all.

## **5. COMPLAINTS**

Any tenant who feels aggrieved by their treatment under this policy can ask for a copy of the Association's Complaints Handling Procedure which is available on the Association's website or from our office. Any tenant making a complaint will be advised of their right to complain to the Scottish Public Services Ombudsman.

## **6. MONITORING AND REVIEW**

This Policy will be subject to a review every three years, or sooner in the event of any relevant legislative or regulatory changes or best practice guidance.

We can produce this document in various formats, for example, in larger print, Braille or audio-format; we can also translate this document into other languages, as appropriate.

## CONTENTS

Section 1	Our equality strategy
Section 2	Legal and regulatory framework
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Section 4	Mainstreaming equality policy into practice
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## APPENDICES

Appendix 1	Law and Guidance
Appendix 2	Equality Impact Assessment Procedure

## SECTION 1: OUR EQUALITY STRATEGY

### 1.1 Equality policy and governance

Our equality policy is part of a strategic organisational governance framework and is integral to our corporate policy framework. The policy is, therefore, central to organisational services and is applied to a diverse range of services covering employment and housing services.

### 1.2 Mainstreaming equality policy objectives

We implement the policy objectives through our equality action plan and other equality procedures. These objectives represent our core equality principles. Our equality procedures are practical documents that enable us to incorporate equality matters throughout organisational services. This approach is often referred to as “mainstreaming of equality objectives.”

## SECTION 2: THE LEGAL AND REGULATORY FRAMEWORK

Section 2 describes legal and regulatory provisions that underpin the equality policy objectives and related procedures.<sup>1</sup> Section 2 is not intended as a precise statement of law but provides a plain language summary of specific points only.

### 2.1 The Equality Act 2010

The policy takes account of a diverse range of legislation, including the Equality Act 2010 that is the main Act regulating service delivery.<sup>2</sup>

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<sup>1</sup> The policy also takes account of the diverse range of other guidance that exists such as statutory and non-statutory codes of guidance produced by the Equality and Human Rights Commission.

<sup>2</sup> See Appendix 1 for further information.



Two issues of particular relevance to this policy are the protected characteristics and the public sector equality duty.

### **2.1.1 The protected characteristics**

The protected characteristics are those grounds on which discrimination is unlawful<sup>3</sup>; the nine protected characteristics are, in alphabetical order:

- age;
- disability;
- gender re-assignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

### **2.1.2 The Public Sector Equality Duty**

The Equality Act 2010 requires designated public authorities to meet the Public Sector Equality Duty.

This Duty requires such public authorities to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is stressed that this duty does not focus simply on eliminating discrimination, but on advancing equality objectives; this duty is, thus, proactive in nature.

## **2.2 The Scotland Act 1998<sup>4</sup>**

The Scotland Act 1998 defines equal opportunities in Scotland. The statutory definition is:

“Equal opportunities” means the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, or racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions”

(The Scotland Act 1998, Schedule 5, L2).

Apart from providing a statutory definition of equal opportunities, this Act is also important as it

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<sup>3</sup> Discrimination has different meanings in law and can take different legal forms. The Equality Act 2010 also covers other forms of discrimination such as harassment and victimisation.

<sup>4</sup> As the Equality Act 2010, this Act has been amended.

covers other grounds than the protected characteristics. For instance, social origin and personal attributes are both included within the statutory definition. As a result, we include these issues within our equality strategy and organisational procedures.

### **2.3 Housing (Scotland) Act 2010**

The Housing (Scotland) Act 2010 requires social housing landlords in Scotland to “act in a manner to encourage equal opportunities.”<sup>5</sup>

This provision includes all equality related law and is thus central to the equality mainstreaming process.

### **2.4 Regulatory standards**

The Scottish Housing Regulator sets regulatory standards to which we must comply. These standards include equality standards which are explained below. These standards are pivotal to our equality strategy.

#### **2.4.1 Housing service standards**

The Scottish Social Housing Charter, for instance, requires us to implement housing services so that:

- they support the right to adequate housing
- every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services. (Scottish Social Housing Charter, 2022)

#### **2.4.2 Finance and governance**

The Scottish Housing Regulator’s financial and governance standard requires us to conduct our affairs with honesty and integrity (Standard 5). This includes:

“..paying due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of (our) work, including (our) governance arrangements”

(Scottish Housing Regulator, 2019, page 14, Regulation of social housing in Scotland: Our framework).<sup>6</sup>

Another important regulatory standard relating to equal opportunity is part of the Scottish Housing Regulator’s assurance and notification requirements.

In line with this standard, we must:

“Have assurance and evidence that (we) consider equality and human rights issues properly when making all of (our) decisions, in the design and review of internal and external policies, and in (our) day-to-day service delivery;”

and

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<sup>5</sup> See, for instance, the Housing (Scotland) Act 2010, section 39.

<sup>6</sup> In effect, this is the regulatory provision that reflects the ethos of the Public Sector Equality Duty.

“To comply with these duties, landlords must collect data relating to each of the protected characteristics for their existing tenants, new tenants, people on waitinglists, governing body members and staff. Local authorities must also collect data on protected characteristics for people who apply to them as homeless. Landlords who provide Gypsy/Traveller sites must collect data on protected characteristics for these service users.”

(Scottish Housing Regulator, 2019, page 8, Regulation of social housing in Scotland: Our framework).<sup>7</sup>

## 2.5 Other guidance

The Equality and Human Rights Commission issues codes of practice that apply to both employment and services. These include statutory and non-statutory codes. Other guidance is issued by bodies such as the Chartered Institute of Housing and the Scottish Federation of Housing Associations. We take account of this guidance when developing our policies and procedures.

## SECTION 3: EQUALITY POLICY OBJECTIVES

### 3.1 Key objectives

Our equality statement contains ten key objectives or principles. These objectives consist of short statements that are incorporated throughout organisational services.

#### **Objective 1: Law and regulatory provisions**

We comply with all relevant statutory and regulatory provisions in respect of equality issues.

#### **Objective 2: Equality mainstreaming**

We address equality issues through a comprehensive equality action plan and relevant equality procedures such as our equality impact assessment procedure.

#### **Objective 3: Strategic planning**

We implement these equality objectives by developing a comprehensive approach that covers employment and other services.

#### **Objective 4: Equality data collection**

We gather equality data in relation to the protected characteristics, as well as other personal data. We assess and use this data to provide appropriate services to tenants, other customers, staff and Board members. We process data in line with data protection law and guidance.

#### **Objective 5: Our published information**

We use our equality impact assessment procedure and our Communication Strategy to assess and plan organisational information before it is published. We do this so that information is accessible, accurate and appropriate, for example, by using positive language that promotes respect for other people.

#### **Objective 6: Other organisations**

We work with other organisations to promote our equality objectives, this includes external agencies such as Positive Action in Housing, Happy to Translate, contractors who deliver services for us and local tenant groups including the Area Associations.

#### **Objective 7: Equality training**

We recognise that staff, Board member, scrutiny, Area Associations and community groups training is vital to ensuring the effective implementation of our equality policy objectives and provide, therefore,

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<sup>7</sup> We manage this through our equality data collection procedure and related data protection strategy.

a number of internal training courses. This includes consciousness raising that is important to address different forms of unlawful discrimination.

**Objective 8: Performance management**

We use internal equality performance indicators throughout organisational policies and procedures to monitor service performance.

**Objective 9: Our tenant participation strategy**

We consult with tenants and other customers on equality issues such as our policy objectives and specific issues such as equality data collection.

**Objective 10: Reviewing our equality policy**

We review the equality policy every 3 years, or sooner if needed because of changes to law and/or equality guidance.

#### **SECTION 4: MAINSTREAMING EQUALITY POLICY INTO PRACTICE**

We use our equality action plan to implement the objectives into practice. This is complemented through specific staff procedures that are described below.

##### **4.1 Equality data collection procedure**

We use our equality data collection procedure to determine what equality data we collect and how we use this data. This procedure takes account of guidance issued by the Scottish Housing Regulator.<sup>8</sup>

##### **4.2 Equality impact assessment procedure (EIA)**

We use our equality impact assessment procedure (Appendix 2) to mainstream equality matters throughout organisational policies, procedures and other documentation.

The procedure is based on good practice guidance and applies relevant standards to the assessment process. For instance, we assess public documentation taking account of plain and appropriate language standards.

##### **4.3 Addressing harassment procedure**

We use our harassment procedure to address different forms of unlawful discrimination and/or harassment. This procedure is part of other organisational procedures covering employment and housing services.

For example, addressing discrimination and harassment is covered within our antisocial behaviour strategy.

Note: We also include information about addressing discrimination and harassment through training provision, for instance, our training covering how to identify and address different types of discrimination and/or harassment.

##### **4.4 Appropriate language guide**

We use our appropriate language guide to explore the various ways in which language can address unlawful discrimination, as well as promoting positive views of other people.

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<sup>8</sup> The data that we collect is mostly data concerning the protected characteristics.

This is very important, too, in developing staff consciousness about links between language and different forms of discrimination.

For instance, in organisational documentation, we use language that supports the social model of disability to promote the interests of disabled people.

## **SECTION 5: OUR EQUALITY TRAINING STRATEGY**

### **5.1 The role of equality training**

Equality training is essential if our equality policy objectives are to be implemented effectively. Our equality training strategy takes account of two key points.

The first point is that equality training covers a wide range of topics; we deliver, therefore, different types of equality training.<sup>9</sup>

The second point is that we align equality training to needs' assessments identified during our staff development review process. This means that equality training is linked to staff job roles, as well as their development needs.<sup>10</sup>

### **5.2 Different types of equality training**

Equality issues consist of numerous topics so that equality training must also be diverse in nature.<sup>11</sup> Examples of different types of equality training are provided below.

#### **5.2.1 The legal and regulatory framework**

Training under this category would include:

- equality law concerning employment and services, for example, the Equality Act 2010;
- statutory and non-statutory codes of practice - and other good practice guidance - such as information issued by the Equality and Human Rights Commission; and
- regulatory standards produced by the Scottish Housing Regulator, for instance, the National Guidance covering equality data collection.

#### **5.2.2 Organisational equality policy and procedures**

Training under this category would include:

- our equality policy and related action plan; and
- internal equality procedures.

#### **5.2.3 Technical training**

Training under this category would include:

- carrying out equality impact assessments;
- assessing the accessibility of our website; and
- evaluating equality data and producing anonymised equality monitoring reports for committee members.

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<sup>9</sup> This is a critical point as equality training is often discussed as being homogenous in nature.

<sup>10</sup> This approach is beneficial as it promotes focused training, whilst ensuring value for money

<sup>11</sup> Equality training courses might include elements of all of these areas/topics, though, such as in general introductory courses.

## **5.2.4 Consciousness raising**

Training under this category would include:

- recognising different forms of discrimination and harassment and understanding remedies to address them; and
- promoting awareness of theoretical perspectives as promoted by the Equality and Human Rights Commission, for example, the social model of disability.

## **SECTION 6: MANAGING OUR PERFORMANCE**

Section 6 covers the following practical issues:

- why we collect equality data;
- what equality data we monitor;
- what methods we use to collect equality data; and
- who has access to equality data.

### **6.1 Why we collect equality data**

We collect equality data for specific reasons, including to:

- meet our statutory and regulatory duties;
- identify any form of unlawful discrimination to enable us to address such conduct; and
- evaluate issues for further review and development, including implementing positive action initiatives thus promoting equality objectives.

### **6.2 What equality data we monitor**

We monitor equality data based on the National Guidance issued by the Scottish Housing Regulator.<sup>12</sup> In processing personal equality data, we ensure that this complies with relevant data protection provisions. This is covered through our data protection policy and procedures.

### **6.3 What methods we use to collect equality data**

We collect equality data through ways described in our equality data collection procedure, using, for instance, our standard equality monitoring form.

### **6.4 Who has access to equality data**

We restrict access to equality data that we process to ensure that personal data is processed in line with data protection law. Again, the procedures that regulate this are dealt with through our data protection policy and procedures.

## **SECTION 7: POSITIVE ACTION: OUR COMMITMENTS**

### **7.1 Positive action and positive discrimination**

#### **7.1.1 Positive action**

Positive action is promoted within equality law and is used to address historic patterns of

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<sup>12</sup> SFHA, 2021, Collecting equality information: National Guidance for Scottish social landlords.

discrimination experienced by people with relevant protected characteristics.<sup>13</sup>

### **7.1.2 Example of positive action**

A positive action initiative could involve encouraging women to apply for jobs in repairs and maintenance. This could be relevant since social housing landlords have traditionally employed mainly men in this type of employment.

### **7.1.3 Positive discrimination**

Positive discrimination is, in general, unlawful. Positive discrimination involves treating people more favourably than other people in relation to one of the relevant protected characteristics, for example, due to their sex.<sup>14</sup>

### **7.1.4 Our positive action initiatives**

We implement positive action initiatives, as appropriate. and information is recorded within our equality action plan. Such initiatives are linked to an assessment of local and national equality data patterns. Positive action initiatives can be used to address barriers to employment, services and training opportunities affecting people with particular protected characteristics.

## **SECTION 8: OUR PARTNER ORGANISATIONS**

### **8.1 Promoting equality policy objectives**

We have established partnerships with other organisations to promote effective implementation of our equality policy objectives. Partnership working allows us to adopt a comprehensive approach, while allowing resources to be pooled.

### **8.2 Partner organisations with which we work**

We work with other organisations to promote equality objectives.

Examples of these organisations are:

- the Equality and Human Rights Commission
- Positive Action in Housing

## **SECTION 9: ADDRESSING APPEALS OR COMPLAINTS**

### **9.1 Appeals**

We provide information to staff, tenants and other customers regarding how to obtain advice and assistance concerning equality related appeals.

In the case of staff, appeals relating to employment matters are dealt with by employment tribunals.

In the case of tenants and other customers, appeals relating to housing matters would be dealt with

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<sup>13</sup> Positive action programmes are subject to specific criteria that are not covered here but are included within our organisational procedures.

<sup>14</sup> Appointments on the basis of or sex or racial groups could be permitted in law, for example, if these are deemed to be essential for the specific post in question. These are referred to as “genuine occupational requirements

by the Sheriff Court.

## **9.2 Complaints**

We address any equality related complaints through our complaint handling procedure. We provide information about our complaint procedure to all of our tenants and other service users.

## **SECTION 10: REVIEWING EQUALITY POLICY**

### **10.1 Review of equality policy**

We review the equality policy every three years, or sooner if needed because of changes to law and/or equality guidance.



## **APPENDIX 1: LAW AND GUIDANCE**

This section notes two key laws and where guidance is available relating to equality matters. A more complete list of relevant laws and guidance is not provided as this is quickly outdated due to ongoing changes as law and guidance evolve.

### **Key laws**

- Equality Act 2010 (as amended)
- Human Rights Act 1998 (as amended)

### **Secondary legislation**

There is a large number of statutory instruments (and Scottish statutory instruments) available on the Scottish Government website. For example, SSI 2017 No. 403 The Equality Act 2010 (Commencement No. 13) (Scotland) Order 2017. The Order introduced the duty contained in the Equality Act 2010 from 1 April 2018.

### **Equality and Human Rights Commission**

The statutory and non-statutory codes are available on the Equality and Human Rights Commission's website.

### **Housing guidance**

Guidance on equality practices is comprehensive and covers many issues, both specialist and general.

With reference to housing specifically, examples of guidance and research are as follows:

- Scottish Housing Regulator, 2019, Regulation of Social Housing in Scotland
- CIH (2010) Equalities and Diversity in housing, CIH Scotland
- CIH (2011) Delivering the Equality Act 2010, CIH
- CIH (2009) Equality, Diversity and Good Relations in Housing, Good Practice Brief, CIH
- Jeffrey, J and Seager, R, 2011, Equality and diversity: a framework for review and action (3rd edition), National Federation of Housing Associations

## **APPENDIX 2: EQUALITY IMPACT ASSESSMENT PROCEDURE**

### **SECTION 1: STRATEGIC CONTEXT**

Our equality policy sets out key policy principles that we seek to mainstream through all organisational services. One of our core principles is to ensure compliance with the Public Sector Equality Duty. In line with this Duty, we seek, not only to eliminate unlawful forms of discrimination, but to advance and promote equality objectives.<sup>15</sup>

The main way that we use to implement statutory obligations is through our equality impact procedure (EIA).

This procedure describes how we implement internal EIAs.

**Note:** Thenue Housing Association is referred to mostly as “we” below.

### **SECTION 2: STATUTORY AND REGULATORY FRAMEWORK**

#### **2.1. Statutory provisions**

The Equality Act 2010 requires designated public authorities to comply with the Public Sector Equality Duty.<sup>16</sup> We recognise that EIAs are very important if we are to comply with this Duty. This point is explicit within the regulatory framework to which we are subject as explained in 2.2. below.

#### **2.2. Regulatory provisions (EIAs)**

The Scottish Housing regulator, 2019, requires Scottish social landlords to demonstrate that they consider equality and human rights issues when making their decisions.

A key aspect of this process is to ensure that we operate a robust EIA. The EIA, it is stressed, should be used when we design and review organisational policies.

As the regulatory standard states:

“(We must) have assurance and evidence that (we) consider equality and human rights issues properly when making all of (our) decisions, in the design and review of internal and external policies, and in (our) day-to-day service delivery.

A second regulatory standard that is related to our equality impact assessment procedure is the standard contained in the Scottish Social Housing Charter, 2017. In this Charter the equality standard (Outcome 1) specifies that we must perform all aspects of our housing services so that:

“...every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.”

In order to meet this standard, we must assess the impact of our policies and procedures in meeting the individual needs of tenants (and customers) in relation to the protected characteristics.<sup>17</sup>

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<sup>15</sup> This relates to promoting equality objectives between people with – and those without – relevant protected characteristics. Our policy extends beyond law as we also strive to address unfair forms of discrimination too.

<sup>16</sup> The Equality Act 2010 also requires designated public bodies to carry out a range of Specific Duties. These do not apply to housing associations at present. Such Duties require the specified bodies to carry out EIAs.

<sup>17</sup> We also take account of guidance about equality impact assessments that is produced by the Equality and Human Rights Commission. This includes ensuring that our equality impact assessment procedure contains an internal and external dimension.

### **SECTION 3: EQUALITY IMPACT ASSESSMENT COMMITMENTS**

This section explains the commitments that we use as part of our EIA procedure. Our commitments cover ten main objectives (listed in alphabetical order):

#### **Objective 1: Accuracy of information**

We seek to ensure that our published information is accurate, for example, policy and procedural documentation, as well as our website information.<sup>18</sup> This commitment, critically, includes ensuring legal accuracy within organisational policy and procedural documentation.

#### **Objective 2: Appropriate language and imagery**

We use our procedural language guide to inform our equality impact assessments so that appropriate language and imagery is used in our public information.

#### **Objective 3: Clear and plain language**

We use clear and plain language in our public information, as appropriate; and we explain any legal and technical terms clearly. This takes account of standards, for example, standards produced by the Plain English Campaign.

#### **Objective 4: Design and layout**

We take account of relevant law, regulatory standards and good practice guidance in the design and layout of public information.

#### **Objective 5: Partnership working**

We may amend other partners' documentation that we distribute to our tenants and other service users in line with our assessment standards. We may also encourage other partner organisations to adopt our standards.

#### **Objective 6: Performance management**

We monitor implementation of these principles through a range of organisational methods, including complaints, customer feedback and surveys.

#### **Objective 7: Statutory requirements**

We include within our equality impact assessment statutory requirements to ensure legal compliance. For instance, when assessing organisational documentation in relation to disabled people, we cover the duty to make reasonable adjustments, as appropriate.

#### **Objective 8: Tenant and customer consultation**

We consult with tenants and other customers about our accessibility standards, as appropriate, to ensure that information is regularly reviewed.

#### **Objective 9: Training**

We provide general and specialist training for housing staff about how we carry out EIAs.

#### **Objective 10: Variability of equality impact assessments**

We may apply different assessment criteria as part of the EIA. For instance, colour contrast issues are likely to be pertinent to newsletter and handbook design, but not to the assessment of organisational policies.

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<sup>18</sup>This would include public information such as that within our Publication Scheme.

## **SECTION 4: LINKS BETWEEN EQUALITY IMPACT ASSESSMENTS (EIAS) AND OUR EQUALITY ACTION PLAN**

### **4.1. Our equality action plan**

We have established a coherent and comprehensive equality action plan that enables us to implement equality rights holistically throughout all organisational services.<sup>19</sup>

Examples of key activities within our equality action plan that are related to equality impact assessments include:

- equality data collection;<sup>20</sup>
- policy and procedural reviews; and
- development and public information (manual and electronic).

## **SECTION 5: HOW WE CARRY OUT EIAS**

EIAs are central to effective organisational governance, for example, their role in ensuring accurate and clear policy and procedural information.

Given this strategic perspective, we align EIAs to five key themes:

- continuous improvement;
- methodology;
- policy review and development;
- policy status; and
- variability of assessments.

### **5.1. Continuous improvement**

We improve and refine individual policies (and related procedures) through time. EIA's are pivotal to this process as they ensure that policies are evaluated against law, regulatory standards and good practice guidance.

### **5.2. Methodology**

We have established an EIA process that evaluates both the intrinsic and extrinsic effects of organisational documentation.<sup>21</sup>

For example, we evaluate the nature of policy documentation so that it complies with relevant standards before assessing the potential effects of such documentation.

This approach is very important for three reasons:

Firstly, it ensures that policies are assessed qualitatively so that attention focusses on policies eliminating discrimination and promoting equality within the documentation itself. This can be called the internal dimension of the equality impact assessment process, as opposed to simply looking at effects of policies (the external dimension).

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<sup>19</sup> The equality action plan, it is stressed, is the main driver of the equality mainstreaming process.

<sup>20</sup> The collection of equality data is fundamental to carrying out informed EIAs, part of which require accurate information about people's equality-related needs.

<sup>21</sup> This is in line with guidance issued by the Equality and Human Rights Commission.

Secondly, this approach is critical in addressing possible forms of institutional discrimination that may occur if policies themselves are not subject to detailed scrutiny.<sup>22</sup>

Thirdly, by ensuring that policy documentation complies with law and guidance, then this entails that negative equality impacts upon people with the protected characteristics are likely to be minimised.

### **5.3. Policy review and development**

We implement EIAs as part of our organisational policy development process unless an assessment is required sooner. This might happen, for instance, due to legal and/or regulatory changes. This approach ensures that we carry out EIAs in an effective and efficient manner.<sup>23</sup>

### **5.4. Policy status**

We understand that specific policies and related procedures may require a more detailed EIA than others. For example, allocation policy is likely to have greater potential equality implications than a pet policy.

We take account of policy status, therefore, when carrying out EIAs so that we prioritise EIAs within the equality action plan.

### **5.5. Variability of assessments**

We recognise that EIAs may require the application of different standards and/or approaches dependent on the subject matter in question.

Our equality impact assessment process is, therefore, layered so that relevant standards are applied at varying stages.

## **SECTION 6: STAFF TRAINING**

Our equality policy describes the many types of equality training that exist. One of these types is EIA training which itself may comprise different elements.

### **6.1 Elements of EIA training**

We provide general information and training to staff about our equality procedures. This can include information about our EIA commitments.

We also provide specialist EIA training for senior staff, as appropriate, for instance, senior staff involved in policy development.

Examples of EIA training are (in alphabetical order):

- using our EIA procedure to evaluate organisational policies and practices;
- how to use our equality procedures as part of conducting EIAs, for example, our equality data collection and appropriate language procedures;
- specialist topics such as how to enhance accessibility through design and layout of documentation, using plain language and so on.

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<sup>22</sup> Institutional forms of discrimination may comprise unlawful forms of discrimination such as indirect discrimination but also non-statutory forms. This issue is covered as part of staff training.

<sup>23</sup> This approach also ensures that EIAs themselves are mainstreamed into organisational practice.

## **SECTION 7: PERFORMANCE MANAGEMENT**

We monitor the implementation of this procedure through various measures (in alphabetical order)<sup>24</sup>:

- attainment of standards;
- complaints;
- general feedback; and
- surveys

### **7.1 Attainment of standards**

We assess organisational policies, procedures and related documentation against a range of quality accessibility standards.<sup>25</sup>

We may also subject specific documentation to specialist standards such as the crystal mark.<sup>26</sup>

### **7.2 Complaints**

In the context of EIAs, a complaint might arise relating to the quality standards of our policies and procedures. This information can be used to review the effectiveness of our EIA procedure.

### **7.3. General feedback**

We receive feedback about service quality on an ongoing basis from tenants and other service users. We evaluate all feedback received in this way and use this to revise existing EIAs, as appropriate.

## **SECTION 8: CONSULTATION**

We have established a comprehensive tenant participation strategy; and this includes the range of issues that we consult about.

Linking this to our EIA, examples of issues that we might consult tenants (and other customers) include:

- clarity of our policy documentation;
- possible effects of practices on people, for example, the effects of our rent arrears policy on people with relatively low incomes; and
- clarity of our letting standard.<sup>27</sup>

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<sup>24</sup> Performance management is, of course, central to achieving quality governance.

<sup>25</sup> This includes electronic processing systems.

<sup>26</sup> For example, we might seek to obtain accreditation through the Plain English Campaign.

<sup>27</sup> For example, this could include discussions about clarity of documentation, including guidance on technical terms; and the design and layout of our letting standard so it is accessible to laypeople.

### 1. INTRODUCTION

- 1.1** To carry out its functions, Thenue will require to enter into a range of contractual agreements that impose obligations on the Association. These obligations may range from comparatively minor agreements for the servicing of equipment to major loans from private lending institutions, contracts with builders or the purchase of property.
- 1.2** In all cases Thenue must ensure that there is full authority to commit the Association to the obligations contained within the contract and that the legal deed or contract is properly executed.
- 1.3** This note is aimed at ensuring that proper authorisation is given to action, which imposes contractual obligations on the Association, and that contracts are properly executed. It takes note of the Requirements of Writing (Scotland) Act 1995, which up to that date required the association to formally execute documents by using the seal. The association no longer requires to have a seal, and therefore does not use its seal for that purpose. The 1995 Act allows an association to enter into a binding agreement by the signature of a single authorised signatory with one witness.

### 2. POLICY

- 2.1** Thenue will ensure that no contractual agreement is entered into on its behalf without either the express authority of the Board of Management, or of a Sub-Committee whose remit includes this delegated authority, or of an authorised member of staff where delegated authority has been given.
- 2.2** It is the policy of the association that it does not use the company seal, as its use is no longer required. It may be used for ceremonial purposes, should this be deemed fit.
- 2.3** The signature of one authorised signatory shall execute all other deeds and contracts with a witness.
- 2.4** Authorised signatories under paragraph 2.3 shall be as follows:
- Where a deed or contract is approved at a board of management or sub-committee meeting, any board member attending that meeting;
- 2.5** Where a deed or contract is entered into outside a Board of Management or Sub-Committee meeting but following from a general or specific resolution of a Board of Management or Sub-Committee authorised signatories shall be the Association's Chairperson, depute Chairperson, convener of a Sub-Committee, Secretary/Chief Executive.

- 2.6** The Board member and the Secretary at the Board of Management meeting which approves the application for membership or transfer of membership category shall execute share Certificates.
- 2.7** The remit of each Sub-Committee shall make clear where a Sub-Committee has delegated authority to enter into a contractual obligation on behalf of the Association.
- 2.8** In conformity with delegated authority the Chief Executive shall execute documents for the following kinds of contractual obligation:
- a) Tenancy and factoring agreements;
  - b) Leases and management agreements;
  - c) Equipment maintenance agreements;
  - d) Dispositions in connection with Right to Buy Sales;
  - e) Acceptance of builders tenders and building contracts;
  - f) Minutes of agreement with owners involved in Association building contracts;
  - g) Loan agreements and securities for loans;
  - h) Appointments of permanent staff and consultants;
  - i) Development agreements with residents groups, managing or care partners, or statutory bodies;
  - j) Agreements for the provision of services to clients;
  - k) Contracts with companies or other bodies for the provision of supplies or services.

The Chief Executive may in turn delegate this authority to departmental managers. For example, the Housing Officer will have delegated authority to sign tenancy agreements; the Director of Finance, IT & Resources will have authority to enter into photocopier leases. All other authority will be delegated in conformity with Financial Regulations, which set out arrangements for control of each budget head.

### **3. PROCEDURES**

- 3.1** It is the responsibility of each Departmental Manager to determine the personnel in their departments who are responsible for ensuring that contractual documents are in order, i.e. that they are framed in the best interests of the Association and that the documents are ready for execution.
- 3.2** When a deed or a contract is ready for execution, the Execution of Deeds and Contracts Register should be completed and signed by authorised staff. The Register should be kept in the People and Culture Room.
- 3.3** The Register plus documents for signature should be presented for execution to the Board of Management or appropriate Sub-Committee or to an authorised signatory whose signature should be witnessed.
- 3.4** Following execution of the document the Register should be completed making clear whether or not the seal was used and should be passed to the Corporate



Services Team who will keep it in a file entitled “Register of Execution of Deeds and Contracts”. This will incorporate the seal register.

- 3.5** The People and Culture Team shall in addition also update the electronic version of the Execution of Deeds and Contracts Register.
- 3.6** Reports of contracts entered into by staff on behalf of the Association shall be reported to the appropriate Sub-Committee or the Board of Management as necessary.
- 3.7** A full year’s listing of deeds and contracts executed will be reported annually to the Board of Management and the register signed by the Chairperson to confirm this.
- 3.8** The Legal Writings (Counterparts and Delivery) Scotland Act 2015 allows for the execution of a document by each party signing separate, but identical, copies of the document instead of all parties having to sign the same physical document. This is known as signing in counterpart. Where, having taken legal advice, it is determined by the relevant authorised signatory that a document should be signed in counterpart this will be noted in the Execution of Deeds and Contracts Register and a copy of the full set of signed counterparts will be procured and retained.

## 1. POLICY

Thenue Housing Association is committed to openness and transparency. We will comply with the provisions of the Freedom of Information (Scotland) Act 2002 (FOISA) and related legislation, including the Environmental Information Regulations (Scotland) Act 2004, the General Data Protection Regulation and the Data Protection Act 2018.

## 2. SCOPE

For Registered Social Landlords in Scotland, this Policy refers to freedom of information (FOI) legislation covering the following functions:

- the prevention and alleviation of homelessness
- the management of social housing accommodation (i.e. where an RSL has granted a Scottish secure tenancy or short Scottish secure tenancy)
- the provision and management of sites for gypsies and travellers
- supplying information to the Scottish Housing Regulator in relation to its financial well-being and standards of governance

It is important to note that FOI rights will only apply to information held by Thenue Housing Association in relation to these functions.

The FOISA does not apply to the Association's subsidiary companies: Thenue Communities, Thenue Housing Services Limited and Thenue Trust.

FOISA enables anyone, anywhere in the world, to request any recorded information held by, or on behalf of, Thenue Housing Association. There is no need for the applicant to explain their reasons for the request, or that it is a request under FOISA. Requests for information must be made in writing, which includes emails. The request must state the name and address of the person applying for the information and the required information.

Information will be provided if it is held, unless one or more of the exemptions listed in the legislation applies. Information which is exempt does not have to be provided.

## 3. RESPONSIBILITIES

All staff are responsible for ensuring that Freedom of Information requests they receive are dealt with in accordance with the FOISA and in compliance with this policy. Staff should forward all initial requests for information received by Thenue Housing Association to the People and Culture Manager. All requests must be dealt with promptly and in line with this policy. If requests are made verbally, staff must ask the applicant to put their request in writing to the People and Culture Manager (appropriate assistance will be provided to applicants with access requirements).

The Executive and Operational Management Teams are responsible for ensuring implementation and compliance with this policy.

#### **4. PUBLICATION SCHEME**

Thenue Housing Association has adopted the Scottish Information Commissioner's Model Publication Scheme / SFHA's 'Open All Hours' Publication Scheme.

The Scheme sets out what information Thenue Housing Association will make available, classified by type of information, and how this information can be accessed. It also details how much it will cost if there are any charges. All information is available on the Association's website.

#### **5. REQUESTS FOR INFORMATION**

Members of the public are entitled to request information from Thenue Housing Association.

All recorded information held by Thenue Housing Association falling within the functions set out in 'Scope' above, is subject to the requirements of the FOISA. The type of information which may be requested can be paper or electronic and may include draft documents, agendas, minutes, emails, diaries or handwritten notes.

Where a valid request is received, there is a duty on Thenue Housing Association to confirm or deny whether it holds the information and if it does hold it, to provide the information so long as an exemption does not apply. If information has been requested but is not held, Thenue Housing Association will inform the applicant of this. In exceptional cases Thenue Housing Association may not be able to either confirm or deny if the information requested is held, for example where the request is for personal information of a person other than the requester.

If a request is unclear, Thenue Housing Association will ask for clarification as soon as possible to enable us to proceed with considering the request. Thenue Housing Association will provide advice and assistance to help people make requests under the FOISA. We will aim to acknowledge requests for information within three working days of receipt. Thenue Housing Association aims to respond to all requests promptly and in any event within 20 working days following receipt of a valid request. The applicant will be informed if it is not possible to comply with this timescale and will be given an indication of when the response is likely to be provided.

#### **6. CHARGES FOR INFORMATION**

Information provided in response to requests will normally be provided electronically, and will be free of charge where possible. Thenue Housing Association may need to charge in some circumstances, for example where the costs are significant. In such cases Thenue Housing Association will notify the applicant in advance and will not charge where costs incurred are below the threshold of £100.

If we estimate the cost of dealing with the request to be over £100, we will issue a 'Fee Notice' informing the applicant of the required fee before processing the request for information and as soon as possible within the 20 working day deadline following receipt of the request. Once we issue a Fee Notice, the 20 working day time limit for responding stops and will start again only when we receive payment. Any fees or disbursement costs paid to us are non-refundable.

## **7. STATISTICS**

Thenue Housing Association must submit statistical reports to the Scottish Information Commissioner on a quarterly basis. The reports include the numbers of requests received under FOISA, EIR and GDPR legislation, whether any exemptions were used and whether any reviews were carried out.

## **8. EXEMPTIONS**

The FOISA does not entitle applicants to be given all information held by Thenue Housing Association. The FOISA sets out exemptions from the right of access to information.

There are two kinds of exemptions:

- Absolute exemptions – the right to information is completely over-ridden by the exemption
- Non-absolute exemptions – where an exemption may be applied, but Thenue Housing Association must decide whether it serves the interests of the public better to disclose the information than to withhold it. This is known as the public interest test.

Although there might be occasions when it is appropriate to rely on an exemption, provision of information is an integral part of Thenue Housing Association's work. Therefore, we aim to disclose as much information as possible and rely on exemptions only in limited circumstances.

Where a request is refused, a refusal notice must be issued setting out the section of FOISA being relied upon and in most instances explaining the reasons for the refusal, including the details of any public interest and prejudice tests that have been applied. The refusal notice will also outline the review procedure with relevant details and inform the requester of their right to complain to the Information Commissioner.

### **8.1 Vexatious requests**

While we are committed to providing information, we sometimes receive requests which can be deemed 'vexatious'.

In determining whether a request may be vexatious we will consider whether meeting the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation. Where we believe the request to be vexatious, we will issue a refusal notice unless we have already done so in response to an earlier vexatious or repeated request from the same individual, and it would be unreasonable to issue another one.

### **8.2 Repeated requests**

Thenue Housing Association can refuse requests if they are repeated within a reasonable timescale from the previous request, whether or not they are also vexatious.

### **8.3 Cost limit is exceeded**

Thenue Housing Association reserves the right to refuse requests where the cost of providing the information would exceed the statutory cost limit. This limit is currently £600.

The requester cannot be charged for the first £100 it costs to find and provide the information. Therefore, if the cost of providing the information is less than £100, the requester will receive it free of any charges.

If the cost is over £100 and up to and including £600, we can charge the requester 10% of the cost of providing the information (bearing in mind, the first £100 is free) so the maximum we could charge would be £50, i.e. 10% of the remaining £500 if the cost to us was £600.

If the total cost to us is going to be over £600, we can refuse the request. However, we will advise on how the cost could be reduced so that the request could be fulfilled.

The fees regulations allow us to charge for "projected costs", "Whether direct or indirect, which Thenue Housing Association reasonably estimates we are likely to incur in locating, retrieving and providing the information". Costs which might be charged include estimates of the staff time to collect information from our archive, the cost of postage to deliver the information to the requester or the cost of photocopying in order to provide it. We cannot, however, charge for the time and resources used to determine whether we actually hold the information e.g., through searches of catalogues and records holdings. We also cannot charge for any costs incurred in deciding whether the information can be released.

#### **8.4 Other Exemptions**

There are other exemptions that Thenue Housing Association might apply to information being released and these include:

- Information otherwise accessible
- Prohibitions on disclosure
- Information intended for future publication
- Relations within the United Kingdom
- Formulation of Scottish Administration policy etc.
- Prejudice to effective conduct of public affairs
- National security and defence
- International relations
- Commercial interests and the economy
- Investigations by Scottish public authorities and proceedings arising out of such investigations
- Law enforcement
- Confidentiality
- Court records, etc.
- Personal information (as defined in GDPR and DPA 2018)
- Health, safety and the environment
- Audit functions
- Communications with Her Majesty etc. and honours

## **9. REVIEWS**

Anyone who has made a request for information to Thenue Housing Association under the FOISA is entitled to request an internal review if they are unhappy with the way their request has been handled. Internal reviews will be carried out by the Chief Executive.

A request for review may be about:

- a decision not to give them some or all of the information
- how an exemption has been applied
- how the request was handled (e.g. failing to reply to them within the time limit allowed)
- a complaint about our Publication Scheme,
- failing to give them advice about, and help with, making their request
- asking them to pay a fee that they might feel is unreasonable

Thenue Housing Association may ask the applicant for clarification of the grounds of their complaint if the grounds are not clear.

An internal review will consider whether or not the request was handled appropriately, in line with the requirements of the FOISA. Applicants wishing to ask for an internal review must do so within 40 working days of the date of Thenue Housing Association's final response to their request.

Thenue Housing Association will acknowledge the request for an internal review within two working days and aims to respond within 20 working days of receipt. In a small number of cases, the response may take longer. In these circumstances, Thenue Housing Association will notify the requester, explain why more time is needed and give an estimate of the completion date.

Anyone who is unhappy with the outcome of an internal review is entitled to complain to the Scottish Information Commissioner.

## **10. DATA PROTECTION**

Thenue Housing Association will treat tenants' personal data in line with its obligations under the current General Data Protection Regulation and its own Privacy Statement. Information regarding how tenants' data will be used and the basis for processing data is provided in the Association's Privacy Notice.

## **11. COMPLAINTS**

Any tenant who feels aggrieved by their treatment under this policy can ask for a copy of the Association's Complaints Handling Procedure which is available on the Association's website or from our office. Any tenant making a complaint will be advised of their right to complain to the Scottish Public Services Ombudsman.

## 1. MISSION, VISION AND

### VALUES

### OUR PURPOSE

Delivering quality and affordable homes with excellent customer service....improving homes, live and communities.

### OUR VISION

Quality homes and stronger communities where people want to live.

### OUR VALUES

<b>Passion:</b>	We are committed, determined and motivated
<b>Excellence:</b>	We aim to be the best we can be.
<b>Respect:</b>	We treat everyone with courtesy and dignity, recognising diversity
<b>Connection:</b>	We listen and actively engage with our customers and communities

## 2. INTRODUCTION

Our Communication Policies will help to communicate and promote our aims and values and demonstrate that Thenuue Housing Association is a unique and exciting organisation dedicated to quality service.

The reasons for these Policies are:

- It assists us to articulate our Mission Statement and Values to our people and external customers and key contacts.
- We believe that a strategic approach to communication is important in order to present a strong and consistent message.
- We are a forward moving organisation with a commitment to continuous improvement.
- Our customers are at the heart of everything that we do.
- Communication is key to changing perceptions of all customers.
- Effective engagement and communications are essential to supporting our Business Plan and strategic goals.
- The guiding principles in our policy will underpin all forms of communication and external engagement.

## 3. OBJECTIVES AND PRINCIPLES

Our objectives are to:

- Create a strong, recognisable and positive identity.
- Ensure people understand what we do.
- Enhance our reputation as an efficient, well run organisation.
- Reinforce our reputation as a good provider of housing, housing services and

Community Regeneration projects for our various communities across Glasgow.

- Ensure all our people are aware of and share full responsibility for achieving our corporate aims, objectives and values.
- Make information accessible and helpful.
- Assist us in making better informed decisions.
- Improve customer satisfaction and value for money.
- Strengthen marketing to attract customers, increase satisfaction of existing customers and develop new and existing partnerships.

We will:

- Deal with enquiries and requests for information in a timely, helpful, responsive, courteous and professional manner.
- Treat all customers with dignity and respect.
- Take individual responsibility for good communication.
- Welcome feedback and constructive criticism.
- Treat complaints as an opportunity to resolve service failures and improve things.
- Build partnerships based on openness and trust.
- Reflect the commitments of our Service Standards.
- Adhere to our Openness and Confidentiality Policy, our Freedom of Information Policy and our Data Protection Policy.
- Consider the impact across other Thenue services and policies.
- Seek to communicate with our customers in the most effective method and improve the quality of our interactions.

#### **4. TARGET AUDIENCE**

We will maintain an effective and open dialogue with a diverse range of audiences. These stakeholders include:

- Current customers and future customers (including tenants, owners, residents, other service users and applicants for housing, employment, etc.) and their representatives.
- Our People (Staff and Board).
- Our network of Area Association and Scrutiny Panel Members.
- Volunteers.
- The local wider community in all our areas.
- Subsidiary Companies (particularly Thenue Communities).
- Glasgow City Council and its Elected members in our communities.
- The Scottish Government, including key Civil Servants and Members of the Scottish Parliament.
- Key third party likeminded and representative organisations across Scotland
- Regulatory bodies.
- Partners including other housing associations, community groups, contractors and suppliers. Funders.
- Local and Glasgow wide press.

#### **5. KEY MESSAGES**

The key messages we wish to relay to our target audiences are that:

- We are a unique and exciting organisation to be involved with.



- Thenue is a great place to work.
- All internal and external stakeholders are valued.
- We provide a good service that is well managed, well governed, transparent, viable and efficient.
- We achieve useful and beneficial outcomes.
- We are pro-active in meeting the needs of diverse communities.
- We respond to service failure positively and seek to rectify and learn from problems in a timely manner.
- We are a positive contributor and partner.
- We listen and actively welcome ideas and feedback.

## 6. COMMUNICATION WILL BE

<b>Pro-active</b>	Getting our key messages out to our target audiences.
<b>Accessible</b>	Making information available in alternative formats where practical and reasonable. We are a Happy to Translate Organisation
<b>Appropriate &amp; relevant</b>	Giving the right information, to the right people, in the right way, at the right time.
<b>Clear</b>	Using plain language that is jargon-free and expressed clearly.
<b>Consistent</b>	Conveying trust by delivering a strong and agreed message.
<b>Effective</b>	Reflecting our style and brand identity in all materials used for communication internally and externally.
<b>High Quality</b>	Ensuring all communications are of the most appropriate quality.
<b>Open and honest</b>	Building and maintaining trust through consistency and integrity. Encouraging transparency and participation.
<b>Informative</b>	Facilitating a strong two-way flow of information and ideas.
<b>Receptive</b>	Listening to customers, staff and stakeholders.

## 7. COMMUNICATED BY

Everyone within Thenue has a responsibility for effective communication and for implementing this policy. The role each individual will play will vary depending on where within Thenue's structure they are placed.

<b>Board</b>	Board members are ambassadors of the association, promoting our activities and creating growth opportunities. The Chair of the Board is the principle figurehead of the association.
<b>Chief Executive</b>	The Chief Executive will lead on external communications, acting as the main spokesperson and will draft or approve public statements on behalf of Thenue.
<b>Executive Team</b>	The Executive Team's role is to drive the business; monitor organisational performance; manage risk; focus on strategic issues and partnerships; and to deliver the Business Plan and budget, as agreed with the Board.

<b>Operational Management Team</b>	The Operational Management Team will lead on communications for their departments and support the organisation to fully implement this plan. They will ensure important information is cascaded to their managers and staff through one-to-one meetings and regular team meetings.
<b>The Staff Forum</b>	The Staff Forum is a consultative body covering all employees of Thenue. It provides an opportunity for staff, through their representatives, to be consulted and to contribute both to the improvement of the quality of services provided by Thenue and to the provision of a fair and consistent approach throughout the association.
<b>Short life working groups</b>	These groups, when formed, take a lead role on managing and developing specific services. They will ensure that key messages and opportunities for consultation are communicated with all relevant stakeholders.
<b>The Staff Team</b>	All staff members are responsible for communicating in a respectful, open and timely manner ensuring that important information is received and acted upon. All staff members must use their best endeavours to ensure communication results in a positive experience for our stakeholders even when relaying difficult messages.
<b>Our PR Consultant</b>	Our PR Consultant co-ordinates and casts a critical eye over our newsletter, Annual Review, Charter Report leaflets, major letters, website, press releases and social media announcements to ensure they are well designed, informative and written in plain English.

Our communication aims are to:-

- a) Continue to convey through our communications activity (primarily in the form of news releases) that Thenue is a leading community-controlled housing association in Glasgow and in a wider Scottish context.
- b) Retain our dominant position as one of the few housing providers which regularly issues news about its work on a range of housing-related matters from creating new homes to community regeneration work.
- c) Maintain our presence in key publications such as SFHA Housing News, Scottish Housing News and the Evening Times to ensure that through increased coverage in the media and other public forums, the organisation is seen in a positive light by the people it serves and by others involved in housing in the city and beyond.
- d) Ensure the organisation is protected from negative publicity which could have a detrimental effect on its reputation.
- e) Have a Communications and Participation Strategy in place which includes a focus on social media and the consideration of alternative ways to communicate, for example by using film
- f) Continue to produce a newsletter as a communications tool for customers providing high quality design and content.
- g) Continue to develop and promote the use of our Self-Service App and Portal.

## 8. CHANNELS OF COMMUNICATION

We use a variety of channels to communicate including:

**Written Correspondence:** Letters, email, text messages, social media.

**Audio information:** Telephone calls, conference calls, video conferencing.

**In Person:** Telephone calls, word of mouth, briefings and meetings, tenant groups, training events, Annual General Meeting, over the counter, home visits, interviews, tenants' conference, information stands, gala days, team meetings, case conferences, networking forums, presentations.

**Media:** Newspapers (local, national and regional), free sheets, specialist publications magazines, radio (local, national and regional), television, our website Facebook, Twitter, other social media and the Self Service App and the Portal.

**Printed information:** Fliers, posters, brochures and leaflets, reports, annual report, report on the Charter, policies and strategies, partner newsletters. Documents can be requested in an accessible format. Notice boards are used to display a variety of this information.

## **9. ENGAGEMENT**

Thenue is a well-known organisation and, through effective engagement as and will continue to be a place where people want to work, do business with and be customers of.

## **10. COMMUNICATION STRATEGY**

The Communication Strategy will ensure that all key points covered within this policy are put into place. This will be done through the delivery of an action plan contained within the Strategy.

## **11. NEGATIVE PR**

As well as trying to raise the profile of the Association and get our agreed message out to our target audience, we have to guard against the danger of negative PR which could undermine us as an organisation. To try to limit the effects of negative PR:

- a) We will limit the number of people who may communicate directly with the media. At present this is limited to our PR Consultant following discussion with any of the Executive Team or the Chair.
- b) We will continue to develop a media contact list by finding out who covers issues relevant to Thenue in the local media. Newspaper and television reporters, radio shows and bloggers can all be included in our contact list.
- c) Members of staff and Board should not deal with the media direct but instead contact any member of the Executive Team who will decide on the appropriate response.
- d) Board and staff members are responsible for highlighting to the Executive Team or the Chairperson any issues which may become issues of negative PR.

## 1. INTRODUCTION

- 1.1** Thenue 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.

We have adopted the Scottish Information Commissioner's Model Publication Scheme / SFHA's 'Open All Hours' Publication Scheme this ensures that a wide range of information is available to tenants other stakeholders and members of the public in the interests of accountability and to encourage involvement in decision making.

We produce an Annual Assurance Statement which provides assurance that our organisation complies with the relevant requirements of Chapter 3 of the Scottish Housing Regulator's Regulatory Framework.

This policy formalises the association's commitment to openness whilst balancing the competing requirement of confidentiality.

## 2. OPENNESS

- 2.1** Thenue will operate in an open and accountable manner to all our major stakeholders. These may be defined as those people or organisations that have a direct interest in Thenue's operation and performance. The list includes members, Board members, tenants, sharing owners, owner-occupiers, local communities, clients, the Scottish Housing Regulator, local authorities, other partner organisations, commercial contacts and staff.
- 2.2** The provision of information in an appropriate form is essential for achieving openness and by taking this approach it is also hoped that it will reduce the need for people to make a direct request for the information, as they will be able to access it easily

Thenue will:

- Publish the Scottish Information Commissioner's Model Publication Scheme and Guide to Information on our website
- Publish an Annual Assurance Statement and ensure that the Board of Management approve this prior to submission to the Scottish Housing Regulator
- 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 as detailed in the Freedom of Information Policy and Procedure.
- Include information in the annual report on the organisation's structure, activities, performance and annual accounts.
- Circulate the annual report widely and make it available on our website.
- Produce regular newsletters for tenants and members and call area or public meetings as appropriate.
- Produce and widely circulate a report on the Charter each year to allow customers to see how we are performing against the Charter.
- Make accessible reports and minutes of the Board of Management, 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 Board of Management, 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 Board of Management Members and staff to complete a declaration of interest form, which will be held on record.
- Maintain a web site, ([Thenueshousing.co.uk](http://Thenueshousing.co.uk)), that provides 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
  - Agendas and Minutes of Board of Management meetings
  - The current Board of Management
  - Annual assurance statement
  - Freedom of information
  - Statutory accounts
  - Tenants charter reports
  - Rent consultation

- Making a complaint
- Key policies of the association (membership, allocations, this policy on openness and confidentiality, etc.)
- Any other information as identified in the SFHA Model Publication Framework

**2.3** Thenue 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 Thenue maintain, including whether or not they are available for public inspection are: -

Register name	Available for public inspection	Format maintained in
Accidents and near misses	No	Electronic
Abandonments	Yes	Electronic
Bribery	No	Electronic
Complaints	No	Electronic
Contractors	No	Electronic
Data Protection Requests	No	Electronic
Declaration of Interests – Committee Members	Yes	Electronic
Declaration of Interests – Staff	No	Electronic
Disability Discrimination Act Requests	No	Electronic
Disposals of Land or Property	Yes	Electronic
Evictions	No	Electronic
Execution of Deeds and Contracts	No	Electronic
Ex-Gratia Payments	Yes	Electronic
Fraud	No	Electronic
Gifts and Hospitality	Yes	Electronic
Membership	Yes	Electronic
Payments and Benefits to Committee Members	Yes	Electronic
Payments and Benefits to Staff	No	Electronic
Seal	No	Electronic
Tenant Organisations	Yes	Electronic
Tenders	No	Electronic
Titles Register	Yes	Electronic

### 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 Thenue’s work, staff and board members will have access to facts and opinions about board 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 board 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.

**3.4** This policy complements the Association's Freedom of Information Policy, Environmental Information Regulation Policy and the Data Protection Policy, adopting and operating procedures in accordance with Freedom of Information (Scotland) Act 2002 (FOISA) the Environmental Information Regulations (Scotland) Act 2004 and General Data Protection Regulation and the Data Protection Act 2018.

#### **Confidentiality and Service Users**

**3.5** 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 Thenue to be confidential. Their right to privacy will be respected.

**3.6** 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.

**3.7** Where service users are receiving housing support or care services, Thenue 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.

**3.8** 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**

**3.9** Working relationships are based on trust and mutual respect. Staff members will not talk about one another in ways that might damage this, this includes emails and social media.

**3.10** Supervision sessions will remain confidential, but misconduct will be reported to senior staff.

**3.11** Personnel files for staff containing personal and salary details etc. will be held on the HR system. A staff member may consult his or her own file by contacting the People and Culture Manager. Access to the HR system will be restricted to the Chief Executive, nominated People and Culture Officers, the nominated Finance Officer (payroll) and Departmental Managers (the managers will only have access to the files of the individuals that they line manage). No other staff or board 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 Executive Team.

- 3.12** In exceptional circumstances, e.g. relating to disciplinary or grievance issues, separate personal files will be created and held securely by the Chief Executive.
- 3.13** 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**

- 3.14** Thenue maintains comprehensive records in respect of our tenants, which are held on both paper and computerised files. Thenue staff are authorised to access only those files necessary to facilitate the delivery of an efficient and effective service within their area of operation.
- 3.15** 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.
- 3.16** Where staff report individual tenant details to the Board of Management 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.
- 3.17** Staff and Board should not discuss or otherwise reveal any information relating to individual tenants with third parties at any time. In the case of Board Members receiving enquiries from tenants, the individual should be advised to contact a staff member rather than dealing with the enquiry themselves, as per Thenue's procedures for Board member enquiries or complaints.

#### **Confidentiality and the media**

- 3.18** Staff and Board members will not speak to the media (press, radio, TV). At present it is only the PR consultant who will make a statement after consulting with the Chairperson, the Chief Executive or a member of the Executive Team as appropriate.

#### **Confidentiality and references**

- 3.19** From time to time Thenue 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**

- 3.20** All staff and board 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 Thenue's reputation. Breach of confidentiality may result in disciplinary action for staff and removal from the Board for a Board member.



## 1. INTRODUCTION

- 1.1 Procurement is a high value activity for the association that has a critical impact on its performance and success. The organisation spends over £5.0M per annum on revenue goods, works and services and approximately £7.5M on capital investment. Obtaining best value for money through its procurement processes is therefore of paramount importance to the association and our customers
- 1.2 This policy outlines the principles which will be used by the association in the procurement of Works, Goods and Supplies.
- 1.3 As a body governed by public law the association must comply with EU Directive 2014/24/EU which has been incorporated into Scottish Law by The Public Contracts (Scotland) Regulations -2015 and with the Procurement Reform (Scotland) Act 2014 and the Procurement (Scotland) Regulations 2016.

## 2. LEGAL AND REGULATORY FRAMEWORK

- 2.1 The legal framework which governs public procurement includes:
  - a) EC treaty obligations
  - b) EC procurement directives as implemented by legislation
  - c) European Court of Justice and National Case Law
  - d) The Public Contracts (Scotland ) Regulations 2015- 2015 Regulations
  - e) The Procurement Reform (Scotland) Act 2014- 2014 Act
  - f) The Procurement (Scotland) Regulations 2016- 2016 Regulations

## 3. STRATEGIC OBJECTIVES

- 3.1 In carrying out procurement the association will ensure compliance with the Procurement Reform (Scotland) Act 2014 in relation to contracts regulated under that Act and to the Public Contracts (Scotland) Regulations 2015 by
  - a) Treating relevant economic operators equally and without discrimination
  - b) Acting in a transparent and proportionate manner
  - c) Complying with the sustainable procurement duty
- 3.2 The sustainable procurement duty is defined in the 2014 Act as the duty to consider how the procurement process could:
  - a) Improve the economic, social and environmental wellbeing of the area
  - b) Facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses in the process
  - c) Promote innovation
- 3.3 To consider the use of Community Benefit Requirements as defined in the Procurement Reform (Scotland) Act 2014 when commissioning any procurement whose value is in excess of £4 million. Such requirements will be contractual-

Relating to:

- Training and recruitment
- The availability of sub-contracting opportunities, or
- Intend to improve the economic, social or environmental wellbeing of the area in a way additional to the main purpose of the contract.

**3.4** To ensure that all unregulated procurement is carried out in accordance with the association's Financial Regulations

#### **4. AIM OF POLICY**

**4.1** The aim of this policy will be that all procurement processes:

- achieve value for money<sup>1</sup>
- are carried out in an efficient and effective manner
- are proportionate to the level of expenditure to be incurred
- have a clear audit trail

#### **5. POLICY**

##### **5.1 Procurement Rules**

Thenue will ensure that all procurement across the organisation complies with the Financial Regulations and where applicable the Procurement Reform (Scotland) Act 2014, the Procurement (Scotland) Regulations 2016 and the Public Contracts (Scotland) Regulation 2015.

The tables below detail the arrangements for all contracts whether regulated or unregulated.

<b>Table 1 : Service and Supply Contracts</b>		
<b>Contract Value</b>	<b>Procurement Rules</b>	<b>Procurement Type</b>
£5,000 to £10,000	A minimum of 3 competitive quotations should be sought from appropriate suppliers. In the event less than 3 quotes are obtained the contract can be awarded subject to approval by the Director of Department or Chief Executive.	Unregulated
£10,000 to £50,000	A minimum of 3 competitive tenders should be sought from appropriate suppliers or by utilising the Quick Quotes process. In the event less than 3 tenders are obtained the contract can be awarded subject to approval by the Director of Department or Chief Executive.	Unregulated

<sup>1</sup> See Appendix 1 for definition of Value for Money

<b>Table 1 : Service and Supply Contracts</b>		
<b>Contract Value</b>	<b>Procurement Rules</b>	<b>Procurement Type</b>
Above £50,000 but Below Public Contracts (Scotland) Regulations 2015 limit (currently £181,133)	Contract will either be: <ul style="list-style-type: none"> <li>a) Advertised on Public Contracts Scotland Website(PCS) or</li> <li>b) Quick Quotes sought on Public Contracts Scotland Website or</li> <li>c) A Framework contract may be utilised</li> </ul>	Regulated
Above Public Contracts (Scotland) Regulations 2015 limit (currently £181,133)	Contract will either be; <ul style="list-style-type: none"> <li>d) advertised on the PCS Website and the European Journal or</li> <li>e) A Framework contract may be utilised</li> </ul>	Regulated

<b>Table 2 : Works Contracts</b>		
<b>Contract Value</b>	<b>Procurement Rules</b>	<b>Procurement Type</b>
£5,000 to £10,000	A minimum of 3 competitive quotations should be sought from appropriate suppliers. In the event less than 3 quotes are obtained the contract can be awarded subject to approval by the Director of Department or Chief Executive.	Unregulated
£10,000 to £50,000	A minimum of 3 competitive tenders should be sought from appropriate suppliers. In the event less than 3 tenders are obtained the contract can be awarded subject to approval by the Director of Department or Chief Executive.	Unregulated
£50,000 to £2,000,000	A minimum of 3 tenders should be sought from a list obtained through the PCS web site either by advertising or by utilising the process known as 'Quick Quotes'. In addition adverts may also be placed in other appropriate vehicles determined by the nature of the contract. Alternatively a Framework contract may be utilised	Unregulated
Above £2,000,000 but below Public Contracts (Scotland) Regulations 2015 limit (currently £4,551,413)	Contract will either be: <ul style="list-style-type: none"> <li>a. Advertised on Public Contracts Scotland Website(PCS) or</li> <li>b. A Framework contract may be utilised</li> </ul>	Regulated
Above the Public Contracts (Scotland) Regulations 2015 limit (currently £4,551,413)	Contract will either be; <ul style="list-style-type: none"> <li>c. advertised on the PCS Website and the European Journal or</li> <li>d. A Framework contract may be utilised</li> </ul>	Regulated

**6.1** It is acknowledged that in certain circumstances particularly in relation to specialist services or suppliers it may only be possible to select one party to provide the service or supply in which instance a procurement process is not possible. In these circumstances the Director of Finance, IT & Resources or Chief Executive should agree that a full procurement process is not possible. Where such a service or contract is above the procurement threshold the appropriate processes that may be laid down in regulation by the Scottish Government must be followed and if necessary specialist legal advice sought.

## **6.2 Procurement Procedures:<sup>2</sup>**

Procurement processes under the 2015 Regulations require application of a procedure which complies with the regulations. Regulation 27 details the choice of procedures and the circumstances in which they can be applied. Procedures which comply are:

- a) Regulation 28: Open Procedure:
- b) Regulation 29: Restricted Procedure:
- c) Regulation 30: Competitive Procedure with negotiation
- d) Regulation 31: Competitive Dialogue:
- e) Regulation 32: Innovation partnerships:
- f) Regulation 33: Use of negotiated procedure without prior publication:
- g) Regulation 34: Establishing a Framework

Procurements will normally be advertised under either Regulation 29-Restricted Procedure or Regulation 34-Establishing a Framework.

Where it is proposed to advertise under Regulations 28, 30 and 31, a detailed case including risk assessment and cost estimates will have to be approved by the Executive Team. For procurements under Regulation 32, formal Board approval will also be required.

## **6.3 Procurement Process:**

Contracts procured under the 2015 Regulations require that contract awards are made on the basis of the 'Most Economically Advantageous Tender (MEAT). Price or cost must not be used as the sole award criteria. The Scottish Government has extended this method to include all regulated contracts.

*'The most economically advantageous tender must be identified on the basis of criteria linked to the subject matter of the public contract in question and must include the price or cost, using a cost effectiveness approach.'*<sup>3</sup>

Criteria may include:

- a) Quality including technical merit, aesthetic and functional characteristics
- b) Organisation, qualifications and experience of staff
- c) After sales service and technical assistance

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<sup>2</sup> Details of the Regulations 28-34 are given in Appendix 2

<sup>3</sup> Public Contracts (Scotland) Regulations 2015: Regulation 67

Full details of the Regulation 67 are given in Appendix 4 which should be considered when determining the Price/Quality ratio.

In determining the appropriate quality/price ratio the table below should be used as a reference.

<b>% Quality</b>	<b>% Price</b>	<b>Procurements</b>
80%	20%	May be used for projects where innovation or design is of primary importance or for studies to consider inception/feasibility of projects
70%	30%	Typically for services above 2015 Thresholds e.g. consultant appointments where design/experience is an important criteria
60%	40%	Typically for regulated service /works contracts e.g. Gas service and repair
50%	50%	Where price and quality are of equal importance but care must be taken that lowest price is not the sole determinant
40%	60%	Suitable for a supply contract where quality may not be a significant issue
30%	70%	Suitable for a supply contract where quality may reflect a standard e.g. photocopiers
20%	80%	This ratio will only apply by exception to either; <ol style="list-style-type: none"> <li>1. A supply contract where quality is not a factor e.g. office supplies or</li> <li>2. Where a rigorous pre-qualification process has ensured that all tenderers meet a predetermined high quality threshold e.g. new build works contracts</li> </ol>

Regulated procurements and those carried out under Regulations 29, 30, 31 and 34 of the 2015 Regulations will require a Pre-Qualification process to select those operators who will be invited to tender.

The Pre-Qualification Questionnaire (PQQ) will be the European Single Procurement Document (ESPD Scotland) for regulated works procurements and for all procurements under the 2015 Regulation. Regulated services and supply procurements may require to modify the ESPD to reflect the circumstances of the procurement exercise.

All procurement processes will determine a minimum threshold required in the PQQ submissions to select the operators Invited To Tender (ITT).

The contract notice will be lodged with the PQQ, ITT and the Quality/Price Ratio.

For procurements above the 2015 Regulation threshold and for regulated works procurements, the PQQ and ITT quality submissions will be assessed by a tender panel consisting of two members of Thenu staff, at least one of which will be a member of the Operational Managers Team (OMT) or Executive Team (ET) and a third party independent procurement consultant.

For other regulated service and supply procurements the tender panel will consist of two members of Thenue staff at least one of which will be a member of the OMT or ET.

Tender submissions will consist of a quality submission and a separate priced submission. The Tender Panel will complete the assessment of the Quality Submissions and record the Quality score without any knowledge of the price submissions. Price submissions will be opened only upon completion of the quality assessment. Price submissions will be assessed on the basis of comparison above or below the average in the Quality/Price matrix shown in Appendix 5.

#### **6.4 Framework Agreements:**

Thenue may establish Frameworks<sup>4</sup> as defined under Regulation 34 of the 2015 Regulations for works contracts and for the supply of goods or services. Thenue may utilise Frameworks established by other parties where it is possible to do so and where these represent value for money.

Such agreements may be with one or more economic operators for the provision of services, supplies or works. Such agreements should not normally exceed 4 years except in exceptional circumstances.

The Framework Agreement will indicate how contracts will be awarded either:

- without re-opening competition, call-off in accordance with Regulation (34)(7)(b)(i) or
- re-opening completion, mini tender, in accordance with Regulation 34(7)(b)(ii)

#### **6.5 Abnormally Low Tenders: <sup>5</sup>**

A tenderer will be required to explain the price or costs proposed in a tender where the tender appears abnormally low in relation to the works, supplies or services. The tender may be rejected if the conditions detailed in Regulation 69(4) apply and must reject it when Regulation 69(5) applies.

### **7. Procurement Strategy**

In compliance with the Procurement Reform (Scotland) Act 2014 Thenue will produce an annual Procurement Strategy and Annual Procurement Report. The Procurement Strategy will be approved by the Board and included in the Business Plan. Reports will cover the previous financial year. The Annual Report will be submitted to the Board after the end of the Financial Year.

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<sup>4</sup> See Appendix 2 for definition of Framework

<sup>5</sup> Public Contracts(Scotland) Regulations 2015: Regulation 69

## **8. Contract Register**

Thenue will keep and maintain a contract register as required by the 2014 Act. The register will hold the following details:

- The date of the award
- The name of the contractor
- The subject matter
- The estimated value
- The start date
- The end date provided for in the contract (disregarding any option to extend the contract)or, where there is no date specified a description of when the contract will end
- The duration of any period for which the contract can be extended
- Entries will only be deleted after the contract has expired or terminated
- The Contract Register will be available on the Thenue Web site
- Thenue reserves the right to withhold an entry or part of an entry in line with the guidance in the 2014 Act

## **9. Policy Implementation**

Responsibility for implementation of this policy lies jointly with the Director of Property Services and Director of Finance, IT and Resources.

## **10. Responsibility**

- 10.1** The Board retains ultimate control of all decisions relating to procurement of goods, services and works. Under the terms of the Financial Regulations this responsibility has been delegated to the Executive Team under their delegated powers or to staff under their delegated authority within the Financial Regulations.
- 10.2** Full details of delegated powers are contained within the remits of the Board of Management, the Executive Team and the Financial Regulations.

## Definitions

**Community Benefit Requirements** defined in Section 24 of the 2014 Act<sup>6</sup>

**Procurement:** defined as being the acquisition of goods, services and works from third parties.

**Public contract:** a contract for pecuniary interest and having as its object the execution of works, the supply of products or the provision of services as defined in the Public Contracts (Scotland) Regulations 2015

**Regulated procurement:** any procedure carried out by the association which results in the award of regulated contract<sup>7</sup>

**Regulated Contract:** defined as a public contract governed the 2014 Act<sup>8</sup> where the value of the contract is above the thresholds

**Sustainable Procurement Duty** as defined in Section 9 of the 2014 Act<sup>9</sup>

**Unregulated contract:** one where the value of the contract is below the thresholds of the 2014 Act

**Value for money:** defined as the optimum combination of whole life cost and quality or fitness for purpose to meet the organisations requirements. Value for money must also be assessed in relation to organisational policies regarding sustainability/corporate responsibility which recognise that lowest price is not the way to award contracts or purchase services.

**Whole life costs:** this could include implementation costs, ongoing operating costs and end of life disposal.

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<sup>6</sup> See attached Appendix 3

<sup>7</sup> Regulated procurement is defined in S2 of the 2014 Act see attached Appendix 3

<sup>8</sup> Regulated Contract is defined in S3 of the 2014 Act see attached Appendix 3

<sup>9</sup> See attached Appendix 3



**Procurement Procedures:**<sup>10</sup>

**Regulation 28:** Open Procedure: A contracting authority must permit any interested economic operator to submit a tender in response to a call for competition within the time period set by the authority in accordance with this regulation

**Regulation 29:** Restricted Procedure: A contracting authority must permit any economic operator to submit a request to participate in response to a call for competition within the time period set by this regulation. A contracting authority may limit the number of suitable candidates invited to tender

**Regulation 30:** Competitive Procedure with negotiation A contracting authority must permit any economic operator to submit a request to participate. There are then regulations governing the process

**Regulation 31:** Competitive Dialogue: A contracting authority must permit any economic operator to submit a request to participate. There are then regulations governing the process

**Regulation 32:** Innovation partnerships: A contracting authority may establish an innovation partnership conducting separate research and development activities

**Regulation 33:** Use of negotiated procedure without prior publication: A contracting authority may award a public contract following negotiated procedures without prior publication of a contract notice or prior information notice subject to the detail of the regulation

**Regulation 34:** Framework Agreements: A contracting authority may conclude a framework agreement provided that the authority applies the procedures in these regulations

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<sup>10</sup> Public Contracts (Scotland) Regulations 2015

**Extracts from the Procurement Reform (Scotland) Act 2014**

**Regulated procurements**

For the purposes of this Act, a “regulated procurement” is—

(a) any procedure carried out by a contracting authority in relation to the award of a proposed regulated contract including, in particular—

- (i) the seeking of offers in relation to the contract, and
  - (ii) the selection of economic operators,
- (b) the award of a regulated contract by a contracting authority.

**Regulated contracts**

(1) A contract is regulated if—

- (a) it is a public contract,
- (b) the estimated value of the contract (see section 5) is equal to or greater than the contract threshold, and
- (c) the contract is not an excluded contract (see section 4).

(2) For the purposes of this Act, the contract threshold is as follows—

Type of contract	Threshold
Public contract (other than a public works contract)	£50,000
Public works contract	£2,000,000

(3) The Scottish Ministers may by order amend the table in subsection (2) so as to substitute for the figures specified there for the time being such other figures as they consider appropriate

**Sustainable procurement duty**

(1) For the purposes of this Act, the sustainable procurement duty is the duty of a contracting authority—

- (a) before carrying out a regulated procurement, to consider how in conducting the procurement process it can—
  - (i) improve the economic, social, and environmental wellbeing of the authority’s area,
  - (ii) facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses in the process,
 and
  - (iii) promote innovation, and
- (b) in carrying out the procurement, to act with a view to securing such improvements identified as a result of paragraph (a)(i).

(2)The contracting authority must consider under subsection (1) only matters that are relevant to what is proposed to be procured and, in doing so, consider the extent to which it is proportionate in all the circumstances to take those matters into account.

(3)In this section—

- “small and medium enterprises” means businesses with not more than 250 employees,
- “third sector bodies” means organisations (other than bodies established under an enactment) that exist wholly or mainly to provide benefits for society or the environment.

(4)In this section, references to the wellbeing of the authority's area include, in particular, reducing inequality in the area

### Community benefit requirements

For the purposes of this Act, a community benefit requirement is a contractual requirement imposed by a contracting authority—

(a)relating to—

(i)training and recruitment, or

(ii)the availability of sub-contracting opportunities, or

(b)which is otherwise intended to improve the economic, social or environmental wellbeing of the authority's area in a way additional to the main purpose of the contract in which the requirement is included

**Public Contracts (Scotland) Regulations 2015: Regulation 67****Contract award criteria**

**67.**—(1) A contracting authority—

(a) must base the award of public contracts on the most economically advantageous tender assessed from the point of view of the contracting authority; and

(b) may not use price only or cost only as the sole award criteria.

(2) A contracting authority must identify the most economically advantageous tender on the basis of the best price-quality ratio, which must be assessed on the basis of criteria linked to the

subject-matter of the public contract in question and must include the price or cost, using a cost-effectiveness approach.

(3) A cost-effectiveness approach referred to in paragraph (2) may include life-cycle costing in accordance with regulation 68 (life-cycle costing).

(4) Criteria referred to in paragraph (2) may comprise or include—

(a) quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions;

(b) organisation, qualification and experience of staff assigned to performing the contract, where the quality of the staff assigned can have a significant impact on the level of performance of the contract; or

(c) after-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.

(5) The cost element may also take the form of a fixed price or cost on the basis of which economic operators will compete on quality criteria only.

(6) Award criteria must be considered to be linked the subject-matter of the contract where they relate to the works, supplies or services to be provided under that contract in any respect and at any stage of their life cycle, including factors involved in—

(a) the specific process of production, provision or trading of those works, supplies or services; or

(b) a specific process for another stage of their life cycle, even where such factors do not form part of their material substance.

(7) Award criteria must—

(a) not have the effect of conferring an unrestricted freedom of choice upon the contracting authority;

(b) ensure the possibility of effective competition; and

(c) be accompanied by specifications that allow the information provided by the tenderers to be effectively verified in order to assess how well the tenders meet the award criteria.

(8) In case of doubt, the contracting authority must verify effectively the accuracy of the information and proof provided by the tenderers.

(9) The contracting authority must specify, in the procurement documents, the relative weighting which it gives to each of the criteria chosen to determine the most economically advantageous tender.

SELECTION OF CONTRACTOR/CONSULTANTS

EXAMPLE SHOWING 60%/40% RATIO

QUALITY/PRICE EVALUATION MATRIX:

Final Quality/Price Evaluation on 60%/40% Ratio

Tenderer:

Contractor-Consultant	A	B	C
Quality score (out of 100)	70	80	90
Total Tender Price	100,000	150,000	200,000
Mean 150,000	150,000	150,000	150,000
Above (-) and below (+) mean	50,000	0	-50,000
Percentage above (-) and below (+) mean	33.33	0.00	-33.33
Mean score 50 points	50	50	50
Price score	83.33	50.00	16.67
Weighted total score			
Quality x 60 Percent	42	48	54
Price x 40 Percent	33.33	20.00	6.67
Total	75.33	68.00	60.67

Price score

For each offer above the mean: deduct 1 point for each percentage point above mean

For each offer below the mean: add 1 point for each percentage point below mean

Signature of Assessor(s); \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

## 1. INTRODUCTION

In considering its approach to risk management, Thenue is mindful of the need to balance a prudent approach to the risks associated with its business with the need to ensure an innovative and creative approach to opportunities and challenges. Thenue regards effective risk management as an essential component of its business strategy and crucial to maintaining its commitment to continuous improvement and sustained viability. Thenue will not seek to avoid risks that can be properly managed and which do not jeopardise the Association's business or tenants' interests. Where activities that can support the delivery of strategic and operational objectives are identified as carrying an associated risk, Thenue will only accept those risks following a rigorous assessment that confirms they can be effectively managed.

Risk Management is the process of identifying risks, estimating their potential consequences and determining the most cost-effective method of controlling them and/or responding to them. The aim is to reduce the frequency of damaging events occurring, wherever possible, and minimise the severity of their consequences if they do occur.

Thenue defines risk as:

Any event, action or circumstance that hinders Thenue in its delivery of good performance or achievement of either strategic or operational targets and objectives or which has an adverse impact on Thenue's business or reputation

Thenue defines risk management as the means by which we

- Safeguard our assets and protect the interests of our tenants and other customers
- Drive continuous performance improvement in all our business activities
- Assess the viability of potential new activities
- Ensure a thorough understanding of our business activities, their effects and success
- Minimise loss or damage

Through the effective implementation of this policy Thenue aims to:

- Identify risks accurately
- Anticipate and assess risks realistically

Respond to risks effectively and manage them appropriately

## 2. OBJECTIVES OF THE POLICY

The objectives of this policy are:

- a) To integrate risk management into the culture of the association.
- b) To identify, manage and report risk in accordance with good practice.
- c) To define compliance with statutory and regulatory requirements as minimum standards.
- d) To anticipate and respond to changing social, environmental, legislative and political requirements.
- e) To prevent injury and damage and reduce the impact of risk.

## 3. REGULATORY COMPLIANCE

This policy is aimed at demonstrating compliance with the Scottish Housing Regulator's Regulatory Standards of Governance and Financial Management, in particular Standards 3 and 4:

Standard 3: The RSL manages its resources to ensure its financial well-being and economic effectiveness

Standard 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose

**In addition, in June 2015, The Scottish Housing Regulator made more information available about how it assesses risk in registered social landlords and we have taken guidance from their report, 'How we work; how we assess risk in RSLs'.**

## 4. APPROACH TO RISK

Thenue recognises that it has a moral and statutory duty to protect the interest of its members and tenants, as well as the organisation and its assets. In order to meet this duty, Thenue considers it is essential that risk is embedded in its overall approach to both strategic and operational management issues. By doing so, Thenue's risk management framework will strengthen and benefit the organisation through:

- a) improved strategic management which will increase the likelihood of meeting business objectives through having identified, assessed, controlled and monitored risk against targets ;
- b) improved operational management which will reduce interruptions to service delivery and time spent firefighting through enhanced managerial control ;
- c) improved financial management which will enhance financial controls and effectiveness, assist decision making and reduce losses ;
- d) improved customer service which will maintain and improve customer satisfaction and strengthen Thenue's performance in comparison to its peers and enhance the organisation's reputation.

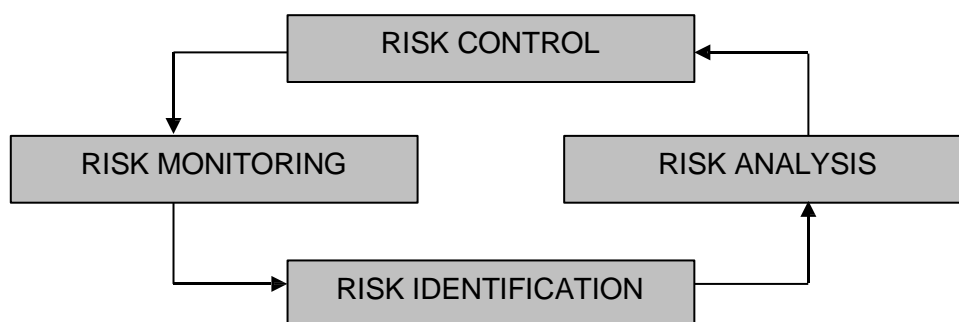
Thenue believes that it is essential that risk is anticipated and controlled in order to minimise the organisation's exposure. It is the responsibility of staff and the Board to identify, assess and control exposure to risk and minimise the impact and any losses that may occur if a risk materialises.

This requires an individual and collective commitment to a risk managed culture, which has regard for the management of risks in decision making processes and everyday working practices.

Whilst Thenue will not seek to avoid risk, we will not accept risks that jeopardise our tenants' best interests. We will risk assess all new business activities in accordance with this policy and we will keep identified risks under regular review. We will apply appropriate controls to manage identified risks and we will use our internal audit function to ensure the effective implementation of those controls and this policy. Where a risk increases in significance or materialises, we will take effective remedial action as soon as it becomes necessary. We will not undertake any new activity that is categorised as high risk unless we are satisfied that we have a specific and effective risk management plan in place; tenants' interests are not jeopardised or compromised and, where appropriate, we have secured the necessary approvals from funders and regulators.

## 5. RISK MANAGEMENT PROCESS

Thenue has an annual business planning process and also a programme of internal audit, and of course an Audit and Risk Sub-Committee. Falling out of this combination the association formulates an annual risk map, and will therefore follow the process outlined below.



- Risk Identification: recognising and understanding potential hazards is critical if informed decisions are to be made and risks managed effectively.
- Risk Analysis: assessing the likely or potential impact of an identified or anticipated risk, which allows Thenue to implement appropriate controls.
- Control: taking action to avoid, mitigate and/or manage the likelihood of the risk occurring and/or its impact protects the organisation. Controls include risk avoidance, reduction and transfer.



- Monitoring: regularly evaluating the effectiveness of risk management controls and the nature of the risk are critical if the organisation is to successfully manage risk.

## 6. IMPLEMENTING THE RISK MANAGEMENT STRATEGY

Understanding the hazards and risks faced by the Association will help to identify any potential risks and opportunities associated with core activities. Sub-dividing these into categories provides a framework for identifying a range of hazards and associated risks, which can be either strategic, operational or have an impact on both.

### Hazards and Risks

Strategic hazards and risks are those situations that need to be taken into account in judgements about the medium to long-term goals and objectives of the Association. Operational hazards and risks are those situations, which staff will encounter, in their daily work.

Strategic Affecting longer-term objectives	Operational Affecting daily working practices
<ul style="list-style-type: none"> <li>• Political (e.g. government policy)</li> <li>• Economic (e.g. increase in interest rates)</li> <li>• Social-demographic (e.g. changes in employment levels)</li> <li>• Technological (e.g. e-commerce)</li> <li>• Legislative (e.g. changes in law)</li> <li>• Environmental (e.g. pollution)</li> <li>• Competitive (e.g. stock transfer, merger initiatives)</li> <li>• Tenant/citizen (e.g. tenant preferences)</li> </ul>	<ul style="list-style-type: none"> <li>• Professional (e.g. quality of repair work)</li> <li>• Financial (e.g. budget planning and cost control)</li> <li>• Legal (e.g. compliance with current legislation)</li> <li>• Regulatory compliance?</li> <li>• Physical (e.g. fire)</li> <li>• Contractual (e.g. service delivery)</li> <li>• Technological (e.g. operation of IT systems)</li> <li>• Environmental (e.g. energy efficiency)</li> </ul>

Having categorised the hazards (i.e. events or situations that can cause harm) and associated risks (i.e. resultant event or action affecting our performance, finances), the organisation aims to determine the scale of the risk by evaluating the likelihood of the event occurring and the impact the occurrence would have on the organisation.

## Risk Assessment

Each risk is given a two part score which when multiplied together results in an overall risk score. The table below summarises the scoring system used.

Likelihood	Impact
<p><b>Very Unlikely =1</b> Risks which are considered very remote or arise very infrequently.</p>	<p><b>Minor = 1</b> Consequences would not be severe and associated losses are relatively small or the impact of the consequences minor</p>
<p><b>Possible = 2</b> Risks which could conceivably arise but are not experienced on a regular cycle.</p>	<p><b>Moderate = 2</b> Risks which cause a degree of disruption to service provision and / or may impact on the budget and/or cause some reputational damage.</p>
<p><b>Likely = 3</b> Risks which are relatively common.</p>	<p><b>Major = 3</b> Risks which have a materially adverse effect on service provision and/or a significant impact on the budget or Thenue's financial position or which has a negative impact on our reputation with our tenants , regulators or the communities that we serve and where more than one situation each year can have substantial consequences for service provision.</p>
<p><b>Almost Certain = 4</b> Risks which by their nature arise frequently.</p>	<p><b>Catastrophic = 4</b> Risks which can have a catastrophic effect on the operations and may result in significant financial loss, significant loss of reputation or significant impact on individuals or services to customers. They usually occur infrequently and can be extremely difficult to predict.</p>

From the completed risk analysis, Thenue is able to review its strategic and business objectives and decide whether to proceed with a given objective, refine the detail of a certain plan or take additional action to reduce the risk.

For operational risks, three control options exist:

- **Avoidance:** project has been identified as too risky.
- **Reduction:** project requires additional controls aimed at reducing the likelihood, impact or both.
- **Transfer:** project risk to be transferred or shared to reduce overall impact

The risk maps, which flow from this exercise, form an essential part of the operational planning and budgetary process. Having established the risks faced by the Association and identified and implemented controls, the organisation is able to take informed decisions and forward plan.

## **7. MONITORING AND REPORTING**

The effectiveness of the Risk Management Strategy and Controls must be regularly reviewed and monitored. This ensures that the organisation continually assesses existing risks, identifies new risk and is able to implement effective controls.

An annual risk map is prepared in conjunction with the Business Plan. The annual update will report on changes in risks, priorities and impacts and provide a summary of key risks, impacts and actions in the past year. New ventures or areas of business (e.g. opportunities for growth, diversification, non-mainstream development projects) will be subjected to a full operational and strategic risk review and reported to the Board of Management for consideration.

The programme of internal audit will reflect the areas of the business exposed to risk, and therefore the various reports made by the Internal Auditor will inform our management of risk. The association will give consideration to carrying out a periodic independent assurance review, which will report on the overall risk management framework's operation and effectiveness.

## SALE OF HERITABLE ASSETS

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Thenue seeks to retain its heritable assets for the benefit of the association, its tenants and other stakeholders. Accordingly we will not sell, or otherwise transfer ownership of, its housing stock other than in such circumstances determined by the Board of Management to be wholly exceptional and where it is in the interests of the association.

The association shall not sell, or otherwise transfer ownership of, non-housing heritable property owned by the Association other than in such circumstances determined by the Board of Management to be in the interests of the Association.

The Association shall procure all necessary consents, including the consent of the Scottish Housing Regulator, in connection with any proposed sale, or other disposal, of the association's heritable property.

**OUR VISION...** 'Quality homes and stronger communities where people want to live.'

## 1. BACKGROUND

We aim to deliver more sustainable but cost effective solutions for our customers, our people and the wider community in which we work. We are committed to systematically raising our capability to deliver more sustainable homes, opportunities and services. We will strive to achieve this by balancing the tensions of best value and affordability in all areas within our sphere of control.

## 2. AIMS AND OBJECTIVES

- 2.1 Support our economy by utilising local employment and supply chains whenever possible.
- 2.2 Provide best value services to our tenants from a work environment that is energy efficient, and has comfortable heat, lighting and air quality levels.
- 2.3 Support strong communities by our commitment to neighbourhood participation, social inclusion, empowerment, equality and partnership.
- 2.4 Alleviate fuel poverty by specifying fuel efficient heating and ventilation systems, the highest possible standards of insulation, and by raising awareness of energy efficiency issues and initiatives among our stakeholders.
- 2.5 Seek to reduce CO<sub>2</sub> emissions from our own operations, and ongoing monitoring of CO<sub>2</sub> emissions from our energy use and transport.
- 2.6 Meet community needs, both now and in the future, by providing desirable, flexible and affordable housing stock.
- 2.7 Challenge consultants and contractors to deliver the most sustainable options.
- 2.8 Prevent pollution and meet all legal requirements for environmental performance.
- 2.9 Through the way we work and behave protect all our people from the risk of injury or ill health.
- 2.10 Attract, develop and retain the very best people and promote diversity, ensuring equal opportunities, eradicate discrimination and create a happy and motivated workforce.
- 2.11 Our business is built on a fair way of trading driven by quality, environmental principles and the desire to help those who need it.
- 2.12 By engaging, respecting and understanding our communities we will make a positive contribution to their environment and quality of life.

## 3. MONITORING AND REVIEW

- 3.1 Sustainability is not an end point, it is a journey.

These objectives will be underpinned by the operations controlled by Thenue's executive team. The Chief Executive is responsible to the Board of Management for ensuring the implementation, development of an Environmental and Sustainability Strategy and its review.

## 1. INTRODUCTION

Thenue is committed to the highest standards of openness, probity and accountability. As employees are often the first to realise that there may be something seriously wrong, we expect those who have serious concerns about any aspect of Thenue's work to come forward and speak up without fear of reprisal. Therefore, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, board member or stakeholder of Thenue feel at a disadvantage in raising legitimate concerns.

The Public Interest Disclosure Act, 1998, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. These concerns must be made in the 'public interest' as per the Enterprise and Regulatory Act 2013, in addition if a disclosure is not made in 'good faith' this will still be considered by an employment tribunal but compensation can be reduced by up to 25% in such circumstances.

Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. Thenue will take all reasonable steps to protect workers from being victimised.

All employees, board and stakeholders working for or acting on behalf of Thenue are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Thenue.

If you are a customer, member of the public or other service user, you should raise any concerns regarding "Whistleblowing" directly with the Chief Executive, or in writing marked 'Private and Confidential' FAO Chief Executive.

### **General Data Protection Regulations:**

The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy and Procedure. Information regarding how your data will be used and the basis for processing your data is provided in Thenue's employee fair processing notice.

## 2. SCOPE OF POLICY

This policy is designed to enable employees of Thenue to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. A number of policies are already in place, including dignity at work, and disciplinary and grievance procedures. This policy is intended to cover concerns that are in the public interest and may (at least initially) be investigated separately, but may lead to the instigation of other procedures. These concerns might include:

- Financial malpractice, impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to health and safety or the environment
- Criminal activity involving Thenue, its staff, committee/board member or stakeholders

- Professional malpractice
- Improper conduct or unethical behaviour
- Failure to meet legal obligations
- Abuse of power or status
- Deliberate attempts to conceal any of the above

### 3. LEGAL FRAMEWORK

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013

### 4. SAFEGUARDS

#### Protection

This policy is designed to offer protection to those employees of Thenue who disclose such concerns provided the disclosure is made:

- In the public interest.
- To an appropriate person/body; and
- That the individual has reasonable belief in the validity of the concerns being raised.

Thenue will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern with the above provisions acknowledged.

#### Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the individual's identity if they so wish. However, at the appropriate time the individual may need to come forward as a witness.

#### Anonymous Allegations

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust, but may never the less be considered at the discretion of Thenue.

#### Untrue Allegations

If an individual makes an allegation that is not confirmed by the subsequent investigation, it is probable that no action will be taken against them. However, if the individual makes an allegation that is deemed to be made 'in bad faith' i.e frivolously, maliciously or for personal gain, disciplinary action may be taken against them and this may be up to and including dismissal. It should also be noted that under the provisions of the Enterprise and Regulatory Act 2013, if a disclosure is not made in 'good faith' this will still be considered by an employment tribunal but compensation can be reduced by up to 25% in such circumstances.

## 5. RAISING A CONCERN

- **First Step**

The individual should raise concerns with their immediate line manager. This information will be passed on as soon possible to the Chief Executive.

Any complaints will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to their actions. Where the complaint is related to the Chief Executive, it should be addressed to the Chairperson of the Board of Management who will in turn appoint an independent person to investigate the allegations.

Although the individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concern.

The earlier the individual expresses their concern, the easier it is to action. The amount of contact between the persons considering the issues and the individual will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, Thenue will seek further information from the individual concerned.

Where any meeting is arranged, the individual can be accompanied by a trade union representative and also have the meeting off-site if they so wish.

- **Process**

On receipt of a disclosure the appropriate person will launch an investigation.

Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with Thenue's existing policies and procedures.

- **Timescales**

Once the investigator has completed the investigation it will be given to the individual who instructed the investigation. They will then write to the person who raised the concern as soon as possible and:

- Acknowledge that the concern has been received;
- Indicate how the matter will be dealt with;
- Give an estimate of how long it will take to provide a final response;
- Supply the individual with information on staff support mechanisms; and inform the individual whether further investigations will take place and if not, explain why.



## **6. OUTCOME OF INVESTIGATION**

Once the investigation has been completed and the report is received by the Chairperson, a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, an appropriate procedure will be initiated. This may also include referral to an external body or regulator.

Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Chair of the Audit and Risk Sub-Committee (who should not be an office bearer). If, after appealing internally the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external regulatory body as outlined in Appendix 1.

## WHISTLEBLOWING

### List of Prescribed Persons

- **The Scottish Housing Regulator**  
Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF  
Tel: 0141 242 5642
- **Environmental Health**  
Tel: 0141 287 1059
- **Health and Safety Executive**  
Tel: 0300 003 1647

### Further Sources of Information

- **ACAS**  
Helpline: 0300 123 1100  
[www.acas.org.uk](http://www.acas.org.uk)
- **Protect** (Free, confidential whistleblowing advice)  
Tel: 0203 117 2520
- **Unite the Union**  
Tel: 0141 404 5424

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