

FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REGULATIONS POLICY

1.0 INTRODUCTION

- 1.1 All Housing Associations in Scotland, from 11 November 2019, are subject to the Freedom of Information (Scotland) Act 2002 (FOISA).
- 1.2 All Housing Associations must also comply with the Environmental Information (Scotland) Regulations 2004 (EIR).
- 1.3 This policy sets out the main areas of compliance that are expected under these two areas of legislation, and at a strategic level how we will comply.
- 1.4 A separate procedure sets out the practical procedural aspects of our compliance in these areas.

2.0 POLICY STATEMENT

- 2.1 Prospect is committed to being open and transparent in the conduct of its operations and in complying fully with the legislation and Scottish Ministers Codes of Practice. Prospect will:
 - Ensure that records are created systematically, that they can be retrieved efficiently and can be provided to any person making a request for information.
 - Make all employees aware of their obligations and provide guidance through our related procedure.
 - Monitor compliance with the legal requirements.
 - Routinely publish a wide range of information through the publication scheme.
 - Send quarterly statistics to the Scottish Information Commissioner.

3.0 KEY RESPONSIBILITIES

- 3.1 We have three key responsibilities under the FOISA and EIR. These are set out below, with an explanation of how we intend to comply.

1. Respond to information requests and requests for review within statutory timescales.

There is a statutory 20 working day period for responding to FOI requests. The same applies to EIR, but in this case there is a possible extension of a further 20 working

days for complex requests. Our procedure will set out how we will comply with these timescales, including the process for processing requests.

2. Adopt an approved publication scheme and proactively publish/disseminate information.

We are adopting the model publications scheme provided by the Scottish Federation of Housing Associations and the Scottish Information Commissioner. We will fully implement this scheme, and make sure that all the links in our Guide to Information are kept up to date.

3. Provide advice and assistance.

Our IT Officer will be the co-ordinating officer for FOI and EIR. They will ensure that staff are adequately trained and that our procedure for these areas is up to date and helpful for staff. This will ensure that all staff can provide basic advice, and other staff will be available for more detailed requests. We will aim to be proactive and helpful when providing advice and assistance.

- 2.2 In order to ensure compliance with our responsibilities, we have allocated different roles to staff members. Our Director will take a leadership role in overseeing our compliance, supported by our IT Officer who will take a co-ordinating role operationally. Each member of the Management Team will prioritise work resulting from requests, and all staff members will assist when appropriate. Staff training will ensure that all staff have a least a basic knowledge of what is covered under the legislation.

4.0 IMPLEMENTATION AND REVIEW

- 4.1 The Director is responsible for ensuring that this policy is implemented as required by Committee Members and all staff.
- 4.2 The Director will ensure that this policy is reviewed by the Management Committee at least every 3 years.

Reviewed by the Management Committee on 25 January 2023

Next review due by: January 2026

PROSPECT EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy	Freedom of Information and Environmental Information Regulations	
Department	Corporate	
Who is involved in the EQIA?	Brendan Fowler	
Type of policy/ practice/ strategy	New <input type="checkbox"/>	Existing <input checked="" type="checkbox"/>
Date completed	18/1/23	

Stage 1: Screening Record

What is the main purpose of the policy?

The policy sets out our compliance with the legislation on Freedom of Information and Environmental Information Regulations.

Who will the policy benefit and how?

This policy affects anyone who wants to know more about the work of Prospect. This includes, but is not limited to, our customers, journalists, academics and the general public.

For each equality group, does or could the policy have a negative impact?

Protected characteristic	Negative	Positive/no impact	Don't know
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief (including no belief)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered negative or don't know to the above question you should consider doing a full EQIA.

Are there any potential barriers to implementing the policy?

Barriers would relate to a lack of staff awareness. This will be tackled through staff involvement in the development of procedures, and staff training.

	Yes	No
<i>Is a full EQIA required?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered no to the above question explain why a full EQIA is not required:

No impact on equalities identified:	<input type="checkbox"/>
Other:	

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering, including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Source	Qualitative evidence provided	Quantitative evidence provided	Which protected characteristics are covered?	Gaps identified/ action taken
Management information data		Annual staff and committee equalities data	Age, disability, gender, ethnicity. In some cases other protected characteristics	Membership data not collected.
Tenant satisfaction survey		Survey carried out in 2022	Age, disability, gender, ethnicity. In some cases other protected characteristics	
Committee, Equalities Working Group and Tenants Forum minutes	Equality related issues identified and discussed		Various	
Review of complaints received	Tenant/service user experience	Statistical data on types of complaint	All protected characteristics	Quarterly review of complaints as part of Key Performance Indicator report assists with data collection and analysis of protected characteristics
Observations/conversations (anecdotal)	Staff/committee/tenant/service user levels of understanding, inclusive practice		All protected characteristics	
Edinburgh Census 2011		Statistical data	Age disability, gender, ethnicity, marital status, religion or belief.	Data becoming out of date.
EdIndex data		Statistical data provided for individuals on the housing waiting list	Age, disability, gender, ethnicity. In some cases other protected characteristics.	Data becoming out of date.
SHR Annual Return on Charter data		Statistical data on staff, committee and tenant profile for RSLs	Disability, ethnicity.	No longer collected.

Stage 3: Assessing the impacts

How might the policy impact on people who share protected characteristics? Include both positive and negative impacts.

Protected Characteristic	Description of Impact
Age	By making information available in different formats, this will make it accessible to people of all ages.
Disability	By making information available in different formats, this will make it accessible to people with a disability that would otherwise make it difficult to access and understand the information.
Gender reassignment	No impact identified.
Marriage & civil partnership	No impact identified.
Pregnancy & maternity	No impact identified.
Race	We provide a translation and interpreting service to make this information as accessible as possible.
Religion or belief (including no belief)	No impact identified.
Sex	No impact identified.
Sexual orientation	No impact identified.

How does the policy promote equality of opportunity?

By making the information as accessible as possible, we are encouraging everyone to take the opportunity of accessing the information that we publish or can provide on request.

How does the policy promote good relations?

We are being proactive in making sure that those from all the protected characteristics can access the information equally.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact.

Does the assessment show a potential for differential impact on any group(s)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there potential for unlawful direct or indirect discrimination?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified?

None identified.

Describing how Equality Impact analysis has shaped the policy making process

It has highlighted the importance of embracing the spirit of the FOI legislation through proactive publication and availability of information in different formats.

Monitoring and Review

Any breaches of this policy will be monitored, and any equalities issues related to this considered. The policy will be reviewed every three years by the Director.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion or belief have been considered, i.e.:
 - Eliminating unlawful discrimination, harassment, victimisation;
 - Removing or minimising any barriers and/or disadvantages;
 - Taking steps which assist with promoting equality and meeting people's different needs;
 - Encouraging participation (e.g. in public life)
 - Fostering good relations, tackling prejudice and promoting understanding.

Yes No

Declaration

I am satisfied with the equality impact assessment that has been undertaken for **FOI policy**

Name: **Brendan Fowler**

Position: **Director**

Authorisation date: **18 January 2023**