



**CORPORATE  
POLICY  
HANDBOOK**

**MARCH 2017  
UPDATED APRIL 2018  
UPDATED OCTOBER 2019**

## 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

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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 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)
- 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. Mears, Lorne Stewart)
- 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 a copy of this to hand at all times.

## **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.

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 trached 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 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 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 Heads of Housing and Finance 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

1. The Thenue Group needs to collect and use certain types of information about individuals. These can include customers, suppliers, business contacts, employees and other people the organisation has a relationship with or may need to contact in order to carry out its work. The General Data Protection Regulation 2016 (GDPR) requires organisations to meet certain obligations when processing personal information to prevent that information being improperly used or distributed. The individual (known as the data subject) whose personal data is being held also has a right to know exactly what information is being held about them and why it is held.
2. This policy describes how personal data must be collected, handled and stored to meet the data protection standards and to comply with the law.

## 2. WHY THIS POLICY EXISTS

**2.1** This data protection policy ensures the Thenue Group:

- Complies with data protection law and follows good practice
- Protects the rights of employees, customers and partners
- Is open about how it stores and processes individuals' data
- Protects itself from the risks of data breach

## 3. POLICY SCOPE

**3.1** This policy applies to:

- Any office of the Thenue Group
- All employees, Board members and volunteers of the Thenue Group
- All contractors, suppliers and other people working on behalf of the Thenue Group

## 4. RESPONSIBILITIES

**4.1** Everyone who works for or with the Thenue Group has some responsibility for ensuring data is collected, stored and handled appropriately. Each team that handles personal data must ensure that it is handled and processed in line with this policy and data protection principles.

**4.2** However, the following people have key areas of responsibility:

- The Board of Management is ultimately responsible for ensuring that the Thenue Group meets its legal obligations.
- The Corporate Services Manager, who for the purpose of this policy is the Data Protection Officer, is responsible for:
  - Ensuring employees and the Board of Management are regularly updated on data protection responsibilities, risks and issues

- Reviewing all data protection procedures and related policies, in line with an agreed schedule
- Arranging data protection training and advice for the people covered by this policy
- Handling data protection questions from employees and anyone else covered by this policy
- Dealing with requests from individuals to see any data that the Thenue Group holds about them (this is known as a 'subject access request')
- Checking and approving any contracts or agreements with third parties that may handle the company's sensitive data
- Liaising with the PR Advisor, to approve any data protection statements attached to communications such as the newsletter or website
- Liaising with ICO regarding any data breaches

5. The ICT Manager, is responsible for:

- Ensuring all systems, services and equipment used for storing data meet acceptable standards
- Performing regular checks and scans to ensure that security hardware and software is functioning properly
- Evaluating third-party services the Thenue Group is considering using to store or process data.

## **GENERAL DATA PROTECTION REGULATION 2016 (GDPR)**

**5.1** To comply with the GDPR, personal information must be collected and used fairly, stored safely and not disclosed unlawfully. These rules apply regardless of whether the personal data is collected on paper, stored in a computer database or recorded on other material. The GDPR covers the collection and processing of images of individuals caught by CCTV cameras. The GDPR principles apply to digital images as much as they apply to documents.

**5.2** Thenue Housing Association is the Data Controller under the Regulation, which means that it determines what purposes any personal information held, will be used for. It is also responsible for notifying the Information Commissioner's Office (ICO), who is the supervisory body, of the data it holds or is likely to hold and the general purposes that this data will be used for.

**5.3** To this end anyone who, on behalf of the Thenue Group, processes personal information will adhere to the six principles of data protection. Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

THE SIX DATA PROTECTION PRINCIPLES ARE:

**1. Personal data must be processed lawfully, fairly and in a transparent manner in relation to individuals**

Processing shall be lawful only if at least one of the following applies:

1. Data subject has given consent
2. There is a legal obligation to process the personal data
3. Processing the data is in the public interest
4. Processing the data is necessary for the performance of contract
5. To protect vital interest
6. There is a legitimate interest

Consent as a ground of processing will require to be used from time to time by the Association and its subsidiaries when processing personal data. It should be used where no other alternative ground for processing is available. In the event that consent is required to process a data subject's personal data, it shall obtain that consent in writing. The consent provided by the data subject must be freely given and the data subject will be required to sign a relevant consent form if willing to consent. Any consent to be obtained must be for a specific and defined purpose (i.e. general consent cannot be sought).

The Association and its subsidiaries must be fair and transparent with the data subject at the point of collecting data. This allows the data subject to make an informed decision to provide the data if they know what the organisation is going to do with it. It would not be considered fair if personal data is collected for one purpose and then used for another without the data subject being advised when it was collected that this may be the case.

**2. Data may only be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes**

Having given notice to the individual of the purpose for which the information is to be used, it should not be used for any other purpose.

**3. Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed**

The Association and its subsidiaries will identify the minimum amount of information that is required in order to fulfil its purpose.

**4. The data shall be accurate and kept up to date**

Every reasonable step will be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed is erased or rectified without delay.

**5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes**

The Association and its subsidiaries will regularly review the information kept and

will delete or destroy that which is no longer required as detailed in the document retention schedule.

**6. Personal data shall be 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.**

The Association and its subsidiaries will take reasonable steps to ensure that staff members only have access to data required for them to carry out their duties and provide them with appropriate training. Risk assessments will be carried out to identify and manage the risk of breach of security.

## **6. PERSONAL DATA**

**6.1** Personal data is any information relating to an identified or identifiable living natural person (data subject) directly or indirectly through one or more pieces of such information.

General personal data includes but is not limited to:

1. First and last name
2. Address
3. Tenancy reference number
4. Location data
5. Online identifier (i.e. IP Address)
6. Video/CCTV
7. Bank account information
8. Passport information
9. Personal email address
10. Credit card information
11. Photos and videos
12. Usernames and passwords

Special categories of personal data include:

1. Racial or ethnic origin
2. Political opinions
3. Religious or philosophical beliefs
4. Trade union membership
5. Genetic or biometric data
6. Data concerning health
7. Sex life or sexual orientation
8. Criminal convictions and offences

Collecting and processing of special category (sensitive) data is prohibited unless an Article 9.2 exemption applies. The exemptions which allow organisations to process such data are:

1. The data subject has given explicit consent
2. The controller has a legal obligation with regard to employment, social security and social protection as set out in law by a Member State
3. Such processing is necessary to protect the vital interests of the data subject

4. Foundations, associations or other non-profit bodies with political, philosophical, religious or trade union aims processing such data in accordance with their legitimate activities providing such activities apply only to members or former members with regular contact
5. The data subject has made such information public
6. Processing is necessary for the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity
7. Processing is in the public interest where such processing is proportional to the aim pursued
8. Processing relates to occupational health to assess the working capacity of an employee, provision of treatment or management of health or social care
9. Processing is necessary for public health
10. Processing is for public interest, scientific or historical research purposes or for statistical purposes

## **7. THE RIGHTS OF INDIVIDUALS**

**7.1** Under the GDPR, individuals (data subjects) have a number of rights against the Association and its subsidiaries as listed below.

### **7.2 The right to be informed**

Individuals have the right to be informed about the collection and use of their personal data.

We must provide individuals with a 'fair processing notice' at the time of collecting their personal data from them this includes:

1. Our purpose for processing their personal data
2. Our retention periods for that personal data
3. Who the data will be shared with

If we obtain personal data from other sources, we must provide individuals with privacy information within a reasonable period of obtaining the data and no longer than one month. The privacy information that we provide must be concise, transparent, intelligible, and easily accessible and it must use clear and plain language.

We must regularly review, and where necessary update our privacy information and we must bring any new uses of an individual's personal data to their attention before we start the processing.

### **7.3 The right of access**

Individuals have the right to access their personal data and supplementary information. The right of access allows individuals to be aware of and verify the lawfulness of the processing.

Under the GDPR individuals have the right to obtain:

1. Confirmation that their data is being processed
2. Access to their personal data; and

3. Other supplementary information – this largely corresponds to the information that should be provided in the fair processing notice

If an individual contacts the Association or one of its subsidiaries requesting this information, this is called a Subject Access Request (SAR). The SAR procedure will be followed and the Data Protection Co-ordinator will take a lead in this process.

#### **7.4 The right to rectification**

Individuals have the right to have inaccurate information rectified, or completed if it is incomplete. The request can be made verbally or in writing and we must respond to the request within one calendar month. The Data Protection Co-ordinator will deal with this request. In certain circumstances a request for rectification can be refused.

#### **7.5 The right to erasure (the right to be forgotten)**

Individuals have the right to have their personal data erased, the right to erasure is also known as 'the right to be forgotten'. The request can be made verbally or in writing and we must respond to the request within one calendar month. The right is not absolute and only applies in certain circumstances.

#### **7.6 The right to restrict processing**

Individuals have the right to request the restriction or suppression of their personal data. This is not an absolute right and only applies in certain circumstances. When processing is restricted, it is permitted to store the personal data, but not use it. An individual can make a request for restriction verbally or in writing and a response must be provided within one calendar month.

#### **7.7 The right to data portability**

The right to data portability allows individual to obtain and reuse their personal data

#### **7.8 The right to object**

Individuals have the right to object to specific types of processing:

1. Direct marketing
2. Processing based on legitimate interests or performance of a task in the public interest/exercise of official authority; and
3. Processing for research or statistical purposes

Only the right to object to direct marketing is absolute (i.e. there is no need for the individual to demonstrate grounds for objecting, there are no exemptions which allow processing to continue). The Association and its subsidiaries is obliged to notify individuals of these rights at an early stage through the Fair Processing Notice.

#### **7.9 Rights in relation to automated decision making and profiling**

Where an individual has objected to automated decision making they have a right to request human intervention. Controllers who are direct marketing are obligated to bring the right to object and how to do that to the attention of the data subject.

## **8. CHILDREN**

Where any personal information about children (under the age of 13) is collected consent from the parent or guardian will be obtained.

## **9. DATA BREACH**

A breach must be reported to the ICO within 72 hours of the breach being identified even if the investigation is still ongoing. If the Association or one of its subsidiaries fail to report a breach within this timescale it must demonstrate to the ICO why it did not do so and if the ICO deem the delay unjustified, a fine may be imposed.

## **10. CCTV IMAGES**

**10.1** The right of access for individuals to information held about them and the right to stop or prevent processing likely to cause damage or distress and the right to compensation for unlawful processing all apply to CCTV images.

**10.2** If the images are taken with a view to passing them on to a third party, the Association will ensure that the decision to do so is taken only by a senior member of staff who has been trained in the Data Protection principles.

## **11. EXEMPTIONS**

**11.1** The Association can introduce exemptions from the GDPR's transparency obligations and individual rights, but only where the restriction respects the essence of the individual's fundamental rights and freedoms and is a necessary and proportionate measure in order to safeguard:

1. National security
2. Defence
3. Public security
4. The prevention, investigation, detection or prosecution of criminal offences
5. Other important public interests, in particular economic or financial interests, including budgetary and taxation matters, public health and security
6. The protection of judicial independence and proceedings
7. Breaches of ethics in regulated professions
8. Monitoring, inspection or regulatory functions connected to the exercise of official authority regarding security, defence, other important public interests or crime/ethics prevention
9. The protection of the individual, or the rights and freedoms of others
10. The enforcement of civil law matters



### 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 obtain written consent from Scottish Ministers for certain disposals of land or property. Scottish Ministers have delegated authority for this to The Scottish Housing Regulator.
- 1.2** Disposals can take the form of sales of land or property (tenanted or untenanted); leases; heritable securities; rights of way; and any other legal charges or interests in land or property.
- 1.3** Unless a disposal is exempt from Section 107 of the Act, the Scottish Housing Regulator's consent (on behalf of Scottish Ministers) is required. Consent to disposals can be granted by:
- a) The RSL certifying that the disposal meets the terms of the general consent or
  - b) The RSL making an application for specific consent to the Scottish Housing Regulator
- 1.4** Certain disposals are exempt from the Act (for example Right to Buy sales and leases to tenants). A full list of exemptions is listed in Appendix 1 of the Regulator's 'Regulatory Guidance 'Consent to Disposals' February 2016, and this guidance should be read in conjunction with this policy where areas of doubt remain. The Regulatory Guidance is available at [www.scottishhousingreguator.gov.uk](http://www.scottishhousingregulator.gov.uk).
- 1.5** RSLs also need the Scottish Housing Regulator's consent for other disposals which are the subject of separate guidance. These are:
- disposals of transfer of assets following inquiries or asset transfer on dissolution or winding up
  - disposal or restructuring under Part 10, Chapter 2 of the 2010 Act involving a change in landlord
  - constitutional change under Part 8 of the 2010 Act.
- 1.6** Certain disposals can be made without having to apply for specific written consent. These are termed "General Consent" disposals and the conditions and types of disposal under the General Consent are detailed in Appendix 2 of the Regulatory Guidance of February 2016 "Examples of this include for example; sale of non-residential property or land that was not acquired with public funding, sales of small areas of land to utilities companies, sale of a share in shared ownership property. Sales or excambion of social and non social housing land, untenanted social housing or other assets up to and including £120,000 over a 12 month period

are covered by the General Consent but Specific Consent is required for disposals above this amount.

**1.7** Specific Consent is needed for all other disposals including :

1. sales of land / property (tenanted or untenanted) not covered by General Consent
2. granting heritable security or floating charges for private finance
3. disposal by way of a lease to another organisation not covered by the General Consent

**1.8** Where a disposal is made without obtaining consent, the disposal will be void and SHR cannot give retrospective consent for the disposal(Section 111 of the 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 and relevant Scottish Housing Regulator 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. DISPOSALS UNDER GENERAL CONSENT**

**4.1** Reference will be made to the appropriate Scottish Housing Regulator's guidance to determine if a disposal can be granted under the General Consent. Where there is doubt over whether a disposal falls under the General Consent, staff will seek advice from the Regulator or from our solicitors.

- a) A 'Record of General Consent' form certifies that the conditions in Part 3 of the General Consent schedule in Appendix 2 of the guidance have been met. This will be retained in a readily accessible location. The form must be signed by a member of the Board of Management, or by the member of staff acting under proper delegated authority. The signature must be witnessed.

**4.3** The Chief Executive will provide a written report to each Board of Management meeting detailing disposals made since the previous meeting under the delegated authority.

## **5. DISPOSALS UNDER SPECIFIC CONSENT**

**5.1** The Board of Management require to approve disposals under Specific Consent (see section 1.3.2 above).

**5.2** The Board of Management will ensure that proposals to grant a security for private finance will:

- 4 meet the Scottish Housing Regulator's criteria
- 5 be scrutinised by the Board of Management
- 6 be applied for before entering into the facility agreement or at the latest before executing security.(see 1.8 above)

Board of Management approval of entry into the funding agreement will be recorded in the Minute.

**5.3** Sales of land or property (not covered by General Consent)

**a) Disposal by way of sale or excambion of untenanted social and non social housing dwellings, land, or other (including non residential) assets over £120,000**

Such disposals will require detailed written reports to be presented to the Board explaining the rational 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 provided above, 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 Part 10 of the Housing (Scotland) Act 2010 in accordance with Regulatory Guidance published in August 2015 by the Scottish Housing Regulator

**c) Disposal by way of granting security over social or non social dwellings, land or other assets**

All disposals using private finance and secured by standard security or floating charge require specific consent. The application must demonstrate that all criteria required by the Scottish Housing Regulator are met.

**d)** Disposal by way of lease to another organisation, whether profit making or otherwise ,which does not fall under the General Consent

1. disposal by way of a lease of social housing dwelling to support new funding arrangements
2. disposal by way of 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 od Section 110(Tenant Consultation) of the 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

**5.4** The application for Specific Consent 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 rational for the proposed disposal and the Board authority to make such an application as recorded in a minute

## **6. REGISTER OF DISPOSALS**

**6.1** The Association will maintain a Register of Disposals recording all disposals of land or property irrespective of whether the disposal required a General or Specific Consent.

**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 Thenue 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 Corporate Services 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.

### 1. INTRODUCTION

- 1.1** This policy sets out the principles of equality and diversity that Thenue will apply to all its work - in governance, employment and service provision.
- 1.2** Thenue is committed to excellence and understands that this cannot be achieved without a commitment to ensuring that all our stakeholders have fair and equal access to our governance structures, services and employment opportunities. We seek to be an exemplar and all policies and services aim to be inclusive and underpinned by a commitment to equal opportunities and social justice. We recognise our customers and stakeholders have different needs and that our services should be accessible and relevant to all.
- 1.3** Our services should focus on individuals and their particular circumstances and not be influenced by stereotypical views and/or assumptions about particular groups. We will actively work to break down barriers to access services for different groups. The Association considers any form of discrimination, i.e. treating a person on less favourable grounds than others, to be unacceptable in terms of legal compliance, good practice and social justice.
- 1.4** The term 'equal opportunities' covers the discrimination of, or proactive action for, a wide variety of minority groups. It is defined within the Scotland Act 1998 as:
- 'the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on 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'.*
- 1.5** The Housing (Scotland) Act 2014 provides us with a statutory duty to promote equal opportunities.
- 1.6** The association recognises that discrimination can be direct or indirect and can take place at a personal or at an institutional level.

**The Equality Act 2010** provides clear descriptions of the different forms of discrimination –both positive and negative.

**Direct discrimination** – treating someone less favourably than others based on their belonging to one of the groups covered by the Act.

**Indirect discrimination** – where a policy or practice applies to everyone but has a disproportionate impact on people with a protected characteristic.



**Associated discrimination** – discriminating against a person because they have an association with someone with a protected characteristic (does not apply to Marriage or Civil partnership)

**Perceptive discrimination** - discriminating against a person because the discriminator thinks the person possesses a protected characteristic (does not apply to Marriage or Civil partnership)

**Positive discrimination** – giving advantage to groups in society which are often underrepresented

**Positive action** – addressing imbalances in the workforce by encouraging under represented groups to apply for jobs

**Victimisation** – treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination

**Harassment** – unwanted behaviour related to a protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual

**1.7** The following nine characteristics are protected in law against all types of discrimination:-

- a) Age
- b) Disability
- c) Gender reassignment
- d) Marriage and civil partnerships (\*)
- e) Pregnancy and maternity (\*)
- f) Race
- g) Religion or belief
- h) Sex
- i) Sexual orientation

(\*) Harassment will apply to seven of the nine characteristics. It will not apply to pregnancy and maternity or marriage and civil partnerships.

## **2. LEGISLATION**

The principal relevant legislation which applies to this policy includes but is not limited to:

- Protection from Harassment Act (1997)
- The Scotland Act 1998
- Data Protection Act (1998)
- Human Rights Act (1998)
- Housing (Scotland) Act 2014
- Civil Partnerships Act (2005)
- The Equality Act 2010

The Equality Act 2010 consolidates a range of equality / non-discrimination Acts and regulations into one place; streamlines concepts; making it easier for people to know their rights and responsibilities. It replaces:

- Equal Pay Act 1970
- Sex Discrimination Act (as amended) 1975
- Race Relations Act 1976 (as amended)
- Disability Discrimination Acts 1995 and 2005
- Employment Equality Regulations (Religion & Belief and Sexual Orientation) 2003
- Employment Equality Regulations (Age) 2005
- The Equality Act 2006
- Equality Act (sexual orientation) Regulations 2007

### **3. SCOTTISH SOCIAL HOUSING CHARTER**

The Charter Standard applicable to this policy is:

*“Social landlords perform all aspects of their 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.”*

### **4. IMPLEMENTATION OF THIS POLICY**

Everyone within the organisation, including Board members, managers, employees, has responsibility for ensuring that the objectives of this policy are carried out in a meaningful way. This means creating a positive working culture by breaking down and challenging negative stereotypes and derogatory and inappropriate language.

### 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;
  - 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.

- 2.5** One 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.
- 2.6** 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.
- 2.7** 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 Head of Finance 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 Corporate Services Team.
- 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 Corporate Services Team shall in addition also update the Governance Dashboard 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 Corporate Services 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 Corporate Services 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. 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.

## **12. 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 MISSION

We are committed to developing, managing and maintaining a range of affordable quality housing in sustainable communities. Working with our people we aim to improve all our services and grow deep community roots.

### OUR VISION

Working together we create better homes and stronger communities.....making people happy.

### OUR VALUES

**Passion:** We are committed, determined and motivated

**Connection:** We listen, to engage with our customers and communities

**Excellence:** We aim to be the best in everything we do

**Respect:** We treat everyone with courtesy and dignity recognising diversity

## 2. INTRODUCTION

The Marketing and Public Relations Policy will help to communicate and promote our aims and values and communicate Thenue as a unique and exciting organisation dedicated to quality service.

We need a Marketing and Public Relations Policy because:

- 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 marketing 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 marketing.

### **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 and our Data Protection Policy.
- Consider the impact across other Tenue 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 Company (particularly Calton Heritage & Learning Centre).
- 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 like minded 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, 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.
<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, leaflets, major letters, website and social media announcements to ensure they are well designed, informative and written in plain English.

Our methods of 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) Continue to develop our social media plan created in late 2015 as this has a bearing on how news and positive messages about the association reach the wider public. Social media gives us an added opportunity to convey messages to customers – especially younger ones who use Facebook and Twitter more often. Our secondary website [www.thenuecommunity.org.uk](http://www.thenuecommunity.org.uk) gives us an additional forum for such news.
- 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.

## 8. CHANNELS OF COMMUNICATION

Our most recent survey (2015) shows huge endorsement generally of our communications activity and currently sits at 92 per cent approval from tenants who say we are “very or fairly good” at keeping them informed. We achieve this through a variety of ways:-

**Written Correspondence:** Letters, email, text messages, social media, mailing lists

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

**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, [www.thenuehousing.co.uk](http://www.thenuehousing.co.uk) Facebook, Twitter, other social media and the new Self Service App.

**Printed information:** Fliers, posters, brochures and leaflets, reports, annual report, report on the Charter, policies and strategies, partner newsletters. Documents are available in accessible format, e.g. produced in BRAILLE, large print or translated to community languages. Notice boards are used to display a variety of this information.

## 9. MARKETING

We aim to improve brand recognition and brand loyalty and to increase take up of the housing and other services offered by Thenue. Our policy should result in Thenue being better known and well respected as a significant provider of housing and Community Regeneration services and increase awareness of our key messages among key stakeholders.

## 10. COMMUNICATIONS AND MARKETING PLAN

This policy is the framework we use to develop the tools to deliver our key messages to our key stakeholders. Examples of the tools we might use include:

- a) Our annual report, report on the Charter, newsletter or other publications
- b) Advertising
- c) Our website and social media channels

- d) Our self service App
- e) Exhibitions and presence at events, editorials in media including housing industry magazines
- f) Press releases
- g) Celebrating success of innovative and successful projects or services
- h) A strong recognisable brand

## 11. METHODS OF COMMUNICATION

<b>Newsletters</b>	We will publish at least three issues each year, and increase circulation to other stakeholders.
<b>Social Media</b>	We will engage with stakeholders positively through social media.
<b>Annual report</b>	We will publish an annual report for our Members.
<b>Annual Return on the Charter</b>	We will report on our overall performance annually, usually by the end of October.
<b>Website</b>	We will keep our website relevant, interesting, up to date and fresh. We will ensure that newsfeeds automatically appear on our Facebook and Twitter pages.
<b>Self Service APP</b>	We will continue to develop the App to ensure that customers can access up to date information on as many of our services as possible
<b>Retirement housing</b>	We will develop a range of material specifically for our elderly customers.
<b>Press releases</b>	We will distribute a minimum of 12 press releases annually.
<b>Forms</b>	We will aim to have every form, that requires to be completed, to be available on-line, and available for electronic submission.
<b>Photography</b>	We will ensure that each story is accompanied by either a photograph or a relevant piece of clip art.

## 12. NEGATIVE PR

As well as trying to raise the profile of the organisation 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. In line with guidance on good practice from a range of sources (Scottish Housing Regulator's Guidance, Scottish Federation of Housing Associations Model Publication Framework, Scottish Social Housing Charter Nolan Committee report) Thenue will always make public our annual reports, any of our policies, and other key documents, and provides a range of information to tenants and other stakeholders in the interests of accountability and to encourage involvement in decision making as listed in the Model Publication 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:

- Provide information leaflets covering a range of housing management and maintenance services provided e.g. on allocations and transfers, repairs services and responsibilities, factoring, and complaints procedures.
- Provide any reasonable information on request about the association and our activities, and reserve the right to charge photocopying costs if large in volume.
- Include information in the annual report on the organisation's structure, activities, performance and annual accounts.
- Circulate the annual report widely and make it available on request.

- Produce regular newsletters for tenants and members and call area or public meetings as appropriate.
- 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, ([www.Thenuehousing.co.uk](http://www.Thenuehousing.co.uk)), that gives out information, not limited to but certainly including: -
  - Our annual report
  - Tenant newsletters
  - Up-to-date news
  - Advice on applying for a property and housing benefit
  - Minutes of Board of Management meetings
  - The current Board of Management
  - 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: -

<b>Register name</b>	<b>Available for public inspection</b>	<b>Manual or electronic register maintained (or both)</b>
Accidents and near misses	No	Electronic
Abandonments	Yes	Electronic
Bribery	No	Both
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	Both
Ex-Gratia Payments	Yes	Electronic
Fraud	No	Both
Gifts and Hospitality	Yes	Both
Membership	Yes	Electronic
Payments and Benefits to Committee Members	Yes	Both
Payments and Benefits to Staff	No	Both
Seal	No	Electronic
Tenant Organisations	Yes	Both
Tenders	No	Both
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 Data Protection Policy, adopting and operating procedures in accordance with the eight Data Protection Act 1998 principles.

#### **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 SAGE HR system. A staff member may consult his or her own file by contacting the Corporate Services Manager. Access to the SAGE HR system will be restricted to the Chief Executive, nominated Corporate Services 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 £4.0M per annum on revenue goods, works and services and approximately £5.0M 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

## 1. 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 Head 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 Head 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 £164,176)	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 £164,176)	Contract will either be; <ul style="list-style-type: none"> <li>a) advertised on the PCS Website and the European Journal or</li> <li>b) 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 Head 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 Head 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 £4,104,394)	Contract will either be: <ul style="list-style-type: none"> <li>d) Advertised on Public Contracts Scotland Website(PCS) or</li> <li>e) A Framework contract may be utilised</li> </ul>	Regulated
Above the Public Contracts (Scotland) Regulations 2015 limit (currently £4,104,394)	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



Table 2 : Works Contracts		
Contract Value	Procurement Rules	Procurement Type

**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 Head of Finance 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

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

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

- b) Organisation, qualifications and experience of staff
- c) After sales service and technical assistance

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.

% Quality	% Price	Procurements
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, 31and 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 Thenue staff ,at least one of which will be a member of the Operations Managers or Executive Team 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 Operations Managers or Executive Team.

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. The first Annual Report will cover the period from 31 December 2016- 30 March 2018 and thereafter 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 Head of Property Services and Head of Finance.

## **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 POLICY APPENDIX 2

### 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**

### 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



## PROCUREMENT POLICY APPENDIX 5

### 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.

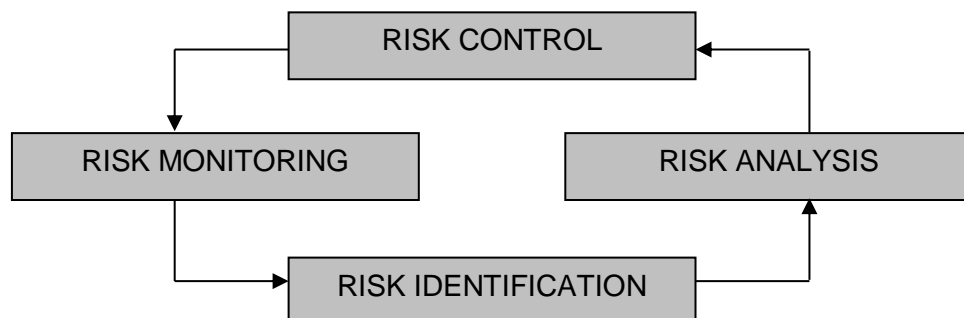
Thenue believes that it is essential that risk is anticipated and controlled in order to minimise the organisation's exposure. It is the responsibility of staff and the Board to identify, assess and control exposure to risk and minimise the impact and any losses that may occur if a risk materialises.

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 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.

<b>Strategic</b> <b>Affecting longer-term objectives</b>	<b>Operational</b> <b>Affecting daily working practices</b>
<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...** “Working together we create better homes and stronger communities...making people happy”

### 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
- 3.2 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 and review of this policy.

- **INTRODUCTION**

- Whistle blowing is the term given to the act of making public any practices or conduct which may be considered an abuse of power or position, or criminally corrupt or fraudulent. For the purposes of this policy, we consider that examples of potential malpractice in the Association would include: -

*Fraud, corruption, breach of contract, negligence, danger to health and safety, administrative breach (e.g. allocations), public safety issue, discrimination, pollution, unethical conduct and the cover up of any of these.*

It is recognised that it can sometimes be difficult to raise these matters especially for those in a vulnerable or subordinate position in the workplace.

- This policy attempts to give some guidance as to the options available to any employee or board member who has concerns about the conduct of colleagues or suspicion of malpractice and wishes to expose perceived acts of wrongdoing or abuse committed by them. The term “colleagues” is used here to refer to both staff and board members.
- We are committed to the highest standards of openness, probity and accountability. We aim for high ethical standards and we conduct our affairs with honesty and integrity.
- As employees (and others that we deal with) we are often the first to realise that there may be something seriously wrong, we expect those who have serious concerns about any aspect of our work to come forward and speak up without fear of reprisal. Thus, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee (and other members) of the association feels at a disadvantage in raising legitimate concerns. The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.
- In April 2015 the Scottish Housing Regulator published factsheets on whistleblowing which explain the protection for whistleblowers who report public interest disclosures to the Regulator. The Regulator is now a prescribed person under the Public Interest Disclosure Act 1998. This enhances the protection available to whistleblowers who report concerns to the Regulator, whether or not they raised their concerns with their employer. Staff or governing body members should always be able to report concerns internally; however, sometimes this is not always possible if they are worried about repercussions. In these circumstances, it is important that whistleblowers know they have a right not to suffer any detriment if they decide to report their concerns to the Regulator.

- **COMMUNICATIONS AND OPENNESS**

- This policy will be provided to every employee and board member of Thenue Housing Association, will be discussed at staff and Board inductions, staff meetings, publicised on our staff intranet, and wherever else appropriate.
- The association has developed policies that meet the requirements of the law, our regulator (the Scottish Housing Regulator) and good practice in housing and employment. Particularly relevant in this area, are our policies on conflict of interest, gifts and hospitality, health and safety, tendering, housing management, finance, equal opportunities and dignity at work.

- **RAISING CONCERNS WITHIN THE WORKPLACE**

- Any employee or board member who has a concern should raise it first with their immediate line manager, Head of Department or the Chief Executive if that is more appropriate, or Chairperson for board or complaints about the Chief Executive.
- Employees and board members may be assured that the Board of Management will support all those who have an honest and reasonable suspicion that malpractice has occurred, is occurring, or is likely to occur. All such approaches will be treated in absolute confidence and complainants protected from reprisals.
- Where an employee feels that they cannot raise the concern with their immediate supervisor or the Chief Executive, it can be raised with the Chair or Vice Chair of the Board of Management in confidence.
- Employees and committee may also raise their concerns, and/or seek confidential advice from a number of external sources. Our auditors, internal and external, and our solicitors are aware of our policy and our wish to be open and accountable for our actions. They can also be contacted in confidence for advice and as a contact for starting investigations. (See Appendix 1).

- **MALICIOUS ALLEGATIONS**

- The association will deal seriously with those staff or board who make false allegations maliciously. They could leave themselves open to disciplinary action, and even dismissal, or removal from the committee, depending on the circumstances. Those making allegations genuinely, and who act reasonably and responsibly, should have no fear of arbitrary decisions by the association.
- Those who abuse our policy by making malicious or frivolous allegations or for their own personal gain will be subject to disciplinary action if proven. If anyone makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken.

- Our policy encourages names to be put to any allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the association.
- In exercising this discretion the factors to be taken into account would include:
  - The seriousness of the issues raised.
  - The credibility of the concern; and
  - The likelihood of confirming the allegation from attributed sources.

- **OUR COMMITMENT**

- Finally, Thenue Housing Association hopes to never have to use the terms of this policy. However, it is essential that where anything goes wrong, we have the opportunity to put it right.
- If concerns are brought to our attention we will:
  - Respect confidentiality
  - Investigate thoroughly
  - Provide support, and protection, if necessary
  - Agree to report back on the outcome of our investigations and if possible, on any resultant action that is proposed

**SOURCES OF ADVICE AND GUIDANCE**

<b>Our Solicitors</b>	TC Young & Sons 7 West George Street, Glasgow, G2 1BA Tel No: 0141-221-5562  Web: <a href="http://www.tcyoung.co.uk">www.tcyoung.co.uk</a>
<b>Our External Auditor</b>	Alexander Sloan & Co 38 Cadogen Street, Glasgow, G2 7HF Tel No: 0141-354-0354  Web: <a href="http://www.alexandersloan.co.uk/">www.alexandersloan.co.uk/</a>
<b>Our Internal Auditor</b>	Scott-Moncrieff 25 Bothwell Street, Glasgow G2 6NL Tel: +44 (0)141 567 4500 Web: <a href="http://www.scott-moncrieff.com/">www.scott-moncrieff.com/</a>
<b>Our Trade Union</b>	Unite the Union, (T&GWU) 290 Bath Street, Glasgow. G2 4LD Tel No: 0141-352-8952  Web: <a href="http://www.tgwu.org.uk/">www.tgwu.org.uk/</a>
<b>The Government Regulator</b>	The Scottish Housing Regulator, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF Tel: 0141 242 5642 Web: <a href="http://www.scottishhousingregulator.gov.uk/">www.scottishhousingregulator.gov.uk/</a>
<b>Other organisations</b>	Health and Safety Executive Tel: 0845 345 0055 Web site: <a href="http://www.hse.gov.uk">www.hse.gov.uk</a>  The Scottish Government Tel: 0131 556 8400 or 08457 741741 Web site: <a href="http://www.scotland.gov.uk">www.scotland.gov.uk</a>  ACAS Tel: Help line: 08457 474747 Web site: <a href="http://www.acas.org.uk">www.acas.org.uk</a>  Public Concern at Work Tel (general): 020 7404 6609 Web site: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>

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