

Openness and Confidentiality Policy

Version Number	Issue 5
Date Revision Complete	May 2018
Policy Owner	Head of Business Services
Author	Governance & Assurance Manager
Reason for Revision	Reviewed in the context of new GDPR and Duty of Candour legislation.
Proof Read	Yes – Head of Business Services
Date Approved	12 th June 2018
Approved by	Board
Next Review Due	12 th June 2018

Audience – Training and Awareness Method	Employees to be notified via briefing email and roadshows relating to GDPR. e-learning on duty of candour available for care employees.
Effective Date	12 th June 2018

Internal References	Whistleblowing Policy Data Protection Policy Membership Policy Board Recruitment & Succession Policy
External References	General Data Protection Regulations 2018 SFHA Raising Standards in Housing – Access to Information SFHA Freedom of Information Act Update Dec 2009 Duty of Candour Regulations (Part 2 of the Health (Scotland) Act 2016

Appendices	
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Comments:	
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OPENNESS & CONFIDENTIALITY POLICY

1. POLICY STATEMENT

- 1.1 One of Blackwood's core values is to be Open and Honest, and we will always encourage a culture that is as open as possible about all that we do.

2. PRINCIPLES

- 2.1 We will minimise restrictions to accessing information and making information on Blackwood and our performance readily available.
- 2.2 We will not just respond positively to requests for information, we will make information publicly available as a matter of course, only withholding it where there are justifiable reasons to do so.
- 2.3 We will treat personal and sensitive information we hold appropriately by complying with our Data Protection Policy – which in turn complies with the 6 principles of the General Data Protection Regulations 2018.
- 2.4 We will make applicants, customers and employees aware of what information they are entitled to see and how they can obtain it.
- 2.5 We will give clear reasons for our decisions regarding either granting or denying access to information.

3. PUBLISHING INFORMATION ABOUT BLACKWOOD

- 3.1 We will actively publicise our activities, performance against operational targets and how we plan to improve. This will be achieved through local and national media, our website, newsletters, the Annual General Meeting, the annual report and other promotional material.
- 3.2 A wide selection of information is available to the public on our website www.blackwoodgroup.org.uk, including the Annual Statutory Accounts and Annual Customer Reports. Other information will be available on request except when considered confidential - this includes confidential employee information or commercially sensitive matters.

- 3.3 We will make available to all customers, information on how to access Blackwood's services, the opportunities available for them to participate in the organisation, our performance, the complaints procedure and equal opportunities. We will supply other information on request, and we will encourage views and suggestions on any aspect of our work.
- 3.4 While Registered Social Landlords are not currently subject to the Freedom of Information Act, in the spirit of our values, where requests are made, we will provide the information where possible.
- 3.5 Blackwood will translate any of its documents into alternative formats and will translate documents into other languages on request. We will use "Plain English" in everything we produce.

4. CUSTOMER ENGAGEMENT & PARTICIPATION

- 4.1 Blackwood is committed to stakeholder participation and we will actively encourage all customers to become involved in the decision-making process. Our Customer Engagement Plan sets out how we will do this using a range of different methods to suit the needs and abilities of our customers.
- 4.2 We will promote membership of Blackwood, and we will select Board and Committee members in an open and accountable fashion, in conjunction with our Membership Policy and our Board Recruitment & Succession Policy.

5. DUTY OF CANDOUR WITHIN CARE SERVICES

- 5.1 The Duty of Candour Regulations 2016 aim to help provide a transparent and honest healthcare system. These regulations apply to health, care and social work services, and therefore are relevant to the care side of Blackwood.
- 5.2 The regulations apply where an unexpected or unintended incident has occurred, and this has resulted in death, harm or severe harm or the person requiring treatment.
- 5.3 The regulations set out a procedure that must be followed in the event of the above. Blackwood must:
- Provide a true full account of the incident as they are at the date of the notification.
 - Advise the relevant person what further enquiries the provider believes are appropriate.
 - Offer an apology.
 - Follow up the apology by giving the same information in writing, and providing an update on the enquiries.

5.4 A written record must be kept. This will be recorded in Blackwood's Accident & Incident database and reported to the Care Inspectorate as appropriate.

6. CONFIDENTIAL PERSONAL INFORMATION

6.1 Blackwood's Data Protection Policy provides full details on how we manage the personal data of our customers, employees, Board Members and applicants.

6.2 Customers, employees, Board Members and applicants have the automatic right to see information we hold on them (other than information provided by a third party).

6.3 Before any personal information received in confidence is shared inside or disclosed outside of Blackwood, we will obtain the informed consent of the individual concerned. The only exceptions to this will be when required by law or court order, or where serious health and safety considerations apply.

6.4 We will regularly review the information held on employees, customers, Board Members and applicants to make sure it complies with the broad principles of the General Data Protection Regulations.

6.5 Our employees have access to sensitive information about Blackwood, about people and about other organisations and they are required to keep this information confidential. Any breaches of confidentiality, whether deliberate or inadvertent, will be dealt with through the discipline procedure. This will not include issues raised under the Whistleblowing Policy.

7. RESPONSIBILITIES

7.1 The Chief Executive is ultimately responsible to the Board for ensuring compliance with this policy and related procedures.

7.2 The Head of Business Services is responsible for ensuring we make information on Blackwood and its performance readily available, and for reviewing any requests for information through the Freedom of Information Act and deciding whether to release requested information.

7.3 The Head of Business Services is also responsible for ensuring our compliance to the closely linked Data Protection Policy.

7.4 The Senior Management Team is responsible for complying with this policy and all related procedures and for ensuring managers and their teams do the same.

7.5 All employees with management responsibility are responsible for ensuring that sensitive personal data processed within their team is done so in accordance with this policy.

- 7.6 Any employee who provides sensitive personal data to a third party is responsible for ensuring that: it is absolutely necessary, has the consent of the data subject and will be adequately protected by the third party. We will not send personal information by e-mail unless the data is password protected and the password is not contained within the same message.

8. TRAINING

- 8.1 All employees will be provided with training on data protection, confidentiality and related issues as part of their induction, and as necessary when regulations change, or our policy is reviewed.
- 8.2 E-learning training will be provided for all care employees in relation to their Duty of Candour responsibilities. This will form part of Blackwood's mandatory training at induction and refreshed at regular intervals.

9. POLICY REVIEW

- 9.1 This policy will be reviewed at least every 3 years, or earlier as required.